

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 19th November, 2015

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

[The Deputy Speaker (Sen. Kembi-Gitura) in the Chair]

NOTICES OF MOTION

The Deputy Speaker (Sen. Kembi-Gitura): Chairperson of the Standing Committee on Health? Sen. Kittony, do you have a Notice of Motion to give?

Sen. Kittony: No, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Next Order.

STATEMENTS

The Deputy Speaker (Sen. Kembi-Gitura): There are just a few Statements; three to be precise. Is there any Senator seeking a Statement? If none, let us go to the responses. Hon. Senators Kagwe and Ndiema are not here. Senate Majority Leader, are you ready to give your Statement now?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Could we have it and see if the other Senators would have come?

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 24TH NOVEMBER, 2015

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, Hon. Senators, I am pleased to issue the Statement relating to the business of the Senate pursuant to Standing Order No.45.

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker Sir. In keeping with the traditions of this House, could the Chair direct that the Senate Majority Leader apologise to the House before issuing this Statement, which is long awaited? This is for

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the repeated failure of the Senate Majority Leader or the confusion that he has been giving that has led, in the last few weeks, to a stormy debate in this House. On one occasion, he actually failed, either directly or through his proxies to issue a Statement at all. Could he apologise?

The Deputy Speaker (Sen. Kembi-Gitura): Sorry, Sen. (Dr.) Khalwale. Which Statement did he fail to issue, is it the one he is about to issue now?

Sen. (Dr.) Khalwale: Yes, Mr. Deputy Speaker Sir. We have had issues about this particular Order. The House witnessed an occasion where in an unprecedented manner, the Senate Majority Leader failed to issue a Statement. I spoke to it. Could he apologise?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, before I make a ruling on whether or not he will apologise, you have ambushed me. This is the first time that, that kind of a point of order has been raised in the House. Could you suggest to me how you want me to proceed on that? Do you have a Standing Order that you can rely on? Are you able to point out a specific Thursday that the Statement was not issued? If you manage to do so, I may need to look at the HANSARD. I do not want to appear unfair to you or the Senate Majority Leader on making such a demand that he apologises.

So, you would have to guide me; let me know what Standing Order you are relying on and then point out to the specific breaches. This Statement is issued on Thursdays. I would like to know exactly when this was so that I can make an informed decision on the issue.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I am rising on Standing Order No.45 which provides that the Senate Majority Leader shall issue a Statement as he is about to do now. I want to draw your attention to an intervention, which I made a few weeks ago. I drew the attention of the Chair that the Senate Majority Leader had failed to issue a Statement. It is in the HANSARD.

If the Senate Majority Leader will be expected to be as candid and honest as I am, he will remember that day when he failed to issue a Statement and then apologise.

Sen. Haji: On a point of order, Mr. Deputy Speaker, Sir. That happened last Thursday. However, he delegated it to the Senate Majority Chief Whip. When she was about to make the Statement, the Deputy Senate Majority Leader came. Then the Speaker directed that she could not give the Statement and that it be given by the Deputy Senate Majority Leader, which he did.

So, I do not see any reason Sen. (Dr.) Khalwale would raise this issue. Yes, it is procedural, but the Senate Majority Leader is not an angel. He could be sick or away. He has authority to delegate.

The Deputy Speaker (Sen. Kembi-Gitura): This is a straightforward issue. If Sen. (Dr.) Khalwale is relying on the Standing Order 45(2)(c) which 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.”

This is not a matter that I would make an impromptu ruling on. Sen. Haji has made an important intervention. I was not here when this happened. I, therefore, have no recollection of it. If the Senate Deputy Majority Leader was here and issued a Statement, then it is of no consequence to me because a Statement was issued. I do not want to dwell on this issue.

Sen. Okong’o: Mr. Deputy Speaker, Sir, what Sen. (Dr.) Khalwale did not mention are the traditions and precedents of Parliament. Yesterday, when we were looking for quorum, the Senate Deputy Majority Leader told us that the Senate Majority Leader had left.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Okong’o! Take your seat. You have risen on a totally different issue. We are now dealing with the failure of the Senate Majority Leader to issue a Statement when he was supposed to issue one. If you want to raise another issue, you will have another occasion to do it where I will not stop you as long you do it correctly and at the right time.

I do not want to dwell on that issue right now because if what Sen. Haji said is correct, then a Statement was issued. As long as a Statement is issued on Thursday on the last day of the Sitting as provided in the Standing Order No.45(2)(c), then there is absolutely nothing wrong. The Statement does not have to be issued by the Senate Majority Leader himself. It can be issued by his deputy or the Senate Minority Leader because all of them sit in the Rules and Business Committee (RBC).

Sen. (Dr.) Khalwale, if you are not satisfied, you can always raise the issue on the Floor or directly with me at another time.

Sen. (Prof.) Kindiki, please, proceed with your Statement.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, as I said, I rise under Standing Order 45(2) to issue a Statement of the business of the Senate for the week starting Tuesday, 24th November, 2015.

On Tuesday, 24th November, 2015, the RBC will meet to schedule the business for the week. Subject to the directions of the RBC, the Senate is expected to continue with debate on the Bills that are in the Second Reading or Committee of the Whole, including the following:-

- (a) Bills which are at the Second Reading are:
 - (i) The Employment Amendment Bill (Senate Bill No.1 of 2015), the Cancer Prevention and Control Bill (Senate Bill No. 3 Of 2015).
 - (ii) The County Library Services Bill (Senate Bill No. 6 of 2015).
- (b) Bills at the Committee of the Whole, include:
 - (i) The County Assembly Service Bill (Senate Bill No.27 of 2014)
 - (ii) The Universities Amendment Bill (Senate Bill No. 31 of 2014).

- (iii) The Parliamentary Powers and Privileges Bill (Senate Bill No.15 Of 2015).

On Wednesday, 25th November, 2015, the Senate will continue with business that will not be concluded during Tuesday's sitting and any other business that will be scheduled by the RBC

On Thursday, 26th November, 2015, the Senate will deliberate on pending Motions and any other business scheduled by the RBC

Hon. Senators, I take this opportunity to remind you that according to the Senate Calendar that we approved, we only have two weeks to sit before going on recess. I, therefore, appeal to you to make yourselves available to dispose of any pending business before the Senate goes on recess, especially Bills that are at the Committee of the Whole.

I thank you and lay this Statement on the Table of the Senate.

(Sen. (Prof.) Kindiki laid the document on the Table)

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I rise under Standing Order 45(2)(c) and 37(1) to appeal to the Senate Majority Leader that the County Public Accounts and Investments Committee(CPAIC) has completed the hearings and report writing and has tabled a report on the Auditor-General's Report on the County Executive of Homa Bay County.

In the remaining two weeks, could he kindly schedule the business of the House so that we can debate and dispose of the report on the Homa Bay County Executive? That way, we can be seen by the country to have dealt with one county conclusively. So far, it has been extremely difficult to carry out our mandate because of court injunctions for us to dispose of accountability in our county governments. Could that be put on the Order Paper for next week?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, I thank Sen. (Dr.) Khalwale, the Chairperson of the CPAIC for bringing up that matter. I share the same view. I undertake to him and the Senate that I will place that request before the next meeting of the RBC.

It is very important that before we go on recess, we debate at least a report of the Auditor-General and Sen. (Dr.) Khalwale's Committee for at least one county because there is a lot of backlog and expectations by the people of Kenya on the work that the Committee of Sen. (Dr.) Khalwale is doing and the whole Senate of the Republic of Kenya. I undertake to table that request to the RBC next week.

Sen. Wangari: Mr. Deputy Speaker, Sir, I had put my intervention earlier before the Senate Majority Leader responded. I support my Chairman noting that the CPAIC is a Sessional Committee and we will lapse before the end of the year. It will be very important to table the business that we have dealt with so that we move to the next year.

The Deputy Speaker (Sen. Kembi-Gitura): The Senate Majority and Minority Leaders are here. I am sure that the two of you will see to it that the RBC finds it fit to place this matter before the Senate next week.

Please, proceed Sen. Obure.

DELAYED DISBURSEMENT OF SHAREABLE REVENUE AND
OTHER DUES BY THE NATIONAL GOVERNMENT

Sen. Obure: Mr. Deputy Speaker, Sir, several county governments have recently complained on delayed disbursement of shareable revenue and other dues by the national Government. The delays have allegedly caused the county governments to default on their statutory obligations and commitments. The delays have disrupted implementation of planned activities by both the county executives and assemblies. These delays are said to have led to an accumulation of pending bills on the part of the county governments. In this context, I request the Chairperson of the Senate Committee on Finance, Commerce and Budget to:-

(1) Give a schedule covering the period 1st July 2014 and 30th October 2015, showing the dates when the disbursements were due to be made and when they were actually made.

(2) Explain the reasons for the delay, if any.

(3) State what plans the National Treasury has put in place to guarantee prompt disbursement of dues to county governments considering that these funds are critical and a prerequisite to performance at both levels of Government.

Thank you.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Obure, you did not start by saying which Committee you are directing your question to.

Sen. Obure: Mr. Deputy Speaker, Sir, I said the Committee on Finance, Commerce and Budget

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Mositet, when will you give an answer on this?

Sen. Mositet: In one week's time, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): That is Thursday 26th November, 2015?

Sen. Mositet: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Is that suitable, Sen. Obure?

Sen. Obure: That is all right, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you. Sen. (Dr.) Machage, do you have any issue?

Sen. (Dr.) Machage: On a point of order. Mr. Deputy Speaker, Sir, I wanted an addendum to Sen. Obure's---

The Deputy Speaker (Sen. Kembi-Gitura): Your name does not appear on my screen.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, maybe there is something wrong with that gadget. I already have the microphone.

The Deputy Speaker (Sen. Kembi-Gitura): What do you want to do?

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I request that you accept that I make a rider.

The Deputy Speaker (Sen. Kembi Gitura): Go on.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, in addition to what Sen. Obure has asked, could the Chair of the Committee also give reasons why some counties are favoured in allocation of funds whereas others are ignored for many months thereafter?

The Deputy Speaker (Sen. Kembi-Gitura): In that specific rider, you need to be specific because Sen. Obure has given specifics. You are talking about some counties being favoured beyond others. For that one, you need to be specific and say which counties have been favoured or something like that.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I would rather leave it at that.

The Deputy Speaker (Sen. Kembi Gitura): It will be difficult for the Committee.

Sen. (Dr.) Machage: Let them attempt.

The Deputy Speaker (Sen. Kembi Gitura): I beg your pardon, Sen. (Dr.) Machage.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I am sure the Committee will have an answer. Let them try.

The Deputy Speaker (Sen. Kembi Gitura): I will not allow that to happen.

Sen. Wangari: Mr. Deputy Speaker, Sir, Sen. (Dr.) Machage has made very serious allegations about favouring and disbursements that some counties are favoured while others are denied funds. It would only be better if he gives specifics with substantiations so that we can know what he is actually talking about.

The Deputy Speaker (Sen. Kembi Gitura): You heard what I said. I told Sen. (Dr.) Machage, that it is not fair to expect the Committee to go on a fishing expedition so that they are able to determine which ones are favoured and which ones are not. In fairness, if you want the Committee to deal with that, you have to be specific, otherwise, that request will not be allowed.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I thought it was fair, but let me substantiate.

The Deputy Speaker (Sen. Kembi Gitura): You do not need to substantiate, just give examples that you have in mind.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, an example is Kiambu County, which is always favoured. Mandera County is always left out.

Sen. (Dr.) Khalwale: On a point of order. Mr. Deputy Speaker, Sir. With all due respect to the distinguished Senator for Migori, as a Chairman of the County Public

Accounts and Investments Committee, we have to proceed very cautiously before we allow the Senator for Migori to proceed in the manner he is doing.

The National Treasury usually puts up an advert showing disbursement of funds. There is no single occasion over the last three years where the Committee on Finance, Commerce and Budget and that on the County Public Accounts and Investments Committee, have witnessed an occasion whereby any county has been left out in the advertisement. The Senator for Migori should be put to task to justify those allegations. The best we know is that the funds come late, but every county gets its allocation. Is he order to mislead the House?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Machage, are you in order? Like Sen. Wangari and the Chairman of the County Public Accounts and Investments Committee have said, it will be unfair and unfortunate to make the kind of statement you have made, unless you are able to substantiate.

You may be asked to substantiate because I am not going to muzzle you or anybody else from saying what they want to say. What I will require of you if you want to make substantiation is that you appear before the relevant Committee; the Committee on Finance, Commerce and Budget, and put your case before them, that there is favouritism in the allocation of funds. Then they can include your views when they make their report or the findings to the Senate.

As Sen. (Dr.) Khalwale and Sen. Wangari have said, the kind of statement you have made is unfortunate because it is the kind of statement that can create despondency where none should exist. As Sen. (Dr.) Khalwale says - he should know because he is the Chairman of that Committee - it is not necessary, if you ask me.

Sen (Dr.) Machage: Mr. Deputy Speaker, Sir, I would not want to argue with the Chair.

The Deputy Speaker (Sen. Kembi-Gitura): Actually, there is no argument.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, neither, would I want to appear not to agree with the Chair. However, my concerns have been recorded in the HANSARD and let it be.

Thank you very much.

The Deputy Speaker (Sen. Kembi Gitura): I am striking them from the HANSARD. I have said it is of no consequences and it should not be considered by the Committee when it is considering the request by Sen. Obure.

Let us move on to the next Order.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF MEMBERS OF VARIOUS COUNTY ASSEMBLIES

The Deputy Speaker (Sen. Kembi Gitura): Order, Senators. I have a short Communication to make.

I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting delegation of Members from Kilifi, Embu, Siaya, Tharaka-Nithi, Meru and Bungoma county assemblies. The Members are here on a capacity building.

I request each Member of the delegation to stand when called out so that they may be acknowledged by the Senate. I request that they stand so that we make one round of applause that is reasonable.

Kilifi County Members, please, stand up when you are called. The Members are as follows:-

- | | | |
|----------------------------------|---|-------------|
| 1. Hon. Theophilus Kalama Fondo | - | Chairperson |
| 2. Hon. Duncan Kaingu | - | Member |
| 3. Hon. Grace Kwekwe Mwangome | - | Member |
| 4. Hon. Gibson Matano Herbert | - | Member |
| 5. Hon. Bakari Ali Mwinyi | - | Member |
| 6. Hon. Jared Kaunda Chokwe | - | Member |
| 7. Hon. Kahindi Geoffrey Muhambi | - | Member |

Please, remain standing.

The Members are accompanied by:

- | | | |
|--------------------------|---|---------------------------|
| 1. William Katana Nyanje | - | Principal Clerk Assistant |
| 2. Stanley Tsuma | - | Serjeant-At-Arms |
| 3. Sammie Mwadziwe | - | Hansard Reporter |

(Applause)

From Tharaka-Nithi County, the delegation consists of:-

- | | | |
|----------------------------|---|---------------|
| 1. Hon. Erastus Kinyua | - | Chairman |
| 2. Hon. Naomi Kawira | - | Vice Chairman |
| 3. Hon. Royford Muchiri | - | Member |
| 4. Hon. Agostino Ngaku | - | Member |
| 5. Hon. Peter Mwabu | - | Member |
| 6. Hon. James Mutembei | - | Member |
| 7. Hon. Stephanina Ciamati | - | Member |

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The Members are accompanied by

1. Mr. Paul Thirika

(Applause)

From Bungoma County, the delegation consists of:-

- | | | |
|-----------------------------|---|--|
| 1. Hon. John Makali | - | Speaker to the County
Assembly of Bungoma |
| 2. Hon. Ben kipkut | - | Chairperson |
| 3. Hon. Jack Kawa | - | Vice chairperson |
| 4. Hon. Protus Waswa | - | Member |
| 5. Hon. Sammy Chemwey | - | Member |
| 6. Hon. Gentry Maindi | - | Member |
| 7. Hon. Frederick Wanyonyi | - | Member |
| 8. Hon. James Mukhongo | - | Member |
| 9. Hon. Ruth Mwenya | - | Member |
| 10. Hon. Dorice Nanyokya | - | Member |
| 11. Hon. Julius Barasa | - | Member |
| 12. Hon. Everlyne Mutiembu | - | Member |
| 13. Hon. Moses Wabwile | - | Member |
| 14. Hon. Julius Wanjala | - | Member |
| 15. Hon. Edith Shitandi | - | Member |
| 16. Hon. Charles Muramara | - | Member |
| 17. Hon. Reginalda Wanyonyi | - | Member |
| 18. Hon. Caroline Wacu | - | Member |

The Members are accompanied by:-

- | | | |
|---------------------------|---|---|
| 1. Mr. John Mosongo | - | Clerk to the County
Assembly
of Bungoma |
| 2. Mr. Oscar Sifuma | - | Committee Clerk |
| 3. Mr. Nicolas Maghas | - | Research Officer |
| 4. Ms. Celestine Moshong' | - | Legal Clerk |
| 5. Mr. Elvis Werunga | - | Hansard Officer |
| 6. Mr. Martin Omusee | - | Commissioner |

(Applause)

Those from Siaya County Assembly include:-

- | | | |
|---------------------------|---|---------------|
| 1. Hon. Sylvester Madialo | - | Chairman |
| 2. Hon. Booker Minami | - | Vice Chairman |

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It looks like the delegation from Siaya is not in the Speaker's Gallery.
Then from Embu County, we have:-

1. Rose Ntwiga
2. Peter Kithu

They do not seem to be here yet. Then from Meru County we have:-

- | | | |
|-------------------------|---|-------------|
| 1. Hon. Samson Thurania | - | Chairperson |
| 2. Hon. Maore Ngore | - | Member |
| 3. Hon. Eunice Karema | - | Member |
| 4. Hon. Julius Kabira | - | Member |

I hope that all of you are having a fruitful programme. On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you a fruitful visit.

Thank you.

The Senate Minority Leader, Sen. Wetangula!

The Senate Minority Leader (Sen. Wetangula): *(Inaudible)*

The Deputy Speaker (Sen. Kembi-Gitura): Order, Members. Something seems to be wrong with the system.

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, the gadgets are not working. When you press to request for the microphone, it should come on automatically.

Allow me, on behalf of all of us to welcome the three county assemblies from Bungoma, Kilifi and Tharaka-Nithi who are here on a learning mission. We are engaged in helping build capacity for the counties. I just want Members of the county assemblies who have come to the Senate to know that we rely on them as primary institutions to help in making sure--- *(inaudible)*

(The Chamber speakers went off)

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators. Like the Senate Minority Leader said, the system does not seem to be working. This has to be a noise point of order like we used to do a long time ago.

The Senate Minority Leader (Sen. Wetangula): What about the HANSARD?

The Deputy Speaker (Sen. Kembi-Gitura): We do not know.

Sen. (Dr.) Khalwale, is your speaker working?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, yes.

The Deputy Speaker (Sen. Kembi-Gitura): So, you will be heard on it.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, allow me to welcome all the visitors we have this afternoon and most importantly, the visitors from my home county, Bungoma. I congratulate them for being here.

Allow me to apologise to them because they have come on a day when the County Public Accounts and Investments Committee was looking at the accounts of Bungoma County Assembly and I was not in attendance. In view of the unique things

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that happen in Kenya, we might be thinking that I dodged. I want to assure them that I did not attend because I was in the High Court attending on a matter where I am canvassing the people who looted Mumias Sugar Company.

Finally, I appeal to the Members of the County Assembly from Bungoma County to consider moving a substantive Motion in the Bungoma County Assembly to discuss how Sen. Wetangula and I were treated when the President visited Bungoma because it looked--- *(Inaudible)*

Mr. Deputy Speaker, Sir, I did not believe that the Senator for the most populous county in Kenya could be denied a seat at the Presidential Dais. I hope the Bungoma MCAs and particularly the Speaker will also note that Lwakhakha---

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. (Dr.) Khalwale. I have allowed you a lot of leeway because the essence of what you are doing now is to welcome our colleagues, the Members of the county assemblies. If you want to give them words of wisdom, invite them either to your chamber or some other place and have a meeting with them, but let us do the business we do best here. If you take the line you are taking, I will not allow you to finish.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, in conclusion, I request the County Assembly of Bungoma to invite me to their Assembly so that I take them through what is expected of the protocol on a Presidential Visit in a county.

Thank you.

The Deputy Speaker (Sen. Kembi-Gitura): When we were practicing law, there was something that was called touting. You want to invite yourself.

The Senate Minority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, allow me to join my colleagues--- *(Inaudible)*

(Technical hitch)

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, we have a technical problem because the system seems not to be working. We shall not adjourn but improvise what we have. Therefore, you will continue talking from the Dispatch Box, if necessary.

The Senate Majority Leader, you were on the Floor.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, allow me to join my colleagues in welcoming the honourable Members of various county assemblies, including Tharaka-Nithi County Assembly, who have visited us today. Today, I feel very privileged to have Members of my County Assembly (MCAs) visit the Senate.

On behalf of all of us in the Government side and all of us in “the Government in waiting,” as the Senate Minority Leader has correctly put, I welcome and wish them all the best. I want them to know that we take county assemblies and their work very seriously, especially as the first bull work against the excesses that we see in our counties across the country. I just want to let them know that we cherish what they are doing and

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wish them all the best. I know that I am speaking for all of us in the Government and the Opposition side.

Before I sit down, I just want to remind Sen. Wetangula that he should have clarified that they will be waiting for a very long time; 150 years.

Thank you.

Sen. Hassan: Bw. Naibu Spika, kwa niaba ya mwenzangu, Seneta wa Kaunti ya Kilifi ambaye Ujumbe wao pia uko hapa, ningependa kuwakaribisha. Ningependa waelewe kuwa wao ni jirani zetu na kwamba wakimwona Sen. Madzayo, watakuwa wameniona na wakiniona, basi watakuwa wamemwona Sen. Madzayo.

Nilimweleza kwamba mko hapa na akaniomba niwape salamu zake. Aliniomba niwape ujumbe kwamba tuna matarajio makubwa kutoka Bunge zote za kaunti katika kuhakikisha kuwa ugatuzi umeimarishwa. Kwa miaka mingi, sisi Wapwani tumelia kuhusu dhuluma, kutengwa, wizi na uporaji wa rasilmali zetu. Hata hivyo, tumepata fursa ya Serikali za kaunti ili kurekebisha historia ya majanga yaliyotupata.

Nawakaribisha katika Seneti ambayo inaenda sambamba na matarajio ya ugatuzi. Tutashirikiana nanyi kwa kila njia kwa sababu Seneti iko tayari kushirikiana na Bunge lolote ambalo litashurutisha serikali za kaunti, wakiwemo magavana na wasimamizi wa serikali zao kuwajibika. Nawakaribisha tena na kuwasihi mpokee salamu za ndugu yangu, Sen. Madzayo, Maseneta kutoka maeneo yote ya Pwani na Meseneta wote wa Taifa la Kenya.

Mungu awabariki.

Sen. Orengo: Mr. Deputy Speaker, Sir, thank you very much for giving me the opportunity to also say a word of welcome to the visiting delegations from counties. What is happening in terms of engagement between the Senate and county assemblies is a very good thing.

In fact, the whole of this morning, the Senate Committee on Implementation, which I chair, had a retreat with the committees on implementation from Bungoma, Tharaka-Nithi and Lamu county assemblies. I noted to the MCAs from Tharaka-Nithi that their Senator is the Senate Majority Leader, just in case they do not know.

Similarly, I told the delegation from Bungoma that their distinguished Senator is our Senate Minority Leader. Although I did not have their instructions, I passed their messages of goodwill, which I hope they will not retract. However, I was very worried because when I was walking in, Siaya County was being introduced as the county of *siasa*.

(Laughter)

However, I have been told that, that was corrected, although it is a distinction that I do not want to run away from because the politics, beginning from Mzee Jaramogi Odinga to Argwings Kodhek and others, played a very important role in the struggle for freedom in this country. Right now, what Siaya requires like all other counties is more

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resources going to the counties. I hope the MCAs who are here will support the Senate and our coalition in ensuring that more money goes to the counties because if money is left at the national level, most likely, it will go to waste and hemorrhage that we cannot justify.

Finally, the delegation from Siaya was supposed to be here. I will find out from the clerks what happened. I could not be here to make sure that they are here because I have told you that I was at The Safari Park Hotel. That is why nearly all Senators who are in the Committee on Implementation, including Sen. Muthama, Sen. Haji, and Sen. Kanainza, are not here.

Thank you.

The Deputy Speaker (Sen. Kembi-Gitura): Let us be brief.

Sen. Sijeny: Mr. Deputy Speaker, Sir, I also welcome our colleagues. They are members of committees on delegated legislation from the various counties. They came with their respective chairpersons and other Members. They are from Tharaka-Nithi, Siaya, Kilifi, Meru, Embu and Bungoma counties. We had very fruitful deliberations. As the Vice Chairperson, I want to report that my Chairperson, Sen. Sang, sent his apologies because he is currently at The Hague.

However, we were able to share experiences and have learnt a lot from each other. We have heard their various challenges which I have promised to forward to the entire Senate, especially during *kamukunji* so that we may help them to do their oversight role and also enable us conduct ours.

We have been having several deliberations with other counties and, in fact, we are almost finishing the 47 counties. You can see the Committee on Delegated Legislation is working very hard. We wish to thank and welcome them.

The Deputy Speaker (Sen. Kembi-Gitura): Finally, Sen. Omondi.

Sen. Omondi: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to add my voice and join my fellow Senators in welcoming the five counties that are visiting the Senate.

I am so happy this afternoon because counties that are visiting. Early this month, we visited Tharaka-Nithi, Embu and Meru counties. I realised that when it comes to matters of accessibility, I think Embu County carries the day because they are more concerned about disability issues and their Assembly is friendlier. They are very concerned in both physical and external accessibility. Other counties should learn from Embu and Meru counties.

This morning when we met them as the Committee on Delegated Legislation, we learnt that Kilifi County Assembly has passed a Bill on economic empowerment with regard to the disabled. This is promising and encouraging. This is the way to go because as legislators, we must think about vulnerable groups and how we can empower them economically and how friendly we are making our services to them.

Mr. Deputy Speaker, Sir, I welcome and encourage them to learn and enjoy whatever they have come to learn on how to carry out activities and transactions of the business of the House.

Sen. (Prof.) Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I also rise to welcome our colleagues from county assemblies who may not be seeing me but may be the screen is showing me. Let me raise one point, that it is a very good practice for committees of county assemblies to come and meet with counterpart committees in the Senate. It is also very good for them to come and see these committees in action.

It is also very encouraging for them to come and see the Senate in action. I think it is Sen. Khaniri from Vihiga County who has spearheaded this movement. We have had many delegations from there. Could I request that a communication comes from either the Speaker's or the Clerk's Office informing all counties and encouraging them to come to the Senate. Some counties do not seem to be aware that this is something that they can benefit from. I must say that my county has not taken advantage of this but maybe because they are not quite knowledgeable on the importance and usefulness of such visits.

As I welcome my colleagues in the Gallery, I would like to inform them that communication comes from your office or the Office of the Clerk that would encourage these committees and Members of County Assemblies (MCAs) to come, discuss with us and see our Committees in action.

The Deputy Speaker (Sen. Kembi-Gitura): Finally, Sen. Murungi.

(An hon. Member spoke off record)

Sen. Wako, the system is not working. You have to rise from there like we used to do in the Ninth Parliament and say that you are standing on a point of order. I have heard you now, so you can sit.

Hon. Senators: The King of Meru!

Sen. Murungi: Mr. Deputy Speaker, Sir, I am not speaking as the King of Meru. I am speaking as the Senator for Meru County. I take this opportunity to thank you and my colleagues, especially Sen. Omondi who visited Meru County. I also thank the hon. Members of county assemblies and the various committees that have visited the Senate today. They have come here for the purposes of interacting with their sister committees.

It has always been our desire to encourage very close cooperation and working relations between the Senate and the county assemblies because we cannot discharge our functions of oversight under Article 96 unless we work closely with county assemblies. I would like to encourage more committees to come and interact with their counterpart Committees in the Senate. I know we have not yet interacted with the Committee on Agriculture, Livestock and Fisheries. We intend to write a programme for meeting these committees on agriculture across the 47 counties next year.

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Mr. Deputy Speaker, Sir, I thank my colleagues of the Committee on Delegated Legislation for doing a great job and leading the way in our interaction. I also thank the Committee on Delegated Legislation from Meru County led by *Mheshimiwa* Maore who is seated at the Gallery. That committee is doing an excellent job. It is one of the most active committees in the Meru County Assembly. We encourage them to learn as much as possible from the Senate to enhance the work of Meru County Assembly.

Sen. Wako: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to add my voice to those of the other Senators who have welcomed various delegations from the county assemblies. Let me just emphasise to them that the success of devolution in this country rests, maybe not so much in the Senate, but primarily on county assemblies more than even the Senate, particularly, over your oversight role. I would like you to play that role vigorously because we do not want corruption to be devolved to county governments.

Also, I commend your Senators for their very valuable work in this Senate. The Senator for Kilifi County is the Chairperson of the Committee on Labour and Social Welfare, playing a very important role in that area. The Senator for Embu County is the Chairperson of the Committee on Land and Natural Resources, which is very important. Only yesterday, we passed one of his very far reaching legislations.

Mr. Deputy Speaker, Sir, the Senator for Siaya County is here and he is the Chairperson of the Committee on Delegated Legislation and plays a very important role in this Committee. The Senator of Tharaka-Nithi – I do not have to repeat to you – is like our Prime Minister here, being the Senate Majority Leader.

The Senator for Bungoma is a very important Senator and as you know, he is the Senate Minority Leader. The Senator for Meru County, of course, belongs with me in the same class although I do not yet have the title of “King of Luhyas”, he has the title of the “King of Meru” and so on.

Mr. Deputy Speaker, Sir, the Senators that you have are very active in this Senate. I would urge you to work very closely with them, so that we bring closer symbiotic relationships between the Senate and county assemblies. Whether you like it or not, you are our younger brothers and sisters. We have to work together for the implementation of our Constitution. As the Chairperson of the Committee on Legal Affairs and Human Rights, I have met the Chairpersons and Vice Chairpersons of all the Committees but we will have a programme in which we shall visit our counterparts at the grassroots to see how they operate. This is so that we can see how we can implement legal issues, the Constitution, issues related to elections, administration of justice and so on.

I hope you have learnt something and that you will go back strengthened to serve your counties effectively.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you very much, Sen. Wako.

Before, we proceed with the next Order Sen. Hargura had requested to make a Personal Statement.

PERSONAL STATEMENT**PREVALENCE OF CANCER IN MARSABIT COUNTY**

Sen. Hargura: Mr. Deputy Speaker, Sir, I rise to make a Statement on an issue concerning my county under Standing Order No.45(2)(a). The issue is about prevalence of cancer in parts of Marsabit County.

Just before the turn of the millennium in 1998, we had an outbreak of what we refer to as throat and stomach cancer. Those cases have been persistent. There have been several reports of this in the media. The coverage has been done five times since 2004 to date. In the last two years, we had a very detailed coverage on television. Every time this issue comes up, the Government sends teams to go and do some investigations and nothing has come out of that. The first time, it was said that it is the issue of water. Detailed reports on this were done. Testing has been done about five times and it has been ruled out that it is not water.

Mr. Deputy Speaker, Sir, the last report which was done by the inter-ministerial Committee in 2009 stated very clearly that detailed investigation needs to be done. These cases of cancer are localized. They occur only in Kargi area of Laisamis Constituency and Maikona and Kalacha areas of North Horr Constituency. These centres are occupied by different communities. They are also distant apart, about 60 kilometres apart.

In Laisamis Constituency, the lifestyle of the whole community is the same but we are wondering why it is, that all of a sudden, there is an outbreak of cancer in one part of the constituency.

Mr. Deputy Speaker, Sir, in North Horr Constituency, which is the largest Constituency in this country, about 40,000km², the cancer occurrence is localized to two centres. Right now, we have lost not less than 500 people within that locality. I remember there is a time that one of our late surgeons, Dr. Alkama, a very selfless person who had been treating people from that area, reported that by 2006 it had reached epidemic proportions because he was treating not less than three persons every month in Nairobi coming from this area. This meant that there were many more who were left behind. Those are the ones who could not make it to town. Many were and are just dying painfully there. Every time this occurred, it appeared in the media and the Government would rush there.

There was a time the National Environment Management Authority (NEMA) and the National Oil Corporation (NOC) went there. The reports are there. The last inter-ministerial report had very clear recommendations which were not followed. But we ask ourselves: Why is it that this is localized to this part?

Mr. Deputy Speaker, Sir, from 1986 to 1990, there was oil exploration in that part of the country. The major ones were in 1988, 1989 and 1990, where the Kenya Government gave that area to an American Company called *Amoco* to do oil exploration. Drilling was done within those three centres; near Kargi, Maikona and Kalacha. So, why

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is it that there is a sudden outbreak of cancer in that area and the only peculiar thing to these three centres is oil exploration?

The Government in the last report pointed towards that because it was thought to be water. All the water points were tested and there was nothing in them to cause cancer. So, the only thing left out was to research on whether there was environmental pollution as a result of the oil exploration. Unfortunately, in 2009, that was the last time the Government was there. From their report, it was very clear that they knew the direction of this matter. For example, if I could quote part of their report. It states:-

“The cases in northern Kenya raise suspicion that there were toxic substances brought to the surface by exploration and failure to sweep or destroy them may be causing cancer.”

That is a Government report. Since that time, nothing has been done and the situation still continues. In October this year, one of the television stations did a follow up. They were there in 2014, they did a very detailed press coverage. They called it “Desert of Death” because it is all around Chalbi Desert. Initially, they had left some sick people, and when they went to follow up, they went to the same villages and were shown the graves of those people. This means that nothing happened. There was no treatment or assistance. Those people died. They also found that there were new cases.

I come from Kargi Village, and I have about 150 names of those who have died as a result of that disease. There is nothing we can do. People are even thinking of evacuating from that area. However, when you do not know what is killing you, then even evacuating is a problem because the direction to evacuate is an issue.

Mr. Deputy Speaker, Sir, I, therefore, wish to bring to the attention of this nation that we are suffering because of something which was done and is beyond our reach. We believe that it is the Government’s responsibility to come and clear that mess. As they have proposed in their reports, they have to do screening of the surviving persons to see whether there is anybody with early stages of cancer. They have to provide early treatment at that level.

There must be facilities to treat them because right now, they are dying because they cannot make it even to Nairobi for diagnosis. Biopsy is only brought to the Kenyatta National Hospital (KNH). If you cannot make it to any health facility where samples can be taken, then you will just die there. That is what we are experiencing and unless action is taken by the national Government, because this is a national Government issue, it is not the county government which authorised or gave permission to those oil explorations. Unfortunately, there are many of them going on in this country. We do not know whether they are heading in the same direction. Urgent measures need to be taken.

Mr. Deputy Speaker, Sir, proper investigations need to be done to establish the cause of cancer and after it is established, then environmental restoration needs to be done because we believe it could be caused by whatever was brought to the surface. When an oil well goes three kilometres down, then whatever was brought to the surface

when left, is hazardous to the environment, the people and any other living organism, for instance, livestock.

Right now, the situation is so desperate that even the professionals from those communities are organizing medical camps to do basic screening while we have the national Government which is the cause of this mess. We have the county government in whose docket health falls. I thought that should have been the starting point because my governor was at one time a Member of Parliament (MP). From the HANSARD records, he raised these issues. Once you are concerned when you do not have the capacity, when you have it, then you should not be asking anybody. That is where he should be directing funds to save peoples' lives.

Therefore, I wish to bring this to the attention of the nation because it even has human rights components. If it was done by oil exploration companies---

The Deputy Speaker (Sen. Kembi-Gitura): Please, conclude, Senator.

Sen. Hargura: People also need to be compensated for that. So, I am bringing to the attention of the Senate and the public that we are suffering. The Government needs to take responsibility and the county government needs to do what it can.

The Deputy Speaker (Sen. Kembi-Gitura): I do not see any request on the Floor. As I said, you need to make a "voice" request now.

Sen. Obure: Mr. Deputy Speaker, Sir, the Senator for Marsabit, Sen. Hargura, has raised a very grave matter. He has talked about the emergence of cancer in his county which has claimed the lives of more than 500 people. This is attributed to the activities of oil exploration and projects of that nature which are being undertaken at national scale. Serious action needs to be urgently taken.

I do not know what the Senate is going to do, but we cannot just sit by when citizens of a county are dying at such a rate. This matter should be reported not just to the national Government, but even to the World Health Organization (WHO), because it is beyond the capacity of the County Government of Marsabit, which is in charge of the health docket. It is, definitely, a matter that requires great research and more importantly, swift action.

I do not know what ruling you will make, but I urge you to think about this as a matter of grave concern.

Thank you.

Sen. (Prof.) Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the matter that the Senator has raised is very serious. I chair the Board of the Africa Cancer Foundation and we have done a baseline survey in ten counties in this country. We have also already done screening exercise in ten counties; screening about 13,000 Kenyans. We are screening mainly three types of cancers; cervical cancer, prostate cancer and breast cancer. But in the survey, we used index cards in hospitals to find out the prevalence of other cancers in this country.

I want to give the following statistics to underscore the point that Sen. Obure and the originator of the Statement have made. With regard to cervical, prostate and breast

cancer, between 5 and 10 per cent of Kenyans will suffer from those three types of cancers at one time or the other. Certain types of cancers are more prevalent in certain regions than others. For example, breast cancer is very prevalent in Nyeri.

Mr. Deputy Speaker, Sir, prostate cancer is very prevalent in Nyanza and regions occupied by the Maasai. Throat cancer, however, is very prevalent in the Rift Valley. That does not mean that other types of cancers do not occur there. These are statistics based on certain baseline surveys and survey of index cards of patients in hospitals that shows as steady rise in cancer nationally.

What is even more frightening is the prevalence of pediatric cancer – cancer among children. Previously, it was assumed that many lymphomas attack children, but all types of cancers are now attacking them. What is worse is that it has been assumed from scientific studies that men are more likely to be attacked by prostate cancer after 45 years of age. But we have cases now of as young men as 33 years of age who have prostate cancer. This means that screening for prostate cancer should begin very early.

I propose that this Senate takes the initiative to call for a national convention in Nairobi involving governors of all counties, county assemblies' critical committees and Parliament – the Senate and National Assembly – to discuss this issue. I know that there is an initiative by the national Government and the governors on non-communicable diseases, but that is not enough. We should treat this as a national disaster and take proactive action, just like we did with HIV/AIDS. Otherwise, we are sitting on the precipice of a disaster.

Thank you.

The Deputy Speaker (Sen. Kembi-Gitura): I have two more requests on this issue, but I would like us to be very brief. As Sen. Obure said, Sen. Hargura expects to get a way forward in this issue. I will give you two minutes each.

Sen. Murungi: Mr. Deputy Speaker, Sir, I am aware of the situation in Marsabit because I was part of the team which licensed oil and gas exploration in Block 9. The residents there raised issues and said that even cows were dying because of the mud which was being spewed out in the process of drilling. A study was commissioned involving environmentalists and other people. They reported that the mud from the drilling was harmless and there was no cause to worry. But if people are dying of cancer, time has come for another team of experts to be taken to that area to establish whether it is the drilling activities that are causing the cancer.

Let me add that according to the national statistics on cancer, 30 percent of all the cases reported at The Kenyatta National Hospital (KNH) are from Meru County. We also do not know why there is such high prevalence of cancer in Meru. As the team will be looking into the cases in Marsabit, we would also have a similar research to be done in Meru, to find out what leads to those very high cases.

I would also like to request my friend, Sen. (Prof.) Anyang'-Nyong'o, through the Africa Cancer Foundation, to also supplement Government efforts and visit our two counties. I know that you have capacity through the Foundation to move quickly.

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The Deputy Speaker (Sen. Kembi-Gitura): I have many requests. I will give you two minutes each. I hope that the clerks are timing.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, indeed, it is a sorry state. We know that cancer of the oesophagus or throat cancer is rare. Maybe because of the high index of suspicion and an increase in medical services, we are now recording quite a high number of cases. But we know the etiology that has been partly enumerated by Prof. Anyang'-Nyong'o. These would include things like tobacco use, which has been studied in that area, eating smoked fish and consumption of excessive alcohol, which I would not expect much from that area, since it is a Muslim Community. There is also exposure to asbestos. It is possible that whatever was mined had components of asbestos. Studies have to be conducted in that region to determine whether there are any asbestos but the causes include even poor oral hygiene.

The hon. Senator is very much in order to demand that the Government goes back and relooks at the etiology of these cancers in that region, instead of keeping quiet and considering only commercial benefits of explorations in Kenya.

Sen. (Prof.) Lesan: Mr. Deputy Speaker, Sir, I also wish to join my colleagues to express my sentiments regarding this cancer menace that we have in our country. I come from a county where throat cancer is a challenge. Being a medical professional, we have had to look at some of the likely associations with the cancer.

We realised that in high altitude areas, the huts probably retain a lot of smoke and fuel wastage, coming out as ashes. That probably contributes to some of the cancer cases in high altitude areas. The prevalence level of cancers is worrying because it is increasing. We, therefore, need to address this issue. One of the things that we might wish to do is to increase the funds we allocate for research. We would need to know what is causing these cancers through serious research.

We also need to keep an eye on where the international community, especially the super power countries, which are using nuclear, dispose their waste. We know that there are challenges on international law with regard to where the super powers are disposing their waste. We are in jeopardy in Kenya because some of our neighbours, like Somalia, are not stable. We know that this is where the super power countries dump their waste. Therefore, we must be very careful about more specifically the food chain, because this is where the toxins come through and eventually get into the population.

Research is the way to go so that we can have sufficient information. It will arm us with the knowledge to identify the cases before we find ways of dealing with them. I agree with my colleague who said that we must set up a commission---

The Deputy Speaker (Sen. Kembi-Gitura): Your time is up.

The Senate Minority Leader (Sen. Wetangula): Thank you, Mr. Deputy Speaker, Sir. First, let me congratulate Sen. Hargura. To my knowledge – I stand to be corrected – this is the first time that a Senator has exercised his powers under Standing Order 45 (2), to bring a county Statement. It is very harrowing to hear what he has told us.

When we move into serious oil exploration, the country needs to move very carefully. We have a public organization called the National Environment Management Authority (NEMA). It is part of its mandate to determine whether the outcome of test-drilling and exploration could cause what we are hearing.

Mr. Deputy Speaker, Sir, secondly, in many countries, and Kenya is no exception – that is why there was a problem in Ogoniland in Nigeria – many governments tend to ignore people who live in the traditionally neglected areas, such that when they embark on mining, drilling and doing economic activities that are beneficial to the country, they do not care about the welfare of the people who have traditionally lived on those areas and looked after the resources.

I have seen this in Jamaica when they were mining bauxite and people died. We have also seen this in Ogoniland in Nigeria, Darfur and many other places. I urge not just the Government of the day, but the country that new resources and discoveries come with new challenges. We must, therefore, be extra careful to make sure that we do not end up marginalizing the marginalized even more.

The issue of cancer causing agents in human life and the scourge of cancer has become a matter of public concern. I do recall the Government announcing extravagantly that they were going to equip each county hospital with cancer testing equipment, chemotherapy machines and so on. To date, probably not more than two counties are operational. I have gone to many counties and when I ask, I have found that they are not operational, yet governors were herded into State House and intimidated into signing agreements to accept these machines. We hope that Marsabit County will be one of those that will look after these cases through local testing.

Finally, this also raises a very important point on matters of health. The national Government and the Committee on Health of this House---

The Deputy Speaker (Sen. Kembi-Gitura): It seems like your time is over, Senator.

The Senate Minority Leader (Sen. Wetangula): One minute Mr. Deputy Speaker, Sir.

The national Government that is mandated under the Constitution to take care of referral hospitals must as a duty, open a referral hospital in each county to enable us to have the requisite professionals and doctors who can assist *wananchi* in each corner of this country other than being left with only two referral hospitals; Moi and Kenyatta Referral hospitals in Eldoret and Nairobi respectively.

Thank you.

Sen. (Eng.) Muriuki: Thank you, Mr. Deputy Speaker, Sir. It is unfortunate that Sen. (Prof.) Anyang'-Nyong'o walked out when I just wanted to say something which I wanted him to hear. As a former Minister in charge of the health sector, he gave us a few statistics or indications of the trends in various regions in this country, which I personally found very useful listening to because what is being raised by Sen. Hargura pertains to

his county. This must be taken very seriously because the issue has reached a stage where the Senator found it necessary to come and raise it here.

It would appear that what is really needed is a permanent research unit to look at the trends of our economic activities. We are not going to do away with whatever we do which is prevalent in Nyeri for breast cancer. Nyeri people are not going to stop doing what they are doing. We need to do research into the genesis of cancer so that some mitigation can be undertaken.

Mr. Deputy Speaker, Sir, 50 years is a very long time. It would appear the Kenya Government – it does not matter which regime – has not taken this matter of cancer occurrences serious enough. I think part of it is because the higher echelons of society, whenever there is an indication of a problem in that area, they go out of the country for specialized treatment. As a result, we have run short of medicine. The other day, you heard in the media that the units operating at The Kenyatta National Hospital had broken down. We should not lose life because of the small reasons like lack of money.

Thank you.

Sen. (Prof.) Lonyangapuo: Thank you, Mr. Deputy Speaker, Sir. The case stated by the Senator is indeed very touching. It has taken a long time to expose the matter. A number of researches and activities are going on now especially oil exploration in the North Rift; Turkana, Samburu, Baringo, Elgeyo-Marakwet and West Pokot counties. If exactly what he is telling us is the aftermath of this, is it not yet time we stepped in and found out how these people do the exploration so that it does not become an explosion in the future?

Mr. Deputy Speaker, Sir, look at the dams that were created in the Tana, what effects have these dams in the course of trying to look for electricity affected the communities living around them? In my county, Turkwel Dam has become a death trap for everybody yet we enjoy the power here. People are exposed to malaria and crocodiles. So, we need serious intervention and an investment adventure should be carried out. Mitigating factors and remedies should be put in place in order to fight this and save the people that we are purporting to serve.

Sen. Ongoro: Thank you, Mr. Deputy Speaker, Sir. I want to take this opportunity to thank Sen. Hargura for exercising his mandate as a Senator to bring this matter that is touching his people on the Floor of the House. I think this is really the voice that is speaking for all matters concerning pollution in every county.

I think the way forward is if this nation would establish a national cancer centre that would have enough budgetary allocation and enough human resource and research facilities so that when we have these kinds of cases--- Cancer has become a major killer in this country including cervical cancer and breast cancer. If we have one institution that majors in this disease, then all matters from all counties could be referred to this institution.

Mr. Deputy Speaker, Sir, if this institution is given enough funding and human resource, then we would not have people struggling to go abroad for treatment. If this

case is brought to the Floor, we would have enough research personnel and facilities to quickly make reference to that cancer institute and they would form a team that we are now talking about to go quickly to that county. Because they are specialized in that area, they would then bring back their research findings and because it is an institution that will be dealing with cancer only, it would be easier to approach it rather than having 47 counties trying to establish 47 small institutions that deal with aspects of cancer.

Mr. Deputy Speaker, Sir, having said that, pollution that could be---

Sen. Mositet: Asante sana, Bw. Naibu Spika, kwa kunipa nafasi niweze kuchangia Hoja hii ambayo imeletwa na Seneta Hargura. Nchi nzima kweli kuna kilio kingi na tumewapoteza watu wengi kwa sababu ya ugonjwa wa saratani.

Nimesikiza Seneta Hargura alipokuwa akituelezea zile shida wamepitia katika lile eneo, na vile watu wamepata wasiwasi kiasi kwamba wanataka kuhama maeno hayo. Nilisikia nikiwa na hofu sana rohoni mwangu kwamba Serikali ingeona kwamba eneo fulani lina shida na haijaweza kujitokeza na kuhakikisha wamepeleka wataalamu wa kuangalia na kujua shida ni nini.

Bw. Naibu Spika, wakati umefika ambao katika taifa nzima, filimbi ya ugonjwa wa saratani iweze kupigwa na tuweze kushikana ili tuone kwamba ni vizuri tujitolee kwa mbinu zote na tuone kwamba hatutapoteza watu tena. Hata kwa kaunti yangu, ugonjwa wa saratani haukuwa pale mbeleni, lakini siku hizi, kama ni harambee ya wagonjwa hospitali, ni kwa sababu ya saratani. Kama ni maafa, unasikia ni saratani.

Kuna shida nyingi hata katika hospitali. Ingekuwa vizuri kama pesa tunazotengea kaunti zingetumiwa kununua vifaa muhimu vya matibabu ili watu wetu wasife kutokana na ukosefu wa vifaa hivyo. Zaidi ya hayo, uharibifu wa raslimali zetu kama misitu na chemichemi za maji umechangia---

The Deputy Speaker (Sen. Kembi-Gitura): Your time is up!

Sen. Kagwe: Mr. Deputy Speaker, Sir, I want to take off from where my colleague has left, and that is to do with the level of seriousness that we are addressing this pandemic of cancer. In Nyeri County, cancer has become a number one killer. People used to talk about HIV/AIDs and other diseases, but cancer is the most serious disease. Every other death that you hear is related to cancer. I am not a doctor but a layman. I have absolutely no doubt that it is related to the environmental degradation that we are carrying out in our own areas.

When most people in Nyeri, and other counties in this country, drink water directly from the rivers--- When you have a farming community like ours, and they are spraying coffee with chemicals, using fertilizers to grow maize and have completely cut down the vegetation that stops fertilizers and chemicals from being taken down to the river by rain, then, clearly, if you drink a cup of water directly from the river, it is like getting a cup of water, adding a tea spoonful of fertilizer and half a spoon of chemicals, stir that concoction and drink it. Why would we not get sick?

To address this issue, we need more seriousness. The Ministry of Environment, Water and Natural Resources ought to get more involved. We need the National Environment Management Authority (NEMA) ---

The Deputy Speaker (Sen. Kembi-Gitura): Senator, your time is up!

Sen. Chelule: Asante, Bw. Naibu Spika, kwa kunipa nafasi nichangie Hoja hii kuhusu saratani. Sen. Hargura aliongea kuhusu saratani katika kaunti yake na kusema kuwa watu wanataka kuhama kutokana na vifo ambavyo vimetokea kwa sababu ya ugonjwa huo. Ningependa kumjulisha kwamba visa vya saratani viko kila mahali. Ninapooonea, kuna mazishi ambayo yanaendelea katika kijiji changu. Kifo hicho kilitokana na ugonjwa wa saratani.

Serikali inafaa kutilia mkazo mambo ya utafiti ili tujue kinachosababisha ugonjwa wa saratani. Tunadhani kwamba ugonjwa wa saratani unasababishwa na mazingira machafu, chakula ama mbolea. Lakini lazima Serikali itenge pesa za kuwezesha utafiti wa kina. Pia, watu wanafaa kuelimishwa kuhusu saratani kupitia vyombo vya habari. Hii ni kwa sababu watu hawaendi kupimwa kama wako na saratani. Watu wengi wanagundua kuwa wana ugonjwa huo wakati wameathirika na wanakaribia kufa.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Senators. Sen. Hargura, you have seen the hefty interest that the matter has drawn. You rose under Standing Order 45(2)(a) and the matter just ends there. Since you have seen the interest it has drawn from your colleagues, it is up to you to make a decision of how you want to proceed after this. You could seek a Statement from the relevant Committee or seek for the formation of a select Committee to deal with the issue. You can also bring a Bill; all those avenues are open to you. But it is good that you have brought the issue. You have seen and heard the contributions that have come from your colleagues.

That is the end of that. We need to move to the next Order.

*(The Deputy Speaker (Sen. Kembi-Gitura)
consulted the Clerks-at-the-Table)*

Hon. Senators, it looks like I will have to re-organize the Order Paper. This is because Order Nos. 8, 9, 10, 11, 12 are up for division, and quite obviously, we do not have the numbers and I cannot see the Whips here. I am again advised that Order No. 13 cannot be disposed of now.

Before we re-organize the Order Paper, what is your point of order, Sen. Wetangula?

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Deputy Speaker, Sir. It is getting very frustrating in this House. Yesterday, we committed ourselves to getting Members here to vote today. We have seen Members just walk away, even when they know that we will vote. The Chair must help this House.

More particularly, I want to bring to the attention of the Chair that yesterday, when we protested that the Senate Majority Leader had walked away when we were

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about to vote, his deputy, Sen. Keter, stood and categorically told the House that Sen. (Prof.) Kindiki had left for The Hague.

Standing Order No.94 (1) states that:-

“A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly”

Sen. (Prof.) Kindiki has been here and is in the lobby room; he has not gone to The Hague. Why would a Senator, who is a leader, stand up and consciously and knowingly mislead the House? The Chair should call upon the Senator to substantiate the accuracy of the fact that he gave to the House. More importantly, we want to urge the House to take seriously--- I have just intervened with a Senator who was walking away. I asked him where he was going when we are about to vote. He said: “There is no quorum in the House”. It is the Senators who make quorum. This issue requires a *kamukunji* so that we can speak to each other in a more candid language and manner. This will enable us drive the business of the House.

Lastly, I want to bring to the attention of the Chair something that needs to be corrected. On Tuesday, when the distinguished Senator for Migori was in the Chair, we voted electronically on Order No.8 on the President’s Memorandum and the vote went the way it was announced after the electronic count. We went then into the next stage where there was need to report. My argument was that, the phraseology that the Chair was using was incorrect because we had done with the matter. So, there was no talk of reporting progress, but reporting to the plenary.

I am hearing subtle arguments that are self-serving to the effect that, subsequently, Sen. (Dr.) Machage stood up to disown the vote. He vitiated the entire vote. We want the Chair to make it clear to the House because the electronic vote had been done and concluded. The vote that Sen. (Dr.) Machage is trying to disown and, in fact, announced that he had disowned it, was the vote that he announced the opposite of the outcome of. That was the voice vote that we report the progress to the House.

So, the vitiated vote can only be the one in relation to the voice vote on whether we are to report progress or not. On the actual vote that we did electronically, it is done, locked, stocked and barreled and cannot be vitiated even by the Chair of the day. We want this to be made clear because the maneuvers I am seeing and feeling by known conspirators are that they want to argue that Sen. (Dr.) Machage’s statement vitiated the proceedings. It cannot be because the HANSARD is there to bear us witness.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Wetangula, what are you asking me to do in your point of order?

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, I am asking you to direct and rule to the House that if the Chair accepts what Sen. (Dr.) Machage announced that he has disowned the House, it is only limited to the vote of the voice voting on whether they were to report progress on the matter or not. This is how the matter arose. I stood on a point of order---

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The Deputy Speaker (Sen. Kembi-Gitura): I watched it, Sen. Wetangula. The Speaker ruled that there was going to be a ruling on the several issues that consumed the whole afternoon of Tuesday. The ruling has not been made. All you have done is to further strengthen your case so that when the Speaker makes that ruling, he puts into account what you have now said.

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, I stand guided.

The Deputy Speaker (Sen. Kembi-Gitura): The ruling will be regarding the electronic vote which you may not have canvassed that time and the voice vote which was also taken. Although I see there are some requests here, I do not want to protract this issue. The issue to be determined here is essentially what the meaning of Sen. (Dr.) Machage disowning his decision on what he vitiated is. I am not going to allow this issue to be reopened. It is pending the ruling of the Speaker.

The Senate Minority Leader (Sen. Wetangula): Thank you, Mr. Deputy Speaker, Sir, for allowing me to put further material on record so that the ruling can encompass all these.

The Deputy Speaker (Sen. Kembi-Gitura): I did not know what you were going to go to. However, now that I know, all I can say is that what you have said should be taken into account when the Speaker gives a considered ruling on the issues that arose on Tuesday. However, you cannot now ask me to make a ruling from where I am sitting because a ruling is already pending.

The Senate Minority Leader (Sen. Wetangula): Thank you, Mr. Deputy Speaker, Sir. I totally agree with you. I stand guided. Therefore, the Speaker should encompass what exactly Sen. (Dr.) Machage vitiated.

The Deputy Speaker (Sen. Kembi-Gitura): Let me put it this way so that we can put this matter to a close: I agree with you that it is important that, the ruling must decide exactly what was vitiated so that we know where exactly we stand or we are going back to *status quo* on item listed as Order No.8 of the Order Paper or whether we are only dealing with the voice vote.

(Music was heard playing in the background)

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, as I sit, do you hear that nuisance? That undermines the efficacy of this House. The custodian of order is the Speaker.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Members! Sen. Wetangula, I am used to finishing one issue and dealing with another. I was trying to deal with the issue that you raised which I have done. Now you want to bring up the issue of music, you can do that.

In the meantime, could the orderlies check where that noise is coming from; whether it is in the precincts of Parliament? If it is, order that bit be stopped.

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Sen (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. I rise under Standing Order No.39 (2) and 20. I request the Chair that having convincingly carried the House in re-arranging the business on the Order Paper, that you move under Standing Order No.1, that this House adjourns and discusses the position of the Senate Majority Chief Whip, the Senate Minority Chief Whip and their deputies. I believe you did not rearrange the Order Paper out of pleasure. You did so because of the prevailing circumstances in plenary this afternoon.

We should discuss this for the reason that these four officers think that they are doing this House a favour. A number of these Senators are always in this House. The success of this House will be measured by whatever business we conclude. These four officers enjoy unique privileges including perks. Over the last few months, they have not been making any effort whatsoever to discharge their duties.

There is need for the House to discuss them. If possible, we pursue their respective political parties and coalitions to have them replaced because we want business to be transacted. If they want to tell us that there are certain Senators in this House who are busier outside the House, then allow us to retreat to our medical practices, see our patients in hospitals in this country, make money and come and earn a free salary here.

VISIT BY POPE FRANCIS TO KENYA

Sen. Hassan: On a point of order, Mr. Deputy Speaker, Sir. However, it is on a different matter. I see this situation also prevailing this week. The most dominant denomination in Kenya today is Catholic. I have seen from a news alert that I have shared with you that the Speaker of the National Assembly has notified its Members that they will adjourn for two days next week during Pope Francis' maiden visit to Kenya. Some of these might suffer severe prejudice next week. I am one of those who have been invited to several of those fora. Despite the fact that I am a Muslim, I have great respect for Pope Francis. He has emerged himself as a global leader of humility and social justice.

I, therefore, urge you to give a communication because it will serve this House much better. Otherwise, we will come here and find a handful of Senators while the rest of us will be attending the celebrations.

Sen. Kagwe: Mr. Deputy Speaker, Sir, the matter that is being raised in the House in terms of the business and the seriousness with which we should address it, is very deep. It is not a matter that we will address in this kind of forum. I propose that going forward; we organize a *Kamukunji* where we can address specifically the matter of attendance and participation.

Further, we address the matter of committees and how they carry out their business because what we are seeing in this House is also being reflected in the committees. Most of them are operating with a lot of difficulties due to lack of quorum.

When they get quorum, it is one where Members come, sign and leave almost immediately.

Our business is not being taken as seriously as we would want it to be. At the moment, we have got so many committees where Members are in about three or four Committees which meet at the same time. We have *ad hoc* committees that are springing up every day. Therefore, these matters of housekeeping are a lot more serious than we are able to deal with here and now. I, therefore, propose a meeting or *Kamukunji* to address housekeeping issues that are about to overtake the operations of this House.

Sen. Orengo: Mr. Deputy Speaker, Sir, I plead with you not to go the way that the distinguished Senator for Mombasa has suggested. For us to adjourn, it should be a decision by the House. Whenever we want to adjourn for any purpose, the matter should be placed before the House and a decision made. It should not be a matter left to the Speaker. In any case, we have a programme which is preset. To interfere with it, you will need a resolution of the House.

I say this out of experience because we fought over this matter a long time ago when you would be told that there was Harambee at Kenyatta University and the whole House was required to go there because the President was to attend or when he was travelling back from New York, all the Members of Parliament were required to be at the airport to meet him. That always came from a fiat from the Speaker.

In order to exercise our independence, we should at all times ensure that if we want to adjourn, a decision should be taken by the House notwithstanding that the guest who is coming is none other the Pope. Sometimes it depends on our relationship with whoever is coming. For instance, when President Obama came, he did not think that it was important to talk to Parliament. Therefore, if we had adjourned under those circumstances, it would not have been proper.

On the issue of attendance, I agree with Sen. Kagwe that there is a deeper problem. He addressed it from one component. The second component is that we need the leadership of the House to determine whether we are a Parliament exercising its legislative authority. This is because no Bill that we have passed here has ever seen the light of day in terms of Presidential Assent. Even when we take Bills across to the other House, they are never dealt with yet we religiously deal with any matter that comes from the other House.

The leadership of the House, particularly the Senate Majority Leader and the leadership around him should take up this matter with the Executive. Personally, I have overheard Members say what point is there about passing a Bill yet it will not go anywhere. Sen. (Dr.) Khalwale's Bill was one of the Bills that we passed when we were still at the "garage" at the Kenyatta International Convention Centre (KICC). That Bill is dead like a *dodo*. It has never been heard of again.

Mr. Deputy Speaker, Sir, the linkage with the National Assembly and the Executive is important to make sure that we are not being taken for granted. Otherwise, with the way we are going, at the end of the day, we may as well take up other matters

such as doing Harambee or visiting each other to network. I know that when I network with Sen. Kagwe, I always get what I want.

Thank you.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, first, is on the issue that was raised by Sen. Hassan. You were here when the Senate Majority Leader read the business of the Senate for the week commencing on Tuesday, 24th November, 2015. Therefore, I cannot interrupt it from where I am sitting. I believe that if the RBC sits on Tuesday and makes a decision, the same shall be communicated to you. However, just because the National Assembly has adjourned for those two days does not set precedence for me to adjourn this House.

On the issue raised by Sen. (Dr.) Khalwale and reiterated by Sen. Kagwe and Sen. Orendo, I would agree that it is a much deeper situation and not a matter on which I can make a decision that we adjourn to discuss the leadership of the House partly because it is a very deep issue. If you want to discuss the leadership of the House, my advice is that you bring a substantive Motion. I am not in any way trying to lessen the importance of what you have said, but I am just trying to look for a proper way to deal with it because it is a very important issue.

We have taken a position that we cannot vote unless there is a threshold. I do not think that is correct. This is because not having a threshold is also a way of voting. Maybe people are not here because they do not want to vote “yes”, “no” or “abstain”. I do not believe that the way to go is to keep rearranging the Order Paper and saying that we cannot vote. If a matter has to be voted, it is our duty to be here to debate and vote. These issues cannot be kept in abeyance forever. Time will come when we must vote and you might find that the threshold is not the determinant of the vote. What it means is that the Bill will be lost. That is a decision that has to be made.

I agree with you that it is time to sit together whether in a *Kamukunji*, retreat or any other forum to discuss and find out why it is not possible to get threshold when we should have it to vote. Those are all important issues that have been raised. Personally, I would like to leave it at that for now, but there are many avenues that are open.

However, the RBC knows it as well as I do that not having threshold is not a reason to say that there still be no vote taken. I believe that I have dealt with the issue that was raised by Sen. Wetangula. We said that we have to abide by the ruling of the Speaker which will be coming in due course and that will determine how we will proceed with Order No.8, of Tuesday this week that was deferred for the ruling to be made.

Hon Members, I will now defer Order Nos. 8, 9, 10, 11, 12 and 13.

BILLS**COMMITTEE OF THE WHOLE**

THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL
NO. 1 OF 2014)

(Bill deferred)

Second Readings

THE OFFICE OF THE COUNTY ATTORNEY BILL,
(SENATE BILL NO. 37 OF 2014)

THE COUNTY GOVERNMENTS DISASTER MANAGEMENT BILL,
(SENATE BILL NO. 40 OF 2014)

THE KENYA NATIONAL EXAMINATIONS COUNCIL
(AMENDMENT) BILL, (SENATE BILL NO. 7 OF 2015)

(Bills deferred)

COMMITTEE OF THE WHOLE

THE COUNTY EARLY CHILDHOOD EDUCATION BILL,
(SENATE BILL NO. 32 OF 2014)

(Bill deferred)

Let us proceed to Order No.14.

Second Reading

THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT
OF ECONOMIC AND SOCIAL RIGHTS BILL
(SENATE BILL NO.8 OF 2015)

(Sen. Hassan on 18.11.2015)

(Resumption of debate interrupted on 18.11.2015)

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The Deputy Speaker (Sen. Kembi Gitura): Who was on the Floor?

Sen. Orenge, are you assuming you are the one I will call? Are you not going to allow me the privilege of announcing that Sen. Orenge was on the Floor and that his five minutes are remaining? That is the way it should be done.

Take the Floor, Sen. Orenge. You have five minutes.

Sen. Orenge: Thank you, Mr. Deputy Speaker, Sir. In conclusion of what I was saying yesterday, if you look at Article 43 of the Constitution on Economic and Social Rights, which are set out there, relates to standard of health and health care services, accessibility and adequacy of housing and reasonable standards of sanitation. There is also the issue of food and quality of food, water, social security and education. I am referring to this particular article because looking at the Bill under Clause 6(2), you will notice that the distinguished Senator from Mombasa has given some responsibilities and functions to county governments. Under this clause, both the national and county governments shall take measures to create opportunities and environment in which the economic and social rights can be realized.

You will notice that some of these rights as spelt out in Article 43 are matters within the purview of county governments. These matters include health, sanitation and, to some extent, housing, hunger for food, safe water and social security. The matter which is properly within the domain of the national Government in its entirety other than pre-primary education is education.

To me, Clause 6(2) is quite in order because it ensures that there is a mechanism other than the parliamentary process and oversight that is done by other stakeholders and county assemblies, that there will be a process under which it will be possible to hold to account, particularly county governments, in so far as the provisions of these rights are concerned. It is sometimes very difficult, with the money that is going to the counties, to quantify how much is being done because they are done in a haphazard way. To measure it whether it is improving the lives of people on these four broad areas would not be easy or efficacious.

[The Deputy Speaker (Sen. Kembi-Gitura left the Chair)]

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

Madam Temporary Speaker, Sen. Hassan has provided us with a mechanism under which there is national Government, after making these strategic plans that are again required under this Bill to undertake a process through which they can report, not only to citizens at the county level, but eventually, come to the Senate. Although these reports are supposed to go to the National Assembly and to the Senate, in this Bill, Sen. Hassan provided a mechanism under which the Senate can follow up and make sure that some of these things are implemented. That is found in subsequent clauses of this Bill.

Madam Temporary Speaker, with those remarks, I beg to support.

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The Senate Minority Leader (Sen. Wetangula): Thank you, Madam Temporary Speaker, for allowing me an opportunity to contribute to this Bill.

First, I wish to congratulate the distinguished Senator for Mombasa for bringing this Bill in helping to realise the provisions of our progressive Constitution. When we were crafting the current Constitution, many people asked questions such as: How were we going to realise social rights, housing, water, food nutrition and so on? In the wisdom of the drafters of the Constitution, we said progressive realization was not *ad infinitum*. We need a framework that can set timelines, benchmark, achievable and that can make the people of this country realise these rights. At that time, very many people, including myself, thought that realising these rights was going to be very expensive to the country. However, today, if you watch the ongoing in this country very carefully, even casually, and you see the amount of money being stolen, looted and wasted away through corrupt practices, you then realize that even if you had made your mind that it must be progressive, in fact, it becomes instant.

If public resources were protected to realise that what belongs to the public belongs to the people of Kenya and not individuals who literally, through their offices, have moved from rags to riches, from Lazarus of the Bible sitting under the tables of the rich man to pick crumbs, to the rich man himself within a year or two. Now a new Lazarus has to go under the table. With all this, we then need an obligation to ask ourselves: If the resources of this country were put to good use, would we still be having abject poverty as a national narrative? Could we still be having deprivation in our midst?

I do not know about some counties that appear favoured, but if you visit health facility in Siaya, Bungoma, West Pokot or Marsabit counties, you wonder whether the 51 years of our Independence have meant anything for the people of this country. The sick are really sick. However, the most sick of the sickest of them all is the institution of health itself. You go to hospitals, dispensaries and health centres, you realize that there is no medicine or medical personnel. You will only find young students from Kenya Medical Training College (KMTTC) where they are available, who are attending to very serious cases. They do not even know what an injection means, but they are injecting people. This is a very sorry state. It is not because this country does not have resources. This country is now in international news for all the wrong reasons. I do not know whether you saw the British Broadcasting Corporation (BBC) publication saying that in Kenya today, sexual objects are now national assets; those are condoms and vibrators and others.

(Laughter)

That now we are in a country where a wheelbarrow costs US\$1000. I do not know whether you have seen the clip, but we are in a country where a biro pen is costing Kshs8,700. A bar of soap that costs Kshs150 is now procured for Kshs37,500 and so on.

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Madam Temporary Speaker, I am giving these parallels for us to understand the importance of moving the country towards the realisation of these social rights. The progressive former President Kibaki instantly announced that there was going to be Free Primary Education (FPE) when he came to power. There was no procrastination or questions, but there was FPE that is still on to date.

When the current Government came to power, they extravagantly announced that there were going to issue laptops to every child in the country. After six months, they said they were not laptops, but tablets. After a few months, they do not talk about it anymore yet we budget and avail money for these things. The reason I strongly support this Bill and the framework set out in Clause 6, is that it will obligate and put pressure on the county and national governments that there is a Sheriff around the corner that will ensure that the people of Nyeri must get medicare or that the people of Nyandarua must get water.

It is not a privilege, but a right. The people of Machakos are not only entitled to food, but also in good nutrition. This can be done so that the Government of the day does not use public resources as baits for political gain where they spend public funds to drive all the way to Bungoma and go to Lwakhakha to open a border post that was already opened in the Kibaki regime and pretend they are working. They can travel all the way to Bungoma and pretend they are launching a road that has not been budgeted for, but has no contractor, so that they look good that they are doing something.

Madam Temporary Speaker, I hope at the Committee Stage, the distinguished Senator for Mombasa County will create severe sanctions, including the possibility of dissolution of a county government or dealing severely with a national Government for abrogating the implementation of the provisions of the Constitution. At this day and age, we cannot stand a situation where Kenyans are drawing water from stagnant pools along the roads; pools that were excavated for murram to construct roads and they create water pumps that are used to tap water for domestic use.

We cannot stand and watch a country 51 years after Independence where some Kenyans can afford to tender and award a contract to Chinese contractors to build a private residence worth Kshs1.2 billion with a full runaway when other Kenyans are sleeping on the pavement. This is immoral to say the least. We cannot have a country where children go to school and enjoy Kibaki's FPE and go to secondary school where the Government makes part contributions and they fall out because their parents cannot afford Kshs7,000 to top up.

Madam Temporary Speaker, we cannot afford situations where a child in Standard Eight scores the highest marks and is admitted to a national school, but ends up in a village county school with no trained teachers because the parents cannot afford. We cannot also afford a situation where some Kenyans have fruits from New Zealand as their budding when other Kenyans cannot afford a mug of porridge for a meal. Things must change.

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During campaigns, I used to say that Kenyans must know who they elect. We need leaders who when you tell them that today we did not eat, they will not ask you whether you had lost the key to the food store. These are things that are real in our society. There are people if you tell them you had no meal yesterday, they will ask you if you had lost appetite and yet you had no food. There is no reason in this country for anyone to go without a meal.

Madam Temporary Speaker, there is no reason for people to have their houses after a rain deluge of eight hours, storm waters wash away someone's residence and the whole family succumbs to death. Obviously, that was not a house. Sen. (Eng.) Muriuki will tell you that a house built with proper construction standards cannot crumble because rain has poured for three days. They crumble because they were not houses, in the first place, but structures which looked like houses.

We cannot accept Kenyans to live in this kind of squalor 51 years after Independence. Sen. Hassan with his rich human rights background is spot on. As this country moves to the mineral and oil economy, unless we legally and constitutionally obligate leaders to take responsibility for the people they govern, we are headed to the famous JM phrase of a country with 10 millionaires and 10 million beggars.

Mr. Temporary Speaker, Sir, we are moving towards a situation where those who are building palatial homes and runways will be parking three or four jets ready to take off when there is trouble and leave Kenya in bigger trouble when Kenyans cannot live decently. We, as a country, must make sure that for avoidance of doubt, Article 19 and particularly 43 of the Constitution obligates the Government to this fundamental statement that every person without exception whether it is an El Molo or somebody from Vanga, Mandera or Bungoma, where most of our public resources are going to wheelbarrows without exception, shall have the highest attainable standards of health which include the right to health care services and reproductive health. Every person shall be accessible to adequate housing and to reasonable standards of sanitation.

Madam Temporary Speaker, you have represented a constituency in Nairobi. Apart from living in Nairobi, the big city, I disagreed with my colleagues from Mombasa that when we talk about revenue sharing, those who said Nairobi should not be given any money, that there are more people in Nairobi than other parts of this country.

The poor in Kibera, Mathare, Korogocho, Mukuru kwa Njenga, Mukuru Kayaba, Dagoreti, Kiamaiko and everywhere lead more abject and desolate lives than the poor in the rural areas. After all, in the rural areas, we still have the privilege and opportunity of rudely interrupting a meal at a neighbour's house and participating in it. You cannot do that in Nairobi. In *The Concubine* by Elechi Amadi, there is a character called Wodu Wakiri who was notorious for rudely interrupting his neighbour's meals. All he did was to stand as the wind blew to smell an aroma of "ugali" before walking straight to the house where the aroma came from. He would join in and eat with the rest.

We are Africans. In the rural areas, if I walked into your house and found you eating, I would simply wash my hands and join you, without even waiting to be invited.

However, in Nairobi, the poor of the poor who live in Kibera, Mukuru kwa Njenga and all the other places--- First of all, there is no meal to get an aroma from. Secondly, everybody is barricaded. In fact, when you want to rudely interrupt their meal, they will think you are a robber going to rob them. You may suffer severe consequences in such kind of behaviour. Why should we have Kibera, Mathare and Korogocho when there are families in this country that own land the size of a province; billionaires for doing nothing? These are the real issues that we need to address in this country.

Paragraph (c) states that every Kenyan is entitled to be free from hunger and to have adequate food of acceptable quality. That means that the conduct alone of those children who hang around the Dandora dumpsite and scrounge through the stench to pick something to eat amounts to the Government abrogating the Constitution. The Government has a duty to make sure that we do not have the Dandora dumpsite the way it is. More importantly, it should make sure that those children that scavenge on the dumpsite are in school, have houses to live in, food to eat and water to drink and clean themselves, and with a dream to become somebody in future. The Government has a duty to do so.

Article 43 of the Constitution also obligates the Government to ensure social security and education for everybody. You may recall that in the progressive Kibaki days, there was a plan to have universal health care. I salute my good sister, Sen. Mugo and Sen. (Prof.) Anyang'-Nyong'o – the drivers of universal health care – because they had very progressive ideas. They wanted to obligate, as the law requires, every employer to contribute to the National Hospital Insurance Fund (NHIF) and the Government to contribute to the NHIF on behalf of those who do not work, so that every hospital has a benefit and duty. Whether you are a villager in Nyeri and have never worked, you would have the NHIF card that helps you to go to a hospital and get treatment. That can be done. That obligation is under Article 43 of Constitution. If the current Parliament does not legislate to obligate these issues to be done, we shall carry the blame. In future, we will be asked what we did when we had the opportunity to legislate. Maybe we shall say that we were busy defending our turfs or insulting each other, but that is not what we were sent here to do. We were sent here to legislate, oversight and represent the people. I hope this Bill, once it is passed, will not go to the National Assembly and join the queue, like all our Bills are never dealt with while in that House.

Madam Temporary Speaker, I encourage Members to see the contents of Clause 6 that obligates the national and county governments to formulate and implement policies, legislation and strategies that put in place mechanisms for the realisation of these economic and social rights. Sen. Hassan must also ensure the formulation and implementation of these policies, legislations and strategies---

(Sen. Hassan spoke off record)

Sen. Hassan, I would like you to hear me.

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I expect the sponsor of the Bill to ensure the formulation and implementation of policies, legislations, strategies and mechanisms have a timeline. That is the reason I believe he brought this Bill. The Constitution is very elastic and talks of “progressive realisation.” Now that we want it to be moved, we want realistic realisation, taking into account all the attendant facts. In fact, when you look at what is going on in this country, it appears as if there is a conspiracy between the national and county government leadership. Officers working in the county governments steal as much as they can, but we see nothing, say nothing and do nothing. That is what goes on. Otherwise, from what we have been seeing, do you think some governors would still be riding around with sirens and becoming a public nuisance all over? That would not be possible. Do you think the issues surrounding Ms. Waiguru and others would be tolerated in a serious Government? That is not true. Money is being stolen because we have not obligated people to put it to the use that we can hold them to account on a daily basis.

Now, Kenyans are very litigious. We want to strengthen the Office of the Public Defender, to go to court on behalf of street urchins, parking boys and everybody to enforce their rights. That is the only way we will spring this country from a third world country to a developed country. We have a very new and progressive Constitution with a mindset of the old Constitution. People just do things the way they want.

Madam Temporary Speaker, under what vote did the 100 Members of Parliament (MPs) who went to The Hague get paid by the Government? They have been catered for in terms of tickets and hotels for the trip to The Hague. Some have just gone there to be seen to be in solidarity. There are many of us who have said even on this Floor that we do not like what hon. Ruto is going through and we never wanted anybody to go to The Hague. We said that going to The Hague was not an option that we needed to exercise. However, they have built a whirlwind and a storm around it and now it is a conduit for misusing State funds. Which of the Members of Parliament would use his money to fly to The Hague? It is State funds they are using. Money is being given to people in brown envelopes.

Madam Temporary Speaker, I have said before that the Deputy President, hon. William Ruto's, real enemies are the cantankerous characters shouting from morning to evening about his case without knowing what it is all about. They are the ones infuriating the court and the opinion and doing all manner of things. That money could go towards the realisation of the rights of Kenyans; right to food, housing and everything.

Equally important, in trying to realise these rights, will be attendant legislation that may not be contained in this Bill, on how to improve or mechanize our agriculture to maximise production of good food for the Kenyan people.

Madam Temporary Speaker, devolution comes into play here and we have been really let down by a few institutions – the Transition Authority (TA), the Commission on Revenue Allocation (CRA) and our own Committee on Devolved Government. With all these mighty under the Constitution, why are devolved functions still being performed by the national Government? Healthcare is 95 per cent devolved with the national

Government left with referral hospitals and policy. How many referral hospitals do we have? The Kenyatta National Hospital (KNH) in Nairobi, Moi Teaching and Referral Hospital in Eldoret, Mathare Mental Hospital, Spinal Injury – Mbagathi and Port Reitz District Hospital for communicable diseases. Those are six. The 95 per cent of health care is left to share into the Kshs289 billion sent to counties for devolution and the Cabinet Secretary (CS) of Health in Nairobi is then allocated Kshs110 billion to do five per cent of the health sector, and we have the TA and the CRA.

(Sen. (Eng.) Muriuki spoke off the record)

The distinguished Senator for Nyandarua, these are in print in black and white. You can look at them. I know sometimes we feel jittery when we hear things that we do not like, but facts remain facts. The things that you cannot hide are the moon, sun and truth. They will always be there and be seen and felt. That is why the English say that when you tell the truth, you do not have to remember anything. It is liars and fraudsters who do not even remember their names. You ask him: What is your name? He has to look at his phone to check which name he gave you.

When you have that kind of situation, then we are headed in the wrong direction. No wonder 62 per cent of Kenyans voted last week that the country is headed in the wrong direction. In my thinking, 62 per cent is an understatement. I think it is over 80 per cent. Even our colleagues and friends who are on the brink on the other side also confess that they are not happy with the way things are when we talk at a personal level. When they stand on platforms to eulogize what is going on, it is for self-protection, self-preservation, self-serving and sometimes, extremely selfish interests.

Sen. Kagwe: On a point of order, Madam Temporary Speaker. Is the distinguished hon. Senator from Bungoma in order to insinuate---

The Temporary Speaker (Sen. Ongoro): Order, Hon. Senator for Bungoma!

Sen. Kagwe: Madam Temporary Speaker, much obliged. Is the Senator for Bungoma in order to insinuate that, we, on this side of the House, operate on the basis of self-interest and other words that he used to describe our very informed contributions to this House?

The Senate Minority Leader (Sen. Wetangula): Madam Temporary Speaker, obviously, my distinguished colleague and friend, the tycoon from Nyeri County was not listening. I did not say the other side of this House. I just said the other side of the political divide. By the way, on the other side, there are some very decent people like the Senator for Nyeri whom I have great and tremendous respect for. We even wish you were the Senate Majority Leader. Things would be different.

Sen. Kagwe: On a point of order, Madam Temporary Speaker. Is the distinguished Senator really in order to say that we should make changes of leadership on this side of the House? We have total and complete confidence in the Senator from Tharaka-Nithi as the Senate Majority Leader.

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The Temporary Speaker (Sen. Ongoro): Sen. Kagwe, I did not hear the Senate Minority Leader state that he wishes a change. He is speaking his mind. He has simply said he wishes and we cannot inhibit him from wishing or stating what is in his mind.

The Senate Minority Leader (Sen. Wetangula): Madam Temporary Speaker, absolutely. Thank you. Even as the distinguished Senator was protesting, if you looked at his body language, he was fully appreciative of what I had said.

Let me leave room for others to contribute. I fully support the Bill. I believe the distinguished Senator for Mombasa will take into account some of the views being aired on the Floor, so that he can make it watertight and beneficial to the people of this country.

I beg to support.

Sen. Wako: Thank you, Madam Speaker, for giving me this opportunity to speak on this very important debate. We all know that in the history of human rights, the economic and social rights are called “the second generation of rights.” The first generation of rights being the civil and political rights. When this second generation of human rights came, the thinking at that time was that you cannot sue a violation of economic and social rights, the way that you can sue a violation of civil and political rights. When it came to the International Covenant on Economic, Social and Cultural Rights, the belief that you cannot take somebody to court on violation of economic and social rights was still there. Therefore, that Covenant talked about the progressive realisation of economic and social rights. That covenant also put in place a mechanism for the evaluation on whether any State is progressively realising those rights by optimally using its resources to ensure that we have economic and social development.

A committee was formed under that Covenant just to monitor the situation on how progressive realisations are being done. Each member State of that Covenant is called to Geneva to say what they have done on this and that right and so on. Of course, our own Constitution became even more progressive on that issue because now under Clause 16, any person aggrieved by the implementation under this Act can proceed and file a case in court. This Bill now gives the opportunity for individuals to go to court.

However, it will be foolhardy for an individual to say: “Because I do not have shelter now, I am filing a case against the Government to be given one because this is my right or I do not have food tonight, therefore, I am filing a case against the Government to give me food and so on.” That is why this Bill becomes very important. I want to bring that point home. It is now putting in place measurable steps, that before an individual can even go to court, he or she can say: “I am going to court because this Bill and its implementation, the strategic plans under it have not been followed by the State.

[The Temporary Speaker (Sen. Ongoro) left the Chair]

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

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Mr. Temporary Speaker, Sir, this Bill also gives the right to a person, not only to file a case in court, but also the commission which has been charged with the responsibility of overseeing the implementation of this Act; an individual can complain to it. Let me briefly explain how this can be achieved.

Mr. Temporary Speaker, Sir, under Clause 3(d), the object and purpose of this Bill is, amongst other things, to provide a framework for the standards that are to be adhered to by the national and county governments in the realization of economic rights. Therefore, any individual cannot just go to court. The standards will be put in place and it is only when those standards have been violated that one can go to court. Not only will it provide the standards to be adhered to by the national and county governments, but it will provide the mechanism to monitor. Therefore, if that mechanism has monitored and found out that the national or county government has not adhered to what has been put in place by way of standards, then again, it gives a measurable quality for a person to either report a complaint to the commission or go to court.

Mr. Temporary Speaker, Sir, the other problem on this issue of economic and social rights is always a question of money to implement. I am glad that Clause 6(2)(d) of this Bill imposes upon the national and county governments to give priority to allocation of resources to ensure that economic and social rights are realised. In other words, when the county government is allocating resources, it has to ensure that most of those resources must go to the realization of economic and social rights. This is not always the case, but one can use that clause and say, the allocation of resources in this budget by this national or county government has not sufficiently prioritized the money that will go to economic and social rights.

Clause 6(2)(e) says that the national and county governments must avoid actions that will limit the economic and social rights. What are some of those actions? At times, sufficient money may be allocated, for example, to investment to the realisation of economic and social rights. However, sometimes what normally happens is that, that money that had been allocated for a particular purpose is diverted to a purpose that may not necessarily be in the realization of economic and social rights, but may be more in the issue of the wage bill, salaries, travelling abroad, just putting up purchases and houses for governors and other officials of the Government. In other words, although the budget was right, and we know this, there are a number of county governments where the budget is right, but all of a sudden that amount of money in that budget devoted to investment and resources is diverted to the needs of particular high ranking national and county officials. Those are the actions which must be avoided. If that happens, it will be a violation of a right and, therefore, a measurable thing, that one can say, let me go to court on this issue.

Mr. Temporary Speaker, Sir, in the process of discussions, there were some complaints that maybe this Bill is creating too much work for county governments or the national Government. This means it requires that national and county governments must have a comprehensive strategic plan and yet under other Acts we have what we call the County Integrated Development Plans (CIDPs). So, why have all these types of plans? I

am glad to say that if you read Clause 6(2)(b) and Clause 7(2), the two come together and what is provided for is that whatever comprehensive strategic plan is in place must be integrated into the CIDP so that the focus of that integrated plan just like we had in the other clause that priority in allocating resources must be given to realization of economic and social rights. So, also the priority in preparing for the CIDP must be comprehensive to strategic plan.

In the preparation of that plan, the county government has been given the responsibility under Clause 11 to carry out a baseline survey in order to determine the various issues that must go into that plan, including the areas of priority that require immediate intervention by the county government in the realization of economic and social rights.

The Senate Minority Leader talked about having deadlines on this. Already within the Bill, Clause 9(4) provides that one must have medium and long-term strategies and programmes, preferably over a 10 year period of five year each - after 10 years, another 10 year period and so on. The progressive realization of human rights is not in the air. There are time limits to it; 10 years.

However, within even the 10 years, you can say in this particular case, there should be this much progress in two or five years and so on. But the entire thing is based on the baseline survey because in accordance with the international covenant on civil and political rights, in order to determine the progressive realisation of human rights, you must know what resources are available to the national Government and to the county governments, what natural resources they have which can be exploited for that purpose and so on. Taking that into account, that is when we can say that here, our advantage is in fish and so you should develop the fish industry; or our advantage is in agriculture, mining and so on, and you take all those resources into account in developing this county development plans.

Mr. Temporary Speaker, Sir, the other area that I like in this particular Bill is the fact that the national Government and the county government now have a responsibility to ensure that the priority of the realisation of economic and social rights is there. This becomes critical because, at the end of the day, what resources do we have? When the Commission is looking into this, they will be guided with the focus on economic and social development rights being properly and progressively realised.

Sen. Kagwe: Thank you very much, Mr. Temporary Speaker, Sir. I rise to support the Bill even though I believe there are many parts of the Bill that should be looked at when it comes to the Committee of the Whole. When you form a country, there has to be reasons people get together rather than live alone. One of the reasons they would do so, is because they believe that numbers can create opportunities that singular individuals would not. We, as a family, take care of those amongst us, even within your own family, you take care of the weak.

Mr. Temporary Speaker, Sir, it was an English writer who said: "The most able must provide the least requirement for the least able". What the Bill proposes to do is to

create a framework where we, as a nation, can focus and think through how to take care of those who are not as able as others. It is actually enlightened self-interest that we do so. Even if you are as healthy as it can be, even if you visit the most expensive hospitals in our nation, even if you see the most experienced and famous doctors in our nation as long as the neighbourhood in which you live in is full of sick individuals, you will never be healthy yourself.

Mr. Temporary Speaker, Sir, it is enlightened self-interest that you would want to ensure that people go to good doctors and hospitals so that they feel healthy. By the end of the day, what we want is a dignified nation; a nation where every individual counts themselves lucky to be Kenyans. We want everybody to say “*Najivunia kuwa Mkenya*” and mean it. In addition to your being healthy, if everybody around you is healthy, those who are denied can resort to all sorts of solutions to their denial, including criminal behaviour. That is why in some nations, particularly in Western Europe and America, if you do not have a job, there is a minimum level of supplies that the government allocates to you. If you do not have food to eat, you go and get some little amount of money that can make you get some food.

Mr. Temporary Speaker, Sir, we are not talking about communist Russia, we are talking about Sweden, the United States and the United Kingdom (UK) where you get a certain minimum amount of money so that you can survive; social welfare. Even David Cameron, who is a personification of capitalism, cannot in the UK – a nation committed in totality to a capitalist system – remove social welfare from the system. That is the case in most of the other countries in Western Europe.

Mr. Temporary Speaker, Sir, in Sweden, if you lose your job today, for the next year or so, you will get 75 per cent or so, of the salary you used to get so that you can remain a dignified person. You can sustain a certain life that you are used to so that your children do not get traumatized by what would happen to them if you are having nothing in your pocket. When you look at Members of Parliament (MPs) – because when you talk about social welfare and protection, people think that you are just talking about poor individuals - how many MPs straight after leaving Parliament have come to Parliament to beg?

If you stand there, they will walk into there and say can they have Kshs30 to go and feed themselves. It is because those people were not on any kind of pension when they left and it continues to be the case even today. These were people who were dignified, people who led and changed other’s lives, people who changed how we do business in our country, but today, they are beggars on the streets.

Mr. Temporary Speaker, Sir, these are the kind of conditions that I feel should not be allowed. So, as we address the matter, let us not only think about those who are totally stricken by poverty. There are also people who were not poor yesterday, but, today, they are stricken by poverty just as if they have never been any different. We must address that issue. The Bill proposes monitoring of progress as far as economic and social rights and human rights are concerned. The only question I had, and that is why I think some

amendments will be necessary in the second part of it, what happens when they are not doing it? What happens when a county has totally ignored any advice that they are getting from the proposed institution that we are going to create?

The way I read it in this Bill, there is nothing that will happen. I will give another example. Education up to nursery schools and polytechnics is a devolved function. Those two or three year old children, the ones whose rights should be protected long before we protect any other rights, are suffering in small ovals that are called nursery schools.

Madam Temporary Speaker, Sen. Karaba and I visited---

The Temporary Speaker (Sen. Mositet): Order, Senator! I am not "Madam."

Sen. Kagwe: I am sorry, Mr. Temporary Speaker, Sir. You are not a madam, but a real moran from a famous tribe of this country.

I believe that since Sen. Hassan's Bill proposes that the county governments should be monitored, one of the first thing that they should be monitored on is to what extent they are living up to their obligation or supplying education to a three-year-old or four-year-old. Some of the counties have their priorities completely messed up. County governments cannot possibly start talking about building secondary schools – which is a function of the national Government - when the function that they have been given of managing nursery schools is forgotten and not being prioritized.

Sen. Boy Juma Boy and I, visited a nursery school in Kwale County. When we asked where the toilets of the little boys and girls were, they pointed at a maize farm. They told us that is where the boys go to relieve themselves while the girls do so at the other side of a maize farm. Even as we talk about human rights and the right to education, how would those rights be realised if our children are learning in deplorable conditions? The first point of monitoring is to make sure that the county governments are performing their functions as per the Constitution. For example, Baringo County is spending Kshs100 million per annum to build modern kindergartens and nursery schools. When you visit one of the changed institutions, you see changed faces; children are happy and enjoying school life. Therefore, in future, you can expect those children to be interested in education. The issue of prioritizing where to spend money so that we can meet the obligations that we have in the Constitution, as far as economic and social rights are concerned, is what would be monitored and reported to us.

In terms of national and county programmes, the first question we should ask ourselves is: How does this project support the youth in creation of jobs in the county? We must get our priorities right. If we have to initiate two projects, we must ask ourselves which one will create job opportunities for the youth. For instance, even if we have to start a huge project, but does not create jobs, then we must do the one that creates job, so that we can meet that economic right of the people. Therefore, if we take what is proposed in this Bill seriously and make it clear to the people that it is not the role of the Government to micro manage individuals. Government is not a micro manager of individuals. For example, you cannot stand in front of your house where you have mud and trees that you can cut and build a decent place, but you still say that you are waiting

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for the Government to come and help you. You should not wait for the Government to help you to dig even your own *shamba*. If you have a two-acre farm, you can dig it and grow food. We should not wait for the Government to give us food. That must not be the notion. That is not what this Bill should be about. It should be encouraging individuals to supply what they can to themselves. The idea of waiting for the Government to do everything, including your own things that you can do for yourselves, should not be the case.

Mr. Temporary Speaker, Sir, regarding the Equalisation Fund, there is a sense in which the National Assembly is correct in proposing that the Fund should be focused at the constituency level. We focus on the counties yet the Constitution talks about regions. For example, if you walked along Kenyatta Avenue, Moi Avenue or Kilindini in Mombasa County - and you are told that Mombasa County has areas that should benefit from the Equalization Fund - you would completely refuse, yet there are some constituencies in Mombasa County that are completely poor. They are the ones to be focused on in as far as the Equalisation Fund is concerned.

In Nyeri County, for example, out of six constituencies, I would, probably, say that five of them do not deserve the Equalization Fund. If some people will be given money for being marginalized and disadvantaged, then Kieni Constituency in Nyeri must get its equal share of the Equalisation Fund. This is because it is no better than any other marginalized places in this country. When you focus on just counties, then Nairobi County should not benefit from the Equalisation Fund but considering Kibera and other areas, maybe they deserve some money. What I do not agree---

Sen. (Eng.) Muriuki: On a point of information, Mr. Temporary Speaker, Sir.

Sen. Kagwe: Mr. Temporary Speaker, Sir, I will accept the information provided that my time is held.

Sen. (Eng.) Muriuki: Mr. Temporary Speaker, Sir, I wish to inform my colleague, the Senator for Nyeri, that Article 204 of the Constitution does precisely say so. It calls for the Equalisation Fund to cover needy areas in the counties. The focus is actually not the county *per se*, but areas in the counties that are disadvantaged.

Sen. Kagwe: Mr. Temporary Speaker, Sir, I appreciate the good information from the distinguished Senator for Nyandarua. It is exactly what I was emphasizing. There is a mistaken notion, particularly in the Senate, that the Equalisation Fund should be shared on the basis of counties. It should not be counties, but areas within the counties that are disadvantaged. I believe that the Equalisation Fund should be managed by the county governments and not the Members of National Assembly, and it should be on the basis of regions and constituencies that are suffering and not simply looking at a county in its holistic sense.

We must also look at the conflicts that might be in this Bill and other organs which are charged with monitoring. For example, I do not know whether there is any conflict between the Ombudsman's office and the Kenya National Commission on

Human Rights (KNCHR). Some of these aspects of the Bill that I am proposing should be looked into during the Committee of the Whole.

Finally, I want to emphasize that there is nothing more important to a human being than human dignity. Indeed, if we want a nation that is proud and has people who are nationalists and hold their country high, we must provide dignity to our people. Dignity is a situation where we have given the least requirements to our people, so that even if someone is poor or disadvantaged in Kenya, he or she will be able to have a meal. It does not matter what meal it is. One person may have his steak and salmon which will eventually give him cholesterol. Another person may be eating maize and beans, as we do in our county, but have full stomachs and would have eaten something. If they fall sick, they can go to a hospital. It does not matter if somebody goes to hospital in the United Kingdom (UK) or Harvard. As a Kenyan, I know that if I fall sick, I will go to a good hospital and get good treatment.

That is the time that we will say that we have a fantastic nation. That is also the time when we can all claim to *Kujivunia kuwa Wakenya* and mean it.

I beg to support.

Sen. Ndiema: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to contribute to this Bill. First, I thank Sen. Hassan for being innovative enough to come up with this Bill on economic and social rights.

This is an area that has previously not been emphasized. Although we have been having many policies by the Government on how to improve the economic and social welfare of our people, we have never had a framework legally or an institution to ensure the implementation of the desired goals. This Bill seeks to bring that framework and institution to oversee the realization of the economic and social right.

Mr. Temporary Speaker, Sir, I do not wish to repeat what the social and economic rights are because they are in the Constitution. We have not had a mechanism to ensure that those rights are realised. This Bill has come at the right time. Its success will depend on a few areas that we should ensure are properly implemented. We know that social rights cannot be achieved overnight or even in 50 years because parameters change often according to the global situation. However, what we are talking about in this Bill are the basic rights.

We all know for many years, this country has been crafting development visions but what have we realised so far? Those are just statements. There is some progress with regard to electricity connection to schools. How do we measure all the promises we have been making to our people in the various policy statements and plans?

Mr. Temporary Speaker, Sir, this Bill is a vehicle with which we shall drive towards the realisation of Vision 2030. There are very important issues that must be tackled on the issue of statistics. We should ensure that we have up-to-date statistics of the welfare and economy of our people. Currently, statistics are centralized. They are based on national figures. We have since devolved, but it seems that the Kenya National Bureau of Statistics (KNBS) has not devolved. We cannot tell the economic statistics

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parameters of each county. You will recall recently that we suggested that the Division of Revenue should be on the basis of economic or data in each county. Even the CRA was hard pressed because they have no data to base these economic activities. This means that on the basis of statistics, we should now devolve.

Counties do not have the capacity. I see here that it is proposed that counties will do baseline surveys. Most of our counties cannot even manage the financial accounting set at professional standards. When it comes to statistics, they are not going to do it. Therefore, there is need for us to come up with an amendment to this Bill which will make the KNBS to compel counties to provide statistics on an annual basis.

The issue of budget priorities is also an area that should be addressed if we are to target those areas that will ensure there is economic and social progress for our people. I do not want to repeat what previous speakers have said about priorities, but our Constitution currently says that there must be public participation. If we were to really stick to public participation and hear what our people have to say, then these issues of social and economic progress would be addressed because people want to improve their welfare. Unfortunately, public participation has become just, but public participation. Nobody is monitoring to ensure that whatever the public says really adhered to in the budgeting process. It looks like other priorities have come in, and people want to invest or put money where they will have cuts for personal need and aggrandizement and not for the public good.

If you look at the budget of counties that are approved by county assemblies, perhaps, there is an element of public participation. However, in the middle of the year through what we call supplementary or revised estimates, that budget is unilaterally overturned by the Executive. Unfortunately, most county assemblies are brought into it and whatever was the contribution of public participation is done away with. Such projects are introduced to suit specific suppliers who have made some commitments somewhere to compensate officials in the county governments.

It is important that we set standards in the budgets. This does not affect only the county assemblies or the county governments, but also the national Government. We should avoid coming up with projects which we never budgeted for in the first place. The best way that has been found to circumvent the budgeting process which is the mandate of Government or Parliament, is the issue of borrowing. In borrowing, you just introduce a project by way of financing it. That way, we end up committing our citizens to paying debts which are not thought of and which will not improve their welfare. We need to thoroughly address the issue of public debt. I do not see why the Senate, which represents counties, cannot have a say when Kenya is being subjected to public debts.

Devolution held a promise. I still believe that devolution can get us out of this problem of economic and social malice. Devolution means the resources will go to the people and near the people. We do not want resources to go to the people for them only to smell, but not taste. The Constitution talks about devolution to counties and also says the counties should devolve further. By further, I mean the sub-counties, wards and even the village levels.

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Mr. Temporary Speaker, Sir, if these resources were to be taken to the village level, and the villagers were the ones to decide where the money would go, some of these social ills would be done away with. Unfortunately, counties have become social centres of decentralisation. Many counties cannot operate because there is an *impasse* in terms of funds allocated to the wards. The Members of County Assemblies wish that devolution succeeds in their wards. However, governors have unilaterally connived with the directors of budget and ensured that there is no further devolvment of the funds to the wards. This is an area that the Senate should be involved to ensure that there is devolvment of funds and support the Members of County Assemblies.

Mr. Temporary Speaker, Sir, I am not saying that the Members of County Assemblies should manage funds the way Constituencies Development Fund is managed, but that there be funds earmarked to specific wards. This should be implemented by the executive. We have sub-county administrators who are idle. They have no work to do because everything is centralised. If we have to realise social and economic prosperity for our people, devolution should cascade to the village level.

At the national level, there are specific areas that if we were to target, certain sectors will change the lives of our people. This is, for instance, the dependence on agriculture. A majority of Kenyans depend on agriculture. However, how much do we allocate to agriculture in our annual budgets? Tea is the foremost foreign exchange earner. Coffee has also been earning, but how much are we investing in agriculture?

Under the Maputo Declaration, which we signed and promised to commit 10 per cent of our budget, this percentage is peanuts for a country that depends on agriculture. Even so, I am afraid to say that I do not think we are currently allocating 4 per cent to agriculture whether at the national or at the county level.

Mr. Temporary Speaker, Sir, Trans Nzoia County produces maize for this country. If we did not do it, we would spend a lot of foreign exchange importing cereals yet our people are hard working and they are producing maize. Majority of the people, including youth depend on agriculture, but this sector has been reserved. It is painful to see that there are funds allocated for purchase maize. For instance, Kshs2.7 billion only from last year's Kshs5 billion was set aside to purchase maize. This is a drop in the ocean yet we are talking about dignity of our country. A country that does not feed its people cannot say that, that government has dignity and the people do not have that dignity.

Dignity is part of social rights. First, we must begin by feeding our people. Today, if we go to many families, including where we are producing maize in Uasin Gishu or Trans Nzoia, there is a family that slept yesterday without *ugali*. That is a reality.

Mr. Temporary Speaker, Sir, concerning sanitation and health, although the counties have procured ambulances and so on, they only deliver people to places where there is no medicine and doctors. What is the purpose rushing a person, using an ambulance with all the sirens on, to hospitals where there is no medicine? That happens in many counties, including mine.

Mr. Temporary Speaker, Sir, I had opportunity to tour CDF projects in my county. The biggest problem that I was confronted with---

The Temporary Speaker (Sen. Mositet): Order, Senator! Your time is over!

Since there is no other request, I now call upon the Mover to reply.

Sen. Hassan: Mr. Temporary Speaker, Sir, first and foremost, I thank all my colleagues, the Senators, who have contributed very robustly to this Bill. I have bulleted quite a number of their concerns, which I believe shall be subject to amendment or introduction at the Committee Stage. I believe that whatever recommendations were given, are extremely useful in terms of perfecting or improving on this Bill.

Mr. Temporary Speaker, Sir, most Senators appreciated that Article 43 is one of the most fundamental gains of our new Constitution, 2010. Article 174(f) states that one of the objects of the devolution of government is: “to promote social and economic development and provision of proximate, easily accessible services throughout Kenya.” Therefore, this Bill intends to reposition devolution in terms of psyche of county governments. One of the speakers raised similar concerns that partly inspired this Bill; where the governors think that the only development they can do is to lay cabros and do a few other things here and there, but not make the lives of our people better.

I was also quite enthused by some of the contributions, particularly a comment made by Sen. Mutula Kilonzo Jnr. He said that we should not celebrate when governors launch toilets and boreholes, 50 years after Independence. In fact, we should be a nation in shame. To respond to that issue, this Bill intends to depoliticize policy, so that governors do not demonstrate as if issues around social justice and all economic and social rights are out of their magnanimity, hospitality or good nature. This Bill intends to depoliticize policy, so that whenever governors execute functions and mandates within our Constitution, people should realise that it is based on a certain right and a strategic plan that is carefully implemented or developed through the participation of the people.

I also take the views of Sen. Ndiema who said that we need to enforce or strengthen the capacity to conduct statistics. What will be required is what Sen. (Prof.) Anyang'-Nyong'o talked about, that is, evidence or research-based planning, which is scientific in nature, so that it can guide us to some of the areas of development that need to be strengthened.

Equally, I totally agree with the interventions of Sen. Kagwe which were strengthened by Sen. (Eng.) Muriuki through a point of information. One of my fundamental concerns has been this very simplistic arena of how we define marginalization or the index that is used in terms of Government statistics to define marginalization. That is why in the Second Schedule of the Bill, we have broadened the criteria because we realise that we have what we call the urban poor. You can be in Mombasa, but living in a place called Burukenge. Are you aware that there is a place called Burukenge in Mombasa? Just yesterday, it was said that floods killed one person in that area. I can tell you for a fact that whenever you hear some of these names like

Burukenge and stuff of that nature, it is not even in doubt of the type of dilapidated conditions that they are talking about.

Mr. Temporary Speaker, Sir, there are urban poor in Nyeri and many other parts of this country. That is why we are broadening the levels of the criteria in terms of which the Equalisation Fund shall be determined. I believe when we broaden this arena of how to determine this Equalisation Fund, then first and foremost, it gives us a wider foot print. Every part in this country has people who are marginalized. We will also make sure that the Government commits more budget than just that 0.1 per cent or is it 0.5 per cent that is envisaged in the Constitution. That way, governments can clearly demonstrate that they are based on providing welfare or social justice for their people.

Sen. Wetangula raised the issue of non-compliance. Non-compliance has consequences in this Bill. It talks about oversight by the Kenya National Commission of Human Rights (KNCHR) who shall be producing periodic reports on a yearly basis. These reports will come to the Senate, and the Senate will adopt the recommendations which will then be binding to county governments in the next cycle of planning. The critical agency towards enforcement is also the county assemblies. Therefore, we will have a consequential methodology of enforcement.

Let me also talk about some of the issues that were particularly highlighted by Sen. Orendo. The philosophy that founded and the cardinal reasons we strived for our Independence was to make our people better off. We undertook to fight off poverty, disease and ignorance. This Bill tries to fight some elements of poverty by providing dignity to our people. This country will only be dignified if all our people will access reasonable standards of living to ensure that they can feel the dignity of being Kenyans. That is why I share the sentiments of Sen. Kagwe that we really need people to say that *najivunia kuwa Mkenya* should be a statement of cause and one that one really believes in.

Finally, in terms of setting forth and which was also captured in debate by almost all my colleague Senators, is that we, as the inaugural Senate, following the realisation of the new Constitution are charged with the critical responsibility of its implementation. Therefore, as many of our colleagues put it, we are charged with the responsibility to start imagining and internalize how we can provide and enforce various areas of our Constitution. The most important ones are those which appear to be the most difficult challenges of our Constitution. Therefore, this Bill creates that framework. It allows a political coalition or party to say that as we go forth, we shall commit more money to economic and social rights and have a programme that is given a legal basis for which you can partner with counties to ensure that these services are provided.

Mr. Temporary Speaker, Sir, we do not want encroachment of mandates and that is why we have created a framework. If you want to provide health facilities to counties and you are the national Government that is passionate by a certain vision, then you can coordinate with county governments to ensure that it is done in a manner that is provided within the frameworks of law.

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In response to what Sen. Wetangula alluded, we have put deadlines and time limits and literally every area of this Constitution. This is because ultimately, it is important to define this word that is loosely referred to as “progressive”. It is because national and county governments must not circumvent their responsibilities purely on account of the lack of definition of the word “progressive”. Progressive in the context of this Bill means that you are demonstrably showing that every financial year you are putting in resources in order to advance progressively, the wellbeing of your people. As Sen. Ndiema said, it should not be done overnight or in one year, but we shall show demonstrably that we are committing ourselves to realise some of these issues in the most progressive manner possible by committing resources.

That is what brings us ultimately to the point of Sen. Wako who has been a guru in these matters of economic and social rights. These rights are not only for countries that are wealthy; it is for all of us as a country to internalise and appreciate that whether we are poor or rich as a nation, we must demonstrate that we commit some resources towards the advancement of this particular right. That is why it matters little whether a country is wealthy or poor. It matters whether you can demonstrably show that you are committing some level of your resources towards making the life of your people better off.

Mr. Temporary Speaker, Sir, I thank all those who participated in the conceptualization of this Bill. Rarely do we say it in this House, that we acknowledge individuals who might not be Members of this House that have played an extra ordinary role, particularly the legal department led by Ms. Eunice Gichangi and the person who drafted this Bill word for word. This is a Bill that there was no prototype or a sample taken from another country. It was discussed word for word, section for section. It was done very ably. The leadership was provided by Ms. Elizabeth Muhia. We need to acknowledge the input of some of our members of staff who make us look so extra ordinary yet it is the efforts and sacrifices they have made in their work spaces to ensure that we come up with this type of cutting edge legislation. In that regard, I thank everybody.

Mr. Temporary Speaker, Sir, I beg to move.

(Sen. Hassan spoke off record)

The Temporary Speaker (Sen. Mositet): What is the point of order, Senator?

Sen. Hassan: On a point of order, Mr. Temporary Speaker, Sir. I rise under Standing Order No.54(3) to seek that you defer putting of the question because this is a Bill that affects counties.

The Temporary Speaker (Sen. Mositet): As he has put, the Bill concerns all counties. As you have requested, I defer putting of the question to next week.

(Putting of the question deferred)

Next Order.

Second Reading

THE WATER BILL (NATIONAL ASSEMBLY BILL NO.7 OF 2014)

(Bill deferred)

MOTIONS

The Temporary Speaker (Sen. Mositet): The first Motion is also deferred.

MEASURES TO MITIGATE TRAFFIC CONGESTION IN NAIROBI
METROPOLITAN REGION

THAT, aware that traffic congestion in Nairobi Metropolitan Region is increasingly becoming worse leading to increased costs, longer travel times, constrained economic productivity and adverse health and environmental externalities;

CONCERNED that the economic cost of the congestion is estimated to be Kshs1 billion annually on account of wasted man-hours and wasted fuel due to vehicular queuing;

APPRECIATING the Government's effort in mitigating the problem by expanding infrastructure and initiating other interventions such as installation of traffic lights in the Central Business District;

The Senate now calls upon the Government to consider formulating additional policy interventions to mitigate the problem by:-

1. Enacting legislation to allow only high capacity public transport to operate in the city; and

2. Creating regulations to:-

a) Require all deliveries to business premises to be done at night;

b) Require construction on roads that are in use to be done at night,

and;

c) Reroute heavy commercial vehicles to use the bypasses.

(Sen. Kittony on 17.9.2015)

(Resumption of Debate interrupted on 17.9.2015)

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(Motion deferred)

RESOLUTION TO RENEW THE MANDATE OF THE SELECT COMMITTEE INQUIRING
INTO THE NEEDS OF THE 47 COUNTIES FOR HEADQUARTERS
FACILITIES FOR A FURTHER PERIOD OF 45 DAYS

Sen. (Eng.) Muriuki: Mr. Temporary Speaker, Sir, I beg to move the following Motion:-

AWARE THAT, the Senate on 30th July, 2015, resolved to establish a Select Committee consisting of nine Senators to conduct an inquiry into the needs of the forty-seven counties for headquarter facilities and report back to the House within three months of its establishment; realizing that the three months period lapsed on 30th October, 2015, but owing to the magnitude of the work involved the Committee was not able to complete its work within the duration; noting the need for more time to carry out a thorough inquiry into this matter; now therefore, the Senate resolves to renew the mandate of the Committee for a further period of 45 days to enable the Committee to complete its work and report to the House.

Mr. Temporary Speaker, Sir, this Committee which I have had the honour to Chair has done most of its work.

The Temporary Speaker (Sen. Mositet): Hon. Senator, as one of the Senators had commented, if you want us to conclude this Motion today, we can do so within fifteen minutes. I know that you are entitled to 15 minutes as the Mover, but if you want to prosecute the whole thing and finish, you can---

Sen. (Eng.) Muriuki: Thank you very much, Mr. Temporary Speaker, Sir. I guarantee I will not go more than three minutes. I just wish to assure the House that we have done the bulk of the work we were to do. We have consulted the entities and individuals of what we have to do. We have finished most of the reporting and we have only a one whole day retreat meeting tomorrow and two more sittings. We had put 45 days just to be on the safe side. Otherwise, I would urge the House to bear with us and consent to grant us those 45 days knowing very well that we only need a week.

I beg to move and I request Sen. Karaba to second the Motion.

Sen. Karaba: Thank you very much, Mr. Temporary Speaker, Sir. I rise to second the Motion.

It has come at the right time when we were wondering why some counties do not have county headquarters to the amazement or embarrassment of the country which has been built for the last 50 years.

It is important that we get to know why we do not have county headquarters even at the defunct local authorities. You find that there are no established headquarters. I believe the Committee which is chaired by Eng. Muriuki, who is normally known as the

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“father of Constituencies Development Fund (CDF),” should come out with something fatherly, something that we know of and something that equals an engineer’s task. I am sure the Committee is equal to the task. Some of us have been to some of these county headquarters and they are wanting. I have been to Bura, Nyandarua and Tharaka-Nithi. We had to conduct our Committee deliberations in a hotel. Imagine there was not even a single room where we could sit to conduct our deliberations. It is a pity that some officers conducted their business under trees in Tharaka-Nithi County. That is where our Senate Majority Leader comes from. We should strive to get answers.

I support and second.

(Question proposed)

Sen. Obure: Thank you, Mr. Temporary Speaker, Sir. I happen to be a Member of that Select Committee. I want to confirm that the assignment given to that Committee proved to be massive. It involved consultations with a number of institutions, including the Transition Authority (TA), Ministry of Lands, Housing and Urban Development and so on. The assignment also entails travelling to counties to look at the facilities available and engage with stakeholders, governors and the county assemblies.

I want to take this opportunity to acknowledge the commitment and the devotion demonstrated by the Chairman of that Select Committee, Sen. (Eng.) Muriuki of Nyandarua County. Being a Member of that Committee, I have immensely enjoyed working with him and appreciating his commitment to this assignment. Despite the hard work and devotion, it is simply not practical to complete this assignment within the period given. I know a lot of work has been done, but in order to produce a good quality report, it is necessary to extend this period of time to enable the Committee to compile a reasonable report which will be a reflection of the situation on the ground.

I support.

Sen. Hassan: Thank you, Mr. Temporary Speaker, Sir. I rise to support this Motion. I am persuaded by the justifications given by Sen. (Eng.) Muriuki. I do not sit in the Committee, but knowing its membership of Sen. (Eng.) Muriuki and Sen. Obure, I am not in doubt about their dedication and commitment. I see the vigour with which the Chairman of the Committee seriously takes his work even in the County Public Accounts and Investments Committee. I am persuaded that these 45 days will ensure that we have a more comprehensive report that meets the expectations of this Senate.

Therefore, I beg to support.

Sen. Ndiema: Mr. Temporary Speaker, Sir, I also join to support this Motion for the reason that the issue is important and the findings are awaited. However, the tendency to create Select Committees even in areas where there are specific committees to deal with the matter, is something that this House needs to address. This is a matter for the Committee on Devolved Government and it should have been handled so. I believe this is now affecting the quorum for the other committees. Not to mention, I do not know how it

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is financed because when budgets were made, these select committees were not there. It may also be impacting on financial operations or budgets available to the Standing and Sessional Committees. This is an area that this House should address itself so that we limit the number of select committees.

The Temporary Speaker (Sen. Mositet): So, Senator, are you a Member of the Committee on Devolved Government?

Sen. Ndiema: Mr. Temporary Speaker, Sir, I am a Member of the Committee on Devolved Government. I feel this responsibility was taken away from us.

The Temporary Speaker (Sen. Mositet): So, you feel you are not did work as per the way you should operate?

Sen. Ndiema: Yes, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Mositet): I now call upon the Mover of the Motion to reply.

Sen. (Eng.) Muriuki: Mr. Temporary Speaker, Sir, first, I want to thank the Members who have supported the Motion and also to respond to one or two issues. One is the issue raised by Sen. Ndiema which I very much appreciate. However, my position away from this particular *ad hoc* Committee – and by the way it is called an *ad hoc* Committee and not a Select Committee – but nonetheless, there are some agenda which come to the House which require very intense and short term investigation. Whenever we have this kind of thing, it is always better to have an *ad hoc* Committee to look into it because the regular committees normally have a lot of regular business.

Mr. Temporary Speaker, Sir, I also wish to assure Sen. Ndiema that in the budget of Parliament, there is a reserve for a limited number of this kind of *ad hoc* committees. Therefore, we are not at all eating into the budget of the Committee on Devolved Government.

As Sen. Obure said, this Committee has actually gone round not to every county, but to selected ones that we really sampled and the number of observations we made, one of the ones I would like to tell the House is that we realised – although it was not the agenda which was taking us there – that we seem to be slowly creating marginalization in counties which were originally marginalized and they still continue being marginalized and others which are coming on board now, because of the formula we have for allocation.

We realised that there were some counties which had a problem of headquarters. However, since they had a huge budget, they were able to commit Kshs1 billion and build their county headquarters. There are some counties, like Lamu and others which were originally marginalized, but the money they get is just enough to run their government. They cannot build extra roads. Therefore, we must give counties enough money to run their governments and for development.

Mr. Temporary Speaker, Sir, with those few words, I beg to move.

Sen. Ndiema: Mr. Temporary Speaker, Sir, the issue of the select Committee is what is in the Standing Orders. This Motion is also referring to a select Committee. So, I did not create the word “select” instead of “*ad hoc*.” It is already in the Motion.

The Temporary Speaker (Sen. Mositet): Sen. Ndiema, I would like you to note that there was a real need for that Committee to be formed. The Senator tried to convince this House to provide for some funds to go to the three counties, but he was unable to do so. The only way to try to achieve that was to come up with a Committee. That Committee will come up with a report, which could convince the House that there is need for those counties to have money for their headquarters.

Since this Motion does not affect all the 47 counties, I will put the question.

(Question put and agreed to)

TASK FORCE TO SURVEY, MARK AND FIX BEACONS
FOR ALL THE COUNTY BOUNDARIES

GIVEN the clear provisions of Article 6(1) and the First Schedule which establishes the 47 counties of the Republic of Kenya;

CONSIDERING the clear provisions of the Districts and Provinces Act (Cap 105 A) of 1992 which specifically delineates the geographical boundaries of each county;

NOTING the provisions of Article 188 of the Constitution, which clearly state that the boundaries of a county may be altered only by a resolution of an Independent Commission set up for that purpose by Parliament and with the support of at least two-thirds members of the National Assembly and two-thirds of the county delegations in the Senate;

FURTHER NOTING that the boundaries in counties have not been surveyed and no beacons have been fixed;

CONCERNED that failure by the National Government to mark and fix the county boundaries has led to endless and sometimes violent conflicts, in which innocent Kenyans have been killed and their property destroyed, and is generally perpetuating poverty and underdevelopment in counties;

THIS HOUSE urges the Office of the President and the Ministry of Land, Housing and Urban Development to urgently establish a Task Force to survey, mark and fix beacons for all the county boundaries and to submit a report of the said Task Force to this House on or before 31st March, 2016.

The Temporary Speaker (Sen. Mositet): Since Sen. Kiraitu is not in the House, we will defer the Motion.

(Motion deferred)

ADOPTION OF THE TRANSPORT COMMITTEE REPORT
ON VISITS TO LAMU AND NAKURU COUNTIES

Sen. Obure: Mr. Temporary Speaker, Sir, on behalf of the Chairperson of Standing Committee on Roads and Transportation, Sen. Chiaba, I beg to move the following Motion:-

THAT, this House adopts the Report of the Standing Committee on Roads and Transportation on visits to Lamu and Nakuru Counties, laid on the table of the House on Wednesday, 29th July, 2015.

This Report documents the visits by the Senate Standing Committee on Roads and Transportation to the two counties of Lamu and Nakuru during the months of May and June 2015, respectfully. The visits were undertaken in fulfillment of the constitutional role of the Senate, as articulated in Article 96 of the Constitution and in exercise of the mandate of the Committee as provided for under the Senate Standing Orders.

The Temporary Speaker (Sen. Mositet): Order! Sen. Obure, you have almost one hour, according to our Standing Orders, to move the Motion. Therefore, you have 58 minutes remaining.

ADJOURNMENT

The Temporary Speaker (Sen. Mositet): Order, Senators! It is now time to interrupt the business of the Senate. The Senate, therefore, stands adjourned until Tuesday, 24th November, 2015, at 2.30 p.m.

The Senate rose at 6.30 p.m.