Mr. Deputy Speaker, Sir, I also join my colleagues in sending condolences to the late Ahmed Bamahiriz’s family. We acknowledge him as a leader who actually opened up democratic space that we sometimes take for granted. Never in Kenya should some people think that only some people can speak and others cannot. However, this is the Kenya we have and it is for all of us. We should move towards harmony, listen to each other and discern. Even if somebody is speaking not from the front that you would want them to, learn to listen and understand. In your communication, you talked about 27 Bills that are at the National Assembly that have not been processed. Hopefully when we finish this Session, we might find a way of engaging to make sure that those Bills are processed at one time or another.’
DATE: 4th October

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: Visiting Delegation from St. Georges Girls Secondary School Nairobi County

‘Thank you, Mr. Deputy Speaker, Sir. I will actually take less time. I want to welcome St. George’s Girls Secondary School to the Senate and tell them that it is time for women to rule the world. The United Kingdom (UK) has a woman Prime Minister, Ms. Theresa May, and we are headed to have a woman president in the United States of America (USA). On behalf of the Kenya Women Parliamentarians, I encourage and tell them that the sky is not even the limit; they can sit where I am seated today in a few years. Welcome to the Senate.’

‘Mr. Deputy Speaker, Sir, I would like to get a clarification, noting that this is a road I use almost every weekend. It is not once that we have had to spend the night on the road due to the congestion. It is not limited to Naivasha, but even at the weigh bridge. You can spend the whole night there when there is crazy traffic jam. There was a Presidential decree on the opening up of the road or the extension of the Green Park Road through Eburu-Suguroi-Mastoo-Munanda-Kiptangwany to join the Elementaita-Mau Narok Road that would ease traffic and congestion on this road. What are the plans about that road? It would also help in reducing the congestion. The other clarification is on the feasibility study on the PPP. What are the timelines? This has been said over and over for a long time. What timelines is the Ministry talking about to complete this road?’

‘On a point of order, Mr. Temporary Speaker, Sir. I hear the Chairperson on the additional details, especially on the timelines and expansion of Green Park Road, which would ease
congestion. However, he has not given a commitment as to when that information should come to this House. Could it then come from the Chair?’

‘Mr. Temporary Speaker, Sir, I will not overemphasize the need for expansion of this road. However, on the timelines, the issues to be clarified are quite few. I request that you direct that he gives the additional information in one week. We do not want to interrogate a new Statement and determine whether we require the CS to come to the House to answer this issue.’

**DATE: 4th October**

**MEMBER OF PARLIAMENT: Sen. Martha Wangari**

**CONTRIBUTION SHE MADE: The Assisted Reproductive Technology Bill (National Assembly Bill no.36 of 2014)**

‘Mr. Temporary Speaker, Sir, I congratulate the Senate Majority Leader who is the Mover of the Bill for introducing it to the House. The fertility rate in Kenya and in the world has been an interesting topic. First, culturally it was not meant to be discussed. In the African culture, normally, when a woman could not bear a child it was seen as a taboo. It was even worse for a man. In fact, few men would go for checkup because infertility was seen to be the fault of the woman. However, the dynamics have changed because there is more medical knowledge and research and also the society has opened up to this issue. We now know that it is possible, for one reason or another, arising from sickness, food consumed and age that one is unable to bear children naturally. Mr. Temporary Speaker, Sir, this Bill is looking at those special cases where men or women cannot bear children. The Bill looks at two issues. The first one is the assisted reproductive technology. If you look at this Bill, you will find that the issue of Intravitreal-Fertilization (IVF) has been alluded to. That is where an egg is fertilized with a sperm
scientifically in a laboratory and implanted in the womb of another woman. I know we have had different views from the religious institutions that are uncomfortable with the Bill. May I make it clear that we are in 2016 and we can use technology to reduce the anguish, mental torture and the stigma that marriages have had to undergo in Africa for not bearing children. Mr. Temporary Speaker, Sir, I have experienced an issue of a person who came to me and she was desperate. She told me that she was 42 years and that time is running out. Her biological clock is ticking and the husband has thrown her out because she cannot bear children. When I looked at the lady, all that was going through my mind--- (Sen. Adan crossed the floor without bowing at the Bar).’

‘Mr. Temporary Speaker, Sir, you will pardon us because we have just come from a long recess. These things are happening a lot today. First of all, the cost of IVF is exorbitant in hospitals. It is not affordable to many women. In fact, the lady was telling me she had taken a loan of Kshs450, 000 to get an IVF, but it was not enough. She needed an additional Kshs150, 000. She told me if she does not conceive this year, her chance of carrying a pregnancy to a full term would actually be minimal. Those are the realities that we are dealing with on daily basis. We get couples that have been together for many years and are not able to conceive naturally because of one reason or another. However, this Bill comes as a reprieve to them. Mr. Temporary Speaker, Sir, this Bill addresses the fears that some of us have. First of all, there is the fear of misuse. That has been addressed very well in Clause 5 on the establishment of the Authority. If there is no one who will oversee all the happenings in that area, then it would be prone to abuse. However, if you look at Part 3, this Bill has actually outlined all the prohibited activities; that you cannot just take an embryo and use it for any other purpose than to procreate. It expressly states so that you cannot put an embryo of any other thing apart from a human being in the womb of another woman. These are some of the fears that we are looking at. Of course, it has to be certified by a medical
practitioner who has a license from the Authority. A person must have a license to be able carry out this process. Additionally, for someone to be able to go through an IVF, she must get the consent from the doctor. Mr. Temporary Speaker, Sir, why the consent? First of all, they must be able to demonstrate that this woman cannot conceive naturally or this man cannot impregnant a woman naturally. With that written consent, someone can move to getting an IVF. The issue of written consent is very important because we do not want illegal harvesting of sperms or commercialization of sperms. That is very important because we, as a country, do not want unauthorized sperm banks. So, it would be very important that we have the legal framework under which this works. That way, we will not have issues of someone saying someone took his sperms without his consent. The written consent is very clear. It even looks at what would happen if that person dies or what would happen if a child is born. Mr. Temporary Speaker, Sir, Clause 23 is on circumstances under which assisted reproductive technology is precluded. It is very categorical that a person cannot use it to speculate. For example, a person cannot take sperms and open a bank for purpose of selling to other people. That cannot happen because the regulations are very clear. This Bill addresses the issue of minors. One cannot go through an IVF if she is a minor. I know we are looking at a very interesting Bill in my Committee on Labor and Social Welfare in terms of children who have got children. The minimum age is 18 years and has to be proved. I know these issues would be discussed in the relevant Committee. Clause 25 says: “No person shall obtain a sperm or ovum from a donor under 18 years of age or use any sperm or ovum obtained from a donor under 18 years of age except for the future human procreation by the minor.” That is a contentious issue from this Bill, but I know it will be interrogated in the relevant Committee. This is because we must draw up the proper legal framework that one cannot just harvest now to use in the future. Mr. Temporary Speaker, Sir, the Bill also looks at
how the Authority will issue or not issue licenses. In fact, Clause 26 outlines six reasons to be followed when issuing a license. The issue of human cloning is a very contentious issue worldwide. I am sure this has been outlawed. I would be looking to see that during, maybe, the Committee stage we would have the issue of the consequences of what happens if someone goes that way. If you look at Part 4 of the Rights of Parents, Donors and Children, the one thing this Bill does is that it equalizes the children of this country. If you remember, Chair, during the last Session, I moved the Bill that was supporting adoptive leave for mothers, in an amendment to the Employment Act and my argument was simple. If you read Article 53 (1) of the Constitution on the specific application of rights, in fact, it is very specific to children. That every child has the right to; (a) to a name and nationality from birth to free and compulsory basic education to basic nutrition all the way to (f). Mr. Temporary Speaker, Sir, this Bill does not allow us to categorize a child as a biological child, an adopted child, an IVF child or a surrogate child. It equalizes the rights of children. It gives those rights and does not segregate on how the child was born as long as they are born, whether through IVF, adoption, biological and so forth. Children must share the enjoyment of the rights as provided for under Article 53. There is also the issue of access of information that has been dealt with by this Bill because under Article 35, any institution of Government has the right to actually release or rather any person has the right to obtain any information from a government institution. It gives the procedure of how one can access information. That is Part 33(5) and Article 33. The first one is the person applying must be over 18. A minor cannot walk into this Authority and ask. The Temporary Speaker, Sir, children cannot walk to the Authority to find out whether they were born from IVF or not. If they do so, they would need to be accompanied by a guardian with a written application. However, if you are an adult and you want to find out how you were born, that information cannot be denied from
you because it is provided under Article 33. This Authority also we will have to keep the register. It will need to know how many children have actually been born from IVF. The other issue that I am very passionate about is surrogacy. However contentious it is, I look at the families that are going through the agony of having to go through surrogacy. I know it is happening because even in our culture, it used to happen. However, there has been no legal framework of how this should be done. In fact, if I am a surrogate mother for someone or for a couple and I decide that after birth I want to keep that child, there is no way the parents even with the prior agreement have any way of claiming that child. Secondly, for a surrogate mother even when someone carries your baby, you have to go through the adoption process to get your baby. Those are the laws that we are talking about in Kenya. Mr. Temporary Speaker, Sir, the adoption process in Kenya is not only tedious, but it is expensive and almost impossible. First, it is a very expensive affair, you have got to engage legal help and it takes a long time. The issue of surrogacy has to be controlled in a legal framework. This is the only chance that we can do that, but the children are also protected under Articles 30 and 31. A person cannot be surrogate mother unless you are 18 years and unless you make a written consent and agree that you relinquish all parental rights at birth over the child. Of course, unless a contrary intention is proved. That is also another issue that we will have to look at during the amendment stage to see what exactly it means that when I agree to be a surrogate, am I allowed to change my mind? The surrogacy agreements are provided. There is also need for counseling, especially for persons who want to find out whether they were born through an IVF. This has to be done keeping in mind that someone could grow up knowing that they were born in the normal way only to find out when they are 18 years that they were born through an IVF process. This might affect a person’s self esteem and psyche. Such people should, therefore, go through a counseling session. This Bill
is generally a breath of fresh air. However technical it sounds, I hope that we will look at the overall good, of course, keeping in mind that we must guard that process from misuse and commercialization. We should not use it for gains only. That takes me to the surrogate story. The Bill provides that one is not supposed to pay money for “renting” a womb. One is only supposed to do what is required because it is a voluntary agreement. Someone cannot be forced to be a surrogate; they have to agree, be over 18 years old, of sound mind and be able to consent under law. Mr. Deputy Speaker, Sir, I beg to second and hope that we will get the support of Members on this Bill. (Question proposed)’

DATE: 4th October

MEMBER OF PARLIAMENT: Sen. Beatrice Elachi

CONTRIBUTION SHE MADE: The Assisted Reproductive Technology Bill (National Assembly Bill no.36 of 2014)

‘Mr. Temporary Speaker, Sir, I rise to support The Public Appointment (Parliamentary Approval) (Amendment) Bill (Senate Bill No.9 of 2016). You will realize that for the past four years, we have had different appointments that have taken place in our country. The Senate is a parliamentary institution that also works very closely with different appointees that we have today. These include the Cabinet Secretaries (CS), parastatal board members and many others. Considering the work we do, we have to relate with others and keep the relationship. Mr. Temporary Speaker, Sir, you will realize that most of the time when you meet a CS, for example, the fear they have for Members of the National Assembly is a different from Members of the Senate. The reason is the perception that vetting is done by the National Assembly. Therefore,
they believe that what the National Assembly says is supposed to happen. If the Senate speaks, it is as if you are negotiating and lobbying. I will give a critical example of the Kenya Airways. When the Senate conducted an investigation on the challenges facing the Kenya Airways, there was a conflict with a committee in the other House because of the same. Since the appointees or those who were supposed to manage certain areas are vetted by one House of Parliament, then they discover that they are not supposed to be accountable to this House but to the National Assembly. This is something we need to work around. Among key institutions that serve both county and national governments are the CBK and the IGPs Office. As much as we have different levels of Government, more importantly, we have national security that is central and key and it has to remain a function of the national Government. Therefore, both Houses must have an opportunity to vet the person assuming office. The CBK has a governor. We have to ensure that they respect the CBK. Maybe we do not get it right and that is why we have such problems. I believe this amendment will resolve this problem. The key object of the Bill is to provide the procedure of parliamentary approval of constitutional and statutory appointees where the approval of both Houses is required. The other example is the National Cohesion and Integration Commission (NCIC) which is concerned with peace building in this country. When we brought in the “Kaparo Team”, it was important for them to be vetted by both Houses. That was done by a joint committee comprising of Members of both Houses. We are now headed to an election. As Parliament, we have not appreciated that we are in a bicameral system where both Houses must be embraced. The Judiciary, the Executive and other institutions must also be involved. The Constitution provides that Kenya is has a bicameral system of Parliament. It is one thing that we fought for and I believe going forward, we must ensure Kenyans see the harmony that they felt that we will embrace this. The leadership of both Houses needs to embrace this and
show that we can vet appointments of public officers. I know some Members will start complaining and say that one House wants to take the job of the other. Both Houses should know that there is nothing like the job of the other House being taken. That is why even our packages are the same. The National Assembly should appreciate that Kenyans believed in both Houses when they passed the new Constitution. That is why the word “Parliament” appears in the Constitution more than 300 times than the words “Senate” or “National Assembly.” They believed that the spirit of this Constitution will guide the country and that Kenyans will respect the three arms of Government; the Legislature (The National Assembly and the Senate), the Executive and the Judiciary. Mr. Temporary Speaker, Sir, this problem is not confined to the appointment of the Inspector -General of Police (IG) or the Governor of the CBK. I believe that this also affects the appointments done in Ministries and other sectors. In this Chamber, we have chairpersons who give us reports about those Ministries. If you look at the Ministry of Foreign Affairs, you find that the Senate plays a very minimal role. Most of the things that are passed by this House affect counties especially the counties at the border. In terms of service delivery, you find that the Senate has a minimal role. This is something we also need to talk about. When you engage those Ministries, most of them come because when you send them a letter, the letter of the National Assembly has more weight than the letter that will come from the Senate. The Ministries must appreciate that in the new dispensation, we have two Houses of Parliament, each with its distinct role. So, we must ensure that both Houses of Parliament pass laws which do not cause any conflict. We need to appreciate that both Houses of Parliament have to work together to support the executive in ensuring that service is delivered to Kenyans. Mr. Temporary Speaker, Sir, I would want to ask my sister; Sen. Adan Dullo, to look at Clause 9 on the failure of Parliament to act on nominations so that we do not have a conflict where we will start blaming
each other. We have to ensure that, that amendment is captured clearly where we do not have anybody who will play a selfish game. As we go forward after the elections in 2017, God willing, I hope that the next Parliament will appreciate the laws that we have more than using what we put down on paper. That is when we can respect each other. I hope we will have a crop of leaders who will ensure that what Kenyans wanted was a bicameral Parliament that respects the spirit and letter of the Constitution they passed. Mr. Temporary Speaker, Sir, on the issue of letters, we will respect whatever comes from the two Houses of Parliament, we can debate together and ensure that we do not drag ourselves so much in looking at Article Nos.113 and 115. It is our prayer that the next Parliament will transform our country. Mr. Temporary Speaker, Sir, as I finalize, I want to thank Sen. Adan Dullo. She was part of the team that participated in the vetting of the IG. When you see this amendment, it is an amendment that says there is a problem. Therefore, we need to ensure that we deal with the problem by bringing out a clear amendment because it is not just today. Tomorrow, we shall have a different challenge within the same sector and we will need this statutory law to support us in ensuring – whether it is the IG or the Deputy IG or any other person – if it is the vetting that is supposed to be done by both Houses so that we do not have questions. Mr. Temporary Speaker, Sir, you realize that we are creating a wall around our turfs because we believe when we enter that turf, we bring the political shenanigans that we play outside there even within our own space where we are supposed to work without looking at which party we belong to. We must now work as a Parliament because we have an oversight role to play. That time, it did not tell us we have a role to oversee as Jubilee Party. It is us, as Parliament. How can we create a conducive environment for our people to do business and feel that they have an environment where they can deliver services to our people? I beg to second. (Question proposed)’
DATE: 4th October

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: The traffic congestion of Nairobi-Nakuru Road

‘Mr. Deputy Speaker, Sir, I would like to get a clarification, noting that this is a road I use almost every weekend. It is not once that we have had to spend the night on the road due to the congestion. It is not limited to Naivasha, but even at the weigh bridge. You can spend the whole night there when there is crazy traffic jam. There was a Presidential decree on the opening up of the road or the extension of the Green Park Road through Eburu-Suguroi-Mastoo-Munanda-Kiptangwany to join the Elementaita-Mau Narok Road that would ease traffic and congestion on this road. What are the plans about that road? It would also help in reducing the congestion. The other clarification is on the feasibility study on the PPP. What are the timelines? This has been said over and over for a long time. What timelines is the Ministry talking about to complete this road?’

‘On a point of order, Mr. Temporary Speaker, Sir. I hear the Chairperson on the additional details, especially on the timelines and expansion of Green Park Road, which would ease congestion. However, he has not given a commitment as to when that information should come to this House. Could it then come from the Chair?’

‘Mr. Temporary Speaker, Sir, I will not overemphasize the need for expansion of this road. However, on the timelines, the issues to be clarified are quite few. I request that you direct that he gives the additional information in one week. We do not want to interrogate a new Statement and determine whether we require the CS to come to the House to answer this issue.’
Thank you, Mr. Temporary Speaker, Sir. I want to start by congratulating my colleague, Sen. Adan, for introducing this crucial Bill and amendment. Throughout this term, we have suffered from ego and not an issue of the letter of the constitution or the spirit. That is what has necessitated this amendment because we have had a ping-pong approach to matters between the Senate and the National Assembly that are unnecessary. Whenever the Constitution touches on Parliament, it does not require one to be a lawyer to understand or to interpret it to mean Parliament. We have fought this war and we have even gone to the Supreme Court on several matters to seek an advisory opinion and the law has always been on our side. The issue of the vetting of the Inspector General was one issue that brought this ugly face on us. We have always believed that you permanently sit on a position which is not the case. The treatment we have gotten from the National Assembly as a Senate has been belittling and embarrassing. It is only fair to say that this Senate has worked very hard to maintain the relationship and it has been the sober big brother. However, the nature of the relationship has also necessitated that we touch on a few issues that are of legal nature, including this Bill. This Bill is a simple amendment. However, it has a lot of weight to the issues that are here. In the nomination of candidates, it gives clear timelines. That is one thing that I like about this Bill. If a Bill originates from the National Assembly, it has to come to the Senate within three days. That will take care of the issue of delaying where we have had cases of a Bill delaying until its time elapses or there is a
crisis. It also stipulates that within three days even after rejection, the nominating authority is communicated to so that they can replace. I am happy with the timelines because sometimes we have seen it happen and cause an unnecessary crisis. In Clause 7, the Bill provides for the issue of rejection. If you do not reject or approve, it is deemed to have been approved. Even if it is one House – that the National Assembly approves or the Senate does not approve after a few days, that nomination is deemed to have been approved. That is very crucial so that we are also aware that we cannot sit on a nomination and wait forever. Mr. Temporary Speaker, Sir, the relationship that we have had with the National Assembly shows that we have not looked beyond our noses. We have had people who have looked just “here, at the nose level”. Of course, this has gone down after they realized their mistake. Perhaps they will find themselves in this House after the next elections. Some of us will be in the National Assembly. I say so because we must make laws that will stand the test of time; for posterity. After 50 years, people will look at the books of history and see that you made a contribution. The statistics in Parliament do not lie. More than 70 per cent of us will not come back. We must drill this into the heads of people who have made sure that they derail the cooperation between the two Houses; from the leadership to the membership. We must realize that seven out of 10 of us will not come back. That has been proven over time. So, we must make laws considering other people who will be sitting in the positions we are occupying today. If we do that, we will not have issues that we are dealing with every day; the ping pong not only on appointments but even on the passage of Bills. For instance, with the Bill that I sponsored and was signed into law, people were congratulating me that it was signed yet it was a Bill I had authored in 2013. I had to personally follow up to find out where it was stuck in the National Assembly. It is not supposed to be that way. Bills are supposed to have a clear timeline. When a Bill takes such a long time, it should have a self-
enactment date; that it is deemed to have been passed. We have Bills that are stuck in the National Assembly, yet we here in the Senate are very good and we fast-track Bills that belong to the National Assembly. This is a very good Bill. I hope that sense has sunk into the heads of the Members of the National Assembly so that they support this amendment without being shortsighted to look at where they sit today. [The Temporary Speaker (Sen. (Dr.) Machage) left the chair] [The Temporary Speaker (Sen. Mositet) took the Chair] We are just 10 months to the elections. Some of us will be going home, to other occupations, positions or portfolios. We must look at this country 20 or 30 years to come. I congratulate Sen. Adan for this very good Bill. I hope it will get the support of not only this House but the National Assembly so that we can unlock the deadlock that we have suffered for the last three years, and appointments are done in the proper way. Where Parliament is supposed to approve, it is the two Houses that should do so. Mr. Temporary Speaker, Sir, if you look at different jurisdictions, for instance, Brazil and the United States of America (USA), the Senate is the sober House. Of course, we have acted that way but the law has not been very friendly to us. We have been treated as a second class House of Parliament. We have swallowed that for a long time. However, I hope sense has sunk. We can pass this Bill to unpack Parliament. The framers of the Constitution were very categorical. They avoided touching on the Senate alone and the National Assembly alone. It was meant to embrace the bicameral structure of Government. Can we have that for our children who will be here 30 or 40 years to come? We should embrace this Bill and pass it. Mr. Temporary Speaker, Sir, I congratulate Sen. Adan. With those remarks, I beg to support.’
DATE: 4th October

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: The Self Help Association Bill (Senate Bill no.2 of 2016)

‘Mr. Temporary Speaker, Sir, I beg to move that the Self Help Associations Bill (Senate Bill No. 2 of 2015) be read a Second Time. This Bill is quite critical for one reason. In our country, we have made an impact on groups and organizations; be it Community Based Organizations (CBOs), Self-Help Associations, women groups, youth groups et cetera. Most of the monies that come from the Government use that channel to be channeled to the communities. We have had a problem. When you register a company, it is done under the Companies Act; when you register a society, it is done under the Societies Act but when you register a self-help association, there is no law or legal framework that governs that registration. The only interaction that the Government has with the groups is when they issue, review or renew a certificate. Therefore, the main role of this Bill is to give a regulatory and registration framework that will help these groups. Mr. Temporary Speaker, Sir, we have about 1.3 million groups in this country which is a large number. If this transformation that has been brought through the huge amounts of monies that have come through the groups can be seen, then we should see proper transformation. We should also monitor whether groups that got monies five years ago are still in existence today. That is not happening. So, the death of groups is higher than the registration. In fact, out of the 1.3 million groups, maybe about 600 are active. We do not have a register of all the self-help groups in the country. In fact, groups just register to access Uwezo Fund and after that, they close shop. It then loses the meaning and the focus of what groups are supposed to do. Of course, we cannot have all of them active but we need a regulatory framework of capacity building and
community development. This is because the Ministry has been charged with that mandate; that you do not just register but you need to make a follow-up to see if that has made a difference in that community. Monies have come through different organizations like Uwezo Fund which is governed by a Member of Parliament (MP). If I am an MP, I may just decide that this ward did not vote for me and so I will not pick groups from that ward. Even if I do, who will be the members of that group? I will make X the chairman of this group, Y the secretary and Z the treasurer. In another group, Y is the chairman, Z the treasurer. So, this money will revolve around these people; an elite kind of engagement. That means that the records will show that the money has gone to 30 groups but who are the members of the group? How come you can access money from different groups and no one notices? You will find me in four groups and because I can access or I am the son or daughter of the MP, I will access every Uwezo Fund tranche that comes every year through the four different groups that I am in. That can only be reduced or removed when we make the management of groups to be subject to regulation and scrutiny. This Bill, therefore, looks at how this has been organized before. Of course, we have the District Social Development Officers (DSDOs) at the county level but they are not enough. We need them to act as registrars of groups. We have looked at this Bill and I have talked to stakeholders. We have also had meetings with the Ministry of Labor and Social Welfare and held many public participation retreats on this Bill. This is a concern for every person that I have talked to. The Ministry, of course, agrees that this has been lacking. However, they have also been skeptical on how we involve counties. Mr. Temporary Speaker, Sir, my argument is very simple. These groups are not in Nairobi but at the counties. So, we must include them in the management of the groups.’
‘That is why I link County Executive Committees (CECs) and you can see the role of the CEC in charge of the county. In fact, even the Council of Governors (CoG) has given its memorandum on the role that they would like to play and which we have looked at as a Committee. I have taken the appointment of registrars to the Public Service Commission (PSC) and I have given the requirements in Part 2 on the appointment of registrars and the registration. I had limited to 40 people in a group but I have since had very interactive sessions with members of the public and they feel that there is some welfare or Community Based Organizations (CBOs) that need to have more than 40 people. So, that is one amendment that we will do and not limit the number of members in a group. The issue of radicalization also came up during public participation to insulate the groups from misuse by different organizations in doing illegal activities, whether inside or outside the country. Mr. Temporary Speaker, Sir, the registrar has been tasked not only to provide model documents and code of conduct for good practice for groups but also to be involved in capacity building. When we give money and we do not educate members of the public on the spending, what it translates to is that we will be in a group of 40 and when we get Kshs40 000, we share it among ourselves. At the end of the day, there is no economic empowerment which is what the groups were meant to do. That is why out of Kshs1.3 Million groups, if a group audit is done, it will be found out that out about 600 are active this year, and a similar number will be registered next year. Therefore, we continue to register new groups without monitoring what the already registered ones have achieved. We should follow up on the group for the next five years so that we see that in their capacity building, where they were yesterday, they are not there today. Yesterday, we were in State House and I was a panelist in the State House Youth Summit. We were considering the billions of shillings that have been disbursed to groups and companies owned by the youth and women. It will shock you that few
groups know that they can access Government Procurement Opportunities certificate (AGPO) and register a business. Mr. Temporary Speaker, Sir, as we boast that we have revolutionalised the issue of community development, if an audit is done, you will be surprised that these groups do not move at all from where they were. There is no meaningful development that can be seen.

Part 4 of the Bill provides for the National Steering Committee on Community Self-Help Development. This is meant to be a linkage between the Ministry and the groups because we do not have anywhere to get the groups’ complaints. The Ministry was defensive that it was doing it but there is a gap. This development has not been felt. We have tried to convince the Ministry on this issue because we feel that if this is replicated at the counties, it will help the groups in terms of management, functioning and regulations. Mr. Temporary Speaker, Sir, this Bill is simple. Some of the amendments proposed through public participation require an insertion of a new part at Third Reading. One of them is on group mobilization, development and management. This is what we borrowed from the Ministry’s experience and from the stakeholders and the practitioners. When there is a conflict in a group, it should be reported in writing to the assistant registrar of the sub-county before it is received at the national level.’

‘The role of the county cannot be over-emphasized. We cannot have groups and exclude the county government and from the Senate point of view, it is not negotiable. We have told the Ministry as much, and I have defended that. We cannot say that because we coordinate groups from Nairobi and few are in Nairobi. Every county must have a role. The County Executive Committee (CECs) members in charge of social development must be involved in that regulation and community mobilization. Mr. Temporary Speaker, Sir, self-help association has been a contentious one. We feel that we will need to call it Group Development and Management. This Bill provides a legal framework to have the groups organized so that they are useful to the
people. We cannot continue to pump billions of money without seeing any tangible improvement in terms of their lives. The sector is worth of billions of shillings and it is shocking that it is that big. It can be meaningful if we see success stories from those that have already benefited from it. We must separate the issue of the monies and politicians, I being one of them. I am one of them because when Uwezo Fund and Youth Development Fund are anchored in the Member of Parliament’s office that MPs will register groups of their supporters so that they can benefit from the monies and deny others who did not support them. The Temporary Speaker, Sir, we must look at the framework of how we will deal with that issue so that we give every young person, persons with disability and women an opportunity to form a CBO or a welfare group and benefit from these funds. These are not personal monies, but Government funds. We want them to benefit, whether their MP or governor was re-elected or not. That way we would be able to act in the interest of the members of the public. Mr. Temporary Speaker, Sir, I request Sen. Karaba to second, and I pray that the Members support this Bill.’

‘Mr. Temporary Speaker, Sir, I want to start by appreciating the Seconder of the Bill, Sen. Karaba, and Sen. (Prof.) Lonyangapuo for his wisdom. The canvassing of the role of the county governments has actually been an ongoing process. In fact, this Bill was listed on the Order Paper but on request of different stakeholders including the Ministry and the CoG, I stepped it down so that we could engage in a more constructive discussion. We have had submissions of memoranda from the CoG. I totally feel and agree with what Sen. (Prof.) Lonyangapuo has spoken about because this movement is basically at the grassroots level. Mr. Temporary Speaker, Sir, I am very appreciative of the process. I hope that this Bill will be supported. To respond to Sen. (Prof.) Lonyangapuo, that is why I was saying this Bill is many years late. In fact, Sen. (Prof.) Lonyangapuo, if you register a company, you register it under the Companies Act but this
group had no legal framework under which it is anchored. The Ministry has been developing something but we were able to convince them that this Bill has already taken care of that and that they should put their input to what we already had as a framework so that we can be able to enrich it. I think that is what has happened. We have not agreed on everything but we have reached a consensus on some of the issues that will touch on the third reading. So, Mr. Temporary Speaker, Sir, I want to confirm that I will look at the amendments as we take it to the committee stage. With those few remarks, I beg to move.’

DATE: 5th October

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: Payment due to Nairobi City Government for land allocated to DOD

‘Mr. Deputy Speaker, Sir, I join Sen. Musila in congratulating the Governor for taking that route because it a constitutional right under Article 119 of the Constitution which provides that anyone has a right to petition the Senate. Most important is that this issue had been raised in some of our committees. I know it was before the County Public Accounts and Investments Committees (CPAIC). This is the route we advised and I congratulate the Governor for taking it. Mr. Deputy Speaker, Sir, my concern will be on the legal framework. We have even had presidential decrees on this issue because it has been persistent also in the public domain but it has not been implemented. I can see the Chairman of the Committee that will deal with this, Sen. Wako, has just walked in. They should look at the legal framework so that it is not an act of benevolence but it should be implementable in real time. The other one is the issue of timeline. I know Standing
Orders give the leeway of submission of reports of the petition within 60 days. However, what we have seen in the past is that petitions have dragged too long because we have always sought extension. I pray that the Committee prioritizes this issue and gets us an implementable report within 60 days. That can even be done within the first one month. We can use that as a case study in order to deal with other issues that have been raised by Sen. Musila. I thank you.

DATE: 5th October

MEMBER OF PARLIAMENT: Sen. (Dr.) Agnes Zani

CONTRIBUTION SHE MADE: Kenya’s compliance with the EU deadline for EPA

‘Thank you, Mr. Temporary Speaker, Sir. You have revealed all my names in their order, and even added the title ‘professor’. I hope it is a blessing. There are two issues here. The first issue is the legal aspect; the law and the Act that has been passed. The second issue is the lag in the implementation. When we were debating this particular Bill, there were aspects that we talked about - the features that had already been put in place - but the real problem was the follow up. This is a problem that we also experience when it comes to capping fees. You will find that secondary schools fees have been capped, but head teachers still continue to charge higher fees. We are moving away from the legislative aspect and more into the implementation. This is where the Cabinet Secretary comes in. He needs to crack the whip to ensure that the law is followed effectively. We have already done our bit as the Senate; we have made and passed those amendments. We only need the implementation to happen, which means that we will need some more dynamism from the Ministry. Therefore, as we wait for the Cabinet Secretary to come and address these issues, this is the aspect we need to dwell on. It is disappointing to sit here for a
long time, come up with legislation, and when it comes to implementation, it is as though we did not do any work and we are back to square one.’

DATE: 5th October

MEMBER OF PARLIAMENT: Sen. (Dr.) Agnes Zani

CONTRIBUTION SHE MADE ON: The county governments (Amendment) Bill (Senate Bill no.4 of 2016)

‘Thank you, Mr. Temporary Speaker, Sir. I support that the House do agree with the Committee in the said report and also to commend this particular amendment in terms of the dynamism that the changes within the counties and the way people are interpreting what is happening there and the issues of headquarters. Headquarters are put in a place where the functions of the counties can be well in use. This dynamism, when it comes to amendments that are made in this House, they have been made after a lot of consideration about the impact of what is happening in terms of where the headquarters are now and, secondly, the consideration to move these headquarters to another place. Mr. Temporary Speaker, Sir, I believe that this is a process that is driven by consensus, a lot of consultation and agreement. Therefore, it has various implications like the development of counties in terms of the buildings and infrastructure. I remember some time back we heard Sen. (Eng.) Muriuki talking about county headquarters, facilities and the sort of equipment that they have. We need to make sure that these headquarters fit a particular standard. In the long term, all these facilities can be standardized across various counties. As you visit various counties, you realize there are certain counties whose headquarters are very meticulously done, advanced and modern while others are not to that particular standard. As we move forward in making amendments about the physical and geographical location of these county
headquarters, it is important for us to put that into consideration. This is because all counties must reach a level of functionality that enhance county devolution and the county work that happens within those particular counties. This is one of the things that are key for us, as Senate. I commend Sen. Karaba and Sen. Mwakulegwa for making these considerations for this specific amendment of the physical change of location for county headquarters.’

DATE: 5th October

MEMBER OF PARLIAMENT: Sen. (Dr.) Agnes Zani

CONTRIBUTION SHE MADE: Election of Sen. Obure to preside over the house pursuant to standing order no.18 and article: 107 (1) (C) of the constitution

‘Thank you, Mr. Temporary Speaker, Sir. I stand to beg to move a Procedural Motion. THAT, pursuant to Article 107(1) (c) of the Constitution and Standing Order No.18 of the Senate Standing Orders, the Senate resolves to elect Sen. Obure to preside over the proceeding of the Senate for the remainder of today’s sitting. We still have a number of items in the Order Paper and it is a good time to have another Speaker taking the Chair so that we can proceed with this specific Orders. I beg to move that we allow Sen. Obure to assume the Speaker’s Chair. I request Sen. Mwakulegwa to second this Motion.'
DATE: 5th October

MEMBER OF PARLIAMENT: Sen. (Dr.) Agnes Zani

CONTRIBUTION SHE MADE: The petition of county Assemblies (Procedure) (Senate Bill no.35 of 2014)

‘Mr. Temporary Speaker, Sir, I rise to second. This is a very important provision, especially considering the number of petitions that have been coming from counties and the fact that for most counties, opportunities need to be created for counties listen to those petitions. The provision is made herein to ensure that the petition is put across in proper form and that a clear structure for participation is put in place. One of the biggest tenets of the Constitution is on public participation. Most of the questions that come would not be there if public participation was adequately done. In fact, public participation then, begins to empower people. The processes of the public participation ensures that it is broad and that people have a chance to speak, get empowered in knowledge and not left at the level of tokenism, but that of proper development is very important. I second.’
DATE: 5th October

MEMBER OF PARLIAMENT: Sen. (Dr.) Agnes Zani

CONTRIBUTION SHE MADE: Renewal of the mandate of the committee inquiring into the policy and legislation on the treatment of prisoners and detained persons in correctional facilities.

‘Mr. Temporary Speaker, Sir, I wish to confirm that Sen. Adan has given me permission to move this Motion on her behalf. Before I do so, let me just say that, that seat suits you and that we are doing very well this evening. I beg to move:- THAT, aware that the Senate resolved to establish a select Committee comprising eleven (11) Senators to inquire into the policy and legislation on the treatment of prisoners and detained persons in correctional facilities in Kenya on 22nd October, 2015; APPRECIATING, that the mandate of the Select Committee lapsed and the Senate extended the same for forty five days on 7th April, 2016; REGRETTING, that due to heavy workload and sheer magnitude of the assignment, the Committee is yet to table its report in the House and requires more time to conduct a further and thorough inquiry into the subject matter of its mandate; NOW THEREFORE, the Senate resolves to renew the mandate of the Committee by a further period of thirty (30) days to enable it conclude its work and table its report in the House. Mr. Temporary Speaker, Sir, this is a very important Committee that was formed to look at the treatment of prisoners and detained persons. As we know, in Kenya, we have very key arms which are the police, courts and the correctional facilities. For a long time, there has been debate about what happens, especially at the correction facilities considering that the number of inmates has been increasing and the rate of crime has also been increasing. Most of these correctional institutions have been having a problem in terms of ensuring that they are
able to cater for the large number of inmates. This Committee has been working for the period that it had been given. Right now, the Bill and the report are ready. It is only that more time is needed so that the Committee can put this to the stakeholders so that by the time the Bill and report comes to this House, they will be completely exhausted by stakeholders who will have a chance to give their input and make meaningful contributions. The request for more time is to enable the Committee to come up with a Report that has involvement from the specific key stakeholders. I request that the Senators contributing will allow the request for extension for 30 days in order to conclude the work. I call upon Sen. (Dr.) Khalwale to Second.’

‘On a point of order, Mr. Temporary Speaker, Sir. Are the two Senators in order to address each other across the Floor, yet we are clear about the rules in this House; that we are supposed to address the Speaker?’

DATE: 6th October

MEMBER OF PARLIAMENT: Sen. (Dr) Agnes Zani

CONTRIBUTION SHE MADE: Rejection of Garissa County Government Budget Estimator for FY 2016/2017

‘Mr. Deputy Speaker, Sir, like my colleagues, I congratulate the MCAs because 35 of them signed this Petition. It clearly indicates that as we go on with our work as the Senate, the interconnectedness between the Senate and county assemblies is becoming clearer and clearer. The Constitution pre-empted some of the disputes that would arise within county assemblies. This is another tussle that includes the executive and MCAs on issues that have been quite well streamlined. There are two clear issues in the prayers. These are the issue of budget ceilings and the provisions of the Public Finance Management Act. These are very critical. Mr. Deputy
Speaker, Sir, the Committee on Finance, Commerce and Budget put into operation the ceilings for the counties as a result of over-expenditure within the counties. This was a long process and the Committee on Finance, Commerce and Budget invited MCAs and agreed with them on what the ceilings will be negotiated specific ceilings and finally agreed on the specific ceilings. Therefore, it is important for MCAs to adhere to them. I urge Members who will be looking at it to look at the point of the argument of the County Assembly and the anger for the questioning of why the estimates have been rejected especially regarding the ceilings. If they have passed those ceilings or if they have not but they are being attributed as though they have, that becomes an issue that the petitioners need to be addressed directly. I think the whole nexus of having ceilings was very critical and important. Mr. Deputy Speaker, Sir, this Senate and county assemblies put into operation laws that need to be followed stringently. When it comes to the provisions of the Public Finance Management Act, the Integrated Financial Management and Information System (IFMIS) for example---

(Sen. (Dr.) Zani’s microphone went off)

‘Mr. Deputy Speaker, Sir, can I have one second?’

‘As I wind up, I think this particular petition will throw light on the process of bringing rules and regulations into streamlining the work that happens in county assemblies. Thank you.’
DATE: 6th October

MEMBER OF PARLIAMENT: Sen. (Dr.) Agnes Zani

CONTRIBUTION SHE MADE: Visiting delegation from the University of Eldoret

‘Mr. Deputy Speaker, Sir, I also join the Chair to welcome the students and lecturers form the University of Eldoret, a well renowned University. I have been there on several visits and I was very impressed about the way work is getting on there; that this afternoon you can be in the Senate and see how we conduct our work. According to our Provision in Article 96 of the Constitution, we are the guardian angels of counties. We look at matters counties. As the Standing Committee on Education, we have been dealing with various issue that have been going on in universities; issues of appointments. This was even highlighted in the latest NCIC Report in terms of ethnic division across the various institutions. We are looking for ways and means of putting all these issues to rest so that we have merit and ethnicity as we look for the best balance. This is our Kenya for all us. Welcome to the Senate of Kenya.’

DATE: 6th October

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE: Status of implementation of senate resolution on the disappear of the twins at Pumwani Maternity Hospital

‘Mr. Deputy Speaker, Sir, if I remember very well, the instruction from the Speaker last time was to summon the Cabinet Secretary (CS) Ministry of Interior and Coordination of National Government on this particular issue. Unfortunately, we went on recess without getting commitment from the CS. I request to be given one week to follow up on this matter.’
‘Yes, Mr. Deputy Speaker, Sir. I have requested for one week to follow up on this matter.’

DATE: 6th October

MEMBER OF PARLIAMENT: Sen. (Dr.) Agnes Zani

CONTRIBUTION SHE MADE ON: Adoption of education committee Report on the 19th Conference of Commonwealth Education Ministries

‘Mr. Temporary Speaker, Sir, I stand to support the Report from the Conference of the Commonwealth that was held in the Bahamas between 22nd to 26th June, 2015. The Report is comprehensive because it tackles everything under the sun regarding education, including issues of mental health and early marriages, among others. It is within the context of Commonwealth nations. I thank my able Chairperson of the Standing Committee on Education, where I am also a Member. This is a well written report. It is very systematic and logical, with a clear flow. Anybody who was not in the conference would understand what happened and who presented various issues and points. It also has very clear recommendations.

When we talk matters education, we are talking about the quality of the education, performance, delivery mechanisms and productivity; all that within a context of inequality. That is where the problem is. Sen. (Dr.) Khalwale talked about a chance; that he from a very humble background is able to come to where he is; that is a context of education allowing you to do that. Unfortunately, that does not happen a lot. Therefore, the issue of social reproduction and alignments and ensuring that, over time children who come from poor families get to school, does not get properly addressed. In Kenya, for example, over time - from the 1960s - there has been modernization, improvement and drastic expansion of education. Whether it is in terms of the number of schools, the number of pupils or attainment, the graph systematically goes up. For
instance, in the cohort analysis from the census report, that development is very clear. However, the story therein, is that of inequalities. The level of inequalities has not changed. Therefore, as that modernization is taking place, inequalities are still contained. This is what the Commonwealth Ministers were trying to address. This is a problem that exists in many countries. In Kenya we still need to do a lot to comprehensively address it. In terms of the education system, there is a difference in the quality of education when it comes to private schools versus public schools. There is always a debate about most of the students who go to secondary schools being form private schools. That debate has escalated now to the universities where we have Module I and Module II students. You will find that a student who attains a mean grade of B in the Kenya Certificate of Secondary Education (KCSE) can pursue Medicine under the Parallel Programme, whereas another who attains a mean grade of A cannot pursue the same course under the regular programme. Of course there is a reason for the Module II; they add value. However, we need to address some issues so that we can ensure that the right person gets to the right place. There are reports of students whose positions in national schools are taken because rich parents can buy them. That needs to be addressed. However, the most alarming bit about the report is the global figure of 20 million children who are out school at both primary and the secondary level. This is such a huge number. Even before we recover from this shocker, there is another shocker that there are 460 million illiterate adults. These are people who cannot read, write or even articulate information. That is such a large number. I am sure that quite a number of them come from the developing nations. This means that the development capacity is interfered with. All these indicators are always correlated, say, in terms of development and corruption. The higher the levels of education the better all you other indicators are, including economic indicators which are very critical. We need to figure out how to solve this and how to
make it better. Various recommendations are given in this report, including enhancing teachers’ performance and ensuring that they are actually ICT proficient. In this report the target is not only the students, but also the teachers. That brings me to the issue of the fate of the laptops project. These laptops might be distributed four years into the term of the current Government. As they seek reelection, which promises have been attained? When you look at the issue of the economy, the promise of a double digit growth has not happened. We are still at 5.7 economic growth rates. We had the last three years to implement the laptops project yet these laptops might come the very last minute. This resembles the sort of mediocrity in addressing education matters. We are very clear about the template and what we want to do, but somewhere along the line when it comes to implementation, we have problems. Recently, we had problems of students in schools engaging in violence, riots and extremism. This might be a reflection of the frustrations they feel. At times, the dreams they are promised are not articulated. The problem is not just with the students but it also extends to the teachers in terms of levels of training, deployments, and remuneration that led to strikes that this country faced for a long time. The gap in financing keeps coming up in various conferences. The annual financing gap is huge; it stands at US$22 billion. That means that not enough money is being adequately put into the education agenda. The proposal given in this report is that six per cent of the Gross Domestic Product (GDP) should go directly towards education initiatives. The idea in many of these conferences is to have a buy-in. This is because this is a Ministers’ conference and we would need our Minister to come here and say: “Look here, as a national Government; we need to ensure there is enough that is going into the education sector.” Various awards were given at this conference. Rwanda got one for innovative education. Unfortunately, Kenya did not get any award. We hope that next time we will be recognized for something. Mr. Temporary Speaker, Sir, the issue of increased
participation of women and girls in education is very key. Since the future is women and the youth, we need to be able to empower them. In a cultural context we still think about the value of marriage, dowry and related issues. This creates quite a bit of a problem culturally. However, we need to have a mind-shift, so that we go back to our communities and talk to the girls and women to tell them that education is key. If we are talking about attaining leadership or the two-thirds gender representation in most of the public institutions, it has to start somewhere and education is key to this. Specific strategies have to be put into place to attain this. As we talk about women and girls, we must not forget the boy child. There is now more literature emphasizing that we should pay attention to the needs of the boy child as well. A lot of focus has gone into the needs of the girl child who is getting empowered sometimes at the detriment of the boy child who feels totally neglected. As we do that, we need to draw from two important educational components; the social and cultural capital and the family background and what families can do to enhance performance of their children at various levels. That can be dealt with appropriately. The report also deals with the issue of the curriculum. This is a major problem for us in Kenya. There has been a mismatch where curriculum reviews are often done, but the implementation seems to be a problem. This is more so for a curriculum that does not address social issues. Mr. Temporary, Speaker, Sir, early this morning we had an opportunity to be at the offices of the National Cohesion and Integration Commission (NCIC). We were receiving a report on ethnicity and inequalities across the board. One of the things that came out is that there is a need to look at the curriculum and begin to introduce certain core social values of patriotism, leadership and integrity. This is key since we tend to focus on the technical and professional areas without focusing on aspects that ensure we create a balance. The United States of America has taken this as key and is performing well in this area. Mr. Temporary Speaker, Sir, as I wind up, there are
other issues of regional disparities, access and quality to education especially in arid and semi-arid regions. This needs to be taken care of and enhanced across the board. We need to come up with clear legislative measures and develop strategies to involve parents in the education of their children at various points. They need to feel adequately motivated, encouraged and know where they want to go. We also need to use technology and innovation properly especially in information communication technology (ICT). I know the Committee on Information and Technology in this House has been progressing that agenda. We need to start with a bit of a jump because compared to other economies; we are coming into it at a later stage. ICT is an engine builder that should get us there. Mr. Temporary Speaker, Sir, there is the issue of synchronizing various items across the educational realm; the commissions, the Teachers Service Commission (TSC), principals and head teachers so that they can have a forum. Recently, for the first time, we thought of having all the stakeholders come together when there was burning of dormitories in schools. However, from an educational perspective, these discussions should be continuous. We should be able to pick up on the various issues that are coming up and look for appropriate ways to address them, so that all stakeholders feel adequately engaged. Mr. Temporary Speaker, Sir, we also have issues of protecting the environment. Climate change, for example, has become a global threat. Such issues should be put into the map. Nobody knows what happens unless they are educated on it. If we lack that, we will have people wrecking the environment and getting away with it. Mr. Temporary Speaker, Sir, as I conclude, let me address the issue of discipline amongst students, teachers and all levels of leadership. Earlier today we discussed the case of the two Members of County Assembly (MCAs) from Kisii County who were found with young school girls. Those are just the ones who were found. How many more are probably out there doing this? There are issues of teachers impregnating girls and students in schools engaging in
sexual relationships probably way earlier than their time. All these issues are not only educational, but also have a key social component. Unfortunately, there are situations where the traditional norms and systems are no longer being applied as they ought to. It is, therefore, important that the unions, associations and the different groups come together and articulate these issues. The preprimary education is now devolved. We might want to think of further devolution, not just the pre-primary but also at the primary level. When we visit the various counties, issues are raised about what happens at primary level and some of these issues have not been adequately addressed. I heard Sen. (Dr.) Khalwale say that when these computers get there, or there is such a model classroom in pre-primary, when students go to primary and secondary schools, they do not have these facilities, we will have everything upside down. We are demotivating students as they move forward instead of motivating them. Mr. Temporary Speaker, Sir, the last critical issue is that of the ratio of teachers and students. As we move away from private into public schools, the ratio tends to increase and has implications in the following areas: teaching, correction, evaluation and motivation of the teachers. There are situations we find teachers who get so tired because the situation is not conducive to feel that they can give the best. We know education transforms the lives of people.

‘Thank you, Mr. Temporary Speaker, Sir. You may confuse Members with the name “Philomena” in the long run. They will wonder whether “Philomena” is the same one as “Agnes”. I confirm that “Agnes” is also “Philomena”.’
DATE: 6th October

MEMBER OF PARLIAMENT: Sen. (Dr.) Agnes Zani

CONTRIBUTION SHE MADE: Noting of Report on the Third Global Open Government Summit

‘Thank you, Mr. Temporary Speaker, Sir, for this opportunity to reply. Let me start by thanking all the contributors to this Motion. Clearly, looking from the contributions, there has been a concise articulation of the issues that were raised in that report. In the general feeling and promotion of the need for Kenya as a country to move towards open government systems, this is a partnership that we can take advantage of so that we can push to the next level. It is an important platform that we can use as we move to the future into better industrialization and more development for this country. Mr. Temporary Speaker, Sir, the tenets of being members of this particular partnership; Open Government Partnerships (OGP) is an open forum and as much as we have the 66 countries there, that membership is quickly increasing. The peer review processes are very rigorous, and I encourage that Kenya continues to play its part in the peer review in both reviewing other countries and in getting itself reviewed in putting out the data that is essential for that review to happen. I think with this particular approach, we will be going in the right direction because as the Senators have said, this is already articulated in our Constitution where we are talking about public participation and the need for organizations to come on the fore. As a Government tool, the more public participation you have and the more open you have the systems, the better governance you are going to have. With those remarks, I beg to reply’
DATE: 6th October

MEMBER OF PARLIAMENT: Sen. (Dr.) Agnes Zani

CONTRIBUTION SHE MADE: Adoption of the Report on the 38th Session of the UNESCO General Conference in Paris

‘Thank you, Mr. Temporary Speaker, Sir. This is a Motion that is coming from the Committee of Education and Sen. Karaba mentioned that we can proceed with this Motion because we have Members of Education Committee in the House.’

DATE: 11th October

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: Shooting of a school girl from Ulanda High School

‘Mr. Speaker, Sir, on 29th June, 2016, Sen. Wangari requested for a statement regarding the shooting of a student from Ulanda Girls High School in Migori County. The Senator specifically sought---’

DATE: 11th October

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE: Shooting of a school girl from Ulanda High School

‘Mr. Speaker, Sir, on 27th, May, 2016 at around 11.00a.m, warden No. 2008190794 Mr. Ancent Ndunda Simon was guarding the remand prisoners at a watchtower in Migori Prison when Rogers Odhiambo Otieno, a remand prisoner, jumped over the fence in an attempt to escape. The
warden sounded the alarm and pursued the escapee. On realizing that the prisoner was outrunning him, the warden fired in order to disable him. Unfortunately, the bullet hit Quinta Amondi, a Form Two student at Ulanda Girls’ High School aged 16 years, who was participating in school games at Migori Boys’ High School which was 500 meters away. She was treated at Ombo Hospital before being referred to Moi Teaching and Referral Hospital. Investigations into the shooting commenced immediately and an inquiry file was opened. The firearm was withdrawn and forwarded to Nairobi for ballistic examination.

A report is still being awaited. Following the shooting, the warden was interdicted pending the outcome of the investigation. The escapee was re-arrested during the incident and has since been charged for escaping from lawful custody. The following cases of stray bullets have been reported in the country since 2013. It is a long list which I have already shared with Sen. Wangari for her reference.

Mr. Speaker, Sir, my Ministry has no vote to compensate victims of stray bullets. Lastly, all security officers are adequately trained on responsible handling of firearms and use of teargas.’

‘Mr. Speaker, Sir, I thank the Chairperson of the Committee on National Security and Foreign Relations, for that response which has been long overdue. However, I seek the following clarification: One, the girl, Quinta Amondi was discharged from Moi Teaching and Referral Hospital with a blind eye. That is permanent disability. Now that the Ministry does not have a vote to compensate victims, I would like to know what the use of the emergency kitty in the Ministry is. The parents of this girl; Seline Akoth and Fredrick Otieno, are looking for answers even today. What is the use of the emergency fund in terms of compensation?’
DATE: 11th October

MEMBER OF PARLIAMENT: Sen. Beatrice Elachi

CONTRIBUTION SHE MADE: Shooting of a school girl from Ulanda High School

‘Thank you Mr. Speaker, Sir. I think there are only two things that the Chair should tell us: One, whether after all this happened, the officer’s fire arm was tested and it was confirmed that he is the one who killed this girl. Therefore, the Government must be responsible for compensation. We cannot run away from the problem. The Inspector-General (IG) of Police should be told that when it comes to innocent lives especially of a child who will in future take care of her parents. So, I think if that is what killed this girl, the Government should compensate the family. The Speaker (Hon. Ethuro): Sen. Nabwala.’

DATE: 11th October

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE: Shooting of a school girl from Ulanda High School

‘Thank you, Mr. Speaker, Sir. I think I read this statement clearly. First, let me say that I am really sorry for what happened to this young girl. One of the issues I want to bring out is that the prisons officer was interdicted. That is action that has already been taken by the Government. Secondly, the firearm has been withdrawn and forwarded for ballistic examination whose results we are still waiting for. Going back to the concerns raised by various Senators regarding issues of compensation and the policy of the Government; I know there are emergency kitties in Ministries and in various counties, but what I do not know is whether the Migori County government has done anything regarding this particular incidence. Those are matters I will
investigate and bring responses to. But I know there is a kitty for emergency. Maybe, the unfortunate part is that the family might not know whether there is such a kitty. So, I think this is something I can investigate and bring a feedback to the House. Mr. Speaker, Sir, the statement is very specific on intentional shooting although this is not intentional shooting. It was an accident. So, I do not think the prison warder intentionally shot the young girl. The issue of compensation that was addressed by various Senators; having worked with the Government and with KNHRC, there is a procedure that needs to be followed in terms of arriving at compensation to an individual who has been injured or wronged by a Government institution or Government officers. The procedure I know is that whoever has been offended by a Government institution or a police officer is that they normally file a case in court. Once that process has been completed and the ruling has been made, an individual should be compensated. There is a kitty under all the Government Ministries and the Attorney-General’s office to compensate such cases. My colleagues and maybe Sen. Wangari who has brought out this matter, can assist the family to file a case against the Government regarding this particular matter. The Ministry responsible is the Office of the President where the Prisons Department falls. Finally, there is no Government policy that states that there should be no compensation. However, there are procedures that need to be followed for one to get compensation in similar circumstances. There is no direct compensation.’
DATE: 11th October

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE: Assault of a matatu driver by a police officer along Mombasa-Kilifi Road

‘Mr. Speaker, Sir, we have shared this with Sen. Madzayo. On 15th June, 2016, at about 12.30 p.m., Mr. Benson Kalu was driving a Toyota Vannet motor vehicle with the registration number KCF 619M which was operating as a public service vehicle between Mombasa and Malindi towns. On reaching Bombolulu area, he was signaled by a traffic police officer in uniform, Corporal Kennedy Opasi, to stop. The officer had detected three excess passengers who were hanging on the passenger’s door side. The driver failed to stop and drove against the traffic in due---.’

‘Mr. Speaker, Sir, we shared the answer with him. However, I have not received any feedback on whether the matter was resolved or not.’

‘Mr. Speaker, Sir, we shared the answer before the last recess with Sen. Madzayo.’
DATE: 11th October

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE: Disappearance and Brutal murder of children in Chesue village Nandi Hills

‘Mr. Speaker, Sir, last week on Thursday we were instructed by the presiding Chair, the Deputy Speaker, on the outstanding issue of Nandi, that we should summon the Cabinet Secretary but fortunately we have an answer to that Statement. With your permission, we can issue that statement, if possible today or tomorrow. Sen. Sang and Sen. (Dr.) Khalwale have copies of the response. The Speaker (Hon. Ethuro): That should be on the Order Paper tomorrow.’

DATE: 11th October

MEMBER OF PARLIAMENT: Sen. Beatrice Elachi

CONTRIBUTION SHE MADE: The National Cohesion and Integration (Amendment) Bill (Senate Bill no. 6 of 2016)

‘Mr. Temporary Speaker, Sir, I beg to move that the National Cohesion and Integration (Amendment) Bill (Senate Bill No.6 of 2016) be read a Second Time. The object of this Bill is to amend the National Cohesion and Integration Act of 2012 so as to enable the National Cohesion and Integration Commission to effectively monitor peace building projects in our country. You realise that the National Cohesion and Integration Act was enacted in 2008 to encourage national cohesion and integration by outlawing discrimination on ethnic grounds and provide the establishment of powers and functions of the National Cohesion and Integration Commission. As we bring in this amendment, we need to ask ourselves whether the Commission has been able to
monitor the different projects that we have in terms of peace building. I think that is what this amendment is trying to address. Mr. Temporary Speaker, Sir, there is a new clause in Section 25(2) to ensure that the Commission is able to oversee peace building processes. We realized that as they move on as a Commission and as we head to the elections, this is one Commission that we are also relying on. It has presented different rules and criteria of what is happening, not just at the national but also at the county level. Therefore, it will be important for us to amend the principal Act by inserting a new clause to deal with the oversight of peace building projects.’

Mr. Temporary Speaker, Sir, during the post-election violence, many Kenyans were running peace projects. Some of them could not be understood what type of peace project they were running. Some took advantage of the IDPs. They ran peace programmes for the settlement of the IDPs. However, they acquired resources by using suffering victims. They made money and could not remember that peace building projects are important for people to change lives. They should come out of the helplessness and move on with their lives. This amendment gives that strength to the NCIC to ensure that they go all over the country. Today, we have different peace programmes. Different departments are running the same programmes on peace building. Within the Ministry of Interior and Coordination of National Government, there is a department that deals with peace building projects just like the NCIC. Who monitors what is happening in all these institutions? There is no institution that monitors. Therefore, it is important to evaluate these peace programmes in the counties. They can decide to work together to ensure that as we near elections, we can monitor. Mr. Temporary Speaker, Sir, you are from Migori County. You know how cosmopolitan the county is. It is important for you to understand that if we have peace organizations, we involve all communities. The same case will apply to Nakuru County and other hotspots with cosmopolitan population. Therefore, these amendments will assist in tracking
and monitoring the mechanisms of all peace building projects in our country. The Bill will also help us analyze and carry out research. You find that we have some international organizations that carry out peace programmes in counties. In Mt. Elgon, for example, we have had different peace programmes that are happening. If they are not monitored, other people will take advantage of a peace programme and create a different issue. There is positive and negative peace. When the NCIC disseminate information, it should tell us that there are critical gaps, strategic priorities and relevant programmes in peace building in different regions. For example, in West Pokot and Elgeyo-Marakwet counties, we need to see serious peace programmes going on. If the NCIC does not have that mandate, we also have the right to question them. We have had challenges of cattle rustling in Baringo and Samburu counties. We are now carrying out peace programmes in those counties geared towards empowering the youth. Mr. Temporary Speaker, Sir, the principal Act does not give the exact mandate to the NCIC or Ministry. The NCIC competes with the Ministry of Interior and Coordination of National Government to run peace programmes in various counties. We know the Ministry’s programme could be different from the NCIC because they use security agencies to monitor those peace building projects. Therefore, it is important if we have a way of bringing in the NCIC and the Ministry to work together. When you are running a peace programme, it is should not make the communities start feeling threatened. That is why this amendment is critical. Mr. Temporary Speaker, Sir, one of the obligations of persons involved in peace activities is to make sure communities remain united. Sometimes when we use security agencies to oversee those projects, we may end up leaving communities more divided. That is one thing that the NCIC should start working on. As much as we run the different programmes, the most important thing for us to do is to work out how to leave communities enhanced, working together and able to deal with their challenges.
more effectively. In fact, while we talk of peace building projects, we should not undermine the existence of the different communities. Some are minorities and others are majority tribes. Mr. Temporary Speaker, Sir, the Bill makes it an offence to undertake a peace building project that is not registered under the Act. Why are we doing so? This is because different departments are running peace programmes throughout the country. Sometimes we go into a region, especially where we have the pastoralists and different clans fighting each other, but they have their own mechanisms of ensuring peace. They have their own mechanisms of punishing offenders, for example, if one went to a community and disrupted or killed. At the same time, some things are really “hot”. I remember the Senate Committee that went to Mandera County. There are pertinent questions we have to ask ourselves. For example, what happened after that visit? What is happening now? Is there peace in that county? We do not even have something to track. We do not have a monitoring mechanism to track the record for us to know what is happening on the ground. For example, we should show that after 10 months, people have worked together, agreed and moved on with their lives. The Committee on National Security and Foreign Relations was worried when we brought the amendment. May I tell them that what we are trying to do here is to give powers to the NCIC to enable them monitor the peace building projects across this country. This will ensure that the projects do not fuel more conflicts. It will ensure that they are only projects that talk of peace. Mr. Temporary Speaker, Sir, we also have boundary disputes. Those are conflicts that need peace. However, when we have these conflicts the best way is to have the NCIC monitor and assist. The important thing as we amend the Act is to improve what the NCIC has. Let us give them the support to oversight and the support to ensure that if you want to get data of a certain county in terms of projects on peace building, it will only be asking and receiving. Within the joint committee, which I sit in, we have received different reports from
counties. There is a lot that is happening in this country. However, we are not able to document what is happening in the various counties. Some are positive while others are negative, but need to be worked on. I hope the NCIC can also take its responsibility critically to deal with those that are negative. Mr. Temporary Speaker, Sir, as we move toward the general election next year, there will be a lot of conflicts in the counties, especially where minority communities may feel marginalised and denied the chance to contest certain positions. For example, this happened in Marsabit in 2013 general election. Going forward, I think it will be wise for us to give the NCIC an oversight role so that they talk with the elders in various counties to see how best they can manage the 2017 general election and make sure that everybody is involved. We do not want to see situations where a section of the community is denied a chance to participate in elections. These are challenges that we need to address as a country. All political positions should be shared equally by all communities in a county.’

‘Thank you, Mr. Temporary Speaker, Sir. As I finalize, it is important for us, as politicians, to do the right things that will benefit this country. This is because most of the times, we are responsible for conflicts or peace in this country. Therefore, it is our obligation to ensure that we enact the laws that will guide our country to posterity. Mr. Temporary Speaker, Sir, with those few remarks, I beg to move and ask Sen. Zani to second.’
Thank you, Mr. Temporary Speaker, Sir, I stand to second this amendment. I wish to congratulate Sen. Elachi for bringing this important amendment to this House. The other day, the NCIC gave us a damning report about the level of cohesion and the level of integration within the various counties in terms of employment of Kenyans and their ethnicity. That report was very bold. It showed that in many were not adhering to the provision that has been made, that 30 per cent of the staff should be from communities outside the county; the level of counties breaching this law was almost 90 per cent to 99 per cent. I sit in the National Cohesion and Equal Opportunity Committee. One of the things we have resolved to do is to start calling the worst counties in terms of ethnicity to appear before us and explain exactly what happened. I start with this because this is the basis of the problem that we have had in terms of peace building. When you are talking about Kenya, we are talking about one whole Kenya and how it should conduct its business. One of the aspects that have been missing is exactly this component of peace building. The recommended amendment is critical. I will start with the one in Clause 2 that proposes to introduce new terminologies and new descriptions for those particular terminologies. This is important because it brings the element of peace building. You are aware we are moving towards an electioneering period and the issue of peace, cohesion, integration becomes very key and critical. It is not just about attaining peace at that particular moment, but it is about attaining peace that will be sustainable in many years to come after an election. It is going to be about
resolving ongoing inter-communal and communal conflicts. Our Committee has visited Baragoi, Samburu and other places. We have been making sure that peace treaties are signed. Cattle rustling issues should not be seen as traditional or cultural because they will be entrenched in law. In other words, a crime is a crime and it should be treated as such so that we maintain peace in this country. As we move towards elections, this is very critical. All these activities need to be planned and to be in the long run. Mr. Temporary Speaker, Sir, we have in the original Act the provisions for the functions of the NCIC. Under Clause 3, what is missing in the principal Act is now being addressed by this amendment. It says the commission should oversee the implementation of peace building projects. We, as a Committee, have interacted with the NCIC over time and I can assure you that they are up to the task. They have had experience in the dealings that they have had across the various communities and they are able to put all these into place. The main amendment for this particular Act comes with the introduction of Clause 36 that deals with the peace building projects. It clearly explains how those should be conducted. It is actually put as part and parcel of functions of the commission which they will have in respect to peace building projects. These are broad across the board. For example, developing and monitoring communities, their level of peace and the triggers that cause instigation for that specific peace. Further, developing specific ethical standards that have to be followed across the board and there is need for education initiatives for these communities to know exactly what these are. However, it is impossible to do all these things without having consistent research that is advocated in this particular clause. That information is given, the peace building initiatives are shared and people can compare various peace initiatives and be able to say which ones had an impact. What sort of impact do they have across research and data so that we are careful about what works and what do not? This commission will advise persons involved in the peace
processes, specifically on long-term issues of cohesion and integration; to encourage national and county governments to allocate more funding. This is critical because most of the time we forget that this whole process is about money, bringing communities together and encouraging them to keep the door open and continually discuss the various issues. Therefore, funding is, probably, one of the components that have been left out. This commission will have to be very proactive, so that they engage with the counties and explain to them exactly what proportion has to be given for peace building initiatives. Mr. Temporary Speaker, Sir, I want to make a recommendation that even as we proceed with this Bill, specific percentages should be extracted from the county governments budgets specifically for this important initiative, so that those peace initiatives can be successful over time. Once we have a situation of instability it will affect everybody. These functions are broad and clear. They have been negotiated across the board and many people are in agreement that these changes need to be made. Mr. Temporary Speaker, Sir, the other critical amendment is done on Clause 36 (a), which talks about the responsibilities of the person who is in charge of the peace building committee and the sort of person they should be. One, they should be persons who should not instigate the communities. Two, they should encourage the participation of the target community. They should encourage public participation across key communities, in a case where one community is the point of intercession with another community. In a case where we have more than two or three communities, there should be intercession with those various communities, so that they read from the same page. Mr. Temporary Speaker, Sir, we always talks about dialogue and its importance. This is what this peace keeping initiative and keeping everybody engaged is all about. When people are able to talk about issues, they realise that the differences among them are not as big as they imagine them to be. This is the culture that we want to encourage in Kenya; the culture of dialogue,
sharing and saying that we have only one Kenya that is irreplaceable. We need to look at the harmful practices and the biases that for so long have played in a stereotypical way, either within the media, cultural set ups or some of the resolutions that make a difference. I remember sometime back when we had educational initiatives that allowed us to go to different schools. We shared experiences with other members from other communities and learnt to live with each other. This bias creates harmful behavior that brings inter-conflict which creates a bigger problem. The commission will also maintain a register of all peacemaking projects within the county. This is already happening. There is a register of most of the peacemaking meetings that they have had, but they will also come up with specific projects over time and in a sustained manner that will also be written out and evaluated over time, to ensure that they are following across a particular board and doing what is expected to be done. We continue to talk about the peace, statements, schedule of activities and timeframe which are critical, as articulated in Clause 36 (d). There will be a specific way in which the data will be put; in a prescribed manner. Timeframes, objectives that need to be attained and how they will be attained, indicators of how they will be attained have been taken into consideration, so that these deliverables are clear. When these deliverables have been attained, they can be put out there for people to understand them. This particular amendment also talks about the specific roles for the specific commissioners. This will also help this commission to counteract and do its work more effectively. The amendment also gives a chance to this commission to disapprove any peacemaking project if it seems to be imposed on specific communities or any other reasons that the commission might feel that it is a project that might not enhance the peace. Overall, it will be up to the commission to initiate projects within the communities; but once these is brought on board, there will be a vetting system. This will ensure that the projects the commission will
engage will be vetted and lead to making specific decisions. Mr. Temporary Speaker, Sir, the amendments continue on and on. It is all about empowering this commission, not only to be effective as we move towards elections, but to also be well grounded in a process so that, continually, we can have this narrative of peace. As we move towards elections, more organisations are coming up with initiatives of peace. All these are scattered because various people come up with different agendas. This is will help in the streamlining of this process, so that some of these projects can be encompassed in this and be long-term with more meaningful goals and objectives that can be actualized. Mr. Temporary Speaker, Sir, with those words and comments, I beg to second.

(Question proposed)

DATE: 11th October

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: The National Cohesion and Integration (Amendment) Bill (Senate Bill no.6 of 2016)

‘On a point of information, Mr. Temporary Speaker, Sir’

‘Mr. Temporary Speaker, Sir, unless I am very wrong, I just want to inform Sen. (Dr.) Khalwale, that just a few weeks back the NCIC released a report at the national level of opportunities in our institutions. It would be false to say they just deal with counties. In our learning institutions---.’

‘Mr. Temporary Speaker, Sir, my point of information is that I saw a report on how job opportunities were shared out in our learning institutions and, especially institutions of higher learning across the country.’
‘Yes, Mr. Temporary Speaker, Sir. It was not just about counties.’

DATE: 11th October

MEMBER OF PARLIAMENT: Sen. Naisula Lesuuda

CONTRIBUTION SHE MADE: The National Cohesion and Integration (Amendment) Bill (Senate Bill no.6 of 2016)

‘Mr. Temporary Speaker, Sir, I rise to support this Bill by Sen. Elachi and congratulate her. This is a very important amendment. When you look at this Bill, one would quickly think that it is giving the NCIC too much power to look into organizations, groups and communities that are involved in peace-building. What the Bill really intends to do is that there is partnership and oversight from the NCIC, to ensure that the peace-building processes around our country are met.

Many Kenyans have been involved in peace building in this country. We have worked with warring communities. One aspect that has borne fruits is when those of us who are in the peace-building initiatives work with Government agencies----

(Loud Consultations)

Mr. Temporary Speaker, Sir, would you, kindly, protect me from the noise that is around me?

‘Mr. Temporary Speaker, Sir, the consultations were a bit too loud.’

‘Mr. Temporary Speaker, Sir, because I have been personally involved in peace efforts that have borne fruits in warring communities, one of the key aspects that made it fruitful was the relationship that we had with the NCIC. We worked hand in hand with other Government
agencies and security agents. It is very important for those of us in peace-building efforts to realize how much more we can gain if we work together instead of having the communities versus the Government and the security officers. We should build synergies to ensure that we all work together. I believe that is the main objective of this Bill. Secondly, just as Sen. (Dr.) Khalwale mentioned, our focus is so much on the counties. We do not want our counties to pick bad practices that we have, probably, been seeing in the National Government or what we have been seeing in the past years. It is important to look into the affairs of our counties when they are still young, so that we can nurture equal opportunities. Minority communities in our counties have continued to talk about the same issues that Sen. (Dr.) Khalwale talked about. It is important that there is cohesion in those counties to ensure that everybody is actually taken on board when it comes to employment opportunities and resource allocation. That is when communities will feel that they are part of that county and decrease the tensions and the conflicts that are there. It is also good to realise that without peace, there is no development we can talk about in our counties and the country at large. It is also important that before one starts to engage in peace activities, we know the individuals who use the peace processes to---

(Sen. (Dr.) Khalwale consulted loudly)

‘He has already made his presentation, Mr. Temporary Speaker Sir. He can consult in low tones.’

‘Thank you, Mr. Temporary Speaker Sir. I was saying sometimes we know that there is a lot of donor funding in issues to do with peace building. Sometimes, if that is your only source of income, you would not want peace to be realized so that you can continue getting the resources. It is important to give timelines that can be reviewed after sometime to see how far you have gone with your peace processes and to also look at what needs to be amended and how far you
would want to go with your peace process. Otherwise, sometimes we just engage in peace activities to heighten the tension that is there. As we go towards elections, you will be hearing a lot of peace activities across the country and we sometimes send the wrong signals like there is going to be war, fights or tension to escalate. It is good for the processes to be looked at and thought through so that we cannot heighten the situation in the country. Mr. Temporary Speaker Sir, it is also important to ensure that all communities realise that dialogue can resolve most of the conflicts that we have in this country regardless of what it is. We have seen between the opposition and the Government all talking at each other. When we sit down and look at these issues, we can resolve them even at the political level in an amicable way. It is important for our communities to realise that dialogue can resolve most of these conflicts and the problems that we are facing as a country. I believe that if we follow – sometimes as we say in this House, we do not need to legislate on some of these issues because if we have the goodwill to do the things that will help our communities and the nation, then we do not need to legislate on these matters. It is over time that we have continued seeing the gaps that are there even for some things that have good intention but you realise the gaps. That is why we legislate on them. So, I do support this amendment. Mr. Temporary Speaker Sir, we, as a country, should be able at the county and community level to prevent conflict. Instead of being reactive, when the conflict is heightened, lives and property have been lost, there are small things that happen in our counties and we see their potential for bigger conflicts to blow up. If the NCIC can come in early enough together with the peace actors in our counties, it will be important to mitigate on conflict before it gets out of hand. Mr. Temporary Speaker Sir, it is also important for our counties and governors to know the issues that have been potential sources of conflict; whether it is water, pasture or ethnic enmity, and, therefore, to have it as a serious component of their establishment. Sometimes,
before the issue comes up to the national level, if the county government can have clear measures of how to mitigate – we know issues of drought, for example, is an issue; we see it is looming in some of our counties. It is a red flag. If the county had a directorate or a department that looked at issues of peace it would flag out some of those potential issues that can cause conflicts, for instance, Tana River, Samburu, Pokot, Turkana and all those counties, we can look at how we can mitigate those issues of pasture and how we can share the scarce resources we have in our counties. I believe if we do so at the county level, we can have peace in our counties. As I conclude, I would like to say that it is paramount that we support NCIC. It cannot work in isolation. The other departments which ensure there is cohesion in the country should all work together. There is the Office of the Director of Public Prosecution (DPP), the police and the Ministry of Interior and Coordination of the National Government; they should all work together so that they can support the NCIC. Sometimes you just feel like it is a toothless commission and their work is just to highlight some of the remarks.

Their work has been reduced to hate speech only. It is evident from this amendment that the NCIC has 15 roles, but it is only concerned with issues of hate speech. To make it worse, most people have been summoned to record statements with regard to hate speech and no action is taken. That waters down the role of this commission. It is so unfortunate that as we go towards elections, we have senior politicians who make remarks that have the potential of taking this country back to the dogs. As we go towards elections, we need to support this commission. It does not matter who you are or what your current position is or the position you held before. You cannot make remarks that can take this country back to the dogs. We all know where we are coming from and people should go about their campaigns in a peaceful manner, instead of
making remarks that can cause conflict in the country. Such leaders should not be tolerated. We need to support the commission to do its work. With those remarks, I support the amendment.’

DATE: 11th October

MEMBER OF PARLIAMENT: Sen. Beatrice Elachi

CONTRIBUTION SHE MADE: The National Cohesion and Integration (Amendment) Bill (Senate Bill no.6 of 2016)

‘On a point of order, Mr. Temporary Speaker, Sir. Kenyans will look at this Bill and think on a different thing yet we are trying to sort out a problem. We know we have communities and we are going to elections. We have challenges that are facing many communities where this National Cohesion and Integration Commission (NCIC) runs away from its responsibility because they cannot do it. Having said that, I did not want to bring the issue of Lang’ata Road Primary School. I know and the Minority Leader knows well that the title deed never read Lang’ata Road Primary School when the Deputy President bought it. I think the Minority Leader is also a victim in the dragging of names. He was named in the Tokyo Saga and the rest. Let us respect each other. I warn the Minority Leader that if he drags names, it will come to him one time. So, that dragging of names is not important. The most important thing is that we concentrate on the amendment. If there is anything, I can look at the amendment and work on it but let us not drag the issues of Langata Road primary school land. They are neither here nor there and it is wrong because we know it belonged to a kalasinga since 1978. If they were good leaders at that time, they would have changed the title from the kalasinga and taken back to the primary school.’
‘Thank you, Mr. Temporary Speaker, Sir. I thank all the Members for their contributions. I welcome constructive criticisms. That is why it is called peace. Anyone who has done peace and security, we always say, “in each way, there is peace”. I plead with the Senate Minority Leader that we are not creating projects of peace. The purpose of the amendment is to ensure that we can monitor these peace projects because they are already there. Many people say they are doing peace projects. You talked about Ksh400,000 that was given to the IDPs. If we had a monitoring structure, we would have known who was paid, why they were paid and whether they owned land somewhere, but we do not have that framework. This Bill will help out in the different projects that the Ministry of Interior and Coordination of National Government so that we do not duplicate what the National Cohesion and Integration Commission (NCIC), the Ministry, the civil society and the donors are doing. How do we get to know that in Bungoma County, for instance, we have ten peace projects? Mr. Temporary Speaker, Sir, we have many peace projects in the vast area of Mt. Elgon which is within Bungoma County. Therefore, it is important to know who is there and what he is doing. Is he part of bringing cohesion or conflict? The Senate Minority Leader was once in a conflict when he was running for his seat. There were issues that were raised because many people died. If all those are looked at, we are able to know whether the opponent is bringing in such things. The project will be registered and can be monitored. That is the purpose of the amendment. I beg to move. Mr. Temporary Speaker, Sir, due to lack of quorum, I plead under Standing Order 54(3) that the putting of the question and voting on the Bill be deferred.’
DATE: 12th October

MEMBER OF PARLIAMENT: Sen. Sen. Martha Wangari

CONTRIBUTION SHE MADE: Visiting delegation of women parliamentarians from South Sudan

‘Mr. Speaker, Sir, I join you in welcoming the delegation of Women parliamentarians from the Parliament of South Sudan. We have been very privileged, as the Kenya Women Parliamentarians, to host them in this Parliament. Yesterday, we hosted them for dinner. They have just come from meeting the National Gender and Equality Commission (NGEC) and they have also visited many other organisations in this country. It is my hope that the delegation will come out better after learning the best practices that we will portray to them as Kenyan women. I hope they will become better legislators as we also learn from them. I welcome them and hope that they will take our greetings to the Parliament of South Sudan. I thank you.’

DATE: 12th October

MEMBER OF PARLIAMENT: Sen. Zipporah Kittony

CONTRIBUTION SHE MADE: Visiting delegation of women parliamentarians from South Sudan

‘Mr. Speaker, Sir, I have been doing without my proper card for nearly four months. I am almost becoming a stranger in the House. Anyway, allow me to join you in welcoming my sisters from South Sudan and I commend them. I would like to tell them that a woman is a pillar of a home and the country. We will rely on them to make South Sudan a peaceful country and a good neighbour, so that all of us can enjoy the fruits of our hard work as the women of Africa. I
congratulate and welcome them. They should enjoy staying in Nairobi and learn as much as they can from us because Kenyan women have supported South Sudan for a long time especially on issues of women caucuses. We wish them well and they should take our greetings home when they go back to South Sudan.’

DATE: 12th October

MEMBER OF PARLIAMENT: Sen. Lisa Chelule

CONTRIBUTION SHE MADE: Visiting delegation of women parliamentarians from South Sudan

‘Mr. Speaker, Sir, I also want to add my voice to what my fellow Senators have said in welcoming MPs from South Sudan. I am happy to see quite a number of women parliamentarians. We all know that women are peacemakers. I hope they will embrace peace building in their country. I wish them well and request them to pass our greetings when they go back home.’

DATE: 12th October

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE: Disappearance and Brutal Murder of children in Chesuwe Village Nandi County

‘Thank you, Mr. Speaker, Sir. As you ruled yesterday, I will go straight to the answer and I believe my colleagues who had requested for information on this have gone through the statement. Mr. Speaker, Sir, the Government is not aware that five children aged between eight and sixteen years have disappeared in Chesuwe village, Nandi Hills Sub-County, Nandi County,
since 5th July, 2016. However, the Government is aware that two cases of disappearance of children were reported at Kapsabet Police Station via O/B No. 50/1st July, 2016 and O/B No. 25/18th July, 2016. Following the reports, the Government security agencies, with the support of the community members managed to recover two mutilated bodies from the bush; one on 7th July, 2016 and the other on 10th July, 2016. Investigations were launched immediately and one suspect; Newton Kipleting was later arrested in connection with the abduction and murder of the two children. Investigations are ongoing to establish whether he is the syndicate behind the kidnappings and subsequent murder of the children or whether the suspect was acting alone or incorporation with other persons. In the investigation, the public has been of a lot of help through provision of information. The Government is not aware that the suspect; Newton Kipleting is a repeat offender as records held by the police do not have such information. Further, my Ministry has no vote to cater for the cost of burial expenses. The Government is not aware of the disappearance of 40 students from Kakamega County and about 30 youth from Tana River County. However, the Government is aware of the disappearance of the following persons. I believe my colleagues can look at the statement. They are about 11 persons from Tana River District and they are between the ages of 17 and 35. Kakamega County, there are about 12 persons between the ages of 17 and 41 years. This clearly shows there are no students that have been reported in Kakamega missing. Mr. Speaker, Sir, the Government is aware that on various dates, in the last one year, bodies have been retrieved from Ol Donyo Sabuk River. The incidents include:- On 5th December, 2015, a badly decomposed body of an African male adult was retrieved near Mithini area in River Athi and was escorted to City Mortuary in Nairobi for postmortem. On the 7th April, 2016, the body of an African juvenile aged about four years was retrieved at Kangemli area without the head and the right leg. The body was escorted to City
Mortuary. On 8th April, 2016, a decomposed body of a well built African male adult was retrieved near Fourteen Falls and taken to the City Mortuary pending investigation. On the 29th May, 2016, a decomposed body of a well built male African adult was retrieved near Fourteen Falls and taken to the City Mortuary. On 30th June, 2016, three dead bodies of Lawyer Willy Kimani Kinuthia, Joseph Mwenda Mwathi and Joseph Thinguri Muiruri were retrieved from River Athi in Machakos County and transferred to Nairobi City Mortuary. Four suspects have been arrested and arraigned in court. Mr. Speaker, Sir, I wish to state that the Government has no policy to promote extra judicial killings. Any police officer who kills will be held personally liable for his or her conduct. Further, the Government is not aware of any relationship between extra judicial killings and the ongoing vetting of senior police officers. In addition, the Government has not formed a squad within the National Police Service with a mandate to carry out extra judicial killings. Finally, Mr. Speaker, Sir, the Government has employed appropriate security measures to ensure all the learning institutions are secured and conducive for learning, both for the pupils, students and teachers and to ensure students do not disappear. This includes continuous profiling and registration of new students, frequent meetings among stakeholders in the education sector and local leaders to discuss the modalities of addressing any concern in the learning institutions, vetting of religious leaders who conduct pastoral education to ensure radicalization is not spread during such pastoral sessions, proper monitoring of school dropouts to ensure they are not recruited by terrorist groups. There should be stringent control measures on movements of visitors into institution compounds. Kenya has undertaken continuous training to ensure capacity among the security agencies on techniques to combat terrorism particularly in areas of detection, investigation, prosecution, terrorism financing, border and maritime security. The following measures have been proposed which will facilitate a long lasting solution to the
education sector. These are improvement of housing for teachers and putting up security walls around all institutions of learning.

‘Thank you, Mr. Speaker, Sir. On Sen. Sang’s question, I have no information whether the suspect was released on bond or not. The information I have is that he was arrested. It is something I need to, probably, clarify from the relevant police station through the police department. He also raised the issue of supporting the family in burying the deceased. Of course, as I said yesterday, we do not have a budget in support of burials for the relevant Government departments and the counties. However, if the family was aware of this, they would have gone to the county government for support and I believe that should have been granted. On the issue of the masters’ students being 41 or 42 years old, this was in relation to the question that was asked by Sen. (Dr.) Khalwale. The answer is directed to whether they were students or not. I believe in that answer, there was only one student. Another question was; if the security agencies are aiding in disappearance of children to Somalia. It is untrue and totally wrong to say that police officers are aiding and abetting disappearance of youths into Somalia. The other issue is why Shinyalu is targeted. We need to investigate this’

‘Mr. Speaker, Sir, I have a portfolio to represent the Government. The information I have read in the statement clearly says that if any police officer is involved in such kind of an act, then action is normally taken against them. So, that is why I am speaking on behalf of the police service.’

‘Mr. Speaker, Sir, thank you for the clarification. The other issue that was raised is that senior police officers undergoing vetting are behind the disappearance. I am not aware of it. However, I can bring it to the attention of the police service to carry out an investigation. The next issue is on preservation of crime scenes. As much as I know, the police officers are trained in that field.
Their work is not only to carry corpses. I believe that they are supposed to take care of the crime scene whenever such issues occur.’

‘Mr. Speaker, Sir, I do not have the information that Sen. (Dr.) Khalwale is trying to get from me. If a child has called from Somalia saying that he wants to come back home, that does not implicate a police officer. Even from Isiolo there are such children who have called their parents and said that they want to come back home or they are luring other children to join them. That is not the work of the police. If there is evidence against any police officer, can that be brought to the attention of the police and the Government? Action will be taken immediately against that officer. (Sen. (Dr.) Khalwale stood up in his place)’

‘Mr. Speaker, Sir, I still deny that this is the work of the police. If Sen. (Dr.) Khalwale believes or maybe there is a record at Kakamega Police Station on the report of those parents, that can be given to me or brought to the headquarters for further investigation then we can verify the information he has given us.’

‘Mr. Speaker, Sir, I will act on that as quickly as possible’

‘Mr. Speaker, Sir, we are not able to submit the response in two days. We request for a week.’

‘Mr. Speaker, Sir, obliged.’

(Sen. Mutula Kilonzo Jnr. Spoke off record)
DATE: 12th October

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: Status of the street families and Urchins in Kenya

‘Mr. Speaker, Sir, it is unfortunate that this Statement has not come to this house. It was requested a while ago by Sen. Leshore. The confusion that came in is that we had asked this question from the Ministry of Labour and Social Welfare who in turn directed us to the Ministry of Devolution and Planning. So, we have had to do it twice. We are still waiting for it. I just spoke to them before we came to the Chamber and we hope to have the answer next week.’

DATE: 13th October

MEMBER OF PARLIAMENT: Sen. Mshenga Kisasa

CONTRIBUTION SHE MADE: Visiting Delegation from Umaa Primary School. Makueni

‘Thank you, Mr. Speaker, Sir. I want to thank all the Senators. These are Kenyans who came to our country in 1910. It is time we recognised the Makonde people as Kenyans. It is a pity that people who came here in 1910 do not have identity cards. What is the Government doing? I blame the successive governments for not recognizing them. It is important for us to appreciate Gov. Mvurya for petitioning the Government on this issue.’

DATE: 13th October

MEMBER OF PARLIAMENT: Sen. Beatrice Elachi

CONTRIBUTION SHE MADE: Visiting Delegation from Umaa Primary School, Makueni

‘Mr. Temporary Speaker, Sir, I also rise to support the adoption of the Report. I also thank the Chairperson. I think among the Chairpersons in this House, we always salute the Senator for Nyeri County in the education sector and now in ICT and many others. He has always been committed and ensures that when he takes over, he shows exemplary leadership in terms of achieving what every committee wishes to achieve. Mr. Temporary Speaker, Sir, you have seen the challenges we have faced with many Government tenders and access to information. I thank the President for ensuring that his Government is digital. That is the way to go. We have had
many challenges with the technocrats who feel that for the last 20 years, they have been doing business their own way. They always have in-trays, among others.’

‘I hope that going forward, things will move even if it is by e-mail. It is time the county governments woke up. One of the challenges we have faced in the Senate is the inability to look at how county governments are collecting revenue. I am sorry to say that today Nairobi County is in a crisis. The Nairobi County alleges that they have moved to the digital stage but it has failed because of the technocrats. Mr. Temporary Speaker, Sir, the Governor of Nairobi County has a team that has let him down. The team has left a slap on his face. The governor cannot perform alone. If his team embraced the digital way of doing things, Nairobi County would be different. If he embraced a better digital automation in the parking lots, the county would be better. They would not be bankrupt. It is not only Nairobi that faces this challenge but also many other counties. However, there are other counties that are doing well. In Kiambu County, they are doing well in collection of revenue. In Nyeri and Narok counties, in as much as they have their challenges, they are doing well because of automation. Mr. Temporary Speaker, Sir, there are simple things that counties would have done for their people. In the medical sector, we have all the equipment but if there are no experts who have been trained on the new technology, how will the dialysis machines be run? Today, there are hospitals that will send the patient’s results in five minutes through email and it will be received via phone. However, at the Kenyatta National Hospital we cannot do that. We have refused to link the National Hospital Insurance Fund (NHIF) with the hospital. A patient needs to carry around his or her NHIF card. Our President is fighting to embrace Information and Communications Technology (ICT) because it will fight corruption. However, every institution is fighting for their dockets when they are fused into the Ministry of ICT. The ICT is a network that solves problems faster. I hope as we move forward,
the officers in different sectors can embrace ICT to save us from going to courts. Mr. Temporary Speaker, Sir, in Parliament, there is so much paper and files. The reason why Parliament was being dragged by Ethics and Anti-Corruption Commission (EACC) in the newspapers is because of lack of a digital system that has a list of Members of Parliament and their status. We need to embrace technology so that if you make a follow-up, you can easily see how each Member is doing. Therefore, we should embrace ICT in our own institution. Why should we be signing receipts when we take food? All you need is a card that can be swiped to pay for a bill. The signing of papers and receipts should stop in Parliament. If we are talking about digital technology, we need to start with the basics because they will help the staff and Members do their work faster. These things can only end when we bring in a digital system that involves swiping cards for many transactions. Mr. Temporary Speaker, Sir, we have gone digital in the education sector. There was a time teachers were not sure whether to embrace it, but finally they did. How will you embrace a system that all people will feel comfortable with? In the counties, they have not embraced ICT because they like looting money at the source. That is why in some counties, they claim that a policeman stole Kshs3.5 Million when he may not have done so. The owner needs to be jailed first before going after the policeman because what was he doing with Kshs3.5 Million? These are some of the things that we should worry about. It is the County Government of Tharaka---‘

‘Thank you, Mr. Temporary Speaker, Sir. In Parliament we make laws. When one withdraws Kshs1 Million, he needs to substantiate the source. The law requires transfer to where the owner wants to use it. Therefore, he need not carry lots of money. It is a risk to the owner. This is intended to remove the risk from individuals. If we want to help our country we must first embrace ICT. It will help us to be more accountable in all that we do in this country. With ICT,
our people will be able to know what is happening within and outside the country. Nobody will bother us with questions because they will have information at their fingertips. People will trust each other because they will be getting the right information. University students and even high schools will find running fun because of ICT. Nowadays everything is done online. For example, students apply to join Kenya Medical Training College (KMTC) and other colleges online. Mr. Temporary Speaker, Sir, finally, I urge our military forces to embrace ICT. They must go digital because that is the way to go. For example, during their recruitment exercise so many deserving cases are left out. How can we help an orphan who struggles to go to school be recruited in the Kenya Defence Forces, Regular Police or Administration Police? This is a person who was educated by a good Samaritan. Their system of recruitment is so rigid that children from disadvantaged backgrounds cannot be employed. If they embraced ICT, all those interested would apply through online and probably be employed. I support this Motion and urge all institutions in our country that have not embraced ICT to do so. The security systems in this country must embrace ICT. They should not be left behind when other sectors have already moved ahead with ICT. Mr. Temporary Speaker, Sir, with those few remarks, I beg to support and thank the Committee on ICT. I hope the recommendations as contained in this Report will be implemented by the concerned Ministry.’

‘On a point of order, Mr. Temporary Speaker, Sir. Is the Senator for Homa Bay in order? He knows very well that, that proposal was from the CORD Coalition and we adopted it. I thank God because he is now telling Kenyans that what we told them is true; it can never happen. Is he in order to say that I am looking at him interestingly, yet it was their proposal?’
DATE: 13th October

MEMBER OF PARLIAMENT: Sen. Mshenga Kisasa

CONTRIBUTION SHE MADE: Adoption of report on the county oversight and networking engagement to Migori, Bomet and Narok Counties

kaunti lazima iwe na eneo ambalo limetengewa kiteknolojia ili iwe rahisi kwa wagonjwa wetu.

Nimeongea kuhusu shule na supermarkets ambako huna budi kubeba pesa taslimu kwa sababu unaweza kuvamiwa na magaidi ama walinzi wako. Ukifika ni kutoa kadi na kulipa bili yako.

Pia, tuangalie upande wa vilipuzi ama usalama. Vile vilipuzi vinatumiwa kiteknolojia. Vijana wetu wanatakiwa waendwe kwa mafunzo kama hayo ili tusitishwe na Al Shaabab ambao wanatumia vilipuzi kwa kutumia teknolojia ambayo sisi wenyewe hatujui kuvizuia vile vilipuzi.

Kwa hivyo, tunaona ya kwamba lazima tuwe wajuzi wa teknolojia ili tuone ni nini tatalofanya ikiwa tumekabiliwa na shida kama hizo. Lazima bajeti iweko kwa sababu mkono mtupu haulambwi. Lazima kila kaunti na Serikali kuu zitenge maeneo fulani kwa mafunzo kama hayo.


DATE: 13th October

MEMBER OF PARLIAMENT: Sen. Lisa Chelule

CONTRIBUTION SHE MADE: Adoption of report on the county oversight and networking engagement to Migori, Bomet, and Narok Counties

‘Mr. Temporary Speaker, Sir, I rise to contribute on this Report. First, I thank the Chairman of the Committee on Information and Technology. He has articulated important issues about information to the citizens of this country both at the national Government and the county
assembly. My colleague Senators have talked about collection and expenditure of resources. I wonder why people in the counties do not know what is happening in their counties. The managers of the counties do not want to embrace ICT. It is unfortunate. If a county does not want to embrace technology, it means there is something fishy going on in that county. We would like the people of this country to know what is happening in their counties and the national Government. The Chairperson of this Committee mentioned civic education. I am not talking about civic education on the Constitution only but civic education on various things that are happening in our country. For instance, resources that the Government has planned to devolve to the counties to assist orphans, old people, women and youth. In most cases, many people do not know about these funds. They do not know how they can access these funds. They lack information because they are not connected to ICT. Fifteen years ago, we used to queue at the telephone booth to make calls. People could take more than one hour, queuing to make a call. A Chief Executive Officer (CEO) could write a letter, hand it to a typist or secretary for typing who then took it back to the boss to sign and then make a day to take it to the post office and wait for another four days for any kind of reply. There is no way we can avoid technology. Neither can we say that counties should not use technology. Mr. Temporary Speaker, Sir, let me talk about a resource center in each subcounty. If today all the 47 counties were connected with ICT, I wonder if sub-counties would know what is going on if they are not also connected to a server. So, it is my request and maybe advice to this same Committee that as much as we are talking about counties, we also need to talk about sub-counties. This is because it is the only centre where people can receive information very easily. So, it is my request that we should embrace technology and do a budget for the same because it cannot work without a budget. As a Government, it is important to budget for anything that is related to information to Kenyans. The
reason why we are talking about information or new technology is because we want Kenyans to know what is happening on issues of resource allocation and even our Constitution. Let me talk about the roles of Senators and Members of the National Assembly and those of Members of County Assemblies (MCAs). Many people do not know the roles of these leaders. I do not know whether it is because as Members of Parliament (MPs), we are used to going to the community to fundraise to the extent that Kenyans do not know the roles of MPs and MCAs. The same information should be disseminated to communities though technology. My two concerns are that all counties should embrace technology and be concerned about setting a budget for the same. They should also have specific officers to deal with civic education of all kinds so long as it is something that is touching the lives of Kenyans. I take this opportunity to thank the Chairperson of this Committee for visiting counties to see what is happening in the departments of ICT. I also encourage them to make sure that their resolutions are implemented to the letter. With those few remarks, I support the Report.’

DATE: 18th October

MEMBER OF PARLIAMENT: Sen. Catherine Nabwala

CONTRIBUTION SHE MADE: Corporal punishment in training institutions

‘Mr. Speaker, Sir, I rise to seek a Statement pursuant to Standing Order No. 45(2)(b), from the Chairperson of the Standing Committee on Education. This is in regard to corporal punishment in training institutions. In the statement, the Chairperson should explain:- (1) Whether the Ministry of Education, Science and Technology is aware that a teacher injured a student at Nyabururu Girls’ High School in Kisii County while administering corporal punishment on the student last week. (2) Whether or not disciplinary measures have been taken on the teacher by
the Ministry, considering that corporal punishment in schools is outlawed. (3) What the Ministry
has done to sensitize teachers against the use of corporal punishment in schools. (4) Whether
there are mechanisms that the Ministry has put in place to monitor cases of corporal punishment
in schools and ensure they are reported and appropriate action is taken.’

DATE: 18th October

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: Misery of resident of kasarani in Malewa west ward
Gilgil constituency

‘Mr. Speaker, Sir, I rise pursuant to Standing Order No. 45(2)(b), to seek a Statement from the
Chairperson of the Standing Committee on Legal Affairs and Human Rights. This is in regard to
the misery of residents of Kasarani in Malewa West Ward in Gilgil Constituency who are
classified as residents of Naivasha and Gilgil constituencies in Nakuru County. In the Statement,
the Chairperson should state:- (a) Whether the Government is aware that the residents of
Kasarani in Malewa West Ward in Gilgil Constituency are classified as Naivasha residents and
yet the Ward is in Gilgil Constituency. (b) Whether the Government is aware of the lost
opportunities that residents in this area have had to endure in the Government recruitment drives
for the National Police Service (NPS), the National Youth Service (NYS), the Kenya Defense
Forces (KDF) et cetera, where mobilization is on constituency basis. They are literally chased
from Gilgil and asked to go to Naivasha Constituency where they are also chased back to Gilgil
Constituency. (c) The steps that the Government will take to rectify this anomaly and ensure that
the residents get their rightful share of opportunities. Thank you.’
DATE: 18th October

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE: Disappearance and brutal murder of children in Chesue Village

‘Mr. Speaker, Sir, I do not have the Statement. I request to be given more time. The Ministry responded that they are still working on it.’

‘Mr. Speaker, Sir, I will try to give the status of the case against the individual tomorrow.’

DATE: 18th October

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: Persistent Traffic congestion along the Naivasha- Nakuru road

‘Mr. Speaker, Sir, I request for two more weeks because the substantive Statement had been issued and the Member who requested was satisfied. However, there were other further clarification questions sought by other Senators which have not been provided. Therefore, I request for another two weeks.’
DATE: 18th October

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: Street families and Urchins in Kenya

‘Mr. Speaker, Sir, I had promised to give the Statement today. Unfortunately, we are not seized of the Statement. We have spoken to the Ministry and they said that they are compiling the data required. The confusion was that we forwarded the Question to the wrong Ministry. They redirected us to the Ministry of Devolution and Planning.’

‘We have resolved that we will invite the Cabinet Secretary to ask these Questions because it is long overdue. It has taken over five months and we will report back in a weeks’ time.’

‘Mr. Speaker, Sir, I understand the frustration of Sen. Leshore. This Question has been long overdue. I promise that we will call the Cabinet Secretary to the Committee first in the next one week so that we get the response. If need be, we can summon him to the House, if it is not satisfactory’

‘Mr. Speaker, Sir, we have not invited him but we will. We have a meeting tomorrow’

‘Mr. Speaker, Sir, we have a meeting on these issues tomorrow. It will be in our agenda to invite the Cabinet Secretary’
DATE: 18th October

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE: Plight of Kenyan refugees from Uganda camping at the entrance of Parliament building

‘Mr. Speaker, Sir, I believe you are aware that the Chairperson is out of the country. I have not followed up to check what the Government has done, but undertake to go to the Ministry this afternoon and find out whether they have taken any action, and respond tomorrow afternoon.’

‘Mr. Speaker, Sir, as I said earlier, I do not have an answer right now. I promise that I will go to the Ministry and give feedback to the House tomorrow afternoon.’

DATE: 18th October

MEMBER OF PARLIAMENT: Sen. Naisula Lesuuda

CONTRIBUTION SHE MADE: Adoption of report on Appeals for transfer of functions by county governments

‘Mr. Deputy Speaker, Sir, Sen. Sang is making a valid point on issues to do with corruption and how members of the public are employed in our counties. The terms “girlfriends” and “concubines” have been used continually to demean women who are employed on merit in some of our public offices. Is he in order to continue to perpetuate what we have been trying to fight against for a long time?’

‘Mr. Deputy Speaker, Sir---‘

‘Mr. Deputy Speaker, Sir, yes.’
‘Mr. Deputy Speaker, Sir, I will then further ask Sen. Sang to substantiate whether there are girlfriends and concubines - he did not mention boyfriends but he used the two - in any particular county which we are not aware of’

DATE: 18th October

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: Adoption of report on appeals for transfer of functions by county governments

‘On a point of order, Mr. Deputy Speaker, Sir. Is the Senator in order to assume that the women contractors have no qualities yet he knows that the National Construction Authority (NCA) does prequalification assessments? Is he in order to insinuate that they are not qualified?’

DATE: 18th October

MEMBER OF PARLIAMENT: Sen.(Dr.) Agnes Zani

CONTRIBUTION SHE MADE: Adoption of report on appeals for transfer of functions by county governments

‘Thank you, Mr. Deputy Speaker, Sir. I will try to use less time so that we can go to the other Motion. I remember with a lot of excitement sometime in August 2013 when we all had sub-committees that went to different counties and engaged directly with governors. At that time it was to look at the functions that had been devolved. There were appeals from 29 counties about devolved functions that they felt should have been devolved to the counties. They are clearly
stipulated in the Fourth Schedule of the Constitution. At that time, there was a lot of interest across various areas. Most Senators looked at areas to do with libraries, agriculture and roads. The other day I was going through documents in my office and I came across that report. One, I was impressed about the work that we did. Second, I thought about how far we had gone and what happened to that initiative. At that point, we wanted to ensure all these functions get devolved to the various counties. I also want to acknowledge that at that time when we went round, we had the assistance of various clerks. At this moment, I would like to mention, in a specific and important way, Ms. Joyce Aluoch, who rested last week and whose fundraising we will be going to shortly. She was one of the clerks who participated in this process and gave a lot of energy towards getting this report out. Unfortunately, the Attorney-General at that time said that he could not gazette the transfer of these functions. That was quite disappointing for us because we had expected the process to be straightforward. There had been a lot of hope exhibited by the governors that we would be able to give them all the 14 functions and ensure that they had been devolved appropriately to them. That did not happen and it became a legal process. Afterwards, an order was put to the Attorney-General that he cannot question the decision of the Senate, which was an important thing. Every time the Senate has had a situation which has ended up in a legal process and the Judiciary coming in, it has stalled the work. Almost towards the end of our term in the Senate, we still have a situation that all the functions have not been fully devolved to the counties. Even more dangerous, the counties are also coming up with other functions that have not been devolved to them and taking a lot of the resources that are being sent to the counties to those particular functions. They are, therefore, deviating from the key functions that they should concentrate on.’

[The Deputy Speaker (Sen. Kembi-Gitura) left the Chair]
As has been mentioned by other Members, there is the issue of corruption within the counties. There was a reason for the 14 functions to be devolved. For example, issues of policy, primary and secondary school education are handled at the national level. We have had discussions with many counties and they have explained how they have been caught up in this situation. This sort of clarity is key. We need to first solve the problems of the specific 14 functions and then go to the other functions as an extra. Come 14th January, 2017, we will have a set of nine counties who have made an appeal. It is a good thing because it shows that they have faith in the Senate. This is properly contextualized within the Senate. It is our key responsibility to ensure that these functions are finally devolved and the recommendations that have been made should be followed through. Mr. Temporary Speaker, Sir, there are specific recommendations which are important. For example, the national Government is to transfer all exclusive functions under the Fourth Schedule. Through Sen. Murkomen we need to stamp our authority. We need to follow the recommendation that the national Government should transfer all the functions to the Schedule. If possible, we need to follow it before the end of the term of this Senate. The other key recommendation is that the functions that are transferred should be well resourced. The issue of resources following the functions needs to be followed through. Giving the functions without the resources is as good as not giving the functions, because they will not be implemented. On rural electrification, the Energy Act Cap.314 addresses the issues of these Petitions which should be put in place. Lastly, appeals that have not been covered need to be considered in the future. This report needs to be canvassed through carefully, so that we attain the goal of devolving these functions properly. Mr. Temporary Speaker, Sir, thank you for that extra time. I wonder whether it is on the basis of beauty or something else.
‘Mr. Temporary Speaker, Sir, I am advancing the argument that had been put across by Sen. Madzayo on the previous ruling by Sen. Kembi-Gitura when he was sitting on the Chair. It is on a light note.’

DATE: 18th October

MEMBER OF PARLIAMENT: Sen. Naisula Lesuuda

CONTRIBUTION SHE MADE: Adoption of report on appeals for transfer of functions by county governments

‘Thank you, Mr. Temporary Speaker, Sir. I rise to support this Motion. I am a Member and Vice Chairperson of the Committee on Devolved Government. As my colleagues said earlier, this was an important process for our counties. We extensively looked at the proposals of the appeals that were tabled before our Committee. We found that many of them hold water and it was important for these functions to be transferred to our counties.

As it has been said, one of the key functions had to do with agriculture. This is an important component of our counties, among the many other functions that were recommended to be transferred. The other recommendation that we made is that resources have to follow the functions. We have continued to raise this issue in the Senate; that it is not important to just transfer the functions; the counties need to have resources so as to implement some of these functions that are fully devolved. We also realised that on many of the functions, we had met the requirement, as the Senate. They were transferred before March this year and were fully operational in our counties. The reason these functions were transferred, according to the spirit of our Constitution, was for services to be closer to the people. It is not in order to devolve these functions to the counties and yet, the people of those counties are not receiving the services.'
Services are meant to be closer to the people. In your contribution you said that our counties are sometimes obsessed with big tenders and cases where money is involved. Some of the counties just build rooms with no proper services and call them dispensaries. The same case applies in Early Childhood Development Education (ECDE) where some counties just put up small structures and call them ECDE classrooms. Interestingly, some counties use so many resources to open those small structures, more than even the amount of money that was used to build them. We actually need three classrooms for our ECDE, but some counties build just one classroom in the middle of nowhere, without doing a survey as to whether children can access it. They then hire a convoy of 50 vehicles, using county resources, to open that one classroom. It does not make sense to say that we have transferred the function and build ECDE centres when we do not know whether or not they are functional. Now that we have leaders who come from those counties and want the best for their children, those ECDE classrooms should look like kindergartens in the cities. It is leaders from those particular counties who are in charge of the future of their children. The whole aspect of Early Childhood Development (ECD) is the function of the county, and most of those are some of the resources that have gone to the county.

Mr. Temporary Speaker, Sir, agriculture and water resources functions have also gone to the county. I hope we will discuss that in this House, since we are already seeing a looming drought in our counties. We know a lot of issues to do with food security have been devolved to the counties. There is an issue that one of our colleagues mentioned and said that we are just trying. It is the first thing. There is also another notion that has been in our counties as we go into the campaign time where they say: “Please stop asking us about the 15 per cent”. They are even lying to the public that this Senate has only devolved 15 per cent of the monies that should go to the counties while it is over 40 per cent. They always tell us to go and ask where the other
percentage is. As much as it is important to account for the money that is still being held by the national Government, it is important for the residents of the counties to know that the sole mandate of this House is to oversight the resources that go down to the counties. As we devolve these functions we will also be devolving the resources which will follow those functions. Our counties have to be accountable to the people so that it is not just transferring, but to ensure that the services which are supposed to reach the people happen in our counties.

I support.’

DATE: 18th October

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: Status of the Northern collector Tunnel project in Murang’a County

‘Mr. Temporary Speaker, Sir, I beg to support this Motion. Water is an important aspect of life. In fact, water is life. If we do not handle it properly, we will send this country into serious calamities. The effects of climate and environmental changes shall be devastating and this will definitely affect the economy of our beautiful country. Already, global warming has affecting the country. People have cleared forests and the country is suffering due to that. If we now go underground and clear all the water in massive projects like these, without proper consultation of all the stakeholders, we are digging our graves. We could as well bury ourselves. We have seen what happens in Turkana and some parts of Kitui. Mr. Temporary Speaker, Sir, if you fly in a chopper, you will see how the land is barren in some areas. If we do not properly utilize the little water that we have, we will just kill ourselves. I stand up as a woman because it is the women who suffer most when water is not available or sufficient. I have just learnt with utmost sadness
that one of the women who are camping at the gate delivered a baby without the necessary facilities. We have raised this issue but nothing has been done about it. Lang’ata Constituency, where I have special interests, is suffering because of lack of water. South C Estate gets water only twice a week, which is not sufficient. Why should we allow this? Mr. Temporary Speaker, Sir, I support and congratulate Sen. (Prof.) Anyang’-Nyong’o for coming up with this Motion, which needs to be interrogated thoroughly.’

**DATE: 18th October**

**MEMBER OF PARLIAMENT: Sen. (Dr.) Agnes Zani**

**CONTRIBUTION SHE MADE: Status of the Northern collector Tunnel projects in Murang’a County**

‘Thank you, Mr. Temporary Speaker, Sir. Let me start by congratulating Sen. (Prof.) Anyang’-Nyong’o for bringing this important Motion for Adjournment. Secondly, I wish to congratulate our party leader, the Rt. Hon. Raila Amollo Odinga, for raising this issue. He raised this issue at the national level, as an issue that concerns all Kenyans. It is an important aspect of our lives; environment and natural resources. There are two key articles that we need to put into consideration as we debate this Motion. First, our role as the Senate, under Article 96, properly contextualizes this issue to be discussed here. Therefore, it is disappointing that the other side of the House is completely empty. We are in charge of the counties as the guardian angels. Anything that happens in the county level is our concern. Secondly, Article 69 is very clear about matters natural resources. It states clearly that the exploitation, utilization, management and conservation of resources needs to be put in such a way that it accrues equitable share and benefits to all concerned, and that the issues of public participation are very key. Mr. Temporary
Speaker, Sir, looking through the way this project was implemented; initially it started with an agreement that was done on 3rd December, 2014 in Murang’a when they were thinking of the Maragwa Dam and later on when they were thinking about extraction of water and building wells. That was the way the project was initially meant to proceed. First to ensure that there were enough wells and dams that were put in place so that as the tunnel was being put into place, there would be enough water for daily use. Sen.Sijeny has expounded very clearly the use of this water. If you have rural communities who are not able to even survive because the water is being diverted without any mercy to them about how they are going to conduct their livelihoods for them and their animals, it is very disappointing. That is why from the onset, the issue of public participation was going to be very key. There was also the issue of what processes would happen, one after the other, to ensure that even if the Northern Collector Tunnel is going to be started later on, these rivers, Irati, Githii and Maragwa are going to be collected and processed to Ndaka-ini Dam. The phases of this project would be well articulated and there would be agreement.

Looking at the response, in Kenya we sometimes want to make something look like a miracle and complicate a straightforward thing. Right from the onset you heard the people who initially spoke from Murang’a including the Senator ascertaining that there are certain key benefits that should have been put into consideration and thought through before the implementation of this project. These were facts and after that, we even heard Members of the County Assembly talking about very serious issues that had not been done, for example, the environmental impact assessment report. There is an order in the way it should be done. It should be public, focused on people, discussed by people and agreed on. That was not effectively done. Already the project created a situation where its application affects people. Mr. Temporary Speaker, Sir, we have to
remember that there are implications not just for the people of Murang’a. The effects of this project extend to areas like Tana River and Kitui. When people react to a situation by saying that it is not the right way to approach things, we need to get into discourse and agree on such issues. Sen. (Prof.) Anyang-Nyong'o mentioned the idea of sharing resources which has been a key debate that we have had in this Senate including the Benefit Sharing Bill that came to this Senate and is now at the National Assembly, that some benefits accrue to the national community and at the county where the resource originates. I remember at that time when Sen. Kembi-Gitura made his contributions, he actually asserted that it is very important that this resource benefits the people of Murang’a. Such an arrangement has not been put into place. The sudden coalescing, saying that this is okay defeats the whole purpose. This discourse needs to be opened in order to listen to more voices of Murang’a County from the common mwananchi. This is because it is an issue for the common mwananchi where others at various levels are going to benefit in terms of mandatory resources, but when it comes to mwananchi, he or she presents a situation of viability and vulnerability. The consultation that should have taken place within the various relevant bodies did not take place. The approvals that were meant to be made, for example, from the water management authority, were not made. There is, therefore, no doubt at all about the secrecy in the way this project has been implemented. Unfortunately, it has ended up causing political divisions and arguments. Whichever position you belong to, it is the people who finally suffer. This must stop.’
DATE: 19th October

MEMBER OF PARLIAMENT: Sen. Judith Sijeny


‘Mr. Speaker, Sir, on behalf of the Chairperson of the Standing Committee on Justice and Legal Affairs, I beg to lay the following Paper on the Table of the Senate today, Wednesday 19th October, 2016:- Report on the Regional Colloquium of African Ombudsman Institutions, 2015.’

(Sen. Sijeny laid the document on the Table)

DATE: 19th October

MEMBER OF PARLIAMENT: Sen. Joy Gwendo

CONTRIBUTION SHE MADE: Traffic Minor Offences Rules, 2016

‘Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Wednesday 19th October, 2016:- Traffic Minor Offences Rules, 2016. ’

(Sen. Gwendo laid the document on the Table)
DATE: 19th October

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE: Plight of Kenya refugees from Uganda camping at the entrance of Parliament building

‘Mr. Speaker, Sir, the Statement is ready, but my Committee clerk is at the Office of the President waiting for it to be signed. I request to be given an opportunity to issue it once it is here.’

DATE: 19th October

MEMBER OF PARLIAMENT: Sen. Zipporah Kittony

CONTRIBUTION SHE MADE: Plight of Kenya refugees from Uganda camping at the entrance of Parliament building

‘Mr. Speaker, Sir, I know you have made a ruling on that issue, but it is really an eyesore to have those people at the gate for many days. I am wondering why your orderlies assisted one of them to give birth. We have women who could have assisted the women who gave birth at the gate.’
DATE: 18th October

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE: Plight of Kenya refugees from Uganda camping at the entrance of Parliament building

‘Mr. Speaker, Sir, let me confirm to this House that yesterday, I promised that I was going to give an answer to this particular Statement. Immediately after that, I went to the Office of the President (OP) and I was there up to around 5.30 p.m. This morning, I woke up and went to the OP trying to get answers on this particular Statement. I even called the Cabinet Secretary (CS) last evening on the same issue. They told me they are compiling the answer from the Internally Displaced Persons (IDP) Department in the OP. As I am speaking right now, the clerk of the committee is at the CS’s office. That is where I have reached with this particular Statement.’

‘: Mr. Speaker, Sir, I agree that this is a very grave matter. I made inquiries on the whole issue about those people being out there. The information I have is that those IDPs were in Uganda and they came back and were actually resettled. The challenge is that they were not given the same amount in terms of allocation; the Kshs410,000 that was being allocated to IDPs. This is simply because some of them were facilitated by the UNHCR. From last week up to yesterday, there were negotiations going on in terms of how the issues should be handled. The request that was made by the OP is that at least three of them can be left behind and the rest go back to their homes so that their issues can be dealt with but they refused. Mr. Speaker, Sir, there are rights of individuals that need to be protected. I have raised the concern of security and I am informed---‘

‘Mr. Speaker, Sir, I have raised concern about insecurity but unfortunately they cannot be forced out of this place because that will also amount to violation of their rights. The Ministry is doing
something and I kindly request Members to give me some time so that I get what the OP has put together so that the issue is resolved. Thank you.’

‘Mr. Speaker, Sir, I have just talked to the clerk. The Statement is ready and he is on his way coming with it. So, I will be able to issue it any time.’

DATE: 19th October

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: Prolonged drought and famine in various counties

‘Mr. Speaker, Sir, Sen. Boy Juma Boy has said what I wanted to say. However, I will add that Kitui County should be included because I was recently there and I saw it is doing badly. With regard to the first aid, we should know the special mechanisms which have been put in place to handle the vulnerable; particularly expectant women and young children who deserve immediate support during this dry season.’

DATE: 19th October

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: Visiting delegation from Port Reitz, school Mombasa County.

‘Mr. Temporary Speaker, Sir, my intervention is on the students that are visiting today from Changamwe. I happened to meet them as they were coming into Parliament. I want to appreciate them and note that one of the girls is an amputee. They are children living with disabilities of various forms. I welcome them to Parliament, specifically on behalf of Kenya women Senators.
This Constitution puts people with disabilities in this country in high regard. We have Sen. Omondi and Sen. Njoroge representing people with disabilities. Even in the Government, 30 per cent of jobs and businesses are allocated to persons with disabilities. I want to assure them that disability is not inability. They can be where we are today. They can be Sen. Omondi and Sen. Njoroge of tomorrow in the next few years. I welcome them to the Senate and hope that they will take our greetings to Changamwe and their school.’

DATE: 19th October

MEMBER OF PARLIAMENT: Sen. Godliver Nanjira Omondi

CONTRIBUTION SHE MADE: Visiting delegation from Port Reitz, school Mombasa County

‘Mr. Temporary Speaker, Sir, I take this opportunity to welcome the visiting school. As a Senator living with a disability, I am so happy. I have been wondering when I would see students living with disabilities visiting the Senate, but the day has come. I am happy and humbled. I join my fellow Senators in welcoming them. I know the hardships they undergo as they pursue their education. We would like to give them moral support as leaders in the political wing, to ensure that they get quality education and compete for both appointive and elective positions. Thank you, Mr. Temporary Speaker, Sir.’
DATE: 19th October

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE: Plight of Kenyan refugees from Uganda camping at the entrance of Parliament building

‘Thank you, Mr. Temporary Speaker, Sir. I have this statement. However, according to me, it might not answer all the questions that were asked, but because of the urgency of this matter, I will go through it.

(Loud consultations)

‘Mr. Temporary Speaker, Sir, the Government is aware that a group of returnees is currently camping along Parliament Road. The Government is further aware that a team visited Kiriandogo in Uganda in order to facilitate the repatriation of Kenyan refugees. Subsequently, on 21st November, 2014, the Government set up a task force with the mandate to profile and work out modalities of repatriation of the refugees to Kenya. In collaboration with the Ugandan Government, the United Nations High Commission on Refugees (UNHCR) and refugee leadership, the taskforce conducted the profiling exercise of the refugees between 14th and 16th December, 2014. Mr. Temporary Speaker, Sir, from the profiling exercise, 246 households with 979 family members were identified for repatriation; 42 families with 72 family members indicated their unwillingness to return; 21 households were rejected on account of lacking the necessary proof of their status; 43 households were not available for profiling while 47 households were asylum seekers. From the report, it is only 246 that were cleared to be repatriated and all of them have since been paid between Kshs100,000 for families of between one to three members and Kshs150,000 for families with four or more members. Mr. Temporary
Speaker, Sir, from the original list documented by the taskforce, the returnees had indicated their home areas where they preferred to be returned. It revealed that they came from across the country, but majority were from Western Kenya and Rift Valley. The areas included: (i) Mombasa, Voi, Lamu, Malindi and Kilifi; (ii) Eldoret, Nakuru, Londiani, Molo, Naivasha, Marakwet, Maralal, Gilgil, Kilgoris and Isiolo; (iii) Mount Elgon, Kitale, Busia, Tans Nzoia, Bungoma, Cherangani, Malaba and Turbo; (iv) Murang’a, Limuru, Kiambu, Meru, Nyandarua, Nyahururu, Kinangop, Thika, Nyeri and Nanyuki; (v) Athi River, Kitui and Mwingi; (vi) Kisumu; and, (vii) Nairobi. Mr. Temporary Speaker, Sir, as stated in the task force report, only 246 households were cleared for repatriation. However, during the repatriation process, most of the Kenyan refugees in Uganda decided to return home. This meant that even the households that had not been cleared by the task force were transported along. Mr. Temporary Speaker, Sir, on closure, a scrutiny of a list provided by the leaders of the returnees, there is discrepancy between the list provided by the leaders of the returnees and that held by the Government. It is suspected that either some of the returnees are not post election violence victims. They could be people out to benefit from the process. Alternatively, the returnees could have split families where children are presenting themselves as households yet they may be family members of those who have already been compensated among the 246. The UNHCR is hoping that the Government will sort out the discrepancies to avoid a situation where some of the returnees take advantage of the process. The other dilemma is that those who have been compensated are on the streets demanding for more compensation and assistance. If this is allowed, it means that the demands will never come to an end. A tripartite meeting held on Monday the 17th October, 2016, between the Government, the UNHCR and the leaders of returnees, agreed that the returnees leadership will work with the Government and the UNHCR
to sort out the issues raised in their petition within two weeks. However, the returnees still insist on remaining along the road until a solution to their issues is found.’

DATE: 19th October

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: Plight of Kenyan refugees from Uganda camping at the entrance of Parliament building

‘Mr. Temporary Speaker, Sir, the response was inadequate. If you ask me, I do not think the Cabinet Secretary (CS) concerned is taking this matter very seriously. We are talking about Kenyans. We have not been told that they have discovered that they are not Kenyans but have admitted that, indeed, they are Kenyans. We know that their rights are protected in the Constitution. As they wait for their fate, I know the records are very clear. This is because before anything happens and they cross the border, you have to give details and the statistics are taken. If, indeed, the Government has discovered that some are not genuine refugees, then they should know how to deal with them. This is not a place to allow them to be. It is very embarrassing. Even the street families of Nairobi County were removed from the streets by the Nairobi County Government in collaboration with the national Government. So, why are some people being allowed to stay there? It is even more embarrassing because most of them are women with children. We are put in a very tight situation. So, now I do not know whether I am supposed to be taking food – milk, bread and fruits – to the children and yet I am a Member of Parliament (MP) here, who should be sorting out problems. This should be taken seriously and we want an assurance that by the end of today, they will be moved out of there and taken to a better place. There are so many shelters where they can be taken to.’
DATE: 19th October

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE: Plight of Kenyan refugees from Uganda camping at the entrance of Parliament buildings

‘Mr. Temporary Speaker, Sir, I agree with Members that this is a very serious matter and extremely urgent. When I read the response, I said that this was not answered satisfactorily. There should be an indication of what urgent action needs to be taken and how this matter should be resolved. Secondly, the issues of categorization and underlying factors that brought them here should have been handled as quickly as possible because part of it concerns the lives of these Kenyans who are out here. In the response, they have not indicated to me when they can be settled. I believe that it is also a security threat to this Parliament and the country at large. This requires an urgent intervention by the Government. I have been to the office of the relevant Ministry and they have been promising that they will do something about it. Yesterday, we agreed that by the end of yesterday, those people should be out of there. I believe that this is something that they need to do. I will still follow up as the Vice Chairperson of this Committee and ensure that the Government does what it is required to do. That is my position.’
DATE: 19th October

MEMBER OF PARLIAMENT: Sen. Godliver Nanjira Omondi

CONTRIBUTION SHE MADE: Plight of Kenyan refugees from Uganda camping at the entrance of Parliament building

‘Mr. Temporary Speaker, Sir, indeed, it is a very sad story to be seeing families – human beings – facing a lot of frustration every morning. The Government is failing and these are matters touching on lives of human beings. This is a crisis and immediate measures must be taken. We cannot accept this to continue. Why call people when they are staying somewhere if you are not prepared to receive them. I do not know what is behind this. Somebody should be held responsible for this mess.’

DATE: 19th October

MEMBER OF PARLIAMENT: Sen. Mshenga Kisasa

CONTRIBUTION SHE MADE: Adjournment of the Senate pursuant to the Approved calendar for the 2016 Session

DATE: 19th October

MEMBER OF PARLIAMENT: Sen. Zipporah Kittony

CONTRIBUTION SHE MADE: Adjournment of the Senate pursuant to the Approved calendar for the 2016 Session.

‘Thank you, Mr. Temporary Speaker, Sir. Allow me to add my voice in supporting the Adjournment Motion. I would also like to add my voice in saying this House is a House of honour and decorum. I support the implementation of the monitoring and evaluation fund because this is where everything is. We have witnessed devolution in place, we have witnessed what is happening in the country and it is time that this adjournment allows us to go and interact with the electorate. The electorate expects a lot from us. We do realize that in this House, we do not have the proper tools for reaching out and supporting our electorate. Therefore, it is time that this House is made strong in giving us the proper tools so that we can do the right work that we are meant to do. Mr. Temporary Speaker, Sir, the work that the House has done is enormous. I know our Committee on Health has not completed its work and people do not see it. Next week, we will not enjoy the recess as such because it has been short. When we want to reach to the counties, we are called back. So, it is time that we take our work seriously and take a longer period for recess so that we are able to meet and interact in the counties so that people can realize what the Senate does. Mr. Temporary Speaker, Sir, I would like to say that we have carried ourselves well. I would like to borrow what Sen. M. Kajwang said that it will not auger well when all of us would like to go and stand for governorship. This is an important House that makes devolution work. When we run for governorship because there are many goodies, what are we showing people? The Senate has done its work and I would like to commend the Senators
for the work they have done and they should continue doing so. With those few remarks, I support the Adjournment Motion and wish everyone a good short holiday but I wish it could be longer in the future. Thank you.’

DATE: 19th October

MEMBER OF PARLIAMENT: Godliver Nanjira Omondi

CONTRIBUTION SHE MADE: Adjournment of the senate pursuant to the Approved calendar for the 2016 Session

‘Thank you, Mr. Temporary Speaker, Sir, for the opportunity. I want to support the Adjournment Motion because it is going to create time for us to do our oversight role even though we have challenges in terms of finances that can help us reach out to the people we represent.

petition instead of having constructive competition. That is why we give our electorate false information because we do not want them to elect us based on what we have done but we give them wrong information and at the end of the day, they make a wrong choice during elections. This is a high time that we go down to the people and give them the right information. Mr. Temporary Speaker, Sir, I want to call upon Parliament and the Government to take note of civic education among Kenyans in terms of the role of different offices in the Constitution for the electorate to understand what devolution is all about, the role of each elected Member and the role of each House of Parliament so that we do not have conflict of interest. It is annoying that when you are in a meeting and a colleague who is elected in the county assembly; MCA or governor or a Member of National Assembly who has been given their resources to implement some projects stands up and says I have brought this; so, ask what the Senator has brought. I am coming to do this and this. I am constructing this class and doing this road. When it comes to
budgeting, I remember the time we take. It is too long because we want to ensure counties have money. At the end of the day, it is like we have done nothing. Mr. Temporary Speaker, Sir, it is the high time that Kenyans should be given information and direction to understand the right way to go when making decisions. The level of poverty in this country is not reducing because of wrong leadership and information. With the new Constitution, there is a big gap between the elites; those who went to school in urban centers and those who are in rural areas. Nobody is ready to give the right information. We used to have barazas which were meaningful where leaders would deliver the right information to Kenyans from the national Government. Nowadays, they are meaningless because in those barazas they would dwell on negative issues, talk about other people rather than giving Kenyans the right information that can help them develop. With this kind of attitude, the country cannot develop. Kenyans will not come out of poverty. We, as leaders, should know that Kenyans need good political will for them to forge ahead. The electorate also have a role to play which is to shun the culture of handouts. Gone are the days when people would expect small handouts like Kshs50 from the Members of Parliament (MP). It is what makes Kenyans not to make the right choices. It was not easy to find an MP going back to the constituencies to meet the people who elected them those days when accountability and oversight was not there. We require the oversight fund as a Senate for it to help us do our role that the Constitution gives us. When we do the legislative role and the representative role, we also need to do the oversight role so as to be able to give meaningful leadership to the people who elected us. We need to take another direction in the way we handle the issue of development. We should give priority to meaningful development where resources are not wasted through corruption. With those many remarks, I support the Adjournment Motion.'