

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 24th April, 2013

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

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

PRAYERS

QUORUM CALL AT COMMENCEMENT OF SITTING

The Speaker (Hon. Ethuro): Order, hon. Senators! We have the requisite quorum.

Let us proceed.

NOTICES OF MOTIONS

APPROVAL OF MEMBERS OF THE CHAIRPERSONS PANEL

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

THAT, pursuant to Standing Order No.16, the Senate approves the following Senators to be Members of the Chairpersons Panel and further, pursuant to Article 107(1)(c) of the Constitution, to be elected to preside at any sitting of the Senate in the absence of the Speaker and the Deputy Speaker:-

1. Sen. Kipchumba Murkomen
2. Sen. Masha Elizabeth Ongoro

APPROVAL OF SENATORS TO MEMBERSHIP OF SENATE COMMITTEES

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

THAT, pursuant to Standing Order No.177, the Senate approves the following Senators nominated by the Rules and Business Committee to be Members of the respective Committees as indicated below:-

1. STANDING COMMITTEES

A. COMMITTEE ON AGRICULTURE, LAND AND NATURAL RESOURCES

1. Sen. Kivuti Lenny
2. Sen. Khaniri George
3. Sen. Melly Isaac
4. Sen. Chelule Liza
5. Sen. Lesuuda Naisula
6. Sen. Ong'era Janet
7. Sen. Boy Juma Boy
8. Sen. Mwakulegwa Danson Mwazo
9. Sen. Ndiema Henry Tiolo

B. COMMITTEE ON EDUCATION, INFORMATION AND TECHNOLOGY

1. Sen. Mutahi Kagwe
2. Sen. (Prof.) Lonyangapuo John
3. Sen. (Prof.) Lesan Wilfred
4. Sen. Karaba Daniel
5. Sen. Gwendu Joy
6. Sen. Kilonzo Mutula
7. Sen. Kanainza Nyongesa Daisy
8. Sen. Mohamud Halima Abdile
9. Sen. Okong'o Kennedy Mong'are

C. COMMITTEE ON ENERGY, ROADS AND TRANSPORTATION

1. Sen. Murungi Kiraitu
2. Sen. Moi Gideon
3. Sen. Chiaba Abu
4. Sen. Wangari Martha
5. Sen. Keter Charles
6. Sen. Obure Christopher Mogere
7. Sen. Otieno Kajwang
8. Sen. Muthama Johnson Nduya
9. Sen. Mwakulegwa Danson Mwazo

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

D. COMMITTEE ON FINANCE, COMMERCE AND ECONOMIC AFFAIRS

1. Sen. Kerrow Billow
2. Sen. (Dr.) Khalwale Boni
3. Sen. Mutahi Kagwe
4. Sen. Mositet Peter
5. Sen. Mungai James
6. Sen. Wetangula Moses Masika
7. Sen. (Prof.) Nyong'o Peter Anyang'
8. Sen. Kipchumba Harold Kimunge
9. Sen. Nobwola Catherine Mutike

E. COMMITTEE ON HEALTH, LABOUR AND SOCIAL WELFARE

1. Sen.(Dr.) Kuti Mohammed
2. Sen. Kittony Zipporah
3. Sen. Onchwang'i Hosea
4. Sen. Nyakeriga Linet
5. Sen. Ntutu Stephen ole
6. Sen. Abdirahman Hassan
7. Sen. Kiyonga John Munyes
8. Sen.(Dr.) Wilfred Machage
9. Sen. Madzayo Stewart Mwachiru Shadrack

F. COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS

1. Sen. Dullo Fatuma
2. Sen. Murungi Kiraitu
3. Sen. Murkomen Kipchumba
4. Sen. Sang Stephen
5. Sen. Kembi-Gitura
6. Sen. Wako Sitswila Amos
7. Sen. Kilonzo Mutula
8. Sen. Hassan Omar Hassan
9. Sen. Sijeny Judith Achieng

G. COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS

1. Sen. Haji Yusuf
2. Sen. Kariuki Geoffrey Gitahi

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

3. Sen. Dullo Fatuma
4. Sen. Kembu-Gitura
5. Sen. Sonko Mike Mbuvi
6. Sen. Orengo James
7. Sen. Masha Elizabeth Ongoro
8. Sen. Hargura Godana
9. Sen. Wetangula Moses Masika

2. SESSIONAL COMMITTEES

A. COMMITTEE ON DEVOLVED GOVERNMENT

1. Sen. Murkomen Kipchumba
2. Sen. Elachi Beatrice
3. Sen. (Eng.) Muriuki Karue
4. Sen. Wangari Martha
5. Sen. Kisasa Mvita
6. Sen. Wako Sitswila Amos
7. Sen.(Prof.) Nyong'o Peter Anyang'
8. Sen. Hassan Omar Hassan
9. Sen. Ndiema Henry Tiolo

B. COMMITTEE ON IMPLEMENTATION

1. Sen.(Dr.) Khalwale Boni
2. Sen. Wamatangi Paul
3. Sen. Nyakeriga Linet
4. Sen. Gwendu Joy
5. Sen. Kariuki Geoffrey Gitahi
6. Sen. Hassan Abdirahman
7. Sen. Boy Juma Boy
8. Sen. Orengo James
9. Sen. Kanainza Nyongesa Daisy

C. COMMITTEE ON DELEGATED LEGISLATION

1. Sen. Leshore Sammy
2. Sen. Chelule Liza
3. Sen. Mbura Emma Gertrude
4. Sen. Karaba Daniel
5. Sen. Kisasa Mshenga Mvita

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

6. Sen. Madzayo Stewart Mwachiru Shadrack
7. Sen. Sijeny Judith Achieng
8. Sen. Kipchumba Harold Kimunge
9. Sen. David Musila

3. JOINT COMMITTEES

A. JOINT COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

1. Sen. Mositet Peter
2. Sen. Mbura Emma Gertude
3. Sen. Sonko Mike Mbuvi
4. Sen. Sang Stephen
5. Sen. Bulle Ali
6. Sen. (Eng.) Muriuki Karue
7. Sen. Elachi Beatrice
8. Sen. Melly Isaac
9. Sen. Otieno Kajwang
10. Sen. Hargura Godana
11. Sen. (Dr.) Zani Agnes
12. Sen. Obure Christopher Mogere
13. Sen. Ndiema Henry Tiolo
14. Sen. Hassan Abdirahman
15. Sen. Kipchumba Harold Kimunge

B. JOINT COMMITTEE ON PARLIAMENTARY BROADCASTING AND LIBRARY

1. Sen. Lesuuda Naisula
2. Sen. Karaba Daniel
3. Sen. Khaniri George
4. Sen. Ntutu Stephen ole
5. Sen. Wamatangi Paul
6. Sen. Mungai Kiarie
7. Sen. Chiaba Abu
8. Sen.(Dr.) Kuti Mohammed
9. Sen. (Dr.) Machage Wilfred Gisuki
10. Sen. Mohamud Halima Abdille
11. Sen. Okong'o Kennedy Mong'are
12. Sen. Boy Juma Boy

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

13. Sen. Kanainza Nyongesa Daisy
14. Sen. Nobwola Catherine Mukite
15. Sen. Madzayo Stewart Mwachiru Shadrack

Thank you, Mr. Speaker, Sir.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President on the occasion of the opening of the Eleventh Parliament on Tuesday, 16th April, 2013.

(The Senate Majority Leader (Sen.) (Prof.) Kindiki on 23.4.2013)

(Resumption of Debate interrupted on 24.4.2013, morning sitting)

The Speaker (Hon. Ethuro): Sen. Nobwola Catherine, you have 10 more minutes to make your contribution to this Motion.

Proceed!

The Nominated Senator (Sen. Nobwola): Thank you, Mr. Speaker, Sir, for giving me this opportunity. Before we adjourned for lunch, I was commenting on the issues of the Constituencies Development Fund (CDF) kitty. Whereas majority of Senators say that the CDF has worked very well in their counties, in the constituency where I come from, this kitty has in the past been misused. In my view, we should have proper structures put in place to ensure proper usage of this money. For instance, this money should be released by a bank where the Government has an interest, for example, the Kenya Commercial Bank (KCB) or the Co-operative Bank of Kenya (Co-op Bank). This money should not be given out for free. When you give out money for free, you are not motivating or helping the person you are giving the money in any way. I propose that we should have a time frame within which this money should be given out, for example, two years. Before this money is given out, banks should come up with various requirements and structures such as having a proposal, ensuring individuals have pin numbers, so that at the end of the day people can be able to contribute to the revenue kitty. If we keep dishing out the money without making sure these people pay taxes, then we shall not be helping our economy to grow.

Mr. Speaker, Sir, another area where I wish to comment on is the *jua kali* sector. We need to put some structures in place so that this sector, which is very lucrative, can contribute revenue to the kitty. The President, in his Address, indicated that we will grow our tax base. How else will we do this if some sectors of the economy are not paying taxes? Five years ago, for instance, many buildings had not mushroomed in Nairobi as much as

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

they have today. There are very many buildings that have come up. We need to see whether all these people are paying taxes. Are they contributing to the revenue kitty? Some people may be paying taxes while others may be evading paying tax. We need to have some structures in place so that we can check whether we are all paying taxes, especially on income received from development.

Mr. Speaker, Sir, on the issue of the Internally Displaced Persons (IDPs), in Trans Nzoia County where I come from, we have a problem of IDPs. Already there are IDPs in this county yet IDPs from other parts of the country are being settled in our county. In my view, the Government should find out where these IDPs came from. If someone came from Eldoret or Nakuru, they should be able to point out the areas where they came from so that if they were business people, they should be facilitated to start businesses instead of allocating them land.

Mr. Speaker, Sir, the Address captured the issue of the unemployment rate which stands at 70 per cent. This is a very high rate. When you look at this composition of the 70 per cent, it touches on our children, who are graduates. We spend a lot of money educating university students but when they graduate from university, they do not get employed or institutions which can absorb them. This is one area where the Government needs to relook, so that we can have, for example, a development welfare programme in place for university students. If they do not have skills, counties have been allocated 2 per cent of the revenue, which can be used for training purposes. University graduates can be trained and also given money through the CDF kitty because CDF also focuses on issues of the youth, so that they can be able to create employment. If they do so, they will be able to take along the poor man with them. Women, particularly in the rural areas, lack skills. If you give such women Kshs100,000 to start businesses, they may not know how to go about it. However, if we empower our youth or the graduates, they will be able to assist our mothers in the rural areas and may be create employment and make their lives better.

Mr. Speaker, Sir, those are the few points I captured. With those few remarks, I beg to support.

The Senator for Mombasa County (Sen. Hassan): Thank you, Mr. Speaker, Sir, for giving me this opportunity. Like my colleagues before me, first and foremost, I want to thank the people of Mombasa County, which is Kenya's second biggest city, for voting me in as the inaugural Senator under our new Constitution. Mombasa County is also listed in the Constitution as County No.1. Therefore, constitutionally, Mombasa County has an obligation to be No.1 in terms of providing cutting edge leadership around devolution and many other things within the Senate.

Like my previous colleagues, I also want to congratulate hon. Senators for having been elected as Senators of their respective counties.

Mr. Speaker, Sir, I want to mention some few things that recapture the national mood in this country. This country has been talking about the generational change. My colleagues would attest that there are quite a number of young Senators who have been elected to this House despite the perception that was created before the General Election that

the Senate was going to be a House of retirement or elders. For that reason, I want to commend and congratulate my classmate, Sen.(Prof.) Kindiki, who was also elected as the Senate Majority Leader. I wish him all the best in his endeavours. Like was said earlier, this Senate must endeavour to have a bi-partisan approach in many of the issues that we face as a country. I also know that there are a number of young hon. Senators who were elected like Sen. Sang of Nandi County, who is 28 years old. I have told him, time and again, that he needs to be re-elected, at least, an extra four times to get to the age of 48. There are many others who have been elected under the same platform. Notwithstanding our age and gender, the country expects a lot from us.

Mr. Speaker, Sir, I want to acknowledge the Presidential Address which touched quite a bit on the issue of the young people in this country. I hope his Address will move from rhetoric to reality. I remember when the hon. Senator from Meru County was speaking, many did allude that there are many young hon. Senators who need to be taught. The fact that some of us won during the General Election in very diverse cosmopolitan constituencies also means that there is a thing or two we can teach hon. Senators of his calibre. In fact, if he had sought my advice, I would have told him the tide had shifted severely and he should not have attempted to go for the position of Senate Majority Leader when Sen.(Prof.) Kindiki was one of the candidates to it. That is the mood of the country.

Secondly, His Excellency the President has made very many promises to the youth. In particular is the issue of employment. This Senate must play its critical role in implementing the agenda for devolution to ensure that we have employment at all levels and in particular, to ensure that there is sufficient investment at our county levels, so that we can have the equilibrium in terms of the diversity of this country. It is important that county administrations are facilitated to create employment firsthand, so that these devolution structures are able to deliver and discharge the promises to this nation.

Mr. Speaker, Sir, we need to embrace technology. It is imperative that in terms of the dynamics of this current world, that we have no option but to ensure that Kenya remains competitive. Technology is not just about development, it is where the world is moving to. Therefore, as we ensure that we are digital, we must create e-government. When we come to the House, we do not need to be given hard copy Order Papers. We should access them in our little compartments in Parliament. We do not need to do all this paper work. We should be able to digitize and do an e-government system that kills the red tape and increases efficiency.

Mr. Speaker, Sir, I know a lot of things have been said here, I shall avoid repetition because I want to highlight some of the key issues that are fundamental to us. One is the issue of ethnicity. Hon. Senators will recall that when I was at the Kenya National Commission on Human Rights (KNCHR), we fought for justice and equity to all. I believe that the commentary by His Excellency the President that he shall fight ethnicity is something that will reflect the policy and actions of his Government. When any leader decides to embrace ethnicity, he delegitimizes his leadership and the State. It is incumbent that a national audit be conducted on the levels of employment. On the basis of that national

audit by the National Cohesion and Integration Commission (NCIC) and other audits, the country must embrace ethnic balance at all levels, and in particular, in the area of security.

I also believe that ethnicity must be fought within all our institutions. Controversially, I must say, even most of our political parties are ethnic outfits that are simply the preserve of a few people that embrace a certain ethnic ideology. It is about "our man getting to the top of the leadership." This is not about Kenyans having the full benefit of the Constitution. Therefore, those who talk about ethnicity must realise it is an extremely high ideal, to fight ethnicity in all its manifestations, and to avoid the temptation of ethnic aggrandisement. I look forward to His Excellency the President, Uhuru Kenyatta and hon. William Ruto, addressing this balance as the first legitimate step to ensuring that this country embraces national cohesion and is forever destined for greatness.

Mr. Speaker, Sir, I saw the President making a lot of reference to my forte of work that is around individual rights and freedoms. In fact, his Address is reminiscent of speeches that are usually issued by American Presidents where they constantly talk about liberties, individual freedoms and rights. I hope that he will ensure that everybody embraces those basic tenets and that there will be accountability for those who go outside the Constitution. Therefore, members of the police force and the country's national security apparatus must bear accountability for the excesses around the protection and fundamental rights of every individual.

Mr. Speaker, Sir, I also embrace the issue of police reforms. I do not believe police reforms is simply about dealing with the citizen to police officer ratio. Police reforms must embrace the entire software and hardware. Police officers must be inducted to ensure that they embrace the basic values, tenets and principles of fundamental human rights. In addition to that, their training curriculum must adopt to the new cutting edge paradigms of policing. They must shift the paradigm of policing from the secretization of our State to the democratization of our security. It is imperative that our security apparatus are democratized so that Kenyans can participate in what we call proactive security. It is fatal for police officers to simply be reactive in terms of policing where Kenyans do not embrace the whole philosophy that they too can police the State and they can be partners in proactive security.

Mr. Speaker, Sir, on the issue of tourism, the Coast accounts for a large part of the tourism sector in this country. What is most critical for us is not only to market Kenya as an attractive tourist destination and increase the tourist numbers to three million visitors a year, but, as the Senator for Mombasa County, I would be very interested to know how much of the revenue that we raise from tourism remains at the county level. The main assets and wealth of Mombasa County have often not been to the benefit of the wide diversity of the people of Mombasa. We are left with no other alternative but to ensure that this Senate adopts proactive measures that will ensure that part of the wealth that is generated within our respective counties, first and foremost, benefits those counties. I believe that we account for over three thousand of the best places that host tourists every month. It is, therefore, imperative that this revenue is shared equitably with the County of Mombasa.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

A lot of other counties have enormous wealth. It is important for this Senate to decide how much of this wealth will stay in our counties, so that these counties too, can be principal beneficiaries. If you look at the issues surrounding the port and other major resources of the County, this is what has led to part of the social strife; part of the political instability and resentment, including organisations like the Mombasa Republican Council (MRC) which continue to say that *Pwani si Kenya*. It is not because they feel they are not Kenyans, but it is because they have been dispossessed by those who believe they are more Kenyan than them. Therefore, those who have been more Kenyan must see an equitable return of some of the resources that have been appropriated from the hands of the people of Mombasa County and in particular, the resource of land. I heard the President talk about land. The issue of land touches on the heart of part of the social instability we have in this country today. Mombasa County and the Coast, in general has an inherent issue in terms of land ownership. It is just---

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

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

Sen. (Dr.) Khalwale: I do not wish to interrupt my brother with whom we used to fight in Mageuzi but, indeed, when the Senator for Mombasa alleges in this House that the people of Mombasa have joined the Mombasa Republican Council (MRC) because they have been shortchanged by people who think that they are more Kenyan than them, it is only fair that he substantiates. Otherwise, I am afraid that, that statement is not in the interest of national cohesion.

The Speaker (Hon. Ethuro): Sen. Omar Hassan, did you say so?

The Senator for Mombasa County (Sen. Hassan): Mr. Speaker, Sir, Sen. Boni sometimes does not listen to English. He has listened to his own mind. I have given some of the factors that have caused this desperation within the people of Mombasa, as leading some of the young people to adopt some of those vices like the MRC. I do believe that it is simply an orchestration of the frustration of the people of Mombasa. I think that the Government has tried to be proactive even in addressing some of these pertinent issues. But I do believe that sooner than later, these issues must be redressed, and land, as I said, is at the heart of part of the discontentment of the people of Mombasa and the Coast in general. Therefore, it is about reviewing fundamentally the land ownership regime in the country, so that we can be equitable. Those who were dispossessed by previous Governments must ensure that these rights are restored equitably. Since Dr. Khalwale brought it up, I will address that issue.

Mr. Speaker, Sir, I think that the Government also needs to look for creative ways to ensure that they deal with the issues surrounding the desperation and despair of the young people of Mombasa. In particular, are issues to do with employment, inequalities, land and historical injustices. Therefore, as the Government seeks robust ways to address some of the issues, it is critical that the political leadership and the Senate is involved as an avenue to bringing equity to all counties and ensure that whatever historical injustices that were partaken against the people of Mombasa and Coast, in general, are redressed. I

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

think that the MRC needs solutions that are able to address some of the most pertinent issues that afflict us, as a society. I think that it cannot be simply wished away as a criminal outfit. As much as we do not support violence, it is important that the issues that have been articulated over time to successive Presidents are addressed by the fourth President. One of it, as I emphasized, is the issue of land. For Mombasa and the entire Coast Province, land will remain a dear subject. No political leadership will ever succeed in this part of the country if they are unable to address the fundamental question of land.

Mr. Speaker, Sir, I was a bit perturbed by the amendments that the President envisages in the National Police Service. I hope that they are not the amendments that have been suggested by the Inspector-General (IG) that seem to simply weaken the infrastructure for accountability and preserve the former police force as it were. I do hope that the amendments as envisaged are those that are important in ensuring that the police reforms are implemented and they adapt to the new paradigms of security and policing in this country.

Mr. Speaker, Sir, the President talked about a fundamental issue. He talked about the enactment of the freedom of access to information Bill. There can never be an open Government without access to information. Talking about transparency is defeatist without ensuring that the access to information Bill is enshrined in the Constitution. Therefore, the civil society and Members of Parliament must act proactively to ensure that freedom of information becomes the hallmark of our governance. Without access to information, governance continues to be opaque and corruption continues to thrive. Therefore, we must ensure that freedom and access to information is a guaranteed right under the Constitution. We must, therefore, devise ways and criteria upon which information that touches on the heart of this nation in terms of our accountability, is released to members of the public on account of national interest.

Mr. Speaker, Sir, finally, I do believe that as much as we have heard the various factions around how we managed our politics before this election, I think what Sen. Wako has said is about devolution. The Senate must take up its inherent role to defend devolution at whatever cost, constitutionally possible. I think that all of us must work from across the aisle to ensure that devolution, which is the hope and expectation of a number of Kenyans, becomes the reality of the new Constitution. Therefore, I add my voice to those appealing for the scrapping of the office of the County Commissioners, to ensure that the elected governors represent the spirit and authority that the Constitution envisages. I do believe that we have had a very difficult time in terms of managing the centre with respect to the devolution structure. I do hope that the Civil Service will also be reformed. One of the undoings of the Kibaki regime when it came to power was to leave the Civil Service intact. This Civil Service came with very old ideas. I think that if we need to move forward with the new paradigm shift, then it is incumbent that we overhaul the Civil Service, to ensure that it is effective in the discharge of the new mandate that is envisaged by the Constitution. These men and women who have been there for too long might be detrimental to the new society that this country is trying to

recreate. I think that the Civil Service, as the drivers of the Government policy and agenda, will need to be reformed to bring it in sync with the new Constitution and the shifting paradigm. That is why, Senate Majority Leader, I think that I liked the four Ministers that you have named but I do not see what is the hustle about naming all the Ministers at one time. But that is the way to go in terms of professionalization of this country.

Mr. Speaker, Sir, I want to rest my case at that point and wish this Senate a fruitful term of deliberation, so that we can make this country a better place.

The Senator for Lamu County (Sen. Chiaba): Asante sana, Bw. Spika, kwa kunipa fursa hii kuungana pamoja na wenzangu na kutoa shukrani zangu, kwanza kabisa kwa wale watu ambao walinichagua katika Kaunti ya Lamu. Walifanya hivyo kwa kipindi kirefu na hivi sasa ni heshima kubwa kuwa mimi ndio Seneta wa kwanza baada ya Katiba mpya kuwa *implemented*.

Bw. Spika, nataka vile vile kuchukua fursa hii kuwapongeza Maseneta na Wabunge wote waliochaguliwa, wakiongozwa na Rais wetu ambaye alichaguliwa kwa kura za kutosha. Hapa kwetu katika Seneti, nataka kukupongeza wewe, naibu wako na wale wote ambao wamepata fursa ya kuweza kutuongoza sisi.

Bw. Spika, tukiangazia yale yanayofanyika katika kaunti zetu, ni wajibu wetu sisi wenyewe ambao tulichaguliwa kuweza kusema yale mengi yaliofanyika na yale mengi ambayo hayakuweza kufanyika kwa njia moja au nyingine. Ikiwa kiongozi anaweza kusema yale ambayo hayakufanyika, kama *infrastructure*, hasemi ya kwamba anapinga Serikali yake. Anasema vipi inaweza kurekebisha mambo ambayo hayakupatikana kwa miaka 50. Ikisemekana ni kweli ya kwamba katika Kaunti ya Lamu nzima hakuna barabara ya lami hata inchi moja, hiyo ni kweli na itabakia kuwa ukweli, iwe imezungumzwa na upinzani au watu wanaounga mkono Serikali. Hivi sasa kila mahali watu wanategemea serikali ya ugatuzi au county governments ipatiwe madaraka ya kutosha iweze kuwa ndio suluhisho ya mambo mengi ambayo hayakupatikana. Katika Lamu kwa miaka miwili au mitatu iliyopita tunapongeza Serikali kwa kuleta mradi mkubwa wa LAPSET. Lakini hata hivyo, hiyo vile vile imekuja na matatizo yake mengine. Watu ambao hawajulikani katika Kaunti yetu ya Lamu ndio wamepatiwa mashamba makubwa makubwa ya kutosha, kinyume na kuchukua nafasi ya kuweza kuwapatia wenyeji walioko huko. Watu wanaoishi katika Lamu Kaunti ni wa Kenya nzima; ni wa makabila tofauti tofauti na tunakaa kwa amani. Ingefaa ikiwa wale ambao wamekaa kule kwa miaka mingi wangepewa haki. Mimi ninaunga mkono mradi huo mkubwa. Tunaona ya kwamba mradi huo ndio suluhisho tu ya kuweza kuleta kazi kwa vijana wetu na mabadiliko ya kiuchumi katika Kaunti hiyo na kaunti jirani.

Bw. Spika, nampongeza Rais kwa yale mengi aliyoyasema katika Hotuba yake ambayo alitoa katika kikao cha pamoja cha Bunge letu. Tunampongeza kwa miradi ambayo yeye mwenyewe amependekeza na mikakati ya kuonyesha ya kwamba atapeleka maendeleo katika kila upande wa Kenya ambao haukufikiwa. Hilo ni jambo ambalo kila mtu anafikiria. Wajibu wetu mkubwa kama viongozi wa kitaifa ni kuiambia Serikali

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

kupitia njia hii ya Seneti au Bunge kitu ambacho kina upungufu mkubwa ili iweze kurekebishwa na kutekelezwa, ili watu waishi kwa amani na matumaini.

Bw. Spika, tunampongeza Rais kwa mambo ya kuleta *laptops* kwa watoto, lakini hilo ni pendekezo ambalo yeye mwenyewe anafikiria kuleta. Ni wajibu wetu viongozi kuangalia njia bora ya kuhakikisha kwamba hizo laptops zinawasaidia watoto wetu. Mimi naunga mkono Sen. Khaniri anaposema kwamba watoto wa *Class One, Two* na *Three* wakipewa laptops, itakuwa ni chombo tu cha kuweza kukitumia nyumbani na kisha baadaye, kisiweze kuwasaidia. Watoto wa *Standard One* mpaka *Standard Five* wanafaa kutengewa nyumba maalum kubwa ili kila mmoja aweze kujifunza mambo ya *Information Technology* (IT) huko. Kisha wakifika *Standard Five* na kuendelea wanaweza kupewa hizo *laptops* kwenda nazo nyumbani.

Bw. Spika, naunga mkono Hotuba ya Rais na tutashirikiana pamoja. Serikali ya ugutuzi ya Kaunti ndio suluhisho pekee kwa wale watu ambao wamewachagua. Ikiwa watashindwa kutekeleza wajibu huo, itakuwa wajibu wetu kama Maseneta walio hapa kuangalia kuwa wanapewa madaraka ya kutosha, kulingana na Katiba yetu mpya.

Bw. Spika, kwa hayo machache, naunga mkono Hotuba ya Rais.

The Senator for Isiolo County (Sen. (Dr.) Kuti): Thank you, Mr. Speaker, Sir. I would like to join my colleagues in congratulating you, your deputy and all elected and nominated Senators. I would also like to most sincerely congratulate the Kenyan electorate for participating in a very peaceful election; before, during and after the election. I would, in fact, like to congratulate also all the Presidential candidates, especially hon. Raila because of the manner in which he behaved after the election. This is because it is the coming together of the President and hon. Raila that further cemented the peaceful environment that we are enjoying now. But, of course, a lot needs to be done to heal the country. I would urge all Kenyans to put peace first because our country is above everybody else. Therefore, we need to move on.

Mr. Speaker, Sir, having said that, I would like also to thank the people of Isiolo County for electing me for now the third time; the first two terms as a Member of Parliament and now as their elected Senator. I would like to pledge to them that I will do all my best to make sure that our county reaches very high levels of development by working together with other elected leaders and the community itself.

Mr. Speaker, Sir, this is a new dawn. Everytime we start; starting from the time there was a NARC wave, Kenyans have a lot of hope and expectations. The good thing now is that we have gone through this very peacefully---

We have had ten years of very progressive development and I think we are now at a stage to fly if our leaders – all the elected leaders from the counties to the national level – focus on development and put politics aside. This is the opportune time to take off and make Kenya reach a higher level of development, reduce poverty and create wealth. I think everybody should seize this moment and especially the President and the Deputy President.

With regard to roads, a lot has been achieved and a lot still needs to be done. We still need to expand the road network to make sure that our people's produce reaches the market faster. I also think this is the opportune time to look at the health sector. It is good to have free maternity health care for mothers and that is a very positive gesture, but I think it is important to really look at health in depth. Our hospitals are the least stocked. Our doctors and nurses who really should not have gone on strike are demoralized. Our hospitals are filthy and smelly. This is the time to do thorough cleaning of our health facilities just the way we did in Nairobi to Government offices which were filthy so that you could know where the toilets were without asking. I think the same focus should be directed to hospitals so that when you visit a district hospital, a provincial hospital or a referral hospital like Kenyatta National Hospital, there is cleanliness because the first sign of health as you enter a health institution is cleanliness. The moment you enter into a clean place, your confidence builds immediately and that is the beginning of getting healed. I think we need to focus on the cleanliness and stock appropriate medical facilities and supplies in our health facilities.

Mr. Speaker, Sir, we also need to boost the morale of our doctors. I think 70 per cent of our trained doctors are outside this country. There is a brain drain of doctors and nurses who are all over the world. We should motivate them in order to come back and work in our hospitals. As much as free maternity care is a very good gesture, there is need to focus more on health so that there are quality services in our health facilities.

In terms of electricity, major progress has taken place. If we take it up from there and keep the momentum, almost all our rural schools, hospitals and markets will all be lit. At the moment, there is shortage of electricity supply. The part that I did not hear in the President's Address is about renewable energy. I stand to be corrected but I did not hear the President mention renewable energy as a source of electricity which is the way to go. Green energy is the way to go because the world is now heading towards that direction, and Kenya should not be left behind.

Mr. Speaker, Sir, I would like to address the issue of water for irrigation and for home use. Now that we have floods all over the country, everybody is crying that there is a lot of water and homes have been destroyed and yet I know that three months from now we will be crying about drought. There will be no food because all the water will have gone to the Indian Ocean after destroying our homes, farms and roads. We will not have water and then we will start taking water boozers to the same villages that are now flooded. We need mega dams for both home consumption and irrigation in order to address the issue of food insecurity.

I think it is shameful that there are areas in this country that receive food from January to December and every month, the Ministry of State for Special Programmes has to supply us with a list of the needs per constituency of beans, cartons of rice and oil rations. It is becoming a bit expensive but it is a reality that we have to deal with every year. I think we should contain this water that is now destroying our homes by investing in mega dams. I think every leader has constantly talked about it but we have never

realized the dream. Even Sen. Wako is nodding his head because this is an issue we have been talking about for over 30 years, and I think this is one thing that the President, the Deputy President, the governors and all the other leaders should focus on just the way we did to the highways. We should now focus on dams in order to make sure that food security is achieved. It is a known fact that the first human need is air followed by food and then clothing. We should focus on food security and ensure that every Kenyan consumes Kenyan produce. In fact, we should zero-in on the counties that are receiving relief food as continuous Government support. I think we should get rid of relief supplies because it creates dependency, it is so expensive and it makes people sit back because the Government will in the end provide them with the same.

Mr. Speaker, Sir, the other issue relates to agriculture. The President mentioned about irrigation, though I did not hear much about livestock but we need to think very hard about agriculture. When we think about agriculture, land is a very important factor. Somebody must take the bull by the horns, because unless we change our land tenure system, very productive land in this country will continue to be sub-divided to the point that it can no-longer produce. We should partner industrialization and land use; industrialization to the point that people should not just come to Nairobi in search of jobs, but the governors should create centres of development that can attract employment so that we can pull the excess people who are inheriting land from their fathers and grandfathers till the land has now been sub-divided into quarter and half acre pieces. Very productive land in the Central and the Rift Valley regions is now getting diminished day by day. It is not sustainable. A very bold move needs to be made so that we enter into mechanized farming. At the same time, there are dry areas that are so open but still productive. We should create water catchment areas to enable us produce enough food that we can even export. It requires a paradigm shift.

Livestock is in every home in this country. When I was the Minister for Livestock in the previous Government, we tried to put abattoirs in strategic areas, interconnecting them to international airports so that we move away from only moving our animals to Nairobi. Just like the coffee and tea factories are where these crops are, the abattoirs should be taken to where livestock are. We should create abattoirs and airports there so that the animal products are easily transported. In fact, we are moving from exporting live animals to value-adding.

Mr. Speaker, Sir, the other issue I would like to briefly touch on because I can see that the timing light is on, is about performance. The one thing the Kibaki Government introduced was performance contracting. This actually improved the quality of services in Government offices. Civil servants have been able to inculcate corporate practice and culture. I think this needs to be continued because right now if you make a phone call to a Government office, you could be assisted faster than in a corporate institution office. This is because of performance contracting that was put in place.

Isiolo County is the nerve centre of this country and I would urge our leaders to continue with the issue of LAPSET and the northern corridor because Isiolo is a major

beneficiary. It opens up the northern part of this country. You have seen development along the Mombasa-Nairobi Road taking place along the railway line and the roads that we established in the past. If we establish others in the northern part of Kenya, development will also come along those transport corridors.

I beg to support.

The Speaker (Hon. Ethuro): Sen. Ong'era!

The Nominated Senator (Sen. Ong'era): Thank you, Mr. Speaker, Sir, for giving this opportunity as this is my maiden address. First of all, I would like to congratulate you for your successful election to the office of Speaker and all other colleagues here in the House, both elected and nominated. I congratulate all of you.

Mr. Speaker, Sir, I also take this opportunity to thank my party, the Orange Democratic Movement (ODM), for nominating me to this House. First of all, I would like to salute one man who has been at the forefront of the reform process in this country. For over 20 years, the former Prime Minister, the Rt. Hon. Raila Amolo Odinga, has been in the forefront in ensuring that we have the necessary reforms including a new Constitution that has brought us the desires we had, including this Senate. I raise my hands in appreciating the role that the Rt. Hon. Raila Amolo Odinga has played in this country.

Mr. Speaker, Sir, with regard to the President's Address, these are just mere words and until these words are implemented, we cannot say that we have seen the taste of the pudding. As you know in English, there is a saying that the proof of the pudding is in the eating.

I say this by making the following three comments: First of all, while as women, we welcome the idea that we can have free maternity care, but maternity care cannot really be anything unless we have a health system that meets all the necessary challenges.

We heard the President addressing issues of adequate resources and finances. We know that there are many issues to be addressed in the health care system and we do not have enough facilities and the necessary human resource. Our nurses, to-date, are not paid enough salaries so as to take care of these women. Women can have free maternity care but if there will be no nurses to help these women deliver, what will it help us?

I expected to see the President, in his Speech, addressing issues of social and cultural barriers. How will our women address issues that hinder them from accessing medical care? These are many as you know. I expected to see the President dealing with the issue of utilizing maternity services. How will the perennial lack of adequate essential medicine be addressed? It is not just enough to say that we will have free maternity health care unless we know how the facilities and the necessary infrastructure will be taken care of.

The other issue I want to look at is that of devolution. I want to support what my party leader, the Senate Leader of the Minority, said in this House. We know that the President has indicated that there is commitment with regard to devolution. However, that is not just enough. If this Government was serious, today being 21 days after the Speech was read, I have not seen any Motion being tabled in Parliament that is supposed to do

away with the legislations that have entrenched the provincial administration. Today, we continue to have County Commissioners who are living like imperial kings. These guys are occupying palatial mansions and, indeed, palatial offices and yet our elected governors continue living in dingy hotels. I have a case of the Kisii County Governor who is living in a hotel and yet the County Commissioner is living in a very palatial home. This is very undesirable. I have a case of the Governor of Trans Nzoia who is living in his own home and he has to drive close to 100 kilometers to be in the office when we know that in Kitale Town, there is a palatial home that the County Commissioner continues to occupy.

I will now come to the issue of laptops. It is very sad for us to see that we are being assured of laptops for Standard One children. Many of our children in this country are going to school bare footed. Many of them also go to school hungry. What is a laptop when our children are hungry and going to school without shoes? I expected to see a programme on how we can eradicate poverty in this country because these are fundamental issues that we need to deal with for this country to grow.

Finally, I want to support my colleagues in saying that the Senate is, indeed, the Upper House and we must protect our rights. These are our inherent rights. We have won them through the Constitution and we want to ensure that through your support, this House will regain its status as it ought to be the Upper Chamber.

The Senator for Kilifi County (Sen. Madzayo): Asante, Bw. Spika, kwa kunipa nafasi hii. Kwanza, ningependa kuwashukuru watu wa Kilifi Kaunti kwa kunichagua kama Seneta wao wa kwanza. La pili, pia vile vile ningependa kukupongeza kwa kuchaguliwa kama Spika wa Seneti. Pia, ningependa kuwapongeza Maseneta wenzangu kwa kuchaguliwa kuwa Maseneta.

Katika Hotuba ya Rais, alizungumzia kuhusu kutofautiana kwa maoni na kuheshimiana. Ningependa kuongea juu ya mambo ya utalii. Ile Kaunti ambayo ninawakilisha hapa Seneti ina hoteli nyingi kuanzia Mtwapa mpaka Tana River. Hoteli hizo hutembelewa na watalii wanaotoka katika sehemu nyingi sana za nchi za ng'ambo. Watalii wanaokuja katika nchi yetu, baadhi ya wale wanaotembelea mbuga za wanyama na kutupa *income tax*, kunao wengine, katika sehemu ya Mtwapa na Malindi ambao sio watalii bali huja kufanya biashara. Biashara zao zingine ni zile za mihadarati na ngono. Hao ni watalii ambao hawaleti faidi kwa nchi hii.

Katika ile Kaunti ninayowakilisha hapa ndani ya Seneti, kunao wafanyikazi ambao wanawachishwa kazi; kazi ambazo wanaandikwa bila kufuatilia sheria za wafanyikazi. Wakati mwingine, hali ya binadamu wanapoishi wawili wakiwa wameoana ama wakiwa hawajaoana, ni lazima mmoja apate mimba. Hali hiyo ikitokea, tunaona kwamba wafanyi kazi wengi katika hoteli nyingi huko Pwani, wanawachishwa kazi. Wanawake wanapotungwa mimba, wanawachishwa kazi.

Rais, katika Hotuba yake alisema atazingatia mambo ya utalii vilivyo. Pia, tunaomba sheria za wafanyikazi ziangaliwe vilivyo. Kunao wengine pia ambao

wanawaandika watu kazi halafu malipo yanakuwa chini kuliko kiwango ambacho kinafaa kulipwa kulingana na Sheria zetu za Kenya.

Jambo lingine ningependa kutaja ni lile la *beach boys na beach girls*. Hawa ni wafanyikazi ambao wanafanya kazi katika ufuo wa bahari. *They are an industry to themselves*. Hawa huleta watalii wengi katika Kenya yetu. Lakini utaone wale wanaofanya kazi kama *beach boys* ama *beach girls* wanateswa, wanashikwa, kufurushwa ama wanapelekwa kortini bila kuzingatia sheria. Wakiwa na vibali vyao ambavyo wamekata, wamelipa pesa na wameruhusiwa kuifanya biashara hiyo, basi ingekuwa vyema kama wangepewa nafasi ya kufanya kazi bila kusumbuliwa aidha na Kenya Wildlife Services (KWS) ama Kenya Tourists Police (KTP). Kama ni kuuza vinyago, nguo ama sanamu za mbali mbali, wanafaa kufanya hivyo bila kusumbuliwa.

Jambo lingine ambalo ningependa kugusia ni lile la mashamba. Katika Hotuba ya Rais katika ukurasa wa 15, aligusia allisema kwamba ataangalia mambo ya mashamba na Serikali itaangalia vile itasuluhisha swala la mashamba. Kama inavyojulikana, Kaunti ya Kilifi inaongoza kwa kuwa na maskwota wengi katika nchi nzima. Jambo hili halikuletwa na kitu chochote kingine isipokuwa mabepari walionyakuwa ardhi ya wakaazi wa Kilifi County. Ardhi hizi zilinyakuliwa kwa kutengeneza makaratasi katika Lands Registry; makaratasi ya uongo ambayo hayana hati kikamilifu kisheria.

Swala hili liliwafanya watu wa Pwani na hasa watu wa Kilifi kuwa na mchafuko na damu kumwagika hasa wakati wa uchaguzi. Hili ni swala la kusikitisha kwa sababu heshima sio utumwa. Watu wa pwani kwa sababu ya ukarimu wao umekuwa ni wakati wa kulipisha ardhi zilizonyakuliwa. Ikiwa Serikali iko na mwelekeo wa kisawasawa, basi tuna matumaini kwamba mashamba yalionyakuliwa yataregeshewa wenyewe ambao walivurushwa kutoka mashamba hayo.

Jambo lingine la kusikitisha ni kwamba wakaazi wa Kilifi County hasa wale wa Mji wa Mtwapa -- Mtwapa ni jiji ambalo linajengwa usiku na mchana. Watu wanazidi kuwa wengi. Hii ina maanisha kwamba biashara pia inazidi kuwa nyingi. Leo, ni aibu kuona kwamba lile shamba ambalo lilikuwa limetengwa ambalo liko kati kati ya Mtwapa limechukuliwa. Limenyakuliwa na vipari ambao wananyakuwa mashamba.

Hilo shamba ni la Serikali na ni la kujenga soko. Hili ni shamba ambalo ni la wafanyakazi wadogo wadogo ambao wanauza kando ya barabara ili waweze kupata nafasi hiyo ya kuweza kuuza bidhaa zao. Ardhi hiyo ilikuwa imetengwa kwa ajili ya kujenga soko lakini kumekuwa na watu ambao wamenyakua na wana nia ya kuanza mjengo. Ikiwa Serikali hii iko na nia ya kuona kama kuna mipangilio kabambe ambayo itaweka wakaazi wa Kilifi haswa wale wafanyi biashara wadogo wadogo wa Mtwapa katika hali nzuri ya biashara basi ichukue hatua ya kuhakikisha ya kwamba wale mabepari wa kunyakua mashamba wawache kufanya yale wanayofanya ili wafanya kazi wadogo wa biashara wapate ardhi hiyo. Serikali ya ugatuzi ambayo iko chini ya Kaunti ya Kilifi ikiongozwa na Gavana iweze kujenga soko ili watu wapate nafasi ya kufanya biashara hapo.

Bw. Spika vile vile tuko na mambo ya Giriama Ranch. Ni jambo la kusikitisha kuona ya kwamba hili ni shamba la ekari zaidi ya elfu tatu. Lakini kuna watu wametengeneza makaratasi ya uongo na wakapeleka kwa benki na hivi sasa shamba hilo ambalo liko na wakaazi wa huko upande wa Ganze wamefurushwa. Ikiwa Serikali iko na nia, kama vile anavyosema Mhe. Rais, basi shamba hili la Giriama Ranch liweze kurejeshewa Wagiriama wenyewe ili waweze kulisha mifugo wao na wapate maendeleo yao.

Ningependa pia kuzungumzia swala la ukabila na nafasi za kazi. Tangu tupate Uhuru, Rais wa kwanza Hayati Kenyatta, Rais wa pili Mzee Moi na Rais wa hivi juzi aliyeondoka mamlakani, Mzee Kibaki, hawakuzingatia hali ya kupeana kazi kisawa sawa haswa kwa wakaazi wa Pwani. Wakaazi wa Pwani wamekuwa watu ambao si Wakenya. Wamekuwa watu ambao nyadhifa za kazi zikitokea katika Serikali za juu hawapewi nafasi hizo ama hawaangaliwi hata ikiwa wamesoma. Kwa hivyo, ikiwa Serikali hii inazingatia wakaazi wa Kilifi na Pwani kwa ujumla, tungependa kuona watoto waliosoma wakipewa nafasi katika nyadhifa za Serikali.

Bw. Spika, jambo la mwisho ni hili. Nataka kumpongeza Rais na ndugu yangu, William Ruto, ambaye ni Makamu wa Rais. Si ndugu yangu wa kuzaliwa lakini ni kama rafiki na mtu ambaye ninamfahamu. Nataka kuwapongeza kwa msimamo ambao wamechukua kwa sababu wale watu ambao wamewachagua wanaonekana kama watu wenye taalumu waliosomea hizo wizara. Lakini pia vile vile hata tukisema “mgalla muue na haki yake mpe”, hawa wawili tutakuwa tunawapiga tochi kuona ya kwamba watu wa Pwani tunatarajia uongozi huu utakuwa tofauti na ule uongozi wa rais wa kwanza, wa Moi na wa Kibaki, kuona kwamba watafungua ukurasa mpya na watu wa Pwani watapata nafasi za kazi za juu katika Serikali.

Ningependa pia kugusia upande wa barabara. Hali ya watu wa Kilifi na Pwani kwa ujumla kukinyesha mvua kunakuwa na mafuriko na magari hayawezi kwenda huko. Hata mahali ambapo pangekwenda kwa muda wa dakika tano kunachukua karibu masaa mawili ama matatu kufika. Ninapozungumza hivi, ninagusia hali ya kusikitisha kwamba watu wangu wa Ganze ambapo ni ndani kama kilomita 40 hivi na hakuna hospitali ambayo inazingatia hali ya akina mama wakiwa waja wazito. Kwa hivyo mtu akiwa katika hali hiyo, inabidi apelekwe mpaka Kilifi District Hospital. Huu ni mwendo ambao ungechukua dakika kumi na tano lakini kwa sababu barabara si nzuri---

The Speaker (Hon. Ethuro): Muda wako umekwisha.

The Senator for Kilifi County (Sen. Madzayo): Asante, Bw. Spika. Naunga mkono.

The Senator for Kiambu County (Sen. Njoroge): Mr. Speaker, Sir, I hope you have noticed that I am walking with a limp. I have stood and sat so many times that I actually got a muscle pull. Thank you for noticing me. I also truly look forward to the time when we will be having devolved proceedings in this Senate; when Members of this Senate will be able to contribute to the proceedings of this House from their counties without having to come to this central location.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Mr. Speaker, Sir, I stand to support that indeed the Speech which was given by our President, was a speech that is intended to unite this country and it is a clear road map to take this country to new heights. Electioneering is a political competition which involves winners and losers with the inevitable result of a fall out. The role that any leader would play after an election process is to heal the wounds occasioned by the competition and bridge the divide and gap that resulted. I want to say that the Speech which was given by our President sought to do that. Most political parties or coalitions for that matter during the campaigns gave empty promises. They campaign on rhetoric that they do not intend to fulfill and mostly after they have won the power they desire, they use that power to their advantage while reneging and going back on their promises. The Speech that our President gave is an action plan, and I wish to commend him for having made the road map that is based on the manifesto that the Jubilee Coalition promised this country. Indeed, this is going to give this country the forward momentum that is required.

Mr. Speaker, Sir, I dare say that the President is fully committed to devolution. In his Address to the country, on several occasions, he referred to the Senate as the Upper House. That in itself is testimony that he recognizes and bestows upon this House the responsibility and recognition that it requires. All that remains for us, as Senators, is to take up the mantle.

Kenyans overwhelmingly voted for the new Constitution because of their desire to share in the national kitty through devolution. This desire can only be made a reality and delivered by a strong and empowered Senate with Senators facilitated adequately. I wish to bring to the attention of this House that at this moment, our Senators are still seeking not only your protection but also the assurance that they will be empowered to carry out their constitutional duties as mandated by our Constitution. It is noteworthy as we sit even now, Senators still do not even have offices from where they can execute their duties. The concept of representation of the county entails that every time, we, as Senators, would be expecting our electorate not only to come to our offices for consultation but also for guidance. Recently, I was asked to have a look at some of the offices which are intended by our leadership to be the offices for the Senators. I want to remind this House that we spent three days in our induction workshop, deliberating and agitating that we must protect the dignity of Senators.

Mr. Speaker, Sir, we should not be the first in this House to fail to deliver or fail to live up to that agitation. The offices which we were being shown are hardly ten by ten feet. I would want to bring to the attention of this House that for us to be able to carry out our duties, you need to protect us. The expectations from our counties are very high for Senators to show direction and leadership. Any delay in doing so is going to be very costly. It is going to result in most of the counties either making a false start or making misinformed decisions. When I say that, I do have in my mind, Kiambu County. This county has a population of nearly 1.8 million people spread in 12 constituencies which I do represent. Let me also add that I do thank the people of Kiambu for electing me as

their Senator and for electing His Excellency the President Uhuru Muigai Kenyatta as the President of this country with an overwhelming number of votes. I was elected as the second highest elected member of an elective office with the highest number of votes.

Mr. Speaker, Sir, in Kiambu County, we currently have a crisis that may as well be the litmus test for the resolve of the Senate in showing the direction on how our county should be run and how consultative means should be used to arrive at county decisions. The gazetted headquarters for Kiambu County is in Kiambu Town. Recently, the Governor of Kiambu County arbitrarily decided that he will move the county headquarters of Kiambu County to Thika Town without consulting or holding any forum where people would be able to give their views. The explanation as given by the Governor's office is that, that move is temporary, but there is no temporary inconvenience to members of the public. It is important that we, as the Senate, show that, indeed, we are able to carry out the responsibility to give and show direction as we are mandated to do by the Constitution on behalf of our counties. I urge the House, through your guidance and leadership, to save most of the people of Kiambu and set the stage for a procedure that will be followed in future, that will involve consultation on all major decisions, not only for my county, but for all counties in this country. Thus, I urge the House to urgently look into the possibility of quickly coming up with a Motion that will gazette headquarters for all counties in their respective towns.

Mr. Speaker, Sir, until recently, everytime when floods were mentioned, the name that would quickly come into the minds of Kenyans was Budalang'i. But as recently as three weeks ago, Kiambu now is a household name that is in the mouth of everybody who has been talking about floods. For the last three weeks, the residents of Kiambu County in the areas of Thika, Juja, Ruiru and Ruaka have been marooned by floods, hardly able to access schools, health facilities and homes. It is important then for this Senate to move urgently and adequately in taking our role to the counties so that devolution can start rolling out and ensure that adequate and appropriate measures are taken.

Mr. Speaker, Sir, if we speed up the process of taking devolution to the counties, we will also succeed in wrestling down the giant ogre of unemployment, which has been strangling the youth. When I say that, I have in mind towns in my own county, that is, Thika and Ruiru. Two decades ago, the towns of Thika and Ruiru were known all over this country as the bulging industrial centres of this country. Misdirected resources, failure of directed expertise and support has seen these towns going down and being dilapidated and all the factories and investments which have been done in these two towns becoming useless. Currently, we have a crisis in Thika in one of the major companies, namely, the Kenya Vehicles Manufacturers (KVM). The KVM is an entity in which the Government of Kenya has invested over 50 per cent of the entire investment. As late as one month ago, because of boardroom wrangles which have been involving CMC Motors and DT Dobie, one of the shareholders has decided to move all the assembly works from Thika Town to Mombasa. Currently, the people of Kiambu, who

are employed in KVM, have been given notice that their employment will be terminated in the next one month. These are 450 individuals who earn their daily living from this factory.

Mr. Speaker, Sir, if we speed up devolution and take it to the counties, we are going to improve the livelihoods of our farms. My county is one of the largest producers of coffee and tea. The farmers of Kiambu have suffered for a long time because of inadequate compensation for their input and what they get after they sell the produce.

Mr. Speaker, Sir, I wish to acknowledge that, indeed, devolution taken faster to the counties will be a sign of recognition and acknowledgement of innovation amongst our young people. This will also help to fight crime which is prevalent in our youth. Of late, there has been a story running in the dailies of a young man from my county of Kiambu who assembled a helicopter and has been waiting to fly it albeit he has not been able to get the permission. I dare say that we need to support the innovation and minds of such young people, so that we can take them to places and other countries or towns where they can harness and improve on that kind of technology.

Mr. Speaker, Sir, Kiambu County has three major water towers which serve the City of Nairobi. Indeed, more than 50 per cent of the water consumed in Nairobi comes from Kiambu County. If devolution is taken faster and more rapidly to the counties, it will see a sharing of resources and equitable compensation for such resources. Indeed, that would see my county benefiting from the water that we give to Nairobi.

Mr. Speaker, Sir, I will very briefly mention just a small issue on the laptops. About two months ago, as I was walking with my daughter to a supermarket, after we crossed the road, she asked me: "Daddy, are you sure that President Uhuru Kenyatta is going to give us laptops when he becomes President?" I looked at my daughter in the eye and told her on behalf of the President: "Yes, he will." Last week, as I woke up on a Sunday morning and while descending the staircase to my sitting room, I found a big argument amongst my three children. Each one of them was looking at the newspaper that they had opened before I read and were looking at different laptops. They were each saying: "This is mine!" I asked them: "What is it?" They replied: "These are the laptops that we were promised." That is the kind of excitement which this promise about laptops to all children has elicited amongst the young people. I dare say that it will be wrong for this House to be the prophet of doom, that is going to water down this excitement that is with our children now; that, indeed, they will now be able to savor the technology that is being savored by other children all over the world. This country is not short of examples of what this kind of innovation can do. It is not short of examples of what has happened to our young people when they have been exposed to this technology. Let me remind this House that the earthmoving technology of money transfer called M-Pesa was invented in Kenya by a student. Why would we want to prevent future innovations like M-Pesa from our children by saying that we dare not go for their laptops? I say this because we have already promised that we are going to build an ICT City here in Kenya. I, therefore, think

that this is the right step at the right time. It is also important to note that the world is now technologically inclined. Indeed, this is the way to go for the future.

Mr. Speaker, Sir, it is important to acknowledge that, yes, there exists in this country disparities in development. We can call it marginalization or give it any other terminology but the reality of the situation is such that some of us in this country have access to needful and useful facilities, while others do not have. The answer to this lies in devolution. The agency of devolution is this Senate. The soldiers who are going to deliver this devolution to the marginalized sections of this country are in this Senate. Indeed, I say that these Senators are the army that is going to fight the war against non-believers in devolution.

Mr. Speaker, Sir, I wish to also point out that we all, as Senators, took our oath. By taking that oath, we all became partakers of one thing; that we believe in the democratic institutions of this country. Many at times, the question has been raised here whether the President of this country was elected convincingly and if he is in office properly and legally. This Senate being the custodian of law, and we, being not only the law-keepers but also the lawmakers, should set the example. The Supreme Court in this country delivered a ruling after the election of President Kenyatta was queried. We must be the first, as Senators, to acknowledge and live by the creed that we preach. We cannot preach water and drink wine.

Mr. Speaker, Sir, yesterday our President and the Deputy President announced part of the Cabinet Secretaries that we expect to take this country to the next level. I will take the first cue in commending the President and the Deputy President for taking their time to give this country the leadership that it deserves. But most noteworthy to this House is that after this Cabinet has fully been constituted, the names of the Cabinet Secretaries are going to be taken for approval and vetting by the National Assembly. Those names will not be brought to the House that plays the upper role of ensuring that what has been done---

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

Senator for Turkana County!

The Senator for Kiambu County (Sen. Njoroge): Thank you, Mr. Speaker, Sir.

The Senator for Turkana County (Sen. Munyes): Mr. Speaker, Sir, let me begin by saluting the people of Turkana County for electing me as the first Senator. I also give thanks to the people of Turkana North for electing me for three terms as a Member of Parliament and now the fourth time as the Senator. I also want to thank them for their prayers that went to the election of the Speaker of this House. I want to thank you for being the Speaker of the Senate. Coming from Turkana, my people are glad and know that you are equal to the task.

Mr. Speaker, Sir, I want to challenge this Presidential Address. I want to say that the Speech lacked in specifics. The Address had a few proposals that I would call inappropriate.

Mr. Speaker, Sir, I want to echo your speech before the Presidential Address and you alluded to the fact that Kenya is still fighting poverty, disease and corruption 50 years after Independence. We could have the Jubilee Coalition saying: “Kusema na Kutenda”. Yes, *unatenda*, but is it appropriate? Is it good to say that you are going to provide laptops when some communities and regions in this country have no infrastructure? School children walk into classrooms with no uniform, they have not eaten and their families have not had food for two days and you expect them to appreciate the use of those laptops. We should go slowly and start with the infrastructure and later introduce laptops, maybe in Standard Seven and Eight, when the infrastructure of the counties has been developed.

I want to thank the President for the reconciliation he is creating in the country. In his Address, I can see some bit of reconciliation when there is apathy in the country. The elections are over and we now need to bring our country together. That is the first thing that we should do.

Mr. Speaker, Sir, security was one of the pillars that the President talked about in his Address. Where I come from, insecurity is a big problem and I really want people to note this. Insecurity in this country must be blamed on the actors; those who should protect Kenyans in Baragoi and Garissa. We need to investigate why the *Al Shabaab* is targeting police and revenue officers in particular. Is there a cartel that is being targeted by the *Al Shabaab*? That is one issue that came out and it is in the public domain. Why is Garissa town being targeted? This information is with the NIS and the police but the people of Garissa are still dying without the right action being taken. Even in Baragoi with all the forces, we had the leaders who were blamed and you, Mr. Speaker, Sir, was arrested whereas I was being pursued everywhere and yet it was a cartel by the same officers.

Nobody is manning our borders. We have called for the first line of defence which is the KPR system and nobody wants to follow it. The Pokots and Turkanas are being killed. President Museveni and many other people are complaining about it. Why can we not bring these communities together and address the problem? I know the problem has been land disputes among the pastoralists. How do we deal with that issue? Every time this matter comes up, nobody wants to address the actual issue. We want to say that it is because of poverty and that it is a cultural issue. It is said that they are killing each other because they are used to fighting and yet nobody is addressing the land issue amongst the Pokots and the Turkana. These are issues I would want to be included in the police reforms so that they can be assertive and address those issues in the right way.

Mr. Speaker, Sir, Vision 2030 is a good vision and I expected the President to expound a bit on it. On the socio-economic transformation of this country, the informal sector is supposed to be provided with enough resources. Take for instance the MSE sector which should create jobs and wealth---. I have been in the Ministry of Labour for the last four years until I came to the Senate. The Treasury completely undermines and will continue undermining the initiatives Kenyans want. Money to the Jua Kali sector and

other support to the informal sector, the Youth Fund and the Women Fund will not be supported. We need to assert our authority as the Senate and make sure that the money that is supposed to go to the counties actually goes. We should actually fight Treasury because the problem in this country is the Treasury.

It is good the President talked about industrial devolution, but we need to create industries in our regions. Industries in this country are all centralized in Nairobi region. We would want a situation where industries will be created all over. I know where Mr. Speaker comes from we have the fishing industry in Kalokol. We have talked of pumping Kshs30 million to improve the fishing sector and yet we cannot get that money. We have tried to get Treasury to support the abattoirs and the fishing industry but we have not been able to get it.

Mr. Speaker, Sir, Turkana County now has the potential in mineral exploitation. Again, it is an area we want the Government to come out clearly. We should not talk of the oil discovery in Turkana and expect to come to Turkana to grab land in order to throw the Turkana out of their ancestral land. We have directed the Turkana leadership, including the Governor, that we put on hold all land sale transactions. Nobody should rush to Turkana to purchase a piece of land near the oil refineries. We do not even expect the security agencies of this country to help us in enforcing that. We will deal with such people ourselves. Unless this matter is resolved properly, you cannot just rush there to pick a piece of land.

One *mzungu* came the other day – I must report this – with trucks and with a title deed. He said that he had been allocated the land near Twiga and the refineries in Turkana. We have the Ngamia II, III and IV. People are being issued title deeds and coming to occupy those areas. This *mzungu* came – Mr. Speaker, I know you know this story – with trucks and buses loaded with some people from Naivasha. You want to occupy the land and yet you cannot even employ the locals to fetch firewood for you or even to do the fencing. What did the Turkana do? We had to throw them out. It is not fair and we want to challenge Kenyans to wait until we open up land allocation in Turkana. At the moment, we cannot accept it.

Mr. Speaker, Sir, tourism is a sector we want to develop in Turkana. This sector is doing very well in other areas of northern Kenya, the Maasai area and the Coast but the circuit in western Kenya that goes round to Turkana has not been exploited. We would want a situation where security is provided to tourists alongside the Turkanas themselves. Then with the interesting scenery in Turkana land, we can open Turkana to tourism. With the LAPSET project which is now stagnating and we do not know what is happening; we should be able to open up Turkana. With the nice land of Turkana that occupies Lake Turkana, the Kidepo National Park bordering Uganda to Sudan, the Elemi Triangle which is part of Kenya, we should be able to open up tourism in these areas.

Finally, I want to talk about the infrastructure. When we talk of improved infrastructure in this country, it is not the Thika Superhighway only that has improved this country. We have the Kitale-Juba Road that will open this country to the economy of

South Sudan. Uganda has done well in South Sudan because of the road which links the two countries. The road that links Lokichoggio and Nadapal is dilapidated and nobody wants to look at it. As we speak, there is a 20 kilometre stretch between Lokichoggio and Nadapal that I want to challenge the county government and the national Government to fix. It is now stopping trucks from reaching South Sudan.

To go to South Sudan through Turkana is 1,500 kilometres and you go through one checkpoint but if you went through Busia, it means that you go through two checkpoints or three checkpoints. If you went through Busia, you would pass through Arua or Kitgum and you would have covered two borders. It is 2,500 kilometres to reach Juba than covering 1,500 kilometres through Lokichoggio. However, those officers who are doing the planning in Nairobi will not allow us to get that road. This is killing the industries in Turkana. Uganda has benefitted a lot because many of these trucks are going through Uganda. Uganda has done so much and yet the peace in South Sudan was brought by Kenya. We get so little from South Sudan compared to Uganda which supplies so much to South Sudan. A lot of their people are employed in Southern Sudan compared to Kenyans. We are not even protecting our people in South Sudan. If something happens to a Ugandan in South Sudan, the Ugandan Government moves in to protect its people. Kenyans are being frustrated and killed in South Sudan and yet we cannot help them. We cannot even repair the road. Our economy is being destroyed in Turkana because of this.

Mr. Speaker, Sir, we shall sit down as the rich county of Turkana to help our people get out of this poverty. The first agenda in Turkana is to get us out of the negative media. The Governor of Turkana, his staff, the Senator and the Speaker should ensure that the Turkana women, children and the old are being fed. That is my responsibility and the responsibility of the county Governor. It had not happened in the past and it is a big challenge to us. I was in Lokichoggio and I said that in the villages people are dying. When you ask the Provincial Administration, they will tell you that those people were sick and yet an old woman in a hut has not eaten for three to four days and there is fatigue with the United Nations food agencies who have been distributing all the food. I also want to challenge my brother who wondered why we receive relief food all the time. There should be zero tolerance to hunger as a basic human right. As long as we are in this country, we must continue feeding the Turkana people who have a right to eat. That old woman in Turkana has also a right to eat three courses of a meal and not one course because they get one course after three days.

Sen. Orengo: No, you eat when you are hungry!

(Laughter)

Mr. Speaker, Sir, when they see us appearing big as we are, they think we have eaten when we have not eaten. When they see their son, who is as big as I am, seated on the Senate Chair, they think we have eaten. However, these people have not eaten. We

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

want to challenge this country. I want to use this Senate to appeal for an urgent response that will deliver food to the starving people of Turkana who have been affected by these floods. I know that the Kenya Red Cross (KRC) is helping but this is not enough. The District Commissioners are getting only 100 bags of maize per constituency. How do you distribute 100 bags of maize? I was given that in Kakuma the other day and it was even difficult to transport it. I even offered to transport it. They will die fighting over 100 bags of maize. We will produce our food but for now, those in Turkana must be fed.

I beg to oppose.

The Nominated Senator (Sen. Nyakeriga): Thank you, Mr. Speaker, Sir, for giving me this time.

Mwanzo kabisa, nina furaha kwamba Rais wetu, Uhuru Kenyatta na Naibu wake, William Ruto, walichukua usukani na tutafanya kazi pamoja nao. Kwanza, ninawashukuru kwa sababu walitukumbuka sisi kama walemavu na nimefurahi. Pili, nashukuru chama ambacho kilinichagua kama mama kuwakilisha walemavu kwa sababu ni wengi ambao wangeweza kufika hapa lakini chama cha TNA kiliona ni vyema nije Bunge kuwakilisha wale walio walemavu.

(Applause)

Bw. Naibu Spika, nashukuru Katiba ya sasa ya Kenya kwa kuwakumbuka walemavu. Ni mara nyingi ambapo tumefikiria sisi tutakumbukwa lini lakini sasa tunashukuru sana kwa sababu tumekumbukwa.

Nikirudi katika Hotuba ya Rais, hii ilinifurahisha sana. Tulipoona kwamba tulikumbukwa kama walemavu, hakika tulifurahi. Nikianzia na swala la elimu, jambo la elimu kwa mtoto mlemavu limekuwa ngumu sana. Lakini kwa wakati huu, tumefurahi kwa sababu tumeona kwamba tunakumbukwa. Tunahitaji vifaa kama vile *brailers*, *scratches* na vingine vingi. Tunaomba kwa sababu Serikali imetukumbuka, wakati inapopeana tarakilishi, nasi pia tukumbukwe wakati huo.

Pili, katika mambo ya tarakilishi, naona ninaweza kuwasaliti lakini sio sana kwa sababu nilipozaliwa sikuwa nikiona lakini nilipomaliza kusoma shule ya *nursery* nilijua kusoma brail na kuandika. Kwa hivyo, hiyo ni changamoto kwamba tarakilishi zinaweza kufanya kazi. Wanafunzi wanaweza kutumia laptops katika masomo yao. Mimi ningependa kusema kwamba laptops zinaweza kutumika na watoto wetu.

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

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

Katika upande wa michezo na kazi zingine tofauti, kuna michezo tofauti ambayo walemavu wanaweza kuhusishwa kama vile michezo ya mipira. Vipofu hucheza michezo ya mipira. Ninajua kwamba hakuna kitu ambacho mtu mlemavu hawezi kufanya. Tupatie

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

nafasi ili tufanye kazi na Wakenya wenzetu na tutafurahia. Tunapokosa nafasi, tunajihisi kwamba tuko katika nchi tofauti. Lakini sasa, kwa kuwa mmetukumbuka, tunajua ya kwamba sauti yetu imesikika.

Kwa kuongezea, nakumbuka kwamba kuna watu walemavu wengi ambao hawawezi kusonga kutoka mahali walipo. Kwa hivyo, pia hao wanahitaji kushughulikiwa. Katika upande huo wa facilities, ningependa tuwakumbuke ili tuwatoe mahali walipo, vitandani, ili nao pia wafurahie kama vile wengine wetu wamefurahi.

Mimi kama Linet nimetembea na kufika hapa. Je, yule ambaye hawezi kusonga, tutamsaidia aje? Kwa hivyo, nina shukuru kuwa katika Jumba hili la Seneti. Ningeomba tusaaidiane kama Maseneta ili nami pia niweze kuwa na muda mrefu wa kushughulikia wengine ambao hawawezi kufika hapa.

Bw. Naibu Spika, kwa hayo machache, ninashukuru na kuunga mkono Serikali hii ya sasa.

The Senator for Wajir County (Sen. Abdirahman): Thank you, Mr. Deputy Speaker, Sir, for seeing me at last, as tall as I am and having been sitting at the Front Bench, I have not been able to catch the Speaker's eye between 9.00 am and 4.30 pm.

Nonetheless, I want to start to contribute to the Motion regarding the Presidential Address. I want to start off, just as my colleague said, by thanking the people of Wajir County for having elected me as their first County Senator under the new constitutional dispensation. I promise to ensure that Wajir County becomes a model county in terms of development; a model county that will make a difference in the lives of people in Wajir so that we move at par with the people in the rest of the country.

As I sat here since morning, I listened to a number of colleagues who spoke. Some of them, from the Jubilee Coalition, seem to be getting agitated when people speak, somehow about issues that relate to certain inadequacies with regard to this Speech. In fact, it is our role, as the Senate to interrogate this document. What we are doing is to interrogate the document and not creating or preparing faults on the part of any leadership. As the Opposition, we are expected to do constructive criticism of this document. It is only through that approach that we can enrich what has been put here so that Kenyans, wherever they are, feel satisfied with the legislation or policy issues and that our various interests are taken care of.

Having said that, I ran through the Speech and I have a number of comments to make. Two or three days ago when we were in Naivasha, there were some discussions on the structure of Government. I have, personally, a bone to pick with that structure. I think that is what resulted in the failure of those who developed this document to incorporate the livestock sector. You all know that we had a stand alone Ministry of Livestock Development and the Ministry of the Development of Northern Kenya and Other Arid Lands which was also a stand alone through that blotted Government. I personally did not agree with the kind of blotted Government that we had. As much as I support a lean Government, which I feel will be much more efficient, I feel that there are serious imbalances in terms of developing this country.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

When I read this document, on page 20 and 24, I found out that page 20 purely speaks about agriculture. It says that we must invest in, modernize and open up at least one million acres.

Page 24 says; “this Government will ensure food security by investing in and modernizing our agricultural sector.”

The Ministry of Livestock Development has now been lumped together with the Ministry of Agriculture. I have no doubt that the Ministry of Livestock Development will be overshadowed in this process. The Ministry of the Development of Northern Kenya and other Semi Arid Lands will only be a department; probably under the Ministry of Agriculture. I have a feeling that policy makers and planners for development in this country have, on a sustained basis, over time contributed to negated growth in the regions that we come from; pastoral areas.

Development is viewed in many ways by various people. Pastoral development is unique in its own way. Development of pastoral areas has its own needs. What you would do in central Kenya would not be applicable in Wajir, for example, in livestock, agriculture, and water and in other several areas.

I have listened keenly. Some of us were fortunate enough including me, to have listened to the first Speech of hon. (Rtd) President Kibaki. Some of us were fortunate to listen to him when he came back. He did a good job, I must confess. We were fortunate again to listen to this one of 2013. Where I come from, they say that what is better than good words are good actions. What we are asking for are good actions. We are not saying that the entire document has serious flaws. We are saying that in specific areas like the livestock and the roads sector, there has been no single mention of any development. There is no mention of roads in the area we come from, for instance, between Garissa and Wajir, which is 400 kilometers from where I come from, the only commitment that the Government has undertaken in the last five years, is a 15 kilometre stretch between Garissa and Nuno.

I remember visiting this area along with others like the retired Head of State and pleading for some commitment through the Treasury and even to donors. This has never happened. Unless there is political goodwill and commitment from the leadership, mere political statements or policy statements will not bring development.

I will leave that at that and move to the topic of devolution. Without taking too much time, I feel that two things will be critical for us to move as a team if devolution has to take off. One is by giving it the much needed requisite funding. Many people spoke about the Treasury this morning and even this afternoon. The much needed development could not take place because of the bureaucratic and red tape systems that existed over a long time in the Treasury. So, we require availability of funds to county governments as pledged and also capacity building. This does not have to wait for funding. The Transition Authority should identify gaps in our respective counties and not just to sit alone and draw salaries. They must identify gaps particularly in the areas that

we come from. County Assembly Members are not very well equipped and they really need to do more capacity building.

Mr. Deputy Speaker, Sir, with regard to security, I want to talk about the Garissa insecurity problem. In the last ten years, we were fairly in good shape in the north east as far as security was concerned. However, one and half years down the road, security has been a major challenge, particularly in Garissa. The lapse is mainly because security officers are not taking their work seriously. If the uniformed officers, the regular police and the administration police officers are not effective, we should invest more in intelligence. Why recruit more police officers if they cannot discharge their duties? We should invest more in intelligence rather than employing more police officers as indicated in the document. It is true we need them, but I think we need to change tact and approach.

Regarding laptops which many people have talked about, I think they are important. But at what stage are they important? We have an underpaid teacher, a hungry student, under-staffed schools and so on. What are our priorities? Must it be implemented in year one as envisaged in this document? We have lost a lot in the past because of misplaced priorities. I urge technocrats not to mislead the leadership of this country. There are development experts in this country. We have no shortage at all. The Senator for Busia said that we are very good in crafting documents. Yes, we have no shortage of skills and expertise. Therefore, they must advise the Government on its priorities. They should advise President Uhuru Kenyatta that laptops are not appropriate this year. Why would we want to spend Kshs70 billion on laptops when we have no classrooms? Let us divert that money to the construction of classrooms and recruitment of more teachers. Let us pay teachers better salaries to motivate them. Let us invest more in food security so that children do not go hungry to schools.

Mr. Deputy Speaker, Sir, food security is something I really wanted to speak about. The mindset of Kenyans or the policy makers or our own leaders is such that they believe that it is only through farming that we can be food secure. Why did they ignore the livestock sector? Botswana is a tiny country that relies almost entirely on livestock to fund its budget. They have a vibrant economy. There are thousands of heads of livestock that are lost every dry spell. This document is short of what we are saying. I would like to tell President Uhuru Kenyatta that his policy statements were very good, but he ignored a very crucial component; that is the livestock sector. Some of us would not want to go back without telling our people that we have raised our concerns.

I have also looked at the bit on creation of dams and pans with regard to mitigation in droughts and floods. It is more or less tilted towards flood mitigation much more than droughts. Droughts call for much more than just creating dams and pans. We can retain water, but what else have we done? What about the bit on early warning systems, the range lands management, livestock health and so on? It means you will have ignored crucial components that will help in mitigating droughts. I do not think we are in short supply of the required personnel and skills, but it is lack of commitment. Droughts and floods are emergencies. There can be no meaningful development if you do not

address emergencies. Year in, year out, will you be mitigating? Why would we want to spend our resources in mitigating floods and droughts without planning for long-term development? Fortunately, I think they have been combined now. That is the reason Ministries of Treasury and Planning have been merged. I stand to be corrected. This is the fortunate bit for Kenyans now. If they have been merged, they can coherently be merged and actually link up planning with resource availability. This is something that we have missed out in all successive governments before this particular one, although we have had some meaningful developments a few years back.

Towards the end of the document, there are quite a number of proposals. One of them which I took exception to is the bit on legislation to ensure that no child misses school or a training institution until they reach the age of 18. A number of former legislators, particularly in the Eighth and Ninth Parliament are here. The Children Act is punitive in my own assessment. They say that if you do not take a child to school, you are liable for prosecution. A renowned lawyer, Sen. Kilonzo, advises me that it criminalizes parents. To an ordinary villager or a herder who has to travel 100 or 200 kilometres to get his child to school it is very punitive to say the least. In some instances, it is not the parent who is failing to actually take the child to school although it is mandatory to do so.

Mr. Deputy Speaker, Sir, what comes before legislation? We need to identify where the problem is. Some of them are social issues. Are we looking at them? So, I tend to think that some good work is being done, but done in the wrong way in some instances.

As the Opposition, I must conclude my remarks. Personally, I am happy to be in the Opposition. I have served in the Government before and I am happy to serve on the Opposition bench. We will always be checking how the Jubilee Government leads the country. I am not saying that there is no good leadership, but there is a lot to be done. Those Senators who were trying to talk about elections, I think that is over. This country needs development, unity and cohesion. We are ready to support you so that we move ahead in terms of cohesion. But in terms of development and parity within our counties, there have been serious gaps. We are active and alert. We will keep this Government in check.

Mr. Deputy Speaker, Sir, although you saw me later, I appreciate the chance you have accorded me. Thank you very much.

The Nominated Senator (Sen. Adan): Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to give my statement. Secondly, my appreciation goes to the United Republican Party (URP) that nominated me to serve in this Senate. Since Independence, this is the only opportunity that we have been given as the people of Upper Eastern to serve as nominated Senator.

Mr. Deputy Speaker, Sir, I would like to support the Motion. First and foremost, I would like to talk about insecurity in our country and, moreso, in northern Kenya. We cannot talk about devolution when we have the problem of insecurity in this country, especially in northern Kenya. So, I would like to urge the Government to take serious

action in terms of improving insecurity in those areas. The issue of cattle rustling, especially in the pastoral areas, whenever it occurs, it is business as usual. It is tradition and nobody takes it seriously, especially the security agencies. We have many tourist attraction sites in Isiolo County. We have reserves, but no tourists come to visit them because of insecurity. How are those counties going to develop because we are not generating revenue at all from those game reserves? We have very good hotels in those game reserves.

Secondly, my point goes to the interest-free loans for youth and women. We have had so many interventions in terms of empowering women and youth. This time round, we must make sure that we do not go wrong. We must have proper structures in place in terms of empowering youth and women, especially in the rural areas or at the grassroots level. The Government should come up with proper structures at the county level to make sure women and youth are benefitting from this particular intervention.

The other point I want to address myself to is the issue of minerals. We have had legislation in this country where minerals are explored. Unfortunately, the locals have no control over who actually explores these minerals. Big investors are coming to our areas without consultation with the locals. Most of them are actually very arrogant and some even harass our people. Some of the locals even get misplaced. This is a very good intervention. We would like to have the current provisions of the Constitution implemented where the communities have say and control over the minerals that are actually found within those counties.

Mr. Deputy Speaker, Sir, the other issue that I want to talk about and even my colleagues had already talked about it, is the issue of harvesting rain water. Last weekend, I was in my county trying to see how floods have affected my people. These are drought-stricken areas. Why can we not build dams and invest in the floods that cause chaos? It is time to do proper planning and invest in dams for harvesting rain water.

Mr. Deputy Speaker, Sir, regarding the issue of land, for those of us who have been under the trust land regime, we have been facing a lot of problems. People are given title deeds at the national level. Communities which have been resident in those areas are misplaced. Land is a sensitive issue. If you go to Isiolo today, you will see thousands of chunks of land owned by people who are not even residents there. These are people who have been serving in various capacities in the successive Governments. The Government needs to do something about this so that the land commission is given enough support to make sure that lands that are illegally acquired are returned to the community, especially in Isiolo County where Vision 2030 is being implemented.

With regard to free maternity services, it is a good gesture because many women in pastoral areas die during delivery. They cannot access medical services because they live very far from where medical services can be obtained. I would like to appeal to the Government to make sure that most of the rural hospitals have ambulances so that they can handle the emergency cases. The county representatives are people who are mandated to run the county governments. However, most of them do not have capacity. If

we are really serious about the county representatives and devolution, we must build their capacity. One of my colleagues addressed the issue of salaries. Whatever has been provided for by the Salaries and Remuneration Commission (SRC) is about Kshs79,000. The Executive Committees that are supposed to be checked by these county representatives are earning Kshs225,000. Does it make any sense? So, we have to invest in these county assemblies, so that the county governments can function and serve the people within those counties.

Mr. Deputy Speaker, Sir, regarding the budgetary allocation to the county governments, our mandate, as Senators, is to ensure that the county governments receive proper budgetary allocations to run those counties. Yesterday I was in my county when they were officially opening the county assembly. One of the concerns that they brought to our attention is the issue of the Treasury slashing their budgetary allocation. It is important for us to be involved and consulted when the slashing is done. This is because we cannot be given money with one hand and then it is taken away by the other hand.

Mr. Deputy Speaker, Sir, lastly, I would like to address the issue of roads, especially in the northern part of Kenya. Over the weekend we went to visit people who were affected by floods in my region. Unfortunately, the famine relief that is given by the Ministry of State for Special Programmes cannot reach people because the roads are completely cut off. The Government has released helicopters to drop food to the people. However, I think it is the high time that we maintained those roads even if it means murraming them. For us to deliver services to the people, those roads must be taken into consideration.

The Senator for Kisii County (Sen. Obure): Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to make a few remarks. First of all, I want to take this opportunity to thank the people of Kisii County for electing and giving me the opportunity to represent them in this House and serve them. Like others who have spoken before, I also want to congratulate the Speaker and you on your election to lead this honourable House.

Mr. Deputy Speaker, Sir, I want, in particular, to take this early opportunity to support the Statement made in Parliament last week by the honourable Speaker. On that occasion, he articulated his views on the role of the Senate. I support the position he took. The Speaker and you, Mr. Deputy Speaker, have the greatest role to play to ensure that this Senate secures its rightful place in the management of the affairs of this country. I have had the opportunity to know both of you. I am confident that you have the capacity and quality necessary to lead this House and deliver your mandate.

Mr. Deputy Speaker, Sir, turning to the President's policy statement, it reflects the wishes of millions of Kenyans. It gives hope to people whose aspirations have been shattered over the years. The President was very categorical that he wants to see higher economic growth rate achieved to enable Kenya to move to become a middle income country within the shortest possible time. He wants to see all Kenyans enjoy a better quality of life. He wants the cost of living reduced so that many Kenyans can be lifted out

of poverty. He also wants the economy to be more competitive, so that we can create more jobs for our people. He also wants to see improved service delivery across the entire nation. These are very noble objectives and I have no doubt in my mind that the President means well for this country. It will be a great thing if some of those objectives were delivered because it will make a huge change to the lives of our people.

Mr. Deputy Speaker, Sir, however, I feel that the Policy Statement was very ambitious because of the kind of experience that we have had before. My worry is: Do we have the will, determination and commitment to implement these noble policies? The President talks about the need to spark an industrial revolution in Kenya. That would be a very welcome thing. However, what we need first is to spark a revolution in the mindsets of those charged with the responsibility of implementing these policies. In my view, we will need a new and different Civil Service to actualize these policies. We will need a civil service with a new culture and work ethic. We need a focused and committed civil service. We will also need Cabinet Secretaries that are focused. I think that they are in the process of appointing good quality Cabinet Secretaries and Principal Secretaries who share this vision and ideals. We need implementers who will think about Kenya and are prepared to serve their motherland with commitment and diligence; people who will appreciate that Kenya is not about their tribe and region, but about all Kenyans and all the regions. I really feel that the success of the policies pronounced by President Uhuru Kenyatta will very much depend on not only the capacity, but also the will of those charged with the responsibility of implementing them.

Mr. Deputy Speaker, Sir, the President also rightly pointed out the need to release more funds for development as opposed to the current situation where the bulk of the money available is applied to meet recurrent expenditure needs. He is also concerned about the large public wage bill, which is considered to have reached unsustainable levels. But the most effective way to achieve faster rates of economic growth is to improve efficiency and productivity, particularly in the public sector. Every effort should, therefore, be made to improve efficiency and performance of Ministries, Government departments and more particularly, parastatal agencies. I believe that this is the only way that we could make more funds available for development, if those institutions were to become more efficient.

Mr. Deputy Speaker, Sir, for many years we have talked about expanding our railway system and improving efficiency at the Port of Mombasa. We have also talked about increasing our power generation capacity, improving productivity in the agricultural sector and introducing a new mass transport system to decongest Nairobi and other urban centres. But we also know that very little, if any, has been done over the years to fulfill these plans and desires. Look at Nairobi today. Nairobi City is today clogged to a standstill because of traffic jams which do not seem to end at all. Commuters are trapped in traffic jams and cannot reach their destinations. Workers cannot reach their workplaces. Delivery of goods and services is hampered and the performance of the economy in general is also severely compromised. For a moment, can we reflect on the

amount of man hours lost in these traffic jams and the implications of that to the economy as a whole? We have spoken about this very many times, but it is my hope that this time around, what the President has talked about will not be in vain. I hope that we will see some real action on the ground.

Mr. Deputy Speaker, Sir, I want to also mention briefly about devolution. I know that the President has given an undertaking and expressed strong support for the devolved system of Government. However, in my view, he has not given adequate prominence to this important subject in his Speech. I had expected him to say a little more. In fact, the country was expecting him to say a little more, particularly how he intends to ensure that devolution works. There is a lot of excitement around the country about devolution. The wananchi out there see devolution as one thing that will help them, at least, to improve their lives. Devolution of both power and resources is, perhaps, the greatest innovation of this Constitution. It will have a profound positive impact on the lives of our people. It will address many of the development challenges that we have experienced before. In fact, it will help remove the threat of marginalization; real or perceived. Devolution will also help us to allocate national resources on a more equitable basis. Therefore, it is a very important thing and dear to the hearts of many of us and wananchi generally around the country.

Mr. Deputy Speaker, Sir, however, there are fears around the country because there are signals from a section of people in powerful positions in Government, pointing to lack of goodwill and commitment to devolution. We do not want to see any conflict between the national Government and the county governments. The county governments must be given space to operate and manage their affairs. We want to hear that funds are released to the counties in good time. We also want to see that counties have all the freedom, space and independence to implement their priorities without interference from the national Government. The Governors must be allowed to do their work and they must be supported to carry out their programmes. Devolution must be made to work for the benefit of all Kenyans. We, in this House, have been charged with the responsibility to ensure that devolution works. I urge fellow Senators in this House to make every effort to ensure that devolution becomes truly meaningful for the benefit of our country in all aspects of development.

Mr. Deputy Speaker, Sir, let me mention one other subject as I conclude my remarks. We had this nasty experience. We had a number of IDPs as a consequence of the conflict we had in 2007/2008 post election violence. A number of people were evicted from their areas of residence. In the experience of the people in Kisii County a lot of them came back to Kisii County and they ended up being accommodated by friends and relatives within the county. They did not go into camps like what we saw in other areas. Therefore, we have these large numbers of people who came out from all parts of the country running away from violence. They are now in Kisii in the villages with their relatives. Some of them are in churches and other public premises. We feel that sufficient attention has not been given to this category of IDPs. I know the Minister responsible

then visited Kisii and met delegations representing this category of people. Unfortunately some of the people who even benefitted from Government resources were not genuine IDPs. We are requesting the Government to look at this and ensure that this issue is resolved within the shortest possible time so that they can provide relief to these people who are suffering out there.

With those few remarks, I support.

The Senator for Taita-Taveta County (Sen. Mwakulegwa): Asante sana, Bw. Naibu Spika. Kwanza, nakupongeza kwa kuchaguliwa kama Naibu Spika wa Seneti. Pili, nachukua fursa hii kuwashukuru sana wakaaji na wenyeji wa Kaunti ya Taita Taveta ambao wamenipa nafasi hii kuwa Seneta wao wa kwanza kuambatana na Katiba mpya.

Pia ninawashukuru sana watu wa Voi ambao walinichagua kuwa mhe. Mbunge wao muhula uliopita. Ningependa kumshukuru Rais Kibaki aliyestaafu majuzi na Waziri Mkuu kwa kunipa nafasi kuwa Waziri katika Serikali yao.

Bw. Naibu Spika, ninachukua nafasi hii kuwapongeza wenzangu waliochaguliwa na walioteuliwa na vyama mbalimbali kuwa Maseneta wa kwanza katika Seneti hii.

Bw. Naibu Spika, ninataka nizungumzie kwa kifupi Hotuba ya Rais ya tarehe 16/04/2013. Hotuba yenyewe ilikuwa nzuri kwa sababu ilijaa ufasaha na malengo mengi. Mhe. Rais na naibu wake ni viongozi wa kizazi cha kisasa. Wao wanaamini kusema na kutenda. Wakati huu wamesema mengi na tunataka kuona matendo yao. Hii ni kwa sababu imani bila matendo haifai.

Mhe. Rais alitaja nguzo muhimu sana katika Hotuba yake. Nitazungumzia kwa kirefu juu ya nguzo ya utalii kwa sababu nilikuwa Waziri wa Utalii katika Serikali iliyopita. Mimi niliona furaha kubwa wakati mhe. Rais wa nchi ya Kenya aliposema idadi ya watalii wanaokuja hapa inaweza kuongezeka na kufikia milioni tatu. Utalii unaleta takriban Kshs100 bilioni kila mwaka. Lakini Wizara au shirika lilinalopewa pesa za kuuza au kutangaza Kenya nje linapewa Kshs400 milioni. Kiasi hiki cha pesa ni cha chini sana. Ni lazima tumulishe nyasi ng'ombe anayetupa maziwa. Itakuwa bora zaidi kama Serikali hii itaangazia utalii kwa undani na kutenga takriban asilimia tano ya pesa inayokusanya kila mwaka. Ikiwa sekta hii inaleta Kshs100 bilioni kila mwaka, basi tuipe zaidi ya Kshs5 bilioni. Wakipewa pesa hizo, basi wanaweza kuuza Kenya duniani kote na watalii wengi watazuru hapa.

Ni lazima kuwe na usalama nchini ili tuweze kuwavutia watalii wengi. Kila wakati nilipokuwa nikisafiri nje ya Kenya, jambo la kwanza lilikuwa ni kutangaza Kenya. Ninajua hata wewe Naibu Spika ulipokuwa balozi, watu wengi huko nje walipenda kujua hali ya usalama hapa nchini. Tumekuwa na ukosefu wa usalama hapa nchini kwa muda mrefu. Tunakubuka kila baada ya wiki moja au mbili, ikiwa si mlipuko wa bomu, ni wa guruneti. Watu walikuwa wakipigana kila mara. Kwa hivyo, ikiwa watalii watakuja kwa wingi ni lazima kuwe na usalama wa kutosha. Hakuna mtu anaweza kutembelea nchi jirani kwa starehe ikiwa katika nchi hiyo kuna vita. Usalama ni kigezo muhimu katika utalii.

Utalii wetu hutetegemea sana bidhaa mbili. Nazo ni wanyama pori na fuo za bahari kule Mombasa. Sisi tunatangaza mbuga za wanyama sita peke yake, ilhali tuna zaidi ya mbuga 60. Wakati umefika kwa yule atakayechaguliwa kusimamia sekta hii ahakikishe kwamba zile mbuga za wanyama 60 ambazo hazitembelewi na watalii zinatangazwa vilivyo.

Bw. Naibu Spika, kumekuwa na changamoto nyingi baharini. Nilisikia mwenzangu akisema hapa kwamba wavulana na wasichana pale ufuoni wapewe nafasi ya kufanya biashara zao. Lakini mtalii anayekuja Kenya anataka kuona bahari na kuogelea ndani yake. Hataki kuiona bahari kwa mbali kwa sababu ya vijana hawa. Changamoto imekuwa ni kwamba wengi wanaofanya biashara pale pia hufanya uhalifu. Ndio maana tunataka tukubaliane nao ili watengewe sehemu yao ya kufanyia biashara zao. Tunataka kumuona mtalii aliyekuja baharini akiweka kitanda chake baharini na kujivinjari.

Usalama ni kipengee kikubwa ambacho kinaweza kuvutia watalii wengi hapa nchini. Mhe. Rais alisema ataimarisha usalama. Hata hivyo, nilikuwa ninatarajia kwamba katika siku 100 atauka kipaumbele usalama wa nchi hii. Tuna askari wa kutosha lakini hawana magari wala vifaa vya kisasa. Ukienda kupiga ripoti kwamba umevamiwa wanakuomba gari au petroli. Hiyo haiwezekani. Inafaa tuwape vifaa vya kisasa na tuangalie jinsi wanavyoishi. Jambo la tatu na muhimu zaidi, tuwalipe mishahara itakayowasadia kuishi vizuri. Askari hawa hujitolea mhangana kulinda sisi na mali yetu lakini mishahara wanayolipwa ni chini sana. Akiumizwa akiwa kazini inafaa ashughulikiwe ipasavyo. Nimeona askari wengi wakienda hospitalini hawashughulikiwi vilivyo. Usalama ni kipengee kikubwa cha kuleta maendeleo. Tunaona vile hali kule Garissa na kwingineko inavyoendelea. Hali hiyo si ya kupendeza hata kidogo. Wakaazi wa eneo hili hawawezi kufanya biashara zao.

Bw. Naibu Spika, ningependa kuzungumzia juu ya ugatuzi. Si mara ya kwanza tunao ugatuzi hapa nchini. Tulikuwa na ugatuzi katika Katiba ya kwanza 1963 hadi 1966. Na kilichofanyika wakati huo ndio kinachofanyika sasa. Serikali za ugatuzi za 1963 na 1966 zilinyimwa pesa. Ziliponyimwa pesa zilisambaratika. Serikali zile za ugatuzi zimeanza ilhali kufikia leo hazijapewa pesa za kutekeleza majukumu zake. Itakuwa vigumu kama tutaendelea kusema tunataka ugatuzi ilhali tumewanyima pesa. Inafaa tuulinde ugatuzi kama Maseneta. Tulikuwa na Katiba kama hii ya leo mwaka 1963 hadi 1966 lakini ilibadilishwa.

Hofu yangu kama mpinzani ni kwamba Serikali ina waheshimiwa Wabunge wengi ambao wanaweza kubatilisha mambo mengi. Inajaribu wakati huu kuwashawishi waheshimiwa Wabunge wa Upinzani ili wajiunge nao. Isije ikawa ni njama ya kuua ugatuzi kama ilivyofanyika mwaka wa 1966. Kama vile wanavyosema wahenga: Ukiumwa na nyoka mara ya kwanza, ukiona mti barabarani, utafikiria ni nyoka. Sisi kama Maseneta ni lazima tutetee ugatuzi hapa nchini. Lakini ili tuwe na nafasi hiyo, ni lazima pia Maseneta waangazie zile ngazi katika Serikali na wawekwe mahali pao. Hauwezi ukawekwa nambari 43 na useme unaenda kutetea Gavana ama wale wengine ambao wako katika ngazi za juu. Tulizungumzia hayo na ni matarajio yangu kwamba

tutarekebisha mambo hayo ili Maseneta wawe na nguvu zaidi kuambatana na Katiba yetu. Tunataka kumuona Seneta akiwa juu ya Gavana.

Kuhusu malipo ya wazee, ninengependa kusema yalikuwako miaka mitano iliyopita. Katika miaka hiyo mitano, kulikuwa na ubaguzi. Kila eneo Bunge lilikuwa limepewa kata moja. Wazee kutoka kata hiyo walipata pesa hizo kwa muda wa miaka mitano iliyopita na wengine wakanyimwa. Hivyo basi, wazee wakaona kwamba Mbunge aliyekuwako - kama vile nilivyokuwa Mbunge wa Voi - alipendelea kata fulani. Kwa wakati huu, malipo haya yafanywe kwa utaratibu ili wazee wa miaka 55 na zaidi wapate pesa hizi kwa haraka ili watakoenda kaburini waende na sura ya furaha. Maanake ni lazima kila mtu ataenda kaburini. Lakini inafaa wapewe pesa hizi wakiwa hai ili ziwasaidie.

Mhe. Rais alizungumzia juu ya ardhi. Hata kama kuna National Land Commission, sisi wakaaji wa Pwani, hasa kutoka Kaunti ya Taita Taveta, tunahisi kwamba kuna njama ya kutotekeleza masuala ya ardhi sawa sawa. Tunaomba Serikali hii chipukizi na inayoongozwa na vijana kwa haraka iweke mikakati kabambe ili shirika hilo liweze kufanya kazi kikamilifu. Kwa mfano, katika kaunti ya Taita Taveta, asimilia 62 ya eneo lote ni mbuga ya wanyama. Asilimia 28 ni mashamba makubwa makubwa, asilimia nne ni milima ya Taita Hills, ilhali wakaazi wa Taita Taveta wana asilimia sita pekee yake ya kulima na kuishi. Ni huzuni kuwa wakaazi hawa hawana stakabadhi za kumiliki mashamba yao. Ni aibu kubwa kwamba miaka 50 baada ya Uhuru tunaona kwamba asilimia sita ya kaunti nzima haiwezi ikagawanywa na watu kupewa stakabadhi za mashamba.

Mhe. Rais alizungumzia shirika linalosimamia mambo ya mashamba. Shirika hili linafaa kupewa mamlaka haraka ili tupate stakabadhi zetu na ili tuwe kama Wakenya wengine. Katika Mkoa wa Pwani, watu wakiambiwa ukweli hawataki kuusikia. Suala la ardhi ni nyeti sana. Ni suala ambalo tunatake litekelezwe kwa haraka ili lilete uwiano baina ya watu wa Pwani na watu wa maeneo mengine ya Kenya. Watu wetu wanataka kujihisi Wakenya.

Kati ya miswada ambayo Mhe. Rais anataka kuleta Bungeni, hakuna hata moja inayohusu mbuga za wanyama. Mswada huu umekuwa tayari lakini haujawahi kuwasilishwa Bungeni. Kwa miaka kumi ya Serikali ya mpito, nilisubiri mswada huu kuwasilishwa Bungeni lakini haukuletwa. Mswada huu ungekuwa kati ya miswada wanayotaka kuleta hapa ili watu wanaoishi karibu na mbuga za wanyama wa pori, wanapoumizwa kwa bahati mbaya, wapewe fidia sawa sawa. Wakati huu tunalia sana tukiona simba wakiuwawa kule Kajiado. Tunahuzunika kuona ndovu wakiuwawa kule Taita-Taveta na sehemu zingine za nchi. Wenyeji wa sehemu hizo wanasherehekea kwa sababu ndovu ni adui kwao. Mswada huu unapendekeza kuwa mtu akiuwawa kwa bahati mbaya, afidiwe na Kshs200,000. Akiumizwa, anapewa Kshs50,000 na pia mazao yake yatafidiwa. Wakati huu ukiumizwa, hakuna malipo ya maana. Mswada huo ungepewa kipaumbele na mhe. Rais kwa sababu uko tayari na ulijadiliwa na Baraza la Mawaziri lililopita. Inafaa tuupitishe mswada huu ili watu wanaoishi karibu na mbuga za wanyama,

wajue ni kiasi gani cha pesa watakachopata wanapoumizwa au kuuwawa na wanyama. Ni fidia gani watayopewa mifugo yao ikishambuliwa na wanyama au ni malipo yapi watahayopata mazao yao yakiharibiwa. Jambo hili halikufanyika wakati uliyopita. Ni matumaini yetu kuwa Waziri atakayehusika na mambo hayo, akisha pewa wadhifa huo, ataupeleka mswada huo Bungeni ili wanaoishi karibu na wanyama watapata motisha ya kuwalinda. Bila sheria hiyo, itakuwa vigumu.

Jambo lingine ambalo ningependa kulizungumzia ni Katiba yetu. Sisi sote hapa tumeapa kuitetea, kuitekeleza na kuilinda Katiba ya nchi hii. Tangu Uhuru hadi sasa, kumekuwa na sheria mbili katika nchi ya Kenya. Kuna Sheria ya mabwenyenye na ya walala hoi. Mlala hoi akiiba kuku kwa sababu ya njaa, anafungwa miaka saba. Bwenyenye akiiba Kshs10 bilioni, tunamsifu na kumheshimu kama kiongozi. Tunataka Katiba hii iwalinde watu wote. Ukiwa jizi, basi unafaa kwenda jela kwa makosa yako. Ukiwa mtu wa kawaida na upatikane na makosa, ufungwe jela kulingana na sheria za nchi hii. Hatutaki kuona sheria ambayo inapendelea mtu kwa sababu anamjua mtu fulani, anatoka wapi nayeye ni nani. Tunataka haki ifanyiwe watu wote. Tunataka Katiba ambayo haitajali sura, jina, ukoo au kabila la mtu. Mwananchi akikosa, aadhibiwe kulingana na sheria za nchi hii. Ikifanyika hivyo, hata yule mama aliyenyang'anywa shamba lake atakuwa na uhuru wa kwenda kortini na kujitete vilivyo kuambatana na Katiba ya nchi hii..

Nikimalizia, nataka kutoa tahadhari kwa Serikali hii ifanye haki kwa kila mwananchi. Wakenya wana matumaini makubwa katika Serikali hii. Matumaini yao yatekelezwe. Tumeona Serikali nyingi zikitoaa hadi lakini ahadi hizi zinaambulia patupu.

Waheshimiwa Wabunge wengi hawajui kwamba kuna kiwanda cha mbolea cha KenRen. Ni aibu kuwa kila mwaka katika Bajeti yetu kuna pesa ambacho zinatengwa kulipa mkopo uliyotimika kujenga kiwanda hiki. Hata hivyo, kiwanda hiki hakipo. Hiyo ilikuwa ni sakata ya kuiba pesa za raia. Tunajua Serikali ya kwanza ilitumia pesa nyingi kununua mashamba makubwa yaliyomilikiwa na wazungu. Tungependa kuona mashamba hayo yamerudishiwa wenyeji kwa sababu yalimilikiwa na watu wachache waliokuwa Serikalini. Jambo hili limechangia sana kuibuka kwa vikundi kama vile *Mungiki* na vingine ili kutetea haki zao. Vijana hawa si wahalifu. Wanataka kujua ni akina nani walionyakua mashamba yao kule Nyeri na kwingineko.

Serikali ya pili ilipokuja, tuliona msakato wa kufionza pesa za wananchi katika Goldrenberg. Tuliona msakato wa kufionza pesa katika All Africa Games. Hata katika Turkwell Gorge, pesa zilipelekwa lakini watu wakawekwa mfukoni. Ni mpaka lini Wakenya tutavumilia mambo haya?

Serikali ya mpito, tuliona ikihusika na sakata ya Anglo Leasing. Serikali ilipoteza pesa nyingi kupitia sakata hiyo. Tuliona pia pesa za elimu ya watoto wetu kutoka kwa wafadhili zikiporwa. Ziliibwa na hakuna hatua zilizochukulia dhidi ya maofisa waliohusika na sakata hiyo. Kwa hivyo, tunaipa Serikali ya sasa tahadhari na onyo mapema wasije wakaingia katika shimo ambalo wengine waliingia na kuzama.

Mradi wa Lamu Port-South-Sudan-Ethiopia Transport Corridor (LAPSET) ni mzuri sana. Lakini tusipojahadhari unaweza kuwa shimo ambako Serikali inaweza kupoteza pesa nyingi kama wengine waliotangulia.

Suala la kuwapa watoto wetu mitambo ya komputa au laptops ni nzuri sana. Hatupingi kwa sababu ni lazima tuwe na mwanzo mpya ili tusonge mbele kama mataifa mengine. Hata hivyo, mradi huu usiwe ni shimo la kufionzia pesa za Wakenya.

Mwisho ni kumtakia Rais wa Kenya afya nzuri na nguvu nyingi za kutekeleza aliyotuhadi. Tumeelezwa tangu mwanzo kuwa Serikali hii ni ya kusema na kutenda. Kusema wamesema na tumesikia. Sasa tunasubiri matendo. Sisi kama Upinzani, tutawakosoa ikiwa hawatatekeleza ahadi zao.

Kwa hayo machache, ninaunga mkono.

The Nominated Senator (Sen. Gwendo): Thank you, Mr. Deputy Speaker, Sir, for finally noticing me despite my height.

I want to take this opportunity, first, to thank the Jubilee Coalition for giving me an opportunity to represent the youth in this Senate.

I would like to comment briefly on the Presidential Address. Many people have been looking at the issue of provision of laptops as a negative thing. However, I want to look at it as an opportunity for the Government to create jobs for our people in our counties. There are young people who have studied Information Technology (IT) and software upgrading and content development. Therefore, when children are provided with laptops, we will be creating jobs for them. We know these laptops will need people to service and fix them. This is one way of creating job opportunities for the youth in our country.

The other thing that Mr. President promised in his Speech is that he will have an open Government and a policy of honesty. In my opinion, this will help deal with the problem of corruption. In this case, we will reduce the cost of doing business. This will help us to build our economy and make things easier for the Government and private sector.

On the issue of land, the President promised to support the Commission on Land Reforms. In my opinion, this will be good for our people. For example, the Nubians of Kibra do not have title deeds. They stay on land which is worth over Kshs6 billion. If they get title deeds, they will access credit using the title deeds. This will empower them. It will make them have a lot of confidence in this Government.

The other issue is about building new stadia. We have many young people who play football, netball and volleyball in schools and colleges. However, after they leave schools or colleges, they cannot further develop their talents. Those stadia will help them nurture their talents and be professionals in their own right.

Lastly, as much as opposing things is good, let us help the President to enact proper policies that will assist this country realise its potential. By so doing, we will help him place Kenya at an enviable position where everybody will want to work with us.

Thank you, Mr. Deputy Speaker, Sir.

The Senator for Elgeyo-Marakwet County (Sen. Murkomen): Thank you for noticing me. I almost fell down after standing.

Thank you for this opportunity. I am very grateful, first of all, to the people of Elgeyo-Marakwet County who elected me overwhelmingly to become their Senator. If Elgeyo-Marakwet was another county, probably I would not have survived. However, those people, against all odds, money and big names, elected me to be their Senator. I was running against a self baptised *total man*, but people still voted for me.

Mr. Deputy Speaker, Sir, I want to congratulate the people of Murang'a for electing you. I also want to congratulate other Senators who were elected together with those who were nominated. I also want to congratulate our Speaker who was elected by us. I hope that this group will deliver the promise of developmental devolved governance which we really yearn for in this country. I support the Speech of the President with no reservation, except to say that next time, he should be digital. I agree with Sen. Khaniri that he should not be walking around with pieces of paper anymore because this is a digital Government. So, the President, just like me, should be having his I-pad.

One key issue in his Speech was the issue of marginalization. I come from Elgeyo-Marakwet County. It is one of the marginalized counties in this country. We all know and we do not want to deny marginalization was a factor of the Sessional Paper No.10 of 1965 where the Government was to put resources in high potential areas. The understanding of "high potential" was agrarian areas which were the former white highlands. More than half of Elgeyo-Marakwet County does not fall within that definition. That is the case for other counties like Turkana, Coast and Kehancha in Migori County which is a beautiful place, but underdeveloped.

The reason we went for devolution under Article 124 of the Constitution was to equalize this country and to develop it. I believe that when the President promised among other things, that he would develop infrastructure and work on irrigating one million acres that will go towards equalizing the nation, it will be implemented. I have always believed that in places like Samburu, the reason policemen were attacked and why cattle-rustling goes on in those areas, is because the infrastructure is bad. If you did good roads in places like Suguta Marmar, among others, this would attract the best investors and boost tourism. Good infrastructure would have made a big difference.

There are many places in Elgeyo-Marakwet County where people are still using donkeys as a mode of transport. I always remember the story of Jesus before he went to heaven. He used a donkey while going to Jerusalem. The same Jesus is about to come and yet my people are still using donkeys to go to the market. This situation must change. We must invest in infrastructure to make sure that these areas are opened up and that our counties harness their potential. The definition of high potential areas must include all areas in this country. In the past, we would not have believed that Turkana is a high potential area. But now that we have oil there, it is considered as a high potential area. Therefore, we need to invest in all parts of the country without discrimination.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Mr. Deputy Speaker, Sir, I come from a county that is largely depended or known for sports. Over 80 per cent of the Olympic winners or champions are from Elgeyo-Marakwet County. Yet the sports facilities in the county are dilapidated. One of the renowned stadia is Kamaring Stadium, which is one of the few places that Queen Elizabeth visited. It is in a deplorable state. When you go there, you will not know that a queen visited it at one time. That is a stadium that has made this country what it is when it comes to sports. When you go there, you will find cows grazing. The Qatar Government was interested in investing and assisting in building that stadium. Although that stadium is not one of the things that Jubilee Government promised to build, I believe that there is an opportunity for us to invest in it and give it back to Elgeyo-Marakwet because it is a county that has made this country shine.

One of the private investors in sports in our county is Madam Lorna Kiplagat. She is known for half-marathon and New York Marathon. She is now building one of the best private stadia. It will be the only other privately owned stadium in Africa after the one in Ethiopia by Gabrielle Haile Sellasie. She needed some kind of facilitation from the Ministry of Finance and the Ministry of Sports, but nothing was done to assist her. If she is going to put up an investment of over Kshs200 million, the Government should be able to find mechanisms to facilitate her. This House should be able to amend legislation that removes bottlenecks for such investors so that they can build good stadia to continue harnessing the sports potential in this country.

Mr. Speaker, Sir, I want to talk about devolution because it is my pet subject. Devolution is the reason I am in this House. It is the reason we are all here. As the President said, it is not a gift or a promise, but a right as provided for in the Constitution. There is a lot to be done by this House to ensure that devolution works. I served as a member of the task force on devolved government. I chaired the team that went all over the Rift Valley and I realized that there is a lot of work to be done. I participated in the initial drafting of the six legislations; one of which is the mother legislation of the County Government Act, 2012.

There are things that are done like the unbundling of functions. If you look at the functions of county governments in Schedule IV (2), you will realize that those functions are mentioned in only one sentence or one word, but they mean a lot. For example, if they say that sports, sports stadia and sports facilities are a function of county governments, what does that mean? To me, it means that the money that is meant for building sports stadia or sports facilities should be channelled to the county governments because it is their responsibility. When it says that agriculture is a function of county government, it means that a large percentage of the resources for agriculture should be channelled through county governments. When it talks about water and irrigation to be county functions, it means that the resources for such should go to the county. When you talk about health facilities, it means that the money meant for health facilities should go to the county.

Mr. Speaker, Sir, when I listen to Members of this House - and some have been here for a long time - talk and blame the Government for this or that, yet that function has been put in county government and that the Senate shall be the one to protect and ensure that those functions are delivered, I do not know whom we are complaining to. If you are complaining about things that are going to be done by your county government or things that you have a responsibility as a Senator to ensure that the resources are channelled there, it means that we are abdicating our responsibility. I request all of us to hold hands together, demand resources to the county and channel them there.

Mr. Speaker, Sir, in my estimation, there are certain factors that are likely to hamper devolution. The first one is the bureaucratic bottlenecks and the spirit of centralism in the national government. My fear is that most of the people in the system who are expected, under the Constitution, to midwife devolution for the next three or four years, perhaps, do not understand it. I have interacted with them and they do not understand that they have to let go some of the functions that they are doing now. It would be our responsibility, even if the President has promised that he is going to support devolution, as Senators to ensure that we police institutions at the national Government, starting with the Treasury. I want to congratulate Mr. Rotich who has been nominated to that Ministry. He has been an insider and should his name pass in the National Assembly, I believe that such officers must be reminded of the onerous task before them to ensure that resources are released to the counties.

Mr. Speaker, Sir, the other danger to devolution is ignorance. The members of the public do not know what to expect from whom. Sometimes they ask from Senators that which they should expect from the Governors and sometimes they ask from county representatives things that they should expect from the Member of the National Assembly. We need to ensure that the necessary committees of this House do everything. We need to do our best to educate our people as to what devolution entails and who is supposed to do what. The Constitution requires Kenyans to participate in matters of governance. They cannot do so, if they do not understand what those matters are and what they entail. Therefore, civic education is going to be very important and the relevant Ministry must ensure that it is done.

Mr. Speaker, Sir, regarding the issue of the Equalization Fund, Article 204 of the Constitution says that the fund will be used to speed up development in areas that have been marginalized so that they can invest in water, roads, housing and other infrastructure. However, the Cheserem Commission decided to channel those resources based on counties and yet the Constitution says "areas". It means that you can have a county like Nyeri doing well, but Kieni is a marginalized area. So, you have to do something to ensure that that area is taken care of. It means that you could have Kajiado as a rich county, but some parts are marginalized. So, it is important for us to ensure that the Equalization Fund is given to the areas that are marginalized and not to the counties.

Finally, I want to talk about the issue of devolution and the Constituencies Development Fund (CDF). We need to clarify the place of the CDF in the devolved

system of Government. If it is going to continue as a grant or as a national Government fund devolved to the constituencies, we need to define the functions and limit them, perhaps, to education only. We must make sure there is no conflict between the resources that are going to be allocated to infrastructure and the ones that are going to be given through the CDF. Therefore, counties must be able to sit down and come up with proper planning to determine where the CDF goes and where the other devolved funds go, so that we do not have conflict in funding of projects. I think this House must give leadership on this matter without fearing our junior brothers in the junior House. We must give direction as to how CDF is going to be placed in regard to devolved funds.

Mr. Speaker, Sir, I come from Elgeyo-Marakwet. We are blessed with fluoride or flouspar. We are also blessed with game reserves. I have gone to Sen. Dan Mwazo's county at a place called Mwatate Mwakinyungu. They have resources, but the locals are not benefitting in any way. At the opportune time, I shall be requesting this House to pass legislation which I hope to introduce to ensure that we have a specific percentage of benefits from a resource located in a particular area remaining with the local people so that they benefit.

Many things have been said about computers and about the impossibilities or possibilities of the issues. I want to quote from Robert Kennedy who said and I quote:-

“Some men see things as they are and say “why”, I dream things that never were and say “why not”.

Those of us who believe that nothing can be done must wake up in the spirit of this man and say that why can we not try it. It is possible to have a laptop given to children in Turkana because even if they are studying from outside, they would do so, and make use of the solar resource there. So, they will grow up knowing that this is a digital age. My son who is not even in class one can operate my iPad and all other electronic devices. I want the children of Kenya to have that opportunity that my son has. Therefore, I support.

Finally, most of us doubt and say that we cannot do anything because we are individuals. I want to quote again Robert Kennedy speaking to the youth in South Africa on 6th June, 1966. He said:-

“This world demands the qualities of youth; not a time of life but a state of mind, a temper of the will, a quality of the imagination, a predominance of courage over timidity, of the appetite for adventure over the love of ease. It is a revolutionary world we live in, and thus, as I said in Latin America and Asia, in Europe and in the United States, it is young people who must take the lead. Thus, you, and your compatriots everywhere, have had thrust upon you a greater burden of responsibility than any generation that has ever lived.

An Italian philosopher said;

“Nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success than to take the lead in the introduction of

a new order of things.” Yet this is the measure of the task of your generation, and the road is strewn with many dangers.”

Mr. Deputy Speaker, Sir, I believe that this digital general has the opportunity to take advantage of a new order. Therefore, I support this Government. I believe that it will deliver its promises.

(Applause)

The Nominated Senator (Sen. Ongoro): Mr. Deputy Speaker, Sir, I rise to give my comments on the Presidential Speech which was delivered to us on 16th April, 2013. As has been said before, President’s from developing countries give a lot of promises, but actually implement only one per cent, or nothing at all. I stand here to give our new Chief Executive Officer (CEO) the benefit of the doubt and to state that his Speech was full of content both positive and negative, but I want to be optimistic because Rome was not built in a day. Since he has not had time to implement, I want to give him the benefit of the doubt.

In his opening remarks, he pledged to work with both sides of the political divide. This is the test he is going to pass or fail by the time he is through with naming his first Cabinet in a few hours, days or weeks. He has already named four of them and we are yet to see more. If he really means that he is going to work from both sides of the political divide, we want to see him having the substance to appoint certain personalities who do not pledge loyalty to him, but who he believes have got what it takes to run those Ministries. He also accepted, and this I take with a lot of excitement, the under-performance of key Ministries like agriculture, manufacturing and transport. But in my opinion, I believe there are others like health and education. It takes somebody to accept that they are ill for them to start the healing process. For the CEO of this nation to accept that we are under-performing, it gives me the hope that he realizes that we need to change our governance structures and that he will do something about it. This is really going to be a logistics hub for the transport sector. I would have liked to see him encourage all key sectors to establish this kind of a hub, so that we have a hub for logistics in the health sector, agriculture, education and all that. We want to have a point of reference for most of the key pillars of economic development.

Mr. Deputy Speaker, Sir, he also promised to restructure the disbursement of the Youth Enterprise Development Fund (YEDF) and the Women Enterprise Development Fund (WEDF) in the format of the Constituencies Development Fund (CDF). That was encouraging. It is actually devolving that to the grassroots.

He also promised to respect the Constitution. I want to state that the nation was waiting to hear what he had to say to this, knowing fully that he led the brigade that actually opposed the new Constitution that was promulgated. We, as a nation, wanted to know what he was going to state about this. There has been fear among a majority of Kenyans that he does not have what it takes or the goodwill to implement the

Constitution in its entirety or as it is, without a serious attempt to water it down. We do not want to end up with a Constitution that has been implemented, but which really is not anything near the Constitution that we promulgated. I will be watching keenly to see any attempts or seriousness to that effect.

Mr. Deputy Speaker, Sir, he also promised in his Speech that agriculture is going to be modernized. It is my informed opinion that a nation that cannot feed itself really has no reason to call itself an independent nation. It is a pity 50 years after Independence we cannot feed ourselves as a nation. I think that this should really be the key area. But when we talk about agriculture, let us really think out of the box. Let us not only concentrate on what is already known as the breadbasket of Kenya. We can turn to the Arid and Semi-arid Lands (ASALs) to produce a lot of food, not only for Kenyans, but even export. Why did I not hear the President say, for example, that we are going to encourage coconut farming, when we have so many trees at the Coast? The Government does not give or write-off any loans to those farmers. There is no encouragement or factory at all. Why am I not seeing sisal farming and cotton growing in Nyanza being supported? We know that every area and region of this country has got the potential, with the right incentives to produce. If you looked at our accounts, for so many years, you will find that farmers in particular regions access loans more easily than others. After one or two years, those loans are written-off. But in other areas, even when people try and give it their best, they do not access loans. They do it under very difficult circumstances, but still we are expected to compete.

Mr. Deputy Speaker, Sir, by and large, going by the nine key pillars in the President's Speech that he talked about, if he implements them, then that will be a good start. Having said that, if the President was my brother or hon. Raila Amolo Odinga, and he came up with this kind of proposal, I would still oppose the issue of laptops to class one pupils. Honestly speaking, I have tried to create a mental picture of 100 children in Mathare Constituency coming from their classroom, each carrying a laptop; being waylaid--- Are we not risking the lives of these children? In a few years' time, we are going to have so many laptops. Some of these children will be strangled in the process of their laptops being taken before they will be able to identify those who would have taken them. So, to sort out those problems, the person will then kill the five children, take their laptops and then come to River Road to sell them. Could you also convince me how it is that a child who has not fed for three days, who goes to what is called a school with a classroom under a tree, which does not have electricity, with what is called a home which is a hovel of a kind, with a sick mother on an empty stomach, suffering from malaria, has any use for a laptop? Honestly speaking, if we are to set aside Kshs70 billion for the education sector, could we start by pumping a lot of money in the physical infrastructure, so that we have enough classrooms, teachers and even a health facility per school? With Kshs70 billion, we are able to do so. We should be able to treat these children so that we have healthy children.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

We should also be able to put in place the school feeding programme so that the children are also fed. By the time these children are in class two or three, we give them laptops. If we have Kshs70 billion to pump into the education sector per year, honestly, let us not come up with policy statements that make us look very bad on the international platform. Some of us are going to be travelling very soon and we are expected to defend this policy statement. I cannot imagine how on earth I will be able to defend this kind of policy statement. On one hand, we are spending Kshs70 billion to give our children laptops. On the other hand, we are begging donors for food to feed the same children. What is our stature in the international world?

Mr. Deputy Speaker, Sir, secondly, I am not convinced that it came out very clearly through the President's Address how he intends to create jobs for the more than 70 per cent of the youth who are jobless. All he talked about in his Speech was job creation. I expected the President to synthesize this policy statement to the county and constituency levels. He would have said that the national Government will give the county governments enough money to build, for example, this number of factories or industries in the counties. That makes sense and it is a bit convincing, but not just to say; job creation, job creation. We could do everything else, but if we are not going to create enough jobs for the more than 70 per cent youth in this nation, we are sitting on a very volatile time bomb. We could try to look nice and give promises, but if we are not going to synthesize the issue of job creation, so that it impacts the constituency level. All of us who have or hope to make it in life, are just building castles in the air which could be brought down in five minutes by 70 per cent of very hungry and angry youth who do not care what else you have said in your policy statement. So, let us take this issue very seriously.

Mr. Deputy Speaker, Sir, I was also not very convinced by the President's Address on the way forward on the issue of the conflict between the Governors and the County Commissioners. He referred to it as a small issue that will be dealt with. In my opinion, this is not a small issue. Devolution was one of the key pillars that made 70 per cent of Kenyans to vote for this Constitution. Anything that touches on devolution has got the potential of just tearing this country apart if it is not well dealt with. So, it is not a small issue at all. This calls for none other than the Chief Executive Officer (CEO) of this country to give the way forward. He should tell us who has what mandate between the Governors and the County Commissioners, so that either we find a way of co-existence or we accept that this is an intelligent way of killing devolution by the Executive while still remaining popular on the platform of pretence that they actually support devolution.

As politicians, sometimes we are very shrewd. When you sense that wananchi are on the side of devolution, you pretend to support it by word and yet in spirit and deed you do not support it. How do we have Governors who are subordinate to County Commissioners and who are not facilitated and we want to pretend that actually we support devolution? In my opinion, this is a way of killing devolution. We must nip it in the bud. If I am not wrong, we have not seen, as yet, any serious attempts to solve this

problem or even to facilitate it. What might follow is withholding of resources to counties so that the so-called governors fail in their mandate. When they fail and we facilitate the County Commissioners, by extension, we will be telling wananchi that if they have any problems or issues, they should go see the County Commissioner and overlook the Governor. That is another intelligent way of killing devolution.

I will now comment on the lack of any direct reference to urban populations. In my opinion, urban areas in Kenya have cushioned this country. About 70 per cent of our population lives in urban areas. Therefore, if about 67 per cent of our people live in urban areas, then our policy statements should be urban specific. If you do not impact urban areas, then you will not be impacting 67 per cent of the population.

Take an example of the issue of housing. If you talk about building who are we directing attention to? Are we talking to the very poor urban dwellers who are so poor that even if you constructed houses that cost just about Kshs150,000, they would still not make it? What is the policy statement that will cushion this country, help us to upgrade slum areas and come up with housing units that do not just take care of middle class, but everybody?

Lastly is the fact that the Ministry of Nairobi Metropolitan Development has been taken back to the parent Ministry, where it came from and will now be a department. When that Ministry was created, we were told that as far back as 1973, that idea was already mooted. This Ministry came on the platform of facilitating other Ministries that have their areas of operation within the area now called the Nairobi Metropolitan Region.

With a region that takes almost 5 million directly, but by extension, impacts about 70 per cent of Kenyans and produces about 60 per cent of the GDP of this country. If you want to grow economically, how can you kill the cow that produces the milk? Nairobi is sustaining the nation. Therefore, the Ministry that was created to ensure that Nairobi grows from a city to a metropolis, provides better services and, by extension and implication, helps Kenya to produce more in terms of GDP--- How can we relegate that kind of a Ministry? If we had one or three Ministries that had to be line Ministries, then, in my opinion, the Ministry of Nairobi Metropolitan Development should have been one of them. Taking it back where it came from will kill the GDP production of this nation instead of us up scaling it. I believe that this should not have been the way to do it.

I also want to comment on the lack of incentives to investors in this Speech. If we will not make policy statements that will attract investors in a global market that makes us compete with places like Dubai, South Africa, New York and every else, then where are we heading? We must attract investors, both local and international, by reducing the cost of energy in our country and the cost of land. You do not expect an investor who has the option of either coming to Kenya to build an industry, or go to Uganda, South Africa, Hawaii or anywhere else, than to come here and purchase land that you will use to put up the investment for Kshs700 million. He only goes across the border and is given land for free. If I was that investor, why would I invest in Kenya where you start by buying land for Kshs1.5 billion when you are given land for free in Tanzania and in Uganda? That is

why you have seen an exodus of industries and we do not have new ones. This is because it is very expensive for any investor. After all, now we have the East Africa Community (EAC). So, they can establish their industries anywhere and still access the EAC market. So, why should it be in Kenya? If we are not going to address the issue of affordable land, affordable energy and the cost of production then we can sing until tomorrow, but there is no investor who will put together Kshs2 billion to just buy land and build with his own money an industry that is going to help you. He will go to Uganda and within no time we will find that the economies of Tanzania, Uganda, Rwanda, Burundi and even South Sudan will overtake us because they are giving any serious land within a record seven days and he starts construction. Here, getting the land, after you manage to survive the cartels then you still have to cough not less than Kshs700 million before you start construction---

The Deputy Speaker (Sen. Kembi-Gitura): Order, hon. Senator! Your time is up!

The Senator for Kirinyaga County (Sen. Karaba): Mr. Deputy Speaker, Sir, thank you very much for sparing the eye to see me this evening. I started standing from yesterday and I was almost giving up, but all is not lost. I start by congratulating you for being elected as the Deputy Speaker and I also congratulate everybody here for having got the slot to come to the Senate and be a Member of the Upper House. I salute the President for being what he has been and for winning the presidency. I also want to thank the residents of Kirinyaga for electing me to the Eleventh Parliament. I was here in the Ninth Parliament where we did a lot of work with the present speakers. I do agree that the Speech was good and up to the point. That is the reason most of us are here so that they can talk about the Presidential Speech. It was an inspiring speech.

Mr. Deputy Speaker, Sir, the Speech talks about the constitutional changes and constitutional making. I am sure you were here in 2004/2005 to make this constitution and it has now come to be in place in this Eleventh Parliament and with the Government that we have been looking forward to. It is important, therefore, to note that I being one of the victims of the Constitution, I have noted that it has brought a lot of reforms, especially in the judiciary where it is possible to dispense 180 petition cases unlike before. I had won in 2007 and stayed in the cold for almost four years, when I was still petitioning. I won the case and Kriegler came all the way from South Africa to say that I had won the election. So, it is through that struggle that we get to know that a lot of reforms are underway and that is why we can afford even to talk here about devolution, petitions which will be dispensed off within six months and the good things which have been initiated, as is read in the Presidential Speech.

Mr. Deputy Speaker, Sir, as I was seated here from yesterday, I heard and noted quite a lot of contradictions from the Members of this Senate. Some of them have been senior Ministers in the past Government and did not do much when they were in those positions. They were not able to arrest the numerous corruption scandals which took place in the Government that they served. What they said towards the end was that the infrastructure is bad and roads have not been developed. They also said that some

counties have been marginalized. However, a lot of work has been done. The President even confirmed that what was done in the past, particularly during the previous Government led by His Excellency the former President, Mwai Kibaki, would continue to be done and finalized. So, it is worthwhile to note that roads have been developed. There are people who talk about the Thika Super Highway. It is true that it is a super highway, but it does not only lead to a particular region. It is a super highway that opens up the Nairobi Metropolitan. Whether you are coming from North Eastern, Eastern or wherever, you will pass through that road. That road is good. We should appreciate that it has been developed. It was just yesterday that I rose on a point of order, when the Senator for Machakos, Sen. Muthama, said that there is no tarmac road from Tala to Thika. Yesterday, I drove from Masinga to Tala and Thika on a super road. I also noted that there is another road to Mwingi and Garissa. That is development. We do not need to say that it is not happening when we know that things are happening. It is improper for a Senator to come here and tell falsehoods. We know that infrastructural development in this country has been given priority all over. I have been to places and know that there is a road from Kisumu to Busia. I also know that there is a road from Busia to Nambale. I know of the road from Nakuru to Eldoret and the one from Makutano to Kisumu. There is also the Kisumu International Airport. So, when somebody says that nothing has been developed in the last several years, that is misleading this House. We need guidance from the Speaker.

Mr. Deputy Speaker, Sir, some Senators claim their counties are marginalized. They have been claiming this for the last 50 years. We are now going to enter into another decade of ten years because you never know what may happen. The President is supposed to serve two terms. By good luck, it is likely that he will be there for the two terms. So, if he will be there for two terms, then for 60 years certain counties will still claim to be marginalized whereas now we have devolution in place. It is up to us to demonstrate that we are capable and able to turn around what has not been turned around. We should make hay while the sun shines. This is our time.

We have seen quite a number of counties; when given a chance, they can move faster than others. I reckon one time when the founding father of this nation went to Mombasa and he was asked by the people at the coast to provide them with tractors to clear the bush, he told them that he would give them “tractors” within a week. True to his promise, within a week the “tractors” were taken there. Up to now, where those “tractors” continue to plough, the GDP is higher than the neighbouring areas. That tells you that anything is possible. We should make maximum use of what we have. Land is a factor of production. Unless we turn that land to be a factor of production, there is nothing we are going to generate from it. We are also not going to get foreign exchange and unemployment rate will be high. We should blame ourselves also as we blame the Government.

Sen. Hassan: On a point of order, Mr. Deputy Speaker, Sir. Sen. Karaba has alluded to the fact that “tractors” were taken to a certain area and we know these “tractors” meant the settlements in Mpeketoni. If the hon. Senator---

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

Sen. Hassan: Mr. Deputy Speaker, Sir, is he trying to imply that the local community there could not have ploughed that land?

The Senator for Kirinyaga County (Sen. Karaba): Mr. Deputy Speaker, Sir, it is true. If tomorrow we are treated to another lecture by the Commission on Revenue Allocation (CRA), you will note that Mpeketoni itself as a region has a higher GDP than the whole of Lamu District. That is true and there is nothing to hide.

So, we should specialize in maximizing production of the natural resources that we have in our areas. I would expect those people who are good in fishing to continue fishing, so that we get more fish. That is all I am trying to say. Those people who are good in agriculture should be allowed to farm and provide food to those people who need the food so that we can talk about food surplus. That is what should happen. If you go the United States of America or Israel, that is what is happening. It is not that all the states of America are good to live in; there are some states which are very bad. They have been marginalized the way you are talking here, but in America, some states are over-productive. That is what they tend to share in the form of subsidy levels and payment to those people who cannot afford to grow cotton during the time of crop failure. That is happening even today.

Mr. Deputy Speaker, Sir, so, whatever is happening in those great countries like America, it is also possible to also do it in Kenya. Those people who have good agricultural lands like those who live in the five water towers in the Mau, Elgon, Mt. Kenya and Cherangany, should continue harnessing that water which is coming from there and make use of it. The surplus water can be harnessed in dams. We should construct dams along those rivers. This is possible because it has happened elsewhere. That is the only way we can grow more crops even during drought because, every three months after the rainy season, people start crying that there is shortage of food whereas today they crying about floods. That is something that can be stopped. In Kirinyaga, we have three major crops; tea, coffee and rice. We have the best rice in Africa and, possibly, in the world. I hope that during this period, we are going to form our own cartels---

ADJOURNMENT

The Deputy Speaker (Sen. Kembi-Gitura): Order! Sen. Karaba, you will have five more minutes when we next resume.

Hon. Senators, it is now time for interruption of business. The House stands adjourned until tomorrow, Thursday 25th April, 2013, at 2.30 p.m.

The Senate rose at 6.30 p.m.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*