

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 27<sup>th</sup> April, 2016

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

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

### PRAYERS

### STATEMENTS

#### THE DECLINING STATE OF HEALTH SERVICES IN NANDI COUNTY

**Sen. Sang:** Mr. Speaker, Sir, pursuant to Standing Order No. 45 (2) (b) I seek a Statement from the Chairperson of the Standing Committee on Health on the declining state of health services in Nandi County.

In the Statement, the Chairperson should:-

1. State whether the Government is aware that all public facilities in Nandi County have not been operational in the last three weeks.
2. State the Government's policy on the requirements and process of promotion of health workers across the country.
3. Explain the Government's policy on the absorption of the health workers previously working under the Economic Stimulus Programme in our counties.
4. Explain the role of the Ministry of Health in streamlining human resource development in the health sectors in our counties.
5. Explain what the Senate Health Committee can do to mediate between the county government of Nandi and the Union of Nurses to ensure immediate operationalisation and provision of health services in Nandi County.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I will need two weeks to answer.

**Sen. Sang:** Mr. Speaker, Sir, I appreciate that a number of the issues that I am seeking in the Statement might require about two weeks as the chairperson has requested. However, there is one that is urgent.

My last request is about my county. The people of my county have not received health services for the last three weeks. I am sure the Committee on Health can mediate between now and Tuesday next week. It is a matter of mediating between the Nandi County Government and the Union of Nurses. That might not require two weeks.

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Therefore, I request that the chairperson indulges the House and provides that particular answer by Tuesday next week.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I thank Sen. Sang for appreciating that his question was lengthy and needed some time. I appreciate that he is also limited to one issue that can be answered in one week's time. I oblige.

**The Speaker** (Hon. Ethuro): By one week's time, it will be Wednesday. Sen. Sang is asking for Tuesday.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, it will be done.

**The Speaker** (Hon. Ethuro): Order Sen. (Dr.) Machage. When will you answer?

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, you have ordered that it is done on Tuesday. I will try.

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

**The Speaker** (Hon. Ethuro): What is it Sen. (Prof.) Lonyangapuo?

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, after listening to the response and the manner in which the Chair is responding, he is giving us a timetable on how to respond to this Statement. Is he aware that health is a devolved function? It is strictly under the functions of this House. Therefore, it should take zero time if possible. In fact, the answer should be brought tomorrow.

*(Applause)*

**The Speaker** (Hon. Ethuro): Order Sen. (Prof.) Lonyangapuo. You are completely misrepresenting this House. You are equating your Chair to the governor or the county executive committee (CEC) member of health. That is wrong.

**Sen. Leshore:** Mr. Speaker, Sir, you have heard the response from the Acting Chairperson, who is also a medical doctor. He knows that all medical issues are urgent. He should, therefore, give us that response immediately because the mothers in Nandi County are at risk. Now that the rains have started we will have many cases of Malaria and Typhoid.

Could the Acting Chair come back with the answer on Tuesday?

**The Speaker** (Hon. Ethuro): Order, Sen. Leshore. I thought you were in the House with me. The Acting Chair has already said that he will come with a response on that particular issue on Tuesday.

Sen. (Prof.) Lonyangapuo, I do not know how you expect the Chairperson to respond. Is it just a matter of saying: "Yes it is this period?" There is no content.

What is it, Sen. Sang?

**Sen. Sang:** Mr. Speaker, Sir, I want to thank you for the direction you have given. On several occasions, when a committee of this House is requested to avail a statement to this House within the shortest time possible, like in this case, it has been useful when the Chair gave directions that, that Committee is given the necessary facilitation and support.

Would I be in order to request that you actually direct that the Committee is facilitated and given priority in terms of facilitation, to ensure that they are able to meet that deadline?

**The Speaker** (Hon. Ethuro): You are completely out of order. All Committees are facilitated adequately by the House to discharge their responsibility. It is for the Chair

to put the request to the Clerk on the kind of facilitation he needs. Do not anticipate; wait for the Chair on Tuesday, to know whether or not he has delivered.

Are there any other requests or responses?

STATUS OF COUNTY GOVERNMENTS FUNDS  
HELD IN IMPERIAL, DUBAI AND CHASE BANKS

**Sen. Ndiema:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.45 (2) to seek a Statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget regarding county governments funds held in the closed Imperial, Dubai and Chase banks.

In the statement the Chairperson should:-

(a) State the amount of funds that the various county governments deposited in Imperial, Dubai and Chase banks, specifying the amount per county since the year 2013 to date.

(b) Confirm whether in each case the necessary authorization to bank in the same banks was sought and granted.

(c) Explain the purpose for which the said funds were budgeted and allocated by the county governments and why the funds were deposited, instead of being used to meet the envisaged expenditures.

(d) State the amount of interest earned in each case and how it was used.

(e) Explain the measures that the affected county governments are taking to recover the funds.

(f) Explain the measures that have been taken by the respective county governments against the officers who occasioned any loss due to any acts of omission or commission in respect of the inaccessible funds.

**The Speaker** (Hon. Ethuro): Is the Chairperson, Vice-Chairperson or any Member of that Committee here?

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, we will bring the answer in two weeks time.

**The Speaker** (Hon. Ethuro): Two weeks time; it is so ordered.

What is it, Sen. Adan?

**Sen. Adan:** Mr. Speaker, Sir, could you allow me to request for a statement?

**The Speaker** (Hon. Ethuro): Are you doing it now?

**Sen. Adan:** Yes, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Proceed.

FREQUENT POWER OUTAGES AND SURGES  
IN KINNA SUB-COUNTY

**Sen. Adan:** Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No.45 (2) (b) I wish to seek a Statement from the Chairperson of the Standing Committee on Energy regarding the surge of electricity and destruction of personal property in Kinna Sub-County, Isiolo County.

In the statement, the Chairperson should:-

(1) Explain why there is loss of power for long periods of time every week and frequent surge of electrical power in Kinna Sub-County.

(2) State and explain what measures the Government is taking to prevent the frequent surge and loss of electrical power in Kinna Sub-County.

(3) State when the Government will take the necessary measures to reduce the loss and prevent the surge of electrical power in Kinna Sub-County.

(4) State and explain how and when the Government will compensate the residents of Kinna Sub-County for the loss of property such as electronics, shops, houses and animals due to the frequent power surges.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, could you allow me to give an addendum? Four weeks ago we had a power surge in the whole of Migori County and a lot of property was destroyed. There is also frequent power shortage in Migori.

Could I request that Migori County is also included in the answer that the Chair will give on Isiolo?

**The Speaker** (Hon. Ethuro): Is the Chairperson of the Committee on Energy not here? I thought I saw the Senate Deputy Majority Leader. Any Member of the Rules and Business Committee (RBC)? Prof. Lonyangapuo!

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, I seek two weeks to deliver the message to the Chair.

**The Speaker** (Hon. Ethuro): It is so ordered.

Sen. Madzayo.

#### STATUS OF KENYA CASHEW NUTS LIMITED

**Sen. Madzayo:** Bw. Spika, kwa mujibu wa Kifungu 45 (2) (b) cha Kanuni za Seneti, naomba taarifa kutoka kwa Mwenyekiti wa Kamati ya Kudumu ya Kilimo kuhusu mtambo wa korosho wa Shirika la Kenya Cashew Nuts Limited.

Katika taarifa hiyo ningependa Mwenyekiti wa Kamati kueleza:-

(1) Je, ni kwanini mtambo wa shirika la Kenya Cashew Nuts Limited uliokuwa kwa mikono ya vyama vya ushirika wa ukulima wa zao la korosho katika Kaunti ya Kilifi ulipewa kampuni ya Millennium Management Limited?

(2) Je, ni nani aliyechukua asilimia 35 ya hisa walizokuwa nazo wakulima wa korosho wa Kaunti ya Kilifi kwenye shirika la Kenya Cashew Nuts Limited?

(3) Je, hisa hizo ambazo ni asilimia 35 ziko wapi na zitarejeshwa lini kwa wale wakulima wa Kilifi?

(4) Je, uhamishaji wa hizo hisa za ununuzi wa Shirika la Kenya Cashew Nuts Company Limited ulifanywa kulingana na sheria za Kenya na kama ni hivyo, ni nani aliyeidhinisha kuuzwa au kuhamishwa kwa hisa hizo asilimia 65 zilizomilikiwa na Serikali kwenye Shirika la Kenya Cashew Nuts Limited hadi kwa kampuni ya Kenya Assets Management Limited?

(5) Je, Serikali itaweza kurejesha hekari 350 za shamba iliyojengewa lile Shirika la Kenya Cashew Nuts Limited kwa sababu inaonekana wazi kwamba kampuni ya

Millennium Management Limited ilinunua mtambo wa korosho pekee na sio ardhi? Je, ni lini ardhi hiyo itarudi kwa wananchi wa Kaunti ya Kilifi?

**The Speaker** (Hon. Ethuro): Je, Mwenyekiti wa Kamati yuko?  
Sen. Ndiema.

**Sen. Ndiema:** Bw. Spika, nakusudia kwamba tutajibu baada ya wiki mbili.

**The Speaker** (Hon. Ethuro): Jibu lipatikane baada ya wiki mbili.

We will now move to Statements to be issued. Is the Statement by the Chairperson of the Committee on Finance, Commerce and Budget ready?

Is the Statement by the Chairperson of the Committee on Agriculture, Livestock and Fisheries ready?

Sen. Ndiema.

#### AGRO-PROCESSING INDUSTRIES IN ASALS

**Sen. Ndiema:** Mr. Speaker, Sir, we are still working on the Statement. I request for one more week.

**Sen. (Prof.) Lonyangapuo:** On a point of order, Mr. Speaker, Sir. You ruled that the Statement be given today after they pleaded for two weeks. The time has come and the Vice-Chair is now asking for a week. Is the Vice-Chairperson in order to request for more time when he knew that he was supposed to give the Statement today?

**Sen. Ndiema:** Mr. Speaker, Sir, it has happened many times that while we intend to perform within a period of two weeks, circumstances sometimes are such that we do not get the responses in good time. There is a tradition in this House and we are requesting for---

This is not the first time for a request for extension to be given. Therefore, I request the Senator for West Pokot to agree with the extension of one more week.

**The Speaker** (Hon. Ethuro): Order, Mr. Vice Chairman. That is exactly what the Member is contesting. You had anticipated an extension of time and you are now justifying that it is normal to ask for an extension. The issue is; what circumstances warrant the extension of time?

**Sen. Ndiema:** Mr. Speaker, Sir, we have not received the response from the relevant Ministry.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, it is like the Chairman was sitting pretty in his office waiting for the answers. I expected him to go and look for answers rather than wait for them to be delivered. I do not know the mode of delivery. Up to when shall they wait? I thought they should have gone for the answers. They should give us a definite date in the course of next week when they will give the answers.

**The Speaker** (Hon. Ethuro): Vice Chair.

**Sen. Ndiema:** Mr. Speaker, Sir, we have called upon the Ministry to respond. With due respect, we have always promptly responded to any questions that come before the Committee. I think this is a special case and, therefore, I seek indulgence. There must be some reason for that. Maybe they were at some other place but this is an exceptional case.

**The Speaker** (Hon. Ethuro): Order! You should give the response in the next one week or even earlier. The Member is also suggesting that you should also appear like you are doing something rather than “sitting pretty”, to use his words.

Let us move to Statement (c)

#### CONSTRUCTION OF A CEMENT PLANT IN WEST POKOT

**The Speaker** (Hon. Ethuro): All statements today seem to have been requested by Sen. (Prof.) Lonyangapuo. Is the Chairperson or any Member of the Committee on Land and Natural Resources around?

Members, statements (a) and (c) should appear on the Order Paper tomorrow. It is not acceptable that the Chair, Vice Chair or any other Member does not even have the basic courtesy of coming to the House and letting us know what is happening. Failure to deliver them tomorrow will also lead to further sanctions.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. Now that you are contemplating the possibilities of sanctions tomorrow, could you also reserve commendation and recognition for the performance by Sen. Ndiema and Sen. Obure from the Coalition for Reforms and Democracy (CORD) side who have saved the day?

*(Sen. Obure stood in his place)*

**The Speaker** (Hon. Ethuro): Sen. (Dr.) Khalwale, I wish I could grant your wishes but they lack merit completely. Sen. Ndiema only asked for more time. I only saw Sen. Obure standing and he has not uttered a single word.

*(Laughter)*

More importantly, you do not anticipate sanctions. Wait for that day. Even if the sanctions were to be given, it is not a must that there must be a simultaneous and opposite reward to others.

**Sen. (Prof.) Lesan:** Mr. Speaker, Sir, to avoid any ambiguity regarding the question by Sen. (Prof.) Lonyangapuo, was he concerned with the construction of a cement company? I would like him to clarify so that we are clear about what the question is. He should tell us whether he meant construction of a factory or a company because we could---

**The Speaker** (Hon. Ethuro): Order, Sen. (Prof.) Lesan, that is not our business. I am sure there are only two seats between the two of you. That is not the proverbial one of Abraham and the angels.

Sen. Kagwe.

## POINT OF ORDER

### LACK OF MONEY FOR SENATE OPERATIONS

**Sen. Kagwe:** Mr. Speaker, Sir, I rise to seek your guidance on a matter that has become troubling as far as the Senate procedures are concerned.

The committees of this House have virtually ground to a stop specifically because we are being told that there is no money for operations. Further, even our staff - I do not about other Senators - have been struggling to get paid as well. When we started discussing matters of operations in the Liaison Committee, we were asked to go and discuss with the National Assembly on a formula popularly known as *per capita* operations in the committees.

We were advised that the people who can help us in this matter are not actually the Liaison Committee as such but Members of the Parliamentary Service Commission (PSC) from this House. In addition, I am told that the National Assembly has the money. To add insult to injury, I am informed that the money that was supposed to be for the Senate was actually used by the National Assembly on the understanding that it would be reinstated by the Treasury.

Mr. Speaker, Sir, the committees have problems travelling overseas. For example, the committee of which I am a Member has not made any single trip overseas. We were happy and quite prepared to travel and oversight county governments but we cannot even do that. We are told that we cannot even go to Machakos County because there is no money.

To add insult to injury, we were even told that the Senate Magazine that we have been producing over time cannot be produced for whatever reason yet it was one of the vehicles and avenues that we were using to inform the public about what the Senate is doing. This is a matter that lies in the hands of the Liaison Committee, to some extent, but largely, to the PSC. We have got representatives from this House in that Commission. One of them is present. Time has come to ask ourselves some very serious questions.

Sen. Murungi had mentioned this once. Are we able to get our money? Are the current representatives of PSC from this House able to negotiate on such a matter moving forward? Is the PSC representative team from this House able to renegotiate with the National Assembly so that we remove the *per capita* allocation in the committees? Is the PSC able to reinstate our Magazine so that we can inform the public about what we are doing?

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

**Sen. Orengo:** On a point of order, Mr. Speaker, Sir. While I totally agree with what my brother, the Senator from Nyeri County is saying, I am wondering whether the forum is correct. We know what is going on around this matter. They are a bit complicated and it is even more complicated because we have commissioners in this Senate in that Commission.

The Chief Executive Officer (CEO) of that Commission comes from the Senate. This whining should stop for a little while until we examine this matter internally, before being seen to be weak-kneed and whining. I do not think it will help us.

**Sen. Kagwe:** Mr. Speaker, Sir, the furthest thing on my mind is whining. That is why I am demanding action. I am not a whiner. There is a big difference between whining and making a statement.

**The Speaker** (Hon. Ethuro): Order, Sen. Kagwe! Let us hear from Sen. Murkomen.

**Sen. Murkomen:** On a point of order, Mr. Speaker, Sir. Whereas this is a very serious and important issue, am I in order to follow in the footsteps of my mentor and senior counsel, Sen. Orengo? This is in the sense that we have distinguished ourselves as a House in terms of matters related to welfare or where there are issues dealing with a situation where we have an issue with officers or Members of the “Lower House”.

As a House, we have generally handled this issue in a more mature manner. You are the one who has led us through the normal *kamukunjis* and negotiations. A lot has been happening behind the scenes. I totally share in the frustrations of Sen. Kagwe. I feel it. Would it not be in order if I request that we have, in our usual way, addressed this issue in national interest?

**Sen. Kagwe:** Mr. Speaker, Sir, there reaches a point where caution ends and cowardice begins. I was to propose that you, in your capacity as our head, kindly calls us for a *kamukunji* to discuss this matter. A story is told of a *Mzungu* who came with six cups and every time a cup broke, the servant said sorry until all the cups broke. Six cups later, with all the sorries in the world, the *Mzungu* did not have any cup to drink from.

Mr. Speaker, Sir, let us by all means have this *kamukunji* that is being proposed. However, let us do so appreciating and knowing that we have negotiated from a position of weakness for too long. It is time to negotiate from a position of strength.

**The Speaker** (Hon. Ethuro): Order, Sen. Kagwe!

**Sen. Kagwe:** Nimemaliza. Asante sana.

**The Speaker** (Hon. Ethuro): Hon. Members, I think I have advised severally that the issue is not weakness but the appropriate forum. This is because you need to get the pine of every Member of the House so that we agree that that is the correct position. From there, we will know what to do.

I propose that this kind of matter should not be coming to the Plenary. We will organise a *kamukunji* as we have always done on various matters. I do not remember the last time we organised one for such. That was a long time ago when we were just starting. So, it means that the fact that we have not revisited that matter in a long while, can only demonstrate that something good has been happening. Now that you have raised it, we will organise one.

## COMMUNICATION FROM THE CHAIR

### VISITING DELEGATIONS FROM SIAYA AND VIHIGA COUNTY ASSEMBLIES

**The Speaker** (Hon. Ethuro): Hon. Members, before we proceed, I would like to acknowledge the presence in the Speaker’s Gallery this afternoon, of visiting Members



and staff from Siaya and Vihiga County Assemblies. The County Assembly Members (MCAs) and staff are here on a bench marking visit at the Senate.

I request each member of the delegations to stand up when called out so that they may be acknowledged in the Senate tradition.

From Siaya County Assembly:-

1. Hon. Leonard Oriaro
2. Hon. Peter Muhula
3. Hon. Pius Ombiyo
4. Hon. Rose Okite
5. Hon. Anjeline Odhiambo
6. Hon. Walter Okello

They are accompanied by the following staff:-

1. Mr. Agola Sylvester
2. Mr. Kennedy Opiyo
3. Mr. David Owino

From Vihiga County Assembly, we have:-

- |                             |   |                  |
|-----------------------------|---|------------------|
| 1. Hon. Khalid Khamisi      | - | Chairperson      |
| 2. Hon. Zakayo Manyasa      | - | Vice Chairperson |
| 3. Hon. Reuben Ombima       | - | Member           |
| 4. Hon. Elizabeth Anaya     |   |                  |
| 5. Hon. Dorcas Anupi        |   |                  |
| 6. Hon. Maureen Ambasa      |   |                  |
| 7. Hon. Wycliffe Masini     |   |                  |
| 8. Hon. David Ogova         |   |                  |
| 9. Hon. Wilberforce Kitiezo |   |                  |

They are accompanied by the following staff:-

1. Ms. Josephine Evelia
2. Ms. Jemimah Seredi
3. Ms. Damary Litabas
4. Mr. Rodgers Obuhuma
5. Mr. Stephen Otenda
6. Mr. Vincent Muhando

I hope that they have a fruitful programme. On behalf of the Senate and my own behalf, I welcome you to the Senate and wish you well for the remainder of your stay here.

I thank you.

**Sen. Orenge:** Mr. Speaker, Sir, thank you for welcoming these two delegations from Vihiga and Siaya counties. I need not say more because once the Speaker has given a word of welcome, that is on behalf of the entire Senate.

The two delegations came as guests of the Implementation Committee of the Senate. These are the implementation committees from Vihiga and Siaya counties. Let me confirm to the Senate that in terms of performance, these two committees have been rated No.1 and 2 nationally.

(Applause)

Indeed, the first one was the Vihiga County Committee and the Assembly. My county was the runner up.

We had a very good session with the two committees this morning. What impressed me is the great faith that people have in devolution. The questions that we were asked as the Implementation Committee of the House demonstrated the depth to which the Members of these two delegations have gone to in order to determine that devolution works and detect any flaws or any challenges that together, we may sit and try and find a resolution.

To that extent, I was a bit taken aback about their knowledge of Standing Orders, the Constitution and the relevant legislation in that one hour meeting. I was very impressed and I thought that I should do a little more homework in order to react to all the questions that they raised.

Mr. Speaker, Sir, I think devolution is here to stay and work. When you hear delegations that are coming from counties speak about devolution with the same kind of passion and interest and devotion, we cannot go anywhere but make devolution succeed. One of the questions that arose and we shared with them was the issue of the Sen. Sang Bill. We demonstrated to them why that Bill is important and why it is probably not working at the moment. Concern was being raised about having a structural framework where the Senate and the county assembly can work together more effectively. They also raised issues about the Council of Governors (CoG) meeting in Meru. Without saying much, I think we had the same position about the meeting

Thank you so much for giving the counties this opportunity. As the Implementation Committee, I think there are only few assemblies in the country whose committees we have not met. We have had a session where we called about four committees from the northern part of Kenya, Tharaka-Nithi and the coast, to have an engagement with them and share ideas.

We hope to continue with this but I thank the Senate for welcoming these two teams from the counties. I gave a bit of a report to Vihiga Senator because the delegation is from his county.

**Sen. Khaniri:** Mr. Speaker, Sir, allow me to join you in welcoming members from the Vihiga County Assembly, a county that I am proud to represent in this august House. Once again, I want to hail the County Assembly of Vihiga for fully embracing the Speaker's programme of capacity-building our county assemblies to ensure that they play their role of oversight in a better way.

Mr. Speaker, Sir, when a team is coming from various county assemblies, the Senator from the area is notified. This time round, I was not notified and I did not know that my Members were here until I just bumped into them this afternoon before this Session. I want to encourage that good practice of notifying Members and a courtesy call be arranged like it has always been done. May be for my case, I think I have received so many Members until the Clerk takes it for granted because this is like the ninth team I am receiving. After this team, all the 39 elected and nominated Members of County Assembly of Vihiga would have been to the Senate.

Mr. Speaker, Sir, I do not need to repeat what Sen. Orengo said but I just want to tell my Members and the entire membership of county assemblies in the Republic that their biggest ally in their duties is the Senate. They must endeavor to work alongside the Senate and ensure that Kenyans get to see the fruits of devolution. Therefore, as the Senate, we have embraced them and we want to work with them.

Personally, I have had a fantastic working relationship with my county assembly. I address them on an annual basis and I will be addressing them this August. I want to encourage a good working relationship between the Senate and the county assemblies to ensure that accountability for the monies that we send to the counties is upheld.

I welcome them and wish them a fruitful stay in Nairobi and safe journey back to their stations.

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, I was not planning to say anything but I realized that I had not put off my intervention button. Just like the rest of the Senators, I welcome the two committees and wish them a fruitful stay. Most importantly is that, the first point of oversight remains our county assemblies. If this Senate is not going to empower our Members in the county assembly, the governors will continue running amok. Therefore, I hope that when somebody asks me a question on one legacy that this Senate must leave, it is the shock absorbers on devolution. One of the shock absorbers is the county assemblies.

Mr. Speaker, Sir, if there is going to be another devolution conference, that conference must be done by the Senators of this Republic in conjunction with the county assemblies.

**Sen. M. Kajwang:** Mr. Speaker, Sir, I would like to join my colleagues in welcoming the delegations from Siaya and Vihiga counties. As you are aware, Siaya is one county that has produced the Vice President of this nation, the Prime Minister of this nation, the President of the United States of America (USA) and the future President of Kenya. Vihiga County is not left behind because they have produced a Vice President of Kenya whose tenure was the shortest.

*(Laughter)*

Mr. Speaker, Sir, on matters devolution, I want to encourage the Members of the County Assembly to guard devolution jealously. We tend to say that if things are rotten at the national Government, we cannot afford the same state of affairs in the counties. They are our savior who will ensure that women see the benefits for which they pay taxes.

I also want to encourage the MCAs because, sometimes when we talk of violence in elections, we think that violence will only come in the presidential elections. I have observed the heated campaigns for the positions of MCAs all over the country. I want to tell the MCAs and the *waheshimiwas* who are here that they should also guard against perpetuating violence in their respective areas. When it comes to issues of violence, I hope that the two county assemblies also join this Senate in declaring that we should work towards a situation where there is no more violence in this country on account of elections.

I want to encourage them that when they go back to their respective counties, next week on Tuesday, they come out and raise their voices so that their voices and stands can be heard. For us to forestall further violence in this country, we must reform our electoral systems and put pressure to bear so that we have meaningful reforms in the judiciary, police force and deal with corruption. I urge them not only to focus on corruption of the national Government but also to deal decisively with the corruption that seems to rear its ugly head in our counties.

**Sen. Murkomen:** Mr. Speaker, Sir, allow me to join the Senators of the great counties of Siaya and Vihiga in welcoming the MCAs from the two great counties. As I have said before, your office is doing a great job by providing the framework within which we can exchange ideas with county governments and they can come here for bench-marking.

Mr. Speaker, Sir, I was with you today when the Ministry of Devolution and Planning was launching the framework for public participation and civic education. I agree with your comments that the best way to ensure that devolution moves forward is to ensure that all actors are involved through participation. There is no better institution to do that than county assemblies. They are the owners of budgeting and allocation of resources at the local level.

Allow me to remind our colleagues from the county assembly here, that phenomenon that we see in counties where county government funded projects have a billboard or a tag of an individual must come to an end. That is not what devolution was all about. Devolution was about various actors playing a role that leads to the success of our people, but you find that the whole work done by the county assembly in budgeting for projects in the county and ensuring that resources are allocated is reduced to one individual in the person of a governor, putting a billboard and a tag everywhere. This behavior must change because it is replicated by our colleagues in the lower House where projects funded by Constituency Development Fund (CDF) are tagged and attributed to an individual Member of the National Assembly. That kind of behavior must come to an end.

Mr. Speaker, Sir, the resources we budget for and send to the counties; there is a role that is played by the taxpayer who gave that money, a role played by the Senator dealing with matters of Division of Revenue and Allocation of Resources, a role played by the county assembly and a role played by the county executive. We cannot reduce that to be a one man show. It must be that we have a collective responsibility as leaders to ensure that with humility, we serve our people.

Lastly, is to remind our colleagues in the county assembly, as Sen. M. Kajwang said that we are going to elections. You have said and I agree with you that we must hold the country together and use our institutions of governance to serve the people. We must ensure that those institutions grow. We do not want anyone stifling the county assemblies, the Independent Electoral and Boundaries Commission (IEBC), the Judiciary, the County Executive or the Senate. All these institutions must be allowed to grow and do their job. When they pass through Kisumu as they go to Siaya, they tell Kisumu leaders that when we talk about reforming IEBC, it has nothing to do with IEBC staff in Kisumu.

We do not need to eject local staff because we want the people of Kisumu to have a role in voting for themselves and in the elections of this country.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, I also join you and my colleagues in welcoming the two committees from the two counties. Sen. Orenge has confirmed that the two committees are rated highly. As we congratulate them, we also need to remind them that there are interesting scenarios in their counties and Kenya at large.

Recently, funds were submitted to the Council of Governors (CoGs) from the counties. Vihiga County, which is a small county and we know how much it gets, was among the counties that submitted a lot of money for free, to be wasted on *mandazi* here in Nairobi in a building owned by foreigners. We want the Members of the County Assemblies (MCAs) to be more thorough than they are today, because they are key pillars of devolution on the ground.

As Members of the County Public Accounts and Investment Committee (CPAIC) of the Senate, we wonder whether the chair of a similar committee in your county assembly sees what we are seeing. There should be concerted efforts from the Senate and the county assemblies to make sure that things move right.

I want to encourage them to work hard. I know that the challenges are immense, but together, we can move forward.

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

**Sen. (Prof.) Lonyangapuo:** I know that Sen. M. Kajwang encouraged you, but I hope you will not buy a *firimbi* the way some of us did. That is not a good practice to pick.

(Laughter)

**The Speaker** (Hon. Ethuro): Order, Members. Because of interest, I will limit your submissions to a maximum of two minutes.

Sen. Wako.

**Sen. Wako:** Mr. Speaker, Sir, thank you for giving me this opportunity. I also wish to add my voice to those of other Senators in congratulating the implementation committees of the county assemblies of Vihiga and Siaya for being number one and number two in the county assemblies. I was born and raised in Vihiga County and so, I know it well. Siaya County is my neighbouring county.

The implementation committees of the county assemblies are here to make sure that the various resolutions, petitions and subsidiary legislations passed are implemented. I congratulate you for being number one and two. I encourage other implementation committees of other counties to visit you and see what you are doing.

I will be encouraging the implementation committee of the County of Busia to visit the neighbouring county of Siaya to see how you are doing it. From there, they will go to Vihiga County to see how they are doing it. We should encourage, where possible, benchmarking between counties, because various counties are good at doing certain things. They do not have to go to Israel to benchmark on agriculture; they need to go to Uasin Gishu and Trans Nzoia counties to see how agriculture is undertaken. I find that

type of visit useful. Therefore, the two committees should prepare for visits from the implementation committee of the County Assembly of Busia.

Thank you.

**Sen. Sang:** Mr. Speaker, Sir, I want to join you and my colleagues in congratulating the committees from the two county assemblies that are visiting the Senate, particularly, Vihiga County which neighbours my county. I want to congratulate them for being the first and the second in terms of the various county assemblies committees. I want to encourage Sen. Orenge and his team that they need to spend more time with the ones who are at the tail-end than with the ones which are first and the second. I think that Nos. 47, 46 and 45 need more help more than this team.

I want to encourage the MCAs that devolution will succeed in this country because of county assemblies. It perturbs some of us to see county assemblies approving a budget in this financial year--- We know that the budgets of counties are programme-based. This means that in every budget you can tell exactly what is it that those resources are supposed to do. In the next financial year the same county assemblies approve another budget before the projects that were budgeted for in the previous budget are undertaken.

If we must succeed under devolution, we must ensure that every coin from *mwananchi* is spent on the projects that have been identified. Before we move into the next financial year, we should carry out oversight and ensure that every single coin in the previous financial year has been spent.

I want to encourage the MCAs to carry out their responsibility. The Senate is here to support them as they do so.

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

**Sen. (Dr.) Machage:** Asante Bw. Spika. Nawapongeza wenzetu kutoka mashinani kwa kufika hapa. Naamini kwamba watajifunza mengi, kama vile sera za Seneti hii. Ningependa kusesitiza maneno ambayo yamesemwa na wenzangu kuhusu sera za watu kuandamana na kupiga firimbi. Mbiu ya mgambo ikilia kuna jambo. Ukifika kwa kichaka na usikie ndege wengi wakipiga kelele labda kuna nyoka. Ningependa kuwaambia wenzangu walioko upande wa Serikali kwamba mimi nastahili kuitwa mzee kwa sababu ya umri wangu. Kwa hivyo, wanafaa kusikia wosia wangu.

**Sen. (Dr.) Khalwale:** Una miaka mingapi?

**Sen. (Dr.) Machage:** Hizo ni *details*.

*(Laughter)*

**Sen. (Dr.) Machage:** Bw. Spika, wanafaa kutafuta nafasi ili waongee na viongozi wa Upinzani ili wasiingize nchi kwa matatizo kwa sababu ya jambo ndogo kama lile la maafisa wa Tume ya kusimamia uchaguzi. Jambo hilo ni ndogo sana. Wanafaa kutafuta nafasi ya kuwasikiliza viongozi wa Upinzani. Viongozi wa Tume inayosimamia uchaguzi pia wanafaa kuwa na muda wa kuwasikiza. Wasiwe wakitenga tarehe ya kukutana nao kisha wanatoroka. Wanafaa kuwasikiza hata kama hawakubaliani nayo ili kuwe na uwiano na amani nchini.

Asante.

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

## **BILLS**

### *First Readings*

THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2015)

THE COUNTY ALLOCATION OF REVENUE BILL  
(SENATE BILL NO.3 OF 2016)

*(Orders for First Readings read – Read the First Time and  
ordered to be referred to the relevant Senate Committees)*

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. In respect of the First Reading of the County Allocation of Revenue Bill, as you are aware, according to Articles 217 and 218 of the Constitution, we met the provisions of Article 217(1) when a few weeks ago we passed the second generation formula.

I am concerned that the Bill that we are reading now is not factoring in the second generation formula. It is based on the first generation formula. This being the case, I would like to clarify that in view of the provisions of Article 218(1), which gives a timeline that we should be done with it by 30<sup>th</sup> April. That means that we only have tomorrow. Given that the second generation formula has not received the concurrence of the National Assembly and provided that the same Article 217(3) allows a timeline of 60 days for the National Assembly to make that decision, are we, therefore, saying that as the originating House, we are reading this Bill based on the first generation formula because we have no faith in ourselves and we fear that there would be no concurrence from the National Assembly.

Mr. Speaker, Sir, you need to guide me because my take would be that when this formula was adopted here, it was not in vain. As the originating House, my take is that we proceed with the new Bill based on the second generation formula in the good hope that there would be concurrence from the National Assembly. Why do you want to give the impression that our resolution is only conditional to approval by the National Assembly? Are we therefore not saying that the National Assembly is superior and we are kneeling for them to allow us to come back subsequently?

I have tried to prosecute and I would be happy---

**The Speaker** (Hon. Ethuro): Order! You are trying to prosecute but you are pursuing a very dangerous path. It would be safer to ask what you need to ask and not by starting to imagine and draw your own conclusions.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, because of the freedom of thought that is enjoyed in this House and also as provided for in the Constitution, I should exhaust what I am saying for the reason that the country which is now following my discussion might not be on the same page like most Members of this House.

I, therefore, urge you that this Bill may not be read in the form that it is being read but in the form that factors in the new generation formula that this House has adopted.

**Sen. Mutula Kilonzo Jnr.:** On a point of order, Mr. Speaker, Sir. Sen. (Dr.) Khalwale has raised an important issue, but for the public that is watching, it is important that we be clear about what comes first so that we do not confuse the chicken and the egg and not end with any. According to Article 224, the county governments shall prepare their annual budgets and appropriations in accordance with the Division of Revenue Act. The Division of Revenue Bill under Article 224 is defined in Article 218(1). That Bill shall be introduced in Parliament two months before the end of the financial year.

The County Allocation of Revenue Bill, similarly, shall be introduced in Parliament for dividing of revenue amongst counties in accordance with the basis determined under Article 217. The elephant in the room is that according to this timelines and this Constitution, which formula is applicable for purposes of introducing this Bill like we have today? That is what we need to resolve.

To address the dilemma of Sen. (Dr.) Khalwale, we need to know whether the resolution passed here last week was taken to the National Assembly and whether, using your good offices and diplomacy, whether the 60 days provided in this Constitution for the resolution by the National Assembly either to approve, reject or amend the Division of Revenue Bill, can be expedited. Whilst Sen. (Dr.) Khalwale raises an important point, timelines do not stop.

Fortunately, the Bill has been introduced. Do we have an opportunity to ensure that our colleagues in the National Assembly pass a resolution before the expiry of 60 days immediately so that the country can benefit from the work that Senators did, in terms of negotiating with the Commission for Revenue Allocation (CRA) and all other stakeholders? Otherwise, all the work and negotiations, including the work done by Senators on this formula, will go to waste.

What is worrying me is that a colleague in this Senate has challenged that Bill. We are pleading with you because this is the only House that can make that determination. We should forestall a crisis that might be precipitated by the court process started by Sen. Wamatangi and any other processes that might be there so that what we have done here, does not go to waste. I am happy to say that from the reading of the Constitution, there is nothing wrong with the introduction of the Bill in so far as the law is concerned.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, Sen. (Dr.) Khalwale has ably read to us Article 217 and 218 and Sen. Mutula Kilonzo Jnr. has added Article 224. They, therefore, know the modalities of handling finance in Parliament. Is he in order, therefore, to cast an aspersion to this Senate to be inferior to the other House when he knows that it can be introduced as an amendment so that we have the new formula in the House?

In any case, if we do it later, we will delay the budgeting process of the county assemblies and we will have been seen to fail in our duties in this House.

**The Speaker** (Hon. Ethuro): Hon. Senators, it is perfectly in order for Sen. (Dr.) Khalwale to seek clarification if, for one reason or the other, he appears to be confused in this rear occasion. It is a legitimate expectation on the part of Sen. (Dr.) Machage, being fellow professions, not to imagine that it is possible. The good thing about democracy



and Parliament is that the two colleagues including yourself, Sen. (Dr.) Machage, have responded.

We passed the formula last Wednesday and transmitted the same to the National Assembly the same day. The law gives them latitude of 60 days and we are not in control. They can decide to do it immediately or decide to extend the time. They have the liberty to extend even for one more year. Given those circumstances and given that these are things that we should clear by the end of this month, we had to introduce the Bill.

You must also recall that by the time the Division of Revenue Bill is published in March, that is the same time the Bill is ready. Rules are very clear that we do not anticipate debate. We work on the basis of what is already available. All is not lost and we should not try to read too much into it, including casting aspersions on the intentions of others or which House is superior or inferior. Those are unnecessary issues. If I were Sen. Mutula Kilonzo Jnr., I would not be talking about the elephants in the room. That expression was applicable when there were elephants but I think for us the more appropriate one would be the lions on the highways.

*(Laughter)*

We are hoping that at whatever stage the other House finishes this Business, since it is a Bill, you have the third stage where an amendment can be brought in. That is the stage we can expedite the process while waiting for the other process to go through. We definitely exercised our mind to that matter and we acted on the basis of what I have explained. Of course, we are ready to receive caution, particularly from the Leader of the Minority, in his nature.

Proceed.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I see wisdom in the direction of your thoughts and the points raised by my colleagues. We must also be very cautious about this process. We have a new formula and this House has approved it. The formula has moved to the next Chamber but experience has been that we might say we have latitude of 60 days and the formula might get to the next Chamber and go into the cooler like the other 23 Bills. The caution I wanted to put on the Table is to encourage you personally to reach out to your brother who has constantly had a dim view of our House. He should encourage the leadership of that House to give priority to the formula.

Five years are gone and the Constitution obligates us to pass a new formula that will be the basis of the division. As you say, if they decide to do nothing or do little about it, then we are disenfranchising counties because as protectors and defenders of counties and their governments, we have dutifully passed a new formula brought here by the CRA.

That formula must then shift gear from the last five years to the next five years. I, therefore, urge you to speak to your brother. Put all your communication skills that we know to persuade, cajole and intimidate them, if you can, so that we get this through. That is the caution I wanted to pass.

Mr. Speaker, Sir, now that I am on my feet, kindly allow me to welcome the delegation from Vihiga County. I was not here earlier, but I heard Sen. Orendo eloquently welcoming them. It is a delegation that I cherish to see in the Gallery. I

encourage them to remain steadfast in being the leader in doing what they are doing in accordance with what Sen. Orengo said. When you talked of lions in the room, this is the lion “himself” speaking.

**The Speaker** (Hon. Ethuro): Next time, I will look for rhinos.

*(Laughter)*

Hon. Senators, we will skip Order No.10 due to lack of the requisite numbers to vote. Let us move on to Order No.12 immediately which will be followed by Order Nos. 11 and 13, respectively.

## BILL

### *Second Reading*

THE COUNTY GOVERNMENTS (AMENDMENT) (No. 4) BILL  
(SENATE BILL NO.18 OF 2014)

*(Bill deferred)*

Chairperson of the Mediation Committee, Sen. Sitswila Amos Wako, the Senator for Busia County, Senior Counsel and a former Attorney-General. Please, proceed.

*(Laughter)*

## MOTION

ADOPTION OF MEDIATION COMMITTEE REPORT ON THE POLITICAL  
PARTIES (AMENDMENT) BILL (SENATE BILL NO.3 OF 2014)

**Sen. Wako:** Mr. Speaker, Sir, thank you for acknowledging me as Sen. Sitwila Amos Wako and former Attorney-General, in that order. Thank you for giving me an opportunity as the Chairperson of the Mediation Committee to move this Motion. The Political Parties (Amendment) Bill, 2014 was drafted by Sen. (Dr.) Khalwale, passed by the Senate and sent to the National Assembly where there was no debate on it. It was not rejected on the basis of its substance which was well considered, but because the National Assembly had its own Bill on the same subject matter on threshold to be met by political parties if they are to have access to the funding.

This House appointed four of us to be Members of the Mediation team---

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

**Sen. Obure:** Mr. Speaker, Sir, my point of order is that the Senator for Busia County, Senior Counsel and former Attorney General of the Republic of Kenya has started debating this Motion without, first, moving it.

**The Speaker** (Hon. Ethuro): Sen. Wako, it is not enough to force us to acknowledge all your attributes and then proceed to fail on basics.

*(Laughter)*

**Sen. Wako:** Mr. Speaker, Sir, the minor things can only be raised by people with minor minds. I stand corrected and beg to move that the Senate adopts the Report---

**The Speaker** (Hon. Ethuro): Order, Sen. Wako! Now that you are at it, please, do it properly.

**Sen. Wako:** Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, the Senate adopts the Report of the Mediation Committee on the Political Parties (Amendment) Bill (Senate Bill No.3 of 2014) laid on the Table of the House on Tuesday, 26<sup>th</sup> April, 2016.

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

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

Mr. Temporary Speaker, Sir, the Mediation Committee arose out of a Bill that originated from this House. This Bill was drafted by none other than Sen. (Dr.) Khalwale. The Bill tried to lower threshold that must be met by the political parties to have access to the funding. This Bill by Sen. (Dr.) Khalwale was passed in the Senate. In accordance to the relevant provisions of the Constitution, it was then transmitted to the National Assembly. When it went to the National Assembly, it was moved by the Chairperson of the Committee on Justice and Legal Affairs, but there was nobody to second it. Consequently, the Bill lapsed on that technical ground.

Mr. Temporary Speaker, Sir, the Bill never received proper consideration in the National Assembly. It was thrown out on technical ground and did not go through the whole process in the National Assembly. Therefore, in accordance with the relevant provisions of the Constitution, a Mediation Committee was appointed. It consisted of four Senators and four Members of the National Assembly. Amongst the Members appointed by the Speaker of the Senate was, none other than, the originator of that Bill, Sen. (Dr.) Khalwale. I was elected as the Chairperson of the Mediation Committee and Hon. Chepkonga was elected as the Vice Chairperson.

Mr. Temporary Speaker, Sir, as the report indicates, we had a total of five meetings. I am glad to report to this House that we unanimously arrived at the recommendations of the Committee. This underlines the fact that if we do less grandstanding, political rallies, confrontational politics outside Parliament, we are very reasonable. We are prepared to put the national interest first before our personal interests or that of our political parties.

This is one more instance where this has happened. The mediated version of the Bill which I am recommending to you was unanimously arrived at. Even the originator, Sen. (Dr.) Khalwale agreed and signed the minutes to this understanding.

Mr. Temporary Speaker, Sir, basically when it comes to the issue of funding, we all agreed that one must make a difference or strike a balance. If we have a too low threshold for funding of political parties, then you invite a multiplicity of very many political parties which is not healthy for a multiparty democratic State. Where democracy has thrived very well, there are two or three very strong political parties which compete during elections. The others may complete, but they will get nothing or just one. However, there are normally three major ones.

Therefore, lowering the threshold, the way it had been, would invite formation of many political parties. It had been proposed that if a political party manages to get one Member of Parliament (MP), be it one Senator or one Member of the National Assembly, that political party will be entitled to funding. I supported my in-law, Sen. (Dr.) Khalwale, on that one because I knew it provided an avenue for me. My Election as the Senator for Busia County convinced me to say, "Why should I continue being a member of this big party called ODM while I will be elected if I run on my political party?" I will form a political party as Sen. Wako, get elected and will be entitled to that funding. Even a Member of County Assembly (MCA) will also form a political party and be entitled to funding. This is a creation of chaos.

**The Temporary Speaker** (Sen. (Dr.) Machage): Are you declaring that you will defect from ODM to another political party that you will form?

**Sen. Wako:** Mr. Temporary Speaker, Sir, I almost considered it during Sen. (Dr.) Khalwale's proposal. However, I noticed that I am new in politics. I am now realizing that if you are called a party leader, you carry some weight. For example, in political gatherings and everywhere else, political leaders are accorded that title. I also want to be called a party leader in view of my seniority. Therefore, what better thing than to form a political party and ensure I am elected. If I visit Nandi County and there are many speakers, for example, MPs and other leaders, while being addressed they will say, "now let us go to the party leaders." Therefore, I will also stand up and speak as a party leader. If I could be tempted to do that, how many more in the country would be tempted to form political parties?

Mr. Temporary Speaker, Sir, I think that would be the end of our multiparty system. One can set the threshold low or very high. The current regulations have set it too high to the extent that only the top three political parties can access funding. Therefore, we want to strike the balance, not too low and not too high; just enough to create a multiparty democratic State.

According to the mediated version, it had been provided for that if a political party gets 5 per cent of the votes cast in the preceding elections, it will get through. According to the current Constitution, the only political parties that got more than 5 per cent were:-

- (1) The Orange Democratic Movement (ODM).
- (2) The National Alliance (TNA).
- (3) The United Republican Party (URP).

They are the only ones which qualified. All the rest did not qualify because of that 5 per cent requirement.

Mr. Temporary Speaker, Sir, we are proposing to reduce it from 5 per cent to 3 per cent. If we reduce it to 3 per cent, according to the current set up, three more political parties will benefit from the political funding.

It has also been provided that in the alternative if you cannot get 3 per cent or 5 per cent – that is where Sen. (Dr.) Khalwale still became very attractive – if a party gets just one MP, MCA or governor, it gets funding. We felt that was not right. However, even logically, if you say that if you get one Senator or one Member of National Assembly, you get political funding, That is not logical. For example, the Senator for Busia County has seven Members of National Assembly. So, to be consistent, if you retain the one Senator then at least, you must say seven MPs to get political funding. However, that is still low.

Therefore, we agreed on a figure of three Senators. We thought it was reasonable. We also agreed on a figure of three governors and 20 MPs. If you take three governors or Senators, the average will be about 20 MPs. Then we agreed on 40 MCAs. We all unanimously agreed on that. I believe that was a reasonable threshold which will enable serious parties to benefit from this funding.

I commend the Members of the Committee such as my Vice, hon. Chepkonga, Sen. (Dr.) Khalwale and others who agreed with this reasoning. The following Committee members signed the agreement:- Hon. Daniel Maanzo, my Vice Chairperson and Sen. Sang who was very passionate on this issue and eloquently put forward the views of the youth. I hope that the Senator who is sitting behind Sen. Sang will also learn from him. We also had hon. Timothy Bosire who is an accountant, he is the one who did not stand up in Parliament the other day; Sen. Murkomen was also a Member and he agreed. Hon. Njoroge Baiya who is also the Chairman of the Committee on Implementation of the National Assembly was also a Member. They agreed and have all signed.

If I may say so, the National Assembly has been ahead of us. They have already passed the mediated version of the Bill last week. I was the Chairman of the Mediation Committee and can confirm that the reasoning is proper and everything is okay. Therefore, I urge that we similarly pass this mediated version of the Bill.

Mr. Temporary Speaker, Sir, the figures that we have are close to the figures that Hon. Chris Wamalwa informed us when he appeared before the Committee. He gave us good information on the various figures and where he obtained them from.

With those few remarks, I beg to move.

I request Sen. (Dr.) Khalwale or Sang to second.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Senator! Who is seconding?

**Sen. Wako:** Mr. Temporary Speaker, Sir, Boni Khalwale.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Kindly refer to him as Sen. (Dr.) Khalwale.

**Sen. Wako:** Mr. Temporary Speaker, Sir, I was to say Sen. (Dr.) Boni Khalwale, but you cut me short.

*(Laughter)*

*(Sen. Sang stood up in his place)*

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

**Sen. Sang:** Mr. Temporary Speaker, Sir, is the Senator for Busia County, the Chairman of the Mediation Committee and the Mover of this Motion - at his age - in order to be mischievous when he had finished the statement by referring to Sen. (Dr.) Khalwale as “Khalwale” and to me as “Sang”?

*(Laughter)*

*(Sen. Wako stood up in his place)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Wako! Do not extend your mischief by taking the microphone before the Chair allows. You were out of order. However, in view of your age and seniority, I do not think an apology is necessary. However, he has noted the mistake. Education is a continuous process even at his age.

**Sen. Wako:** Mr. Temporary Speaker, Sir, I agree with your ruling, but may I say that the young people speak fast. We, the old Members, have long gaps in between. So, when we are at those long gaps, the young Members should not think we have finished.

*(Laughter)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! There is nowhere you have to agree or disagree with the ruling of the Chair. You have to accept because that is the law of the House. There is no provision for agreeing.

*(Sen. Wako stood up his place)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Wako! You have a seat.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I rise to support the Motion as moved by the Sen. Wako.

It looks like there is an attempt to address me properly. For record purposes, may I make it clear that my name is Sen. (Dr.) Boni Khalwale, MP, CHG, MBS, Senator for Kakamega County.

*(Laughter)*

Mr. Temporary Speaker, Sir, with the permission of the national party leader of the Forum for the Restoration of Democracy in Kenya (FORD), I am also the *de facto* deputy party leader.

**The Temporary Speaker** (Sen. (Dr.) Machage): No such position is legitimate in the Political Parties Act. However, it is good to dream.

**Sen. Sang:** On a point of Order, Mr. Temporary Speaker, Sir. Is Sen. (Dr.) Khalwale in order to aspire for the position of the deputy majority leader when I know the Senate Minority Leader is a serious presidential contender and we would want to have a party that has a regional balance? I am sure he is considering me as the deputy majority leader and not Sen. (Dr.) Khalwale.

**The Temporary Speaker** (Sen. (Dr.) Machage): Indeed, aspirations and dreams are acceptable in politics. No wonder Martin Luther King Jnr., had a dream and it happened. So, kindly dream!

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I compliment you for being poetic. I did not know that a doctor can have such talents. Congratulations.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! I thought you are one. Do you doubt your talent?

*(Laughter)*

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, the need for this kind of a Bill occurred to me after the frustration I got in UDF. I thought we needed to call to order the behaviour of small and big parties so that they operate within the law. This backed the thought that led to the need for this amendment. I owe it to this House that approved it.

Secondly, I also thank the Member of Parliament for Kiminini, Hon. (Dr.) Chris Wamalwa of FORD-Kenya for having the same thinking in the National Assembly. I also thank Sen. Wako for ably leading the mediation together with Hon. Chepkonga. Within record time, we had the mediated version. The import is that, we not only want to encourage as many political parties as possible to come up, but to also make sure that the desire to partake of the political funding kitty is not the reason that will drive people into forming political parties.

Therefore, it provoked me to agree with our standard which included that we reduce the amount of money that will be spend on administration of political parties from 5 per cent to 3 per cent. Importantly, it was to ensure that the parties that will attract funding will be those with at least 20 elected Members of the National Assembly, three elected Members of Senate, three elected members who are governors and at least 40 members of the county assemblies. I have no problem with this.

Mr. Temporary Speaker, Sir, I support. As I end this, I saw a lot of excitement on the face of Sen. Sang, my neighbour and Senator of Nandi County. The excitement almost looked sheepish. He is trying to defend small parties. May I tell him that it is difficult and expensive to run a political party. Having run FORD-Kenya for five years---

**Sen. Sang:** Mr. Temporary Speaker, Sir, did you hear the Senator for Kakamega alluding to some form of excitement bordering on being sheepish and making the reference to me. Is he in order?

**The Temporary Speaker** (Sen. (Dr.) Machage): Have you ever heard of satirical expressions?

**Sen. Sang:** Mr. Temporary Speaker, Sir, I have, but the word “sheepish” is abusive to say the least. I have no problem with his analysis of my excitement, but to indicate that I am sheepish is insulting.

**The Temporary Speaker** (Sen. (Dr.) Machage): The Member may have understood you wrongly. Since I know that, that was not your intention, it is good to be sorry.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I quickly withdraw because little did I imagine that, that is what I was going to do. In my understanding of the English language - which I have a command of - I saw no offence in that remark, but the hon. Senator does not have to understand it the way I thought he should. If he has understood it negatively, I withdraw and apologise.

Mr. Temporary Speaker, Sir, I just want to encourage my younger brother that running a political party is a very difficult thing. If you asked any of the political party leaders such as Sen. Wetangula, the Deputy President, hon. Ruto, President Uhuru Kenyatta, the former Vice President, hon. Kalonzo Musyoka and hon. Raila, the kind of pressure and demands they get, you will not believe it. It is unbelievable to the extent that if we could have a public fund from which political party leadership can enjoy from the taxpayers so as to strengthen democracy, that would give upcoming politicians like Cheruiyot an avenue to think of forming a party.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! You should refer to him as Sen. Cheruiyot.

**Sen. (Dr.) Khalwale:** In fact, let me pronounce it properly. Sen. Cheruiyot. It will give upcoming politicians like Sen. Cheruiyot an opportunity to think of converting their political cloud into a political party because we will not always agree with leaders of political parties. Because I am sharing an experience, let me tell him that I am happy that next year I will be running on FORD-Kenya, a party that taught me politics and a party that resonates with the spirits of the kind of people who admire my politics. It was very painful because of poor leadership at the top. I was forced to form another political party just to send that person a message that what he can do, I can do better. We do not want to go that route, but strengthen political parties.

I hope that sometime in future, a Member of Parliament, be it a Senator or a Member of the National Assembly, will come up with an amendment to kill coalitions. If the intention of raising the threshold is to make sure that we have only a few political parties, then we should also kill coalitions because small parties will sometimes hide in coalitions so as to continue perpetuating themselves. It will, therefore, be necessary to amend that in future, so that we completely remove the clause that allows for coalitions to ensure that a party grows as a party.

The beauty of this is that because Kenyans have stupidly ethicized our political parties, the highest that a tribal party can expect to go is the national quarter of its population where it has got dominance. That means that no political party in this country will ever go over 20 per cent. The beauty with it is that when people go to elections, for us to kill this ethnic thinking in voting, then all the political parties will be nowhere near 50 per cent plus 1. They will get less than 20 per cent so that the party that was number one with 17 per cent--- Let us assume that it will be The National Alliance (TNA) because I hope it has the biggest bloc. It could be followed by FORD-Kenya because it has the second biggest bloc although many know that it is the biggest bloc and number one in view of certain nocturnal gymnastics from the men and women of that community.



**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Nocturnal gymnastics is very wide. Could you say what you mean?

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, Sen. Elachi was looking at me in a manner likely to suggest that I used unparliamentary language. That notwithstanding, it will go a long way to help, so that when the number one party with less than 20 per cent wants to build up enough support in the second round to attain 50 per cent plus 1, we will look for serious partners at the right time. That is neither here nor there. We can test it on another son of this country who sooner or later might actualise the futuristic thinking that I have in mind.

Mr. Temporary Speaker, Sir, I thank you and the National Assembly for having concurred with our thinking in this Senate.

I second.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. I will propose the question.

*(Question proposed)*

**Sen. Elachi:** Mr. Temporary Speaker, Sir, first, I would like to thank the mediation team. I also thank Sen. (Dr.) Khalwale. I am one of those who benefited from the small parties. I am still the Secretary General of our party. I want to thank Kenyans because we got 51 MCAs across the country. We also have three Senators and one governor elected on our party ticket. That aside, I also got 1.1 million votes.

**The Temporary Speaker** (Sen. (Dr.) Machage): Which party is this?

**Sen. Elachi:** The Alliance Party of Kenya (APK) popularly known as “The Mbasi.”

Mr. Temporary Speaker, Sir, I also agree with the sentiments---

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. Did you hear Sen. Elachi mislead the country that she got 1.1 million votes when the APK did not have a presidential candidate? Is she riding on the votes of the TNA?

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. (Dr.) Khalwale! Just because that party did not have a presidential candidate does not mean that there were no voters who voted for the party. They had votes. No wonder they have three MPs, 51 MCAs and a governor. These people were elected unless you want to mean a presidential candidate’s votes.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, you have captured it correctly. I thought she meant she got 1.1 million national votes. If she meant the aggregate of votes that she got, then even my former United Democratic Forum (UDF) Party did far much better than them.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Elachi, continue.

**Sen. Elachi:** Mr. Temporary Speaker, Sir, he can even check that on the Independent Electoral and Boundaries Commission (IEBC) website and he will see how many votes every party garnered.

Mr. Temporary Speaker, Sir, having said that, you will also remember that we had a challenge of not getting the 5 per cent and the funding for the parties. The reasons were

that the formula was based on the total votes cast. Moving forward as a country, it is important to understand that it would be fair if we have few parties with ideologies that people believe in because we have ethicized political parties within our regions. I know that my party leader will be a presidential aspirant. He is moving to counties to ensure that other regions are brought together and that is very critical. Therefore, the fewer parties we have, the better for even a minority presidential leader who comes from a minority tribe. He or she will be able to move across the country calling for support from other counties. If we leave it that way, bigger tribes will continue to rule because they know they have the numbers.

This proposal will discourage ethnicity and enhance national unity. Not many political parties will have 20 elected Members of the National Assembly, three elected Senators and three governors. That is a tall order. Therefore, this will help to bring healthy competition and fewer nominations where people will compete. I hope this will also reduce party-hopping because people will be aware of the fact that if you have the numbers in any House, you will tap from the kitty. That has been happening. You could find a situation where somebody knows that they have a briefcase, which is a political party, and, therefore, they could still get money from the kitty as long as they marshal the numbers. This proposal will make people to work hard to ensure that their parties have elected MCAs, governors and MPs.

The issue of mediation is now coming out very clearly. Maybe going forward, we have different committees like the committees on health and agriculture that are very critical, both at the national and county level. It would be important if we can be having *ad hoc* joint committees together as we work on some of these Bills. That way, we will not end up pulling against each other so much and taking a lot of time. It has really taken a long time since this Bill was done. I urge the leaderships of the two Houses to negotiate and see that both the Senate and the National Assembly work on some of these Bills that are very concurrent. I believe Members can do it. We can see how we can mobilise each other and work so that we do not end up taking a lot of time.

I commend our representatives in the mediation team, especially Sen. (Dr.) Khalwale. I hope we can also talk to the Member of National for Kiminini, hon. Chris Wamalwa, and see how we can have one Bill instead of having two Bills that are similar and with the same issues. We can see how we can collaborate. If most of his issues were picked on this, I think they can join hands and ensure that we have one Bill that will be assented to. This will unlock the many issues that we have faced within political parties.

With those few remarks, I beg to support this Report.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I support the Motion. I also join those who have spoken before me in lauding our representatives in the Mediation Committee for a job well done; Sen. Wako, Sen. (Dr.) Khalwale, Sen. Sang and Sen. Murkomen, especially when they were mediating with an unreasonable person called hon. Samuel Chepkonga.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Sen. Wetangula, you are a seasoned politician. I need not remind you of Standing Orders No.90. Please, desist from doing that.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I withdraw, but my interactions with him always appear to be far from reasonable. However, I will avoid that. A hyena told a stone: “*Hata usiponijibu, umenisikia.*”

This report on this Bill is very important for two or three reasons. One is that it brings to the fore the important point that every vote counts. As it is today, we have created monoliths, so to speak, in accessing national revenue that goes to parties. A party that cannot get the threshold set out here has no business laying any claim to state resources. Parties must strive to grow, be national and where they do not meet the threshold, be obligated to join coalitions that give a national character that also gives the threshold.

We have so many parties in this country. At the last count, I think they were about 65. We thought that with the new Constitution and the creation of the requirement that no party shall be sectarian or regional, it appears to me that the law is not strictly followed. We know parties that are based in one county and yet they are registered and they are operating.

Mr. Temporary Speaker, Sir, before I come to the actual provisions of the Act, in future, it will be good to empower the Registrar of Political Parties to automatically deregister parties that do not win any seat at the elections. Parties should not be tools of trade as we see some of the owners of those parties doing. At elections time, they become very busy.

In fact, some of them normally shift operations from unknown offices to the gates of Parliament to offer tickets to Members who may be having difficulties in the parties that they have served on. It is prudent that the law be re-tooled, so to speak, to bring to the country a situation where at the end of an election, for example, a party that fields candidates everywhere in an election and does not win any seat, has no business remaining in the books of the Registrar of Political Parties. They should automatically come to sunset.

There is a group called Political Parties Liaison Committee. The noisiest, most arrogant and irritating parties are those that do not even have representation anywhere. You remember there was a fist fight in Mombasa County at a Political Liaisons Committee meeting. The fist fight was caused by parties that do not even have representation in county assemblies. Their representatives were asserting themselves by saying:- “I am the president of my party. I am the party leader of my party, and so on”. We need those thresholds to clean up the mess and bring sanity in the body politic of the country.

Equally important is that parties that cannot win a seat even across the county where they are based also have serious questions as to the constitutionality because the Constitution is very clear on this. The threshold of reducing from 5 to 3 per cent is reasonable. This should attract more support for more parties. When public resources are available, it is also important to spread them. Some parties fail to perform because they do not have resources. So, if a party has struggled on its own and met the basic minimum like the three per cent of the national vote, then they should get funding.

Equally important is the tabulation in Clause 2(b) that a party must have at least 20 elected Members of the National Assembly and three elected Members of the Senate,

respectively. That is achievable if a party is serious. A party should also have three elected governors, and 40 members of County Assemblies (MCAs). This is very important because it also helps parties demonstrate that they are not what is now commonly called “briefcase operators,” but they are parties with structures in counties and many other places.

Mr. Temporary Speaker, Sir, I am very proud of the party I lead because we have MCAs in Meru, Mandera, Garissa, Marsabit, the whole of western Kenya counties, Turkana, and Kwale County. We have a Member of the National Assembly all over. People should emulate this kind of a national spread so that we can institutionalise nationalism in our party politics.

Mr. Temporary Speaker, Sir, equally important - and I am very proud of it - is the fact that this Bill was brought by a member of the CORD and within CORD, a member of FORD-Kenya; Sen. (Dr.) Khalwale. The one in the National Assembly was also brought by a member of our party, Hon. Chris Wamalwa trying to help the parties that get swallowed and oppressed by larger parties around them.

Mr. Temporary Speaker, Sir, this brings me to the point of the problem of the Treasury funding political parties. If you look at the Constitution, it provides for 0.03 per cent of the national Budget. If you calculate 0.03 per cent of the national Budget, in a budget of Kshs2.3 trillion, you come to a fund of close to Kshs7 billion. When you look at what Treasury is doing, they have turned a constitutional and mandatory provisional requirement to fund parties into a discretionary fund.

They put there the amount of money they want. They do not even address the issue of percentage, but they are trying to do what our former colleague, Hon. Amos Kimunya, was doing with CDF. Instead of adhering to the provisions in the law that it must be 2.5 per cent of the national Budget, he resorted to gimmicks of generosity, telling Parliament that he gave them this much last year and he is now giving them so much. That is not the issue. He could be giving more than the law provides, but what we want them to do is to respect the law.

If it is 0.03 per cent, it must be that way. What is being given to political parties is peanuts. It is not even 0.01 per cent of the national Budget. If you look at last year, the total amount of money disbursed to political parties was less than Kshs1.5 billion. That is very little. We are seeing it happening again this financial year. We want Treasury to respect provisions of the law and that of the Constitution. They are very eager to put money on the Standard Gauge Railways (SGR), laptops and all manner of things because there are kickbacks and rent-seeking. Since it is not easy to get kickbacks from political parties, they start playing games with what the law and the Constitution has provided.

Mr. Temporary Speaker, Sir, I want to urge that the law must be respected. If we want democracy to flourish in the country, if we want to move away from rich persons and their friends owning political parties, then we must have public participation in the funding of the party.

The money does not belong to the Cabinet Secretary, Mr. Henry Rotich at the Treasury. The money belongs to the people of Kenya. We pay taxes, the voters pay taxes and they have a right to expect their parties, for which they have cast their votes for individuals, to be supported by a portion of those taxes. Then somebody sits in the

Treasury and starts being benevolent and generous, purporting to be “giving”. There is nothing like giving. You are respecting what the law says and you have a duty to do that.

Mr. Temporary Speaker, Sir, we want to see the office of the Registrar of Political Parties streamlined to make it easy for political parties to access information, services and support that they require in handling party matters. It is almost two years since the law was changed to provide for the appointment of the Registrar of Political Parties, but nobody is appointing one. That is the person who is supposed to administer this fund. If the whole office is illegitimately in office, then how do we hold her to account for any illegitimate decisions that she may be making?

Mr. Temporary Speaker, Sir, when you have coalitions that are respected and acknowledged by the Constitution, the Registrar has arrogantly rebuffed agreements that are sent to her. For example, within the CORD fraternity, we sat down and agreed that the money that comes to CORD shall be divided as follows; ODM this much, Wiper Democratic Movement (WDM) this much, FORD-Kenya this much and a percentage to the CORD secretariat. We issued with our hand and seal; Hon. Raila Amolo Odinga, Hon. Stephen Kalonzo Musyoka and yours truly, Sen. Moses Wetangula. We then sent the agreement to the Registrar of Political Parties, but she just threw it away and said she is not going to recognize it.

This level of arrogance must be checked. We are a coalition that has sat down and agreed that we are not telling you to give us any more than we are entitled to, but we are telling you, when you are disbursing the funds, disburse as follows; this per cent to ODM, this per cent to WDM, this per cent to FORD-Kenya and this per cent to our secretariat. We sent her four accounts to do a Real Time Gross Settlement (RTGS) to each account in accordance with the percentages. If they are not able to calculate the percentages, we will send our officers to calculate for them so that she can remit the money. However, she could not hear any of that.

Mr. Temporary Speaker, Sir, when you have a public officer who behaves like that, then it becomes difficult to run political parties and any other institutions for that matter. What is killing this country is extreme arrogance. In some parastatals, the board sits and dismisses erring managers. A Minister sits back and says it is nonsense and one should go back to the office. We cannot run a country like this. This is the surest highway to anarchy and the breakdown of law and order. If we pass laws, we must respect them. So, I hope that this mediated version; I heard the “lower” House debated it and they unanimously passed it. We should also unanimously pass it. I will request Sen. (Dr.) Khalwale to speak with Hon. Wamalwa and advise him that we plan to quietly kill his Bill when it comes here. We do not need it. Whatever he has in his Bill is incorporated in this mediated version of Sen. (Dr.) Khalwale’s Bill.

Since it has already passed in the “Lower” House, we cannot strangle it in the air. It has to get here. If it is a child, we will malnourish it until it dies. It is already here. So, I encourage Members to get ready to “nyonga” it when it comes to the Floor so that we do not get ourselves into a confusion of having two Bills carrying the same philosophy and doing the same thing aiming at achieving the same objectives and, more particularly that, they come from Members of the same side of the coalition. Therefore, it is important that we let one go and have one crumble and fall by the wayside.

With those few remarks, I congratulate those who sat in the mediation. I beg to support.

**Sen. Cheruiyot:** Thank you, Mr. Temporary Speaker, Sir, for giving me this chance to make my contributions. I support the Bill. I do so, for the following three reasons.

One of the tenets of any thriving democracy is good political parties that are founded on ideals and not individuals. One of the biggest challenges that we are facing right now as a country is that people do not take positions out of certain thinking, but from the positions of individuals and personalities. What we have today in the name of political parties, with all sincerity and honesty and due respect to any party leader in the House, are almost similar to cult-following of individuals and not anything that is an ideal or certain thinking espoused by a certain group of people over a certain period of time. That can only be said to be so if after 10, 15 or 20 years you can be given the history of a political party and be told that leadership in the same political party has transitioned and moved---

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. Is the Senator for Kericho in order, while referring to his own party, to think that what obtains in his party is true in Ford-Kenya? Could he confine himself to his own party? What he is describing is nowhere near what is in Ford-Kenya, Wiper and Orange Democratic Movement (ODM) parties.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! I may not gag a Member from expressing his own opinion. It is your duty to listen and discard what you think is not worth listening to.

Please, continue.

**Sen. Cheruiyot:** Mr. Temporary Speaker, Sir, thank you for protecting me from the bullfighter, the Senator for Kakamega. What he is expressing continues to confirm my line of thought and train of argument; that many of our political parties are not espousing any particular ideal. That leadership has passed from a certain individual and that people follow a particular party because they believe in particular ideals. This Bill---

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. Once again, the Senator for Kericho has confirmed that his party does not espouse any agenda or ideal. Is he in order to generalize, when we know that the only parties that do not espouse any ideal or agenda whatsoever, local or national, are limited to the parties in Jubilee? Could he stick to his own party and withdraw any reference to the CORD affiliated parties?

**The Temporary Speaker** (Sen. (Dr.) Machage): I would like to caution you, Sen. Cheruiyot that you are no longer giving a maiden speech.

*(Laughter)*

You will be in a quagmire if you are called upon to substantiate what you are saying; the Standing Orders will hit you so hard. Whereas I do not want to gag you in expressing your opinion, you do it in such a way that it does not scratch the ego of other Members of this House.

**Sen. Cheruiyot:** Mr. Temporary Speaker, Sir, thank you for protecting me. I was addressing clear instances and issues, where certain Members had the privilege of being elected to this House on a number of political parties, because of a certain belief that they found to cut across the different political parties. However, that was not the crux of my argument.

Allow me to continue with my train of thought. I want to address the provisions that have been put in this Bill. For the first time, there is a clear attempt to try and move us, as a nation, from having political parties that have got a following only in certain corners of this country. Some political parties, by hook or crook, are able to get an elected MCA or Senator from a certain corner of a country.

My longing and desire is to walk in the Registrar of Political Parties office 15, 20 or 30 years down the line and be shown the gracious men and women that have had the chance to lead the political parties. Political parties should have great history, traditions and structures that go over and beyond an individual. For example, they should have a body that disciplines errant Members when they do not do certain things that pertain to being a Member of a certain political party. It is for this reason that I support the aspect of funding.

One of the aspects that have been used to determine leadership in political parties is the monetary contributions. Monetary contributions by individual Members to certain political parties have been used to gauge the loyalty of certain individuals. That is the only yardstick that determines who becomes a party leader, organizing secretary or the secretary general. The fact that they will be drawing money from the Exchequer disassociates political parties from individuals. That is the crux of my argument. After a certain period of time, after a party has received good funding and its able to establish structures, we begin to have good ideological argument and realise that, for sure, we have a political party that stands for certain values. These are things that are developed over time. They do not develop overnight.

In my earlier remarks I said that I do not want to make light of any of the efforts that have been made by previous or present political party leaders in the country. I understand the environment they work under and appreciate the fact that funding of our political parties is a step in the right direction. It will solve one of the struggles that we have had in this country for a long time.

During my Maiden speech, I alluded to the fact much as we are in agreement on many issues, the political realities of the day may not allow my colleagues, especially those of my generation - Sen. Mutula Kilonzo Jnr. and Sen. M. Kajwang – to drink and espouse from the same political party. It is my dream that over time we will uphold the values that we hold dear as young leaders who have a dream of a better tomorrow. We will take over the battle from where the Senator for Kakamega will have left. We can overcome the challenges over time. It will not be unrealistic to find that, for example, Sen. Mutula Kilonzo Jnr. is my party leader and I am his deputy and we are running for the Presidency. We will be bound together by certain ideals and not because he comes from a particular region. That was my point.

With those remarks, I beg to support.

**Sen. Sang:** Mr. Temporary Speaker, Sir, I stand to support this Bill. From the outset, I want to say that I was privileged to sit in the Mediation Committee. It is interesting to note that on several occasions, Members of this House have developed Bills which we discuss. In the process of discussing them, Members of the other House have had the tendency to pick and develop the same ideas and purport to develop their own new Bills. This is one such incident where a Bill was developed by a Member of this House, we discussed and passed it and was forwarded to the National Assembly. They sat on it. A few days later, we heard that another Bill had been developed by a Member of the National Assembly, which exactly mirrors the same Bill that we have here. This is bad practice in terms of legislative processes and an abuse of the process of generating Bills in a bicameral House.

I hope that Members of the National Assembly will appreciate that since we already have a bicameral Parliament, if there are certain things that they do not agree in a Bill that has originated from the Senate, they have the opportunity to amend the same Bill. We do not want to have situations that are embarrassing, like having two Bills with exactly the same content; one Bill originating from the Senate and the other from the National Assembly.

You will remember that we also had another Bill proposed by Sen. (Dr.) Khalwale which also appeared to have been plagiarized by a Member of the National Assembly. He presented it and it was discussed by the National Assembly---

**The Temporary Speaker** (Sen. (Dr.) Machage): There are many Bills that have been plagiarized, including one that was introduced by Sen. Sijeny, the Reproductive Health Care Bill (Senate Bill No.17 of 2014).

**Sen. Sang:** Mr. Temporary Speaker, Sir, you are right. Somebody plagiarized the Reproductive Health Care Bill (Senate Bill No.17 of 2014) by Sen. Sijeny and introduced it on the Floor of the National Assembly. The bad manners in the way we relate as the two Houses must come to an end. I, therefore, laud the Member of the Mediation Committee and this House that we proceed on with this Bill even though it was mishandled in the National Assembly. It is a pity that the Chairperson of the Justice and Legal Affairs Committee moved the Bill, but out of 349 Members in the National Assembly, there was no one to second it. That was just a way of killing the Bill.

Mr. Temporary Speaker, Sir, we need to be honest and leaders of integrity. If we disagree, let us do so, on matters of principles. We must have respect for procedures and processes. If they want to disagree with the Senate, they should do it in a respectable manner and a way that is provided for by the law. However, I thank the Members of the Mediation Committee, especially from the National Assembly. When we sat down to look at the Bill, most of them were shocked that the Bill in the National Assembly that came later after Sen. (Dr.) Khalwale's Bill had been introduced in the Senate was "a copy and paste" of the same Bill. I thank them because we ended up agreeing on a number of issues.

We all agree that Kenya is a multiparty State. However, we need to develop a culture of strengthening political parties. It does not help this country to have over 50 political parties whose ideology we cannot identify; neither can we see the difference between them. It does not help this country to have regional or ethnic political parties.



Political parties are public institutions. If they have to benefit from public resources, they must be parties that transcend beyond regions, ethnicity and individuals. That is why we said that whereas we allow the registrar of political parties to register political parties as long as they meet those requirements, the threshold for them to be funded through public coffers must be higher than the threshold to register them. For your political party to benefit from public resources, it must have achieved a certain level of following and support across the country.

Mr. Temporary Speaker, Sir, I agree that for a political party to benefit from public resources, it must have 20 Members of the National Assembly. That makes sense because it transcends beyond a region or an ethnic community. A political party must have also obtained at least three elected Senators, three elected governors and 40 MCAs. It is important to note that here we are talking about conjunctive. It must be 20 Members of the National Assembly, three Senators, three governors and 40 MCAs. By the time a political party succeeds to win this number of seats, it is a party that merits support and funding from the national coffers. That is very important for us to ensure that we have political parties that represent or transcend across the country.

We must develop our political parties and drive them towards the direction of ideology. We have several political parties in this country. If you look at the existing political formations in this country, we have URP, my party, TNA who are our partners, Wiper, ODM, FORD-Kenya, UDF and many others. However, if you were to ask for the distinction between those parties, most likely you will narrow down to the party leaders and the regions where they have strong following. We must move our parties from such identities to ideological, so that we can say that this party stands for “x”, “y” or “z”, while the other stands for a different ideal. It is only then that we can have political parties that can help this country move forward. That is why this amendment is very important.

Mr. Temporary Speaker, Sir, I agree with Sen. (Dr.) Khalwale that we need to move away from coalitions to big and major political parties. Whereas the concept of coalitions is important, we need to ask ourselves the tough questions. It is possible to have five, six or seven small parties forming coalitions. However, it is important that we start thinking along the lines of progressing. In future, we should have the ideal situation of three or four major political formations in this country. Kenyans can then be treated to two or three political ideologies that can help this country move forward.

I thank the Senate for being consistent every time that the Members of the National Assembly treat us to some of these theatrics even in the process of passing Bills. I was told that the other day during the discussions of the monies allocated towards monitoring and evolution for the Senate, there were very juvenile debates in the National Assembly. I hope that individuals manning institutions like the Senate and the National Assembly will appreciate these two Houses of Parliament are Houses of honour. We can disagree respectfully. We can hold different views, but we must respect the integrity---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Sang! I would like to draw your attention to Standing Orders No.90(5). It says:-

“It shall be out of order for a Senator to criticize or call to question, the proceedings in the National Assembly, a County Assembly or the Speaker’s Ruling in the

National Assembly, but any debate may be allowed on the structures and roles of County Assemblies or the National Assembly.”

Sen. Sang, be careful on how you phrase your argument in the House.

**Sen. Sang:** Mr. Temporary Speaker, Sir, I was just urging them, but not criticizing. I stand guided.

I praise the Members of the National Assembly and I urge them to pull up their socks and be objective in the kind of engagements they make in the House. I hope that we can get to a situation where Members of both Houses respect each other so that we can ensure the integrity of the legislative process in this county. When a Bill appears on the Floor of this House, Members of the National Assembly will start preparing the amendments. When a Bill is introduced in the National Assembly, those of us who have views and positions with regard to it, can also start to prepare ourselves with amendments so that we synergize the mandate of the two Houses and ensure that we support instead of appearing to be competing.

We exercise a lot of negative energy that should have been directed towards ensuring that these two chambers of Parliament work together.

Mr. Temporary Speaker, Sir, I thank and congratulate Sen. (Dr.) Khalwale once again and ask this House to continue doing its job of passing legislations despite any attempt by any other authority to undermine that mandate.

With those remarks, I beg to support.

**Sen. Mutula Kilonzo Jnr.:** Mr. Temporary Speaker, Sir, I rise to support the mediated version of the Political Parties (Amendment) Bill (Senate Bill No.3 of 2014). As a way of general remarks, the general misbehavior of political parties in Kenya is because none of us, the political players, have taken note that the Registrar of Political Parties is still in an acting position so many months after the elections and so few months before the next general elections. As a result, political parties have not complied with the law; their members have continued to violate the Political Parties Act. We have members of political parties who have started movements within political parties.

I am aware of a movement called Maendeleo Chap Chap Movement. Nobody can discipline them. The Political Parties Disputes Tribunal has been unable to discipline members who violate the Political Parties Act and their constitutions. Therefore, when we say that the distribution of the Fund has not been complied with---

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Mutula Kilonzo Jnr., I am curious with that remark. Is there any timeline in the constitution on when the Registrar of Political Parties should be appointed? Is there any guidance on that?

**Sen. Mutula Kilonzo Jnr.:** Mr. Temporary Speaker, Sir, in fact, the position is that there should not be an acting Registrar of Political Parties. That is a misnomer. So, we are entertaining a violation as political parties and, therefore, sometimes when we complain about the way our members are behaving or political parties are not getting their funds under section 25, I wonder whether we are speaking from both sides of the mouth.

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

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

Mr. Temporary Speaker, Sir, something worries me about the amendments. I say so because I happen to have been nominated as a rapporteur for gender parity of the IPU Parliament. In trying to enforce the gender parity, the Registrar of Political Parties has been compelled to enforce gender parity in terms of officers who are leaders of those political parties. The Political Parties Fund has been tied to nomination of persons of the opposite gender in political parties. The amendment proposed by this Committee in Clause 25 creates a new Clause C between Part 2(a) and Part 2(b). The word “or” is used disjunctively to distinguish part (a) which a party qualifies by securing not less than 5 per cent which has now been amended to 3 per cent and (b) more than two thirds of its registered office bearers are of the same gender and (c) Created by the mediation Committee does not create a disjunctive. There is no “or” to make it disjunctive or create “and” to make it conjunctive.

Therefore, although I support this Bill, there is the Motion and the amendment. There appears to have been an omission. How they cure that omission, I do not know. Then, we would need yet another amendment because between (b) and (c) you do not know whether the “or” is (b) or that the “or” is (c). So, without an “or” after (b), it appears as if both are alternatives; which would not cure the anomaly that Sen. (Dr.) Khalwale was talking about.

The anomaly they were trying to remove or the mischief is that they wanted to make sure that a party that has the minimum that is proposed under (c), that is 21 elected Members in the National Assembly, three elected Members in the Senate, three elected Member who are governors and 45 Members of County Assembly (MCAs). So, we have created, in my view, in this amendment, two “ors” which would not solve the problem. So, somebody needs to look at that so that we know how to deal with it.

Regarding the part of the compliance in terms of the distribution of the Fund, the person who is supposed to check that the distribution of the Fund is done in accordance with clause 25(1) and (b) is the Registrar of Political Parties. I am convinced that the Registrar of Political Parties has not audited how political parties are spending the money they have already received. We would have received that report by now.

Mr. Temporary Speaker, Sir, in the public hearings we had, you sat with me and other Committee Members, the mischief that most of the members of the public were seeking to solve is; in the era of multiparty system in Kenya, we have created so many briefcase parties in violation of Article 91 of the Constitution. It is now easy to distinguish that The Independent Party (TIP) is a political party of a small section of Kibwezi; Maendeleo Chap Chap Movement is a small party of a section of Ukambani and many others. It is possible that many of these small briefcase political parties will still arise.

In terms of Article 91, to ensure that political parties are not tribal parties or a section of a number of people, I am suggesting that somebody – and I am happy that Sen. Wako has walked into the Senate – that the position of the Registrar of Political Parties must be confirmed. If the lady is not competent or does not qualify, then, another person should be put in place so that we can start enforcing Section 17 of the Political Parties

Act in terms of records; Section 14 of the Political Parties Act in terms of resignation from political parties and many others.

I do not agree with Sen. (Dr.) Khalwale on coalitions. I do not think that you can have a restriction on coalitions and at the same time have Article 38 in the Constitution. The right to political parties means that right to form coalitions, mergers and constitute parties than can form both pre and post-coalitions. For the benefit of those who do not know, the Australian Senate is U-shaped. It is not like this House. It is almost similar to this House; only that one side would be the ruling coalition the other side would be the opposition but the places on this other side where Sen. Omondi is sitting towards that side would be other minority parties. That is the way to go. That is democracy. We cannot say that we are tired of coalitions because, in fact, we have only in the first five years been having at least coalitions that are working.

Mr. Temporary Speaker, Sir, not that coalitions are following their coalition agreements but the fact is that in a true democracy, we would allow other minority parties to be sitting on these seats. We would then have a U-shaped Senate or Parliament. We would have an element of stability. Unlike political parties that are tribal, in other developed countries, there are the green parties. The green party only supports a green environment. That is their agenda. We should have political parties that have a specific agenda as Sen. Cheruiyot said. Therefore, it is not fair to say that there is a problem with coalitions.

Article 38 is in force by having coalitions of political parties to have pre and post arrangements prior and after the general elections. I pray that in the future, we have larger political parties fund because that is the only way to ensure that we have equality. If we can have equality of small and big counties, high and low populations, we should have equalities of political parties that comply with Article 91. If a political party has only two or three members and it has 24 registered offices with gender consideration under Article 25, that political party should have a funding. We cannot have big brother or otherwise. In the Coalition for Reforms and Democracy (CORD) none is a step brother or a big brother. They are all brothers and sisters. That is the only way that will encourage other people, including the minorities, to form political parties.

Mr. Temporary Speaker, Sir, I have heard Sen. Billow and his colleagues from the north eastern region wishing to have a pastoralists' party. Sen. Hargura is here, he can confirm. That is what I am talking about. We can have a party of three or four pastoralists that can be funded. The idea is not to punish or make it punitive. This is a fund that is available to the public. I do not think that it is right to discriminate amongst political parties. That is not a recipe for having briefcase parties where the chairman is a husband, the vice chairman is the wife and secretary general is the daughter and cousins are members. If the Registrar of Political Parties was mindful to check, she would find that there is a political party in my county where the people who have been nominated into various county assemblies are members of the same family. That is a violation of the law.

Thank you.

**Sen. Hargura:** Mr. Temporary Speaker, Sir, I support the Motion that the Senate adopts the Report of the Mediation Committee on Political Parties. What brought about this mediation is a worrying trend that is happening between the two Houses. When the

Senate passes a Bill, the National Assembly ignores it. In this matter, the Bill did not get a Secorder in the National Assembly.

By making matters worse, a Bill comes to Senate from the National Assembly with the same subject. I do not know what the National Assembly expects of their Bill passing through Senate when they have rejected our Bill. This trend needs to be stopped because the Constitution requires the two Houses to cooperate in matters of legislation. We need to have an atmosphere of cooperation and not competition which may prevent many Bills from being enacted.

In this particular one, I support it because it affects a particular aspect of political parties which is the threshold to get funding from the Political Parties Fund. It talks about reducing the threshold in terms of the national votes. A party should have at least 3 per cent of the national vote. That opens the bracket for more parties to qualify.

Mr. Temporary Speaker, Sir, Part (c) of the Bill ensures that the parties have representation at all levels from Parliament to the county assemblies. It should not be a party in one corner which gets 3 per cent but does not have wider representation. I support the amendments and I hope the mediated version is approved in the National Assembly.

The political parties must have an agenda. It is good to have parties which represent ideals and issues. Therefore, the funding will enable them to grow and will not depend on private individuals. However, if the party appeals to the public for support, it can get assistance in order to grow its ideals without relying on individuals who may one day pull out their funding. This is the right way to go in order to allow parties to grow.

Mr. Temporary Speaker, Sir, like Sen. Mutula Kilonzo Jnr. Said, the pastoralists met and felt it is time to have a party which will champion the issues affecting the pastoralist communities. For a long time, we have felt that the Government has concentrated on developing what I call “high potential areas”. The Sessional Paper No. 10 of 1965 talked about prioritising development in high potential areas so that as a trickle-down effect, the low potential areas may develop. We thought that was the cause of marginalisation of some parts of our country. It is assumed that they are low potential areas because the thinking is agricultural. We still think as leaders of these communities that we need a party to champion our rights and mainstream the issues affecting our people.

The way other sectors in agriculture have boards dealing with coffee, tea, among others, there must be a similar policy targeting improvement of livestock sector especially in the arid areas. What we have currently deals with ranches only. Therefore, we need a party because of the wider representation of pastoralists. We can meet the threshold and our party can grow.

I support the amendments, and I hope it will be supported by all the other Members.

**Sen. M. Kajwang:** On a point of order, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Sang): Sen. M. Kajwang, what is your point of order?

**Sen. M. Kajwang:** Mr. Temporary Speaker, Sir, I wanted to raise this point of order when the Senator was still on the Floor. I wanted to bring to his attention that

Article 91 (1) (a) of the Constitution provides that political parties shall have a national character. Is it in order to advocate for a pastoralists party as having the overall character of this nation?

**Sen. Hargura:** Mr. Temporary Speaker, Sir, may I bring to the attention of Sen. M. Kajwang that the pastoralists community covers more than 75 per cent of this country. It starts from Tanzania border stretching to the Ethiopian border, Uganda border and Somalia border. We have a national outlook.

**The Temporary Speaker** (Sen. Sang): Sen. M. Kajwang, you may be surprised that you are a pastoralist.

**Sen. M. Kajwang':** Mr. Temporary Speaker, Sir, thank you for giving me the opportunity to comment on the Motion and to support the Report of the Mediation Committee on the Political Parties (Amendment) Bill. Before I get to the details of this particular Motion and the Report of the Mediation Committee, allow me to pass my condolences to the family, friends and the nation on the sad demise of Mama Lucy Kibaki who was the third First Lady of this country.

Nowadays, there are some characters who operate from the belly of the State House bearing titles like Presidential Communication Unit but what they basically do is to spew propaganda and hate speech against political opponents. If Mama Lucy was still alive, I am very sure that she would not have allowed such characters to operate from the State House and desecrate the sanctity of the State House. We, therefore, miss her and may her soul rest in peace. For the sake of the good she did, I urge all the political combatants in this nation to unite and make sure she gets a befitting send-off.

Mr. Temporary Speaker, Sir, a previous speaker on the Floor raised a question about the constitutionality of having an acting Registrar of Political Parties. Section 34 of the Political Parties Act is very clear on this matter. It says very clearly that; "The President shall, within a period of not later than 110 days prior to the first general elections under the Constitution---"

The Act is extremely clear and provides the number of days within which the President is expected to set up a selection committee that will give this nation a substantive Registrar of Political Parties. For us to operate with an acting Registrar of Political Parties so many years down the line, the blame and the failure lies squarely in the hands of the President who is the Head of State. There cannot be pussyfooting about this. The President takes the blame for the fact that we have an acting Registrar of Political Parties because the law is extremely clear and provides him with the number of days within which he was expected to do that.

Going further to the substance of the amendment that was proposed and further mediated upon by the two Houses, if you look at the current Political Parties Act, it sets aside 0.3 per cent of the national revenue to go into the Political Parties Fund. The Act is quite clear and it says not less than 0.3 per cent. So, our expectation is that when the Registrar of Political Parties or the Treasury computes amounts to be paid into this Fund, they should show some magnanimity and make sure that the allocation goes beyond the 0.3 per cent.

Just a few days back, we were looking at the Division of Revenue Bill and we accepted to use a benchmark of Kshs935 billion as Audited National Revenue for

2013/2014. If we are going to use this as a basis for allocation of funds into the Political Parties Fund, then, 0.3 per cent comes to about Kshs2.8 billion. This means that political parties in Kenya that meet the threshold that has been agreed on by the Mediation Committee will be entitled to Kshs2.8 billion which is not little money. Remember the Equalisation Fund gets about Kshs3.3 billion or Kshs3.5 billion annually. What we take to marginalised areas every year is almost equal to what we allocate to political parties. This is a significant development in a country which was a single-party state just 20 years ago.

Mr. Temporary Speaker, Sir, concerning the threshold that we have defined, initially, the proposer of the amendment had laid a very low threshold for the entitlement to funding. However, the negotiated position could pass because we are moving from the 5 per cent to 3 per cent of the national vote. We are also saying that for a party to be eligible, it must have representation in this House and it will not just be one or two lonely Members but it has to be three elected Members of the Senate. If you work it out with three elected Members of the Senate, it might entitle someone to be a nominated Member. It has to be 20 elected Members of the National Assembly, three elected governors and 40 MCAs. So, this Fund will not be accessed by jokers. The threshold is sufficiently high to see to it that more parties access the Fund but not parties that are formed as commercial entities waiting for those who have failed to acquire nomination of their political parties---

**Sen. Hassan:** On a point of order, Mr. Temporary Speaker, Sir. Is Sen. M. Kajwang' in order to refer to parties as jokers because they do not meet the threshold?

**Sen. M. Kajwang':** Mr. Temporary Speaker, Sir, there are those that will not meet the threshold but they are very serious. However, there are also a few that will not meet the threshold and we could call them jokers. I can give you an example. Article 91 of the Constitution is about basic requirements for political parties. They are listed from (a) to (h) and that is about eight distinct requirements. If you apply that benchmark to political parties in this country, you might find some that do not live up to the expectations of the Constitution. So, those that do not qualify are not entirely jokers but there could be one or two of the 60 political parties that are set up with a commercial inclination and not with the intention to deepen the democratic space in this country. How I wish one of the thresholds for funding of political parties would be elections.

Article 91(1)(b) of the Constitution says that every political party shall have a democratically elected governing body. How many political parties undertake a democratic process to elect their governing bodies? If my memory serves me right, it is only the Orange Democratic Movement (ODM) which is a movement that takes care of the poor and the weak in this country that has attempted to conduct grassroots elections. When you look at parties like TNA---

**Sen. Hassan:** On a point of order, Mr. Temporary Speaker, Sir. Is the Senator in order to suggest that it is only the ODM Party that has conducted elections yet the Wiper Party has officials who were elected through a very democratic process? The fact that they did not turn violent does not mean that they were not democratic.

**The Temporary Speaker** (Sen. Sang): Sen. M. Kajwang', you are very well aware of the provisions of the Standing Orders on the accuracy of the information you

share. I am sure it is not lost on you that the Chair is also a Member of a political party that has actually held its elections. Could you respond to Sen. Hassan's point of order, noting that you have to be factual about what you are saying and that the Chair is also a Member of a political party that held elections?

**Sen. Wako:** On a point of order, Mr. Temporary Speaker, Sir. Is Sen. Hassan in order to mislead the House and imply that the Wiper Party held peaceful elections when we very well know that they were not grassroots elections and that he became the Secretary-General of the Wiper Party through a boardroom appointment?

**Sen. Hassan:** On a point of order, Mr. Temporary Speaker, Sir. I was elected like my able deputy, Sen. Sijeny, and the rest of us through a national delegates' conference. The conference brought together all the Wiper Democratic Party delegates from across the country, constituting in excess of 3,500 of them at the Bomas of Kenya. Therefore, I think this is a serious omission. As I said, the fact that there are no altercations in others does not make those elections less democratic.

**The Temporary Speaker** (Sen. Sang): Sen. Wako, elections are not just limited to grassroots and you cannot equate it to grassroots. There are elections across the board.

**Sen. Wako:** Mr. Temporary Speaker, Sir, I agree that elections are not necessarily limited to the grassroots. The fact of the matter is, under our Constitution, sovereignty lies in the people. Therefore, if persons have been delegated and delegated to call themselves a delegate's conference and elect, that is not an election as far as I am concerned, particularly, I have seen officials of the party. It should have begun from the grassroots where they are elected until they come to the election of the national officials.

**The Temporary Speaker** (Sen. Sang): Sen. Wako, you know that elections are not elections just because the Senator for Busia County, as far as he is concerned, says so. It is what the law says. It is not so much about what Sen. Wako thinks; it is what the law says. They call themselves the national delegates conference. They are called so by the constitution of those parties.

**Sen. Hassan:** On a point of order, Mr. Temporary Speaker, Sir. The fact that other people will, for instance, feel that they do not want to compete for a seat against Sen. Hassan and, therefore, you go for an election at a national delegates conference with a sole candidate is, in common logic, in itself, an election. It just simply means that nobody had the audacity to take you on. We want this recorded in the HANSARD. Let me tell you, those elections that my brother, Sen. Kajwang, is talking about were botched. They had to have a boardroom discussion on how to merge the two pieces. That is why it is a litany of officials and second and third deputies just to accommodate anybody who vied. So, everybody who vied for those elections, whichever camp you were on, you became a beneficiary in the national executive committee.

**The Temporary Speaker** (Sen. Sang): Sen. Kajwang, respond to a number of those points of order.

**Sen. M. Kajwang:** On a point of order, Mr. Temporary Speaker, Sir. Sen. Hassan who is my senior in many ways comes from Mombasa where they are very articulate in Swahili. He would be familiar with the Swahili proverb which, if I translate, says, good things sell themselves and bad things explain themselves. So, when you give a very



lengthy explanation on the electoral process of a political party, it reminds you of that proverb.

The basic thing is Article 1(b) which spells out the basic requirements for every political party. It says: “Every political party shall have a democratically elected governing body.”

Maybe it is for us to define and interpret what “democratically elected body” means. If I collect my relatives, call them delegates and bring them to Nairobi County to endorse yours truly as a national leader, then we are probably not following this Constitution. Those parties should not get 0.3 per cent of the national revenue that we are talking about in this Political Parties Fund.

*(Sen. Hassan stood in his place)*

**The Temporary Speaker** (Sen. Sang): Order, Sen. Hassan. Sen. Kajwang, you know you are responding to a point of order from Sen. Hassan who is the Secretary General of Wiper Democratic Party. Therefore, if you are making references to bringing relatives --- Are you suggesting that Sen. Hassan’s party brought relatives to Nairobi to elect him as a delegate?

**Sen. M. Kajwang:** Mr. Temporary Speaker, Sir, not at all. For the record, I admire the democratic process within the Wiper Democratic Party. I will give you examples of parties which I should be proven wrong. There are parties in this country that get money out of this fund. However, when you look back, even those relatives of ours who are members of those parties will not tell you when they were ever called for elections. The point is, if we are providing some threshold for eligibility to the Political Parties Fund, part of it should be that these parties must be able to carry our proper elections, so that you have structures that you know represent the aspirations and the will of the people.

*(Sen. Kajwang’s microphone went off)*

**The Temporary Speaker** (Sen. Sang): Sen. Kajwang, are you done?

**Sen. M. Kajwang:** Mr. Temporary Speaker, Sir, if you give me a few minutes, I will appreciate.

**The Temporary Speaker** (Sen. Sang): You can have two more minutes.

**Sen. M. Kajwang:** Thank you, Mr. Temporary Speaker, Sir.

If you look at the objectives of the fund, part of it is to promote representation of minorities. Today, we know that there is a debate on how we will promote the representation of women. We must ask ourselves how much parties have used these funds to promote the representation of the minorities like women, youth and persons with disability.

Another point is that parties can use these funds to conduct campaigns and party nominations. However, remember the role of regulating and conducting party nominations lies with the Independent Electoral and Boundaries Commission (IEBC). That is a mandate given to it by the Constitution. When it comes to issues of campaign

financing which touches on political parties and part of this fund is used to finance campaigns, that is also another role of the IEBC. As we speak, the IEBC has been unable to rein in political parties to demand proper and full accountability on the source of their funding.

The IEBC is supposed to do a number of things, according to the Constitution. One; is to manage or regulate party nominations. It has failed. Two; to regulate campaign financing - it has failed. Three; to conduct continuous voter registration - this has failed. Four; to conduct voter education - that is not happening. Five; to maintain a voters' roll - you remember from the last petition, we were not even sure how many voters' registers we have in this country.

The IEBC should develop and enforce the code of conduct. It is also required to investigate and prosecute cases of electoral offences. We just came from Kericho County by-elections. The IEBC came out puffing its chest saying that some Cabinet Secretaries (CSs) were involved in the campaigns. They were breathing fire saying that these Cabinet Secretaries (CSs) would be called to account. To date, we have not heard of any single pursuit on that particular matter.

**Sen. Elachi:** On a point of order, Mr. Temporary Speaker, Sir. Is my good friend, the Senator for Homa Bay County, in order to talk about the funding, knowing very well that even Parliament itself has not passed the Bill for financing political parties? Therefore, it would be very difficult for IEBC to even try and monitor how we are using the funds.

Is he also in order to say that we had Cabinet Secretaries (CSs) campaigning in Kericho County, while we know both sides of the Malindi and Kericho counties had malpractices in their by-elections? If IEBC wants to deal with the issue, it has to do so in a holistic manner. Is he in order to just point out Kericho County, forgetting that Malindi was even worse with violence reported there?

**Sen. M. Kajwang:** Mr. Temporary Speaker, Sir, I am perfectly in order because Cabinet Secretaries (CSs) were involved in campaigns. The IEBC itself named a particular Cabinet Secretary (CS) who was involved in campaigns, contrary to the electoral code of conduct.

The point is; the activity and health of political parties is not just tied to the Registrar of Political Parties but to IEBC as well. That is why we are calling for disbandment of the IEBC. As per the Constitution, it has failed to promote most of the objectives.

**The Temporary Speaker** (Sen. Sang): Order! Your time is up.

There are no other requests to contribute on this Motion.

It is now time for the Mover to reply.

**Sen. Wako:** Mr. Temporary Speaker, Sir, I beg to reply. I have personally been impressed by the debate generated by this Mediation Committee report on the Political Parties Bill. All the Senators who spoke on this supported the Mediation Bill and understood why we made those recommendations. I am impressed that the debate has gone beyond the narrow confines of the Mediated Bill and has gone on to talk on the Political Parties, their role, how they should be regulated, what is missing and so on.

Mr. Temporary Speaker, Sir, this is a very healthy debate. If I may say, I used to be the Registrar of Political Parties in my days as the Attorney-General, when we opened the floodgate in December, 1991 and we registered parties, you will not believe that within a week, more than 100 political parties had been registered. Then I felt that they were enough but there were demonstrations outside my office.

When I inquired why and talked to some people who came to the office, they asked me why I was delaying them in getting their livelihood. The livelihood came from two sources; those days it was a tradition for somebody with money to buy a political party. So, you register a political party, sit on it, at the right time during the elections, you can sell it to the highest bidder and you get money.

Mr. Temporary Speaker, Sir, most of them felt that all the registered political parties were going to get funding from the Government. So, most of them were briefcase parties, most of them had more to do with being invited by diplomats to various cocktail parties because they were leaders of political parties. As at that time, it was known who the major political parties were, but of all these parties that came up just before elections, nobody knew. Therefore, the Mediated Bill is to put an end to that and ensure that the real serious political parties are registered.

Mr. Temporary Speaker, Sir, I also take the point that was raised by Sen. M. Kajwang as a point of order. A party must have national character. Secondly, if you go further and read Article 91 (2) (a), a party should not be registered on religious, linguistic, racial, ethnic, gender and regional basis. So, what happens, for example when one is only known for farming and you register a party for the farmers of that region? Is that not a party which has a regional basis? So, a number of the proposed parties that have been suggested, although they may be noble, they come close to violating the spirit of the Constitution of having a national party that is open to any person who espouses the idea. The idea is the ideology of that particular party and not whether you are a farmer, a pastoralist or a linguist. It has to be national in character.

Mr. Temporary Speaker, as I said, I used to be a Registrar of Political Parties and I also know that it has taken time for that appointment to be made. It has taken more than two years and it is a violation of the law. Part of the problems we have had as Senate, parliamentarians or civil society is, we witnessed these technical breaches of law which may not be intended but because we keep quiet on it, it becomes a habit and goes into people's heads that they can slightly violate the law and get away with it.

Time has now come when we should be strict constitutionalists. When something violates the Constitution, we should point it out and have a way of forcing that to be remedied almost immediately. It should not take more than two years to remedy an appointment like that, unless there are some major intentions as to why it is so.

Mr. Temporary Speaker, Sir, mine is to thank all those who have contributed. Sen. Mutula Kilonzo Jnr. mentioned the issue of gender. It is our duty as legislators to further enrich the political parties which may have access to these funds by putting conditions. One of the conditions that I feel must be there is the issue of gender. In many countries, gender becomes a qualification for accessing a particular percentage of those funds so that political parties are forced as it were to nominate candidates.

Mr. Temporary Speaker, Sir, I also agree that the idea of having nominated Members is not a solution because it encourages those to benefit by that nomination not to stand for elections. That is not what we should do by way of legislation. Therefore, I do support the idea that we do nominations after an election and only the people to be nominated must be limited to those who participated in the elections. If we have an election in 2017, all the ladies who participated in the election are known and the votes they got, how they fared against whoever won; all these facts are known. We must formulate a criteria on how the top 30 or whatever it is of those who ran can become nominated because they have demonstrated that they do not want something on a platter but they are prepared to go to the field and fight for it.

Mr. Temporary Speaker, Sir, I beg to reply and thank those who have contributed ably to this Motion.

Before I sit, I do not think we have the necessary quorum to do the voting because I believe it is a Motion that contains a Bill which may be counted as one that touches on counties. In any case, that is how it went and also came back to us.

Therefore, I want to move that the putting of the question be deferred to another suitable day, pursuant to Standing Order No. 54 (3).

**The Temporary Speaker** (Sen. Sang): Very well, I so direct that the putting of the question is deferred to tomorrow. In the next Order, the Speaker had communicated earlier that we skip order No. 11 and therefore, I direct that we go back to it.

*(Putting of the Question on the Motion deferred)*

## COMMITTEE OF THE WHOLE

*(Order for Committee read)*

*[The Temporary Speaker (Sen. Sang) left the Chair]*

## IN THE COMMITTEE

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

THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY BILL NO. 4 OF 2016)

*Clauses 3, 4, 5 and 6*

*(Question, that Clauses 3, 4, 5 and 6  
be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Sang): Division will be at the end.

*Schedule*

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*(Question, that the Schedule  
be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Sang): Division will be at the end

*Clause 2, Title and Clause 1*

*(Question that Clause 2, the Title and  
Clause 1 be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Sang): Division will be at the end.

Considering that there are no sufficient numbers to carry out the Division, I now call upon the Mover to report progress.

**Sen. Wako:** Mr. Temporary Speaker, Sir, pursuant to Standing Order 139, I beg to move that the Committee of the Whole do report progress on its consideration of the Division of Revenue Bill (National Assembly Bill No.4 of 2016) and seek leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Speaker (Sen. Sang) in the Chair]*

## **PROGRESS REPORTED**

### **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO.4 OF 2016)**

**Sen. Wako:** Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the Division of Revenue Bill (National Assembly Bill No.4 of 2016) and seeks leave to sit again tomorrow.

**Sen. Elachi:** Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee on the said Report.

**Sen. Sijeny** seconded.

*(Question proposed)*

*(Question put and agreed to)*

## **COMMITTEE OF THE WHOLE**

### **THE UNIVERSITIES (AMENDMENT) BILL**

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(SENATE BILL NO. 31 OF 2014)

THE COUNTY ASSEMBLY SERVICES BILL  
(SENATE BILL NO. 27 OF 2014)

THE COUNTY HALL OF FAME BILL  
(SENATE BILL NO. 33 OF 2014)

THE COUNTY GOVERNMENTS DISASTER  
MANAGEMENT BILL (SENATE BILL NO. 40 OF 2014)

*(Committee of the Whole deferred)*

### MOTION

APPOINTMENT OF SENATORS TO THE SELECT COMMITTEE TO SPEARHEAD  
THE PROCESSING OF THE GENERAL SUGGESTION FOR THE DRAFT CONSTITUTION OF  
KENYA (AMENDMENT) BILL, 2015

AWARE that pursuant to Article 124(1) of the Constitution and the Standing Orders of the Senate, at a Special Sitting of the Senate held on Monday, 15th June, 2015, the Senate resolved, to establish a Select Committee on Constitutional and Legal Review to inquire into legal issues arising following the re-allocation by the National Assembly of monies intended for key constitutional organs and institutions, including, the Judiciary, the Salaries and Remuneration Commission and the Senate.

FURTHER AWARE that on 23rd June, 2015, the Senate approved the names of Senators to serve in the said Select Committee whose terms of reference were as follows-

(a) inquire into the design of the Legislature and in particular, the institutions set out in the Constitution with a view to protecting the interests of the counties and their governments and securing and safeguarding the system of devolved government established in the Constitution;

(b) inquire into the role of the Senate as set out under the Constitution and make recommendations on the appropriate role to be played by the Senate in-

(i) the budget making process and revenue allocation;

(ii) the legislative process;

(iii) oversight over the National Government; and

(iv) oversight over the County Governments;

(c) examine and make recommendations on the appropriate role to be played by the Senate in the approval of nominees for appointment to State office;

(d) examine and make recommendations on the appropriate inter linkage and interplay between-

(i) the Senate and the National Government;

- (ii) the Senate and the National Assembly;
- (iii) the Senate and the County Governments; and
- (iv) the Senate and other constitutional offices and Commissions.

(e) recommend to the Senate such constitutional and legislative interventions as may be necessary to secure and safeguard the system of devolved government in the Constitution, including measures necessary to ensure the effective discharge by the Senate, of its legislative and oversight role under the Constitution; and

(f) examine and make recommendations on any other matter connected with or incidental to the foregoing.

COGNIZANT OF THE FACT that the Committee tabled its report on 23rd September, 2015 which report was adopted by the Senate on 21st October, 2015;

NOTING that one of the recommendations in the report was that-

The Senate approves the appointment of a Select Committee to spearhead the processing of the General Suggestion for the Draft Constitution of Kenya (Amendment) Bill, 2015 through popular initiative in terms of Article 257 of the Constitution.

NOW THEREFORE, pursuant to the resolution of the Senate during the Sitting held on 21st October, 2015, the Senate approves the appointment of the following Senators to the Select Committee to spearhead the processing of the General Suggestion for the Draft Constitution of Kenya (Amendment) Bill, 2015 through popular initiative in terms of Article 257 of the Constitution-

1. Sen. Murkomen Kipchumba
2. Sen. (Prof.) Lonyangapuo John
3. Sen. Chiaba Abu Mohamed
4. Sen. Wangari Martha
5. Sen. Kiraitu Murungi
6. Sen. James Orengo
7. Sen. (Dr.) Boni Khalwale
8. Sen. Hassan Omar
9. Sen. Halima Abdille Mohamud

And that the committee reports back to the Senate within six months.

*(Motion deferred)*

## **BILLS**

### *Second Readings*

THE ORDER OF PRECEDENCE AND TITLES BILL  
(NATIONAL ASSEMBLY BILL NO. 11 OF 2014)

THE MICRO AND SMALL ENTERPRISES (AMENDMENT)

## BILL (SENATE BILL NO. 12 OF 2015)

*(Bills deferred)*THE PERSONS WITH DISABILITIES (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 43 OF 2013)

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

THAT, the Persons with Disabilities (Amendment) Bill (National Assembly Bill No. 43 of 2013 be now read a Second Time.

Mr. Temporary Speaker, Sir, this is a Bill that brings in a critical component within the services that we give to Kenyans. Under the Constitution of Kenya 2010, persons with disabilities are entitled to reasonable access to all places, public transport and information. Hence, the Government has the responsibility to make telecommunications and mass media available to persons with disabilities for their rehabilitation, self-development and self reliance.

This Bill is sponsored by hon. Wanjiku Muhia, Woman Representative for Nyandarua Constituency. After we passed the new Constitution, it is the responsibility of not just the Government, but also the private sector to enable persons with disabilities to access any of their institutions. In some buildings, it is difficult for persons with disabilities to access or move around. We have had challenges even at the airports. A few years ago, we had a commotion at the airport when one senior person was mistreated by one of the airlines. We had to have a series of petitions and I appreciate to see Sen. Omondi seated here because she is the wearer of the shoe. She will tell you the challenges that they face not just in schools but also in hospitals.

Some hospitals with staircases do not have ramps. Sometimes the roads that they have reserved for these people are so narrow. It is the responsibility of their handlers; parents or relatives, to help them. One of the amendments to this Bill is very clear that an institution or a body offering services to the citizens shall enable persons with disabilities to enjoy the services available within the institution or body.

Mr. Temporary Speaker, Sir, we need to get aid devices for the deaf and blind. We should also hire qualified interpreters for the deaf and blind. This morning, we launched civic education documents. Sen. Wako and I attended that function. However, when I read through those documents, I did not see any that will help the blind and deaf to participate in this process. Therefore, by amending this Bill, we will ensure public participation as stipulated in the Constitution. We would also like to see our brothers and sisters with special needs participating in this process.

We do not have to take it for granted, but we have to put ourselves in their shoes to understand the suffering they undergo. There are those who can afford to take care of themselves while there are others who cannot. It is the obligation of institutions, like schools, to ensure persons living with disabilities are taken care of. The Members of the National Assembly who manage the Constituencies Development Fund (CDF) should embrace these amendments so that they hire qualified interpreters for schools. They should also train teachers on Braille so that they can help blind students in their



institutions. The kitty that is allocated to the Women representatives should also support such activities within their counties. We are using funds to compete for the same projects, but there are very many programmes that we can run with, using the different kitties to support and sustain those in need, especially persons living with disabilities.

*[The Temporary Speaker (Sen. Sang) left the Chair]*

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

Mr. Temporary Speaker, Sir, language is critical. That is why sign language has become a critical component in our society. Whenever we are holding functions, we hire services of the interpreters. During the recent by-elections, I realized that some elderly persons were not able to read. So, I urge the Independent Electoral and Boundaries Commission (IEBC) to think of ways of assisting them. They can provide them with reading glasses to help them make the right choices. We need to create awareness and understanding of the issues affecting persons with disabilities.

I hope the President who is determined to see us, as a country to change some of our peculiar behaviours, is listening. Many at times, public procurement is done and equipment is supplied. However, instead of making proper use of it, we leave it to rot in the warehouses. It is sad that nobody takes responsibility of such equipment simply because it was procured using public resources. We may be surprised to learn that all these equipment are lying somewhere because we have not started dealing with children with special needs today.

We need to come up with effective mechanisms to ensure that the available equipment and those that will be purchased are sent to the right institutions to be used by persons living with disabilities. I have realized that we have weaknesses in our follow up and monitoring mechanisms. I hope that we, as legislators, will go to stores to inspect what has been left to rot there. We need to shame people who misuse or mismanage public resources. After the equipment has been purchased, no one cares how it is used or maintained.

Mr. Temporary Speaker, Sir, we need to deal with the issue of wastage in our country. We need to get value for the Kenyan taxpayer's money. We should also not take advantage when tendering to make provisions in our building facilities for persons with disabilities, for instance, overpricing the cost of constructing ramps. In a country like the United States of America (USA), when an architect designs a building, before it is approved for construction, he or she must prove that it can be accessed by persons living with disabilities. When you also visit some countries in Europe, you will notice that they have fixed facilities on their roads to alert the blind people when to cross the road. They do not rely on other people to assist them to cross the road.

I beg to move and ask Sen. Omondi to second this Bill because it will go a long a way to support many others like her.

**Sen. Omondi:** Mr. Temporary Speaker, Sir, I take this opportunity to second this important Bill which concerns my area of representation. I speak from experience because as the saying goes, "the wearer of the shoe, knows where it pinches most." The

contents of this amendment Bill explain the life of a person with a disability in Kenya and other countries. Although we, as a country, have made progress in dealing with issues affecting persons with disabilities, we still have to put more effort and have more passion for persons with disabilities.

Issues of disability should concern every Kenyan because we are all potential members. It is a club that one can join any time. It is easier to join the club than it is to leave it. The issue of accessibility needs to be considered critically. Everyone has to be put into consideration depending on the type of disability and its unique needs. We, as a country, fail when we do not consider the needs of a person according to the type of disability as well as meaningful involvement of the user of the services and resources that we provide.

We now have a devolved system of government and learners with disabilities are the most affected when looking at resource allocation. Unequal distribution of resources in the education sector is a major setback.

Mr. Temporary Speaker, Sir, I have been involved in solving cases where county governments construct Early Childhood and Development Education (ECDE) classes without considering learners with disabilities who will use them. You will find that learners with disabilities are put in one classroom without considering the size of class and level of education.

This hinders learning. A learner with disability cannot acquire quality education. This is despite the fact that he or she competes in the job market like any other Kenyan.

We are treated like second class citizens in each and every area. In any discussion, we are considered as persons with disabilities. There is no where we are considered as first class citizens. It is so alarming. When the country has many persons with disabilities who are not considered and no structures are put in place, then we cannot fight poverty.

Mr. Temporary Speaker, Sir, allow me to talk about the issue of sign language interpretation. On television, persons with disabilities are told to use the numbers that are running on the screen yet a visually impaired person also needs to follow the news. It discriminates and continues to do so. I fail to understand this; as a person with disability, you are limited on the programmes you can watch on television because it is only during news hour that some media houses provide sign language interpreters. However, persons with hearing impairment are left out of other social programmes that follow after news.

In addition, when an institution is looking at laying off employees to reduce the wage bill, the most targeted people are persons with disabilities. I would like to use the example of Mumias Sugar Company. They are struggling to do away with employees with disabilities simply because they want to reduce the wage bill.

The Persons Living with Disability Act gives protection to persons with disabilities. They should not be touched simply because it is not easy to get employment. It takes time for them to get education and once they are absorbed somewhere, whether there is a problem, they should not be targeted as a measure to improve the performance of the institution. They should continue to work so long as they can perform and have the capacity to do so.

Mr. Temporary Speaker, Sir, in conclusion, if this Bill becomes law and it is implemented, it will change the way we treat persons with disabilities.

Sen. Elachi talked about assistance to persons with disabilities while crossing the highways. In developed countries like the United States of America (USA) and Japan, they have speaking robots whereby a visually impaired person follows the sound of the robot and will just go direct and press a gadget and the vehicles will stop to allow that person to cross.

Mr. Temporary Speaker, Sir, for the physically disabled, we have outlets whereby you use the wheel chair without much hustling but in Kenya, we do not care about disability. Every house has stairs and once we put a ramp, everybody sees its importance and wants to use it. In buildings and social places such as hotels, persons with disabilities cannot use a social place like the bars or even rooms in the hotel. Where do we leave Kenyans with disabilities? As a country, we need to wake up and say enough is enough. We must be prepared.

If we take account of what is happening in our homes; you build your house and plan that you will be sleeping upstairs not knowing what will happen tomorrow. You may go out in the morning and come back on a wheel chair in the evening maybe because of an accident. It will force you to sleep in the kitchen. It will also cost you to renovate the house to suit that disability. Let us be prepared and make our homes accessible to persons with disabilities.

Mr. Temporary Speaker, Sir, as I second this Bill, it will empower and direct Kenyans on how to serve persons with disabilities meaningfully. With those remarks, I beg to second.

*(Question proposed)*

**Sen. Wako:** Thank you very much, Mr. Temporary Speaker, Sir, for permitting me to talk on this very important Bill. The issue of persons with disabilities has engaged me since I was the Attorney General. I remember driving along Ngong Road and contemplating what my legacy would be. I decided to have four task forces to deal with all laws relating to; women, children, workers and persons with disabilities. On the task force on persons with disabilities, I decided to appoint persons with disabilities, and came very close to seeing the challenges that face persons with disabilities.

Although we had budgeted for the task force in the ordinary way, it became very clear when they first came; first, that we should double the amount to the task force because each person with disability had to have an aid. Secondly, we discovered that my building at the State Law Office was not friendly to persons with disabilities. That is why we constructed a ramp.

This issue of persons with disabilities having access to buildings had been dealt with by a task force appointed by former President Daniel Toroitich Arap Moi. It was headed by an architect called Mr. Mutiso.

**The Temporary Speaker** (Sen. Mositet): Which Mr. Mutiso? We have many architects called Mr. Mutiso.

**Sen. Wako:** Mr. Temporary Speaker, Sir, at that time, he was the Chairman of the Architectural Association of Kenya (AAK). I cannot quite remember his first name. I think it was Daniel or somebody. He came up with recommendations which were

supposed to inform the by-laws of the various local authorities who in turn would enforce it when approving buildings. That never happened.

Therefore, this Bill must be supported. It is reasonable. However, the challenge will be how it will be enforced. There is always a challenge. We pass many good Bills here with good intentions but unless you have somebody to enforce them, it will be in vain. I would like to appeal to the council, which we set up under the Persons with Disabilities Act, to take it upon themselves to make it work. They should not just rely on the various Government departments to enforce this. They should be empowered under that law to enforce what we are passing. Otherwise, it will be a Statute book.

I thank you for giving me this opportunity. I will not be in next week. I just wanted to add my voice to a Bill which I am very passionate about. When you see people who have made it like Sen. Omondi, she is inspiring us. We say, "Very good." The law is working but aim high. Do not aim to be an MCA. Aim to be an MP.

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

### ADJOURNMENT

**The Temporary Speaker** (Sen. Mositet): Hon. Senators, it is now 6.30 p.m. It is time for interruption of business of the Senate. The Senate therefore, stands adjourned until tomorrow, Thursday, 28<sup>th</sup> April, 2016 at 2.30 p.m.

The Senate rose at 6.30 p.m.