

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

**Thursday, 13<sup>th</sup> October, 2016**

*The House met at the Senate Chamber,*

*Parliament Buildings, at 2.30 p.m.*

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

### PRAYER

### MESSAGE FROM THE NATIONAL ASSEMBLY

#### APPROVAL OF THE COUNTY ASSEMBLIES POWERS AND PRIVILEGES BILL (SENATE BILL NO.14 OF 2014)

**The Speaker** (Hon. Ethuro): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.40(3) and (4), I received the following Message from the Speaker of the National Assembly regarding the passage by the Assembly, of the County Assemblies Powers and Privileges Bill (Senate Bill No.14 of 2014).

“Pursuant to the provisions of Standing Order No.41(1) of the National Assembly Standing Orders, I hereby convey the following message from the National Assembly:-

WHEREAS The County Assemblies Powers and Privileges Bill (Senate Bill No.14 of 2014) was published vide Kenya Gazette Supplement No.54 of 22<sup>nd</sup> April, 2014 as a Bill concerning county governments, seeking to give effect to the provisions of Article 196(3) of the Constitution by providing for the powers, privileges and immunities of county assemblies, their committees and members and to make provisions regulating admittance to and conduct within the precincts of county assemblies;

WHEREAS the said Bill was passed by the Senate on Tuesday, 2<sup>nd</sup> December, 2014 and referred to the National Assembly for consideration, and whereas the National Assembly passed the said Bill on Wednesday, 5<sup>th</sup> October, 2016 without amendments and in the form passed by the Senate;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Order No.41 (1) of the National Assembly Standing Orders, I hereby convey the decision of the National assembly to the Senate.”

Consequently, pursuant to Article 110(5) of the Constitution, the Bill will be referred to the President for assent.

I thank you.

Sen. Mutula Kilonzo Jnr.!

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate*

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, this is a Bill from the Committee on Legal Affairs and Human Rights. I am happy that the National Assembly has agreed to our Bill without any amendments. At the risk of sounding mischievous, I would like to suggest that you accompany that Bill to State House and have it signed in your presence, as a sign that the Senate is working. Otherwise, we will lose the opportunity when the Bill is signed in the presence of other people.

**Sen. Hassan:** Mr. Speaker, Sir, I support Sen. Mutula Kilonzo Jnr.'s assertions. Three weeks ago I had a meeting with the Members of the National Assembly to partly interrogate the Bill that I had presented before the Senate. They were really amused that we are not working on the basis that, that was the only Bill they had of 2015. Therefore, it would be necessary for you to accompany that Bill, so that people can know that there are also Bills that emanate from the Senate and are assented to by the President upon the completion of the processes internally in Parliament.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, as we celebrate about the happenings in the National Assembly, assent to a Bill does not necessarily mean that it turns into law. We have 'the Sang Bill' in limbo because of the court process. This process should be fast-tracked so that we see the light at the end of the tunnel of "the Sang Bill."

**The Speaker** (Hon. Ethuro): Order, Sen. (Dr.) Machage! Just because different things have different fates does not stop us from working. The House needs to appreciate this kind of collaboration between the two Houses that has resulted into this one. For purposes of Sen. Mutula Kilonzo Jnr., this is our Bill. Therefore, it will only be natural that I be there.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I would, probably, say that it is a little too late, but we appreciate. I laud you in a matter that happened this morning. You made me proud of you as our Speaker for standing your ground and telling your brother in the "lower" House, that Parliament is not just about the National Assembly; that there are two Houses of Parliament enjoying equal authority, privileges and power.

Keep it up. We shall stand with you.

**The Speaker** (Hon. Ethuro): Next Order!

## STATEMENTS

### BUSINESS FOR THE WEEK COMMENCING TUESDAY, 18<sup>TH</sup> OCTOBER, 2016

**Sen. Murkomen:** Mr. Speaker, Sir, I would like to issue a Statement on the business of the Senate for the week commencing 18<sup>th</sup> October, 2016, pursuant to provisions of Standing Order No.45.

The Senate Business Committee (SBC) will meet on Tuesday 18<sup>th</sup> October, 2016, at 12.30 p.m., to schedule business of the Senate for the week. Subject to further directions by the SBC, the Senate will continue with business that will not be concluded in today's Order Paper, focusing on debate on Bill in the Second Reading and Committee of the Whole stages.

On Wednesday, 19<sup>th</sup> October, 2016 the Senate will continue with the business not concluded during Tuesday's Sitting and particularly, dispose of Bills awaiting Division either at the Second Reading or the Committee of the Whole. The Senate will consider any other business scheduled by the SBC.

As you may recall, the Senate yesterday amended its calendar to push forward the recess that was scheduled to commence tomorrow, so as to commence next week on Thursday. In regard, I will move a Motion for adjournment on Wednesday, 19<sup>th</sup> October, 2016 for the Senate to proceed on a short recess from 20<sup>th</sup> October, 2016 and resume on 1<sup>st</sup> November, 2016.

In conclusion----

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. I rise under Standing Order No.45(2)(c), which provides for issuance of the statement by the Senate Majority Leader. It says:-

“The Senate Majority Leader or, in his or her absence the Senate Minority Leader or, in the absence of both the Senate Majority and the Senate Minority Leader, a member of the Rules and Business Committee designated by the Senate Majority Leader for that purpose shall, every Thursday or on the last sitting day of the week, present and lay on the Table, a statement informing the Senate of the business coming before the Senate in the following week.”

It is self-explanatory. Why is Sen. Murkomen flouting Standing Order No.45 (2)(c)? Was it with the leave of the Speaker or the Senate Minority Leader?

**Sen. Murkomen:** Mr. Speaker, Sir, I am very conscious of my role as the Deputy Majority Leader, which Sen. (Dr.) Khalwale should be aware of. The role of the Deputy Majority Leader includes deputizing the Senate Majority Leader for every responsibility. There is a relevant Standing Order which defines the Office of the Senate Majority Leader and in the same way, the Office of the Deputy Majority Leader and how they relate together, just like the President and the Deputy President.

**The Speaker** (Hon. Ethuro): What is it, Sen. Muthama?

**Sen. Muthama:** On a point of order, Mr. Speaker, Sir. First of all, Sen. Murkomen was not a point of order because he never got clearance from the Chair. Secondly, the point of order that was raised by Sen. (Dr.) Khalwale was directed to the Speaker himself, but not Sen. Murkomen. Therefore, is Sen. Murkomen in order to stand and start responding to a point of order that was raised to the Speaker? Does he understand how the House is managed here when it comes to points of order?

To conclude, the Senate Minority Whip is here and the Standing Orders are clear. When you called for the Senate Majority Leader, it was upon the Senate Minority Leader to stand up in place of the Senate Majority Leader. However, his Deputy stood up and ran to come and start reading the Statement. Is he in order?

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, we have debated this before. Just for the avoidance of doubt, the position of the Senate Minority Leader is not delegated to him by the Senate Majority Leader. Therefore, the correct interpretation of the Standing Order No.45(2)(c) is that it is only in the absence of both that another person, which includes Sen. Murkomen's capacity as Senate Deputy Majority Leader, is designated specifically. He cannot be a shadow for purposes of this Standing Order. You have directed this before, but for better clarity, provided the Senate Minority Leader is in the

Chamber, it is not feasible that the Senate Deputy Majority Leader can assume, subsume or ignore him.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, we are not angling to make statements here, but we urge you to enforce the rules. The Standing Order quoted by the distinguished Senators who have spoken before me is very clear. I know that Sen. Murkomen might run to Standing Order No.45(2)(d), but it does not apply. It only applies where, for example, the Senate Majority Leader was to move a Bill. If he is not in the House, then he can ask his Deputy to move a Bill. Otherwise, Standing Order No.45(2)(c) is explicit in its entirety. It is either the Senate Majority Leader or the Senate Minority Leader and in our absence, any Member of the Senate Business Committee (SBC) which may include Sen. Ong'era, Sen. Orengo, Sen. Murungi, Sen. Mugo, Sen. Muthama and so on. Nowhere is it said that in our absence, our deputies would issue the statement.

Mr. Speaker, Sir, therefore, we urge you to enforce these rules strictly for the future. It reminds me of General Alexander Haig running to a television station and saying he was totally in charge when President Reagan was shot by Hinckley.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, this issue seems to be contagious because it had been discussed previously and the ruling was that the Senate Majority Leader and Senate Minority Leader, as referred in this Standing Orders, are offices. I remember we argued much about that, but the ruling was that they are offices and not individuals. So, as you make the ruling, please, make it very clear so that this is resolved henceforth.

**Sen. Murkomen:** Mr. Speaker, Sir, I have never been and I am not hungry for power. I have never been in the situation of Sen. Wetangula and I do not seek to be as hungry as he is. You can see how passionate he was that he is not issuing the statement. This is a very simple statement and anybody, in my own regard, can issue it. If Sen. Wetangula is really passionate that he should do it, I will gladly surrender to him.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. Could you correct the Senator for Elgeyo-Marakwet because my name is not Sen. Wetangula? It is me who stood in this place and raised a point of order. How can he refer to me as Sen. Wetangula?

**Sen. Murkomen:** Mr. Speaker, Sir, yesterday, Sen. (Dr.) Khalwale brought the analogy of Luhya dogs. If a dog barks, it does so on behalf of its owner. You could see the truncation and the relationship between the one who was doing and the substantive one who finally came with a lot of passion.

Mr. Speaker, Sir, I want us to look at Standing Order No.19 which defines the role of the Deputy Senate Majority Leader and Deputy Senate Minority Leader. I know the Senate Minority Leader would like to suffocate his deputy, but the Standing Orders already define that whenever the Senate Majority Leader is absent or unable to perform his or her functions, the Deputy Senate Majority Leader shall perform the functions of the Senate Majority Leader in an acting capacity. This Standing Order does not have an exception. It covers all the deputation of the roles of the Speaker and there is a similar provision regarding the Senate Majority Leader. There is also a similar provision for a whip and his or her deputy. As I said earlier, it is my disclaimer that I am more than happy to hand over the paper to Sen. Wetangula to read it.

**Sen. Khaniri:** On a point of order, Mr. Speaker, Sir. I have just walked in, but I was following this live debate on radio and I heard clearly Sen. (Dr.) Khalwale ask you to rule in view of Standing Order No.45(2)(b). Sen. Murkomen is now taking advantage of that to impute improper motives on the Senate Minority Leader and we should not let this to continue. Sen. (Dr.) Khalwale was very clear. He wanted to know whether Sen. Murkomen was in order in view of Standing Order No.45(2)(b). We do not want to listen to Sen. Murkomen's opinion or views, but we would like to get the ruling of the Speaker on this particular matter.

**Sen. (Dr.) Machage:** On a point of order, Mr. Speaker, Sir. I stand on Standing Order No.90(3). If you listened to Sen. Murkomen's contribution in his point of order, he did refer to a Luhya saying on dogs which in this context in today's discussion was an insult to the Senators according to me. Is he in order?

**The Speaker** (Hon. Ethuro): Let us conclude this matter. Sen. Mutula Kilonzo Jnr.

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, this is an important point. Standing Order No.19 is not applicable because in all places where there is a deputy - in the absence of the substantive chair, whether it is the Speaker, the President or a governor, then the deputy will perform functions in acting capacity. However, Sen. Murkomen wants to imply that in the absence of the President, then Deputy President becomes the Commander-in-Chief of the armed forces. That is not possible. That argument is what we call a circumlocutory argument and it is not applicable.

*(Laughter)*

**The Speaker** (Hon. Ethuro): Order, Members! I hope mine will not be. This is a small point. Standing Order No.45(2)(c) states that:-

“The Senate Majority Leader or, in his or her absence the Senate Minority Leader or, in the absence of both the Senate Majority and the Senate Minority Leader, a member of the Rules and Business Committee designated by the Senate Majority Leader for that purpose shall, every Thursday or on the last sitting day of the week, present and lay on the Table, a statement informing the Senate of the business coming before the Senate in the following week;”

I am trying to interpret that together with Standing Order No.19(2) which states that:-

“Whenever the Senate Majority Leader is absent or is unable to perform his or her functions; the Deputy Senate Majority Leader shall perform the functions of the office of the Senate Majority Leader in an acting capacity.”

I am inclined to agree with Sen. Mutula Kilonzo Jnr. that this is in terms of other processes, but Standing Order No.45(2)(c) is very clear. The practice which must have coloured our judgment was that we have the Senate Majority Leader and his deputy working as one office. Secondly, in that particular circumstance, Sen. Murkomen is also a

Member of the RBC. The Senate Majority Leader would have designated his roles, but that comes after the absence of both the Senate Majority Leader and the Senate Minority Leader.

*(Sen. (Dr.) Khalwale spoke off record)*

That emphasis is more than just curious and it must be deliberate. I would not impute improper motives on the Deputy Senate Majority Leader. I think he was just doing it by virtue of office. In the future, we will proceed in terms of Standing Order No.45(2)(c).

**Sen. Murkomen:** Mr. Speaker, Sir, a man who dies to read a statement and wants to be the President of Kenya--- Your guess is as good as mine. This is just a straightforward statement.

**The Speaker** (Hon. Ethuro): Deputy Senate Majority Leader, proceed.

*(Loud consultations)*

**The Speaker** (Hon. Ethuro): Order! Senators! Sen. Murkomen, relax and take it easy. You can still read the statement like Senator Haig.

**Sen. Murkomen:** But Mr. Speaker, Sir, you have to protect me from Sen. Wetangula and his surrogates. However, I will continue reading the Statement.

As I conclude, allow me to remind you that we have substantial business pending before the Senate, especially Bills as well as other oversight responsibilities that are being spearheaded by committees. As we approach the homestretch of the final lap of our term, I request Senators to put more effort to facilitate the Senate to dispose of the pending business which firmly entrench the legacy that was introduced to the Senate in the annals of our history as a country. I hereby lay the Statement. I thank you.

This Statement was signed by Sen. (Prof.) Kindiki, the Senate Majority Leader and read by Sen. Murkomen on his behalf.

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

*(Laughter)*

**Sen. Sang:** On a point of order, Mr. Speaker, Sir. I know that in the past you have ruled on this matter, but it is important for us to get the clarity regarding the person who signed the statement. Sen. Murkomen read it and said it was signed by the Senate Majority Leader (Sen. (Prof.) Kindiki) and Sen. Murkomen. It is important for us to know who signed it.

**Sen. Murkomen:** Mr. Speaker, Sir, I was trying to remind---

**The Speaker** (Hon. Ethuro): Order, Sen. Murkomen! You need to abide by our rules. You have to put a request. It was obvious that you were to respond, but you still need permission. You may now proceed.

**Sen. Murkomen:** Mr. Speaker, Sir, Sen. Sang has raised a very important issue which must not be ignored with regard to the direction that you gave. The statement was

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate*

signed by the Senate Majority Leader. I was being faithful to the fact that it is a statement by the Senate Majority Leader. My reading is that in future when the Senate Majority Leader is not present, the Senate Minority Leader must ensure that the statement is under his name. Otherwise, if he will lay it on the Table of this House, he must also be faithful to share with the House that he is reading somebody's statement because he ranks lower than the Senate Majority Leader (Sen. (Prof.) Kindiki) as provided by the Standing Orders.

This statement was signed by the Senate Majority Leader and was given to me. I was not given it by the Senate Minority Leader.

**The Speaker** (Hon. Ethuro): Order, Members! Let us not fight shadows that do not exist. The point of order raised by Sen. Sang was on a straight forward matter. The statement is under the name of the Senate Majority Leader (Sen. (Prof.) Kindiki), and it is dated 13<sup>th</sup> October, 2016.

Secondly, it is not signed and there is no provision for the presenter to be enjoined in it.

Today, we have raised real issues and I will recommend that in future, the Standing Order No.45(2)(c) must apply just like in all other things. All statements must be signed. There has been an assumption that it is so obvious, but you have raised all those other possibilities. We are a House of rules and records.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): What is it, Sen. (Dr.) Khalwale? I hope you do not want to address this matter because we have concluded it.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, you have introduced an entirely different aspect on our concerns when you said that the statement that has been read by Sen. Murkomen is not signed. That is not admissible under the rules of this House. With your kind permission, since the Senate Minority leader is present, he be allowed to prepare a statement, he signs it and reads it for it to be admissible.

If Sen. Murkomen wants to know which Standing Order I am proceeding under, he is free to visit my office. I will be happy to teach him.

**Sen. Khaniri:** On a point of order, Mr. Speaker, Sir. It is absolutely important that we deal with this matter conclusively so that it does not recur. This is because this is the third or fourth time this matter is coming to the Floor. In view of the revelation that you have just made to the House that the statement is not signed, I request you to make a ruling on whether the statement is valid because the rules of this House are very clear. The rules state that any statement or document laid on the Table must be duly signed.

Secondly, my assumption of the anticipation of Standing Order No.45(2)(c) was that the Senate Majority Leader or the Senate Minority Leader are laying these statements on behalf of the Senate Rules and Business Committee because they are the leaders of both sides. There is no seniority here. I also want you to make a ruling on what Sen. (Dr.) Khalwale has just raised because I believe that either of the two leaders can sign the statement.

**Sen. Murkomen:** Mr. Speaker, Sir, Sen. (Dr.) Khalwale of the Luhya parables has made a very serious allegation. He has said that anyone who stands on a point of order can just say that they are rising on a point of order and they do not have to say under which point of order are they are rising. If someone challenges him to say under

what point of order he is asking that question, he asks them to go to his office. Under what specific Standing Order did he raise that issue?

**The Speaker** (Hon. Ethuro): Order, Members! I will dispose of this one because you decided to go this route. That is the route we shall pursue. Sen. (Dr.) Khalwale, it is not your privilege or an opportunity for you to be visited by a Member when you are challenged on the Standing Order you are citing. Unlike other Members, you have always asked of the same. This is your opportunity, Sen. (Dr.) Khalwale, now to state the Standing Order under which you raised the matter.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, as a medical doctor, I understand that communication has got three aspects which are the origin of the sound, the recipient and the medium of that communication. The origin of the message was Sen. Murkomen about the Standing Order, this House was the medium and the recipient was me. In my view, I am absolutely under no obligation to understand what he has said as the source of that sound in the manner he wants me to have understood it. When I raised the point of order and from what I have heard, Sen. Murkomen was not challenging me to state under which Standing Order did I rise. He challenged me to state where in the Standing Orders do I find my allegations.

If you wanted me to say which Standing Order, I would have done that. I, therefore, request that the Speaker does not wade into our debate with Sen. Murkomen. You allowed the healthy exchange to continue now and in future. Do not protect him.

*(Laughter)*

**Sen. (Dr.) Machage:** On a point of order, Mr. Speaker, Sir. I rise under Standing Order No.110(i). You ordered Sen. (Dr.) Khalwale to state the Standing Order under which he challenged Sen. Murkomen. That was the order from the Chair. Instead, he has come up with a lot of stories. He is abusing the privileges. He is very disorderly; violating the procedure of the Senate. Is he in order? Is he not grossly showing misconduct to this House?

**The Speaker** (Hon. Ethuro): Order, hon. Senators! First, I would have allowed this one to die a natural death except that Sen. (Dr.) Khalwale usually insist on matters of points of order. It is only natural.

Secondly, you have taken it completely out of context. I can understand where it originates from and ends. As a doctor, regarding the medium, I do not see any of your professional skills applying. If anything, it belongs to physical scientists like yours truly.

Having said so, Sen. Murkomen took you on specifically on the issue of which Standing Order. He made that request. You only referred to it when you had the Floor, but he said, "Which one? Therefore, your Speaker is not interfering. In fact, I have allowed so much latitude in these discussions which are not completely necessary. For you to impute improper motives that I am protecting a particular Member just because you have been challenged is wrong.

However, I have made an observation. I do not want to do an over kill on a non-issue. I will leave it to your conscience, but in terms of the substantive issue Sen. (Dr.) Khalwale raised in terms of whether this statement to be laid on the Table is admissible



or not. I want to confirm that, in fact, as far as I am concerned now since you have raised this matter, this statement is not admissible.

I have a copy of it and other statements. They are all signed by a Member requesting or a Chairperson. Every time documents are presented, we are challenged. We must confirm that they have been signed.

*(Sen. Murkomen spoke off record)*

You will have an opportunity to produce the signed one, but the signature cannot be yours. It can only be from the Senate Majority Leader.

Order, hon. Senators! Therefore, we have no statement before us. Whether the Senate Minority Leader can sign may not be the correct position. The issue is about the Senate Majority Leader and the way we work in the House. The business coming from outside the House is introduced to the House through the Senate Majority Leader. However, I am willing to consider this further. I can confirm that the statement signed by the Senate Majority Leader can be read by the Senate Minority Leader in his absence. That is the plain reading. So, if we want to introduce other issues, we will think through them and give you proper guidance.

*(Sen. Murkomen consulted the Speaker)*

Sen. Murkomen has brought a signed one. It is signed for. Anyway, we will accept it for now. Going forward, we will have laid out the procedure.

*(Sen. (Dr.) Khalwale stood up in his place)*

What is it, Sen. (Dr.) Khalwale? We need to proceed with business.

*(Loud consultations)*

Order, hon Senators! I have given Sen. (Dr.) Khalwale the chance to raise his point of order.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. I thank you for giving me this chance. It will be very bad if it remains in the records of this House that I deliberately in any way suggested that you are favouring or interfering with Sen. Murkomen. I did not mean that. Allow me to tender my apology to you and withdraw, if those words meant that to you.

*(Applause)*

Equally important, I was deliberately reminding Sen. Murkomen that at this point in time, he should know that when I proceeded, I did so under Standing Order No.1(2).

**The Speaker** (Hon. Ethuro): Sen. (Dr.) Khalwale, we are not refusing this matter. I thought in appreciation of your good discourse of the receiver, originator and medium,

if the words meant to me, you could have confirmed whether they also meant the same to you. However, since you have already tendered an apology, that is neither here nor there. Proceed, Sen. Wetangula.

PLIGHT OF KENYAN REFUGEES FROM UGANDA CAMPING  
AT THE ENTRANCE OF PARLIAMENT BUILDING

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, thank you for giving us 30 minutes to enjoy comic relief in the House. I wish to request for a statement from the Chairperson of the Committee on National Security and Foreign Relations, a Committee I belong to.

I rise pursuant to Standing Order No.45(2)(b) to seek a statement from the Chairperson of the Committee on National Security and Foreign Relations concerning the Kenyan refugees from Uganda who have been camping at the gate of the Senate since Monday, 10<sup>th</sup> October, 2016. In the statement, the Chairperson should address the following: -

(1) What is the ancestral origin of these refugees? Where is their ancestral and/or acquired land in Kenya before they were displaced to Uganda during the post-election violence of 2007/2008?

(2) Is it true that some Government officials visited Uganda and promised to resettle these refugees just as it did to some of the Internally Displaced Persons (IDPs) on their return to Kenya from Uganda?

(3) Why has the Government not honoured its promise to settle and integrate them despite the fact the refugees bear supportive documents from the Department of Refugee Affairs dated 16<sup>th</sup> May, 2015? I will avail a copy of such documents to the Chairman.

(4) Why has the Government not shown concern for their plight since they started camping at the Senate Gate? I drove past the gate last night at 11.00 p.m. and they were in the cold and they are our fellow Kenyans.

(5) What is the general status report of IDPs and/or Kenyan refugees and returnees in Kenya and what is the Government doing to ensure that all of them are resettled?

It is important to note that early this year, this House was informed that each IDPs had been resettled and none was left anywhere in the country.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. Allow me to ride on this very important requisition for a statement. I am privileged to be from the region where, originally, the IDPs who unfortunately found themselves in Uganda came from. They came from either Lwakhakha, Busia or Malaba. The Chairperson should explain and clarify to this House that since there is no record in Lwakhakha, Malaba or Busia of any property belonging to them – be it land or a shop – having been taken over by the locals, why are they finding it difficult to go back now that they have left Uganda?

**Sen. Sijeny:** Mr. Speaker, Sir, I wish to ride on the same question and request to know from the Chairperson; how many children have been left out in the streets and how many women are suffering? What measures are they taking to secure their good health because the scorching heat and cold in the night is too much and they are suffering?

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate*

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, documentation of these IDPs who went to Uganda is not a secret. They are known which communities they originate from. Since that record is available to the Government, can these IDPs be given Kshs400,000 each that was favoured to the other IDPs who were in this country?

**Sen. Haji:** Mr. Speaker, Sir, this statement will require a rigorous investigation. This is because when my colleague was speaking, he indicated that they might have come from a different part of the country. In view of that, I think the Cabinet Secretary (CS) will require not less than three weeks ---

**The Senate Minority Leader (Sen. Wetangula):** They are carrying banners. They are from Uganda.

**Sen. Haji:** Mr. Speaker, Sir, they are from Uganda. If they are from Uganda, they should go back to Uganda.

*(Laughter)*

We will require three weeks to do a thorough investigation and bring a response to the House.

**The Senate Minority Leader (Sen. Wetangula):** On a point of order, Mr. Speaker, Sir. We are talking of women with children and no hygienic provisions. They are not allowed to enter the precincts of Parliament to use facilities like toilets or wash themselves and they have been lying at the gate from Monday.

Even if a comprehensive answer will be brought later, we want a remedial measure to be taken so that these Kenyans, if they are and even if they were not, we are obligated under international law to protect any persons on our territory. In the interim, what measures can be taken to remove these women and children from the gates of Parliament and put them in some place where they can get some facilities of comfort, food and security?

**Sen. Haji:** Mr. Speaker, Sir, I concur with him. It is not very pleasant to have these people squatting at the gate of the Parliament. We will communicate to the Cabinet Secretary (CS) concerned that there should be some interim arrangement for them to be relocated from where they are right now.

#### VISA PROCESSING RECIPROCITY BETWEEN KENYA AND EUROPEAN NATIONS

**Sen. Kagwe:** Mr. Speaker, Sir, pursuant to Standing Order No.45(2)(b), I rise to seek a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations, regarding visa processing reciprocity between Kenya and European nations such as Switzerland and the United Kingdom (UK).

In the statement, the Chairperson should explain the following:-

(1) To what extent is visa processing for Kenyans travelling to Switzerland and Swiss nationals traveling to Kenya reciprocal?

(2) Does Kenya require bank statements from Swiss nationals traveling to Kenya to, for instance, attend United Nations (UN) Habitat functions or elsewhere in Kenya?

Are they required to provide personal bank statements to our visa processing offices before being granted visas?

(3) Are British citizens required to obtain a transit visa when transiting through the Jomo Kenyatta International Airport to other destinations?

(4) Why does Kenya not apply reciprocal measures for visa applications by nationals of countries with harsh visa requirements for Kenyan nationals traveling to such countries?

**Sen. Haji:** Mr. Speaker, Sir, this is very straightforward State requirement. We will attempt to answer it within a week.

Mr. Speaker, Sir, I have a statement to make.

**The Speaker** (Hon. Ethuro): You will bring that statement on Wednesday, next week.

**Sen. Haji:** Mr. Speaker, Sir, I will not be here. I have written to you that I will be going---

**The Senate Minority Leader** (Sen. Wetangula): Sen. Adan will be here.

**Sen. Haji:** No, Mr. Speaker, Sir. It is my personal statement and not Sen. Adan's.

**The Speaker** (Hon. Ethuro): Order, Sen. Haji! I am referring to the statement sought by Sen. Kagwe. It will be issued on Wednesday, 19<sup>th</sup> October, 2016. I am aware of yours and it will be done the normal way although you have not requested.

Proceed, Sen. Haji.

## SENATOR'S GENERAL STATEMENT

### PLIGHT OF MAKONDE PEOPLE IN KWALE COUNTY

**Sen. Haji:** Mr. Speaker, Sir, pursuant to Standing Order 45(2)(a), I rise to make a statement on an issue of a general topical concern regarding the plight of the Makonde people living in Kwale County.

The Makonde people are natives of Mozambique and Tanzania where they enjoy full recognition as citizens of the two countries. Kenya hosts a significant population of the Makonde people residing in Kwale County, who first came into the country over 50 years ago as labourers.

As I was coming, I saw they were demonstrating trying to reach State House. The population of Makonde has been increasing over the period to about 3,000 persons since they came to Kenya more than five decades ago. Despite the Makondes being almost as old in the country as Kenya itself, they remain unrecognized by the State and are thus Stateless.

Mr. Speaker, Sir, lack of recognition of the Makonde by the State has led to their stagnation, consigned to the fringe of society and entangled them in poverty as they cannot access formal employment for they do not have national identification documents.

Many of the Makonde have been born in Kenya and, therefore, as per Chapter 3 of the Constitution on Citizenship, are citizens of Kenya. Others are citizens by virtue of the time that they have spent in Kenya, which as I mentioned before, is approximately over 50 years. They can become naturalized citizens.

It is prudent that the Government of Kenya recognizes them as citizens and grants them the necessary documents. This will give them an opportunity to lessen their poverty burden in Kwale County and the country at large.

Mr. Speaker, Sir, as you are aware, the Makonde people have resorted to walk all the way from Kwale to the State House in Nairobi to seek audience with the President in a bid to be recognised as citizens of Kenya. Recent reports indicate that the march by the Makonde to State House in Nairobi was briefly interrupted in Voi, TaitaTaveta County when they were arrested. The state should save them the agony of having to undergo such measures and treatment by granting them citizenship.

We are all aware that there are many Asians and Europeans among other nationalities that come to Kenya and stay for only two years and they are granted citizenship. The over 3,000 people who have lived with us all along, should not be treated the way they are being treated. Some of them have colonial identity cards.

Mr. Speaker, Sir, I rest my case and I hope my colleagues will also put in their observations on the matter.

**The Speaker** (Hon. Ethuro): What is it, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, the matter raised by the Chairman of the Committee on National Security and Foreign Affairs is extremely important. Just like the Tesos, we have some in Kenya and also in Uganda. We have the Masaai and Kuria in both in Kenya and Tanzania. We have Luhya in Kenya and others in Uganda. Why is the Government failing to see that the Makonde people of Tanzania are the same Makonde people of Kenya?

The Constitution of Kenya at Article 15(2) reads:-

“A person who has been lawfully resident in Kenya for a continuous period of at least seven years and who satisfies the conditions prescribed by an Act of Parliament may apply to be registered as a citizen.”

Mr. Speaker, Sir, these people have been here for over 50 years. What are we still waiting for? In fact, I am surprised that the Office of the Registrar of Persons in this country is allowing this shame to continue, exposing the Jubilee Government for what it is; one that is not able to implement this Constitution. The Government should immediately offer registration documents to all these people who are our brothers and sisters in this country.

*(Interruption of Statements)*

## COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM UMAA  
PRIMARY SCHOOL, MAKUENI

**The Speaker** (Hon. Ethuro): Order, Members! Before we proceed with that particular Business, let me recognise the presence of visiting pupils and teachers from Umaa Primary School in Makueni County. They are sitting at the Public Gallery. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate*

welcome to them and on behalf of the Senate and on my own behalf, we wish them a fruitful visit.

Thank you.

*(Applause)*

*(Resumption of Statements)*

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I salute Sen. Haji for raising that issue. Many of our colleagues sitting in the comfort zones of Government would not wish to be associated with such issues. I salute you.

*(Applause)*

The Makonde people live along the coastline of Kenya from Likoni all the way through Vanga, Tanga, Dar es Salaam, Ruvuma and to Nambula in Mozambique. If you go to Mozambique, you find beautiful Makonde carvings---

*(Sen. Murkomen spoke off record)*

Mr. Speaker, Sir, I have been a Minister of Foreign Affairs for 10 years. Do you know that?

*(Laughter)*

The Makonde people are industrious and artistic people. The best carvings in Africa are from the Makonde people. The Constitution of Kenya enjoins the Government to give the Makonde people and any other people who live in this country citizenship.

Mr. Speaker, Sir, Sen. Haji has brought the matter to the Floor. As we salute him, I urge the Chair that as a leader in your own right, and the head of this House, to take it up personally and write on behalf of the Senate to the Government of the Republic of Kenya to point out this issue and ask the Government to issue citizenship papers to these people. You can imagine these are people who have been here for up to 80 years. It means their children cannot access our schools at higher levels because if you do not have an identity card, you cannot go to a university even if they are qualified. They cannot get jobs, own land or do anything because they do not have identity cards.

This is the height of folly and we urge this House to resolutely resolve that the Makonde people who live in Kenya are Kenyans and must be granted citizenship and all the benefits and rights that go with citizenship.

**Sen. Kagwe:** Mr. Speaker, Sir, in applauding the statement by Sen. Haji, it would be best for this issue to be looked at holistically and ask who the other marginalised communities or individuals suffering the same fate as Makonde people are. The issue should be addressed in addition to the ones that Sen. Haji has spoken about.

There are communities of a similar nature. There are more communities like the Makonde population in this country. Am I in order to request that when the Question will

be answered, let us also address the other communities that may be marginalised in the same manner.

**Sen. Hargura:** Thank you, Mr. Speaker, Sir. I would like to join Sen. Haji in bringing out the issue. The Makonde people have been around for a long time, but they have not been granted citizenship documents. They have been suffering wherever they are. We also need to check how they have been living with the communities where they reside.

Apart from raising the issue, we need to have a resolution of the House which will ask the Government to immediately give these people their rights since they have lived here for over 80 years. We have been told they are industrious people and we know how important the carvings are to the tourism industry. They can contribute to the economy of our country if they are granted citizenship.

**Sen. Abdirahman:** Mr. Speaker, Sir, I want to join my colleagues in supporting the statement that was presented by Sen. Haji. Honestly, the Makonde problems have been highlighted severally in the press. However, I realise that there is no seriousness on the part of the Government.

As we await the issue to be resolved, quite a number of communities that live along borders have problems. They include the Somalis who are subjected to two vetting processes. I wish all Kenyans, including the Members of the Senate knew that we have a vetting community at the local level and a national committee.

There seems to be a deliberate attempt by the Government not to allow Somalis to recognise themselves as Kenyans just like what the Makondes are going through. So, the Cabinet Secretary needs to address this entirely as a matter that affects a number of genuine Kenyans and those who should have been naturalised like the Makonde people. Therefore, we expect an answer that will capture all people who are suffering across Kenya.

**Sen. Muthama:** Bw. Spika, ninataka kumshukuru Mhe. Haji kwa taarifa aliyoileta hapa Bungeni kuhusu jamii ya Makonde. Kupitia uongozi wa Spika wa Bunge hili jamii hii itapewa vitambulisho. Walipata masaiibu mengi sana jana walipotoka Kwale kuja hapa Nairobi kuwasilisha malalamiko yao katika ofisi ya Rais. Wakiwa njiani walipata shida nyingi. Walishikwa pale Voi na Kwale. Walinyaganywa funguo za magari yao na hata pesa walizokuwa nazo mifukoni.

Bw. Spika, hawa ni wananchi wanateseka. Nikiendelea kuzungumzia mambo yale yamesemwa na Sen. Haji, ninaomba Wasomali wote pahali walipo wabadilishe jina lao. Ni afadhali wajulikane kama Waria. Kwa mfano, mimi nikienda Tanzania na ninataka kuishi huko nitabandikwa jina la Mkenya, lakini nitapewa kitambulisho cha Tanzania. Kwa hivyo, Wasomali wanaoishi hapa kutoka nchi ya Somalia wajiite Waria wa Kenya ili wapate vitambulisho na huduma zingine. Ukisema Msomali ni Msomali na wakutoka Somalia, basi hiyo italeta utata.

**Sen. Haji:** Kwa hoja ya nidhamu, Bw. Spika. Sen. Muthama, amezungumza vizuri lakini sasa anataka sisi tubadilishe jina letu kuwa Kikamba au jina gani?

*(Laughter)*

**Sen. Muthama:** Bw. Spika, kuna shida katika taifa letu. Mtu hawezi kuja hapa akaishi miaka 80, amezaa watoto, akawalea na wengine wamezikwa hapa, lakini hapati kitambulisho. Ni lazima tuwe taifa la watu ambao wanajua wanaelekea wapi na tunaonyesha ulimwengu kwamba sisi tuko mbele ya wengine.

**Sen. Kisasa:** Bw. Spika, kwanza naomba kumpongeza kakangu, Sen. Haji. Ukweli ni kwamba mnyonge anyongwe lakini haki yake apewe. Mimi ni mzaliwa wa Vipingo. Jamii ya Makonde wanaishi Vipingo. Kwa hiyo, nitavaa junga niungane na jamii ya Makonde kwa sababu mimi nililelewa nao kule Vipingo. Makonde walikuwa wakikata makonge kule Vipingo. Tumekaa na wao Vipingo miaka mingi sana. Wazazi wao na babu zangu walikuwa wanafanya kazi mahali pamoja,

Kwa hivyo, ni huzuni kubwa kuona mimi nimekuwa Seneta na niko hapa na watu wangu ambao tulicheza nao nikiwa mchanga hawana vitambulisho. Ningekuwa nimetoka nje, watu wangeshangaa labda imekuwaaje kwa sababu ni watu ambao tulilelewa pamoja. Kwa hivyo, lazima tuona vile ambavyo tutawachukua kama jamii yetu. Ni watu wa kufanya kazi kwa bidii sana. Jamii yetu si wafanya kazi kama watu wa jamii ya Makonde. Kwa hivyo, hawa ni ndungu zetu, watoto na wazazi wetu.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Speaker, Sir. It will be in the great interest of this Senate to use this opportunity created by Sen. Haji to prepare a Motion for resolution of this House for the recognition of the Makonde Community under the Citizenship Act. That would be a resolution that this House can follow through. I am prepared to move such a Motion because then we can enforce it. The unfortunate thing about Kenya is that we recognise the people we should not recognise and the people we should recognise we ignore.

Kenyans would find it easier to become Australians because in four years they are recognised and they can vote. However, people who have been in this Republic for so long are mistreated. We have made citizenship look like acquiring blood from a stone. That is the best method and I propose, while thanking Sen. Haji, that we move in that process.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, the plight of the Makonde people in this country actually is a shame. Looking at our first post-Independence Constitution which was drafted by our fore fathers like Jomo Kenyatta and Hon. Martin Shikuku, it recognised this fact. It provided that all foreigners who were living in Kenya at Independence Day would automatically become Kenya citizens if they applied. That is the constitution.

If you look at Article (15)(2) of the current Constitution, it is constantly abused by the Government to communities such as the Kuria, the Somalis and others. We have women who have been married to those communities from Tanzania who are in their 60s or 70s and have never been recognised up to now. We are abused because we are a community with, probably, the lowest population in this country. It is not proper. The Constitution must be followed.

I support Sen. Mutula Kilonzo Jnr.'s suggestion of a Motion so that this can be discussed in details and passed as a resolution in this House.

**Sen. Elachi:** 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.

**The Speaker** (Hon. Ethuro): There is no other issue. Are there any requests?

The Chairperson of the Standing Committee on Finance, Commerce and Budget will answer a statement requested by Sen. Kagwe. He is entitled to ask for a statement as a Senator of Nyeri County.

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

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

## STATEMENTS

### KENYA'S COMPLIANCE WITH THE EU DEADLINE FOR EPA PROGRAMMES

**Sen. Mositet:** Mr. Temporary Speaker, Sir, the Statement was requested around August and we were wondering what would happen by 1<sup>st</sup> October, 2016. We got the Statement on 9<sup>th</sup> August, 2016 when the House was on recess. Since the Statement may not serve what is currently happening, we need to take it back so that it can be updated. We have discussed this with Sen. Kagwe and he has agreed.

**The Temporary Speaker** (Sen. (Dr.) Machage): It is not the issue of Sen. Kagwe. You owe the House an apology.

**Sen. Mositet:** Mr. Temporary Speaker, Sir, the Statement came on 9<sup>th</sup> August, 2016.

**The Temporary Speaker** (Sen. (Dr.) Machage): What is the date today?

**Sen. Mositet:** Mr. Temporary Speaker, Sir, today is 13<sup>th</sup> October, 2016. We went on recess and when we came back, Sen. Kagwe was not around.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Mositet. How many weeks was it to 1<sup>st</sup> October, 2016 when you received the request in August? All I am requesting is a humble apology to the House because that situation has had to be this way.

**Sen. Mositet:** Mr. Temporary Speaker, Sir, I apologize for not communicating to the Senator, even though he was also not around. The Statement has been in the House since 9<sup>th</sup> August, 2016.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. It is okay now that you have apologized.

**Sen. Kagwe:** Mr. Temporary Speaker, Sir, correct me if I am wrong, but my understanding of what Sen. Mositet has said is that he will bring an updated answer to this House because the one that was presented was overtaken by events. I just wanted him to clarify that, that is the position. Perhaps he could indicate to us when that Statement will be brought.

**The Temporary Speaker** (Sen. (Dr.) Machage): Do you still want 1<sup>st</sup> October as your deadline?

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate*

**Sen. Kagwe:** No, Mr. Temporary Speaker, Sir. In our discussion with Sen. Mositot, we talked about what would have happened by then. What he would presumably do now is to bring us a report of what transpired for the benefit of the House.

**The Temporary Speaker** (Sen. (Dr.) Machage): It is so ordered.

*(Statement deferred)*

MANAGEMENT OF COMMUNITY AND  
PUBLIC LAND IN MACHAKOS COUNTY

**Sen. Khaniri:** Mr. Temporary Speaker, Sir, from the outset, I apologize to the House and my big brother, Sen. Muthama, for the delay in the issuance of this Statement which is long overdue. I want to report to the House that we got two separate statements, one from the National Land Commission (NLC) and another one from the Ministry of Lands, Housing and Urban Development.

On Tuesday next week, we have scheduled for a meeting as a Committee to harmonize these two sets of replies to come up with a single Statement that we can issue to this House probably, on Wednesday or Thursday next week, if we are given the opportunity.

As it is now, I have two sets of Statements, but they are very raw; I cannot issue them as they are. With your indulgence we need to prepare a proper Statement to issue to the House.

**The Temporary Speaker** (Sen. (Dr.) Machage): You have been given the opportunity as requested. It is ordered that you produce the Statement on Thursday next week.

**Sen. Muthama:** On a point of order, Mr. Temporary Speaker, Sir. I sought this Statement on 23<sup>rd</sup> February, 2016. At that time, the advert to allocate that land freely to unknown people had already been put up. As I speak, the allocation is going on despite the fact that there a lot of grievances by the residents of Machakos County. Under those circumstances, we should not keep moving this issue forward.

I seek the indulgence of the Vice Chair to at least order the stoppage of the allocation of the said land to allow for serious consultations with the stakeholders who have raised issues. When the advert was put up, they wrote to the NLC and the Ministry, seeking audience so that they can explain themselves and express the way things are, but they have been denied that opportunity.

The land is being given out. On Tuesday, there will be something else and Thursday is a national holiday. We will go on recess and by the time we come back, the land would have been given out. In this country land grabbing is real.

Mr. Temporary Speaker, Sir, I need the indulgence of the Vice Chair.

**The Temporary Speaker** (Sen. (Dr.) Machage): Vice Chairman of the Committee, what do you have to say about that?

**Sen. Khaniri:** Mr. Temporary Speaker, Sir, I apologized for the delay. It is true that the Statement was first sought on 1<sup>st</sup> March and not April; I have the full records.

My Committee has no powers to stop the allocation of land that is continuing. As I have said, we will respond to the issues that were raised by the Senator next week. If the

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate*

Senator so wishes to stop the continuing allocation of land, I would advise that he uses the court process, so that there is an injunction. As a House and Committee, I do not think we have the powers to do that, as much as I sympathize the way he has put it.

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Mr. Temporary Speaker, Sir. The issue of fraudulent alienation of public land in this country is not a secret. In this particular case of Machakos County, we may invite the Vice Chair and the House to take judicial notice of the fact that the current Governor of Machakos County has been quoted in public media inviting people, particularly from the Middle East, to come to Machakos and be given free public land, which is held in trust for the people of Kenya in general and the people of Machakos County in particular.

I would want the Chair to direct the Committee, deputized by my distinguished brother, Sen. Khaniri, to summon the Chairman of the NLC, the Minister for Lands, Housing and Urban Development, the Governor of Machakos County and put these facts to them, so that they can stop the reckless alienation of public land to persons who use it for speculation and not economic production.

**Sen. Muthama:** Mr. Temporary Speaker, Sir, the Vice Chairperson of the Standing Committee on Lands and Natural Resources has said that he does not accept the report that was submitted to the Committee.

This report was done on the 6<sup>th</sup> April, 2016 and has been kept. The Committee has seen it for the last 10 months yet they have not acted. The answers are very shallow and totally unacceptable, yet the Committee is not accepting. What are we waiting for, this being October? Although the Vice Chairperson says that the Committee does not have powers, it can write and say that the issues raised, and the answers you gave us do not give justification for one to continue doing what they are doing.

If this is the position written by the National Land Commission (NLC) Chairman and the Cabinet Secretary (CS) for Lands Housing and Urban Development - Prof. Kaimenyi, they are coming up with issues that are not addressing what is happening on the ground. Who is going to save the people of Machakos from having their land given freely to unknown people, yet they are saying: "We have 2,500 squatters?"

There is an issue with the East African Portland Cement where the lease is very clear. It was given lease to mine minerals for making cement, but they are selling the land today. The people of Machakos are asking to be given an opportunity to purchase the land. However, the reply says that the land belongs to East Africa Portland Cement and the people of Machakos cannot buy it. It is being sold to foreigners by an institution owned by the public. Where are we going in this?

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. I have heard you clearly. Sen. Muthama, can you listen. I have heard what you and the Vice Chairperson of the Standing Committee on Lands and Natural Resources have said. The conclusion I make is that you have lost confidence in the Committee in handling this matter. That being the case, it may not be prudent or wise to do what I had hitherto ordered the Chairperson, Standing Committee on Lands and Natural Resources to do.

I will order that the CS, Ministry of Lands and Urban Development and his team that includes the Chairperson NLC, the Principal Secretary and all those officers that you as a Committee think are necessary should be invited to the House for a Committee of the Whole to give answers to this contentious issue as raised by the Senator for Machakos.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate*

This should be urgent due to the fact that we have heard that land is being sold by trying to circumvent the issues raised by Sen.Muthama.

I will request the CS Lands and Urban Development to use his powers to stop the sale of land in this contentious place. We do not have the powers as a House to injunct, but we can request as a House that the CS does that, which is my request.

**Sen. Muthama:** On a point of order, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): What is it, Sen.Muthama?

**Sen. Muthama:** Mr. Temporary Speaker, Sir, when should the meeting with the CS, Lands and Urban Development take place because the timing is very important?

**The Temporary Speaker** (Sen. (Dr.) Machage): This is urgent because there is bureaucracy. Try to see whether you can summon the CS Lands and Urban Development within one week, but I am sure two weeks will be adequate for this. Two weeks puts us somewhere. Write to him and tell him that this is urgent. Summon him using all the powers that you have.

**Sen. Khaniri:** Mr. Temporary Speaker, Sir, I could not agree more with your ruling. We will go by the instruction and write to the CS Lands and Urban Development to summon him to appear before the Committee of the Whole on Wednesday, next week.

However, I am not very comfortable with the words just used by the Chair with due respect, that you have lost confidence in the Committee to handle the matter. I request that this be expunged from our records because it is the same Committee that you are asking to summon the CS Lands and Urban Development. If you lost confidence in the Committee, then you would not be asking them to summon the CS.

I want to bring it to the attention of this House that answers do not come from the Committee but from the Ministry---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order. If you listened to me carefully- I believe you are a good listener - I did not talk about this Chair losing confidence in the Committee. I talked about the questioner who is Sen.Muthama not being happy with the Committee's handling of the issue, and has therefore, lost confidence. That is why I have made the other decision.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I do not want to get into this confidence issue. This Statement was written on 6<sup>th</sup> April, 2016. Your office may wish to help the House on why a Statement written from the NLC on the 6<sup>th</sup> April, 2016, finds its way to the House on 13<sup>th</sup>, October, 2016. These are the facts that appear on the Statement. If it had come and been postponed continuously, that would be another matter. However, if it has truly taken that long, the tradition of this House is that the Chair normally directs that Statements be issued in two weeks or any extended time depending on the request of the Chair of the Committee.

**The Temporary Speaker** (Sen. (Dr.) Machage): Yes, Sen.Khaniri.

**Sen. Khaniri:** Mr. Temporary Speaker, Sir, I agree that the Statement from the NLC came on 6<sup>th</sup> April, 2016. It is not the Chairperson Standing Committee on Lands and Natural Resources that schedules the business of this House, with all due respect. Statements are scheduled by the House Rules and Business Committee before they appear on the Order Paper. When they appear, it is now our duty to issue the Statement. However, I cannot schedule business on the Order Paper, with all due respect.

**Sen. Muthama:** On a point of order, Mr. Temporary Speaker.

**The Temporary Speaker** (Sen. (Dr.) Machage): Yes. Sen. Muthama.

**Sen. Muthama:** Mr. Temporary Speaker, Sir, I have raised the issue of this Statement more than five times. It is even in the HANSARD. What the Vice Chairperson Standing Committee on Lands and Natural Resources is saying is not true. The assurance has been: “Next week. Next Thursday. Next Tuesday.” It is, therefore, not true.

**The Temporary Speaker** (Sen. (Dr.) Machage): You are all right; from Sen. Wetangula, Sen. Khaniri and Sen. Muthama. Even when a Statement is not listed on the Order Paper, we have a leeway where the Committee Chairperson can say: “I have a Statement and I am ready to read it to the House.”

The idea of having the House Rules and Business Committee allocating time is neither here nor there, because you also have the powers to request to read the Statement. You are also correct that being an obedient observer of the laws and Order Papers of this House, then I give that leeway on your comment. All said and done, I conclude the way I have concluded. Let us have this done urgently.

If Sen. Muthama or Sen. Wetangula is interested, I can ask the Secretariat to do a postmortem and give us a report on how this report has been handled by the House. So, that is ordered. Can I have that report on the Speaker’s table to give us a true report because the Chair of the Committee is fairly or unfairly accused? Let us go to the next statement from the Chairperson, Standing Committee on Education. I do not see both the Chair and the questioner.

#### BURNING OF SECONDARY SCHOOLS IN KISII COUNTY

*(Statement deferred)*

Chairperson, Standing Committee on Agriculture, Livestock and Fisheries! I do not see the Chairperson and the questioner.

#### INCREASE IN THE PRICE OF MAIZE FLOUR

*(Statement deferred)*

Chairperson, Sessional Committee on Implementation! That is a question by Sen. Wangari. I do not see the questioner and the Chairperson.

#### STATUS OF IMPLEMENTATION OF THE SENATE RESOLUTION ON THE DISAPPEARANCE OF TWINS AT PUMWANI MATERNITY HOSPITAL

*(Statement deferred)*

STATUS OF TEA FARMERS' MONEY HELD IN KTDA  
FIXED DEPOSIT ACCOUNT AT IMPERIAL BANK

Chairperson on Standing Chairperson Standing Committee on Agriculture, Livestock and Fisheries! The same issue but the questioner is here. What have you to say about this, Sen. (Prof.) Lesan? Give Sen. (Prof.) Lesan the microphone.

**Sen. (Prof.) Lesan:** Thank you, Mr. Temporary Speaker, Sir. Indeed, this statement has been pending in the House for a very long time. Last week, the presiding Speaker directed that this statement be issued today. I still want to insist that the urgency of this matter is serious. Farmers are waiting to know the fate of what has transpired since the said banks collapsed with their money, and KTDA which is responsible for this should assist the farmers because it is the last day today when money for the farmers is disbursed. This is important. I want to urge you to direct that this answer comes to the House soon before we break for recess.

**The Temporary Speaker** (Sen. (Dr.) Machage): The Speaker need not to be giving orders and repeating orders that are disobeyed, left and right. I order that the Office of the Speaker writes to the Chair of this Committee that we need this answer on Tuesday in writing and with an apology.

*(Statement deferred)*

**Sen. Obure:** Thank you, Mr. Temporary Speaker, Sir. Indeed, earlier this week, this matter came to the House. I agree with the decision you have just taken that a letter be issued to the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries so that he can deal with this matter speedily. As you know, tea farmers all over the country have been rioting in the last few months because of the low payments that they were paid for their farming activities.

Mr. Temporary Speaker, Sir, the situation is pretty bad. People are impoverished out there because the organization that is entrusted with the management of the tea farmers' money has given out the money to collapsing banks. This is a serious matter and we cannot sit in this House, doing nothing. I agree with you and request that a strongly worded letter be done to the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries so that we have an answer here by Tuesday next week.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well for the emphasis. Next Order!

## MOTIONS

NOTING OF REPORT OF THE COMMONWEALTH WOMEN  
PARLIAMENTARIANS CAPACITY BUILDING WORKSHOP

*(Sen. Gwendu on 30.06.2016)*

*(Resumption of Debate interrupted on 30.06.2016)*

**The Temporary Speaker** (Sen. (Dr.) Machage): I do not see Sen. Gwendo. So, the Motion is deferred.

*(Motion deferred)*

What is it, Sen. Wetangula?

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Mr. Temporary Speaker, Sir. As the leadership in the House, one would expect that any distinguished Senator who has business on the Order Paper is obligated to be in the House to prosecute their Motions or the Bills or whatever business. The Senate Business Committee has balloted and scheduled business on the Order Paper and the Member who is supposed to prosecute the business is not in the House, and the Chair has not informed the House he has an apology from such a Member. I think such business ought to be dropped and to appear after six months as per the rule.

There are other Motions that we have put on hold to ballot these Motions on a priority basis. The day is going to be wasted because the Members are neither here nor have they told the House where they are.

**The Temporary Speaker** (Sen. (Dr.) Machage): Indeed, Sen. Wetangula, and that is the tradition and you have been in Parliament for a long time. I think this is your fifth term and you know this is the practice. It becomes difficult for the Speaker to rule on such an issue especially that this was an ongoing Motion. I find it difficult to allow this Motion to continue without the Mover of the Motion taking notes because at the end of it, he or she has to reply. I have taken note of your concern and request. Since she had not been warned about this, I am sure this has been on the Order Paper for quite some time. We have been seeing it in and out for quite some time.

Let the Senator be told that this Motion will be on the Order Paper on Tuesday next week and that will be the last time she will be given an opportunity to conclude her Motion. Otherwise, I will have no alternative but to agree with the Members that we drop this Motion.

What is it, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale**: On a point of order, Mr. Temporary Speaker, Sir. I will in no way want to appear to challenge your ruling. I understand you. As you know, the tradition would be; when Order No. 8 was read out, the Speaker is not supposed to look for the Mover of the Motion. If it is resumption of debate, the Clerk advises the Speaker who had the Floor last time. Then if that person that had the Floor is not there, he forfeits that chance and allows somebody else to contribute. I am afraid that if we move otherwise, we shall be introducing a precedent which is not the case in Parliament.

**The Temporary Speaker** (Sen. (Dr.) Machage): You are very right Sen. (Dr.) Khalwale in one way but what happens to a Mover of a Motion who does not want to be present when his or her Motion is moved? I have been advised by the Secretariat of the same that this is an ongoing Motion, and I have been given a list of the people who participated. I have also keenly listened to Sen. Wetangula whose contributions were also important to make matters of this House meaningful. I have decided that we defer this Motion to Tuesday when the Member will be here to move it. That is my decision. It may not be good to your ears but you cannot challenge the Chair. It is unfortunate. If you have

to do, then there is a procedure of doing it. This Motion, as far as I am concerned, is at the conclusion and we need a reply. Unless any other Member has a different view on the issue, that is rested.

Next Order!

ADOPTION OF REPORT ON ASSESSMENT OF THE SECURITY  
SITUATION IN MANDERA, LAIKIPIA AND KAPEDO

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the assessment of the security situation in Mandera County, Laikipia County and Kapedo (Border town of Turkana and Baringo counties) conducted between 19th January and 5th February, 2015 and laid on the Table of the House on Wednesday, 29th July, 2015.

**The Temporary Speaker** (Sen. (Dr.) Machage): The Committee Chair is not in to move the Motion. Is there any Member of that Committee who has been mandated to move this Motion?

*(Motion deferred)*

INQUIRY INTO THE IMPLEMENTATION OF THE POLICY STATEMENTS AND  
STRATEGIES MADE IN THE NATIONAL SPECIAL NEEDS EDUCATION  
POLICY FRAMEWORK, 2009

**The Temporary Speaker** (Sen. (Dr.) Machage): I have received a request from Sen. Mositet. You need to put the request on the Floor of the House.

**Sen. Mositet:** Mr. Temporary Speaker, Sir, I am ready to move the business under Order No.10 on the Order Paper. However, my seconder is not there. When I was drafting this Motion, I had discussed it intensively with the Chairperson of the Standing Committee on Education, Sen. Karaba. He was supposed to be my seconder. I request that we defer it until when he will be around.

**The Temporary Speaker** (Sen. (Dr.) Machage): Next to you is a former Chairperson of the Standing Committee on Education, Sen. Kagwe, among many other Members.

There is no Member who seems ready to second you. Very well, that is legitimate, we will defer this.

*(Motion deferred)*

Next Order!



ADOPTION OF REPORT ON THE COUNTY OVERSIGHT AND  
NETWORKING ENGAGEMENT TO MIGORI, BOMET  
AND NAROK COUNTIES

**Sen. Kagwe:** Mr. Temporary Speaker, Sir, I beg to move the following Motion;  
THAT the Senate adopts the report of the Standing Committee on Information and Technology on the County Oversight and Networking Engagement (CONE) To Migori, Bomet and Narok counties, laid on the Table of the Senate on 3<sup>rd</sup> March, 2016.

The Information, Communication and Technology (ICT) Committee has been visiting various counties around the country to assess how much input and attention has been given to the matters of information and technology. From the oversighting engagements that we have been to all over the country, it is very clear that those counties that are investing in ICT are doing better at revenue collection among other activities than those that are not. It is also clear to the Committee that those counties that do not invest in ICT will be left behind by the counties that do.

In future, the counties that will claim marginalization will have clearly marginalized themselves because they will not have invested in the future. Examples have been given to us of counties that have invested in ICT and literally, the county revenues have gone up five times. One of the counties that have really improved in revenue collection through ICT is my own county, Nyeri. We have seen marvelous investments in ICT.

In Eldoret, Uasin Gishu, we have seen implementation of video conferencing by the county government. In Kisii, the county assembly is investing heavily in ICT. In Migori, where you come from, we saw advertising via ICT billboards that are bringing in revenue. The County Government of Migori charges for the advertising billboards. Rather than simply having a billboard that is sticking around some place and being used by only one company over a very long time, that county has implemented a system of advertising by use of ICT. We were very impressed by what we saw particularly by the commitment of the county government. The Governor and the County Executive Committee Member (CEC) for ICT were there to receive us. We were sure that our engagement with them would result to a higher percentage of revenue being allocated to ICT activities.

We went further to Bomet County where Sen. (Prof.) Lesan comes from. At the risk of embarrassing him, it was very clear that Bomet County was just beginning to understand what ICT was. The governor was nowhere to be seen. We met a junior ICT officer who did not understand the purpose of the visit by Senate. We were not there to see the kind of computer they were using. We were there to see, observe and engage the county government on what they can do going forward to implement ICT programmes for the future. I must confess that we were quite disappointed at what we saw. In fact, the budget for Bomet County for ICT was extremely small. If that trend were to continue, then Bomet County would be left behind.

In Narok, we saw an element of commitment to ICT. This county has huge potential in tourism. The Governor was there with his entire cabinet to discuss on how

they were planning on moving forward and how much money they were putting in ICT. If Narok County implements the policies they told us, they will make progress. However, in addition to matters ICT, the County Government was in a position to raise a lot more revenue if it got more support from the national Government. For example, the Narok County Government should be given conditional grants to develop infrastructure particularly the road network leading to national parks especially the Maasai Mara National Reserve.

The roads are in a bad state. This is one of the key areas where our tourists from all over the world, big and small, go to. No wonder tourism is not growing as fast as we would expect. We urge the national government, through this report, to support Narok County Government by facilitating road construction so that tourism can grow. Those roads are not just important for the Narok County Government or its people, they are important for Kenyans. Revenue that comes from tourism benefits Kenyans at large.

The Ministry of Devolution and National Planning should also conduct further civic education on the devolved system of government especially on the role of county assemblies *vis-à-vis* the county governments. In some of the counties that we went to, the committees of the assemblies on ICT were rather confused on the role they should play as far as engaging the county governments in ICT discussions is concerned. Therefore, the feeling we have had in over 30 counties that we have visited is that more needs to be done in civic education for county assemblies to understand what role to play in overseeing their own governments.

There is a mistaken notion that the CECs are supposed to be overseen by this House. It should be made very clear that the work of the county assembly is to engage the so-called ministers in the county governments. It should be made very clear that it is not the role of the Senator to go and ask each County Executive Committee (CEC) member how the money allocated to their section is utilised. We should be engaging the governors to give us an overview of how the monies in the counties are being spent but the detailed oversight of department by department should be done by Members of County Assemblies (MCAs).

In some counties, they still do not understand what their role is. Therefore, the Ministry of Devolution and Planning should fund civic education. We also hope that the Senate will also be engaged, if it gets funding, to start civic education in the counties. Senators should have funds to go round counties informing the county citizenry what the role of a Senator is. This is because to date, you will still hear people expecting a Senator to construct a cattle dip, engage in numerous harambees and be the undertaker of various burials and so on.

It should be made very clear what the role of a Senator is, so that people can judge the work of a Senator. This is only possible if they understand our roles. You cannot judge an individual or an office unless you know what the role of that office is. People will continue to be confused as long as there is insufficient civic education.

Mr. Temporary Speaker, Sir, any form of civic education like what was done before the 2010 Constitution was passed requires money. Honestly, people will be expecting too much. How are people supposed to understand their Constitution if no civic education is being carried out across the country by anybody?

That is why Members of this House rush almost *en masse* to their counties. They want to go and run for governorships because people can clearly see governors sitting with them and the projects they are doing without minding that the resources for doing so are passed by this House because of the lack of the understanding and impatience of even legislators to allow the idea to be understood by the society. That is why many Senators and other people desire to become governors. We feel that it is very important and this Report indicates so, that there is need for civic education across the country.

Mr. Temporary Speaker, Sir, we also recommend that the Ministry of Information, Communication and Technology (ICT) engages the Kenya Power so that the Kenya Power can also begin to roll out fiber optic cables along their power lines to create redundancies for the fiber that exist underground.

Mr. Temporary Speaker, Sir, when we went to Bomet, we found that there is redundancy of underground fiber because of people digging and rains and so on. Therefore, we request the ICT Authority to engage the Kenya Power, so that the Kenya Power can run similar fiber optic cables. When a cable running alongside a power lines has a problem, people can use the underground one, and when the underground ones have issues, then we can use the power cables. In other words, one will serve as a substitute of the other.

Mr. Temporary Speaker, Sir, in terms of revenue allocation, we felt very strongly that a minimum of 5 per cent of the monies allocated to counties should be reserved for ICT work. We have come from an ICT benchmarking trip in Japan with my colleagues of the Committee on Information and Technology. I am sure they will discuss this when they get an opportunity to contribute. What we saw in those countries and what we have in this country is such that if we are not careful, we, as a country, and Africa as whole, we will once again be relegated to nothingness.

We were surprised about the seriousness with which those governments give the area of ICT. The Government of Japan is very committed to matters of ICT. Those are countries that are already developed by far. They are already 200 or 300 years ahead of us. If they go ahead and implement ICT in the manner in which we witnessed and we do it at the pace and speed and the ignorance with which we are implementing ours, those countries will be 600 or 700 years ahead of us. This is not a joke. It is something that countries must look at very seriously.

Mr. Temporary Speaker, Sir, when we went to Rwanda, we were impressed with what the Rwandese Government has been trying to do. In Rwanda, the Minister for ICT is the President himself because of the seriousness with which they are looking at this issue.

In Japan, in 2020, a person will be able to stand in front of a mirror in the morning as he or she dresses up and the mirror would tell their blood pressure (BP), their cholesterol level and any sort of medical issues they have. Today, you have to go to Nairobi Hospital and spend three weeks to get that kind of information. While we were in Japan, Sen. Cheruiyot was told his BP, heartbeat rate and everything when he stood in front of the mirror. This is where and how far the world has gone yet we are still toiling around on whether we should have a paperless Senate or not. The world has moved on regarding matters of ICT. Therefore, it is time for us to think.

Mr. Temporary Speaker, Sir, on matters of governance, the United States of America (USA) has made tremendous steps regarding the use of ICT. President Obama has a unit within the White House that deals with matters of ICT, creates and resolves problems using ICT. That alone makes one to understand and have a grasp of where the world is going and how far back we are being left.

Mr. Temporary Speaker, Sir, the Ohio State Government received an award of USD40 million from the Federal Government of the USA for improvement as far as governance is concerned by use of ICT. The Ohio State Government was given low marks for financial transparency in 2014, earning an F from the USA Public Interest Research Group; a national non-governmental organisation that monitors the relationships between citizens and Government. However, the State received A-ratings in 2015 and 2016 from the same organisation.

The story behind that is that remarkable turnaround can be provided by experts from the elements of state government that have enhanced citizens' ability to observe their states, use of taxpayers' funds and related functions and access the benefits of the state. This was done by implementing ICT solutions to some of the challenges that they were facing. We are talking about a state in the USA and so on. We are impressed with what we heard and read. The question is; where will Kenya be in that state of affairs?

Mr. Temporary Speaker, Sir, in 2007, I was then the Minister for Information and Communication. We set up to build a structure in Kenya where the cost of internet was going to be equal to or less than that in India.

The reason being that the counties that were and are still engaged in the outsourcing businesses tend to name India as the place where they outsource their business. As we try to create more jobs in our country, it is important to note that one of the fastest growing sectors in our economy is the ICT sector and mobile phones, but we are not growing fast enough and we are not taking the opportunities that we could.

We have a Cabinet Secretary for Information, Communications and Technology (ICT) who is infused. He is an ICT guru and understands ICT very well. All we need to do is to support him, his departments and enthuse energy. When it comes to budgeting, the Treasury should allocate sufficient funds to the Ministry of ICT in order for the Ministry to be able to make the changes that are necessary for it to make its input as an enabling Ministry to all the other Ministries. As a country and Government, we need to do a lot more in placing ICT where it belongs.

When you see the ICT input that the other countries put in agricultural research and the way they handle crop husbandry through the use of ICT, you then realize that we should have been the first ones to implement this technology because we are the ones who rely more on agriculture than any other country. Japan invests massive amounts of money in managing agriculture via ICT yet it does not base its economy on agriculture. However, it appreciates the importance of agriculture in terms of food security for it leads to national stability. It does not matter how civilized or how advanced people are, they still need to eat. Therefore, ICT is an enabling area and the Ministry must be funded adequately.

For the last ten years, the Government has always given disappointing results every year even when you get to the point where you think that they now appreciate the importance of ICT and will, therefore, fund the Ministry sufficiently. Therefore, on

behalf of this House and the Committee, I am appealing to the National Treasury Cabinet Secretary, Mr. Henry Rotich, and the National Assembly that is charged with the responsibility of overseeing the budget process to think very hard about the implementation of a viable ICT Ministry as they allocate money. They should also look at all the areas that ICT can assist and how to implement ICT solutions to the many challenges that Kenya has.

I am sure that Kenya will be a very proud nation if we can give sufficient allocation to this Ministry just the way we are proud of M-pesa when we go out of this country. The team that was in Japan was very proud when they said that Kenya was the first country on earth to launch a mobile money transfer system. We are so proud to make such a statement, but it is getting old. M-pesa will be ten years old next year. We cannot keep on singing the same song over and over.

The time has come for us to do other things that we can also say that Kenya is the first country in the world to implement. When we do so, we will create the kind of confidence to make Kenya an ICT investment destination for those companies dealing with ICT globally.

With those few remarks, I beg to move that the Senate adopts the report and ask Sen. (Prof.) Lesan to second the Motion.

*[The Temporary Speaker (Sen. (Dr.) Machage) left the Chair]*

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

**Sen. (Prof.) Lesan:** Thank you, Mr. Temporary Speaker, Sir. I rise to second the adoption of this Report which has been ably moved by the Chairperson of the Committee on Information and Technology. I want to thank the Committee for the seriousness with which they have approached this work.

I would like to take this chance, having been a Member of this Committee before I moved to another Committee, to thank the Chairperson of the Committee who has a vast of experience in matters of ICT, having been the former Information Minister. He has been selfless in giving all the information and the expertise he has gained over the years to this Senate Committee for it to perform. This Committee is, indeed, performing and that can be seen from the reports that they present to this House.

I also want to compliment the various counties in this country which have, in the very first instance, taken it upon themselves to accept that ICT is useful and have gone ahead to embrace and use it. As a Member of this Committee, I was one of those who visited various counties. I was impressed with what Uasin Gishu, Nakuru, Nyeri and Kericho counties have done in terms of ICT. They have used ICT to the maximum benefit for the people of their counties. The counties that have embraced ICT were keen on recruiting the right personnel to man the equipment for maximum benefit and they also purchased the best available equipment.

These were counties that faced challenge in revenue collection. They immediately recognized that ICT was one of the things that they could use to increase their revenue. The Committee reports that these counties that embraced ICT have demonstrated tremendous increase in their revenue collection as a result of embracing ICT. We want to

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate*

compliment those counties. The counties that have used this technology should not be selfish. They should extend this kind of knowledge and experience that they have had with other counties.

One of such counties is my own county that the Chairperson has actually mentioned. Bomet County is very allergic to anything ICT and that is very sad. The only time they embraced a bit of ICT is when they were forced to accept Integrated Financial Management Information System (IFMIS) because it was the only way they could access money. It is sad to see Bomet County present handwritten documents which have been erased and some of them have been written in ball pens and pencils.

These are usually very important documents dealing with accountability of funds that have been used in counties being presented to the County Public Accounts and Investments Committee. They are really awful documents that cannot support anything. In fact, it is a manifestation of very poor management of not only the personnel but also money.

Mr. Temporary Speaker, Sir, I would like to use my county as an example to request every other county that has not fully embraced Information and Communications Technology (ICT) to do so. If they do not do so, I can only infer that there is only one reason why they do not do it. It is because they have a capacity to conceal theft and fraudulent use of money by using systems that do not leave any trail behind. ICT would leave a trail behind. If you are honest with the use of public money, you would use a system that will leave a trail. You can demonstrate to others that funds have been put to good use. The counties that have not been able to use ICT, including my county, five years down the line, will be exposed. It will be clear, by the number of those who will be called upon to account for resources that have been wasted or fraudulently acquired.

Mr. Temporary Speaker, Sir, I do not want to belabour so much the importance of ICT in counties. This is one of the most important pieces of equipment, technique and system that counties need to use. In a few months, there will be a devolution conference to look at what devolution has done over the years. I am in the committee which is organizing the conference. Some awards will be given to people who have made a contribution to devolution. I will be the happiest person if ICT systems would be among those which will win awards for making a contribution to the success of devolution. The counties which have embraced ICT will be some of the winners of these awards, and not some individuals who have been making noise all over the country.

As the Chairperson said, ICT has been very useful in various areas. I, particularly being a medic and coming from a medical background, know that ICT has made a contribution to the practice and delivery of medical services the world over. It has done so also in this country. I applaud the Government for supplying sophisticated equipment to health service providers which are being used to enhance treatment. We can draw maximum benefits from the equipment. It will assist us to run Magnetic Resonance Imaging (MRI), Computerized Tomography (CT) scan and a whole lot of diagnostic equipment. They would have maxim benefits if we tie them together with ICT. This is evident in counties that have embraced ICT.

There is the last mile connectivity of equipment that is to be used in ICT. During our visits to various counties, we noted that there are areas which the counties can assist in order for the equipment, wiring and introduction of ICT to take place more efficiently;

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate*

by-laws. There is no doubt that we will connect all the offices and buildings in this country with ICT equipment. It is only fair that counties amend the by-laws relating to construction so that every building in the country is professionally designed with conduits which will allow fibre and ICT equipment to be installed. We have seen counties struggling, almost demolishing buildings in order to put in conduits. Amending the by-laws will ensure that conduits are part of the construction.

Mr. Temporary Speaker, Sir, we have many counties that do not enjoy the same ICT coverage. It is the responsibility of this Committee and this House to assist far-flung counties such as Turkana and Mandera, where you have to climb a tree to access mobile network. They should be assisted to access these equipment and ICT connectivity. This will be beneficial. All Kenyans will enjoy these facilities.

Mr. Temporary Speaker, Sir, I support the adoption of this report. It is a milestone. We can continually refer to it in ICT usage in this country. With those remarks, I beg to second.

**The Temporary Speaker** (Sen. Mositet): You have done well. You need to be closer to your county so that you can tell them not to be allergic to ICT.

*(Question proposed)*

**Sen. Cheruiyot:** Mr. Temporary Speaker, Sir, I thank you for giving me this chance to add my voice in support of the good work that has been done by a Committee that I have come to admire so much. I do not say this because I am a proud Member. The work they do is testament. For the few months that I have been a Member of this House, I have had an opportunity to read through some of the reports that are generated. While they are a brilliant work that I can speak highly of, this report is excellent. I have taken time to internalize the things that are being suggested.

As a Senate whose primary mandate is to support the establishment of devolution in this country, the question that keeps coming on and on during our discussions, debates and interactions as Members of this House is, what is it that we can do to make sure that devolution succeeds and the dreams of the drafters of our Constitution are realised through this great direction that we took as a country. I would like to speak to three key things but before I go to the crux of my argument, there are two things I have realised this afternoon.

As I listened to arguments being made by the Chairperson of my Committee and the seconder, the Senator for Bomet, Sen. (Prof.) Lesan, I have realised that; first, I think ICT is a solution to all the challenges that our county governments are facing. Later on, I will expound on this and give a proper overview of why ICT stands as the single item with which if we decided to invest and put our time and money into it, it can help us leverage on and overcome some of the challenges that we keep on referring to as teething problems in this very onset of devolution in our country.

Secondly, I think anyone who intends to run for the position of governor in the next elections will do very poorly if he or she lacks ICT skills and without an ICT master plan in their manifestoes. This is because more and more county residents have realised the importance of ICT. The county that has been mentioned as being allergic to matters of ICT development will serve as a very bad example. I am sure that one of the things that

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate*

residents of that county will hear when they see some of the reports of this House, being a House of records, is that some counties have grown their revenue collection fivefold by simply adapting the use of ICT in revenue collection. You then wonder what it is that stops a governor who truly believes that devolution is for service to the people and not an avenue to pilferage public property and make yourself rich. What will make such an individual not to adopt this system?

Mr. Temporary Speaker, Sir, there are many living examples around us. As we move towards the end of this first round of county governments, I think it will be important that we urge county residents to ask their governors for their ICT successes. Of late, it has been said that when you look at the things that ICT has done in this world, then you realise that for sure it is a game changer. They say that the biggest hotel today in the world is a company called AB & B but it has no single hotel property. The biggest taxi company in the world is Uber but they do not have a single vehicle. That is the magic of ICT. Then, you wonder what people are waiting for. Why can we not adopt some of the recommendations that are being made through such reports?

The other day, my Committee had a discussion and we said that we need to question county governments on their budgetary allocations to ICT. We are really worried and we feel that our story is not being heard properly. In many counties, you realise that among the items with the least budgetary allocation is the ICT segment. Yet, they do not realise that the more you invest in this sector the more you are likely to get a breakthrough even in terms of revenue collection.

By accessing internet services, that little boy or girl in the dusty villages of my county of Kericho can get as much information as a girl growing up in California which is the tech city of the world. This is because through ICT, you can access as much information as possible. The little child will then have an equal chance of succeeding as those growing up in the “first worlds” of this country. It is my hope and desire that people will realise how useful it can be if we leverage on the use of ICT and use it even in our daily operations in county governments.

Mr. Temporary Speaker, Sir, I had the privilege of travelling with my Committee to Japan for a period of one week. We went to study a myriad of issues. While learning and taking notes, I could not help but imagine how we could localize some of the solutions that I saw. Part of the problems that we keep seeing every day in our county governments can be avoided.

In the area of disaster management, for example, I know this is a challenge that most counties face each day. You may have a sick person but you cannot even access the many ambulances that counties parade as one of their achievements. It is because you have to know the chief who has to call so-and-so to call the CEC in charge of health for them to release an ambulance to rescue a patient. By the time you do this, maybe the person will have passed on. If you leverage on ICT such that you get to know each resident of a county and give them a unique code upon whose activation you can know the closest ambulance to them and how quickly it can get to them.

Insecurity is a challenge even to the country let alone counties. For example, it is only Nairobi and Mombasa that were wired under that national programme of installation of CCTVs. What about the other 45 counties? What is it that you are prioritizing to ensure that security is improved? We were challenged that if we wanted to know how



systems work properly in Japan, just drop your wallet and disappear for three days. If you will not be called by police officers to pick it, you will find it where you dropped it. We were shocked to learn that the crime rate is almost at 0 per cent because you are being watched whether you walk down to the subways or along the streets. People can monitor you and know who you are and what you are doing.

These are not very expensive things that we cannot do. You then wonder what attitude is this that we need to change. If you have the hardware but your software, as an individual, is not inclined to think that ICT is a solution to your problems, then you will face an extremely difficult time.

I challenge those of us who are in influential leadership positions that when you get a chance to address your county assemblies, please, tell them to look at the issues of budgetary allocation to their ICT departments.

ICT is not just about providing cyber cafes. I have seen in certain counties the only glory that the governor takes is in saying that he has set up a cyber café in a particular ward and they consider that to be a success. It is about inculcating the use of ICT in almost all operations and making it as flawless as possible. Think about issues of corruption and the loss of public funds that we keep discussing. For example, when the Integrated Financial Management Information System (IFMIS) was introduced to county governments, it took a whole lot of convincing and we even had to enact laws to force people to adapt to it.

Finally, citizen participation is something that our Constitution places right at the centre of our democracy. All counties did something called County Integrated Development Plans (CIDP). What if all citizens had embraced the use of ICT such that this document was readily available in our smart phones? At this time, we would be questioning our governors according to what they were supposed to have achieved in the ward, sub-county or entire county. That would be an easy way of tracking development. You do not have to walk to the offices of the county assembly to ask for the budget plans and what has been set aside.

We need digital governments which can think about the future and know that ICT is a solution and not part of the challenge. If you are not embracing it, then you are being left behind each day that you are not embracing the use of ICT in your operations and that your county is losing out.

With those many remarks, I beg to support.

**Sen. Elachi:** 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---

**Sen. Sang:** On a point of order, Mr. Temporary Speaker, Sir. Is Sen. Elachi, the Senate Majority Whip and a senior Member of this House, in order to castigate and bring in bad light a hardworking deputy governor in this Republic? Out of hard work, he managed to have in cash Kshs3.5 Million in the evening while going home. What is the problem of having Kshs3.5 Million in cash?

Does the Senator have information or she imagines that this could be county resources in one way or another like it happens in other counties? In other counties, people go home with county resources. Could she shed some light on that issue so that she does not give the impression that it is wrong to have Kshs3.5 Million?

**The Temporary Speaker** (Sen. Mositet): Sen. Sang, you are completely out of order. Sen. Elachi is a Member of the Committee on Finance, Commerce and Budget and she has interacted with the Governor of the Central Bank. With the policies from the Central Bank, one should not be carrying money throughout. So, she knows what she is saying.

**Sen. Elachi:** 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.

**Sen. M. Kajwang:** Thank you, Mr. Temporary Speaker, Sir. I wish to support this Motion that has been brought to the House by the Committee on Information, Communication and Technology that is ably led by the former Minister for Information, Communication and Technology in the Republic of Kenya. Hopefully, the Chairperson

will be the future Minister for Information, Communication and Technology in the Republic of Kenya.

The report that has been brought by the Committee has covered just three counties. I wish that this Committee will also make arrangements to visit the other 43 or 44 counties that have not been covered. I would be very happy to see a report on the state of implementation, oversight and networking on technology from Homa Bay County, a county whose people I represent.

The responsibility for ICT management at counties is something that has not been standardised. In some countries, you will find that ICT is the responsibility of the Minister responsible for youth affairs and in some countries ICT is given to the Ministry responsible for culture and sports. I want to urge that ICT is so important that it should not be seen as an appendage to sports or culture or youth affairs or women affairs, as is the case in some countries.

I am glad that in my county the responsibility for ICT has been lumped with education. That is good enough. However, I do wish and I do hope that in future, county governors will provide greater authority to Cabinet Secretaries or chief officers or County Executive Committees (CECs) responsible for ICT, so that it is not seen as an afterthought.

Mr. Temporary Speaker, Sir, one matter that I would like to bring to the attention of the Committee on ICT is that whenever we go round these counties we should interrogate whether the counties are adhering to the Government Enterprise Architecture Standards (GEAS). The Government has come up with what those of us who are experts in technology call Enterprise Architecture Standards which guide each county in acquisition of technology and in implementation of technology.

For example, with 47 counties if we are not careful we will end up with 47 different revenue collection systems which will not be able to talk to each other or to talk to any other platform, including IFMIS. With 47 counties, there is a risk that we will end up with 47 human resource management systems or 47 attendant systems. However, if we went by the Enterprise Architecture Standards that have been developed for the Government – I have looked at them as a technology professional – I do believe that there is much that still needs to be done to make them operational because they do not look like standards, they look like policy statements which is a good starting point. It would be nice whenever the committees go out to the counties they pose that question; to what extent are we adhering to the Enterprise Architecture Standards?

If you look at the financial perspective, whenever the Auditor-General goes to audit these counties, he always looks at the adherence of counties to certain financial standards. For example, in financial services, you could have things like International Financial Reporting Standards (IFRS). So, when it comes to implementation of technology, I want to encourage the Committee on ICT to use the Enterprise Architecture Standards as a benchmark. Whenever we get a report we are told that county “a” and “b” are fulfilling or adhering to the standards and certain counties are not so that we come up with corrective measures.

Mr. Temporary Speaker, Sir, I also would like to encourage counties to look towards shared services. This is because in an era where data is moving to the cloud it makes no sense for a county government, the executive and the assembly to operate

different servers in the same county. We are going to end up with 94 different servers because each county executive and county assembly will feel that they have a mandate to establish their own ICT infrastructure. We, as Senate must encourage counties to move progressively towards shared services so that we can reduce the expenditure on infrastructure that comes with technology.

Another matter that we need to encourage as a Senate is development of incubation centres at the counties. We must move the technology incubation centres from Nairobi. When you look at technology innovation, it still flows like the ideas behind Sessional Paper No.10. There are several technology hubs and labs in Nairobi. There is *Naihub*, *iHub* and others. You can count up to ten innovation hubs in Nairobi, but when you go further afield, the further you go outside Nairobi, the fewer the innovation labs become.

Within the entire lake region which covers about six counties, there is only one innovation lab called Lake Hub. They are doing very badly. They are not getting funding and sometimes the question is who should fund them. Is it the Ministry of Information, Communication and Technology or is it the county government? I believe that counties should be able to step into some of these things and encourage the development of innovation hubs.

At a minimum, the way we have said that each county needs to have a university or an airport, if we are serious about this ICT revolution. We must also say that each county must have a technology innovation hub. That should be driven by county governments and not necessarily by Members of the National Assembly through Constituency Development Fund (CDF) as I have seen the proposal coming from the Ministry of Information, Communication and Technology. Issues of innovation, incubation and laboratories to foster technological breakthrough should be coordinated by the county governments. Members of the National Assembly should come in to plug in into the broader plans that the county governments have come up with, which should be consistent with the national plans.

Mr. Temporary Speaker, Sir, the county governments that we represent have complained about inefficiencies and weaknesses in the performance of the IFMIS and the other platforms that is used for personnel management Integrated Payroll and Personnel Department (IPPD). There are certain counties where they say that they only get connectivity for 25 minutes. The Chair of the Council of Governors is on record asserting Lamu as one of the counties where business cannot go on because they lack connectivity.

There is a Universal Service Fund (USF) that is established by statute. About 0.5 per cent of the revenues that Safaricom Limited makes annually go into a fund that is being managed by a civil servant within the Communications Authority of Kenya (CAK). Right now, the fund is valued at close to Kshs5 billion. The objective of this fund is to ensure that in Kajiado and the northern part of Kenya there is no pocket or corner without mobile network coverage.

Mr. Temporary Speaker, Sir, when we say that the next election shall be electronic, will we be able to get network coverage throughout the country? Are we serious when we say that we will scan and transmit the forms from the polling stations electronically? Do we know whether there is full coverage countrywide? I see a Member

of the select Committee looking at me interestingly, yet that was the recommendation that came out of Independent Electoral and Boundaries Commission (IEBC) Select Committee; that the next election shall be electronic.

I do not begrudge the assumption---

**Sen. Elachi:** 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?

**The Temporary Speaker** (Sen. Mositet): I think he is in order. On the other hand, you are not in order because it was a Select Committee Report and not a CORD report. You did a good job as a Member of that Committee and you should be proud. You should ensure that connectivity is achieved in every part of the country.

**Sen. M. Kajwang:** Mr. Temporary Speaker, Sir, I also believe they did a good job. If the fund is to do what it is supposed to, then the proposal by the Select Committee is valid. You would expect that Kshs5 billion sitting with the CAK would not be laundered by the civil servants. It would be used to expand mobile coverage across the country.

In a county like Homa Bay, which people might think is fairly exposed, there are certain corners and pockets where there is no mobile network coverage. If a polling station falls within that particular pocket, the electronic election idea will not be achieved. It is important for the Senate to interrogate the Universal Service Fund (USF) and ask how the monies have been used. For example, if you gave me Kshs5 billion and I do not account for it, there is nothing that stops me from running for governor of Nairobi or governor for Homa Bay because I have a slush fund.

We also need to encourage counties to embrace professionalism when it comes to technology. If an accountant has to be employed, we insist that he or she must be a member of the Institute of Certified Public Accountants of Kenya (ICPAK). An engineer must be a member of the Institute of Engineers of Kenya. A human resources professional must be a member of the Institute of Human Resource Management (IHRM). What about the people who manage information technology, yet they have passwords and access to the most confidential files? It is time we legislated and put in place a certification framework for Information Communication Technology (ICT) professionals.

Mr. Temporary Speaker, Sir, we have a body called the Computer Society of Kenya (CSK). I am a technology profession but I am not a member of that society. I prefer to be a member of the British Computer Society (BCS) because the CSK is a briefcase organisation. The select Committee said that we should call the CSK to sit with other stakeholders to decide on the ICT policy on elections. You will get a briefcase carrier who will pretend to carry the aspirations of professionals.

For those of us who are professionals and sit in this House, we need to have a certification, validation and accreditation scheme, so that when a county employs a chief information officer, there is the assurance that, that person belongs to a professional body. The same way we will have a chief finance officer in the counties, we need to have a chief information officer who will be responsible for the digital assets of the counties.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate*

Mr. Temporary Speaker, Sir, there is an ongoing debate in certain countries like Britain that, provision of fiber optic and internet infrastructure is as basic as the provision of water, electricity and telephone. I hope that we will get to that level. Unfortunately, we are still at a stage where 60 per cent of the population in some counties defecates in the open and 80 per cent of the population draws water from wells, ponds and lakes. Therefore, we need to first address these basic, bread and butter issues. Let our people defecate decently, get clean drinking water and then get to the level where we can provide ICT infrastructure as a basic service. We need to look at ICT beyond the traditional applications.

When the Chairman of the Committee presented his report, he talked about the 'business as usual' applications of technology in the counties that he visited. We must go further than that and look at the use of ICT in telemedicine. Counties have got serious equipment in the hospitals which are lying idle because the governors say that they do not expertise to manage the equipment. We could do telemedicine that has been tested elsewhere and seen to work. Our farmers are suffering losses because of changes in the climate.

When I was in financial services, we invented an insurance product that used technology. It was called a Weather Index Based Insurance Solution which used technology to detect if the temperature went too high or rainfall went too low. If crops failed or livestock died as a result of changes in climatic conditions, the insurance company could pay. This is a solution that counties that engage in pastoralism and in serious agriculture can implement. We should not just look at technology as using Integrated Financial Management Information System (IFMIS), using Integrated Payroll and Personnel Database (IPPD) or having a website and a *Twitter* handle.

With regard to time and attendance systems, we have a lot of ghost workers in these counties. We are told that there was a Capacity Assessment and Rationalization of the Public Service (CARPS) that was happening. Since the former Cabinet Secretary, Ann Waiguru, left office we have not heard anything about the CARPS exercise. As a result, most counties are stuck with employees in the payrolls, some of whom are ghosts, aliens, human beings and others political sycophants who are in payrolls and being disguised as doctors. We need to have a situation where anyone who reports to work in the counties uses a thumbprint, so that we can distinguish the ghosts from the real people. Therefore, ICT can be applied so broadly to have value in our counties.

As I conclude, being digital will not be fashionable---

*(Sen. M. Kajwang's microphone went off)*

**The Temporary Speaker** (Sen. Mositet): You can get another two minutes, since you have not finished.

**Sen. M. Kajwang:** Thank you, Mr. Temporary Speaker, Sir, for your kindness. In 2013, being digital was seen as fashionable. It was a strong campaign messaging that some people were digital and others analogue. This time round, there is no luxury in being analogue and being digital will not be fashionable; it will be imperative for every player in the political contest. I want to encourage everyone in political contestation or a position of executive authority that being digital should not be seen as an option; it

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate*

should be a way of life. There are many ways through which 'digital' can be used, for example, to help our farmers and pastoralists.

Mr. Temporary Speaker, Sir, there is a project I did using technology to prevent unwanted pregnancies by using SMS notifications to young girls so as to help them understand their menstrual cycles. This ensured that many young girls could stay in school and many working class mothers could continue to be productive and plan for their future and their livelihoods. I encourage counties to use technology innovatively and move beyond the traditional use of IFMIS.

To the Council of Governors (CoGs) and the chairman, we are tired of the complaints about IFMIS and IPPD every day. We need to look for another excuse and that is the reason processes are not being undertaken in counties. If there is no connectivity, go to CAK and picket. Blow whistles, like I have done in the past and got results, and you will get answers on why the Kshs5 billion USF is not being used for its intended purposes.

I support.

**The Temporary Speaker** (Sen. Mositet): Well done Senator. You got the extra two minutes because you are a guru in that field.

**Sen. Kisasa:** Bw. Spika wa muda, ninampa pongezi Sen. Kagwe. Unamwona ana simanzi nyingi anapotukumbusha kuhusu teknolojia. Naomba kutoa hongera kwa Serikali yetu. Kama unavyojua, akopaye deni akilipa huwa ameondoa lawama. Kwa hivyo, vile Serikali ilivyokuwa imeahidi kuwa itapaeana vipakatalishi kwa watoto wetu, hilo ni deni ambalo linaendelea kufutwa.

Kama mama, ama mzazi na wale mama wengine, sote tuna raha kubwa kwa sababu watoto wetu wameondolewa ule mzigo wa vitabu waliyokuwa wanabeba hadi mwendo ukabadilika. Pia, walijipata wafupi kwa mzigo mkubwa wa vitabu, lakini teknolojia itapunguza ile bughdha ya kubeba mzigo mkubwa sana wanapoenda shule ama kurudi nyumbani.

Bw. Spika wa Muda, teknolojia ni wapi haitumiwi; iwe ni sokoni, hospitalini ama shuleni. Siku hizi ni rahisi sana kuwasiliana. Kila mzazi anawezakupewa habari ya mtoto wake anavyoendelea ama akapewa ripoti ya karo ilipofikia bila kujaza mafaili tele ofisini mwetu.

Hata kwenye hospitali, mambo yamekuwa rahisi hivi kwamba, si lazima uende hospitalini ndio upate tiba. Tuseme umeenda Agha Khan Kisumu, siyo lazima uende mpaka Agha Khan, Mombasa. Unaweza kutibiwa popote pale kwa sababu ya teknolojia kwa kubonyeza kidude na kila jambo kuhusiana na yule mgonjwa litaletwa pale karibu naye.

Teknolojia imeturahisishia kazi. Ninaomba kutoa shukrani sana. Kongole kwa Serikali yetu kwa kutoa ile mitambo ya Kisasa. Je, tuna ujuzi na teknolojia hizi ambazo zimeletwa? Kwa hivyo, tuone ya kwamba kila kaunti lazima ivae njuga na ijue kuwa hakuna mawimbi yanayongojea mtu yeyote. Lazima mawimbi yatatubeba. Kila 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 waende kwa mafunzo kama hayo ili tusingitishwe na Al Shaabab ambao wanatumia vilipuzi kwa kutumia teknolojia ambayo sisi wenyewe hatujui kuvizua vile vilipuzi. Kwa hivyo, tunaona ya kwamba lazima tuwe wajuzi wa teknolojia ili tuone ni nini tutalofanya 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. Kila kaunti iwe itaweka pesa kwa sababu chanda chema lazima kivikwe pete. Tuone ya kwamba kila kaunti itaweka pesa ambazo zitasosha kwa sababu pesa adimu hazitatusaidia. Ni lazima tuichukue teknolojia kama kitu ambacho tutakiweka mbele. Mbwa hawezi kukuuma ukimjua jina. Kwa hivyo, laazima tuikubali teknolojia kama kitu kizuri kwetu.

Bw. Spika wa muda, kuna watu wengi wanaoiogopa teknolojia. Hadi leo kuna watu ambao hawataki simu. Mtu anataka kitu ambacho atakishika mkononi lakini akiambiwa: “Huu ujumbe utakufuata.” hataki. Lazima sisi kama Wakenya tukubali kwenda na vile hali ilivyo kwa mageuzi, sambamba na nchi zingine. Tusikubali kuwekwa nyuma. Wakati ni ukuta, na mtu akipigana nao ataumia mwenyewe.

Nimeinuka hapa ili kusema kwamba, lazima tuichukue teknolojia kama kitu ambacho sasa hivi kila mtu amebadilika. Lazima sote tubadilike na kutafuta njia ambayo ni nyepesi kwetu ili tuishi katika nchi yetu. Sisi huwa na aibu sana tukienda nchi za nje tukiona wenzetu walivyo mbele. Ukiangalia mabasi yenyewe hujirudisha chini ili wenye baiskeli wapande kwa urahisi. Huna haja ya kupiga kengele kusema basi isimame kwa kuwa maandishi yajipitisha yenyewe. Twalia kwa sababu tuko nyuma kiteknolojia.

Bw. Spika umesikia Sen. Kagwe akilia na kushangaa. Anaona aibu mbona sisi bado tuko nyuma. Hii ni kwa sababu hapa kwetu tuko nyuma kwa sababu hatutaki mawazo mapya. Kama unavyojua, kipya kinyemi. Kwa nini tusifuate kitu kipya? Kwa nini tusigange yanayokuja kwa sababu yaliyopita si ndwele? Nawaambia wenzangu na watu wote kwenye kaunti kwamba tuwe tukiletewa vitu vipya tuvikubali ili teknolojia itupeleke mbele.

Pia mawasiliano ni teknolojia. Yanatufuata mpaka nyumbani mwetu ama vyumbani mwetu. Hata hivyo, hii teknolojia yatupeleka mrengo mwingine kwa sababu utaona inachukua wakati wetu mwingi sana na kuachana na familia zetu. Vile tunavyotaka teknolojia, lazima tuivalie njuga. Tuangalie kuwa ni lazima tujumuike na familia zetu na tusiwe kwenye mtandao sana. Pia, tuletewe teknolojia ambazo hazitakuwa mbaya kwa miili yetu.

Bw. Spika, mengi siku hizi huenda rahisi sana kwenye mtandao. Kwa mfano, hakuna ugonjwa ambao huwezi kuuangalia kwenye Youtube. Jana nimeeshangaa nilipokuwa naangalia tiba ya ugonjwa fulani. Mara hiyo, nikaona kwamba teknolojia imenisaidia. Nilienda jikoni kwangu saa hiyo hiyo na nikaelekezwa kwamba niongeze tumeric yaani bizari mbichi, halafu niongeze chumvi ambayo iko kwenye kila jiko la mwanamke.

Kwa hivyo, hii teknolojia imetuletea mambo mazuri. Imetutoa kwenye ujinga. Wakati mwingine huwezi kuenda mahali fulani kwa sababu mawasiliano yatakufuata mpaka pale pale nyumbani. Itakufanya usitumie pesa kusema lazima uende mji fulani au nchi fulani. Ukifika kule utakuwa umeangalia na kujua daktari amesema nini. Zamani, daktari angekuja, aongee - wajua madaktari wanaongea ni kama wale wengine

hawajaenda shule - Kiingereza lakini hujui anachosema. Siku hizi, teknolojia imetufanya kwamba daktari akisema jambo unaweza kuangalia wakati huo huona ujue huo ugonjwa ulivyo, vile utakavyotibiwa na athari zake ni gani. Ninamuunga mkono Sen.Kagwe na ninaomba tuende mbio na sisi, tucheze kwa mtindo mmoja na nchi zingine kwa kuwa teknolojia ikituacha, tutakuwa tumeachwa nyuma.Teknolojia ni mawimbi ambayo hayatatungojea kamwe. Kwa hivyo, lazima na sisi tuwe palepale kwenye ufuo wa bahari ili tusaaidike.

Ni lazima vijana wetu walio kwenye jeshi watoke nje na kusoma kuhusu vilipuzi. Uliona tulichelewa siku za Westgate kwa sababu vijana wetu hawakuwa na ile teknolojia.

Uliona tulichelewa kwa sababu vijana wetu hawakuwa kwenye teknolojia. Ilibidi watu watoke nje. Unaona ni gharama iliyoje kuchukua watu ambao wako nje wanaojifanya wana ujuzi na sisi tunaujuzi. Pia, kama nilivyosema vipakatalishi zimekuja wakati mzuri. Ukiangalia mpaka pale nyuma, watoto wetu akili zao ni chapchap kwa sababu ukishindwa na kitu kwenye simu, itabidi uite kijana.

Kama unavyoona, Serikali imezingatia mambo ya vijana wetu kwa kuona kuwa lazima wapewe vipakatalishi, lazima wawe na ile elimu ambayo mtoto mwingine yeyote ama lazima apewe ule wakati mwafaka kwa sababu ukipata kipakatalishi kutokea darasa la kwanza, watoto wetu hawatakuwa bure bali watakuwa wataalamu.

Kwa hivyo, Bw. Spika wa Muda, mimi kama mama ninasema hongera sana. Hii teknolojia isambazwe hadi kila shirika liweze kuwa na teknolojia ambayo inahusiana na ile kazi mtu anafanya. Kwa hayo mengi, ninasema shukrani na nampa pongezi Sen. Kagwe.

**The Temporary Speaker** (Sen. Mositet): Hongera, Sen. Mshenga.

**Sen. Sang:** Mr. Temporary Speaker, Sir, I rise to support this Motion. I want to start by congratulating the Committee on ICT for the wonderful work they are doing. You will realize that these county visits by this Committee are pursuant to a resolution or Motion that they brought to this House and we approved it to ensure ICT is embraced in our counties.

Mr. Temporary Speaker, Sir, the role and the importance of ICT in this country cannot be gainsaid. It is important that Senators support this Committee in adopting this Report. If you look at the Report--- I will focus on only two sections of this Report - the findings and observations of the Committee and on the recommendations.

The Committee has established in one of its findings that two years after the Senate passed a resolution on the county connectivity, some counties are yet to be connected. It is important to note that the role of the Senate is to protect counties. When we sit down in this Senate to deliberate on some of these issues, we are able to do this knowing that they are things that will help our counties and they need to look at them in order to ensure that they are able to operate in an efficient and effective manner.

Therefore, it is important for the counties to take keen interest in what the Senate proposes because there is a reason the Senate has sat down and why this Committee has proposed some of the proposals that we see in this Report. ICT can be used to improve the provision of services in our counties. One of the greatest challenges that our counties continue to face is with regard to local revenue generation and collection. We know every time we have the Division of Revenue Bill in this House, counties continue to complain of lack of adequate resources. We know that through the Division of Revenue Bill, we

will never meet the demands of our counties. That is why county governments must find ways and means of generating revenue. One of the ways is ensuring that we seal the existing loopholes in terms of the local revenue generation.

Mr. Temporary Speaker, Sir, most of the counties – it is saddening – are generating less revenue than what used to be collected by the defunct local authorities yet through every year, the Finance Bills in our county assemblies always expand the taxation bracket. Now, you find counties collecting taxes and levies on things that local authorities previously did not collect taxes on. If you were to work with simple mathematics, you would expect that county governments would now be collecting much more; double or triple of what local authorities were collecting previously.

However, the true position is that they are collecting less yet they expanded the taxation base. This is precipitated by the fact that there are serious loopholes in the collection of revenue. Use of ICT would provide an excellent opportunity to seal those loopholes. You go to a parking in the counties, you pay for your parking fee and you are given a receipt.

In one of the incidences in my county, *Boda boda* operators are charged on daily basis by the county government and they are given receipts. We discovered that some of unscrupulous businessmen working in collusion with county officials had developed fake receipts which they issued to *Boda boda* operators which means you are losing a lot of revenue to some of these unscrupulous businessmen working in cahoots with our county officials. If you want to seal this loophole, you must engage ICT solutions. This will ensure you are able to net all the resources.

It does not make sense that a county will charge *Boda boda* operators, small business persons working in kiosks without providing the necessary facilities just because you are unable to collect all these resources into the county coffers and provide the facilities that these business persons need from the county. Therefore, I encourage all the county governments, particularly my county; that they need to focus on ICT solutions to seal the existing loopholes in revenue collection.

Mr. Temporary Speaker, Sir, the other important aspect of ICT is that it can be a good solution to provide job opportunities for our young people. We have the incubation centres that exist in Nairobi. I would expect that county governments, whenever they work on their budgets as a matter of priority, allocate adequate resources to the departments of ICT to come up with incubation centres in our counties because it is one area that you can absorb a lot of our young people who are already interested in ICT. If you go to every village, you meet a young person already operating a smart phone but we need to find a proper way of ensuring that some of these interests in ICT products are escalated to the point of generating revenue through them.

I would be interested to see a county government supporting young people through the Youth Enterprise Development Programmes to set up ICT hubs in our counties. This will engage the young people in meaningful development programmes and issues that are of particular interest to them. That is an important aspect that I think county governments must deal with. Of course, one of the impediments to entrenchment of ICT in our counties is lack of proper budgetary allocations. If there is one particular challenge other than corruption that bedevils devolution is misplaced priorities. When you go to a county, as a matter of fact, health is priority and so is infrastructure.

ICT should also be a priority, but when you go to the counties, you find that those particular departments that ought to receive the lion share of the county budget receive very little. Our counties have specialized in embracing projects and programmes that are not very useful.

To develop a small ICT centre in a constituency will not cost the county more than Kshs3.5 million, but you will find a county government expending Kshs3.5 million to build a pit latrine. In Koyo shopping Centre, the county government built four pit latrines and the residents of Koyo are aware of this. You are left wondering why a county government should be building a pit latrine. If that is not shocking enough, the cost of Kshs3.5million will even shock you more. To build a four bedroomed house complete with four en suite bedrooms, a sitting room and a kitchen will cost you slightly less than kshs3.5 million yet you get a county that can expend Kshs3.5million to build four pit latrines. This is complete abuse of the county resources. Why should a county that has not attempted to even build some small ICT centres for its young people spend resources to do such kind of funny things?

My county decided to expend their resources to fence markets which have been used for the last 50 years without the need of a fence, but because this is an opportunity to make a kill, it gave a tender of over Kshs30 million for fencing the markets in the county. Unfortunately, the greatest consideration in the programmes and projects that are being funded in the counties is whether it will provide the opportunity to get a kickback or the opportunity to fund a project that can generate some side revenue for the county officials. It is no longer being driven by necessity and the needs of the residents of those counties. That is why the particular component of public participation that ensures that the members of the public are able to contribute to what is of priority to them is important.

In the spirit of public participation, you would expect the county government to have gone to the market and asked its people what is of priority to them. They would have asked them whether they wanted a toilet built for them when they already have over ten toilets in the same market or get them clean piped water instead of fencing a half an acre of a market. Is it not more reasonable to give them shades to protect themselves from the sun and the rain? I am happy because we will be presenting a Bill in this house as a committee in a short while on the principle of public participation and how that should be done. This will mainstream the participation of communities and various sectors in decision making.

If you ask the millions of young people in our counties what is it that they see as the priority in their counties, I am sure ICT would fall within that particular bracket. This will enable us to take advantage of the numerous opportunities that come with ICT in ensuring that we are able to meet the needs of our young people.

I urge other Committees, including my Committee, that sometimes it makes more sense when a committee of this House travels around the counties so that we can face and deal with issues in the counties, first hand. As we finalise processes in this Senate, we should be alive to the needs of our people so that we do not again find ourselves in the same situation that counties are finding themselves; where two or three individuals sit down and imagine that they understand the needs of their people, then they start drawing

up their budgets disregarding the priorities of the residents and, consequently, wasting resources in projects that do not have meaning and direct impact on them.

Mr. Temporary Speaker, Sir, once they are done with resource allocation, counties must be faithful to ensure that they execute the budget as indicated. I come from a county where the budget is one thing while implementation of programmes indicated in the budget is a totally different thing. For three years, my county government has allocated resources to bursary but none of the needy deserving students in Nandi County have received bursaries in the last three years. What is the need of a budget if you will work on it yet you are unable to expend resources as indicated in it.

Therefore, it is not just good enough that we allocate resources to these sectors in the budget but it is also important that we remain faithful in implementation of the programmes and projects contained in the budget.

With those remarks, I congratulate this Committee. I urge all the county governments, that ICT is not negotiable.

I beg to support.

**Sen. Chelule:** 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 sub-county. 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 through 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.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Temporary Speaker, Sir, I also rise to support this Motion and the Report of the Committee. I am glad that this evening my colleagues have made very strong presentations on public participation. I listened to Sen. Sang and Sen. Chelule emphasize the need for adopting the use of ICT in public participation.

Beginning with this Senate, whenever we have had public participation, particularly those that we hold at the Kenya International Convention Center (KICC), the Senate mainly uses the print media to communicate to people that we will have public participation. If it goes further, it uses radio. That is the technology of the 1950s. Radios and newspapers have been there all these while. Now, we are in the era of internet and, in fact, even people in the rural areas get messages on their phones. Otherwise, they would not be buying or subscribing to all these services that Safaricom offers. I think we should encourage it, beginning with this Senate, that communication with the public is now online.

There should be a Senate session online on Frequency Module (FM) stations, Twitter, WhatsApp among others so that you can communicate with the people through a medium that they have access to.

Mr. Temporary Speaker, Sir, the typical way by which county governments get people into public participation is not for the governor to announce that there will be public participation on a market day in a place like Akala or Kombewa knowing that people will be at the market. The day chosen for public participation is completely wrong. This is because people have gone to the market that day for a completely different business which is commerce. Then, you want to divert the attention into public participation. You will find the layabouts that will pay attention and so on.

In the County Governments Act, the structure of devolution went up to the village level. The village council is composed of five people one third of which must be of either

gender with the village administrator. That is where people primarily live. If anything happens in the county, it has to be felt at the village level.

Mr. Temporary Speaker, Sir, if I want to have public participation, for God's sake, let it begin at the village level. The information must be sent to the village council. We should not assume that these people are ignorant. If they were ignorant, they would not have elected us in the first place or let us not assume that they do not have preferences in terms of development and choosing the projects they want in their areas.

The participation must be cascaded upwards from the village council to the ward administrator, sub-county administrator and finally participation is held. Participation should be structured and then you can hold someone accountable for not calling people to participate. Secondly, the information that you want to convey to people must be available to them ahead of time. That is why online services are there. There must be someone in the village that has an email. In my village, I can point out a couple of people with emails. The village administrator should have an email. My local market must have some printing services. If they are not there, they should be available at the village administrator's office.

Mr. Temporary Speaker, Sir, if we are talking of public participation, let us not limit ourselves by saying that people should make an input into a programme. Let us also think of the structure of participation and know which technology can assist us get information. That is why it is called Information and Communication Technology and not just technology in abstract but in reality. Having access to that technology means knowing it and knowing how to use it. Let us not think of technology as something complicated. After all, using a jembe or lighting a lamp is technology. So, let us find that information highway that makes it possible for people to have input, criticisms or programmes that we have to implement at the county level.

We must participate in order to contribute and get feedback. So, once you participate in the making of the County Integrated Development Program (CIDP) you need to get feedback. When you discuss the Budget in the National Assembly and the Senate, what is the outcome? In the Senate, the outcome of voting for the allocation of funds for the counties is the Auditor-General auditing the use of county funds. He then tables the Report in the House so that it is discussed in the County Public Accounts and Investments Committee. The Committee summons the governors to give feedback.

Mr. Temporary Speaker, Sir, it is important - I hope Sen. Sang comes up with a Bill on public participation - to have a Bill feedback system by which once the county residents contribute to an issue like CIDP, they should get feedback from the same county.

Mr. Temporary Speaker, Sir, project implementation is very important. The Constituencies Development Fund (CDF), for example, provides for Project Management Committees (PMCs). When you are building a classroom, you do not begin doing the work until there is a PMC. The PMC is the owner of the project on behalf of the people. They are the ones who give feedback and hold the CDF accountable. They are also held accountable by the people to ensure that the project is implemented properly.

In the present county governments system, the idea of PMCs is loud by its absence. The person held responsible for doing a contract is the person apparently who should also account for what he has done. How does he do it? When the people from the

governor's office come to do inspection, they give a letter saying that the project is complete and then the person is paid. The communities served by this project are totally cut out. They begin crying too late to Senators when they have petitions.

Mr. Temporary Speaker, Sir, I do not know whether the mover of this Motion wants to reply. Sen. Kagwe is looking at the clock all the time. You should have just told me rather than straining your eyes.

I do not want to make life difficult for my dear friends.

*(Sen. Kagwe spoke off the record)*

**The Temporary Speaker** (Sen. Mositet): Order Sen. Mutahi Kagwe! Who gave you the permission to speak?

**Sen. Kagwe:** Sorry, Mr. Temporary Speaker, Sir.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Temporary Speaker, Sir, I beg to support.

**The Temporary Speaker** (Sen. Mositet): I call on the mover of the Motion to reply.

**Sen. Kagwe:** Thank you, Mr. Temporary Speaker, Sir. First, I thank all the colleagues who have contributed to the Motion. I particularly thank Sen. (Prof.) Anyang'-Nyong'o, my friend and former teacher for teaching me good manners so that I did not want to tell him anything. I just looked at the watch and he got the message.

The contributions have been very effective. Clearly, there is a passion and interest in this House for ICT. We hope that we can infuse the county governments and legislatures so that the enthusiasm runs across the country. Those of us who will eventually be governors next year have a very important role to play going forward in this matter. They can centralise and make themselves the ICT ministers just like President Kagame made himself the ICT Minister in Rwanda. Only then will we see the kind of results that we would like to see.

Mr. Temporary Speaker, Sir, I promise those who made contributions and suggestions that the Committee will take their views seriously. We will present all the ideas to the Committee, the Cabinet Secretary for Information, Communication and Technology and if possible, to the President. I want to thank everyone who participated and the Speaker for his patience.

With those few remarks, I beg to move.

**The Temporary Speaker** (Sen. Mositet): This is a Motion which does not affect counties. I will proceed and put the question.

*(Question put and agreed to)*

#### ADOPTION OF REPORT ON STUDY VISIT TO RUSSIA

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the study visit to Russia laid on the Table of the House on Tuesday, 15<sup>th</sup> March, 2016.



ADOPTION OF REPORT ON THE 38<sup>TH</sup> SESSION OF THE UNESCO  
GENERAL CONFERENCE IN PARIS, FRANCE

THAT, the Senate adopts the Report of the Standing Committee on Education on the 38th Session of the UNESCO General Conference in Paris, France held at UNESCO Headquarters from 3rd to 18th November, 2015 laid on the Table of the House on 14th April, 2016.

ADOPTION OF REPORT ON ROADS AND TRANSPORTATION  
STAKEHOLDERS' FORUM

THAT, the Senate adopts the Report of the Standing Committee on Roads and Transportation on a Stakeholders' Forum held on 3rd February, 2016 at Safari Park Hotel, Nairobi laid on the Table of the House on 14th April, 2016.

ADOPTION OF EALA REPORTS AND RESOLUTIONS  
PURSUANT TO STANDING ORDER NO. 235

THAT, the Senate notes the Report of the Standing Committee on National Security and Foreign Relations on the EALA Reports and Resolutions pursuant to standing order 235 laid on the Table of the House on Tuesday, 19th April, 2016.

NOTING OF THE REPORT OF THE 113<sup>RD</sup> AND 134<sup>TH</sup> ASSEMBLIES  
OF THE INTER-PARLIAMENTARY UNION AND RELATED MEETINGS

THAT, the Senate notes the Report of the 133rd and 134th Assemblies of the Inter-Parliamentary Union and Related meetings held between 15th and 21<sup>st</sup> October, 2015 in Geneva, Switzerland and 17th and 23rd March, 2016 in Lusaka, Zambia, respectively, laid on the Table of the House on Wednesday, 8th June, 2016.

*(Motions deferred)*

**BILLS**

*Second Readings*

THE COUNTY GOVERNMENTS (AMENDMENT) (No. 2) BILL  
(SENATE BILL NO. 7 OF 2016)

THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL  
(SENATE BILL NO. 5 OF 2016)

THE CONSTITUTION OF KENYA (AMENDMENT) (No.2) BILL  
(NATIONAL ASSEMBLY BILL NO. 26 OF 2013)

THE CONSTITUTION OF KENYA (AMENDMENT) (No. 2) BILL  
(NATIONAL ASSEMBLY BILL No. 2 OF 2015)

*(Bills deferred)*

### COMMITTEE OF THE WHOLE

THE REPRODUCTIVE HEALTH CARE BILL  
(SENATE BILL NO. 17 OF 2014)

*(Committee of the Whole deferred)*

### ADJOURNMENT

**The Temporary Speaker** (Sen. Mositet): Hon. Senators, there being no other business, the House stands adjourned until Tuesday, 18<sup>th</sup> October, 2016, at 2.30 p.m.

The Senate rose at 6.30 p.m.