

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 11th June, 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! Could we confirm if we have a quorum?

The Clerk of the Senate (Mr. Nyegenye): Mr. Speaker, Sir, we have 22 Senators in the House. Yes, we have a quorum.

The Speaker (Hon. Ethuro): Proceed!

STATEMENT

FATE OF DEVOLVED GOVERNMENT AND DEVOLUTION

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

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I rise to seek direction from the Chair on a matter that is rapidly gaining currency in the court of public opinion in this country; namely, the fate of the devolved government and devolution.

Mr. Speaker, Sir, before I seek that direction, allow me to refer to Article 153(3) and (4)(b) of the Constitution which states as follows:-

“A Cabinet Secretary shall attend before a committee of the National Assembly, or the Senate, when required by the committee, and answer any question concerning a matter for which the Cabinet Secretary is responsible.

(4) Cabinet Secretaries shall –

(b) provide Parliament with full and regular reports concerning matters under their control.”

Mr. Speaker, Sir, I wish, therefore, to request you to consider directing the Cabinet Secretary in charge of Devolution and Planning to appear in person before the Committee of the Whole of the Senate to make the following clarifications; namely:-

1. Whether the Member of Parliament in the lower House who is moving to table a Bill for the scrapping of the Senate is doing so at the behest of any forces within the Executive.

2. To clarify on the matter of the outburst by the Leader of the Majority in the National Assembly, who arrogantly was reported verbatim advising the Senate to approach the Supreme Court on the issue of the Division of Revenue Bill.

3. Mr. Speaker, Sir, we would like her, in that clarification – if you so direct – to make it clear to the Senate how she wishes or how the Executive wishes to approach the current standoff on the issue of the Division of Revenue Bill.

4. I would like her to clarify further, now that the former Provincial Commissioners (PCs) have been recalled to the Office of the President (OP), whether county governments are now free to take over the premises that were formerly occupied by those PCs. Finally, I would like her to clarify whether the Provincial Administration will be restructured to accord respect to the devolved government.

I thank you.

Sen. Murkomen: Mr. Speaker, Sir, while I appreciate the request for clarification from my colleague, Sen. (Dr.) Khalwale, I think the issues he is raising are important. But I am just wondering whether when the two Houses have an issue between each other or when we have concerns over the conduct of Members of the National Assembly, whether it is within the jurisdiction of a Cabinet Secretary to give directions on such matters. This is because any legislature can act at its own behest or with the direction of the national Executive. I do not think the first two issues are good for our relationship with the National Assembly. We have better political ways and internal mechanisms within Parliament to deal with the matters of the National Assembly.

I have no problem with his questions in parts (4) and (5) because they fall within the jurisdiction of the Cabinet Secretaries in charge of Devolution and the Ministry of Interior and Co-ordination of National Government, respectively. So, he can request for both Cabinet Secretaries to be here. But on the first two issues, I do not think it represents this House properly if we were to seek directions from the Executive.

The Speaker (Hon. Ethuro): Thank you for that intervention, Sen. Murkomen. But I thought also by being the Chair of the Devolved Government Committee, you may wish to let the House know how you will proceed with the other requests that you find proper?

Sen. Murkomen: Mr. Speaker, Sir, in terms of the other issues, I have a feeling that Sen. (Dr.) Khalwale would like the physical presence of the Ministers more than getting the answers because we canvassed for some of them the last time he raised the same issues. So, because he was asking for directions from you, I felt as though he wanted to bypass the normal procedure of dealing through the Committees and relevant Committee Chairs for the purposes of giving a chance to the Cabinet Secretary to appear before him directly. But should he want the answers, we have them.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I want to agree with Sen. Murkomen and, at the same time to also correct him that when I rose on this point of order, I was not rising under Standing Order No.43(2)(c). I am aware of its existence. Here, I am raising a matter of constitutional implications. Article 153(3) of the Constitution provides that any Cabinet Secretary can appear before a Committee of any of the Houses. The hon. Senator

has heard me carefully saying that the Speaker considers directing her to appear before the Committee of the Whole. The importance of this is that the matter is so momentous that two days after the Chairman of the Committee on Devolution had attempted to answer it, the President then came and recalled PCs. This taught me two things. One, it will be dangerous in future to---

The Speaker (Hon. Ethuro): Order, Sen. (Dr.) Khalwale! I do not think the Chairman attempted to answer it; he actually answered it.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir, for the correction. English Language is my second language.

(Laughter)

Mr. Speaker, Sir, two days after the Chairman ably answered it, the President reversed it on 1st June. This immediately taught me that it will be dangerous in this House if we shall be allowing Chairs to attempt to respond on behalf of the Government. It should become our practice that before a Chair attempts to respond to any Statement raised here, they should come here armed with a signed statement from the respective department, so that in future when issues of implementation arise, we can then hold the Cabinet Secretary and the Government responsible for the same.

Mr. Speaker, Sir, I brought this before you to consider the constitutionality of the matter. The matter is so grave that some people are attempting to take us 50 years back, when the Senate was crushed. It is only fair that we ask the Cabinet Secretary responsible to come here and speak to it.

The Speaker (Hon. Ethuro): Sen. Murkomen?

Sen. Murkomen: Mr. Speaker, Sir, I know you will give directions with regard to the first two issues raised by the hon. Senator. As I said, it looks to me like it is not within the jurisdiction of the Executive. On the issue of Provincial Administration, I would invite my brother to go back to the HANSARD, because I was very clear. I said that nothing contradicts what the President did. I said that the matter of co-ordination of national Government is still within the jurisdiction of the Government. I even went ahead and said there is a legislation called the National Government Co-ordination Act which actually does not recognize provinces. So, when the President did what he did, it was just to remove the PCs because there are no provinces. There are only counties which are already recognized under the Act. In fact, I even went further and said that there is a Motion by our brother and a Member of this House, Sen. Orengo, which proposes that, perhaps, we need to review that Act. So, it is not a question of whether or not there is any inconsistency in my answer and the act of the President. Indeed, the only additional issue that my brother is raising is whether a national government asset can be transferred to county governments. There is a procedure for doing that under the Transition to County Government Act. We can look for further discussion as to the sharing of the assets which are the offices they were using. But remember that those are still assets of the national Government. So, the question as to whether Provincial Administration offices initially will be used by counties is a question of transfer of assets. The substances of the structures of the Government are provided for under that Act of Parliament. Probably, that is why Sen. Orengo came up with the other Motion.

Mr. Speaker, Sir, as for the other two questions, I request you to rule that they are not within the jurisdiction of the Cabinet Secretary. If there is need to call any Cabinet Secretary to answer certain questions that are within the jurisdiction of a certain Committee, the Committee will be given directions to call the Cabinet Secretary. Any Member of the Senate, including the whole House, can attend that Committee meeting to listen to the answers and so forth. So, as I said, my colleague is being a little bit mischievous. Perhaps, he has never interacted with the Cabinet Secretary and needed a formal way from this House to invite her to come to this House.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Before I give the Floor to Sen. Ong'era, I just want to remind Sen. Murkomen that Article 88(6) states:-

“A senator shall refer to other Senators by their title “Senator” and then the name of that Senator.”

So, the Senator for Kakamega is not your brother.

Sen. Murkomen: Okay, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): He is Sen. (Dr.) Khalwale.

(Laughter)

Sen. Murkomen: Mr. Speaker, Sir, I am most obliged.

The Speaker (Hon. Ethuro): You also do not impute improper motives on the Senator. He made a request and it will be determined in the most appropriate manner.

Yes, Sen. Ongera?

Sen. Ong'era: Thank you, Mr. Speaker, Sir. I want to support the sentiments as expressed by the Senator for Kakamega. I think the issues he has raised and the request he has made is properly before you. As you know, this Senate has the right to call any Cabinet Secretary on any issue that can be discussed and noted. We have the inherent jurisdiction. Therefore, I want to support what the Senator for Kakamega has requested. I think it is within your powers that we should summon the Cabinet Secretary to answer some of those questions that we have asked and which are of great national value right now.

Mr. Speaker, Sir, I also want to add that, on a light touch, that the Media be requested to cover all of us. It seems to be covering only this corner of the House. So, the Senators who sit on that side and this side are never seen. People may never know what we are contributing.

(Laughter)

The Speaker (Hon. Ethuro): What is it, Senate Majority Leader?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I want to agree with those Senators who have spoken because it is quite in order for this House to demand audience with Cabinet Secretaries. In any way, I do not think that is intrusive or inappropriate. But I stand to seek a clarification on whether it is proper to refer to a Senator as a brother or not. You said that we should not refer to Sen. (Dr.) Khalwale as our “brother”. But I was wondering whether it would be proper to call him Brother

Senator (Dr.) Khalwale. Supposing he is our biological brother, I do not know how it will go.

(Laughter)

Mr. Speaker, Sir, the clarification I am seeking is that he said he did not rise under Standing Order No.43, but under Article 153 of the Constitution. Now, does the rising under Article 153 of the Constitution negate the normal requirement that, ordinarily, such request should actually be directed to the appropriate Committees as opposed to the Committee of the Whole? As a Senate, we do not want to look like a mob; we have to dignify the Senate. You can imagine the entire Senate talking to one Cabinet Secretary. Is it appropriate? Still in the circumstances, it is not appropriate for such a Cabinet Secretary to appear before Sen. Murkomen and his Committee on Devolution.

The Speaker (Hon. Ethuro): Hon. Senators, first, I want the rest of you to appreciate that Sen. (Dr.) Khalwale has ambushed the House. While I concede that he has raised fundamental issues, the Chair should have been privy to them before he could make a statement. So, on that basis, I will not be able to deal with this matter until I see the written request so that I will be able to dispose of it appropriately. But the preliminary ones, as Sen. Murkomen has already established, supported by the Senate Majority Leader, is that according to our Standing Orders and the constitutional arrangements, the Cabinet Secretary can only appear before a Committee and Sen. (Dr.) Khalwale may just be satisfied. I appreciate the other day, maybe, he was withdrawn from Committees. So, I could appreciate the motivation for the whole House. The whole House really means the Plenary. Since the Cabinet Secretaries are not allowed to sit in Parliament; that would be a bit difficult. But you can request your good neighbour, Sen. Murkomen who is the Chairman of the Devolved Government Committee, to do the invitation and invite you too to interact with the Cabinet Secretary.

I also want to really advise the House - I thought Sen. (Dr.) Khalwale would provide leadership here since he knows it - it is always good to approach the Speaker in his Chambers and he will grant your wish when he has known the issues you are willing to canvass. But that does not take away the request. However, procedures are important in the way we conduct our Business. So, I hope you will be advised. So, as soon as I get your written request, Sen. (Dr.) Khalwale, I will consider it.

I also have a Communication to make which is related to some of the issues you have raised. Before I do so, I also want to remind you that Standing Order No.88 seems to be a very nice one. It is on Contents of Speeches. Standing Order No.88(5) states:-

“It shall be out of order for a Senator to criticize or call to question, the proceedings in the National Assembly, a County Assembly or the Speaker’s Ruling in the National Assembly but any debate may be allowed on the structures and roles of County Assemblies or the National Assembly.”

So, let us really bear that in mind because this is a House of dignity. This is a House that operates on rules and we must maintain so for all the obvious reasons that we have stated previously.

COMMUNICATIONS FROM THE CHAIR

NATIONAL ASSEMBLY REJECTION OF SENATE AMENDMENTS
TO THE DIVISION OF REVENUE BILL, 2013

The Speaker (Hon. Ethuro): Hon. Senators, I have the following Communication to make on the Division of Revenue Bill, 2013. This is just an update.

As hon. Senators are aware, on the 13th May, 2013, a Message was received from the National Assembly seeking the concurrence of the Senate to the Division---

What is it?

(Loud consultations)

Sergeant-at-Arms, can you find out? In the meantime, I will try to be a bit louder.

As hon. Senators are aware, on the 13th May, 2013, a Message was received from the National Assembly seeking the concurrence of the Senate on the Division of Revenue Bill, 2013, as passed by the National Assembly on 9th May, 2013. This Bill was passed by the Senate with amendments on 23rd May, 2013. Following the passage of the Bill by the Senate, by a letter dated 24th May, 2013, to the Clerk of the National Assembly, the Clerk of the Senate forwarded a Message from the Senate seeking the concurrence of the National Assembly on the amendments made by the Senate to the Bill. The National Assembly, at a sitting held on Thursday, 6th June, 2013, deliberated on the Senate amendments to the Division of Revenue Bill, 2013, and in the end, the Assembly resolved to refer the Bill to his Excellency the President for assent.

Hon. Senators, as you are aware, the action taken by the National Assembly on the Division of Revenue Bill, 2013, is unconstitutional and is not founded in any provision of law.

(Applause)

I, therefore, found it necessary and urgent to bring this matter to the attention of His Excellency the President which I did by a letter to the President dated 7th June, 2013. In the letter, I informed the President that the action taken by the National Assembly does not accord with Article 112 of the Constitution and part 19, Roman, of the Senate Standing Orders as well as Part XIX of the National Assembly's own Standing Orders which provide for the manner in which a Bill which originates in one House is to be dealt with by the other House, and how the originating House is to deal with the Bill once it is returned by the other House. But a reading of these provisions indicates that where the other House – in this case the Senate – passes the Bill in an amended form, the originating House has the following two options.

(a) To pass the Bill as amended following which the Speaker of that House shall refer the Bill to the President within seven days for assent. That is if the National Assembly accepted our Bill as we sent it to them; that is the only way they can send it to the President for assent.

(b) To reject the Bill as amended following which the Bill shall be referred to a mediation Committee under Article 113 of the Constitution.

I further informed the President that the course of action chosen by the National Assembly is one that has the prospect of paralyzing the workings of Parliament of Kenya by setting the dangerous precedent where one House, if it disagrees with the position taken by the other House on a Bill, can choose to ignore the provisions of the Constitution and to define its own extra-constitutional path of action. This action of the National Assembly, if allowed to proceed unchallenged, will bring the entire legislative process to a grinding halt.

Hon. Senators, I have, therefore, requested His Excellency the President to consider invoking the provisions of Article 115(1)(b) of the Constitution to refer the Bill back to Parliament for reconsideration by Parliament in the manner provided for in the Constitution, which is the Mediation Committee; and that both Houses are required to submit equal numbers to the Committee.

The Senate, therefore, remains prepared; if the National Assembly does not agree to all or, indeed, any of the amendments of the Senate to the Division of Revenue Bill, 2013, as passed by the National Assembly, to appoint its membership to the Mediation Committee in terms of the said Article 113 of the Constitution and to abide by the provisions of the Constitution in the mediation process.

I thank you.

(Applause)

(Sen. (Dr.) Kwalwale stood up in his place)

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

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, as I agree with you, and applaud your Communication, it is continuously becoming very embarrassing, especially in public; when we greet members of the public, they tell us: “You people should stop quarrelling and fighting with the National Assembly.” It is good that you have written to His Excellency the President. I hope that he will uphold the Constitution. But I would also urge you to also approach Hon. Justin Muturi, as your colleague, so that these things are ironed out. The truth is some people might want to pretend this issue does not exist. But in life there is something called institutional memory. We know that at the National Assembly we do not have many people with institutional memory. Therefore, they are getting carried away by the fact that they are new and sometimes lost in what is going on.

Mr. Speaker, Sir, given the kind of experience you had under the former Speaker, Hon. Marende, I urge you to find time to share your institutional knowledge with Hon. Muturi.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Chairman, Committee on Finance, Commerce and Economic Affairs.

Sen. Billow: Mr. Speaker, Sir, I also want to join the Senator for Kakamega County in applauding the Communication you have just made. With due regard to Article 113 of the Constitution that you have brought to our attention, from the perspective of the

role of the National Assembly, in my view, the decision by the National Assembly to forward the Bill to His Excellency the President without going through the due process was, not only ill advised, but it was also contemptuous of this House and also unconstitutional. In that regard, I join you and, in fact, many other institutions, including the Commission for the Implementation of the Constitution (CIC) and the Commission on Revenue Allocation (CRA), that His Excellency the President should heed your call and letter to him, and those of the other constitutional institutions, and reject and return that Bill to the National Assembly without delay. If the President accepts to go ahead and sign that Bill, it will amount to unconstitutionality. We all know that if there are grounds for unconstitutionality, it means grounds for taking action.

The Executive and the National Assembly were blamed in the 1960s for the collapse of devolution. We are now seeing a situation where the National Assembly and the Executive are subverting the Constitution by working together to try and kill devolution. We want to caution this country that we fought so hard to get this Constitution in place. We want nothing less than respect for the Constitution and the institutions that have been set up by this Constitution. The Senate is a very important institution that was set up by this Constitution. The Constitution is very clear. If, indeed, we do not have a role on Bills concerning counties, as you ruled earlier, then, with all due respect, there will be no role for this House at all.

We want His Excellency the President to take advantage of the goodwill that he enjoys in this country today and not to squander this opportunity. We appeal to him to take on board the trust and confidence the people of Kenya have given him when he took the oath of office on the Constitution of this country, that he will protect it. This matter is about implementation of that same Constitution. We want to urge him to walk the talk on his pledge to implement the Constitution. If he does not do that then, indeed, he will be party to the attempts by the National Assembly to, not only subvert the Constitution, but, in fact, to kill the institutions that are essential to devolution.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Brief comments from the Senate Majority Leader.

The Senate Majority Leader (Sen. (Prof.) Kindiki): I thank you, Mr. Speaker, Sir. I will be brief. First, I wish to applaud you, just as other hon. Senators who have stood here have done. I have listened to your Communication and every argument you have made is backed by provisions of the law. As the Senate, we have made our position very clear. The same clear position has come from both the Majority and Minority sides of this House because we do not believe this is a partisan issue. We agreed that we will stand united for the sake of the country on all constitutional and other issues that touch on the country. We have put in a lot of effort in advising the President. We are also under oath to protect the Constitution and assist the President to respect the law. We hope that he will find wisdom in following the law.

The law is clear on this matter. What has happened is an event under Article 112(1)(c). That event has occurred, namely, a dispute concerning the contents of a Bill which had been considered by the two houses of Parliament. The only way out is a Mediation Committee. But assuming the law is not followed, we, as the Senate, want to restrain ourselves from being overly emotional or political because we have the goodwill of the country. I keep on repeating that out of the two houses of Parliament, we have not

seen citizens bringing livestock around KICC. We want to maintain that dignity. So, assuming anything happens and it does not favour the advice we have given, we will cross the bridge when we get there. Let us not be emotional. Let us respect institutions, including the institution of the Presidency while at the same time not compromising on the position of the law and maintaining fidelity to our Constitution.

The Speaker (Hon. Ethuro): Senator Abdirahman.

Sen. Abdirahman: Thank you, Mr. Speaker, Sir. I want to join my colleagues who have spoken on the matter and share with them their sentiments. Honestly, what we have witnessed the last few weeks, even before we went on recess with regard to the manner in which the National Assembly has handled matters not necessarily on the Division of Revenue Bill, but on matters that touch on the reputation of the august House has not been good. I want to thank my colleagues, particularly those from the Majority side, who have strongly come out to defend the integrity of the Senate. They have, not only said what belongs to us, but that this belongs to Kenyans. We, as leaders, must protect it. We share with you the Communication you have made this afternoon. We have a feeling that the President should not assent this Bill---

Hon. Senators: It is not a feeling, it is a demand!

Sen. Abdirahman: Thank you for that. We demand that this Bill reverts back to this House so that a Mediation Committee is appointed as stipulated in the Constitution and ensure that institutions that work together like the National Assembly and the Senate co-exist harmoniously. My worry in particular is, we have a long way to go. This is not the first batch of parliamentarians who will see the inside of this House. They need to leave some good legacy. It worries me when I see the way the National Assembly behaves.

Therefore, I support this request.

The Speaker (Hon. Ethuro): Senator Orengo!

Sen. Orengo: Mr. Speaker, Sir, first, let me set the ball rolling by commending you in the manner in which you have handled this matter. You have chosen the path of sobriety and fidelity to the Constitution. As a House, even the dignity we have in the country and the respect largely rests on the fact that, as our Speaker, you have come out to defend and protect the Constitution and this House.

Secondly, I want to join the Senate Minority Leader in congratulating the Senate Majority Leader and Sen. Murkomen because they have come out in the media very well and soberly through articles and interviews. This has thrown a lot of light on this discussion. They have also shown that it is not a bipartisan affair, but a question of the Constitution. As we stand now, this is not a matter of the content, but of the process. If we get that wrong, as ably explained by the Attorney-General *emeritus* over the weekend, then we have undermined the constitutional authority of the Republic, the arrangements and dispersal of legislative power between the two Houses.

Mr. Speaker, Sir, under the old Constitution, Parliament consisted of the National Assembly and the President. It was important that the two institutions worked together to enable Parliament do its work properly. Right now, Parliament consists of the Senate and the National Assembly. Indeed, even if an Act of Parliament does not pass through this House, that legislation will be called an "Act of Parliament". It will not be called an "Act

of the National Assembly”. What the Constitution largely gives legislative authority to is “Parliament” in contradistinction to the “Senate” or the “National Assembly” separately.

Mr. Speaker, Sir, I would urge you to continue on this line of discourse and diplomacy together with our brothers. Sen. Billow has said that the consequence of not following what is stipulated in the Constitution is not just bad for those who violate the Constitution, it is compounded by those who see the Constitution being violated and say nothing about it. It is the commitment of this House to defend and protect the Constitution. I plead with His Excellency the President that this House has shown bipartisanship, he should look at the Bill that was taken before him purely on its merit, as to whether or not the process has been a legitimate one. The answer would be without doubt that we cannot have that Bill pass through and enacted without putting into consideration what the Senate did. It cannot be wished away. I know the Governors are with us totally on this matter.

Mr. Speaker, Sir, finally, Sen. Murkomen will forgive me because he is the one who told me this yesterday, that the county governments should not be treated as children who are told: “Now you can have this *peremende* or these potatoes.” What they deserve is stipulated in the Constitution. How they should get it is also laid out in the Constitution.

Hon. Senators: Correct! *Kabisa!*

(Applause)

Sen. Orengo: So, we should follow the constitutional mechanism instead of us playing games outside the structure of the Constitution.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Sen. Murkomen, now that your name has been mentioned, proceed!

Sen. Murkomen: Mr. Speaker, Sir, I wish to thank Sen. Orengo for the compliments. This tells the whole world how this House is working in a bipartisan manner. I read in the book *48 Laws of Power*; Law 42 says that:-

“Strike the Shepherd and the sheep will scatter.”

Article 96(1) of the Constitution gives the Senate a very important responsibility. This Article states:-

“The Senate represents the counties, and serves to protect the interests of the counties and their governments.”

I used to ask myself the question: “Protect from whom?” I have now known from whom. The counties need to be protected from the National Government and the National Assembly. As the Senate, it is our responsibility to ensure that the right process is followed. I support your Communication because the right process of ensuring that the Senate is playing its role is important. It is also important that this nation understands what it is almost happening; that history is about to repeat itself. We all know that in the 1960s, under the leadership of the late Mzee Jomo Kenyatta, there was a crusade against Majimbo which basically was to ensure that you take away all the institutions that were protecting federalism. As soon as the Senate collapsed, Majimbo or federalism collapsed. When federalism collapsed, the Supreme Court also collapsed. So, this is not just an

attack on the Senate, it is a systematic process to bring down the devolution process and has something to do with constricting the jurisdiction of the Supreme Court. I am very grateful to know that the Supreme Court already interpreted that the role, in terms of Bills concerning counties must be interpreted liberally and widely. President Kenyatta junior, from his campaign wants to depart from the history of the 1960s and he will set a very good example by returning that Bill to this House. He is a great supporter of devolution. I will be shocked if he signs that Bill.

Secondly, there was misdirection when it comes to the National Assembly. With due respect, I saw that you were also quoted on the same issue, that hon. Senators were not interested on the matter of the CDF at the moment. The propaganda that was carried to the National Assembly is that if we increase money to the counties we will be removing the CDF. We have not discussed in this House this matter. At the moment, we have no interest of fighting the CDF kitty. We just said that we want resources that are necessary to run the counties to be put in place.

Mr. Speaker, Sir, I was in a meeting in Mombasa where you were, and all the hon. Members of Parliament from pastoralist communities were requesting that they need more funds set aside through the Equalisation Fund. In fact, they requested for Kshs3.4billion to be shared with them. I asked them a very simple question: "If you could not accept to pass Kshs48 billion, which every county was entitled to at least, Kshs1 billion per county, why complain over the Kshs3.4 billion?" It is important that our brothers and sisters realise that we were not doing this for supremacy. We did this because Schedule Four provides serious functions of agriculture, irrigation, farming, housing, health, *et cetera*. In fact, we are assisting the President achieve his vision because he has said that he wants to put one million acres of land under irrigation. This cannot be done by the National Government because it is done by counties where agriculture is practiced. He said that he wants to give free maternity services to women. This can only be implemented by counties because all the hospitals, except two referral hospitals, are run by the counties. So, when we did this, we did so knowing that we are consciously assisting the Jubilee Government and the county governments.

Lastly, Mr. Speaker, Sir, this House cannot act in vain. We must work towards ultimate realization of good order. It is in order that if this issue is not concluded, the Senators, the Governors and the Speakers of County Assemblies urgently, through my Committee, convene a caucus in Nairobi by Thursday where we will take an appropriate action whether the Bill will have been signed or not.

Mr. Speaker, Sir, we are behind you in supporting the work you are doing. If you were in the legal circles, we would have said you are the Lorden of the Senate.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Senator Omar Hassan.

Sen. Hassan: Mr. Speaker, Sir, I wish to commend your ruling and wisdom. This House has also, definitely, demonstrated the wisdom that it is capable of. In Islam, often times people think that Jihad or Martyrdom is the highest quest. But scholarship is the highest form of attainment. We are told in Islam that the ink of a scholar is greater than the blood of a martyr. So what we have done, in distinguishing ourselves from the National Assembly, is that we have constantly pursued the line of scholarship to try and demonstrate that we adhere to and understand the Constitution. Your rulings time and

again have reaffirmed this position, that, for us, it is not a question of supremacy. It is about the discharge of our functions in a manner that is prescribed in the Constitution. Therefore, just to ascribe to what Sen. Orengo has said, we are described as “Parliament” in the Constitution. The National Assembly and the Senate as a unit is described as “Parliament”. Over the last couple of months, since the inception of these two houses, we have to say that the truth must be said. The National Assembly has run into one battle after another. It is not in our interest to have any arm of Parliament to be discredited. This is also not in the interest of this nation. Parliaments, by nature, are vehicles for accountability. Once you discredit and delegitimize your authority before the eyes of the public, your capacity to hold people accountable is severely diminished. Therefore, we are calling for the intervention of the President because it is the right thing to do in the circumstances, not because there is too much money that the Senators allocated. If this country feels that Kshs48 billion, in excess, to our county governments is a lot of money, then it demonstrates a lack of commitment towards devolution. Therefore, I follow in the footsteps of those who have spoken before us. It is not for the Presidency to convene anybody to sort out the cash row within the counties. The systems provided for in the Constitution are self-perpetuating and they can intervene, mediate and also have a solution towards the overall resolution of this matter.

Mr. Speaker, Sir, I join hands and commend your wisdom. Time and again I have pointed this out that there are young hon. Senators in this House just as there are young hon. Members of Parliament in the other House and the country looks up to us for leadership and judgment. Despite our youthfulness, we have decided to exercise judgment and leadership. It is not enough to be young; it is enough to provide leadership. Whatever your age, that is the calling of the society at this point in time. President Uhuru is also a young President. This is a time for judgment. As Sen. Murkomen had intimated, the abolition of the first system of federalism was under the Senior Kenyatta. We do not want to see the undermining of the second wave of devolution under the Junior Kenyatta. It will be ironical for this country. He has an opportunity to defend devolution because it is the right way to go and the aspiration of the people of Kenya.

Mr. Speaker, Sir, I also commend all the views given by Sen. Wako over the weekend. In addition to that meeting, some of our committees, like the one chaired by Sen. Murkomen and other committees must also appear to speak with one voice, so that we have a joint position moving forward in addition to what the Speaker has said.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Senator Wamatangi!

Sen. Wamatangi: Mr. Speaker, Sir, I also join my colleagues in congratulating you. I want to say that you have, indeed, stood strong in the face of unfriendly fire. The matter we are facing now is not as obvious as it might seem. How did we get here? Is it possible that, that Bill was forwarded unintentionally by the National Assembly to the President for assent? The answer is, “It was not forwarded unintentionally or in good faith.” The procedures of Parliament are known to the leadership of the National Assembly. I wish to state unequivocally that this is a very important and defining moment for the Senate. The way we handle this situation will in future define how the business of Parliament will be viewed and how the status of the Senate will be respected in the entire legislative system. This being a new House, this is a great test for us. I

appreciate that some of our colleagues have asked you to engage and go and negotiate with the Speaker of the National Assembly. Indeed, do so. But I wish to remind all of us that in the old days when an African chief would face another African chief on any dispute even if it was a border dispute, both chiefs would come and sit and each one of them would put their sword on the table. When you go to negotiate on the position and what is correct legislatively about the position of this Senate and what procedures should be followed in future, it is in the interest of this Senate that you do not compromise on any issue that is correctly in the law of this country. Our negotiations must also be definitive such that in future, the position of this House is respected.

Mr. Speaker, Sir, I urge that we continue with the negotiations. I am reminded by Article 115 of the Constitution, which you have quoted that when the Bill goes to the President for assent and he refers it back, it states clearly that it is referred back to Parliament. Therefore, the Constitution did not envisage a situation when any of the House acts unilaterally. It is important that, that statement is stated and reaffirmed.

Mr. Speaker, Sir, finally, I congratulate you. I believe that this will end well.

The Speaker (Hon. Ethuro): Senator Wangari!

Sen. Wangari: Mr. Speaker, Sir, I also want to join my colleagues in congratulating you on your ruling. It breaks my heart to keep discussing here issues between the two Houses. But it is important to plan in cases of conflict. That is why the Constitution envisaged the formation of the Mediation Committee with anticipation that this could happen.

His Excellency the President, during the Joint Sitting of Parliament, repeatedly said that devolution is not an option for the Jubilee Government. I believe that he is of good will but there are a few elements who are out there to scandalize or to make sure that he looks bad in the eyes of the public. As we appeal to him, I want to urge him to make sure that he does not fall prey to these few elements that are against devolution, to be able to make the right decision for the people of Kenya. If he does that at this moment, then someone might wake up and say that the Senate does not need to sit, and that we can sit once a year. We must protect the dignity of this House. I want to quote what the Senator for Meru County says all the time that: "A lion need not announce that it has reached where you are. You just need to see it and you run away." The dignity of this House is under siege. Even outside Parliament Buildings, where people are demonstrating by carrying heads of pigs, all this hon. Senators can walk there comfortably. It is not the same case with hon. Members of the National Assembly. We have been too civil until people are thinking that we are rained on. We need to affirm our presence. We need to tell the public that we are here to do what the Constitution mandates us. The roles of both houses have been described in the Constitution. That does not take away what has been described as the role of Parliament. It is a joint role.

Mr. Speaker, Sir, we urge the President to make the right decision and uphold your ruling.

The Speaker (Hon. Ethuro): Hon. Senators, this is unusual. I will give the Senator for Busia County a chance to be heard.

Sen. Wako: Thank you, Mr. Speaker, Sir, for giving me this opportunity. First, let me thank you for your ruling and the way you have led the Senate throughout this crisis. You have spoken. The Chairmen of the Committees on Finance, Commerce and

Economic Affairs; Devolved Government; Legal Affairs and Human Rights and Committee on Implementation have spoken. One of our elders, Sen. Kiraitu Murungi, has also spoken to this issue. We have all said something. Let word go forth from the Floor of this House that the Senate is speaking with one voice on this particular issue. It must be known that the Senate is taking its constitutional responsibilities to protect the Constitution and promote the democratic governance of this country seriously.

Mr. Speaker, Sir, I will not go into issues of law but let me remind the House that this is the first Bill under the new Constitution. We have a constitutional responsibility to protect the Constitution and to promote the democratic governance in this country through the Senate. Therefore, if this is not properly handled, it will create the most dangerous precedence which will most likely nullify the role of the Senate under our Constitution.

Mr. Speaker, Sir, we know you have already ruled on what touches on counties. Therefore, this is a legitimate concern of the Senate. I do not want to go through the provisions. There are very many provisions regarding this matter under our Constitution. However, I want to draw your attention to the fact that even the Supreme Court had to interpret on what touches on the counties. The Supreme Court of this land dealt with this matter in the Constitutional Application No.2 of 2011 concerning the issue of the date of national elections. As you know, national elections under the Fourth Schedule is a matter of the national government. A number of groups had gone to court over that issue including a group which was representing the interests of counties. A challenge was met. The group went under Article 163(6) of the Constitution which says:

“The Supreme Court may give advisory opinion at the request of the national government, any state organ, or any county government with respect to any matter concerning county government.”

So, what does the phrase, “concerning county governments” involve? The definitions are there under the Constitution. However, the Supreme Court has also come out concerning the matter. I will read a bit of it to underline the importance of what we are talking about.

I will remove my glasses.

(Laughter)

(Senator Wako removed his glasses)

Mr. Speaker, Sir, on the question on whether the election date is a matter of county governments, we have taken a broader view of institutional arrangements under the Constitution as a whole and it is clear to us that the interdependence of the national and county governments is provided for through the devolution model. They quoted Article 6(2) of the Constitution which states;

“The governments at the national and county levels are distinct and interdependent and shall conduct their mutual relations on the basis of consultation and cooperation.”

They also refer to Article 186(2) which says:-

“A function or power that is conferred on more than one level of government is a function of power within the concurrent jurisdiction of each of those levels of government.”

They also continue to state;

“We have taken note too that the Senate which brings together county interests at the national level and the National Assembly which is a typical organ of the national government deal expressly with matters affecting county governments and that certain crucial governance functions at both national and county level such as finance, budget and planning, public service, land ownership and management, elections, administration of justice drafting into each other and operate in unity.

(Applause)

So, the fact that they dovetail into each other, any legislation that touches on that, we, as a Senate, have a legitimate interest to consider. It then goes on to say, we consider – this is the Supreme Court – that the expression on any matters touching on county governments should be so interpreted as to be incorporated – here are critical words – any national level process bearing a significant impact on the conduct of county governments.

(Applause)

If you look at the Fourth Schedule with regard to what is supposed to be done by the national government and what is to be done by the county government, you will find that there is some dovetail in some areas. If the national government is talking about the agricultural policy and the county governments are dealing with the implementation of the same, that means that in every issue, there is a dovetailing.

I will, therefore, submit before this House that this Senate is concerned with all the Bills that may come. The only Bills that we will not be concerned with are those which are exclusively mentioned under the Constitution as Bills which must only be dealt with by the National Assembly. We are concerned about all the other Bills. This leads me to say; if the Division of Revenue Bill, which is mentioned under the Constitution - and the Constitution, under the fifth paragraph talks about our role in that Bill, the role the Senate - if somebody somewhere said that the Bill is not a matter of the Senate, then where would he be reading the Constitution from? How would he be coming to that conclusion? If he came to that conclusion and we let it go, then the Constitution would be left at the face of many constitutional applications.

If we come to the definitions that I have described, with regard to other Bills, we will be told that we are not involved at all. In any case, at the end of the day, if we allow this to go, the only thing that will be of concern to us will be the Allocation of Revenue Bill. In other words, the amount that goes to the counties in totality will be determined elsewhere and we will have no role although the Constitution says that we should have a role. It says that we should comment on the report and the recommendations of the Commission of Revenue Allocation. However, we are in a position where we have no role whatsoever on those particular issues. That means that only the Allocation of Revenue Bill will be a matter of concern to the Senate.

The amount will be determined elsewhere and they will only bring the amount to the Senate for us to allocate. That is a function that can be done in a computerized manner. You can feed into the computer what should be taken into account and then go on to say, here is the amount; here are the counties and these are the peculiar features of a county. Does this mean that each of these Senators, elected by people in the counties, came to carry out a role that a computer can do? This is the absurd consequence of the procedures that have been adopted.

Therefore, I am in support of your appeal and urge His Excellency the President – I know that his heart is for devolution because he has said so many times - not to assent to this Bill. He should return it in accordance with your letter. Let it come back to us and it will be dealt with in a constitutional process that has been outlined under our Constitution so that our role as the Senate is taken into account.

Sen. (Dr.) Kuti: Thank you Mr. Speaker, Sir. Sometimes it is very difficult to speak after the very eloquent and experienced Attorney-General *Emeritus*. However, I would like to make three comments. First, I would like to join my colleagues in congratulating you in the manner in which you have led us and the response you have taken regarding this matter.

Second, having served for a while in the Government; and considering that we have the former Attorney-General here with us, I know that the Government operates through consultations; sometimes, it worries me and I ask myself how such issues are allowed to reach a level so as to pit the President against devolution or against the National Assembly. This matter should have been deliberated on much earlier and the consequences of it noted much earlier and the necessary legal advice given to the President so that the matter is not today at the level of the President for him to decide whether to assent or not to assent.

I, therefore, challenge the Office of the Attorney-General, the National Intelligence Service (NIS), who are even present at the National Assembly and at the Senate to advise the President.

Sen. Hassan: On a point of order, Mr. Speaker, Sir. Is Senator (Dr.) Kuti in order to impute that some Senators here are Members of the NSIS?

Sen. (Dr.) Kuti: Mr. Speaker, Sir, I did not talk about Senators. I talked about the House, and the House is not only occupied by Senators. Look around and you will see that.

The Speaker (Hon. Ethuro): Indeed, I agree with Senator Kuti. He did not talk about these Senators. He talked about some Members.

Sen. (Dr.) Kuti: Mr. Speaker, Sir, this is a very critical point. It is about leadership. The President is the head of this country and the Government. There are various arms of Government. All arms of Government need to work together in harmony so as to serve the country. They should not be jostling or chest-thumping. There should be a system to solve such matters before they get to the critical level so that they do not get to a point where the President is being looked upon to decide in favour of either this way or the other way.

The same issue is happening at the Parliament Buildings. Why should we reach a point when blood is being poured outside the gates of Parliament? There seems to be

something missing. I think the President should act and whip his people. He should get advice so that matters do not get to this level. That was one point that I wanted to raise.

I am informed by the Chair of the Committee on Finance, Commerce and Economic Affairs that the Kshs48 billion that was added by the Senate was not out of mischief or to show that we are the Upper House. We did not also want to throw in money when we know that the country is being faced by other challenges but because many counties have shown deficits in their budgets. There were serious deficits in the budgets.

My Governor received Kshs105 million for the period ending 30th June as he waits for the actual Budget for the next Financial Year. All this money went to pay the former county council officials. We were left with nothing and yet there are very many debts which have been inherited. I do not know how that will be managed but, definitely, they will be held responsible. The budgets of most counties - I am informed - Muranga, Nyeri, Kiambu, Nakuru and Mombasa will not take them to the end of the year.

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

Sen. (Dr.) Kuti: Mr. Speaker, Sir, I just want to complete.

Hon. Senators: That is for you.

Sen. Billow: Mr. Speaker, Sir, I want to inform the hon. Senator for Isiolo that based on analysis done by the Parliamentary Budget Office which is incidentally the same office of the Economics and Research shared by the National Assembly that up to 18 counties will face a deficit of up to Kshs28 billion. In other words, 18 counties will not provide services which have been devolved to the counties. For example, Nyeri County will face a deficit of up to Kshs3.5 billion, Nairobi, up to Kshs7 billion and Mombasa over Kshs2 billion in providing services they were providing before. So, you can imagine what will happen if the Kshs48 billion is not provided.

Sen. (Dr.) Kuti: Thank you for the information. It is important that the nation quite understands that this is a serious House and we really appreciate the serious leadership that you have shown. We are not just competing for power and space. It is genuine service that we would like to render. I think that this jostling must come to an end very quickly and the country should have a direction as quickly as possible because all these sideshows will distract us.

The Speaker (Hon. Ethuro): Sen. Ongoro was the last one.

Sen. Ongoro: Mr. Speaker, Sir, I want to start by congratulating you for the manner in which you have handled this process. It has been very sober and I think that you have done the right things at every stage, and we are making good progress. But I also want to thank the Senators for the unity of purpose that they have shown in handling this matter. At least, we have shown this nation that when it comes to pertinent issues affecting our mandate, we are not going to allow political affiliations, ethnicity or other petty issues to divide us. We have handled this matter in a very sober way and maturely. We are all speaking with one voice.

Mr. Speaker, Sir, I want everybody to recall that this system was attempted just after Independence. It is one thing to accept that we are going to have devolution, but it is yet another to ensure that we provide that system with the kind of structures and adequate funding that ensures that it takes root. I am afraid that if this is allowed, then we are sending a very mixed signal to this public, that for the second time, this nation is making

an attempt to kill devolution by ensuring that counties are not given adequate funding to take root and build the kind of firm foundation that they are supposed to build upon. I also want to challenge the Executive to really come clean on this issue. This is because even the perception that we have a very big battle between the Senate and the National Assembly, in my opinion, is an issue that is being overblown. It looks like there is some pressure coming from somewhere to create some kind of issue between these two Houses, and the Press is finding itself right in between. This is because, in my opinion, the supremacy of the Constitution must be upheld.

Mr. Speaker, Sir, the Constitution is very clear on the parallel but complementary mandates of the Senate and the National Assembly. Our primary mandate is to ensure the welfare of counties. Now, how do we undertake that kind of a mandate if we do not ensure that the said counties are adequately funded, so that they can undertake their very extensive mandates? If this issue is not well handled by the Executive, then I want to be on record as saying and stating here that this will be the beginning of the process to kill devolution. Devolution was one of the pillars that made Kenyans overwhelmingly vote for the Constitution. If we are going to make any intelligent attempts to kill or strangle devolution and ensure that we speak about supporting devolution, but on the other side ensure that we underfund counties, so that the same devolution dies naturally, then I think that it is doublespeak. I want to urge my colleagues in the National Assembly that we have spent too much time--- I want to thank the Senators because I have not heard anyone of them really engaging in the pettiness of the supremacy battle. Some things are better not said. Let Kenyans know which of the Houses is supreme even in the manner in which we conduct ourselves. What kind of logic is there in spending entire afternoons and days debating on how supreme they are because they have 350 Members and we only have 67 Senators? Somebody will come and say that the Presidency is junior to county assembly members because they are more. We cannot sustain those kinds of arguments. How do you sustain the fact that you are more supreme simply because you are more?

The Speaker (Hon. Ethuro): Order! Order, Senator! In your own admission, do not also spend the rest of the afternoon---

(Laughter)

Sen. Ongoro: Mr. Speaker, Sir, it is because I found that argument almost hilarious; to state that the only reason they are supreme is because they are more and we are few.

Mr. Speaker, Sir, I want to conclude by stating that as the Senate, we are behind your actions. If we want to make any other statements contrary to what has been taken here, I urge all Senators to refrain, so that we sustain what we have established.

Thank you very much, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): That is the end of that. Hon. Senators, I have another Communication from the Chair.

SUBMISSION OF PROPOSALS FOR AMENDMENT OF
SENATE STANDING ORDERS

The Speaker (Hon. Ethuro): Hon. Senators, I have the following Communication to make on the submission of proposals for amendment of the Senate Standing Orders to the Committee on Review of the Standing Orders, which is a sub-Committee of the Rules and Business Committee.

Hon. Senators, the Committee has made significant progress in the execution of its mandate and received proposals from Senators and Kenyans at large for review of the Standing Orders. The Committee shall, once it has discharged its mandate, present its report to the Rules and Business Committee, which shall then proceed in accordance with Part XXIX of the Standing Orders. Members of the public, including Senators, who may not as yet have submitted their proposals for amendments to the Standing Orders, are hereby advised to submit such proposals to the Office of the Clerk of the Senate by close of business tomorrow, Wednesday 12th June, 2013. So, you have one more day to go.

I thank you.

POINT OF ORDER

PRESIDENTIAL ASSENT TO THE DIVISION
OF REVENUE BILL, 2013

Sen. Orengo: On a point of order, Mr. Speaker, Sir. There is no other moment to bring up this. Despite your statement and what this House has said in the last 40 minutes, I understand that the Division of Revenue Bill has been assented to. That now puts us in a very difficult situation. I just wanted to give that information. We may want to adjourn and go into a Kamukunji or something like that.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. The rules of debate require that when a Member makes this kind of disclosure, he substantiates. Could Sen. Orengo substantiate what he is talking about?

Sen. Orengo: Mr. Speaker, Sir, the Speaker, in the normal way of the National Assembly, has already made a Statement to the National Assembly that the Bill has been assented to. So, it is not speculation but the truth.

Mr. Speaker, Sir, I do not know whether I will be in order, but under your guidance, I really think that we should adjourn the business of the House and go into a Kamukunji, because it means that everything that we are discussing here may have no consequence, so that from now on we will know how to handle this kind of thing. So, without wasting time – I stand guided – I want to move that the House adjourns and we go into a Kamukunji, under your Chairmanship, and see what to do in the circumstances.

The Speaker (Hon. Ethuro): Order, Senators! You may take advantage of Standing Order No.31 and do it formally. You are still putting it as a suggestion.

**MOTION FOR ADJOURNMENT UNDER
STANDING ORDER NO.31****ADJOURNMENT OF SENATE TO DELIBERATE ON PRESIDENTIAL ASSENT
TO DIVISION OF REVENUE BILL, 2013**

Sen. Orengo: Mr. Speaker, Sir, under Standing Order No.31 and for the reasons that I have already stated while seeking your direction, I formally move that the House do adjourn for the purpose of discussing this issue in a Kamukunji. This adjournment is only to the next sitting day, which is tomorrow morning.

Mr. Speaker, Sir, I will ask Sen. Murkomen to second as required.

Sen. Murkomen: Mr. Speaker, Sir, it is with deep sorrow that I received the news that our President has signed the Bill. Since the Speaker of the National Assembly made it formally, I have no reasons to doubt. Even if there is any doubt, then it can be confirmed in the Kamukunji that is proposed by Sen. Orengo.

Mr. Speaker, Sir, as Sen. Orengo and Sen. Wako said – and I agree – we have no business being Senators if we have no business to do with allocation of resources to our counties. Permit me to say this with great humility. I have said it before in this House that there is a possibility that the greatest threat to devolution is ignorance. I think that this ignorance permeates all sectors of public service, including the legislative sector. It is our responsibility – and personally I consider it my responsibility – to assist the President of the Republic of Kenya to understand the position and role of this House. If we do not get this one right, there is no business for us being here. I think that there is a deliberate scheme and conspiracy of certain institutions, as I said in my Press statement, to ensure that the Senate is discarded and that we do not play any role when it comes to important matters. In fact, while other Majority Leaders are being consulted on hourly basis, from my own sources, I do not think that our Majority Leader is even being consulted because there is a general belief that this is just a mere appendage in the institutions that are provided in the Constitution of this country.

An hon. Senator: Senator Haji, why did you not run for the position of Member of Parliament of Mbalambala?

Sen. Murkomen: If this be the case, Sen. Haji, somebody somewhere is questioning why you did not run for the position of Member of Parliament somewhere in Mbalambala and instead ran for Senator. He is putting into doubt the fact that you ran in more than four constituencies and saying that you are just a useless appendage.

Mr. Speaker, Sir, let us go for this Kamukunji, so that we can say certain things outside the Press. We will be freer. When I walked out, I consulted with the Chair of Council of Governors and there is a feeling that we should meet before tomorrow noon. So, it is important that we go for that Kamukunji and agree on these issues.

Mr. Speaker, Sir, I second Sen. Orengo's statement.

Sen. Orengo: Just put the question!

The Speaker (Hon. Ethuro): Order, Sen. Orengo! No matter how eager and ready you are to prosecute the next matter, procedures must be followed.

(Laughter)

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

The Speaker (Hon. Ethuro): Hon. Senators, we will now adjourn and then resume the Kamukunji immediately.

The Senate rose at 4.00 p.m.