

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 5th March, 2014

*The Senate met at the County Hall,
Parliament Buildings, at 2.30 p.m.*

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

PRAYERS

STATEMENTS

RAID BY POLICE OFFICERS AT MASJID MUSA MOSQUE

Sen. Hassan: Mr. Speaker, Sir, this being the soonest opportunity after resumption of the House, I rise on Standing Order No.43(2)(c) to seek a Statement from the Chairman of the Standing Committee on National Security and Foreign Relations regarding the raid by police officers at Masjid Musa Mosque in Mombasa on 2nd February, 2014. This raid was occasioned by the dispersal of what was alleged to be a jihad convention.

Mr. Speaker, Sir, in the Statement, I would like the Chairperson to address himself to these particular issues:

(1) What necessitated the raid? Could the Chairperson state who ordered the raid and clarify what other tactical options to the operation were explored? You would realise that after the raid, many of us, leaders, from the Muslim community were quite outraged by this raid that we believe contravened some of the core beliefs of the Muslim faithful.

(2) Mr. Speaker, Sir, I want the Chairperson to clarify how many persons lost their lives in this raid and how these lives were lost, including the life of a police officer. How many of them were tortured and injured and how many more have disappeared as a consequence of this raid?

(3) Further, Mr. Speaker, Sir, I wish the Chairperson to address himself to how many persons were arrested in the raid, because as far as we are concerned, a number of people were arrested and over 100 have since been released, which shows that it was,

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more or less, a blanket victimization. In the circumstances, therefore, the Chairperson should provide the names and confirm as to whether those arrested were held *incommunicado* for almost five days without the benefit of lawyers, which is provided for under the Constitution of our Republic.

(4) Mr. Speaker, Sir, I also hope to seek from the Chairperson the nature of the charges which were preferred against those who were arrested and how many to date still face those charges.

(5) Further, Mr. Speaker, Sir, I want the Chairperson to confirm whether that raid was in contravention of Article 25(a) of the Constitution, which prohibits torture and all other forms of degrading treatment; and Article 49(1)(c), which touches on the rights of arrested persons.

(6) Further, Mr. Speaker, Sir, I want the Chairperson to reveal the whereabouts of one of those persons who was photographed in the media, one Mr. Hemed Salim Ahmed, who was arrested and last seen in the custody of police officers.

Mr. Speaker, Sir, as an attendant to this question, I think Kenya has evolved to the point where forced disappearances is a crime under our Statutes. Therefore, any police officer or person who causes the disappearance of any person commits a crime.

Sen. Murkomen: On a point of order, Mr. Speaker, Sir. Forgive me if I am not getting it right. Is Sen. Hassan Omar Hassan Sarai, who is my friend, making some contributions to some certain Motion or is he seeking a Statement? I am a little bit lost---

An hon. Senator: He is expounding!

Sen. Hassan: Mr. Speaker, Sir, what I am doing is that I am connecting one statement or question to another and, therefore, as I connect them, that is why when I talk about forced disappearance, it gives me the basis to ask the next question; whether the Director of Public Prosecutions (DPP) has ordered an investigation---

The Speaker (Hon. Ethuro): Order, Sen. Hassan; you are just making your case worse!

(Laughter)

It is that connecting bit that is giving Sen. Murkomen problems. So, please, do not connect; just seek your Statement.

Sen. Hassan: Mr. Speaker, Sir, the last time I knew of Sen. Murkomen, I knew that he was a genius who was able to decipher these issues. I think his one year stint in the Senate has eroded that.

Sen. Murkomen: On a point of order, Mr. Speaker, Sir. Is it in order for Sen. Hassan – the Senator in black – whom I actually saw mingling with other men in black in a different forum – to attempt to insult me or insult the intentions of this House when actually our rules are very clear; if you rise to seek a Statement, you seek a Statement? I think that is very personal and he must be ruled out of order.

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The Speaker (Hon. Ethuro): Sen. Hassan, you must withdraw and apologize to Sen. Murkomen.

Sen. Hassan: I have withdrawn the statement and I equally---

The Speaker (Hon. Ethuro): And for your own understanding, Sen. Murkomen was not only intelligent, but was actually asserting his intelligence by being alert to what the Standing Orders provided for!

(Applause)

Sen. Hassan: Mr. Speaker, Sir, I wish to apologize and withdraw that statement. I do believe that I hold him in high esteem intellectually; it was on a light touch. But he went further to accuse me of being a 'man in black;' so, I also hope that in future outside this House, he will withdraw that statement and apologize to the media.

(7) Has the DPP ordered an investigation into the circumstances of the raid, including the whereabouts of Mr. Ahmed and, if so, what is the finding or status of such investigations?

(8) Mr. Speaker, Sir, when is the Government going to address the systemic human rights abuse in the coastal region in general and the killings of purported radical Muslim clerics in particular with a view of curbing and ending extremism and radicalisation in the region? I stand guided by the Chair and my friend, Brother Sen. Murkomen.

Sen. Madzayo: On a point of order, Mr. Deputy Speaker, Sir. Apart from Mr. Ahmed, who is generally known that he is missing now, could the Chairperson tell the House how many young Muslims also lost their lives in this operation? Secondly, were the police officers justified in taking into the Mosque---?

(Laughter)

The Speaker (Hon. Ethuro): Order, Sen. Madzayo! I think I said yesterday and last week that we are in Session 2; in Session 1, we were talking about the low learning curve. That curve must be shortened now. The Statement is made by one Member and, so, it shall be Sen. Hassan's Statement. You will not purport to share his Statement. So, let us get the Chairperson responding.

Sen. Madzayo: Mr. Speaker, Sir, could I be allowed to---

The Speaker (Hon. Ethuro): Order, Sen. Madzayo! The procedures are very clear; every Statement you see here has already been approved by the Chair. I am not aware of your Statement in the first place. I think we agreed that we are going to be very robust this time round. So, you are completely out of order, the Senator from Kilifi; you can try next time.

The Chairperson of the Committee?

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Sen. Adan: Thank you, Mr. Speaker, Sir. I believe this Statement is really lengthy and I would request, with your indulgence, that you give us about two weeks to respond to it.

Thank you.

The Speaker (Hon. Ethuro): Sen. Hassan, are you satisfied with the three weeks?

Sen. Hassan: Mr. Speaker, Sir, because the incident took place over a month ago and this being the earliest opportunity, having resumed Senate last week and then having to deal with the Standing Orders, I think this should be a very robust assignment for a person and Committee of your quality. One week should be sufficient.

The Speaker (Hon. Ethuro): I want to agree with Sen. Hassan. The incident has taken place, so the information must be available; it is just a matter of collecting it. I mean, for an incident that took place one month ago, you want another one month to collect information? Two weeks is a good compromise.

Sen. Adan: Thank you, Mr. Speaker, Sir. I think I requested for two weeks, not a month.

The Speaker (Hon. Ethuro): You did not request for three weeks?

Sen. Adan: No, Mr. Speaker, Sir. I requested for two weeks.

The Speaker (Hon. Ethuro): Then Sen. Hassan has requested that you reduce that by half.

Sen. Hassan: Mr. Speaker, Sir, for my sister's sake, for the Committee's sake and for the sake of this Senate, I think two weeks is then a good compromise.

The Speaker (Hon. Ethuro): Sen. Hassan, the Chair is coming to your aid and you are now the first one to refuse to be aided!

(Laughter)

Sen. Kembi-Gitura: Thank you very much, Mr. Speaker, Sir. I wish to seek a Statement---

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

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

Sen. Murkomen: Mr. Speaker, Sir, I was just listening to the Statement by Sen. Hassan; my only concern was what he was raising. Even as the Chairperson is going to respond, I thought that some of the questions were touching on matters that are in court, also filed by a Senator in this House and who is a colleague of Sen. Hassan. So, even as she answers, I think those issues must be--- So that, you know, there has been a message out there that we ignore court directives and matters that are *sub judice*. I wanted your direction to the Committee that they basically continue answering the Question, but navigate those terrains of *sub judice* well so that we get an answer here that respects the doctrine of separation of power.

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Sen. Adan: Mr. Speaker, Sir, in the contribution by Sen. Murkomen, I believe this is known to the relevant departments of the Government, especially on matters that are touching on the courts. So, we will respond accordingly.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): First, Chairperson of the Committee, I did not give you the chance!

(Laughter)

But since you have been provoked – and I seem to agree with you completely – that is why I could not stop you. Sen. Murkomen, I think there is no need to be very excited on some of these things. I would imagine that the Chairperson of the Committee, as she has said, will look at those kinds of issues. They know the rule of *sub judice* so that any matter that is before court, you do not even navigate; you just invoke the rule and the Chair will uphold it. So, definitely, the ones who will provide information will be alive to the same facts.

Sen. Kembi-Gitura, you have the Floor.

IMPLEMENTATION OF THE POWER OF MERCY ACT

Sen. Kembi-Gitura: Thank you very much, Mr. Speaker, Sir. I wish to seek a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations on the implementation of the Power of Mercy Act.

Mr. Speaker, Sir, it is common knowledge that the power of mercy has not been exercised since 2012. This power is provided for under Article 133(1) of the Constitution and the Power of Mercy Act, 2011. Under this Act, a Committee is established to consider cases brought before it by the public.

Mr. Speaker, Sir, in his Statement, I request the Chairperson to explain why the power of mercy was not exercised in 2012 and 2013 despite clear provisions of the Constitution and the Act, and despite the Power of Mercy Committee having made its recommendations on those people to be bestowed mercy.

Sen. Adan: Mr. Speaker, Sir, I think this particular Statement is very clear because there is a board that is already established as per the provision of the Act. So, we will provide the answer to that statement maybe within a week's time.

Thank you.

Sen. Wako: On a point of order, Mr. Speaker, Sir. Is it in order for that particular question to be directed to the Chairperson of the Standing Committee on National Security and Foreign Relations and not the Standing Committee on Legal Affairs and Human Rights, which is charged with the responsibility of all issues touching on the Constitution? As far as I know, the membership of that particular Committee, the Chairperson used to be the Attorney-General, who is a very astounding member of that

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particular Committee together with the Minister for Home Affairs. So, is it really in order that the Question should be directed to the Standing Committee on National Security and Foreign Relations and not to the Standing Committee on Legal Affairs and Human Rights?

Sen. Kembi-Gitura: Mr. Speaker, Sir, with your permission, first and foremost, I stand guided and I will be quite happy to receive it from a Committee that is going to give me an answer on this very important issue. So, if it is the Standing Committee on Legal Affairs and Human Rights, then I accept it. I hope that the Chairperson can then undertake to give that answer within the same one week.

But, Mr. Speaker, Sir, having said that, I was going to request that the answer be given on or about 25th March, 2014, and not in a week's time. I am requesting for an extension of the time when the answer can be given.

An hon. Senator: Because you will not be around!

Sen. Kembi-Gitura: Actually, it is because I may not be in the House and, again, because I think it is a question that I would like to get clarifications on, with your permission.

The Speaker (Hon. Ethuro): Chairperson of the Standing Committee on National Security and Foreign Relations, do you have any response?

Sen. Adan: Mr. Speaker, Sir, according to my understanding, the Question is directed to penal institutions, which directly fall under the security docket. Again, it is also touching on legal aspects; and so, it is touching on the mandates of both committees. Therefore, it all depends on what kind of direction you will give us in terms of who should deal with the Statement properly.

Thank you.

The Speaker (Hon. Ethuro): As far as I can determine, because the Senator for Murang'a pointed out very clearly that this is under Article 133(1), which is the power of mercy, and that power is exercised by one office, what the Attorney-General *emeritus* is referring to is what he used to do in his capacity as the Attorney-General then. I am sure with the one who has taken over from him, they are just part of a Committee which is supposed to advise the same; and that Committee also comprises of the Cabinet Secretary responsible for correctional services. So, that should still be interior. So, I direct that the matter should be addressed by the Standing Committee on National Security and Foreign Relations and according to the time requested by the Senator for Murang'a.

Sen. Adan: Thank you, Mr. Speaker, Sir. I am much obliged

The Speaker (Hon. Ethuro): But the Senator for Busia being a member of the House, he has always taken the opportunity to help the House in one way or the other; but not in his capacity as the Chairperson of the Standing Committee on Legal Affairs and Human Rights Committee.

Sen. Wako: Mr. Speaker, Sir, of course, I accept your ruling; there is no appeal over and above your ruling. But this is really an exercise of a constitutional power by the President when all the machinery – the judicial process – has been exhausted and now the

prisoner pleads with the President to exercise his power of mercy. So, it is not, strictly speaking, a matter for the Ministry of Home Affairs. The Ministry of Home Affairs is a member of the Committee, but the Attorney-General even up to today is still the moving force, because the President is exercising his constitutional powers. When it comes to that, we look at legal affairs and human rights. But you have ruled that I can give any assistance; but I am no longer the Attorney-General. Please, get the answer from the Attorney-General of the Republic of Kenya; but the Attorney-General *emeritus* may help you in the process.

(Laughter)

The Speaker (Hon. Ethuro): It is so directed.

INCREMENT OF PARKING FEES IN NAIROBI COUNTY

Sen. Mbuvi: Thank you, Mr. Speaker, Sir. I wish to request for a Statement from the Chairperson of the Sessional Committee on Devolved Government and the Chairperson of the Standing Committee on National Security and Foreign Relations on the increment of parking fees in Nairobi County.

Mr. Speaker, Sir, in the Statement, the Chairpersons should explain the following:

(1) Why the Nairobi County Government has increased parking fees by over 200 per cent, contrary to the resolution of the County Assembly.

(2) Why the registration number plates are being unlawfully removed from *matatus*, taxis and motorcycles within the Central Business District (CBD).

(3) When the Nairobi County Government is going to revert to the approved parking fees as per the County Assembly resolution and not the exaggerated parking fees of Kshs300.

(4) When the Nairobi County Government will withdraw the traffic marshals and reinstate traffic police officers to control traffic in Nairobi County.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): The Sessional Committee is not constituted yet. So, in the meantime, Sen. Yusuf Haji, would you respond?

Sen. Haji: Mr. Speaker, Sir, we will issue the statement in the next two weeks since we have another two Statements.

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

Sen. Mbuvi: Mr. Speaker, Sir, this is a matter of public interest and you will agree with me that all Senators who are in this House today, all the Members of Parliament (MPs) who are in the National Assembly today; all the Cabinet Secretaries, the President and the Deputy President reside in my county. So, I am the Senator for all these hon. Members.

(Laughter)

Mr. Speaker, Sir, this is a very sensitive matter which can paralyze the economy of this county and this country at large. So, with all due respect, I am requesting if this Statement can be delivered next week instead of waiting for two weeks.

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

The Speaker (Hon. Ethuro): Chairperson, before responding, let us hear the point of order from Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, this matter is so urgent that even on 411 news alert, the police have advised that the problem of parking is going to escalate because touts and matatu owners have blocked traffic from entering the city and, in the process, many of the residents walked to the city. Some of us were caught in the traffic because we could not enter the city for over four hours, which is almost the whole morning. It is important that if the owner of the Statement allows, it can be issued tomorrow so that we open up the gridlock.

(Applause)

Sen. Murkomen: On a point of order, Mr. Speaker, Sir. I am speaking as the *de facto* Chair of the Sessional Committee on Devolution and, hopefully, that I will be the next member. This issue is so critical considering that there are also issues of law that touch on the uniqueness of Nairobi County. We should not just give an answer that is sought from someone; we must give an opportunity for the Committee to basically invite the officers that are involved to come and shed light on this issue, and it will be something that will cut between Nairobi County, but there is also a role to be played by the National Government as well. For that reason, I wanted you, in your generous, well thought and intelligent orders, to also anticipate that should the Sessional Committee be in place as required, hopefully by Thursday as it had been planned, it will be joined by the Committee on National Security and Foreign Relations to ventilate on this issue. I think one week should be enough, in my view.

(Applause)

Sen. Wako: On a point of order, Mr. Speaker, Sir. This is a very important issue of national importance which, as the Chair of the Committee on Devolved Government and others have stated, really cuts across a number of committees. It is not just a matter for the Committee on National Security and Foreign Relations, the Committee on Devolved Government, Committee on Finance, Commerce and Economic Affairs or the Committee on Legal Affairs and Human Rights. This matter touches on many issues.

Mr. Speaker, Sir, in view of the fact that this is a matter of national importance, is it in order for me to suggest that it goes beyond the chairperson of a Standing Committee

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or Sessional Committee, but that the Senate Majority Leader be entrusted to use his office and get the right answers in the quickest possible time, as a matter of extreme urgency and deliver the statement tomorrow or Tuesday, next week?

Sen. Hassan: On a point of order, Mr. Speaker, Sir. I want to agree in terms of balance between the urgency where we get a statement tomorrow yet I do not think it will resolve whatever we have today and possibly tomorrow, the reason being the depth that we require so that we can interrogate this matter once and for all. As Sen. Mbuvi rightly pointed out, we are all here as his guests and immensely suffer commuting in the city. I can promise you that if you come to Mombasa County you will be better taken care of.

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Speaker, Sir.

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

The Senate Minority Leader (Sen. Wetangula): While I agree with Sen. Wako on the importance and urgency of this matter, I would have offered unsolicited advice to Sen. Sonko Mbuvi, that this a matter that is so serious that he should have sought advice to move a Motion of Adjournment for this House to air its views on the matter. The proceedings recorded on HANSARD can then be transmitted to the committees and the relevant authorities, including the county government.

Sen. Murkomen: I agree with you!

Sen. Mbuvi: Mr. Speaker, Sir, I concur with my friend, Sen. Wetangula. With due respect, I request if we can adjourn to allow me move this Motion. I am already prepared with all the facts.

(Applause)

The Speaker (Hon. Ethuro): Order, Senators. While I am a firm believer in what the good Bible says, as the spirit leads, but this House has procedures. I am sure you looked at all the possibilities and you decided the one of the statement was the right one. That is now a matter that is before us. The other one will require another procedure all together. So, we can proceed along the lines that the Order before us is “Statements.”

Senate Majority Leader, you have been requested to respond to this issue.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I have no problem. If the feelings from my colleagues and the relevant chairs of committees is that they want the Senate Majority Leader to do that work, that is okay. However, the Standing Orders speak about chairpersons of committees. But that notwithstanding, I am willing to do that with only one caveat, which is that the President and the Cabinet are in Nyanyuki until tomorrow. Perhaps, if we work with Tuesday, then you will get a comprehensive answer.

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

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

Sen. Murkomen: I must declare that the Majority Leader is my friend. However, I disagree with the suggestion that he should bring questions to this House. He can only bring his statement. The reason is, the rules are very clear, that this House works through its committees.

Secondly, this is not just an issue that we just go and pick an answer from Governor Kidero, the Cabinet Secretary or the Inspector-General. This is an issue where you invite those people to come to that committee. The Senator of Nairobi should also be in that committee as an interested party. We will then ventilate the issue, so that what we bring here are not the kind of things where if we ask the Majority Leader, he will say: "I defer" because he does not have the totality of the answers.

Mr. Speaker, Sir, for this question to be answered well, we need a committee. That committee must be able to sit down and ask itself about what needs to be done, including the implementation of the Urban Areas and Cities Act, whose provisions require that there should be a close working relationship between the county and national governments. So, to give this issue the weight that it deserves, I suggest--- Sen. Wako was imagining that literally Sen. (Prof.) Kindiki is the Prime Minister. That is not true. Therefore, I request that this issue be handled at committee level and not as a one man committee.

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

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

Sen. G. G. Kariuki: Mr. Speaker, Sir, I am just seeking your guidance whether it is possible to allow the Senator for Nairobi County to move an Adjournment Motion, so that after the debate, which will take us about one hour, the committee will have material enough to invite those who are involved, so that we can get a more serious reply than what is anticipated now.

The Senate Minority Leader (Sen. Wetangula): A further point of order, Mr. Speaker, Sir.

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

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I noticed from your reaction that the distinguished Senator for Nairobi County was not following the right procedure. That may very well be so, but that is the reason why the clerks sit here. It is their duty to advise the Senator on the Standing Orders. Once a Senator says he wants to move a Motion of Adjournment, they have a duty to advise him which Standing Order is relevant, at what stage of the proceedings that should be done, so that we can do the right things. I am saying this because we do not want to lose the opportunity to talk on a matter so important as this, because it not just affecting Nairobi County, neighbouring counties like Kiambu, Machakos and Kajiado are directly affected. The other day, we saw trucks blocking roads in Machakos County for similar reasons. This Senate has a fundamental duty to ventilate on this matter. That ventilation may be much deeper, more important and far reaching than even committee work.

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

The Speaker (Hon. Ethuro): What is it, Sen. Haji? This should be the last one.

Sen. Haji: Is Sen. Wetangula in order to expect the clerks to walk from where they are to advise the Senator when the Speaker is in the Chair?

The Speaker (Hon. Ethuro): Order, hon. Senators. Sen. Haji is very correct. Instead of pushing the matter to the clerks, he could have approached the distinguished Senator of Nairobi County, to use his own words, and offered unsolicited advice. But from where I sit and where the clerks sit, we can only watch the proceedings. Until you request the clerks to assist you, they cannot volunteer their assistance. That is the case; that is the way it ought to be and that is the way it shall be. Some of these things should not be solicited from the Chair. You can move to your neighbour or the Clerks-at-the-Table. All I await for is the product of those consultations. But to expect the Chair to start offering advice on the way you should proceed on a matter is strange way of doing business in this House.

(Several hon. Senators stood up in their places)

Order, hon. Senators! This is not a debate, I have already allowed a lot of time on this. I am convinced that this matter may be beyond one committee. Under those circumstances, the Majority Leader in his umpire role – in fact, the last time he used the word “*de facto*” Prime Minister. I am surprised today he has decided to agree with me when last time he was not completely agreeable. But it is true what Sen. Murkomen is saying, that the Standing Orders are very clear that we seek responses to statements from the chairpersons of committees. The Standing Orders also allow joint committees to sit on a matter beyond just one committee or which is affecting more committees. But in a matter of this nature, given that the Sessional Committee on Devolved Government is not also operational – you know the business of the House cannot stop, it must always proceed – I feel strongly persuaded that the Majority Leader can give us a response on Tuesday as requested.

I also admit that there are weighty issues which Members have raised and they will require more interventions than the time given. But there are also issues which are quite urgent which need to be disposed of. If we are going to wait for the time for committees to start inviting people, it might take longer to deal with the other issues. I am sure the Majority Leader in his wisdom will engage the committee chairs, agree on the issues that are urgent, like the ones raised by Sen. Wako and then you will also agree on the issues that might require more interventions, even at a time when the Sessional Committee on Devolved Government is in place. So, we expect responses along those lines.

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

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

Sen. Mbuvi: Mr. Speaker, Sir, although you have just given your ruling, I want to say something with regard to Sen. G.G. Kariuki’s sentiments and the fact that I have gone

back to the university; I understand the law. It will just take me five minutes to draft a Motion. I am just requesting if you could---

The Speaker (Hon. Ethuro): Order, Sen. Sonko! Resume your seat! One, you cannot really try to push your luck through the microphone. These are things that require consultations before they come to the plenary. The time of the plenary is so valuable that it cannot be used for soliciting. Apply to the Clerks-at-the-Table who will advise you on what needs to be done. In the meantime, let us proceed.

Sen. Mbuvi: Most obliged, Mr. Speaker, Sir. But the reason I was pushing for that is because the way our Governor is running the affairs of this county – he is running this county as if--- this is not Mumias Sugar Company, this Nairobi County!

(Laughter)

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

Sen. Mbuvi: He is running this County the way he used to run Mumias Sugar Company!

(Applause)

The Speaker (Hon. Ethuro): Order, Senators! I thought I was very clear. Sen. Mbuvi, we would like to assist you, but there is a way in which you can get that assistance. For you to mislead the Chair that you are saying you are obliging and then you take another direction all together, the Chair cannot entertain that!

(Laughter)

These are challenges of governance and they will be addressed accordingly. That is why you have been elected as the Senator to take advantage of your privileged position to see how these challenges can be addressed. That is why we are here.

(Sen. Hassan and Sen. Mbuvi stood up in their places)

Order, Sen. Sonko and Sen. Omar Hassan! You have no right over any other Senator just because you want to take the microphone without the permission of the Chair. Rise on a point of order and wait to be given that chance. It is not automatic. It is not to be granted even if you are alone.

Next Statement, if any? Yes, Sen. (Prof.) Lonyangapuo.

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MANAGEMENT OF TURKWELL HYDRO ELECTRIC
POWER STATION

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I have two Statements to seek. First, I rise to seek a statement from the Chairperson of the Committee on Energy, Roads and Transportation related to the management of the Turkwell Hydro Electric Power Station which is owned by the Kenya Electricity Generating Company (KenGen). I would like the chairperson to:-

(1) State whether he is aware that the current chief engineer has been causing conflicts and fueling tension between neighbouring communities living around the company's locality.

(2) Explain why several requests by local area leaders to the Managing Director of KenGen, to have the officer removed, have not been granted.

(3) State when the officer will be removed and a competent one appointed to take his place.

PAYMENT OF DUES OWED TO BUSINESSMEN FROM
WEST POKOT COUNTY BY KMC

Mr. Speaker, Sir, I also rise to seek a Statement from the Chairperson of the Standing Committee on Agriculture, Land and Natural Resources related to the operation of the Kenya Meat Commission (KMC). I would like the Chairperson to:-

(1) State whether he is aware that businessmen from West Pokot County who delivered livestock to KMC between July and August, 2013 have not been paid their money to date.

(2) Explain why it has taken so long for the payment to be processed.

(3) State when they will be paid.

The Speaker (Hon. Ethuro): The second Statement should be responded to by the Chairperson of the Committee on Agriculture, Land and Natural Resources. The first one is directed to the Committee on Energy, Roads and Transportation.

Chair of the Committee on Energy, Roads and Transportation, what do you have to say?

Sen. Mwakulegwa: Mr. Speaker, Sir, we shall respond to the issue by Thursday, next week.

The Speaker (Hon. Ethuro): What about the issue of the KMC? Sen. Boy Juma Boy?

Sen. Boy Juma Boy: Mr. Speaker, Sir, we will respond to the issue of the KMC within one week.

The Speaker (Hon. Ethuro): So, we will get the Statement next Wednesday?

Sen. Boy Juma Boy: Yes, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Sen. Mutula Kilonzo Jnr.

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Sen. Mutula Kilonzo Junior: Mr. Speaker, Sir, I rise to renew three statements that lapsed in the last session. It is fair to say for the record that all of them were due sometime in November last year.

DISPUTE BETWEEN MACHAKOS AND MAKUENI
COUNTIES OVER KONZA CITY BOUNDARY

First, I rise to seek a Statement from the Chairperson of the Standing Committee on Agriculture, Land and Natural Resources regarding the Konza City Boundary. In the Statement, the Chairperson should:-

- (a) Confirm that the boundaries of the 47 counties were demarcated in accordance with the Districts and Provinces Act, Cap.105A of the Laws of Kenya.
- (b) Confirm whether Konza City is located in Makueni County;
- (c) Explain the legal basis upon which the Director of Survey has placed the Konza City boundaries within Machakos County.
- (d) State whether any measures have been taken to address the discrepancies.

ALLOTMENT OF MASONGALENI
SETTLEMENT SCHEME

Mr. Speaker, Sir, the second statement is directed to the same Committee on Agriculture, Land and Natural Resources and relates to the allotment of Masongaleni Settlement Scheme in Kibwezi East Constituency, Makueni County. In the Statement, the Chairperson should state the following:-

- (a) the number of persons issued with the allotment letters;
- (b) the size of land allotted to each person;
- (c) whether there is a database for the persons issued with allotment letters;
- (d) whether survey and subdivision of the said land has been carried out and beacons placed; and,
- (e) the reasons for the delay in the issuance of title deeds since 1992.

CONTRACT FOR CONSTRUCTION OF
MAKUTANO-KIKIMA TOWER ROAD

Mr. Speaker, Sir, the third statement is directed to the Chairperson of the Standing Committee on Energy, Roads and Transportation. The Statement relates to the construction of Makutano-Kikima Tower Road D517. In the Statement, the Chairperson should address the following:-

- (a) Whether he is aware that the contract for the construction was awarded to Victory Construction Company at a sum of Kshs1,800,094,559.84 for a period of 24 months starting September, 2007 and lapsed on 13th September, 2009;

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(b) Explain why more than six years later the work is incomplete, yet it should have been completed.

(c) State how much money has been paid so far for the work and what has been allocated in the current financial year;

(d) Explain why the contractor has left the site, yet the work is far from completion.

(e) Lastly and most importantly, state how long it would take for the road to be completed and when the portion between Kikima Market and Kyambalasi-Makutano Junction will be done.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Committee chairs, what is your response?

Sen. Boy Juma Boy: Bw. Spika, kwa sababu maswali ambayo yameulizwa yanahitaji kazi ndefu, ningeomba wiki mbili kujadili na kutoa *Statement* hizo.

The Speaker (Hon. Ethuro): It is so ordered. Which committee was the next statement directed to?

Sen. Mwakulegwa: Mr. Speaker, Sir, Energy, Roads and Transportation.

The Speaker (Hon. Ethuro): That is right.

Sen. Mwakulegwa: Mr. Speaker, Sir, we will be able to issue the Statement by Wednesday, next week.

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

Next Order.

RESETTLEMENT OF IDPS IN NYANDARUA COUNTY

Sen. (Eng.) Muriuki: On a point of order, Mr. Speaker, Sir. Last week on Thursday, I requested a Statement with regard to the status of IDPs in Nyandarua County. The Chair of the Committee promised to issue the Statement today. I did not hear anything about it. Could we know the position of this Statement?

The Speaker (Hon. Ethuro): Chair, what do you have to say?

Sen. Haji: Mr. Speaker, Sir, regrettably, I am not able to issue this Statement. The effort to get the Statement was not fruitful because the Cabinet Secretary as well as the Principal Secretary have not been in the office from yesterday up to this moment. But I will try to pursue the matter as soon as they come back. If we can be given one more week, I will be grateful to the hon. Senator.

Sen. (Eng.) Muriuki: Mr. Speaker, Sir, this is a grave matter. We have a meeting of Nyandarua County elected leaders on Friday, 14th March, 2014. One of the serious matters for this gathering is the situation of the IDPs in the County. We have over 36,000 of them. We say they are integrated people who are in various places. I would request the Chair to rule that this Statement be given on Tuesday, latest Wednesday, next week, in time for the leaders of the county to be able to delve into this matter conclusively.

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(Sen. Haji spoke off the record)

The Speaker (Hon. Ethuro): Sen. Haji, you are not on record, use the microphone.

Sen. Haji: Sorry, Mr. Speaker, Sir. We will attempt to give an answer on Wednesday, next week. If I find any problem, I will report back.

The Speaker (Hon. Ethuro): While I appreciate your intentions, but to attempt on Wednesday can be problematic. Why do you not confirm for Wednesday? You may wish to attempt on Tuesday.

Sen. Haji: Much obliged, Mr. Speaker, Sir. I take your instructions accordingly.

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

The Speaker (Hon. Ethuro): Just a minute, Sen. Omar Hassan. I will allow you shortly.

Next Order!

MOTION

COMMENDATION TO MS. LUPITA NYONG'O FOR WINNING AN OSCAR AWARD

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

THAT, aware that the film industry is one of the leading and prestigious occupations; noting that Ms. Lupita Amondi Nyong'o is a Kenyan actress who featured in the movie "*12 years a Slave*"; further aware that she made history by being the first African woman to win an Oscar Award of the best supporting actress at the 86th Academy Awards held in Los Angeles, United States of America, for her role in the movie; appreciating that it is through relevant education, training and hard work that she was able to win this award and many others; realizing that she is an inspiration and a role model to many including the African women and youth; cognizant of the fact that she has uplifted the Kenyan profile in the world; the Senate records its commendation to Ms. Lupita Amondi Nyong'o for her exemplary performance.

Mr. Speaker, Sir, this is very important for us, as a Senate. This is really an exemplary performance. It is something that has happened in this country. For the sake of history, it is important for us, as the Senate, to recognise that this young lady, Lupita Amondi Nyong'o, has performed exemplarily well. She won an Oscar Award which is as a result of the hard work that she has put in. It is important for us, as leaders of this country, to recognise that we have so many Lupitas out there among our youth.

Mr. Speaker, Sir, my second congratulation goes to Sen. (Prof.) Anyang'-Nyong'o and his wife.

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(Applause)

It is as a result of their guidance and support that Ms. Nyong'o was able to achieve what she has achieved. She has made the family very proud.

Mr. Speaker, Sir, Lupita Nyong'o is a role model that the youth of this country need to emulate. She managed to compete with international competitors. When she was giving her address, she was almost in tears because she thought she was not going to win. I really feel that as a Senate and as leaders of this country, there are many Lupita Nyong'os out there, but as a country, we have not done much to ensure that the youth, women, people living with disability and marginalized communities are able to achieve their objectives, articulate and realize their talents. We have a very good provision in the Constitution which we passed recently that if we take seriously, we will be able to uplift or give opportunity to the youth and women in this country. If I may quote Article 21(3) of the Constitution which obligates state organs and public officers to address the needs of vulnerable groups within the society including women, all the members of the society, persons with disability, children, youth, minority groups or marginalized communities and members of particular ethnic, religion or cultural communities. This is a very good provision but naturally as Kenyans, we have enacted legislation and even the Constitution but the unfortunate bit is that in as much as we have these provisions, we do not actually address the real concerns of our communities especially the youth who constitute the largest percentage of our country. We also have women and persons living with disability who should be assisted so that they can realize the benefits of the provisions of this Constitution and various policies of the Government.

The second article is Article 55(c) which obligates the state to take measures, including affirmative action programmes, to ensure that the youth have the opportunities to associate, be represented and participate in political, social, economic and other spheres of life. These are very good provisions that if implemented, will change this country. It is really important to also recognize the congratulatory message sent by His Excellency the President where he promised to establish film academies. It is important for this gesture to be passed down up to the county level to ensure that we have these academies because we have so many youth in our country who are unable to actualize their talents. Therefore, I feel it is important for us to take this very seriously.

Mr. Speaker, Sir, the other point is with regard to the Government directive that 30 per cent of procurement opportunities should be given to women, youth and people living with disabilities. These are very good policies given by the President but if you go on the ground right now and audit what the county governments are doing, none of those individuals or groups of individuals are really benefitting from this policy. It is important as leaders that we follow up these issues to make sure that as a Senate, since we are the ones who should oversee the work of the county government, to ensure that these policies are implemented.

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Mr. Speaker, Sir, another very good example is the youth and women funds. The Government has actually been pumping money into these funds but there is no time that as a country, we have looked back to assess the impact such funds have had on our youth, women, people living with disabilities and the marginalized.

Mr. Speaker, Sir, film, music and sports are actually talents and we should regard them as professions. As a country and as leaders, we do not do that. I would want to narrate a discussion that I had when I went to visit the Office of the Deputy President. I was in his waiting room and Citizen Television was on. We were watching the Nigerian movies. I was there with a colleague and some two white visitors. Then they asked if we could remove that movie because it was not interesting. One of them said that Kenyans really like Nigerian movies, so you do not have to remove. It is really amazing because we have our own young talented and upcoming film makers. We have movies that we have made as a country, so why can we not be proud of that instead of us always watching Nigerian movies on our screens? It is important for us to be proud of what we are and be proud of our youths, women and people living with disabilities who are talented. These people are able to bring change in their lives through talent.

Mr. Speaker, Sir, we also have cultural backgrounds that do not allow some of our youths and women to participate in the film industry, sporting and music. There are both positive and negative aspects of our cultural backgrounds and it is important to change our thinking and cultural beliefs into a positive aspect.

Finally, I would like to say that we always cry about lack of jobs out there, and the largest population of this country is youth and women. Most of them are not empowered. They are marginalized and unemployed but if we allow or give them opportunity to produce films and utilize their talents, then they will be able to earn a living.

I want to conclude by saying that as a Senate, we need to ensure that the rights of youth, women, persons with disabilities and marginalized groups are protected as provided for in the Constitution and various legislations.

I want to call upon Sen. Lesuuda to second this Motion.

POINT OF ORDER

CONTINUED DISREGARD OF THE SENATE'S LEGISLATIVE MANDATE BY THE NATIONAL ASSEMBLY

Sen. Hassan: On a point of order, Mr. Speaker, Sir, without trying to interrupt the Motion, I thought it is important to bring to the attention of this House. I want to seek direction from the Chair, the Senate Majority Leader and the Senate Minority Leader. This morning as I watched the proceedings of the National Assembly, and this is about principles which these two Houses must acquire, I recall Sen. (Dr.) Khalwale brought before this House a Bill about flags, emblems and titles for all public officers including

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the pecking order of the Government. One of the Members of the National Assembly had introduced an amendment to the County Governments Act that tried to defeat either the concurrence or otherwise of a Bill that emanated from the Senate. I believe the Senate had communicated the same to them. This Senate had asked for their concurrence as per the Constitution. I have no reason to doubt that the Bill was not received by the Speaker of the National Assembly but the direction I want to seek from the Chair is why the National Assembly has continued to introduce similar amendments in total disregard of the Bill that emanated from this Senate.

I recall that even as the debate progressed, there was an inference to the fact that another Bill would be introduced that stipulates the pecking order of the Government. I know that the Leader of Majority and the Leader of Minority have closed ranks with the National Assembly on matters that are of common interest but I think it is important for us to continue to assert the mandate of this Senate.

I rose on this point order despite this very important Motion because I felt slighted as a Senator and wondered why the National Assembly continues to disregard the mandate of this Senate. The National Assembly is being contemptuous of the Senate. Therefore, it is important for this Senate to assert itself and the Speaker's Office to give direction as to how we need to move forward particularly with matters of law making. I find it unacceptable and an affront to our mandate as a Senate.

Sen. Murkomen: Mr. Speaker, Sir, I was equally disturbed when I saw the proceedings that were taking place in the National Assembly. We have remained a House of soberness, a House basically that focuses on the law, where it requires that we work together with the National Assembly, we have been very careful to follow the law. If you read Article 110, it provides that Bills concerning county government means a Bill containing provisions affecting the functions and powers of county governments. Matters of whether a Governor can fly a flag or not, matters of whether a county assembly member can be called honourable or not, matters about how the county government institutions and individuals running those institutions are going to be referred to and what privileges they are going to have, is a power that is necessary for that public officer to have in the exercise of the functions that are given in the Fourth Schedule.

So, it is important that your counter-part in National Assembly and the leadership of the National Assembly foster a good working relationship. We have Sen. (Dr.) Khalwale's Bill that went to the National Assembly. I followed the proceedings when the question arose as to whether it was a Bill concerning counties and I was waiting for the Speaker of the National Assembly to rule on the Floor of the House that the determination of whether a Bill concerns counties or not is in the domain of himself and yourself. Since he already allowed that Bill to proceed in this House and the National Assembly, it was *fait accompli*. That procedure of determination of whether it is a Bill concerning counties or not had already been passed. So, the only ruling that the Speaker of the National Assembly would make is to tell the hon. Member who raised the point of

order that the decision has already been made and the Bill has already passed that stage. So, they would proceed and determine the Bill and bring it here.

Mr. Speaker, Sir, as I conclude, the domain and responsibility of ensuring that the two Houses do not pass unconstitutional legislation is our responsibility as the Senate and the responsibility of our brothers in the National Assembly. We should ensure that we do not pass legislations which on the day they are being gazetted, they are being declared unconstitutional. We need to pass Bills that once they get out of this House, they can function or have effect. We cannot just do business the way it is going on. I thank Sen. Hassan - among the many things we agree on are matters of law - for raising that important issue. I want to request you in your usual sober manner and in the usual sober manner that we are raising issues here, that you sleep over that issue and in the shortest time possible, for example, tomorrow afternoon, to give communication to this honourable House.

Sen. Mbuvi: On a point of order, Mr. Speaker, Sir. I concur with Sen. Hassan and Sen. Murkomen's remarks but it would be premature for us to discuss this matter at this juncture because the matter has just been debated in the National Assembly and we do not have the HANSARD. What we have is hearsay; Sen. Hassan has just come here and whispered. We need our brothers and sisters in the National Assembly; they stood with us in our war against the judiciary---

Hon. Senators: Aaah! There is no war!

(Loud Consultations)

Sen. Mbuvi: We never had war but what I can say is that just the other day the Chief Justice gave a very rude statement over our ruling on the Embu Governor's impeachment---

The Speaker (Hon. Ethuro): Order, Sen. Mbuvi. The Standing Orders are very clear. You do not discuss the Chief Justice.

Sen. Mbuvi: Thank you, Mr. Speaker, Sir. We do not need any further wars with the National Assembly. The first person who defended this House on our ruling against the Embu Governor was the Speaker of the National Assembly. I would like to repeat my earlier remarks. Let us get the HANSARD from the National Assembly and see what was debated in the National Assembly and from there, we can raise the matter on Tuesday. If you allow me, these are two Houses; the National Assembly and the Senate which is the Upper House. I do not want to repeat my earlier sentiments with regard to the impeachment of Governor Wambora. There were threats which were issued against us. I do not know if I would be right to say that---

The Speaker (Hon. Ethuro): Order, Sen. Sonko. I think you are repeating yourself. You have made your case. You have said that we should wait for the HANSARD.

Sen. Mbuvi: Thank you, Mr. Speaker, Sir. I rest my case.

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Sen. Elachi: On a point of order, Mr. Speaker, Sir. As you sleep over it as our colleague has just said, I would like, as you give your communication, to guide us. It seems as if the Principal Secretaries do not understand whether, indeed, a Bill can emanate from the Senate or the National Assembly. It will be important, as you make that communication, to explain to the Principal Secretaries to understand that a Bill can come from the Senate and not necessarily from the National Assembly. It will be important, as you make the communication, to make us and the Cabinet Secretaries, understand that a Bill can come from either House and end at the House that it was moved.

Sen. (Dr.) Kuti: Thank you, Mr. Speaker, Sir. I stand to support what Sen. Omar has said. I would like to speak about some measures we need to take as leaders. I think there is a lot of “boxing” going on among leaders of various institutions. I think at times solutions can be sought and found without necessarily the public being aware. I think we need to develop a system where leaders of various institutions handle matters quietly through consultations. Should the consultations fail, then we can go ahead and express ourselves in public. Some of the issues are happening because of the teething nature of implementing the new Constitution. I am sure that this can be sorted out through consultations and through forums other than bashing one another and placing everything before the public eye, creating confusion among the same public that we lead.

I would like to state that even if there are incidences or issues that may come up; we should liaise with you, in your office, and discuss the matters before bringing them on the Floor of the House. We should try to find a solution to the problems first. These issues should only reach the public ear when there is no other alternative. I really urge all leaders and not only the Senate but all institutions at all levels; be it the Judiciary or any other, to stop confusing the public. We have been raising issues, all the time that reveal that we are always at war. These wars should now come to an end.

Sen. Orengo: Mr. Speaker, Sir, I want to agree with Sen. (Dr.) Kuti because this is not the first time that we are bringing this issue here before the Senate. The more we play it in the public domain without a solution, the more ridiculous we appear. For the purpose of the Senate, we are looking superfluous and it seems as if we are whining instead of looking for a way forward.

Having said that, it is important to look at what the Constitution says about both Houses. Houses of Parliament; the Senate and the National Assembly, consider Bills. None of the Houses passes Bills. A Bill is passed by Parliament and those provisions in relation to how a Bill is passed are in Article 116. A Bill matures for assent by the President when it has been passed by Parliament. What worries me is that the legislation that goes through the National Assembly, if we are to consider the objective situation as far as the enactment of legislation in this country is concerned, then it would appear that every single law that has been passed, apart from one or two, have not been passed in accordance with the Constitution. The Advisory Opinion of the Supreme Court is very clear on this matter. The fact that Bills that originate from the National Assembly are not forwarded to you undermines the authority of the Office of the Speaker of the Senate.

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Mr. Speaker, Sir, I want you to listen to this. Every single Bill that originates in the National Assembly but is not considered by the Senate, in effect, undermines the authority of the Speaker of the Senate. Therefore, this is a matter which you have to find a way of resolving. You have made an attempt through the courts. However, you know about the historical struggles between the House of Commons and the House of Lords. It was not very easy to see where the authority lay but it was a historical struggle for the House of Commons to assert its feet. We are not fighting for supremacy, as it were, because we are all organs of the Constitution. The Constitution is Supreme and we believe in constitutionalism.

As we speak now, the real legal situation is that 95 per cent of the laws that have been assented to by the President are invalid by virtue of the opinion of the Supreme Court. If this will continue, I think we will have anarchy in the legislature. I just have one advice for you; the only office that you need to persuade is that of the President because he has a role to play. He can refuse to assent to any Bill that has been considered by the National Assembly but has not been considered by the Senate. If he refuses in terms of the constitutional provisions, then the National Assembly will have nothing else to do but to follow the law accordingly.

I believe in your art of persuasion but I am beginning to see that we need to take this to school a little bit. There is only one single office that you need to advise. If you cannot advise, then the Attorney-General is sleeping on his job. If he is sleeping on his job, then the Senate may have to take action against the Attorney-General. This is a matter which the Attorney-General *Emeritus*, by virtue of his office, considering that he is the Chair of the Senior Committee of Senior Counsel, holds an office which is a step away from one which is very important in the rule of law. I think the Attorney-General *Emeritus*, should also make a step, publicly, together with the Speaker in persuading the President. He has a role to play in the Senate.

Sen. G. G. Kariuki: On a point of order, Mr. Speaker, Sir. I am a bit surprised that we stopped what we were doing to listen to hearsay. This is because we are trying to do the work of the two Speakers. If somebody is serious and he thinks that this House is being undermined by any other institution, the first person they should see is the Speaker of the House.

(Sen. Murkomen consulted from the back)

Sen. Murkomen, please, allow other people to air their views. We have been to school like you have been. Therefore, I think you need to listen.

I am suggesting that for the progress of the House, considering that the debate was hijacked on a matter like this was not quite fair. Let us also agree that the Speaker of the Senate cannot stop any Member from airing issues which are irrelevant. However, we are not quite sure about what happened following what Sen. (Dr.) Kuti said. We do not know what transpired. We listened to one Member of Parliament, whom we have allowed

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collectively, to take our wisdom away. We are now debating something that we are not very sure about.

Mr. Speaker, Sir, you need to control the debate of this House. It was relevant from the word go. Mr. Speaker, Sir with respect, I think you need to control this House. This debate needed to be brought as a Motion if we are serious about it either tomorrow or today as a matter of urgency. We should not stop a debate which was very important to listen to this matter.

Sen. Murungi: On a point of order, Mr. Speaker, Sir. I want to make a very brief intervention. I was following the debate in the National Assembly on radio this morning. What I heard from there was that a Member rose on a point of order questioning the constitutionality of the Bill that was before the National Assembly from the Senate. The issue was whether the Bill should have originated from this House or that House. The Deputy Speaker, in her own wisdom, decided to give a considered ruling over the matter. As of today morning, as I followed the debate, the considered ruling had not been given. However, she allowed the debate to continue meanwhile as she was considering the matter. So, I think it is not proper for us to rush into this matter. It is important that we give the Speaker time to consult, lead and to give a considered ruling and if we have any comments to make, we can make them after that. If we have any comments to make, we can make them after that ruling is made. That is what I think we should do.

Sen. Wamatangi: Mr. Speaker, Sir, I support what has been said by a majority of the Members, especially on the last three opinions; that it is time for us, as a Senate, to do whatever we have to do, albeit, through you as the Speaker of this House to try and cement as much as possible a strong relationship with the National Assembly such that solutions can be found, where possible, internally without a lot of friction. As we are speaking now, there is already a retreat which has been called by Governors and Members of the County Assemblies. The purpose for that retreat, which has been called, is because the Governors have called Members of the County Assemblies to lobby them and to take a common position against both Houses of Parliament. Their target is largely because of the Sang Bill. They want to lobby Members of the County Assemblies against the Sang Bill with regard to the formation of the Ward Boards.

I heard serious sentiments from Members of my County Assembly pegged on that. When both Houses are facing such an affront, we also need to fortify our ground and ensure that we do not lose the National Assembly especially so as to move forward. We should try as much as possible to find internal solutions to this issue. The Chair should use the office and the Committee they are going to form so that we have a common working ground with the National Assembly. That way, we can be able to win the legislative agenda for this country.

Sen. (Eng.) Muriuki: Mr. Speaker, Sir, just to add a word on this debate, notwithstanding Sen. G.G. Kariuki's sentiments that we perhaps hijacked a Motion which was on the Floor of the House, but nonetheless, some of these things become so urgent that there is need for some sort of intervention from the Chair on our behalf. When we

recently had a *Kamukunji* that was chaired by the two Speakers, one of the issues which were discussed to some extent was Sen. (Dr.) Khalwale's Bill. Some suggestions were given and therefore, it is of great concern to this House that even after a semblance of understanding between the two Houses was made, the Chair in that House has allowed a Bill similar to the one which has come from the Senate to be debated to the extent that it has. Much as I agree that we wait, this is very urgent because they were on the Second Reading and because most Members did not have much to say, they supported it only after two or three minutes. So, they could easily pass it and go to the Committee Stage and Third Reading and before long, it will be before His Excellency the President. Therefore, the intervention of His Excellency the President is important and urgent.

You did also report in that *Kamukunji* that that morning you were to have a tripartite meeting between the Legislature, the Judiciary and the Executive, and the Executive did not show up. In our minds, this is the real reason why there are many issues arising. If I can remember very well, once these Bills come to Parliament, they should be tabled at a joint meeting of the two Speakers. To our observation, it is not happening. If it has not happened and, therefore, it is unconstitutional and it eventually ends up with the Head of State and he signs it into law, I think I entirely agree with the Member who suggested that that is the real problem.

With those few remarks, I urge that this matter be handled very urgently, otherwise we shall be ridiculed.

The Senate Minority Leader (Sen. Wetangula): Thank you Mr. Speaker, Sir. I salute you for allowing the interventions on this matter; the sentiments of my good brother Sen. G.G. Kariuki notwithstanding because this is very important.

Article 110 of the Constitution is very clear. If you look back since we started this Senate, there has been a pattern of conduct, behaviour, speech, utterances, some normal, some reckless from the Speaker of the Lower House towards this House. They have been very condescending and sometimes arrogant. We have raised this with you as our Speaker in public and in private. If you may recall, the Lower House has forwarded to this House – I was away for about two months and if something else happened, you forgive me – only one Bill. There have been many Bills that definitely fall within the ambit of the constitutional provisions that require to be sent to this House for consideration. This continuing overlook and disregard of the presence and the existence of the Senate is something that we must all be concerned about.

Mr. Speaker, Sir, this morning, I also listened to the debate that was going on in the National Assembly and I was shocked to hear what was going on. It was a debate of a Bill completely identical to the Bill that we have passed here and we have forwarded through a message to the National Assembly. This definitely raises more questions than answers. We want to encourage you, that using your position which you hold with the authority of the Constitution, to communicate and seek audience with the two offices. The President does not assent to any Bill passed by any House without proper legal

advice from the Attorney-General. Is the Attorney-General advising the President to assent to Bills that have been passed and erroneously ignored to be sent to either House?

The second one is that, you have a constitutional duty as the head of one of the Houses of Parliament; a critical arm of Government to seek audience with the President who assents to Bills and give him advice because you owe him that duty as well; that he should be considerate and careful and seek legal opinion whenever Bills are presented to him for signature. We do not want to engage into the Sri Lankan like legal adventure of running to court on everything, including the cutting of a tree. We want to be a country that is orderly, that respects the rule of law; that respects institutions and the relationships between institutions.

Mr. Speaker, Sir, the drafters of this Constitution did not create the two Houses for nothing. They did not create the counties and the county assemblies for nothing. It is wrong and dangerous for our constitutional dispensation and the management of the bicameral system to be derailed and rubbished by the conduct of one office holder. This is wrong and dangerous. I urge you that you may not give us an opinion or ruling now, but you definitely have a duty to consult as widely and extensively as possible and bring this matter to an end. Otherwise, this Senate has a duty either individually or collectively or even Omtata out there to go to court and challenge the constitutionality of every Bill that is passed and assented to on the basis of this; and that is not the direction that we want to take.

Sen. Njoroge: Mr. Speaker, Sir, through my observation, I think it is the right time we summoned the Attorney-General to come and try to vet his wisdom in advising the President on assenting to Bills, because even the Attorney-General may not be understanding the whole concept of what is happening between the two Houses. So, I think we could be dealing with the wrong person. I think it is the right time we summoned him to come and tell this House why he has actually been advising the President wrongly to assent to Bills which are not supposed to be assented to.

Thank you.

Sen. Bule: Mr. Speaker, Sir, the issue of wrangling here and there will not help Kenyans. The solution lies in the hands of the President of this country. We must seek his intervention.

Thank you.

Sen. Keter: Mr. Speaker, Sir, while I agree with my colleagues on their sentiments, I happen to have followed the debate last week on Thursday when it was moved by the Chair of the Committee in charge of legal affairs in the National Assembly. I also listened to the interventions and I remember very well that the Deputy Speaker at that time promised that a ruling would be made in ten days. This morning, I happened to have listened to the debate. On Sunday, I talked to the National Assembly Majority Leader and hon. Chepkonga and I thought it is prudent that we allow them to make a ruling and subsequently we follow the route which most of the Senators seem to be agreeing with.

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That notwithstanding, on the other Bills which had earlier on been passed, we can follow the route of engaging the Attorney-General and the Head of State on that so that we are above board as we have been. If we now engage in this debate and yet there are still a lot of things which are still pending, the other House may not necessarily act the way we are acting. So, I am pleading with you, as you make that ruling to consider engaging the Speaker of the National Assembly quietly as you have always done. It was very good when we had a joint *Kamukunji* last week. I thought it was a step in the right direction to make things work for both Houses. I want to plead with my colleagues that it seems they are following the right direction since the Bill also came here as a Private Member's Bill, being a Wednesday morning and it happened that the Deputy Speaker was on the Chair and she allowed it to continue awaiting a ruling. As colleagues, we are all politicians and individually before we issue statements, we should give them time. We should collectively act together.

Sen. Nobwola: Mr. Speaker, Sir, I would also like to contribute to this matter. I think when we had the joint *Kamukunji*, that was a very good indication that we are now starting to talk. I think we should not spoil that spirit. We should wait for the ruling from the National Assembly and then the two Speakers will sit together and discuss the matter. Once a Bill or a Motion has been put before the House, you cannot read the minds of the Members. We should let them debate it because at the end of the day, they will take a vote on that Bill and there will be a ruling. So, I think we should wait for that ruling and then the Speaker will take up the matter in his wise wisdom and advise the House on the way forward.

Sen. Ong'era: Thank you, Mr. Speaker, Sir. I just want to add my voice also to what my friends and distinguished Senators have said.

Mr. Speaker, Sir, I would like to urge you to exercise your quiet diplomacy with your brother, Speaker Muturi. This is a very serious matter that requires careful thinking. But the buck at the end of the day stops with the President. I would like to plead with my friend, hon. Uhuru Kenyatta, who is our President, not to assent to these Bills, so that we are enabled, as Senators, to do what our constitutional mandate is. This is because when we speak about "Parliament" passing any law, Parliament cannot exist without the Senate. So, I want to join my brother, the distinguished Senator for Tana River, in supporting that, in this matter, the buck stops with His Excellency the President. We, indeed, plead with him not to assent to these Bills.

Thank you, Mr. Speaker, Sir.

Sen. Wako: Thank you, Mr. Chairman. I will not make any lengthy contribution. I agree with the sentiments that have been expressed here---

Sen. Orengo: On a point of order, Mr. Speaker, Sir. If the speaker was not the Chairman of the Committee on Legal Affairs and Human Rights, I would not interrupt it. But did you hear him call the Speaker "Mr. Chairman" and he wants to get away with it?

The Speaker (Hon. Ethuro): Did he?

Sen. Orengo: Yes, Mr. Speaker, Sir, and he keeps on saying that he is the Attorney General *emeritus*. We can remove that title from him.

Sen. Wako: Mr. Speaker, Sir, I will wait for the HANSARD. I do not trust him on this one.

The Speaker (Hon. Ethuro): Order, Sen. Wako! It is self-evident that when you speak, you close your ears. I want to confirm that I heard you loud and clear. You referred to the Speaker as the Chairman.

Sen. Wako: Mr. Speaker, Sir, if you heard me loud and clearly, then I withdraw that, call you “Mr. Speaker, Sir” and apologize. But I could not trust him on this particular one.

(Laughter)

The Speaker (Hon. Ethuro): Proceed, Sen. Wako!

Sen. Wako: Mr. Speaker, Sir, I really want to follow what Sen.(Dr.) Kuti stated; that a lot of these issues, really, we should not be rushing here and making public statements. It tends to exaggerate the problem more than it is. Honestly, if it were my way, and if I knew that the Speaker of the National Assembly has yet to make a ruling, I would not even be engaged here now. I would have come to you and asked you: “Please, exercise your diplomacy, which you have in plenty, and have some quiet consultations with the Speaker before he makes that ruling.” That is the way that I would have gone. Most likely maybe the ruling would have been a good exposition of the law, the way Sen. Orengo exposed here, as to what the procedures ought to be. There would have been no need to have been exchanging a lot of accusations and so on. So, for me, the only amendment that I would make is that rather than wait for the ruling to be made before you intervene, exercise your diplomacy now and go and have a quiet chat with the Speaker of the National Assembly before that ruling.

Thank you, Mr. Speaker, Sir.

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

The Speaker (Hon. Ethuro): Order, Senators! Order, Dr. Kuti! I thought that you were pleading for leniency and accommodation.

First, I want to say that the hon. Senator for Mombasa is perfectly in order to raise the matter. I think that all of you have a responsibility to the Chair to bring a matter of that nature to the attention of the Chair. Now whether you should do it on the Floor or make some clandestine visits to the Chair, I think that, that is up to you. But once he has selected the route that he has taken, given that this is a matter of public importance, it is not a private affair. If he did not do so, how could your Speaker have benefited from the kind of interventions that you have made, including the extremist view of Sen. G.G Kariuki or the legal prosecution by Sen. James Orengo and Sen. Murkomen, plus many

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other interventions that you have made, which I think will make your Speaker even wiser than you have been saying? So, first, I want to confirm that those are very good interventions.

Two, I want also to be very clear that I have just obtained the correspondence that we have followed from the Senate – the due process. For a Bill originating from the Senate, before even the First Reading, we communicate with the National Assembly, so that we agree whether or not it is a Bill affecting counties, as per the procedure in Article 110(3). We have done that. Unless you were not part of this thing, the other day when we had a joint *Kamukunji*, these matters were also canvassed and actually, it was part of the communication read finally, and there was no disagreement whatsoever. The Chair, of course, has followed also the proceedings of this, because as per the agreement of that *Kamukunji*, the matter came to the Floor of the National Assembly and rightly so. A Member, as most of you have observed, raised a matter, just like Sen. Omar has raised today. The presiding officer, who was the Deputy Speaker, asked for ten days to make the ruling. So, I was equally surprised that this morning, the same presiding officer could also entertain a Bill similar to the one that was awaiting the ruling. Surely, these matters cannot be lost on keen observers, unless we are the proverbial ostrich who decide to bury our heads in the sand. So, I think that it is perfectly in order when Senators get a bit concerned, even on some things that seem to be obvious, but are not very obvious to all of us.

I will look at the HANSARD and inquire from all the relevant persons on what has transpired and then make my considered ruling. I will only promise you one thing; that we hold these offices in public trust, under the Constitution and we must deliver as per that Constitution. We will consult the relevant offices that you have mentioned, as we have always done, because we cannot act alone, and our record is there for everybody who cares to know. So, we will be led by the Constitution.

Finally, I want to confirm that I do not believe that the Senate has any war with the Judiciary. So, when Sen. Sonko says that we have been assisted in some war, I do not think that we engaged in any war. We have made our Communication in terms of the court orders and process that was before the House, and they are very clearly spelt out in the Reports of the impeachment. Anybody who cares to read can avail himself or herself a copy of the Committee Report chaired by Sen. Boni Khalwale. So, I do not want that impression to be created. Our issue has been about contested jurisdiction and we respect each and every arm of Government. That will remain so.

For Sen. Wetangula, in my recollection, I do not see any Bill that came from the National Assembly to the Senate. The last time when they made an attempt, they withdrew it. Sadly, that is what made us go to court. I thought that after the advisory opinion of the court, at least, all of us would abide by that advisory opinion, which categorically stated that it was binding to all the parties involved. But, as your humble servant, I have faithfully transmitted all our business to the National Assembly as per the Constitution.

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Thank you.

(Applause)

I agree with Sen. G.G. to some extent that the timing of the intervention was a bit off-guard, because the Motion was just to be seconded. But that is the nature of our business.

Let us proceed!

(Debate on the Motion resumed)

Sen. Lesuuda: Mr. Speaker, Sir, I rise to second this Motion and also appreciate the nature of the intervention that was made. It was valid and important to this House, just as you have ruled.

Mr. Speaker, Sir, first, I would like to thank and congratulate the Mover of the Motion. She has moved this Motion at the opportune time.

(Loud consultations)

Mr. Speaker, Sir, I think that it will be important that our Members consult in low tones or walk out in silence.

The Speaker (Hon. Ethuro): Order! Order, Senators! I am sure that Sen. Lesuuda is very clear on her request and I direct that you comply.

Sen. Lesuuda: Thank you, Mr. Speaker, Sir. I do not know why it is the men who are walking out, but I will continue.

(Laughter)

Mr. Speaker, Sir, I want to thank the Mover of this Motion for two reasons. One, she has shown that this House is not a House of retirees or people who are not aware of what is happening in the world, especially of something which is of pride and we celebrate not only as Kenyans, but also as Africans. So, I want to thank Sen. Fatuma Adan for bringing this Motion to this honourable House.

Mr. Speaker, Sir, I also want to congratulate most sincerely Lupita Nyong'o for daring to dream not only for herself, but for many Kenyan and African girls and women. I also want to echo her sentiments when she said that, that award reminds her that regardless of where you come from your dreams are valid. I want to stand in this Senate and say Ms. Lupita's achievement really gives us hope as people of this country and people of Africa. I agree with her that our dreams are valid regardless of where we come from. Yes, dreams are valid if you dare to dream. It is also important for us, as a Senate, to deliberate on this matter because we are happy about her achievement.

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We know there are many instances where Kenyans are celebrated outside, but they are not appreciated in this country. I urge those who are given awards by the State be celebrated here before they are recognized outside. This Motion also comes at the right time when we will be celebrating the International Women's Day on the 8th of this month. It is also a right time for us to reflect on the strides that women have taken. Some of the Kenyan women have placed us on the international map. For example, the late Prof. Wangari Maathai was the first African woman to win the Nobel Prize. Now Ms. Lupita is the first African woman to win the Oscar award. She is the first African and the seventh to win the Oscars as a supporting actress.

We also have other women of this country in various fields. We have Ms. Ajuma from Turkana in modeling. As Ms. Lupita said regardless of where you come from you can make it. We have other women like Ms. Tecla Lorupe who have placed us on the international map. We also have from my own backyard, Ms. Josephine Kulea who is the United Nations (UN) person of the year. We have many other women who are doing extra ordinary things from the African continent. We, as a nation, must support and nurture talents of our people. This should not only be concentrated on acting, but also in sports. Look at our football and rugby; do we invest in these young people and the talents they have regardless of where they come from in our country?

Mr. Speaker, Sir, I would also like to thank the parents of Ms. Lupita, not only because the father is a Senator in this distinguished House, but because they knew the value of education as well. They took her to the most prestigious schools. I am sure they sacrificed a lot to ensure that she got the best in terms of education. That brings the question about education; how many of our children can access quality education in this country? Samburu County was ranked number one in this country. This is something that we, as leaders from the county, are celebrating. However, are these children really exposed? Do they easily access quality education? I am sure Ms. Lupita was able to excel because she accessed quality education. It is also because of her hard work, determination, sacrifice and very many other things that she won this award. Therefore, it is important for us to think about the quality and accessibility of education in our country. As we also think about talent, let us also think about the beauty of our country. These films can even be shot in our country. We have the sun dunes of Marsabit County and the beauty of Rift Valley. We should make use of our beautiful country to encourage the film industry and the arts.

It is also important for us, as a country, to remember these artists. That the young people will not only be performing during political rallies. The only time we see them is when they come to dance and sing for us during campaign period. We should make sure that they earn from their talents. I happened to have interacted with the likes of Mama Kayai, Baba Kayai and other comedians. It is unfortunate that at their sunset years, it is when they are enjoying fruits of their hard labour. Why could they not enjoy that when they were younger, when they had children in schools and when they could invest? Fortunately, they have been very resilient.

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There have been some directives in this country that 30 per cent of what we watch and listen to on televisions and radio, respectively be local contents. How much of the local contents do we watch and listen to in this country? It is not that they are not there, but we just do not follow them. I agree that we have been watching Nigeria movies. After all, the ones they have produced, they have not won such a prestigious award. This means we need to invest more in our people. How many other Oscar award winners would we be talking about? How many other awards would we be talking about if we accept that we have to invest in our young people?

I would also like to challenge the issue of youth fund. The Government says they have committed Kshs300 million for soft loans to improve talent. However, what is on the ground is quite different. It is not working. I would like to thank our President because he sent a message of his best wishes to Ms. Lupita. He made a commitment, which I hope and know that he will keep, to ensure that the film and the arts industry prospers in this country.

Mr. Speaker, Sir, as I conclude, I would like to encourage all of us to support facilities that made Ms. Lupita who she is today. She acted in Phoenix and the National Theatre here in Nairobi. So, we have the best facilities here in Kenya. We, as Kenyans, know what we need to do. We have no option, but to do so. So, I take this opportunity to really commend her. As young people, we can be who we want to be. For some of us to be in this Senate is a big motivation to many girls from the pastoralist communities and others. They know very well that they can also make it. They can also be the best in whatever they aspire to be.

I beg to second this Motion and most sincerely congratulate Ms. Lupita Nyong'o.

(Question proposed)

Sen. Kembi-Gitura: Mr. Speaker, Sir, thank you very much for the opportunity. It is a moment like this that brings us together as a nation and we realize exactly what we are made of. This is a moment of pride for the whole of our nation. I want to thank Sen. Fatuma Dullo for coming up with this Motion. It is important that we should commend Ms. Lupita Nyong'o for the achievement that she has made, not just for herself, but for this nation. I agree with her when she said, particularly to the youth, that they must be living their dreams because their dreams are valid. That is a statement that will go down in the history of this country, particularly for the youth, because, indeed, their dreams are valid.

Mr. Speaker, Sir, I had occasion to talk to her father Sen. (Prof) Anyang'-Nyong'o about this issue in the presence of Sen. Wetangula. I told him long before she was declared the winner of the award and when it was becoming quite obvious that she was going higher as pertains to this award, that she had done us proud already. Even if she had not gone to the final leg, she had already taken a very long journey and she made us feel very proud. I talked about that in the context of nationhood, the way that we

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Kenyans come together when one of us does so well because that should exactly be how we should look at ourselves 365 days in a year. That is what makes us Kenyans.

This country has a very long history. As I said before, we have many heroes and heroines. They are the ones who make us what we are. When I was working out of the country, and I had a chance to go to the stadia in Europe to watch our athletes run, there is nothing that gave me as much pride as seeing our athletes. During the Diamond League, I was watching our athletes like David Rudisha and others show the world what athletics is all about. When we raise that flag as Kenyans living in the diaspora to appreciate what David Rudisha and others did, it made us very proud. Therefore, this tells me that our dreams are valid and it is true that our youth should be able to achieve these goals.

Mr. Speaker, Sir, lately you have seen our young footballers go to Europe and other places and make a very good show for themselves. They have shown that it can be done. This encourages our youth, like Sen. Lesuuda has said. It is very important for our youth to have role models, that is, people they can look up to. What Ms. Lupita Nyong'o has achieved, I dare say it is a new frontier for this nation. I dare say that it is something that we should seriously think about in encouraging our youth. That is why this Motion is very important. The question that we ask ourselves is this: How can our youth get to that position that Ms. Lupita has now opened up? I would like to thank the local television networks that have, without being pushed by any law, found it important to have local content in the television shows that we see. On Monday evening, I am very happy to be at home to watch Inspector Mwala because I can see he has been acting for a very long time. Because of him and other local content, you find that many young people have become interested. Other shows are like Churchill live and the youth showcase their talents in these shows. This is how we are going to build those other industries.

It is not enough to say that the Nigerian movies are not good. People watch them. Why do they watch them? It is because there is a vacuum in our movie industry. Therefore, we must commend and even push legislation, which I think had been tried in 2003 during the Ninth Parliament, to have as a statutory requirement that there should be more local content on television shows in Kenya. We need to create that talent and tell those youth that education is one of the most important tools of trade. It will help them achieve those goals, but not performing as a student does not always shut the doors because one may be talented in other areas, be it athletics, soccer and other things.

That is why when you talk about education, where there are many universities and very few polytechnics or middle level colleges, it is time for us to wake up and think of the importance of middle level colleges which are able to absorb those who cannot go to university. It is also important for the Ministries that we have or the departments of Government we have to think seriously about the academies that are going to be there; be they academies for soccer like in West Africa, where their young people have gone to Europe and made money out of football. They have started academies in their own countries, therefore, perpetuating the talent of other young people.

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With regard to Ms. Lupita Nyong'o, I would like to say that she has done us, as a nation, proud. She has shown the youth that it is possible. Everywhere we go as leaders and Senators, once we talk about Ms. Lupita Nyong'o or the great athletes like Kipchoge and others, we are helping our people to know one thing; that it is possible for us to talk with one voice and to forget the things that divide us because they are much less than those that bring us together. That is why when anybody stands to talk about Ms. Lupita Nyong'o, they will be talking about her, the Kenyan who has made Kenya proud. Ms. Lupita Nyong'o is a Kenyan, a great Kenyan of great talent whom we should accord that commendation. She burned her toes for us to show us that we, as a nation, can create our heroes and heroines and to stand up for them so that we show our children, the generations that will come after us, what a great nation we are in.

I want to support this Motion and to take this opportunity, on my own behalf to congratulate Ms. Lupita Amondi Nyong'o for having achieved what she has achieved, both for herself and for the nation. I want to congratulate, lest I am misunderstood, her parents because it is the nurturing, encouragement and the building of confidence that has taken her that far.

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

The Speaker (Hon. Ethuro): Do you wish to be informed?

Sen. Kembi-Gitura: Was that Sen. Sonko?

The Speaker (Hon. Ethuro): Indeed, that was Sen. Sonko.

Sen. Kembi-Gitura: What is his point of information, Mr. Speaker, Sir?

Sen. Mbuvi: Mr. Speaker, Sir, I want to inform the hon. Senator, the Mover and the Seconder that Ms. Lupita Nyong'o was born in Mexico on 1st March, 1983. However, she was conceived in Nairobi County, Jerusalem Estate, four or five houses away from where the former Prime Minister was residing. Ms. Lupita Nyong'o's thanksgiving service was held in Nairobi at Ridgeways Baptist Church a couple of weeks ago.

Sen. Ongoro: On a point of order, Mr. Speaker, Sir. While I appreciate the contribution of my Senator, hon. Sonko, I would not wish to trivialize this very important matter that we are discussing. However, is it in order to drag in the name of the former Prime Minister in matters pertaining to the conception period of Ms. Lupita Nyong'o? What is he trying to insinuate? Is it in order?

Sen. Mbuvi: *Sawa, kaa chini.*

Mr. Speaker, Sir, I am in order because we, as a county, are trying to appreciate Ms. Lupita Nyong'o.

(Laughter)

Sen. Ongoro: You are out of order!

The Speaker (Hon. Ethuro): Order, Sen. Ongoro! You must make a distinction between the time you preside and when you are on the Floor. What is it, Sen. Ongoro?

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Sen. Orendo: Mr. Speaker, Sir, Sen. Orogoro has stood on a point of order on account of the Senator for Nairobi trivializing an important debate. However, he has also made a statement of fact which I want to draw your attention to. Should it turn out that the statement is completely false; the Senator for Nairobi should be disciplined and thrown out of the House! He said that – I have known the Nyong'o family for a long time - Ms. Lupita was conceived in Jerusalem. That is a statement of purported fact. I know that it is wrong and I know the kind of insinuation that he is trying to make. That statement is wrong and he should not be left to get away with it.

Sen. Mbuvi: Mr. Speaker, Sir, let me defend myself. We are trying to appreciate Ms. Lupita Nyong'o. I am not lying.

The Speaker (Hon. Ethuro): Order, Sen. Sonko! You have been challenged to substantiate. So, you need to substantiate the matter you have been challenged about.

Sen. Mbuvi: Mr. Speaker, Sir, let me substantiate. We are proud of this young lady. I wish the father was here for me to give my---

Sen. Orogoro: What does the father have to do with this?

Sen. Mbuvi: Mr. Speaker, Sir, I am substantiating--- Senator, have a seat. Just relax. I have the Floor.

The sentiments I have made are true and not false. The first thanksgiving service for Ms. Lupita Nyong'o was held in Ridgeways Baptist Church, Nairobi where both her parents were present. Her aunts and friends were also present to congratulate this young lady. We are very proud of her. I think my colleagues are misquoting me, but I am trying to compliment her.

The Speaker (Hon. Ethuro): Order, hon. Senators! First, you must appreciate that Sen. Sonko is not even contributing. He is trying to inform the Senator from Murang'a. I do not know to what extent that Sen. Kembi-Gitura has been informed.

Sen. Kembi-Gitura, please, concludes.

Sen. Kembi-Gitura: Mr. Speaker, Sir, I would like to apologise to the House because if I knew the kind of information I was going to get, I would have declined it. I am saying this seriously. I am not saying this in jive or triviality, but because I hold this House in great importance. I am sure that the Speaker would not have approved a Motion that was not, otherwise, important.

My knowledge is that we are talking about a young Kenyan who has achieved tremendously. She is Kenyan and that is why we are discussing this in the Senate, the Upper House. I wish to apologise to Members. That is why, at times, we need to have a peep of what will be said so that you decide on whether or not to accept it.

Having said that and as I conclude, let me say, as I said before I was interrupted, that I would like to thank and appreciate her parents, including the schools that she attended that had to nurture that great talent.

I will end by saying exactly what Sen. Fatuma Dullo said when she moved the Motion. I believe there are very many Amondia Nyong'o's out there, whom we have nurtured and who have made this country a great place to be.

The Speaker (Hon. Ethuro): Order, your time is up!

Sen. Kembi-Gitura: I know that my time was not being held when there were many points of order being raised.

The Speaker (Hon. Ethuro): There is a small price to pay for what you also accepted.

The Senate Minority Leader (Sen. Wetangula): Thank you, Mr. Speaker, Sir for giving me an opportunity. I also want to salute the Deputy Speaker for his reaction. I watched him react with horror as the purported information flowed towards him.

I salute Sen. Dullo for moving and bringing this Motion and Sen. Lesuuda for seconding and saying such kind and relevant words about a young Kenyan.

This young girl has achieved for this country an unparalleled level of pride. It is true she is the first Black African to get an Oscar award. We have had a white lady from South Africa before and, of course, Omar Sharif, the Egyptian who won an Oscar. However, she has won an Oscar as a young African girl in her first bidding in acting. There are many people, black and white who waited for 30 years to be nominated for an Oscar. The great James Bonds like John Conrail was nominated for Oscars after acting for 25 years. Ms. Lupita has been nominated after her first major movie. We congratulate her and salute her.

As we do so, we cannot forget her parents. Prof. Nyong'o was our teacher at the University of Nairobi. His wife Dorothy was my year mate at the University of Nairobi. I think they have brought up their children well. However, even without that – that is why I was horrified to see the distinguished Senator for Nairobi trivializing the issue - even if Ms. Lupita Nyong'o was a street girl and she went on to achieve what she has achieved, she has achieved it for Kenya. She has exploited her talent well.

I want to salute many Kenyans who have made this country proud. At one point when I was the Minister for Foreign Affairs, I landed in New York and that afternoon, three Kenyans had won the Boston Marathon. Every television screen was screening them after every five minutes. When the Immigration officers saw my passport and got to know that I was a Kenyan, they saluted and said; “those guys are good.”

I want to encourage the leadership of today not to neglect Ms. Lupita Nyong'o the way we neglected Wangari Maathai. Wangari Maathai rose to a point of prominence where one African President, the President of Congo asked me, why we were not utilizing the great lady. In fact, he appointed her as a goodwill Ambassador for Congo in conjunction with the President of Congo DRC, something that Kenya did not do for Wangari until she went to her grave with all her immense talent.

We have had many goodwill ambassadors. I pride myself because Ms. Pamela Jelimo was the first Kenyan girl to win the Golden League Grand Prix and bagged a million dollars for herself. I called her and ignored all the rules and limitations of who should get a diplomatic passport. I gave Ms. Pamela Jelimo a diplomatic passport to go around the world to show the distinction she had achieved for this country.

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We have many talented people. If you go to Tanzania, across the border, every Tanzanian, at the time when *Vitimbi* is screened on their televisions, they stop all the other things they were doing to watch it. It is one of the most popular television series in Tanzania. In Kenya, when we see Ojwang and Mama Kayai come on television, we see them as a source of constant laughter and not as talent. You can see how our talented people have ended up; Mr. Ojwang, I believe, has no car. Mama Kayai walks on foot and they have to look around for fees for their children.

I agree; the Nigerian movies dominate our screens. Today, the Nigerian film industry, Nollywood, generates more than US Dollars 10 billion. That is one quarter of our GDP. This is just one indicator in their economy. This House can originate legislation and I want to encourage Sen. Wako and his committee to do so--- If you go anywhere around the world, in any hotel television, you will watch National Geographic, Animal Planet and Discovery Channel which are all filmed in Kenya; Maasai Mara, Tsavo and Amboseli. Those who come to film those films that we watch simply walk in with a tourist visa and a camera and stay in the Maasai Mara for one month, paying nothing to the country and its people and they go and make billions out of our heritage. We need to legislate on how to harness our talent and our heritage that we have preserved for so long. In fact, one time I asked former President Kibaki that his Government ought to have brought up legislation so that we track and follow anywhere where wildlife from the Maasai Mara and the great migration is being showed and we ask for our royalties, so that we bring money to this country.

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

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

Mr. Deputy Speaker, Sir, Ms. Lupita Nyong'o has made us very proud. I told her father, our colleague Sen. Anyang'-Nyong'o, that success at a very early age has challenges. We have seen the tragic case of talented young girls like Whitney Houston who succeeded immensely at the age of about 20 years and ran into a drug man called Bobby Brown who took her completely astray until she died of a cocaine overdose in her bath tub. I talked to my friend Sen. Anyang'-Nyong'o and told him the girl has succeeded and now he has a duty to make sure that she is properly and professionally managed to nurture and grow her talent so that she can succeed. She could be another Oprah Winfrey and not to be another Michael Jackson. She could be another Sydney Poitier, Bill Cosby, Denzel Washington and all those who have succeeded because they are well managed.

We have seen how our young boys are now doing us proud; Macdonald Mariga, Victor Wanyama and Dennis Oliech. Those young men are now earning a weekly stipend that not a President of Kenya can earn in one year. This is great talent and we can see in Ms. Lupita that it can be done. We can see in Lupita that, yes we can' yes it is possible; yes we can succeed. I salute her. I salute her parents and I salute all those of good will

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that are supporting this talented girl. Let us go out there now and seek and search for more talent that is lying out there and bring them up like Jesus said: When you light a lantern, do not put it under the stool, put it on the stool for everybody to see.

I support.

Sen. Ongoro: Thank you, Mr. Deputy Speaker, Sir. I want to add my voice to appreciating Ms. Lupita Nyong'o. I do not want to overstate my appreciation of her efforts in achieving what she has achieved, but I am definitely very excited to stand here in the Senate and talk about a young girl who has really excelled in her career choice. I believe that she must have achieved this through many ways and one of them must be her strength of character.

(Sen. Wako consulted loudly)

Mr. Deputy Speaker, Sir, the Attorney-General *emeritus* has forgotten that he is now in the Senate.

The Deputy Speaker (Sen. Kembi-Gitura): Leave that to me. I want to remind him - I had occasion to discuss the issue with him - to read Standing Order No.105.

Sen. Ongoro: Please, do as directed.

The Deputy Speaker (Sen. Kembi-Gitura): Order! Just proceed.

Sen. Ongoro: Mr. Deputy Speaker, Sir, this young girl must be having a lot of strength in her character. I believe that maybe earlier on, her parents might have wanted her to do something, the society must have expected something else, her peers could have encouraged her to do something else, but going by what I have noticed in her speeches and her presentation, she has the kind of intelligence that qualifies her to just become about anything. However, she chose to do something that she believes in. Not many of us, especially parents, will encourage and invest in an intelligent child who qualifies to be a doctor, a lawyer or an engineer, but who chooses to be an actor. For us, we have not come to the level of appreciating that any career is good enough.

There are four things that we can learn from this individually as parents, as a society and as a nation. First, we need to invest in early childhood education as we debated in this Chamber before, to allow us to search for such talents and to nurture them and encourage them and then promote them to the right academies where such talents can be nurtured and even to have our children going abroad to those academies. The second lesson that we learn is that, as parents, teachers, leaders, society and as a nation, we should respect career choices of the youth. We must learn to appreciate that while you think somebody might be a good doctor, appreciate when that person insists on becoming a nurse. Let us also learn that through these kinds of achievements, the Government should walk the talk and provide the infrastructure development and the finances that will encourage these kinds of talents.

Mr. Deputy Speaker, Sir, lastly, we have under-utilized these kind of opportunities as a nation. What do we do when Rudisha, for example, wins a gold medal?

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How many times do we use such opportunities to sell our country not only as a tourist destination, but even as an investment destination? We now have Ms. Lupita Nyong'o; what structures have we put in place to make maximum use of this opportunity that has put Kenya one more time on the global screen so that even when we sell ourselves in the tourist industry through the face of many animals that are so exciting, what are we going to do with this achievement, to brand Kenya through this achievement of Lupita, to sell ourselves globally maybe through an audience that is not excited through the animal lense, so that we sell ourselves as a destination? There are people who may just want to come to Kenya to see where Ms. Lupita was born and bred.

I will conclude by saying that as a young girl who was born and bred in Kenya, she has made a big statement to all of us, and especially to the youth, that everything is possible when you remain focused, you give it your best and when you do not deviate from your career choice, when you are not distracted and when you get encouragement from your family.

Thank you very much, congratulations Lupita. *Gino osekao.*

Sen. Kittony: Mr. Deputy Speaker, Sir, I would like to congratulate the Mover of this Motion and, surely as I stand here, I stand on behalf of 51 per cent of Kenyans. Those are the mothers, the grandmothers and the sisters of Ms. Luptia Nyong'o. Truly, we are indebted, proud, happy and very happy as mothers of Kenya, more so to Dorothy Nyong'o who is the mother of Lupita. It is no longer business as usual when we used to say that the place for a woman is in the kitchen. The women of Kenya have made Kenya proud through our athletes, the late Wangari Maathai and the rest. I am so overjoyed because the women have done it.

The foundation of a child which revolves most of the time with the mother is what we have seen. This has been proven. We are indebted to this good foundation. I would like to urge all the parents to give their children a chance to prove themselves. In most cases, we interfere with their choices, but I think we should leave them to choose what is best for them in their lives. I believe that the inspiration that this young Kenyan has given to Kenya is remarkable and the challenge that Lupita has given to the young generation of Kenya is supposed to be noted and to allow parents to give their children a chance.

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

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

I would like to pay tribute to the parents of Ms. Lupita for a great foundation and good upbringing that they gave to her and also for her life. You can give a child what you can, but I think Lupita has proven herself. What we have seen is commendable. What I am only urging as one of our colleagues said is to nurture Ms. Lupita from there. We do not want to be disappointed because we know the temptations that revolve around people, especially when they live out there. I believe Ms. Lupita is hearing us from this august

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House. We want to wish her the very best so that she lives a good life and gets good managers of her affairs so that she may continue to inspire many others.

Madam Temporary Speaker, the Mover of this Motion did it at an appropriate moment when we are celebrating the International Women's Day. Maybe you do not know why we are celebrating the International Women's Day. It is because the journey of women in the struggle for leadership has been a long and winding road. It is still long, but we need the support of everyone. If I can remind you, in 1985, we had the first United Nations Women meeting in Kenya, that is the Nairobi Forward Looking Strategies and then we came a long way to Beijing where we identified the very critical areas of concern. From there the United Nations took over the issues of equality and gender violence. Now even in this House we have 18 women serving and in the other House we have quite a number of women, although we have not reached the two-thirds number that we want.

We are still fighting and we have seen what Ms. Lupita has done. This is a strong message to say that women are here and need to be recognized. When it comes to recognizing our efforts, I think that the Government of Kenya and the awards committee should seriously give the right medals to the right persons and not do so on friendly basis. This is because in most cases those who deserve to get them are not getting them. So, it should be done on merit.

Madam Temporary Speaker, I would like to thank the Mover for bringing this Motion at a very appropriate time. Some of us will be going to attend the Commission on the Status of Women (CSW) and hope that maybe we will meet Ms. Lupita in the United States, the first Black African to get an Oscar award.

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

Sen. (Dr.) Kuti: Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this important Motion.

Madam Temporary Speaker, first of all, I would like to congratulate Sen. Dullo for thinking about this important Motion at the right time, while the incident is very vivid and recent. Secondly, I would like to congratulate Ms. Lupita and her parents also for nurturing and guiding her to be able to face the world and win the way she did.

Madam Temporary Speaker, these kinds of incidents make us all very proud as Kenyans. These are the kind of days when I feel very proud to be a Kenyan. This is because I look back and see a very beautiful country; the only country in the world where the equator passes on a snowcapped mountain. The snow is there 24 hours a day and the sun is right there over it everyday. You feel proud to see that we have the best physically fit people, who are superpowers themselves in the athletics field. Now, slowly our talents and abilities are emerging even in other fields, including even the film industry. Therefore, while we whine and have our own political issues and corruption, there are days that you rise above those and feel very proud. Today is one of those days.

Madam Temporary Speaker, this country is a very beautiful country. It is a country that actually is so suitable for the film industry. "Walking with the Lions" was

made in the famous Shaba Game Reserve. It was one of the very famous movies. The fact that we are able to excel even in international fora, I fully agree with Sen. Dullo that we have a lot of Lupitas, but we need to work as a nation; and the leadership of this country needs to provide the necessary infrastructure, especially security. This is because right now the place where “walking with the lions” was filmed, most of the time cannot be visited, because of the insecurity that keeps popping up once in a while. We need to provide security in these areas and encourage and attract the movie industry to develop. Now that we have the Kenya Film Board (KFB), I want to challenge it to come up, be visible and utilize this opportunity that we have scored so highly in the international arena. They should bring it home; that Kenya is now not only the industrial and economic hub of this region, but also the entertainment and film hub of Africa.

Madam Temporary Speaker, there are a lot of talents. I happened to be the first Minister for Youth Affairs. In fact, the Ministry of Youth Affairs was my baby. During that period I had the honour to interact with Kenyan youth who were very talented and innovative people in the areas of arts and music. The problem that they are facing is the fact that, in fact, as a nation, most of the artists and athletes are successful out of their own initiative. It has a lot to do with them than the infrastructure and support that the State provides. In fact, it is just maybe by luck that they happen to take a path. Therefore, there is no focused approach.

Madam Temporary Speaker, the other issue is copyrights, where a lot of Kenyan artists, including musicians are wallowing in poverty after they have done a very good job and produced music. This is because their music is pirated all over. While the copyright laws have been enacted, they are not being enforced. Therefore, a lot of talents get stolen and many youth are not able to get the fruits of their talents. We need to ensure that the copyright laws are enforced, so that our artists can enjoy their sweat.

Madam Temporary Speaker, the other issue is theatre. I would encourage the counties to take advantage of this win by Ms. Lupita, so that they can establish theatres. There are very few theatres even in Nairobi. We do not even see prominent people attending the theatres. It is important that we appreciate our people and their performances. That gives them a lot of encouragement to excel.

Madam Temporary Speaker, the other issue is education and support. We also have our own awards, which I am sure many women leaders are not aware of. There is the Kisima Awards which happens every year in this country. I do not know how many Senators in this House actually are aware and were able to attend and give encouragement to Kenyans. These are the kinds of things that we need to support our youth on. We need to be with and recognize them. We need to be aware of what is going on, so that we are able to craft the necessary laws that will support our young people.

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

Sen. Ong’era: Thank you, Madam Temporary Speaker. May I also begin by commending Sen. Dullo and Sen. Lesuuda, for moving and seconding this very important Motion, respectively. This Motion could not have come at a more opportune time,

especially now that this week we are celebrating the Women's Day. It could not even have come at a more opportune time, than when you are presiding over on this occasion as we celebrate Ms. Lupita Amondi Nyong'o.

Madam Temporary Speaker, as you are aware, Ms. Lupita Nyong'o took home the academy award for Best Supporting Actress for her role in "*12 Years a Slave*." She solidified her place as the queen in many people's hearts in Kenya and the world. I was even surprised to check on Facebook that the Mexicans were actually celebrating her more than us here in Kenya.

Madam Temporary Speaker, Ms. Lupita is our daughter. Although we thank her parents for having brought this child to the world, she has now become a child of this world. Her achievement has been great because she not only topped many great and seasoned actresses, for example, Jennifer Lawrence, for this award, but also received a standing ovation; a thing that rarely happens for black Africans in the Oscars. Her words to our youth; that no matter where you come from, your dreams are valid, are really encouraging. It means that youth from my village in Otachi, children who do not have shoes – like I went to school without shoes – can aspire to be great actresses of the world. They can aspire to be the great Lupitas and Presidents of this world, like President Obama. What Ms. Lupita has done for our youth is to put them in their place of history; that they too, no matter where they have come from, can be the children of this world and the very great actors and actresses of tomorrow.

Madam Temporary Speaker, I want to come now to the local scene. When we look at the local content in this country, many of our great actors, who could be the Lupita Nyong'os had they gotten the opportunity, are not taken into consideration, respected or acknowledged. I have in mind our great actors like Inspector Mwala, the children in *Machachari* – Fatso and Stella – and actors and actresses in the *Mother-in-Law Programme* that we watch as local content. These actors and actresses have been thoroughly ignored by our country. I will be very happy to see a situation in this country where we would develop something almost like the Oscar Awards ceremony, where we can recognize our very own actors and actresses in this country.

Madam Temporary Speaker, I want to challenge our national Government, particularly at this time when we are all sending Ms. Lupita Nyong'o messages of congratulations. Can we also think about developing and enhancing the Nairobi Academy of Performing Arts, so that especially the youth can enroll and be trained, so that they can also become the Lupita Nyong'os of tomorrow? I would be very happy to see that in this academy will have programmes on research and curricula like classic ballet, perhaps, which many of us, especially our rural children, have not heard about, but it is a great curriculum in the performing arts. There are also things like salsa and hip-hop dance. These are things that would really enhance our cultural practices and also help our children to become more exposed to the world.

Madam Temporary Speaker, I want to end by giving a story that the distinguished parents of Ms. Lupita who are very close to me once told me. That the young Lupita, at

the age of 10 years old was very sick and they took her to hospital. On the way to hospital she asked the parents where they were taking her and they told her they were going to the hospital. She then told them to stop so that they can pray first. This goes a long way to illustrate that Lupita put God first in her life. She was a visionary leader, she could see far and that with God she could go far. Therefore, I end by congratulating our distinguished and honourable Senator, my political mentor and friend, Sen. (Prof.) Peter Anyang'-Nyong'o and Mama Dorothy for giving us such a wonderful child.

Sen. Leshore: Madam Temporary Speaker, I would like to congratulate Sen. Adan for bringing this Motion. First, as a father I have known Sen. (Prof.) Anyang'-Nyong'o for the last 21 years. He has been a very good friend of mine. He has been good in all the issues that we have been raising together from the Lower House and now in the Senate. I am very happy that Ms. Lupita has shown the world that Kenyan girls can become actresses all over the world. I am very proud of her. I do not want to say much because I am a father. Traditionally, we fathers do not speak a lot about our daughters. I wish her all the best in this world. I wish she would go and tell other young talented Kenyans that where there is a will, there is a way.

Madam Temporary Speaker, I am proud of that young Kenyan. I would like to thank Kenyans generally from President Kenyatta, former Presidents Moi and Kibaki because one thing that Kenyans have not recognized is that they have been supporting Kenya Schools Drama Festivals since 1960s up to today. That is where we measure talent in Kenya. As Sen. Ong'era said, if we want to bring something like an Oscar, we should support our institutions to nurture the talent we have in Kenya. We have a lot of talent in our youth and Ms. Lupita has just shown that. We have also shown these talents in cinemas like *Roaming with the Lions*, *Toto's Journey* where Kenyan born actors have performed very well. I do not know if any of you has seen those films. You will see Kenyan actors doing us proud. I would urge this House to come out strongly and tell the Government to support these young talented Kenyans.

Madam Temporary Speaker, I would like to support what my friend from Isiolo said; that our country has very beautiful sceneries for film-making. From Sarova Shaba, all the way to Lake Turkana, we have beautiful scenery more than Hollywood. I would like the Ministry of Sports, Culture and Arts to come up and support the Kenya Film Corporation. We should promote Kenya as a film industry so that our young talents can be measured there.

With those few words, I support fully.

Sen. Murkomen: Madam Temporary Speaker, Sir, I would like to start by being very clear that I support this Motion in its entirety. I support because Ms. Lupita Nyong'o has made history, not only in Kenya, but in Africa by being the first Black African to win an Oscar award. In her own words, she said that it was a testimony that all the dreams that the children of this country have are valid, whatever it takes or whatever happens in your life.

Madam Temporary Speaker, I want to start by congratulating the parents of Ms. Lupita Nyong'o for doing something that many Kenyans do not do. We like to push our children to do the courses we imagine are the most important, the ones we believe bring money. I can imagine when this young lady went to her father or mother and said that she wants to be the best actor in the world. I think it takes an understanding parent to accept his child to be an actor. This is a professor of political science and economics who has to accept that his child is going to be actor. That is something that could not have been imagined at that particular time. Many parents would like to push their children to do medicine, law, engineering or to be what they wanted to be, but they never were. The decision to support Ms. Lupita in terms of doing arts, is something that we must congratulate Sen. (Prof.) Anyang'-Nyong'o, his wife and the entire family.

I am really very proud that I shall go on record to be that Senator that served at the same time with the father of an Oscar Award winner. There shall be that relationship. If Sen (Prof.) Anyang'-Nyong'o comes back here, you will see that more people want to take pictures with him because it is a representation of history that the family has produced someone of honour. Can you imagine that in 32 nominations, she has won 24 awards? She goes into history to be in the same league with Whoopi Goldberg, Jennifer Hudson, Monique, Octavia and Spencer as the few black women to win an Oscar award as the best supporting actress.

Madam Temporary Speaker, it is something that is inspiring for young people in this country. Ms. Lupita Nyong'o is in my age bracket despite the fact that I look a bit older. She is 31 years old and I am just three years older than her. So, she could have been my playmate if I had been brought up somewhere around where she was brought up. Therefore, we must celebrate the great work that she has done; the commitment, the passion and the hard work.

She was featured in the latest edition of *Time Magazine*. How many people want to be featured in the *Times Magazine*? Even me, I would just want to be in the footnotes on *Times Magazine* and Ms. Lupita Nyong'o was heavily featured in that magazine. When I looked at what she had done, I was reminded of a quote from Martin Luther King Jnr. who once said that if a man is called to be a street sweeper, he should sweep the streets, even as Michaelangelo painted, or Beethoven composed music or Shakespeare wrote poetry. He should sweep the streets so well that all the hosts of heaven and earth would pause to say: "Here lived a great street sweeper who did his job well." If Martin Luther King Jnr. was living today, he would have improved this quote by saying; if a woman is called upon to be a street sweeper, she should sweep the streets even as Michaelangelo painted, Beethoven compose music or Shakespeare wrote poetry or Lupita Nyong'o acted. Because she did this with commitment, precision, passion and hard work to ensure that she has achieved what she wanted to do in life.

As a result, she has carried the flag of this country high. This is an achievement of a wonderful lady which I believe will inspire our young people. As we do that, this should not just be a celebration for the sake of it. I would like to suggest that by a

resolution of this House, the Government of Kenya, in honour of Ms. Lupita Nyong'o should ensure that funding to performing arts is increased. Every county must have a facility that will assist young people to be trained in matters of music so that they sing like my friend, Juliani or act like Inspector Mwala or even do better like Ms. Lupita Nyong'o.

I stand here to support and to urge all of us to celebrate the performance of this lady and to ensure that we support women. We should ensure that apart from supporting the boy child, we also support our girl children so that they bring honour and glory to this great Republic.

With those many remarks, I salute Ms. Lupita Nyong'o, the family and everybody else who has assisted her to be who she is.

I support.

Sen. Orendo: Thank you, Madam Temporary Speaker. I will be very brief. It is significant that Ms. Lupita Nyong'o took Kenya to the first world. Indeed, an Oscar is a world event. Although my friend, Sen. Janet Oginga, talked about others who were also competing for the same award and recognition, she was competing with the best in Hollywood. If you did not know, amongst the persons competing for this award was a very well known lady and world personality, Oprah Winfrey. There was also an actress who has, previously, obtained Oscar awards for being the best actress, Julia Roberts. To that extent, we should be proud of our daughter, Ms. Lupita Nyong'o. She was competing with the best.

I join Sen. Zipporah Kitony in saying that we should think of how we will give her this national award. We should be giving national awards to the best. Sometimes, you will find James Orendo being awarded Elder of the Golden Heart (EGH). However, what has James Orendo done? Probably, behind me there is a great scandal which is unresolved. As I get the award, members of the public may be calling me a thief who is going for a national award. I think the next time that this Committee sits to give these awards; they should not give to someone just because he occupies a certain position. It must be somebody who has brought honour and glory to this country and not just because somebody has campaigned for it and is being recognized as such.

Sen. (Prof.) Anyang'-Nyong'o and his family have been lovers of art and culture for a long time. I know that as a matter of fact. When I was in school with Sen. Anyang'-Nyong'o, he took a big interest in the debating club in Alliance High School and acted in many plays like the Shakespeare plays. Sen. (Prof.) Anyang'-Nyong'o also belonged to a group which was unique in the kind of songs that they used to sing. They used to sing Calypso songs from the Caribbean and they were called the "Deep River Boys." Although Dorothy was not in Hollywood to see her daughter being honoured, she has also been a lover of arts and culture. If you go to any major exhibition in Nairobi for arts and culture, you will find the Anyang'-Nyong'o family there. This is a realization of how they have brought up their family.

For the past seven years, I thought that Ms. Lupita was in the wrong profession. It is very difficult to make it through in the performing arts because here in Kenya, you are not well rewarded or recognized. However, through personal journey and struggle, this lady has brought us great pride and honour. She is the only black African woman, ever, to get an Oscar award. This is a great honour to Kenya and to the continent. The other people who have won this honour are Omar Sharif who is an Egyptian actor and a white lady from South African, Charlize Theron. Kenyan men have also not been beaten. One of the actresses who won the awards in 2006, Jenifer Hudson is married to a man of Kenyan decent. So, the Kenyan men are also doing very well in this spot talent.

Mr. Speaker, Sir, in overall, this is a time when Kenya should think about---

Sen. Ong'era: On a point of order, Madam Temporary Speaker. Is the distinguished Senator for Siaya, James Orendo, in order to refer to you as Mr. Speaker when he clearly knows that you are a Madam Speaker?

The Temporary Speaker (Sen. Orendo): Senator, if you, indeed, called me "Mr. Speaker", then you should correct that.

Sen. Orendo: The tradition of the House is that the Chair has no gender.

The Temporary Speaker (Sen. Orendo): No, you are out of order!

Sen. Orendo: Madam Temporary Speaker, I withdraw and apologise. I do not want to take a lot of time because there are many who want to contribute to this. But I am hoping, as Sen. Kuti and Murkomen, have said that we will be discussing the Budget in the next three months. The honour that Lupita has brought to Kenya should be appreciated by giving money in the area of arts and culture and promoting this in schools. We should create academies so that Kenya continues to feature in that direction.

Thank you, Sen. Dullo, for bringing this Motion.

Sen. Kanainza: Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this Motion.

I start by congratulating Sen. Fatuma Dullo for seeing the importance of discussing what Ms. Lupita has done in making Kenya proud. As we celebrate Ms. Lupita, the best actress in the Oscar awards, I want to remember the contribution made by the late Wangari Maathai and the late Samuel Wanjiru.

Madam Temporary Speaker, this is a motivation to many Kenyans, especially young Kenyans who have talent in different aspects like sports, cultural activities and drama among, other things. They should have the same opportunity to rise and shine like Ms. Lupita did. This morning, I was listening to a local radio station and there was an interview going on by Vincent Ateya with a young boy who got a grade "A" from Alliance Boys School. When asked what he wanted to be, he said he wanted to be a journalist. This is not common for young people who get an "A". This is because we have a culture that if someone gets a grade "A", they either have to pursue engineering or medicine and be a doctor. This is a challenge. It is a challenge because we take journalism and these other courses as option "b" of our career, but Ms. Lupita has been a motivation to many people and even to our parents who think that some courses are not

the best to be taken. As we celebrate Ms. Lupita, we are doing it as Kenyans and Africa. It kills tribalism and we see ourselves as Kenyans.

Madam Temporary Speaker, one day, I remember Churchill saying that his parents are still waiting for the time he will be employed. This is because they do not appreciate what he is doing whereas he has been able to nurture so many other people like Eric Omondi and even Mwalimu Wanjiku that we celebrate. This is a good opportunity that was given to Ms. Lupita by the parents. I also want to hail the role that the parents have played to make sure that Ms. Lupita's dream comes true. At the same time, this is a challenge to young people. We see many young people growing up with talent in primary and secondary schools, but unfortunately, it dies as they mature. This is maybe because they lack role models or they are forced to take specific courses in school.

We also need to appreciate the local programmes on our local television stations like *Vitimbi*, *Vioja Mahakamani* and even Tahidi High. In most cases, people lack opportunities. As Sen. Lesuuda said, in Samburu people are very proud to see her in the Senate. Even in the larger western region, people are proud to see a young Senator representing them here. I also want to thank Sen. Ong'era who has just left and my political party ODM for giving me an opportunity to represent the young people here. I stand today as a proud Kenyan and congratulate Ms. Lupita by saying that success is equal to hard work. I conclude with a quote by Nightingale; "We become what we think about".

Sen. Elachi: Thank you, Madam Temporary Speaker, I also rise to support this Motion and to thank Ms. Lupita---

The Senate Minority Leader (Sen. Wetangula): On a point of order, Madam Temporary Speaker. Sorry for interrupting the distinguished Senator. In view of the tremendous interest being shown in this debate and that we have just about a half an hour to go, would I be in order to request you to regulate the time so that as many Members as possible can speak because this is a very historic debate? I propose an average of three minutes per Member so that every Member can have an opportunity to put on record their feelings about this great Kenyan girl.

The Temporary Speaker (Sen. Ongoro): Proceed, Sen. Elachi.

Sen. Elachi: Madam Temporary Speaker, from the outset, I want to thank the father and mother of Ms. Lupita. Indeed, if they did not take courage and let the girl follow her dreams, then she would not be the Lupita we are talking about. I also want to thank her for the Oscar award that she got which started way back in 1927. Indeed, we are proud to be Kenyans and Africans. When I look at my history I remember the Road to Timbuktu where we cried as Africans when our brothers and sisters were being carried away to become slaves. We should not forget our history. That is how we suffered for us to become what we are today. Today, in America, they look up to Africa. We, as Kenyans, are proud because even their own President is an offspring of this country. Therefore, Kenya must be a blessed country. Kenya has people who can transform the world.

Madam Temporary Speaker, I want to thank the Senate Minority Leader said that even if somebody has achieved, they should be advised because if somebody is not careful, he or she is bound to be carried away with drugs and alcohol. We are talking of different movies. Recently there was a movie in which young Somali boys were acting. I hope where they are today, they are benefitting. When you read about them you find that they cannot even manage themselves yet those who acted with them are still benefitting and reaping the fruits of the movie every day. So, we, as a country, should ask ourselves whether we are able to take care of our heritage and protect what is ours to ensure that it benefits us.

When I see a Nigerian movie on a television screen, I ask myself how many times the movie has been shown on *Citizen Television* and how many millions have watched it and how much money Nigeria is making from it. We should find out whether the Government is serious in terms of investing in young people and their talents. Recently we saw our athletes complaining why their earnings were being taxed whereas when they go out there, they make us proud and fly our flag. They wanted to get into an agreement as to what can be taxed and what not to be taxed. If we want to encourage our young people, these are some of the issues the Government should sort out because this is what makes Kenyans forget the Post Election Violence, the Westgate siege and all that. It is the Lupita's and the sportsmen and women who brand the country. Today I know if you arrive in the United States, you will be honoured as you enter the immigration area as a Kenyan, they will serve you faster. So, let us not just take some of these things for granted. We should be serious about investing.

Madam Temporary Speaker, one of the challenges that we face as a country is investing in some things that are not important. For example, we should create an enabling environment for the UN bodies in Geneva and New York to come and be headquartered here so that we can create employment for our Kenyans. We have refused to put up a permanent building at the UN offices to ensure that other offices are also created. We have also not invested in talent. If you look at the late Samuel Wanjiru who was an athlete, who will write his history and tell his story? Who will tell the story to his children that their father made us proud? There are many others.

Madam Temporary Speaker, this is something that the Senate must come in. We have talked about a sports academy and many other academies, but I think that it is time that we got serious and came up with an academy where we can invest in talents of young people.

Madam Temporary Speaker, I beg to support.

The Temporary Speaker (Sen. Ongoro): The Senate Minority Leader has made a request and I just want to state that he is in order. I think that he was making reference to Standing Order No.98 (4). But I also want to draw your attention to Procedural Motions that always take place at the beginning of every session. I think that on 26th February, you passed a Procedural Motion, which limited debate to three hours on such a Motion. Having started at 3.30 p.m. we were supposed to end at 6.30 p.m., but there was

an interruption of 45 minutes. That means that tomorrow this Motion will still have 45 minutes to continue. So, anybody else can contribute by that time. In case there is a unanimous agreement that we still limit contributions, then I will, probably, go by the majority.

Hon. Senators: Five minutes!

The Temporary Speaker (Sen. Ongoro): Are we in agreement?

Hon. Senators: Yes!

The Temporary Speaker (Sen. Ongoro): Then that should be carried. Let us give an opportunity now to Sen. Nanjira.

Sen. Omondi: Thank you, Madam Temporary Speaker. I support this Motion and thank the Mover, Sen. Fatuma, for bringing it. That is an indication that, for sure, the strength of a woman is very important.

Madam Speaker, as we celebrate the international day of women, Kenyan people will have every reason to celebrate and even feel happier, because this is our year and our own has made it. It is time to appreciate the strength of a young lady, Ms. Lupita Nyong'o. I cannot forget to thank God for her. This is because it is through God that her parents were touched to support the vision that is in this lady. It is also through God that she is able to do whatever she is doing.

Madam Temporary Speaker, it is the high time, under our Constitution, that the policy implementers, who are the service providers, especially the Ministries, that they worked extra hard by identifying young people, especially from rural areas, with talents that go unnoticed, nurture and support them. We have young girls in the rural areas who are talented, but lack support from parents, simply because the girl-child is supposed to work indoors. They are not given the opportunity to exercise and nurture the talents that are in them.

Madam Temporary Speaker, my fellow Senators have spoken about the other heroes in this country who have made us proud. I cannot forget to bring to the attention of this House that among those people, we have role models from the paralympians like Tarbei. There is also a young lady from Bungoma County, Mary Nakhumicha, who is making this country proud and flying its flag. However, their strength is not being noticed and they lack support. In that regard, I want to urge that as we budget, it should come out clearly how much money is specifically budgeted for young talented people and those with disabilities. This is because right now on my desk, I have a case where women on wheelchairs, who were supposed to go out of the country, have not gone because of lack of support. The men are also supposed to go out of the country in April, but there is a challenge because of lack of support.

Madam Temporary Speaker, if we could support young people, then we are going to reduce insecurity and incidents of crime that young people engage in because of idleness. Ms. Lupita Nyong'o has shown young people that, indeed, they have other options in life. In fact, it is a lesson to parents, that as much as we emphasize academic excellence. It is not only in academics that people can excel. Some youth are good in

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extracurricular activities. If supported, they can be self-reliant and reduce the dependence syndrome. This will in turn reduce poverty in this country.

The Temporary Speaker (Sen. Ongoro): Your time is up!

Sen. Omondi: Madam Temporary Speaker, I beg to support.

Sen. (Prof.) Lesan: Thank you, Madam Temporary Speaker. First, I would like to associate myself with colleagues, the Senators, who have made very significant comments as regards the lady that we are talking about.

Madam Temporary Speaker, I wish to congratulate this jewel of a girl, Ms. Lupita Nyong'o, for her achievements. It is clear that these achievements by this young girl have been attained by recognition of talents. It is important to note that there are very many people who have talents, but they have never recognized them and will never do so throughout their lives. It is great that this young girl actually recognized her talents and exploited them to the full. But on top of that, it is clear that she has had to work extremely hard to attain what she has attained in a very short period of her life. So, I want to take time to really congratulate this young girl for what she has done.

Madam Temporary Speaker, the Oscars is now 86 years old. As we recognize talents like this, we, as leaders of this country, also need to start doing something. I am looking at 86 years from now as we grow up. I think it is important that we decide today that we also have an award to offer our children. When and which award it will be is what we decide today. As I was listening to the other Senators contribute, I found a name for the award that we can formulate and present to our children in the years to come; that is, the Lupita Award. I am sure we can start today to formulate and work out a way in which we can award excellent performers.

We, as Kenyans, should start getting away from post-humous recognition of people who are talented. We wait until they are not there and we recognise their talents. It is important that we both recognise and appreciate talents when these people are still with us. Therefore, in this country, we can have no better role models than those who are living. It is important that we start recognizing the living legends when they are here so that they become real role models to our children.

Lastly, I want to make a small comment about our education system. It is very important that although we occasionally deride our education system, there have been many instances in this country where our education system has produced world leaders. This is one of them. We have the late Prof. Wangari Maathai who grew out of our system. We should not rest on our laurels as we see these successes. We should use these successes to continue to continually critique our own education system and continue to improve and mould it so that we can have many Ms. Lupitas not far apart but close together.

With those few remarks, I beg to support.

Sen. Chelule: Madam Temporary Speaker, thank you for giving me this chance. First, I want to congratulate Sen. Dullo for bringing this Motion to the Floor, and the

Motion was seconded by Sen. Lesuuda. I want to congratulate Ms. Lupita and moreso her parents for supporting her to that level.

I want to request my fellow Senators that apart from that kind of celebration, we also need to do something better. We know that there are young people in the community who have a lot of talent, but they are not economically empowered. I want to believe that we know Ms. Lupita reached that level because of her talent and because her parents were economically empowered. I know there are those young people in the community who cannot even move one kilometre if they wanted to promote their talent. So, it is my request today on this Floor that as leaders of this country, we need to formulate policy that will encourage and promote all the talented young people at the community level.

Sen. (Dr.) Kuti was talking about sensitizing and he also talked about Kisima Awards. The fact is that most of us are not aware of it. So, sensitization in this matter is very key and we also need to encourage the parents of young people to identify and know the talents of their children so that we can be in a better position to promote them and bring them to a level that they would feel they have maximized their talents. I am so happy and I celebrate with other women because of this young lady and I really congratulate the parents of Lupita, Sen. (Prof.) Anyang'-Nyong'o and his wife, for actually supporting this young lady to this level.

With those few remarks, I beg to support.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I wish to congratulate the young Lupita, her parents, all the women of Kenya and all our youth. I would also like to congratulate the American people. These are people who have allowed fairness to thrive. If America was not a country of opportunity, our girl would not have been given a chance.

Very briefly, I want to congratulate the young lady because at one stage she was quoted as having dedicated her success to the late Prof. Nyong'o who was her uncle. I have a small thing to share from there because the late Prof. Nyong'o was my lecturer of pathology at the School of Medicine. These are very exciting times. As we congratulate Ms. Lupita, I feel proud to count the number of Kenyans who sit in the international lime light.

I was looking at a photograph of the Group of 20 (G20) and I could not help noticing that Dr. Mukhisa Kituyi was seated among those people. He comes from this country. When I watch the Italian Soccer, I see McDonald Mariga, a youth of this country. When I watch the Belgian League, I see Denis Oliech and feel proud. When I watch the English Premier League, I see young Robert Wanyama who plays at Southampton. This makes me very proud.

We are also doing well because in the Kenya Football Federation (KFF), we have started recognizing talent. It was very exciting that last year, the best player came from one of those communities which are least associated with playing soccer. This was a young Kamba boy called Keli. He is the one who won the award of the best player in the country.

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I want to conclude by saying that the Nigerian soap operas that are on our televisions do not have to be there if only we could go to the library at the Kenya Institute of Education (KIE). There are many plays that have been written by our drama teachers, Oliver Minish of Kakamega High School, Cleophas Malala and Emmanuel Angura. They have written very good plays that if we were to translate those plays into movies, Kenyans would not have to be watching the Mexican and Nigerian movies that have made some of us to start going home late. There is so much kissing in the sitting room and owing to our orientation, I cannot sit there when my 18 year old daughter is seated there. This becomes very embarrassing. We have to come up with some good policies regarding our local television stations.

I want to urge our Government to spend money in youth talent centres. There was a great footballer in this country called Wilberforce Mulamba. Wilberforce came from the Olympic centres that were started by a German. If we could only start youth talent centres in this country, the fortunes of our youth in sports would change. Who does not know that the Kalenjin children do well because of the investments in Kapsabet and Eldoret? We need to do this in all counties so that the sporting industry that is employing and paying youth very well can also be of benefit to our youth.

Sen. Nobwola: Thank you, Madam Temporary Speaker, for giving me a chance to contribute. First, I would like to thank the Mover of the Motion, Sen. Dullo and the Seconder for bringing this Motion to the Floor of the House.

I want to congratulate her because she recognized that it was important for the country to recognize Ms. Lupita in what she has achieved. I join fellow Kenyans in congratulating Ms. Lupita Nyong'o on her achievement that culminated in the winning of the Oscar award. This is an honour to Africa as a continent and the Africans in the Diaspora. This is a young girl who knows what she wants to do in life. She is very committed and decided to go for it. Go getters always achieve in life. She has actualized her dream.

I would also like to congratulate Sen. (Prof.) Anyang'-Nyong'o. As parents we feel proud to be part of the celebrations. I am sure the United States President is keen to know the background of this young girl which can only be traced to the Senate. We, as Senators, feel very proud to be associated with Sen. (Prof.) Anyang'-Nyong'o and his family.

Madam Temporary Speaker, I would like to call upon our Government to recognize the talents in these young people. If you look at football, we have very good footballers in this country. Gor Mahia and AFC Leopards fans always fight when they play against each other. Somebody should intervene because these young men have a talent and it can be nurtured to a higher level up to the European leagues. We also have our athletes who do very well and are paid lots of money which they bring back to the country. They have used that money to start industries. For example, Eldoret Town has come up because of the athlete's money. It is high time the Government invested in sports and theatre arts, because the Lupita case is a sign that our youth can do it.

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We should not ignore our youth and think that they are idle and do not know what to do so that we have to choose for them the subjects that they must do in school. This is because as a parent you think that your daughter should be a doctor or an engineer. I think we should let the youth explore their talents because they know what they want to do in life. I remember one time I told my daughter that I wanted her to be a lawyer and she told me to go and attend a parallel course in law and become one. This is because she wanted to do something else. I would like to encourage parents to let the youth exploit their talents so that they do not engage themselves in idle activities.

Madam Temporary Speaker, there are some youth who excel in sports. For example, Congestina the boxer who was very good, but she fell sick and nobody pays attention to her. I think our Government should get involved so that we support the youth and motivate them. As we celebrate Lupita's Oscar award, on 8th March, we shall remember her as we celebrate the World Women's Day. I want to leave a motivational quote for anyone of us and people watching us on television. "Things work out best for those who make the best of how things work out". This was by John Wooden.

Sen. (Prof.) Lonyangapuo: Thank you, Madam Temporary Speaker, for the opportunity to speak to this Motion. In the same breadth, I want to thank my two colleagues, Sen. Adan who generated this Motion which was seconded by Lesuuda. Coincidentally, although they are two ladies presenting a Motion that is touching on the lady of honour, Ms. Lupita Amondi Nyong'o, if it was a man, definitely they would still have brought it here.

I want to join my colleagues in thanking this lady for bringing honour and glory to the people of Kenya, both in Kenya and the diaspora. For once, anybody who did not know Kenya would really want to know where this country is as a result of the dedication of people such as Ms. Lupita. As I thank this lady, I do not want to forget that I thought I heard at one time that we were going to have a Riverwood where we were going to shoot films somewhere on River Road Street. People were talking about it for sometime and I do not know what happened. It disappeared. It looks like we do not recognize and appreciate what we are able to do and our people as well. I would urge the national Government and even the county governments to set funds aside to bring up these talents. Can we revive "Riverhood" just like we talk about Hollywood and so on?

Madam Temporary Speaker, there was a time when we were real champions in boxing. We had Wangila, who died and we just forgot about him. I do not know whether we have any statue or anything named after him, having brought glory to Kenya at that time. Kenya is known as a house of fame because of athletes who participate in Commonwealth games, the Diamond League and so on. We do not have a single athletics academy in Kenya, yet every year, we thrive in the same. It is a challenge to all of us when we see people who run and torture themselves in the hills and valleys of Kenya, without formal training. Suppose we had enough athletics academies scattered around the regions where athletes emanate from; we would be doing very well and leaving our footprints across the world.

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Madam Temporary Speaker, in football what became of Gor Mahia and AFC? In the 1970s, they were the heroes of Kenya. Something must have gone wrong. We need to pay attention and see whether we can revive them, so that we can have more young men excel, just like Mariga. We should have our own league that makes sense.

Madam Temporary Speaker, I do not know whether we are going to tax any money earned by this girl called Ms. Lupita. We have people like Ms. Tecla Lorupe, Ms. Conjestina and many others who were given bills that they were unable to pay in the name of tax, just because they brought some money into the country. We have not been very fair to our people. Do we also have national awards dedicated to people who excel? What happened to music in high schools? We destroyed music which was a subject in primary and secondary schools. It is time that the relevant Ministry revived it. There is also drama which we do not pay much attention to. We have enough talent that we can tap and enjoy as Kenyans. The Brand Kenya organization should not be there without these athletes and heroes.

Madam Temporary Speaker, I beg to support.

The Temporary Speaker (Sen. Ongoro): Hon. Senators, this Motion still has 45 minutes to continue tomorrow. We have exceeded debate time by two minutes, but, again, that is allowed under Standing Order No.30 (2) and by discretion of the Speaker.

ADJOURNMENT

The Temporary Speaker (Sen. Ongoro): Hon. Senators, it is now time to interrupt the business of the Senate. The Senate now stands adjourned until tomorrow, Thursday, 6th March, 2014, at 2.30 p.m.

The Senate rose at 6.30 p.m.