

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Wednesday, 25<sup>th</sup> November, 2015

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 p.m.*

*[The Speaker (Hon. Ethuro) in the Chair]*

### STATEMENTS

#### NON-PAYMENT OF SEPTEMBER SALARIES TO TEACHERS

**The Speaker** (Hon. Ethuro): Hon. Senators, let us begin with the statement listed as (A). Is the Chairperson, Committee on Education present? We will come back to this statement.

Let us move on to the next statement. You may proceed, Chairman, Committee on National Security and Foreign Relations.

#### KILLING OF TWO YOUTHS IN KAJIADO COUNTY BY KWS RANGERS

**Sen. Haji:** Mr. Speaker, Sir, the statement is not ready. We will issue it next week.

**The Speaker** (Hon. Ethuro): What do you have to say, Sen. Mositet?

**Sen. Mositet:** Bw. Spika, jana Naibu wa Mwenyeketi alitueleza kwamba tutapata arifa hii lakini Mwenyekiti ameomba nafasi nyingine ili ailete wiki ijayo. Kama nilivyo sema familia za wale vijana ambao waliuawa kinyama wana mshtuko sana kwa sababu mpaka leo hawajui Serikali imefikisha wapi uchunguzi. Pia hawajui watapata haki yao lini.

Kulingana na vile Mwenyekiti amesema, pia anaingoja arifa hii kutoka kwa Wizara ili aweze kutuelezea. Hata kama ningetaka kumpinga, hana mamlaka mpaka aiongoje arifa. Lakini naomba kwamba ile Wizara inayohusika ihakikishe kwamba wakati tunapouliza---

**The Speaker** (Hon. Ethuro): Order, Senator! The statement will be issued on Wednesday, next week.

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*(Statement deferred)*

GOVERNMENT EXPENDITURE ON ROADS IN KAJIADO COUNTY

Let us move on to the statement listed as (C). Is the Chairperson, Commerce, Finance and Budget present? Vice Chairperson? Any Member of the Committee here?

**Sen. Mositet:** Mr. Speaker, Sir, I am the one who sought the statement. We have the Members of the Committee led by the Senate Minority Leader. I know he has the statement. Maybe he can tell us the way he wants us to go. I saw it today and, therefore, I have not even interrogated it. There are quite a number of pages to go through.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I know I belong to the Committee on Finance, Commerce and Budget, but as a matter of principle, I cannot possibly issue a statement on behalf of the Government that I interrogate.

**Sen. Kembi-Gitura:** On a point of order, Mr. Speaker, Sir. That is a great statement coming from the Senate Majority Leader. I respect the statement that he interrogates Government and, therefore, cannot issue a statement on its behalf. However, lately, we have had lots of statements from the Vice Chairpersons from the Minority side when they are supposed to interrogate the Government. The Senate Minority Leader has just made a great statement.

**The Speaker** (Hon. Ethuro): Order, Sen. Kembi-Gitura! What is out of order in making a great statement?

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, it is a great statement because there has been an issue in this House on whether or not a statement from the Government can be issued from the Minority side. We have received statements as late as yesterday from the leadership of the Minority in this House. That is an issue the Speaker needs to look into and give direction because it is fundamental.

**Sen. Sijeny:** On a point of order, Mr. Speaker, Sir! I do not agree with the Deputy Speaker. Perhaps, we need to define the Government. We should look at what the Constitution constitutes.

**Sen. Nabwala:** Mr. Speaker, Sir, I do not agree with the Deputy Speaker. When we have the opposition side issuing statements, it is normally done by the Vice Chairpersons of Committees who do it in the absence of the Chairpersons. However, in this case, Sen. Wetangula is the Senate Leader of Minority, therefore, his statement carries a lot of weight.

**Sen. (Prof.) Lesan:** Mr. Speaker, Sir, the Senate Minority Leader is a Member of a Committee and operates as a Member of the Committee at that level. The question was directed to the Committee. Is he now foregoing the responsibility of a membership of that Committee?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, we need to think more deeply about the issue raised by Sen. Kembi-Gitura. Should you find that the Senate Minority Leader cannot issue a statement on behalf of the Government, then it means we should also

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change the Standing Orders. This is because Standing Order No.45(2)(c) anticipates a situation where the Senate Minority Leader will issue a statement of the Government business in the absence of the Senate Majority Leader.

The Senate Majority Leader normally issues a statement on the business of the Government. Our Standing Orders anticipate that the Senate Minority Leader can issue a statement on behalf of the Government. It means, therefore, there is implication that he is expected to speak on behalf of the Government. You should rule very carefully unless we request that we change the Standing Orders.

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, the statement has just been handed over. Maybe you can dispose of the points of order first then deal with it later.

**The Senate Minority Leader (Sen. Wetangula):** Mr. Speaker, Sir, when we apply Standing Order No.45(2)(c), the Senate Minority Leader will then be issuing a statement on behalf of the Rules and Business Committee (RBC) and not on behalf of the Government. It is RBC that designs the business of the House and the statement that comes is to inform the House, the business that comes the following week. So, that does not apply.

However, it will definitely look odd and an anomaly for me as the leader of the opposition side, notwithstanding my membership to Committees --- I have even declined in Committees to chair the Committee in the absence of the Chairperson or the Vice Chairperson, for any other Member to chair. I lead the alternative Government in this House. I cannot possibly stand up and speak and justify some of the things that we hear on the Floor, especially when we know that Government is constantly in breach of the rule of freedom of information and very economical with the truth on many matters.

**The Speaker (Hon. Ethuro):** Order, Members! This is a fairly straightforward matter. Although I agree it raises quite a number of issues, including Parliament being one of the arms of Government. So, you cannot run away from belonging to the Government even if you belong to the opposition. It is true that the Senate Minority Leader may read a statement on the business of the Senate, on behalf of RBC.

However, it is also interesting, when you look at Standing Order Nos.45(2)(d) and 45(2)(d)(b). Standing Order No.45(2)(b) states in part that, a Senator may request for a statement from a Committee chairperson relating to matters under the mandate of the Committee. So, basically the statement is coming from the Committee and the Committee Chairperson, being the spokesman of the Committee, is the one doing the statement. A Member of the committee can do it as well.

Membership to Committees, include the Senate Minority Leader. So, there is nothing wrong with the Senate Minority Leader issuing a statement if his Chairperson mandates him to do so. On the point to that he says he cannot, Standing Orders No.45(2)(d) states:

“The Senate Majority Leader or the Senate Minority Leader, as the case may be, or their designees, may make a statement relating to their responsibilities in the Senate or the activities of a Committee.”

Issuing a statement is part and parcel of activities of the Committee. That just raises the issues around it. However, I am persuaded very strongly that the Senate Minority Leader plays a very special role. Parliament, in its own wisdom, has always given the opposition the oversight committees. Are you going to say that the Chairpersons of those oversight Committees will not issue those statements? They can and they should.

So, it is perfectly in order for the Senate Minority Leader, for the sake of decency not to be issuing those kinds of statements. However, let him know that his Chairpersons issue those statements on behalf of the Government. It just happens that the information sought comes from the Government. The Committee can completely depart from that particular source, look for other sources and give the statements according to their understanding of the facts as they are. Let us leave it there. There is a bit of stuff to ponder, but not for now.

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, thank you very much for agreeing with me.

**The Speaker** (Hon. Ethuro): The Deputy Speaker is in a very good mood of being grateful today. He was grateful to the Senate Minority Leader for making a major statement. Now, he is very grateful to the Chair.

What is it, Sen. Mutula Kilonzo Jnr., in response to Sen. Mositet?

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, I have just been given the statement and it appears to be brief. I do not know the position of Sen. Mositet. However, since facts and figures do not lie and there is a schedule, I am not sure whether Sen. Mositet will not be in good state to allow me to read before he could interrogate it in future.

**The Speaker** (Hon. Ethuro): My understanding is that Sen. Mositet is not ready to prosecute that particular statement; in a way, you agree with him. You may have no problems with tables, but that might be his source of grief. So, let us give him an opportunity to learn the tables. The statement should come next Wednesday.

Next Statement.

#### STATUS OF NYS PROJECTS IN THE COUNTRY

**The Speaker** (Hon. Ethuro): Is the Vice Chair of the Committee on Finance, Commerce and Budget around?

**Sen. Mositet:** Mr. Speaker, Sir, the statement is not yet ready. We were told by the Ministry that most likely, we will get the response by next week on Tuesday.

**The Speaker** (Hon. Ethuro): Sen. Khaniri is not here anyway. Therefore, you will give the statement next week on Tuesday. Let us move to statements being sought.

SUSPENSION OF NEW COMMERCIAL BANKS  
LICENSING BY THE CBK GOVERNOR

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I rise, pursuant to Standing Order No.45, to seek for a statement from the Chairperson of the Committee on Finance, Commerce and Budget, concerning the purported decision by the Governor of the Central Bank of Kenya (CBK) to suspend the licensing of new commercial banks in the country. In the statement, the Chairperson should address the following:-

(1) The economic, monetary and statutory reasons that necessitated the Governor of the CBK into taking such a drastic decision.

(2) The provisions of the CBK Act that give the powers to the Governor to issue such a directive.

(3) Whether the Governor of the CBK is aware that such pronouncements and/or decisions interfere with the fundamentals of a free-market economy.

(4) Whether, in so doing, the Governor of the CBK is working at the behest of/or under pressure of the large local and international banks and financial institutions that want to create a monopolistic stronghold in the country's financial market.

(5) Whether the Governor of the CBK is planning to subject this far-reaching policy decision to public participation.

**The Speaker** (Hon. Ethuro): Vice Chairperson, Committee on Finance, Commerce and Budget.

**Sen. Mositet:** Mr. Speaker, Sir, I know that the Senate plans to go on recess next week, but we will try to push and see whether we could give the answer next week on Thursday.

**The Speaker** (Hon. Ethuro): It is so ordered.

STATUS OF MOGONGA-KENYENYA-ETAGO  
-KAMAGAMBO ROAD IN KISII COUNTY

**Sen. Obure:** 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 Roads and Transportation, regarding Mogonga-Kenyenia-Etago-Kamagambo Road in Kisii County. In the statement, the Chairperson should:-

(1) State whether he is aware that Mogonga-Kenyenia-Etago-Kamagambo Road is the lifeline of the residents of southern Kisii, being the link to Narok, Migori, Homa Bay and other counties.

(2) Explain how the funds that were allocated in 2008/2009 Financial Year for improvement of the said road to bitumen standards were used, and what became of the two contractors who were given the contract for the improvement of the road.

(3) Explain why the Ministry of Transport and Infrastructure has undertaken the construction of the Kamagambo-Nyansembe section of the road, leaving out Mogonga-Kenyanya-Nyansembe section.

(4) State when the Ministry will avail funds for construction of the remaining Mogonga-Kenyanya-Nyansembe section of the road.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Is the Chair not here?

**Sen. Sijeny:** Mr. Speaker, Sir, I require two weeks.

**The Senate Minority Leader** (Sen. Wetangula): We would have gone on recess.

**Sen. Sijeny:** Mr. Speaker, Sir, I request up to Wednesday, next week. I will do my best to give the statement.

**The Speaker** (Hon. Ethuro): It is so ordered.

**Sen. Khaniri:** Mr. Speaker, Sir, I apologise to the Chair and the House for coming in late. I know two of the statements to be issued were sought by me. I am aware that you have directed that one of the statements be issued next week on Tuesday and I am glad about that. However, there is the first one, which I listened to you on radio saying that you will come back to it; that is, Statement (A).

#### NON-PAYMENT OF SEPTEMBER SALARIES TO TEACHERS

**The Speaker** (Hon. Ethuro): Is the Chairperson, Committee on Education not here? What about the Vice Chairperson, Sen. Mohamud?

**Sen. Mohamud:** Mr. Speaker, Sir, I was informed by the Committee clerk that the statement is ready, but it had not been signed by the Cabinet Secretary (CS). The clerk was looking for the Principal Secretary (PS) to sign it. Up to now, it has not been signed. I promise to report progress next week on Tuesday.

**The Speaker** (Hon. Ethuro): Sen. Khaniri, are you okay with Tuesday, next week?

**Sen. Khaniri:** Mr. Speaker, Sir, I oblige. However, you ordered that the Chairperson must avail himself and deliver the statement, because of the urgency of the matter to do with teachers' salaries. I guess we have no choice, but to wait for Tuesday, next week, so that we can prosecute the Statement.

Thank you.

**The Speaker** (Hon. Ethuro): Sen. Halima, we hope that the Committee will fast-track this particular matter.

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, could I request that you allow me to go back to Papers?

**The Speaker** (Hon. Ethuro): Order, Senators! We will go back to Order No.5, which is Papers.

*(Sen. Wetangula spoke off record)*

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**The Speaker** (Hon. Ethuro): That is correct. I was not expecting it to come from you, but it is okay.

Proceed, Senator.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 1<sup>ST</sup> DECEMBER, 2015

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I had already clarified that this statement is on behalf of RBC which is not an arm of the Government.

Hon. Senators, pursuant to the provisions ---

**Sen. Khaniri**: On a point of order, Mr. Speaker, Sir. I know I walked in late, but I was following the proceedings on radio. I listened very carefully to your ruling, where you said that Parliament is part of the Government. Is the Senate Minority Leader, my elder brother Sen. Wetangula, in order to go against your own ruling?

**The Speaker** (Hon. Ethuro): Order, Sen. Khaniri! You must have been navigating the Nairobi traffic. You only heard one aspect, but you did not hear the conclusion. I finally agreed with the Senate Minority Leader that he is perfectly in order to do it. By virtue of his position, it will not look proper for him to respond.

Proceed, Senate Minority Leader.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, pursuant to the provisions of Standing Order No.45, this is to present the Senate Business for the coming week, Tuesday 1<sup>st</sup> December, 2015.

The RBC will meet on Tuesday, 1<sup>st</sup> December, 2015 at 12 noon to schedule business of the Senate for the week. Subject to further direction by the RBC, the Senate will continue with business that was not concluded this week, focusing on debate on Bills at the Second Reading stage and the Committee of the Whole.

The House will also consider the President's Memorandum on the Public Procurement and Asset Disposal Bill (National Assembly Bill No.40 of 2014) and the Public Audit Bill (National Assembly Bill No.38 of 2014).

In addition, the following Bills will be scheduled for Second Reading and the Committee of the Whole.

Bills for Second Reading are:-

- 1) The County Attorney Bill (Senate Bill No.37 of 2014) – Division.
- 2) The County Governments Disaster Management Bill (Senate Bill No.40 of 2014) – Division.
- 3) The Kenya National Examinations Council (KNEC) (Amendment) Bill (Senate Bill No.7 of 2015) – Division.
- 4) The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No.8 of 2015) – Division.

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- 5) The Employment (Amendment) Bill (Senate Bill No.1 of 2015)
- 6) The Cancer Prevention and Control (Amendment) Bill 2015

Bills for Committee of the Whole:-

1. The Climate Change Bill (National Assembly Bill No.1 of 2014) – Division.
2. The County Early Childhood Education Bill (Senate Bill No.32 of 2014) – Division.
3. The Public Appointments (County Assembly) Bill (Senate Bill No.20 of 2014).
4. The County Assemblies Services Bill (Senate Bill No.27 of 2014).
5. Parliamentary Powers and Privileges Bill (Senate Bill No.15 of 2014).

On Wednesday, 2<sup>nd</sup> December, 2015, the Senate will continue with the business not concluded during the Tuesday sitting and any other business scheduled by the RBC.

On Thursday, 3<sup>rd</sup> December, 2015, the Senate will deliberate on pending Motions and any other business scheduled by the RBC.

Hon. Senators, let me take this opportunity to remind you that according to the senate calendar, we only have one week to sit before going on recess. I, therefore, appeal to you to make yourselves available to dispose of pending business.

I, hereby, lay the statement on the Table.

Thank you.

*(Sen. Wetangula laid the document on the Table)*

**The Speaker** (Hon. Ethuro): Order, Senators! I support the appeal made by the Senate Minority Leader in reading that statement on behalf of the RBC. Next week will be a very critical week for us. I direct that all of you be present so that we can transact the business.

**Sen. Obure:** Mr. Speaker, Sir, I thank and appreciate the Senate Minority Leader for making this statement in a very clear and precise manner. This is really the first time that we have heard this statement made.

*(Laughter)*

**The Speaker** (Hon. Ethuro): Order, Senators! That is the end of that particular statement. Let us go back to Order No.5 – Papers.

## PAPERS LAID

REPORTS OF VARIOUS SESSIONS OF THE ACP PARLIAMENTARY  
ASSEMBLY AND THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Wednesday, 25<sup>th</sup> November, 2015:-

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- 1) A Report of the 37<sup>th</sup> Session of the ACP Parliamentary Assembly and Intercessional Meetings of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium from 17<sup>th</sup> to 20<sup>th</sup> March, 2015.
- 2) A Report of the 38<sup>th</sup> Session of the ACP Parliamentary Assembly and the 29<sup>th</sup> Session of the ACP-EU Joint Parliamentary Assembly held at the Grand Pacific Hotel, Suva, Fiji from 10<sup>th</sup> to 17<sup>th</sup> June, 2015.

*(Sen. Kembi-Gitura laid the documents on the Table)*

### NOTICES OF MOTIONS

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, with your permission, I beg to give notice of the following Motions:-

NOTING OF THE REPORT OF THE 38<sup>TH</sup> SESSION OF THE ACP  
PARLIAMENTARY ASSEMBLY AND THE 29<sup>TH</sup> SESSION OF THE  
ACP-EU JOINT PARLIAMENTARY ASSEMBLY

THAT, the Senate notes the Report of the 38<sup>th</sup> Session of the ACP Parliamentary Assembly and the 29<sup>th</sup> Session of the ACP-EU Joint Parliamentary Assembly held at the Grand Pacific Hotel, Suva, Fiji from 10<sup>th</sup> to 17<sup>th</sup> June, 2015, laid on the table of the Senate today, 25<sup>th</sup> November, 2015.

NOTING OF THE REPORT OF THE 37<sup>TH</sup> SESSION OF THE ACP  
PARLIAMENTARY ASSEMBLY AND INTERCESSIONAL MEETINGS  
OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY

THAT, the Senate notes the Report of the 37<sup>th</sup> Session of the ACP Parliamentary Assembly and Intercessional Meetings of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium from 17<sup>th</sup> to 20<sup>th</sup> March, 2015 laid on the Table of the Senate today, 25<sup>th</sup> November 2015.  
Thank you.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. I do not know whether this is a departure from the normal practice. The Senator has laid the Papers and in the same breath, given notice of Motion. That should have come under a different Order – Order No.6. Under what circumstances was he giving notice of Motion under Order No.5? Could you throw him out?

*(Laughter)*

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**The Speaker** (Hon. Ethuro): Order, Senators! We will all appreciate that we had actually gone through all those Orders and concluded Order No.7. Sen. Kembi-Gitura had canvassed with the Chair to table that particular document because it reached him after the Orders had already been read. Sen. (Dr.) Khalwale, if you recall, he laid the Papers and also requested the Speaker to allow him to proceed with the other Order of giving notices of Motion.

Just because it was not called out, he was properly seized of the matter and the Chair allowed. You know sometimes we allow these things by leave of the House. When you do not challenge, then you have allowed. That is also in our Standing Orders. So, I am unable to throw out Sen. Kembi-Gitura.

### **MOTION OF ADJOURNMENT UNDER STANDING ORDER NO.31**

#### **ADJOURNMENT OF THE HOUSE IN HONOUR OF THE STATE VISIT BY HIS HOLINESS POPE FRANCIS**

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, I rise under Standing Order No.31 on the Adjournment of the Senate. I move that the Senate do now adjourn.

As my colleague Senators are aware, His Holiness Pope Francis is coming to this country. This is the first time that he will visit any country in Africa since his papacy began. Kenya is honoured that the Holy Father would be visiting Kenya for the first time in his papacy. He has already left Fiumicino Airport in Italy. He is expected to arrive in Nairobi at 5.00 p.m. As my colleagues are aware, Senators and Members of Parliament across the board regardless of religion or faith are invited to the reception with the Holy Father at State House at 5.00 p.m. today.

This is a great moment for all us because this is a world renowned leader. It is such a situation that even if it was another religious leader coming to visit our country, be it Islam, Hindu or any internationally recognised leader, and we are invited for a reception to be with him at State House or any other place, most of us would feel obliged to attend that kind of reception because the world is moving more and more to a closer relationship amongst nations, states and faiths.

Mr. Speaker, Sir, for this reason and without saying too much about it, I request under Standing Order No.31 that this House do now adjourn, discuss this issue as a matter of national importance, and then, adjourn in good time so that those who wish to attend the reception at State House at 5.00 p.m. may do so.

Having said that, I am not a Catholic but I appreciate the position that the Holy Father holds in matters of faith in this country. I welcome and invite all my colleagues from all the faiths to find it fit to attend the reception this evening at State House, so that we, as a nation and as a country, may welcome the Holy Father's visit to our country

which is a great honour, that it is Kenya that he is setting foot first on his first visit to Africa.

*(Several Senators stood up in their places)*

**The Speaker** (Hon. Ethuro): Hon. Senators, you may resume your seats.

*(The Speaker consulted the Clerk-at-the-Table)*

Order, Senators; before I propose the Question, let me allow Order No.8, which is just the First Reading to be conducted, and then, we proceed with this Motion.

*(Interruption of debate on Motion)*

## BILL

### *First Reading*

THE PARLIAMENTARY POWERS AND PRIVILEGES BILL  
(NATIONAL ASSEMBLY BILL NO. 35 OF 2014)

*(Orders for First Readings read – Read the First  
Time and ordered to be referred to the relevant  
Departmental Committee)*

*(Resumption of debate on Motion)*

**The Speaker** (Hon. Ethuro): Order, Senators. Let me now propose the Question.

*(Question proposed)*

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I wish to thank the Deputy Speaker, the distinguished Senator for Murang'a County, Sen. James Kembi-Gitura for moving this Motion to adjourn the House to felicitate the maiden visit by the Pope.

Previously, Kenya has been visited by Pope John Paul but this is the first Pope from a developing country. He has chosen to come to Africa and his first stop is Kenya. As a Catholic, I feel very proud to welcome the Pope. At least I share one thing in common with him; he is called Pope Francis. Those who are Catholics like Sen. (Dr.) Khalwale and Sen. Munyes know that as a Catholic when you are baptized, you get your catechism then you get your confirmation.

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Confirmation in colloquial Luhya is called *Kofurumasio*. When you get *Kofurumasio*, you are given a second Christian name. The name I was given at confirmation or *Kofurumasio* is Francis. So, I am called Moses Francis Masika Wetangula. Therefore, I share a name with the Pope. I feel very happy, holy and gratified that the Pope is visiting our country. I hope that his visit will bring divine guidance to our country, some form of beginning of healing, understanding and dialogue to our country.

I hope that in interacting with the Pope, the impervious regime that has sat on its ears for so long will find it necessary to start talking to anybody and everybody in this country to make our country better. In fact, I dare say that the arrival of the Pope should herald the collapsing of the initiatives of the Senate, *Okoa* Kenya, the Council of Governors (CoG), *Pesa Mashinani* and the now emerging Jubilee Initiative called *Boresha Katiba* to face one direction to make this country better, the Constitution better, devolution stronger and make Kenyans live as a big happy family.

*[The Speaker (Hon. Ethuro) left the Chair]*

*[The Temporary Speaker (Sen. Mositet) took the Chair]*

The Pope is on record everywhere in the world for preaching against exclusion, deprivation and social vices that men and women visit on fellow men and women. Again, I hope that his great sermon to the people of Kenya and the world tomorrow will open the eyes and ears of the leadership of this country to learn and understand that Kenya does not have two communities; that the inclusivity enshrined in our Constitution is, in fact, a human right and a tenet of natural justice. You cannot use the pretext of election to exclude whole communities from the running and the fabric of Government.

In our country, we will not allow people to sit and abuse their offices and appoint their best men at their weddings and all manner of people to Cabinet without due process because they come from their communities.

Mr. Temporary Speaker, Sir, we want a country that is united for a common purpose to make Kenyans feel a sense of ownership, belonging and a sense of nationalism. The Pope is coming to bring a message of goodwill and not to sanitize anybody. He is coming for the poor of the poor and that is why he is not going to meet Kenyans at the Kenyatta International Convention Centre (KICC). He is going to Kangemi to meet the poorest of the poor. He is going to meet the deprived people who have suffered from the malaise of corruption, mismanagement and mal-administration in this country. He is coming to pray for the souls of the meek, the poor, the weak, the arrogant, the rich, the hungry, the corrupt and the mighty to change their dubious ways and become better Kenyans.

Mr. Temporary Speaker, Sir, this awakening that we hope to have with the presence of the Pope that we are all looking forward to, should surely give us a new beginning, a new curve, a new bend and a new direction where we do not sit here, smile

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endlessly and stand up to vote for very draconian laws that hurt the people simply because they have come from the side we belong to. We are here to represent the good interest and not the selfish interests of the people of this country.

I want to urge all of us distinguished Senators of this country, that we must reclaim our higher calling in the electoral representation of this country. We must be above board; we must be like Caesar's wife who was beyond any suspicion. We must be a team of elected leaders who sit here collectively, without any exception, to do good for our country.

Mr. Temporary Speaker, Sir, as I end, some of us sometimes feel very disheartened when we see our colleagues degenerate into voting machines, just to do things that are completely inconsistent with their calling as representatives of the people of this country. The Pope is coming to save all those who have been walking in what tutor Jackson used to tell us when we were at the School of Law that those who have been doing their "jay walking" on the path to nowhere; those who have been doing their jay walking to convolute the otherwise very tranquil situation in this country.

I beg to support.

**Sen. (Dr.) Khalwale:** Thank you Mr. Temporary Speaker, Sir. I would like to thank the Deputy Speaker for moving this House to adjourn. I rise to strongly support his Motion. Allow me to welcome the Pope to the great Republic of Kenya. How I wish that the Pope had enough time not just to be in Nairobi, but to also make his way to Mukumu where the oldest mission of the Catholic Church is with its rich history and how Catholicism has grown not just in western Kenya but in the rest of the country.

Mr. Temporary Speaker, Sir, the Pope is a holy and loved man. He is a man who has demonstrated in the few years he has been in leadership that he embraces and respects freedom of conscience. This is a time when some of our colleagues led by Sen. Muthama are being haunted by the State because of exercising freedom of conscience. I hope that the State machinery, especially the Cabinet Secretary for Interior and Coordination, Maj-Gen (Rtd.) Joseph Nkaissery who has been sending threatening messages to the opposition leaders - it will prick his conscience that even the Pope respects and embraces freedom of conscience.

Mr. Temporary Speaker, Sir, I would like to ask the Pope to pray for Kenya and Kenyans. More importantly, the Pope should pray for the economic terrorists that we have in this country. Economic terrorists are busy terrorizing this country. You hear stories of Kshs791 million having been stolen through the National Youth Service where a biro pen was being bought at Kshs8, 700.

As the economic terrorists who also sit in higher office do this, they are completely ignorant of how innocent poor Kenyans are dying in villages because of lack of medication, lack of clean water and lack of food. We have tried to fight them by speaking to the issue of corruption but they are not listening. Probably, when the Pope prays, they might listen to the prayer.

**The Temporary Speaker** (Sen. Mositet): Order Senator. I want us to confine ourselves to the Motion. Confine yourself to Standing Order No. 31 (3).

**Sen. (Dr.) Khalwale:** Thank you Mr. Temporary Speaker, Sir. I was just saying that the Pope should remember to pray for the economic terrorists.

We love peace and people cannot be expected to be peaceful when they are hungry and live in abject poverty. We want to appeal to the President - I was glad to hear that he is a Catholic like me - to extend the fight against bad governance not just through pronouncements at State speeches but into actual practice.

Mr. Temporary Speaker, Sir, finally, as we prepare to go to State House this afternoon, I want to remind the protocol at the State House that State House is our House. It is not a House that belongs to an individual. We, therefore, expect that as we go there, protocol is going to be upheld. I had an opportunity to attend the inauguration ceremony of President Uhuru Kenyatta at Kasarani Stadium and there was no protocol. We arrived there as Senators and we were thrown in some corner of the stadium and we regretted why we went there. I hope that now when we go to State House, some busy people will not abuse protocol and then ---

**Sen. Chelule:** On a point of order Mr. Temporary Speaker, Sir. When we were adjourning to go and welcome our visitor, Pope, I thought we were going to confine our debate to the visit. I am so surprised when you hear the opposition side complaining. I think it is wise for them to do a memorandum if they have a problem and, may be, find a way they can hand it over to the relevant authority. It is so pathetic to stand every time and accuse the Government on every issue. What Sen. (Dr.) Khalwale is talking about is not related to the Motion that is before this House. Is the Senator in order?

**Sen. (Dr.) Khalwale:** Thank you Mr. Temporary Speaker, Sir. It is precisely because of this kind of attitude that, may be, time for prayer has come. They say: The more things change, the more they remain the same. Some of us remember during the many years of the struggle, a politician from the young Senator's community saying in Nakuru that anybody who will be seen lifting two fingers, those fingers will be chopped off. Power is even starting to get into her head as early as now.

**The Temporary Speaker** (Sen. Mositet): Order, Senator! Please, confine yourself to the Motion before the House.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I was actually concluding on the important issue of protocol at Kasarani Stadium. If we are going to State House to be humiliated, then we better not go. Since the Government is in the habit of humiliating leaders, as evidenced by the incident where I was humiliated at home, I had to say it so that they know that I am going to our State House and not the home of the President.

I beg to support.

**Sen. Kittony:** Mr. Temporary Speaker, Sir, thank you for allowing me to commend the Mover of the Motion and join my colleagues in welcoming the man of God. Kenya has been honoured and privileged to welcome a number of dignitaries this

year. Today we are welcoming the man from the holy land, who has ‘direct’ access to the Almighty. We know that this country will be blessed.

I am not a Catholic but a practicing Christian. I believe that this country will be blessed by the visit of the Pope. I am also privileged since this is my second time this year to meet the Pope. I first met him when I was in New York with the President’s delegation. I hope Kenyans will accord him respect and the necessary welcome. They should turn up in big numbers to welcome him.

Due to the President’s good public relations skills, many dignitaries have visited this country. Save for the corruption cases, which I believe will be eradicated completely very soon, Kenya has a good rapport with many countries. Kenya will be an island of many good things, especially peaceful coexistence and respect for humanity.

As we discuss the Motion for Adjournment this afternoon, we hope that we will be blessed by receiving the Holy Father. We are thankful for his visit and wish him a good stay in the country. He has shown a lot of respect for us by visiting Kenya and Uganda.

Thank you.

**The Temporary Speaker** (Sen. Mositot): Hon. Senators, since there are quite a number of you who want to contribute, please, try to limit your contributions, so that you can have ample time to drive to State House.

Sen. (Prof.) Lesan!

**Sen. (Prof.) Lesan:** Mr. Temporary Speaker, Sir, I wish to also join my colleagues in congratulating Sen. Kembi-Gitura for moving this Motion of Adjournment. This country is privileged to have been visited by dignitaries, one of whom is Pope Francis. Such dignitaries carry a message. I am sure that the Pope will deliver a message to us.

I am sure that one of the messages that he will deliver is to do with the environment. I have heard him before making comments about the preservation of the environment. This is, perhaps, one of the very important things that we should constantly be reminded about. We should conserve the environment so that we continue to stay in the “Garden of Eden.”

I welcome the Pope to this country which has many Catholics. We also appreciate the contribution that the Catholic Church has made in this country, particularly in terms of developing education institutions. Most Kenyans in leadership positions have gone through such institutions. The point of convergence at the moment is to welcome the Pope and pray together with him. Those who pray together shall be comforted, healed and will prosper.

I support the Motion of Adjournment and urge all Kenyans, irrespective of their faith to welcome the Pope and share together until he leaves the country.

**Sen. Hassan:** Mr. Temporary Speaker, Sir, I want to speak as a Muslim. In fact, I can say for a fact that Pope Francis has transcended what I can call “religious fault lines”

to a point that has become one the foremost defenders of the rights of the weak, marginalized and downtrodden.

I have heard him talk about the humiliation of the Palestinian people and terrorism with such language and decorum that you can feel that he means well for every oppressed nation or people of this world. He has defined himself as the foremost defender of social justice. He has risen to accolade the poor and that is why – I can see from his trip – he has deliberately tried to avoid the pomp and largesse of power. That is why his trip focuses on the masses. Ultimately, his trip also focuses on the workers' church in Kangemi.

What we need to imbibe from the Pope's visit is his humility, simplicity and sense of care for those who are most disenfranchised and the society often chooses to ignore. This is a great man and we are all looking forward to his visit. We hope he will give us the moral force that will take this country to a different level. I am one of the greatest admirers of Pope Francis. Since the day he took over the papacy I have seen nothing but a man who cares for the poor, weak and downtrodden. May he have a great visit to Kenya.

Thank you.

**Sen. Gwendo:** Thank you, Mr. Temporary Speaker, Sir, for giving me a chance to also support this Motion of Adjournment. As a Christian who was born Catholic and now Pentecostal, I think this is a very good opportunity for us to receive the Pope. It is a message from God that Kenya is not forgotten. We still have a chance to heal and get peace.

We should be inspired to receive the Pope and pray together as a country. We should pray for peace, love and togetherness. The Pope is not coming to sanctify the Jubilee Government but to pray for our country so that we can move together in peace, love and unity. As leaders of this country, we should welcome him in a loving and kind way.

Thank you.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Temporary Speaker, Sir, I rise to support this Motion for Adjournment in honour of Papa Francisco, born Mario Bergoglio on 17<sup>th</sup> December, 1936 in Buenos Aires, in areas where poverty ravaged the world. He grew up knowing what it is to be underclass.

Papa Francisco will visit Kenya, Uganda and the Central African Republic. Kenya has had its own share of conflicts and has potential conflict. Uganda for a long time had to go through conflict. Papa Francisco has described the Central African Republic as an afflicted and tormented nation. Therefore, he is coming to an area where his mission is to console the souls of those who live in afflicted and tormented nations.

From Kenya he will proceed to Uganda and the Central African Republic. The Central African Republic is a country which is 80 per cent Christian and 15 per cent Muslim, and the other 5 per cent are the other believers. The conflict in the Central African Republic is both religious and ethnic. Papa Francisco is daring to go into the



midst of the violence, the poverty, the inequality and the extreme homophobia that is all confounded in the conflict.

Mr. Temporary Speaker, Sir, while in Bangui, the capital of Central African Republic, he will visit a mosque. This is the highest level of religious tolerance. As my friend, Sen. Hassan said, as a Muslim he appreciates what Papa Francisco is doing.

George Bernard Shaw once said: "I am not a religious man, but when I meet really religious people, we are friends at once. I also want to add that I am not a Catholic, but when I meet Catholics who are really religious and believe in the universality of religion and the justice that is required among human beings, we are friends at once.

In conclusion, today, we will have 10,000 policemen and another 10,000 National Youth Service (NYS) people on the streets. We hope that this will be the last time that we will mobilize so much security to create peace or ensure security in our nation. This nation, like the Central African Republic, is an afflicted and tormented nation which needs healing and social justice. As the Pontiff leaves in less than 48 hours time, I hope we shall reflect deeply and learn a lesson from his humility and his commitment to justice and universality of both religion and human race.

I beg to support.

**Sen. Adan:** Mr. Temporary Speaker, Sir, I rise to support the Motion for Adjournment. We all pray to one God. I studied Christian Religious Education (CRE) and the only difference between Muslims and Christians is the New Testament. The Old Testament and the Quran is one and the same. The prayer that will be offered by the Pope will be acceptable before God. We appreciate the honour given to us by the Pope. I hope that this particular time, when we need prayers as a country, the Pope will pray for love, peace and unity in this country. The Almighty God will touch our hearts, so that we can be unified as a country and work together for a better future.

With those few remarks, I beg to support.

**Sen. M. Kajwang:** Mr. Temporary Speaker, Sir, I also support the Motion for Adjournment in honour of the Pope. It would have been more proper for us to adjourn and head to State House, but because this is a House of records, I wish to go on record that I supported this Motion.

I consider the Pope to be a great man and as a nation we will learn from his humility. We have got a lot of differences as a nation. There are those of us who have the opinion that certain things could be done better, but I urge the entire nation to unite, have a sense of purpose and reap some points from this moment because we will be in the global limelight. The brand value that we will get out of the Pope's visit will be difficult for a nation that is suffering a cash crunch to attain.

Mr. Temporary Speaker, Sir, let us take advantage of the Pope's visit to reposition ourselves and create visibility in the global market place, but let it not be a temporary truce. I hope that the Pope will pray for this nation to bring about meaningful reconciliation and understanding. I also hope that in his prayer he will wake up those

whom we feel have been sleeping for far too long when there are serious matters of national interest that they are supposed to be attending to.

With those few remarks, I support.

**The Temporary Speaker** (Sen. Mositet): Sen. Kembi-Gitura, reply as a matter of procedure.

**Sen. Kembi-Gitura:** Mr. Temporary Speaker, Sir, I take this opportunity to thank my colleagues for supporting the Motion for Adjournment. What has made me feel humbled, like I said when moving the Motion, is that it is bi-partisan and cuts across religious beliefs. Our colleagues, who are Muslims, have contributed very effectively to this Motion in support of the papal visit to Kenya. Like my colleagues, including Sen. Francis Wetangula, have said in their contributions, Pope Francis is an extremely unusual Pope; at least for those of us that have been following him.

On Friday, he will give a speech on climate change at Gigiri, which will be the first time that a Pope has discussed issues of climate change. This has ruffled a lot of feathers across the world, particularly in the so-called First World. It is important we discuss the issues that are before the world, from a perspective of faith, love and knowing that we must co-exist north, south, east and west, because we are custodians of one world given to us by God to nurture.

Sen. Adan has said that there is no difference in religion because, at the end of the day, we pray to and believe in the same God. It is for the greater glory of our country that we must stand together at moments like this, realizing that the Pope's visit should help us, as a people, to heal the wounds that often seem or tend to divide us as a nation.

We are a prayerful nation and we have been going through prayers for our nation. I believe that the visit by the Pope will enhance the prayerfulness of this nation as we pray not just for ourselves, but particularly for the children of this great nation who aspire to grow up in a beautiful country and at one time become part and parcel of this great country, not just in its leadership but in the struggles that we go through every day to make it a better place to live in.

With those few remarks, I am grateful for the opportunity and for the support by my colleagues; that we adjourn to Tuesday of next week, so that everyone can attend the Papal reception at State House this evening. All of us should come together and welcome our great visitor, Pope Francis.

Thank you.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Mositet): The Senate stands adjourned until Tuesday, 1<sup>st</sup> December, 2015, at 2.30 p.m.

The Senate rose at 3.50 p.m.