

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 6th October, 2016

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

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

PRAYER

PETITIONS

REJECTION OF GARISSA COUNTY GOVERNMENT BUDGET ESTIMATES FOR FY 2016/2017

(Sen. Wamatangi stood)

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Wamatangi! Take your seat.

(Sen. Wamatangi took his seat)

Hon. Members, I have a petition by 35 Members of Garissa County Assembly concerning the rejection by the Assembly of the Garissa County Government budget estimates for the Financial Year 2016/2017.

Pursuant to Standing Order 220(1)(a) and 225(2)(b), I hereby report to the Senate that a petition has been submitted through the Clerk by 35 Members of the Garissa County Assembly regarding the rejection by the Assembly of the Garissa County Government budget estimates for the FY, 2016/2017.

The petitioners state that the Garissa County Assembly, during a sitting held on 29th June, 2016, rejected the Garissa County Assembly budget for the FY 2016/2017. The grounds set out for the said rejection are that:-

(a) The budget estimates did not adhere to the ceilings adopted by the Assembly in the County Fiscal Strategy Paper as required by Section 129(2)(b) of the Public Finance Management (PFM) Act.

(b) The budget estimates also violated regulation 37(1) of the Public Finance Management (County Governments Regulations) 2015, in that the submitted estimates

increased expenditure by 2.12 per cent well above the set charge in vote ceiling of 1 per cent.

(c) The programmes and targets contained in the budget estimates deviated from the approved annual development plan and that the deviation was not explained in a memorandum to the Assembly as required.

(d) The county treasury did not verify the debt levels and did not submit to the County Assembly for approval a debt strategy plan in line with Section 123 of the PFM Act.

(e) The narration of the programme based budgeting estimates was very weak.

The petitioners further state that the county executive has greatly frustrated the County Assembly in its effort to exercise oversight over the county executive. This has included failure to respond to correspondences and resolutions of the Assembly, failure to submit reports to the County Assembly as well as frequent transfers of the County Executive Committee (CEC) member for finance whenever the County Assembly seeks to undertake an inquiry into finances of the county executive.

The petitioners, therefore, pray that the Senate urgently considers this matter and among others:-

(1) Initiate the process of halting any further disbursements to the Garissa County Executive and require that any emergency disbursements be tabled before and approved by the County Assembly.

(2) Establishes mechanisms of providing support to the County Assembly in the discharge of its mandate.

(3) Conduct a study to ascertain the actual debt owed by the Garissa County Government in light of the County Executive's failure to disclose this information to the County Assembly.

Hon. Senators, pursuant to Standing Order 226, I shall now allow comments, observations or clarifications, if any, in relation to the petition for not more than 30 minutes.

Sen. Murkomen: Mr. Deputy Speaker, Sir, I congratulate the petitioners for bringing this very important matter to the Senate. We have witnessed this kind of standoff in many counties including Bomet. In every instant, it is because the executive are misusing their responsibility and governors have the power to return Bills to the county assembly to frustrate processes of county assemblies to deal with financial matters.

As the Senate, we must be concerned that this is the last year before elections and there is a possibility that many counties and county executives will act with impunity in so far as management of public funds is concerned. Therefore, it is important to support county assemblies that are ready to push for accountability of resources with full disclosure of information. You will find that some expenditure will be hidden in the name of paying debt when it is campaign money.

We know many counties including mine, where governors now have goons that they carry around using county resources. They package goons and carry them to a meeting with the sole responsibility of shouting down the governor's competitors like we have seen for many Senators who are running to be governors and even those who are not. Counties are misusing resources for purposes of campaign. In fact, one thing that

should concern this Senate is the misuse of ward, sub-county and village administrators who are paid by county resources and are called public servants. They are also part of county public service but are now chief agents of organizing goons against political competitors of governors. All these culminates to lack of accountability when it comes to the usage of that money.

Mr. Deputy Speaker, Sir, whether you refer this petition to the Committee on County Public Accounts or that of Finance, Commerce and Budget, that Committee must take this matter seriously and provide direction to this House. The Auditor-General must take our concerns seriously. The Controller of Budget, whose responsibility is to determine that resources are given within the required budgetary procedure must take her job seriously.

I am not a prophet but let me say without any fear of contradiction that after next elections when many new governors will be elected, more than half of the current governors will be locked up in jail. It is because that is when the truth will come out about what they are trying to cover up in so far as misuse of public funds is concerned.

As the Senate and bearing in mind that we have a responsibility under Article 96, it is important for us to continue pointing out these issues. Even if no one is listening to us, that time when these people will be reading newspapers behind bars, they will remember that what Sen. Murkomen, Sen. (Dr.) Khalwale and Sen. (Dr.) Machage told them was the truth that they should have heeded to for them not to be eating *maharagwe* in Shimo la Tewa prison.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Senator. Now, Clerks-at-the-Table, it is two minutes and I want you to time it.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, like Sen. Murkomen has said, we need to pay tribute to these MCAs who have thought it necessary to refer this matter to this House. As we do so, we have to be extremely cautious and ask ourselves, under Article 96 of the Constitution, does this House have the power to make decisions on the budgets of county governments? We have to remember ---

The Deputy Speaker (Sen. Kembi-Gitura): I am assuming that is a rhetorical question.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, yes. I am being philosophical in keeping with the great letters that you and I have. You remind me of Dr. Kofi Annan. Congratulations on your new look.

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. (Dr.) Khalwale!

(Sen. Murkomen spoke off record)

I do not understand where you are coming from.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, when we went on recess, you never had such a nice crop of grey hair. Indeed, you have started looking like Dr. Kofi Annan. Given that he is as wise as you are, you are moving forward. So, I thought I must congratulate you.

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

The Deputy Speaker (Sen. Kembi-Gitura): That is supposed to be a compliment.

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

The Deputy Speaker (Sen. Kembi-Gitura): Proceed, Sen. (Dr.) Khalwale.

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

It concerns me. Therefore, there will be need for us to make the determination on how far we can go under Article 96. Secondly, yes, I look at their prayers. As we apply those prayers, we must be careful so that we do not project ourselves as a ---

(Sen. (Dr.) Khalwale's microphone went off)

The Deputy Speaker (Sen. Kembi-Gitura): Give him one minute.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, thank you. My real reason why I support this is the allegation by these MCAs that the budget estimates did not adhere to the ceilings adopted by the Assembly in the Fiscal Strategic Paper. If this is true, then there is every reason for us to do what they are asking.

However, in all fairness, let us remember that under this Constitution, the county government is only required by law and that clause reads "May". It does not say: "shall refer to the county assembly". So, let us not move and attempt to stop disbursement of funds because it must be seen to be material and repeated according to the Constitution. Until this is demonstrated to us, it will be dangerous for us to agree with the first prayer that we stop disbursement of funds. Otherwise, I wish the Governor of Garissa County very well. I hope that he will solve this without having us go through the route of Makueni.

Sen. Sang: Mr. Deputy Speaker, Sir, I join my colleagues in congratulating Members of the County Assembly (MCAs) of Garissa for bringing this particular Petition. It must be understood by everybody and especially governors that the responsibility of county assemblies is to deal with the budget. The law provides on how to resolve crisis or disagreement arising from the budgeting process. Therefore, the tendency by governors to ignore provisions of the Public Finance Management Act on how to resolve challenges--- Sometimes, governors intentionally engage that so that there is a lacuna for them to misuse public resources.

Whereas I know the timelines within our Standing Orders in terms of resolving some of the petitions is 60 days, this is a very urgent matter. Whichever committee that will be given the responsibility to handle this Petition should do so within the shortest time possible. It should even handle it within 14 days, so that we help the County Government of Garissa to move on. However, county assemblies must be concerned and be keen with the implementation of the budget, especially in this last financial year towards elections, lest we lose a lot of resources in our budgets into the campaign mode by governors.

At the end of the day, when we get back to our counties after the elections, we will have nothing to celebrate about. Therefore, I caution all governors, including my own. He must utilise the last budget for the better of the people of Nandi. I thank you.

Sen. (Dr.) Zani: Mr. Deputy Speaker, Sir, like my colleagues, I congratulate the MCAs because 35 of them signed this Petition. It clearly indicates that as we go on with our work as the Senate, the interconnectedness between the Senate and county assemblies

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

is becoming clearer and clearer. The Constitution pre-empted some of the disputes that would arise within county assemblies. This is another tussle that includes the executive and MCAs on issues that have been quite well streamlined. There are two clear issues in the prayers. These are the issue of budget ceilings and the provisions of the Public Finance Management Act. These are very critical.

Mr. Deputy Speaker, Sir, the Committee on Finance, Commerce and Budget put into operation the ceilings for the counties as a result of over-expenditure within the counties. This was a long process and the Committee on Finance, Commerce and Budget invited MCAs and agreed with them on what the ceilings will be, negotiated specific ceilings and finally agreed on the specific ceilings. Therefore, it is important for MCAs to adhere to them.

I urge Members who will be looking at it to look at the point of the argument of the County Assembly and the anger for the questioning of why the estimates have been rejected especially regarding the ceilings. If they have passed those ceilings or if they have not but they are being attributed as though they have, that becomes an issue that the petitioners need to be addressed directly. I think the whole nexus of having ceilings was very critical and important.

Mr. Deputy Speaker, Sir, this Senate and county assemblies put into operation laws that need to be followed stringently. When it comes to the provisions of the Public Finance Management Act, the Integrated Financial Management and Information System (IFMIS) for example---

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

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

Sen. (Dr.) Zani: Mr. Deputy Speaker, Sir, can I have one second?

The Deputy Speaker (Sen. Kembi-Gitura): Go ahead.

Sen. (Dr.) Zani: As I wind up, I think this particular petition will throw light on the process of bringing rules and regulations into streamlining the work that happens in county assemblies. Thank you.

(Sen. Sang spoke off record)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Sang, I am running the House. So, stop making such kind of comments from where you are sitting because I can hear you.

Sen. (Dr.) Machage, you have two minutes.

Sen. (Dr.) Machage: Bw. Naibu Spika, mbiu ya mgambo ikilia kuna jambo. Palipo na moshi hapakosi moto. Wawakilishi wa Wadi wa Kaunti ya Garissa wameleta maombi yao kwa Seneti kwa sababu ya bajeti ya kaunti yao. Hii inatokana na mapendekezo ambayo yamefanywa kwa njia ya hila na kiongozi wao. Nitatafakari mawazo ya Sen. (Dr.) Khalwale ambayo amesema kwamba Kipengele cha 96, kwa mujibu wa Katiba, huenda kisipewe uwezo mkubwa katika Seneti kuwa na nguvu zozote juu ya jambo hili. Hatujui undani wa mapendekezo na maombi yao. Hata hivyo, huenda

kukawa na nafasi na haja ya kuangalia sheria na vipengele vya sheria ambavyo vitatoa uwezo kwa hii Seneti kuwa na nguvu zaidi kuhusu jambo kama hili la bajeti.

Pendekezo langu ni kwamba Gavana asikie kilio hiki na kurekebisha yale ambayo yameshabainika. Hiyo ndio njia mwafaka inayoweza kutuliza jambo hili. Asante sana.

Sen. Okong'o: Mr. Deputy Speaker, Sir, mine is to commend Garissa County Assembly for coming up with this kind of a petition. Secondly, we have tried to stop the flow of funds to counties but the legal mechanisms are tedious. It is incumbent that the timelines of some of the petitions that touch on matters which are urgent be looked into. I appeal to county assemblies across the country and particularly the MCAs of Kisii who are busy ruining the lives of young children to follow the example of Garissa. They should do their oversight role and deal with matters pertinent to nation building rather than decaying our society morally. I hope the relevant agencies who took the matter of the MCAs of Kisii will deal with it expeditiously according to the law. I support this Petition.

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. The Senator for Nyamira is telling the Republic of Kenya, live, that MCAs of Kisii defile children and that is a very important assertion. Since we have got over 60 MCAs in Kisii, it is important that he be specific lest people think that all the MCAs in Kisii are rapists. Could he substantiate the MCAs defiling children in Kisii?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Okong'o, what exactly did you say?

Sen. Okong'o: Mr. Deputy Speaker, Sir, there is a matter affecting two MCAs from Kisii regarding molesting girls who are students of Nduru Girls' High School. This is a matter of public notoriety and I expect the good Senator for Kakamega to be aware of that. Since the matter is before a court of law, we do not have to delve further into that.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Okong'o, that is a matter of interest. I am sure you are conversant with Standing Orders. What is the relevance of that to the matters we are dealing with now?

Sen. Okong'o: Mr. Deputy Speaker, Sir, we are dealing with matters of county assemblies, oversight and other roles pertaining the Constitution. I supported Garissa County Assembly for bringing this Petition. Then, I appealed to other county assemblies in the country to be involved in matters of national building rather than being involved in criminal matters.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, are you satisfied?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I cannot be satisfied because I was not asking for too much. I just wanted to protect the integrity of the majority of MCAs in Kisii who do not have such a matter on their hands. He will do very well to state the names of the two MCAs so that the respect and integrity of other MCAs is upheld, not just by this House but the rest of the country.

The Deputy Speaker (Sen. Kembi-Gitura): That is why I raised the matter with Sen. Okong'o because all of us read in the newspapers and we know it is a very serious allegation. However, it is an allegation specifically against two individuals which is criminal nature. That is the reason I asked you about the relevance of what you are saying in regard to what we are dealing with now. You cannot talk about any county assembly

with regard to that kind of an allegation because this is an allegation of a criminal nature and it is directed to two specific persons whose names are known. Therefore, you cannot make any comment that could bring disrepute to an honourable county assembly because of an alleged criminal act of an individual member of that assembly. That is the whole point I was trying to make to you. Our Standing Orders are very clear on relevance in debate.

Sen. (Dr.) Machage: On a point of order, Mr. Deputy Speaker, Sir. With all due respect, Sen. Okong'o comes from Kisii. Are we, therefore, in order to doubt the messages he is trying to pass to this House? Maybe there is a lot of truth in whatever he has said.

The Deputy Speaker (Sen. Kembi-Gitura): Are you taking issue with what I said because that will be a different issue? Sen. (Dr.) Machage, the point I am making is that I am not in any way condoning an act like the one that Sen. Okong'o has talked about. The point I made is that when an act of criminal nature is made against an individual, you cannot vest it upon an institution where that person works or is based because it is specific. When we talk about Kisii County Assembly in that regard, it is like saying that all of them are culpable because two of them were culpable. From what Sen. (Dr.) Khalwale said, this is not an issue that I want to protract. The point is made and our rules of procedure and particularly on relevance must be in the mind of each one of us when we stand up to debate. That is the message I am trying to send out.

Sen. Obure: On a point of order, Mr. Deputy Speaker, Sir. I agree with you entirely in your direction on this matter. However, for record purposes, I would like to state that Sen. Okong'o comes from Nyamira but not Kisii.

The Deputy Speaker (Sen. Kembi-Gitura): I thought so. However, I wanted you to come out with it.

Now shall we go back to the business of the House? Sen. Hargura you are the last one on this issue.

Sen. Hargura: Mr. Deputy Speaker, Sir, I commend the Members of the County Assembly from Garissa County for bringing this Petition to the Senate. The county assemblies are supposed to oversight the executive at the county level. Among the things they do is ensuring that the budget is done and then further, the implementation of the same. They also have responsibility on how debts are incurred in the counties.

In the first year, when we were summoning the governors, they have been quick to say that they are being oversighted by the county assemblies. However, this is a case that they are resisting that oversight. We have to take that seriously and the relevant committee has to ensure that this kind of impasse is solved so that the residents of Garissa County do not have to suffer because the executive and the county assembly are not seeing eye to eye and that there is no budget for 2016/17.

Regarding the issue of regulations, yesterday there was a petition here about the Public Finance Management (PFM) Act and the regulations. Therefore, the committee also needs to look at this so that the hands of the MCAs are not tied by regulations which are being made by Treasury which seem to be favouring the executive.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you very much Hon. Senators. Pursuant to Standing order No.227(1), the Petition stands committed to the relevant Standing Committee; in this case, the Standing Committee on Finance, Commerce and

Budget. In terms of Standing Order No227(2), the Committee will be required, in not more than 60 days from the time of reading the prayer, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE UNIVERSITY OF ELDORET

Hon. Senators, I have a short communication to make on the visiting students and lecturers from the University of Eldoret. I wish to recognize the presence of visiting students and lecturers from the University of Eldoret, Uasin Gishu County. They are seated in the public gallery. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. In the recent past and up to including yesterday, matters university have been featuring. I request you to indulge me; I send my greetings to Prof. Akenga.

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

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I request you to allow me to acknowledge the presence of our good students and lecturers---

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. (Dr.) Khalwale! Take your seat! You know the rules of the House rather well. If you want to make any comment pertaining to the visiting students and lecturers, make a request the normal way. I have never denied you the chance to do that. You cannot jump the queue by standing and saying that you are on a point of order.

Sen. Murkomen, what is your point of order?

Sen. Murkomen: Mr. Deputy Speaker, Sir, you have disposed of it. I was just getting concerned that Sen. (Dr.) Khalwale in the tradition of where he comes from, was using the Senate because he knows it is airing live, to send greetings to a vice chancellor of a university. Is that in order?

The Deputy Speaker (Sen. Kembi-Gitura): I will now restrict this to two minutes each.

Sen. (Dr.) Zani!

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

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

Sen. Karaba: Mr. Deputy Speaker, Sir, as the Chairperson of the Standing Committee on Education I welcome the students to the Senate. I wish them a good stay as they continue being here. As they go back, they should keep off what is not good for them, let them know what is necessary for them to know.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba, I will not allow that to go unnoticed. There is nothing bad that goes on in here.

Sen. Karaba: Mr. Deputy Speaker, Sir, I am talking of the University of Eldoret. Not here. There are very many brings that are happening there and students should stay as students. We are capable of solving those problems when we are here. That is what I am telling them.

The Deputy Speaker (Sen. Kembi-Gitura): I see. I would have been very worried.

Sen. (Dr.) Khalwale!

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I stood and still remain guided about the point of order. Allow me to welcome the delegation especially of the young people; the students, not forgetting the lecturers. I send them to deliver my greetings to Prof. Akenga, who without the intervention of this House, some villagers wanted to throw out.

Our visitors should take comfort from the fact that when things are difficult, this House will always be there to stand with them. For the lecturers, here, the future is very bright. Once upon a time, Sen. Murkomen was a young lecturer like you. Now he sits in our midst; of course the fact that he is being hounded on the ground by Mr. Kimaiyo notwithstanding. It is part of the game.

Finally, I want to speak to the nation on the role and opportunity of having our students in the university. I appeal to all Kenyan leaders to view universities as centres that give an opportunity for national integration of our ethnic communities, diverse as they are, so that Kenyans, especially the youth can think Kenya. In our time, one could join Kagumo High School, Kakamega High School and so on. Today, somebody who was misguided in the days of *baba na mama*, brought in the issue of quotas and children ended up being admitted in villages, thus being denied a big opportunity for integration.

Sen. Murkomen: Mr. Deputy Speaker, Sir, I welcome the students and lecturers from the University of Eldoret. There is a very important phenomenon that is going on in the university and that is a very worrying trend. As a lecturer, one of the things we used to struggle with and Sen. (Dr.) Zani will agree with me, is students who do not want to learn. They are in the university to pass exams and do not want to acquire knowledge by themselves. These are students who, when they are told to do research, go through shortcuts. I know people out there with so called Ph.D but honesty cannot read one page of their thesis because someone else was doing the thesis for them.

It is important that we restore the credibility of our universities; that it becomes a place of knowledge and not a place of getting papers. Too many people have papers but have no knowledge; too many people have knowledge but have no wisdom. The university should be a place of wisdom, integration, getting universal values and a place that many students will interact across political and ethnic divide. I speak as a former student leader and a former lecturer at the university. The university students and

lecturers are in the right place and some will come here to serve the nation because this is one of the calling.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I also welcome the students from the University of Eldoret. I remind Kenyans what university is. It just means universal, all inclusive. What is going on in the institutions of Rift Valley is not very healthy. Looking at the students, I am reminded of 1976 when I was a first year at the University of Nairobi. I do not know how old most of you were. However---

Sen. Murkomen: On a point of order, Mr. Deputy Speaker, Sir. I did not mean to interrupt Sen. (Dr.) Machage. However, there is a narrative that we cannot allow to continue where national institutions are being regionalized. Is it in order for Sen. (Dr.) Machage to call a universal university like Eldoret University and others, institutions of Rift Valley?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Machage, did you do that?

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, interpretation especially to the language of English is subjective. It depends on the context under which he understood my statement.

The Deputy Speaker (Sen. Kembi-Gitura): What did you actually say?

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I talked of what is going in the university institutions in the Rift Valley. The HANSARD is there to prove me right. That is the truth.

Sen. Murkomen: Mr. Deputy Speaker, Sir, that is different.

The Deputy Speaker (Sen. Kembi-Gitura): Order! Just proceed with your contribution.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, we as Kenyans and more so, nationalists are appalled and unhappy. Universities in this country should be centres that actually preach not only peace but also ethnic tolerance and total integration of the Kenyan society. I stand by that. It so happens that that is the focus of the origin of that episode. It should stop at that. I believe legislators in this House should be at the forefront in stopping that and not enhancing that kind of practice.

Sen. Sang: Mr. Deputy Speaker, Sir, I join my colleagues in welcoming the students from, the University of Eldoret and some of them from Moi University. I tell them that the sky is the limit, education is the greatest equalizer. They should focus on merit. I want to advise them that whereas the Constitution talks about regional, ethnic, minority and marginalized, a student in the University of Eldoret from a minority community will not be awarded a first class honours degree if he scored points that earn him a second class honours.

Therefore, they should ignore this discussion on regional ethnicity and focus on merit. They will always get what they want in life through hard work and merit. This discussion on regions should be left to us the politicians. They will make it in life by focusing on merit. That is how they are going to make it in life.

With those few remarks, I welcome them to the Senate.

Sen. Kanainza: Mr. Deputy Speaker, Sir, as the president of the youth in the Senate, I wish the students of University of Eldoret as well as Moi University the best.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Kanainza, I just want to get it right. I did not hear you right. Did you call yourself something president in Senate? Can I get it right? What did you say?

Sen. Kanainza: Mr. Deputy Speaker, Sir, I said as the president of the youth in the Senate. I am the representative of the youth in this House. Not the Senate president but the youth president.

The Deputy Speaker (Sen. Kembi-Gitura): The youth president in the Senate? I am interested. That is very interesting. It is the first term I have heard that term. You may represent the youth out there and may be their president. However, in the Senate, you are a Senator; a nominated Senator representing a certain interest. I do not know about the term “president”.

Sen. Kanainza: Mr. Deputy Speaker, Sir, allow me to appreciate the visit by the students---

The Deputy Speaker (Sen. Kembi-Gitura): You will get an extension of time; you will still have your two minutes. However, I want to understand what you mean by that statement.

Sen. Kanainza: Mr. Deputy Speaker, Sir, what I meant is that I represent the interests of youth in this House.

The Deputy Speaker (Sen. Kembi-Gitura): That does not make you a president within Senate.

(Laughter)

Sen. Kanainza: Mr. Deputy Speaker, Sir, I meant the president of the youth and not the president of the Senate.

The Deputy Speaker (Sen. Kembi-Gitura): You are twisting words; I did not even say that.

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. I want to emphasize that the record must always be set straight. Since we do not have the position of the youth president for the Senate in this Senate or anywhere in the Republic of Kenya, could her words to that effect be expunged from the record, so that she speaks to what she has now correctly said; that she is the representative of the youth by virtue of nomination through Article 97?

The Deputy Speaker (Sen. Kembi-Gitura): Is she the representative or a representative of the youth? This is a serious point. Is it you alone or is there another Senator who is also charged with representation of the youth?

Sen. Kanainza: Mr. Deputy Speaker, Sir, I am standing as the competent representative of the youth. I know we are two of us here---

The Deputy Speaker (Sen. Kembi-Gitura): I will not allow that to go unchallenged, unless you have had an election and chosen one of you to be the president. This is because there are two representatives of the youth in Senate. Therefore, you can only be “a” representative and not “the” representative of the youth.

Sen. Kanainza: Thank you, Mr. Deputy Speaker, Sir, for the correction. As a representative of the youth in this house, I want to congratulate and welcome the students of the two universities and inform them that their dreams are valid. I joined this Senate at

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

the age of 23 and I believe that they will make it here if they do their best. I am an alumna of Masinde Muliro University and Moi University and wish you the best. Yesterday, we were celebrating the Teachers' Day and we appreciate the good work that the lecturers who are here are doing for the students.

Thank you, Mr. Deputy Speaker, Sir.

Sen. (Prof.) Lesan: Mr. Deputy Speaker, Sir, I congratulate the students and the staff from Moi University who have visited the Senate. Many universities have been established in this country but, unfortunately, none of them is known for any specialization. We would like to have institutions that excel in something. For example, when I was in university, I knew that if one went to Makerere University they would become a medical doctor and if one went to Dar es Salaam they would probably come with an excellent legal certificate. The University of Nairobi was also known for technical engineering courses. We would like our universities to become excellent in some field.

I want to encourage Eldoret University to set the standards by specializing, particularly, in the area of research, publications and innovations. I had the pleasure to make a contribution to the Mackay Commission that established Moi University as the Dean of the Dental School. I wrote a paper that eventually established the Medical School in Eldoret.

Mr. Deputy Speaker, Sir, I want---

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Have you heard Sen. (Prof.) Lesan mislead the children who are in the Gallery today---

The Deputy Speaker (Sen. Kembi-Gitura): There are no children in the Gallery; there are university students.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, he is misleading the young Kenyan students who are at the Gallery today that Makerere University was a center of excellence for Medicine while the University of Nairobi for known for Engineering and the University of Dar es Salaam for Law. Whereas that history is true, is he in order to mislead them that our universities, as presently constituted, ideally should also be centers for something?

He knows very well that the reason that was obtaining at that time was because the former University of East Africa opened campuses in Kampala (Makerere) Dar es Salaam and Nairobi and that is why certain courses were being done there. Is he in order to suggest that since our universities give wholesome education, they are missing something? Could he be pushed to apologise to the lecturers and students in our able universities, given that the University of Nairobi was ranked among the top universities in Africa?

Sen. Murkomen: On a point of order, Mr. Deputy Speaker, Sir. Is Sen. (Dr.) Khalwale in order to mislead the public that Sen. (Prof.) Lesan is out of order, yet, he is making a very valid point? What is the point of having a Law Campus under the Jomo Kenyatta University of Agriculture and Technology or for it to offer Theology or a course that is not even in consonance with the name of the university?

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

Sen. Murkomen: Is it in order for Sen. (Dr.) Khalwale to use such heavy words against another Senator; a Professor who taught in the School of Medicine of the University of Nairobi, he has not even taught in a polytechnic? That point is arguable for those of us who have taught in the university.

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

Sen. (Prof.) Lesan.

Sen. (Prof.) Lesan: Mr. Deputy Speaker, Sir, I do not think that I am misleading the nation, because this is factual. I come from the background of the university. I have been an administrator in the university and know that the more you have focused on a particular issue, you come out with the best results. The best universities in the world are known for something. They put their investment, financial or otherwise, into a certain area and are able to produce results.

My colleague has just given us an example of Jomo Kenyatta University of Agriculture and Technology that has slowly lost focus on producing the best in a particular area. It is now involved in producing accountants and even teachers. They are spending their resources otherwise, when we know the best universities are focused.

Sen. Sang: On a point of order, Mr. Deputy Speaker, Sir. While the points being raised by Sen. (Prof.) Lesan are valid, is he in order to lambast students? He is a Member of the Committee and knows where to channel those kinds of concerns. Is he in order to lambast students who are just on a visiting mission in the Senate on how universities should be run or renamed and whether a university believes in one thing or the other? Is he in order to do so, yet together with Sen. Murkomen, they claim to have taught in universities?

The Deputy Speaker (Sen. Kembi-Gitura): I do not know how long you want to take on this.

(Sen. (Prof.) Lesan spoke off-record)

Order, Sen. (Prof.) Lesan! You still have your two minutes, because I know that you have been distracted. However, I do not want to have too many points of order, because you are using them to make further arguments and debate on this issue. I think the point being made by Sen. (Dr.) Khalwale, Sen. (Prof.) Lesan and Sen. Murkomen; about specialization at the universities are very valid. I do not think that Sen. (Prof.) Lesan made any mistake because he was looking at the historical background of the universities and what they used to offer. He was stopped before he had even elaborated on what he wanted to completely state about his submission. Let him finish and have the students and lecturers get something from this debate. I think it is an important debate because it touches on the education of the students that we have in the various universities, both public and private.

Proceed, Sen. (Prof.) Lesan.

Sen. (Prof.) Lesan: Thank you, Mr. Deputy Speaker, Sir. Let me just mention that the students themselves are the ones who help the universities to become focused. For example, sometimes you want to go to a certain university because they are excellent and they have the best professors wherever they are. Therefore, students themselves by choosing particular courses in certain institutions would assist the institutions to stay

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

focused on a certain area and improve the quality of material coming out of that university. Therefore, I ask those students who are already in Eldoret and those aspiring to go to Eldoret University to be focused on certain disciplines and they will help Eldoret University to excel including any other institution in this country. Thank you.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you. Finally, Sen. Melly!

Sen. Melly: Thank you, Mr. Deputy Speaker, Sir. Allow me to also join my colleagues in congratulating the lecturers and the students of the School of Education from Eldoret University for having time to come to the Senate and learn a few things.

Mr. Deputy Speaker, Sir, I want to inform them that this is a House of people rich in wisdom. They have an opportunity to interact and see great minds discussing ideas. I want to appeal to them to take their education seriously. This is a lifetime opportunity for them. Not all young people have made it to the university. They have an opportunity to change their background and an opportunity to sit one day at the Senate and discuss issues pertaining to our country.

Mr. Deputy Speaker, Sir, I know yesterday, students demonstrated again at the University of Eldoret but I want to tell that everything is now calm, they can continue with their studies and they should understand that they are here for their good to ensure that they have a good environment to study, excel and one day be in the books of history for having excelled in different fields.

Mr. Deputy Speaker, Sir, once again, I welcome them and wish them a fruitful stay as they engage with different Houses of Parliament. Thank you.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Sang, what is your point of order?

Sen. Sang: On a point of order, Mr. Deputy Speaker, Sir, would I be in order to request Sen. Melly to remind the students that he had visited the university sometimes back and that visit was of great importance?

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Sang! I do not think it is upon you to pre-empt Sen. Melly. Sen. Sang, you are out of order on that score.

Next order!

PAPER LAID

Sen. Murkomen: Thank you, Mr. Deputy Speaker, Sir. Pursuant to the provision of Standing Order No. 45, this is to present to the Senate---

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Murkomen! Please, take your seat. I am advised that although it is stated as a paper, it will come under statements. So, just give a little while.

Next order!

STATEMENTS

Hon. Senators, there are very many statements listed to be issued. I understand there are no statements to be sought but there are several statements to be issued. Sen. Murkomen, you may issue the statement now.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY 11TH TO 13TH OCTOBER, 2016

Sen. Murkomen: Hon. Senators, pursuant to the provisions of Standing Order No.45, this is to present to the Senate the business of the coming week commencing on Tuesday, 11th October, 2016.

The Senate Business Committee will meet on Tuesday, 11th October, 2016 at 12.30 p.m. to schedule business in the Senate for the week. Subject to further directions by the Senate Business Committee, the Senate will continue with the business that will not be concluded in today's Order Paper focusing on the debate on Bills at the second reading stage and those at the Committee of the Whole stage.

On Wednesday, 12th October, 2016, the Senate will continue with the business not concluded during Tuesday's sitting including Bills that will have been concluded at Second Reading and further consider the Bills at the Committee of the Whole. The following Bills will be scheduled for the Committee of the Whole:-

- (a) The County Outdoor Advertising Control Bill (Senate Bill No. 11 of 2015);
- (b) The Employment Amendment Bill (Senate Bill No. 1 of 2015);
- (c) The County Library Service Bill (Senate Bill No. 6 of 2015);
- (d) The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No. 8 of 2015) and
- (e) The Petition to County Assemblies (Procedure) Bill (Senate Bill No. 35 of 2014).

The Senate will consider any other business scheduled by the Senate Business Committee. On Thursday, 13th October, 2016, the Senate will consider Bills at second reading, deliberate on Motions and any other business scheduled by the Senate Business Committee.

Hon. Senators, let me take this opportunity to welcome you back from the long recess and note that despite the numerous interruptions caused by the Specialittings, I believe that the break was nonetheless worthwhile. I hereby lay the statement on the table. I thank you.

(Sen. Murkomen laid the document on the Table)

The Deputy Speaker (Sen. Kembi-Gitura): Okay, we have several statements. Let us go through them one by one. Statement No.(a). National Security and Internal Coordination Chairperson!

SHOOTING OF ULANDA GIRLS HIGH SCHOOL STUDENT

Sen. Adan: Mr. Deputy Speaker, Sir, I had the statement but then Sen. Wangari requested if we can issue it on Tuesday.

The Deputy Speaker (Sen. Kembi-Gitura): Okay, so ordered. Statement (b) which is also from you!

ASSAULT OF MATATU DRIVER BY POLICE
OFFICER ALONG MOMBASA-KILIFI ROAD

Sen. Adan: Yes, Mr. Deputy Speaker, Sir. I have statement (b) but I cannot see Sen. Madzayo in the House. So, I would request if we can issue the same on Tuesday.

INCREASE IN PRICE OF MAIZE FLOUR

The Deputy Speaker (Sen. Kembi-Gitura): Okay, so ordered. Statement (c) on Agriculture, Livestock and Fisheries! Both of the Chairman and the Senator are not present. That one is stood over. Statement (d), Sen. Karaba!

BURNING OF SECONDARY SCHOOLS IN KISII COUNTY

Sen. Karaba: Mr. Deputy Speaker, Sir, I seem not to have had the statement with me and I would think that in a week's time, it is possible to have gotten it.

The Deputy Speaker (Sen. Kembi-Gitura): That is on Thursday next week?

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

The Deputy Speaker (Sen. Kembi-Gitura): It is so ordered. Statement (e), Sen. Adan!

VOLATILE SITUATION IN SOUTH SUDAN

Sen. Adan: Mr. Deputy Speaker, Sir, I do not have this particular statement but I have a letter from the Ministry requesting for two more weeks to be able to give us supplementary information to this statement.

The Deputy Speaker (Sen. Kembi-Gitura): Two weeks?

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

The Deputy Speaker (Sen. Kembi-Gitura): Two weeks is so ordered. Next Statement (f)!

CAUSES OF INCREASED DEATHS IN WESTERN KENYA

Sen. Kittony: Mr. Deputy Speaker, Sir, I do not see the Senator who requested for the Statement in the House.

The Deputy Speaker (Sen. Kembi-Gitura): Do you have the Statement with you?

Sen. Kittony: The Statement will be ready next Tuesday, Mr. Deputy Speaker, Sir.

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

The Deputy Speaker (Sen. Kembi-Gitura): So, I think that is what you should say. You should say the Statement is not ready but not trying to accuse the Senator. So, when do you want to issue the Statement? Is it Tuesday next week or when?

Sen. Kittony: Mr. Deputy Speaker, Sir, we got the information from the Ministry of Health today and they promised to deliver the Statement on Monday. So, we will deliver it on Tuesday.

The Deputy Speaker (Sen. Kembi-Gitura): Tuesday next week is so ordered. Statement (g)! Sen. (Prof.) Lesan, do you have the Statement with you?

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

Sen. (Prof.) Lesan: No, it is not me to give the Statement. I am the one requesting for the Statement.

The Deputy Speaker (Sen. Kembi-Gitura): I know. Has the response been given to you?

Sen. (Prof.) Lesan: Mr. Deputy Speaker, Sir, I have not received any Statement and I was only going to ask that this matter be speeded up because farmers are anxiously waiting to hear what has happened to their money.

The Deputy Speaker (Sen. Kembi-Gitura): The Chairman is not here so it will be listed on the Order Paper for Tuesday next week.

Sen. (Prof.) Lesan: Thank you, Mr. Deputy Speaker, Sir.

DISMISSAL FROM SERVICE OF PRIVATE ABDIRAHMAN
OMAR MADEY

The Deputy Speaker (Sen. Kembi-Gitura): Could we hear from the Standing Committee on National Security and Foreign Relations. Sen. Adan?

Sen. Adan: Mr. Deputy Speaker, Sir, I have the Statement. Unfortunately, Sen. Bule is not in the House. We can issue it on Tuesday, next week.

The Deputy Speaker (Sen. Kembi-Gitura): So ordered.

(Statement deferred)

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

Could we hear from the Sessional Committee on Implementation? Sen. Orendo is not here. Sen. Wangari is also not in.

(Statement deferred)

Statement (j) has been issued. That is it with Statements.
Next order.

DISAPPEARANCE AND BRUTAL MURDER OF
CHILDREN IN CHESUE VILLAGE, NANDI COUNTY

Sen. Sang: On a point of order, Mr. Deputy Speaker, Sir. I sought a Statement from the Committee on National Security and Foreign Relations almost four months ago relating to an incident where a number of school going children had disappeared and some were found murdered. You remember that the Chairman had not responded by the time when we went for recess. I have not received any communication from the Chairman regarding the status of that request.

The Deputy Speaker (Sen. Kembi-Gitura): Which Committee?

Sen. Sang: The National Security and Foreign Relations Committee.

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

Sen. Sang: Mr. Deputy Speaker, Sir, you will remember that this was a matter that generated serious debate in this House. We had exhausted the avenue of inviting the CS and waiting for him. We even suggested to the Committee to summon the CS in accordance with Article 125 of the Constitution. I think the Committee Vice-Chairperson is being a little insensitive when she says we went on a long recess and that they have not summoned the CS, neither have they received any communication from him. I am sure hon. Members will remember that we all contributed to the extent that we even suggested to the Committee that they need to consider a censure Motion against the CS.

The Deputy Speaker (Sen. Kembi-Gitura): I hear you, Sen. Sang. However, Sen. Adan says that she remembers the final ruling which was to summon the CS or he be invited to come and deal with the issue. It is true we have been on recess. I do not see a request of one week as being too unreasonable in the circumstance if that is what the ruling of the Speaker was. Let her have one week so that she can see if she can summon or invite the CS. There is nothing else that we can do about it. That is the way I look at it.

Sen. Sang: Mr. Deputy Speaker, Sir, if you heard what the Vice-Chairperson was whispering to me, you would know she is dismissing my statement. Could you give her the opportunity to share with this House what she is whispering to me?

The Deputy Speaker (Sen. Kembi-Gitura): Did you ask for time to avail statement next week, Sen. Adan?

Sen. Adan: Yes, Mr. Deputy Speaker, Sir. I have requested for one week to follow up on this matter.

The Deputy Speaker (Sen. Kembi-Gitura): That is the only thing I have on record, Sen. Sang.

What is your point of order, Sen. Obure?

Sen. Obure: On a point of order, Mr. Deputy Speaker, Sir. I am somewhat disturbed that we had nine responses to requests that had been made in this House and we have not been able to transact even a single one. The reason for this is that the Senators who requested for the statements are not in the House, or the statements are not ready and

the Chairmen for the various Committees are not in the House. This looks like a very bad trend. I do not know whether this is the way we want to conduct our business going forward.

The Deputy Speaker (Sen. Kembi-Gitura): The trouble is that in the current situation, three of the Senators seeking the Statements are not in the House. The Senate Minority Leader who had sought for Statements (e) and (f) had indicated that he will be away and asked that we defer them. That is understandable.

We can take the view that a Statement once sought is the property of the House unless the Senator seeking the Statement requests that it be deferred because he or she is absent. If he fails to do so, then the Statement should be issued notwithstanding the absence of the Senator because it is the property of the House. I hear what you have to say Sen. Obure, but this is an issue that has to be put before the Senate Business Committee so that we can make a final decision.

I agree with you because there is no good reason why more than 10 Statements, some of which are ready, should not be issued because either the Chairman or the Senator seeking the Statement is not here and the Speaker or his office does not have that information. I hear you and I think that is important, going forward.

Going back to Sen. Sang's issue, I think this is important for you, Sen. Adan, to look into it. This matter last came to the House on 4th August, 2016. The Speaker directed your Committee to summon the CS for Interior and Coordination of National Government, the Permanent Secretary (PS) and the police Inspector General (IG). You were not to invite them, but you were to summon them. The ball is in your court and not the Speaker's office. It is your Committee to do as it was directed by the House. I do not know if you will be able to do that by Tuesday, next week? You have sought for one week, so it shall be.

Sen. Karaba: Mr. Deputy Speaker, Sir, I wanted clarification on what is appearing as a conflict between the two Senators. What happened when to the statements which were supposed to be answered at that time we proceed on recess? Do they expire or do we continue with the same?

The Deputy Speaker (Sen. Kembi-Gitura): Order! We are in the same Session. We are not in a different Session. Statements only expire if you move from one Session to the next. We were on recess; we had not gone to another Session. The statements are still alive or live.

Did you seek the Floor, Sen. (Dr.) Khalwale?

Hon. Senators, you note that Orders No.8, 9, 10 and 11 are for Division. I can only see one whip here. We do not have the numbers. So, we have to defer Orders No.8, 9, 10 and 11.

BILLS

Second Readings

THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) (AMENDMENT) BILL (SENATE BILL NO.9 OF 2016)

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

THE SELF HELP ASSOCIATIONS BILL (SENATE BILL NO.2 OF 2015)
THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL
(NATIONAL ASSEMBLY BILL NO.36 OF 2014)

(Bills deferred)

COMMITTEE OF THE WHOLE

THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILL NO. 4 OF 2016)

(Committee of the Whole deferred)

Next order!

BILLS

Second Reading

THE ASSUMPTION OF OFFICE OF GOVERNOR BILL
(SENATE BILL NO.10 OF 2016)

Now, this is coming out freshly, but Sen. Wako, the Chairperson of the Committee on Legal Affairs and Human Rights has requested that we stand it down because he is in negotiations with the owner of the Bill and the relevant Ministry to see whether they can agree on a way forward on those issues. We will stand down order No.12.

(Bill deferred)

Next order!

Second Reading

THE NATIONAL COHESION AND INTEGRATION (AMENDMENT) BILL
(SENATE BILL NO.6 OF 2016)

Sen. Elachi is not here. This is her Bill. So, we will stand it down.

(Bill deferred)

Sen. (Dr.) Khalwale, what is your point of order?

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. I am afraid that the Chair is losing me. If upon the order being read, the business is Second Reading--

The Deputy Speaker (Sen. Kembi-Gitura): Has it been moved?

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

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, it is Second Reading. It means it has been moved.

The Deputy Speaker (Sen. Kembi-Gitura): Not the one for Order No.12. My understanding, of course - and maybe yours could be better than mine - is that if the Bill has been moved and seconded then the debate is on. It should be noted there that it is resumed debate.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I share the same view.

The Deputy Speaker (Sen. Kembi-Gitura): This one is just written "Second Reading."

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I mistook it to mean that it had already been moved.

The Deputy Speaker (Sen. Kembi-Gitura): It would be showing that it is a resumed debate.

Therefore, regarding order No.13, Sen. Elachi is not here. So, we stand it down.
Next order!

Second Reading

THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO.8 OF 2016)

Sen. (Eng.) Muriuki is not here. So, again we stand it down.

(Bill deferred)

Next order!

MOTIONS

INQUIRY INTO THE IMPLEMENTATION OF THE NATIONAL SPECIAL NEEDS EDUCATION POLICY FRAMEWORK

AWARE that Article 43 (1) (f) of the Constitution of Kenya provides that every person has the right to education and that Article 53 (1) (b) of the Constitution provides that every child has the right to free and compulsory basic education;

COGNIZANT that Article 54 (1) (b) of the Constitution provides that a person with any disability is entitled to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;

RECOGNIZING that education in Kenya is a shared function of both the county and national governments;

CONCERNED that while significant gains have been made under the Free Education Programme introduced in the year 2003, access and participation of children with special needs is generally low across the country and their needs have not been specifically addressed;

NOW THEREFORE the Senate directs the Standing Committee on Education to inquire into the performance of the Ministry of Education, Science and Technology in the implementation of the policy statements and strategies made in the National Special Needs Education Policy Framework, 2009 and report back to the Senate within three months.

The Deputy Speaker (Sen. Kembi-Gitura): I know that Sen. Mositet is not here. My memory about Motions is that if the Mover is not there, it dies and cannot be brought back until six months expire. However, I will leave that to the Rules and Business Committee (RBC).

(Motion deferred)

Next Order!

CREATION OF AN OFFICE TO AUDIT THE BASIC EDUCATION INSTITUTION FUNDS

THAT, whereas Article 53 (1) (b) of the Constitution provides that every child in Kenya has the right to free and compulsory basic education;

RECOGNIZING the importance of education in the alleviation of the main challenges facing Kenya's sovereignty identified at independence, namely; poverty, illiteracy and disease;

APPRECIATING the gains made following the implementation of the free primary education program in 2003 and cognizant of the principles set out in the Basic Education Act of 2013 whose objectives include promotion and regulation of free and compulsory basic education besides providing for accreditation, registration and management of basic education institutions;

NOTING the substantial resources invested by the national and county governments, parents, sponsors and development partners in the provision of basic education;

FURTHER NOTING that pursuant to the Basic Education Act, the County Director of Education is vested with numerous responsibilities including facilitation of auditing of all basic educational institutions in the respective county thereby leaving fundamental gaps of governance especially in the management of the available resources;

NOW THEREFORE, the House recommends to the Cabinet Secretary for Education to facilitate the creation of the office of an auditor to specifically audit the basic education institutions' funds to enhance transparency and accountability and improve governance in the management of these institutions.

The Deputy Speaker (Sen. Kembi-Gitura): I do not see Sen. (Prof.) Lonyangapuo. So, the same fate befalls that Motion. Let us move on.

(Motion deferred)

Let us move on. Next order!

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

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

The Deputy Speaker (Sen. Kembi-Gitura): I do not see the Chairperson of the Committee. So, again that goes out.

(Motion deferred)

Next order!

ADOPTION OF REPORT OF THE NATIONAL SECURITY COMMITTEE
ON STUDY VISIT TO RUSSIA

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

The Deputy Speaker (Sen. Kembi-Gitura): Similarly, this is deferred as Order No.17.

(Motion deferred)

Next order!

NOTING OF REPORT ON THE THIRD GLOBAL OPEN
GOVERNMENT SUMMIT

THAT, the Senate notes the Report of the 3rd Global Open Government Partnership (OGP) summit held in Mexico City, from 25th October to 1st November, 2015 laid on the Table of the House on Tuesday, April 19, 2016.

(Motion deferred)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Zani is not here.

Next order!

Sen. Sang, what is your point of order.

Sen. Sang: On a point of order, Mr. Deputy Speaker, Sir. Is Sen. Murkomen in order to continue anticipating your ruling in each of your directions on each of these Motions? Every time a Motion is read, he is already saying that the Mover is not there and shortly afterwards, you say the same thing.

The Deputy Speaker (Sen. Kembi-Gitura): I did not hear him.

Next order!

ADOPTION OF EDUCATION COMMITTEE REPORT ON THE 19TH CONFERENCE
OF COMMONWEALTH EDUCATION MINISTERS

Sen. Karaba: Mr. Deputy Speaker, Sir, I move that the report of the Standing Committee on Education on the 19th Conference of Commonwealth Education Ministers held in Bahamas from 22nd to 26th June, 2015---. This meeting was held in the Capital of Bahamas, Nassau from 22nd and ended on 26th.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba, I do not want to interrupt you but you know how to move a Motion. You have not moved the Motion yet.

Sen. Karaba: Mr. Deputy Speaker, Sir, the report of the Standing Committee on Education on the 19th Conference of Commonwealth Education Ministers held in Bahamas from 22nd to 26th June, 2015.

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

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

(Sen. Karaba consulted the Clerk-at-the-Table)

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

THAT, the Senate adopts the Report of the Standing Committee on Education on the 19th Conference of Commonwealth Education Ministers held in the Bahamas from 22nd to 26th June, 2015 laid on the Table of the House on 14th April, 2016.

The Temporary Speaker (Sen. (Dr.) Machage): This recess seems to have done a lot of damage.

(Laughter)

Sen. Karaba: Mr. Temporary Speaker, Sir, it has done a lot of damage.

As indicated, the meeting was held in Nassau, the capital of the Bahamas. The Bahamas is one of the islands in Central America. We were represented by a number of Members among them Sen. (Prof.) Lesan, others and I. The conference was a ministerial roundtable that considered quality and delivery mechanisms required to meet individual needs and global standards of education.

Other fora ran parallel to this. They included youth, teachers, stakeholders, civil servants organisations, academia and private and post-secondary and tertiary education leaders. These fora independently discussed and made recommendations that were taken into account in the Ministerial Communique.

The composition of the delegation included, as I said earlier, Sen. (Prof.) Lesan, the Committee secretariat and I as the Chairman. It was noted that Kenya was an important country in the world particularly a friend of commonwealth education ministers. This is also in the sense that it played a very important role in Africa and more so in the Commonwealth. This is the main forum in which members can discuss key issues and prioritise for education as Commonwealth Education Ministers.

The last time such a gathering was held was in 1959 at Oxford in the United Kingdom. This is where they inaugurated the Commonwealth Scholarship & Fellowship Plan. Since then, education ministers have been coming together every three years.

In 2015, the 19th Conference, the theme was: “Quality Education for Equitable Development Performance Parts and Productivity”

Mr. Temporary Speaker, Sir, this one was focusing on action which provided more than a billion Commonwealth citizens with access to good quality education and skills that will enable them to contribute to sustainable economic and social development.

This meeting came at a pivotal time at the internationally agreed goals for education, the Millennium Development Goals (MDGs) and Education for All (EFAs). These came to an end and were replaced by a new post-2015 development agenda in the shape of sustainable development goals.

Mr. Temporary Speaker, Sir, although great advances had been made over the past 15 years through the MDGs and the EFAs, there were still over 20 Million primary aged children out of school in the Commonwealth and 460 million illiterate adults. This meeting was therefore an opportunity for member countries to come together to agree on the priorities for education in the Commonwealth in the context of wider international goals for development.

The Committee extends its gratitude to the Office of the Speaker and the Clerk of the Senate for the logistical and technical input. The Committee also expresses gratitude to its Members who represented the Committee at this conference and for their immense contributions towards production of this Report.

Mr. Temporary Speaker, Sir, it is therefore my pleasant duty and privilege, on behalf of the Standing Committee on Education, to Table the Report as we are now discussing.

Mr. Temporary Speaker, Sir, may I ask Sen. (Prof.) Lesan to Second.

(Sen. Karaba laid the document on the Table)

Sen. (Prof.) Lesan: Mr. Temporary Speaker, Sir---

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. (Prof.) Lesan. It is a tradition that when you are seconding a Motion, you move to the Dispatch Box. Please learn fast.

(Sen. (Prof.) Lesan moved to the Dispatch Box)

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

Sen. (Prof.) Lesan: Thank you Mr. Temporary Speaker, Sir. I take this opportunity to second the Motion as one of those Senators who attended the Commonwealth Education Ministers Conference in Bahamas. This was a useful conference in that it brought together a wide variety of stakeholders dealing with matters of education, more particularly in the Commonwealth.

In one of the side sessions that I attended while in this conference, was a session on the handling the threat that the education sector faces from terrorism. There were many concerns expressed by many participants in the conference as to the influence or the effect of terrorism worldwide on education and educational institutions.

Mr. Temporary Speaker, Sir, this was a significant conference for us from Kenya because this is a point at which we felt that we were directly affected because this conference came a year after terrorism had affected and disrupted education in our country.

The conference dealt with many issues, for example, how students particularly in education institutions can participate in managing or trying to contain terrorism. There were many suggestions in this conference which I thought were useful in handling terrorism in academic institutions by ensuring that the initial phases of radicalisation of students which usually happens in institutions is contained at an early stage. Methods of trying to do that were discussed in this forum.

Mr. Temporary Speaker, Sir, there was also a huge concern in the conference about the disparity between the numbers of instructors in the institutions and the number of learners. In other words, it is the student/teacher ratio in the Commonwealth countries. There was nowhere which this concern was more worrying than in our country. The ratio between the teachers and the students is a concern to all of us and every Kenyan. We know the enormous shortage of teachers that this country is facing. This is a concern that was addressed in the Commonwealth Education Ministers.

There were some concerns that the Kenyan delegation picked up from this conference. We have been sharing the information with the Committee on Education in the Senate and the Ministry of Education, Science and Technology as to how this problem can be handled throughout the Commonwealth, including our country.

So, I want to be part of this Report which has been tabled and which reports on what transpired in the Bahamas. I must report to this House that the experiences that the Senators learnt from this conference is invaluable and we have used some of that experience.

(Question proposed)

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I wish to pay tribute to the distinguished Senator from Kirinyaga, Sen. Karaba who continues to raise the pride of this House and the flag of the nation using his vast experience in education. Once again, he made us proud at this conference.

Reading through this Report, I am pleased to be informed that as early as 1959 - when almost 80 per cent of the Members of this House were not yet born - this idea had

seen the light of the day. I am further pleased to read that this conference is the largest in the entire Commonwealth.

Mr. Temporary Speaker, Sir, I want to congratulate the founding fathers of this idea in 1959. When they did so, they have told us in this Report that they came up with Commonwealth scholarships and fellowship plans. I know many lecturers who taught me at the School of Medicine in the University of Nairobi, including the late Prof. Maina Mungai who was not only the Dean of the Faculty of Medicine, but was also the Vice-Chancellor of the University of Nairobi, was a beneficiary of this programme. As an old boy of the University of Nairobi, you remember Prof. Arthur Obel, a good teacher in Pharmacology in Medicine. They were the beneficiaries of this programme. Without this thinking maybe some of us who were completely humble in beginning in life would not have enjoyed the privilege of having been taught by such eminent lectures as exemplified by the two that I have referred to.

Mr. Temporary Speaker, Sir, I decry this Report when it says that at the moment we still have 20 million primary school aged children who are out of school in Commonwealth countries. It is a pity that Kenya has got a huge contribution to these 20 million children in the Commonwealth. This is what we should be talking about in this House, the National Assembly and, indeed, should be the driving force of the agenda of the Jubilee Government. These 20 million children obviously from peasantry families are out of schools. Let us think of the children from Kakamega, not to mention Kuria and everywhere, their only crime is that they found themselves trapped in poverty because they were born in poverty.

Simple things make them drop out of schools. For example, a little girl who is in Class Six who was bought her last uniform when she was in Class Four has been using it for two years and it has since gotten torn around the buttocks. When she walks on the road side, she cover her buttocks with the books so that you do not realise that the dress where she sits has since become torn because she has used it for two years. When the breasts of this little girl start coming out and she is starting to realise she is a young woman, the woman in her tells her that you cannot afford to look like this and she just drops out of school. These are the things that the Government should address. Government should offer free uniform to our children if it is a functioning Government.

Mr. Temporary Speaker, Sir, the Report sadly tells us that we have 460 million adults in the Commonwealth who are illiterate. What became of adult education in this country? These are the thoughts that a thinking Government should be driven by instead of being driven by the ideals of tender entrepreneurship, which is known to be the Jubilee way of thinking.

When I go through the Report I note on page 16 the contribution by key speakers. There was a key speaker there called Mr. Kamlesh Shamah, the Secretary General of this particular organisation and he had key highlights worth mentioning. Allow me to just speak to one highlight from the Secretary General. He said in paragraph 2.1.3(I) as follows:

“That Commonwealth Education Hub launched so to digitalise and multiply convening power in contemporary ways in realising the potential of communications technology so as to bind Commonwealth Education into a closer and more interactive

network so that information could be accessible to all and valuable knowledge could be assessed and shared.”

That is what the Secretary General said. I truly want to thank the think tank of Jubilee. The think tank of Jubilee actually thought ahead of this speech by the Secretary General. In her manifesto, Jubilee addressed this particular thing and told us they were going to give our children free laptops. However, what has happened four years later, there are no laptops for our children in schools. I was reading in the media a few days ago that they are starting something this week or towards the end of last week in Mombasa.

This is a very convoluted and misguided sort of thinking by the Jubilee Government. That in the first year, the National Assembly set aside in its Budget billions of shillings for laptops. In the second year, third year and fourth year it was the same and our children have not been given the laptops. Then the amount of corruption in this Jubilee Government should be the one thing that will define the misfortune of the accident of this country ever having been ruled by Jubilee. To steal billions of shillings consecutively for four years and every year they approach the National Assembly and say, “give us billions of shillings we are going provide laptops to our children,” and they do not. It is unforgiveable.

Mr. Temporary Speaker, Sir, since we are there, may I address myself and my mind to this issue of laptops? If Jubilee cares to read the proceedings of this House, please note; that even if you give 60,000 laptops in Phase One, it will have absolutely no impact whatsoever. We say in science that, that kind of endeavour is not statistically significant. Let us assume for a moment that a laptop is brought at Malinya Primary School and they are given to Class One children. Thank you very much if you do it.

I warn you the moment those laptops arrive in Class One at Malinya Primary School, that will be the end of learning in Class Two, in Class Three and all the way up to Class Eight. This is because the children in those classes will be dying to go and peep through the windows of the Class One children to see what a laptop looks like. They will not be paying attention the whole day. What then will happen is that a noble idea that has been confined only to Class One children will end learning in the entire school.

If they bothered to consult – and there is no shortage of professionals who could advise them – Jubilee should have rolled out this project, not as a laptop project, but as computer laboratories so that at least two computer laboratories are built in every primary school in Kenya. Once you build those computer laboratories then the heads of the school will plan on Monday at 8.00 a.m. Class One will go, at 10.00 a.m. Class 2 will go and so on until every child in the school has got access to computer knowledge. Since Jubilee is busy eating meat when the rest of the Kenyans are salivating, they care not that the children of the poor are being treated like the wretched of the earth.

Mr. Temporary Speaker, Sir, the second speaker of this conference was the Hon. Jerome Fitzgerald, the Minister of Education, Science and Technology in the Cabinet of the Bahamas and the Chair of this particular conference. Again, there were key highlights in his speech and one has impressed me. He speaks to the issue of education for all. He says in bullet one:

“That during the World Education Forum in Korea held in previous months, countries reflected on the need for education for all goal since 2002.”

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

Mr. Temporary Speaker, Sir, allow me to reflect on the issue of education for all. Sen. (Dr.) Machage, we share a bit of parliamentary history with you. You will recall when we defeated the Moi project in 2002 and President Kibaki took office. In the first months after President Kibaki became President, you were in power as a Minister while I was an assistant Minister. You will remember that over 1,000,000 children reported to school because President Kibaki drove the agenda of education for all. Compare that to what happened when President Uhuru came into the power. Three months after being in power he had closed down all the schools because teachers were asking for a pay increment.

As President Uhuru goes into retirement next year, I want him to note that he has set a history that will be difficult to beat. He is the first President in the Commonwealth to close down all public schools. Even Idi Amin in Uganda never closed Ugandan schools. We need to rediscover the National Rainbow Coalition (NARC) spirit that got over 1,000,000 children back to school after President Kibaki took over power because he gave free primary education.

Due to the corruption in this country, the free primary education - which to me was the greatest legacy that President Kibaki left this country- has now been demonized to the extent that in Iloro Primary School in Shinyalu, where there is supposed to be free primary education, you will always meet children in the morning because they are told that they cannot be admitted to the school if they do not bring new desks. They are also asked to go home and bring Kshs20 to buy ingredients for making tea for the teachers. This goes on until the little levies – some that are completely illegal - that are charged on the parents have made the current free primary education to become more expensive than when we had paid-for primary school education.

We need to rethink these things because when great people, like the current Chair, recounts to me the kind of hills that he had to climb and the valleys that he survived to reach to the top, given where he comes from, is truly a big story of how education is an equalizer. I am pained in my heart that these children are not being given a chance to go to school. If I had not gone to school at that time, I would not be addressing the nation today, because my mother was a *chang'aa* brewer. Through the proceedings of *chang'aa* brewing, things were manageable and we made it through life. We want children like me to have an opportunity, 30 years from now, to address the nation with pride that education is indeed a social equalizer.

The Temporary Speaker (Sen. (Dr.) Machage): Your time is up.

Sen. Hassan Abdirahman Ali.

Sen. Abdirahman: Thank you, Mr. Temporary Speaker, Sir. I do not want to be left behind in contributing to this important Motion. I want to thank colleagues who attended the Global Conference of the Commonwealth Ministers of Education in the Bahamas.

As our country gained Independence in the early 1960s, one of the key priority areas was education; fighting ignorance means educating people. To date, as a country we are still grappling with the low levels of education, low literacy levels and the disparities that exist in our nation. Certain regions in this country register about 90 per cent literacy levels in terms of education, but some of the areas have as low as 30 per cent, particularly in Kuria where the Chair comes from and areas like Wajir.

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

Mr. Temporary Speaker, Sir, I want to attribute this to the failure by our subsequent national Governments, including the current one, to align global targets with national targets. We have heard of education for all targets, the Millennium Development Goals (MDGs) and lately, the Sustainable Development Goals (SDGs). These are global targets. It is important for any sensible Government to look at the priorities.

During former President Kibaki's era, we were about to finance our development targets by 80 per cent. We had gone as little as 20 per cent in financing our development priorities. It is important for any sensible Government to look at the priority areas. Education is a key priority area. If the country's education system and manpower are developed, we will grow our economy. This is a sector that has not been seriously supported through the huge budgets that are given. The Government should not only provide education, but quality education. I was really impressed with the report because we are not only looking for education, but quality education.

Three things that were picked in the report, including quality teaching delivered through a skilled human resource; an effective teacher who is able to deliver lessons effectively, so that the end product becomes a workforce that will benefit our country in the future. The other item which was picked from the conference is quality tools, including Information Communication Technology (ICT). I have criticized the idea of providing laptops to pupils in the past in this House. We should not spend billions to provide small equipment that will not support ICT. I support Sen. (Dr.) Khalwale in saying that it is better to invest in computer laboratories than in small tablets that pupils are being given. Having quality tools, quality teaching and learning environment are important. There are many schools where children learn under trees because there are no classrooms. Why provide laptops where children do not have classrooms?

I note with great appreciation the items that are on page 9 of the report with regard to the three Ps; Performance, Pathways and Productivity. With regard to pathways, the 8-4-4 system of education has envisaged that we support technical education in the country. In an honest view, has the original intention of 8-4-4 system of providing technical education been achieved in the country? I want to appreciate that there are ongoing reforms with regard to our curriculum, but if we intend to produce an all-round student in terms of technical and vocational training, then we need to provide the requisite tools, materials and environment. I understand that the Ministry of Education was supporting every constituency by providing one technical training institution, but do they meet the international standards? We are not competing amongst ourselves; we want to compete globally and we are not able to do that effectively.

Mr. Temporary Speaker, Sir, I want to focus on two or three other areas. We have had strikes in this country and a number of areas have been deserted by teachers because of insecurity. Even other areas that do not have insecurity problems have a shortage of teachers. This has not been addressed.

Mr. Temporary Speaker, Sir, there is the question of teacher remuneration which this global forum has picked. Teachers must be remunerated at par with other civil service cadres in terms of their qualifications; this has not happened. Recently I was in Saudi Arabia where an ordinary police officer is paid close to US\$10,000. Why are we underpaying the people who are giving us education; the teachers especially?

There is something that many of us do not take seriously, that is, monitoring and evaluating our programmes. It was fairly agreed that for us to achieve the Sustainable Development Goals (SDGs) and targets, including education, we need to develop quality monitoring and evaluation mechanisms. This is entirely a component that we cannot afford to exclude in all our planning. We need to look at what indicators we expect at the end. What results do we want to see? What are the outputs at the end of making budgetary inputs and providing labour inputs?

The other issue is unemployment in this country. The Chairperson spoke about terrorism as one of the issues that was discussed in the global forum. The unemployment levels in this country are high. If we want to fight terrorism then we need to inculcate in the minds of our youths that we need peace and good neighbourliness. If we want to achieve a peaceful environment, we also need to inculcate the need to live harmoniously with other people. Therefore, there is need to use our education institutions to make sure that the youth we produce become good citizens in the future.

I want to conclude by saying that this country has lately had a number of issues that will eventually affect our educational institutions. We have gone tribal as a country. This country has 42 tribes and what has kept us together as a nation is the fact that we narrowed our ethnic differences. Anyone can be the leader, but we must depoliticize our educational institutions. Political leaders should not imagine in any day that particular national institutions like universities belong to certain ethnic communities. They must understand that anyone can lead these institutions.

We expect quality education from Moi University as well as Garissa University college which is a constituent college of Moi. If one talks about Sen. (Prof.) Lesan--- Let me not use him as an example because he is from the Rift Valley. One should not say that Sen. (Dr.) Zani should not lead. I do not mean that all people from Rift Valley region are bad people. However, certain individuals with very negative minds must be careful lest their utterances degenerate into serious ethnic divisions and hatred, which we should not encourage as leaders.

What will the youth copy from political leaders who fan ethnic hatred and tribal thinking? I am just saying this for the interest of the country. I look forward to a peaceful nation and country that is ready to develop its education systems; a country where you will not know the north from the south or the east from the west, save for the usual administrative and elective boundaries. I look forward to seeing better governance in education. I hail the Cabinet Secretary for Education, Dr. Matiang'i for the efforts he is making, but he needs a lot of support.

Thank you, Mr. Temporary Speaker, Sir.

Sen. (Dr.) Zani: Mr. Temporary Speaker, Sir, I stand to support the Report from the Conference of the Commonwealth that was held in the Bahamas between 22nd to 26th June, 2015. The Report is comprehensive because it tackles everything under the sun regarding education, including issues of mental health and early marriages, among others. It is within the context of Commonwealth nations.

I thank my able Chairperson of the Standing Committee on Education, where I am also a Member. This is a well written report. It is very systematic and logical, with a clear flow. Anybody who was not in the conference would understand what happened and who presented various issues and points. It also has very clear recommendations.

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

When we talk matters education, we are talking about the quality of the education, performance, delivery mechanisms and productivity; all that within a context of inequality. That is where the problem is. Sen. (Dr.) Khalwale talked about a chance; that he from a very humble background is able to come to where he is; that is a context of education allowing you to do that. Unfortunately, that does not happen a lot. Therefore, the issue of social reproduction and alignments and ensuring that, over time children who come from poor families get to school, does not get properly addressed.

In Kenya, for example, over time - from the 1960s - there has been modernization, improvement and drastic expansion of education. Whether it is in terms of the number of schools, the number of pupils or attainment, the graph systematically goes up. For instance, in the cohort analysis from the census report, that development is very clear. However, the story therein, is that of inequalities. The level of inequalities has not changed. Therefore, as that modernization is taking place, inequalities are still contained. This is what the Commonwealth Ministers were trying to address. This is a problem that exists in many countries. In Kenya we still need to do a lot to comprehensively address it.

In terms of the education system, there is a difference in the quality of education when it comes to private schools versus public schools. There is always a debate about most of the students who go to secondary schools being from private schools. That debate has escalated now to the universities where we have Module I and Module II students. You will find that a student who attains a mean grade of B in the Kenya Certificate of Secondary Education (KCSE) can pursue Medicine under the Parallel Programme, whereas another who attains a mean grade of A cannot pursue the same course under the regular programme. Of course there is a reason for the Module II; they add value. However, we need to address some issues so that we can ensure that the right person gets to the right place.

There are reports of students whose positions in national schools are taken because rich parents can buy them. That needs to be addressed. However, the most alarming bit about the report is the global figure of 20 million children who are out school at both primary and the secondary level. This is such a huge number. Even before we recover from this shocker, there is another shocker that there are 460 million illiterate adults. These are people who cannot read, write or even articulate information. That is such a large number. I am sure that quite a number of them come from the developing nations. This means that the development capacity is interfered with.

All these indicators are always correlated, say, in terms of development and corruption. The higher the levels of education the better all you other indicators are, including economic indicators which are very critical. We need to figure out how to solve this and how to make it better. Various recommendations are given in this report, including enhancing teachers' performance and ensuring that they are actually ICT-proficient. In this report the target is not only the students, but also the teachers.

That brings me to the issue of the fate of the laptops project. These laptops might be distributed four years into the term of the current Government. As they seek re-election, which promises have been attained? When you look at the issue of the economy, the promise of a double digit growth has not happened. We are still at 5.7 economic growth rate. We had the last three years to implement the laptops project yet these laptops might come the very last minute. This resembles the sort of mediocrity in

addressing education matters. We are very clear about the template and what we want to do, but somewhere along the line when it comes to implementation, we have problems.

Recently, we had problems of students in schools engaging in violence, riots and extremism. This might be a reflection of the frustrations they feel. At times, the dreams they are promised are not articulated. The problem is not just with the students but it also extends to the teachers in terms of levels of training, deployments, and remuneration that led to strikes that this country faced for a long time.

The gap in financing keeps coming up in various conferences. The annual financing gap is huge; it stands at US\$22 billion. That means that not enough money is being adequately put into the education agenda. The proposal given in this report is that six per cent of the Gross Domestic Product (GDP) should go directly towards education initiatives. The idea in many of these conferences is to have a buy-in. This is because this is a Ministers' conference and we would need our Minister to come here and say: "Look here, as a national Government, we need to ensure there is enough that is going into the education sector." Various awards were given at this conference. Rwanda got one for innovative education. Unfortunately, Kenya did not get any award. We hope that next time we will be recognized for something.

Mr. Temporary Speaker, Sir, the issue of increased participation of women and girls in education is very key. Since the future is women and the youth, we need to be able to empower them. In a cultural context we still think about the value of marriage, dowry and related issues. This creates quite a bit of a problem culturally. However, we need to have a mind-shift, so that we go back to our communities and talk to the girls and women to tell them that education is key. If we are talking about attaining leadership or the two-thirds gender representation in most of the public institutions, it has to start somewhere and education is key to this. Specific strategies have to be put into place to attain this.

As we talk about women and girls, we must not forget the boy child. There is now more literature emphasizing that we should pay attention to the needs of the boy child as well. A lot of focus has gone into the needs of the girl child who is getting empowered sometimes at the detriment of the boy child who feels totally neglected. As we do that, we need to draw from two important educational components; the social and cultural capital and the family background and what families can do to enhance performance of their children at various levels. That can be dealt with appropriately.

The report also deals with the issue of the curriculum. This is a major problem for us in Kenya. There has been a mismatch where curriculum reviews are done, but the implementation seems to be a problem. This is more so for a curriculum that does not address social issues.

Mr. Temporary Speaker, Sir, early this morning we had an opportunity to be at the offices of the National Cohesion and Integration Commission (NCIC). We were receiving a report on ethnicity and inequalities across the board. One of the things that came out is that there is a need to look at the curriculum and begin to introduce certain core social values of patriotism, leadership and integrity. This is key since we tend to focus on the technical and professional areas without focusing on aspects that ensure we create a balance. The United States of America has taken this as key and is performing well in this area.

Mr. Temporary Speaker, Sir, as I wind up, there are other issues of regional disparities, access and quality to education especially in arid and semi-arid regions. This needs to be taken care of and enhanced across the board. We need to come up with clear legislative measures and develop strategies to involve parents in the education of their children at various points. They need to feel adequately motivated, encouraged and know where they want to go.

We also need to use technology and innovation properly especially in information communication technology (ICT). I know the Committee on Information and Technology in this House has been progressing that agenda. We need to start with a bit of a jump because compared to other economies, we are coming into it at a later stage. ICT is an engine builder that should get us there.

Mr. Temporary Speaker, Sir, there is the issue of synchronizing various items across the educational realm; the commissions, the Teachers Service Commission (TSC), principals and head teachers so that they can have a forum. Recently, for the first time, we thought of having all the stakeholders come together when there was burning of dormitories in schools. However, from an educational perspective, these discussions should be continuous. We should be able to pick up on the various issues that are coming up and look for appropriate ways to address them, so that all stakeholders feel adequately engaged.

Mr. Temporary Speaker, Sir, we also have issues of protecting the environment. Climate change, for example, has become a global threat. Such issues should be put into the map. Nobody knows what happens unless they are educated on it. If we lack that, we will have people wrecking the environment and getting away with it.

Mr. Temporary Speaker, Sir, as I conclude, let me address the issue of discipline amongst students, teachers and all levels of leadership. Earlier today we discussed the case of the two Members of County Assembly (MCAs) from Kisii County who were found with young school girls. Those are just the ones who were found. How many more are probably out there doing this? There are issues of teachers impregnating girls and students in schools engaging in sexual relationships probably way earlier than their time. All these issues are not only educational, but also have a key social component.

Unfortunately, there are situations where the traditional norms and systems are no longer being applied as they ought to. It is, therefore, important that the unions, associations and the different groups come together and articulate these issues. The pre-primary education is now devolved. We might want to think of further devolution, not just the pre-primary but also at the primary level. When we visit the various counties, issues are raised about what happens at primary level and some of these issues have not been adequately addressed.

I heard Sen. (Dr.) Khalwale say that when these computers get there, or there is such a model classroom in pre-primary, when students go to primary and secondary schools, they do not have these facilities, we will have everything upside down. We are demotivating students as they move forward instead of motivating them.

Mr. Temporary Speaker, Sir, the last critical issue is that of the ratio of teachers and students. As we move away from private into public schools, the ratio tends to increase and has implications in the following areas: teaching, correction, evaluation and motivation of the teachers. There are situations we find teachers who get so tired because

the situation is not conducive to feel that they can give the best. We know education transforms the lives of people.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Muthama!

Sen. Muthama: Bw. Spika wa Muda, nashukuru kwa nafasi nzuri ili niweze nami kuchangia Hoja hii ya maana ambayo imeletwa na Mwenyekiti wa Elimu, Sen. Karaba. Maswala yaliyozungumziwa hapa na wenzangu yana uzito mkubwa sana. Kwa kweli ukiangalia, nchi inaelekea njia panda ikiwa inatafuta suluhu ya matatizo ya elimu ya watoto wetu. Nilipopata ripoti hii, nilifululiza mpaka ukurasa wa 21, kipengee cha 233. Sehemu ya kwanza ya haki inasema kwamba elimu ni haki ya kikatiba kwa kila mwananchi. Elimu ni haki kwa kila mtu kwa mujibu wa Katiba. Serikali yoyote ina jukumu la kuangalia kwamba, jambo hilo linathibitiwa vizuri na wananchi wanategemeo kubwa kielimu. Lakini cha kuhuzunisha ni kwamba taifa letu halijatambua na kuamua kwamba ni haki ya Mkenya kupata huduma inayomfaa kama vile elimu.

Bw. Spika wa Muda, nimekuwa nikitazama kipindi hiki cha miaka minne cha Bunge la Kumi na Moja ambacho kinaelekea kuisha, jambo la kuhuzunisha ni kwamba, viongozi walioko serikalini; Rais mwenyewe, Naibu wake na Mawaziri wao na washirika ambao ni wafuasi wa chama, utaona Rais au Naibu wake wakifunga safari; kama juzi Mheshimiwa Ruto ambaye ni Naibu wa Rais alienda sehemu za Ukambani ninakotoka sehemu za Makueni na akawaambia wananchi kwamba ikiwa wanataka maendeleo ni lazima wajiunge na Serikali ya Jubilee ili wapate maendeleo. Tunaona fikira ya Naibu wa Rais ambaye ana jukumu kubwa sana la kutembea katika taifa letu na kuenda sehemu kama hiyo na kuwaambia wananchi wa pale kwamba wao ni Wakenya na wana haki kupata huduma za serikali bila kuzingatia misingi yao ya kisiasa

Bw. Spika wa Muda, ukiangalia ukurasa huo huo, na uangalie maneno hayo, utaona kwamba hakuna sheria Kenya ya kusema kwamba ni lazima Mkenya apate masomo na apewe masomo hayo na serikali. Kila mwananchi ana haki kuamua ataenda wapi. Pia, ukiangalia ukurasa wa 25, mstari wa kwanza, inasema kuweka elimu kuwa ya kibinafsi katika taifa lolote, mkutano huu ni wa dunia. Inasema kwamba unadhihirisha kwamba ile huduma inayotolewa na serikali haitafaa wala haitafua dafu kamwe kwa sababu ukiangalia hali ya maswala ya elimu katika taifa letu, iko na mirengo miwili. Jambo la kuhuzunisha ni hilo.

Mimi nasema hapa leo kwamba pahali tunaelekea, tunawasha moto katika taifa letu. Hii ni kwa sababu tumeshuhudia walimu wakiandamana na kugoma. Kuna wakati walienda mgomo miezi mitatu. Watoto wa maskini ambao wazazi wao hawajimudu kuwapeleka katika shule za kibinafsi, walikaa nyumbani miezi mitatu. Lakini, watoto wa viongozi kama Maseneta hapa, Wabunge na watu wanaoshikilia nafasi kubwa katika serikali, waliendelea na masomo yao.

Bw. Spika wa Muda, ni kwa nini ripoti hii haizungumzii ya kwamba kubinafsisha elimu kunaharibu sehemu kubwa ya elimu? Ni kwa sababu wakati mambo hayo yanaendelea bali tu na kusema kijuujuu kwamba asilimia 10 ya wale walistahili kutetea wale maskini na kupata haki yao ni wale walizungumza kijuujuu tu walimu waangaliwe masilahi yao na kusema hakuna pesa za kuwalipa. Waliozungumza kwa sauti kuu, mimi nikiwa mmoja wao, asubuhi yake nilikamatwa na kushtakiwa kwa sababu nilisema ikiwa walimu hawalipwi pesa ya kutosha, hawatakuwa na chakula. Na yule ambaye

hata simama na wale wengine, hata kuwa na jibu lingine ila kuwapikia watoto wake mawe kwa sababu ya kukosa chakula.

Bw. Spika wa Muda, mimi nashangaa. Nilienda kortini kwa hayo maneno na mashtaka yangu ni hayo sasa. Mimi nauliza hivi; kwani Yesu aliposema hakuna mtoto anayeitisha baba yake mkate na anampa mawe, kwa nini yangu iwe dhambi na ile ya Yesu sio dhambi? Waliozungumza kwa sauti hiyo waliwekwa ndani. Lakini jambo la kuhuzunisha ni kwamba, ninaposimama hapa, nahisi mimi nina aibu kubwa sana maana mimi nakanyaga mkeka mwekundu ambao ni wa nchi tatu. Nikikanyaga kiatu huwezi kusikia sauti. Lakini mtoto ninayemwakilisha wa kawaida---

The Temporary Speaker (Sen. (Dr.) Machage): Unakanyaga zulia.

Sen. Muthama: Bw. Spika wa Mda, nakanyaga zulia, yule mtoto ninayewakilisha na ninasema ninapokula kiapo cha mwenyezi Mungu, asilimia 10 ya watu wa Machakos, watoto ambao wazazi wao walinituma hapa wanasomea chini ya miti. Kuwe jua au mvua, anapata taabu pale. Ni ile ile serikali iliyonipatia hili zulia imeniwekea maji hapa. Yule mtoto ninayemwakilisha na mamake amenituma hapa nimsaidie nimtoe kwenye ugandamizaji wa umaskini na utumwa, bado mtoto wake hana mahali pa kuenda. Pia, ni hii serikali inayoenda kukopa Ksh400 bilioni kujenga reli ambayo itatumia na mabepari kwa sababu asilimia 10 ya watoto hao masikini ambao hawatapata elimu – tuseme ukweli – watawezaje kujimudu kufikia kiwango cha kutumia hii reli isipokuwa tu inajengewa watu wa nje waje hapa ili waendeleo kutunyonya wakitumia na kuandika watu wetu.

Yule mtu anayepata mshashara wa elfu Kshs12,000 anaandikwa na bepari. Bepari anakuja hapa na kusema nimewapa watoto wenu kazi lakini anapata ujira wa Kshs12,000. Anafanyia mkate wa kila siku na wakati ataacha kazi hiyo, atakuwa mwombaji na maskini. Ni hiyo hiyo serikali ambayo inashindwa kujenga madarasa ya watoto wetu kusomea; ni hiyo hiyo serikali ambayo Rais akiingia katika barabara, msafara wa magari yake haupungui magari 20; ni hiyo hiyo serikali ambayo Naibu wa Rais akitembea anaenda na helikopta tatu zinapaa kwenye anga akiangalia maskini wakiwa chini akitumia pesa za Serikali halafu hii ripoti imeandikwa kutoka nje katika kujaribu kutatua shida zetu ni kama hao watu wanaishi na sisi.

Bw. Spika wa Mda, ikiwa tutajimudu na kufika pahali, lazima sisi kama taifa tuwe Wakenya, tufikirie kama Wakenya na tuangalie masilahi yetu na kuona ni nini tutapatia kipao mbele.

Bw. Spika wa Muda, mimi najua Mwenyekiti ameileta repoti hii mbele ya Bunge hili. Lakini ripoti itawezaje kumfikia Mhe. Rais Uhuru Kenyatta ndio ajuaye kwamba kazi anayowafanyia wananchi, hasa katika sekta ya elimu, ni duni sana. Ripoti hii inamlenga yeye. Nikiisoma na mwuona Mhe. Rais wa Kenya.

Serikali hii sasa inasema ya kwamba itatoa mitambo ya *lapto* kwa watoto wetu. Wanatumia mabilioni ya pesa kununua mitambo hii na inapeleka katika shule ambazo hazina stima au madarasa. Hata kama mitambo hii itatumia nguvu za jua au *solar system*, watoto hawawezi kusomea nje kwa sababu jua ni kali sana. Sasa huyo mtoto anapewa mzungu mara mbili; kwanza, hawezi kusoma. Mzungu wa pili, ni kubeba mitambo hiyo na wa tatu haelewi ni mitambo ya aina gani. anatumia. Serikali hii ina wasomi ambao Mungu amewapa kipawa cha kuweza kusaidia yule anastahili kusaidiwa. Hata hivyo, wanaenda mbele huko wakirudi nyuma katika mambo haya ya elimu.

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

Bw. Spika wa Muda, kama tungefika pahali tungeacha yale mambo yanafanyika leo. Ukiangalia leo, Serikali ya Jubilee inatumia kiasi kikubwa cha pesa ya nchi kutembea kila pahali. Juzi Mhe. Rais alizuru Mombasa kwenda kumpatia Mhe. Mwahima bahasha iliyojaa pesa. Alibeba namna hii. Alipewa kibunda cha pesa. Halafu inaonyeshwa kwa televisheni niaking'ang'ana kuiweka katika soksi zake na mifuko ya koti lake. Ni aibu kuona watoto kutoka sehemu yake hawana madarasa ya kusomea. Mungu awe na huruma kwa nchi hii.

Leo tunatumia hizo pesa kufanya kampeni. Matatizo yetu sasa ni kwamba kuna Mhe. Rais wa sasa na kuna Mhe. Rais wa mwaka 2022 mpaka 2032. Hizo pesa zinatoka wapi? Mhe. Rotich ambaye ni Waziri wa Fedha, hajatenga pesa hizi za kaimpeini. Hakuna kuficha; pesa hizi ni za Shirika la Huduma ya Vijana hapa nchini. Kama tungekuwa Merikani au Uingereza, kwa sababu ufisadi huu, Mhe. Rais hangejiuzulu na kumwachia mtu mwingine mamlaka.

Ikiwa mkuu wa kitengo cha Upelelezi anaweza kukaa mbele ya Kamati ya Bunge na kusema kwamba yule mtu alistahili kuchunguza pesa zilizoibiwa, aliungana na wale wezi, basi angefutwa kazi mara moja. Ameandikiwa barua ya kwanza acha kazi na bado yuko kazini. Ya tatu, ya nne, ya tano na ya sita na bado yuko kazini. Mtu huyo bado anafanya kazi ndani ya Serikali ya Mhe. Uhuru Kenyatta na ana cheo cha juu sana. Mhe. Rais Kenyatta yuko bado kitini.

Jambo la pili, Mkuu wa Kitengo cha Upelelezi anasema kwamba eti ukipata zabuni ya Kshs2 milioni, kazi yako ili kuwa rahisi sana kuongezea sufuri mbele yake. Sufuri tu mbele yake. [Kwa mfano, Ksh2.4 milioni ukiongezea sufuri tu, inakuwa Ksh24 milioni. Lakini *Local Purchase Order* (LPO) yenyewe ile ya kutoa huduma ya kupewa hiyo sababu ya kulipa hiyo pesa inasema Ksh--- Naona kama wakati wangu umeisha.

The Temporary Speaker (Sen. (Dr.) Machage): Zimekatwa ndio. Zimekwisha. Nitakuongeza dakika moja.

Sen. Muthama: Bw. Spika wa Muda, ninamalizia kwa kusema kwamba mambo hayo yalihuzunisha taifa. Tumeshangaa lakini tena ni kafunguliwa mashtaka ya pili kwa kusema kwamba huyu Waziri anayelindwa na Ofisi ya Rais namna hii, kwani yake ni ya asali na iliyoongezwa sukari?

(Applause)

Sen. Musila: Mr. Temporary Speaker, Sir, I am delighted to make my contribution to this Bill after my brother Sen. Muthama of Machakos County. I want to congratulate my good friend who is the Chairman of the Committee, Sen. Karaba, for this report. The theme of the conference that they attended focused on quality education for equitable development performance pass and productivity. It focused on action to provide more than one billion commonwealth citizens with access to good quality education and skills that will enable them to contribute to sustainable economic and social development.

The theme is good and the recommendations of the Committee are good. However, there are problems that make us not to achieve what is recommended by the able Committee. Our Constitution clearly states that all children are entitled to universal education. But is that so in our country? The answer is no. We take children to school and when they finish fourth form, it is only the rich children who are given certificates. So,

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

what was the purpose of giving these children education? Some of their parents sell their cattle, land and everything they have. We have even held Harambees for some of them yet they are not given their certificates at the end of the day. That is not universal education.

The first recommendation of this Committee is to put in place policy measures to reduce regional disparities in access of education. They have specified on the quality education in Arid and Semi-Arid Lands (ASAL) areas. They should have said all areas. The disparity in the supply of teachers in this country is shameful. There are some areas that have more teachers than they need while the teacher shortage in ASAL and marginalized areas like Kitui County is unbelievable.

There are cases where you will only find one teacher or two teachers in a secondary school yet some schools have more teachers than they need. I therefore ask myself how we are going to achieve the universal goals when resources are not properly shared in a country like Kenya. These schools are ranked together in national examinations and those that do not have teachers compete with schools that have teachers. I want the Committee to take note of the fact that we have disparities in education in this country because we do not supply teachers equitably. The same thing happens in Primary schools. Poor parents are forced to employ teachers while rich areas get all the teachers they need. This is problem number one in our education system. This must be addressed by the Government.

Sen. Muthama talked about the Information and Communications Technology (ICT) gadgets that are being distributed to schools. Again, there is marginalization in this exercise where favoured areas have electricity. Already they are ahead in ICT. There is a ward in Kitui County called Tharaka where not a single primary school has electricity yet the Cabinet Secretary for Energy and Petroleum and the President say “by March this year, we will make sure that every primary school has electricity.” We are in October. I am challenging the Government and the Committee to tell me why Tharaka Ward in Kitui County has no single primary school with electricity yet we were told that by April every primary school will have electricity.

The Committee recommends something which is good but never practiced. The report states, “Through the Commission for University Education (CUE), ensure that universities equip learners with practical skills they need.” Yesterday, the issue of tribalism in national universities was discussed on the Floor of this House. When universities were established, we thought they were national institutions that all students would have access to without hindrance regardless of where they come from or their tribes.

Similarly, we expected these institutions to be national institutions where faculty would be drawn from anywhere in this Republic on merit. Currently, we have cases in the Rift Valley, particularly in Eldoret in Moi University which is a premier national institution. However, we have seen leaders, for instance, governors, shamelessly demanding that their own must lead in those universities. I wonder when they say, “Their own.” So, what about those regions which do not have universities? Where will their own teach?

The Chairperson of the Committee was put to task yesterday to produce a statement about that incident. He kept on saying that the Cabinet Secretary will come

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

here to explain while in fact, this is the trend all over the Republic. We had problems with the University of Nairobi, the premier university of Kenya where a man from my region being a Vice Chancellor was being undermined to get out so that someone else could sit on that chair. Is that not a shame? This is a national institution. It is high time that we see universities being detribalized so that if you qualify to study or teach, you get the opportunity to do so regardless of where you come from.

Mr. Temporary Speaker, Sir, no matter how many reports the Committee make on these matters, unless we see these things happening practically, we will be wasting our time.

Mr. Temporary Speaker, Sir, I have talked about ICT and the programme of tablets that are being supplied to our schools. This will be meaningless - expensive or noble as the exercise is, without ensuring that all pupils have access to these gadgets and the gadgets work, it will be an exercise in futility.

In addition, ICT teachers in primary schools have not been trained. A few were trained but as we speak, there are schools which have received these gadgets and pupils just play with them like toys yet we have invested so much in them. First of all, training all teachers to know how to handle this equipment should be done; then introduce children slowly. Unless this is done, they will be dumped in stores like they did with the milk programme many years ago where milk was just dumped and people did not care whether the children, the public or teachers took it. In future unless this is properly managed, as noble as it is, it will be a waste of time.

Before we make a conclusion on this matter, I request the Chairperson to inform the Cabinet Secretary for Education that despite their pronouncements that all schools will be electrified - and despite their distributions of these gadgets - I have no less than 50 schools without electricity. This must be handled quickly. Without it we will not move.

The question of disparity in distribution of teachers is deliberate on the part of this Government. It is so because every year they know how many teachers are in each school. They continue to allow some schools to go without teachers and others to be overpopulated with teachers yet they tell us every year that they will do rationalisation to make sure that teachers go to all schools. There is so much disparity.

In fact, the Chairperson should be embarrassed by the disparity in the country. How can a secondary school - from Form One to Form Four - have two Teachers Service Commission (TSC) teachers? In those schools, parents have no money but they are forced to sell their things to employ teachers. They pay taxes like others. So, this kind of discrimination of certain areas by the Government, including my County of Kitui must cease. We can no longer continue like this.

Mr. Temporary Speaker, Sir, yesterday, you were on the Chair and I applauded your presiding and the rulings you made. I am very passionate about the children who finished school, completed their examination and passed very well and for 10 years, since 2007 they have no access to their documents. They have not done any mistake. The only mistake is that their parents are poor or deceased. The heads of schools are keeping those certificates. Last week the Kenya National Examination Council (KNEC) circulated a circular throughout the country and asked students to go to their schools to collect certificates. However, the report I got from my County is that when they went there, they

were told that KNEC is not the employer of teachers; the employer is TSC. When I talked to the TSC to issue the circular, they are reluctant.

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

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

As you are aware, there is recruitment of the Kenya Defence Forces (KDF). We have hundreds of potential former students who would like to serve this country but they are being turned away because they have no certificates yet their certificates are lying in their schools. Their certificates are lying in schools and they cannot access them because they are poor. Then we go up there and brag that we are a country providing universal education to our children. We are not! Some are denied opportunities as we watch.

Therefore, as I support this Motion, I hope that the Committee wakes up and understands that what they think is happening here is not happening. You went all the way to the Bahamas and you must have talked about what good things Kenya has. However, I am sure you know in your heart that what you said is not true. So, please correct this.

I support.

The Temporary Speaker (Sen. Sang): Hon. Senators, we do not have more interests to contribute to this debate.

I therefore call upon the Mover to reply.

Sen. Karaba: Thank you, Mr. Temporary Speaker, Sir. I thank all the Senators who have contributed in support of the Report of the Standing Committee on Education on 19th Conference on Commonwealth Education Ministers held in Bahamas from 22nd to 26th June, 2016.

It is important to note that the Senate Committee on Education has a mandate to consider all matters related to education and training. It also oversees the Ministry of Education, Science and Technology. I am happy to note that the membership of the Committee is comprised of:-

- | | | |
|--------------------------------------|---|------------------|
| 1. Sen. Karaba Daniel | - | Chairperson |
| 2. Sen. Mohamud Abdille Halima | - | Vice Chairperson |
| 3. Sen. Mvita Mshenga Kisasa, MP | | |
| 4. Sen. Mutahi Kagwe, MP | | |
| 5. Sen. Okong'o Mong'are Kennedy, MP | | |
| 6. Sen. (Prof.) Lesan Wilfred, MP | | |
| 7. Sen. (Dr.) Zani Agnes, MP | | |
| 8. Sen. Nyongesa Kanainza Daisy, MP | | |
| 9. Sen. Abdi Ali Bule, MP | | |

Mr. Temporary Speaker, Sir, this Report, among many others that have been tabled or will be tabled in future, is from the Bahamas. It is highlighting many things that were discussed in the Bahamas. The conference theme was:-

“Quality Education for Equitable Development Performance Parts and Productivity”

This one was focusing on action to provide more than one billion Commonwealth citizens with access to good quality education and skills that will enable them to contribute to sustainable economic and social development.

Mr. Temporary Speaker, Sir, this meeting came at a pivotal time at the internationally agreed goals for education, that is, the Millennium Development Goals (MDGs) and Education for All Goals (EFAs). These came to an end and were replaced by a new post 2015 Development Agenda in the shape of sustainable development goals.

What was discussed here by Members, tells us that Kenya has some grey areas that we have to look into. We have noted with a lot of concern particularly the issue of the laptops distribution and staffing of teachers in our schools. That is something that was discussed in this conference. We are able to compare ourselves with other countries in the world. We are not the only ones with this kind of a problem.

Mr. Temporary Speaker, Sir, I am happy that we have discussed it in depth and we have noted the salient features and points that we need to take further either with the Ministry of Education, Science and Technology or with the Teachers Service Commission (TSC) itself so that we can cope with the demand and even what the Members discussed.

I am grateful that the Report has been discussed in support. Thank you.

(Question put and agreed to)

The Temporary Speaker (Sen. Sang): Hon. Senators, initially, the Chair dropped or deferred Order No. 19 but after consultations, we are proceeding to Order No. 19.

Proceed, Sen. (Dr.) Philomena Agnes Zani.

MOTION

Sen. (Dr.) Zani: Thank you, Mr. Temporary Speaker, Sir. You may confuse Members with the name “Philomena” in the long run. They will wonder whether “Philomena” is the same one as “Agnes”. I confirm that “Agnes” is also “Philomena”.

NOTING OF REPORT ON THE THIRD GLOBAL OPEN GOVERNMENT SUMMIT

Mr. Temporary Speaker, Sir, I beg to move the following Motion:-

THAT, the Senate notes the Report of the 3rd Global Open Government Partnership (OGP) summit held in Mexico City, from 25th October, to 1st November, 2015 laid on the Table of the House on Tuesday, 19th April, 2016.

Mr. Temporary Speaker, Sir, this was a summit that was held in Mexico between those dates. It was the 3rd Global Open Government Partnership (OGP) summit. From the onset, it is important to take a bit of time to know what it is about.

This is an initiative that was started to ensure that governments interact, share data, and include civil society in the discourses that they have, put on platforms various

issues across that particular government. It is shared across the board so that everybody from different countries can tell to what extent the government is becoming open. The nexus of it is to ensure that governments become open and encourage sharing of data and information within a public forum and a public space.

Such an arrangement has a direct connection with development and public participation so that people can actually come to the fore, look at these records and see what is going wrong and improve over time. This OGP has actually increased from 8 governments that started and now we are at 66 governments. Kenya is one of them. It was on the basis of that then this particular delegation went for this particular summit. As much as Kenya joined in this initiative like other countries, there is a ranking about how open those government systems are.

That ranking has not been put into this Report, but for most of the countries and for most of the participants and delegations that were there, there was a need that was overall expressed that at the end of the day we need to ensure we move more to ensuring that public space is taken care of and that it is opened up.

It is seen as a way of a government being responsive to the issues that are happening. The open government platform is across all sorts of data. For example, it could be across data dealing with finances, natural resource, exports and imports within a country. It is a data dealing with almost everything. Issues of data confidentiality and abuse were also discussed during this summit. It was also agreed in that summit that it was important to ensure that the information is contained and used in a responsible way. The people who have the codes and information to access that information are able to access that information and direction is given about how exactly to use that data.

Mr. Temporary Speaker, Sir, the whole underpinning principle and reason for this is to ensure that more transparent and accountable systems of government are put into place so that there is no sense of anything being hidden hence the name OGP. So, one government is open, another one is open and these partnerships are put together so that, at the end of the day, people are accountable to what is going on clearly. The member states also are meant to make specific commitments. These commitments are then taken as part of the pact that they have signed themselves to ensure that these systems remain open and accountable. For that accountability to take place, various stakeholders come on to the fore. These include civil societies, investors, students, universities and researchers as part of an open system where all of them can host this specific data.

Mr. Temporary Speaker, Sir, for this particular summit, there was categorization into two main tracks in terms of the data that should be utilised. The first one is on legislative openness so that if there is any legislation that is coming or agenda or any aspect, every disclaimer is made openly and that these laws are opened and left for everybody to see.

This also includes a concerted and streamlined way of ensuring that civil society engagement comes on the fore by not only waiting for a specific civil society group to approach such governments, but for them to actually look for those specific groups. It will be seen that the more open you are the more there is public participation. The more democracy there is, the fewer questions that are asked overtime; that helped this to happen.

Mr. Temporary Speaker, Sir, open governments is also advocated for at the level of Parliament. In Kenya, we have done very well in both the National Assembly and the Senate Chambers where we have the broadcast and HANSARD. We have openness in terms of what is discussed. That has helped Kenyans to understand what is going on within different Ministries. Certain Ministries have tended to be a little bit more exposed and open in terms of their data access. Access to information is very critical. There is also access to ensure that the civic space and technology is used appropriately.

The whole idea behind this is that in the long run these are able to move systems into ensuring that the sustainable development goals are enhanced. So, if we are talking about sustainable goals, be they across issues on education, gender and agriculture, that data is open. First is to evaluate and see how far those systems have gone or those countries have gone in initiating of these initiatives. Secondly, that any sort of innovations that are done within the public sector can be quickly pointed out so that this can actually come out to the fore.

Mr. Temporary Speaker, Sir, there are various mandates to this OGP:

(1) To increase the availability of information about government activities at the various levels of transparency.

(2) Support a civic participation.

(3) Implement the highest standards of professional integrity throughout the administration. Every time the systems of partnerships, enactment, and administration will follow through once they have been laid bare, then people can follow through and ensure that professional integrity is actually upheld therein.

(4) Increase access to new technologies for openness and accountability. This comes in with the component of training so that members were looking at this technology, new systems and ways of doing things that is satisfactory.

Mr. Temporary Speaker, Sir, through the open government systems and partnerships, what is key and critical is that each government will try to ensure that they attain the level of openness within governments. However, the principle procedure for you to be able to be put into position in terms of how effective you have done, that comes specifically from a peer review. So, during the OGP processes each government becomes a peer reviewer for the other governments and they are able to say how, over time, things have gone on.

The review is not done independently across one particular government, but it is done across board. Therefore, it means that information is given about some sort of reforms that need to be put into place, then the people can go deeper into addressing them within a network space that is made critical and important. If that is not attained it becomes very difficult for people to see the level where that openness has actually taken place.

So, when this team was in Mexico the various interactions with stakeholders across the specific presentations that were taking place, all the data, information, meetings, critiques, discussions and discourse were across the various angles of improving that openness. There were forums run across the various points across the key sustainable development goals and particular recommendations made. Particular emphasis and notes were made that would be brought on board for people to commit and ensure that this happens.

Mr. Temporary Speaker, Sir, the reason why the OGP has become very key is to address the issue of corruption and inequality. This is because when that data is made open, it is very possible to see that. Sometime back, I raised the same issue here in the House about the position of Kenya and the action plan that Kenya was meant to have come up with systematically to address this issue of corruption. Unfortunately, the level of openness yet for Kenya has not reached the level where we can actually have access to this data. There are certain provisions in the Constitution where civil society individuals can ask for specific information. However, for those who do not have issues and have not engaged a particular discourse, it becomes a wasted resource because they do not know where to look for it. So, you find that those who ask specific questions will ask for specific data like the petitions that come to this House. These people addressing specific petitions understand as they have been following what is going through.

This OGP encourages the putting out of data even before that request is made. For example, countries that were represented like Norway and Sweden through presentations were able to clearly show the direction and connection in terms of corruption because these are systems that are scrutinised and at the press of a button all the information comes up. It would make be very difficult for any sort of corruption to happen, be it across issues of land, education or service provision.

This is what this summit was about. The more open governments are, the less corruption there will be and this becomes a way of addressing inequality. So, it becomes an anti-corruption measure and a realisation where the member states of OGP make specific commitments to ensure that they are able to do that. There is high level of political, administrative or financial backing that comes from the various countries. All these countries will be in a database that will help in keeping up with the systems and valuation that is reviewed over and over again.

The Open Government Partnership (OGP) also has a steering committee that has various representatives and standards for good government presentation, rules and guides. This ensures conflict of interest is avoided. It also enables member counties to follow what is meant to happen and encourage participation from the civil society.

Protocol is also involved. Various sanctions are put in place to ensure that these particular rules are taken into consideration over time. There is also a high level of demand that is put into place to ensure citizen participation through process, consulting, evaluation and direct feedback that comes from the member states.

Lastly, it ensures that the member states are able to make their commitments in a shared space, so that they hold each other accountable for what happens within the systems.

Mr. Temporary Speaker, Sir, I came back from this summit with a hope, renewed energy and a feeling that if the rest of the world has reached there, then this is definitely a place that Kenya should go. In Kenya the commitment for us to go into open government partnerships in terms of participation and entrenchment does not seem to be there. We are one of the 66 countries that already have membership in the OGP, but we have not validated performance and processes. Therefore, as we move forward, we need to think about the level of expertise, technology aspect, empowering technological reviews that need to be done and empowering people through Information Communication

Technology (ICT). This is the direction the world is going and Kenya cannot afford not to go there.

Mr. Temporary Speaker, Sir, with those remarks, I beg to move and request Sen. (Prof.) Lesan to second.

Sen. (Prof.) Lesan: Thank you, Mr. Temporary Speaker, Sir. I rise to second this Motion; that the Senate adopts the Report of the 3rd Global Open Government Partnership (OGP) Summit that was held in Mexico. The participant of this conference, Sen. (Dr.) Zani, has elaborated on the participation of this summit in Mexico.

This is an important organisation that has come into place at the right time, particularly in this part of the world - the African countries - where openness is still a huge challenge in terms of managing people and governments. We must congratulate our country for moving in this direction of joining world organisations that have come together in order to have governments that are transparent, open and participatory in terms of any organized groups.

Kenya has already gone this direction in terms of what has been introduced along with the devolved government units. Within the Constitution and the County Government Act, we have an important aspect of public participation. This is one of the ways of giving necessary information to the public, so as to assist them to be governed better. Public participation would be useful if there is civic education. I must congratulate the Government of Kenya through the Ministry of Education for launching an elaborate curriculum of civic education for the people of this country to engage in public participation and open criticism of their Government in order to help them.

We have had serious issues in the past. For example, we have had issues to do with Moi University because of lack of organized participants who would agitate for opinions or ideas that are on the ground. A vacuum is left behind and it is filled by disorganized groups. With civic education and accepted and acknowledged public participation, issues like these would be addressed in a friendly manner, so that better results are attained. Therefore, public participation, open governments and organized societies, like civil societies participating in government, is an accepted phenomenon.

With Information and Communication Technology (ICT) huge information can be handled. Voluminous information can be handled very fast. It is now inevitable that systems and governments cannot run without using this system of information. It should be open and controlled so that it can be used to manage people and governments. Of course, we need to be careful so that this information is not misused in the form of propaganda and other entities that can use it in a non-deserving manner.

Mr. Temporary Speaker, Sir, with this kind of level of information transfer, we are now faced with a huge challenge of crime that is associated with this mode of transferring information. We are aware that cyber crime is rampant around the countries and it is starting to be felt by growing economies that are using these technologies.

Open governance, as enumerated by OGP, is one way of taming wayward governance. I want to laud the first nine countries that came together and thought it wise that the civic or activist societies need to challenge or channel their energies in supporting governments rather than having to be in confrontation with governments throughout the world. We have seen organized activists groups that have been denied space go underground and cause serious harm in most of the countries. We have seen this in the

Middle East and northern African countries where civil societies organized themselves, and for lack of space by their government, they were able to violently overthrow their governments.

Mr. Temporary Speaker, Sir, I hope that the Senate will adopt this Report and go further to utilize some of the important elements, ideas and opinions that were learnt and that accrue from this conference that was held in Mexico. I also want to laud Members who attended this conference and gave us a good Report which the two Houses will learn from.

Mr. Temporary Speaker, Sir, I beg to second the Motion.

(Question proposed)

Sen. Kanainza: Temporary Speaker, Sir, I want to commend the good report brought to this House by Sen. (Dr.) Zani on Open Government Partnership (OGP). The OGP will be so important to our country because its core mandate is to create space for dialogue and exchange of ideas between Government and civil society organizations. We know the great work being done by the civil society in Kenya though they have received very minimal support from our government. I believe that through this, we shall achieve a number of things.

Looking at some of the things that they have articulated such as increasing the availability of information about the government activities; for sure it is very important when we talk about civic education and participation, most Kenyans are not aware of what is supposed to be done or what the Government is supposed to do. I believe if we are able to provide a space for dialogue, the government shall articulate a number of things and Kenyans will also know what is happening. It will encourage transparency, accountability as well as response to the citizens of this country.

Regarding civic participation, it is very key to our people. This means that the public has a role to play. They will put in their input in everything that is taking place through positive criticism apart from the negative criticism that the Government faces as well as bringing in new ideas that can be taken in.

Mr. Temporary Speaker, Sir, I represent the youth and there are a number of things that affect the youth. This will also be one of the ways that when we involve the youth, they will bring in their ideas and prioritize how to tackle the issues affecting us every day. I believe that in the long run, the citizens will get better services from the specific Government. I was looking at how fast this OGP has grown. That within four years and I am happy that Kenya is part of the 66 countries, they have done a number of things. They have articulated many things that are of great interest to me. One of them is about the agenda for sustainable development which is part of our Vision 2030. I believe through the role of transparency in governance, we shall deal with this issue of sustainable development goals so that all Kenyans shall benefit.

We have so many challenges of corruption that Kenya has fallen victim of and I believe by adopting this report and making sure that it has been implemented the recommendations put forth by the Members of Parliament who visited this country will be of great use to this country. When you look at the priorities they have given is that there is need for the government to prioritize on anti-corruption measures. So far we have

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

had several EACC chairpersons but unfortunately we cannot tell if it is a threat from Government or there is no goodwill because the chair has to go home before solving the problem that the country is facing. This is actually demoralizing Kenyans that however much you notice something wrong happening in this country where tax payers money disappears, it will never come to a conclusion.

If we have space for dialogue between the Government, the civil society as well as public participation which is envisaged in our Constitution for citizens to give in their ideas or their proposals on how things are supposed to be done, I believe we shall move forth and our country will prosper. I support the report and thank the Members who took part in this discussion.

Sen. Karaba: Mr. Temporary Speaker, Sir, thank you for allowing me to say something in support of the report. You will note that those Senators who are here are all Members of the Education Committee. I note with appreciation that they have been here from the beginning and they are here to discuss various reports and that is what our Education Committee is comprised of. I thank them and I believe we are headed to greater heights.

I followed the report with a lot of respect and I noted that Kenya is among the 66 countries. Even though there are over 180 in United Nation (UN), this is a beginning which is as a result of concern that there are some governments which must have been oppressive to their citizens, governments which have not been open like the communist bloc and the Eastern bloc which have been shelving information so that the others may not know. There are countries which have been spying on others and those that want to appear to be ahead of the others. There is emergence of the Blocs whose headquarters is in Warsaw, the North Atlantic Treaty Organization (NATO) and the United Nations in New York. So, there are many concerns around the world.

This conference held in Mexico City was trying to come up with solutions of how Kenya and other countries in the world can accommodate each other. This is because when we have emerging democracies, there are some which emerge and appear as if they are dominating over the others. This is what you realize in America, the European Union (EU) where they will not want to include countries such as Turkey for their own reasons. This conference, therefore, was trying to attract and ask countries to tolerate one another and allow some civil societies to be accommodated in the systems of governance.

We hail our Senator for attending this meeting, noting that she was the only one from the senate who attended. Out of the six or five it was only Sen. (Dr.) Zani who was listed last. All the others were from the National Assembly. That tells us that here we are not tolerating one another. We must be seen like we are operating and sharing finances equally when it comes to getting knowledge. When we have only Sen. (Dr.) Zani representing us out there, then it appears as if it is the National Assembly which has the dominance and monopoly of knowledge. That disadvantages us and is the reason why we should encourage more Senators to attend such meetings and ask why is it that when it comes to national or international conferences, the Senate is marginalized in allocation of funds.

In the end, we will not be participating more to access that kind of knowledge that is supposed to be available to all of us. Let us note that there is something that we should also do as Senate. When there is a joint meeting to be attended, let it be seen like

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

Parliament; both National Assembly and Senate should each support its Members equally so that we can also share the knowledge and information.

With those few remarks, I thank Sen. (Dr.) Zani for tabling this report, wish her well and recommend for her advancement in future meetings so that she can bring such reports. She was the only one out there and came with a report as a solo Senator.

I support.

The Temporary Speaker (Sen. Sang): Very well. We have no other interest to contribute to this Motion. I therefore, call upon the mover to reply. Sen. (Dr.) Zani!

Sen. (Dr.) Zani: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to reply.

Let me start by thanking all the contributors to this Motion. Clearly, looking from the contributions, there has been a concise articulation of the issues that were raised in that report. In the general feeling and promotion of the need for Kenya as a country to move towards open government systems, this is a partnership that we can take advantage of so that we can push to the next level. It is an important platform that we can use as we move to the future into better industrialization and more development for this country.

Mr. Temporary Speaker, Sir, the tenets of being members of this particular partnership; Open Government Partnerships (OGP) is an open forum and as much as we have the 66 countries there, that membership is quickly increasing. The peer review processes are very rigorous, and I encourage that Kenya continues to play its part in the peer review in both reviewing other countries and in getting itself reviewed in putting out the data that is essential for that review to happen. I think with this particular approach, we will be going in the right direction because as the Senators have said, this is already articulated in our Constitution where we are talking about public participation and the need for organizations to come on the fore.

As a Government tool, the more public participation you have and the more open you have the systems, the better governance you are going to have.

With those remarks, I beg to reply.

The Temporary Speaker (Sen. Sang): Very well.

(Question put and agreed to)

The Temporary Speaker (Sen. Sang): Next Order!

ADOPTION OF THE REPORT ON THE 38TH SESSION OF
THE UNESCO GENERAL CONFERENCE IN PARIS

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

The Temporary Speaker (Sen. Sang): The mover is Sen. Daniel Karaba. He is not in the House. What is it, Sen. (Dr.) Zani?

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

The Temporary Speaker (Sen. Sang): Sen. Karaba has given me a different indication and therefore, we will defer the Motion.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Sang): Hon. Senators, there being no other business, the Senate stands adjourned until Tuesday, 11th, October, 2016 at 2.30 p.m.

The Senate adjourned at 6.00 p.m.