

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 24th July, 2013

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

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

PRAYERS

QUORUM CALL AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, do we have a quorum?

Hon. Senators: Yes!

(The Deputy Speaker (Sen. Kembi-Gitura) consulted the Clerk-at-the-Table)

The Deputy Speaker (Sen. Kembi-Gitura): Yes, we have a quorum. In that case, we can proceed.

COMMUNICATION FROM THE CHAIR

INVITATION TO LAUNCH OF JUDICIAL PERFORMANCE IMPROVEMENT PROJECT

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I have a short Communication to make. I am in receipt of an invitation from the hon. Chief Justice, Dr. Willy Mutunga, inviting all hon. Senators to the launch of the Judicial Performance Improvement Project (JPIP). The project is intended to bring about enormous improvement in infrastructure, court administration, case management, staff development and training.

Hon. Senators, I, therefore, extend the invitation of the hon. Chief Justice to you and request that you diarize to attend the launch which will be held on Tuesday, 30th July, 2013 at the Chief Justice's garden, Supreme Court of Kenya at 9.00 a.m.

Thank you.

PETITION**REVERSAL OF TRANSFER OF CLINICAL OFFICERS'
PERSONNEL EMOLUMENTS TO COUNTY GOVERNMENTS**

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I rise under Standing Order No.222 to present a Petition on behalf of a group of citizens of the Republic of Kenya who are duly registered voters, who pay taxes and belong to the group of healthcare providers in this Republic.

Mr. Deputy Speaker, Sir, the Petitioners wish to draw the attention of this Senate to the fact that they are aware that the President issued an executive order on devolution to the effect that all the functions of devolution would commence on 1st July, 2013. The petitioners wish to assure this Senate that they support devolution. However, they oppose the rushed process of transferring to the county governments such important functions as personnel emoluments of clinical officers.

Mr. Deputy Speaker, Sir, they want to reiterate that, whereas they support devolution, and especially of certain functions in the health sector, for which the devolved governments might be ready at the moment such as utilization for infrastructure development, procurement of equipment and supplies, utilization of funds raised through cost-sharing and certain human resource functions such as staffing, internal transfers of clinical officers within the county and settlement of disciplinary cases affecting clinical officers working within those counties----

Mr. Deputy Speaker, Sir, they would like---

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, this Petition has been signed by several people. They have petitioned through you. Is that the case?

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

The Deputy Speaker (Sen. Kembi-Gitura): So, may I propose that you present it the way it is. Read it the way it is. Do not change the way it is written.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. I am so guided.

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

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, the Petitioners pray as follows:-

That the Senate intervenes to facilitate the reversal of the said transfer of personnel emoluments---

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, I am requesting you to do this because of the HANSARD. This is a very important matter, but it seems you have left out the first and second preamble, where it says: "we have presented this case on 4th June, 2013." This needs to be clear.

Sen. (Dr.) Khalwale: Okay, Mr. Deputy Speaker, Sir. The Petitioners presented this case on 4th June, 2013 to the Cabinet Secretary of Health, Department of Health, through a memorandum and in a meeting that was held between them and the Cabinet Secretary on the same day. However, they have not received any response.

Mr. Deputy Speaker, Sir, they, therefore, pray as follows:-

That the Senate intervenes to facilitate the reversal of the said transfer of personnel emoluments to county governments until such a time when the county governments shall be capable of taking this function from the national government; until the county governments fulfill the requirements of the County Government Act, 2012 and the Transition to Devolved Government Act, 2012.

Mr. Deputy Speaker, Sir, this Petition has been signed by the leadership of clinical officers supported by a total of 96 signatures.

I so present and Table it.

(Sen. (Dr.) Khalwale laid the document on the Table)

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

Sen. (Dr.) Machage: On a point of order, Mr. Deputy Speaker, Sir.

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

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, we have always been provided with copies of petitions that are presented before this House for our consideration. Would I be in order to request that copies of this Petition be made available to all hon. Senators for consideration before the matter is discussed in the House?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Machage, we can handle this matter in two ways. If you refer to Standing Order No.223, it says:-

“The Speaker may allow comments, observations or clarifications in relation to a petition presented or reported and such total time shall not exceed thirty minutes.”

So, hon. Senators can comment or seek clarifications on this Petition from the chairpersons of the relevant committees. In the alternative, since I assume it is an important Petition, we could defer it to another day, as we may find it, when hon. Senators will be in a position to discuss the Petition. You have requested for a copy of the Petition. I cannot direct that we get copies immediately and discuss it because there is other business that we have to deal with. But the copies will be availed to hon. Senators. Should hon. Senators so desire, we can allocate time under, Standing Order No.223 to discuss and ventilate on the Petition for a period not exceeding 30 minutes.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, in view of your informed decision, would I, therefore, be in order to request that we defer discussion on this Petition until copies are distributed to us?

The Deputy Speaker (Sen. Kembi-Gitura): I direct that the Petition be circulated to hon. Senators and that tomorrow, Thursday, 25th July, 2013, when we get to the order “Petitions”, hoping that all hon. Senators will get copies, we shall dedicate 30 minutes to discuss it.

Sen. (Dr.) Khalwale, since you are the one who has presented the Petition on behalf of the petitioners, I expect that you will be in the House, so that you guide the House as necessary on the issues that need to be dealt with.

(Debate on Petition deferred)

Next Order!

BILL

Second Reading

THE COUNTY ALLOCATION OF REVENUE BILL

(Sen. (Prof.) Kindiki on 17.7.2013)

(Resumption of Debate interrupted on 23.7.2013)

Sen. Keter: On a point of order, Mr. Deputy Speaker, Sir. I stand under Standing Order No.51 (3) to request for time, of about half an hour for hon. Senators to come in. Most of our members are busy elsewhere. Some are outside the country. Currently we have about 20 hon. Senators here. May be, we could defer voting on this Bill for about half an hour.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, this is a very important Bill that we are dealing with. Yesterday, when I made a ruling on it I said that we will be voting not later than 3.00 p.m. It is not yet 3.00 p.m. So, I want to assume that from a legal point of view, we are okay as pertains to time. I will allow time, up to 3.00 p.m. we shall have a quorum. If not, then I shall give directions thereafter as necessary. This also applies to the Motion that we concluded this morning by Sen. Lesuuda.

*(Voting on the County Allocation of Revenue
Bill deferred for 30 minutes)*

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM NYANDARUA COUNTY ASSEMBLY

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I wish to request hon. Senators to allow me acknowledge and introduce a delegation from the County Assembly of Nyandarua who are seated in the gallery. You will recall that in the morning we had another delegation from Nyandarua County. Our gallery is quite small, so they could not all sit together and they had other business. That is why they are here this afternoon. The delegation is led by the Nyandarua County Assembly Speaker, Hon. James Wahome Ndegwa. Could he, please, stand up?

(Applause)

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As I proceed to introduce the rest of the hon. Members, I request that if an hon. Member's name is called out, he or she will stand up and be acknowledged by hon. Senators in the normal tradition of Parliament. They are as follows:-

1. Hon. Edinuld Wambugu King'ori, Deputy Speaker
2. Hon. Daniel Kifefo Rwara
3. Hon. James Kiiru Gachomba
4. Hon. Joshua Muriithi Muigai
5. Hon. Josephat Kamau Njoroge
6. Hon. Michael Njoroge Kirumba
7. Hon. Paul Kiruka Mburu
8. Hon. Peter Mwani Maina
9. Hon. Suleiman Kimani
10. Hon. John Kinyanjui Gachari
11. Hon. Peter Wahome Kamoche – sorry, I have been informed he is not present and,
12. Mr. Joel Muli, Clerk to the Assembly.

Hon. Senators, our visitors will be with us to follow deliberations. As you are all aware, this county is represented by Sen.(Eng.) Muriuki Karue.

I wish to inform our visitors that this is a temporary abode that we are in. This is not the real House of the Senate. We expect that next time you visit us it will be in a different set up. In the meantime, feel very welcome.

Thank you.

(Applause)

Next Order!

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

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

Sen. Murkomen: Mr. Deputy Speaker, Sir, if you remember, there was a request for deferment of a vote on the County Allocation of Revenue Bill. I think we now have a quorum.

The Deputy Speaker (Sen. Kembi-Gitura): That is fine. However, if there is any hon. Senator who has been designated to vote and I do not have the record of that designation, I want to make it clear, that, that vote will not be allowed. So, when you say we have a quorum, be sure that we have 24 hon. Senators and or duly designated to vote. As I sit here, I do not have any designation.

Sen. Murkomen: Mr. Deputy Speaker, Sir, with all due respect to your ruling, I thought it was agreed that hon. Senators who have been designated previously with a letter that allows for perpetual voting, like the case of Sen. Mbura and Sen. Hassan, this is allowed. Either way, for now, we have a quorum, whether or not they are here.

The Deputy Speaker (Sen. Kembi-Gitura): If we have a quorum, we will vote on that Motion. But I want to make it very clear, with a lot of respect; I reiterate what I have said in the past about designation. This seat has no memory. If you were designated last

time and I do not have a record that you are voting today on that designation since we do not have a register yet, I will not allow you to vote. Having said that, if we have a quorum, could we proceed to vote?

Sen. Keter: Ring the Division Bell!

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Keter! Do you want to control the House?

Sen. Keter: I cannot, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Then you cannot order that the Bell be rung.

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): I order that the Division Bell be rung for eight minutes so that we can proceed to voting. Could we have the names of the Tellers?

(The Division Bell was rung)

I order that the doors be locked, so that we can proceed to voting. The Tellers are as follows: Ayes, Sen. Chelule and Noes, Sen. Kisasa. Please take your positions.

Let us proceed.

BILL

Second Reading

THE COUNTY ALLOCATION OF REVENUE BILL

(Commencement of Voting deferred earlier)

DIVISION

(Question put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Bule, Tana River County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Kembi-Gitura, Murang'a County; Sen. Keter, Kericho County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Kutu, Isiolo County; Sen. (Prof.) Lesan, Bomet County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Mositet, Kajiado County; Sen. Mungai, Nakuru County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County, Sen.

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Okong'o, Nyamira County; Sen. Wako, Busia County and Sen. Wamatangi, Kiambu County.

Teller of the Ayes: Sen. Chelule

Noes: Nil

Teller of the Noes: Sen. Kisasa

The Deputy Speaker (Sen. Kembi-Gitura) Hon. Senators, the votes are in and the results are as follows:-

AYES: 26

NOES: Nil

ABSENTIONS: Nil

(Question carried by 26 votes to 0)

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

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, at the commencement of this afternoon's business, I indicated that we were to vote on two items. We concluded with the Motion by Sen. Lesuuda this morning. I indicated that we will vote immediately on this Motion after we are done with voting on the Second Reading of the County Allocation of Revenue Bill. I ruled that we can ring the Division Bell once for a division and then vote in clusters. I want us to proceed and vote.

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): What is the point of order, Sen. (Dr.) Khalwale?

(The doors of the Chamber were opened)

Who has ordered that the doors be opened? I would like to know from the Clerks who ordered the doors to be opened.

(The Clerk-at-the-Table consulted with the Deputy Speaker)

Sen. Mbuvi Sonko, please, we are still in closed doors and I would request that you leave the Chamber, not as a punishment because you have done nothing wrong - it was not your fault - but because we have not opened the doors yet.

(Sen. Mbuvi left the Chamber)

(The doors were closed)

Yes, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I was just seeking for your indulgence because I am reflecting on your ruling that we remain in Division from the

time we end the vote and then another Motion is called and still we remain in Division. My understanding is that Division ends with the announcement of the results. As soon as the results are announced, with your indulgence, the doors are opened and, thereafter, we are out of Division and the next Motion is called. If this is the case, please, reflect on it and be sympathetic to the delegations that have not had an opportunity to vote; probably, through this they could come and vote.

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

Sen. Murkomen: Mr. Deputy Speaker, Sir, even if your ruling---

(Loud consultations)

The Deputy Speaker (Sen. Kembi-Gitura): Go on, please, Sen. Murkomen.

Sen. Murkomen: Even if the ruling was that we can vote concurrently on two different issues, then it must be made clear before the bell is rang so that hon. Senators understand that it is being rang for two votes. Actually, putting the Question and ending it then going to the next one without prior notice---- for me, in the reading of Standing Orders, I have a different opinion.

The Deputy Speaker (Sen. Kembi-Gitura): Which one are you referring to?

Sen. Murkomen: S.O. No.74, Mr. Deputy Speaker, Sir.

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

Sen. Kagwe: On a point of order, Mr. Speaker, Sir. Would I be in order to request, as you reflect on this matter and make a decision that assists some Senators who are operating on “guerrilla” tactics from outside? You just saw Sen. Sonko enter there like a “guerrilla” instead of entering through the main door. Would I be in order to request that you assist these hon. Members to have some modicum of dignity by coming through the right door?

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Members. It is really up to you but I will say this again: I have made a ruling like this in the past, that we ring the bell and go to division and vote because I realized that the moment you come, when you stall tolling Motions for vote and if you want to ring the bell for each vote and you have, say, four votes in a day, particularly when we are in the Committee of the Whole like we are going to be tomorrow on the Allocation of Revenue Bill--- if you are going to go out and ring the bell on each single amendment --- this is a short Bill but we are going to have a Bill like the Marriage Bill which goes up to 100 clauses and if you have to ring the bell for division on each and every clause, then you will be here voting for a week.

That is why we wanted to be practical about it. These are rules which are made for us and not us for the rules. The rules are meant to be obeyed and the purpose of that rule is to make sure that there is a division. If you look at the HANSARD, I indicated at the commencement, that we have two votes to do this afternoon. There is going to be a vote on the second reading which we have just finished and another vote on the Motion by Sen. Lesuuda. If it is the mood of the House that we open the doors and ring the bell again, I have no issue with that, we will do it, but I want you to be practical about this because it is going to happen very soon and you are the ones who will be asking the Chair

to have the bell rang once instead ringing it at each and every amendment when we are in the Committee of the Whole because that is what you are going to have to do.

As far as I am concerned this afternoon, I do not see that there will be any prejudice caused by us going to vote, but since Members seem to feel that it might not be the right thing, I order that the doors be opened, we read out the next Order, then we proceed to division once again. It is so ordered.

Hon. Senators: Point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): I have made a ruling and let us proceed now. The doors will now be opened then we proceed on that basis.

So, can we have the next Order?

MOTIONS

SETTING UP OF MODERN ABATTOIRS BY COUNTY GOVERNMENTS

THAT, aware that the pastoralist areas account for the largest proportion of livestock production in Kenya estimated to consist of 81 percent indigenous cattle, 92 percent of sheep, 93 percent of goats, and 99 percent of camels; further aware that livestock is the economic mainstay and source of livelihood for the populations in these areas; noting that it has potential to reduce unemployment especially among the youth by supporting livestock based industries; concerned that this economic potential in production remains untapped while the areas continue to lag behind other parts of the country in development; recognizing the renewed Government commitment to transform livestock production; cognizant that livestock products enjoy an insatiable market both locally and abroad; further aware that value addition would enhance marketability and returns from livestock; the Senate urges the respective County Governments to prioritize and urgently set up modern abattoirs and related facilities to stimulate livestock production and business.

(Sen. Lesuuda on 23.7.2013)

(Resumption of Debate interrupted on 24.7.2013)

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Members, Order No.9 is the Motion directed to the on Department of Agriculture, Livestock and Fisheries. We finished it this morning and so we are going to division. I had made a ruling that this is a Motion that affects counties under Standing Order No.69. So, we are going to go to division. Before I put the Question, I will order that the Division Bell be rung. In the meantime, can we have names of tellers?

(The Division Bell was rung)

Let the doors be closed now and we proceed to roll call voting. I will put the Question after the doors are closed.

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

The Deputy Speaker: What is your point of order, Sen. Sonko?

Sen. Mbuvi: Mr. Deputy Speaker, Sir, you heard Sen. Kagwe refer to me as a “guerilla” while I was the first one to arrive in this Chamber. The front door was closed and I was seated inside this cube making calls. Can he withdraw and apologize because I am not a guerilla; I am a super Senator loyal to the Government?

The Deputy Speaker (Sen. Kembi-Gitura): Did you make that reference, Sen. Mutahi-Kagwe?

Sen. Kagwe: Mr. Deputy Speaker, Sir, I did not refer to any Senator as either a guerilla or “garilla.” I simply referred to the methodology that Senators were using to try and enter the Chamber. Consequently, I was simply using a metaphoric expression. I said that instead of one trying to enter through the front door, one is using a guerrilla strategy by using the side door. Have I honestly offended anybody?

I have the greatest respect for the Senator with the largest number of votes in this country. How can I call him a guerilla?

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

Sen. Mbuvi: Yes, Mr. Deputy Speaker, Sir, I am satisfied.

Sen. Ogera: On a point of order, Mr. Deputy Speaker, Sir. Hon. Sen. Sonko whom I have a lot of respect indicated his loyalty to the Government. Could he tell us what Government because under Article 46, we have 48 Governments?

The Deputy Speaker (Sen. Kembi-Gitura): We have only one Government of the Republic of Kenya. Those are county governments and that is different.

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. I rise on what I think is an important point of procedure. Sen. Sonko rose on a point of order which appeared as an afterthought. Our understanding and practice is that a Member rises on a point of order at the spur of the moment when the matter is still active. However, somebody rising 10 to 20 minutes after the matter has been settled would be moving away from our practices, usages and traditions.

The Deputy Speaker (Sen. Kembi-Gitura): I think that is an easy matter is you asked me. When Sen. Kagwe made the reference, Sen. Sonko has clearly said that he was inside a cubicle and could hear, therefore, he could only address that matter after he came to the House.

The other point I want to make is that the Speaker may not have any knowledge of a point of order unless it is raised. I think we have finished that issue.

We will now go into voting. As I had earlier ruled when we commenced, this Motion deals with counties. Therefore, we will do roll call voting.

(Hon. Senators proceeded to vote)

DIVISION

ROLL CALL VOTING

*(Question put and the Senate proceeded
to vote by County Delegations)*

AYES: Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Bule, Tana River County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Abdirahman, Wajir County; Sen. G. G. Kariuki, Laikipia County; Sen. Kembi-Gitura, Murang'a County; Sen. Keter, Kericho County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Wamatangi, Kiambu County; Sen. Mbuvi, Nairobi County; Sen. (Dr.) Kuti, Isiolo County; Sen. (Prof.) Lesan, Bomet County; Sen. (Prof.) Lonyangopuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Mositet, Kajiado County; Sen. Mungai, Nakuru County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Kagwe, Nyeri County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; and, Sen. Wako, Busia County.

Teller of the Ayes: Sen. Kisasa

NOES: Nil

Teller of the Noes: Sen. Chelule

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I wish to announce the results as follows:-

AYES: 30

NOES: Nil

ABSENTIONS: Nil

You will appreciate that this vote has exceeded the threshold of 24. Therefore, the Motion is carried.

(Question carried by 30 votes to 0)

COMPENSATION OF COMMUNITIES AFFECTED BY
PERENNIAL FLOODING IN TANA DELTA

Sen. Haji: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, noting with concern that during the rainy season, Counties along the Tana River experience frequent flooding that causes displacement of many people and destruction of food and cash crops as well as loss of irrigation engines and other equipment thereby impoverishing very vulnerable communities; aware that most of the damage is caused by water overflow and spillovers occasioned by negligence from the main reservoir at Masinga dam which is owned by the Kenya Electricity Generating company (KenGen); the Senate urges the Government to take measures to eliminate this perennial danger and to

compensate communities that have been displaced or otherwise adversely affected by the water released from dams in the Tana Delta.

Mr. Deputy Speaker, Sir, I think I need to give a background of the people I am talking about. These are former pastoralists whose livelihoods depended on livestock. However, because of droughts and diseases, a lot of livestock died, especially during severe drought. These people were forced to move from their natural habitat to go and look for other means of livelihoods. They thought that if they went to towns, they would get gainful employment. Unfortunately, these pastoralists have no skills of any kind apart from being herdsman and taking care of livestock.

During their nomadic lives, they practice the culture of eating together. They slaughter animals and eat together as a community. Some of these people went to towns. There is a story that says that one of them went to a hotel and found people eating. He thought that it was part of what they do at home. So, he joined the people who were eating and was asked whether he wanted *ugali*, rice or meat and he ordered for what he wanted. After eating, he just walked out. The owner of the hotel then demanded for money and the man said that he thought that he had been given food for free. These are the kind of people I am talking about.

These people went to live along the Tana River to learn how to farm. Some of them, through harambees and assistance from friends, bought water pump engines and installed them along the Tana River to start farming. However, their efforts are being curtailed. When it rains and the dams get full, KenGen releases water without any notice. This water comes with great force and damages all the crops including mangoes and oranges, and these people do not get any compensation. There are people in Tana River who normally depend on floods. When it starts raining they start planting, hoping that floods will come and they will harvest some crops. But when this water is released, it washes away the entire crop. To make it worse, these people are not even on the national grid of electricity, hence they do not benefit in any way.

Mr. Deputy Speaker, Sir, the farmers that I am talking about were also assisted in a small way by an organization called Danish International Development Agency (DANIDA). They have been able now to secure their livelihood, pay for their children's school fees and get medical attention. But, unfortunately, when the floods come and the entire crop is destroyed, they start all over again. I think that this is an issue that the Government needs to look into and ensure that these people are not left to continue suffering. It is unfortunate for people to die because of floods and drought. If it is natural floods, it does not matter because you cannot stop nature. But this one is a manmade mistake by KenGen. Therefore, I very strongly appeal to the House to pass this Motion, so that these people can get some kind of compensation whenever their crops and property are destroyed.

Mr. Deputy Speaker, Sir, without much ado, I beg to move and request the Senator for Tana River to second.

Sen. Bule: Mr. Deputy Speaker, Sir, I rise to second this Motion. As it has been said, floods which are not natural have really affected us down there in Tana River and other counties, like Garissa, along the Tana River. Actually, these floods that are

manmade and deliberate have caused disaster. Our crops which we grow during the rainy season have been destroyed whenever this water is released without notice by KenGen.

Mr. Deputy Speaker, Sir, we appeal to the Government to, at least, compensate the farmers along Tana River. Tana itself is a delta and that is where we live. So, whenever this water is released without notice, settlements are washed away. Since the KenGen are deliberately releasing this water, we appeal to the Government to force them to compensate people and stop their deliberate action.

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

(Question proposed)

Sen. Karaba: Thank you very much, Mr. Deputy Speaker, Sir, for giving me the chance to contribute to this Motion. The Motion is timely and discusses among other things, issues that have already been discussed by the developed and developing countries.

Mr. Deputy Speaker, Sir, going by the nature of River Tana and its tributaries and the trend that it takes to flow, the stages that the river undertakes to get to the mouth are to be considered before we talk about Tana as a delta. River Tana passes through very many counties and has its source as Mt. Kenya. During heavy rains, it is apparent that the river will overflow its banks. The river also has to take all the essential soil with it to the mouth. This soil would have been very good if it was used by the farmers along the river banks. It is, therefore, apparent that if this river continues flowing to the mouth perennially, taking all the fertile soil along it, the danger is not only with Tana Delta, but also along its course. It is, therefore, necessary that as we consider Tana as a delta, we should also consider River Tana in its entirety; from the source, to the middle stage and then the lower stages where rampant flooding takes place.

Mr. Deputy Speaker, Sir, to prevent flooding and more so, at the middle level where it passes through Garissa, we need to control the flow of the water from the source, that is, Mt. Kenya, before even it forms the delta at the mouth. It is, therefore, important that much as we consider the Tana Delta, we should also consider the source. How are we going to maintain and conserve the excess water from the mountain, because that is the main problem?

The problem is not the delta, but how and when the river flows. In my understanding of rivers, as a teacher, a river's catchment is also important. The catchment of River Tana is not only from Mt. Kenya. There is the Aberdares and other tributaries which contribute to the river. What is important is to have the river itself controlled in its flow. The only control that we can have is constructing other series of dams and not only Masinga Dam. We need to have other dams upstream or downstream, so that excess water is retained during times of heavy rainfall or when the water is not required at the mouth, so that, that controlled water can be used by the residents of Tana Delta when it is necessary. That is what happens in some other rivers elsewhere in the world.

Mr. Deputy Speaker, Sir, I have in mind a river called Tennessee. In 1945 there was a President called Franklin Roosevelt in the United States. River Tennessee used to flood during heavy rains and the people who would suffer were the residents of Alabama

while the people who lived in Tennessee State itself were scot-free, because they were living on the highlands. The same thing is happening with this river. We have people living along Mt. Kenya who are not affected when the river swells. It is the residents who live downstream who are affected more. In this case, therefore, we have to compare River Tana and River Tennessee and see what can be done by the Government of Kenya to make River Tana useful all through the year.

We need to have this river tamed by constructing as many dams as possible, so that after Masinga Dam fills up, there is a second dam which will contain the water. We can have as many dams as even 20. There is nothing wrong with that. After those dams have been constructed, the people living along the river and its mouth will control the water at will. I am sure that the water will be useful to the residents of the Tana Delta. Also, the erosion downstream will not be as serious as it is now. When a river flows without control, there is a lot of soil erosion that takes place along the banks. When that happens there is a lot of widening of the valleys, thus, encroaching even the wetlands which would have been used by those people neighbouring the river to graze their animals and irrigate their crops.

Mr. Deputy Speaker, Sir, of course, Tana River is the largest river in Kenya, for those who may not know. It flows to the Indian Ocean, carrying a lot of silt and water. It takes all the fertile soil and minerals to the Indian Ocean. We need those minerals upstream, so that we can make use of the fertile soil, which is called alluvial deposits. These are the deposits which can be used by farmers to make the neighbouring farmlands fertile, because the topsoil, of course, has humic acids. Therefore, we should not allow the river to cause destruction and deaths in the delta through floods.

Mr. Deputy Speaker, Sir, it is important to revisit the Tana River saga. It is not only the people who live at the mouth of the river who should be considered, but rather the entire valley. We should look for ways to prevent lateral erosion. This has also happened on Saint Lawrence River and it has ensured that the river is contained in its channel; it cannot expand. The banks are reinforced. Such reinforcements prevent further damages on the banks which can cause soil erosion. The same damages can also cause landslides and mud flows. This kind of situation is more serious upstream.

My understanding, as far as this Motion is concerned, is that it is only aiming at the people living around the Tana River Delta. As much as we are worried about these people, we should be more worried about the entire river course. That is why we should construct a number of dams. We should increase the number of dams along Tana River to thirty. We can make Tana River a multi-purpose river development project. That kind of project can be used not only for farming; but also for navigation purposes. The Pokomo and the Orma who live along Tana River can use the flow of water to sail all the way up to Mt. Kenya. As a result of irrigation, we can also play a big role in ensuring that we are food secure.

Mr. Deputy Speaker, Sir, fishing is another component of major rivers. If such a project is implemented, we will have the people living along Tana River encouraged to eat fish. We should not just think of fish from Lake Victoria, Lake Turkana and the Indian Ocean. Therefore, there are multiple advantages of having a project along Tana River such as navigation and control of the climate. We can create artificial lakes. These

lakes assist in providing artificial climate. This will change the climate of the areas where Tana River passes through.

Mr. Deputy Speaker, Sir, the spirit of the Motion is very good. I support development of Tana River, especially the Delta area.

Thank you, Mr. Deputy Speaker, Sir.

Sen. (Dr.) Kuti: Mr. Deputy Speaker, Sir, this is a very important Motion especially for communities living along Tana and Ewaso Nyiro rivers. My community in Isiolo County lives on either side of Ewaso Nyiro River. The river has two negative impacts on the communities that live downstream. During the rainy season when there is plenty of water and we have not developed adequate infrastructure like dams to contain this excess water, it becomes a nuisance. This becomes a major cause of disasters and emergencies. The rivers fill the banks and as they flow towards the communities leaving downstream, they break banks and flood into the areas, washing away livestock, people, crops, and so on. Together with the leadership of Isiolo County, I recently participated in helping the locals because their food was destroyed and their livestock carried away by flood waters. In some places the water had surrounded the communities. It became a threat and a disaster and we called for Government intervention.

Mr. Deputy Speaker, Sir, this is a paradox because this happened just four months ago. Right now, the same river is so low that communities are almost fighting over water. The ones living upstream are now engaging in flower farming and are in need of this water. The water levels have also gone down and we are now crying downstream because all the water is being held upstream. The water is being used to irrigate flowers and wheat, especially in Sen. G.G. Kariuki's county. However, this is all an issue of lack of planning and misguided allocation of resources. I am sure that since Independence, if we look at the kind of money that has been allocated to Isiolo County and other counties that are down the rivers, if proper planning was done and priorities were set, we would not have these kinds of problems. Water is life, and if this water was tapped, it could be useful to us, instead of making it a nuisance to us and three months later, it becomes a commodity that we fight over. This then becomes a paradox.

Mr. Deputy Speaker, Sir, this is where devolution has a very important meaning. In the past, officers in various ministries used to sit and decide how much and for what purpose monies should be used. They would even put a vote number to ensure that we could not spend outside the budget. We would suffer while that money was just held up in different votes that could not be used and, come the end of the financial year on 30th June, quite a huge chunk of that money would be returned to the Treasury. This is because we did not prioritize. But we hope that county governments will work on such projects. This is the time when money can be rationalized and prioritized. We have agreed with the Governor of Isiolo County that food security, through control of waters of Ewaso Nyiro River – I am sorry I have not mentioned much on Tana River – but this is the same scenario that the people living along Athi, Tana and Ewaso Nyiro rivers are facing. I am giving my personal experience. I am sure this is the same experience facing those living downstream of rivers.

Mr. Deputy Speaker, Sir, we need to come up with massive dams to deal with the excess water. We should do this over a period of time because of the high cost of putting

up such dams. We may not be able to put up many of them at once. We need to prioritize construction of mega dams which will take a good chunk of this water and facilitate storage. This will ensure that when it rains, the river waters do not become destructive. Secondly, when the water levels are low, we will continue to use the harvested water. This way, we will harness food production. In Isiolo County, we have said that we should stop the culture of receiving relief food because we have black cotton soil and water from the Ewaso Nyiro River. Those are the ingredients of producing enough food for export to other counties or even outside this country.

In the last Parliament, every month I would get information to the effect that, for example, 1,200 bags of maize, 500 bags of beans, a number of gallons of oil, rice, *et cetera*, is going to my constituency. This culture causes dependency. The communities are always expectant saying: "Relief food has not come" Do you know that we have not received relief food?" This happens yet there is water passing near where they are living. This same water is also disastrous to them. However, the communities also make an effort to dig minor trenches to do irrigation. Those who have put in more effort feed other villages downstream. I have seen a village which has put their act together. They have dug trenches and are able to produce enough food. However, there are other areas where villagers just say: "We are waiting for relief food." If the relief food delays for one reason or the other, they move to the other villages, asking for food.

Mr. Deputy Speaker, Sir, if we construct these dams, we will control water so that it will no longer be destructive. We will also have food security throughout so that we are able to feed our people. I am happy that the Jubilee Government has focused on this issue. I am aware that in Isiolo County, Kshs4 billion has been set aside to construct a dam and we are fighting over where it will be constructed. But I hope that we will construct more of such dams. If we do that, I am sure we will kill two birds with one stone; we will have food security and control the rivers so that they are not harmful to us.

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

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, may I join my colleagues in thanking Sen. Haji for bringing this Motion to address the issue of the havoc caused by floods in Tana River. I know that Athi River is the tributary. It is now 50 years since we attained Independence. If you check the case of Tana River, no single Government investment to arrest water from getting out of the natural channel has ever been done. However, I am aware that successive governments have been investing in the Indian Ocean to protect sea waves from eating into the land, particularly in Lamu County, where Sen. Chiaba comes from. In the last Financial Year, 2012/2013, over Kshs800 million was spent to build sea walls, so that the land is protected.

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

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

Sen. Karaba: Mr. Deputy Speaker, Sir, you might have heard what Sen. (Prof.) Lonyangapuo has said about Tana River. He has said the Government has not invested in Tana River to prevent floods downstream. Is he in order to mislead the House while he knows too well that Masinga Dam is on Tana River? This dam was constructed to prevent further problems downstream. We need to be educated on this matter.

The Deputy Speaker (Sen. Kembi-Gitura): What is your problem, Sen. Karaba?

Sen. Karaba: Mr. Deputy Speaker, Sir, my point of order is that the Professor is misleading us that that the Government has not done anything on Tana River, while he knows too well that the reservoir, Masinga Dam, is on Tana River.

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, my colleague is not following my flow of thoughts. I would like to ask him to listen to me as we move together. I am not talking about power generating plants but when water has been released from the dams or there are floods, no attempt has ever been made to contain this water.

We saw in Tana River, in May this year, people immersed in water together with their animals as a result of floods. I am using the example of the Indian Ocean where the Government has taken steps to protect land along the shores of the ocean from being washed away by waves from the ocean; could the same be done to our rivers? There are big rivers which pour into the Indian Ocean. Rather than just protecting the shores of the Indian Ocean, we should also protect land along these rivers.

I am also hoping that one Senator will seek an amendment to this Motion to include other rivers other than Tana River alone. We have big rivers in this country which cause havoc every year. This happens around April to June and the Government takes the initiative of feeding and rescuing people affected by floods. In Trans Nzoia County, there is a big river called Nzoia which emanates from Mt. Elgon and around April and May, it causes havoc around Namanjalala where people are immersed in water until the water subsides.

This Motion urges the Government to build walls on the river banks so that the water is contained. The other issue which this Motion proposes is for the Government to build dams to slow the speed of this water. During the dry season we can use this water from the dams for irrigation purposes. My county has had serious effects as a result of damage in the highlands. We have big highlands in West Pokot, these are; the Lelan Hills, the Cherangany Hills and Mt. Elgon. As a result of population explosion, people have moved into forests. So, when rains come, there is flooding. Rivers expand and I have in mind River Swam. This river starts on the border of Uganda and Kenya in Mt. Elgon. The river causes problems downstream in Kongelai as it goes down to Turkwel and finally to Lake Turkana.

Two years ago the Government decided to put money in Kongelai and Kacheliba to contain the river so that it does not spill over. For the first time shops in Kongelai centre were saved from the floods. This means that if we can progressively put money annually on rivers, we can contain them by storing water in dams for irrigation. The people along River Kanyangaren in Pokot North and also those along River Muruny in Pokot South have been affected. River Kerio has also been causing problems in four counties, which include, Elgeyo-Marakwet County, Baringo County, West Pokot County and Turkana County. Every year, for a long time, if the river floods and you are on the other side, you have to wait for eight months for you to cross over with your animals. One old man joked and said that if your daughter becomes ripe to be married off, you just shout across the river to your neighbours to do the necessary like paying of dowry because, for eight months, the river is completely full.

Mr. Deputy Speaker, we have natural rivers which God gave us but we have not utilized the water. We just let it flow into the Indian Ocean or in Lake Turkana for example. We do not have bridges for crossing from one side to the other. Even in River Tana, you can walk for several kilometres before you can get a bridge to cross to the other side. The point we need to get from here is that we have rivers and we need to build dams and protect them. If you go to Europe, you cannot even know that there is a river because waters have been contained, walls have been built and fishing or boat riding can be done, but for our case, we have not done this. How much does it take for us to do like we did three years ago through the Economic Stimulus Projects (ESPs) where some impulsive work was done and the whole country could see that the Government had injected money to initiate programmes that can easily bring change? There were programmes in every constituency and people knew the Government cares.

There are people who suffer, for example, in Weiwei where every year, we are sure of landslides. When God displaces people, do we call them “internally displaced persons” or “externally displaced persons”? Do we also have any mechanisms to assist those people other than sending relief food? When you give relief food, it does not assist because next year the same problem will recur. Our number on this earth is increasing and we need to take steps as a Government, and the Senate is proposing here the measures to be taken. These measures may not be uniform depending on where the rivers are, to eliminate or reduce these perennial damages.

Mr. Deputy Speaker, Sir, this also calls for afforestation. We should plant trees especially at the source of the river. The national Government and the county governments should look at the possibility of paying people who live near the source of these rivers to plant trees. Alternatively, these people can be moved so that trees or forests can be planted. By doing this, we can be sure of getting enough water. You will also note that when these rivers flood and when they subside, the water will not be clean due to pollution. I know that there are some people who have been benefitting politically when they say that his or her constituency should be given relief food. Since 1963, leaders in some areas do not agitate for the Government to assist them in coming up with irrigation schemes or dams; but they want relief food so that they can tell their people that they are the ones who brought the relief food and they should be voted for.

With those few remarks, I support.

Sen. Adan: Mr. Deputy Speaker, Sir, I rise to support this Motion. First, I would like to thank Sen. Haji for bringing this Motion because year in, year out, we always have floods causing havoc in those parts of the country. It is really important for the county governments and the Government at large to prevent this disaster. Secondly, I would like to urge the Government and KenGen to do proper planning because if that is done, I believe there will be no problem of floods every year. One of the concerns that we need to address here is that in those parts there are areas that are normally affected as a result of lack of water; so by using the water from the Tana Delta we can come up with dams which will assist the pastoral communities during the drought seasons.

The other point that I wanted to add is that whenever we have these floods, roads are also affected. As a result, you will find that food prices will go up and this normally affects the communities living in those areas. There is also an outbreak of waterborne

diseases. If we do not deal with these issues and contain this water, then it means that every year instead of developing, we will be pre-occupied with controlling diseases or trying to come up with famine relief. In these areas, communities always depend on famine relief throughout the year.

I will conclude by saying that we end up perpetually reducing communities to poverty by forcing them to rely on relief throughout their lives. We should instead concentrate on controlling these floods which essentially are supposed to be controlled by KenGen.

With those few remarks, I beg to support.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I rise to support this very important Motion for two reasons. One is because of the good work that Sen. Haji left in Western Province when he worked as our provincial commissioner. We always miss him. In fact, in those days, we never used to have people killing each other the way we see these days in Bungoma and Busia. We are forever indebted to you. The second reason why I want to support him is that the Motion is addressing an issue which is a matter of life and death. It is a matter of life to the extent that if well managed, these waters will improve the livelihoods of these people and guarantee them prosperity, good health and development. It is a matter of death because when the worst happens, we lose lives, livestock, crops and other forms of property.

Mr. Deputy Speaker, Sir, ordinarily, KenGen should be ashamed because whereas they are visiting disaster on the people of the Tana Delta, other companies are exercising Corporate Social Responsibility (CSR) and people are happy that they have big companies in their communities. These companies put up schools, health centres and so on, but here is a useless company.

I want to say on the Floor of this Senate that, in fact, the Chief Executive Officer (CEO) of KenGen and the top managers at Masinga Dam should be arrested and charged with the offenses of malicious damage to property, attempted murder and in a few cases where people have lost lives, they should be charged with outright murder. We cannot just sit as a modern society and allow people to draw hefty salaries with their children going to Eton Primary School in London when the people who are the reason why they enjoy that life are under perpetual threat.

We must force KenGen to ensure that it attains the best engineering practices in maintaining Masinga Dam. I am not saying this with any fear because I know that we have a living example in Africa in the Republic of Zambia where we have the Kariba Dam. I am not a student of history. I am a student of Medicine. Therefore, I cannot remember when the Kariba Dam was constructed. Roughly, I think this was more or less the same time of history that Masinga Dam was constructed. This being the case, it is a shame that when one travels to the Kariba Dam in Zambia, they find that this dam is such a huge success. The dam has changed the lives of the local people of Zambia in that area to the extent that this place is a beehive of tourists who bring money to the local community. You will find water sports and an abundance of fish because of the good management of the Kariba Dam.

I would like to keep this short but end in reminding the current Government that the former Government of President Kibaki was about to make a very serious mistake

along river Nzoia. I am pleading with the Jubilee Government to completely move away from the thinking of President Kibaki. They wanted to build a dam that would be halfway in Kakamega covering Lugari and Likuyani constituencies and halfway in Bungoma covering Kimilili and Tongaren constituencies.

If the Government, through KenGen, is not able to manage Masinga, what assurance do we have as the people of Kakamega and Bungoma counties that if they bring another dam in that place, things will become better? Being unable to manage one dam only confirms that a second dam will be a disaster. The dams have no dusters and we do not want the dam. In fact, our problem in Western Province is that we experience too much rain. So, why do they want to give us irrigation fed agriculture? We do not need it. Let that money that is intended to do that on River Nzoia in Kakamega and Bungoma be used for the improvement of Masinga Dam.

With those final remarks, I support.

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

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

Sen. Ndiema: Thank you Mr. Temporary Speaker, Sir. First, I want to congratulate and thank my mentor, hon. Sen. Haji, for bringing this Motion which concerns the livelihoods of people. This is a matter of life to the residents of that area. Dams were constructed after feasibility studies were done. I am sure that if we looked into the archives and read something about the Masinga Dam, you will see a clause that says that the dam is supposed to control floods.

It is unfortunate that the same dam that was supposed to control floods is that area is the one causing floods. We do not know what has gone wrong. Is the problem the floods, nature, management or poor planning? We are yet to know. It is also unfortunate that when this water is being released, there is no information given to people downstream to the effect that waters will be let go. This is unfortunate and uncaring on the part of the Government.

Our Constitution guarantees that people must be given information on issues that concern their lives. The solution to some of these problems is to construct smaller dams along the tributaries of River Tana. I believe that the main dams that were constructed, to a large extent, have been silted. Siltation is a big problem and we do not know whether the water is being released to flash out the silt or what it is supposed to do.

As we speak about Tana River, we should not forget the citizens of other areas including Trans Nzoia who suffer because of floods that are caused by small rivers. River Nzoia causes floods, destroys crops and causes loss of lives every year within Trans Nzoia. My colleague, Prof. Lonyangapuo, has talked about River Swam and others. During the rainy season, if you visit Namanjalala area of Kwanza Constituency you will find an area called Folkland. This area bears that name because the word “folk” means an area with an abundance of water. Every year, the residents of that area have their crops

and houses destroyed but the Government has not thought about putting any measures in place to control the river.

Saboni River is small by any standards. If we were to put dykes on all sides, that would not cause any major problems. While dealing with a swampy area, what you need is a means to channel the water and perhaps to create ponds for fish but nothing of that sort has been done. It is unfortunate that water that is a source of livelihood is becoming a source of despondency. People living in Budalangi and Kano also experience the same problem. People in Turkwell are also experiencing the same problem, year in year out. These people are always promised by the Government that it will do something. What do you expect the *mwananchi* of Tana River to think about the Government if every year, there are floods and after the floods, there is drought and yet no one cares?

If psychologists were to study the minds of those people, they would let you know that this is probably what is causing some of the problems we see in those areas. Landslides continue to cause havoc in some hilly areas during the rainy season and nobody goes to compensate Kerio Valley and Mount Elgon people. Parts of Narok and Baringo and other areas along the Rift Valley experience landslides but nobody cares to compensate these people whenever they have a problem.

I suggest that since this is a very complex and important issue that needs to be addressed, the committees concerned; the Committee on Land and Natural Resources and the Committee on Energy, Roads and Transportation should look into the matter seriously and summon the Cabinet Secretaries concerned so as to shed light on what is happening. Why should water be released upon innocent citizens? KenGen has a social responsibility to the people of this country. We appreciate that they generate power for our economy. However, in their social responsibilities, it would be important for them to look at the people who suffer because of their projects.

With those few remarks, I support.

Sen. Mositet: Thank you Mr. Temporary Speaker, Sir. I rise to support this Motion. This is a very good Motion which tells us that some people have relaxed on their job. I believe that when Masinga and other dams were constructed along the Tana River, this was done in good faith. This was an intention not only to get power but also to control floods.

I agree with the Mover of the Motion that the institution that is in charge of the dams that are along that river and particularly KenGen should be held responsible and asked to take care of all the mess that has been caused by the flooding of that river. Speaking from an engineering point of view, by the time engineers design a dam, there is always a spillway designed to take down water when the dam overflows. In case the spillway is small or was not designed to take a lot of water, for instance, in case of Masinga Dam, control valves are used. By the time control valves are used, warnings should be turned on to warn the people who live downstream that control valves will be opened at a particular time to run water from their natural streams.

This warning is done just like the one we are given when we have a solar eclipse. We are told that on a particular day, there will be a solar eclipse and that we should not stare at it with our bare eyes. Any disaster caused by a dam is very enormous. In fact, the opening of control valves is equated with the collapse of a dam. The collapse of a dam is

normally a major thing all over the world. Life downstream is affected, animals, people, crops and even machinery.

The Mover of the Motion said that those communities need to be compensated. That is something I feel should have been done a long time ago. Those concerned should not wait for the Senate to sit and come up with a Motion. This is something known to the authorities and the designers. They know that once you open the gates, automatically, something bad must happen.

Mr. Temporary Speaker, Sir, we are not only talking about Tana River, but quite a number of things have not been working well, and that is why we voted for the Jubilee Government. We have even allowed people to build on riparian land. If you go to Athi River, some factories have been built on riparian land. Such developments should not be allowed. We should not wait until the boundaries are drawn before we can act. With the new Government in power, people should not be allowed to build on riparian land.

Mr. Temporary Speaker, Sir, it is really a big shame that everytime it rains, we complain about the damage caused by water and, then a few weeks later, we complain again about lack of water. I know that in the Jubilee Manifesto, the Government has a good plan of irrigation, where a million acres or even more will be put under irrigation. We can only do this irrigation by ensuring that there is enough water in dams. This irrigation will ensure that we feed our country.

Mr. Temporary Speaker, Sir, with those remarks, I beg to support.

Sen. G. G. Kariuki: Mr. Temporary Speaker, Sir, thank you for this chance to say something about this Motion.

Mr. Temporary Speaker, a lot has been said about this issue and if we continue, we will be repeating what the Mover and seconder said. I think that time has come for us, Senators, to bring Bills to deal with these kinds of situations, so that we do not just pass Motions urging the Government to compensate. I am very sure that the Government does not expect to be told to compensate, but would rather want this situation to end unnoticed, and it has happened for many years.

Mr. Temporary Speaker, Sir, for how long will we behave as if we do not have answers? The Government does not do the trading. It is the KenGen and others who are doing businesses. Business people will not come forward and think of taking their profit to compensate people who they have nothing to do with, unless we criminalize this kind of a situation and make sure that when one is building a dam, that person is liable for any damage that may be caused by his own initiative. Therefore, I think that time has come for us to think critically whether urging the Government to compensate all the time is the best idea.

Mr. Temporary Speaker, Sir, I would like the Mover, after this Motion has been passed and becomes a resolution of the House, to follow it up and make sure that a Bill is introduced in this House, so that we can now deal with this matter once and for all. This is because for 50 years we have been losing lives. We are aware that next year another group of people and animals will be swept away by water. We are very much aware of this, yet we are comfortable wherever we are. We are comfortable in the Senate, the Cabinet and also the National Assembly. I think that this is the right time for the Senate

now to come out very strongly and deal with perennial problems like the one we have today.

Mr. Temporary Speaker, as I said, we have very many rivers in this country. The other way that we can go about this issue before bringing a Bill is by appointing a select Committee to do a study of all the rivers and then, recommend to the Senate. The Senate will then forward that matter to the central Government with a Bill if necessary. That will be the only way we can appear to be action oriented and helping our people, and not just talking and finishing the matter here.

Mr. Temporary Speaker, Sir, I support this Motion very strongly and ask for another Motion within a very short time, so that we can set up a select Committee which will go around the country and bring recommendations to the House.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Murkomen): There being no other contributor, it is now time for the Mover to reply.

Sen. Haji: Mr. Temporary Speaker, Sir, first and foremost, I wish to really thank my colleagues for enriching the Motion and their valuable contribution.

Mr. Temporary Speaker, Sir, as we know, water is life. Therefore, it will be very sad and discouraging if water should also become the cause of death and destruction. It will be remembered that during the 1967 war between Israel and Egypt, the Israelis constructed a wall which was considered as one which could not be penetrated. It was thought that there was no way that Egypt could ever fight Israel. But the Egyptians released canal water at night and within hours, the wall came down and that was the beginning of the war between Egypt and Israel.

Mr. Temporary Speaker, Sir, Masinga Dam is very huge and massive. The engineers who plan these kinds of dams usually put a provision to make sure that the overflow does not cause destruction to both humans and property. Year after year, people in Garissa and downstream, up to Tana River, suffer immensely as a result of water being released by KenGen, without any notice. I narrated earlier that these pastoralists became farmers out of difficulties of losing their livestock. If they cannot be encouraged to become good farmers who can feed themselves and if possible, have surplus to sell, so that they can educate their children and attend to their needs, it will be very sad.

Mr. Temporary Speaker, Sir, during the campaigns, I met some of these farmers. One of the issues that they brought forward was the problem that they are facing as a result of this water, which is being released without notice. If there is anything that is harmful to human beings, it should be avoided. If it cannot be avoided, notice should be given, so that people do not suffer.

Mr. Temporary Speaker, Sir, in conclusion, I wish to appeal to you that since this is a county Bill, and most of the Members are not around. I know that even tomorrow, we will have one or two Motions to deal with and most of the Senators will be travelling to Mombasa. I request that you use your wisdom to allow this Motion to be voted for, possibly, next week.

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

The Temporary Speaker (Sen. Murkomen): Order, hon. Senators! Sen. Haji has brought before this House a very important Motion. Upon the conclusion of his reply, he

actually wants the Chair to exercise some level of wisdom and ensure that this Motion is voted for next week. However, Standing Order No.51 reads:-

“(1)When a Motion has been moved and if necessary seconded, the Speaker shall propose the question thereon in the same terms as the Motion, and debate may then take place upon that question.

(2) At the conclusion of the debate, the Speaker shall put the question.

(3) Despite paragraph (2), the Speaker may, on the request of a Senator, defer the putting of the question to the following day in which case the Speaker shall thereupon nominate a time at which the question shall be put.”

My discretion is limited only to the following day. Therefore, this Motion will be voted for tomorrow, at 3.00 p.m.

(Putting of the Question on the Motion deferred)

Next Order!

DEVELOPMENT OF PROGRAMMES TO PROMOTE NATIONAL VALUES AMONGST YOUTH

Sen. (Dr.) Kuti: Mr. Temporary Speaker, Sir, I beg to move:-

THAT, cognizant of the provisions of Article 11(1) of the Constitution that recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation; further aware that Article 11(2) (a) states that the State shall promote all forms of national and cultural expressions through literature, the arts and traditional celebrations, among other forms; noting that traditional institutions used to play an essential role in molding the character and morals of young people and with their decline the country has experienced moral decadence; noting further that the institutions supported communal practices such as rites of passage; further aware that Article 10 of the Constitution sets out the national values and principles of governance; concerned that lack of systematic and institutionalized cultural programmes has led to erosion of diverse cultures and weakening of the societal fabric posing a serious risk to nationhood; the Senate urges the national Government to develop national programmes to recognize and celebrate her people at birth, upon graduation from nursery, primary and secondary schools, in order to promote national values of patriotism, cultural diversity, rule of law, participation of the people, democracy and nationhood amongst children and young people.

Mr. Temporary Speaker, Sir, I am moving this Motion as a parent who understands the challenges that our children and young people are facing in the current lifestyle. We are now challenged with the issues of our young people being disillusioned, being in despair, they are demoralised and are lacking self esteem. This is because as compared to the past where children were members of the society; where attention was

periodically given to them. When I say attention, I mean that the whole community stopped for a while for the sake of a child who was born; or for the sake of this age group that was now graduating from one stage to another - where the whole community and society stopped and focused on these people – be it during circumcision, the age of growing up to become a man, when you become a Moran or an elder.

All his lifetime, from birth, the focus of the child was such that he grew up feeling that his was part of this community. This child grows feeling responsible for this community, making sure that he or she has a role to play. The roles are clearly spelt out to them at all these various stages as they grow. Therefore, norms are created; everybody knows these norms and, naturally, you live within these norms. Any deviation outside these norms creates guilt and, as a result, forces people to stick together. When the child matures, he or she becomes patriotic and loyal to the norms of this community and can sacrifice even up to death – he or she can die for this community – because the community has invested and focused a lot on him; it has given a lot of attention to this child.

Mr. Temporary Speaker, Sir, right now we are struggling with issues of drug addiction; with issues of young people of 15 years – I was here speaking at this spot explaining how three children of 15 to 17 ambushed somebody at Jamhuri Park at gunpoint – participating in crime. The age group of people participating in crime is getting lower and lower. The societal decay and decadence is the order of the day. I attribute this, of course, to the frustration of the lack of employment; the frustration of drug and alcohol abuse; the frustration of young teenage pregnancies in schools; the frustration of violence in schools where dormitories are burned, where kids even start practicing ethnic differences even at a very early age, especially in counties like mine, which have diverse communities living together in the same school.

So, Mr. Temporary Speaker, Sir, when I sat and thought, I realized that, maybe, we are now talking about the National Youth Enterprise Fund (NYEF) and The National Authority for Campaign against Alcohol and Drug Abuse (NACADA) trying to prevent or stop or, rather, fight drug abuse at this level. We are now trying to address the issue of school violence by making dormitories that have bigger doors, windows and the grills on windows are being removed. I think this is treating symptoms, which is all right. But I think we really need to look deeper at the root cause, which is the upbringing.

Our children are growing up in more solitude-like environments because the parents are becoming very busy, trying to make ends meet and trying to put bread on the table. The main character moulder becomes the maid – and I have a lot of respect for maids because they are actually almost becoming the backbone of the care for our children – the television, video, play stations and social media sites. But what is the menu on these sites? The menu is mainly wealth worship; the wealthier you are, the more crooked methods you use to amass this wealth, the more you will be celebrated. What are the other menus on these videos and whatever? The issues of honesty, truthfulness, modesty, hard work, prudence, care for one another and the society – parents, grandparents and the community – are all out of this menu and, in fact, all those values are now a sign of weakness. Ruthlessness is inculcated through this media and the more ruthless, crooked and the more cheating one does, the better he becomes.

What does this result to? You realize that now, cheating is happening in schools up to the universities, where people even prepare thesis in fake ways; that is the more popular or fashionable route to take. The issue of earning from hard work and being satisfied with what you have; the issue of competing with oneself only and celebrating what you have achieved is not fair game. The fairest game is how crooked you need to be to get a degree, to pass an exam and to get wealth.

Mr. Temporary Speaker, Sir, the other menu is casual sex, right from television and radio programmes. When you sit in your car from here to your home, the kind of vulgar talk you hear and the pornography that you see when you are at home watching television – and the same kids are seated with you after you have picked them up from school, watching and listening to this. Somebody calls on radio exposing certain issues--- What does this lead to? It leads to casual sex at the earliest stage. Our kids now participate in sex as early as at 12 years of age, or even younger.

Mr. Temporary Speaker, Sir, crime is the other item on the menu. There is a whole channel on Digital Satellite TV (DSTV) dedicated to crime – how to plan and execute crime and how to cover up that crime – the result of it is that our children, at a very early stage, are now learning to handle guns. I gave a story here of a banker and his wife – a very young couple with one child – who were learning how to drive the new car they had just bought, and they were doing it in this open space in Jamhuri Park as you drive along Ngong Road – and three young children aged between 14 and 17 came and robbed this couple at gun point. This is all as a result of the inculcation from the new media; this is what is being inculcated in our children at this early stage.

Mr. Temporary Speaker, Sir, issues of patriotism are nowhere in this country; issues of nationhood, self sacrifice; issues of going out to do good for your neighbour or your country are long lost. People do not know about nationhood; people aged 30 and above do not know or cannot even sing the first three verses of our National Anthem. You can go along the street asking people “Can you sing for me the National Anthem?” If they can sing, it will only be the first verse, maybe because it is the one being repeated over and over all the time. Ask our children and even the 30 year olds today about the importance of our national days; or what the meaning of Kenyatta Day is; or, may be, “Who is Kenyatta in detail? May be they will know that he was the first President of this country, but go beyond that and ask them “Where was he detained?” or “What is the importance of Maralal in our history?” and they will not tell you. Ask them; “Who is Dedan Kimathi?”; they do not know. All they know of him is the sculpture they see on Kimathi Street and this common picture of somebody in chains lying down.

So, Mr. Temporary Speaker, Sir, nationhood, patriotism, sacrifice, gainful employment and celebrating hard work are all being looked at as not nice. So, what is the effect on these young people? What do you expect of them when they grow up? That is why everybody is for himself. When you enter an office, it will be celebrated about how you built mansions at home from this office; or how many flats you have bought from this office; or how much wealth you have amassed other than how much sacrifice you displayed through improvement of the jurisdiction of that seat you have and through your hard work. If you go home and you are poor, the question that will be asked is: “*Huyu alikuwa mkubwa pahali fulani kweli?*”

(Loud consultations)

The Temporary Speaker (Sen. Murkomen): Order, Sen. Haji! The consultations are too loud. Sen. Haji! Consultations should be minimal.

Proceed.

Sen. (Dr.) Kuti: Mr. Temporary Speaker, Sir, all I am trying to show is where the rains started beating us in terms of the values and virtues we now have in this country; this very negative direction emanates from our upbringing. Therefore, my solution is that I am urging the Government to organize, rethink and focus our attention to our children at birth.

In the past, communities would celebrate, recognize and encourage these young people. They also made sure that they understood the history of their culture, the history of their people, the norms of their people, what is normal and what is abnormal, what is right and what is wrong and so on. All these were inculcated in the young people so that they are proud of the community they belong to. I want that to be moved from the community level to the national level where you stand up to be proud to be Kenyan. In Kenya right now 30 or 40 out of 100 people will tell you that; *“tunavumilia kuwa Wakenya”*. It may sound like a joke but that is the death of a nation especially when citizens are not proud to belong to that nation. This is all from our upbringing but the seriousness of this is not even understood.

Mr. Temporary Speaker, Sir, all I am saying is that the Government must device a system where, let us say, at the end of the year, all children born at the same time, the President of this country should lead a celebration of this age group in December, so that they become one age group. So, all age groups should celebrate together in the counties because they were born at the same time and may have names to show the age groups. This celebration should be inculcated by a week of celebration to instill values, virtues, the history our country and other issues like; money is good but it is not everything.

People must celebrate but the celebrations should not be limited to only those who have amassed wealth through crooked methods. Right now we celebrate the richest people whose source of wealth we all know but if they come, we stand up for them. An achiever like Sen. G.G. Kariuki, who has given so much service to this country, if he passes at a place, they will say; *“si huyu alikuwa kwa Serikali tangu siku za Kenyatta na hata hana kitu, angalia vile yuko.”* That is how we celebrate one another. So, the Government should focus on these children at birth and when they enter nursery school, there should be a national event to recognize them. Their graduation should become a national event where the President and the governors come to celebrate. A week preceding this event, they should be taught values and virtues.

The only celebration we have is when they graduate from university because the parents hire *matatus* and carry the whole village to the university because there is no more school fees to be paid and these graduates are going to get a job, earn a salary and bring something home. I think this celebration should start at the nursery school level and should be magnified so that these young people grow up knowing that from the President all the way down, they are recognized and attended to. So, if that happens they will know

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that they have to give back. You know you have to give to the young child until the age of 18 years and then it reverses and they start giving back to the community. So, the principle of input and output applies; garbage in, garbage out; good values and good virtues in, good values and good virtues out. This is what we are getting now. What you put in is what you get.

Mr. Temporary Speaker, Sir, therefore, my Motion is not to treat the symptoms. The Youth Enterprise Fund is good and the National Agency for the Campaign against Drug Abuse (NACADA) is trying its best, schools are trying their best but the nation needs to step a little bit back and try to build these young people into nationalists and patriots for them to value their nation. This combines well with Sen. Elachi's Motion about the National Youth Service (NYS) where after form four, they are taken to the institution so that they can serve their country in various ways.

At the same time, these values and virtues should continuously be taught to them. So, when they become graduates, the celebration is already there but not for a person who has television values. One could be watching television but since he or she knows what this country stands for, he will see it as a distant thing. Right now they have brought it close and they are even practicing it. Early pregnancy and crime are things that are happening at an early stage.

I beg to move this Motion although I am a bit disappointed that it came at a time-- - I am sure this is touching the hearts of all parents, teachers and managers of this country at all levels. I am a bit disappointed that it came at a time when the senators listening are few. I hope tomorrow, we will debate this.

I beg to move and ask Sen. Adan to second.

Sen. Adan: Mr. Deputy Speaker, Sir, I beg to second this Motion on the following points. First and foremost, I want to take this opportunity to congratulate the Mover, Sen. (Dr.) Kuti. This is the reason why I feel that we have really lost so much with regard to our culture, especially when you look at the children we have brought to this world and how they have forgotten about their culture. If I may go back to when we were children, we used to respect our elders. For a Senator like Sen. G.G. Kariuki who is almost the age of my father, when I meet him, I should look at him as a father. When you look at the children of today, none of them will actually respect their elders. So it is important that if we want to improve the quality of our children, we have to inculcate our cultural practices and complement that with modern culture. If we do not do that, then it means we are going to lose the future generation.

The other point I wanted to bring up is that in our modern society today, when we give birth to children, we name them after great people in the world today. For example, if I give birth to a child today I will name him after Obama, after a famous singer and so on. During our generation, we used to name them after our great grandparents. Where I come from, we name children depending on the environment or the time they are born. This has all completely changed because we have forgotten our culture.

Mr. Temporary Speaker, Sir, the other point that I want to bring into this discussion is that you will find that our children today cannot even speak their own vernacular language. It is really challenging. Sometimes, if you ask a child who the father is, they cannot go beyond the second or third generation in their line. This means that we

are completely forgetting where we have come from. It is important that if we want to bring up patriotic Kenyans, then we have to teach them about our culture and how we used to behave and relate to each other.

This Motion is very important if we must bring up patriotic Kenyans to this world. We need to teach our young ones about our culture, how we used to behave and how we used to relate to each other.

I believe that the Department of Sports and Culture has been allocated some Funds. I feel that it is important for that Department to go back to the society, encourage and support the ceremonies that we used to have in the olden days. Some communities, a very good example is Garba Tulla, have a particular period where they all go back home to witness people getting married. However, these days, you will find that every Christmas, every family wants to go to Mombasa where they can swim or go to Zanzibar where they can visit historical sites. So, it is important for the Department of Culture to put down its foot and encourage communities to sustain their cultural practices and celebrate the ceremonies they have.

Another point is that we used to have authors who would write about particular communities and their practices. I think this is dying out. So, all these need to be brought back. Generations that come after us should have books they can refer to and learn what our parents used to do. If we do not do that, we will lose the coming generations to crime as the Mover of the Motion said.

Mr. Temporary Speaker, last, we need to encourage culturally responsive teaching in schools. We should introduce this in the school curricula so that as children grow up, they learn and practice their culture. This is a very important Motion. Unfortunately, we do not have many people who are supporting it. However, we need to take it seriously.

I fully support and second the Motion.

(Question proposed)

Sen. G.G. Kariuki: Thank you, Mr. Temporary Speaker, Sir for this opportunity to contribute to this Motion.

I listened to Dr. Kuti contribute to this Motion and that took my mind way back into the past as to where we came from and where we are going. I am happy that there are people like Dr. Kuti who are now thinking about the future of this country. If we go the way we are going – I see no way of changing the situation – then we will be heading to more serious problems than we anticipate. I think that this matter should be dealt with by the county governments which are more versed with the culture of their people. It is very difficult to introduce this issue nationally especially to people who have fully embraced Christianity, Islam or other beliefs. This Motion is very important. I wish there was a way of turning the train back because it is moving very fast.

The Pokot Community, among others, may be feeling worried and thinking that they have been left behind by the Kikuyus and other communities. However, my question is, how have they been left behind? Could this be in terms of money or education? This is where we need to be critical in our thinking so that we know what moral standards we are looking for.

When you find a parent like Dr. Kuti or myself, going to a primary school and attempting to slap a teacher who has abused a child, this may not be good. We are in a “catch 22” situation, and it is difficult in this age of modernization to think about going backwards. You only have to think about America and when Feminism took place. The women in America stood very firm in fighting for their liberation. That fight did not end up well because they acquired too much power that was not necessary in a society that embraces marriages. Today, in America, the same group that fought for Feminism is the one that is questioning what has happened to the society and why marriages are not being sustained.

I dealt with Feminism in America when I was doing my Masters Degree. One part of my paper was about Feminism in America. We discovered quite a lot. These people also discovered homosexuality. If we have reached a point where two men can act as man and wife, that is going too far. I think if 90 per cent of the Members both in the Senate and the National Assembly were thinking the way Dr. Kuti was thinking before he brought this Motion, then things would be good. I am sure that he has had sleepless nights. He has a reason, but I sympathize with him because the train of change is moving very fast, changing this society to what we do not know. We can only imagine based on what we see today that the society is going to be beyond our control.

This Motion is very well written, but I think that this matter needs to start from the counties, since the people in that county understand their culture. This is because there can never be uniformity in culture. We are all different people. There are people who believe in circumcision while others do not. So, I think that we have a long way to go. I wish that we could have a way of stopping the speed of our cultural destruction. But there is no country that I could say has stood firm against westernization. You can talk about India, but if you talk to any ordinary Indian here in Nairobi, he will tell you that their culture is gone.

If education could take place without interfering with culture, colonialism would not have worked. We would not have been managed by colonialists if they did not start by destroying our culture. They had to destroy our culture and language. Your first name has to be in English. Once you change yourself completely, your children must follow suit. Therefore, we are heading to a destination that we do not understand.

Mr. Temporary Speaker, Sir, I wish the majority of the Senators were here to talk about this Motion. In the next few years, instead of Sen. Lonyangapuo’s son sending me a card to go and witness his marriage to my daughter, it is going to be Sen. Lonyangapuo’s son and G.G. Kariuki’s son getting married on a Saturday. Where are we heading to? It is a very serious matter and you cannot find words to describe our situation today. We should now work very hard and make sure that we control whatever we can, in the meantime, otherwise, the situation is very complicated.

Mr. Temporary Speaker, Sir, while supporting this Motion, I want to urge the Mover to think more about it, because I think that after it is passed, the Committee on Implementation should forward some of these requests and ideas to the national Government, so that we can start solving these problems from the source.

Mr. Temporary Speaker, Sir, with those very few remarks, I beg to support.

Sen. Chelule: Thank you, Mr. Temporary Speaker, Sir, for giving me time to contribute to this wonderful Motion that has been brought to the Floor by my fellow Senator, Dr. Kuti.

Mr. Temporary Speaker, Sir, we come from a community where cultural values are decaying and we need to do something about it, as leaders and parents. We all know that we have those cultural values that can be harmonized with the Christian way of life. This will promote and instill good values among our children. Regarding the proposal to have a resource centre at the constituency or county level, I think that it is our obligation as leaders and parents to make sure that we have a particular place where our children can go and learn good cultural values.

As we are discussing this Motion, we are aware that there are so many parents, some of whom are of my age, who are not even conversant with our traditional proverbs or sayings that help in our daily lives. We should not leave our children to get used to cultures from Western countries. We should not forget that even people from those Western countries also have their own cultures. They will not leave their children to adopt cultures from other places, the way we are doing. So, it is paramount that we have resource centres, whether at the constituency or county level, where we shall have old people, the age of my grandfather, instilling those good cultural values in children. This is because if we bring up our children the way we are doing now, terrible things will happen in the community.

Mr. Temporary Speaker, Sir, today I read a story in the newspaper about a man who was caught having sex with a goat. What is the cause of this? In our culture, you cannot imagine a man marrying another man. Maybe this kind of behaviour is being influenced by Western cultures that our children have started adopting. It is time to create awareness and sensitize our community, that there is need to instill good cultural values in our children that can be harmonized with Christianity.

Mr. Temporary Speaker, Sir, I support this Motion and hope that it will be passed. Probably we need a reasonably sized resource centre, where we can store music and even organize social activities that can bring Africans together. I would urge my fellow Senators that there is need to do something about it. We should not sit while we watch things going the wrong way, especially among our children.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to support.

The Temporary Speaker (Sen. Murkomen): Sen. (Prof.) Lonyangapuo.

Sen. (Prof.) Lonyangapuo: Mr. Temporary Speaker, Sir, I want to join my colleagues in thanking Sen. (Dr.) Kuti for bringing to our attention what we know is affecting our Kenyan society today, where we are seeing behaviours that were never heard of before.

Mr. Temporary Speaker, Sir, the wise say – although the original saying is in Swahili – “Whoever leaves his culture becomes a slave.” we have suddenly become very sure slaves of other foreign lifestyles. Do you know that Africans have their own cultures? We have over 42 ethnic cultures in Kenya and the good discipline we used to have, other than the bad behaviours like cattle rustling which used to take place, for example, between one ethnic group and another one--- But essentially, what this culture was doing was to put sense and morality into the lives of our children and adults. If you

can remember, we had many systems in our society where women would meet and there was a way they would teach the young girls. Similarly, when adult men met, they would educate the young boys.

But when we brought in civilization, which is very good, this civilization has gone to extremes to the extent that, today, we are hearing what Sen. G.G. Kariuki was talking about, where we have a new group that is boldly trying to bring their presence into Kenya, where ladies can marry ladies and men can marry men. Just mention that in a village where culture is still being talked about and they will invoke the spirit of God and gods upon you and you will cease to exist!

So, Mr. Temporary Speaker, Sir, for us to move forward as a nation in the generation we are in now and in the years to come, this Motion says that the present Government and the future Governments have to put systematic and institutionalized cultural programmes at the national level so that through the syllabuses generated for schools, through the training that is given even to our own disciplined forces, it can be part of the curriculum used to train them so that we can be able to put away negative influences.

Mr. Temporary Speaker, Sir, you have heard Sen. G.G. Kariuki wondering whether the thinking of West Pokot County, which is still rich in culture, is backward compared to their colleagues in Kikuyu land. If you can recall, about four or five years ago, there was a group that used to terrorise people in Central Province and parts of Nairobi, called *Mungiki*. Who were they? These are part of our children who, somehow along the way started thinking that we had become too urbanized. We have a situation where parents and adults do not talk to their children. Instead, they listen to their radios and watch their televisions and think that they are automatically educated to know how to live. We end up having petty thieves. People try to borrow, transfer and transport cultures from what they see in the media in an attempt to make life better for themselves. In the process, these petty crimes come along.

Mr. Temporary Speaker, Sir, when we were growing up in the early 1970s, some of us who were in school at that time –and I know Sen. G.G. Kariuki was one of those people – during independence, you will remember we used to have Ministers and we used to sing in school. It was automatic that you had to sing in primary schools; there was an agenda that the nation had revealed and the Minister had read, so we used to sing. Who was the late Minister for Education in 1974/1975? Was it Jonathan Ng'eno--- No, no, no; that was the Speaker. It was this fellow who did research on rats, the late Dr. Taita Towett. We used to sing ritually without knowing that the man, Dr. Taita Towett, had said--- By the time you become an adult, it rings in your mind that we have to go to school, and we have to learn and listen to our parents and our teachers. You hear your children telling you today “sing me a song;” but there is nothing except the latest and fashionable songs they have heard on television.

Mr. Temporary Speaker, Sir, we have a Ministry in charge of vetting what we need to watch. But now, we are allowing everything to come in, all in the name of freedom. The Constitution says “just watch and listen; just take exactly what you want” and we end up killing our nature. When God made Africans black people, we had our own way of growing up and we could take civilization to the extent that it allowed us

access to education. But we should not swallow everything to the extent that we find girls walking naked!

I used to be a principal in Moi University for five years and my students used to walk naked. I remember sometime last year, we had two or three girls of Kimathi University in Nyeri walking to the supermarket. Some young men said that they were walking semi-naked and they had to remove the tiny little clothes that they had on. Really, there is a limit as to what we can do. But at this point and after mentioning this, some groups will come and talk of human rights. Human rights should be put in the context of the culture of the people and the society where you come from.

Mr. Temporary Speaker, Sir, do you remember when we said “The Ministry of Education has declared that teachers should not be using whips in schools?” I am not saying that we should re-introduce the whip, but it is African culture that when a kid goes astray – and the Bible confirms this – you can whip the child a little and his common sense will come back. I am not trying to say that we should go and do it, but where did we go wrong until we swallowed everything to this extent? I know some people went beyond limits, where they would damage the legs or head of the child in the process of disciplining them; and that one small case just erupted and rubbed off everything that was supposed to bring order in us.

Mr. Temporary Speaker, Sir, as a result of the indiscipline that we have, you noted that in the year 2007/2008, we lost our culture and young men went to the streets without permission or without order, and they caused havoc. We baptised them in English, calling them “clashes.” We even improved on it and called it “post election violence.” This was caused by young people, and when the old men stood up to tell them “No, no, no! What happened? Nobody would listen to them. Why? Because the sight of an old man in the years gone by was sufficient enough to warn us that things had gone beyond normal and that we should listen to him. But now, nothing like that happens.

What about leaders? Sen. G.G. Kariuki was saying that we have digitised the children and their lives to the extent that they cannot even listen to their leaders. But even for the leaders, sometimes the recognition is not there! It is not that we want to be worshipped and recognized; no. What we want is respect for our African ways and culture. Look at the patriotism that was there then, and it was so powerful. Do we still remember the history of how Kenya became independent? Do we know the sweat and blood that was lost by the years gone by? We have reduced it to a very tiny thing called “Mau Mau Struggle” or “Mau Mau to be compensated.” That is the only thing that people know of. But we lost the struggle and the genuine desire to liberate ourselves! Do we still teach civics in our villages?

Mr. Temporary Speaker, Sir, this Motion indicates to us that we as a nation have to start putting things right. Japan is a first world country, but even when it comes to the Prime Minister, when they are greeting a young person or any other person, they bow. You are not God that they bow to you but it is discipline and it is cultural. That is a first world country. I went there and I saw it. Everybody was just knocking down the head until I became tired and wondered what I should do next. Even if you go to Uganda, they still do the same. When you are served food by a lady, she kneels and not because she is

worshipping you. When the civil society sees this, they think you have made the ladies to worship the man but it is culture.

Mr. Temporary Speaker, Sir, during the initiation for young men, a lot of teaching goes on. Today, we take boys to the hospital but we could still do it in such a way that cultural trainings can go on. The doctor can be called and the boy goes through initiation but the usual training goes on. It might not be as extreme as before but we can do it.

I come from West Pokot where history is not written in books but in songs. So, today I know the songs that were sung in 1800. When something happens, they put it in form of songs which are transferred from generation to generation. What did we do to the syllabus? I am told that the Ministry of Education, about five years ago, that is, 2003 or 2004, removed music from the syllabus and yet Africans are known to sing naturally. If you tell me to sing for you, I will do it because it just comes naturally. If you want some values to be transferred to our children then put them in a song. During Mzee Kenyatta's time people used to sing. I would even sing Kikuyu songs because I heard them sing. I can sing Pokot songs also. I even do not know the last time Pokot traditional dancers came to sing during national days to showcase their culture. Not that I want my people to come but why not? We also want to see the same in Isiolo.

Music is the library for Africans in terms of their culture but we lost it. We want to move into Mathematics, which is my field of study, but we also need to sing Mathematics. Many years ago it was not easy to get a chief from some clans or some families because people knew many negative things about them. Today education has come and you will find some leaders who have come up because of education. So, they want to be elected because they are educated and also have money. In the process, we elect people who do not resemble where we come from. In the process, we end up transferring cultures that are not fit to our children because they look up to the leader.

In West Pokot where I come from, many years ago, it was like law that when a leader speaks, you do as he says. So, when you elect someone who is not behaving as the society does, he will transfer that to the community because they believe that they must listen to their leader. These are some of the virtues and values that we have lost.

Mr. Temporary Speaker, Sir, this Motion says that we need to go back to the grassroots and talk about it if we want to maintain Kenya's nationhood as one. We now have 47 counties. These 47 counties should build cultural centres. Just the other day we were a unitary state but we now have 47 counties. If we do not implement this now and remedy the issue of cultural upbringing and retention in the counties, we will lose it. This is the right time where the national government should come up with a policy and link up with county governments so that they can do it.

I will propose that as this is done the governors and senators should have cultural days set aside annually in their counties and there should be competition between wards. If there are many wards then we can have a whole week for the event the way Kenyatta University does. During this event we can invite other communities from different counties to come and compete so that some values that are taught in different counties and which we think are beneficial can be copied.

Today, young people walk with mobile phones in the streets and they get information and downloads from the internet. We as a nation need to come in strongly.

We should start from the top where the President should give a decree about the values of the nation and this should be taken on board by other people.

I want to thank my colleague for thinking about this. In West Pokot and other pastoral communities, we value animals, specifically the cow. Other communities may not value this animal. So, when I talk about it here, it is a cultural attachment that we need to invest in so that if we want to build a Kenya that believes in its culture, then we also need to invest in that animal that I talk about here. We need to teach our culture and also modernize it so that when I see animals from a different community I do not admire them. We can improve that culture for different purposes.

Mr. Temporary Speaker, Sir, democracy in Africa should be guided and that is our nature as Africans. We should not wait for the British or the Americans to tell us about it. It is good to talk about it but why is it that the Chinese - and China is also coming up as a first world country - have not lost their culture? Even the Indians who are in Kenya have not lost their culture although Sen. G.G. Kariuki said that some of them have lost it. You will still find an Indian having a small god in the shop. So, every day before the shop is opened, something is done. This is culture. They have to pay allegiance to the symbol that is there. We are Christians and we are not supposed to worship things that do not exist but we worship God because of the traditions and the culture that we were born in.

I want to support this Motion and to say that we should set aside money for county governments during the planning of the national Budget. This issue should be taken as a serious Government agenda. Cultural villages should be set up in each county. We have one in West Pokot, the Lumut Cultural Village. This village is promoted by international donors who visit to watch traditional dancers. They give some little money to the dancers after the performances. However, there is nothing we have invested in this area as the people of Kenya.

We have Bomas of Kenya in Nairobi. Is it possible to have mini versions of the Bomas of Kenya in every county? I found some people there singing Pokot Songs but since they were not from my community, they were not doing it well. They were not singing the way they should. We can have these villages in every county just like we have sports being practiced in every county.

I end here by saying that I support this Motion. If it is passed, the relevant Committee should follow up the Government Department concerned for implementation as soon as possible. In fact, it should be factored in the 2014/2015 Budget.

The Temporary Speaker (Sen. Murkomen): There being no other contributor to the Motion, I want to call upon the Mover to reply.

Sen. (Dr.) Kuti: Thank you Mr. Temporary Speaker. I want to take this opportunity to thank all those who contributed to the Motion. It is unfortunate that this Motion landed at a time when Senators had already voted on the County Allocation of Revenue Bill and after debating it for long, they went out. However, I appreciate those who have found time to contribute to it.

Those who have contributed to the Motion have recognised the fact that if not checked, there will be a decay of the societal fabric and loss of cultural direction in our young people. A culture is just like a foundation. A house that stands on sand will always

be carried away. A house whose foundation is not strong will always collapse. That is why we see many buildings collapsing because they are not well established. Equally, our society should look critically at our upbringing. A human being is just worth his upbringing. If the upbringing is solid, correct values are inculcated, hard work is appreciated and meaningful successes are celebrated, then we will have strong nations because nations are made up of me, you and all of us who are here as individuals. There is no block referred to as a nation.

Individuals have to be taken care of just like fertilizer. You have to put fertilizer in plants if you want to get good harvest. You need to invest in that plant from the time you put the seed in the ground. Therefore, from the time of birth, we should not be carried around by other cultures.

There are good practices in African cultures. There are also good practices in the foreign cultures. We cannot avoid the fact that we are urbanised. I am not saying that we should go and apply red soil on our faces and put on cultural gear. We must be practical. We must mix good practices from the African culture with the urban culture that is becoming universal worldwide.

Although we talk about the Western Culture, look at Britain. Today, Britain is at a standstill because a future King has been born. It is not only Britain but the whole world that appreciates the fact the British have retained their culture for thousands of years. When the young King to be was born to Prince William and the Princess, 8,000 other children were also born on the same day. The mothers of the other 8,000 children who were born in London withheld naming their children until the young King to be had been named so that they can be give the same name. That is something which is appreciated. It is something that has been carried along for thousands of years.

This culture has now been fine tuned. The King used to order that some people be killed. That is no longer there. The King used to run the Government but that is no longer carried out. Democracy has come up and there is now a Prime Minister who governs the country. However, Britain still invests so much money to keep the monarchy and the Kingdom since this that is where they came from. They are always fine tuning it. There is a time when the royal family did not mix with people. They were isolated and looked at like demigods. However, for them to remain meaningful, they now come out to show people the King to be after he has been born so that people start accepting it.

We need to fine tune our culture. We do not need to dump our culture. The British got rid of some of the cultural practices that had negative components. We need to let go of the negative components and remain with the positive component. This is what we need to do.

We have various ways of defining culture, depending on the ethnic groups that we have in the country. There is always a common factor in all cultures. This can be a celebration of a birth where a whole community stops to celebrate. Since we cannot all celebrate all births, we should fine tune this so that all children who are born in Kenya in a particular year, probably on 31st December, are celebrated.

That recognition should come from the highest office. This should reverberate down to the counties. We should align our current practices with our culture so that when children of the same age group are joining school, this also calls for a celebration. We

should include cultural components where they are recognised. There should be dances or other traditional components that unify us.

Communities like the Pokots, Maasai and Samburu still practice their culture and observe their traditions. The negative components of cattle rustling, of course, need to be discarded. Among these communities, there is less drug abuse and other social ills. There is less pornography and disrespect amongst communities that are still observing their culture. But such communities are looked down upon. If you find an old man wearing a skin, it will hit the headlines in Nairobi in a negative angle. Of course, we should not walk naked at this time, but we really need also to pick out the best practices.

Mr. Temporary Speaker, Sir, some Members said that we must have centres in counties where our children can go and learn the traditional practices and history of their communities. I thank Sen. Lonyangapuo who said that our history should be put in songs. The only problem now is that, that song will not be very sweet to the ears of those who listen to rap, reggae, soul, rhythm and blues, jazz and lately the Mexican salsa. I am saying that we should not listen to these kinds of music. I love soul music, but I also think that it would be better if the traditional songs were also encouraged. Right now if I put on the radio and tune to a vernacular station, and there is music playing, I am sure that my son will say: "Could you change that frequency to Kiss FM or whatever?"

I have picked Kiss FM because I think that is the station that is most listened to by the young people. I wish the radio stations could actually make listening to our culture a fashionable thing. The radio presenters have a lot of power to influence and change behaviour. As a Senate, we need even to liaise with these people in terms of promoting our culture. As much as we have reggae, rap, soul, rhythm and blues and salsa as the in-thing, we can also now add a new twist to include songs from different cultures and even explain their meaning.

Mr. Temporary Speaker, Sir, I brought this Motion after noticing the current hopelessness in our young people. This hopelessness is based on lack of a foundation. They are now standing on anything that happens to them from radios and television. The traditional communal way of life has been replaced by individualism. So, many youths lack a foundation. A human being who has no foundation will be carried away by the wind. That is why we have a problem of drug abuse and alcoholism. There is a gap that has to be filled by drugs, alcohol and crime.

As I said, there is a channel on DSTV known as "Crime." You will sit and watch how a couple planned and executed a murder and hid the body in the forest, and how the police had trouble finding proof and, therefore, they were set free. Such programmes become the in-thing for our young people.

The Temporary Speaker, Sir, there is also the issue of celebrating the wrong things. That is also another culture that we need to reverse right from the early stages. We are now celebrating people who have become rich out of selling drugs to kids. Those are the people who are going places and we are celebrating them. If you served in an office and manipulated it to become rich, you will hear people saying: "*Huyo alikuwa Permanent Secretary ama Waziri ndio maana amekuwa tajiri hivi.*"

The Temporary Speaker (Sen. Murkomen): Order, Dr. Kuti! You are only allowed to use one language, and your time is running out.

Sen. (Dr.) Kuti: Mr. Temporary Speaker, Sir, culture is the beginning of the solution. As much as we are pushing The National Authority for Campaign against Alcohol and Drug Abuse (NACADA) and creating the Youth Enterprise Development Fund, we must have adults who have the feeling to work hard and earn from that genuine hard work. We must have adults who are ready to contribute to their neighbours and make them happy and those. We must have adults who will come up with programmes that will support the poor, just because they want to contribute and be heroes in that sense. Here, you can only be a hero because you have amassed crooked wealth.

Mr. Temporary Speaker, Sir, I am grateful that I got this opportunity and to those who have participated in this Motion.

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

The Temporary Speaker (Sen. Murkomen): Order, hon. Senators! You will remember that before we vote on any Motion, the Speaker must rule as to whether or not it affects counties. Having examined, read and analyzed the Motion by Dr. Kuti, I, therefore, rule that it does not affect counties.

I will proceed and put the Question.

(Question put and agreed to)

ADJOURNMENT

The Temporary Speaker (Sen. Murkomen): Hon. Senators, it is now time to adjourn. The Senate, therefore, stands adjourned until tomorrow, Thursday 25th July, 2013, at 2.30 p.m.

The Senate rose at 6.30 p.m.