

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 25<sup>th</sup> April, 2013

*The Senate met at the Kenyatta International  
Conference Centre at 2.30 p.m.*

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

### PRAYERS

### QUORUM CALL AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Ethuro): Order, hon. Senators. We need to determine if we have quorum. It seems we have a quorum.

Let us proceed.

### COMMUNICATION FROM THE CHAIR

#### PROCEDURE TO BE FOLLOWED ON CONCLUSION OF DEBATE ON MOTION ON PRESIDENTIAL ADDRESS

**The Speaker** (Hon. Ethuro): Order, hon. Senators. I have a Communication to make with regard to the Motion on the Presidential Address, this being the third and final day.

Before we conclude the Motion, I wish to draw your attention to the provisions of Standing Order No.69(1), which states as follows:-

“When the Senate is to vote on any matter other than a Bill, the Speaker shall rule on whether the matter affects or does not affect counties.

(2) The Speaker’s ruling under paragraph (1) shall be made after conclusion of debate on the matter but before the question is put.

(3) When the Senate votes on a matter that does not affect counties, each Senator has one vote.”

Hon. Senators, I, therefore, rule that the subject matter of the Motion being proposed is one of general interest and application. It is, therefore, not affecting counties within the meaning of Article 123 of the Constitution. It, therefore, follows that to the question on this Motion, each Senator is entitled to one vote.

## STATEMENTS

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY 30<sup>TH</sup> APRIL, 2013

**The Senate Majority Leader** (Sen. (Prof.) Kindiki: Mr. Speaker, Sir, I rise to make the following Statement.

Hon. Senator's, pursuant to the provisions of Standing Order 43(2)(a), I wish to present the Business for the Senate for the coming week as follows:-

On Tuesday 30<sup>th</sup> April, 2013, the Senate will continue with business that will not be concluded today as listed on the Order Paper, namely, the Motion to approve appointment of hon. Senators to Senate Committees and also the Chairpersons Panel.

The Senate will also consider and debate a Motion to appoint an *ad hoc* committee on Welfare to engage the Parliamentary Service Commission (PSC) on facilities and other matters affecting hon. Senators.

On Wednesday, 1<sup>st</sup> May, 2013, the Senate will not have a sitting as this will be a public holiday.

On Thursday, 2<sup>nd</sup> May, 2013, the Senate will consider and debate a Motion to appoint members of the Parliamentary Service Commission, pursuant to Article 127 of the Constitution before deliberating on any other business as may be determined by the Rules and Business Committee, which is scheduled to meet on Tuesday, 30<sup>th</sup> April, 2013 at noon.

Mr. Speaker, Sir, I hereby lay the Statement on the Table.

*(The Senate Majority Leader (Sen. (Prof.) Kindiki  
laid the Statement on the Table)*

Thank you, Mr. Speaker, Sir.

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

**Sen. (Eng.) Muriuki:** On a point of order, Mr. Speaker, Sir.

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

## INAPPROPRIATE INVITATION TO SENATORS BY CIC

**Sen. (Eng.) Muriuki:** Mr. Speaker, Sir, I wish to seek guidance from the Chair. There is an invitation I have received from the Commission for the Implementation of the Constitution (CIC). I believe every hon. Senator has received such an invitation for a meeting scheduled sometime in the coming week. Governors have also been invited. Whereas there is nothing wrong with hon. Senators and Governors meeting, but is it in order to get such an invitation from the CIC or other Government body with no reference to the Senate? On behalf of other hon. Senators, I wish to know whether this was done in consultation with the Chair or the Senate. I believe that some of these bodies should be dealing with us through the committees that we will constitute.

**The Speaker** (Hon. Ethuro): Hon. Senators, the Chair is aware of the invitations. I agree with you that the method which they used to bring the invitations to the attention of hon. Senators may not have been the most appropriate. However, given the need for hon. Senators to be apprised on the mandate and responsibilities of some of these independent commissions, we have agreed we will be able to attend the meeting. But in future, it is important for all parties that are interested in dealing with the Senate to contact the offices of the Speaker or the Clerk before they engage the individual hon. Senators. We have communicated to the CIC, in particular, to this effect.

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

**The Speaker** (Mr. Speaker): What is it, Sen. Haji?

**Sen. Haji:** Mr. Speaker, Sir, since you have confirmed that you are aware of this meeting in Mombasa, we are quite prepared to go and participate in the deliberations together with the Governors. We request the Senate, through you, that we should not be made to travel in economy class while the Governors are travelling in business class. There is a rule that when we are travelling within the country, at least, we should be given the courtesy to travel in business class.

**Sen. (Prof.) Lonyangapuo:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Yes, Sen. (Prof.) Lonyangapuo.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, is it all hon. Senators who have been invited to attend this meeting in Mombasa or is it just a few of us because I have not received any notification to that effect? I wonder whether it is in order for us to discuss something that not all of us are aware of.

**The Speaker** (Hon. Ethuro): Order, hon. Senators! Some of these things would be appropriate if you approach the Speaker in his Chambers rather than in plenary. Those are some of the concerns we have when invitations come from third parties. We are not sure who has or has not been invited. My understanding is that all the hon. Senators were to be invited. Indeed, even the Chair has yet to receive his formal invitation. So, may be your mail is still on the way like mine.

On the issue raised by Sen. Haji, my understanding was, and may be it has changed now with our new status, that for the sake of prudent utilization of public resources, flights that are really short in duration, like domestic flights within the country such as to Mombasa, should be done in economy class. I remember we resolved this as a membership in the Tenth Parliament. Of course, we expect everybody else to travel economy class. If the Governors are travelling business class, then we will demand first class. If the hon. Senators are travelling economy class, there is no justification for Governors to travel business class. Travel must be in the same class.

Mr. Clerk, please, ensure that is complied with.

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

**The Speaker** (Hon. Ethuro): Yes, Sen. Karaba!

**Sen. Karaba:** Mr. Speaker, Sir, if we have all been invited to attend this meeting and we have indicated that we will travel to Mombasa County, I note that the business for that day will end at 6.30 p.m. Going by issues of insecurity that have been cited in Mombasa County because of the Mombasa Republican Council (MRC), I think we will be safe if we depart at 7.00 p.m. We will use the ferry because Leisure Village is at the South Coast and that is where the MRC base is. Could we be exempted from travelling

late? We could organize to travel a bit earlier or the following day. We could also adjourn the business for the day, so that we can travel earlier.

**The Speaker** (Hon. Ethuro): Sen. Karaba, we cannot adjourn business because of going to attend to another function. I believe your security is assured. We will liaise with the police officers to ensure that there is safe passage between the airport and the hotel. It is for you to determine when you would like to travel. But travelling cannot be at the expense of our work here. So, we will have a session next Thursday afternoon unless you resolve otherwise, but not for purposes of travelling to Mombasa County.

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

**The Speaker** (Hon. Ethuro): Yes, Sen. Mugo.

**Sen. Mugo:** Mr. Speaker, Sir, my point of order is also related to the agenda which I got from my sister here. We need to develop clear guidelines on the ----

**Hon. Senators:** Use the mic!

**The Speaker** (Hon. Ethuro): Order, Sen. Mugo. Please, use the microphone.

**Sen. Mugo:** Mr. Speaker, Sir, looking at the agenda proposed, it seems there will be discussions on the roles of the different actors; that is, the Senators and Governors. We also need to come up with a report on the kind of devolution we envisage. Considering that hon. Senators have quite a bit to say about their relationship with Governors, oversight and the roles they play, as opposed to going there with each hon. Senator with their own mind and not having a collective Senate feeling on these issues which are quite weighty, would it not be in order to have a caucus to come up with the position of hon. Senators based on this agenda? We will then speak to it when we are there.

**The Speaker** (Hon. Ethuro): Sen. Mugo, that is a good suggestion. When we talk to the Chair of the CIC those are some of the suggestions we need to caucus before the various groups can meet. We still have a week before the event. We should be able to organize our informal caucus before the major meeting.

Hon. Senators, I suggest that if you have further issues on this particular subject, the office of the Clerk is available to receive your suggestions, so that we continue with the business at hand.

Let us proceed.

## MOTION

### THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President on the occasion of the opening of the Eleventh Parliament on Tuesday, 16<sup>th</sup> April, 2013.

*(The Senate Majority Leader (Sen.(Prof.) Kindiki on 23.4.2013)*

*(Resumption of Debate interrupted on 24.4.2013)*

**The Speaker** (Hon. Ethuro): Sen. Karaba, you have five minutes to conclude your contribution to this Motion.

**The Senator for Kirinyaga County** (Sen. Karaba): Thank you, Mr. Speaker, Sir, for giving me the chance to continue with the debate on the Presidential Address which was delivered on Tuesday, 16<sup>th</sup> April, 2013.

Before the time business ended yesterday, I was discussing the Address *vis-à-vis* the kind of development that we continue to enjoy in this country, except in Kirinyaga County. In Kirinyaga County, we grow three major cash crops, namely tea, coffee and rice. In Mwea Constituency, for example, we have the largest settlement scheme in Africa growing the largest amount of rice. We have problems facing the inhabitants. This country continues receiving second class rice imported from Japan and Pakistan at the expense of what is grown in Mwea Constituency. As a result of this, farmers in Mwea Constituency suffer a lot, especially when it comes to marketing the said produce. If the kind of devolution we are talking about will affect the produce and the sales, so that we continue generating enough revenue which later on will be redistributed, as we learnt this morning, it is imperative that the Government has to look into the plight of the many farmers in Mwea Constituency who continue to suffer. Now that the country is experiencing heavy rains, all the crops have been covered by waters from the raging floods. Sometimes there is drought which also affects the same crop. Indeed, when this crop is harvested, there is a lot of money that is generated. Part of that money goes to the central kitty for redistribution.

Mr. Speaker, Sir, it is my wish that when we approve the Senate Committee on Agriculture, Land and Natural Resources, they will visit Mwea Constituency. We would like them to understand the problems farmers are facing and see what the Government can do for them. These farmers need to continue growing enough rice whose sales will earn local revenue and foreign exchange for our country.

Mr. Speaker, Sir, roads in this area are in a deplorable condition contrary to what majority of hon. Senators may think. The roads are in very bad shape. The raging floods have cut off most of the road network in this area. Most farmers are not able to access the paddy fields. I would like to request the Ministry of Transport and Infrastructure to ensure that areas producing such cash crops are tarmacked and the roads are well maintained. This is the reason roads are tarmacked, to enable access to tea and coffee factories. We also need to have such roads in rice growing areas. We now have bridges which have collapsed as a result of the current heavy rains. This will render farmers in Kirinyaga County unable to deliver their produce to the market.

Mr. Speaker, Sir, on the issue of laptops, I was the Chairman of the Departmental Committee on Education in the lower House. I hope to chair this Committee in the Senate. The laptops are a very important tool in our learning institutions, particularly for class one pupils. I visited countries such as Japan, Korea and Malaysia where laptops are used by pupils in class one. There is nothing new if laptops are introduced to children in this country because it has been done in other countries. After all, ambition is what makes a man. There were several people who were ambitious enough to want to become President of this country. However, only one person clinched the seat. It is important to imagine that whoever won, with that ambition, has to make the right decisions. We should give the Government time to implement this programme. I hope the IT professionals and scholars in the educational institutions will be involved in making sure that this dream is realized. This programme is very good. It is important for us to take off

as other countries watch us. We need to embrace this programme and offer the necessary support for purposes of the country's development.

Thank you, Mr. Speaker, Sir.

**The Senator for Nandi County** (Sen. Sang): Thank you, Mr. Speaker, Sir. May I take the first opportunity to thank the people of Nandi County for their wisdom in electing me as their first hon. Senator. I want to tell them from the Floor of this Senate that I will work to the best of my ability to represent Nandi County. I will ensure that this County leads in development.

I also want to take this opportunity to thank my colleagues who managed to go through the same rigorous exercise and were elected as the first hon. Senators under the new Constitution.

I also want to congratulate the nominated hon. Senators because of each of them performed certain responsibilities for their parties. They must have been able to stand out in terms of service to their political parties for them to find their way to the Senate.

Mr. Speaker, Sir, I would like to congratulate you, the Deputy Speaker, the Senate Majority Leader and the Senate Minority Leader for the responsibilities bestowed on all of you. I hope we will be able to work together in ensuring that we are able to implement devolution in this country to the best of our abilities.

Mr. Speaker, Sir, I want to address myself to the Presidential Address. From the outset, I stand to support the Motion. I would like to highlight a number of issues in the Presidential Address.

One of them is that the President recognized the role of the Senate in the new dispensation. In fact, he placed it to its rightful position. Since we started our sittings, we have embraced the fact that the Senate is the upper House. That came out very prominently in the mind of His Excellency the President. This is not the lower House as others are trying to portray. I appreciate the fact that the President has placed us there. It is important for all of us to take that advantage of the goodwill from the President in order to place the Senate in its rightful position. We had breakfast this morning with the officials of the Commission on Revenue Allocation (CRA). The Chairman kept on insisting that the Senate has huge responsibilities, powers and mandate. We have been tasked with the responsibility to oversee devolution in this country. I hope we will all remain true to that calling, so that after five years we will have 47 strong county governments performing the 14 functions in this country.

Mr. Speaker, Sir, under the current legislative framework, we still need to address a number of issues to ensure that we have a strong Senate. The position of the county assemblies in the running of a County Government is very critical. Therefore, the welfare of the County Assembly Members must be looked into. It is a pity that they will be earning Kshs79,000 per month. If they are not well taken care of they might be manipulated by the Governor. They will not be able to oversee the activities of the County Executive. They are supposed to be the watchdog of the County Executive. Therefore, it is only fair to take care of their wellbeing, so that we have a vibrant county assembly legislative arm. We would like them to enact legislation that will oversee the implementation of the 14 functions of county governments.

Mr. Speaker, Sir, in his Address, the President mentioned that there is need to review some of the legislation that was passed in the Tenth Parliament. I know that the

time that the Tenth Parliament was dealing with this legislation on devolution, everybody in this country was in the campaign mode. Therefore, we may have passed some of the legislation, but with the benefit of hindsight, we realized that we should amend them. The fact that the President of the Republic of Kenya is opening that window, as Senators, we should take advantage and review all the legislation that was passed by the Tenth Parliament with regard to devolution to ensure that they are in sync and that they conform to the provisions of the Constitution. We want to have devolution in its entirety and entrench it for the betterment of Kenyans.

Mr. Speaker, Sir, I also want to appreciate the President because the Jubilee manifesto mentioned the fact that they are going to raise the revenues allocated to the counties from 15 per cent to 40 per cent. I am calling on the Majority Leader to ensure that the President and the Deputy President and the Jubilee Government are able to remain true to this calling and allocate the counties 40 per cent of the Budget. I know the Commission on Revenue Allocation (CRA) proposed 23 to 24 per cent. If the Jubilee Government mentioned 40 per cent within the next five years, then it is important within the first year to raise it to 25 per cent, in the second or third year to 30 per cent and, finally, to 40 per cent.

Mr. Speaker, Sir, I want to move to the second component of the Presidential Address which is very dear to the people of Nandi. That is the commitment to land reforms by the President and the Jubilee Government. The President mentioned that they will support the National Land Commission (NLC). I come from a county which has a lot of squatters. We have the Internally Displaced Persons (IDPs) who were evicted from the Kipkurere Forest, Ng'atikong Forest and all the other forest lands where the Government decided to evict squatters. It is important that the NLC is given the necessary resources and support. We know that it took quite a while to gazette the Commissioners within the NLC. We hope that the President and the Jubilee Coalition Government will ensure that they support the NLC as stipulated in the President's Address. It is, therefore, important for us in this Senate to ensure that we are able to push the Government into fulfilling this responsibility so that we have a NLC that can address the land issues in this country.

Historical land injustices are prevalent in Nandi County. There is the Talai Community that was pushed out of their ancestral land. Right now, they are squatters in my county. It is important for the national Government to support the NLC so that it can undertake its constitutional responsibility of addressing the historical land injustices in various parts of this country.

Mr. Speaker, Sir, if we are not able to address historical land injustices, then we, as a country, are sitting on a time bomb. All the ethnic violence that has been witnessed in this country since 1992 has been because of land issues. We now have the opportunity to address all those injustices. I hope when the Truth, Justice and Reconciliation Commission is done with their report, it will be tabled here. We would like to interrogate it and see some of the things they highlighted so that we move forward as a country.

I want to look at the third issue which is mainstreaming the participation of youth and women in leadership. While listening to the President today addressing himself to the fact that a lot of issues had been raised about the absence of a Ministry for the youth and women, he mentioned that the youth and the women are part and parcel; an integral part of all the 18 Ministries that we are going to have in this country. That is refreshing and I

think the young people of this country and we, as a House, need to support the Government in its vision to ensure participation of the youth and women in Government.

The last point that I want to mention is the commitment by the President towards implementation of the new Constitution. During the run-up to the elections, this country was politically divided. There were those who believed that the Jubilee Coalition was not committed to implementing the new Constitution. Others believed the Cord Coalition was more committed in the implementation of the new Constitution. However, in his Address, the President assured us that he is committed to implementing the new Constitution. It is incumbent upon this House to ensure that we are able to generate the necessary Bills and other legislation in order to entrench devolution for the betterment of this country.

Mr. Speaker, in conclusion, this House needs to remain as the Upper House. All of us have a responsibility and we should remain bipartisan. We have Senators from both the Jubilee Coalition and the CORD Alliance, but our responsibility is to take care of the interests of counties. Neither do we have a Jubilee county nor a CORD county. All of us belong to this country and we have the responsibility of moving it forward.

With those many remarks, I beg to support.

**The Senator for Embu County** (Sen. Kivuti): Thank you, Mr. Speaker, Sir. I stand here to support this Motion. First, I wish to record my appreciation and thanks to the people of Embu County for voting me overwhelmingly as their first Senator. I got votes from every corner of the county. My promise to the people of Embu County is that I am up to the task and whatever promises that I made, I will deliver.

I wish to congratulate His Excellency the President and the Deputy President on their election and forming the Government of Kenya.

I also wish to congratulate all Senators; nominated and elected, because this is the Senate that will make a change in Kenya.

Mr. Speaker, Sir, coming straight to the content of the Presidential Address, I wish to notify my colleagues that this, to me, was the best Speech. If you look at the contents, the President did not spend time writing a big book on how to implement each and every policy. That is the best part of it. If you are making policy, you do not have to explain how you will implement each and every bit. This policy document is only 15 pages and looking at it, it addresses the tenets and all the aspects of the 18 Ministries that have been formed by him. If you look at it from the beginning to the last page, you will see that it contained more than the nine pillars he talked about.

The devolution policy is virtually carrying all the Ministries. The function of this House is mainly devolution. The actions which have already been displayed by His Excellency the President are a pointer to the same policies that were articulated in the Speech.

Unity of purpose is the beginning of how Kenya can unite after elections so that we do not implement policies thinking that we are either different parties or different tribes. We should be thinking as Kenyans. This is a task that this House will have to take on board. Since we represent counties, it would be necessary that whatever we are thinking of doing in each one of our counties, it must reflect the face of Kenya.

Mr. Speaker, Sir, the President mentioned infrastructure which is one of the key economic drivers, but on the other hand, it is very expensive. To implement a project like



the Lamu Port-South-Sudan-Ethiopia Transport Project (LAPSET), the country needs more than Kshs3 trillion. That is our national Budget for three years. Somehow we know that if you implement such projects, Kenya will record a two-digit growth rate that the President mentioned about. I am sure that every county wants to have a double digit growth rate in economy.

How do we get to that? There are two or three elements that I have come up with which I think can help this country look towards such growth. The first one is what I would call the National Land use Master plan. A national land use master plan would have to be developed on the basis of a spatial data bank so that, at the end of the day, we can track each and everything in Kenya spatially. What I mean is that as we stand here right now and start complaining about lack of a road in a particular area, too much development in a particular area *et cetera*--- Unless we do a national master plan of the basic tenets of industrialization, education and economic resources; everything to do with life, the planning part of it will be captured and we will be able to stop corruption which comes about when people do not know what you are doing under the table. With a good spatially based master plan, nothing will be and can be hidden.

Mr. Speaker, Sir, the other issue which was raised in the Presidential Address is job creation. Job creation is a factor brought about because of a poor economy. If we are poor, then we cannot create jobs. So, the solution to job creation is to find a way of becoming rich. There are so many ways to become rich. One of the ideas I have is that Kenya needs to embark on cottage industries development.

We can do value addition. Value addition is not only done in farm outputs, but it can also come in things that we see naturally. For example, where I come from, there is a lot of sand. You can add value to sand by creating items out of it. The list is enormous. Virtually, anything you see on earth can be made to be of value if value is added. If this is done at the micro-level, that means that our population will be busy working. Once they start working, the idea is to make money. If they make money, then the issue of youth unemployment will become a thing of the past.

Mr. Speaker, Sir, I will now turn to our mandate here. This House, I have no doubt in my mind, is the Upper House. This House, being the Upper House, will not sit here and call itself the Upper House and not be seen outside this House as the Upper House. Right now, we are meeting here, but when you listen to the radio or watch television, you will not see or hear the Senate. When you do not see the Senate, the public does not also see the Senate. I wish we could embark on a suggestion that was made when we were in Naivasha; about creation of a public relations kind of body so that we start becoming visible.

We got an invitation to go to Mombasa, but when you look at the way the letter is addressed, you will see that it reads; "Your Excellency". I am sure that it was not supposed to be addressing us. If it is not addressing us and yet we are here and even our Speaker has not received any invitation, are we sincerely the Upper House?

I am thankful that the President talked to us and even lived to his word. He gave us his word that he would treat us as the Upper House. However, other than the President, who else is treating us as the Upper House? We will go to Mombasa and the Governors who will be there will come with flags. Maybe some of them will be having two. Why should we be treated as second class Members when we are the supervisors and the ones

who should be calling the shots? We should be the ones who should be calling the Governors and telling them what we think they should be doing in the counties.

Whatever I am talking about is very clear to everybody because it is constitutional. It is contained in Article 96 and others that follow. Schedule Four of the Constitution gives the list of Ministries which should be administered in the counties. I believe we should know the Committees that we will form either later today or the next sitting day and start mandating counties to take charge. If you look at the list, you will see that there will be competition between the National Assembly and the Senate as to who calls the Ministers in charge of those Ministries to tell them what to do and to answer questions on their behalf. This is very crucial. We should take the lead in as much as there is any Ministry which is scheduled under Schedule Four. The Questions under those Ministries should not be going to the National Assembly, but coming to the Senate.

Finally, I will look at the issue of the digital age. People may be viewing the digital age as the age of just computing. In my mind, the word digital does not only allude to the use of computers. The word digital refers to information technology. Information does not necessarily have to be in a computer for it to become information and technology does not have to necessarily be in a computer although computers are means by which we execute the technology.

I would like us to think about being digital not just for the sake of holding a mouse, but to empower every Ministry because there is information on everything about Kenya. We should make sure that information is harnessed to a system and in a situation whereby all the information becomes part of the digital divide that is being talked about. I look forward to a day when all of us will be saying that we are digital, not necessarily because we will be carrying computers, but because we will be able to harness the information that is necessary to make Kenya great and rich. If we do so, all of us will be back here in five years.

Thank you, I support.

**The Nominated Senator** (Sen. (Dr). Zani): Thank you, Mr. Speaker, Sir for giving me this opportunity to contribute to the Motion on the Presidential Speech that was read on Tuesday, 16<sup>th</sup> April, 2013.

This is a Speech full of implied policy. We know very well that if all we have is implied policy then this will cause a problem. This has been a problem for Kenya since Independence. The implied policy which was not clarified should be cascaded down to the different Ministries so that the Cabinet Secretaries are clear about the roles they will play and the specific directions they will take in terms of decision-making. This will create a situation where the manner in which we apply the implied policy is actualized or is made to come to the fore. It is unfortunate that 50 years later we are talking about the enemies we had during Independence. We are talking about the problem of poverty, illiteracy and ethnicity. If we had policies all along that were well put into place, then these problems, over time, would have been eradicated. So, it is very important for us to put that into perspective.

The other bit about policy that we have not focused on is the fact that if and when policy is implied, it is important to make sure that it is sustained. For each of the policies from the Presidential Speech, it is important to ensure that it is sustainable and that it is applied over a long period. I remember lots of policies that were put into place and good

projects that were put into place, but at the end of the day, they did not see the light at the end of the tunnel. This is because at one point or another, they ended up not being applied to the full. I remember, for example, the meal programme for primary school going children. That was a good thing. It was part of the school feeding programme, but it was not sustained. Therefore, after a short time, it was stopped and the advantage it was supposed to have had was removed.

From the Speech, one of the most important things that we must consider or think about in Kenya, from the Presidential Speech, is to try to draw a young, educated and vibrant population that will make its appearance on the economic stage. How do we actualize this? In other words, we are thinking about a group of youth. We must think of the implications in terms of the education that they must have if they are to come out as a vibrant population that will make a difference in the economy. Therefore, the key bit that is very crucial in the educational sector is the relevance of education. How relevant is education for the population so that they can be viable?

Again, I will go back to the Ominde Commission of 1963 which was still addressing relevance of education and even the latest Commissions like the Koech Commission. The issue of relevance of education is something that is still talked about. Therefore, we do not, at the end of the day, use the ideas that were meant to be brought out. The Ndegwa Commission was categorical in saying that, at the end of the day, our educational system should not focus on the academic aspect, but also on the vocational and the technical aspects. If I look through the Presidential Speech, I see that some of the sectors that are lagging behind are, probably, behind because the technical and the vocational aspect of education have not been put into consideration.

The agricultural and the manufacturing sectors, for example, need a certain type of education to be brought to the young people. When young people are able to appreciate this, especially in an economy like that of Kenya where we have nearly 80 per cent of our people living in rural areas and engaging in agricultural activities, then we should, not only focus on white collar jobs, but also blue collar jobs because that is how we will get out of sectoral constraints and make our contributions.

Our educational system also needs to focus on innovation. Yesterday, I heard the Senator for Kiambu saying that there is somebody who has invented a helicopter which is just about to fly. The education system we have has not inculcated in our youth a sense of moving out and creating innovations. This society has not appreciated those innovations. Over time, these are put in the backyard. I remember a great innovation of the Nyayo car which is still waiting to be driven. So, if we expect to have a generation of young, vibrant, youthful educated Kenyans, then we have to make sure that they have the proper skills and techniques imparted to them. Therefore, as we do that, we must address the whole issue of access to education, the quality of that education and its relevance. We are talking about 70 per cent of our youth being unemployed. Basically, they are getting prepared to become employees rather than employers. If they have the right skills that can match our national agenda, then we would move out of that problem.

One of the things that were addressed in the Presidential Speech is that of middle level colleges and the need to ensure that they are sustained. Of late, these have been transmitted or changed into universities. That is a trend that needs to be addressed, but again, as I said, it needs to be applied rather than just implied. Therefore, technical and

vocational centres must be encouraged rather than being discouraged. Of course, we are talking about a youth whom we must nurture and whom if we do not nurture, we will have problems of them getting involved in drugs, violence, social misbehaviour and lack of self esteem which is critical for their own existence.

Whenever we talk about the youth like Sen. Lesuuda talked about, we must remember that they are not a homogenous group. The success stories of the youth that have made it out there and made a contribution have to be brought to the fore. Such youth have to be encouraged so that they can continue to be entrepreneurs.

Another aspect of development that has not been touched on is the challenge of what sector to develop. Should it be first, either the social sector or the economic sector? In the incremental model, we develop the social sectors first and we put a lot of focus and attention on education and health components so that we bring these up. These then translate into the economic sector. The residual model encourages first a building up of income so that after that, you can address the problems of the social sector.

Many economies cannot do both. For example, in the Kenyan economy where we have a high population, you cannot ignore the needs of the population in terms of health and education. Therefore, it is important to balance that. I contextualize this in the discussion of the laptops that we are having. True, we are trying, at the end of it, to make sure that we develop the social component. One, can it be sustained because we do not want to disappoint our first Standard One students by only being able to do it once? Otherwise we should rethink the model so that we actually build our economic base and apart from that, we can actually address our social needs in a more appropriate way. Therefore, it is very important always to consider the level of development that the country is at and what it implies for the nation.

I just want to touch on the problems that many Kenyans have within the families. Security is always a problem. Many families have a problem in even getting food, transport has been a problem for them and then over time, most families have even become discouraged and feel that they do not have a place in this society. We can actually tell whether the economy is declining from the sizes of packets of oils that people use like cooking oil which have become smaller and smaller. So, if we are looking for indication of whether our economy is growing or not, then we can tell from such behaviour which shows that there is a problem with the economy. So, we hope that the policies that are going to be put into place to ensure that we pick up in terms of economic development are actually enhanced.

Mr. Speaker, Sir, I cannot leave without commending about the need to empower women and the youth. We have talked about the youth fund and the women fund. When we talk about these funds, it is good to look back and establish what has gone wrong with them and how they can be enhanced. So, we cannot talk about developing them without looking at the limited funds that have been put in place in the first place and the fact that those funds that women take are not enough to spur them out of poverty and actually get them into businesses that can be sustained. The mechanism for paying back has not been put into place and, therefore, most people have been able to get away without paying back and there is limited information. There are women or the youth who do not know about the women and the youth funds and how to actually access those funds. As we know, the sector of Small and Medium Enterprises (SMEs) is a sector that covers nearly

90 per cent of the population of Kenya. Half of those who are in the SMEs are women. It is important that the business enterprises they engage in should be able to guide them and take them to higher heights.

There are other initiatives like water harvesting in dry areas which can be enhanced so that communities can move away from poverty, especially the marginalized communities. Marginalized communities have to encounter specific challenges that are not encountered by other communities. At the recent hearing of the task force in Mombasa, it was disheartening to hear people from Kwale, Kilifi and Malindi talking about the notion of marginalization, whether it be in terms of education, access to university and so on.

The land issue has been mentioned because we have people who are actually squatting in their own land. Around Mariakani, you will find community land that has been fenced off and the families are living right in but the land has been taken over by somebody else. The resources are there. Therefore, we can go back and develop them. For example, we have cashew nuts and coconut trees in Kilifi. We also have sugar-cane in Kwale. All those industries can be revived, but that cannot happen if proper policies have not been put in place. Somebody should put them in place and ensure that they are well implemented and sustainable.

As I conclude, I just want to talk about the importance of building structures and institutions. This started off well with the restructuring of the judiciary. Those reforms are going on. The other issue that we cannot live behind while talking about restructuring is the Independent Electoral and Boundaries Commission (IEBC). One of the Senators here said that it is all over and the elections are finished and we should move on. It cannot be over when we still have so many elections that are going to come up in this country. We need to have a proper audit so that during the next elections no one feels that even one vote has been put towards another person. We should be able to account up to the last vote. I think we have to sustain true peace in this country. Peace is a relative situation. It is not the absence of war. It is a process. So, I think we should begin that audit and try to ensure that by the next elections we have a Commission that, in the end when we get the results we feel that they resonate with every Kenyan.

Last but not least is the role of the Diaspora. This was mentioned in the morning when we had a meeting with the Commission on Revenue Allocation (CRA). There is need to also make sure that their role in building in this economy is enhanced. They can be brought to the fore as partners to ensure that we are actually able to attain economic, social and political development.

Thank you very much, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Sen. Mungai! Sen. Lonyangapuo, what is it? Do you want to contribute?

**Sen. (Prof.) Lonyangapuo:** Yes, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): You cannot contribute twice. I have been checking and wondering because you were the earliest bird that caught the Speaker's eye. So, you spoke on day one and you cannot speak on this Motion until it is over. I guess professors have a bit of learning to do?

**The Senator for Nakuru County** (Sen. Mungai): Mr. Speaker, Sir, thank you for this opportunity that I have been able to catch your eye. The people of Nakuru were

telling me to remove my glasses so that you can spot me, but you have eventually done so.

I would like to take this opportunity to also thank members of my county in Nakuru for having elected me as their first Senator in the last elections. They woke up early and in very harsh conditions and, by the end of the day, they gave me 300,000 votes from 11 constituencies. That places me number three as the most elected Senator in this House. To them, I say thank you very much.

I would also like to congratulate the Senators that are in this House both elected and nominated. It is not easy for one to get to where my fellow senators are. This is my seventh month in politics and I have learnt a lot.

I would like to make some few remarks on the Presidential Address. My remarks will touch on several issues that were contained in His Excellency's Speech. I will start with the issue of industrialization. The main hindrance to industrialization in our country is the cost of electricity. I am an industrialist. I know that the cost of electricity is a major factor when it comes to production of anything in this country. So, I would apparently request the Government to look at the electricity factor because it is quite central in ensuring that many industries are started in our country. Many Senators have stood here asking the Government to start factories. I find it quite interesting because it is very difficult for the Government to start industries. The only thing that the Government can do is to create an enabling environment or atmosphere for investors to come in and put up industries.

The cost of fuel also is another factor that the Government can look at to ensure that production of anything in our country is cheaper and thereby make our country attractive to investors from out. When I say from out, it is because most Kenyans believe that industries can be started by people from outside and not ourselves. That stigma, I believe, should be eliminated by people believing that they can start industries. Counties like Japan and China while running their industries always ensure that the profitability level of any venture that they are investing in, they get a profit of 50 per cent. In our country, most of the businesses that are in Kenya thrive on a business percentage of between 10 per cent and 20 per cent, meaning that we ourselves can start factories that would employ many youths who remain jobless thus engaging in crime because of idleness.

I am happy that in the Presidential Speech, he touched on technical colleges in most of the counties. Technical colleges were there before and unfortunately most of the graduates who were coming out were trained in disciplines that were not very marketable. My request would be that when these colleges are being restarted or revitalized, the content of the courses that will be taught should be in tandem with what is required by the factories that we have in the country. I would also request that we go down to the level of the village so that we restart the village polytechnics because there is another level that cannot be admitted to the technical colleges.

Mr. Speaker, Sir, the Rural Electrification Programme (REP) has played a very big role in our country by opening up areas that would, otherwise, not have had electricity. This has come in handy for areas where cottage industries can be based. There is one Senator who talked about electricity being in his area, but just a single phase.

There are cottage industries that can apparently be run with even a single phase, though at a small level.

It is true that the wage bill in our country is high, because when you talk about Kshs450 billion, it is a very high figure to be used on salaries and other benefits. My view on that is that the Government has parastatals that are supposed to be generating profits. Most of them are not making any profits because of poor management. It is important that the Government hires the right personnel to ensure that those parastatals make money. A lot of privatization was done in our country and I do not think that it was healthy. This is because some of the people who bought those organizations ended up either running them down or selling them off. Some of them were interested only in the land.

Mr. Speaker, Sir, the President has also merged Ministries, meaning that – from what we have in his Speech - they have been reduced to 18. I believe that, that is, of course, one way of reducing the wage bill.

Mr. Speaker, Sir, with regard to energy, in my county, we are able to give or provide the country the best type of eco-friendly electricity that is called geothermal. There are challenges that people in my county have that touch on this particular line. One of them is that the turbines that are being run to provide this type of electricity make a lot of noise. So, I would request the Geothermal Development Company (GDC) to ensure that they fix silencers, because there are people who live close to these stations and are unable to sleep because of the noise that those turbines make. I would also request, as a sign of goodwill, that people in Nakuru County be given electricity and a facility which will enable them pay for connection in installments. I am requesting that this be given as goodwill to the people because of the natural resource that comes from their county.

Mr. Speaker, Sir, there is also the element of the constitutional requirement on youth employment in any factory or stations, for example, the geothermal units. It talks about a certain percentage. I would apparently request that, that percentage be applied in our county. There is also the issue of infrastructure---

**Mr. Speaker:** Senator for Nakuru, your time is up!

Sen. Onchwangi!

**The Senator for Nakuru Country** (Sen. Mungai): Thank you, Mr. Speaker, Sir.

**The Nominated Senator** (Sen. Onchwangi): Mr. Speaker, Sir, I would like to thank the President, the Deputy President and the Chairman of The National Alliance for nominating me to represent the youth.

Mr. Speaker, Sir, I support the President's Speech and request him to form the Ministry of Youth in order to serve them better.

Thank you, Mr. Speaker, Sir.

**The Senator for Trans-Nzoia County** (Sen. Ndiema): Thank you, Mr. Speaker, Sir, for giving me the time to contribute to this Motion.

Mr. Speaker, Sir, first of all, I wish to thank the good people of Trans-Nzoia for electing me to this House, in the most peaceful election devoid of negative ethnic considerations. You are all aware that Trans-Nzoia is multi-ethnic. To the people of Trans-Nzoia and Kenya, I pledge to diligently serve to the best of my ability, without fear or favour.

Mr. Speaker, Sir, I want also to congratulate you and the Deputy Speaker for being elected. I would like also to congratulate the Senate Majority Leader, the Senate Leader of Minority who is my party leader and my fellow Senators for being elected and nominated to this Upper House.

Mr. Speaker, Sir, the Constitution bestows upon us the noble responsibility of protecting the interests of counties and their governments. I am glad that the President has reaffirmed repeatedly his commitment to devolution. I urge that he remains steadfast, knowing that there could be those in the Executive who may not wish to let go the powers of centralization of resources. They may wish to do so, using all means legal and, otherwise, to stifle devolution.

Mr. Speaker, Sir, Kenyans have a lot of expectations and are optimistic that the Senate will make a difference this time in the delivery of services. It is our duty to deliver. In doing so, we should be honest with ourselves and bipartisan, the way I have heard since we started talking about this issue. We have talked about bipartisanship and I have listened to every contributor extolling the fact that we should be bipartisan. But I got worried when the pet subject of laptops for pupils came up. I could almost predict on which side every Member who rose to contribute would be. That is not being bipartisan. It is not possible that two great divides, we can all have uniform views.

Mr. Speaker, Sir, most of the issues that have been expounded in the President's Speech are for the betterment of the lives of Kenyans. Most of them are not new and have been made before by Presidents and other leaders, and it is unfortunate that they had never been realized. I hope that this time round, we shall be committed to make sure that they are implemented. We hope that the President will lead, and we shall follow, to ensure that these ideals are implemented within the resources that are available.

Mr. Speaker, Sir, one of the issues that have been raised here is modernization of agriculture. The President in his Speech said that we want to be a middle-income country. We can never be a middle-income country if we cannot feed ourselves. There was a time that this country could feed itself, but over the years, our production in agriculture has not matched the population growth. Therefore, every year, we are unable to feed ourselves.

Mr. Speaker, Sir, I come from an agricultural county, Trans-Nzoia, which is considered as the granary of the country. We produce one-third of the maize that is consumed in this country. But farmers have been left on their own and are not able to produce. The high cost of inputs, low prices of produce, disjointed policies, late procurement of fertilizers--- For example, right now fertilizer is being supplied, yet most farmers have already planted. Most farmers went to the market and bought expensive fertilizer. Others are getting cheaper fertilizer now at the end. So, delayed procurement of inputs is causing inequality, which I think is also unconstitutional. Since we know the weather and seasons, we should procure fertilizer on time.

Mr. Speaker, Sir, there are issues of affordable credit. Farmers in Trans Nzoia who supplied maize during the last season have not been paid up to now yet when there is shortage of food the foreign farmer is paid in advance. The letter of commitment is prepared in advance before the ship is loaded. Are we being fair to our farmers? Trans Nzoia produces maize, but unfortunately for all these years, there is not even a single mill to mill that maize. There is something wrong.



Mr. Speaker, Sir, I do not think there is enough emphasis on the livestock and farming sector. There was a time we were exporting meat when this country was disease free. We cannot export now because disease control measures crumbled a long time ago. We should revive dips and Artificial Insemination (AI) services.

The co-operative societies played a very important role in the management of our resources. I am afraid we have left that sector die and we are not reaping the benefits. It has not been mentioned in this Speech. I hope he will be give it due consideration when he will be forming the Ministries.

We cannot be middle income earners if there is rampant insecurity the way it is now. There is a breakdown in our community policing. I do not think it is the number of police officers that we are lacking because there was a time we had even less, but there was security. I think it has to do with the organization of recruitment and deployment of our police officers. What happened with the Administration Police (AP)? That was the community policing organ! The chief used to recruit the AP who used to remain with the chief in the locality. He used to know the geography of the place and could be able to work. We have made them to be ordinary police officers and left nobody in the villages. We can increase the number of chiefs, but they do not have the enforcement arm. We can sack them and employ others, but there will be no security unless we have a Government paid community policing.

Mr. Speaker, Sir, on the issue of development of the middle income earners, we can no-longer depend on one urban centre called Nairobi. We cannot be a middle income country if we do not have so many other Nairobis out there. I think devolution gives us an opportunity to develop our urban centres in the counties. We need to re-plan them to perform that task.

With regard to health, the President has good ideas about reducing the expenses that the poor incur in terms of healthcare. Unfortunately, agricultural issues are the function of the county government. It has not been elucidated here how the Government will facilitate the county Government to provide these services. In fact, by abolishing these fees, the revenue due to the county governments will have gone and they need to be compensated.

Mr. Speaker, Sir, with regard to energy, for more than 20 years we have sunk a lot of money into the production of geothermal energy and still we do not have enough energy. Maybe we should consider going back to the hydro-electric power plants because those are the ones that have proven to be reliable.

The roads in my county are very poor. In Trans Nzoia the major roads leading to the neighbouring countries from Kitale to Suam are very poor. The roads are so poor that farmers have decided to plant bananas on an international road. I am glad the President mentioned the problem of procurement. It is time we moved away from supplier driven procurement to consumer demand procurement. The Government should also go for open tendering.

Thank you.

**The Speaker** (Hon. Ethuro): Senator Moi!

**The Senator for Baringo County** (Sen. Moi): Mr. Speaker, Sir, let me take this opportunity, first and foremost, to also congratulate my colleagues for having been elected to this noble House. It was the will of God and the will of the people of your

counties. So, I salute you for the commendable job that you all did. Likewise, I would like to congratulate the Speaker and the Deputy Speaker on their election.

Mr. Speaker, Sir, the Presidential Address was generally a Speech that touched on the various critical sectors of the economy and it was in line with the Vision 2030. He talked about having a lean Government and, indeed, you have now seen that he has formed a lean Government in line with what he told us about minimizing confusion and wastefulness in his Government.

The President also touched on the issues of the world economy and the problems that we are all facing because of the implications of what has happened in the world during the recession.

The President then outlined what he felt that he would be doing and the policies that he will be making in order to alleviate these problems. What touched me and what impressed me is that he understood the importance of agriculture which has been the driver for economic development. It is very well known that Kenya relies heavily on rain-fed agriculture. We also rely on traditional methods of farming. It is important that we now have to adopt modern farming methods and encourage research and development in order to get high yield varieties that are also pest resistant.

Mr. Speaker, Sir, while talking about agriculture, it is important to note that we have constantly been relying on raw exports instead of value-adding. Instead you should be giving incentives for value-adding. In this regard, it is necessary that mechanisms for value-adding are put in place and to enhance the manufacturing sector as the value chain of the agricultural sector. That is the line I think we should be taking and the President alluded to it.

In the last five years, we have invested heavily in the transport sector but I feel that it has been skewed such that the agriculturally rich areas such as Baringo, Uasin Gishu, the highlands of Baringo, Narok, Kisii and Nyandarua where the feeder and link roads have not been developed. We have concentrated on the superhighways which are okay, but we need to develop link and access roads within our counties. It is also important that we develop other modes of transport such as air, water and rail in order to reduce the strain on our road network. It is important that we should promote Kenya to be a logistics hub in eastern and central Africa. With this maintenance, the cost of our roads will be contained to a bare minimum.

The President added his voice to the Vision 2030 and many of my colleagues have alluded to the fact of the middle income group, but we must understand that it is important that in order to create a middle income group within a generation, we have to take bold steps towards increasing aggregate supply in the country. The county governments are expected to play a crucial role towards this end in facilitating poverty reduction.

Mr. Speaker, Sir, the other issue he touched on was the monster in the room which is the high wage bill. We all know that the wage bill now stands at 12 per cent of GDP and we are told that the norm should be 7 per cent of GDP. This expenditure is unsustainable. You have heard them talking about salaries of Parliamentarians; that they are going to save Kshs3 billion by reducing our salaries. That may be the case, but you do realize that we have been told that Kshs300 billion is wasted. It is leaking and it is not spent by us. So, Kshs3 billion is a miniscule amount. If we were to make sure that we

look at these other avenues where these Kshs300 billion has gone, Kshs3 billion is not an issue. I stand here to support Parliamentarians that whatever they are asking for, they are within reason and in my humble opinion, if you are going to ask them to do the job that they are expected to do by the electorate, the kind of money which they have been offered is not sufficient. Though the wage bill is unsustainable, it is important to know that there are other ways that we can recover that.

Mr. Speaker, Sir the President spoke about industries, but I would like to add that the industrial revolution should be targeted to agriculture and modeled or remodeled towards agriculture. It is because agriculture and value-adding in this sector, has other multiplier effects which include creation of employment to many of our youth who are currently unemployed.

With regard to food insecurity, it is unbelievable that in this day and age, we are still talking about food insecurity. We have to take a bold step which the President talked about and that is irrigation. We have potential on hundreds and thousands of acres in this country which is ripe and ready for irrigation. This has to be a two-step approach between the national and county governments.

Mr. Speaker, Sir, the issue of affordability of imports, access roads in the agricultural areas have to be addressed and, of course, land reclamation through irrigation and as I have said, the promotion of research and development.

We need to diversify from our traditional exports such as tea, coffee and horticulture and make sure that we look at other markets. This can be done through regional integration. We must pursue strategies that will foster stability in Africa in general and the greater horn of Africa.

Mr. Speaker, Sir, with regard to the issue of fiscal discipline, expenditure and taxation, we were told that there will be more tax reforms. This is very welcome because as you know now, we have got two levels of government and it has to be very clear. Who exactly takes what and who collects what? We have to clarify the rules and responsibilities of tax collection in the various levels of Government so as to enhance tax collection.

The President talked about procurement, and I was happy to note that he talked about this in line with assisting the youth of our country to have an advantage. This will be used to spur economic growth by enabling the youth to be major suppliers to Government hence creating more jobs. That is encouraging for our country. Investors need a climate where they can invest. Investors need a climate where we do not have too many roadblocks or bureaucracies as they go about their business. We have been told that, that will be dealt with.

With regard to the issue of human resources, the key in this is in financing and development of schools, polytechnics, technical colleges and universities. Energy plays a critical role not only as an economic development indicator but also as an input in production. It is worth noting that in Kenya today, we have really exhausted our hydrocarbons and we should look at other avenues. There are other avenues such as geothermal, wind energy, coal and even other co-generation from the sugar industry and the oil industry.

**An hon. Senator:** And even nuclear!

**The Senator for Baringo County** (Sen. Moi): My colleague likes the nuclear sector but that will come at its own time. However, it is the avenue of co-generation that should be looked into. One of the things which I think the Government should do is to compel every sugar factory, before it is licensed, to produce energy as part of its production components just as it is in Brazil. In the case of the existing ones, they should be upgraded so that they have co-generation of power and expand their ethanol.

Mr. Speaker, Sir, you know that the sugar industry employs six million people in the western part of our country. We have the Kenya Power and Lighting Company (KPLC). It is important that we have competition in this sector. The KPLC is the sole distributor of power. It is important that we encourage competition. After encouraging competition, we know what happens to prices and at the end, the winners are the people of Kenya.

Geothermal is the way to go. There are many components of developing geothermal but one of the greatest components is water. The run-off water which is used to produce steam can be reused to supply towns with water or to create electricity.

One of my colleagues talked about health care. I think the important thing is for county governments to find ways to attract health workers to serve the deserving majority of our people. It is important that we consider the staffing modes that are currently skewed to such areas as Nairobi leaving other areas of upcountry without.

With regard to low cost of housing, we have a huge problem with this. One of the ways that we can improve this is to have a properly executed mortgage facility. We should have tax exemptions for all employees who are servicing mortgages. If we do that, you can imagine how many people will want to own homes and help us in alleviating the housing shortage we have. We have seen the deplorable conditions that our police service men and women; our brothers and sisters, are living in. That cannot continue at all.

As I conclude, we are faced with a myriad of problems. In our area, as you know, we are faced with insecurity and this comes about in the form of cattle rustling and by normal criminal activities by thugs. We have adopted, in our county that we will make sure that we enhance education because lack of education is one of the components which leads to cattle rustling. One of the things we have asked the Government to do is to make sure that they give us plenty of the Kenya Police Reservists (KPRs). We are talking about the KPRs not because we do not have faith in our security services but because the terrain of our area is such that only people who live in that area know how to deal with it. We can go for miles and miles *bila kuuliza hata maji*.

It is important that we get our KPRs. We, as leaders, have said that we will do our best to make sure that education is the first and foremost issue in tackling the issue of insecurity.

**The Speaker** (Hon. Ethuro): Your time is up, hon. Senator!

**Sen. Moi:** Thank you, Mr. Speaker, Sir, I support.

**The Senator for Narok County** (Sen. ole Ntutu): Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute to the Presidential Address. First and foremost, I would like to take this opportunity to thank the residents of Narok County for electing me to the Senate.

Mr. Speaker, Sir, with regard to the Presidential Address, I would like to comment on the tourism sector. As we are all aware, tourism is the backbone and

contributes largely to the economy of this country. However, if you look at the tourism sector, I believe that there are some things to be addressed. One is about the pathetic state of roads especially those leading to the tourist destinations. For example, a place like Maasai Mara which is rated to be the Eighth Wonder of the World, if you see the state of the roads there, you will not believe that they are the ones leading to the famous game reserves. I appeal to the Government, at least, to pump some resources into that important road so that we can promote tourism.

While we try to protect our wildlife, we also have to consider human life. You will note that when human beings kill an elephant, security officers fly, walk and even drive to the scene. However, when a man or a woman is killed, it takes them several days to go to the scene, which is very bad. I think the best thing we can do is for the Government to partner with the local communities so that they can have good relationships and protect their wildlife.

I urge the Government to speed up the Wildlife Bill, 2012, so that poachers who kill the wild animals face tough penalties and compensation should also be increased. If the life of a human being is compensated with Kshs200,000, for heaven sake, this is not even the cost of hiring a chopper to the scene where the animal has caused damage. Therefore, I appeal to the Government to speed up the Wildlife Bill, 2012, so that we can have compensation increased from Kshs200,000 to Kshs1 million which would be reasonable to the affected families.

Mr. Speaker, Sir, I will also comment, briefly, on agriculture. As we all know, this is also another backbone of our economy. I believe that we have to address many issues in the agricultural sector. If we keep on talking about agriculture, we need to know what problems are facing that sector. The state of roads is pathetic and we leave farmers at the mercy of brokers who buy their products at throwaway prices due to lack of market during harvest time. I urge the Government to look at the aspect of roads so that farmers can also take their goods to the market.

The other issue which I want to discuss, which the President highlighted in his Speech, is about corruption. Corruption is a virus in our community. For example, a giant, the former Narok County Council was brought to its knees by corrupt officers. We tried to raise complaints but because of the exchange of money, those concerned frustrated the entire leadership of Narok. They ran Maasai Mara at the expense of a majority.

With those few remarks, I beg to support.

**The Senator for Nyeri County** (Sen. Kagwe): Thank you, Mr. Speaker, Sir. I want to echo the congratulations, not just for the Senators in this House but also for the staff because it is a new House and everybody here is new. Therefore, I believe that congratulations are in order for everybody.

In supporting the Motion which is the Address of the President, I want to say that I not only heard what the President was saying but also saw the way he was speaking. More often than not, in communication, non-verbal cues, perhaps, tell a bigger story than the verbal cues. As I watched the President speak, I saw passion, determination in his face and the resolve that he had. I saw a President who was also asking us whether we, as a House, would be with him as he walks this successful journey. Those non-verbal cues, to me, told a bigger story than what the President said. The mantle has been given to us

through the President and I am convinced that this is a new beginning for the nation of Kenya that is going to be successful. It is a new way of doing things as we have seen. I congratulate those who have been nominated as Cabinet Secretaries. We are very pleased with the kind of people we are seeing, and I am sure that is the way that Kenya is going to move.

We are in the Senate which is in charge of devolved governments. I want to, first, address some of the issues that are being raised by my colleagues regarding the manner in which this House is being treated. It is within the powers of this House to address some of those things. People here have voiced concerns about how some governors are wasting Government resources by having two or three chase cars and so on. It is within the power of this House to tell our colleagues that as an oversight House, we do not wish to see that happening. It is within the powers of this House to legislate through Motions what titles people are going to use in this country and in the devolved governments. It is within the powers of the Senate that we can say who is going to be honourable, who is going to be referred to as His or Her Excellency, and who is going to be “Holiness” and so on. So, even as we complain about these things, let us not pass---

**Sen. Kipchumba:** On a point of order, Mr. Speaker, Sir. Pursuant to our Standing Order No.35, I would wish to get your guidance on whether we have a quorum for proceedings to go on.

*(The Clerks-at-the-Table counted the Senators)*

**The Speaker** (Hon. Ethuro): We have quorum and I will be hoping that when we improve this Standing Orders, we will also give penalties for those who raise quorum when there is sufficient quorum.

**The Senator for Nyeri County** (Sen. Kagwe): Mr. Speaker, Sir, I beg your indulgence because Sen. Kipchumba is new to this House and possibly needs to read more of the Standing Orders.

Mr. Speaker, Sir, the President emphasized a lot on how we are going to value-add and in Nyeri County, one of the activities that we would want to immediately undertake is value adding. To support the President in this endeavour of value adding, a lot of legislation will have to be done particularly by this House. For example, if you look at the Coffee Act, and in Nyeri we grow coffee, it would be necessary to legislate and allow counties to take full responsibility for coffee. Other than the current Act that stipulates big roles for Kenya Planters Co-operative Union (KPCU), for the Coffee Board of Kenya and so on, it is an activity that we, as a House, can undertake to support the President in what he wants to do.

He also spoke about the television stations having 60 per cent local content. This is a way of ensuring that we create jobs for our young people. At the moment, I believe it is restricted to about 30 per cent or 40 per cent but I know we have the talent in this country, but to support the President in that particular aspect, it is necessary also for us to lower taxes as far as film equipment is concerned. The film industry in this country has been hampered largely by the lack of policy regarding the development of the film sector. I believe that we should legislate so that film equipment is duty free as it comes to Kenya.

We should enhance film development just like it has been done in South Africa and other countries.

As we move into a digital generation, we cannot do so as long as we are operating on analogue television in Kenya. Many of our citizens are unable to buy set top boxes. I propose that to support the President in digitizing our country, we should let the Government forward finance set top boxes just like we did with the fibre optic cable and then recover money from citizens slowly so that we can immediately meet the international deadline for moving from analogue to digital television.

Mr. Speaker, Sir, technology is also going to be vital in our security situation and in fighting corruption. On security, we are happy that the nations around us like Somalia and Ethiopia have become completely stable and indeed even the Somali President expressed confidence that his country is now able to manage itself. Therefore, we should also urge the President to immediately negotiate with the Somali President to undertake quickly and efficiently the return of the refugees who come from Somalia back to Somaliland so that we, as Kenya, can be able to assist them within their own borders. If half of the population of Somalia is still in Kenya, even the President of Somalia is going to have problems with getting manpower for what he wants to do. Therefore, we urge the President and international organizations like the UNHCR to start considering how they are going to assist the refugees based in Kenya to return to Somalia. This to some extent also addresses the issue of insecurity in our country, particularly the north eastern parts of Kenya.

Mr. Speaker, Sir, we must do so humanely and in a manner to show that we are dealing with our neighbours who are friendly. The time has come for us to tell our neighbours that their country is now stable and they should go back and we shall assist them from there by sending teachers to them and other people. It is now time for them to resume their work in Somalia. In addition to that, we also wanted to develop technology that is going to ensure security even within our towns.

A while back, there was a proposal by the Government that we install CCTV throughout our towns. Again, this is long overdue. The small bits of criminals operating in Nairobi, Nyeri, Kakamega and elsewhere can easily be stopped via the use of CCTV. Therefore, we must apply technology in the area of security. I cannot understand why simple technology such as CCTV is not already operating in Nairobi. I know that lengthy discussions have been going on but it is time to act. People must walk in the streets of Nairobi knowing that they are being watched on camera and knowing that if anybody commits a crime, he will be arrested immediately because he will be caught on CCTV. We would like the people concerned with security to address that issue immediately.

Mr. Speaker, Sir, somebody touched on the issue of power. I support completely that we should legislate to allow counties that can produce power cheaply, to do so to be able to attract industries in their own counties. Mr. Speaker, you come from a county that is going to supply cheap electricity very quickly and, therefore, industries will move to those areas with cheap electricity. Therefore, legislation must come to this House and to the Lower House in order for us to create competition so that counties are able to produce and distribute power without necessarily going to Kenya Power.

Mr. Speaker, Sir, we want to protect our wildlife and we propose that more money be put in this area. I am aware of the human-wildlife conflict particularly in

counties like Nyeri, Laikipia and elsewhere. For example, in Nyeri, we are looking at the possibility of building an elephant corridor linking Mt. Kenya and the Aberdare Mountains. This is a corridor that is going to be expensive. If we really want to protect our wildlife, it is necessary for us to put a little bit more money and a bit more value than we are currently doing. If we want to develop tourism and we are determined to do so and the President is determined to do so himself, it is also important for us to ask ourselves what kind of quality of tourists we want in our nation. In tourism, more is not always good. Sometimes, it is possible to get fewer tourists who are not going to destroy the environment and who are not going to scare our animals. We can get more money out of a smaller number.

The marketing of our nation must be put in the hands of those who are able to do so, those who are able to market segment and those who are able to position our tourism as an up market destination. In so doing, we must also encourage our hotel keepers to upgrade their hotels. I think we should continue supporting the tourism sector by giving duty free renovations of hotels. These are things that we can do within this House and the Lower House.

I am glad that energy and communication are being given priority. We must remember that the jobs that are going to be created in future are going to be technology-based jobs which also require a lot of energy. We want to ensure that all our counties are connected via fibre optic cable because we cannot have a country where some counties can develop technology-based industries such as back office operations, call centres and others cannot because they are not connected to the fibre. Therefore, I urge my colleagues in this House, the Senators, that we fight to ensure that every county in this country is connected to a fibre optic network that allows the young people to set up businesses that are technology-based. Those businesses are not just good but they are also better jobs. We have jobs in agriculture and we want to do that via value adding and via better methods of farming, but remember there is employment and there is under-employment in many areas where we farm. These unemployed young people can do much better jobs in the areas of technology.

Mr. Speaker, Sir, I wind up by urging that we, as a House, also resolve and ensure that all counties in this Republic are connected through a fibre optic network.

I beg to support.

**The Senator for Siaya County** (Sen. Orengo): Mr. Speaker, Sir, thank you very much for giving me this opportunity to also go on record to contribute to this very important Motion. First, allow me to congratulate you for being elected as the Speaker of the Senate. There has also been one Speaker of the Senate, the first Senate, and you are now the second elected Speaker of the Senate. While I congratulate you, I am not too sure that I am overly excited about you sitting in that Chair because you were very good on the Floor of the House but unfortunately now, you will not be able to join us on the Floor to contribute to debates as we are doing. All the same, I think you are up to the task and hopefully, the Senate is going to play its role as enunciated by the Constitution of Kenya.

Mr. Speaker, Sir, secondly, let me join my colleagues who have congratulated all the elected and nominated Senators. I think that together we are going to work as a team. I am saying this knowing that the Senate will have a very important responsibility, particularly in bringing about unity and bi-partisanship in the debates and discussions of



issues that matter to this country, so that Kenya continues to speak as one sovereign and united country, in which the very values and principles set out in the Constitution will continue to be the foundation.

Mr. Speaker, Sir, I must also add that I am very happy and proud that I am sitting here with G.G. Kariuki. This particular Senator really harassed me in the first Parliament that I joined. It is good to see him sitting as an ordinary person in the Senate Chamber, because those days, he used even to ride in the President's limousine. So, I did not even know whether he was a co-President or just a simple Minister in charge of internal security. Those days, they used to exercise raw power, but it is good that over time, I have won and he has lost, because the old system lost and now we have a new system of Government. But all the same, he has been a good friend of mine and we are here now acting together.

Mr. Speaker, Sir, I have got three main points. One, the Constitution of Kenya requires vigilance. When Kenya attained her Independence, there were high spirits about the Constitution that was enunciated and received from Lancaster. Indeed, we forget that during the negotiation of that Constitution, the Bill of Rights became part of that Constitution, because of the contribution of the minorities, particularly what was called, at that time, the Maasai Front. They are the ones who insisted at Lancaster that the Bill of Rights was very important, because it was important to distinguish between a majoritarian state, in which the majority have their way and the minority have their say. But this community said: "No, that is not democracy. Democracy is about rights." The majoritarians' principle of saying that the majority will have their way, I think is a wrong principle of liberal democracy. The proper interpretation and understanding of a liberal democracy is that rights are rights and once they exist, it does not matter whether you come from a minority or majority. When you are right, you are right; whether you are in the minority or majority. It is not about the majority, but what is right and in accordance with the law and the Constitution. So, I think that this Senate should live up to this, because we had times, if you remember, when we had the likes of J. M. Kariuki and Seroney using the Floor of the House to stand on issues that were correct and proper for this country. But because they were considered to be out of place in terms of those who wielded power at that time, they not only suffered the fate that we know, but also paid for it in a manner that I think will not happen again in the modern Kenya.

Mr. Speaker, Sir, I hope that the experiences that we had in the past will not happen. I am very happy that we can now speak as we want. These are the gains of those sacrifices. There were days that if you spoke in Parliament, you would not know whether or not you would reach home, because there would be a policeman waiting for you to go and explain why you spoke in a certain fashion. But I think that those are times that will never come again in Kenya.

Mr. Speaker, Sir, my second issue is about elections. I think that Kenya has come of age. The fact that we are continuing with the business of Government and Parliament is in place is a great demonstration that Kenya has come of age. But I must add that elections are very critical. It is important that when people come out of elections, you have the feeling that nothing went wrong. All over the world, particularly in the Third World, what causes conflict and trouble are elections; that people come out of elections feeling cheated. Whether they are right or not is not important. But so long as some

people feel cheated, it is a basis for bringing about conflict. It is not about winning or losing, but the process. The process of elections must be free and fair and be seen to be free and fair. We are now faced with a situation – and we, Senators, are prepared to live with it – where the Independent Electoral and Boundaries Commission (IEBC) is telling us that the Treasury and taxpayer gave them Kshs11 billion to invest in technologies that, at the end of the day they said: “That was really not necessary, because the system of voting in Kenya is manual, and the Constitution of Kenya says so, and this Kshs11 billion was not really necessarily mandatory to be spent.” I am glad that some Senators were talking about waste. The country is concerned, and the public is up in arms about Members of Parliament or Senate having a little bit more in terms of their salaries, and all put together is about an extra Kshs1.2 billion, yet we are prepared to live with an electoral Commission which spent Kshs11 billion which they did not need to spend. That requires an explanation. It is even more than the money that is required to give every Standard One child a laptop next year. We can even make sure that every child of school-going age gets a laptop and yet, that money was spent by the IEBC and they are saying that they did not need to spend that money, because the system of voting was manual. In my view, this audit that is being carried out by the Ethics and Anti-Corruption Commission (EACC) must be done properly. It must be intense so that it can be explained to the taxpayer why Kshs11 billion was not only spent, but contracts awarded irregularly. Now we are talking about devolved systems and governors are crying for money to spend in the counties, and we are being told that they cannot be given anything more than Kshs8 billion, which is still less than what was given to the IEBC. In my view, this IEBC performed worse than the Kivuitu Commission. I have participated in many elections. There was a time when there was only one supervisor of elections, who would run elections countrywide with less expense to the taxpayer. So, I believe that at the end of the day, we should be able to look at this and ensure that it is done.

Mr. Speaker, Sir, there was a time when a judge of the High Court found some White settler at the Coast who had killed a lady in Mombasa. The settler was charged with manslaughter and convicted, but given a non-custodial sentence. The Attorney-General at that time, Karugu, went to Parliament and said that he did not agree with the verdict of that particular judge. In fact, it was Judge Harris. I think it is important to know that I may not have the power or basis of altering anything that a court has decided, but I have a right to disagree with that judgement. It is not about the judgement – what was decided – but the process. At one time when I represented the former President, Mwai Kibaki--- I think the case started with my friend, Sen. Kiraitu, but when we went to the Court of Appeal, he was no longer there. But the case was thrown out on the basis of a technicality. The former President was not allowed to offer evidence. This time, before the Presidential Petition that was heard recently started, I opened my mouth too early and said that these were different times and not like the old days when Mwai Kibaki filed a case and it was knocked out on a technicality. We changed the Constitution to make sure that anybody who goes to court will get substantial justice, and yet, this Supreme Court, quite apart from the fact that both the Elections law and the Constitution say that it should not have due regard to technicality, it decided a case on the basis, largely, in which evidence in relation to our petition had been thrown out. In my view, if you look at the rules, the decision with respect of the Supreme Court was misguided because the

timelines were not quite spelt out in the rules that they had promulgated. So, I think that it is good for us to look at the rules governing elections and the rules of the Supreme Court to make sure that people will get justice and not have their case thrown away just like that.

Mr. Speaker, Sir, coming back to the IEBC, they are telling us now that they are going to spend another Kshs500 million on hiring lawyers, when already in the Presidential election they spent Kshs380 million. So, they are going to spend close to Kshs1 billion just on lawyers' fees. Nearly every Governor, Senator and Member of the National Assembly has an election petition. If these elections were conducted in the manner in which we have been told, there would be fewer petitions. But it looks like every Member of the Parliament and Governor has got an election petition. That is a reflection of how these elections were generally conducted. That does not leave out the members of the county assemblies. So, I think we have got work cut out for us.

Mr. Speaker, Sir, having said all that, I should not be misunderstood because the party to which I belong has given its goodwill to this Government, to try and deliver on the promises they made. We looked at the cocktail of the promises that were made during the Presidential Address and hope that, that will be done. If it is not done, we will hold them to account because that is a role that a true opposition should serve. I also encourage Members of the opposite party who belong to the ruling party, as it were, that Parliament is now distinct. You are not helping the Government of the day by agreeing with it all the time. I think that the one thing that distinguished ourselves during the days of G.G. Kariuki, Charles Njonjo and the rest, is that even within the one-party era, we were able to say things - despite belonging to the same party - and correct that Government. So, I hope that our friends in TNA and URP will not be cowed down. It is better for you to protect this Parliament and House.

**The Speaker** (Hon. Ethuro): Your time is up, hon. Orengo!

**The Senator for Siaya County** (Sen. Orengo): Mr. Speaker, Sir, I beg to support.

**The Speaker** (Hon. Ethuro): Order Senators! Noticing that there are no more Senators interested in contributing to the Presidential Address because they have been exhausted, it is now time to put the Question. But before I do so, I would want to remind you of the communication I had made earlier in terms of the provisions of Standing Order No.69.

Before I put the Question, the Mover should reply and you have 20 minutes to do so.

**Sen. Elachi:** Thank you, Mr. Speaker, Sir. I stand in for the Senator Leader of the Majority who has stepped out for some Government duty.

I beg to reply.

Mr. Speaker, Sir, indeed, it has been a debate that we have seen the Upper House perform its duty of, first of all, appreciating that this is one country and we will have to work together to see that the Government implements what is contained in the Presidential Address. I want to appreciate the sentiments of all the Senators and say that the Government is ready to work with the whole House. We will take positive criticism. Indeed, we will be able to communicate back to the President that we need to look seriously into issues of agriculture, devolution and infrastructure that is affecting most of

the counties, but at the same time, we would wish to also appreciate the competition that we have and to request that it is time we looked at Kenya as a bigger picture.

We should look at Kenya as a whole. In politics we say that it justifies itself, but we need to now go beyond that and say that we have finished politics. We have started the development of this country and we know that within those counties as much as we are talking about the national issues, we will still have conflicts. We have conflicts within the marginalized who are the minority within some of the counties, for example, Migori. We need to also ask ourselves as the Senate - In the morning, we looked at the proposals by the Commission on Revenue Allocation (CRA) and we have to ask ourselves: When we talk about marginalization, is it marginalization of a county or is it marginalization of the areas? I think in his Address, the President is within the spirit of the Constitution to say that it is within the counties and also some areas in these counties that have been marginalized. So, I believe and hope that we shall work within that agenda, driven by his spirit of the nine pillars and Kenya and this Senate will prove after four years that, indeed, we were ready for devolution.

I beg to move.

*(Question put and agreed to)*

**The Speaker** (Hon. Ethuro): Order, Members! Before we proceed to the next business, subject to the provisions of Standing Order 39(2), I wish to direct that instead of taking Motion No.9, we take Motion No.10 first and then we conclude with Motion No.9.

I also have one more communication to make.

### COMMUNICATION FROM THE CHAIR

#### APPOINTMENT OF TASKFORCE TO LOOK INTO THE CHALLENGES OF FACILITIES AND INFRASTRUCTURE FOR THE SENATE

**The Speaker** (Hon. Ethuro): Senators are fully aware that concern has been raised on the challenges of the facilities and infrastructure of the Senate. These concerns have been raised elsewhere and even from the Floor of this House during the contributions to the Presidential Address. Let me take this opportunity to inform all Senators that the question of Senate facilities and infrastructure is being looked into and particularly by the Rules and House Business Committee. I want to confirm that last week and this week, we have secured the first up to the seventh floors of KICC for office accommodation for Senators.

However, due to the gravity and urgency of the matter, the Rules and Business Committee has recommended that a task force be established to engage and liaise with the Parliamentary Service Commission (PSC) and other relevant organs and institutions of the State in order to have these challenges addressed expeditiously.

Consequently, following the proposals of the Rules and Business Committee, I have appointed a taskforce comprising the Senators listed below to be the link between us and the PSC:-

- (i) Sen. Beatrice Elachi

- (ii) Sen. Njoroge Paul
- (iii) Sen. George Khaniri
- (iv) Sen. Janet Ongeru
- (v) Sen. Billow Kerrow
- (vi) Sen. Kiraitu Murungi
- (vii) Sen. James Orengo

The Committee will be co-chaired by Sen. Murungi and Sen. Orengo. The taskforce is hereby directed to meet on Tuesday 30<sup>th</sup> at 10.00 a.m., in the Speaker's Boardroom and that they will provide a report to us within 14 days. In the meantime, we ask for your understanding as you have demonstrated so far.

Thank you.

## MOTIONS

### APPROVAL OF MEMBERS OF THE CHAIRPERSONS PANEL

**Sen. Elachi:** Mr. Speaker, Sir, I beg to move:-

THAT, pursuant to Standing Order No.16, the Senate approves the following Senators to be Members of the Chairpersons Panel and further pursuant to Article 107(1) (c) of the Constitution, to be elected to preside at any sitting of the Senate in the absence of the Speaker and the Deputy Speaker:-

Sen. Kipchumba Murkomen

Sen. Masha Elizabeth Ongoro

**Sen. Orengo:** Mr. Speaker, Sir, I beg to second the Motion and hope that the two Senators will be ready and available to be in the Panel and more importantly in order to be prepared to sit in for the Speaker, I would wish that they are tutored by the Speaker himself, because I think in the last Parliament, you really made us proud by being in the Panel. Sometimes I really thought you were the substantive Speaker. So, I hope these Senators will be ready and available to help the Senate discharge its duties and responsibilities.

I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

### APPROVAL OF SENATORS TO MEMBERSHIP OF SENATE COMMITTEES

**Sen. Elachi:** Mr. Speaker, Sir, I beg to move:-

THAT, pursuant to Standing Order No. 177, the Senate approves the following Senators nominated by the Rules and Business Committee to be Members of the respective Committees as indicated below:-

## 1. STANDING COMMITTEES

### A. COMMITTEE ON AGRICULTURE, LAND AND NATURAL RESOURCES

1. Sen. Kivuti, Lenny
2. Sen. Khaniri, George
3. Sen. Melly, Isaac
4. Sen. Chelule, Liza
5. Sen. Lesuuda, Naisula
6. Sen. Ong'era, Janet

**Sen. Kagwe:** On a point of information, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Deputy Leader of Majority, do you want to be informed?

**Sen. Elachi:** Mr. Speaker, Sir, yes.

**Sen. Kagwe:** Mr. Speaker, Sir, instead of her reading all these names, it is possible for her to move it as it appears on the Order Paper.

**The Speaker** (Hon. Ethuro): I am not sure whether it is for her or the Chair to determine that.

**Sen. Kagwe:** On a point of order, Mr. Speaker, Sir. Would I be in order to request the Chair to guide us as to whether it is possible to say that the list be moved as per the Order Paper?

**The Speaker** (Hon. Ethuro): That would be okay but I wish to direct as follows:

This being a new House, I think it is important in moving the Motion, which means reading out the names, that the Deputy Majority Leader reads out the entire list. However, when the Chair will be proposing the Question, it will be easier to say; as per the Order Paper because it will already have been spelt out. Therefore, subsequent questions put will be as per the Order Paper. I think that makes it clearer.

I also think that hon. Senators would like their names to be heard so that the public knows the kind of Committees they belong to especially since the Constitution requires public participation. They may wish to know who is in which Committee.

Proceed, Deputy Majority Leader, along those lines.

**Sen. Elachi:** Mr. Speaker, Sir, I will start again.

## 1. STANDING COMMITTEES

### A. COMMITTEE ON AGRICULTURE, LAND AND NATURAL RESOURCES

1. Sen. Kivuti, Lenny
2. Sen. Khaniri, George
3. Sen. Melly, Isaac
4. Sen. Chelule, Liza
5. Sen. Lesuuda, Naisula
6. Sen. Ong'era, Janet

7. Sen. Boy, Juma Boy
8. Sen. Mwakulegwa, Danson Mwazo
9. Sen. Ndiema, Henry Tiole

#### **B. COMMITTEE ON EDUCATION, INFORMATION AND TECHNOLOGY**

1. Sen. Kagwe, Mutahi
2. Sen. Lonyangapuo, John
3. Sen. (Prof.) Lesan Wilfred
4. Sen. Karaba, Daniel
5. Sen. Gwendu, Joy
6. Sen. Kilonzo Mutula
7. Sen. Kanainza Nyongesa Daisy
8. Sen. Mohamud Halima Abdile
9. Sen. Okong'o Kennedy Mong'are

#### **C. COMMITTEE ON ENERGY, ROADS AND TRANSPORTATION**

1. Sen. Murungi, Kiraitu
2. Sen. Moi, Gideon
3. Sen. Chiaba, Abu
4. Sen. Wangare, Martha
5. Sen. Keter, Charles
6. Sen. Obure Christopher Mogere
7. Sen. Otieno Kajwang
8. Sen. Muthama Johnson Nduya
9. Sen. Mwakulegwa Danson Mwazo

#### **D. COMMITTEE ON FINANCE, COMMERCE AND ECONOMIC AFFAIRS**

1. Sen. Kerrow, Billow
2. Sen. (Dr.) Khalwale, Bonny
3. Sen. Kagwe, Mutahi
4. Sen. Mositet, Peter
5. Sen. Mungai, James
6. Sen. Wetang'ula Moses Masika
7. Sen. Nyong'o Peter Anyang'
8. Sen. Kipchumba Harold Kimunge
9. Sen. Nobwola Catherine Mutike

#### **E. COMMITTEE ON HEALTH, LABOUR AND SOCIAL WELFARE**

1. Sen. (Dr.) Kuti, Mohammed
2. Sen. Kittony, Zipporah

3. Sen. Onchwang'I, Hosea
4. Sen. Nyakeriga, Linet
5. Sen. Ntutu, Stephen ole
6. Sen. Hassan Abdirahman
7. Sen. Kiyonga John Munyes
8. Sen. Wilfred Machage
9. Sen. Madzayo Stewart Mwachiru Shadrack

## **F. COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS**

1. Sen. Dullo, Fatuma
2. Sen. Murungi, Kiraitu
3. Sen. Murkomen, Kipchumba
4. Sen. Sang Stephen
5. Sen. Gitura, Kembi
6. Sen. Wako Sitswila Amos
7. Sen. Kilonzo Mutula
8. Sen. Hassan Omar Hassan
9. Sen. Sijeny Judith Achieng

## **G. COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS**

1. Sen. Haji, Yusuf
2. Sen. Kariuki Geoffrey Gitahi
3. Sen. Dullo, Fatuma
4. Sen. Gitura Kembi
5. Sen. Sonko Mike Mbuvi
6. Sen. Orengo James
7. Sen. Masha Elizabeth Ongoro
8. Sen. Hargura Godana
9. Sen. Wetang'ula Moses Masika

## **2. SESSIONAL COMMITTEES**

### **A. COMMITTEE ON DEVOLVED GOVERNMENT**

1. Sen. Murkomen, Kipchumba
2. Sen. Elachi Beatrice
3. Sen. (Eng.) Karue, Muriuki
4. Sen. Wangare, Martha
5. Sen. Kisasa, Mvita
6. Sen. Wako Sitswila Amos
7. Sen. Nyong'o Peter Anyang'
8. Sen. Hassan Omar Hassan
9. Sen. Ndiema Henry Tiote



**B. COMMITTEE ON IMPLEMENTATION**

1. Sen. (Dr.) Khalwale, Bonny
2. Sen. Wamatangi, Paul
3. Sen. Nyakeriga, Linet
4. Sen. Gwendu, Joy
5. Sen. Kariuki, Geoffrey Gitahi
6. Sen. Hassan Abdirahman
7. Sen. Boy Juma Boy
8. Sen. Orengo James
9. Sen. Kanainza Nyongesa Daisy

**C. COMMITTEE ON DELEGATED LEGISLATION**

1. Sen. Leshore, Sammy
2. Sen. Chelule, Liza
3. Sen. Mbura, Emma Gertrude
4. Sen. Karaba, Daniel
5. Sen. Kisasa, Mshenga Mvita
6. Sen. Madzayo Stewart Mwachiru Shadrack
7. Sen. Sijeny Judith Achieng
8. Sen. Kipchumba Harold Kimunge
9. Sen. David Musila

**JOINT COMMITTEES****A. JOINT COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY**

1. Sen. Mositet, Peter
2. Sen. Mbura, Emma Gertrude
3. Sen. Sonko, Mike Mbuvi
4. Sen. Sang, Stephen
5. Sen. Bulle, Ali
6. Sen. (Eng.) Karue, Muriuki
7. Sen. Elachi, Beatrice
8. Sen. Melly, Isaac
9. Sen. Otieno Kajwang
10. Sen. Hargura Godana
11. Sen. (Dr.) Zani Agnes
12. Sen. Obure Christopher Mogere
13. Sen. Ndiema Henry Tiolo
14. Sen. Hassan Abdirahman
15. Sen. Kipchumba Harold Kimunge

## B. JOINT COMMITTEE ON PARLIAMENTARY BROADCASTING AND LIBRARY

1. Sen. Lesuuda, Naisula
2. Sen. Karaba, Daniel
3. Sen. Khaniri, George
4. Sen. Ntutu, Stephen ole
5. Sen. Wamatangi, Paul
6. Sen. Mungai, Kiarie
7. Sen. Chiaba, Abu
8. Sen. (Dr.) Kuti, Mohammed
9. Sen. (Dr.) Machage Wilfred Gisuka
10. Sen. Mohamud Halima Abdille
11. Sen. Okong'o Kennedy Mong'are
12. Sen. Boy Juma Boy
13. Sen. Kanainza Nyongesa Daisy
14. Sen. Nobwola Catherine Mukite
15. Sen. Madzayo Stewart Mwachiru Shadrack

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

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Who is seconding?

**Sen. Orenge:** Mr. Deputy Speaker, Sir, I beg to second. The formation of these Committees is important for the operations of the House and there have been consultations through the leadership of the House; the Senate Leader of Majority and the Senate Leader of Minority, the whips and the Rules and Business Committee. This is a true reflection of who should form the Committees as required under the Standing Orders.

Just one little matter of detail, I was just wondering why the names are the way they are. Probably the Clerks would advise. When you have a name like Sen. Ntutu, Stephen ole, does this formulation really make sense? It should be Stephen ole Ntutu.

**Sen. Haji:** Mr. Deputy Speaker, Sir, I would not like to be given a new name called Haji Yusuf. My name is Mohamed Yusuf Haji.

**Sen. Orenge:** That is what I was trying to say. You can only have one name. Like in Lamu, you can find somebody called Abdallah Mohamed, but Mohamed Abdallah is not the same person. So, the Clerk should look at the order of names so that when I refer to my very good friend, the only lion in the Senate, his name is Wilfred Machage and not Machage Wilfred.

Other than that, I beg to second.

**The Deputy Speaker** (Sen. Kembi-Gitura): I take seriously what Mr. Orenge has said about the names but as a matter of fact, I think it is incumbent upon us, as Senators, to indicate to the Clerk how we want our names to be read. The reason I put a hyphen in

my name Kembi-Gitura is because it should never be read as Gitura Kembi because Gitura Kembi is my son and not me. So, it is imperative that we put the record straight with the Clerk's Office so that the names can be read correctly. I think we have taken care of that matter.

*(Question proposed)*

**Sen. Murungi:** Mr. Deputy Speaker, Sir, I rise to support this Motion and in so doing, I would like to commend the Whips who have done an excellent job in negotiating with the various political parties in the House to produce a list that is in compliance with the Constitution of Kenya in terms of diversity, gender, youth and regional representation. I would also like to commend them for taking into account the various qualifications and experiences of various Members of Parliament like Sen. Yusuf Haji and Senator No.1, Mr. G.G. Kariuki, who have been powerful Ministers of Defence and Foreign Relations, especially remembering that Sen. Yusuf Haji has been with troops in Somalia pursuing *Al Shabaab*. I think it is appropriate that he serves in this Committee of Defence and Foreign Relations, not to mention the emeritus Attorney-General, Sen. Amos Wako, the longest serving Attorney-General in the Commonwealth serving in the Committee of Legal Affairs and Human Rights.

Mr. Deputy Speaker, Sir, while commending them for this very comprehensive list, for the Senate to be effective in the oversight role, especially oversighting the county governments, we have to create new specific committees charged with the task of oversighting those governments. I am speaking specifically with regard to the committee to examine the accounts of the county governments. In Parliament, we had the Public Accounts Committee (PAC). So the Senate has to have a similar committee for it to effectively audit and oversee the accounts of the county governments. I would propose that this House in due time considers establishing a County Accounts Committee (CAC) which will be examining the expenditure of the county governments. In the same vein, it is also incumbent on us to look at the investments being made by the county governments because we said that the county governments are going to be centres of productivity which will attract a lot of investment, both local and foreign. It is for us who have the oversight role of those counties to make sure that appropriate investments are being made so that we do not end up with white elephants. It will be necessary for the Senate to establish a Counties Investments Committee which will also oversee the investments being made in various counties. I do believe that we have that power, both under the Constitution and the Standing Orders, and it is for us to empower ourselves, to be able to effectively discharge our functions, through amendment of the Standing Orders to create those two Committees.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support this Motion.

**Sen. Kagwe:** Mr. Deputy Speaker, Sir, I concur, first of all, with my colleague---

*(There was a technical hitch)*

*(Sen. Kagwe walked to the Dispatch Box)*

Mr. Deputy Speaker Sir, clearly, we need technology advisers in the Senate.

Mr. Deputy Speaker, Sir, I support the list as per the Order Paper. I also support my colleague, Sen. Kiraitu Murungi, in the suggestion that he has made. I would like to go further and suggest, as somebody said when we were in Naivasha, that there should also be, in addition to the two Committees – the County Governments Investments Committee and County Governments Accounts Committee – the Senate oversight office at the county level, so that even long before the accounts are brought to this House and investments are made, we should not audit wrong investments where money has already been spent. What we should be looking at is an oversight Committee at the offices in the counties, so that we can stop those investments before they are made and not audit them after they have already been made. Within the budget of the counties, there should be the Senate Oversight Budget Office, so that we know what is happening before it happens, and then proceed to audit them after they have been done, in the manner in which Sen. Murungi has proposed.

Mr. Deputy Speaker, Sir, in addition to that, even as I look at the list of the proposed Committees, I would also urge that once the Committees begin to work, as per the Standing Orders, some of them can also be split and new ones formed. For example, there is the Committee on Education, Information and Technology, where I have been listed and will urge my colleagues that I can tell them one or two things in it as their leader. I feel very strongly – and indeed it should be the order of our business once we sit as a Committee – that we propose for adoption by the Senate, the separation of education as a stand alone Committee and then, information and technology as another Committee. This then gives leeway and opportunity to oversight the areas of education in a manner that can be comprehensive.

Mr. Deputy Speaker, Sir, in addition to Committee “B”, Committee “C” has got Energy, Roads and Transportation. Again, energy is a very big issue in our country at the moment and so are roads. Therefore, that is another Committee that can also be split into the Committee on Energy and Committee on Roads and Transportation. So, I think that even as we agree and adopt what has been proposed, it will be necessary at some point to bring some amendments to the Senate.

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

**Sen. (Prof.) Lonyangapuo:** Mr. Deputy Speaker, Sir, I also rise to support this Motion.

Mr. Deputy Speaker, Sir, I agree with my colleagues that some of the Standing Committees that we have listed here – they are seven in number – are so huge that if we leave them the way they are, we are not going to perform as required by this House. I remember in my previous life as a Permanent Secretary in the Ministry of Public Works a situation where Ministries would queue to see the Committees of Parliament. So, it may be appropriate that we amend them. For example, the first one is the Committee on Agriculture, Land and Natural Resources. We have just noted that Agriculture, Livestock and Fisheries is a new Ministry that has been created. We also have a lot of issues to do with land which may need to be looked at thoroughly at the Committee stage. So, I would propose and second that we may need to look at these Committees and if need be, simplify and reduce them to appropriate sizes for Senators to discharge their duties.

Mr. Deputy Speaker, Sir, I support the list.

**Sen. Karaba:** Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to contribute to this Motion.

Mr. Deputy Speaker, Sir, as has been said by other Senators, it is important to note that most of these Members who form the Committees are known to have belonged to those sectors, going by the background of their careers. The whips must have done a very thorough job to trace the backgrounds of all these Senators, so that they could fit in the Committees as per the list.

Mr. Deputy Speaker, Sir, as has been said, some of the departments under these Committees are massive. For example, Education which takes two-thirds of the national Budget has been put together with Information and Technology. Even if Education was to be alone, it would be even bigger than many others, going by its expenditure. I, therefore, join other Senators in suggesting that the Committee on Education, Information and Technology be split, so that Education is left alone. Education includes basic education, higher education, technological colleges, polytechnics and the like. I think that it would even be better to split it further into three departments.

Mr. Deputy Speaker, Sir, I note that there is some bias in some Committees. Maybe the experience is there, but I also note that there are some names which are not in any Committee. I do not know whether it was by choice or it is some Senators who decided not to be in any Committee. I also note that there are some names, like mine, which are appearing thrice. I could be happy about that, but there are some people who are not happy that they are appearing only once. So, could there be a rationale of having these Senators well distributed, so that we can have all Senators feeling that they belong to this Senate?

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

**Sen. Sang:** Mr. Deputy Speaker, Sir, I stand to support the Motion and agree with a number of comments made by my fellow Senators. It is important that these Committees are fully constituted and I hope that we will move quite fast in getting the leadership of these Committees so that we are able to get running.

I would like to agree with the Sen. Murungi on the need to set up a few more specific Committees that will be able to help this House in undertaking its constitutional mandate of oversight over the county governments. Maybe to add that in terms of setting up more Committees, it is important to note that for us as the Senate, we are doing our job in terms of looking at the county governments. Maybe it would be important for us to realign some of these Committees with the 14 functions that are constitutionally given to the county governments. I know the National Assembly has Committees with regard to the various Ministries at the National Government. It may be important for us to realign some of these Committees in order to respond quite well to the 14 functions that are constitutionally given to the County Government.

I support.

**Sen. (Prof.) Lesan:** Thank you very much, Mr. Deputy Speaker, Sir. I also wish to support the list and congratulate the Rules and Business Committee for looking at the capacities of all the Senators who are here and what they can offer to the Committees.

I am glad that I am one of those who have been selected to be in the Education, Information and Technology Committee although I indicated that I could also serve in other Committees. I am one of those who have been selected to serve in only one

Committee. However, I can offer more because I am a medical doctor and I know there is the Committee on Health, Labour and Social Welfare in which I could offer input in some aspects of health. But I do appreciate that the Rules and Business Committee made that selection and probably there is a reason why they felt I should not serve in that capacity. However, if there is an opportunity to serve, I will make myself available.

Mr. Deputy Speaker, Sir, secondly, I want to support what Sen. Murungi said about the creation of an oversight committee at the county level. I was particularly worried this morning when I heard one of the Senators pointing out that the Treasury is actually going ahead to make amendments on what has been suggested by the Commissioner on Revenue Allocation and actually going ahead to send funds to the counties without reference to any of the other bodies, particularly the Senate. I think we need to have an oversight body at that level so as to curb this kind of rogue behavior by Treasury, which I think worries many Senators here, in that, they might not be able to comply with the suggestions we make here in the House. We should look at the possibility of establishing a committee of Senate at the county level to be able to counter some of those things.

Otherwise, I wish to support the list.

**Sen. G.G. Kariuki:** Mr. Deputy Speaker, Sir, really, there is not much to say on this Motion because every Member of the Senate is competent to be a Committee Member. Therefore, there is no need to really talk too much about it, except that I personally always wish to understand and to know the sources of each particular problem.

Hon. Senators are talking about the need for additional committees. My biggest question is: Have our Standing Orders which direct that there will be these types of Committees been exhausted well enough? Did we go through them and get satisfied that all the committees that are supposed to be set up in our Standing Order and also in the Constitution have been created? It is very important that we do not do things traditionally; because it has been done before, we must continue doing the same. I think we must become very independent thinkers; people who can produce something new and not just to be treated with a situation where all of us try to wonder whether there is need for a, b, c or d.

There would be no problem having a small meeting for the Rules and Business Committee. They ought to have sat down and satisfied the Senators of this august House that all the things that are required to be done from the Constitution have been fully done and whether we left room in our Standing Orders that we need to go back to. Those are pertinent questions and I think next time we need to go through them.

Mr. Deputy Speaker, Sir, I support what others have said. The only area that I may not feel comfortable with is what Sen. Kagwe suggested; that we should have an oversight office in the governor's office so that we can report on time. I do not think we have that executive authority unless we create it through a statute law so that we are able to directly supervise these people. I agree that it is clear in the Constitution that our duty is to protect and manage those people in terms of provision of rules and regulations, but we do not want to create a monster somewhere; a person that everybody will be worried about; a fellow from the Senate who will always be present to listen to the county legislators and to immediately report to the Senate. The Clerk of the Senate will have to

set up a branch at the county level which will have to report to him. Let us not create all these unnecessary issues.

We should trust our Governors because, eventually, we will have to investigate them just like we do with the Ministry of Finance. As a Senate, we are not going to ask our Clerk to be an oversight person for the Treasury; that he should let us know what the Treasury is doing. It is not his job because we have a lot in our tray. I would not like us to create a new centre. We are devolving and we should not follow people wherever they are. It would be agreeable to get a report every six months, but we should not have people to oversight the county operations. There is the experience of the former Ministry of Local Government where we had the Provincial Finance Officer, a District Treasury, somebody else from the Treasury who had to comply with Section 165. A fellow would sit in Nairobi and have his coffee and if a petition or request is taken to him by the county council, it is him who decides to advise the Minister either to sign it or not. We encouraged corruption because even the chairmen of county councils were very keen to have certain projects accepted and if that did not happen, it created an avenue for corruption. We have to be careful not to create several centres of power and investigations because we will appear to be losing our standards. I believe the Senate needs to be beyond any petty discussions.

I beg to support.

**The Deputy Speaker** (Sen. Kembi-Gitura): Yes, the Senator standing!

**Sen. Hargura:** Mr. Deputy Speaker, Sir, I am Senator Harguara Godana from Marsabit County.

I would like to support this Motion. My observations, as others have said, are that as we plan to oversight on the County Governments, the Committees we have should be tailored to concentrate on their functions which should appear in the way the Ministries are formed. The naming should be in line with that.

The other issue is about placement of Senators in specific committees based on their preference. We have different areas of competence and this is something that we made clear to our party leaders in the Rules and Business Committee. Personally, I am a civil engineer by profession and I had asked to be placed in the Energy, Roads and Transport Committee. That is where I feel I could have contributed better. I tried to get it but I am now in the National Security and Foreign Relations Committee. Therefore, next time, when people present their areas of preference; where they think they can contribute more and be of good use to this House, this should be taken into account.

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, hon. Senators! Does the Deputy Leader of Majority wish to reply?

**Sen. Elachi:** Thank you, Mr. Deputy Speaker, Sir. First of all, I would like to thank all the Members. Indeed, these are Committees that will operationalise this House in terms of functioning. I believe that as they go into Committees, they will work as one and to move the agenda of the Senate.

I beg to move.

Hon. Senators, pursuant to Standing Order No.69, I rule that this is an open Motion and not a matter affecting counties. Therefore, each Senator has one vote.

*(Question put and agreed to)*

### ADJOURNMENT

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, there being no other business, the Senate stands adjourned until Tuesday, 30<sup>th</sup> April, 2013 at 2.30 pm.

The Senate rose at 5.55 p.m.