

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 28th July, 2015

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

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

PRAYERS

STATEMENTS

FREQUENT POWER BLACKOUTS IN WEST POKOT COUNTY

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I wish to seek a statement from the Chairperson of the Standing Committee on Energy. The statement relates to the frequent power blackouts in West Pokot County leading to massive loss of business, retarding development despite expectations that residents have had since the Turkwell-KenGen Power plant is situated in the county.

In the statement, I would like the Chairperson to;

- (1) state the plans the Ministry has put in place to mitigate this problem; and,
- (2) state when constant power supply will be experienced in West Pokot County.

Sen. (Dr.) Machage: Mr. Speaker, Sir, the situation regarding electricity supply in the whole country is appallingly pathetic. Would I be in order to put a rider on the statement sought by Sen. (Prof.) Lonyangapuo so that the Chairperson gives a similar answer to the people of Migori County who are facing a similar problem of power blackouts like West Pokot?

The Speaker (Hon. Ethuro): Where is the Chairperson for Committee on Energy? Is there any Member of the Committee on Energy here? Where is the Senate Majority Leader or the Deputy Majority Leader?

Sen. Sang, you have an opportunity to demonstrate your effectiveness. So, could we ask you to communicate to the Chairman of the Committee on Energy?

Sen. Sang: Mr. Speaker, Sir, I was demoted subsequently after pushing the same front bench on several occasions to deliver to this House. I undertake to pass the information and to indicate to the Chairperson of the Committee on Energy that the statement should be brought here in one week. That will be Tuesday next week.

Sen. (Prof.) Lonyangapuo: That will be okay if we will not have gone on recess. I do not know what it will mean. However, one week is okay with me. I am hoping that the recess will not complicate the one week given by the emissary.

The Speaker (Hon. Ethuro): Order. This House has a calendar. The Chairperson has also given me an assurance. It depends on which one comes first.

Sen. Sang: On a point of order, Mr. Speaker, Sir. After taking the trouble to inform the Chairperson and my leadership that I will undertake to bring an answer, did you hear Prof. Lonyangapuo describing me as “an emissary”? I am a distinguished Senator who has taken the trouble to help him obtain a response to a statement.

The Speaker (Hon. Ethuro): Order, Sen. Sang. We have a lot of business to clear. I do not see anything offensive in being referred to as “an emissary”. My understanding of the English Language is that an emissary is somebody who is out to convey a message. The only thing that Sen. Lonyangapuo should appreciate is that you are doing it on voluntary basis. He must appreciate any effort you have expended and you will expend to secure an answer for him.

Order! Are there any statements? Yes, Sen. Njoroge!

FREEZING/HANGING OF SAMSUNG ANDROID
MOBILE PHONES IN KENYA

Sen. Njoroge: Mr. Speaker, Sir, I rise, pursuant to Standing Order No.45(2)(b) to seek a statement from the Chairperson of the Standing Committee on Information and Technology on the manufacturing of Samsung android mobile phones.

In the statement, the Chairperson should explain;

(1) whether the Government is aware that Kenyans are spending a lot of money to purchase Samsung android mobile phones yet most of them freeze or hang while in use thereby inconveniencing the users;

(2) explain the cause of the freezing/hanging;

(3) outline the steps that the Government is taking to have the problem addressed.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. That is a very important statement in view of the total cost that members of the public spend in purchasing these gadgets. Could the Chairman also bring to the House, in his answer, a confirmation that all products of Samsung and other mobile phone companies are subjected to verification by the Kenya Bureau of Standards (KeBS)?

Sen. Kagwe: Mr. Speaker, Sir, I could give an answer after the recess since we are going on recess this week.

The Speaker (Hon. Ethuro): You should give an answer on the first Tuesday after the House resumes from recess.

Sen. Billow: On a point of order, Mr. Speaker, Sir. I migrated from iPhone to Samsung. This request is based on the assumption that many Kenyans use Samsung phones. My experience is that Samsung mobile phones are far much better in terms of the hanging and many other issues more than the iPhones. I am wondering why the issue is being generalized to mean that most Kenyans have a problem with Samsung. I do not

know what that information is based on. Is it based on a study or how did the Senator arrive at that conclusion?

The Speaker (Hon. Ethuro): Order, Sen. Billow. You are a seasoned Member of the House. I hope you get my message. It is not your business to respond. The last time I checked, you were not the Chairperson of the Committee on ICT. You can give whatever information you have to the Chairperson of the Committee on ICT.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, the attempt by the Senator for Mandera to defend this company amounts to an injustice being supported by this House.

The Speaker (Hon. Ethuro): Order, Sen. Khalwale. I listened to the Senator very carefully. I know that you always listen. He never put any defence for the company. He was only reliving his own experience as an owner of one of those gadgets. In any case, I do not think that this is the time to trade accusations. Wait for the statement to come so that we know whether the Chairperson is defending the company or not. You will have your opportunity at that time.

Sen. (Dr.) Machage: Mr. Speaker, Sir, could the Chairman comment, in his answer, whether the inefficiency of Samsung android mobile phones has anything to do with the network systems in the country, especially Safaricom, whose efficiency is in the same jeopardy?

CRITERIA FOR APPOINTMENT/REGIONAL DISTRIBUTION OF APPOINTMENT TO PARASTATALS

Sen. (Eng.) Muriuki: On a point of order, Mr. Speaker, Sir. I stand to seek direction from you with regard to the statement listed as “g” on Criteria for Appointment / Regional Distribution of Appointment to Parastatals.

The statement came and there was overwhelming interest. A request was done for the answer to be circulated which was done. However, I realised that the answer was inadequate because the statement I had sought was with regard to appointments that had been done around April. I approached your office but did not succeed because the Chairperson was not in to see how I could drop this statement so that I seek a more comprehensive one covering all the parastatals in the country. I wanted all the appointments in the country to be covered so that the answer is comprehensive.

I am seeking your indulgence on whether I should withdraw this statement so that I get an opportunity to file a new question which I have already handed in.

The Speaker (Hon. Ethuro): Sen. (Eng.) Muriuki, you know that is not for the plenary. You know what to do.

CLOSURE OF MOI UNIVERSITY AND THE UNIVERSITY OF ELDORET

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Speaker, Sir. I requested for a statement two weeks ago and you asked the Chairman to come with an answer today. The statement is indicated on the Order Paper as “a”. This is about the problems being experienced at Moi University and the University of Eldoret.

The Speaker (Hon. Ethuro): Very well. I can see that the Chairman is present. Yes, Chairperson for Committee on Education?

Sen. Karaba: Thank you Mr. Speaker, Sir. We had a discussion regarding this matter with my friend, Sen. Lonyangapuo. However, for the benefit of the Senate, it has not been possible to get full information about the two universities from the Ministry. I am still pursuing this. Even right now, there is somebody in the office handling the same. I hope that the matter will be handled before we go on recess.

The Speaker (Hon. Ethuro): What day are you proposing?

Sen. Karaba: Mr. Speaker, Sir, I am proposing Thursday this week.

The Speaker (Hon. Ethuro): Let us move to statement “b” by Sen. (Dr.) Khalwale.

STATUS OF VARIOUS PROJECTS IN NAROK COUNTY

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I just wanted to inform the House that the Committee is seized of this matter. However, the Committee requires slightly more time. Could you give us one more week because we have started listening to evidence from governors in respect of the recently tabled accounts? I am requesting for one more week to complete that because we have been squeezed on time.

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. You know that Sen. (Dr.) Khalwale is a very bright person. In his prayer, he asked for one week when he knows very well how our calendar is. Would he not have been in order to request that he be allowed to respond after the House has come back from recess?

The Speaker (Hon. Ethuro): Order, Sen. (Dr.) Machage. The Standing Orders are very clear. You cannot impute improper motives on a Member, particularly a Chairperson unless you have evidence. My understanding is that he needs one week. Whether that one week falls within this or next week, going by normal calendar days, we cannot change that. Both facts are valid.

Sen. Ntutu: Mr. Speaker, Sir, my only plea to the House and the Chairman of the Committee is that the issues that I raised are very sensitive. Some of the contractors are admitted in hospital because of pressure. People have not been paid and their properties are being auctioned. Therefore, this issue needs a lot of attention.

Mr. Speaker, Sir, these issues about Narok County are obvious. You do not need the Auditor-General because evidence is there. Money is being misused day and night. Therefore, I plead that the Chairman gives the answer on Thursday, if possible, because I am prepared.

The Speaker (Hon. Ethuro): Mr. Chairman.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I will still request that the Member indulgences me. I am glad that he is already on top of things, having heard the remarks that he has just made that things are very obvious and that they do not require the opinion of the Auditor-General, I, therefore, believe that the answer I will give will be obvious and we shall agree on it.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Is it in terms of timelines?

Sen. (Dr.) Khalwale: Yes, in terms of timelines, Mr. Speaker, Sir. Tomorrow, we will meet Homa Bay County Executive in the morning and then on Thursday morning, we will meet Homa Bay County Assembly. Therefore, we will not have time. I request that we deal with the issue next week.

The Speaker (Hon. Ethuro): Mr. Chairman, the Senator has also raised a fundamental issue concerning the way of operating. You know of similar circumstances previously.

Sen. (Dr.) Khalwale: Then, in that case, Mr. Speaker, Sir, allow me to report to the House progress on Thursday.

The Speaker (Hon. Ethuro): Thursday is okay.

KILLINGS IN KITUI COUNTY

The Speaker (Hon. Ethuro): Could the Chairman of the Committee on National Security and Foreign Relations respond to the issue of killings in Kitui County? This statement was sought by Sen. Musila. We had discussions on the other two.

Sen. Haji: Mr. Speaker, Sir, I apologise, both to the House and my brother, Sen. Musila, for not giving a response today. I got a response which was very unsatisfactory because it did not address the issues that were raised by Sen. Musila. Our subsequent discussions with the Cabinet Secretary (CS) were not fruitful. So, I have sent the questions back for the CS to include all that was raised by Sen. Musila. I hope that we will have a better response on Thursday.

Sen. Musila: Mr. Speaker, Sir, I am very disappointed. The House will recall that this matter has been coming up almost every time we meet. The matter was postponed because – to quote the HANSARD – the Vice-Chairperson said; “I would request my Chairperson to accompany me to the office of the CS for the Ministry of Interior and Co-ordination of National Government to address this matter face to face with him.” That was on 7th July, 2015.

Therefore, Mr. Speaker, Sir, I am disappointed. However, at the same time, I am very proud of the Chairman, Sen. Haji, because the response that he gave me –which is what he disowns – is completely out place. Therefore, I congratulate him. However, the big question remains; for how long shall we wait for the CS to give a response on this crucial matter when my people are being killed day and night yet we are told an operation is taking place when it is not?

Mr. Speaker, Sir, I congratulate the Chairman and thank him for that. This response is inadequate. The question remains; when will we get the right response because this matter has been postponed many times?

Sen. Haji: Mr. Speaker, Sir, I agree with the sentiments of Sen. Musila. We expected a better response than what I have. I will endeavour, once again, to press the CS to make the response available for me to read here on Thursday, this week.

Sen. Musila: Mr. Speaker, Sir, the Chairman has requested to come with a response on Thursday. However, this matter can only be resolved when the CS is invited to this House so that all of us cross-examine him. This is because we cannot expect the

Chairman, who has tried very much, to get anything from him. Therefore, I propose that this matter be the first business when we resume from recess. The CS should come here and face this House.

The Speaker (Hon. Ethuro): Mr. Chairman, that is fair enough and it is so ordered. You should invite the CS.

MYSTERIOUS DEATH OF CORPORAL
BERNARD OKINDO MAGETO

The Speaker (Hon. Ethuro): We are on Statement (h) which is about the mysterious death of Corporal Bernard Okindo Mageto. Could the Chairman of the Committee on National Security and Foreign Relations respond to it?

Sen. Haji: Mr. Speaker, Sir, Sen. Obure requested for a response to a Statement regarding the death of Corporal Bernard Okindo Mageto who was allegedly found dead at his station of duty on Friday, 19th June, 2015. The hon. Member particularly sought to be informed on:-

- (1) the circumstances which led to his death;
- (2) whether the police officers carried out investigation on the incident, and if so, the outcome of the investigation;
- (3) why the National Police Service (NPS) was not represented at the burial ceremony of the deceased in keeping with the tradition observed by the service;
- (4) whether a postmortem examination was carried out, and if so, what the results were; and,
- (5) whether the family of the deceased could expect to receive any compensation or terminal benefits in respect of services rendered to the state, and if so, how much and when the benefits would be paid.

Mr. Speaker, Sir, I wish to read the response as follows:

On 19th June, 2015, at 2.00 a.m., the Marani Sub-County DAPC Superintendent John Manyara---

Sen. Hassan: On a point of order, Mr. Speaker, Sir. It is unfortunate that I have to interrupt Sen. Haji. However, his sound equipment could be bad because I cannot hear most of the things he is saying.

The Speaker (Hon. Ethuro): Sen. Haji, could you move to the Dispatch Box?

(Sen. Haji moved to the Dispatch Box)

Sen. Haji: Mr. Speaker, Sir, I wish to read the statement as follows:

On 19th June, 2015, at 2.00 a.m., the Marani Sub-County District Administration Police Commandant (DAPC) Superintendent John Manyara reported to the Divisional Criminal Investigation Officer (DCIO) of a shooting incident at Kegogi Administration Police (AP) Camp involving No.2008108218 AP Corporal Bernard Okindo Mageto. The DCIO visited the scene and found the body of the officer and a G3 rifle Serial No.388027 loaded with a magazine beside it. Blood was spilled all over the concrete floor and the

clothes of the deceased were stained with blood. The body was found to have visible external injuries as follows:-

- (1) injury wound between the left eye and nasal ridge, slanting towards the mouth in the sub-mental region;
- (2) gunshot exit wound through the floor of the mouth and the sub-mental region;
- (3) gunshot entry wound on the chest; and,
- (4) gunshot exit wound on the chest.

The investigators also observed the following at the scene:-

- (1) two spent cartridges of 7.62 mm were found at the scene.
- (2) three unspent rounds of 7.62 mm caliber were found on the floor; and,
- (3) the G3 rifle safety catch was open and one round of 7.62 mm was in the chamber and the magazine had 14 rounds of 7.62 mm ammunition.

The scene was photographed and the body taken to Ram Hospital Mortuary for preservation and postmortem. The firearm and ammunition were collected as exhibits and sent to ballistic experts for analysis on 23rd June, 2015.

Mr. Speaker, Sir, the scene was revisited on 19th June, 2015 and it was discovered that one of the bullets fired had exited out of the room via the roofing iron sheet - leaving a mark on the iron sheet – while the other bullet, after hitting the deceased's chest passed through the body, pierced the armory steel box and ricocheted and hit the wall. Investigations which are still going on were commenced vide Inquest File No.2/2015.

However, at the time of the burial, it was believed that the deceased had committed suicide and in such circumstance and in keeping with the tradition of the discipline services, the officer could not be accorded a ceremonial send-off and neither is an official representative sent to the burial. The postmortem was conducted on 22nd June, 2015 and the cause of death was found to be gunshot wounds on the chest and head. I wish to table a copy of the postmortem report.

Lastly, the family is entitled to the following benefits:-

- (1) death gratuity from the National Police Service;
- (2) a total sum of eight times the annual basic salary from Group Life Insurance (Pioneer Assurance Company); and,
- (3) a total of Kshs150,000 for funeral expenses from Pioneer Assurance Company.

Thank you, Mr. Speaker, Sir.

Sen. Obure: Mr. Speaker, Sir, the subject of this Statement is the loss of life of a police officer; a Kenyan at the prime of his life, who has left behind young children, a widow and relatives who depended on him and whose expectations and hopes have now been shattered. This response from a very effective Chairman, actually says that the deceased is believed to have shot himself with a rifle and the cause of death found to be gunshot wounds on the chest and head. From this answer, two gunshots were fired; one which went through the roof, leaving behind a mark on the iron sheet. The second hit the deceased's chest, passing through his body, hitting the armory steel box and hitting the wall.

Mr. Speaker, Sir, is the respected Chair of the Committee aware that the pathologist who carried out the postmortem examination actually confirmed to the family

that this officer was shot at and killed? Secondly, if you look at the postmortem examination, you will notice that the injuries were caused by a distant gunshot which caused an entry wound between the left eye and nasal ridge. Is he sure that actually this man shot himself?

Secondly, what position could the deceased person have taken in order to shoot himself? How possible is it for a person who wants to commit suicide to fire one shot to the roof of the house and a second one down to his head, his left eye, nose and down to the chest?

Sen. Ong'era: Mr. Speaker, Sir, thank you for giving me this opportunity to also seek further clarification. While I thank the distinguished Senator, who is the Chair of this Committee, for bringing this answer to the House, it is inadequate. A widow has been left with children to be their father and mother, yet the circumstances under which the late officer Okindo was killed are still extremely unclear. From the report that the distinguished Chair has given us, it is quite clear that, indeed, this could not have been an incident of the officer killing himself.

As the distinguished Senator for Kisii has clearly mentioned, the fact that the bullet even flew through the iron sheet clearly indicates a scene where no suicide could have been committed. Indeed, from the report of the pathologist, it is very clear that this young man was actually shot. We demand to know who the killers of this young officer are. We also demand for a concrete report, so that we can be satisfied and rest our case and the widow and children can know exactly who killed their father or husband.

Sen. Hassan: Mr. Speaker, Sir, I would like to know the extent of that investigation. Having ascertained that there was no suicide, as alleged, because I think the circumstances here on basic analysis rule out any possibility that the officer committed suicide, what steps are being taken now by the National Police Service Commission, first, to issue an apology to the family and secondly, to see to it that all rights and traditions observed at the passage of any member of the disciplined forces are adhered to in a manner that restores its dignity?

Sen. Haji: Mr. Speaker, Sir, the observations made by the Senators who have spoken are legitimate. But I would not like to speculate as to how the bullet went to the roof. It is unfortunate that the officers who investigated this case have the feeling that it is a case of suicide. That notwithstanding, there is an investigation which is going on, which will reveal the happenings leading to the death of the late police officer. Also, there is nothing to suggest, as reported, that the pathologist said that the deceased was shot. But we should leave the matter under investigation so that the truth can come out.

Regarding giving the deceased the full honour accorded following the death of a police officer, I explained that since suicide was suspected, such an honour could not be applied but hopefully when the truth comes out, something will be done.

Sen. Obure: While I thank the Chair for that clarification, the family is convinced that this is a case of foul play and a vicious cover-up attempt on the part of the investigators. Could the Chairman agree that there is need for an independent body, preferably the Independent Police Oversight Authority (IPOA), to take up this matter and carry out independent investigations, so that the family can rest assured that everything is being done to get the truth.

Sen. Haji: Mr. Speaker, Sir, we will communicate the same to the authority concerned, so that if it is possible, independent investigations can be done, notwithstanding the investigation which is being done by the police station. We shall communicate the same to the Government.

CRITERIA FOR APPOINTMENT/REGIONAL
DISTRIBUTION OF APPOINTMENT TO PARASTATALS

Sen. (Eng.) Muriuki: Mr. Speaker, Sir, I rise to request for a Statement from the Vice-Chairman of the Joint Committee on Cohesion and Equal Opportunity regarding the criteria for appointment and regional distribution of appointments to parastatals. In the Statement, the Chairman should state:-

- (1) a list of all parastatals;
- (2) list of all organizations where the Government appoints directors;
- (3) names of all current appointees per organization in “a” and “b”, giving the county and gender of each;
- (4) names of chairperson and chief executive of each organization, giving the county and gender of each; and,
- (5) the criteria followed in arriving at the regional distribution.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Is any Member of that particular Committee here?

Sen. Obure, since I see Members urging you, maybe you are a Member of that Committee. Your job is to convey the message to respond in two weeks time.

Sen. Obure: I will do so, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Of course, the previous Statement is withdrawn. What is it, Sen. Murkomen?

**NOTICE OF MOTION FOR ADJOURNMENT
UNDER STANDING ORDER NO.33**

APPRECIATION FOR THE HISTORIC VISIT BY
THE PRESIDENT OF THE UNITED STATES OF AMERICA

Sen. Murkomen: Mr. Speaker, Sir, I rise under Standing Order No.33 to give notice of an Adjournment Motion for us to discuss a matter which is of national importance.

The notice of my Motion is on the historic visit of the President of the United States of America (USA) to Kenya. I want us to thank him, particularly, on his speech that he gave at the Kasarani Safaricom Stadium and have an exposition of the policy issues that are contained in it.

I seek the indulgence of this House to allocate this Motion at least an hour towards the end of the sitting. We want to note and put on record the issues that were raised for the good of our country. We discussed with Sen. Orendo informally and opined

that there are many things that the President spoke about that need to change the manner in which we carry out our issues as both sides of the political divide and also as leaders who have been bestowed with the responsibility to lead this country. I request for that time so that this House could deliberate on that speech considering that our sister House will have a similar Motion.

(Several Senators stood in their places)

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

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. Indeed, that is an important Motion. I have no doubt that we shall have the numbers. I hope that you will find it within your wisdom to give us time to debate. However, what strikes---

The Speaker (Hon. Ethuro): Order! The Motion is carried. It will be debated between 5.30 p.m. and 6.30 p.m. for a period of one hour.

Proceed, Sen. (Dr.) Khalwale.

You had already cleared everything that could have been a problem.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, what strikes me is that exactly the same Motion was moved last week. However, the Motion anticipated the arrival of the President of the USA. The entire group from Jubilee, including Sen. Murkomen, who has just ably given notice of the Motion left the Chamber. Few of them came in.

(Sen. Murkomen spoke off record)

The Speaker (Hon. Ethuro): Order, Sen. Murkomen! You are being addressed. You better listen.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, it was only after we repeatedly and vehemently condemned the Government for refusing to come and participate in such an important Motion that a few Senators started streaming in and spoke. Hon. Senators must be honest and pursue the business of the House not when and as it suits them.

The Speaker (Hon. Ethuro): What is it, Sen. Murkomen? It is a straight forward matter which I can dispose. However, let me give you just a minute.

Sen. Murkomen: On a point of order, Mr. Speaker, Sir. Is it in order for Sen. (Dr.) Khalwale to make assertions that are completely untrue when he knows very well that I sat on that Chair? I was the Temporary Speaker and sat through the whole Motion until it was completed. Is it in order for him to make such wanton allegations when I even gave him a chance to speak when I was presiding?

The Speaker (Hon. Ethuro): Order, Sen. (Dr.) Khalwale! Do you doubt your own presence and that of Sen. Murkomen when he presided over the Motion you are talking about?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, it is for that very reason that I find it within the province of Sen. Murkomen to be my first witness that the Jubilee side was not in this House. He is the one who gave us---

The Speaker (Hon. Ethuro): Order, Senators! First, Sen. (Dr.) Khalwale, you are completely out of order. Absence of a Member from the House does not mean that the

Member is not interested in the business of the House. Hon. Members, including you, have many things to do. That is one observation.

Secondly, the Motion that was brought by Sen. Orengo was in anticipation. This particular one is appreciating what transpired. In my view, those are two different Motions. Ordinarily, if the President of the USA addressed the nation through Parliament as I would have expected him to do, then we would have had a number of days to discuss it; the way we do with the Presidential Speech. So, it is perfectly in order that Sen. Murkomen has brought the Motion the way it is.

He has also confirmed that he was present in the House. However, that should not take away your observation that when matters are of critical significance, then the House should be full. That is what I understand from your intervention. I believe that is what the rest of the membership has considered.

Therefore, we will deliberate on the Motion from 5.30 p.m. to 6.30 p.m.

Next order!

(Resumption of Statements)

What is it, Sen. Kembi-Gitura?

Sen. Kembi-Gitura: On a point of order, Mr. Speaker, Sir. Sen. Kivuti is in the House. He is ready to give me an answer to my statement which has been outstanding for a very long time.

The Speaker (Hon. Ethuro): Order, Sen. Kembi-Gitura! I am sure that you do not want to ambush the Chair. That statement will be issued tomorrow. That order is over. We have agreed to manage time, especially with statements.

What is it, Sen. Kembi-Gitura?

Sen. Kembi-Gitura: On a point of order, Mr. Speaker, Sir. You may allow then that the question is stood over generally. I might not be in tomorrow when that answer will be given. However, I had spoken to Sen. Kivuti. It is a very short answer. It would be very good to complete this issue, once and for all. It is a short and satisfactory answer.

The Speaker (Hon. Ethuro): Sen. Kembi-Gitura, I appreciate you. However, I declared on Tuesday last week that the last two weeks we will not bend back. We must manage within time. Talk to Sen. Kivuti to be available tomorrow. If he will not be available tomorrow, you know where to access me.

Next order.

Sen. Kembi-Gitura must have prayed to his gods. I will allow his statement to be issued for another reason which I will not disclose.

What is it, Sen. Obure?

Sen. Obure: Mr. Speaker, Sir, I am very sorry to take you back. However, when we talked about the deceased police officer, Sen. Haji, the Chairperson of the Committee on National Security and Foreign Relations, offered subject to your direction, that the Independent Police Oversight Authority (IPOA) could go in and start conducting investigations. You missed the point and you did not give direction.

The Speaker (Hon. Ethuro): If you missed the point, I did not. I agreed with the Chairperson. There is nothing more useful I could add. That is the way you should proceed.

There is also a normal one; silence betokens consent. I did not contradict the Chairperson. So, he is perfectly in order.

Proceed, Sen. Kivuti. You pleaded for more time and then you disappeared.

ONGOING PROPERTY DEVELOPMENT AT THE JUNCTION OF
LORESHO RIDGE ROAD AND KAPTAGAT ROAD

Sen. Kivuti: Mr. Speaker, Sir, the answer to the question from Sen. Kembi-Gitura is a very short one. I will not take much time.

The Speaker (Hon. Ethuro): Sen. Kivuti, before you proceed, let me urge those Members who are present to remain in the House. We are still looking for others to come in because there is a lot of business to be voted on. We can dispose of it very easily.

Proceed, Chairperson.

Sen. Kivuti: Mr. Speaker, Sir, on the update on determination of review of grants and disposition of public land reserved for Nairobi City Water and Sewerage Company, we got a very good submission from the National Land Commission (NLC). Among the items that were listed from the answer include:

First, the question asked by Sen. Kembi-Gitura in respect to Nairobi Block 90/599, Parcel No.596 in Loresho Pumping Station and Water Reservoir. The answer to that question is as follows:

The above referred parcel of land is carved out of Plot No.Block90/229 which is a site for Nairobi-Loresho Reservoir, a major water distribution system. The subject land is a property surveyed, but untitled. It measures approximately 1.939 hectares in land area. The said land has been the subject of illegal alienation resulting in the creation of the Parcels Block 90/596 and 90/599 after consolidation of several parcels initially excised from it.

Nairobi City County has only three water supply distribution systems comprising of Ndakaini-Ngethu-Gigiri system in which Loresho-Kabete system which supplies areas west of Uhuru Highway and Kikuyu springs water distribution which supplies areas around Naivasha and Kikuyu roads. Expansion of the water distribution infrastructure is likely to be concentrated on the existing systems owing to lack of availability of suitable public land for expansion.

The Loresho land which is the subject of the inquiry has 11,000 cubic metres water reservoir where water is distributed as follows:

One, to Kyuna Water tower from where it gravitates to Kyuna, Loresho, Gigiri, United Nations Environment Programme (UNEP), Whispers Estates, Rosslyn, Muthaiga North and Lower Runda.

Two, from the reservoir, water gravitates to Kitusuru, Spring Valley, Lower Kabete and adjoining areas.

These areas have no alternative source of supply apart from the Loresho Reservoir. Pressure from urban growth and development has seen an increasing demand for water in the areas served from the reservoir. The County Government has informed the Commission that there is a current programme of building another 11,000 cubic metres reservoir together with a pumping station facility on the said land to ensure adequate supply to the areas.

The excision and alienation of the said land resulting from parcels No. 90/596 and 90/599 presents a threat to the water supply security in the Nairobi City County. It is noted that the Sasumua Pipeline which feeds into the reservoir is located on a specific path and the location of the reservoir fits in with the current and future water distribution plans. Relocation of the reservoir will not be a viable option to the Government at all due to the requirement of the new construction of long lengths of pipelines and acquisition of weigh leaves for the same.

Mr. Speaker, Sir, in view of the above, the title to this property stands revoked. This is the answer from the NLC. Sen. Kembi-Gitura has confirmed to me that he is happy with the answer. However, it is your prerogative to decide the next course of action

The Speaker (Hon. Ethuro): Are you implying that we do not give him the opportunity to interrogate you?

Sen. Kivuti: Mr. Speaker, Sir, I leave that to you.

The Speaker (Hon. Ethuro): You are asking me what I cannot do. I need to be fair to both parties.

Proceed, Sen. Kembi-Gitura.

Sen. Kembi-Gitura: Let me thank the Chairman of the Committee and his Committee for what I consider to be a job very well done and an answer that is sufficiently satisfactory. Everybody can see clearly what corruption can do. It eats away the country and a society. Land that was reserved for a water reservoir serving all those parts of the city that have been mentioned had been allocated to an individual who then sold it and then it was sold again and now some construction work is going on to benefit an individual.

I want to thank the Chairman of the Committee. I also want to thank the National Land Commission (NLC) and the Department of Lands for taking up action to revoke this title. I want to believe that the construction that is already going on there will be demolished like the NLC assured me. Once it is demolished and restored back to the Nairobi City County for the purpose to which it was alienated; that is a water reservoir, it will serve that purpose. It will be a lesson for those corrupt persons in this country who believe that they can take public assets for their own personal benefit at the expense of the public. I am quite happy. I will raise this question again in a month's time if the construction is not demolished.

The Speaker (Hon. Ethuro): Next Order.

BILLS*Second Readings*

THE COUNTY ASSEMBLIES SERVICE BILL
(SENATE BILL NO.27 OF 2014)

(Sen. Sang on 15.7.2015)

(Resumption of Debate interrupted on 15.7.2015)

THE COUNTY RETIREMENT SCHEME BILL
(SENATE BILL NO. 25 OF 2014)

(Sen. (Prof.) Kindiki on 8.07.2015)

(Resumption of Debate interrupted on 8.7.2015)

THE UNIVERSITIES (AMENDMENT) BILL
(SENATE BILL NO.31 OF 2014)

(Sen. Mohamud on 22.7.2015)

(Resumption of Debate interrupted on 22.7.2015)

THE PARLIAMENTARY POWERS AND PRIVILEGES BILL
(SENATE BILL NO.15 OF 2014)

(Sen. (Prof.) Kindiki on 22.7.2015)

(Resumption of Debate interrupted on 22.7.2015)

The Speaker (Hon. Ethuro): Order, Senators. Those are four Bills which we need to dispose. I order that the Division Bell be rung.

Sen. Mutula Kilonzo Jnr.: On a point of order. Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): What is it, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I have a concern on Order No.9 before we vote. The last time, you issued a Communication that there should be consultations between the stakeholders on this Bill. I am not sure whether the consultations have been done because we have not received a report. I have also checked with the Chairman and confirmed that there is another meeting going on in Naivasha over the same Bill. Could you, please, give us direction on whether or not we should move to Division on Order No.9, in view of the pending issues between the stakeholders, even a

Petition pending before our Committee? There is a grey area which you should give direction on.

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

The Speaker (Hon. Ethuro): Sen. Murkomen, I thought you are digital. You seem to prefer the verbal one.

Proceed.

Sen. Mukomen: Mr. Speaker, Sir, what Sen. Mutula Kilonzo Jnr. has raised has also troubled my mind. We said the reason why voting has been delayed was to facilitate consultation. However, I have one problem which is legal. The Standing Orders, the Constitution and all the other supporting laws do not give us an alternative legal framework that allows a Bill to be withdrawn before voting. It is in the Second Reading; I thought the most sensible thing for the Mover and the Committee on Labour and Social Welfare, for Sen. Madzayo, was to allow the vote to be done, it goes to Committee Stage where the amendments are done. I am saying this because there are only two options.

Even if the consultations are done and we say that the Bill will not be withdrawn, there is no mechanism for that. The only stage where there is a mechanism for withdrawal is at the Committee Stage where the Bill is changed completely. At this stage, the Bill either collapses or it is passed to enable it be amended based on the consultations. There is no instrument for returning it back after it has been read at Second Time.

The Speaker (Hon. Ethuro): Order Members. There are some responsibilities which are assigned to the Chair. I thought Sen. Mutula Kilonzo Jnr. addressed himself to the Chair. Or did you address yourself to Sen. Murkomen?

Sen. Mutula Kilonzo Jnr.: No.

The Speaker (Hon. Ethuro): I realize that before you even concluded, he was already on a point of order.

That is a good intervention in the sense that the matter had been canvassed before the House. I wish to confirm to Sen. Mutula Kilonzo Jnr. and the rest of the membership that consultations took place. They agreed on some framework of considering the amendments. As Sen. Murkomen observed, amendments can only come at the Committee Stage. What we are doing in concluding Second Reading is in no way going to affect other processes that are taking place. I have promised the Mover and the Committee that we will not proceed to the next stage of the Committee of the Whole until that other process has been concluded.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, my only concern is that you have said time and again, and I have heard from tradition - I may be new but I have repeatedly sat here - You have said in a lot of your directions that the debate can only be restricted to the Second Reading. What if in the consultations, there is reason to open debate on this issue? In the Third Reading, there will be no debate. It is possible that you will limit debate when it comes to the Third Reading. Those consultations will not be useful because in the Third Reading, our work is to either vote to agree or vote to defeat, which will then not serve any purpose.

I say so because in my own Committee on Legal Affairs and Human Rights, I have seen very serious legal concerns. That is why I proposing that you consider it and give a considered view because at the Third Reading, we will close the door for debate. It

is the debate that ought to inform the Third Reading. The Mover; the Senate Majority Leader, should be kind enough and magnanimous because he is a good lawyer and a professor, to defer it until those consultations are done and brought here, and the Petition that you sent to the Committee on Legal Affairs and Human Rights under Sen. Sang, should then give a report on whether we ought to proceed or not. We could do this in an informal manner because I have a feeling that there is a small legal problem.

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

Sen. Abdirahman: Mr. Speaker, Sir, it is along the same line. It is true that some level of consultation was carried out at the Boma Red Court Hotel the other day. That was not sufficient enough to generate or to put together the very deep thoughts which a number of stakeholders have had on this matter. At one point, this Bill was withdrawn although it has resumed again. We have no problem voting on it today. We shall do so gladly as a team but the truth of the matter is that this House is expected to make responsive laws that will help Kenyans for posterity and for the interests of the workers of this country. This Bill has serious issues which will have been canvassed in the Second Reading. The Committee Stage may not be sufficient to address the issues that are being canvassed under the Chairmanship of Mr. Kinuthia Wamwangi of the Transition Authority and the Sub-committee which was established the other day.

I am of the opinion that we are leaders and we have a leadership in this House to help the Chair who will guide us right. As for us, the people who work along with you, it is important we put across ideas which can help the Senate to effectively discharge its mandate. We had entrusted the Committee on Labour and Social Welfare to do this task, they are doing it very effectively. I remember chairing almost half of that session. The Chair of the Committee is here and given more opportunity, he will make value addition through the recommendations of that Committee. If you say we stop this today because there are certain issues that will not allow us to proceed, we are more than willing to gladly make our voice on it and it will end there.

Sen. (Eng.) Muriuki: Mr. Speaker, Sir, allow me to add my voice on this matter. The Committee on Labour and Social Welfare has considered this matter very extensively. I will borrow from Sen. Abdirahman. The Committee at one stage when we had requested the Senate Majority Leader to hold on, we had speculated that due to the very many differing views, there may be need to withdraw the Bill so that it is redrafted. There was that possibility and even now, it is there.

However, we cannot reopen debate now even if we want to. The Mover has already replied. I think the only way is to go to that stage. When it goes to the Committee of the Whole, as you ruled, it should not come until that technical Committee brings its report to the Committee. If need be, there will be extensive consultations in form of a *Kamukunji* so that we could look at this Bill extensively and see whether we could request the Mover to withdraw it for the purpose of redrafting.

Sen. Sang: Mr. Speaker, Sir, within the Committee on Legal Affairs and Human Rights, we received a Petition on this particular matter from a critical group of stakeholders; that is the county governments, the Council of Governors and the county assemblies. The Committee is in the process of finalizing that Petition. The Petition raises a lot of legal issues that we need to address. Whereas I agree that if we look at this

particular Bill, the Mover of the Bill, the people who are supporting the Bill and the ones raising concerns should appreciate that there are a number of concerns in this particular Bill.

Mr. Speaker, Sir, we are faced with two options. One of them is the possibility of withdrawing this Bill and introducing a new Bill all over again. The other possibility is passing the Bill and bringing all those other concerns as amendments. As the Committee on Legal Affairs and Human Rights, we are already considering that but we need to know the amount of amendments that we need to mount to this Bill in the Second Reading. We cannot amend an entire Bill by rewriting everything.

If the Bill is fatally defective, we may need to advise this House on the direction to take. You have correctly pointed out that once we vote on this Bill, you are giving us the commitment that nothing will proceed until those consultations are completed. However, we wonder what value it adds to vote now and then hold it at that point until when we have concluded. If we are talking about some level of goodwill if we could consider - my fear is I do not want to see this Bill lost today.

Mr. Speaker, Sir, knowing the marginal numbers that we have in this House and those who have spoken before us, we are likely to get to a situation where people have to express themselves through the vote. We will end up losing a Bill that would have been very useful for us moving forward.

Mr. Speaker, Sir, I seek your wisdom on this matter so that we move together in a manner that helps the Senate to move in the right direction.

The Speaker (Hon. Ethuro): Let us have the last intervention from Sen. Murkomen.

Sen. Murkomen: Mr. Speaker, Sir, I have heard Sen. Abdirahman and I wish that he could hear me as well without being distracted by the “bullfighter” of Kakamega, Sen. (Dr.) Khalwale.

The House is faced by a new challenge which is a situation where people are saying that we need to withdraw a Bill which is now at the voting stage and we do not have the instruments of law. However, my most important concern is the fact that as a House, we have been assisting each other to ensure that no Bill is lost. If this Bill is lost today by virtue of people protesting, then the next one that will come will also be lost. This is because the ones who think that this Bill is going to be lost unfairly will also do the same to the other Bills.

The point that needs to be underscored is that under the Standing Orders, at the Committee of the Whole, and I have sat as a Chairperson before, we have amended a Bill entirely, for example, the Tobacco Bill, among others. If few do not allow this Bill to go to the next stage, we will be in a quagmire; no other Bill will be introduced and no progress will be made in terms of amending the other one because of the legal challenges. I am in the Committee on Legal Affairs and Human Rights, and I understand the amendments that Sen. Mutula Kilonzo Jnr. is raising.

Our problems can only be cured when we have an instrument to amend. As we speak, we have no legal framework for changing the one we have or changing before we vote. The only way that we can have an instrument that we can amend is to move to the next stage. I advise and plead with the House that we must continue to move in the

direction that we have been doing since we started, so that we have no situations where one can easily bring a Bill with a purpose of saying “*Tuagushe Bill ya so-and-so*” We need to be balanced.

The Speaker (Hon. Ethuro): Order Senators. I do not think that these are matters that we need to canvass in the Plenary. This Bill has been on the cards for a while now. Representations were made to my office to put it in abeyance – it was not withdrawn, maybe, that is what people are confusing with – pending consultations. The Chairperson of the Committee came and requested for more time, which was given to him.

The House appreciates that there are challenges in this particular matter and we convened a meeting two weeks ago where all stakeholders were brought on board. This is the framework in which the discussions are taking place. Without a framework and a foundation, what are you building your house on? I am happy to report that I was at that particular meeting and I could see the passion from the very beginning.

I am reliably informed that towards the end of the meeting, they agreed on some framework. I have given my commitment and knowing how important the matter is, it is expected that these kinds of things will happen. The Committee that was formed under the Transition Authority, under the Chairmanship of the Committee on Labour and Social Welfare, agreed on some frame work which we all believe will work. That is one way to make sure that we get a Bill that is acceptable across the board.

In the mean time, we are grappling with the issue of the process. The argument by Sen. Mutula Kilonzo Jnr. raises the concern as to when one is entitled to talk when they bring a Bill. The time to contribute is gone no matter what you raise now. It is reasonable that we proceed on the process that we know. We will vote on the Bill and it is your right to vote either way. I agreed that we would even do more than what we agreed on at the Boma Hotel; that even at the time of the amendments, we would still call the critical stakeholders and involve the entire House in looking at the proposed amendments before we put the final stage which is the ultimate decision making.

You can accept the Bill as it is, propose amendments, change it completely or throw it out. According to me, that stage is yet to come. I hope that I am making sense. It is sensible that we proceed in the manner in which it has been proposed. We will lose nothing by doing that. You will still have an opportunity to make the necessary interventions, but we cannot keep saying that we are not ready in our Committees whenever we are just about to make certain decisions. The rule that governs committees is that if you do not bring your report within 30 days, the House should proceed. This one has taken more days and that is an understatement.

There is a Petition before the Committee on Legal Affairs and Human Rights. Under the Standing Orders, we will be waiting for the recommendations that they will make. You will still need to harmonize all those provisions from the Committee on Labour and Social Welfare and the Committee on Legal Affairs and Human Rights. We will still want to include the stakeholders and interrogate on those matters. It is therefore a whole process. According to me, to proceed to vote on this matter will not alter that process. The Chair is alive to the issues and I have made a commitment. It is in our own interest to ensure that our staff members at the counties get a decent pension and in the proper manner.

Thank you.

Please ring the Division Bell for two minutes and I plead with you Members not to leave.

(The Division Bell was rung)

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

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

The Deputy Speaker (Sen. Kembi-Gitura): Order, Members! The Speaker gave a direction on how we will go about this. We are proceeding to Division on Orders No.8, 9, 10 and 11 in one Division, we shall vote and then I will announce the results after the vote on all the four orders.

Sen. Madzayo: On a point of order, Mr. Deputy Speaker, Sir. With your kind permission, the County Retirement Scheme Bill (Senate Bill No. 25 of 2014) is in the Committee on Labour and Social Welfare. I am the Chairperson of this Committee and as we speak, Governors and all the other stakeholders are in Naivasha discussing and coming up with proposals on some of the submissions on which we had a conference which was officially opened by the Speaker at the Boma Red Court Hotel.

One of the proposals which were arrived at during the conference was that a sub-committee be formed. It was formed and it is now being chaired by Mr. Wamwangi who is the Chairman of the Transition Authority (TA). The Sub-Committee is currently in Naivasha dealing with the same matter.

Mr. Deputy Speaker, Sir, I am of the view – with your kind permission – that this Bill be put in abeyance pending the outcome of the sub-committee that we gave 14 days to come up with a report. We shall then report to the House based on that report and see the way forward. I think that would be the best way to go about this instead of plodding through, not succeeding and then we leave it for six months.

At the moment, I have in mind employees of county governments. They will suffer because up to now, they do not know where their money is being kept. It only depended on this pension scheme. If the Committee on Labour and Social Welfare can be given an opportunity to handle this matter, I will be most obliged.

The Deputy Speaker (Sen. Kembi-Gitura): We are in the Division and when you start seeking the Floor, it defeats the purpose which is only to vote. Sen. Madzayo, barely 10 minutes ago the Speaker made a ruling on this issue and you were seated in the House. That was after a lot of canvassing. I understand the concerns that you have. The Speaker listened and I am sure he understood the concerns that the Senators, including Sen. Mutula Kilonzo Jnr. and Sen. Murkomen raised.

I think it would be unfair for me to accede to your request because you are now asking me to review what the Chair ruled and be unfair not just to the Speaker's ruling but also the membership of the House. When the Speaker left, the Division Bell was

already ringing. The only business that was before the House at that moment was Division.

With a lot of respect, I regret that I have to decline your request. I know you made it in good faith but I must decline.

Let us now move to Division and prepare for the vote.

I will put the questions separately, we will vote and then I will announce the results later.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, there seems to be a discrepancy on the first Vote. The numbers are not tallying up. Either you give us time to do reconciliation or we vote again.

Hon. Senators: We vote again!

The Deputy Speaker (Sen. Kembi-Gitura): I think voting again will be the easier option. There is a problem because a Member who is not here appears to have voted. Maybe there is an electronic fault with our system. I am directing that we vote again.

Sen. Ong'era: On a point of order, Mr. Deputy Speaker, Sir. Could I suggest that we remove the cards for the Members who are not present?

The Deputy Speaker (Sen. Kembi-Gitura): We can only know from the printout. We have four Votes to do. Could you please log out first and then log in again?

*[The Deputy Speaker (Sen. Kembi-Gitura)
consulted the Clerk-at-the-table]*

Hon. Senators, there appears to be a problem with the electronic voting system. We shall now do it manually. We will call out the delegations.

Sen. Murungi: On a point of order, Mr. Deputy Speaker, Sir. I was suggesting that in order to save on time because we have four votes before us, if you call Meru County I vote on all the four Bills. This is so that we do not take a lot of time.

(Applause)

The Deputy Speaker (Sen. Kembi-Gitura): Does anybody have a better idea?

Hon. Senators: No! No!

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Members, since the electronic Voting has failed, the proposal by Sen. Murungi has a lot of merit. We used to do that before we went electronic. I am going to put a question on all the four Bills, and when you stand up to vote for your delegation – Clerks be very careful about this issue – it would be on the four Bills. I will ignore that I had put the Question and now put the Question on Order Nos.8, 9, 10 and 11.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, you must either vote “Yes”, “No” or abstain.

Sen. Okong'o: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senator. Please turn on your microphone.

(Sen. Okong'o turned on his microphone)

Sen. Okong'o: Mr. Deputy Speaker, Sir, I know that Senators have agreed to finish this business as fast as possible. However I do not know whether it is possible to go ahead without tellers.

The Deputy Speaker (Sen. Kembi-Gitura): It is not possible to do that. It is mandatory that there are tellers when we vote manually.

Could the leaders give us one Teller each? Are there Teller sheets?

Sen. (Prof.) Kindiki, who is your Teller?

Sen. (Prof.) Kindiki: Sen. Murkomen.

The Deputy Speaker (Sen. Kembi-Gitura): There will be four Teller sheets in each case for the voting. Are we ready? Are the Tellers ready?

Sen. Murkomen: Not yet, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): I thought that the Clerk-at-the-Table said that we are ready to proceed to voting? What is the problem?

Okay, let us proceed to vote. Could the names of the County Delegations be called out so that we vote?

(Voting in progress)

Sen. Karaba: Mr. Deputy Speaker, Sir, I vote "Yes" on all except Order No.9. It is the same English.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Karaba, you have voted.

Sen. Karaba said that he votes "Yes" on all except Order No.9.

Sen. Karaba, what is your vote on Order No.9? Is it "Yes", "No" or "Abstention?"

Sen. Karaba: Let us go on. I vote "Yes" on Order No.8, "NO" on Order No.9, "Yes" on Order No.10 and "Yes" on Order No.11. That is what it means by saying all except one.

(Voting in progress)

DIVISION

ROLL CALL VOTING

*(Question that the County Assemblies Services Bill
(Senate Bill No.27 of 2014) be read a Second Time, put
and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Boy Juma Boy, Kwale County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Hassan, Mombasa County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Prof.) Kindiki, Tharaka-Nithi

County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Okong'o, Nyamira County; Sen. Ong'era, Kisii County; Sen. Orengo, Siaya County and Sen. Sang, Nandi County.

Teller of the Ayes: Sen. Murkomen.

NOES: Nil.

Teller of the Noes: Sen. Mohamud.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators. The results of the Division are as follows:-

AYES: 26

NOES: Nil.

ABSTENTIONS: Nil.

(Question carried by 26 votes to nil)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

DIVISION

ROLL CALL VOTING

(Question that the County Retirement Scheme Bill (Senate Bill No.25 of 2014) be read a Second Time, put and the Senate proceeded to vote by county delegations)

AYES: Sen. Adan, Isiolo County; Sen. Chiaba, Lamu County; Sen. Chelule, Nakuru County; Sen. Kembi-Gitura, Murang'a County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof.) Lesan, Bomet County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County and Sen. Murungi, Meru County.

Teller of the Ayes: Sen. Murkomen.

NOES: Sen. Abdirahman, Wajir County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Boy Juma Boy, Kwale County; Sen. Hassan, Mombasa County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kanainza, Kakamega County; Sen. (Dr.) Machage, Migori County; Sen. Melly, Uasin Gishu County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ntutu, Narok County; Sen. Ong'era, Kisii County; Sen. Okong'o, Nyamira County; Sen. Orengo, Siaya County and Sen. Sang, Nandi County.

Teller of the Noes: Sen. Mohamud.

ABSTENTION: Sen. Ndiema, Trans Nzoia County.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators. The results of the Division are as follows:-

AYES: 10

NOES: 15

ABSTENTIONS: 1

(Question negatived by 15 votes to 10)

DIVISION

ROLL CALL VOTING

*(Question, that the Universities (Amendment) Bill
(Senate Bill No.31 of 2014) be read a Second Time,
put and the Senate proceeded to vote by county delegations)*

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Boy Juma Boy, Kwale County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Hassan, Mombasa County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Okong'o, Nyamira County; Sen. Ong'era, Kisii County; Sen. Orenge, Siaya County and Sen. Sang, Nandi County.

Teller of the Ayes: Sen. Murkomen.

NOES: Nil.

Teller of the Noes: Sen. Mohamud.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators. The results of the Division are as follows:-

AYES: 26

NOES: Nil.

ABSTENTIONS: Nil.

(Question carried by 26 votes to nil)

*(The Bill was read a Second Time and committed
to a Committee of the Whole tomorrow)*

DIVISION

ROLL CALL VOTING

*(Question, that the Parliamentary Powers and Privileges Bill
(Senate Bill No.15 of 2014) be read a Second Time,
put and the Senate proceeded to vote by county delegations)*

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Boy Juma Boy, Kwale County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Hassan, Mombasa County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Okong'o, Nyamira County; Sen. Ong'era, Kisii County; Sen. Oremo, Siaya County and Sen. Sang, Nandi County.

Teller of the Ayes: Sen. Murkomen.

NOES: Nil.

Teller of the Noes: Sen. Mohamud.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators. The results of the Division are as follows:-

AYES: 26

NOES: Nil.

ABSTENTIONS: Nil.

(Question carried by 26 votes to nil)

*(The Bill was read a Second Time and committed
to a Committee of the Whole tomorrow)*

(The Bar was undrawn and doors opened)

The Deputy Speaker (Sen. Kembi-Gitura): Order, hon. Senators! The next Order would have been Order Nos.12 and 13, which is Committee of the Whole. We do not have the numbers or threshold. So, I will step down Order No.12 and 13 so that we can go to Order No.14.

Could you read the next order?

Second Reading

THE CLIMATE CHANGE BILL
(NATIONAL ASSEMBLY BILL NO. 1 OF 2014)

The Deputy Speaker (Sen. Kembi-Gitura): Proceed, Senate Majority Leader. I would like to bring to your attention that at 5.30 p.m., the House will adjourn for the Motion of Adjournment.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, based on the guidance that you have just given, could I also seek your guidance? I am aware that a Bill that has been moved must be seconded and, at least the question put or proposed before adjournment. So, does that guide my timing as well?

The Deputy Speaker (Sen. Kembi-Gitura): It does not have to happen at the same day, neither does it have to happen continuously.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, nevertheless, I will be brief. I do not intend to take more than 15 minutes.

I beg to move that the Climate Change Bill (National Assembly Bill No.1 of 2014) be read a Second Time.

The Long Title of this Bill is described as an Act of Parliament to provide for a regulatory framework for enhanced response to climate change to provide for a mechanism and measures to achieve low carbon climate development and for connected purposes.

This Bill is about climate change, which as we know, is a phenomenon that has affected the world's environment in the last 50 years or so. According to the available scientific data, the challenge of climate change affects much more drastically developing, and more so, poor countries for reasons which I will explain and are contained in this Bill.

Mr. Deputy Speaker, Sir, with this Bill, our country Kenya is trying to come to the realization that there is need to put in place mechanisms to ensure that the adverse effects of climate change do not wipe out the gains that we have made in the protection and preservation of our environment and in the growth of key sectors of our economy, including agriculture and land.

For starters, climate change is a phenomenon which has been defined in this Bill. It is defined as change in climatic systems caused by significant changes in the concentration of greenhouse gases as a result of what one will call anthropogenic changes. It is about the permanent and long term changes in the world's environment as a result of human activities. I am emphasizing "human activities" because scientists tell us that there are aspects of climate change that are caused by natural factors. Naturally induced climate change is not harmful. So, often, the climatic conditions of the world change as a result of natural factors. There is that change which leads to renewal and a bit of interference with the human, plant and animal life.

However, what is harmful is anthropogenic climate change or climate change that has been induced by human activities. The biggest cause or contributor of human induced climate change is the emission of a certain cadre of gases into the atmosphere; the greenhouse gases. The emission of greenhouse gases into the atmosphere as a result of

human activities is what causes climate change. Of these greenhouse gases, the biggest contributor to the climate change is carbon dioxide.

Of course, there are other greenhouse gases. They are listed in the Bill, for example, methane which can come from certain sources, including agricultural and livestock production. Other gases are, for instance, nitrous acid, hydrofluorocarbons, perfluorocarbons, sulphur, hexafluoride, and indirect greenhouse gases. However, out of this list of seven or so gases, carbon dioxide is responsible for most of the climate change effects.

Mr. Deputy Speaker, Sir, let me just spend two minutes to explain this. This is a fairly scientific field. There is a way in which the environment balances the concentration of gases that are present in the atmosphere naturally.

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

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

We all know from our Standard Five studies of Science that the atmosphere in an ideal situation should contain 78 per cent of nitrogen, 21 per cent of oxygen and 0.03 per cent of inert gases, among them carbon dioxide. What causes climate change is the interference with these proportions. When you have carbon dioxide in quantities that interfere with the already set out natural proportions of the inert gases, including carbon dioxide, that is what causes global warming or climate change.

As I have said, we know very well from a scientific process called photosynthesis that the environment has a way of emitting - we were told those early days that during the day, plants manufacture food using carbon dioxide. They absorb carbon dioxide and emit oxygen. That is why trees are very important in terms of availing the oxygen that we breathe in.

Trees and plants also absorb carbon dioxide *en masse*. That is why afforestation is a major strategy of making sure that climate change does not harm us. Large plantations of trees such as in the Amazon and the Congo basin absorb excess carbon dioxide that may come from industries and other human activities. They require the carbon dioxide in the process of photosynthesis to manufacture their own food and also emit oxygen. That is the scientific bit of it.

Mr. Temporary Speaker, Sir, this Bill, therefore, does two things. One, it provides for institutions and mechanisms to assist our country to do two things. First, is to adapt to climate change. Climate change is a reality. Secondly, is to mitigate the effects of climate change.

Various institutions are created in this Bill. I will just mention two; the National Climate Change Council which is supposed to be an organ to develop a national climate change action plan and advise the State on matters of climate change. It states that the council is broad based. The membership is provided for in Clause 7. It includes the Cabinet Secretary for Environment and Natural Resources, the Cabinet Secretary for the

National Treasury, the Cabinet Secretary for Devolution and Planning, the Cabinet Secretary for Energy and Petroleum, the Chairman of the Council of Governors owing to the devolved system of government, a representative of the private sector, a representative of civil society, a representative of marginalised communities as defined in Article 260 of our Constitution and a representative of the academia to be identified by the Commission for University Education (CUE). Therefore, that is a broad based council.

The other entity is the Climate Change Directorate which must be set up under this new legislation to be responsible for climate change matters as a directorate within the relevant state department, most likely the state department that deals with environment issues.

Other than the institutions as I have said, this Bill is about helping Kenya to; one, adapt to the reality of climate and, two, to mitigate the adverse effects of climate change.

Mr. Temporary Speaker, Sir, adaptation is defined in this Bill in the clause that deals with definitions. It means adjustments in the natural or human systems in response to actual or expected climatic effect which moderates harm or exploits beneficial opportunities. In short, climate change adaptation means measures that the country has to take or put in place to ensure that our country and economy are aligned to the realities of climate change.

Some of the effects of climate change include rising sea levels. Already, we have seen reports of how, for example, certain parts of the coast, including Old Town of Mombasa, in the next 20 or 30 years might be submerged in water as a result of rising sea levels. What causes rising sea levels? It is caused by warming of the oceans and the melting of glaciers at the North and South Poles. The melting of glaciers releases a lot of water into the ocean. That, of course, has an implication on sea levels. That is an example.

An example of how coastal communities can adapt to climate change would be in a housing policy that helps the country to develop technology in housing that can resist in the event of a tsunami, tide or wave of the oceans which is one of the effects of climate change. That would fall within adaptation measures. Adaptation means that climate change is a reality so we must do certain things so that the effects of climate change do not harm us. One area is in the housing sector as I have already indicated.

The other area is in the agricultural sector. How can farmers, for example, in countries that are affected by climate change plant crops that are alive to the fact that climate change brings erratic rainfall patterns? One of the effects of climate change is erratic rains. So, how do farmers adapt to that?

We have seen in our country when rains come at the wrong time or when least expected. There were times when we could expect rains in various parts of the country. We knew when long rains would start. Normally, we would suggest in a very precise manner that it will rain on a certain date of the month or year.

Mr. Temporary Speaker, Sir, today, the rains come when we do not expect them and in amounts that are either too little or too much. The farmers end up losing out because they cannot have a predictable way of knowing when to plant what or when. They could tell when to plant crops which require too much rain or less rain. They could

also tell whether the rain would proceed for a while and so on. Therefore, measures of adaptation will assist the country, especially productive sectors of our economy to align themselves to the realities of climate change.

I do not have time to go through all the sectors that could be affected by climate change. It can affect almost virtually every sector, including a sector like that of internal security. One of the effects of climate change is floods and natural disasters, which means we will have displaced populations in some of the poor countries like our country as opposed to storms and other complicated or advanced weather conditions. If we have a large number of displaced people because of floods, torrents, avalanches and other climatic situations of this nature, it impacts on the internal security and the stability of the country. We will have masses of people who have been displaced, not because of bombs and guns, but because of floods and such kind of things.

Mr. Temporary Speaker, Sir, other than adaptation, this Bill also deals with the question of mitigation. Climate change mitigation means efforts that seek to prevent greenhouse gases or slow down the concentration of greenhouse gasses by limiting the current or future emissions and enhancing the potential sinks for greenhouse gases. Simply put, climate change mitigation means that the country puts in place measures that allow us to absorb excess greenhouse gases that we are emitting as a result of industrialization and other human activities. For example, we should absorb excess gasses like carbon dioxide through afforestation. We can plant so many trees because plants require carbon dioxide in their process of photosynthesis and in return, they emit oxygen. Afforestation is one example of an effort to mitigate climate change by taking in much of carbon monoxide.

Another way of mitigating climate change would be by pursuing what is known in the Kyoto Protocol as clean development mechanism where they generate and use technologies in manufacturing and industrial sectors that are not emitting too much carbon monoxide or other offensive gases. If we have those technologies that are not causing a lot of harm to the environment, it would be an example of a strategy to mitigate climate change. I know this is a fairly scientific terrain. I can see Sen. Mutula Kilonzo Jnr. is lost. His usual bravado is under challenge.

Mr. Temporary Speaker, Sir, I beg to move. I do not want to trouble Sen. Mutula Kilonzo Jnr. I will try my luck with my learned friend, Sen. Murkomen, to second.

Sen. Murkomen: Mr. Temporary Speaker, Sir, first of all, I would like to thank the Senate Majority Leader for moving this Bill and also the initial Mover of this Bill in the National Assembly hon.(Dr.) Otichilo.

This is a subject of our time. President Obama when speaking to us in Kasarani Safaricom Arena said something that is very important to us. He said we have borrowed this country and the world from the future generations, from our children and the children of our children. There is a very important principle in environmental law that is called sustainable development. It is a principle that says that we must utilize our resources in a manner that can benefit the current generation and that can also leave something for the future generation.

Discussing climate change, modernizing the way we look at the environment and realizing that the protection of our forests has something to do with the life of the people

now and in the future. When we talk about carbon credit and protecting the forest, the rivers and avoiding pollution of the rivers like the Nairobi River, we are talking about the possibilities and the benefits of bequeathing the future generation a society that is better than we found.

Mr. Temporary Speaker, Sir, let me give a very short story. I grew up as a villager in a place called Embobut. Around my home at my time, we had a lot of wild animals which we used to interact with, like the Columbus monkeys and baboons. More often than not, we would wake up in the morning and find a baboon in our small garden digging potatoes. Those days, it was not difficult to see a gazelle and many other wild animals. It was easy for us and we enjoyed that. There were very many kinds of indigenous trees like bamboos. It is a beauty that I regret.

However, overtime, because of human destruction, it is not there, I am unable to take my two little sons and daughter to the same place that I was brought up and show them the things that I saw as a young person that shaped my thoughts and made the environment serene and attractive. It made the rivers flow all the time; that brought tranquility and inner peace that comes with a good and nice environment. There was proper oxygen like it was properly enunciated by the Senate Majority Leader when he was moving this Bill.

It is time, therefore, we lifted the discussion about the environment and climate change to a stature where the nation puts it at the centre of its development, so that we will not be telling ourselves that it is better to have a road than to protect a forest. We will not be telling ourselves that it is better to have factories instead of protecting the rivers. President Obama mentioned that sometimes when a society is growing and is on industrial revolution, people focus on how many people will be employed in a factory than the rivers which will be polluted. That narrative needs to be changed because we have a responsibility to ensure that at the centre of every development; whether constructing railway, roads, schools, factories and providing housing for those with no houses, we must do it in a manner that responds to the needs of our country.

I want to quote directly what President Obama said. He said:-

“We have not inherited this land from our forebears, but we have borrowed it from our children.”

I believe that if we make the issue of climate change to be at the centre of our discussion and development, appreciating that protecting the environment is as good as building the roads and that it is more beneficial to human life - By protecting our environment, we will deal with diseases like cancer, respiratory diseases or others that are bedeviling our society now.

Mr. Temporary Speaker, you are more qualified than myself to discuss the link between health issues and the question of protecting the environment. I like Clause 5 of this Bill which states that:-

“There is established a National Climate Change Council. The Council shall be chaired by the President.”

This is important because it is putting the question of climate change at the centre of the national and county governance. That is not enough because there is the Chair of Council of Governors seating at the council. There are also qualified people. There is a

provision of a representative from the private sector and marginalized communities. These are the Ogieks, Sengwer and a person from Boni community. This is very important because they are people who have lived inside the environment. It is important for them to sit and be part and parcel of sharing the indigenous knowledge and methods of preserving and protecting the environment.

In the old days, our forefathers stayed inside the forests. They did not destroy trees. They appreciated the desire to get protection from the forest and the fact that they were getting medicine, cover and honey. Nowadays, everybody is fighting to get a little piece of a plot at the expense of the common good of the people. It is important that we have representatives in this Council from the academia, people like my classmate Dr. Robert Kibugi, who played a very important role in drafting this Bill.

There was a time in this country when we ignored the universities, centres of excellence and places of research. As a country, it is important for us to have close partnership between county governments, the national Government and the universities as far as every sector is concerned. It is important that we have men and women who are representing the academia. We need greater partnership between this council and the university because everything we do as a country is informed by knowledge and research by professors like Prof. Kindiki who moved this Bill.

Therefore, it is important for us to sit together and ensure that we have an institution that can interact globally and work with other countries, attending to questions of tapping carbon credit, assisting and making sure that every home and every school is planting trees. We need to take the legacy of Prof. Wangari Maathai and ensure that every home, every Senator, every Member of Parliament (MP) every Member of County Assembly (MCA) and every leader is preaching the desire to ensure that we have more trees being planted in our country so that we can have clean air and better oxygen as properly explained by the Mover of the Motion whom I am surprised that is still very knowledgeable in matters of environment.

There are so many other provisions. I do not want to belabour the point. The point here is having a legal framework and institutional framework that focuses fully on incorporation and ensuring that we have a climate change Bill which is very important for this nation.

Mr. Temporary Speaker, Sir, I support this Bill and I hope it will not suffer the fate that other Bills have suffered when we lose them. We need to support this Bill. We need to ensure that we have clear provisions in the curriculum on matters of climate change from nursery school to the university level so that it becomes an integral part and parcel of our nation.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to support and second this Bill.

(Question proposed)

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, it is now 5.30 p.m. and as it had been ruled earlier by the Speaker, we now have to adjourn the House for a special Motion to be moved by Sen. Murkomen.

**MOTION OF ADJOURNMENT UNDER
STANDING ORDER NO.33**

APPRECIATION FOR THE HISTORIC VISIT BY
THE PRESIDENT OF THE UNITED STATES OF AMERICA

Sen. Murkomen: Thank you, Mr. Temporary Speaker, Sir. I beg to move the Motion that the House do now adjourn to discuss a matter of national importance, the speech of the President of the United States of America (USA), Mr. Barack Obama and all the agreements that were achieved as a result of his trip.

I stand here this evening to recognize the fact that we are very lucky as a nation, after more than 50 years of Independence, to be favoured to host a President of the USA. This is a very unique occurrence because it may not happen again in our lifetime. If it does happen, we will be twice lucky. The father of President Obama left this country for the USA. As he said it himself, at the dinner at State House, no one would have imagined that we would have an opportunity to say that a man who left this country in the mid of last Century sired a child like President Obama who would be a President of the USA and visit this country in our lifetime.

Mr. Temporary Speaker, Sir, there are so many people who have been asking what the legacy of President Obama is to Kenya and Africa. If there is a legacy that has been left by the President of the USA, it is the fact that he was elected. That is enough. The hope, confidence and encouragement of the fact that the President of the USA, Mr. Obama, against all odds, was elected is enough to inspire every young child, African and Kenyan that we can achieve that which we want to achieve with proper imagination.

I told my friends last week that I am so excited and that I would be more than happy to appear before President Obama, be in meetings where he was going to address and even in situations where I am unable to appear physically, I would watch on the television. This is a historical occurrence that may not repeat itself and we may have to explain to our children that something happened. That reminded me of the biblical story of a man called Joseph who was sold by his brothers to a foreign land. However, against all odds, he became a Prime Minister. He became the seed that actually assisted the children of Israel, including his own brothers, to continue living.

Mr. Temporary Speaker, Sir, I believe that President Obama is not only a source of hope for the world, but a proper seed for this country that can for now and in the future assist this country. I strongly believe that even outside his presence as being a President at the moment, going forward, and God giving him longer life, he will be useful to this country even after retiring because the “brand Obama” and the fact that he is the first President of the USA of Kenyan origin, should be an area that we must continue exploiting as a country.

We need to tell the world that such a good product can come from this country. When I talk like this, I do not know how much more Sen. Orengo can say, considering that he is the Senator to his grandmother and where his father came from. I was very

proud. When I attended the dinner at State House and the lecture at Kasarani Stadium, I was greatly inspired.

There are many things that President Obama said in the three days that he was here. However, what is more important and will be remembered is what he told us at the Kasarani Stadium. He spoke so well. First of all, he talked about how we, as a nation, must understand our history. He said that it is important that we tell the stories of our lives to our children. He said that it is important to understand where we came from so that we can know where we are going.

There is a problem in this country which is about the narrative of the history of this country. Sometimes you find certain historians distorting the history of this country and putting more weight on people from their own tribes, clans or the contributions of people who are, perhaps, linked to the Government of the day. The story of this country must be written in a proper perspective so that our children, the youth and future generations can learn from the stories and sacrifices the previous generations made as a country.

Secondly, he addressed the question of youths. The President of the USA dwelled more on ensuring that there is a future and hope for the young people. It is important for us to ensure that we invest in the youth. We thank the Government for putting resources and ensuring that 30 per cent of the contracts at the national and county level are given to youths, women and persons with disabilities.

It is important that we incorporate other generations to ensure that they are part and parcel of our governance. President Obama addressed the question of corruption and made it so clear that it was costing thousands of jobs because one person is amassing wealth at the expense of investing it in more people and creating more jobs. I am glad that he recognized that this Government is working towards addressing corruption.

However, we must come out and say that what confronts us on matters of corruption is the culture that is there, which is not a preserve of those who are elected. It is in the whole system of all citizens. Therefore, he said that citizens must rise up against corruption. I believe it is not just about rising against those who are in leadership, but even the citizens themselves must take responsibility of fighting corruption that has become our culture.

Mr. Temporary Speaker, Sir, President Obama talked about inclusivity; we must not mobilize ourselves along our tribes. That is very important. For a long time in our country, we see the Opposition always talking about how their tribe has been left out and how they would like to come into office for their tribes to “eat”. We also hear those in Government saying that it is time for their tribe to eat. We must run away from the tribal mentality and argument that propel us to positions of influence.

Why should we always think in terms of our tribes? I remember one time, a friend of mine told me that the Kikuyus have had their time of presidency and so we need to give it to another tribe. The tribal mentality must get out of us. We must elect people because of who they are; that is the substance they have and what they stand for. We must have the opportunity for a Kuria to be president---

The Temporary Speaker (Sen. (Dr.) Machage): Please, repeat that Sen. Murkomen.

(Laughter)

Sen. Murkomen: Mr. Temporary Speaker, Sir, we must have an opportunity for a Sengwer like myself to be president. We must also have opportunity for a Kamba to be president, not because he is a Kamba, but because that person has the ideals to lead and---

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

Sen. (Dr.) Khalwale: On a point of order, Mr. Temporary Speaker, Sir. I am sorry to interrupt Sen. Murkomen, but is he in order to generalize that we must have a situation where a Kuria should become a president, without pointing out that the most deserving Kuria is Sen. (Dr.) Machage, the Temporary Speaker?

The Temporary Speaker (Sen. (Dr.) Machage): Of course, he is out of order.

(Laughter)

Sen. Murkomen: Thank you, Mr. Temporary Speaker, Sir. I take that with a light note.

We, therefore, need to confront the issue of ethnicity. There are so many issues, but time is not enough and everybody wants to say something.

It is important that it took the President of the USA for us, as a country, to appreciate that we must fight the contradictions that are in us, as leaders. We must get out of the hypocrisy of saying “X” today and saying “Y” tomorrow. It is important that the President of the USA pointed out that to us all. I do not want to mention the fact that he told the CORD leaders about their contradiction which also exists on our side. We, as leaders, must come out and be men and women who remain consistent in what we believe in. I like the fact that he insisted that we must be patriotic enough to support the Government of the day. Whether in true criticism or proper support, we must love our country. President Obama said that Kenyans must build their own country because--- Let me look for the quote.

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

Sen. (Dr.) Khalwale: On a point of order, Mr. Temporary Speaker, Sir. Are you aware that the Senator is debating and reading from a newspaper?

The Temporary Speaker (Sen. (Dr.) Machage): I have not noted that he is reading from a newspaper. Are you reading from a newspaper, Sen. Murkomen?

Sen. Murkomen: Mr. Temporary Speaker, Sir, I am reading the speech by President Obama. It does not matter whether I wrote it on a paper or not. The type of paper that the speech is contained does not matter.

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

Sen. Omondi: On a point of order, Mr. Temporary Speaker, Sir. This incident reminds me of a time when Sen. Murkomen said that he does not believe in information from newspapers. Therefore, reading for us from a newspaper is the same---Is he in order?

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Omondi! I have not ruled that he is reading from a newspaper.

Sen. Murkomen, is that a newspaper? Can I have a look at it?

Sen. Murkomen: Mr. Temporary Speaker, Sir, I am making reference to the speech by President Obama.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Murkomen, I want to look at the paper.

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Temporary Speaker, Sir. I want to confess that I have made copies of that newspaper excerpt and I have given it to my senior, the only senior counsel in the Senate, Sen. Orengo. We are quoting from what appears to be the extract of the speech of President Obama and exactly what he said. From my reading, it appears to be an accurate description of exactly what he said. It even includes applause where it was necessary.

The Temporary Speaker (Sen. (Dr.) Machage): To the best of my knowledge, the hon. Senator is making reference to some written or typed manuscript. He has not mentioned any name of a newspaper into the HANSARD. Therefore, according to me, he is holding a paper that he has not declared to be a newspaper.

However, I have a polite warning that newspapers are not supposed to be read in this House.

What is it, Sen. (Dr.) Khalwale?

Sen. Murkomen: We are running out of time.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, please, hold Sen. Murkomen's time. I thank you for that direction, but since the Chair asked that he be given a copy of the piece of paper that Sen. Murkomen was referring to, could the Chair share with the House the nature of that paper? This is because experience in the past has been that when verification is done by the Chair, he then tells the Plenary what the piece of paper is all about. Could the Chair confirm that it is not a newspaper? If it is, we shall set a precedent. We shall start quoting from newspapers.

The Temporary Speaker (Sen. (Dr.) Machage): You are really impatient Sen. (Dr.) Khalwale. Let us listen to the substance of the matter.

Please, proceed, Sen. Murkomen.

Sen. Murkomen: Mr. Temporary Speaker, Sir, we only have 45 minutes and these Members will have their turn to make their contributions. I do not want to belabour them with points of orders.

From his speech, President Obama said: "I have made my strong belief clear that the future of Africa is up to Africans themselves."

The Temporary Speaker (Sen. (Dr.) Machage): Where are you quoting from?

Sen. Murkomen: Mr. Temporary Speaker, Sir, I am quoting from his speech which I heard at the Safaricom Stadium Kasarani. I have not read anywhere.

The Temporary Speaker (Sen. (Dr.) Machage): Whereas I am giving a little latitude in respect of the President, a son of the soil, I may not swallow a bit more. Please, desist from using that document which I now declare a newspaper.

Sen. Murkomen: Mr. Temporary Speaker, Sir, the President addressed himself to the fact that we must believe in ourselves as a people and forget about these contradictions of today. This behaviour of our friends from the CORD going to seek for help from outsiders must cease. They heard it from President Obama himself; that

solutions to the problems of Africans and Kenyans come from us. We must now forget the mentality of depending on other people. We must continue depending on our own country and knowledge.

The Temporary Speaker (Sen. (Dr.) Machage): Order! You are a Member of the Speaker's panel. It would be quite out of order to quote what was not really said by President Obama. Be careful.

Sen. Ongoro: On a point of order, Mr. Temporary Speaker, Sir. Is the hon. Senator in order to mislead this House by stating that the Opposition, basically CORD, has persistently been seeking help from outsiders? Could he table those facts and tell us when and where we ever went for this help? As a matter of fact, the ruling coalition is the one that engages with other governments as at this time.

Sen. Murkomen: Mr. Temporary Speaker, Sir, I will do so in the next sitting. I will bring the recording of the President's speech in a compact disc (CD), saying that some people---

Sen. Ongoro: On a point of order, Mr. Temporary Speaker, Sir. To the best of my knowledge, all of us were in attendance and I do not remember President Obama at any one time in his speech stating that the opposition has ever sought help from them. He was addressing African governments with specific reference to the Kenyan situation which is the Jubilee coalition.

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Ongoro! We had that argument and you sought substantiation and the Chair instructed that it should be done. The Senator has accepted to substantiate. The Standing Orders give that leeway to substantiate in the next sitting. So, he is quite within his right.

Meanwhile, Sen. Murkomen, could you remove that newspaper completely from the Dispatch Box because it is undermining the authority of the Chair.

(Sen. Murkomen removed the document from the Table)

(Loud consultations)

Sen. Murkomen: Mr. Temporary Speaker, Sir, I understand why my colleagues are complaining. However, as President Obama said, democracy is about somebody always complaining about something.

I beg to move and I request Sen. Orengo to second.

Sen. Orengo: Mr. Temporary Speaker, Sir, I thank Sen. Murkomen for moving this Motion and you for giving me this opportunity to contribute. In order to debate this Motion as a matter of urgent national importance, I think, we should look specifically at what President Obama said. He was appealing to all of us that there are shared values that should bring us together as a nation. That for as long as we keep talking about "them" and "us" and Opposition and Government in circumstances where we need to bring about lasting change to our country, then we are doomed forever.

Over the years, President Obama has been consistently saying and quoting Abraham Lincoln – I think that he is one of his mentors – that you cannot have an America which is half slave and half free. He also told us that we cannot have a Kenya

where some people are enjoying the fruits of progress and development while others are not and still hope to have one country. He gave an example that you cannot have a situation where one part of the country has children who have more likelihood of living beyond a certain age compared to other areas. This is what we should focus on.

Mr. Temporary Speaker, Sir, in Kenya, we are beginning to lose the moments that can make us change our country. When you hear speeches of many people these days, Wangari Maathai is often quoted even by leaders. However, when she was alive, she could not even have been made a Minister when she was in this Parliament. In fact, it was shameful that a Kenyan of that calibre could not be appointed a Cabinet Secretary (CS). When she was given the Nobel Peace Prize, the whole nation was surprised at how it came about. Ngugi wa Thiong'o is a great man in literature, but people do not know what he has contributed, except when we want to remind ourselves that we have a son like him.

I am pleading with us to live by what President Obama said. Let us judge each other – like Martin Luther King said – not by the colour of our skin or our second names, but by the content of our character. That is the message that he sent us, as a nation, which is coming together.

I am very disappointed with Sen. Murkomen. When you are in Government, you do not start talking about CORD and Jubilee coalitions. There is no Kenya that is CORD or Jubilee, but only one that is called the Republic of Kenya. Once you form the Government of the Republic of Kenya that is when you begin to bring the country together to have a more perfect union.

Mr. Temporary Speaker, Sir, President Obama has followed the footsteps of Abraham Lincoln who was known to bring together his opponents in Government. In fact, it was called a Government of rivals. If you look at President Obama's Cabinet and the delegation that he came with, it was not a Republican or Democratic Party delegation. It was an American delegation to Kenya. When he was here, we should have used that opportunity to bring the country together and be seen to talk together. Even Members of Parliament from Jubilee and the Opposition should have sat together and not separated and told President Obama the real Kenyan problems. However, when we go before the President of the most powerful country in the world – *watu wa Jubilee wanazungumzia watu wa CORD nao wa CORD wanazungumzia wa Jubilee*.

The Temporary Speaker (Sen. (Dr.) Machage): What language is that?

Sen. Orengo: Mr. Temporary Speaker, Sir, even President Obama used a little Swahili and Greek.

(Laughter)

I know the Standing Orders. I have just used that to drive the point home. If there is anything that I must say and continue to say, it is that, in the politics of this country, we must find a way to speak together as one country in matters of values. Even on the question of corruption, it cannot be a Jubilee affair. It should be something that can bring us together so that we find a way to resolve it. How about tribalism? We cannot begin to talk about tribalism when both coalitions are sitting on the opposite sides. However, it

also begins with the Government. We will look at how appointments are done and how resources are shared.

With those remarks, I beg to support.

That son of Luo land who is the American President and a true American citizen should come back home again.

(Question proposed)

Sen. Wangari: Mr. Temporary Speaker, Sir, I also join Sen. Murkomen and Sen. Orendo in noting and congratulating President Obama on his visit. We were almost giving up as a country of ever hosting him as a sitting President. It was quite a pleasant visit and historic that we hosted the 44th and first sitting President of America.

Mr. Temporary Speaker, Sir, I hope that the spirit by which he made his speeches in different places that he went to did not go back with him in Air Force One. He tried very hard to bridge the gap between all of us, whether tribal or coalitions. He really inspired us, as a generation that a man who was taunted as a child with a funny name can rise to the point of becoming the most powerful President in this world.

Mr. Temporary Speaker, Sir, let me pick a few issues that he rode on. One is the issue of women in this country. As a father of two girls and, of course, a wife, he definitely was inclined to support women. He was very categorical that we, as a country, must realise that not encompassing women in leadership and other powerful positions in this country is like having half of your team not playing. In fact, he said it very clearly that when half of your team is not playing, you cannot expect a win. Women and girls comprise over 50 per cent of the population of this country. We must not joke with these numbers.

He said this at a very critical time when we are dealing with the two-thirds gender rule in Parliament. As you know, the National Assembly has not even reached 30 per cent in terms of women representation. It is time we cracked our heads to know how to cater for it very well. President Obama went ahead to demonstrate to the country and the world that it has to come from the upbringing right from where you give an equal chance to every girl who is born in Rift Valley, Samburu or Marsabit. He said that if you educate girls, then they are bound to become better mothers who will bring up children who will go to school. If we do that as an affirmative action, then we will not have a problem in this country.

Mr. Temporary Speaker, Sir, he also spoke to the cultures that unite us and those that we should do away with like Female Genital Mutilation (FGM). I was very happy to hear him pronounce himself very clearly that there were slaves in the yesteryears, but do we now still go back to it just because it is our culture. If we practiced FGM, does it mean that we should still do it now because it was in our culture? He said very well that we must choose what works for us now in this century. In fact, FGM has no place in the 21st century.

As a mother of boys, empowering girls does not mean that we forget boys. Today, I visited a place where I was dealing with adoption issues. I noted that there were so many boys in children's homes who were not being adopted because the law does not

allow single women to adopt boys. That means that girls are being adopted very fast while boys are stuck in children's homes. We must put resources together and ensure that the two genders are equally taken care of.

Mr. Temporary Speaker, Sir, the other issue that he spoke about is on changing goal posts. We must also realise that when you are in or out of power, we must always be consistent. We should remember that what we say, the internet does not forget; whatever I am saying here will be remembered 20 to 30 years down the line. Therefore, I must be accountable for what I say today because in the next general elections I might find myself in the opposition. That is how it has been. We had Members who are in the opposition right now in government. We must be consistent in whatever we say because these things will always come back to haunt us.

Mr. Temporary Speaker, Sir, there have been very robust discussions, especially in the social media and the international media where the CNN referred to Kenya as a hotbed of terror. President Obama said very clearly that we are only a hot bed of innovation and opportunities. He said that Kenya and Africa as a whole is on the move. We have our country to ourselves and our solutions will not come from outsiders. They have to be homemade solutions. We should make sure that we solve issues the best way we know.

I support.

Sen. Mutula Kilonzo Jnr.: Mr. Temporary Speaker, Sir, I was extremely impressed by President Barack Obama in terms of the way he articulated matters concerning Kenya when, ideally, he is supposed to be a foreigner. I was extremely disappointed when I read newspapers this morning that were concentrating on what CORD was told as opposed to highlighting the three persons that Obama mentioned; the young people of this country who have done us proud.

For the first time, politicians were relegated to some back banner at the Kasarani Gymnasium as President Obama spoke to the youth. He told the youth to say no to corruption, discrimination and oppression and take back their country. He was not speaking to the leaders, but the youth who were cheering and saying: "We love you". He said that he also loves them. This address was not to any political party. He spoke to Kenyans. He spoke about the discrimination of young people in former Nyanza, Central and Rift Valley provinces. Those were not CORD areas, but part of this country. When he spoke about corruption, he was not speaking to CORD or Jubilee, but to the country.

When he said that we have an opportunity to change, he was speaking to the leadership of this country. We want to tell the President that this is an opportunity to start bringing the country together and start discussing these matters that affect us. We should start sitting together and find a way out of how we can deal with corruption which has become the bone marrow, gene or part and parcel of our lives. It is the 43rd tribe of this Republic.

That can only happen if the leadership of this Republic will start recognizing that even the opposition belongs to this country. I must say that I was extremely disappointed that even in receiving this great leader of this Republic, we excluded the opposition. Does it make sense to try and score little mileage for no apparent reason and yet this was an opportunity for us to market this Republic?

Mr. Temporary Speaker, Sir, I do not know where the gentleman slept, but he was here for two nights. It was an opportunity for us to speak to the world and tell them that Nairobi is safe so that they can bring their investments here. What do you see in the newspaper headlines? It is about CORD and who was told what. We have forgotten that this was an opportunity to celebrate the young entrepreneurs of this Republic. We have forgotten what he told us that this is the time to leave our past behind and start forging the future. If I was given an opportunity, I would say that the speech he made should be framed and posted somewhere in the Senate so that we can always read it.

There are certain things we do not do in our Republic. That is why we have amnesia about everything. This is because we do not record things. We do not record anything. When you go to the British Library, you find the writings of Isaac Newton. This is an opportunity for generations to read this Speech because it is something that must be read the way you memorize verses in the Bible or the Quran.

The Temporary Speaker (Sen. (Dr.) Machage): Order! At least this Senate has the HANSARD. We do recording.

Sen. Mutula Kilonzo Jnr.: Mr. Temporary Speaker, Sir, I am talking about the speech. The HANSARD of that speech should be read by other people. I can even go a step further and translate this speech into Kiswahili so that Kenyans who cannot read English can read it in Kiswahili. We need to repeat to this Republic that we must reclaim the glory of this nation that President Obama talked about; when South Korea and Kenya were in the same position at some point. That is the Republic we need. A girl in Nyanza and a girl in Central must stand up on Mt. Kilimanjaro and say that they are proud to be Kenyans. That can only happen when we look forward and forget the things that we did in the past.

It is time to exorcise the ghosts of the past. This is the time to re-bond and say as in the Bible: "Behold, the old is gone and the new has come." This is new Kenya.

Thank you.

Sen. Kittony: Thank you very much, Mr. Speaker, Sir, for giving me the chance to contribute in support of this Motion. History has been made. For the first time, the 44th President of America, a great nation has come to this country and was hosted by the Fourth President of Kenya. I want to commend our President for being a great host.

I also want to remember Mama Sarah who gave us a great son, Baba Barack. If Mama Sarah did not care for Barrack's father, maybe we would not have seen the 44th President of America. We owe a lot of thanks to the great grandmother who looked after the father of Barrack and took a great seed to America to get us an American President.

It is good to note that this was a great moment. The Speech that he gave to this country should be studied. If you look at today's *Standard* newspaper, it has carried that speech fully. It is time every Kenyan sat down, read it and understood it. He talked about corruption, unity and tribalism. He talked with a lot of caution and care because he loves this country. He has our blood. We should not take it for granted.

We should take it seriously as a people to ensure that we put them into action. We are a great nation and now on the map of the world because we have produced good seed. I am a farmer and I have grade cows. We purchase very expensive seed. We are owed a lot by Americans having given them a President. We should take seriously the advice he

gave us so that we are able to make this country a good place for our great grand children to live and enjoy the peace and prosperity that we so desire.

Mr. Temporary Speaker, Sir, I am saying this because he also said that he will support the fight against terrorism. I want to commend our security forces for the work they put into place to make sure that everything went well. If Kenya did not host the President of the America well, we would now be a pariah nation. We are a very proud nation and we deserve a pat on our back. We enjoyed the weekend because it was a great time for all of us. We thank our President for hosting the President of America.

This visit taught us a lot of things. Some should not happen in future, for example, closing roads and inconveniencing Nairobians. I could not access my home for the weekend. I would like to challenge those who are involved in construction of infrastructure in our city to make sure that our road network is improved so that we do not get inconvenienced when we get visitors. We do travel to other cities and we have never seen roads being closed the way roads in Nairobi City were closed. This should not happen again. We are a developing nation, which should do so fast enough. We should put proper infrastructure in place.

Mr. Temporary Speaker, Sir, we are now a proud nation and we should read the speech of President Obama seriously. What he talked about women and the youth should not be taken for granted. We have seen what is happening in Rwanda because they trusted their women. The Kenyan woman should not even be talking about the two thirds gender representation which is already in the Constitution but more.

I support.

Sen. Omondi: Mr. Temporary Speaker, Sir, I want to support this Motion of Adjournment. It was great for us to host the President of the United States of America. On behalf of persons with disabilities, I want to congratulate and thank the Government and the US Embassy and its staff for the well organized sitting arrangement where persons with disabilities were allowed to participate. They had all the plans put in place; ushering in and taking good care of persons with disabilities.

I was so happy because the seating arrangement was perfect. We were all equal when listening to his speech. This reminds me of the words of the Bible that say: "In the eyes of God, we are all equal." I was encouraged with his speech when he talked about supporting Kenya to overcome the challenge of terrorism. We should not fight alone, but with friends who can help us fight terrorism.

With regard to corruption, he said it is not unique to Kenya. However, it has been tolerated in Kenya for a long time. He mentioned that any single shilling spent on corruption denies somebody a chance. We only talk about exchanging money as the only corruption, but we forget about other things. Right now, MCAs and governors are employing persons from one family; a wife, sister and brother. They put resources in one house while denying other households. Unequal distribution of resources makes us not to co-exist. That is what brings the difference and people fighting.

Mr. Temporary Speaker, Sir, in this country, corruption has been tolerated to an extent that Kenyans fear talking about it. That is why we find that some families are very rich while others are languishing in abject poverty. If you educate your child and develop your home, but your neighbour does not take his or her child to school, whether you like

it or not, he will be a problem in your life and affect your family. Your property will be at risk and your peace will be affected. We need to work together with the aim of developing Kenya as a country.

Mr. Temporary Speaker, Sir, President Obama also talked about ensuring that we sustain entrepreneurship skills in young people whom we trust. Young people are the future generation who could lead this country. That reminded me that we should struggle to empower people so that they are not influenced negatively by being idle. Entrepreneurship will address lack of employment. It is a pity that young people look for white collar jobs which are not forthcoming. If we nurture the idea of entrepreneurship---

(Sen. Omondi spoke off record)

Sen. (Eng.) Muriuki: Mr. Temporary Speaker, Sir, President Barack Obama is often described as the most powerful person. However, I see him as the most daring person. If you look at circumstances under which he grew up and his background, aiming to be the President of that mighty country was not a joke. This encourages our young people whom we have sent out to study and indulge. You never know, but we may produce another Prime minister or a president of another country.

Mr. Temporary Speaker, Sir, the few years that hon. Obama has served as the President of the USA, the world has become different. He has been busy sorting out the mess caused by the former President of the USA, hon. Bush, in Iraq.

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Temporary Speaker, Sir. Did you hear the hon. Senator say that we should encourage young people studying abroad to indulge in other activities? Could he expound on what he meant by that?

The Temporary Speaker (Sen. (Dr.) Machage): There is really nothing to expound. That is common English and I know that you understood what he meant.

Continue, Sen. (Eng.) Muriuki.

Sen. (Eng.) Muriuki: Mr. Temporary Speaker, Sir, I sent my sons out and I encourage Sen. (Prof.) Lonyangapuo to do the same.

Mr. Temporary Speaker, Sir, I listened to President Obama after he signed the Iran deal. He sat in front of hundreds of media personalities asking them if they had any more questions. Finally, he walked away having answered all the questions. That means that he is a very courageous President. He does not hesitate to call media personalities to ask whatever they want him to address. He explained what he had signed with Iran.

We, in Kenya, were almost giving up and imagining that, perhaps, he had forgotten that his father was from Kenya. However, things turned out to be that we were only being impatient. I was particularly proud of the speech he gave at the Moi International Sports Centre, Kasarani Stadium, where he explained to us his roots. He described his father and grandfather to an extent that nobody – especially Americans because they are sometimes confused – was left with any doubt that we have the first “Kenyan-American President” the way he put it.

I was personally disappointed that he did not go to Kogelo. It would have been good if he had managed to go there for just a few hours. Nonetheless, he spoke about equal opportunities, corruption and other issues. However, all these missed out one of the

major things that President Obama has done in his country which is to create a unit equivalent to a ministry to deal with equal opportunities.

Last year, the Joint Committee on National Cohesion and Equal Opportunity went to America. We visited this ministry where the Government, through legislation, intervenes on issues related to public and private sectors. If it finds that there is an imbalance, either in gender or some other prejudices, it corrects that through legislation. It is time we copied that in our country. He seems to be getting very good briefing on the goings-on in our country. It is about time we all woke up to the fact that if we continue encouraging tribalism to the level we are doing, we are doomed.

President Obama had no qualms about corruption. If you appoint or elect someone to a position in a year or two---

The Temporary Speaker (Sen. (Dr.) Machage): Order! I will use Standing Order No.30 to extend the sitting by five minutes, so that everybody can contribute.

Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I would like to thank President Obama for visiting our country and the engagement and pronouncements that he made.

President Obama spoke to the issue of empowerment of women; I hope the Government was listening. As he spoke, it was a shame that one of the outstanding women in this country in terms of entrepreneurship is being persecuted by the Jubilee Government. I am talking about the proprietor of Keroche Breweries Limited, the leading woman entrepreneur. We would like the Government to let her free to do the beautiful job that she is doing.

Secondly, I want to thank President Obama, who speaks very fluent English and eloquently for having chosen his English words very carefully. I thank him for having pointed out that he was engaging with a legally elected Government as opposed to a democratically elected Government. May the Government go digest and understand the difference between a legally elected Government and a democratically elected Government.

I beg President Obama to listen to me, because I want to disagree with him on the issue of our forces being supported to continue staying in Somalia. Yes, the Opposition might be in the minority in claiming that our soldiers must come back home, but President Obama should bear with us because he was also in the minority when he was advocating for renewal of ties with Cuba. There are many times you are in the minority when, in fact, you are the one who is leading the country to the next level. For peace to prevail in the horn of Africa, people must embrace Somalia not by way of creating occupation forces.

Mr. Temporary Speaker, Sir, some of us are faced and burdened with cases of hate speech, having spoken on exactly the same things that the President spoke about; the issue of a little girl dying at a risk of four times more just because they were born in Nyanza as opposed to being born in Central. When we speak about that, we are accused of hate speech.

We have talked about the issue of opportunity, where people get jobs based on their second names. President Obama just fell short of saying “coming from particular

counties.” The Government should withdraw all the hate speech cases against Sen. Muthama, Sen. Orengo, Sen. Ongoro and I, because these are things that we are talking about.

Mr. Temporary Speaker, Sir, finally, on the issue of corruption I hope that the Government was listening when President Obama said that we lose 250,000 direct jobs. For every direct job lost there are four indirect jobs that are lost. These include jobs for the house girls, watchmen and “*watu wa mkono*” who are indirectly employed. This should disturb the Government. It is sad that as President Obama said Kenyans, especially our youth, should stand and say “enough is enough”. He was saying it when right before him we had the high priests of corruption as we know them. How I wish, in the interest of a greater Kenya, all Kenyans, including President Uhuru, would use this opportunity to step up the fight against corruption.

Mr. Temporary Speaker, Sir, without taking all the time, I thank you and hope that President Obama’s speech will not be reduced to rhetoric, but a case in point for a consultation on good governance.

I beg to support.

Sen. G.G. Kariuki: Mr. Temporary Speaker, Sir, I will not spent a lot of time because time is limited. First, I would like to comment on what Sen. Mutula Kilonzo Jnr. said about President Obama’s speech. The record of the entire visit needs to be here so that we can always read it. The coming of the President of the United States of America (USA) was a blessing to us. We all know that. He did not bring or suggest any problem to us. He just came to wish that God could touch us so that we understand the problem the country has and agree to deal with it. What did we learn from his trip? I learnt that there is a lot that we can do in this country, but we are not doing it because of our weaknesses in various areas.

The other point is that Kenya has a lot of potential in the world. He reminded us that if we behave in a manner that leaders are expected to, and follow the reasons why we were elected, we shall come out as responsible leaders and our country will enjoy seeing us moving around. It was important for a person such as him of that level to come and lecture Kenyans who find it difficult to listen. They cannot give up their interests for money for the sake of wisdom. This is a big problem. For Kenyans, the quest for wisdom is a problem. Once one becomes so enlightened and knowledgeable, he or she is set aside. That is how Kenyans are. The whole world has a lot of faith in Kenya.

Mr. Temporary Speaker, Sir, corruption is our biggest problem. We do not need to repeat this one because it was said to entire country from top to down. Anybody who had ears and those who were alive heard what President Obama said. However, he appreciated one thing. We have 42 tribes in this country. In effect, we are 42 free states. Therefore, Kenya has 42 states. Unless we deal with those states properly and use our divergent cultures appropriately, we will continue to have this problem for ever. Every tribe defends its own interests. When that viral appeal disappears from us, we shall have done quite a lot.

Insecurity in this country is borne out of corruption. There is nothing that you can say in this country without referring to corruption as a major calamity. I do not know who will come to rehabilitate people or give them the best medicine to remove this virus

called corruption in the Kenyan mind. Whether one is in the Opposition, the Government or the civil service, he or she is a son or daughter of corrupt men and women. Therefore, it is a big shame. In 2002, I wrote about corruption. It is a norm in our society and it would be difficult for anyone to leave it. It is the way things are.

Mr. Temporary Speaker, Sir, I thank you. I repeat that we should not just sing about the coming of President Obama. He came to tell us what we know. I did not hear anything new that he said. It is something that has been said by Sen. (Dr.) Khalwale, you and I. Where have we gone? Are we waiting for another leader, for example, the Prime Minister of Great Britain to come so that we can act?

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

We have four Members who were here before 6.20 p.m. I will allow each one of them to speak for three minutes. I will not allow the one Member who came later than that time.

Proceed, Sen. M. Kajwang.

Sen. M. Kajwang: Mr. Temporary Speaker, Sir, I support this Motion. I would like to thank the President of the United States for visiting Kenya. This visit has sparked a huge political storm back in the United States of America (USA). The Americans, who did not like President Obama, are now confirming that they elected a Kenyan. They are now predicting that the next thing that he will declare is that he is a Muslim. President Obama made this visit at great political and personal cost. As Kenyans, we must be grateful and we must take the positives out of this visit.

The headlines of the newspapers have been unfortunate because we have focused on what the Opposition was told or what they were not told. It is important that after the dust settles, we summon the Cabinet Secretary in charge of Industrialization and Enterprise Development so that he can quantify for us the opportunities that we got out of the Global Entrepreneurship Summit (GES). It will be important to summon the Chief Executive Officer (CEO) of the Brand Kenya, so that he can quantify for us the value that President Obama's visit brought to this country in terms of brand value. Brand Kenya has been given very limited budget in the past to brand the nation. President Obama's three days visit has done what we would not have done as a nation in terms of budgetary allocation for branding Kenya.

Mr. Temporary Speaker, Sir, the political issues that President Obama spoke about are not different from what the Opposition has spoken about in the past. With that, I support Sen. G.G Kariuki. President Obama talked about ethnicity. Between ethnicity and corruption it could be a chicken and egg situation. I want to put it that ethnicity is the biggest problem in this country because it is what gives rise to the incompetent leadership that lacks the intelligence or the ideological vision to take us to the next level.

Perhaps, Kenya could be where it is because of tyranny of numbers and because of ethnicity. Ethnicity further gives rise to corruption which President Obama spoke about very clearly. Corruption gives rise to insecurity which gives rise to genocide. We, as a country, should not joke and think that it is business as usual. We are already seeing signs of ethnic mobilization and militarization.

Mr. Temporary Speaker, Sir, if we are not careful, this country can easily go down the route of South Sudan, Rwanda, Burundi and Somalia. There is the issue of

doublespeak that the media has focused on. I want to encourage those who have been gloating all over that President Obama spoke down to the Opposition leaders, to familiarize themselves with some of the philosophies of people like Mahatma Gandhi. They will, probably, come across the story of the blind man and the elephant.

Mr. Temporary Speaker, Sir, from that Chair, the Speaker has previously told us that it is only fools that do not change their minds. Probably, certain people have made statements based on the context that they are in--

Sen. Karaba: Mr. Temporary Speaker, Sir, thank you for allowing me to support this Motion regarding the visit by the President of the USA, Mr. Obama. The speech which he delivered on Sunday was not only thrilling, but reminded us of many things that we should do as a country to forge ahead and be like the Americans. Going by history, the USA became independent from other forces like the British, Spanish and French in 4th July, 1776. We will continue to remember them for their Independence Day. Our Independence Day is on 12th December, 1963.

Comparing the two countries, the USA has had its independence for the last 240 years while Kenya has had its independence for the last 52 years. Between the two countries, President Obama told us that even if we have been independent for 52 years, there is still a lot of hope. He was comparing us with Korea and telling us that we are a step towards Korea. Korea has been threatening us in terms of progress.

This is clear indication that if we are all united like the USA flag--- I do not know whether most of you know what the USA Flag stands for. The white and red strips of the USA Flag indicate the first 13 USA states. The other stars total to the number of the states of the USA. He was trying to tell us that all the states of the USA speak one language. Development is steered by one person; President Barack Obama.

Mr. Temporary Speaker, Sir, going by the history he told us of how women are important, it is also important to stand clear and say that women are truly important. I think that is why he came up with the issue of how we should respect women and give opportunities to the youth and see how our country forges ahead. I therefore salute President Obama and other Kenyans who have been out there to represent us.

Recently, we had our national volley ball team in Colombia where they emerged the first position in the world competitions, yet no one is talking about them. The national rugby team also beat Spain recently for the first time; those are great successes. The other day in Columbia, our athletics emerged second position after the USA ----

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Sen. Karaba, your time is up!

Please, proceed, Sen. Ongoro.

Sen. Ongoro: Thank you, Mr. Temporary Speaker, Sir. I rise to add my voice in support of and to comment on the visit by this great African man who has made a big global statement to humanity, about equality and the possibility of possibilities. I was mostly impressed by the ease with which he went about his engagements; from interacting with his family to the top Executive; from the civil society to the business entrepreneurs and top business executives, from every part of the world. He did it with such ease, candidness, boldness and honesty that was so impressive

Mr. Temporary Speaker, Sir, President Obama's knowledge of local content of what we are going through as a nation was impressive. He brought about the historical perspective, gave us recent data and a way forward. It was so impressive just listening to him. He spoke to us, as a nation, that clearing our streets of urchins and hiding them in one corner was an effort in futility. He knew about them even before he came. Therefore, sometimes, it is very good for us to just be natural, including our good or bad, with or without visitors.

Mr. Temporary Speaker, Sir, President Obama used very strong words against ethnicity, corruption, inequality, lopsided development, religious intolerance and the hypocrisy of leaders. This was very impressive. However, more importantly, was his statement about the need for inclusivity. He wants us to include the youth and women in leadership. That brings us to the point where we were in the Tenth Parliament when we had a Ministry in charge of youth affairs. We can also create a Ministry that deals with women affairs. Women in this country comprise more than half of the population. We need to involve them in positions of leadership.

President Obama, in his speech, appreciated the need to create space for constructive criticism through the civil society. When he gave the example of his opponents back home in the USA; stating that he has come here for his birth certificate, he laughed about it. How come here in Kenya, you are almost castigated for being in the Opposition, when the supreme law of this land recognizes and appreciates Kenya as a multiparty democracy and the Opposition? It is not a crime to be in the ruling coalition or in the Opposition. Actually, the Opposition is the breeding ground for---

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Sen. Ongoro, your time is up!

Please, proceed Sen. (Prof.) Lonyangapuo.

Sen. (Prof.) Lonyangapuo: Thank you, Mr. Temporary Speaker, Sir. I also rise to support the Motion for Adjournment. Kenyans learned a big lesson. For the very first time, we saw true leadership that has been born out of democracy and recognizes talent. It will take a miracle for people from minor tribes to be presidents if we go the way we are going today. Americans identified leadership because they trimmed their political parties to two or three and then people had to choose which party to belong to according to the ideals that had been planned. Today, in Kenya, we have 54 parties. Some communities will have to wait until Christ comes. Even if they have a genius of a kind, they will never become president of this country.

Mr. Temporary Speaker, Sir, we need to copy America. As Parliament, let us see if we can come up with a law that will compel all of us to come up with two or three parties and forget about these others that are normally created for people to go to State House. After five years, they cease to operate. In the end, you do not know what you believe in. As young as President Obama was he became a member of the Democratic Party in USA. Americans did not look at the colour of his skin, but what was in his heart. We should go that direction. We have such talent in Kenya.

I saw a man with a big heart and vision. He spoke from his heart. This Senate stands for what I saw. When we were elected in 2013, the resemblance of the best came from the counties and they are here. When a lot of frustration comes our way because of

the small fights between the two Houses and interference from the Executive, let us keep the focus and aim to dismantle some of the things that stop us from being strong.

For example, we need to trim our political parties, allow Kenyans to vote for them and then grow in them. With that direction, we will never have tribalism anywhere because we will now have two or three “tribes” called political parties. That is the way we should go. We have no option to do so. I have seen it in Rwanda where there are two or three parties ---

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

Sen. (Prof.) Lesan: Thank you, Mr. Temporary Speaker, Sir, for allowing me to make a brief contribution. Let me focus on Kenyans. I take this opportunity to appreciate their behaviour during the visit of President Obama. Kenyans gave way without complaining to allow the visitor complete freedom in this country. We cleared from the streets all the venues and behaved in the best manner possible to allow the visitor to have a good stay and participate in whatever he wanted to do. The behaviour of Kenyans in those three days was exemplary and I appreciate that it contributed to the success of hosting the visitor.

President Obama’s visit was actually a lifetime event. It was almost a miracle that we were going to see another Kenyan born individual being the USA President and visiting this country. This is a very exceptional case that has happened during our time. We appreciate that.

Mr. Temporary Speaker, Sir, as far as I am concerned, and many other Kenyans who watched his visit, there are things which we appreciated which we must learn from. I learnt from the behaviour of the two presidents where they held different opinions. I am sure we all watched the way the gay issue was handled by the two leaders and it was exceptional. This is an example of how we should behave even when we hold different opinions. They responded very cautiously and magnanimously. You could hardly see that they had divergent views. This was a great lesson which we should learn as leaders in order to avoid animosity amongst us.

The other issue was to do with how to handle minority groups in the country so as to avoid courting extremism. He talked of how we should engage them and respect their rights so that we do not have extremist behaviour. For me this was a great lesson.

I support.

ADJOURNMENT

The Temporary Deputy Speaker (Sen. (Dr.) Machage): Hon. Senators, we have come to the end of today’s business. It is a few minutes past the normal time. The House, therefore, stands adjourned until tomorrow, Wednesday 29th July, 2015, at 2.30 p.m.

The Senate rose at 6.45 p.m.