

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 11th October, 2016

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

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

PRAYER

NOTICE OF MOTION

RESOLUTION TO ALTER THE SENATE CALENDAR

The Senate Majority Leader Sen. (Prof.) Kindiki: Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, pursuant to Standing Order No.28 (4), the Senate resolves to alter its Calendar in respect of Part Three of the Fourth Session, so that the recess scheduled to commence on Friday 14th October, 2016 be deferred to start on Thursday, 20th October, 2016 and accordingly, for the Senate to adjourn on Wednesday, 19th October, 2016 until 1st November, 2016 when the sittings will resume.

The Speaker (Hon. Ethuro): Next Order!

STATEMENTS

The Speaker (Hon. Ethuro): Statement 'a' by the Chairperson of the Committee on National Security and Foreign Relations?

Statement 'b' is by the same Committee. Where is the Vice-Chairperson or Members of the Committee?

Statement 'c' by the Chairperson of the Committee on Agriculture, Livestock and Fisheries?

Statement 'd' by the Chairperson of the Committee on Health, Sen. (Dr.) Machage.

CAUSES OF INCREASED DEATHS IN WESTERN KENYA

Sen. (Dr.) Machage: Mr. Speaker, Sir, this is the Statement as sought by Sen. Wetangula on causes of increased deaths in Western Kenya. I will not repeat the question as asked.

Based on available data, Bungoma County has 179 sub-locations and the registered number of deaths for the year 2015---

The Speaker (Hon. Ethuro): Order, Senator! Based on which data?

Sen. (Dr.) Machage: Based on available data.

The Speaker (Hon. Ethuro): Available from where?

Sen. (Dr.) Machage: Mr. Speaker, Sir, I will table it. He has the Statement with him. I gave him a copy of my answer and he has the annex.

The Speaker (Hon. Ethuro): Order, Senator! The Senate Minority Leader is not the one asking the question; it is the Chair.

Sen. (Dr.) Machage: Mr. Speaker, Sir, I may quote the available data. However, I can table it because it is a lot.

The Speaker (Hon. Ethuro): Just give us the source.

Sen. (Dr.) Machage: Mr. Speaker, Sir, the source is the Ministry of Health.

The Speaker (Hon. Ethuro): That is good enough.

Sen. (Dr.) Machage: Thank you, Mr. Speaker, Sir. Based on available data from the Ministry of Health, Bungoma County has 179 sub-locations and the registered number of deaths for the year 2015 was 7,264. This translates to an average of 3.8 deaths per sub-location monthly. I have given a table which shows the same and comparison for the years 2012, 2013, 2014 and 2015.

Contrary to the information provided by Sen. Wetangula, a comparison of mortality patterns in the four years shows no significance variation or alarming development in 2015. An average of 15 deaths in a month per sub-location would translate to about 31,680 deaths annually in the country, which is not the case at all. Further information from the Ministry shows that deaths in the county can be seen from the report of deaths as reported by the Civil Registration Department of Bungoma County. I have annexed that information to Sen. Wetangula.

Mr. Speaker, Sir, common leading causes of death are Malaria, Pneumonia, Anaemia, Tuberculosis, HIV/AIDS, cardiovascular diseases, meningitis, malnutrition and diabetes. The Ministry is aware that most of the deaths arise from preventable and curable causes. These are related to environmental degradation, weather, poor hygiene, allergies, unsafe water, road accidents, trauma, infections and lifestyle.

These causes call for a collaborative effort between the community to change lifestyle as well as Ministries such as the Ministry of Agriculture, Livestock and Fisheries and the Ministry of Water and Irrigation to improve on malnutrition deficiencies and availability of safe water. However, most of the interventions required are part of the devolved mandate of the county governments. The county, therefore, has to take the lead and focus more on the necessary interventions.

Mr. Speaker, Sir, the Ministry has analyzed the cause of deaths as per the records that are fielded and established major causes of deaths, as indicated below. These causes

relate to service delivery, which is a devolved function. Therefore, control measures taken in collaboration with the county governments include the following:-

- (i) staff retraining (refresher courses);
- (ii) upgrading and equipping of referral hospitals;
- (iii) enhancing participation and networking of key stakeholders for quality healthcare in areas of reproductive health, gender, HIV/AIDS, water and sanitation;
- (iv) use of mobile clinics such as those that have been prescribed by the First Lady in her Beyond Zero Programme;
- (v) health education and outreach services to our people; and,
- (vi) mortality audits for the maternal and prenatal deaths.

Current mortality rates have not varied significantly from previous years. The County Government of Bungoma is implementing a strategic roadmap on health in collaboration with partners of the Ministry of Health. The national and county governments have joint monitoring systems. The main challenges in service delivery in the counties are motivation of staff and erratic drug supplies. The implementation of the community strategy in Bungoma is very strong. Continuous health education to citizens should inform residents to seek healthcare earlier. The two referral hospitals in Webuye and Bungoma are equipped and have highly specialized staff.

A community autopsy can be conducted in situations where abnormal death patterns have been observed or noted. No abnormal death patterns have been observed and, therefore, a community autopsy is not recommended. However, should it be necessary, the Ministry has the capacity to conduct it.

The Speaker (Hon. Ethuro): Sen. Wetangula.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I congratulate Sen. (Dr.) Machage on his election to chair the Standing Committee on Health. I am told that he is the new Chairperson. I regret to know that he is starting on a very false note, by reading an answer that is clearly inaccurate and not well thought out.

Many of us who represent rural counties, especially those that are densely populated know that the majority of deaths are not registered.

The Speaker (Hon. Ethuro): Order, Sen. Wetangula! It is Statements Time.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I am seeking a clarification. Many of the deaths in the rural areas are not registered. Therefore, the statistics he is giving us are of those who are registered. However, the majority are not registered. People just die in the villages and the families dispose of the bodies the following day or two days later.

Could the Chairman tell this House and the country whether the increased levels of deaths, not just in Bungoma but many counties, is because of uncoordinated policy implementation, drug supply, poor motivation of health workers and, above all, corruption where drugs which are supposed to be bought are not bought or inferior drugs are bought? What are we going to do to change this?

Sen. Muthama: Mr. Speaker, Sir, when I listened to the Chair reading the Statement, he raised an issue of mobile clinics. My understanding is that mobile clinics are yet to be supplied to all parts of the country. He explained the basis of mobile clinics but which areas have been provided with mobile clinics? I think it is just a donation that

is being spearheaded by the First Lady but not in conjunction with any Government programme.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, it was nice to note that during the Grand Coalition Government, the number of deaths in Bungoma had started going down as exemplified, where in 2012, there were 10,288 deaths and the figures went down to 6,207 in 2013. From the time Jubilee took over, the deaths have started going up significantly.

Could the Chairman tell us whether it is the failure of the Jubilee Government or Bungoma County Government that is the reason for increased deaths as exemplified by the table that they have given us on Page 2?

Sen. Obure: Mr. Speaker, Sir, over 7,000 deaths are recorded in Bungoma County in one year and that is a massive number. You will agree that if that were to be allowed to go on, the whole county would be wiped out after a few years. Does the Chairman agree that there is urgent need for every effort to be made to ensure there is coordination in improving healthcare services, particularly in rural counties?

The Speaker (Hon. Ethuro): Chair.

Sen. (Dr.) Machage: Mr. Speaker, Sir, it is true that some registration of deaths and births might not be done properly at the local levels and Bungoma County may not be exclusive. It is a fact that we are seeing in this country. However, that is not under the jurisdiction of the Health Department and the relevant department should address that. It is a matter of concern because I only use data that is available and it can only be available through proper registration. It is unfortunate that I only relied on the data I have been provided in the Statement I have just answered, but his concern is noted.

It is also true that a combination of many factors may lead to poor medical services. As he noted very well, they include poor policy, poor drug supplies and corruption. As you know, there is a lot of hullabaloo right now going on in the county governments concerning poor staff remuneration and so on. These are factors that we must look at as a country. The Committee is also concerned about this situation.

On the issue of mobile clinics as raised by Sen. Muthama, every hospital from level 2 – these are health centres – is supposed to have a mobile clinic service. We appreciate some philanthropic fellows and good citizens, including the First Lady of this country for giving us that service as an enhancement or additional facility. It is not that it is a right that she must supply them to every facility but we are happy that she is supplying one mobile clinic per county. Very soon she will have supplied to all the counties in this country.

I may not comment on the issues of increased deaths in counties because statistics show otherwise. The statistics that I have do not show any increase in the rates of deaths over this period. Regarding Sen. Obure's concern of 7,000 deaths in a county, that is a colossal number of people. It is true that nobody would really be happy to see that number of deaths, especially deaths that are attributed to preventable causes. As a country, we should endeavour to reduce the same.

Mr. Speaker, Sir, thank you.

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Speaker, Sir. First, the Chairman has not responded to the explanation I sought on the lack of registration of deaths in many rural counties. The statistics he has given us, if they

are accurate, only relate to those that are registered. I know for a fact that there are many more that are not registered.

Mr. Speaker, Sir, my further clarification is that he listed the causes of deaths as environmental degradation and weather but I do not know which weather in Bungoma has been killing people. Other factors include poor hygiene, allergies, unsafe water, road accidents, infections, trauma and lifestyle.

Could the Chairman table a list of the number of people who have died because of environmental degradation, weather, poor hygiene, allergies, unsafe water, road accidents, trauma and lifestyle, so that we know which is the biggest killer? I am not aware of any people dying because of weather. We do not have winter---

The Speaker (Hon. Ethuro): Order, Sen. Wetangula, you have just asked the Chairman that question. If you want to go ahead and answer it, then why did you ask it in the first place?

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. I just wanted to beg the Chair not to belittle my question. If he was not the doctor that he is, I would have forgiven him. He said clearly that the number of deaths was going down during the time of the Grand Coalition Government in 2012/2013.

The Speaker (Hon. Ethuro): Which page is that?

Sen. (Dr.) Khalwale: On Page 2, Row 3 of Table 1. They have stated that in 2013, the figure was 6,207. In 2014, it increased to 6,302 and to 7,264 in 2015. This was happening in a county where the amount of noise from the Governor that he is working with the Jubilee government for purposes of getting development was increasing. I would like the Chairman to tell us whether it is the Jubilee Government that is failing at the national level or the county government failing at the county level or both because it is very serious.

The Speaker (Hon. Ethuro): Sen. (Dr.) Khalwale, your issue is not really whether he is a doctor because that is outside his county. It is more of the statistics you are referring to.

Sen. (Dr.) Machage: Mr. Speaker, Sir, indeed, I would like to draw the attention of Sen. (Dr.) Khalwale to the mortality of 2012 which is 10,288. In 2013, it was 6,207; in 2014, it was 6,302 and in 2015, it was 7,204. There was a sharp decline in 2012 but there is a small increase that has hitherto not gone down from 2013, to date. Statistically, it may be very difficult to make the sort of conclusion that he made because I think the standard deviation here is not really significant on that kind of decision just because of the spike of 2014/2015. We need to look at a few more years before I come to that kind of conclusion that it is true. Please note that the Jubilee Government's reign will end in 2017. When I look at that, maybe I may come to that conclusion. For now, it is too premature to make that kind of conclusion.

Regarding Sen. Wetangula's view, it is true that there could be poor registration. I cannot confirm that level of registration of deaths at the villages in Bungoma because I can only rely on statistics. If there is irregularity on registration of deaths, then let this concern be expressed by this Senate - as we have been doing - to the relevant Ministry, which is not the Ministry of Health, to enhance the activity on registration of births and deaths at that level.

I thank you.

The Speaker (Hon. Ethuro): Let us have the next Statement issued

FATE OF TEA FARMERS WHO LOST MONEY IN
THE COLLAPSE OF IMPERIAL AND CHASE BANKS

The Speaker (Hon. Ethuro): The Chair is not here, we shall come back to that later.

(Statement deferred)

Next Statement.

DISMISSAL FROM SERVICE OF PRIVATE ABDIRAHMAN
OMAR MADEY

The Speaker (Hon. Ethuro): Chair of the Committee on National Security and Foreign Relations, out of six statements, four were directed to your Committee and that is the day you decided to be absent.

Sen. Adan: Mr. Speaker, Sir, I have the Statement but Sen. Bule is not here.

The Speaker (Hon. Ethuro): Then go to Statement (a) because Sen. Wangari is here.

(Statement deferred)

SHOOTING OF A SCHOOL GIRL FROM ULANDA HIGH SCHOOL

Sen. Wangari: Mr. Speaker, Sir, on 29th June, 2016, Sen. Wangari requested for a statement regarding the shooting of a student from Ulanda Girls High School in Migori County. The Senator specifically sought---

The Speaker (Hon. Ethuro): Order, Senator. There is something I have borrowed from the Chairman of the Committee on Health. He has brought some freshness in the way we should respond to statements. Do not go into what was requested but just go straight to the responses.

Sen. Adan: Mr. Speaker, Sir, on 27th, May, 2016 at around 11.00a.m, warden No. 2008190794 Mr. Ancent Ndunda Simon was guarding the remand prisoners at a watchtower in Migori Prison when Rogers Odhiambo Otieno, a remand prisoner, jumped over the fence in an attempt to escape.

The warden sounded the alarm and pursued the escapee. On realizing that the prisoner was outrunning him, the warden fired in order to disable him. Unfortunately, the bullet hit Quinta Amondi, a Form Two student at Ulanda Girls' High School aged 16 years, who was participating in school games at Migori Boys' High School which was 500 meters away. She was treated at Ombo Hospital before being referred to Moi Teaching and Referral Hospital.

Investigations into the shooting commenced immediately and an inquiry file was opened. The firearm was withdrawn and forwarded to Nairobi for ballistic examination.

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A report is still being awaited. Following the shooting, the warden was interdicted pending the outcome of the investigation. The escapee was re-arrested during the incident and has since been charged for escaping from lawful custody.

The following cases of stray bullets have been reported in the country since 2013. It is a long list which I have already shared with Sen. Wangari for her reference.

S/No	Date	County	Victim	Condition of Victim	Status of Investigations	Circumstances
1	19.11.2014	Akado Market-Kisumu	Carolyn Ajuma Adhiambo	Deceased	Inquest File No.7/2014. Case pending under investigations	Officers from Akada AP Camp who were repulsing a crowd which was intending to release a suspect
2.	6.3.2015	Homa Bay	Ambrose Onyango	Injury on the right leg	Inquiry File No.1/2015 Forwarded to DPP	Police were pursuing a hijacked matatu which they were trying to deflate tyres
3.		Kisumu	John Mark Okello	Hit three times by bullets	Inquiry File No.1/2016	Police were being led by a victim, who was a complainant in another case, to arrest a suspect when an officer accidentally discharged his AK47 rifle
4.		Nyanza	No.75740 PC/D Wesley	Bullet wounds	File with DPP	An officer accidentally discharged his firearm which hit his colleague
5.	27.5.2016	Migori	Quinter Amondi	Discharged from hospital, attending medication	Case under investigations	A prison warden was pursuing a remand prisoner
6.	20.6.2016	Nyanza	Nicholas Kipketer	Passed on while	Inquiry File No.4/2016 Case	Police were rescuing a victim

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				undergoing medication	pending under investigations (CID)	of mob injustice when deceased was hit by a stray bullet
7.	20.9.2015	Homa Bay Nyanza	Benson Ochaka Okumu	Treated and discharged	Case under investigation by CID	Police were rescuing a suspect from a mob when the victim was shot
8.	8.1.2016	Maua-Meru County		Treated and discharged	Case pending under investigations	Police were rescuing a suspect from a mob when the mob started pelting them with stones and fired in the air to disperse them and take suspect to safety
9.	13.3.2016	Laisamis-Marsabit	1.Ramatu Letelwa 2.Salina Lerapo 3.Kose Lewagat 4.Tibral Ibalanga 5.Tarya Igres	Treated and discharged	Case pending under investigations	Police officers were escorting a suspect to police station when they were confronted by about 600 morans armed with crude weapons at Laisamis Road barrier. They shot in the air to disperse the rowdy mob.
10.	21.10.2013	Wamba Town	Antony Nzioka	Sustained compound fractures. Treated and discharge	Case pending under investigations	The victim was shot during an exchange of fire with the police. File with DCI
11.	8.8.2015	Ngareit-Sotik	1.Duncan Kipngetich 2.Brian Kipkoech	Sustained slight bullet injuries	Case pending under investigations	Police were rescuing a person who was about to be lynched by a mob on allegations of being a witch. The public turned against the police. The officers shot in the air to save their own lives

12.	1.4.2014	Isinya-Kajiado	Joshua Munene	Bullet wounds-treated and discharged	PBC Vide CR.737/58/2016	No comments
13.	16.6.2014	Kajiado Central	Daniel Nkonkat Nterere	Deceased	Inquest No.12/2014	No comments
14.	9.5.2015	Ongata Rongai	George Kimani	File submitted to DPP for direction	Inquiry No.5/2015	Disciplinary action taken against the officer
15.	30.9.2014	Ongata Rongai	Edwin Mbuvi	File forwarded to DPP for advice	Inquiry File No.4/2014	
16.	30.6.2016	Njoro	John Maina Muroki	Bullet wound	Case pending under investigations	
17.	6.7.2016	Nakuru	Magdalene Wamboi	Bullet wound	Case pending under investigations	
18.	22.10.2014	Mitume-Trans Nzoia	Dorine Bahati	Bullet wound on the legs. Treated and discharged	Case pending under investigations	AP officers were pursuing a suspect when the victim was caught in the cross fire.
19.	12.5.2016	Kitale Town	Silas Mikoyani	Deceased shot in the chest	Inquest File No.8/2016 PUI	Rioting boda boda operators stormed into Equity Bank which was under police guard. The officers fired to disperse the riders during which the victim was shot on the chest.
20.	13.11.2013	Laikipia University	Davis Kinya a student at Laikipia Campus	Fatally shot during student riot	Inquest File No.1/2013	University student went on the rampage after one student was hit by a car. They set on fire one car and damaged a police truck. One victim was fatally injured.

Mr. Speaker, Sir, my Ministry has no vote to compensate victims of stray bullets. Lastly, all security officers are adequately trained on responsible handling of firearms and use of teargas.

The Speaker (Hon.Ethuro): Sen. Wangari.

Sen. Wangari: Mr. Speaker, Sir, I thank the Chairperson of the Committee on National Security and Foreign Relations, for that response which has been long overdue. However, I seek the following clarification:

One, the girl, Quinta Amondi was discharged from Moi Teaching and Referral Hospital with a blind eye. That is permanent disability. Now that the Ministry does not have a vote to compensate victims, I would like to know what the use of the emergency kitty in the Ministry is. The parents of this girl; Seline Akoth and Fredrick Otieno, are looking g for answers even today. What is the use of the emergency fund in terms of compensation?

Sen. (Dr.) Machage: Mr. Speaker, Sir, it is so unfortunate to hear such an answer. Here is an officer who begins chasing a culprit who has run away from cells and meets many students in games activities and decides to shoot. Where is the value for life? Was it intentional that this officer shot Quinta Amondi?

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I listened to the response from the Chairperson and it is worrying that we can casually come and respond to issues of loss of human life caused by an irresponsible officer in the land. How can a police officer use a Government firearm and injure a person and then that person is neither compensated nor his hospital bills paid for?

Could the Chairperson give us a better answer? Are you telling us that this Government cannot compensate anybody who is harmed by a stray bullet from a Government security officer? We need a better answer than that.

Sen. Mutula Kilonzo Jnr: Mr. Speaker, Sir, I am surprised that somebody can say that you cannot be compensated for being injured by a stray bullet. The word “stray bullet” is now a euphemism for negligence. It is now synonymous with saying that, the way you can be bitten by a stray dog is the same way you can be harmed by a stray bullet.

There is nothing in law or otherwise that justifies the Statement that you cannot pay because that was a stray bullet. It is as if the bullet walked from the gun and found somebody somewhere. The Chairperson must clarify the provisions of law under which a statement of this nature can be made to Parliament. We know that this is discharge of a bullet through negligence.

The Speaker (Hon.Ethuro): Sen. Njoroge.

Sen. Njoroge: Mr. Speaker, Sir, the response which I believe came from the Ministry is very careless and reckless. We now have a person injured by a bullet which came from a careless police officer. One person has become disabled because of carelessness of a police officer. It is the Government's responsibility to take care of its citizens. That lady has been disabled by a careless police officer---

The Speaker (Hon.Ethuro): Order, Senator. She was made blind. Just use the proper and effective wording.

Sen. Njoroge: Mr. Speaker, Sir, I believe the Government has the money to sort her out. It does not matter where the money will come from. That is a human being who

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needs to be compensated and also taken care of because we cannot entirely ignore that matter.

The Speaker (Hon. Ethuro): Order, Senator. You have exhausted your intervention. Sen. Muthama!

Sen. Muthama: Mr. Speaker, Sir, the response from the Chairperson worries everybody. I want to remind her that Kenyans are watching what is happening. How can a Government claim that no funds are available to compensate an innocent student injured by a trained officer who was trained with taxpayers' money?

That gun was not being carried by an untrained person. Does this Jubilee Government truly lack money to compensate such an injured student?

Sen. Obure: Mr. Speaker, Sir, I am very surprised to hear this answer being given very casually. I would go further to request that you give direction on this matter on what this Senate ought to do in a case where we are told that an innocent student cannot be compensated after suffering injuries through carelessness of a trained officer.

The Speaker (Hon. Ethuro): Sen. Elachi!

Sen. Elachi: Thank you Mr. Speaker, Sir. I think there are only two things that the Chair should tell us: One, whether after all this happened, the officer's fire arm was tested and it was confirmed that he is the one who killed this girl. Therefore, the Government must be responsible for compensation. We cannot run away from the problem.

The Inspector-General (IG) of Police should be told that when it comes to innocent lives especially of a child who will in future take care of her parents. So, I think if that is what killed this girl, the Government should compensate the family.

The Speaker (Hon. Ethuro): Sen. Nabwala.

Sen. Nabwala: Thank you, Mr. Speaker, Sir. I would like to add my voice and register my protest at the casual response we have received from the Chair with regard to this matter.

The Speaker (Hon. Ethuro): Hon. Members, I am only going to take another three Members that are already listed here.

Proceed, Senator.

Sen. Nabwala: Mr. Speaker, Sir, the manner in which this matter has been handled is very disappointing. The officer who shot the stray bullet was interdicted and the firearm withdrawn. That in itself is an admission of guilt. The Chair does not talk about compensation. This is an innocent girl who has suffered at the hands of the Government. Why would a young student not be compensated and yet the Government is sitting on a lot of money that is supposed to be utilized to protect lives of innocent people?

The Speaker (Hon. Ethuro): Sen. Sang!

Sen. Sang: Mr. Speaker, Sir, I am seeking clarification from the Chair whether I heard her say that the concerned police officer was interdicted. My question is whether the same police officer has been arrested and charged in a court of law for the same offence.

On this particular element of compensation, by the time the Government admits that it was a stray bullet it has already taken responsibility for the same. How can a Cabinet Secretary (CS) tell us he has no budget for the same? Could the CS tell us which

Ministry would have the allocation for the Government to compensate people who suffer under the hands of the same Government?

The Speaker (Hon. Ethuro): Sen. Madzayo!

Sen. Madzayo: Asante Bw. Spika. Sheria katika nchi hii iko wazi; ikiwa mfanyikazi wa Serikali ambaye anatakikana kumiliki chombo ambacho kinaweza kuhatarisha maisha, kuna umuhimu achukue majukumu wakati maisha ya mtu yamehatarishwa. Kulingana na majibu aliyosoma Mwenyekiti, ni kwamba hawana pesa za kugharamia maumivu ambayo huyu msichana aliweza kuathirika na ile risasi.

Swali ni; katika mahakama zetu za Kenya, kila mtu anayepatikana na hatia ya kwamba aliweza kutupa risasi na ikaathiri Mkenya mwingine, serikali iko na jukumu la kuchukua wadhifa huo na kuona ya kwamba mtu huyo amefidiwa Imekuwa Mwenyekiti hivi sasa anakuja na majibu ambayo ni aibu katika wizara iliyoko katika wizara ya Serikali ya Ofisi ya Rais kwamba leo askari anaweza kupiga risasi mtoto wa kike? Askari anaweza kutoa mtu jicho halafu aseme hatuna pesa ya kulipa? Haya ni madharau ya aina gani?

Kwa hivyo, sisi kama Seneti, tunakuomba, Bw. Spika, uchukue wadhifa huu wa kuweza kuweka msimamo kikamilifu wa Seneti. Ikiwa hatua kama hiyo ichukuliwe, askari huyo awachishwe kazi na apelekwe mahakamani na achukuliwe hatua na Serikali iweze kumfidia yule aliyeathirika.

Asante sana.

The Speaker (Hon. Ethuro): Sen. Wetangula!

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, the distinguished nominated Senator who read the answer happens to have a background not only as a lawyer but was working with the Kenya National Human Rights Commission (KNHRC) where such cases were prevalent. Is what she has read to this House a reckless misadventure or Government policy? If this prisons officer discharged the firearm and blinded a young school girl and ballistic tests have been done, why would the Chair tell us that an inquiry file has been opened instead of prosecuting this officer and compensating the family of this student forthwith, given that she has been left half blind with one eye gorged out by the bullet?

The Speaker (Hon. Ethuro): Order, Sen. Wetangula! You are even charitable to the distinguished Vice Chair of the Committee. She did not only work for the KNHRC, she was a commissioner. That is a whole world of difference.

Finally, Sen. Leshore!

Sen. Leshore: Thank you, Mr. Speaker, Sir, for giving me the opportunity. It is unfortunate that a 16 year old girl as beautiful as she is has lost one eye because of a reckless prisons officer. All officers within the Kenya prisons Service, the National Police Service and the Kenya Army are taught on how to aim at a target. I cannot even comprehend how that prisons officer who was trying to shoot an escapee got a schoolgirl who was playing within the school compound.

Mr. Speaker, Sir, what we are demanding as Senators is that the young girl should be compensated. The Ministry should buy her an artificial eye and give her insurance throughout her life time. That is our demand.

The Speaker (Hon. Ethuro): Chair!

Sen. Adan: Thank you, Mr. Speaker, Sir. I think I read this statement clearly. First, let me say that I am really sorry for what happened to this young girl. One of the issues I want to bring out is that the prisons officer was interdicted. That is action that has already been taken by the Government. Secondly, the firearm has been withdrawn and forwarded for ballistic examination whose results we are still waiting for.

Going back to the concerns raised by various Senators regarding issues of compensation and the policy of the Government; I know there are emergency kitties in Ministries and in various counties, but what I do not know is whether the Migori County government has done anything regarding this particular incidence. Those are matters I will investigate and bring responses to. But I know there is a kitty for emergency.

Maybe, the unfortunate part is that the family might not know whether there is such a kitty. So, I think this is something I can investigate and bring a feedback to the House.

Mr. Speaker, Sir, the statement is very specific on intentional shooting although this is not intentional shooting. It was an accident. So, I do not think the prison warder intentionally shot the young girl.

The issue of compensation that was addressed by various Senators; having worked with the Government and with KNHRC, there is a procedure that needs to be followed in terms of arriving at compensation to an individual who has been injured or wronged by a Government institution or Government officers.

The procedure I know is that whoever has been offended by a Government institution or a police officer is that they normally file a case in court. Once that process has been completed and the ruling has been made, an individual should be compensated. There is a kitty under all the Government Ministries and the Attorney-General's office to compensate such cases.

My colleagues and maybe Sen. Wangari who has brought out this matter, can assist the family to file a case against the Government regarding this particular matter. The Ministry responsible is the Office of the President where the Prisons Department falls.

Finally, there is no Government policy that states that there should be no compensation. However, there are procedures that need to be followed for one to get compensation in similar circumstances. There is no direct compensation.

Mr. Speaker: Let us move on to the next Statement.

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

Sen. Adan: Mr. Speaker, Sir, we have shared this with Sen. Madzayo. On 15th June, 2016, at about 12.30 p.m., Mr. Benson Kalu was driving a Toyota Vannet motor vehicle with the registration number KCF 619M which was operating as a public service vehicle between Mombasa and Malindi towns. On reaching Bombolulu area, he was signaled by a traffic police officer in uniform, Corporal Kennedy Opasi, to stop. The officer had detected three excess passengers who were hanging on the passenger's door side. The driver failed to stop and drove against the traffic in due---

Sen. Madzayo: On a point of order, Mr. Speaker, Sir. Incidentally, I have not had an opportunity to sit with my sister. I think I should bring that to your attention so that the House can save its time and transact any other business rather than answering this question which has now been settled. The parties have agreed on some terms and they have been complied with.

The Speaker (Hon. Ethuro): Thank you for your consideration though the Chairperson had stated that you had discussed the matter and you are telling us---

Sen. Adan: Mr. Speaker, Sir, we shared the answer with him. However, I have not received any feedback on whether the matter was resolved or not.

The Speaker (Hon. Ethuro): How do you share an answer?

Sen. Adan: Mr. Speaker, Sir, we shared the answer before the last recess with Sen. Madzayo.

The Speaker (Hon. Ethuro): Hon. Members, we will drop that statement. Thank you, Sen. Madzayo for saving us a bit of time.

(Statement dropped)

Let us move on to Statement (c).

INCREASE IN PRICE OF MAIZE FLOUR

The Speaker (Hon. Ethuro): Could we hear from the Chairperson, Vice-Chairperson or any Member of the Committee on Agriculture, Livestock and Fisheries?

Does it mean that there are no Members of the Committee on Agriculture, Livestock and Fisheries present this afternoon?

Sen. Madzayo: Thank you, Mr. Speaker, Sir. My Chairman is not in and I will hold brief for him. The question has not been answered or we have not received any response. I would, therefore, ask the House to give us an extra week so as to give us time to follow up the matter and ensure that the substantive question is answered.

Sen. Nabwala: On a point of order, Mr. Speaker, Sir. I had requested for Statement (c) and I have not been given an answer.

The Speaker (Hon. Ethuro): Order, Senator! Are you with us or without us? That is what, Sen. Madzayo was responding to. I thought you had heard and you were to respond to it, but since you were not following---

Sen. Nabwala: I agree, Mr. Speaker, Sir. We will give them two weeks.

The Speaker (Hon. Ethuro): The response should be ready in two weeks' time. Next Statement.

(Statement deferred)

FATE OF TEA FARMERS WHO LOST MONEY IN THE COLLAPSE OF IMPERIAL BANK AND CHASE BANK

Sen. Madzayo: Thank you, Mr. Speaker, Sir. I will put myself in the same shoes and I will answer in the same way I answered the other question from Sen. Nabwala.

The Speaker (Hon. Ethuro): Order, Senator! You may then wish to change the shoes. Proceed.

Sen. Madzayo: Mr. Speaker, Sir, let me rephrase my statement. We need seven days to be in a position to respond to that question.

The Speaker (Hon. Ethuro): I appreciate that you are an agent of necessity, but it is not enough to tell the House that you do not have a response. We want to know why you do not have a response.

Sen. Madzayo: Thank you, Mr. Speaker, Sir. I said earlier that I had withdrawn that line of approach. I now want to affirm that we need at least seven days to be in a position to respond to that question.

Sen. (Prof.) Lesan: Thank you, Mr. Speaker, Sir. This issue has been pending for a very long time. The farmers who lost billions are still waiting, hoping that they will be given some hope by the Chairperson of the Senate Committee on Agriculture, Livestock and Fisheries. Could I ask the Chairperson to provide the answer very soon at your convenience?

Sen. Obure: Mr. Speaker, Sir, I agree with the sentiments expressed by Sen. (Prof.) Lesan. I am sure you are aware that we have had riots around the country organized by tea farmers because of the low amounts of the payment they receive from the Kenya Tea Development Authority (KTDA). I believe that this question has a bearing on those low payments and the riots that followed. I want to emphasize that the Committee on Agriculture, Livestock and Fisheries should take this matter more seriously than they have done at the moment.

Sen. Madzayo: Thank you, Mr. Speaker, Sir. I do agree with the sentiments of my colleagues. We have tried our best as much as possible and we need a bit of time. We will be summoning the Cabinet Secretary (CS) to appear before the Committee so that he answers some of these questions. That is why I had earlier asked for seven days which is not a long time. We will be in a position to give a substantive response to this question.

The Speaker (Hon. Ethuro): Order, Senator! You may have the luxury of time, but the Kenyan farmers and consumers do not have that luxury. We are talking about prices of basic items like food stuff and money lost by farmers. I, therefore, direct that the two statements be on the Order Paper Thursday this week. It is not our business to carry the CS's around. It is their business to respond to us. That should be the case.

MANAGEMENT OF COMMUNITY AND
PUBLIC LAND IN MACHAKOS COUNTY

Sen. Muthama: Mr. Speaker, Sir, I had sought for a Statement on 1st March, 2016, from the Committee on Land and Natural Resources and I wish to get to know if it can be responded to. I know there have been some hitches and I do not want to blame the Chairperson. This is because the statement was to come in the week that I spent with the Select Committee. I wish to have the response as soon as possible.

The Speaker (Hon. Ethuro): That statement should appear on the Order Paper on Thursday.

(Statement deferred)

What is it, Sen. Muthama?

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Sen. Muthama: Mr. Speaker, Sir, could the Chairperson also furnish me with the copy of the response if it is ready?

The Speaker (Hon. Ethuro): Order, Senator. Those are routine matters. Everybody knows about them.

Proceed, Sen. Obure.

Sen. Obure: Mr. Speaker, Sir, this is a new request.

Mr. Speaker, Sir, pursuant to Standing Order No.45 (2) (b), I rise to seek a statement from the Chairperson of the Committee on National Security and Foreign Relations on the killing---

The Speaker (Hon. Ethuro): Order, Sen. Obure. We are not yet done with the statements to be issued. I will allow you later.

Let us proceed to Statement (f). Where is the Chairperson of the Committee on National Security and Foreign Relations?

DISMISSAL FROM SERVICE OF PRIVATE ABDIRAHMAN
OMAR MADEY

The Speaker (Hon. Ethuro): This was requested by Sen. Bule. It is deferred to next Tuesday.

(Statement deferred)

What is it, Chairperson?

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

Sen. Adan: Mr. Speaker, Sir, last week on Thursday we were instructed by the presiding Chair, the Deputy Speaker, on the outstanding issue of Nandi, that we should summon the Cabinet Secretary but fortunately we have an answer to that Statement. With your permission, we can issue that statement, if possible today or tomorrow.

Sen. Sang and Sen. (Dr.) Khalwale have copies of the response.

The Speaker (Hon. Ethuro): That should be on the Order Paper tomorrow.

(Statement deferred)

Proceed, Sen. Obure.

KILLING OF MS. EDNA OSORO AND MS. IRENE
ONYANSI IN KISII COUNTY

Sen. Obure: Mr. Speaker, Sir, pursuant to Standing Order No.45(2)(b), I rise to seek a Statement from the Chairperson of the Committee on National Security and Foreign Relations on the killings of Ms. Edna Gesare Osoro and Ms. Irene Kerubo Onyansi at the Daraja Mbili Market, Kisii County, on Thursday 6th October, 2016.

In the statement the Chairperson should address the following:-

(1) The circumstances that led to the killings.

(2) The identity of the person(s) who killed them.

(3) What steps the Government is taking to ensure that justice is served to the families of the deceased.

(4) Whether the Government is aware of a long standing conflict between the traders in the market and other road users.

(5) What the Government is doing to mitigate the conflict.

Sen. Adan: Mr. Speaker, Sir, I request to be given two weeks to respond to the statement.

The Speaker (Hon. Ethuro): It is so ordered. That is the end of statement time. We move to the next order.

Order No.8 is deferred for now.

BILLS

Second Readings

THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILL NO. 16 OF 2015)

(Bill deferred)

Proceed. Next order!

Order, hon. Senators, Order No.17 is also deferred.

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

(Bill deferred)

The Speaker (Hon. Ethuro): Order, hon. Senators! Order No.9 is a Division. It is deferred to tomorrow afternoon. Again, that should apply to Orders No.10, 11 and 12.

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

THE SELF HELP ASSOCIATIONS BILL (SENATE BILL NO. 2 OF 2015)

THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2014)

(Bills deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

Now, we proceed to Order No.13

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Speaker (Sen. Ethuro) left the Chair]

IN THE COMMITTEE

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

THE PHYSICAL PLANNING BILL
(NATIONAL ASSEMBLY BILL NO. 46 OF 2015)

The Temporary Chairperson (Sen. Sang): Order, Senators!

We are in the Committee of the Whole on the Physical Planning Bill (National Assembly Bill No.46 of 2015). We have several individual and Committee amendments to this Bill. Committee Members, Sen. Kivuti and Sen. Khaniri have requested that we defer this Order. So, we will defer it to tomorrow. Therefore, we have to report progress on the same.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Temporary Chairman, Sir, pursuant to Standing Order No.139, I beg to move that the Committee of the Whole reports progress on its consideration of the Physical Planning Bill (National Assembly Bill No.46 of 2015) and seek leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

PROGRESS REPORTED**THE PHYSICAL PLANNING BILL (NATIONAL
ASSEMBLY BILL NO.46 OF 2015)**

Sen. Sang: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the Physical Planning Bill (National Assembly Bill No.46 of 2015) and seeks leave to seat again tomorrow.

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

I request Sen. Muthama to second.

Sen. Muthama seconded.

(Question proposed)

(Question put and agreed to)

Sen. (Dr.) Khalwale: On a point of order, Mr. Temporary Speaker, Sir. For the record, allow me to congratulate you for coming to the Chair properly. The procedure of the Speaker coming to the Chair is ceremonial. I have seen many at times when you are not in the Speaker's Chair, Members of the Speaker's Panel play around with that ceremonial role. I congratulate you, and I hope they are all going to learn from you. We want to uphold the dignity of this institution that we call the Senate.

The Temporary Speaker (Sen. (Dr.) Machage): Thank you, Sen. (Dr.) Khalwale. You know we are patriots of this House and we have been here long enough. Some of these things come with time. They will pick up the practice.

Sen. Cheruiyot: On a point of order, Mr. Temporary Speaker, Sir. Just for the sake of us who are still new to these traditions, could Sen. (Dr.) Khalwale mind explaining to us how you came to the Chair?

The Temporary Speaker (Sen. (Dr.) Machage): Order! I hope you do not want me to tell the people of Kericho County that you are never concerned with the happenings of this House. You are supposed to be alert.

(Laughter)

Sen. Sang: On a point of order, Mr. Temporary Speaker, Sir. I wish that Sen. (Dr.) Khalwale would listen to me. Whereas I agree with the very valid point raised by Sen. (Dr.) Khalwale and I am one of the Members of the Speaker's Panel, I have always followed your footsteps. If a Member of the Speaker's Panel does not do the right thing, that is the point a Senator is supposed to point out.

Is he in order to insinuate that Members of the Panel – obviously not me because I have always followed your footsteps – who are very well known to this House might have been doing wrong things and that he has failed to point out such mistakes immediately so that they can learn?

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Sang, sometimes it is good to have an orthodox thought. Procedurally, sometimes the observations of Members who have been in the House for a long time like Sen. (Prof.) Anyang'-Nyong'o, who is not in the House at the moment, and Sen. Leshore point into an anomaly. Do not take it as personal.

It is an opportunity to be more observant on matters of procedure. I think we should thank him for having been very civil in the manner in which he raised it. Otherwise, he would have embarrassed a Member while on this honourable Chair. I think that concludes that matter.

Next Order.

BILLS

Second Readings

THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILL NO.5 OF 2016)

The Temporary Speaker (Sen. (Dr.) Machage): The Chairperson was supposed to be here to move this. We cannot execute it. So, it is deferred.

(Bill deferred)

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

Sen. Elachi: Mr. Temporary Speaker, Sir, I beg to move that the National Cohesion and Integration (Amendment) Bill (Senate Bill No.6 of 2016) be read a Second Time.

The object of this Bill is to amend the National Cohesion and Integration Act of 2012 so as to enable the National Cohesion and Integration Commission to effectively monitor peace building projects in our country.

You realise that the National Cohesion and Integration Act was enacted in 2008 to encourage national cohesion and integration by outlawing discrimination on ethnic grounds and provide the establishment of powers and functions of the National Cohesion and Integration Commission. As we bring in this amendment, we need to ask ourselves whether the Commission has been able to monitor the different projects that we have in terms of peace building. I think that is what this amendment is trying to address.

Mr. Temporary Speaker, Sir, there is a new clause in Section 25(2) to ensure that the Commission is able to oversee peace building processes. We realised that as they move on as a Commission and as we head to the elections, this is one Commission that we are also relying on. It has presented different rules and criteria of what is happening, not just at the national but also at the county level. Therefore, it will be important for us to amend the principal Act by inserting a new clause to deal with the oversight of peace building projects.

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Mr. Temporary Speaker, Sir, during the post-election violence, many Kenyans were running peace projects. Some of them could not be understood what type of peace project they were running. Some took advantage of the IDPs. They ran peace programmes for the settlement of the IDPs. However, they acquired resources by using suffering victims. They made money and could not remember that peace building projects are important for people to change lives. They should come out of the helplessness and move on with their lives.

This amendment gives that strength to the NCIC to ensure that they go all over the country. Today, we have different peace programmes. Different departments are running the same programmes on peace building. Within the Ministry of Interior and Coordination of National Government, there is a department that deals with peace building projects just like the NCIC. Who monitors what is happening in all these institutions? There is no institution that monitors. Therefore, it is important to evaluate these peace programmes in the counties. They can decide to work together to ensure that as we near elections, we can monitor.

Mr. Temporary Speaker, Sir, you are from Migori County. You know how cosmopolitan the county is. It is important for you to understand that if we have peace organisations, we involve all communities. The same case will apply to Nakuru County and other hotspots with cosmopolitan population. Therefore, these amendments will assist in tracking and monitoring the mechanisms of all peace building projects in our country.

The Bill will also help us analyse and carry out research. You find that we have some international organisations that carry out peace programmes in counties. In Mt. Elgon, for example, we have had different peace programmes that are happening. If they are not monitored, other people will take advantage of a peace programme and create a different issue. There is positive and negative peace.

When the NCIC disseminate information, it should tell us that there are critical gaps, strategic priorities and relevant programmes in peace building in different regions. For example, in West Pokot and Elgeyo-Marakwet counties, we need to see serious peace programmes going on. If the NCIC does not have that mandate, we also have the right to question them. We have had challenges of cattle rustling in Baringo and Samburu counties. We are now carrying out peace programmes in those counties geared towards empowering the youth.

Mr. Temporary Speaker, Sir, the principal Act does not give the exact mandate to the NCIC or Ministry. The NCIC competes with the Ministry of Interior and Coordination of National Government to run peace programmes in various counties. We know the Ministry's programme could be different from the NCIC because they use security agencies to monitor those peace building projects. Therefore, it is important if we have a way of bringing in the NCIC and the Ministry to work together. When you are running a peace programme, it should not make the communities start feeling threatened. That is why this amendment is critical.

Mr. Temporary Speaker, Sir, one of the obligations of persons involved in peace activities is to make sure communities remain united. Sometimes when we use security agencies to oversee those projects, we may end up leaving communities more divided. That is one thing that the NCIC should start working on. As much as we run the different

programmes, the most important thing for us to do is to work out how to leave communities enhanced, working together and able to deal with their challenges more effectively. In fact, while we talk of peace building projects, we should not undermine the existence of the different communities. Some are minorities and others are majority tribes.

Mr. Temporary Speaker, Sir, the Bill makes it an offence to undertake a peace building project that is not registered under the Act. Why are we doing so? This is because different departments are running peace programmes throughout the country. Sometimes we go into a region, especially where we have the pastoralists and different clans fighting each other, but they have their own mechanisms of ensuring peace. They have their own mechanisms of punishing offenders, for example, if one went to a community and disrupted or killed. At the same time, some things are really “hot”.

I remember the Senate Committee that went to Mandera County. There are pertinent questions we have to ask ourselves. For example, what happened after that visit? What is happening now? Is there peace in that county? We do not even have something to track. We do not have a monitoring mechanism to track the record for us to know what is happening on the ground. For example, we should show that after 10 months, people have worked together, agreed and moved on with their lives.

The Committee on National Security and Foreign Relations was worried when we brought the amendment. May I tell them that what we are trying to do here is to give powers to the NCIC to enable them monitor the peace building projects across this country. This will ensure that the projects do not fuel more conflicts. It will ensure that they are only projects that talk of peace.

Mr. Temporary Speaker, Sir, we also have boundary disputes. Those are conflicts that need peace. However, when we have these conflicts the best way is to have the NCIC monitor and assist. The important thing as we amend the Act is to improve what the NCIC has. Let us give them the support to oversight and the support to ensure that if you want to get data of a certain county in terms of projects on peace building, it will only be asking and receiving.

Within the joint committee, which I sit in, we have received different reports from counties. There is a lot that is happening in this country. However, we are not able to document what is happening in the various counties. Some are positive while others are negative, but need to be worked on. I hope the NCIC can also take its responsibility critically to deal with those that are negative.

Mr. Temporary Speaker, Sir, as we move toward the general election next year, there will be a lot of conflicts in the counties, especially where minority communities may feel marginalised and denied the chance to contest certain positions. For example, this happened in Marsabit in 2013 general election. Going forward, I think it will be wise for us to give the NCIC an oversight role so that they talk with the elders in various counties to see how best they can manage the 2017 general election and make sure that everybody is involved. We do not want to see situations where a section of the community is denied a chance to participate in elections. These are challenges that we need to address as a country. All political positions should be shared equally by all communities in a county.

Sen. (Prof.) Anyang’-Nyong’o: On a point of order, Mr. Temporary Speaker, Sir. I apologise for interrupting the gracious lady Sen. Elachi. I would like to rise on a point

of order in line with Standing Order No.31. In accordance with Standing Order No.31, I wish to move that this Senate Now stands Adjourned to discuss the following Motion.

The Temporary Speaker (Sen. (Dr.) Machage): Order! I will give some guidance before you move. It is the tradition of the House that once somebody is moving a Motion or a Bill, it is fair that the Mover be allowed to finish the moving of the Bill and be seconded. Otherwise, that opportunity will be lost because if she stops moving the Bill for the purposes of the Adjournment Motion then she will lose that opportunity. I would rather you move your request under Standing No.33 which is good enough. As you look at it I will allow the Mover to continue.

Order, Senator! Yes, Sen. (Prof.) Anyang'-Nyong'o.

Sen. (Prof.) Anyang'-Nyong'o: Mr. Temporary Speaker, Sir, much obliged. Standing Order No.33 is very restrictive in terms of debate of this matter. So, I would rather stick to Standing Order No.31 and move it at an appropriate time that the Speaker will provide.

The Temporary Speaker (Sen. (Dr.) Machage): Then I will advise that you move it after this Bill is seconded.

Sen. (Prof.) Anyang'-Nyong'o: Mr. Temporary Speaker, Sir, much obliged.

The Temporary Speaker (Sen. (Dr.) Machage): Thank you.

Sen. Elachi: Thank you, Mr. Temporary Speaker, Sir. As I finalise, it is important for us, as politicians, to do the right things that will benefit this country. This is because most of the times, we are responsible for conflicts or peace in this country. Therefore, it is our obligation to ensure that we enact the laws that will guide our country to posterity.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to move and ask Sen. Zani to second.

Sen. (Dr.) Zani: Thank you, Mr. Temporary Speaker, Sir, I stand to second this amendment. I wish to congratulate Sen. Elachi for bringing this important amendment to this House. The other day, the NCIC gave us a damning report about the level of cohesion and the level of integration within the various counties in terms of employment of Kenyans and their ethnicity. That report was very bold. It showed that in many were not adhering to the provision that has been made, that 30 per cent of the staff should be from communities outside the county; the level of counties breaching this law was almost 90 per cent to 99 per cent.

I sit in the National Cohesion and Equal Opportunity Committee. One of the things we have resolved to do is to start calling the worst counties in terms of ethnicity to appear before us and explain exactly what happened. I start with this because this is the basis of the problem that we have had in terms of peace building. When you are talking about Kenya, we are talking about one whole Kenya and how it should conduct its business. One of the aspects that have been missing is exactly this component of peace building.

The recommended amendment is critical. I will start with the one in Clause 2 that proposes to introduce new terminologies and new descriptions for those particular terminologies. This is important because it brings the element of peace building. You are aware we are moving towards an electioneering period and the issue of peace, cohesion, integration becomes very key and critical. It is not just about attaining peace at

that particular moment, but it is about attaining peace that will be sustainable in many years to come after an election. It is going to be about resolving ongoing inter-communal and communal conflicts.

Our Committee has visited Baragoi, Samburu and other places. We have been making sure that peace treaties are signed. Cattle rustling issues should not be seen as traditional or cultural because they will be entrenched in law. In other words, a crime is a crime and it should be treated as such so that we maintain peace in this country. As we move towards elections, this is very critical. All these activities need to be planned and to be in the long run.

Mr. Temporary Speaker, Sir, we have in the original Act the provisions for the functions of the NCIC. Under Clause 3, what is missing in the principal Act is now being addressed by this amendment. It says the commission should oversee the implementation of peace building projects. We, as a Committee, have interacted with the NCIC over time and I can assure you that they are up to the task. They have had experience in the dealings that they have had across the various communities and they are able to put all these into place.

The main amendment for this particular Act comes with the introduction of Clause 36 that deals with the peace building projects. It clearly explains how those should be conducted. It is actually put as part and parcel of functions of the commission which they will have in respect to peace building projects. These are broad across the board. For example, developing and monitoring communities, their level of peace and the triggers that cause instigation for that specific peace. Further, developing specific ethical standards that have to be followed across the board and there is need for education initiatives for these communities to know exactly what these are.

However, it is impossible to do all these things without having consistent research that is advocated in this particular clause. That information is given, the peace building initiatives are shared and people can compare various peace initiatives and be able to say which ones had an impact. What sort of impact do they have across research and data so that we are careful about what works and what does not?

This commission will advise persons involved in the peace processes, specifically on long-term issues of cohesion and integration; to encourage national and county governments to allocate more funding. This is critical because most of the time we forget that this whole process is about money, bringing communities together and encouraging them to keep the door open and continually discuss the various issues. Therefore, funding is, probably, one of the components that have been left out. This commission will have to be very proactive, so that they engage with the counties and explain to them exactly what proportion has to be given for peace building initiatives.

Mr. Temporary Speaker, Sir, I want to make a recommendation that even as we proceed with this Bill, specific percentages should be extracted from the county governments budgets specifically for this important initiative, so that those peace initiatives can be successful over time. Once we have a situation of instability it will affect everybody. These functions are broad and clear. They have been negotiated across the board and many people are in agreement that these changes need to be made.

Mr. Temporary Speaker, Sir, the other critical amendment is done on Clause 36 (a), which talks about the responsibilities of the person who is in charge of the peace

building committee and the sort of person they should be. One, they should be persons who should not instigate the communities. Two, they should encourage the participation of the target community. They should encourage public participation across key communities, in a case where one community is the point of intercession with another community. In a case where we have more than two or three communities, there should be intercession with those various communities, so that they read from the same page.

Mr. Temporary Speaker, Sir, we always talk about dialogue and its importance. This is what this peace keeping initiative and keeping everybody engaged is all about. When people are able to talk about issues, they realise that the differences among them are not as big as they imagine them to be. This is the culture that we want to encourage in Kenya; the culture of dialogue, sharing and saying that we have only one Kenya that is irreplaceable.

We need to look at the harmful practices and the biases that for so long have played in a stereotypical way, either within the media, cultural set ups or some of the resolutions that make a difference. I remember sometime back when we had educational initiatives that allowed us to go to different schools. We shared experiences with other members from other communities and learnt to live with each other. This bias creates harmful behaviour that brings inter-conflict which creates a bigger problem.

The commission will also maintain a register of all peacemaking projects within the county. This is already happening. There is a register of most of the peacemaking meetings that they have had, but they will also come up with specific projects over time and in a sustained manner that will also be written out and evaluated over time, to ensure that they are following across a particular board and doing what is expected to be done.

We continue to talk about the peace, statements, schedule of activities and timeframe which are critical, as articulated in Clause 36 (d). There will be a specific way in which the data will be put; in a prescribed manner. Timeframes, objectives that need to be attained and how they will be attained, indicators of how they will be attained have been taken into consideration, so that these deliverables are clear. When these deliverables have been attained, they can be put out there for people to understand them.

This particular amendment also talks about the specific roles for the specific commissioners. This will also help this commission to counteract and do its work more effectively. The amendment also gives a chance to this commission to disapprove any peacemaking project if it seems to be imposed on specific communities or any other reasons that the commission might feel that it is a project that might not enhance the peace. Overall, it will be up to the commission to initiate projects within the communities; but once these are brought on board, there will be a vetting system. This will ensure that the projects the commission will engage will be vetted and lead to making specific decisions.

Mr. Temporary Speaker, Sir, the amendments continue on and on. It is all about empowering this commission, not only to be effective as we move towards elections, but to also be well grounded in a process so that, continually, we can have this narrative of peace.

As we move towards elections, more organisations are coming up with initiatives of peace. All these are scattered because various people come up with different agendas. This will help in the streamlining of this process, so that some of these projects can be

encompassed in this and be long-term with more meaningful goals and objectives that can be actualized.

Mr. Temporary Speaker, Sir, with those words and comments, I beg to second.

(Question proposed)

Sen. Leshore: Thank you, Mr. Temporary Speaker, Sir. First, I would like to thank Sen. Elachi for bringing these amendments. They will come in handy and will go a long way in ensuring peaceful coexistence among warring communities in Kenya. It will ensure that people involved in peace building are patriotic Kenyans guided by integrity and national ideals.

The Bill seeks to accommodate peace building initiatives which are non-military. Whenever we want to restore peace in Kenya we send our military. We need to empower the NCIC, so that they bring communities together peacefully. We should not only rely on the military or police to bring peace in our counties.

Mr. Temporary Speaker, Sir, Clause 25 seeks to oversee the implementation of peace building projects and sets standards for patriotic Kenyans to oversee the peace building. The committees seek to empower the NCIC. They will be established in every county and give weekly or monthly reports on what is happening and how to bring communities together. We have lost many lives because of small issues affecting communities.

Sen. Elachi has referred to Marsabit, Tana River and Mandera counties where minorities are deprived of their national rights. The Constitution of Kenya 2010 stipulates that every Kenyan has the right to own property and live in peace and harmony. The Samburu and Turkana communities have been fighting since 1996 because they feel deprived of their political, social and economic rights. We would like to empower this commission, so that it can go down to *mashinani*, so that as we head towards elections, Kenyans will live peacefully and know their rights. Every individual Kenyan, whether from a minority or a majority tribe, will enjoy the fruits of our nation.

Mr. Temporary Speaker, Sir, this amendment is timely; it has come at the right time and all of us should support it, so that come next year, our people will enjoy the fruits of our peace in the country.

Thank you, Mr. Temporary Speaker, Sir.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I also rise to strongly support this amendment. I am cognizant of the fact that the gist of this amendment is simply to enable the commission to effectively monitor peace building projects in this country. I support this amendment because unless legislation is clear and properly in place, these projects can be abused.

As I speak, I know of initiatives in Kakamega County, specifically Khwisero sub-county, where some group tells women to assemble at place 'x' and that they will get an allowance of Kshs1,000 after a meeting to speak to the issue of peace building.

Therefore, I said that is fine. However, when you follow it further you find the agenda being advanced is cleverly being used to advance political agenda of the Jubilee Administration. Therefore, if we have this kind of legislation, then it will be clear that the parameters one can pursue will be limited to A, B, C, D and even go further and make it

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an offense in this amendment for anybody who will be outside the framework of the very intention of peace building.

Mr. Temporary Speaker, Sir, I say these things with strong conviction because we know the objectives and functions of the NCIC. They are not complicated, because members of the public are following this, they should know that we put up this commission in our statutes because it was critical. We expected that the NCIC would promote equality of opportunity. The biggest opportunity in this country is sharing of resources and access to jobs in the public sector.

When did we last hear of the chairperson of the NCIC, Hon. ole Kaparo or any of his other commissioners speak to the issue of the absence of equal opportunity in this country? Last week, the former Speaker of the National Assembly, Hon. Kaparo, told Kenyans about the rot in the counties. I am surprised that a scholar like Sen. (Dr.) Zani fell for it. Little did Kenyans realize that Hon. Kaparo was deliberately being used by Jubilee to create a diversion from the rot in the national Government to look like the problem is in the counties. Counties were deliberately put there to promote a culture of the majority of the people in that county---

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

The Temporary Speaker (Sen. (Dr.) Machage): Yes, Sen. Wangari, who do you want to inform?

Sen. (Dr.) Khalwale, do you want to be informed?

Sen. (Dr.) Khalwale: Yes, Mr. Temporary Speaker, Sir. I am sure she has a point.

Sen. Wangari: Mr. Temporary Speaker, Sir, unless I am very wrong, I just want to inform Sen. (Dr.) Khalwale, that just a few weeks back the NCIC released a report at the national level of opportunities in our institutions. It would be false to say they just deal with counties. In our learning institutions---

The Temporary Speaker (Sen. (Dr.) Machage): Order! Stick to the point of information.

Sen. Wangari: Mr. Temporary Speaker, Sir, my point of information is that I saw a report on how job opportunities were shared out in our learning institutions and, especially institutions of higher learning across the country.

The Temporary Speaker (Sen. (Dr.) Machage): Therefore, you would want to inform Sen. (Dr.) Khalwale that there is a report about employment in national Government.

Sen. Wangari: Yes, Mr. Temporary Speaker, Sir. It was not just about counties.

The Temporary Speaker (Sen. (Dr.) Machage): Very well, you are informed.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I thank the Senator for informing me. If she cared to listen to me, I started by saying that the greatest inequality for opportunity obtains in two areas. First is lack of equality in access to resources. Secondly, access to appointments in the public service.

Therefore, when Hon. Kaparo spoke to what is happening to universities, again, that was diversionary. We want him to go to appointments in the national Government where - unfortunately, and I do not understand why the President, as young as he is, he has allowed it to go on for four years - 60 per cent of opportunities are hogged by two communities and the rest of the country has access to only 40 per cent.

The Temporary Speaker (Sen. (Dr.) Machage): What is it, Sen. Murkomen?

Sen. Murkomen: On a point of order, Mr. Temporary Speaker, Sir. Can Sen. (Dr.) Khalwale substantiate the 60 per cent argument? What is the justification of the 60 per cent?

The Temporary Speaker (Sen. (Dr.) Machage): Very well! You have been challenged.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I will rise to the challenge. I will always live with my words. The appointments in the public service are skewed to favour two communities. One does not have to go very far. Just look at the structure of the Cabinet, the Principal Secretaries and the Managing Directors and Executive Chairs of various parastatals---. This is not a laughing matter. It can destabilize the country.

The Temporary Speaker (Sen. (Dr.) Machage): What is it, Sen. Murkomen?

Sen. Murkomen: On a point of order, Mr. Temporary Speaker, Sir. I am cognizant of the fact that my colleague has not mentioned the two communities he is talking about. That does not interest me. When he talks about 60 per cent from two communities, he should tell us what he is quoting. He says “public service”. Public service is defined in the Constitution. Who is it specifically he is referring to? He says 60 per cent across public service as a whole, is comprised of two communities in the last 50 plus years since we attained Independence. He should be factual because this is a House of facts.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. (Dr.) Khalwale, may I refer you to Standing Order No.94 which I know you know very well.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I do.

The Temporary Speaker (Sen. (Dr.) Machage): It states:-

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

However, the second part of that Standing Order gives you some time. If you are not able to substantiate today, you may substantiate so long as it is not later than the next sitting day. Therefore, if the line of argument you want to continue is what you have just said, then I will not accept it as substantiation. Let me hear your second attempt.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I know my brother Sen. Murkomen understands the English language reasonably well. Therefore, unless the meaning of the word substantiation has changed in the English dictionary---

The Temporary Speaker (Sen. (Dr.) Machage): Order! What is your understanding of the word “substantiation”?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, my understanding is the one which is guiding me in substantiating by pointing to the areas where there is hogging of opportunity.

The Temporary Speaker (Sen. (Dr.) Machage): You do not use the same word to define the word. Therefore, what is substantiation according to you?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I was asked to substantiate. I am now substantiating.

The Temporary Speaker (Sen. (Dr.) Machage): Order! I am guiding you. It is only that you dropped and completely demeaned the intelligence and academic status of Members of this House that they do not understand the meaning of substantiation. Now that you have dropped in to that, define it.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, if there is a rule in this House that I have breached you can look at the content of my speech. You and I know the levels of our debate. I am substantiating by clarifying further that the inequality that I spoke about in the public sector is as it obtains; in the membership of the Cabinet; in the appointments of Permanent Secretaries and Principal Secretaries; the Managing Directors and Executive Chairs of parastatals. To my mind, that is substantiation.

Sen. Sang: On a point of order, Mr. Temporary Speaker, Sir. Sen. (Dr.) Khalwale, being a very good debater in this House, wants to take us round in circles. The substantiation is with regard to 60 per cent of the positions in the public service going to two communities. Therefore, he should substantiate the allegation that if you look at the composition of the Cabinet, you will find that 60 per cent is made up of two communities. The substantiation is with regard to 60 per cent, two communities and the public service. If he does not do so, I will request that you order that he has not substantiated and, therefore, consequences of the same Standing Order be applied.

The Temporary Speaker (Sen. (Dr.) Machage): I will be fair to Sen. (Dr.) Khalwale. I know he is a scholar and he knows what he is talking about. I will require that he brings the statistical accuracy of his allegation tomorrow. He should bring a list of the so called Members of the Cabinet, Principal Secretaries, parastatals, organisations and so on and so forth, and confirm that, indeed, the list gives us 60 per cent representation of only the Kalenjins--- Pardon me, two communities which he did not mention.

(Laughter)

Sen. (Dr.) Khalwale, if I were you I would leave it at that because, in a way, I also forgave you for throwing too much into the definition of substantiation which you apparently do not know. I want to believe that you thought in terms of English Learners Dictionary whose reference anybody can make. So, I leave you at that. You are ordered to table the substantiation in tomorrow's sitting.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, tomorrow at the earliest opportunity that the Chair invites me, I will gladly table that structure.

The Temporary Speaker (Sen. (Dr.) Machage): Very well.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, allow me to appreciate the thoughts of Sen. Sang. I am alive to the fact that in this House, we are not encouraged to debate using names of ethnic communities, unless you are referring to it positively. So, he was deliberately laying a trap for me to fall in so that I am thrown out of the House. Otherwise, tomorrow, I will not only be dealing with the actual names of personalities, but I will be saying from which communities they come because I have been ordered to do so.

Mr. Temporary Speaker, Sir, if it were Sen. Wetangula speaking, he would have said the following. That if there are three dogs and only one of them stole meat---

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The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. (Dr.) Khalwale! Are you sure you are able to read the mind of Sen. Wetangula and know what he would say today?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, it is because he uses a Luhya parable.

The Temporary Speaker (Sen. (Dr.) Machage): Then you should have excused yourself to be allowed to quote Sen. Wetangula and that is acceptable.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, allow me to quote Sen. Wetangula who likes referring to a Luhya parable that speaks to three dogs where one of them has stolen meat. Whenever the owner of the meat lifts up a stick, the dog that ate the meat starts wailing even before the stick comes down. No wonder the people complaining about the 60 per cent hogging of opportunities in this country come from certain communities.

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

The Temporary Speaker (Sen. (Dr.) Machage): What is it, Sen. Sang?

Sen. Sang: Mr. Temporary Speaker, Sir, Sen. (Dr.) Khalwale must take colleagues in this House seriously. He alleged and, in fact, appeared to complain about the 60 per cent. None of the Members in this House did that, but he seems to be giving an illustration using his native language that seems to paint some Senators in this House to be the ones wailing like dogs or something like that. Could he explain the relevance of his example?

Sen. Murkomen: On a point of order, Mr. Temporary Speaker, Sir. Is it in order for Sen. (Dr.) Khalwale to compare Hon. Senators from other communities with Luhya dogs? We come from different places and dogs behave differently depending on where you come from.

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. (Dr.) Khalwale! I heard no wailing in this House. As far as I am concerned, we are Hon. Senators, but not Members from one community in this House.

I may not want to interpret or read into Sen. (Dr.) Khalwale's mischief. If that is what he was quoting from Sen. Wetangula, then it should be Sen. Wetangula to confirm whether that is the sort of definition he really puts on his parable or not.

Sen. (Dr.) Khalwale, do not step on your colleagues unnecessarily - on the wrong toes. Let us listen to the substance of this Bill because it is important for this country. Desist, please. You may now continue.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, thank you, I am so guided. In Kakamega, we have Lubao Market. One thing that has happened over hundreds of years at Lubao – Sen. Elachi here will confirm that – is that Nandis come with cattle. They leave cattle with us and go with dogs from us to go and take care of their cattle at home. So, we have always shared dogs and cattle with Nandis. So, Sen. Sang knows that our dogs are their dogs and their cows are our cows.

(Sen. Sang spoke off record)

(Laughter)

That is the biggest dog market in East Africa.

Mr. Temporary Speaker, Sir, the NCIC has an important function. This is to promote equal access and enjoyment by persons of all ethnic communities and racial groups to public or other services and facilities provided by the Government.

Mr. Temporary Speaker, Sir, as I support, I want to thank Sen. Elachi because a further objective of the commission is to promote respect for religious, cultural, linguistic and other forms of diversity in a plural society like ours. This is an opportunity where I must say this. The Deputy President, while addressing a conference yesterday in Paris, talked of the importance of culture and how culture promotes harmony amongst communities.

It was so funny listening to it because it is not once or twice, but severally both in the Rift Valley and in the former Western Province, the Deputy President keeps on being quoted repeatedly despising the great culture of bull-fighting among the Abaluhya people.

Unless the Deputy President is a turncoat like a chameleon, he cannot pretend to respect culture when he is out of this country and when he comes here, he starts belittling the culture of our people. It is important that the international community reads---

Sen. Murkomen: On a point of order, Mr. Temporary Speaker, Sir. I would like Sen. (Dr.) Khalwale to substantiate, because I am aware the Deputy President has always warned Sen. (Dr.) Khalwale from giving *busaa* and *marijuana* to cows and bulls. The Deputy President has never questioned the culture of the Luhyas when it comes to bull-fighting. His problem has been that while doing so, Sen. (Dr.) Khalwale has been feeding cows on *busaa*.

Sen. Okong'o: On a point of order, Mr. Temporary Speaker, Sir. Have you heard what Sen. Murkomen has mentioned in regard to Sen. (Dr.) Khalwale giving *busaa*, *chang'aa* and *marijuana* to cows? Is he in order? Could he substantiate? As far as I know, Sen. Murkomen is not a fake lawyer. He should substantiate or withdraw that remark. The Deputy President was simply concerned with matters touching on animal rights.

The Temporary Speaker (Sen. (Dr.) Machage): I do not recollect any law that prohibits anybody giving alcohol to cows. Nobody knows whether that is included in animal rights because nobody has studied the level of enjoyment that cows have after being given *chang'aa*.

(Laughter)

Let us leave it at that. It is a scientific subject that cannot be proven on the Floor of this House.

Sen. Sang: On a point of order, Mr. Temporary Speaker, Sir. Is Sen. (Dr.) Khalwale in order to mislead this House with regard to the position the Deputy President took on this issue? He was clear that we can keep a few bulls for cultural practices. However, we must invest in commercial agriculture. We should keep cows and bulls for either beef or dairy.

This is so that Sen. (Dr.) Khalwale does not encourage the people of his community to just keep cows for the sake of fighting for sports and forget the economic value of engaging in agriculture.

That is the position that the Deputy President has always spoken to and not just dismissing the culture and practice---

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Temporary Speaker, Sir. Are Sen. Murkomen and Sen. Sang in order to mislead this House by trying to interpret and give meaning to bull-fighting that goes on in Kakamega County, yet we know it is the main attraction activity that goes on there and tourists, including these two Senators, should plan to go and visit?

The Temporary Speaker (Sen. (Dr.) Machage): Order! You are completely out of order! One, we do not participate in their private discussions or define their cultural values and what they enjoy seeing and doing. It has nothing to do with this House apart from entertaining.

I repeat; Sen. (Dr.) Khalwale, being a scholar, give us something substantive on this Bill. I know you as a person who produces some material. What is happening today? Did you take a bit of *chang,aa*?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, can you give me two minutes since my time was interrupted by points of order---

The Temporary Speaker (Sen. (Dr.) Machage): You were playing with your time. I warned you on this because I am afraid you might introduce semantics again.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, two minutes.

The Temporary Speaker (Sen. (Dr.) Machage): One minute.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I thank Sen. Okong'o for informing the country that neither Sen. Sang nor Sen. Murkomen are veterinary officers. If they were, they would have understood that there is a difference between cows and bulls. If you do cow fighting in your community, please, do not bring that to Kakamega County. I, therefore, invite the former speaker, hon. ole Kaparo to summon the Deputy President to record a statement and justify why he keeps on insulting the Abaluhya culture.

I support.

The Temporary Speaker (Sen. (Dr.) Machage): Remember, Sen. (Dr.) Khalwale, I want to remind you that the Deputy President under the designation of jobs in these Standing Orders, includes the President. You should not introduce that name in bad repute on the Floor of this House.

(Applause)

Sen. Lesuuda: Mr. Temporary Speaker, Sir, I rise to support this Bill by Sen. Elachi and congratulate her. This is a very important amendment. When you look at this Bill, one would quickly think that it is giving the NCIC too much power to look into organizations, groups and communities that are involved in peace-building.

What the Bill really intends to do is that there is partnership and oversight from the NCIC, to ensure that the peace-building processes around our country are met.

Many Kenyans have been involved in peace building in this country. We have worked with warring communities. One aspect that has borne fruits is when those of us who are in the peace-building initiatives work with Government agencies----

(Loud Consultations)

Mr. Temporary Speaker, Sir, would you, kindly, protect me from the noise that is around me?

The Temporary Speaker (Sen. (Dr.) Machage): Sen. (Prof.) Lonyangapuo---

Sen. Lesuuda: Mr. Temporary Speaker, Sir, the consultations were a bit too loud.

The Temporary Speaker (Sen. (Dr.) Machage): When I turned my head I found Sen. (Prof.) Lonyangapuo. Can we allow the gracious Senator to contribute?

Sen. Lesuuda: Mr. Temporary Speaker, Sir, because I have been personally involved in peace efforts that have borne fruits in warring communities, one of the key aspects that made it fruitful was the relationship that we had with the NCIC. We worked hand in hand with other Government agencies and security agents.

It is very important for those of us in peace-building efforts to realize how much more we can gain if we work together instead of having the communities versus the Government and the security officers. We should build synergies to ensure that we all work together. I believe that is the main objective of this Bill.

Secondly, just as Sen. (Dr.) Khalwale mentioned, our focus is so much on the counties. We do not want our counties to pick bad practices that we have, probably, been seeing in the National Government or what we have been seeing in the past years. It is important to look into the affairs of our counties when they are still young, so that we can nurture equal opportunities.

Minority communities in our counties have continued to talk about the same issues that Sen. (Dr.) Khalwale talked about. It is important that there is cohesion in those counties to ensure that everybody is actually taken on board when it comes to employment opportunities and resource allocation. That is when communities will feel that they are part of that county and decrease the tensions and the conflicts that are there. It is also good to realise that without peace, there is no development we can talk about in our counties and the country at large. It is also important that before one starts to engage in peace activities, we know the individuals who use the peace processes to---

(Sen. (Dr.) Khalwale consulted loudly)

The Temporary Speaker (Sen. (Dr.) Machage): I can see, Sen. Lesuuda is again concerned.

Sen. Lesuuda: He has already made his presentation, Mr. Temporary Speaker Sir. He can consult in low tones.

The Temporary Speaker (Sen. (Dr.) Machage): Very well, continue.

Sen. Lesuuda: Thank you, Mr. Temporary Speaker Sir. I was saying sometimes we know that there is a lot of donor funding in issues to do with peace building. Sometimes, if that is your only source of income, you would not want peace to be realized so that you can continue getting the resources. It is important to give timelines

that can be reviewed after sometime to see how far you have gone with your peace processes and to also look at what needs to be amended and how far you would want to go with your peace process. Otherwise, sometimes we just engage in peace activities to heighten the tension that is there.

As we go towards elections, you will be hearing a lot of peace activities across the country and we sometimes send the wrong signals like there is going to be war, fights or tension to escalate. It is good for the processes to be looked at and thought through so that we cannot heighten the situation in the country.

Mr. Temporary Speaker Sir, it is also important to ensure that all communities realise that dialogue can resolve most of the conflicts that we have in this country regardless of what it is. We have seen between the opposition and the Government all talking at each other. When we sit down and look at these issues, we can resolve them even at the political level in an amicable way. It is important for our communities to realise that dialogue can resolve most of these conflicts and the problems that we are facing as a country. I believe that if we follow – sometimes as we say in this House, we do not need to legislate on some of these issues because if we have the goodwill to do the things that will help our communities and the nation, then we do not need to legislate on these matters. It is over time that we have continued seeing the gaps that are there even for some things that have good intention but you realise the gaps. That is why we legislate on them. So, I do support this amendment.

Mr. Temporary Speaker Sir, we, as a country, should be able at the county and community level to prevent conflict. Instead of being reactive, when the conflict is heightened, lives and property have been lost, there are small things that happen in our counties and we see their potential for bigger conflicts to blow up. If the NCIC can come in early enough together with the peace actors in our counties, it will be important to mitigate on conflict before it gets out of hand.

Mr. Temporary Speaker Sir, it is also important for our counties and governors to know the issues that have been potential sources of conflict; whether it is water, pasture or ethnic enmity, and, therefore, to have it as a serious component of their establishment. Sometimes, before the issue comes up to the national level, if the county government can have clear measures of how to mitigate – we know issues of drought, for example, is an issue; we see it is looming in some of our counties. It is a red flag.

If the county had a directorate or a department that looked at issues of peace it would flag out some of those potential issues that can cause conflicts, for instance, Tana River, Samburu, Pokot, Turkana and all those counties, we can look at how we can mitigate those issues of pasture and how we can share the scarce resources we have in our counties. I believe if we do so at the county level, we can have peace in our counties.

As I conclude, I would like to say that it is paramount that we support NCIC. It cannot work in isolation. The other departments which ensure there is cohesion in the country should all work together. There is the Office of the Director of Public Prosecution (DPP), the police and the Ministry of Interior and Coordination of the National Government; they should all work together so that they can support the NCIC. Sometimes you just feel like it is a toothless commission and their work is just to highlight some of the remarks.

Their work has been reduced to hate speech only. It is evident from this amendment that the NCIC has 15 roles, but it is only concerned with issues of hate speech. To make it worse, most people have been summoned to record statements with regard to hate speech and no action is taken. That waters down the role of this commission. It is so unfortunate that as we go towards elections, we have senior politicians who make remarks that have the potential of taking this country back to the dogs.

As we go towards elections, we need to support this commission. It does not matter who you are or what your current position is or the position you held before. You cannot make remarks that can take this country back to the dogs. We all know where we are coming from and people should go about their campaigns in a peaceful manner, instead of making remarks that can cause conflict in the country. Such leaders should not be tolerated. We need to support the commission to do its work.

With those remarks, I support the amendment.

Sen. Sang: Mr. Temporary Speaker, Sir, I rise to support this important amendment. The new component brought through this amendment seeks to give the NCIC more powers and mandate to evaluate and look into the various peace building processes and programmes in this country. It is important because there are various peace building initiatives by the Government, non-governmental organizations, civil society, community organizations and the religious groups. Therefore, it is important that a standard message comes from all these peace building mechanisms, so that we are sure that the right message is sent. Therefore, I want to congratulate Sen. Elachi for this amendment.

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

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

Mr. Temporary Speaker Sir, I am a bit saddened that we are adding a new mandate to a commission that has already failed to carry out its existing mandate. The kind of situation we find ourselves in this country, the level of suspicion among communities and the failure to have proper perspective for various issues in this country with regard to national cohesion and integration is a clear demonstration of the failure by the current team.

I will give an example of Nandi County that was quoted as one of the counties that did not comply with the ethnic composition of its staff in the public service. If you look at the report, the NCIC states that Nandi County did not meet the threshold of 30 per cent. However, they do not get us to understand or make this country understand that the 30 per cent anticipated in the County Government Acts, is not about a different ethnic community. It talks about 30 per cent from outside the county.

I am aware that Nandi County has very many staff working in the public service who come from Uasin Gishu, Elgeyo-Marakwet, Kericho and Kisumu counties. It is unfair and I think a failure by the NCIC when they do not give this proper perspective and instead end up profiling a very wonderful county like Nandi County. The major problem we have in Nandi County is not this kind of balancing because we have people

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from other counties. I am sure that the 30 per cent was met. The problem in Nandi County is where people employ their own relatives. We have cases where a governor, Members of the CEC and directors employ their own relatives, girlfriends and concubines. Those are the problems we have in Nandi County. That did not come out from that report. Therefore, the NCIC has failed completely.

We need a commission that is alive to the realities of the day. They should not engage in populist statements. We have seen some of the messes by this NCIC where they accuse politicians of committing hate speech. They invite them to record statements. But at the end of the day, when they go to their homes, they are received in a heroic manner. This beats the logic of asking them to record statements. To what end is the NCIC engaging in this kind of responsibility?

The other day, we had a whole national debate on the issue of Moi University and the NCIC engaged in a populist manner. I agree a little bit with what they said. However, they jumped into the debate and some Members of the NCIC such as the Chairman and Commissioner Prof. Gitile J. Naituli told this country to its face without having facts with regard to the issue that the professor who had been appointed must be the Vice-Chancellor. That was not even the issue. They kept on quoting this when they appeared in breakfast shows on television saying that he must be appointed.

They did not care to get the facts and to understand that this professor who they wanted to serve the full term which is three years, had not even applied for the job. It is not right for a member of the NCIC to go to public places and share his ignorance on a matter that he should be able to take time to understand. At times, we would expect that from politicians; to stoop that low and engage in such a game that displays their ignorance to the Kenyans in the streets. However, it is unacceptable for a Commissioner or the Chairperson to mislead a whole country.

They must know that on matters of ethnicity, Kenyans hold them so high and what they say carries a lot of weight. What happens when what they say is an obvious error of fact and they want to stick to it? It is even worse when they continue to demonize institutions, counties and even profile counties in a negative way on things that the counties have not committed?

Whereas I support Sen. Elachi's amendment, I am a worried person because we are giving more mandates to a commission; an institution that has already failed to carry out its own existing mandate.

We have had challenges between or within the border of Nandi and Kisumu counties. I am happy that the incoming Governor of Kisumu is in this House and God willing, I could be his counterpart on the other side. We have discussed with Sen. (Prof.) Anyang'-Nyong'o on certain things that must be done along the border to sort out the recurrent problem on the border between Nandi and Kisumu counties.

The last time we had a challenge within the border, the same Commission led by the Chairman Hon. Kaparo went to the region without consulting the Senators or the leadership from both sides just for you to be told one morning that Hon. Kaparo has just landed. They go there with no information. They ended up talking like laymen instead of discussing and providing direction as an authority in that particular matter.

This country must get beyond the level of mediocrity that we see from members of commissions who are supposed to be experts in those areas and expected to carry out

their mandates. The Kibunja-led commission then attempted to bring cohesion and we appreciate that we had a fairly peaceful election in the last election. We are now heading into the next election. However, we have seen certain divisive statements from our leaders. We have already heard statements from leaders who are unable to give clarity to the issue that they are raising. There are leaders who go to a community or a church meeting and tell people to arm themselves. When they fail to make it clear what it is that they are telling the young people in those meetings to arm themselves with, the young men and women in those communities could interpret it to mean so many things.

We, therefore, expect the NCIC will step in and ensure that we have responsible leaders and society as we engage people of this country during the electioneering period. This is one of the mandates that the NCIC should have had from the word go, but they need to do some soul searching. If they do not have resources they must justify and work towards getting the resources. Parliament should be able to ensure that this NCIC has the necessary resources. It will be unacceptable to see commissioners of an institution that is funded by tax payer's money behaving and discussing issues like laymen in the village yet they have been given the mandate to move this country forward in terms of national cohesion and integration.

I, therefore, want to call upon the very good commissioners that we appointed into those commissions to be serious with their responsibility. They should ensure that this country moves on in the right direction, identify potential hotspots and provide leadership in ensuring that these peace building and reconciliation efforts target the right geographical areas.

As pointed out, it does not make sense to have peace building initiatives in a society that has never had a problem yet you leave out areas that perennially have ethnic conflicts. This amendment will help us to shape, direct our right energies to the right regions and ensure that the right message is sent across. It does not make sense for somebody to say that he is carrying out peace building and reconciliation at the border of Nandi and Kisumu yet the organisation is purely being driven by Nandis while the other one is driven purely by Luos. At the end of the day, this will accelerate the conflict instead of managing it.

Mr. Temporary Speaker, Sir, I congratulate the Mover of this Bill. The National Cohesion and Integration Commission (NCIC) needs to go back to the drawing board and ensure that they carry out their responsibilities in accordance with the Act, including this new mandate that we are giving them so that we prepare this country for the elections in a peaceful process; ensure that we have the same situation as it is in the United States of America (USA) where we have one of the most charged presidential elections coming up in November 2016, but it has never been about clashes, violence and conflict but ideas. This is what we need in this country to ensure that we have peaceful elections and a cohesive society beyond an electioneering period.

With those few remarks, I beg to support.

Sen. (Prof.) Anyang'-Nyong'o: Mr. Temporary Speaker, Sir, I rise to contribute to the National Cohesion and Integration (Amendment) Bill (Senate Bill No.6 of 2016) which has been moved by Sen. Elachi. It simply proposes that the Commission should engage itself more effectively on acts of peace building. It is not a problem.

However, my problem with the NCIC is that it tries to spread itself too thin with very inadequate resources hence not achieving much. Last Saturday, I wrote an article in *The Star* on national cohesion and former Speaker Kaparo's efforts to ensure that his commission does an effective job. My final conclusion was that the efforts being made by former Speaker Francis Xavier ole Kaparo are being done in a context where other security organs whose work Mr. Kaparo should complement, are actually ignoring him all together.

Mr. Temporary Speaker, Sir, the problem in this nation with national cohesion especially with regard to peace is not the absence of peace but the prevalence of insecurity. Articles 238 and 239 of our Constitution are very specific on matters of national security. Article 238 deals with the principles of national security while Article 239 deals with national security organs among which the NCIC does not feature. Although as a national cohesion and integration organ, it has the mandate as Mr. Kibunjia consistently tried to demonstrate that it is there to keep the public in check so that people who utter words or promote movements that may be inimical to national security or cohesion were then brought to book by the Commission.

However, when insecurity erupts between my colleague, Sen. Sang's people in Nandi and our people in Kisumu, it is not the responsibility at that point in time for Mr. ole Kaparo to jet in and try to create peace because he does not have the instruments to do so. In fact, the Constitution does not give him the mandate to do so. The NCIC is really about the software of insecurity not the hardware of insecurity. What would Mr. Kaparo do to disengage two armed groups across the boundaries of Nandi and Kisumu? Nothing! So, I would rather we recognise the division of labour created in the Constitution and deal with it as such.

I am very glad that my dear friend, Sen. Sang, is the incoming Governor for Nandi because we see things in the same way when it comes to issues of conflict across our borders. It simply means that the national and county Government should be interdependent. The Constitution says that we have two separate but interdependent governments; one at the national and the other at the county level.

Although security is a function of the national Government, implementing or dealing with insecurity when it erupts calls for interdependence between the county and the national Government. The national Government cannot wish away the existence of a county government in matters of insecurity. The county government, unfortunately for the national Government, has the jurisdictional function to make sure that its borders are safe even if the Constitution does not give it the security instruments to do so. Sen. Elachi would have rather brought an amendment to this article of the Constitution or the operationalization of problems of insecurity in reality.

Mr. Temporary Speaker, Sir, the Bill is full of proposals on how the NCIC can engage in peace building. We cannot engage in peace building unless we are dealing with peace destruction. The peace has been destroyed so that you build it. It also states, "Develop a monitoring track mechanism for all peace building projects in the country." There is nobody better placed to tell you about peace in an area than a village administrator, ward administrator or representative or an Administration Police (AP) stationed at a border who knows who is breaking peace, when and how.

So, institutions that should be engaged in this exercise already exist rather than importing this exercise to NCIC which as my friend Sen. Sang says, even the little job that it was given to collect information on how many words Sen. Murkomen utters that can break national cohesion, they cannot do. That is what they should be collecting, and, call Sen. Murkomen and say, “please, stop speaking like this because this will break national cohesion.” They can do this job because they have the instrument and station to do so in their offices. They do not need more resources to jump here and there to find out where conflicts are because the Government already exists by Constitution to do that.

Mr. Temporary Speaker, Sir, the next one is, “Develop ethical standards to be adhered to by persons involved in peace building process.” Those are software for peace building that this Commission should undertake. It should undertake research, analyse and disseminate information; deal with critical gaps and strategic priorities relevant to peace building in any particular region.

Again, you can analyse data and then hand it over to the necessary Government authorities that have the instruments and the constitutional responsibility to do so. Whereas there is no harm passing these amendments, I do not think they will make any difference, whatsoever, to how the Commission is acting at the moment. I think it will just make the Commission more aware that the issue of peace building needs research, communication and appropriate peace building interventions. Not appropriate peace building interventions like the one I saw my friend, Mr. Francis Ole Kaparo, trying to do; that, people are in conflict and you go there and you do not have your own army or police force and then think that you will bring peace. It does not work.

Mr. Temporary Speaker, Sir, this reminds me of Napoleon during one of the wars in Europe. I cannot remember whether it was the Crimean War or another one. Somebody went to him and said: “Look, please, talk to the Pope and see how this war can end.” Very quietly, Napoleon asked the fellow: “How many battalions does the Pope control?” The Pope did not have any battalions to create peace. What mattered is how many battalions one had.

I have a feeling that there is no time that Mr. Francis Xavier ole Kaparo will have any army or police force behind him. Never! Fortunately for us, this is provided for in the Constitution in Articles 238 and 239. The Government should not leave it for Mr. Kaparo to go to the Nandi-Kisumu border to create peace when there is a conflict. It is not his responsibility. The Cabinet Secretary (CS) for the Ministry of Interior and Coordination of National Government, our friend, hon. Nkaissey, is the person who should fly there and do the work.

Unfortunately, when Mr. Francis Xavier ole Kaparo volunteers and goes there to help this Ministry do their job, they do not even come to his aid. It takes days before they respond. When they do, they do not have the information that they should have sought from Mr. Francis Xavier ole Kaparo. This is what my dear, Sen. Elachi, is trying to do here. Mr. Kaparo and his Commission should deal with the software of peace building, information, research, putting people together and so on.

However, when it comes to actual intervention to create peace, the Constitution already gives us the instruments for doing so. Who has the responsibility to do so? In a moment, I read what will clarify matters so that when we debate this particular amendment, we do not delude ourselves, whatsoever, that that Commission was ever

established to establish peace in this country. That Commission was established to warn against the possibility of breaking peace. It was there just to say: “Look, that kind of talk can cause problems.” When that talk causes problems, the Commission has no instruments to deal with it.

So, I think in terms of gathering information, research and warning people, these amendments are useful, innocent and can be passed. I want to say that the words that are being used in this debate thinking that by promoting projects of peace building you will have the responsibility of peace building is not the mission of the Commission at all. It cannot be.

Article 238(2) says:-

“The national security of Kenya shall be promoted and guaranteed in accordance with the following principles –

- (a) National security is subject to the authority of this Constitution and Parliament;
- (b) National security shall be pursued in compliance with the law and with the utmost respect for the rule of law, democracy, human rights and fundamental freedoms;
- (c) in performing their functions and exercise their powers, national security organs shall respect the diverse culture of the communities within Kenya; and
- (d) recruitment by the national security organs shall reflect --- ”

This is what Sen. Sang was saying.

“--- the diversity of the Kenyan people in equitable proportions.”

Mr. Temporary Speaker, Sir, when there was a conflict along our border with Nandi County, and Sen. Sang and I intervened, we found that the security force that was brought there could definitely not promote peace. This is because it was, as Sen. (Dr.) Khalwale said earlier, composed largely and unashamedly of only one or two communities, going to an area where community sentiments had already led to the breakdown of peace.

So, first and foremost, since we know that our history has been bedeviled by ethnic conflict, let us begin by correcting the iniquities in our security system by implementing Article 238(d) of our Constitution. This country, as the Constitution says, is a multi-party, democratic society where diversity of cultures and peoples are actually a positive element in the mosaic – cultural, political and economic – of this country than a curse. That, when the security organs do not play their role, first in their composition and then in their action, they not only abrogate the Constitution and go against it, they do not help beat insecurity in this country.

That is why however hard Mr. Kaparo and his Commission work, he cannot be the person responsible to create peace along borders like ours when it breaks down. The first line of action of creating peace is for the security organs of this nation to respect and implement the constitutional provisions. The person charged with ensuring that that is done by the Constitution is the President of this Republic. The buck stops with him. The second institution charged with this responsibility is the Cabinet Secretary, acting as an executive according to this Constitution. Therefore, when we debate matters of peace – I am glad Sen. Elachi has brought this amendment – we must enlarge the problem of peace building to security building and prevention of insecurity. This is because when there is no peace, there is insecurity. The flip side of the non-existence of peace is insecurity.

Mr. Temporary Speaker, Sir, let me go further. We have definite national security organs enumerated in this Constitution. Article 239(1) says:-

- (1) The national security organs are –
 - (a) the Kenya Defence Forces
 - (b) the National Intelligence Service
 - (c) the National Police Service”

The National Police Service involves all these other services like Administration Police (APs) and so on. Article 239(2) says:-

- (2) The primary object of the national security organs and the security system is to promote and guarantee national security--- ”

I would have added: “and peace”

“--- in accordance with the principles mentioned in Article 238(2).”

Therefore, whereas I will definitely support these amendments, I do not think they should be discussed in the laudable terms of bringing peace to this country. They can only be discussed within the confines of the software of peace which was given to the National Cohesion and Integration Commission (NCIC) ---

(Sen. (Prof.) Anyang'-Nyong'o's microphone went off)

Sen. Mutula Kilonzo Jnr.: Mr. Temporary Speaker, Sir, I rise to support the Bill and amendments by Sen. Elachi. First, I must say that I entirely agree with Sen. (Prof.) Anyang'-Nyong'o, particularly, where he says that the Commission established under the NCIC is not a panacea for bad manners, insecurity and breach of law. That resides squarely within the jurisdiction of the security sector and I must say that they have failed. This is because they have pushed this obligation to NCIC, yet their work is well cut out and defined under Section 25 of the Act. In fact, the Act itself gives 20 functions to the Commission. Out of the 20, one is negative. Section 25(2)(a) and (b) says:-

“Without prejudice to the generality of sub-section (1), the Commission shall –

- (a) promote the elimination of all forms of discrimination on the basis of ethnicity or race;
- (b) discourage persons, institutions, political parties and associations from advocating or promoting discrimination or discriminatory practices on the ground of ethnicity or race.”

Also important is Section 25(f) which says:-

“(f) Promote equal access and enjoyment by persons of all ethnic communities and racial groups to public or other services and facilities provided by the Government.”

Mr. Temporary Speaker, Sir, the mischief behind integration is inequality; the mischief behind what we call tribal clashes is the lack of homogeneity, inequality, access to resources and that is the root of the problem. This was the first Commission to be set up under the Serena National Accord.

The fundamental question we must ask is the mischief behind having equal access to resources. Has it been achieved? Are we anywhere near equal opportunities for all Kenyans? Sen. (Dr.) Khalwale raised an important issue about sharing national jobs at national level and there was hue and cry. However, this is part of the lack of integration in this country. The reason why a community thinks that it is appropriate for their sons to become presidents is because it is an opportunity to eat, whether it is meat or bones. It is just part of the problem.

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The portion which Sen. Elachi is addressing is the one that involved Sen. (Prof.) Lonyangapuo. When there were clashes in his county, and he attempted to address them, after the communities surrendered the guns, did anybody go back and address the question of what was the fundamental issue that led to the loss of lives? It was business as usual where the Government and everybody else took off.

Mr. Temporary Speaker, Sir, I agree with the sentiments of Sen. (Prof.) Anyang'-Nyong'o that the NCIC officers are like social workers. They should be spending time talking to the communities, promoting peace, talking to political parties, Government, auditing county and national governments and telling them that the employment that they are doing – the one that Sen. (Dr.) Khalwale mentioned - is not promoting elimination of discrimination. The more you employ two communities to the disadvantage of 39 others, you continue to promote the same thing that the Commission was supposed to address.

We make a mistake that the absence of war is peace. It is not a fact. People have tolerated discrimination in this country. It does not mean that the fact that we are not at war, we are at peace. We have used the word peace the way retired President Moi used to say “Peace, Love- and Unity” as a term of art. It is like the way we talk about “*Bonga* points”. It is just another thing. People are quiet, miserable and suffering. How do these conflicts arise? Majority of them are created by the political class. They are the ones who have created fissures in this Republic. This is because everybody wants to benefit from the national resources. Why do we have the word “marginalised communities” 50 years after Independence?

Mr. Temporary Speaker, Sir, whilst it is good to make all these amendments as Sen. Elachi has proposed, on the aspect of peace where there is conflict, the objective of integration in this Republic has not been achieved and will not be achieved in the manner we are progressing. The national Government is giving a window dressing as to its integration. In achieving the objectives in the preamble of this Constitution, we should respect our ethnicity, diversity and religious or otherwise as a source of pride and not a source of looking down upon a community. I should not be looked down upon because I am a Kamba and we do not have a President or we will never produce a President or that we are few. That is what is called disintegration.

Mr. Temporary Speaker, Sir, I strongly believe that as we amend - and I thank Sen. Elachi - we are still window dressing the problem. It is called “whitewash”. We hope that like Sen. (Dr.) Khalwale would say the “placebo effect”. Somehow, it will make us sleep well at night. It will not. Ten years from now, this issue will arise again.

The proposal by Sen. Elachi in Clause 36 (a) is exactly the reason I said that most of the time you see the NCIC is when there is a conflict in Nandi County, for example. They are always doing the postmortem. They never quite address the issues in advance. It sometimes begs the question; what happened to the intelligence services? That is what Sen. (Prof.) Anyang'-Nyong'o was alluding to; that before a conflict arises in Kajiado or Makueni counties about resources, somebody should know about it. There are usually early warning signs. We need preventive measures that someone will go there and ask them to stop fighting about the resources because if they are used properly, then we will not fight.

Mr. Temporary Speaker, Sir, therefore, there is need to develop a monitoring mechanism of peace building, for example, in Kapedo. This will involve ethical

standards, research, advising people and the national Government and encouraging the national Government to allocate funding to peace building initiatives. Governors have been known - and I am not afraid to say so - that they use the insecurity and the militia for purposes of intimidating people who disagree with them for purposes of making sure that they perpetuate the power and façade of work and things that they are doing.

Therefore, encouraging national and county governments to allocate funding for peace building initiatives will force some of these people who have abused their power and office to specifically address conflicts amongst members of counties. The register of peace building projects within Kenya will include people, donors and persons interested in helping these communities to audit what these people are doing.

Mr. Temporary Speaker, Sir, after the NCIC has done an audit of its peace projects, somebody can do a follow up and find out what the people who have been in conflicts have done. They will then learn the nationhood. When national Government bothers to pay people about Kshs400,000 because they lost their homes, is that what we should be doing? Is Kshs400,000 equivalent to peace or loss of lives? Is that the solution? It cannot be. It is also window-dressing the problem that you can offer money through a kitty of Kshs5 billion - which the President mentioned sometime back to settle IDPs but I have never seen them.

Sen. Elachi has done what everybody should do. This must be broken down into small pieces of things so that the conflict that Sen. (Prof.) Lonyangapuo was addressing that caused the loss of lives can be addressed as an issue in that community. Therefore, we can start talking about the integration of communities and for whatever it is worth. The 20 functions given to Hon. Kaparo and his Commission can be audited one by one. When did they discourage institutions from promoting discrimination? When did you promote tolerance? When did you supervise national Government from employing people from one tribe? When did you ensure that there is equal access by all persons to services and facilities of Government? When did you investigate complaints of ethnic hatred?

Mr. Temporary Speaker, Sir, when two governors in Rift Valley spoke in a manner to suggest that they were promoting ethnic conflict, all that the NCIC did was to tell them: "Please, come and record a statement." When they went back, they were received as heroes and nothing happened to them, yet Members, including some from my coalition, had to spend four days in incarceration, yet strictly speaking, they never uttered a statement that would be in violation of integration or peace. Again, this is a case of double standards by the NCIC.

So, I want Sen. Elachi to address the issue of continuous window dressing by the NCIC.

I support.

Sen. (Prof.) Lonyangapuo: Thank you, Mr. Temporary Speaker, Sir. I want to join my colleagues in congratulating Sen. Elachi for having read the Constitution and coming up with The National Cohesion and Integration (Amendment) Bill (Senate Bill No.5 of 2016). I have read what the Mover of the Bill has proposed in the Memorandum of Objects and Reasons. The main thrust is that the National Cohesion and Integration Act of 2015 should be amended so as to enable the NCIC effectively monitor peace building projects in Kenya. This is because peace building projects is an extremely

sensitive tool for achievement of national cohesion and integration. The gist of her intent is to see how some of the peace building projects can bring people together.

We have the National Cohesion and Integrated Act which formed the NCIC as indicated in the Act of 2012. We have nine commissioners. What do we mean when we are talking about peace building projects? Although I am seated next to the proposer of this Bill, how do projects bring cohesion and peace? With the conviction of the hearts of Kenyans, we can live harmoniously together and owning up to some of the past mistakes that existed, we can move forward.

I wonder why we have a Commission operating from Nairobi and trying to monitor 47 counties. I request Sen. Elachi to move further in this Bill and introduce a clause which says, "There shall be mandatory offices created in all the 47 counties which report directly to the Commission in Nairobi." This is because when ethnicity takes place, it is not in the national arena, but in counties. We need to compel them to open offices in every county headquarters and officers be reporting directly to the NCIC in Nairobi. The officer who is in charge of that county should be called county officers. This should come from across the board. Like in West Pokot where I come from, the county NCIC officer should not necessarily be a Pokot and this should apply to all the 47 counties. We have a sizeable number of people who are patriotic enough to work for Kenya.

Mr. Temporary Speaker, Sir, we are trying to heal something that we lost. In 1963, from the founding father of the nation until President Moi retired, there were mandatory lessons that would be given to primary and secondary school students, who would sing about the nation and the leadership. I remember in 1974, we were singing about a Minister called Dr. TaitaTowett. None of us knew who this person was, but we used to sing what he said. This means he was the spokesman and the implementer of the agenda of the nation. So we would sing across the country about the agenda of the nation and what Mzee Jomo Kenyatta said. We sang from class one and all the way to high school.

Last week when we had the issue of Moi University, I heard my colleague, Sen. Mutula Kilonzo Jnr., talk about it. I wished he and other colleagues had consulted me because I worked in that university. It looks like we are giving heavy responsibility to Governor Mandago and Governor Tolgos. What triggered this thing to the extent that it exploded? It is because we did not do something somewhere right for a long time. We left this problem to get out of proportion without attending to it. In the process, we became reactionary. We saw Hon. Francis ole Kaparo on television warning on what could be done and what could not be done.

Where were Hon. Francis Ole Kaparo and his team all these years? I am not blaming them. They have been with us for over five years now. I also saw some listing of university leaders. Who is the Vice-Chancellor of Jaramogi Oginga University? Who is the Vice-Chancellor of Meru University? Who is the Vice-Chancellor of Pwani University? Incidentally or by coincidence, most of the vice-chancellors of these universities are people coming from those regions and then we are quick to say there is ethnicity.

Mr. Temporary Speaker, Sir, for example, in universities, you do not assign yourself to become a chancellor, you have to compete. After you have won and you happen to come from West Pokot, so be it. The other employees who work in that

university do not complain that there is a Pokot or a Luhya or somebody from Marakwet Community. A leader is a leader. So, I want us to look from that perspective as Kenyans and we should stop counting those things. When you count, would you want us to be sacked? We should use our weakness and strengths to make progress for now and the future.

My colleague is proposing that we should start having this monitored peace building projects. Who will fund these projects? I have not seen anywhere Sen. Elachi is proposing who will fund these projects. Last week, we had a meeting with Sen. Murkomen and leaders along Kerio Valley where there is a bit of a problem. It is a local problem which has become difficult to be eliminated because it involves a clan among the Marakwets. It is now threatening to spill over to other places. Who funds these projects?

When we checked, we found that there is a small piece of land which has become like a gold mine because whenever watermelons are planted, they do very well. People are, therefore, competing for it. Where is the money for peace-building projects? We should fund the ambitious farmers who are admiring the watermelons to pump water to irrigate their farms. I request Sen. Elachi to bring an amendment to the Bill to provide for such funding. I propose that the county governments should use the money that they have.

In my county, the Governor decided to take four lorries of maize - I do not know where he harvested it from - and blankets bought from Khetia Supermarket to people who were displaced by their neighbours from Marakwet. The truth is that no houses were burnt and no blankets were stolen; people started moving arising from rumours. When people move with their property, they need peace, not blankets. The Governor should have gone there first to find out what was going on.

Some people started praising the Governor on *Twitter*, *Facebook* and *Whatsapp* for giving out blankets. The same is happening in Elgeyo-Marakwet and people clap for him and say that he is better than the Senator or the Members of County Assembly (MCA).

We also need to classify how that money can be utilized, so that the governors or whoever is in the throne do not think that it is their money. County commissioners now act like personal assistants of governors. They walk together daily because there is some money involved. If you visit Narok, you will find that there is some quiet rebellion even against the Jubilee Government. When the late hon. Ntimama said that the Maasai community needed to protect their land, people called him all sorts of names. What he meant is that the livelihood of their people depends on water, pasture and animals. Anybody coming to interfere with this livelihood will cause conflicts. As we introduce some of these amendments, they should add value.

I would like to propose that we should find a way of appointing the commissioners of the NCIC. We should not wait for someone to lose elections and then pick them to chair a commission. We should appoint people who are committed to work. I have seen some people whom I used to work with in Egerton University talking on television. We should refer to their curriculum vitae (CVs) to check their previous records. The Criminal Investigation Department (CID) and the National Intelligence Service (NIS) should also check whether someone is competent to project the face of

Kenya. People who know some of the leaders even turn off their television sets whenever they hear them saying that they will bring cohesion and integration.

Sen. Mutula Kilonzo Jnr. quoted some of the additional things that have been provided for. We may need to visit the Commission and ask them whether they have any amendments to propose. Having been in office for more than three years, is there anything they think should be brought forward? We need collective leadership in this Republic, whether someone is in the Opposition or the Government.

Where was the Commission when governors went into euphoria and started employing everybody who could speak in their mother tongue? The Transitional Authority (TA) and The Commission for the Implementation of the Constitution (CIC) existed but did not intervene, and now we are left with all these issues.

Senators now have a new problem. For example, when you drive in Bungoma, where Sen. Wetangula comes from, you will see huge buildings that have been built by the county government without consulting the Senator. There will be many white elephant projects because of lack consultation---

(Sen. (Prof.) Lonyangapuo's microphone went off)

The Temporary Speaker (Sen. Mositet): Sen. Wetangula.

(Sen. Murkomen spoke off record and walked out of the Chamber)

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, respect is earned and not demanded. I was here long before this young man came into the Chamber.

The Temporary Speaker (Sen. Mositet): Order, Sen. Wetangula. You have the microphone; continue.

The Senate Minority Leader (Sen. Wetangula): I appreciate, Mr. Temporary Speaker, Sir.

As I go to the Bill, I want to state that decorum is very important in life. Anyway, Kimaiyo is waiting for him!

The Temporary Speaker (Sen. Mositet): Senator, why are you speaking to someone who is not here?

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, I have read through this Bill and I am not sure what my distinguished sister, Sen. Elachi, wants to achieve. We had a good politician in this country called Martin Shikuku. When retired President Moi started a clarion call everywhere saying 'peace, love and unity,' with total abundance, the late Shikuku said in simple terms that if there is justice in society, peace, love and unity will be automatic. Where there is no social justice, it matters not how many commissions or projects we will put in place or how much we shall police the State. The foundation of peace and security is social justice.

The new Constitution obligates the national Government under Article 238 (1). It states that:-

“National security is the protection against internal and external threats to Kenya’s integrity and sovereignty, its people, their rights, freedoms, property, peace, stability and prosperity, and other national interests.”

It is so comprehensive. This is a mandatory constitutional obligation bestowed or imposed on the Government by the supreme law of the country.

I think it was Sen. Mutula Kilonzo Jnr., who said that peace is not necessarily the absence of conflict or war. In this country, we are so fixated with the issues of creating layers upon layers of management. The fact that the Majority Chief Whip felt it necessary to bring this Bill to the House is an admission of failure of the Government of the day to hold and discharge its responsibility to the people of Kenya under Article 238 and the Bill of Rights.

You do not create peace by projects. In fact, some of those projects are the sources of conflict because we have polarized our country on ethnic lines to the level where we feel actually worried for our future, whether it is in counties or at the national level. I wish Sen. Elachi had brought a Bill to actualize the constitutional provision that even in the counties, there must be a mandatory provision of a third of the employees of that county - whether it is homogeneous or not - be Kenyans from other parts of the country.

Mr. Speaker, Sir, like Hon. Ole Kaparo said the other day, when you go to a county called Nandi, the people think it is for Nandis. The case is similar when you go to Meru County, yet the same Constitution says that any Kenyan can live, own property and work anywhere in the country. This National Cohesion and Integration Commission, headed by my good friend Hon. Ole Kaparo, is like I said, a toothless bulldog; dogs that bark at the new moon at the beginning of every month, and wait for another new moon. They are busy chasing mirages instead of doing the real work.

What is bedeviling peace in this country? You should look at successive governments. When H.E President Jomo Kenyatta was the President of this country - you can go back to history and check - half of the Permanent Secretaries of the country at one time came from Kiambu District. When President Moi came in, people were being sprung from prisons officers to managing directors of state corporations, from villages to national leadership without a process. If you went to the General Post Office (GPO), the lingua franca was the President’s language. H.E President Kibaki came and tried to do a little balance. Indeed, during the Grand Coalition Government, there was some element of national outlook in leadership positions in this country. He substantially eliminated corruption in the public sector by very strictly discouraging harambees.

I recall that throughout the ten years of President Kibaki’s leadership, you never saw him in harambees, generously contributing money that he has stolen from the state coffers. We salute former President Kibaki for that.

He never encouraged or participated in harambees. Then President Kenyatta the second came; they arrived with obscenities that are unprecedented in this country. Respect for public property became history; honor and integrity became history.

Last weekend, Mr. Temporary Speaker, Sir, the Deputy President was in my county and in one week, he contributed Kshs18 million in harambees. We know that harambees feed on corruption. They are busy looting the country. They are busy doing all manner of things.

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

Sen. Elachi: On a point of order, Mr. Temporary Speaker, Sir. I did not want to interrupt my leader but is he in order to say that because the Deputy President contributed Kshs18 million to harambees in one week, he looted the money yet he cannot substantiate and tell us it is from which coffers that the Deputy President has gotten the money? The Deputy President has many friends and I think even the Minority Leader has friends. Could he confirm that when he will be a presidential candidate, he will never receive Kshs1 billion from his friends?

The Temporary Speaker (Sen. Mositet): Sen. Wetangula, it is good you stick to the subject instead of going in circles; debate on the content of the Bill.

The Senate Minority Leader (Sen. Wetangula): I am saying that the absence of social justice is what brings conflict. That is why Sen. Elachi is trying to scratch the surface by saying we create peace building projects. If I have to answer what she has challenged, things speak for themselves. Lang'ata Road Primary School is there, you can check. Eurobond is there, you can check; the National Youth Service (NYS) is there. You can check. The Standard Gauge Railway (SGR) is there, you can check.

The Temporary Speaker (Sen. Mositet): Order, Sen. Wetangula! What is your point of order, Sen. Elachi?

Sen. Elachi: On a point of order, Mr. Temporary Speaker, Sir. Kenyans will look at this Bill and think on a different thing yet we are trying to sort out a problem. We know we have communities and we are going to elections. We have challenges that are facing many communities where this National Cohesion and Integration Commission (NCIC) runs away from its responsibility because they cannot do it.

Having said that, I did not want to bring the issue of Lang'ata Road Primary School. I know and the Minority Leader knows well that the title deed never read Langa'ta Road Primary School when the Deputy President bought it.

I think the Minority Leader is also a victim in the dragging of names. He was named in the Tokyo Saga and the rest. Let us respect each other. I warn the Minority Leader that if he drags names, it will come to him one time. So, that dragging of names is not important. The most important thing is that we concentrate on the amendment. If there is anything, I can look at the amendment and work on it but let us not drag the issues of Langata Road primary school land. They are neither here nor there and it is wrong because we know it belonged to a *kalasinga* since 1978. If they were good leaders at that time, they would have changed the title from the *kalasinga* and taken back to the primary school.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, I do not know if that was a point of order or an argument.

The Temporary Speaker (Sen. Mositet): Just stick to the content of the Bill.

The Senate Minority Leader (Sen. Wetangula): Yes, Mr. Temporary Speaker, Sir. All those things that *wananchi* watch and see lead them into taking extra-ordinary measures to deal with extra-ordinary problems they face.

We have a Government in place with the instruments of power, collecting our taxes, obligated to keep peace and security for everybody. We can start by looking at the post-election difficulties in parts of the former Rift Valley, Western and Coast provinces.

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We have spent billions of shillings and these are on the records that have been brought to this House at various times which indicate that so far about Kshs24 billion or Kshs25 billion has been spent on the resettlement of the so-called Internally Displaced Persons (IDPs). However, as we sit here, there is a group out there at the gate, shouting *haki yetu*. They are claiming that they have not been looked after because of those conflicts. You can pay families money, but does that create peace?

Looking at the case of the people who fled from Burnt Forest, Eldoret, Naivasha and if we are, indeed, interested in building peace in the country, when their houses were burnt and their possessions taken, does that mean that their parcels of land were burnt as well? Why is the State not making it possible for people to go back to the land that they bought, invested in and toiled on for years instead of this cosmetic thing of giving people money with no capacity building as to how they will put that money to good use? We have had cases of men running away from their families, getting young women and going to towns where they “blow away” the money they had been given, then going back to the camps and start demanding to be given more money. Why?

I called Hon. Kaparo when he released a report about employment in the counties and told him that he had said something which was half sensible for a change since he went into the office. What is going on in the counties is undermining the tranquility and integrity of our country. Devolution was never meant to create the fiefdoms that we are seeing. If you come to my county, anybody who picks a job from the County Government of Bungoma must have subscribed to the party that has now been dissolved called New FORD-(K). If not, you do not get a job. This is true of many other places. Governors have even introduced clannism. In some counties, if you are not related to the governor, his wife, brother or his relative, then *hautapa kitu*.

Exclusion in history has been known to breed resentment, which has been known to breed rebellion, which will ultimately breed conflict. It is that kind of process that consumed countries such as Yugoslavia after the death of Broz Tito. It is the same thing that is consuming Syria and many other countries. Uganda at one time went through the same way. Somalia is a failed State because of lack of social justice.

I told Hon. Kaparo to move to the national level since he had talked about what is happening in the counties. I also told him that it is not enough to say that Kirinyaga is leading in employing people from the same tribe. If you go to the counties, you may find that even though they have employed people of the same tribe in that area, there is still discrimination. This is because they move from the community to the clans, from clans to political persuasion, from political persuasion to class and then to something else. If you look at the Cabinet today as it is constituted, you will be told that so-and-so who is in the Cabinet was in St. Mary's with the President. This is also discrimination and the Kaparo Commission is busy concerned with petty things such as arresting MPs and locking them up when the real problems are out there.

We are in the fourth year. Could Mr. Kaparo and his group carry out a national audit in counties to see whether since devolution arrived, there has been any social transformation on the lives of the people? There is discrimination starting from allocation of resources. However, in a county that has received in three years, more money than it ever received since independence, you find that a hotel is being built by the governor,

that property was bought by the governor or that car belongs to the governor. You do not see devolution touching people.

Where is the failure? It is not because the NCIC is not working. It is because the institutions of governance in the country have collapsed. Why can the Ethics and Anti-Corruption Commission (EACC) not call Mr. William Ruto and ask him, “Where did you get Kshs18 million to donate in one weekend? They cannot. They are just there watching. Useless people!

Mr. Temporary Speaker, Sir, why is Parliament not oversighting properly? Why is the Criminal Investigations Department (CID) not working? Why is the EACC moribund? Why are we still going to court to buy justice? If you are a poor man, you go to jail but if you are a rich man even when you are taken to custody, the police take you in the evening to sleep in your house, pick you in the morning and take you back to pretend that you are in custody. That is the contradiction that is ruining our country.

If the institutions of governance worked, we do not need the NCIC at all or what we are giving them. Every project in the country matters. I do not understand what Sen. Elachi means by peace building projects. People getting clean water, food, security, good roads is an entitlement; it is not to buy peace.

Mr. Temporary Speaker, Sir, you have seen how scandalous it has been here. In your county, a short road from Isinya to Kiserian is totally impassable. A road from Isinya to Magadi, which supports a very important economic activity is impassable yet we are told they will now do a dual carriage from Kenol through Makutano, Sagana to Nyeri all the way to Meru and another one from Kenol through Maragua, Othaya to Nyeri. Have we all of a sudden discovered huge deposits of gold in those areas?

The Maasai that you represent are also entitled to good roads; the people I represent are entitled to good roads. Now they are on a mad rush going everywhere, launching projects that will never be done. It is just a gimmick for elections. They say, “*Hii barabara itajengwa, tumepanga, tumetenga, tuna mipango.*” They are everywhere launching water projects worth billions of shillings that will never take off just to hoodwink the gullible public to vote for them. That is the height of obscenity and folly. I hope *wananchi* are seeing this.

Mr. Temporary Speaker, Sir, you are an engineer. Show me any dam that costs Kshs10 billion or Kshs16 billion. What is a dam? It is just to block the flow of water in a river, strengthen the embankment, fill the trough, have a spillway and water flows on in its natural course. As an engineer, can that cost Kshs16 billion? Yet, now we hear that they just launched a dam that will cost Kshs16 billion. I am sure you know even that little dam in Kiserian cost close to Kshs4 billion. If I gave you Kshs500 million, you would have constructed that dam. It is just blocking the river and filling up the trough.

This is where the problem is in this country. The amount of money that has been and continues to be stolen in this country is enough to give provisions for everybody to achieve social justice. I do not know if you saw yesterday schools with public latrines that are dilapidated and without doors but that is what is shared by teachers and pupils. You can understand the level of public shame of children is much less. You can imagine the headteacher of a school going to a pit latrine, facing the school without a door and undressing to do the big job. These are the problems in this country. They undermine our

state as a country. We are highlighting petty issues and leaving very serious issues unattended.

I thought that Sen. Elachi would mention the incident where the Senator for Uasin Gishu County raided Eldoret University to flash out the Vice Chancellor, Mrs. Akenga. She is from my Constituency in Bungoma County and happens to be from the Luhya nation married to a person from the Luo nation.

The Governor of Uasin Gishu hired lorries and rounded up all street children in Eldoret who are Luhyas and dumped them in Busia County. Nobody even asked him to record a statement. Nobody in Government said this was wrong even as this Constitution says that you can live, work and own property anywhere. Those children, commonly referred to as *chokoraas* – the street families – must be given recognition and respect. When a governor behaves like that in a county that is very cosmopolitan --- Uasin Gishu is not any less cosmopolitan than Trans-Nzoia, Nakuru and Nairobi counties. Nothing happened. Those are the enemies of peace.

Mr. Temporary Speaker, Sir, the other day you saw the same Governor now emboldened with the impunity that he has inherited from those who put them in power, accompanied by the Governor for Elgeyo-Marakwet County – a very fine young man whom I have been meeting thinking that he is sensible – has now been contaminated to the level where we cannot even describe him. They raid a university wanting to flush out – not even a Vice Chancellor but an acting one – who did not even apply to be a vice chancellor. It is the Ministry that saw the mess and said that he acts before the processing of appointing a new Vice-Chancellor is completed.

Mr. Temporary Speaker, Sir, these two governors accompanied by six upstart politicians raided Moi University.

The Temporary Speaker (Sen. Mositet): The Senate Minority Leader, I know you are privileged to get one hour of the debate. I also know you have always maximized it. On this one, I do not know whether you could finish so that we allow the sponsor of the Bill to reply.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, I did not know that time has gone that fast.

The Temporary Speaker (Sen. Mositet): I have always observed. You always use a maximum of one hour.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, let us change our attitude and the manner in which we relate with others. The moment you are in position of authority and you think you are safe when you are surrounded by kinsmen; you are not fit to hold that office. This is a country of 42 communities. The other day, my daughter asked me why is the Jubilee Party having a symbol of two hands holding. I told her that it shows that there are only two communities holding one another against the rest in the country. That is what they are doing.

Until and unless Sen. Elachi recasts this Bill at Committee Stage and tells us why she wants projects for peace when peace, as a great philosopher once said: “There is no way to peace, peace is the way”. If Sen. Elachi appreciates that, she will make a little contribution to the integration of the country. However, creating money guzzler projects whether donor or local, it is still money.

Mr. Temporary Speaker, Sir, I conditionally support the Bill to the extent that we need peace but at Committee Stage, if there is no convincing change, I will oppose it.

The Temporary Speaker (Sen. Mositet): You are entitled to come up with amendments so that the Bill can be passed.

I call upon the Mover to reply; you have three minutes.

Sen. Elachi: Thank you, Mr. Temporary Speaker, Sir. I thank all the Members for their contributions. I welcome constructive criticisms. That is why it is called peace. Anyone who has done peace and security, we always say, “in each way, there is peace”.

I plead with the Senate Minority Leader that we are not creating projects of peace. The purpose of the amendment is to ensure that we can monitor these peace projects because they are already there. Many people say they are doing peace projects. You talked about Ksh400,000 that was given to the IDPs. If we had a monitoring structure, we would have known who was paid, why they were paid and whether they owned land somewhere, but we do not have that framework.

This Bill will help out in the different projects that the Ministry of Interior and Coordination of National Government so that we do not duplicate what the National Cohesion and Integration Commission (NCIC), the Ministry, the civil society and the donors are doing. How do we get to know that in Bungoma County, for instance, we have ten peace projects?

Mr. Temporary Speaker, Sir, we have many peace projects in the vast area of Mt. Elgon which is within Bungoma County. Therefore, it is important to know who is there and what he is doing. Is he part of bringing cohesion or conflict? The Senate Minority Leader was once in a conflict when he was running for his seat. There were issues that were raised because many people died. If all those are looked at, we are able to know whether the opponent is bringing in such things. The project will be registered and can be monitored. That is the purpose of the amendment.

I beg to move.

Mr. Temporary Speaker, Sir, due to lack of quorum, I plead under Standing Order 54(3) that the putting of the question and voting on the Bill be deferred.

The Temporary Speaker (Sen. Mositet): I order that the voting on the Bill be done when there is quorum.

(Putting of the Question on the Bill deferred)

For purpose of correction, the Senate Minority Leader, Kiserian Dam was done during the *nusu mkate* period.

The Senate Minority Leader (Sen. Wetangula): *(Spoke off record)*

The Temporary Speaker (Sen. Mositet): Okay. If it consumed Kshs4 billion, it was then.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, yes.

ADJOURMENT

The Temporary Speaker (Sen. Mositet): Hon. Senators, it is now time to adjourn the Senate. The Senate stands adjourned until tomorrow Wednesday, October 12, 2016 at 2.30 p.m.

The Senate rose at 6.30 p.m.