

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 21st April, 2016

*The House met at the Senate Chamber,
Parliament Buildings, at 9.30 a.m.*

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

PRAYERS

BILL

First Reading

THE PROTECTION OF TRADITIONAL KNOWLEDGE AND CULTURAL
EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO.48 OF 2015)

*(Order of the First Reading read- Read the First Time and ordered
to be referred to the Labour and Social Welfare Committee)*

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I would like to reorganize the Order Paper temporarily. We need a requisite number to vote on Order Nos. 9 and 10. I believe that we shall get numbers later. Let us move on to Order No. 12 with a caveat that immediately we get the requisite numbers, we shall go to Division before we resume debate on Order No.12. I hope that is acceptable to all Members.

The Senate Majority Leader, please, move Order No.12.

MOTION

ADOPTION OF MEDIATION COMMITTEE REPORT ON
THE CLIMATE CHANGE BILL (NATIONAL
ASSEMBLY BILL NO.1 OF 2014)

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, I beg to move:-

THAT, the Senate adopts the Report of the Mediation Committee on the Climate Change Bill (National Assembly Bill No.1 of 2014) laid on the Table of the House on Thursday, 14th April, 2016.

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This is another occasion to celebrate the results and fruits of mediation. As I said yesterday when discussing another Motion of this nature, a culture of mediation is encouraged whenever the two Houses of Parliament have divergent views. The framers of the Constitution expected that there would be differences of opinion in terms of our legislative opinions between the two Houses.

Mr. Deputy Speaker, Sir, the Climate Change Bill (National Assembly Bill No.1 of 2014) which has been before us for a while, and which we are now discussing is a very important Bill. We hoped that it would be ready by November when COP 21 was taking place. It was not. As a country, we might have missed on that deadline but I am gratified to see that the Mediation Committee has thrashed out the differences and now we have a final report which this House is requested to approve.

There are two clauses that were mediated. The issues are straightforward. The first one was Clause 7. There were some differences and proposals put forward. I cannot find the agreed version of Clause 7 but I know it is on the composition of the Climate Change Council.

Mr. Deputy Speaker, Sir, let me start with Clause 32. It is on punishment and offences. The mediated version read that, “a person who without unlawful excuse ignores or fails to obey the instruction issued by any member of the Council, officer or agent of the Council in exercise of the powers or the performance of the functions of the Council under this Act, or willfully obstructs any member of the Council or misrepresents, knowingly submits false misleading information *et cetera*, commits an offence and is liable on conviction to a fine not exceeding Kshs10 million.” The Mediation there was about “not exceeding Kshs10 million” to place the upper limit on that punishment.

The other one which was mediated is on Clause 7. A paragraph 2(g) was introduced including a representative of a civil society in the membership of the Climate Change Council.

Finally, other than that, on Clause 32, the Committee resolved that the fine be capped at Kshs10 million. The words “fine not exceeding” now appear at the end of the sub-clause and substituting, thereof with the word “ten”. So, there are too many changes. First, is on the composition of the Council. Secondly, is on the punishment which is now capped at Kshs10 million.

However, the Committee was in agreement. Once more, I take this opportunity to thank the Members of both Houses who sat in the Mediation Committee, for instance, Sen. Wangari, hon. (Dr.) Otichilo and other hon. Members, for leading us to this mediated version.

Mr. Deputy Speaker, Sir, without much ado, I beg to move and request Sen. (Dr.) Khalwale to second.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I rise to second this Motion. As the Senate Majority Leader said, it is gratifying that now Members of the National Assembly are realizing that there is a way in which they can engage the Senate as provided for by the Constitution. I hope that the confrontation between the two Houses will, with time, die away as people realise that there is always room through the Constitution to converge various versions of differing opinion.

The Mediation Committee identified the following Clauses as contentious; Clause 7(2)(g), Clause 4 and Clause 32. It is nice to note that in Clause 7(2)(g), the outstanding issue was sorted out when a provision was introduced that, in the composition of the Council, we will have in (g), a representative of the civil society nominated by the most representative registered national umbrella association of civil societies working on climatic change.

Clause 7(4) was then settled when it was agreed that the names of persons nominated for appointment under sub-clause 2(f)(g)(h) and (i) shall only be admissible after they have been submitted to Parliament and received its approval.

Mr. Deputy Speaker, Sir, I do not want to repeat the words of the Senate Majority Leader on Clause 32, where the mediated version was, as he has ably said in terms of the need for us to perfect that clause.

With those few remarks, and in agreeing with the Senate Majority Leader and congratulating the Mediation Committee, I beg to second.

(Question proposed)

Sen. (Prof.) Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I thank the Senate Majority Leader and the Mediation Committee for bringing this discussion to a close so that the Change Bill (National Assembly Bill No.1 of 2014) can become law.

I would like to urge the Council that is established under this law to note two things:-

The issue of climate change is not entirely new. The problem of climate change has only been heightened by global warming as a result of industrialisation and emission of certain gases into the atmosphere which has more or less gone haywire. So, we must recapture the greenness in our environment and control the emission of these gases.

This is not something new because we have research findings dating back to the colonial times which have done a lot of work. That information is available in our archives. Unfortunately, for the last couple of years, we have neglected financing and supporting research institutions. We have not invested in proper human resources to keep up with advancement in science and we may, in taking climate change seriously, behave as if we are reinventing the wheel.

Mr. Deputy Speaker, Sir, I would like this Council to take into consideration our national heritage in terms of research and knowledge domiciled within our intellectual and scientific community. It should also build on it to come up with innovations of dealing with climate change without necessarily imbibing, lock, stock and barrel, solutions that are available in the international market but which will need to be cross-bred with indigenous scientific research that exists not only in Kenya but Africa at large.

Countries with extremely diverse biodiversity like the Democratic Republic of Congo may have within their history certain experiences and traditions of dealing with climate change which may not have entered the literature of international discourse but may be useful for Africa. I hope this Council will be conscious of these matters to help in dealing with climate change in an innovative manner.

I support.

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, I laud our representatives on the Mediation Committee in relation to this Climate Change Bill for the good work they have done.

Equally important, I salute the Member of the National Assembly for Emuhaya Hon. (Dr.) Otichilo who is the originator of the Bill. I heard him yesterday moving another Bill in the National Assembly that compels the State to engage in cleaning up our country the way it is done in countries like Rwanda.

(Sen. Moi walked in to the Chamber)

(Applause)

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, I welcome the distinguished Senator for Baringo County and laud him for the scare he gave the Jubilee brigade in Kericho. I sympathise with him and his party for the fraud they suffered in the Kericho Senatorial by-election.

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Wetangula, as an experienced legislator, I am sure you know about the rules of relevance.

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, it is relevant to the extent that Sen. Moi walked in while I was speaking. He has not been in the House for some time. It is good to welcome him in a befitting manner.

The Deputy Speaker (Sen. Kembi-Gitura): Kindly proceed.

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, I am happy that the Mediation Committee found it necessary to recognise the feelings of the Senate that the Council of Governors (CoG) must be represented on the Committee. The theatre of all matters on climate is in the counties. Whether it is about the protection of a wetland, encroachment of a desert, shrinking and drying of rivers, among others, it is in the counties. I hope that the CoG will play a critical and positive role in helping the country manage our climate activities.

(Sen. Moi bowed close at the Table and crossed the Floor)

Sen. Murkomen: On a point of order, Mr. Deputy Speaker, Sir. Did you see what Sen. Moi did? Is it that his recent political experience elsewhere has confused him as to where he is supposed to bow before crossing the Floor?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Moi, kindly go back to the correct position and bow before crossing the Floor.

(Laughter)

(Sen. Moi walked to the Bar, bowed to

the Chair and crossed the Floor)

(Applause)

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, you can see the ripples of Kericho at play on the Floor of the House.

When the CoG is represented in the Committee, I hope that the governors will pay more attention to matters of climate change and, in particular, afforestation. The huge sums of money that they remitted to the CoG can be diverted to help afforest our counties. This country is not doing well. At Independence, our forest cover was about 10 per cent. Although we have been seeing the Cabinet Secretary churning out false figures about our forest cover, the truth is that Kenya's forest cover is under 2 per cent of our land mass against the recommended bare minimum of the United Nations' (UN) 7 per cent.

Mr. Deputy Speaker, Sir, we want to see this country move like South Korea and Japan whose records show that in 1960, South Korea had a forest cover of 10 per cent. Today, they have got a forest cover of 85 per cent. That is a positive development in protecting the environment. In fact, the Senate Majority Leader and I should sit and draft a law that compels counties to spend a minimum of their budgets on afforestation in the counties. This will become an obligation and not discretion.

When we look around the country, forests are being destroyed like we do not have tomorrow. While in a low flying aircraft - the sky team must have done this repeatedly - you will see the kind of forest destruction going on in the Mau Forest. Everywhere in that forest, there is smoke coming up, illegal farmers and all manner of things. The Senator for Elgeyo-Marakwet County is himself an offender, having been evicted from a public forest recently.

(Laughter)

Mr. Deputy Speaker, Sir, my source of authority is his own words on the Floor of the House.

Sen. Murkomen: On a point of order, Mr. Deputy Speaker, Sir. Is the Senate Minority Leader who wants to be the President of Kenya in order to say that I was one of those who lived in the Embobut Forest? Is he in order to make fun of the people who suffered? Some have not been compensated and are waiting for compensation. They have been evicted from their ancestral land.

Is he also in order to insinuate that a son of a squatter cannot make it from Embobut Forest to this House, like I did?

(Laughter)

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, obviously, if Sen. Murkomen heard me, I never talked about people but one Sen. Murkomen who spoke on the Floor of this House and said that he had been evicted from

a public forest. If you have been in a public forest, you were offending the interests of the country.

(Laughter)

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, is it in order for the Senate Minority Leader to continually annoy my neighbour Sen. Murkomen? The Senator was naturally born there. Therefore, he cannot have been invading the forest.

(Sen. Murkomen rose on a point of order)

The Deputy Speaker (Sen. Kembi-Gitura): What is your point of order Sen. Murkomen?

Sen. Murkomen: Mr. Deputy Speaker, Sir, the Government forcibly evicted us from where my teeth are buried. That is the place I call home. We had to leave to allow the forest to grow. Therefore, is it in order for the Senate Minority Leader to continue emotionally affecting the citizens like us who have sacrificed where they call home and have attachment to? He is making fun of the victimisation and the harassment that we went through.

(Laughter)

Sen. Murkomen: Mr. Deputy Speaker, Sir, it is not a laughing matter. I slept in the forest and in shanties while it was raining when the Government officers came to burn down our houses.

This is not a laughing matter; it is the greatest sacrifice that some of us have offered to this nation. Without a single compensation, they left Embobut Forest for the sake of the nation.

Is it, therefore, in order for a man who I gave a chance and welcomed to launch his Presidential bid in peaceful Iten, as opposed to Kakamega where there was teargas, to continue making fun of our people and myself?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Wetangula, let us end this matter there.

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, I will not go that way again. I assure the distinguished Senator that my government will compensate him and his community fully for this injustice that has been committed against them by the Jubilee regime.

(Laughter)

I wish to finalize by also lauding the mediated version of Clause 32 that creates very stiff penalties, not only for offending individuals, but also corporates as well. In fact, if there was any room to reopen debate, we would enhance the penalties against

corporates. The punishment provided of five years or not more than Kshs10 million is okay. You can imagine a situation where a corporate organization like Pan-Paper Mills destroyed the entire ecosystem of Nzoia River, right from Webuye all the way to Lake Victoria. Recently, the Kenya Pipeline Corporation was responsible for polluting water and rivers in Makueni. In future, we need to relook at the Bill after assent, to make sure that the punishment they get includes a fund to compensate the affected citizens.

With those few remarks, I beg to support the mediated Report that has been brought to the Floor.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Sen. Wetangula. Hon. Senators, there is a lot of interest in this Motion and so, we will debate it completely. I had indicated to you that I was standing down Order Nos.9 and 10, but I am informed by the leadership and Whips that we have the numbers. Therefore, I would like us to proceed to vote on Order Nos. 9 and 10, after which we will go on with this debate. I think that is acceptable.

(Debate on the Motion interrupted)

This is how I propose that we proceed. We will vote on Order Nos.9 and 10 separately, but under one Division Bell. I now order that the Division Bell be rung for two minutes.

(The Division Bell was rung)

BILL

Second Reading

THE ANTI-DOPING BILL (NATIONAL ASSEMBLY BILL NO.6 OF 2016)

(Sen. (Prof.) Kindiki on 20.4.2016)

(Resumption of Debate interrupted on 20.4.2016)

The Deputy Speaker (Sen. Kembi-Gitura): Could the Bars be drawn and the Door closed?

(The Bars were drawn and the Door closed)

Hon. Senators, you may log in. Are we ready to vote?

Hon. Senators: Yes.

The Deputy Speaker (Sen. Kembi-Gitura): Then vote. Those who want to be assisted should get ready to move to the Clerk's Table.

(Several Senators moved to the Clerk's Table)

Hon. Senators, we have finished voting on Order No.9. Therefore, we will go ahead to vote on Order No.10 which is a Motion. You may log in and start voting.

DIVISION

ELECTRONIC VOTING

(Question, that the Anti-Doping Bill (National Assembly Bill No. 6 of 2016) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Cheruiyot, Kericho County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembigitura, Murang'a County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Prof.) Lesan, Bomet County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Moi, Baringo County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Murungi, Meru County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County, Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, the results of the Division are as follows:-

AYES: 30

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 30 votes to nil)

(The Bill was accordingly read a Second Time and committed To a Committee of the Whole today by leave of the House)

MOTION

THAT, the Senate adopts the Report of the Mediation Committee on the Statute Law (Miscellaneous Amendment) (No. 2) Bill(National

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Assembly Bill No. 33 of 2014) laid on the Table of the House on Wednesday, 30th March, 2016.

(Sen. Wako on 20.4.2016)

(Resumption of Debate interrupted on 20.4.2016)

DIVISION

ELECTRONIC VOTING

(Question, that the Senate adopts the Report of the Mediation Committee on the Statute Law (Miscellaneous Amendment) (No. 2) Bill (National Assembly Bill No. 33 of 2014) laid on the Table of the House on Wednesday, 30th March, 2016, put and the Senate proceeded to vote by County Delegations)

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, you know voting is mandatory but my record shows that three Senators who are sitting here have not voted one way. Sen. Madzayo, Sen. Abdirahman and Sen. (Dr.) Machage, you may need to be assisted. That is on the Mediation Bill only.

(The three Senators were assisted to vote)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Cheruiyot, Kericho County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Prof.) Lesan, Bomet County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Moi, Baringo County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Murungi, Meru County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County;; Sen. Obure, Kisii County, Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, the results of the Division are as follows:-

AYES: 30

NOES: 0

ABSTENTIONS: 0

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The “Ayes” have it.

(Question carried by 30 votes to 0)

The Deputy Speaker (Sen. Kembi-Gitura): You may now draw the bars.

Hon. Senators, like I indicated earlier, I would like us to finish with the Anti-doping Bill because of the urgency that both the Senate Minority Leader and the Senate Majority Leader indicated yesterday. So, we will suspend the Motion on Order No. 12 and proceed to the Committee of the Whole on Order No. 9.

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

(The Temporary Chairperson (Sen. (Dr.) Machage) took the Chair)

THE ANTI-DOPING BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2016)

The Temporary Chairperson (Sen. (Dr.) Machage): Hon. Members, we are now on Order No. 11, The Anti-Doping Bill (National Assembly Bill No. 6 of 2016).

Clauses 3 - 10

*(Question, that Clauses 3, 4, 5, 6, 7,
8, 9 and 10 be part of the Bill, proposed)*

The Temporary Chairperson (Sen. (Dr.) Machage): Division to follow later.

Clauses 11 - 20

*(Question, that Clauses 11, 12, 13, 14, 15, 16, 17,
18, 19 and 20 be part of the Bill, proposed)*

The Temporary Chairperson (Sen. (Dr.) Machage): Division to follow later.

Clauses 21 – 45

(Question, that Clauses 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45 be part of the Bill, proposed)

Schedule

(Question, that the Schedule be part of the Bill, proposed)

Clause 2, Title, Clause 1

(Question, Clause 2, Title and Clause 1 that be part of the Bill, proposed)

Sen. (Prof.) Anyang'- Nyong'o: Mr. Temporary Chairperson, Sir, Clause 2 on page 11 deals with the Prohibited List. That definition says: "Prohibited list means the list developed by the World Anti-Doping Agency for purposes of identifying the prohibited substances or prohibited methods". That list is not attached as an appendix to the Bill. This list is extremely important because we know that certain athletes have been apprehended for using substances that are assumed to be on this list but are not.

Quite often, food supplements have at times been assumed to be part of the prohibited substances when they are not. Given the fact that food supplements play a very important role in health nowadays, it is very important that we have that list appended to this law so that in the event that one of our athletes is accused of having used dope which is a food supplement, we can defend their rights.

The Temporary Chairperson (Sen.) (Dr.) Machage): Sen. (Prof.) Anyang'- Nyong'o, if you remember in yesterday's deliberations, - of course I do not doubt your memory that is why you are a professor because you have proved that you have a good memory – we said that there many amendments that will be made to this law after enactment. An inclusion would be a list of the drugs. This was raised by Sen. Mutula Kilonzo Jnr. We suggested that there would be amendments to follow later in this Bill. For now, the deliberations yesterday directed our thinking to the idea of passing this Bill then we can look at the amendments later because the law allows us to do so.

Sen. (Prof.) Anyang'- Nyong'o: That is right, Mr. Temporary Chairperson Sir.

The Temporary Chairperson (Sen.) (Dr.) Machage): Thank you, Sen. (Prof.) Anyang'-Nyong'o.

We now go to Divisions. I order that the Division Bell be rung for two minutes.

(The Division Bell was rung)

Order Members! Can the Bars be drawn? Members, we will only have two questions; Clauses without amendments and the second one that includes Schedule, Clause 2, the Title and Clause 1.

Let us proceed to vote.

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen.(Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Cheruiyot, Kericho County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen.(Prof.) Kindiki, Tharaka Nithi County; Sen. Khalwale, Kakamega County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Lonyangapuo, West Pokot County; Sen.(Dr.) Machage, Migori County; Sen.(Prof.) Madzayo, Kilifi County; Sen. Moi, Baringo County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. Wetangula, Bungoma County.

NOES: Nil.

The Temporary Chairperson (Sen.) (Dr.) Machage): Hon. Senators, the results of the Division are as follows:-

AYES: 29

NOES: 0

ABSTENTION: 0

(Question carried by 29 votes to 0)

(Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45 agreed to)

DIVISION

ELECTRONIC VOTING

(Question, that the Schedule, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen.(Prof.) Anyang'-Nyongo, Kisumu County; Sen. Billow; Mandera County; Sen. Bule, Tana River County; Sen. Cheruiyot, Kericho County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen.(Prof.) Kindiki, Tharaka Nithi County; Sen. Khalwale, Kakamega County; Sen. (Prof.) Lekan, Bomet County; Sen. (Dr.) Lonyangapuo, West Pokot County; Sen.(Dr.) Machage, Migori County; Sen.(Prof.) Madzayo, Kilifi County; Sen. Moi, Baringo County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo- Marakwet; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen.) (Dr.) Machage): Hon. Senators, the results of the Division are as follows:-

AYES: 29

NOES: 0

ABSTENTION: 0

(Question carried by 29 votes to 0)

(Schedule agreed to)

(Clause 2 agreed to)

(Title agreed to)

The Senate Majority Leader (Sen. (Prof) Kindiki): Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the Anti-Doping Bill (National Assembly Bill No.6 of 2016) and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT AND THIRD READING**THE ANTI-DOPING BILL (NATIONAL
ASSEMBLY BILL NO. 6 OF 2016)**

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the Anti-Doping Bill (National Assembly Bill No.6 of 2016) and its approval thereof without amendment.

The Senate Majority Leader (Sen. (Prof) Kindiki): Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

I request the Senate Minority Leader to second.

The Senate Minority Leader (Sen. Wetangula) seconded.

(Question proposed)

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, I want to join my brother in thanking the House for the sacrifice that we have made for the country in relation to this Bill. I also want to laud the leadership across the Floor for ensuring that this Bill comes to the Senate for its input. In their usual disregard for this House, our colleagues in the “lower” House passed this Bill and were rushing it to the President for assent without passing it to this House. We hope that these developments will help in thawing the relationship between the two Houses, so that we recognize the provisions of Article 110 (3) of the Constitution and operate in a manner that shows the country that Kenya is truly bicameral in our Parliamentary set-up and each House has a role to play in legislation.

Thank you, Mr. Deputy Speaker, Sir.

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, as we laud our colleagues, Sen. Murkomen and Sen. (Prof.) Kindiki, we hope that the same enthusiasm will be exhibited to other laws that affect county governments and not just Olympics, particularly in this Bill where Sen. Murkomen has an interest in Elgeyo-Marakwet County. It is important that we restore the dignity of the Senate by boycotting the conference in Meru together with the Executive. We have managed to make a statement, but it is not enough. As you might have noticed, the Senate is still suffering a beating from our colleagues. This is one of those methods. I hope that on their way to State House, they can do something.

Therefore, today I can commend Sen. Murkomen and Sen. (Prof.) Kindiki for being the proverbial Pauls in the Bible.

The Deputy Speaker (Sen. Kembi-Gitura): Actually debate on this should come slightly later than this. What the Senate Minority Leader and Sen. Mutula Kilonzo Jnr. was to jump the gun, but that is okay.

(Question put and agreed to)

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, I beg to move that the Anti-Doping Bill (National Assembly Bill No.6 of 2016) be now read a Third Time.

The Senate Minority Leader (Sen. Wetangula) seconded.

(Question proposed)

The Deputy Speaker (Sen. Kembi-Gitura): This is the point at which everybody wanting to debate can get to the issue.

I can see no requests for the Floor. Sen. Murkomen, please, make it brief.

Sen. Murkomen: Mr. Deputy Speaker, Sir, I would like to congratulate my colleagues for being here yesterday and today to ensure that we pass these two important Bills. There is a myth being used by enemies of this House that every time there is a critical Bill concerning national interest and that there is a deadline on something, this House is unable to meet the deadline or there is lack of commitment in this House to ensure that legislation is passed on time.

Sen. Haji was here by 8.00 p.m. waiting for the gate to be opened. He is one of the elders of this nation and a Senator who is committed to lead and ensure that we pass Bills for the national interest to be achieved. Therefore, those who have been peddling lies must be told that this House has denied itself the chance of an adjournment to go to Meru so that they can focus on serious legislation. We have also committed ourselves to come this morning to meet this deadline. You can see almost everybody is here to vote. Therefore, that myth must come to an end.

I want to quote Hon. Ababu Namwamba who spoke yesterday. This juvenile tendencies where every time there is something to strengthen the other House, one House behaves in a manner that is demeaning. That must come to the end. I watched the debate in the National Assembly and it is still that of yesteryears. The country has moved on.

This nation wants mature leadership. They want leaders to partner and perform. I hope that this kind of working relation between us and the National Assembly will pass the right message that we are co-joined and we are supposed to be responsible with whatever powers we have been given to serve the people and not to stifle others from performing their responsibility.

I have no doubt that reasonable Members of the National Assembly will ensure that they facilitate the judiciary, the Executive, the county governments and the Senate to perform their functions through allocation of resources. That power is given to them by the people of Kenya for them to play a certain role on their behalf; just like all of us here have certain powers which they do not have so that we can make use of them for the benefit of the nation.

Sen. Obure: On a point of order, Mr. Deputy Speaker, Sir. The Senator for Elgeyo-Marakwet has just mentioned the name of Hon. Ababu Namwamba without indicating what he said.

Sen. Murkomen: Mr. Deputy Speaker, Sir, I wanted to commend Hon. Ababu Namwamba for being one of the voices of reason in the National Assembly and for speaking yesterday like a statesman and as a leader expected of a person elected to

Parliament. He said that the National Assembly Members must avoid this mentality. He actually said that there are allocations in the Budget for such useless things like beverages, refreshments and travels that nobody is questioning but resources for performing a very important function under Article 96 – oversight, is being questioned by the National Assembly.

He was urging Members of the National Assembly to ensure that they do not enter into a debate of a fight between the two Houses. This House must be willing to congratulate and commend people like Hon. Ababu Namwamba for standing out from the crowd.

I heard some Members of the National Assembly like Samuel Chepkonga and the lady from Homa Bay, Hon. Milly Odhiambo, saying that if they gave money to the Senate then they are demonstrating that they are mad. We need to change that mentality.

I thank Sen. Obure for reminding me of this. Hon. Ababu Namwamba, if you are watching, the Senate is saying you are on the right track.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I am a little bit confused here because the screen is still reading many people. I suspect it is on the old Motion. It is very difficult for me to know who is seeking the Floor on this specific one.

Sen. Cheruiyot: We want to go!

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Cheruiyot! You cannot say you want to go. You are here to transact the business of the House.

Sen. Murkomen has said that it is very commendable that all of us are here to transact this business. I would give everybody who wants to speak a chance, but remember that we have a Division to do on this Third Reading. My request is that however long we take, please be here to vote. I want to assume that the Floor is clear.

Sen. (Prof.) Anyang'-Nyong'o: Mr. Speaker, Sir, I will be relevant to the issues in the Third Reading.

I would like to commend the process we are involved in and the fact that we have piloted this Bill through the Third Reading successfully. I would like to caution that in the appointment of the board, I do hope that when we come to amending, we shall pay specific attention to professionalism, particularly on the issue and including specifically the Pharmacy and Poisons Board. That is where these problems are domiciled.

This institution, together with the Kenya Medical Practitioners and Dentist Board are important institutions where substantial knowledge is available to guide the Government. Let us not be as vague as it is here where it is says that not more than five other persons appointed by virtue of their knowledge and experience in sports. We are not dealing with sports alone, but prohibited substances. I appeal that when we come to the amendment of this Bill, we will take that into consideration.

Sen. (Eng.) Muriuki: Mr. Deputy Speaker, Sir, I would like to bring to the attention of the House that the Committee on Labour and Social Welfare discussed this Bill this morning. I had the opportunity to Chair because the Chairperson and the Vice Chairperson were not there. There were quite a number of crucial issues that we saw as either missing or not well done just as Sen. (Prof.) Anyang'- Nyong'o pointed out. The Ministry of Sports, Culture and the Arts was fairly represented. We reached an agreement

that we pass the Bill as it is, but the Committee will convene a meeting with the stakeholders to propose some amendments.

Among the issues we highlighted is “register”, which is not well defined in the Bill. We made a proposal that register be included in the rules and regulations. We also proposed that when these rules and regulations are formulated, they should be brought here for us to debate them. We should not leave the Ministry alone to formulate them without our contribution.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I join my colleagues in lauding colleagues for keeping time, being here and working so well this morning. This just goes to confirm that the two Houses can actually work together. I hope the Members of the National Assembly are noting the significance of this House being almost a full House. I urge colleagues that since we are having hiccups in the working of the two Houses, we must all be united in saying that we can make it better. We have an opportunity through the *Okoa Kenya* Initiative of the referendum.

I appeal to all Senators that on Saturday, that is the day after tomorrow, we shall be at the historic Kamukunji Grounds where we intend to strengthen the Senate. I urge all Senators to come to Kamukunji and move away from their political parties. Today, the shoe is on the left foot. Tomorrow, it might be on the right foot. I urge you all to come to Kamukunji to put pressure on Mr. Ahmed Issack Hassan so that Kenyans can know for a fact that the Independent Electoral and Boundaries Commission (IEBC) does not have a depository of signature of voters of Kenya. Therefore, there is no way they could have said that since someone’s signature is different from the one they have in their depository, it is not valid. Whether someone wrote a sign of a dog or a real signature that is their signature. That person was not mad---

The Deputy Speaker (Sen. Kembi-Gitura): I hear you, Sen. (Dr.) Khalwale. However, there is something called the rule of relevance in our Standing Orders. Please, do not steer too far from the relevance of this Motion.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, forgive me for going too far left. However, I have sent my message; that it will be hypocritical for Senators who are seeing the petty and childish frustrations not to support an initiative that gives the country an opportunity to perfect the working of the two Houses.

Having passed this Bill that is right at the heart of the President, I know that Sen. (Prof.) Kindiki and the Speaker, Hon. Ethuro, will rush to State House to present to him for assent. I urge them that when they go there, they should greet him and tell him that the children of this country are saying that he lied to them. He said that he would build a stadium in Garissa, Nairobi, Mombasa, Nyeri and Eldoret to improve sports, but he has not done so.

Further, the children of Kenya are saying that he should do them a favour by not presenting himself as a candidate in the next elections because he is unable to improve sports yet it is such a big employer in the modern world. Kindly send our greetings.

Sen. Sang: Mr. Deputy Speaker, Sir, I laud my colleagues for having taken the time to pass this important Bill. Anybody who had doubt that this House cannot rise to the occasion has been proved wrong. I congratulate and encourage the leadership of this House that they should not only be enthusiastic with Bills that largely focus on the Senate

Deputy Majority Leader, Sen. Murkomen's county. Even when there is a Bill touching on fisheries and other matters that may not be relevant to his county, Sen. Murkomen should be as enthusiastic as he was on this particular Bill and ensure that all the Bills that ought to come to this House are brought.

We, as the Senate, give the commitment that we will rise to the occasion and do what is necessary within the shortest time possible so that the contribution of this House can be captured in the legislative process of this country.

Sen. Moi: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity. I join Sen. Elachi in congratulating all my colleagues for the effort that they have made. We were all meant to be in Meru, but we made a U-turn to come here and make sure that we pass this important Bill.

The Anti-Doping Bill is not only important to Sen. Murkomen, but to all Senators. We would all like to see our gallant men and women in Rio de Janeiro making us proud like what the Kenya Sevens Rugby Team did for us. They made us extremely proud.

It is also important that we make sure that what we put in the Bill will provide a level playing field by criminalizing doping to show our future generations that we can do it without resorting to criminal activities.

Sen. Wako: Mr. Deputy Speaker, Sir, I commend the leadership of the Senate on both sides for having expedited the passage of this Bill which will enable our athletes to go and participate in the next Olympics and, hopefully, shine there. The understanding is that the few comments that were made on the Floor of the House were commendable in domesticating the international standards on this issue. Do not forget that this is a Bill that is meant to domesticate the international standards on this matter. Therefore, to that extent, most of the provisions here are carbon copies of the international standards. However, we have a responsibility to domesticate it to our own circumstances here.

I hope that we shall be given opportunity to do it at a later stage. One of the amendments that we should make is to isolate and punish the agents and the managers of our athletes; particularly those who come from overseas. Our athletes do not understand most of these things. Most of them shoot to international stardom while still in high school, running barefoot. We cannot expect them to know all these things. It is the people who come to Kenya and want to benefit from the natural talents of our athletes that introduce them to such substances.

In fact, they do not even know when they are being introduced to anti-doping. Therefore, this Bill is necessary.

On other issues such as the cooperation between the National Assembly and the Senate, this will serve as a good example. I hope that it will improve. I will talk about another matter when we get to Order No.12, on mediated Bills which again, have shown that when Members of the National Assembly and the Senate sit together in a Mediation Committee, they always agree on issues which they may have had controversy over. The fact that we always agree on the mediated Bill shows that we can work together.

That also signals the fact that if we have to solve the national problems that we have such as the issues of the Independent Electoral and Boundaries Commission (IEBC), what do we do with it? We take it to mediation. Another example is the Judicial Service Commission (JSC) where the Chief Justice will retire and most of the judges are

under the cloud of corruption. What will happen? We have many national problems which we have left to political parties to air them at various rallies yet these things should be taken seriously. I suggest that the Mediation Committees should be emulated at the national level. Both sides of the political divide should sit together and reason out. After all, if CORD has said, “come let us reason together,” why can the Government and Opposition not sit together and tackle national issues confronting this country as we move to the next General Election?

I would like the country to be very calm by the end of this year, and just focus on issues as we approach the General Elections so that people vote on issues and not necessarily on issues such as ethnic loyalty. We should vote as Kenyans.

Sen. Hassan: Mr. Deputy Speaker, Sir, first, as a general note, there was a day I was travelling to Mombasa. I was seated next to a businessman and the plane to Mombasa left 30 minutes earlier. So, this man said, “the problem with Kenya Airways is that they never leave on time.” The moral of the story is that Sen. Murkomen should not say that he is punctual because he came here an hour earlier. Therefore, sometimes you could be too early or too late.

However, that said and done, I commend the team and the leadership. When I saw Kindiki texting me at night yet he hardly does so, then, you know that this is a war cry. That is why I had to come, to honour my first campaign manager.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Hassan, the Standing Orders demand that you refer to your colleagues by their titles.

Sen. Hassan: Mr. Deputy Speaker, Sir, I am sorry. I meant Sen. (Prof.) Kindiki. Sen. (Prof.) Kindiki was in my campaign team when I first ran for office. So, Sen. (Prof.) Kindiki has only ever been on a campaign team of two people; mine when I was seeking the presidency of Moi University Students Organisation and hon. Uhuru Kenyatta’s when he was seeking the presidency of Kenya.

(Laughter)

Therefore, I commend them for this extraordinary effort. Kenya is increasingly becoming a sporting power house. There are a few elements who have been trying to mess up our reputation. So, we need to deal with this effectively. This law demonstrates our commitment. We are the only African nation that is consistent. We win everywhere at the most opportune time. We do not dominate in one arena. We have expanded our horizons in several other arenas. Soon or later, sports will define part of Kenya’s international standing.

Lastly, I watched that debate yesterday. In a Biblical way they say, “Forgive them father for they do not know what they are doing.” Let us forgive Members of the National Assembly for they do not know what they are doing. Some of those people, who are most vehement in opposing the strengthening of the Senate, ironically, are Members of the CORD coalition. They have no moral grounds with these pretensions that they are supporters of devolution yet they cannot support one of the most principled organs of devolution. Sometimes these people do not speak for themselves.

CORD must pronounce itself. I saw very little opposition on the Senate Oversight Fund from where I expected it to come from. They said that we want to use it to run for elective positions next year. They should not be contemptuous of us. We are a people who exhibit some of the best brains and faculties in this country. The way you look at yourself must not be a barometer of how you evaluate others. If you are myopic in your approach, do not think everybody is immersed in the same myopia. It is annoying, time and again, to be in this merry-go-round on a small issue about conducting our oversight ability. That fraternity often likes to refer to the person who spoke most vehemently about this as a mole: hon. Ababu Namwamba.

Mr. Deputy Speaker, Sir, the moral of this is that if anything from the National Assembly which is in the best interest of the people of the Republic of Kenya comes to this House; we shall pass it with flying colours because we will not respond to their acts of unkindness and deceit with similar acts of deceit. So, if there is a good Bill, Motion or regulation from the National Assembly we shall pass it, because we are committed to this country and not simple theatrics which some of them are used to. Half of the time, these people only make headlines when they are in this type of theatrics.

Mr. Deputy Speaker, Sir, I would like to end there because I do not want to go beyond and appear to be one of them in terms of theatrics. They should know that this Senate is hardly moved. Most of them will be sent home while most of us will be sent back to this Senate and shall continue to strengthen it.

Mr. Deputy Speaker, Sir, I beg to support.

The Deputy Speaker (Sen. Kembi-Gitura): Very well.

Sen. Bule, if you want to speak, you must be consistent. You cannot keep putting the button on and off. I will not operate that way.

I order the Division Bell to be rung for two minutes.

(The Division Bell was rung)

Draw the Bars and close the door.

DIVISION

ELECTRONIC VOTING

(Question, that the Anti-Doping Bill (National Assembly Bill No.6 of 2016) be Read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Adan, Isiolo County; Sen.(Prof.) Anyang'-Nyongo, Kisumu County; Sen. Billoo; Mandera County; Sen. Bule, Tana River County; Sen. Cheruiyot, Kericho County; Sen. Elachi, Nairobi County; Sen. (Dr.) G.G Kariuki, Laikipia County; Sen. Haji, Garissa County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. Kembi-Gitura, Murang'a County; Sen.(Prof.) Kindiki, Tharaka-Nithi County; Sen. Khalwale, Kakamega County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.)

Lonyangapuo, West Pokot County; Sen.(Dr.) Machage, Migori County; Sen.(Prof.) Madzayo, Kilifi County; Sen. Moi, Baringo County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo- Marakwet County; Sen. Murungi, Meru County; Sen. Mutula- Kilonzo Jnr., Makueni County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Sang' Nandi County; Sen. Wamatangi, Kiambu County; Sen. Wako, Busia County and, Sen. Wetangula, Bungoma County.

NOES: Nil.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I wish to announce the results as follows:-

AYES: 30

NOES: 0

ABSTENTION: 0

(Question carried by 30 votes to 0)

(The Bill was accordingly read the Third Time and passed)

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I take this opportunity to thank you for having accepted the request to come for a special sitting so that we transact important business.

Secondly, I thank you also for the bipartisan nature which you showed while dealing with an issue of national importance. I thank you most sincerely and hope that going forward, we shall be working like this when dealing with issues that touch on nationhood.

Once again, I thank you.

Next Order!

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, we are going back to the Motion. There were many requests from the Floor. We are now back to it.

MOTION

ADOPTION OF MEDIATION COMMITTEE REPORT ON
THE CLIMATE CHANGE BILL (NATIONAL
ASSEMBLY BILL NO.1 OF 2014)

THAT, the Senate adopts the Report of the Mediation Committee on the Climate Change Bill (National Assembly Bill No.1 of 2014) laid on the Table of the House on Thursday, 14th April, 2016.

(Sen. (Prof.) Kindiki)

(Resumption of Debate interrupted earlier)

Sen. Elachi: Thank you, Mr. Deputy Speaker, Sir. I thank the Mediation Committee that dealt with the Climate Change Bill. The Chair remembers that while in the Conference of Parties in France, one of the agenda was to have State parties pass legislation on climate change. We are now one of the first countries to have legislation. We shall tap on the funding that was proposed during the meeting in France.

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

[The Temporary Chair (Sen. Sang) took Chair]

I also thank the Committee for ensuring that the civil society is sitting on the Council. The civil society plays a critical role on matters of climate change. One of the agencies that have helped this country to understand why we need to protect our environment is the civil society.

Mr. Temporary Speaker, Sir, it is important for us to ensure that we pass this Bill today. I hope that in the afternoon session, we shall pass the Bill. It has stayed for a while now and I hope we shall clear it. The National Assembly should know that on the issues of national importance, the Senate is committed. It is our obligation. We shall ensure that any Bill that is of national importance is dispensed with when it comes here in the Senate. We were voted in to serve Kenyans.

It is not Kenyans' business to know the little differences that we have. It is our responsibility to prove that we are a House that ensures enactment of legislations that guide institutions to move forward. I thank Hon. (Dr.) Otichilo for this Bill. He has done a lot of research on climate change.

I hope when the Bill is assented to, we shall be proud to be the first country in Africa to have legislation on climate change. We have seen rivers bursting their banks in Msambweni and other parts of the country because of climate change. I hope the Government will continue supporting our people in those areas because they are suffering. The rainy season has started. We hope we shall tap the waters instead of letting the rivers burst their banks. The Ministry of Water and Irrigation should come up with better methodologies of ensuring that these waters are tapped.

I support.

Sen. Wako: Mr. Temporary Speaker, Sir, thank you very much for giving me this opportunity to talk to this very important Climate Change Bill (National Assembly Bill No.1 of 2014) because we are witnessing climatic change. I want to commend the Chairman of the Mediation Committee, Hon. (Dr.) Wilber Ottichilo for having initiated this Bill. We know him as a person who is a well-known environmental expert, and that is why he is a doctor. I also commend our Members who were in that Committee. They include; Sen. Wangari, Sen. (Dr.) Zani, Sen. Kivuti, Sen. Obure and Sen. Wamatangi. I commend them for having maintained the authority of the Senate and ensuring that not only the Senate but also county governments have a role to play in this particular issue.

Mr. Temporary Speaker, Sir, as you are aware, the issue of environmental protection is a national function according to Regulation 22 of Part I of the Fourth Schedule of our Constitution. According to Part II of the Fourth Schedule which is about County Governments, it is the county governments to help in the implementation of specific national Government policies on environmental conservation. So, this function falls under both levels of government. I commend them because when they were discussing Clause 7(1) where there was a proposal to remove the civil society, they refused and insisted that civil societies have a role to play. Indeed, civil societies have really sensitised the entire world on the issue of climatic change to a level that we all accept that it is so. They have maintained the view of the academia which is right because had it not been for the academia, we would not have known scientifically and objectively that there is climatic change.

They have dealt with a mode of electing people who represent the civil society which was not there and it is now acceptable. However, more importantly, they have agreed that all these appointments to the Council will not be approved by the National Assembly. In Clause 4, they have substituted the National Assembly with Parliament for approval. That is a very important issue that in future, it will not just be the National Assembly to approve categories of membership to the Council. We are talking about the representative of the private sector. Not only the National Assembly will approve the representatives of the civil society and the marginalised community but both the National Assembly and the Senate. We shall have a role to play because climatic change is a cross-cutting issue between county governments, the national Government and internationally. So, I commend our representatives to the Committee for ensuring that the role of the Senate is safeguarded.

I also applaud them for not having agreed that the fine imposed should be reduced from Kshs10 million to Kshs1 million. They added a phrase; “Not more than Kshs10 million”. This gives discretion to the authorities or the court hearing this matter how much fine should be charged, which should be between Kshs1 million and Kshs10 million. The initial proposal was a fine of Kshs1 million. There is a maximum fine of Kshs10 million but the discretion is left to the authority or courts to impose.

Mr. Temporary Speaker, Sir, we have talked very much about rejection of the mediated Bills, where there is controversy or differences between the National Assembly and the Senate on particular issues. When a mediated Bill is referred to a mediation committee, we have had situations where we pass a Bill here and it is rejected by the National Assembly. Because of that, you may think that a mediation committee will not reach to any agreement because of the controversy surrounding a particular issue. However, common sense on the matter has prevailed when a Bill is referred to a mediation committee. We have seen representatives from both the National Assembly and Senate agree on a few amendments here and there. It is not just representatives of the National Assembly and those from the Senate but various representatives who are Members of various political parties represented in the Senate and the National Assembly.

To me, that is the way to go, particularly on important pressing national issues which confront this nation. As we move towards elections, there is bound to be some

heat, controversy, exchange of words, ground-standing and so on. However, I believe that if both sides can meet in a more sober atmosphere, we could find a way through the big problems that we face.

I remember, when “Nyayo” came to power sometimes ago, it was like a passing cloud. Kenyans met at the Kenya Institute of Administration (KIA) at Lower Kabete which is now Kenya School of Government for a conference about “The Kenya We Want.” Everybody in the conference calmed the atmosphere and explained what they wanted. They generated an atmosphere where reasonable Kenyans could think about national issues.

Sen. Okong’o: On a point of order, Mr. Temporary Speaker, Sir. Did you hear Sen. Wako who is an Attorney-General *Emeritus* say that when Nyayo came to power a few years ago---? I do not know whether we had Nyayo power. Is he in order to allude that there was a Nyayo power, Government or person? What does he mean by saying “Nyayo”?

The Temporary Speaker (Sen. Sang): Sen. Wako, have we ever had a regime called “Nyayo Regime?”

Sen. Wako: I know both of you are young. When the President came to power, you were very young to understand what was going on. I know that Senators who were there like Sen. (Dr.) G.G. Kariuki know that when you say “Nyayo”, you are referring to the former President Daniel Toroitich arap Moi’s Regime. He came with the Nyayo Philosophy of Peace, Love and Unity. In fact, this philosophy of peace, love and unity is required now more than ever. I am sure it can be generated through what I am advocating for; that both sides meet, dialogue and solve these problems. If that happens, we shall bring back peace, love and unity in this country.

Apart from the Mediation Bill, a lot has been talked here about Hon. Namwamba, whom I commend. He is from my County of Busia and anybody who stands up from Busia County, always speaks sense. I thank him for having stood firm in the National Assembly yesterday when they were talking about our oversight role. In the same vein, I express my disappointment that some of the leaders of my party who are; the chairman of the party, the Deputy Minority Whip--- – I do not know whether he is a whip or a leader of the minority – are the people who were very vehement in opposing the fundamental role of Parliament of oversight.

They do not want to give money for oversight under a misguided illusion. I do not know whether they fear because they are not very sure on the ground. They were using words like: “We fear Senators may use this money for campaigns.” We do not do those types of things that Members of the National Assembly do. We, Senators, are serious people and when you say “oversight”, it will be oversight and the money will be used to discharge our oversight functions. I express my disappointment that they spoke that way.

It is not the first time that I have expressed disappointment. I know that we went to the Supreme Court to argue on the issue of the Division of Revenue Bill. I know the leading people on that particular issue in the National Assembly and I can quote their debates. In fact, they were moving to the effect that the Senate has no business discussing the Division of Revenue Bill, and that we have only one Bill to discuss; that is, the

County Allocation of Revenue Bill. Again, they were the same people from my party. So, I am a bit disappointed.

On this particular issue, I would want when my party says that we are supporting devolution and are for oversight, let the leaders also do exactly that, when making their contributions in the National Assembly.

With those few remarks, I support.

Sen. Kagwe: Mr. Temporary Speaker, Sir, I also rise to commend the Mediation Team for a job well done. The process of mediation – I happen to have had the privilege of chairing two of them – is something that we should get used to. The future of the relationship of the National Assembly and the Senate will involve mediations. I think it is important for us to develop mediating tactics and methods. In fact, the Senate should spend a bit of money or time just in taking Senators through mediation. This is because many of them think that mediation is combat. Mediation is not war. It is simply a process by which you must reach consensus.

In congratulating those who participated in the mediation process, let me also say that it is not unusual for small minds to think small things and distances. When you hear that some people said that the Senate should not get money for oversight and so on, it is a small mind. They are seeing a short distance because they do not know whether they will be Senators tomorrow. In most African languages and cultures, you are advised not to dig a deep hole outside your house because you may fall into it. In the same vein, I advise those of you who are in this House, particularly those who are looking at being governors in next year's elections; you must similarly behave in a manner that strengthens the gubernatorial position. One day if they find themselves governors, they will not find themselves being similarly rogue governors like the ones we have today.

I agree with Sen. Hassan that we must not revenge. It is a weakness to revenge on a matter that is unnecessary. The issue of climate and environment, as such, must be something that is devolved, not only from the national to county governments but, indeed, to our minds. It is a mindset. Climate issues are a mindset. Members of the Nyeri County Assembly (MCAs) had the privilege of going to Rwanda where they experienced a clean country and they could not believe that people lived in that kind of environment. Cleanliness is second to Godliness. There is no point of imagining that Kenyans can think about forest cover, protection from distraction of the ozone layer and so on when they cannot even think about the cleanliness of our streets.

When you find somebody driving through the streets of Nairobi County in a BMW or a big Range Rover and he comfortably and casually throws orange or banana peels and even plastic water bottles through the window of a moving vehicle, do not expect such an individual to worry about forest cover. This is because the mindset of the individual is such that it is impossible for them to see the wider perspective that one needs to have in order for them to see forest cover and so on.

Mr. Temporary Speaker, Sir, county governments must take responsibility for environment within the counties. If you listened to Sen. Wako, what he said is true. He quoted the relevant areas of the Fourth Schedule in involving the implementation of forest policy --- Implementation of forest policy means that you plant trees. There is no other implementation. When you drive through counties – we have done a lot of this –

including my own county of Nyeri, you will see very steep gradients where the forest cover has been removed. We then come to this Senate and debate how to set aside money for disaster management. Part of that disaster is erosion, movement of soil and landslides all of which come from the destruction of the environment. Instead of planting trees on steep gradients and saving the gradients and the environment, we cut the trees and then provide money to cater for those who will be covered by the soil that will then come down following the cutting of trees. It is enlightened self-interest that we protect the environment and ensure that steep gradients that lead to rivers are protected by ground cover so that we protect even the rivers.

If you travel in most counties, you will find that rivers, especially during rainy seasons are completely brown. When you see that brown colour, it is not just the soil that is making rivers brown. The brownness is carrying chemicals and fertilizers directly from farms. People then draw that water into jerricans, take it to their houses and drink it. It is the same as taking a cup of water putting some farm chemical and a bit of fertilizer, stirring the cup and then drinking it. It is because we have destroyed the environment, cut the trees and vegetation that would have stopped the flow of chemicals, fertilizers and other farm inputs into our rivers.

Therefore, we need committed individuals. The current environment Cabinet Secretary (CS) is very good. I have a lot of time and respect for Prof. Judy Wakhungu, who is a committed individual in terms of the protection of the environment. Indeed, she has drawn up policies that can do that. She is also clearly getting support from Parliament. At the county level, the County Executive Committee Members (CECs) responsible for environment must similarly get engaged so that they can take steps. The county governments must allocate sufficient funds to engage themselves in the implementation of the policies.

Mr. Temporary Speaker, Sir, some of these situations are also opportunities for job creation. For instance, if we want to increase our forest cover in the counties, we can agree that women and youth groups can grow those trees in nurseries and then we will then buy from them; which means that they will get opportunities to earn some money. We can have them plant the same trees in areas that we need to increase forest cover, particularly, in areas that have steep gradients that can stop soil erosion.

Mr. Temporary Speaker, Sir, we need serious planners in our urban development. What you find is that, even in Nairobi, if you go to some of the areas like Eastlands, you will not find an acre of anything green. It is a concrete jungle that runs for miles on end. That is a land grabbing and planning problem. Even school fields where at least there would have been some greenery or some sort, has been grabbed. Studies have shown that an individual who lives in a concrete jungle thinks very differently and behaves differently from an individual who engages with nature. Trees and environment is nature.

Therefore, as we go towards growth of urban areas in our counties, we will need to plan and develop our urban areas. Nyeri, Kakamega, Bungoma and Kisii are expanding. I was there and saw it for myself. As we do so, one of the key things that we need to do as a Senate is to insist on strong planning divisions in the county governments.

Mr. Temporary Speaker, Sir, when people start growing residential and industrial areas, they can be within a planned system so that tomorrow, the people who grow up in

the urbanized areas of the counties do not grow up in concrete jungles. We have the opportunity, and I think we need to use it to ensure that we do it.

Mr. Temporary Speaker, Sir, waste management is also part of this environmental protection in making sure that our climate does not change negatively. Waste management is a big issue in Nairobi and it continues to be a big issue in urban areas in the counties' urbanized centres. If you go to most counties, there is no discussion related to waste management. It is not there and nobody thinks about it. This is where the Ministry of Environment and Natural Resources must create a policy of waste management where we say that using private-public partnerships, it is possible to manage waste in such a manner that not only do we manage the waste but we create power and recycle a lot of the waste that comes out of our houses.

Mr. Temporary Speaker, Sir, let the Ministry also develop policies towards this end. More importantly, let the policy say that an area of land with a gradient of more than 60 or 70 degrees must be forested. It will be the work of the county government to ensure that the area is forested. So, let us not engage in empty talk. Let those who have ambitions of becoming governors go and start this process. Let those who sit as governors, especially as they sit in Meru County, make a resolution that part of how we are going to protect the future generations will be proper management of our environment and hence, participate as a nation in ensuring positive climate change because the climate will change. The question is: Will it change to our detriment or will it create opportunities for us? We must ensure that the correct way to go is to ensure that we have positive climate change.

Mr. Temporary Speaker, Sir, I, therefore, congratulate and support those who were involved in this mediation.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Temporary Speaker, Sir. First, when Sen. Kagwe speaks the way he does, there is a good reason. First, he plants a lot of trees; he is a conservationist. Secondly, Nyeri County is leading in terms of forest cover in the whole republic with 38 per cent forest cover. That is a fact. When Sen. Kagwe says that when it rains, rivers turn brown - if you go to Nyeri, Mweiga, you will find that the water is clean throughout the year - it follows that he is just not preaching water.

Mr. Temporary Speaker, Sir, this chapter on environment in part two, Articles 69 and 70 of the Constitution--- This has been one of those chapters that have been given lip service at the legislative level, policy level and enforcement level. We are not enforcing environment and its destruction. For those who had the privilege of flying to Nairobi using a helicopter at about 6.30 a.m, you would notice something peculiar. The environment is clouded just within Nairobi area. That is pollution. It only occurs when you get into Athi River heading to Wilson Airport. Slowly by slowly, it is going to increase.

Mr. Temporary Speaker, Sir, because we have allowed industries to continue polluting the environment, Nairobi River and Athi River have turned green. When we sit here, talk about climate change, passing a lot of legislation, nice looking frameworks, forming councils and committees in which everybody sits - and in my view the committee that has been set up here is top heavy - little is being done to ensure that our sources of livelihood are protected.

Mr. Temporary Speaker, Sir, I am glad and privy to communication that suggests that there was somebody who was in the process or is attempting to hive off the Mau Forest. That discussion has disappeared and I hope that the intention has also disappeared. Any person who had the intention of hiving off the Mau Forest must have been doing it for purposes of lining their pockets. The people who are destroying our forests are not doing so for anything useful other than making themselves rich.

Mr. Temporary Speaker, Sir, there is something peculiar and I want to congratulate the committee. This is the proposal on Clause 25 (a): The justification for amending Clause 25 (a) should be commended. The justification given is; the proposal requires the Cabinet Secretary to grant incentives to persons involved in climate change initiatives. In other words, we call this carbon credits. Somebody like Sen. Kagwe is entitled to carbon credits for the amount of trees he has planted. There is a fundamental point. It is not just any tree. For a long time, in my county and other places, somebody gave us the wrong message about swamps. In order to deal with swampy areas, people were advised to plant blue gum trees.

I think the teacher of that process left before telling people that they should not plant blue gum trees next to river sources. As a result, the blue gum trees have taken away the water from the rivers. The incentive for planting these trees, even in my own county and villages, is making money. You make money but lose the water. Needless to say, we do not have food security.

As we deal with the question of food insecurity, the incentives that are offered by the Cabinet Secretary under Clause 25 (a) should include, and not limited to telling people to cut down trees that are affecting the environment. A wise man once asked me to identify a nest on a blue gum tree. The only way to identify a good tree is to check whether a bird can perch on it. You will never find a nest on a blue gum tree and that shows how poisonous the tree is.

Mr. Temporary Speaker, Sir, therefore, regarding the carbon credits that are suggested in Clause 25 (a), one of the things that we should do is have civic education on the sort of trees that can restore our environment.

Although the Mediation Committee did not notice the council—

Sen. Kagwe: On a point of order, Mr. Temporary Speaker, Sir. Is it in order for Sen. Mutula Kilonzo Jnr., who is knowledgeable in law, to propose to know which trees are good and which ones are not? The blue gum tree is an effective tree in cleaning up some of the areas that have got environmental challenges, like terrible swamps. In fact, the blue gum tree grows extensively in Australia, which is a highly forested country. It has also been known to grow in areas where other trees cannot grow because it fetches its own water. While I agree that there are some areas that perhaps the blue gum tree is not suitable for, it is not good to condemn a tree.

(Laughter)

Sen. Mutula Kilonzo Jnr.: Mr. Temporary Speaker, Sir, Sen. Kagwe was away when I said that the person who brought the lesson about planting blue gum trees in swamps, so that it can reduce the water levels, forgot to give a lesson that people should

not plant blue gum trees next to a river source. Whereas I agree that it might have some advantages, the disadvantages of having blue gum trees next to water sources outweigh the advantages. That is the problem I have with blue gum trees. The person who came to my constituency, in Mbooni, to teach about blue gum trees only taught people about the value of the timber and forgot to say the tree is poisonous and also takes away the water. People cut down pine trees and planted blue gum trees in places where water used to flow from the mountain, which is a mistake. That is the lesson I was talking about.

In Australia, there is a default clause that may be used by the Prime Minister to cause a general election. Where both Houses do not agree on a Bill, Parliament is forced to agree and in the alternative, both Houses are sent for elections. It is about to happen in Australia. We do not have it here because there is no default clause. I am happy to note that every time we have mediation, we agree. Sen. Kagwe has sat in many Mediation Committees and so he should know why people oppose these Bills on the Floor of the House. Is it because they do not understand what the Bill is about? What is the difference between when Senators and Members of the National Assembly sit and agree and when the Bill is on the Floor of the House?

Why can we not have some of these Committees sit in advance to avoid the disputes, which have prolonged the process of legislation? Some of these Bills are as old as 2014 and 2015. Would it not have been useful if the committees on environment of both the National Assembly and the Senate had sat to iron out some of the differences? Some of the clauses in this mediated Bill appear so obvious. For example, why do we need a Mediation Committee to amend the clause to include the Senate?

On page 14, there are resolutions of the Mediation Committees. There is the justification of amending Clause 7 (2). The word “Parliament” is inclusive of the both National Assembly and the Senate”. It appears so obvious yet a Mediation Committee of more than six people had to sit to amend it. It appears to me extremely wasteful of the public funds to sit and agree on something like that. We do not need a Mediation Committee to agree that the Senate should be involved in matters on environment.

Whilst I agree with Sen. Wako that the policy is entirely on the national level, devolution of this function has not been done effectively. Let me tell you what happens in Makueni County so that they can cut trees. They do not burn places where there is a full canopy and no grass. However, they start wild fires during the dry weather and burn places like Chyulu Hills where there is no canopy. Before the rainy season, they write and report to Nairobi that there are a lot of dead trees in Chyulu Hills forest and they should be allowed to harvest them. They harvest and sell them commercially.

It is this Senate that stopped the harvesting of over 4,000 indigenous trees in Mbooni. They cut 4,000 mature trees of 52 years and then pretend to plant a million trees. Strictly speaking, that does not make sense for a person who plants trees because by the time those million trees have reached the age of 52 years, we will not be here and the effect is different.

Mr. Temporary Speaker, Sir, all of us should condemn an organisation called the National Environment Management Authority (NEMA). The officers there are not only sleeping on the job, but also not reporting to duty. What Sen. Kagwe is asking is something that should be done by NEMA because they are the ones who are allowing

concrete jungles. When we travelled to Germany with him, we went to a place where there are apartments and flats, and right in the middle of those apartments, there are trees, a park or a dam. They allow people to construct buildings upon buildings.

In South Africa, you will find lawns on apartments because that is what is required. The NEMA certificate issued for Konza City said that it is an animal migration corridor and so it should not be interfered with. What is so different about what is happening in Nairobi? They have failed in their duties and we should tell them.

Lastly, we should adopt the method of agreeing as colleagues on things that affect the nation. I am surprised that we have our colleagues in the National Assembly who condemn the Senate for being allocated only Kshs332 million. Those same people will be at the Independent Electoral and Boundaries Commission (IEBC) on Monday, protesting about *Okoa Kenya*, which seeks to strengthen devolution and the Senate. That is what is called speaking from both sides of the mouth and we must condemn them.

Mr. Temporary Speaker, Sir, people like the Senators who believe that we need to strengthen devolution know that it cannot happen without empowering Senators. We should dissuade the Members of the National Assembly from thinking that if they give Makueni County money, they are giving it to me personally. They should be told that one cannot look at a building and conclude that the money that has been spent on it is commensurate to what appears on the paper. We do not intend to do that because no one has given us authority to be quantity surveyors by just looking at buildings. We need experts. Who told them that a building can be condemned without an expert's opinion? How can we then do oversight without a fund and getting experts to scrutinize infrastructure?

I am preaching to our brothers and sisters to be converted and start understanding because they must wake up from their myopic thinking like Sen. Kagwe said. He said; "thinking in small bits and not thinking beyond your nose" or worse, to cut your nose to spite your face. That is a person who needs prayers. The real prayers that we need to conduct in this country are for leaders who think that they can sabotage the Senate.

Sen. Obure: Mr. Temporary Speaker, Sir, I would like to make very brief remarks. Issues of climate change have a strong bearing on the survival and well being of the human race. A lot needs to be done, particularly in the area of environment and how to improve it. I am very happy that we have now agreed on a law that will help us to deal with the various challenges relating to climate change and our environment. This is a good move for the present and future generations.

The work involved in crafting The Climate Change Bill (National Assembly Bill No.1 of 2014) was complex and technical. Therefore, the work which has been completed today is a big achievement for the entire country. I take this opportunity to salute all the individuals and institutions that made contribution in one way or the other towards making this work possible. I am aware of the involvement of Hon. (Dr.) Otichilo, the Member of Parliament for Emuhaya Constituency, who initiated and sponsored this Bill. I congratulate and salute him for his commitment and personal contribution to the public good.

Mr. Temporary Speaker, Sir, I thank my colleagues, Members of the Mediation Committee for concluding their work amicably.

I beg to support.

Sen. (Dr.) G.G. Kariuki: Mr. Temporary Speaker, Sir, I thank you for allowing me to contribute on this Bill. Every time we open our mouths to speak, we should try to understand the reason for issues that have happened. We do not need to be jumping to conclusion all the time without solutions. The kind of solutions we think that we have are never backed by any law. I, therefore, commend the Members of the Mediation Committee. Both Houses made mistakes from the word go.

We have Members of Parliament (MPs) on the other side and others on this side who are legal professionals. Sometimes agreeing on any issue is not studied from the law. It is started by human thinking, for instance, on how to co-exist with others but the moment you have Sen. (Dr.) G.G. Kariuki and Sen. Mutula Kilonzo Jnr. taking on each other on legal understanding, it is difficult. We found it very difficult when we came to this House because we started badly and poorly.

However, it is quite normal. Where you have more than 10 lawyers, what do you expect? What kind of training have they gone through? You have to understand that it is very difficult to get anything out of them. That is why the Mediation Committee is important as far as I am concerned. This enables us to communicate as brothers.

In addition, what is the main role of the MPs? First of all, we are elected to discuss issues. The purpose of discussions is to inform the country that certain issues are relevant to our lives. That is why we discuss them. We come to the Floor of the House not to talk to ourselves. We address the public and invite them to give their views on matters that we discuss. Therefore, that is the work of the MPs. They must end up having something like the Mediation Committee, a committee of understanding of this House and the other House to ascertain which direction we are taking.

Mr. Temporary Speaker, Sir, as you may recall, when we came to this House, we started fighting over which House is more powerful than the other. From the word go, I said that we were wrong because none of the two Houses is powerful than the other. It is just like the Judiciary or any other national institutions. Therefore, this being one of them, it has to be handled with an idea that other people from other institutions are watching and listening to us.

We must accept that some people who are not here are informed. They know what is happening. The only thing they cannot do is to shout because they do not have the authority to do so from the public.

The other point is that when we talk about charcoal burning, destruction of forests and natural resources, it is not something new. Have we discovered it now?

Mr. Temporary Speaker, Sir, we must know how we started. If you start economic programmes based on advancing some areas of life and forgetting others, in the next 50 years, we shall not be equal economically. If we have good plans and programmes, we shall go a long way towards stabilising our people. There is no way we can be stable when the farms are fenced off and the animals are protected by armed forces. We can be free when we know that the animals will roam the country without anyone interfering with them. That is the problem we need to look at as leaders of this country.

When it is said that law is for everyone and you find people behaving as if they do not belong here yet the system tolerates this behaviour, there is something wrong. The

systems should focus on uniting this country and enacting legitimate laws and protecting them always without fear or favour. The moment we say a matter has reached Sen. Mutula Kilonzo Jnr.'s home and we stop there, what are we telling the surrounding people? We are telling them that without Sen. Mutula Kilonzo, you are not here.

Mr. Temporary Speaker, Sir, are we balancing our understanding? What is important is to balance the mind. Some people are poor while others are rich. Therefore, we have to balance the two issues because the poverty side becomes strong as we move on. When they are strong, I wonder whether we shall have any legal language to stop them from what they will decide as the way to go. Why do we not try now? We have become Members of Parliament and we have tested what we wanted to be. Can we not start becoming ordinary persons? Even if it means my salary is to be reduced by about 30 per cent in order to provide a solution within the shortest period, we will have done our duty.

When we first came to Parliament, I used to earn Kshs2,800. The first salary was Kshs833.33. I now earn more money. The salary that I got in 2002 when I was voted in was Kshs60,000. I was happy and I said God is great because I was going to be a rich person. However, problems followed me and I realised that as you earn more, more problems follow you. However, what is important for us is to note that there are people in this world like Catholic priests that have neither children nor wealth. They are happier than us.

Mr. Temporary Speaker, Sir, people are robbing this country of money and no elite person will remember that unless you do or discover something, you will be a producer rather than a consumer.

Mr. Temporary Speaker, Sir, before I leave this Parliament – because I will not be here forever – I wish I left this House with a very good mood of serving the nation but not tribes and parties. The problems experienced in Machakos, Makueni or Kisii are the same that my people in Laikipia have. The only difference is when we have to deal with special problems. In Laikipia, you have to deal with cattle rustling. This may not be the same case in Makueni where you may have to deal with a few people who want to become presidents of this country and they will make your experience hell. When shall we bring our God closer to us? This bothers me and I have tried to train myself in many ways.

The person who said that “All is vanity” was very right and he was the most educated person under the sun. We need to ask ourselves what we have achieved. Our term of five years is about to elapse then another term of five years will come. You will find somebody having served 50 years as a Member of Parliament (MP). We should ask ourselves what we have achieved for the sake of the ordinary person.

Personally, I have helped people to buy 380,000 acres of land and we have settled them. I thought that things were moving in the right direction when I did that only to find that I invited more problems. They now want roads, water and everything. That alone can put you off completely. However, you have to struggle to identify yourself with them, so that they know---. You should not start by making a tarmacked road in a bush but by giving them that bush. You should clear the bush and let other things come easy. Even

elephants do not stroll to areas where they cannot find enough to eat to fill their big stomachs.

Mr. Temporary Speaker, Sir, I did not have much to say about this. However, should I be given an opportunity later, I will go on and on because I feel touched when I hear people talking of forming a reconciliation committee. These are brothers and sisters and nobody is asking to be given a house to own. If you feel comfortable walking to a mediation committee, that exposes total stupidity in your thinking. Therefore, I think this is just a by the way. That is why we meet so and so to discuss with them and that is not an issue.

Mr. Temporary Speaker, Sir, I can see that you are just about to tell me to sit down. I always respect the Chair all the times and I never want to be told to sit down. Therefore, I will sit down before you order me to do so. Thank you very much and God bless you.

ADJOURNMENT

The Temporary Speaker (Sen. Sang): Hon. Senators, it is now 12.30 p.m. It is time to interrupt the business of the Senate. Therefore, the Senate stands adjourned until this afternoon at 2.30 p.m.

The Senate rose at 12.30 p.m.