

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Thursday, 11<sup>th</sup> April, 2019

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

*[The Deputy Speaker (Sen. (Prof.) Kindiki) in the Chair]*

#### PRAYER

#### COMMUNICATIONS FROM THE CHAIR

##### THE 4<sup>TH</sup> ANNUAL LEGISLATIVE SUMMIT

**The Deputy Speaker** (Sen. (Prof.) Kindiki: Hon. Senators, I have the following Communication to make regarding the Fourth Annual Legislative Summit.

Hon. Senators, as you are aware, the Annual Legislative Summit is a forum that brings together Kenyan Legislators to deliberate and share experiences in pursuit of the successful implementation of the devolved governance structure. It is a forum that presents a unique platform for positive engagement between the Senate, County Assemblies, constitutional commissions, independent offices, development partners and relevant intergovernmental institutions.

Three Legislative Summits have been successfully held annually since 2016. As in the past three Summits, this year's Summit is jointly organized by the Senate and the County Assemblies Forum (CAF), in line with our constitutional mandates and the constitutional requirement to conduct our relations on the basis of consultation and co-operation, as provided for in Article 6 (2) of the Constitution.

Hon. Senators, the Legislative Summit, 2019 seeks to build on the gains of the previous Summits while providing an avenue for Kenyan Legislatures to continually interrogate implementation of their roles in the devolved governance structure. The theme of this year's Summit is "Accelerating Devolution; Assessing the Progress and Addressing the Gaps in Policy and Legislation".

This year's Summit, is scheduled to take place from 13<sup>th</sup> to 17<sup>th</sup> April, 2019, at the Grand Royale Swiss Hotel, Kisumu County. Departure from Nairobi for Senators participating in the pre-Summit programmes for the Youth and Persons with Disabilities is Friday 12<sup>th</sup> April, 2019, while departure for all other Senators is Saturday, 13<sup>th</sup> April, 2019. Departure from Kisumu is scheduled for Thursday, 18<sup>th</sup> April, 2019. Additional information and logistical arrangements will be given through the Office of the Clerk.

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Let me take this opportunity to welcome each one of you to this very important event. I urge you all to prioritize the event and make time to attend and participate in it.

Thank you.

Hon. Senators, I have another Communication to make.

VISITING DELEGATION FROM ST. THERESA TARTAR  
GIRLS HIGH SCHOOL, WEST POKOT COUNTY

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from St. Theresa Tartar Girls High School, West Pokot County. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

Thank you.

*(Applause)*

**Sen. Poghiso:** Mr. Deputy Speaker, Sir, I would like to join you and the Senate in welcoming the students from one of the best secondary schools in the country from the great county of West Pokot. St. Theresa Tartar Girls High School is a national school. The students and teachers would like to learn from the Senate and if possible be Senators themselves or work in the Senate in the future.

I welcome them and wish them well in Nairobi as they continue to learn more. This is a House of order, records and leadership. I hope that we will inculcate values in these students. I also appeal to the teachers that as they bring up these young people, they will create the national ethos that we are looking for in this country.

Mr. Deputy Speaker, Sir, I know the school very well. They are my neighbours where I live and I know they normally perform very well. One of the outstanding things about this school is that they are good footballers. These ladies have a strong football team.

*(Applause)*

They have represented the country very well in football matches and many other sports outside the country. They are also very strong academically. I would like to assure them that their Senators are doing well in representing their interests. We will work well for you, but you should make sure that you do not let us down.

Thank you, Mr. Deputy Speaker, Sir.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I would like to join my neighbour, Sen. Poghiso, in welcoming the girls from St. Theresa Tartar Girls High School which is a national school. I know there are many students who come from Elgeyo-Marakwet County who are in that school.

Education is one of the most important tools for equalizing the society. Nelson Mandela said that education gives opportunity to the child of a peasant to meet those who have grown and been brought up in well-to-do families. St. Theresa Tartar Girls High

School is part of the representation of the great things that come from West Pokot County.

Mr. Deputy Speaker, Sir, most of the time when we talk about West Pokot, Elgeyo-Marakwet, Turkana, Samburu and Baringo Counties, we either think about cattle rustling or drought. However, West Pokot has one of the most important facilities in this country, the Turkwel Dam, which has given us consistent electricity in this country. It is the best dam in the country. We also have the upcoming Aror and Kimwarer Dams in the neighbourhood. West Pokot County also has one of the best girls' schools in the country.

Mr. Deputy Speaker, Sir, I am speaking today in the spirit of unity that is prevailing between West Pokot and Elgeyo-Marakwet. To demonstrate to the nation that there is peace, three weeks ago, the Deputy President and I visited Tot Secondary School. This is a school which is attended by children from Tiaty Constituency in Pokot and Elgeyo-Marakwet in Baringo County. Tot Secondary School which is a day school, now has a total of 1,300 students up from 41 students three years ago.

Mr. Deputy Speaker, Sir, education is important and I believe that if we continue supporting education, we will unite this country beyond the lines we always think about and stereotypes that we have that if someone comes from certain parts of the country, there may be nothing good that comes from there.

Thank you, Mr. Deputy Speaker.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Senators, we have already welcomed these girls. However, I will give Sen. Olekina one minute to welcome them.

**Sen. Olekina:** Mr. Deputy Speaker, Sir, I would like to join you and my colleagues especially my good friend, Sen. Poghiso, in welcoming the girls from West Pokot. I am glad that the Senate Majority Leader has spoken about the Turkwel Hydroelectric Power Station. I would like to challenge the girls to ensure that they fight for their rights. It is a pity that West Pokot and Turkana communities do not fully benefit from this power plant. We are told that it generates more than 105 megawatts of electricity which is fed into the national grid to benefit the rest of us.

I would like to encourage these young girls to work hard so that when they complete their education, they can work in that plant and benefit their communities. I believe the local community wherever resources are found, must benefit first before other people in the country. Please, work hard and you will reap benefits from resources in your county.

Mr. Deputy Speaker Sir, I join you in welcoming them here.

**Sen. Dullo:** Thank you, Mr. Deputy Speaker, Sir. I wish to join my colleagues in welcoming these young girls. The fact that they are from West Pokot, demonstrates serious commitment and that they are ready to learn.

Coming from a pastoral community and being in secondary school is a great achievement for them. We know this is an area affected by cattle rustling and so many other challenges. I wish also to challenge them to work hard because this is a great opportunity accorded to them. I am sure many of their agemates are home. It is through hard work that they can only achieve their goals.

I wish them all the best and they are most welcome to the Senate. I am sure you have so many role models in this House. Therefore, work hard so that one day you will be seated where we are.

**The Deputy Speaker** (Prof.) Kindiki: Thank you, Senators for welcoming these girls to this Senate.

Next Order.

## STATEMENTS

### VIOLENCE AND INSECURITY IN UNIVERSITIES AND INSTITUTIONS OF HIGHER LEARNING

**Sen. Chebeni:** Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No. 47(1), to make a Statement on a matter of national concern regarding the violence and insecurity in our universities and other institutions of higher learning.

The World Health Organization (WHO) defines violence as “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation.”

Aware that Article 29 (c) of our Constitution inherently articulates the right of a person not be subjected to any form of violence from either public or private sources;

FURTHER AWARE THAT Article 26 (1) clearly outlines every person’s right to life; violence in our universities and other institutions of higher learning has assumed a formidable dimension that, not only requires a multi-sectoral approach, but also necessitates a revival and reinforcement of moral values and virtues. We have witnessed cases that include physical violence, sexual violence, threats of physical or sexual violence, emotional violence and stalking, among others.

Mr. Deputy Speaker, Sir, universities and other institutions of higher learning are fast becoming increasingly complex with urgent security requirements. Due to insecurity, the universities and other institutions of higher learning are no longer viewed as safe and secure environments in which students can learn, enjoy themselves and feel protected. Learners are forced to gamble between death and obtaining their degrees. Young men and women have either been reported murdered or have committed suicide within those institutions. There have been numerous reports on television and print media highlighting the escalation of this problem.

Mr. Deputy Speaker, Sir, since October last year, Jomo Kenyatta University of Agriculture and Technology (JKUAT) has lost 4 students. This trend has increased so much that the students are living in constant fear. The trend is very worrying and the statistics are disturbing. Something must be done now to curb the situation. We must find out why our young men and women resort to committing suicide or homicide. The latest being the gruesome murder of Ivy Wangeci, a sixth year Medical Student at Moi University. This represents the latest inhumane act targeted at students in our institutions of higher learning.

I note with concern that this crime was committed in broad daylight. I hope that the Director of Criminal Investigations (DCI) will get to the bottom of this matter and bring the culprit to justice. It is very sad that such a promising young person whose contribution as a doctor after her graduation would have been invaluable to our nation had her life cut short in such a heinous manner.

Mr. Deputy Speaker, Sir, security is a management issue for all higher education institutions. The universities and institutions of higher learning should put in place proper security measures to ensure that students are guaranteed of safety within the universities and their environs.

I urge this House to do more to raise awareness on violence in our universities and institutions with a view to making sure that the security apparatus in the country, in collaboration with the management of universities and other institutions of higher learning, work together to eliminate this trend.

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

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Wetangula, are you on a point of order, or you want to make observations?

**Sen. Wetangula:** Mr. Deputy Speaker, Sir, I want to make observations.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Then you should have said so. Proceed, Sen. Wetangula. You rose on a point of order.

**Sen. Wetangula:** Mr. Deputy Speaker, Sir, sometimes it does appear that that is the only way you can get quick attention from the Chair when you want to say something.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Then you have succeeded.

**Sen. Wetangula:** Mr. Deputy Speaker, Sir, I want to thank Sen. Chebeni from my county who has made a very fundamental Statement.

The manner in which some people in this country are taking away the lives of others is becoming very worrisome. You may remember that there is a friend of mine called Hoshiah Killi who works for LapTrust. His daughter who was in third year in the university, and she was brutally murdered. The murder was linked to a person who was then a governor, but it just disappeared like that.

We have seen the grisly murder in Eldoret two days ago where a person who can only be deranged, walked with an axe and hacked a woman to death on the pretext that she had been his lover and had jilted him.

We have heard of so many murders of students. It was listed in the newspapers today that close to ten students have lost their lives in unexplainable circumstances. The case of Sharon is still very fresh in our minds where a pregnant girl is bastardized and beastly murdered, including knifing the foetus in the body. All these things are happening because of the moral decay in our society.

At the university, during our days, I do not know if you found a certain Prof. Dondas who was a priest at St. Paul's Chapel. He used to spend a lot of time and energy counseling students on "dos and don'ts" of life, as it should be.

Regarding this particular problem, we blame it on the institutions for not looking after their students well. We blame it on the parents for not counseling their children and not taking care of them. Parents send their children to the university and leave them in the

hands of greedy men who give them money. When they are done with them, they abandon them and the girls find it very difficult to cope with their own peers.

We need a moral re-awakening in this country. As I come to my conclusion, I urge the institutions that are supposed to be custodians of morality - these are churches and mosques - to play their rightful role in the society. These days, churches and mosques are also just beehives of financial activities. They rarely deal with issues of morality with our children. When you go to church, the highest treatment you get is when you say you have brought them money. Nobody is talking about getting on the beaten track.

Mr. Deputy Speaker, Sir, even as we laud the Director of Criminal Investigations (DCI), the Director of Public Prosecutions (DPP) and everybody else for their war against corrupt practices in the country, they must now pay attention to the scourge of brutal and grisly murders of particularly female students. Female students appear to be a large number of victims in this whole charade. Society is going astray and we all have a duty to our society to bring it back to where it should be.

Thank you, Mr. Deputy Speaker, Sir.

**Sen. Farhiya:** Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute to this Statement. Since I did not get an opportunity to welcome students from St. Theresa Tartar Girls' High School, I wish to join you in welcoming them. I advise them to have confidence, integrity and discipline, and work hard. Those are the things that pay eventually in our lives. There has been rampant examination cheating. Please, beware that, that is not the way to pass examinations. The way to pass examinations is to work hard.

Mr. Deputy Speaker, Sir, let me come back to the Statement. I wish to thank Sen. Chebeni for bringing it. I can imagine the distress of the parents of Ms. Wangeci. She spent six years in Medical School and someone just recklessly hacked her to death. What kind of society are we raising? It pains me so much sometimes that we deliberate on some of these issues in this House, but what happens thereafter? The talking needs to translate into some action. Maybe we need to have an implementation Committee to constantly follow up on these issues.

There is also the case of Ms. Sharon who lost her life along with her fetus. How long will the mothers of this country grieve because of their children being murdered? How long will they mourn their children for committing suicide because they got low marks in school? As a society, we need to reevaluate ourselves in terms of what is best for us. If there are issues that we need to deal with, we need to address them. These things cannot continue.

The man who committed the gruesome murder two days ago even had the audacity to explain himself on why he did so. He armed himself all the way into the girl's university and murdered her. This is very painful. We need some level of protection in our schools, including security at the gates.

Mr. Deputy Speaker, Sir, in 2015, over 140 students lost their lives at the Moi University, Garissa Campus. Are our universities right now prepared to repulse such an eventuality? If it happened once, it can happen again. Who is taking care of awareness and preparedness for terror or any other insecurity in our institutions of higher learning?

Mr. Deputy Speaker, Sir, I thank Sen. Chebeni for bringing this Statement.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I see a lot of interest but, again, we are constrained. I will give Sen. Shiyonga two minutes. I do not see her.

*(Sen. Shiyonga walked into the Chamber)*

**Sen. Shiyonga:** Mr. Deputy Speaker, Sir, I am here.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You have two minutes.

**Sen. Shiyonga:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Statement. It is very disturbing when you wake up in the morning and hear alarming reports of deaths of our children in our institutions of higher learning.

I thank our able Senator who has brought this Statement. I urge that security is beefed up in the institutions of higher learning. This is because we are investing in our children and want to see them excel and be productive. It is very disturbing when you wake up one morning and hear that your child has been killed.

I support the Senators who have said that our children should be taught good morals. Our children should be taught how to tell the circumstances surrounding them that can bring danger to their lives. I urge the DCI to go to the bottom of this matter and save the lives of our children.

Thank you, Mr. Deputy Speaker, Sir.

*(Interruption of Debate on Statement)*

## COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM HIGH VISION  
JUNIOR SCHOOL, ISIOLO COUNTY

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from High Vision Junior School, Isiolo County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

I thank you.

*(Applause)*

Proceed, Sen. Cherargei. After that, I will give the Senator for Isiolo County an opportunity to welcome students from her county.

*(Resumption of Debate on Statement)*

**Sen. Cherargei:** Thank you, Mr. Deputy Speaker, Sir. I also join you in welcoming students from Isiolo County and wish them well. I am also made to understand that St. Theresa's Tartar Girls' High School students were here. My elder sister, Madam Consolata, is the Principal of that school in West Pokot County. I hope that Sen. Poghio is taking good care of her.

Secondly, I agree that the rising cases of insecurity in the universities and other institutions of higher learning are very alarming. I hope that the various university councils and senates that run these institutions will come up with proactive measures.

Mr. Deputy Speaker, Sir, you were a distinguished lecturer and a renowned evangelist around Moi University before you ventured into politics. You know very well that there are so many challenges, especially insecurity in that area. Many people do not know that you are an evangelist; I hope you will tell them about it sometime. Those are the challenges that we will want our children, who are in campuses, colleges and---

*(Sen. Wetangula consulted with Sen. Khaniri)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I can hear Sen. Wetangula quietly disputing or is it Sen. Khaniri?

**Sen. Cherargei:** Mr. Deputy Speaker, Sir, the Bible says that we are surrounded by a cloud of witnesses. Some of us were witnesses of your evangelistic work in the North Rift.

As I conclude, I emphasize that the management that runs these universities institutions must work together with the DCI. We now challenge the DCI to step in and tell us what is really happening that we are experiencing a lot of insecurity especially in our institutions of higher learning.

Mr. Deputy Speaker, Sir, we stand and condole with the families that have lost their loved ones.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you.  
Proceed Sen. Dullo.

**Sen. Dullo:** Mr. Deputy Speaker, Sir, I wish to take this opportunity to welcome students from Isiolo County. I congratulate the teachers for taking this opportunity and showing serious commitment in bringing these students to Nairobi to witness what Parliament does.

This is a very serious school that works hard. I must congratulate the school and teachers for committing themselves to come all this far in the name of getting experience and learning. This is a very good opportunity for you, students from Isiolo. I am sure you are the leaders of tomorrow. I hope your trip will be very fruitful. You will carry back home whatever you have learnt here. You are most welcome to Nairobi and to this Chamber. We will interact after this session.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Dullo. Proceed, Sen. Olekina. You have two minutes.

**Sen. Olekina:** Thank you, Mr. Deputy Speaker, Sir. First, I would like to join you and my colleagues in welcoming the students from Isiolo. I encourage them to continue



coming. I thank the school for giving these students an opportunity to see what happens in this House.

I rise to support the statement by Sen. Chebeni on this issue of the trouble in our universities. This is a problem we have witnessed. Recently, we debated a Motion on mental illness which was brought by one of my colleagues. That is where we need to encourage these universities, to bring in a new mentoring facility within the institution. This issue of being jilted to a point where you leave one place, go and attack another person and take their life, is something we can help our children to cope with.

The issue of love is very complicated. Very few people understand it. Since all of us have gone through that process where someone does not want to be with you, you really feel emotionally changed. It affects your mental capacity. So, I call upon all our universities to invest a lot of resources in helping young students cope with challenges that they go through, either psychologically or otherwise – people love a lot of issues. For example, if the person who you thought loved you left you, then you come up with this mentality that if I cannot be with you, then no one else can be with you.

Therefore, I encourage all the universities, particularly, the current Cabinet Secretary for Education to invest a lot in mentoring to deal with this issue of mental illness in our universities.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): The next statement is by Sen. Sakaja.

#### PROTECTION OF RIGHTS AND WELFARE OF TAXI OPERATORS

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, I really wanted to comment on the earlier one but I will move to mine. Pursuant to Standing Order 47(1), I rise to make a statement on the protection of rights and welfare of Uber and other hailing cabs drivers.

There have been numerous complaints from drivers operating in this sector in terms of their welfare and the losses they are making. It is high time this House looked keenly and very seriously at these issues because some of these drivers are losing their lives while others are going into depression and the country is not gaining any revenue from these companies that are indirectly practicing modern-day slavery within our borders.

The hailing cab companies, and for the information of the House, have reduced these drivers to slaves – our young people. This is quite unfortunate and a contravention of our Constitution under Article 41 on Labour Relations, which stipulates that all workers have a right to fair labour practices, fair remuneration and reasonable working conditions.

According to several testimonies – and I have had several meetings with these drivers of various hailing cabs, Uber, Taxify, Little Cab et cetera – the drivers have to work extremely long hours just to make a basic living, with some taking home less than the average minimum wage after paying their running costs. An average driver works for 80 plus hours a week with a take home of about Kshs. 8,000 per month. The drivers are

being subjected to ceaseless toil under conditions that are injurious to their health and pose a danger to the public at large.

Majority of these drivers have taken loans to finance their vehicles and are left with no option but to work for long unsafe hours in order to be able to service the loans and at least feed their families. This has led to an increase in the number of road accidents on our roads. Those who have defaulted have had their vehicles auctioned and thus, have been rendered jobless. One week ago, it was reported in the dailies that more than 2,500 vehicles were auctioned by two local banks for failure to service loans. What is interesting to note is that those who come to buy those cars in those auctions put them back into the same services thus causing a vicious cycle.

The fares being charged by these hailing cabs companies are extremely low and below the minimum rates prescribed by the Automobile Association and the Government, and the commissions taken are too high. As soon as a customer pays for an Uber ride, 25 per cent immediately goes to the company in the Netherlands and nothing comes to our country. There has to be a balance on how the pricing is done so that the driver, the customer and these companies benefit and in order to avoid exploitation of either party.

We need to have set standards and that is why we have a competition authority, on the minimum allowable rates to be charged across the taxi industry and these charges should factor in the other non-hailing cabs. In other countries, cabs are metred as is the practice in all over the world, to count and charge customers justly. Once this is done, it will harmonize and regulate the industry to ensure fair competition. We have seen these cabs pushing other sectors of the transport industry out of business when a minimum rate is Kshs150, that means those who are in *boda boda* and those who are driving *tuk tuks* can never get a client.

In other jurisdictions legislative measures have been put in place to hold these companies accountable to higher standards in regard to labour relations and ensure people are not exploited. These companies must also be made to pay their fair share of taxes to our government. In many jurisdictions, as soon as you enter these vehicles, an amount goes directly to the tax authorities and local authorities. It is possible and it has been done.

We must protect the more than 15,000 drivers, many of whom are in Nairobi and Mombasa counties – and as the Chair of the Standing Committee on Labour and Social Welfare, I will be tabling a Motion as soon as we come back from recess, if so moved by the House, to ensure this issue is dealt with conclusively. It is a serious issue. It needs our attention. Our drivers are bleeding and they are not able to earn a living from these hailing cabs.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. Proceed, Sen. (Dr.) Musuruve. You have three minutes.

**Sen. (Dr.) Musuruve:** Mr. Deputy Speak, Sir, I thank you for allowing me to catching your attention and giving me the opportunity to give my comments.

First of all, I would like to join you in welcoming the students from West Pokot who came to the House ---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): This is about Uber, Sen. (Dr.) Musuruve – and the girls are gone, anyway.

**Sen. (Dr.) Musuruve:** Mr. Deputy Speak, Sir, the girls have gone but I wanted to comment on that.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Okay. You are supposed to now give observations on the statement by the Senator for Nairobi County. Therefore, perhaps you will do so next time because the girls have gone.

Proceed, Sen. Wetangula.

**Sen. Wetangula:** Mr. Deputy Speaker, Sir, I enjoin the distinguished Senator for Nairobi in the statement that he has made. I recently took an Uber Taxi from the airport to ---

*(There was a technical hitch)*

The young man, the driver talked to me until he shed tears. He lamented about the conditions under which they work, the paltry income that they get, the molestation and terror they get from financial institutions that finance their vehicles. What the distinguished Senator has not addressed and what the Committee Chair should deal with is; who are the local accomplices of Uber, because Uber did not just walk into Kenya. The money that is earned from Uber at the expense of these slaving drivers goes to Uber International and some local accomplices. Those are the slave drivers. This Senate must rise to the occasion and protect our people. Out of desperation and because of the hopeless situation of employment in the country, people pick and jump on anything, and eventually end up suffering immensely.

Recently, I was in the United States of America (USA) with Sen. Dullo and somebody else and we met a young man from Elgeyo Marakwet who is settled in the USA. He was driving a taxi and he told me that he sends home up to USD15 to USD20 every three weeks yet we are here talking of people earning Kshs5,000 to Kshs8,000 a month after leaving everything else to drive an Uber. This Senate must set standards and drive out slave drivers from our employment market.

**Sen. Ochillo Ayacko:** Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to make a few remarks regarding the Statement given by the ‘super’ Senator, Sen. Sakaja of Nairobi City County.

Every person who toils is entitled to fair wages and fair working conditions. It is true that our citizens who are desperate for employment toil in ungodly hours just to be paid a paltry amount of money. This is an issue that should interest us because it touches on the employment rights of the young people. I thank the Senator for Nairobi County who has always been an ardent and passionate supporter of young people. He thinks about our unfortunate brothers and sisters who drive Uber taxis.

I encourage the Committee, which will look into this matter, to take the issue seriously. We cannot allow people who come from countries that have minimum wages to exploit our people in the name of offering services. The USA and the United Kingdom (UK) have minimum wages.

I beg to support.

**Sen. Olekina:** Thank you, Mr. Deputy Speaker, Sir. I rise to support the Statement by Sen. Sakaja. I am shocked. This is a country where the Kenya Revenue Authority (KRA) is unable to collect enough taxes for the Government. In the UK, there

is a company called Uber B.V and when you take an Uber taxi, you are given a receipt with the writing UBER B.V at the bottom. That Uber B.V is Uber Dutch. In the Netherlands, any entrepreneur who carries out business outside the country has a zero per cent Value Added Tax (VAT). Uber would want to come to this country, ensure that they collect all the revenues and have the 25 per cent go to the Netherlands. They will continue to benefit because they do not pay any taxes. It is sad that our Kenyan drivers pay a lot of taxes.

If we care about businesses in this country, we should care about the small businesses and not the foreign enterprises. We talk about Foreign Direct Investment (FDI) but that is killing our economy. I once entered a Suzuki that was being driven by a young man who told me that he was happy because he could now afford to have a car. However, the same was auctioned two weeks later.

I would like to encourage Sen. Sakaja to bring a Motion on this. This is something that we have to pronounce ourselves on in this House and the only way of doing so is by adopting a Motion to either suspend the operation of Uber in this country or impose a tax. We can even change the *modus operandi*. Our country is in debt and we cannot service that debt. If KRA wants to help this country, it must put forward the issue of corporate tax. We cannot allow Kenyans to continue paying the income tax yet foreign businesses operate here and go without paying any taxes.

Finally, we have got technology. One of the universities in this country has produced graduates who are good in technology. Why can we not come up with an app that can map the entire streets of Kenya for us to provide a service that is similar to that of Uber?

I support this Statement.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. (Dr.) Musuruve, conclude for us.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity. I want to commend Sen. Sakaja for coming up with this Statement.

Employment is an issue in this country and a number of people, especially our youth, are not employed. Taxi driving is a good source of employment. Most young people get into this kind of employment for it is a way of earning a living. In as much as we want our youths to get employment, we do not want them to be exploited. It will be difficult for an Uber driver, who earns Kshs8,000 per month, to save money, pay rent, bring food on the table and have a family. This Statement can be changed to a Motion or even a Bill for us to come up with policies and laws that govern how Uber drivers are to be treated.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Conclude.

**Sen. (Dr.) Musuruve:** Mr. Deputy Speaker, Sir, if these companies are the ones getting very high commissions, the Uber drivers will not see value for the job. That means that they will not be able to save some money and organise themselves for the future. I support this Statement---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. (Dr.) Musuruve, please conclude. We are not debating a Motion. We are making observations.

**Sen. (Dr.) Musuruve:** Mr. Deputy Speaker, Sir, I support the Statement by Sen. Sakaja and I encourage him to move it to the next level.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. Hon. Senators, I have a communication to make.

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM KENYA NAVY PRIMARY SCHOOL, MOMBASA COUNTY

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from Kenya Navy Primary School, Mombasa County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate, and on my own behalf, wish them a fruitful visit.

Sen. Faki, can you welcome the students on behalf of the rest of us?

**Sen. Faki:** Ahsante Mheshimiwa Naibu Spika kwa kunipa fursa hii ili niwakaribishe wanafunzi kutoka shule ya msingi ya Kenya Navy Mtongwe, Mombasa. Ni furaha kupokea wageni kama hao kutoka Mombasa na ninatumaini ya kwamba wataweza kujifunza mengi ambayo yanafanyika hapa, haswa katika Bunge la Seneti.

Nachukua fursa hii kuwakaribisha. Karibuni tena.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you for being brief. Could the Senate Majority Leader make the Statement under Standing Order No. 52(1)?

#### BUSINESS FOR THE WEEK COMMENCING TUESDAY, 14<sup>TH</sup> MAY, 2019

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I would like to make the following Statement. Pursuant to Standing Order No. 52(1), I hereby present to the Senate the Business of the House for the week commencing Tuesday, 14<sup>th</sup> May, 2019.

Pursuant to the resolution of the Senate adopted on 14<sup>th</sup> February, 2019, on the Senate Calendar, the House will proceed on a 31-day recess beginning today at the rise of the House. In this regard, the Senate Business Committee (SBC) has not scheduled any Business for next week. Upon resumption of sittings on Tuesday 14<sup>th</sup> May, 2019, the SBC will meet on that day to schedule the Business of the Senate.

Hon. Senators, subject to further directions by the SBC, the Senate will consider Bills scheduled for the Second Reading and those at the Committee of the Whole stages. On Tuesday 14<sup>th</sup> May, 2019, the Senate will also continue with the consideration of Business that will not be concluded in today's Order Paper. On Wednesday 15<sup>th</sup> May and Thursday 16<sup>th</sup> May, 2019, the Senate will consider Business that will not have been concluded on Tuesday and any other Business scheduled by the SBC.

Hon. Senators, I commend you for the commitment you have shown so far. However, there are several Bills before the House at Second Reading and Committee of the Whole stages. There are also a number of Statements and petitions pending before Senate Standing Committees. I urge the respective Standing Committees to ensure that the process of consideration of the said Business is expedited during this recess period and reports on them tabled upon resumption of sittings in May,

Hon. Senators, the Senate is scheduled to participate in the Legislative Summit 2019 in Kisumu County. I appeal to all Senators to plan to attend this important event in our calendar of events, as earlier communicated by the Speaker.

In conclusion, Mr. Deputy Speaker, Sir, allow me to take this opportunity to wish the Senators a happy Easter holiday, as you take time to reconnect with your families, friends and constituents; and also as you remember the most important event in the Christian family.

I hereby lay the Statement on the Table of the House.

Thank you, Mr. Deputy Speaker, Sir.

*(Sen. Murkomen laid the documents on the Table)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Next Order.

## MOTION

### THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, pursuant to Standing Order 24 (6), the thanks of the Senate be recorded for the exposition of public policy contained in the Address of His Excellency the President, delivered on Thursday, 4th April, 2019, and further, the Senate notes the following Reports submitted by His Excellency the President in fulfilment of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the House on Tuesday, 9th April, 2019-

(i) 6th Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;

(ii) 6th Annual Report on Progress Made in Fulfilling the International Obligations of the Republic of Kenya; and

(iii) 6th Annual Report to Parliament on the State of National Security

*(Sen. Murkomen on 9.4.2019)*

*(Resumption of debate interrupted on 10.4.2019)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Shiyonga, you had the Floor the last time when debate was interrupted. You have eight minutes remaining.

**Sen. Shiyonga:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the address by His Excellency (H.E.) the President on the State of the Nation.

Mr. Deputy Speaker, Sir, I have four areas which I would wish to speak on when it comes to that address. First, I would like to touch on the issue of devolution. The President stated that devolution remains one of the best things that we have ever achieved in the country since 2013. He also stated that consequently, Kshs1.7 trillion has been transferred to the counties. It is high time that the funds that go to the counties be counterchecked. This should be done to find out whether they are doing the work they are intended to by giving the services that our people anticipate to be given.

Mr. Deputy Speaker, Sir, I acknowledge that Kshs1.7 trillion is not little money; and it is not just to be misused. We, therefore, need to empower this House so that we ensure that the money being sent to the counties does the work it was intended to do. We also need to empower this House to get its monitoring and evaluation funds so that we can go down there to the counties. This is because the Constitution mandates this House to oversee these funds and countercheck what the counties are doing with it. Therefore, as much as we see devolution receiving funds through the counties, let us ensure that these funds do the work and give the services that they are intended for.

Mr. Deputy Speaker, Sir, delay in the releasing of these funds is what is hampering service delivery in our devolved system. I wish to encourage and thank the President; but when he talks about devolution being achieved, he should ensure that the systems that are supposed to transfer these funds to the lower levels are facilitated in a timely manner. That will ensure the people mandated to serve our people do not incur unnecessary penalties when they use these funds within the shortest time possible, as soon as the funds are disbursed.

Mr. Deputy Speaker, Sir, I thank our President for continuously talking about corruption. This is my second time to listen to the speech of the President, and he has never missed to talk about corruption. Our media has also not missed to mention about corruption, but corruption is happening continuously. The President should not tire talking about corruption. While highlighting on corruption, the Head of State said that it is, indeed, an obstacle which stands in the way of Kenya achieving its intended development projects.

Mr. Deputy Speaker, Sir, corruption kills more people than disease and war combined. It sucks drugs out of our hospitals and endangers the security of our nation. This *kitu kidogo* that we always hear at our borders is because of corruption. We encourage our Head of State to deal with corrupt people in our Cabinet, Government institutions, devolved units and anywhere that corruption seems to be taking root.

Mr. Deputy Speaker, Sir, if possible, we need to pass a Bill such that if you are found stealing, if you are not “scooped,” then you need to go away. You know what I mean by “going away;” you need to just be finished! We do not encourage people to steal. We are always crying, as a country, that money is being siphoned away, and we continue singing about it. Is it a lullaby? No. We need to have policies to take these

people down and erase this chapter completely from our country. Corruption kills development; corruption kills our people; corruption erodes the dignity of our country.

Mr. Deputy Speaker, Sir, the President also talked about the economic growth now averaging at over 5.6 per cent in the last five years. This is an economy where a country is experiencing drought and its people are dying, yet we are saying that the economy is growing. Yes, I am encouraged to hear that the economy is growing; but is it true that it is growing evenly across the country? If the economy is growing, is it affecting all the people in the country positively? I reserve my comments.

I applaud the Government for growing the country's economy. However, it is high time that the country witnessed evenly distributed economic growth across the country. We have people dying as a result of drought, yet some people say that they have supplied food and other services to the Kenyans who are dying. Who, then, are these people who are said to be dying? I thank the President because the economy has grown; but let it grow evenly.

*[The Deputy Speaker (Sen. (Prof.) Kindiki) left the Chair]*

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

Madam Temporary Speaker---

*(Sen. Shiyonga's microphone went off)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Your time is up. The next one is Sen. Were.

**Sen. Iman:** Point of order!

**The Temporary Speaker** (Sen. (Prof.) Kamar): What is it, Sen. Iman?

**Sen. Iman:** Madam Temporary Speaker, yesterday, the Chair said that I will be given priority to speak after Sen. Shiyonga finishes her eight minutes.

**The Temporary Speaker** (Sen. (Prof.) Kamar): That is noted, you have the Floor.

**Sen. Iman:** Madam Temporary Speaker, I appreciate the way we carried ourselves while in the other House during the Joint Sitting and that shows how mature we are. We were calm on our seats but Members of the other House were behaving like students who saw their favourite teacher walking on the corridor. I commend all of us and I thank you for that.

I would like to contribute on the Speech that was made by the President. He talked about the Big Four agenda. He stated some of the achievements by his administration to ensure the success of the Four Pillars.

He also urged Parliament to fast-track the mediation process on the Land Value Index Laws (Amendment) Bill, the Physical Planning Bill, the Irrigation Bill, the Warehouse Receipt System Bill and the Kenya Roads Bill. It is our role as Senators to ensure that these Bills are passed.



The President also talked about the economy. He spoke confidently about our economy after remarks by analysts that the rise in the cost of living is expected to be moderate due to continued fall in food prices which should cancel out any inflationary effects of high fuel prices. He described the economy as strong and said that it is expected to grow at 6.3 per cent in the FY 2019/2020.

His Excellency the President also spoke about devolution. He stated that his administration fully supports devolution which has changed the people's lives. The Senate is the institution that is mandated with supervision of devolution. Therefore, we should ensure that it does not fail.

The President also talked about cohesion between both Houses of Parliament. Like I said before, we in the Senate are more mature than Members of the National Assembly. During the Joint Sitting when the President made the State of the Nation Address, you saw how Members of the other House were behaving, like kids in a candy shop.

The President clearly stated the importance of both Houses to his administration. He stated clearly the roles each House must play in order for him to achieve the promises he made to Kenyans, which are captured in the Big Four agenda. It is paramount for Members of both Houses to cooperate as we aim to improve the people's lives.

The President also talked about housing. He stated his plans for the affordable housing programme which will be achieved through the development of housing framework guidelines. He said that over 175,000 Kenyans have already registered under the voluntary scheme known as *Boma Yangu*. Providing affordable housing will be a legacy for the President.

As of 4<sup>th</sup> April, 2019, there were 186,256 registered applicants. That means that we have over 11,000, if you consider the figure of 175,000. That indicates the President's eagerness in striving to achieve the promises he made to the people of Kenya during the presidential campaigns.

I thank you.

**Sen. Were:** Thank you, Madam Temporary Speaker, for the opportunity to react to the State of the Nation Address by His Excellency the President, Hon. Uhuru Kenyatta. I would like to start off by thanking the President for coming to the House and therefore recognising the people's representatives who are Members of Parliament (MPs). If there were any emotions shown by MPs that day, they actually show or reflect emotions of the people that he leads.

The President told us that the economy is expected to grow at 6 per cent and at the end of 2019 it is expected to grow at 6.3 per cent. However, many people want to see the evidence of the growth. What they are saying is that they are not feeling the growth of the economy. Therefore, the President needs to focus on the micro-economics of this country, so that the *Wanjikus* and *Nafulas* can feel that the economy is growing. As it is now, everyone thinks that we are moving at a bad pace and that the economy is not growing.

One thing that I liked in the President's Speech is what he said about corruption. He said that we no longer have vigilante justice. He said that even as we fight corruption, the laws of natural justice will continue to be followed and that was commendable. I

therefore urge all the institutions concerned in the fight against corruption to do their work as expected.

The President, in his Speech, also recognised that Kenyans are hardworking people in various disciplines. I join him in congratulating Brother Peter Tabichi who was declared the global teacher of the year and Mr. Eliud Kipchoge who is now the fastest marathoner. That shows that Kenyans are hardworking and resilient. As leaders, we should never let them down.

As Members of the Senate, we are the protectors of counties and their governments and, therefore, devolution. The President said that devolution is on course and moving as expected. We are doing much better after just six years of devolution compared to other established democracies. We are an example in Africa on how devolution ought to work.

President Uhuru Kenyatta has been the midwife of the transition in governance and the success of devolution will be a defining moment for his legacy. So, he should make sure that we do not lose focus as far as devolution is concerned. The Senate as the protector of devolution was given recognition by the Executive.

He recognised that both Houses are doing a good job when it comes to passing Bills. I urge the President not to assent to any Bill that has not passed through the Senate because the Supreme Court directed that all Kenyans belong to counties. Therefore, it is difficult to state that a particular matter does not affect counties. There should always be the question of whether a Bill has passed through the Senate before it is assented to.

The President also mentioned that we have passed a number of international protocols. Of interest to me is the East African Community (EAC) Protocol on Cooperation in Meteorological Services. We applaud the Executive for having done that because we are people from the same environment and therefore we experience the same effects of climate and weather changes. So, it is imperative to have a common approach to those issues, something which has been long overdue.

Madam Temporary Speaker, I also applaud the Government for introducing the use of the Identification (ID) Card while travelling within the East African region. Use of the ID card has eased movement and business especially for those who come from border towns. Before, it was difficult. The only issue remaining which is impeding the success of the East African Community is the issue of non-tariff barriers. We look forward to a political co-operation even as we succeed in these other forms of co-operation.

The President also told us that Vision 2030 is on course. In this mid-term of the Vision 2030 we are dealing with the Big Four Agenda which is agriculture (food security), health, manufacturing and housing. I would like to focus on the issues of agriculture and health which are devolved functions. I would urge the Executive to ensure that the funds that belong to the health and agriculture sectors, that are stuck at the parent Ministries, be released so that these functions are achieved.

If you want to talk about housing, you must deal with the issue of land. Where do counties come in, in the administration of land? How do we handle that? If you are talking about manufacturing and how it will create jobs, how do we involve counties in this? The Executive should encourage setting up of cottage industries to reduce rural-urban migration that has put a lot of strain on towns and cities to which people migrate.

Madam Temporary Speaker, health is a devolved function. I would like the Executive to ensure that the Ministry of Health releases funds meant for the health sector and ensures the funds are ring-fenced. For example on the issue of immunization, right now we are facing high infant mortality and maternal mortality rates.

These funds should go to counties so that functions such as immunization, child health and maternal health are handled by counties as is required. That way, when we talk about universal health coverage, we tackle the issue of maternal and child health to begin with. Once we sort that out, universal healthcare becomes achievable in the shortest time possible. Once we sort out the health of a mother and the child, then we have dealt with 90 per cent of health problems.

Madam Temporary Speaker, this afternoon we were talking about the issue of insecurity in our institutions of higher learning. I request that the Executive deals with this issue to make sure that police stations are set up inside or around the universities. This will ensure that our children who go to these universities feel safe both within the university and its environs. I would also encourage the administrations of these universities through the dean of students, to set up proper guidance and counselling mechanisms so that we reduce the kind of violence that we are seeing in our institutions of higher learning.

With those few remarks, I thank the President for adhering to his constitutional obligation of presenting the State of the Nation Address to Parliament.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you. Sen. Ndwiga, you may have the Floor.

Sen. Sakaja, did you press the intervention button or you wanted to contribute? I think you have pressed both.

**Sen. Sakaja:** Madam Temporary Speaker, I was on intervention earlier but it has been overtaken by events. The person I wanted to correct is no longer on the Floor.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Okay. Sen. Ndwiga, the Floor is yours.

**Sen. Ndwiga:** Thank you, Madam Temporary Speaker, for giving me the opportunity to add my voice to the Motion, to record the thanks of the Senate to the speech of the President last week.

The speech was very good. I wish to compliment the President for a good exposition of public policy in that speech. A lot of issues came out such that the country was informed of the developments that have taken place in all sectors of our economy.

While we applaud the Government for good performance in the macro-sector, it is disheartening - as most of my colleagues have said in their presentations since the day before yesterday - that this growth, at most, is not being felt by the common Kenyan. The reason for this is that perhaps as a Government, we need to look at certain policies that guide our *modus operandi* particularly in the manufacturing sector.

Madam Temporary Speaker, I do not know whether you know that we are the only country in the world that allows foreigners to come and invest and to have 100 per cent ownership of the businesses that they are running. That explains why in all sectors and all corners of this nation, one will find foreigners doing things that can adequately be done by locals.

If you go to China today, there is no way you can start a business and own it 100 per cent. You will be required to get a Chinese partner who will own 50 per cent and you own 45 per cent of the business. In the neighbouring countries, it is exactly the same. How are we going to grow our Small and Medium Enterprise (SMEs)?

We can proudly say that we have people who have invested in this country and are assembling vehicles. However, where are the SMEs who are supplying parts and components to these industries? We do not have them. I applaud the Government for its effort in encouraging our young people to join Technical, Industrial and Vocational Education Training (TIVET) institutes and also for paying the costs that are involved in TIVET education. However, we still have many more youth that have been churned out by our local universities who have the knowledge but may not have the expertise. That is what is lacking.

Madam Temporary Speaker, if we want to grow this nation in manufacturing, we have to relook at certain other policies. We have investors who come here to build roads and some are involved in construction. Where is the knowledge transfer that they are leaving back here?

We are borrowing a lot of money; we have borrowed up to the neck in this country. What benefit do we get after the buildings have been constructed and these people have gone? We will still wait for 20 years from today for other foreigners who have more technical expertise to come and start building our roads, railways and buildings, if we want other buildings to be done. That is the sad part of what is currently happening.

What was missing in this speech is emphasis on SMEs. Yes, the Government will launch the SMEs fund in a week or so; that is contained in the speech. However, what is the organisation of our SMEs? Since Independence in 1963, the first President and the first Government of this Republic realized that for us to uplift the local Kenyans, we needed to have a strong and robust Co-operative movement and that happened. That movement carried on and that is how this country grew and got its roots.

Madam Temporary Speaker, during the time of the second Government, something went wrong in the area of co-operative development. When the Kibaki administration came in power, the Co-operative movement was revived again and Co-operatives became robust.

How come now we are burying the same? That is why when we go back to our constituencies we are finding people who are disorganized. We have people in agriculture who do not know how to transform agriculture from peasant farming to business. You cannot do that if you are not together as a group or a Co-operative.

Just look at the funds that we are spending – the amount of funding that is going down to our women and youth groups – look at the organisation on the ground; it is not there. First, we need to realise that we need to get an organised society at the micro level so that we are able to fund those groups to make them economically viable.

In agriculture, yes, we have done well. We have food surplus at the moment, which is true but during this period of drought, it is very disheartening that wherever you visit, particularly arid and semi-arid areas, people are talking of hunger. My Committee was in Marsabit this week and the people told us that they do not have relief food. They

also told us that the Government has not been there but you do not quite understand how. We have two levels of Government now. That is why we have devolution. The Government on the ground is the county government. That should have been the first port of call. It should be the first point of entry for all these complaints.

When you travel around this country, you will hear that people are hungry and they want the national Government to give them relief food. That is okay. The food is there in plenty. All the *ghalas* have food – I am sure and I believe so because I have heard statements from the Cabinet Secretaries for Agriculture and Devolution that we have enough food in the country. Then can somebody explain why Kenyans sleep hungry yet we have all this food? Why would Kenyans sleep hungry yet this Senate has allocated so much money to our county governments?

Therefore, I would like to repeat what I said here when we were discussing the hunger in Turkana. As we are looking for fellows who are draining or killing the economy of this country through corruption, if we hear that a Kenyan has died of hunger anywhere in this country, we should take the governor to jail because we have given them resources. If the national Government has not taken food to your county, go for it where it is. It is in the stores. I want again to be on record; in Mwea, there was some bumper harvest of rice. Farmers do not know where to sell the rice yet people are still dying of hunger. This season there will be another bumper harvest in Mwea. We want the Government to buy all that rice and put it in the strategic food reserve so that Kenyans do not die of hunger.

Madam Temporary Speaker, on the area of corruption, I support the President 100 per cent. One thing that is killing this country is not all this manner of things we are discussing here; but if for every Kshs100 that we produce, we are losing Kshs65, and we are left with Kshs35, how can we call ourselves a nation in a situation like that? We want the war on corruption to be intensified from the top all the way to the bottom, to where our cooperatives are and through the middle class of the civil service. Corruption is not only in Government; it is there even in the private sector. The private sector corrupts the Government. Therefore, we would like to see serious action from the institutions that have been mandated to fight this war.

With those remarks, I beg to support.

**Sen. Ochillo-Ayacko:** Thank you, Madam Temporary Speaker, for giving me an opportunity to record my support for the remarks made by H.E the President. The President made very good remarks, that, as a nation we should listen to keenly and support with all that we are able to do.

The Address started with the issue of the need for unity. We, as a nation, cannot achieve anything or make progress unless we unite against what is ailing us. We cannot get anywhere; in fact, we cannot even be called a nation if we are not united. We would be called, perhaps, different ethnicities or geopolitical regions if we continue doing separationist politics.

Therefore, it is important, as a nation and country, for us to discover the purpose for which we are called Kenya. We should unite in building Kenya and tackle the challenges that we face as a nation so that the outcome, as it is presently, and as it will be in future, is one of optimism. It is important for all of us to embrace the spirit of

“handshake” and unity so that we have a united country where every Kenyan feels a sense of belonging, enjoys being Kenyan, able to work hard enough and benefit from the sweat or product of hard work. That aspect of the Address is very good. I believe that those who have misunderstood the issue of the “handshake” heard it from the President. They should change their minds and support that spirit.

Elections come and go but nations must stay. Elections are actually used to renew nationhood. If you do not hold elections or if you keep on cheating in every election, you may end up with what is happening in Sudan. They do not have a government at the moment because the Government has fled. I think that there are people who are trying to constitute something in the name of a government at the moment. The same thing happened in Algeria and Zimbabwe. We do not want that to happen in Kenya. We do not want elections to be divisive because division pulls us under the very fabric that holds us together.

People must be able to shake the hands of their competitors and say; ‘Kenya must continue’. They should look forward to participating in another election. That aspect of the President Address was very good. We cannot have peaceful campaigns; expend a lot of money as a nation and end up frowning at each another or being hostile to one another. We should not have violence because somebody else became the president and the other one failed to be the president. This is a new chapter in the life of this nation that we should all embrace.

I am happy that the Building Bridges Initiative is trying to find a legal framework to underpin this new philosophy. Elections should contribute to stability of our nation and not instability as has been the case in the past. I fully support the President in his quest to have a united country and a united people for the common benefit of all of us.

The President also talked about corruption. That is something that we should take seriously. Corruption has denied this nation resources that could be used to build the nation and ensure that each and every one of us; able or disabled, male or female, has something on the table. Corruption is the reason as to why there is fierce competition during elections. Those who get into office feel that it is their turn to eat or it is the turn of their cronies to eat or it is the turn of their community to eat. When that becomes the guiding principle, election becomes a matter of life and death. People should not die because of elections though we will all die one day. It is important for us, as a nation, to unite and face the cancer of corruption squarely. We should deal with it as a people who love this country.

We have an elaborate budget which runs into trillions of shillings but what do we achieve with those budgets or plans? All we do get from them are a few faceless people who put the money in their pockets and forget about the poor citizens of this country. As we talk today, money that was intended for Aror, Thwake and other dams has been pocketed by people. Those plans are beautiful but there is nothing on the ground.

The stadia that were to be delivered have not been constructed yet the political class keeps on growing rich every night and day as masses get poorer and continue starving. This is not the logical way of building a nation. It is the worst way of pulling a nation down. If we continue taking public resources and using them for our personal gain instead of feeding the poor, educating the youth and creating employment for those who

want to work and pay taxes, then we will not have money to fund our projects. I fully support the President's quest to have a corrupt free nation.

Migori County, where I come from, is a rich county because it has resources. We have the best part of Lake Victoria. Karungu Bay and Mihuru Bay are in our county and we should have plenty of fish. We have gold reserves that make a few people rich in Nyatike. We have arable land in Awendo, Uriri, Rongo, Suna East, Suna West and Kuria. However, there is desolation and poverty in those places because the resources that are intended to benefit them end up in private pockets.

If we utilised the resources according to plan, we would have self-reliant people; people who can feed, employ and contribute towards revenue generation. However, this is not happening because of corruption. If we do not deal with it, we will probably have no nation, no Senate, no National Assembly or an institution to talk of. All these institutions require public funding and commitment to proper utilisation for us to deliver services to the public.

The President also talked about security. Before we embarked on this Order, there were a number of Statements and concerns about the state of security in universities and other institutions of higher learning. We continue losing our young ones who should be taking over from us because of insecurity. What makes it more painful is the fact that we are losing the ladies.

I want to state that life is given to us through ladies and it is unfortunate that one can kill because of passion or dementia. We should provide security and support to children that needs education in university and tertiary institutions. We should protect and defend them from sexual predators or people who want to exploit them. In Migori County, we lost a very beautiful girl called Sharon Otieno. Unfortunately, the people suspected to have taken away her life are the ones who would be expected to protect her.

It is unfortunate that the strong and those who are mandated to look after our vulnerable ones turn out to be suspect and having plans to kill them. It is clear that the law allows at times for us to defend the ones we love. Looking at the criminal law, we find that it is not a crime to kill in defense of a person we love, particularly family members or property that we hold dear.

Madam Temporary Speaker, I hope that as a Senate and as Parliament in this period, we will have an occasion to look into this. Something must be done to some of these characters who particularly kill college girls. They should not be allowed to walk freely.

If the law allows individuals to defend themselves to the extent of even killing these people, then I think the State must act in haste and get these people out of society. We all need to rest in our homes knowing that our children are safe and nobody would use money or improper influence to lure them out of their productive activities and have them murdered.

With those very many remarks, I support the President's speech.

**Sen. Omogeni:** Thank you, Madam Temporary Speaker, for giving me the opportunity to comment on the Address that was delivered by His Excellency the President on 4<sup>th</sup> April, 2019.

I sincerely pay my heartfelt congratulations to the President for emphasizing the unity of all Kenyans. I am sure that if this Address was being made in the year 2018, perhaps we could not be standing here to give our comments on it. That goes a long way to score the importance of the “handshake” that took place between His Excellency the President and the Rt. (Hon.) Former Prime Minister, Raila Amollo Odinga.

Madam Temporary Speaker, as the President truly said, let us not forget where we have come from. We all know what this country went through in the year 2007. The President cautioned us that we should not take the easier options which will be to divide this country or put us into this idea of us versus them. This will not help us in building a cohesive Kenya that we and the future generations will be proud of.

I urge all of us, politicians, to exercise caution in the kind of language we use when addressing our supporters. Often one watches people speaking in rallies and finds that somebody this country has appointed to be our representative in the African Union (AU) on matters of infrastructure is called names. At times, I hear people referring to him as: “*Yule mganga au mtu wa vitendawili.*” That does not help this country.

We should now appreciate that we want to forget the past divisive politics and move forward as one people because politics will always be there. Elections come and go. We had our elections in the year 2017 which was won by His Excellency the President Kenyatta and the Deputy President William Ruto. God willing in 2022, we will have our elections and we do not know who will win. It is only God who knows who will be the next President after President Uhuru Kenyatta. For now, let us rally behind the President in ensuring that we a united and cohesive country.

Madam Temporary Speaker, the President said that they are looking forward to receiving the report by the Building Bridges Initiative (BBI) team. I know that this team has been going round the country; they have been virtually to all counties. If their findings and recommendations will move us toward amending the Constitution that we enacted in 2010, so be it. If that is what the people of Kenya want, let us not stand on their way. When we receive the findings and recommendations of the Building Bridges Initiatives (BBI), let us remove the politics of 2022 from the sentiments that the Kenyan will have expressed to the BBI team.

Madam Temporary Speaker, there are some things that are worrying about in this country. One is the issue of corruption. You can imagine that ever since devolution came to be, a sum of Kshs1.7 trillion has been disbursed to our counties. However, what is there for us to show for it? Other than some counties that have set the pace like Makueni. I congratulate my former law teacher, Prof. Kivutha Kibwana, the Governor for Makueni County, who has come up with a hospital that takes care of women who give birth to babies. I am just wondering what other counties are doing.

It is a sad case in that in most counties, about 80 per cent of the money that is sent to there, is used for recurrent expenditure leaving only 20 per cent for development. If this trend continues, then Kenya cannot attain Vision 2030. We want to improve the quality of the lives of our people by building hospitals. Health is a devolved function. If we do not use this money to improve our health infrastructure like what Makueni County is doing, then the people that we represent in our counties will get disappointed. They will not feel the impact of devolution.



As people who have been elected to this Senate to oversight devolution, we must continue to remind our governors that the resources that we send to them should be used for development and not convert it to money that they give to their preferred companies. This is what the President reminded us, as leaders, that we need to see value of this money that we send to our counties.

Madam Temporary Speaker, there is also the issue of the rule of law. Corruption is a cancer in this country. In combating corruption, we must also heed the fact that we must operate within the four corners of the rule of law. While I was the Chairman of the Ethics and Anti-Corruption Commission (EACC), I once travelled to Nigeria. There used to be the Chairman of Economic and Financial Crimes Commission (EFCC) of Nigeria, Mr. Nuhu Ribadu. When he was appointed the Chairman of EFCC, he forgot that in fighting corruption, there are some guiding principles. One of it is that you do not politicize the war against corruption.

Two, the war against corruption must be fought fairly. We should not fight corruption through the media because the Constitution we enacted in 2010 gives all of us a presumption of innocence until proven guilty. Until and unless the DPP has received recommendations either from the DCI or the EACC, one must be presumed innocent.

If you go to the Serious Fraud Office in the United Kingdom (UK), they deal with about 10 cases a year. However, you will never see the kind of headlines that we see in this country. Yesterday I saw headlines on Kshs40 Billion Scandal at the Kenya Ports Authority (KPA). In the next two to three months, you will not see anybody being taken to court. In the process, you taint reputations of professionals who are heading these bodies and others.

When they travel outside the country, because of the technology that we have, somebody can search their names from the internet. They appear as if they are being investigated for corruption. That is not fair.

The proper way of fighting corruption is to leave our independent bodies like the Directorate of Criminal Investigations (DCI) and the Ethics and Anti-Corruption Commission (EACC) to do the investigations quietly and make recommendations for prosecutions to the Director of Public Prosecutions (DPP). Once the Office of the DPP approves prosecution, that is when we should have press releases about so-and-so being taken to court because of corruption. It is annoying that whenever you open a newspaper, there is a corruption scandal and people being accused are never taken to courts and charged with any offence. That is not fair.

We should rally behind the President in reminding those who head the DCI and the EACC that they should be professional. They should be fair and not guided by the desire to make headlines in the newspapers because that is not why they are there. They should do their job quietly and we should see results through prosecutions and convictions in our courts of law.

The DPP and the DCI must appreciate that the Constitution that we enacted in 2010 allows each to check the other. If the recommendations of the DCI go to the DPP and they are convinced that the case cannot sustain conviction in a court of law, he should return the file back to the DCI stating that it cannot pass the test in any court of law. What I mean is that the two offices should not operate like they are one and the

same. If that happens, then it means that the independence of the DPP is no longer there. That is not what the Kenyan Constitution, 2010 envisages.

There is also the issue of environment. We are now in the month of April but there is no rain. Our President reminded us that we should take care of our environment. We have had a lot of discussions on what has been happening in Mau Forest but people have introduced politics in it. Now, Mara River has dried up. We no longer have animals that used to cross from Tanzania to Kenya, something that used to attract tourists to Kenya. That should worry us. When environmentalists urge us to protect the Mau Forest, it is not for nothing. If we care about the future generations, we should protect our environment.

If you go to Nyamira, which is my county, people have planted eucalyptus trees right up to riverbeds and most rivers have dried up. Now, water shortage is a serious problem. We have campaigns by chiefs urging people to uproot those trees and we cannot afford to politicise it because it is a matter of life and death. If we do not take care of our environment, we will endanger our future generations.

The other day, I was watching a television documentary and I saw a small group of people that started cleaning Nairobi River which has now turned it into a park. Now, people have parties there because the river has been cleaned. That is the kind of message we should send to our people. I applaud the President on that, and I hope that as leaders, we will take these matters seriously.

I now want to talk about the issue of infrastructure. I hope that the railway network will not terminate in Naivasha but will run all the way from Mombasa to Malaba. When it is extended to Malaba, it should pass through Kericho and Nyamira. We were told that one of the stops will be at Ikonge and we want that to happen.

When the President was campaigning in 2017, he told the people of Nyamira that the Standard Gauge Railway (SGR) will pass through Naivasha, Narok, Kericho, Ikonge and head to Kisumu. So, our people in Nyamira are eagerly waiting for the next phase because we all want to enjoy the network. I am waiting for the time when the President will invite us to take the ride from Nairobi to Naivasha and promise us when the SGR will extend to other areas.

Madam Temporary Speaker, there is a serious problem when it comes to infrastructure. Most contractors do not complete projects they are given on time. I will give an example of a road which is being constructed from Kijauri Market that will pass through Manga, Mecheo and terminate at Metamaywa. That project was meant to be finalised in October 2019 but what has been done is just 30 per cent.

I hope that, the Cabinet Secretary for Interior and National Coordination of Government; Dr. Fred Matiang'I, who was tasked with supervising other Ministries, will push contractors so that they deliver projects on time. There is no point of a person signing for a contract and given money for a project that they are supposed to complete within 24 months but they take about 48 months to complete. That slows the development pace in this country and impacts negatively on the desire to ensure that we attain Vision 2030.

I now want to speak on behalf of the coffee farmers who have been taking loans at high interest rates of up to 18 per cent. I applaud the President because he said that loans

will be affordable. This is so because farmers will be given loans at an interest rate of 3 per cent.

We must continue supporting our farmers by giving them fertiliser at subsidized prices and other incentives, and also pay them on time.

*(The amber light at the Clerk-at-the Table went off)*

Madam Temporary Speaker, I am being alerted that my time is over but allow me to conclude in one minute.

**The Temporary Speaker** (Sen. (Prof.) Kamar): You have one minute.

**Sen. Omogeni:** Madam Temporary Speaker, my final comment was on the National Government Constituencies Development Fund (NG-CDF). There is a report in today's newspaper that over Kshs800 million from the NG-CDF cannot be accounted for. You cannot disburse money, implement projects and oversight them. Our friends in the National Assembly should allow committees that have been set up under the NG-CDF to ensure that the NG-CDF projects are implemented. The role of MPs is to oversight the expenditure. If we continue losing NG-CDF money at that rate, we will not see the true value of the NG-CDF.

With that, Madam Temporary Speaker, I support the Address by His Excellency the President. I thank you.

**Sen. Pareno:** Madam Temporary Speaker, I rise to make my comments on the Speech made by the President during the State of the Nation Address.

Having looked at the Address made by H.E. the President, he used the words "no turning back" almost 10 times. It is really promising considering that it came from our President because we are fighting corruption as a country.

We have had problems with our election systems and the rule of law. The President went ahead to say that the state of our nation is strong and that he will not turn back on what we are doing. I believe that the President is serious when he said that there is no turning back. However, we have challenges of corruption.

As I speak now, we have not received any rains so far. The long rains are not forthcoming, and I do not know how prepared we are. Last time, a lot of money was set aside in anticipation of the *El Nino* rains, and we do not know where those funds went to.

Madam Temporary Speaker, insecurity in the country is on the rise. A young university student by the name Ivy Wangechi was brutally killed the other day. There have been a lot of senseless killings. Our youths are also unemployed. However, I believe that the President's commitment on not turning back on what is gainful to this country is serious.

I remember when His Excellency President Uhuru was the Minister for Finance, he said: "Can't pay, won't pay." However, when he became the President, he authorised payment for the Anglo-Leasing scandal. I believe that this is a new gesture and he is serious this time because he stated more than ten times in his Address that we will not turn back as a country.

Madam Temporary Speaker, the President gave hope to our athletes, entrepreneurs and people in various disciplines, including our teachers that there is no

turning back for a better future in this country. The peak of it all for me was when the President said that there will be no turning back on the Building Bridges Initiative. This is a process that I really appreciate. I recently told the Chairperson of the Building Bridges Initiative that he has a chance to give this country a turning point. Whatever the Building Bridges Initiative team will resolve, it will give a chance to redirect this country to the right direction.

I believe in the support that the President Uhuru Kenyatta and the ‘people’s president’, hon. Raila Odinga, have for the Building Bridges Initiative. We believe in them and if this support continues without turning back, this country has a bright future. I recently made a presentation before the Building Bridges Initiative team and told the Chairperson that although the Senate is coming up with a joint presentation, personally, if they dealt with corruption and ensured that there is inclusivity for Kenyans to feel that they belong, they would have sorted out the lack of bridges in this country.

Madam Temporary Speaker, it is encouraging to hear the President say that there will be no turning back on the Building Bridges Initiative. I believe that by the time the Building Bridges Initiative team completes their job, they will give us a new structure of governance in this country, to enable us have total inclusivity in whatever we are doing. I laud the President for supporting the Building Bridges Initiative and for his strong defense of the “handshake”

Madam Temporary Speaker, the President talked about unity and cohesion several times in his Address. Without unity and cohesion, we cease to exist as a nation. I am happy that the issues that matter came out strongly in the State of the Nation Address. I would like to applaud the President for saying that he has heard the cries of our people and will ensure our concerns will be looked into. Some of us feel that we have been left out in the country’s development. The President has also heard our cry with regard to corruption which is draining our country dry and the need to have it stopped. If the President has heard our cry, I am sure that his promise to Kenyans regarding their hopes and aspirations will be met, and we will go places.

Madam Temporary Speaker, the President wants to leave a legacy of a good nation having served us for two terms. Going by his State of the Nation Address, he stated that he shall not turn back on devolution, the fight against corruption and issues that touch on health care and education. This means that he will complete these tasks. I applaud the President and believe that he will not turn back. We will rally behind him and ensure that there is no turning back and whatever is required shall be done.

The President said that we will fight our enemies from within and without. Who are our enemies from within? Those that support corruption, non-inclusivity, discrimination and tribalism are our enemies from within. Those who do not support the Building Bridges Initiative are our enemies. Whoever does not want a bridge between me and my brother or sister is the enemy from within. I am happy that the President said that he is not turning back on fighting the enemies from within and without. Mr. President, fight them; we are with you.

Madam Temporary Speaker, I have a lot of attachment to the East Africa Community (EAC) integration. The President echoed what the President of Uganda, His Excellency Yoweri Museveni, said when he visited Kenya recently. However, I am so

disappointed with our partner states. I am not saying that Kenya has failed, but the majority of our partner states have failed to support the integration process. It is just business as usual. When we went for the East Africa Community (EAC) Inter-Parliamentary Games that was held in Burundi in December, the East African Legislative Assembly Secretariat that is in charge of planning the games was absent because they lacked funds to travel to Burundi. We were informed that they were waiting for emergency funds from a partner state to save the day, so that they could participate in the EAC Inter-Parliamentary Games.

Madam Temporary Speaker, I sought to know how much the partner states had given. I learnt that by that time, Burundi had not paid anything, Kenya had made 80 per cent of its contribution and Rwanda 12 per cent of its contribution. I am appealing to our brothers in Rwanda to do better. They used to do so well by making their contribution on time. What is happening? Why are they lagging behind in terms of contribution?

By the time we went for the EAC Inter-Parliamentary Games, South Sudan had not made any contribution. I do not know how much they have paid by now. The United Republic of Tanzania had not made any contribution to the EAC. I questioned the Chairperson in charge of the planning of the games on how he could be with us at the meeting, yet his country had not paid up what is due to the EAC. Uganda at that time had made 32 per cent of the contribution, yet that was in December. Given that the financial year was just about to end, the partner states should have been halfway through in terms of making their contributions.

Somebody somewhere is sleeping on their job when it comes to the integration of the EAC. Our brothers and sisters cannot keep on saying that we are building the integration process when we are not making contributions. There are processes that had been proposed that we even give alternative source of funding. The Summit, where the President sits, was supposed to give directions on the alternative source of funding.

Madam Temporary Speaker, I am happy that the President talked about the EAC integration. However, I am not happy about the pace at which the contribution is being made. We need the President to come out strongly on the EAC integration; noting that this is part of the backbone of our economy.

Finally, Madam Temporary Speaker, on devolution, the President told us that from April 2013, more than Kshs1.7 trillion had been sent to the counties. We are not happy as the Senate, because a lot of this money is plundered in the counties. We are overlooking on this, but we would want to get more support, especially from the President on the mandate of the Senate. If only our President can stop signing Bills that come from the National Assembly that have a bearing on devolution and the Senate mandate, then we will sort out the sibling rivalry between us and the National Assembly.

I want to assure the President that we, as the Senate, support devolution and we are the protectors of devolution. However, we are asking him not sign Bills that have not passed through the Senate when they are supposed to have passed through it. That way, our mandate will be protected and we will support him on devolution, as the Senators.

Madam Temporary Speaker, I beg to support.

**Sen. Sakaja:** Thank you, Madam Temporary Speaker. I also wish to record my thanks to the President of the Republic of Kenya for his exposition of public policy,

popularly known as the State of the Nation Address that was delivered to Parliament just the other day.

Madam Temporary Speaker, it was an interesting speech, if you look at it critically. It came at a time when there were expectations from one side, and reservations from the other side. I never thought or imagined that, at any one time, leaders who have taken oath to protect our country, its Constitution and to be stewards over the public would be so visibly divided on the fight against corruption. I believed that, that signals a tough time for our country where we look at even the most basic things through political lenses, including safeguarding this country.

Madam Temporary Speaker, let me start on the issues of the unity of Kenya, because according to the law, that is the first thing that the President is supposed to talk about when talking about measures taken and progress achieved in the realisation of national values and principles of governance. This is as espoused in Article 10 of the Constitution. I am glad that the President affirmed resoundingly his commitment to the Building Bridges Initiative (BBI), popularly known as the ‘handshake.’

For close to fifty years, this country has been divided down the middle. We have looked at each other, not based on the content of one’s character or what they believe in; but the first thing we have always asked is what community a person comes from and what their surname is. There is nothing more important at this time for our country than the unity of our people. We, as political leaders, are to blame all the way from Independence to date because we have divided our people. We have made people look at each other and make political choices, not based on merit or content, but on what we call the ‘*mtu wetu*’ syndrome. That must change.

Madam Temporary Speaker, we are a beautiful country with so much potential, and we should actually be leaping. We are at the cusp of greatness, but the one thing that has held us back in this country has been tribalism. I remember a few days ago, when we were vetting the Inspector-General (IG) of Police, Mr. Mutyambai, that shade of our public life came to the fore. Normally, Members of a Committee sit – and this was a Joint Committee – and we are also allowed to have friends of the Committee attending. I pointed out that it cannot be a coincidence that the only Members who came as friends of the Committee from both Houses, coincidentally also happened to be from his community. There was no other friend of the Committee from any other community.

I asked him to affirm that when he becomes the IG, he will not be a Kamba IG. Yes, you come from that community, and we are proud of our cultural heritage; but even if you do not think in a tribalistic way, your community can then come and surround you. Then, before you know it, when we come to see you in your office, the secretary and driver is from your community; the promotions and certain departments are for members of your community. That is what we are used to in this country. Many of us, in this House, have Personal Assistants (PAs), drivers and secretaries are from our respective communities. It is as if that is the most important qualifying aspect. We must change those things.

Therefore, Madam Temporary Speaker, in as much as the President affirmed the BBI and his endeavour to correct the wrongs of the past, we are saying that it has now been a year since the handshake. We want to see actionable interventions. We want to see

not just the rhetoric, but the action from that Committee. We want to make sure that in public places and in public offices in this country, we ban the speaking of vernacular.

Sometimes I am sympathetic to the words of President Moi, when he said that these radio stations and moving into our tribal cocoons will divide us more than unite us. I have been attacked severally for that position, but it is my position. In as much as we want to listen to Kass FM, when you leave your car after listening to it, do you feel more Kenyan or more Kalenjin? When you listen to Kameme FM--- I have gone to those stations and, in fact, during the campaigns, I had an advertisement in six of our ethnic languages. I can speak a few paragraphs of these languages. Therefore, when you listen to those vernacular stations, do you feel more Kenyan or do you feel more of your community? We must identify and create an identity that supersedes that of our communities.

Madam Temporary Speaker, the reason why we are so tribalistic is that we have not been able, as a country, to define what the Kenyan identity truly is. That is why we move to the least common denominator such that even from those parts of the country where everyone is from the same community say, for example, North Eastern, they move to the lowest common denominator and now it becomes clannism. But then ask yourself what it means to be a Kenyan or a person born with heritage in this country, unless we define it for our people, then they will always go back to that cocoon.

Madam Temporary Speaker, does Kenya mean more to us? Is it that we were just stuck in these 582,644 square kilometers and we must get along? Is it that we have communities that are so different that there is no higher ideal? The late President Julius Nyerere did it in Tanzania. I have been there many times and Sen. Pareno has been there in the East African Legislative Assembly (EALA). Even in the most remote villages, inside a matatu, you will not hear anybody speak in their ethnic languages. Why is that so? It is because of what it does in case there is somebody who is not understanding that language. We must bring our country together.

The challenges we face across this country are the same. A mother in Nyeri will feel the exact same pain when she cannot feed a child that a mother in Kajiado will feel. A father in Luo Nyanza in Kondele, Kisumu, will feel the same amount of shame and pain when he has to give up his daughter to a life of prostitution that a father in Kilifi County will. We have more that unites us in this country than what divides us.

Madam Temporary Speaker, I am glad to be the Senator for Nairobi City County, where we have all these communities. I keep telling my people in Nairobi that there is no problem that faces the Kikuyu that is different from that which faces the Kamba. There is no pothole that is for the Luo; there is no shortage of water that only affects the Luhya. In fact, for us, we have said that we have only two communities in Nairobi; the haves and the have-nots; the rich and the poor. We must rally our people around that realization; that we will not go forward unless we deal with that issue.

Madam Temporary Speaker, many times, I have told the President, yes, you have done a lot in terms of hardware; we have electricity, we have seen many parts of the country being connected to electricity; and we have seen the road network expanding. He has brought the Standard Gauge Railway (SGR); but that hardware cannot hold us together as a country. The 100-year-old railway was uprooted in less than three hours in

Kibera during the 2007 post-election violence. Unless we built the software that drives us – the software starts with unity, a Kenyan identity and a people proud of themselves, that, I do not look down upon you because you do not speak the language I speak; that, I will not choose a political leader because he comes from place – that does not mean that he will deliver.

So, we are standing behind the President in the Building Bridges Initiative. When it began, I kept saying, why is it that it is only old people involved? Why is it that the youngest person there is, maybe, 50 or 60 years old yet the majority in our country are young people? I told myself that is the wrong question to ask. Young people will stop being asked to be involved. They will realise that every generation has its cause and season.

The season and cause for the young people of this country, and I am proud to be one of them, even constitutionally, is to unite this country. Every time this country has needs to be taken to the next level, it has been done by the young people. In the 1940s and 1950s moving on to the 1960s, it was the young Thomas Joseph Mboya in his 20s who went around this world negotiating the Piccadilly Constitution, the Lyttleton settlement up until Lancaster.

Mwai Kibaki was 32 years old when he was the executive director of KANU. All of them were young. They did not have the facilities and conveniences we have today of *WhatsApp* Groups or telephones. They did not have television sets to follow what was happening but because they were so sure about what their generation had to do, they spanned the length and breadth of this country and got us independence. They were united. Both parties had people from all communities. Something went wrong down the way.

Fifty years later, again the young people will unite this country under the leadership of our President Uhuru Kenyatta, Deputy President and former Prime Minister. We want them to work together. I urge my colleagues, because it is a great disservice for us to bring politics into Building Bridges Initiative--- The intention of building bridges was not political. I know it. I have sat down with the former Prime Minister and the President. Theirs is not political. So, people should stop putting political glasses onto this issue of building bridges. We must unite our country if there is nothing else we will do.

The second issue is corruption. The President was very clear. The fight against corruption must go on. It must not target any community. He said it is not targeting any community or individual. In fact, the other day, a journalist asked me, do you think the fight against corruption is targeting some people? I said, actually, yes. It is targeting thieves. So, if you are a thief, you run scared but if you are honest in your dealings in public life, please support this fight because you are snatching away the future from our own children.

The President should know that, yes, you do not want a vigilante way of dealing with it, mob justice. There is the legal issue – you are innocent until proven guilty, you go to court – but Mr. President you also have intelligence. Someone should not serve in your Government if you know for sure that they are stealing. We know the thieves. Satisfy them and let them – the same way when you appointed them, you asked no one. You did



not ask us. In the same us, show us, get rid of it. Kenyans are suffering. They are feeling that their personal lack of opportunities is because of a corrupt few. Fire them and let the justice system go on when they are outside your Government. Do not sit in the cabinet with people you know have stolen from Kenyans. Do not hire parastatal heads that you know have stolen from Kenyans. Do not do it Mr. President – I am sure he is listening. You cannot do the same thing the same way and expect different results. It is high time we upped the ante in the fight against corruption.

On the economy, the President said the state is good. He says that when you look at the numbers but when you look at the actual lives of Kenyans, they are feeling the pain. This country has been at war with its SMEs. We need to change that narrative. The other day we had small traders from Nairobi – Nyamakima and Kamukunji – who asked why the national Government is only sitting with KEPSA – the blue collar and white collar business people yet the bulk of our economy is driven by SMEs. Every day, they are being chased left, right and centre in this city in the name of dealing with counterfeits. How do you tell somebody that they are selling a counterfeit *vuvuzela*? What is the original *vuvuzela*? Surely, a counterfeit duvet; but you are protecting big businesspersons at the expense of Kenyans, our young people. Every day, our small traders are being harassed. We look at them as a scourge that needs to be dealt with.

The other day, a governor was driving by and insulting them yet they are the backbone of our economy – our *mama mbogas*. The same governor is supposed to be providing space, opportunities and sheds for them to ply their trade. We would not develop if we only think about the big person in this country. The small person, the ordinary *mwananchi* want someone to fight for them and I believe that is will be this House.

*Boda boda* operators are seen as criminals. They are chased everywhere yet we are saying the rate of crime is going up. Today, if somebody rides a *boda boda* into this town, they are arrested and asked to bring Kshs30,000 to get it out. What are we talking about? I have just spoken about the issue of Uber drivers in this country. I have been to the US, I have used Uber, and other applications in London, and even when you receipt you see the tax that has gone to the Government. We are not getting a shilling but immediately you get into cab, 25 per cent of whatever you pay will go to the Netherlands.

We must change that. These drivers are not sleeping. They work more than 12 hours a day and we are asking ourselves, why are accidents going up? You cannot have a minimum base fee of Kshs150. I gave an example the other day. *Mheshimiwa* Mwaura knows the Thika Road Mall (TRM) very well. He lives around that side. If you take an Uber from TRM to the United States International University (USIU) as a student, five of you will get inside there, you will pay Kshs50 each because it is Kshs200 or so. What happens to the person riding a *boda boda* whose charge is Kshs150? Even after charging you that, they cannot afford to service those loans – 2,500 Uber taxis were auctioned. Those who went to take them also still put them into taxi business. We will not allow that exploitation. Even if the drivers are listening, we will not let go of this issue. We have a competition authority in this country. There must be minimum rates that take care of both the consumer and the business person.

We have forgotten that sports is a frontier for economic development. We talk about the economy and forget that sports and the arts, music – we must make sure we have the minimum quota of 60 per cent local content. For example, a child in Nairobi today or wherever in the country, thinks that all the talent comes from Alejandro in Mexico and from Nigerian music. We are not playing Kenyan music. It must be played – television and radio stations must pay royalties to our artistes because that is a frontier for the economy. Not everybody is book smart like you Madam Temporary Speaker. Some of them are artistes and we must encourage them. The other one is our sports people. I am glad that in Nairobi the county government is building Dandora Stadium, well done! Governor Sonko gets some things right. I am telling them to move also to Woodley grounds in Kibera, Kayole and Kawangware and let us give these young people facilities as we did in Kamutoyo when *Mheshimiwa* Benson was the MP.

*(The red light was turned on)*

I know my time is up but I just ask for one more minute because there is an important point touching on my Committee that I have not touched on – national security.

**The Temporary Speaker** (Sen. Pareno): I will add you two more minutes.

**Sen. Sakaja:** Thank you, Madam Temporary Speaker, for your kindness. We have spoken here time and time again about extra judicial killings. Being a young person in this country or in Nairobi should not be a crime. I know of more than 30 boys who have disappeared. If they were criminals, the criminal justice system should have taken care of them. We must have co-operation between the police and the community. I am glad that the Inspector General said that he is going to work on that.

Our girls are being killed. Ivy Wangechi was killed the other day. There is insecurity in our universities. I lost a friend of mine called Ocs Ragira who vied for Kilimani Ward because of the activities in Club 36. If you have been to the University of Nairobi, you should know about Club 36. We have goons in our universities and we must protect our students. The deaths of Sharon Otieno, Monica Kimani, Lucy Njambi, Lydia Nyaboke, Fiona Kisuya and Grace Wanjiru should not be in vain. We cannot have a society that has accepted that young girls can be killed in such circumstances.

We will work with the national Government and the county governments to build the Kenya that we want. However, we cannot build that country unless issues of tribalism and corruption are dealt with. We need jobs for our young people. Unemployment rate is high and the biggest threat to security is disengaged and disillusioned youth. It is not Al-Shabab but young people who have degrees but are sitting in jobless corners. It is the house girls who have diplomas but are being paid a wage that is below minimum and the watchmen. I am the patron of the 450,000 watchmen and they get Kshs6,500 or Kshs5,000 yet people pay the security companies Kshs50,000. We need justice in this country and we must raise the voice for the common *mwananchi* who is almost giving up today.

With those many remarks, I chose to support the speech of the President.

**Sen. Wario:** Thank you, Madam Temporary Speaker, for giving me this chance to comment on the President's State of the Nation Address that he delivered last week.

The speech was interesting. The President talked of the achievements and activities that the Government has undertaken. However, the achievements are threatened by corruption and that is not good for us. Corruption has impoverished Government and the private sectors. Therefore, we need to rally behind the Government and our beloved President in the fight against corruption.

We are undergoing a long spell of drought which has made nomadic people to move from one place to the other in search of water and pasture. I was in Marsabit two days ago together with the Committee on Agriculture, Livestock and Fisheries. People in Marsabit told us that there are people who are going without food because of drought yet the President told us that the Government has enough food. I do not know what the problem is. Could it be the distribution of food? We were told that there is food yet some of our people do not have food. It is bad for people, in this country, to go without food for the whole day. We should check if the distribution agents are the ones who are failing the Government and if the problem is not with them, we should find out what the problem is because the President assured us that there is enough food.

The President also talked of the handshake and the Building Bridges Initiative (BBI). We do support the handshake and we do not want gaps between Kenyans. Instead, we want bridges to be built and we should embrace each other in order for us to have one Kenya.

The President assured us of security. It is good for the Government to ensure that there is security for the citizens and their property as enshrined in our Constitution. He also told us that the Kenya Defence Forces are defending this country. Many people who have joined the radical groups and terrorists have turned wild. It was good that the President assured us that there is a strong force that can fight those groups. The terrorists have shown us that they are not from one ethnic community.

The President stated his support for devolution, fight against corruption and he also said that he will unite Kenyans and for that reason, I do support his speech.

**Sen. (Prof.) Kamar:** Thank you, Madam Temporary Speaker, for giving me the opportunity to join my colleagues in contributing to the exposition that was given by His Excellency the President, during his State of the Nation Address.

I would like to thank the President for delivering a speech that focused on unity of purpose and unity of the nation. He did set a good tone for this House because the tone between our colleagues improved after that speech. We thank him for bringing everybody together.

He touched on a number of things but I will just pick on a few because of time. The President urged this House to fast-track mediation of the Bills that are before this House. I want to join him by telling our colleagues, who will be in the mediation Committee, that it is important for us to move this country forward. For that to happen, we have to work with our colleagues from the other House so as to ensure that the Bills are moved faster. Reaching a deadlock and coming to mediation is no crime for it is provided for in our Standing Order. It is also important for us to have a common understanding between the two Houses though I know that some issues that arise which are not understood. I would like to join my colleagues in asking the President not to sign a Bill that has not gone through proper mediation between the two Houses, or touches on

counties but has not come to this House. This is very important because the structure and the presence of the Senate is meant to protect the interests of the counties. Devolution is here to stay. It is very important for us all to ensure that it succeeds in the right manner and that the devolved units receive the right resources.

Madam Temporary Speaker, you and I have been in the East African Community (EAC). I am happy that you have outlined the commitment or lack of it from our partner countries. I want to laud the President for being on the frontline when it comes to African Continental Free Trade Area Agreement (AFCFTA) Agreement.

I say this because sometimes the smaller units can create problems because we have very few people yet, we must have a quorum of all the six countries. There are always challenges when there are disagreements or suspicions and one partner State lags behind. When one partner State has suspicions about the other countries and lags behind, the fact that the EAC has few member States does not help; instead it becomes an impediment. It is good that our Head of State is at the forefront as far as the AFCFTA is concerned.

I lead a delegation of this House to the African, Caribbean and Pacific and the European Union Parliament (ACP-EU). The AfCFTA took place in Rwanda at the time when we were in our ACP-EU Parliamentary Session. It was so exciting for the African groups and was highly supported by the Caribbean, Pacific and also the EU that this is the way Africa should go.

This is very important because the fragmentation of Africa has reduced the impact that Africa would have had in the international activities right from trade negotiation to any other relationship. Bringing Africa together and having free trade will be very important.

Madam Temporary Speaker, one of the other things that have been disturbing us, as the African, Caribbean and Pacific (ACP) Group is the prohibitive cost of travelling between African states. We have somebody travelling from Senegal and coming to Kenya but cannot come directly. He first has to go to Europe in order to come to Africa. However, a free trade area of the African continent is going to stop this because we will be able to move freely and have free air space for our airlines, Kenya Airways included and all the other airlines. This is a very important step and I feel proud that Kenya is at the forefront as far as this one is concerned.

Madam Temporary Speaker, I again laud the President for the approach he has given the Big Four Agenda in his Speech. Regarding the Big Four Agenda, I want to concentrate on the agriculture sector because I come from an agricultural county. We are producers of food in this country. I am happy that the President noted first and foremost, that agriculture is the largest employer in this country and that it provides employment for 60 per cent of the total employees in this country.

This means that it must be looked at differently. This is the sector without which we will have a lot of unemployment. If we do not promote agriculture, it will cost us both food and economic security. The problem is that when people cannot be employed in the agriculture sector this 60 per cent will be idle and wondering what to do. We know that the easiest thing for them to do is for the devil to occupy their minds and they go roaming around, robbing everybody. It is good that it was noted.

Madam Temporary Speaker, I was also happy with the reforms which the President proposed. He stated very clearly that going forward the reforms in the agriculture sector will be farmer-centric and will be focused on reducing the cost of food. This is extremely important because the cost of production in Kenya is very prohibitive. We found out through a Report that came to this House that maize farmers are not very sure how much they are going to plant this year notwithstanding the fact that the rains have reduced. They are asking themselves how they can invest money which they do not have. They have had problems with AFC loans because the interest rates have been very high and now they cannot even borrow from anybody. Banks cannot give loans to these farmers because even farmers who are aggregators, including aggregators from Moiben in my county, were called cartels. They have not been paid and have been taken to court.

They are moving in circles even when we know that they are extremely innocent. They never went to Uganda. We produced in this House the list of those who imported from Uganda and none of them was involved. We produced the list of those who imported from Zimbabwe, Mexico and other countries but none of them was in that list; yet they are still being tortured and tossed up and down.

Madam Temporary Speaker, I am glad that the President wants the new reforms to pay attention to the farmer, reduce the costs and be able to give value-addition.

My call is that it is good sometimes when we have problems such as we had last year over the production and the problems that the National Cereals and Produce Board (NCPB) had because we can now look at the issues in a very sober manner and be able to rescue those who are suffering innocently. This is because we have many farmers who are suffering innocently as we are talking in this House.

One of the other issues that came out of this was increasing agricultural value-addition. Value-addition is what is helping people in the agricultural sector worldwide. The problem in Kenya is that we sell our produce raw, including exporting tea that has not been packaged properly.

When you go to the shelves you will find Kenyan tea being called English Breakfast Tea and Earl Grey Tea. The reason is that countries that do not have this produce are doing value-addition, creating jobs for their people and branding that which is ours. Value-addition is very important. We need to reach a point when this country will say enough is enough and that anything that has not been value-added will not leave the country.

Madam Temporary Speaker, this is very important because even in the ACP that I sit we talk about trade between Africa and Europe. Europe normally says that they want us to export anything to them except arms. However, we cannot export potatoes because they will get spoilt along the way. We can add value and convert the same potatoes into flour. I lived in Canada where they import potatoes that have been dried and grind them into flour. We will be able to export to any of these countries.

We need to add value and I hope that the Minister for Agriculture, Livestock and Fisheries will pay attention to the paragraphs that the President outlined and support the farmers to add value. Notwithstanding the fact that this is a devolved function and we are expecting our governors to also pick from what the President said and help the farmers add value.

Madam Temporary Speaker, the President also talked of offering incentives to farmers. This is what we said in our Report. I hope that as the President has given the Committee and the Cabinet Secretary the leeway to come up with bold and transformative interventions to revive the agricultural sector and make it sustainable, that they will read the recommendations that went through this House. The recommendations that went through this House will capture all these areas: Cost reduction, increasing agricultural value-addition and offering incentives. This House gave a lot of very strong recommendations. If they really read this Report they should be able to add value to their own report and be able to give very bold and transformative interventions.

Madam Temporary Speaker, one of the incentives that this House agreed unanimously on is the return of the Guaranteed Minimum Returns (GMR). Since Independence up to 1970s when I was in the Ministry of Agriculture as an agricultural extension officer, farmers whose crops were destroyed as a result of nature such as drought and late planting used to get GMR. Only God knows what we are experiencing now and we do not know if we will get rain on time. That meant that when a farmer planted but did not get what they were supposed to get, the Government was supposed to compensate them. For that reason, I am happy that the President talked of a revolving fund for coffee farmers. I urge the President – I believe the President is listening – that we need a revolving fund for maize farmers.

We made a recommendation in this House that the grain sector requires a revolving fund where farmers can borrow money and return. We should not have the kind of loans that they get from the Agricultural Finance Corporation (AFC) because those loans have made farmers to go on their knees. Farmers will go nowhere if the AFC continues to operate in the same manner. If we get something close to what is being proposed for coffee farmers, it will help the farmers stand on their feet again.

Gone are the days when farmers used to buy brand new tractors, lorries and vehicles for themselves. Now, they depend on middlemen because they cannot afford the cost. That is a shame because without the farmers, there is no food security.

I appreciate the fact that water pans are being encouraged for irrigation. However, before we do irrigation, we need to use the agricultural land that we have prudently and make sure that we protect our farmers.

Finally, Madam Temporary Speaker, many have talked about development versus security but security is vital. Two days ago, we lost a beautiful girl who was a student at Moi University and that is extremely sad. Sen. Sakaja has provided a list of the number of ladies that we have lost and it is important that the matter is investigated properly. We need to pay attention to our institutions. We do not know whether the young man who killed the lady was also a university student and whether they had been friends. We should protect our youth because if that continues, we will lose many of them. I would like to send my condolences to the family and Moi University which is in my county for what happened because we have lost a dear life. The most important thing is to ask ourselves is how we should protect our students.

The other day, a report from a research firm stated that Kenyans are among the happiest people but recently there was also a report that we are among the most depressed people. How did we shift from being among the happiest to being among the most

depressed people? If we are among the most depressed, we should ask ourselves pertinent questions.

It is important to ensure that there are counselors and chaplains in our institutions, so that our youth know how to protect themselves. The truth of the matter is that we need more than just the chaplaincy and counseling. We need to start training our students to know how to protect themselves against real and unsuspecting enemies who are their friends but may take advantage of them. It is sad that we lost a doctor in the making. That was somebody who was to graduate in December. That has denied this country a doctor.

With those remarks, Madam Temporary Speaker, I beg to support.

**The Temporary Speaker** (Sen. Pareno): There is no further request to contribute. Therefore, I call upon the Mover to reply.

**The Senate Majority Leader** (Sen. Murkomen): Madam Temporary Speaker, I thank all the Senators who have made contributions this evening. I also appreciate ingenious suggestions from different persons in this House. Many Senators have reiterated what the President said, that there is need for uniting the country and having role models like Eliud Kipchoge.

It is important for us here to continue recognising that the Government of President Uhuru Kenyatta has done its best to support the sports sector. I do not think it is accidental that our national team, Harambee Stars, will play in the Africa Cup of Nations (AFCON) after a long period of time. We must realise that there was a lot of investment towards that. You will remember that the Deputy President, on behalf of the Government, promised that players would be given Kshs50 million if they qualify for AFCON and I am happy that the Government has delivered that promise this week. It is important for that to happen in other sports also.

I am concerned that the Rugby Sevens Team which has made this country proud for a long period of time is doing badly at the moment and part of the reasons is because of politics of the Rugby Union (RU). I hope that the issues will be sorted by Amb. Amina Mohamed and her team in the sports sector.

We should continue investing in athletics because, like I said, in most cases, we reap where we did not sow because training facilities do not meet the standards. The explanation by the Government on having not constructed stadiums is because there are no consistent sources of funds. Now that the National Sports Lottery Fund was established and Kshs2 billion has already been collected, I hope that construction will commence.

Medium-sized stadiums such as Kamaring Stadium in my county and the ones in Eldoret and Kapsabet should be completed. We also have other stadia in Kisumu and Mombasa among others in this country. I am happy that Meru County Government, in conjunction with the national Government, completed theirs. The County Government of Kakamega also did a good job in construction of Bukhungu Stadium, a field that I have played in.

On the question of incentives and working with the international community, many people have criticised the Government about how it has been handling international relations. The former Minister of Foreign Affairs, Hon. Wetangula, spoke at length about that.

Someone questioned why the President proposed to give land to Uganda to construct a dry port in Naivasha. People should recognise that a big percentage of the cargo that is cleared in the Port of Mombasa is destined to Uganda, Rwanda, Burundi and the Democratic Republic of Congo (DRC). It is important to look at the bigger picture when we give incentives to our partners. The fact that they will be using our Port and the SGR, that will create a lot of employment in the country, something that will improve our economy. So, we need to spend time to think through some of the strategies so as to appreciate the importance of regional integration.

I agree with the President that our diplomacy must lead to more investments in places like South Sudan where we have invested a lot in terms of diplomacy and peace building. That should also be reflected in Somalia. We should not fight with Somalia because it is a country that we have helped for a long period of time. We bore the brunt of bad things that happen in this country because of our proximity to our neighbour and hosting refugees especially at the Dadaab Refugee Camp. That is an area we need to invest more and I believe the Ministry of Foreign Affairs is doing everything possible.

I do not want to question the wisdom of appointment of ambassadors to various countries. However, a lot of effort must put in investing hard negotiators and good diplomats that will spend a lot of time opening doors for Kenyans in the region, particularly when we have situations that we do where people have suspicions about a country that is doing better economically than the neighbours. It is important for us to have good diplomats that are able to do both soft and hard diplomacy.

Madam Temporary Speaker, a lot has also been said about the Building Bridges Initiatives and the unity that is anticipated in this important process. The President addressed it and said there is no turning back in uniting the country. Of course, there is no turning back in uniting the country. However, I do not agree with people like Sen. (Prof.) Ongeru who, in his submission, said that some busy bodies are questioning the handshake and the Building Bridges Initiative. There is no busy body in this country. There is not even a language for calling anyone busy body in this country.

I have said Kenyans must learn to live with criticisms. Governments, institutions, processes and programmes like the ones we have, become better when you have people who can look at it from a different view. The Building Bridges Initiative is good to the extent that every citizen of the Republic understands. Just the same way many Kenyans have said the National Integrated Identity Management System (NIIMS) programme has not been understood by many Kenyans. As a result, some people have said that this number represents a demonic number, it is meant to steal secrets from individuals and so forth.

Madam Temporary Speaker, it is important for us to ensure that everybody is involved in the Building Bridges Initiative. As long as it will be a process that is us versus them; as long as some people are still happy to say that the thing is secret and private, then we might not go far with it. Imagine both sides of the political divide; nobody knows exactly what the Building Bridges Initiative is. Nobody knows the details required for a leader to explain to citizens where we are going with the Building Bridges Initiative. When some people question it and they are told not to involve themselves as it is an exclusive relationship of the President and the former Prime Minister, if it is



exclusive, then let it be exclusive. However, if it is for Kenya, it is important that all of us get involved.

My personal contribution to this information is that it must get out from the President and the former Prime Minister, being personalised and from being in a cocoon, that the Building Bridges Initiative team are doing things that are not understood by Kenyans. That way, when the product comes out, it is as good as the process. If the process is good, the product will have the legitimacy to be welcomed and accepted by Kenyans. It is important that we start speaking on the process. If we do not say these things, we may not be able to go where we are going.

Madam Temporary Speaker, I heard my friend, Sen. Mwaura who was here, suggesting that in the Building Bridges Initiative, we should create more executive offices so that we can share among communities. I know for sure when they said that we create another five positions to be shared among communities, your community was not in the mind of the Senator. We have 43 communities. When we talk about positions being shared among communities, it is always about the communities that have the biggest numbers. That is Kikuyus, Kalenjins, Luhyas, Luos and Kambas. Now, if we start creating positions for communities, we are the ones who are perpetuating the narrative that this country can only be united if the big tribes can get the satisfaction of some sort in Government.

Madam Temporary Speaker, there is a narrative that young people of this country want perpetuated, the one that says that we must build a nation and institutions. To them, our political mobilisation should not be based on our communities; that you will not be judged by the community that you come from and its population; your second or last name or who your mother or father is. We should have a country like other countries in the world where a person from even the smallest community will have an opportunity to lead this country. If that narrative will be perpetuated that unity of this country can only be achieved if the big five communities--- We are missing the point.

There should be no “big five” in this country because a Kikuyu who is suffering in Mukurwe-ini does not benefit from the collative numbers of the people of his or her community. He or she is just exactly the same as a Luhya somewhere in Navakholo, a Marakwet somewhere in Tot or a Taita in Holili on the border of Kenya and Tanzania. We must begin to appreciate that the conversation must be about how to better the economy of the country and how to make sure that political competition is based on issues. The conversation must be on how to mobilise discussion and political competition to be about issues.

Madam Temporary Speaker, it is no wonder that many people may not appreciate the Building Bridges Initiative. To others, it is about creating positions while to others it is about cleaning our political system. Even with the current constitutional order, there are many things that we can do that unite the country. As politicians, we must get out of this mentality that until Sen. (Prof.) Kamar is holding a particular position, that is the only time that we will certify that the nation is united. We must get out of it because if we build a nation and institutions based on an individual, when that person is not interested in that position or is no longer there, we will have a problem as a country. This is because

we passed a Constitution that deals with individuals instead of institutions or issues that are meant for posterity.

Madam Temporary Speaker, Sen. Wetangula captured that very well when he said that we need to focus on institutions and not individual friendships. We know all top politicians in this country lead by the former Prime Minister, the former Vice President, Deputy President and former Deputy Prime Minister, Musalia Mudavadi founded the Orange Democratic Movement (ODM). They did it together through the same process. I did not want to say your party because you are presiding now. Indeed, they were friends and they moved around this country. However, you can see how they differ strongly.

Assuming that institutions are built around those gentlemen, ultimately, you will find yourself in a situation where they are no longer friends, the country is apart. When they become friends, the country is united. We must find a formula that is beyond individual relationships.

I know on the food security sector, Sen. (Prof.) Kamar) made a strong case of us investing in agriculture. She is right. Of all people, she has made a very important case on that issue. We, as a country, do not invest in sports, but we want to benefit from it. We do not invest in agriculture, but pride ourselves that we are an agricultural country. It is important that in the food security conversation, agriculture be focused in the manner in which it deserves.

Madam Temporary Speaker, our conversation all the time is about the handshake, 2022 politics and so forth. These are things that are not integral to the problems that we are dealing with. Every time we raise these issues, we do so because there are Government technocrats from the Ministries and departments whose work every day is to ensure we make these Government Ministries and departments functional and answerable. When we talk about agriculture based on irrigation, we must also be able to put the resources in these institutions. We must put resources in these dams that we are building so that irrigation can be sustainable for the nation.

I like what Sen. Omogeni said, which echoes what I did when moving this Motion that we must continue fighting corruption. There is no debate about fighting corruption. There should be no turning back on the desire to fight corruption. We must all admit and accept that, that must be done within the law. Sen. Omogeni spent a lot of time making a case for this important point and I know why. It is because other than just being the former Chairman of the EACC, he is also an advocate of the High Court of Kenya with good standing. He is the former Chairperson of the Law Society of Kenya (LSK) and a senior counsel as well. It is important that when these people speak - as I said, he and Sen. Orengo spoke in court - that consistency must permeate every sector of our society so that we get results for what we fight. However, we must not also use that as an excuse to say that when people are incompetent and in office, they just wait for due process. There is no due process for incompetence.

There is no need for due process where the President is satisfied that he is suspicious enough that a certain person is not qualified to hold office because either he or she is corrupt or inept. This should be the case as long as there is reasonable suspicion. That is why power is given to the President to appoint and disappoint certain people. For that reason, this conversation about innocent until proven guilty does not mean that the

hands of the appointing authority are tied when it comes to making changes for purpose of delivery of services.

That should not mean that we, as politicians and the people of this Republic should put pressure for punishment of individuals as if they do not have a right. That if I do not like the face of a certain Cabinet Secretary or if I am anticipating that if so and so will be removed, I will get an opportunity to fight people and create fictitious stories - that is what the President called pitchfork protest - so that you get an opportunity to ascend to that position of office. That does not help because it is a vicious cycle.

Sen. Sakaja made a very important case for putting focus on our economy; the SMEs and small business persons. We must rethink something that happened under this Government. We must rethink the fight against counterfeit goods that is done by people who have no capacity or qualification to carry out the fight. I am saying this because I was a founding board member of the Anti-Counterfeit Agency (ACA). Counterfeits are intellectual property related issues. This pen could be written, "made by Bic" – for you to come and say it is not by Bic, it has been counterfeited, the intellectual property owner must have registered that intellectual property.

Secondly, one must prove, for example, that this water is not actually manufactured by *Keringet*. Punishing traders in Nairobi is unfair. It would not be proper to tell traders who are hawking goods in Gikomba and the streets that they are selling counterfeit goods. Intellectual property fights all over the world is about protection of rights of big companies. For instance, if there is a huge company that has made profits of billions of money somewhere in Shanghai, China, and has already sold padlocks, and then, some other character in Eastleigh makes some padlocks and writes "made in Shanghai", why would you punish that person who will make maybe, Kshs50,000 or Kshs100,000 for an issue that the complainant is not there? The intellectual property owner has not complained. The violation of that intellectual property is not intellectual property owned by any Kenyan. These goods are not manufactured anywhere in this country.

Countries that are pursuing protection of intellectual property and do not want, either generic goods or goods that are similar in nature to what they manufacture, are trying to protect their economy. What are you protecting when you have not manufactured anything? I would understand if you were to protect, for example, Kevian Kenya Ltd, because the juice has been counterfeited by another person locally. I would understand if Keringet water is being counterfeited and you protect it, but clothes, batteries and other goods that are being sold in this nation and are not manufactured in this country should not be a basis for us to punish small scale traders.

Sen. Sakaja talked about the taxis; Taxify and Uber and so on. It is important that we have a regime that deals with it because that is e-commerce. You pay money and it automatically goes to or repatriated to another country if it will be paid in cash. First, we must understand that this nation must adhere to the minimum wage. Sen. Wetangula talked earlier about taxi drivers in the US being able to fend for their families, save and invest. It is because they have the minimum wage and minimum working hours. Those hours are adhered to. There is enforcement under labour laws. Every person who does business in this country must sign a particular code of conduct that indicates that he or

she must not allow their workers to work for not more than a certain number of hours and if they will work overtime, an amount of money has to be paid, and that those people will pay taxes and be accountable to the country. If those values and principles of trade and labour will not be adhered to, we will not go anywhere as a country.

I support Sen. Sakaja's initiative and push. Some speakers said that he brings a Motion here. I do not want him to bring a Motion. I would love that Sen. Sakaja and his Committee create a proper hearing of all the complainants in this country. I saw a thread on twitter of some people being robbed in Kampala by Uber drivers and so on. Some of them have resorted to crime because they will not make a living based on their work. They have decided to rob passengers. Passenger security is not guaranteed when they are operating in a business environment that they are not happy with.

It is akin to having a house girl in your house - you pay her miserably, beat her and sometimes deny her food, and then you leave her with your children at home to cook for the family. Honestly, you cannot do that and expect that you will not be poisoned one day or expect your child to be safe in the hands of a house girl you mistreated. So, every time you mistreat a worker, those who are supposed to be served will suffer. This nation will not be healthier if we do not deal with it as an important issue.

Finally, is the question of security of this nation and particularly for young people. There is a problem. I do not think I can stand here and profess that I can diagnose exactly what the problem with young people is, but there is trouble. There is something that is troubling the young people of this Republic. I think we have a problem with communication and social media. There is also societal pressure regarding communication. These relationships are run on social media platforms, for example, WhatsApp.

Madam Temporary Speaker, in the old days, and I am sure Sen. (Prof.) Kamar and yourself are good witnesses here - we are younger than you - if you wanted to date somebody you went the whole length to talk to them. It had to be a face to face conversation, and if you must communicate through other means, it was a letter that was delivered in two weeks time, and then, you waited anticipatingly for another two weeks. On the other hand, nowadays, a lot of communication goes on WhatsApp. There is also instant messaging and relationships are so instant. Before someone meets another, you are told that they are already relating and before long they are already fighting and eventually kill each other.

There are multiple sources of the problems that we have in the country. An example is social behaviour. The other one is about us, our parenting, maybe because of the pressure of work, we do not have more time to engage our children and even where we have the time, we are not trained to guide them. I am sure your generation have done well but we, in the younger generation, have to be trained on how to bring up children. I do not know how many people of my generation can take time to go for a training on how to bring up a child. I have gone for those kinds of training and sometimes you think you know so much because we were brought up in a different set up.

Some of us were brought up in the village set up where everybody was in charge of us. The neighbour would beat you and the teacher was strict. If you were a young person hanging around shopping centre, you were chased away to go home. Grown ups

would ask you: What are you doing here? Nobody would ever allow a child to be in a bar or even a hotel after 6.00 p.m. In the village there was a general reporting mechanism. If, for example, a girl of a certain family hang around the shopping centre in the evenings, someone would report her at her home; but nowadays it is everyone for himself and God for us all. Nobody cares about the neighbour's children or family.

There are many problems. In fact, even family relationships are not there anymore. People have broken their relationships with their parents and siblings. They no longer meet as a family. There is no support system. So, when stress comes in, a person is left alone. Recently, we heard about a young man who committed murder. The newspapers reported that he is a quiet guy who does not drink or smoke. That, he is a quiet person who just went to work and went back home. Most likely, that person did not have a support system. He did not even have someone to talk to, but in the old days, and of course, in places where you have support systems, young men talked and said: "My girl friend is so and so." They could tell people if their relationship was okay or not. If they had issues in their relationships the man could say: "Yule msichana ameniruka" and the other men would tell him not to worry. Some would even offer to talk to the girl.

Nowadays, people hold onto their problems, look for personal solutions, commit suicide or kill somebody. If you look at the age of the Moi University student, who was killed, and the age of the young man who killed her, no amount of justification can be given for such a heinous act. The same thing happened to the lady who was in Rongo University and such things are happening every day. The unreported cases are far too many.

These incidences have been worsened by social media. Our young people do not have time to engage face to face. WhatsApp has become the mode of communication and people do not have time to talk to each other. When you go home, you will hear people say that: "I am checking something on Facebook, WhatsApp or Twitter." People do not talk to each other and the society is getting wasted as a result of that.

Some countries have appointed ministers in charge of social welfare. The nation must have a conversation on these issues and someone has to mobilise the citizens. The religious leaders can help us talk to people though the teachers would be the best people to solve that problem. However, we must first attend to the teachers if we want them to attend to our children. This is something that we need to incorporate in our curriculum for the wellbeing of our country. We must have a conversation around these issues and we must deal with the problems that are affecting this nation. It is not enough to have law enforcement; we must also have preventive measures.

If I was asked to give my opinion of the state of the nation today, just like the prophet in Joel 3:14, I would say that we are in the valley of decision making. As a country, we are at a point where we are asking ourselves if we should go west, east, north or south. That is why we have the conversation about the Building Bridges Initiative and how it will look like. We want to fight corruption but we do not know how to do it. We want to address social misfits in the society but we do not know the mechanisms to use. We are in the valley of indecision yet we are a country that calls itself a God fearing nation. We must be the light and the salt of the world as the scripture says.

I congratulate the President for the Speech. I insist that the Reports that were presented to us be given to the relevant committees. Those committees should look for mechanisms that this Senate can use to further engage on the issues raised by the President.

I beg to move.

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, this matter does not affect counties. I will, therefore, proceed to put the question.

*(Question put and agreed to)*

Next Order.

**The Temporary Speaker** (Sen. Pareno): Sen. Sakaja, approach the Chair. We need to agree on your Bill.

*(Sen. Sakaja consulted the Temporary Speaker (Sen. Pareno))*

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, for the convenience of the House, I am now going to defer Order No. 9, 10, 11, 12, 13, 14, 15 and 16.

## BILL

### *Second Reading*

#### THE DETERMINATION OF THE NATURE OF BILLS (PROCEDURE) BILL (SENATE BILLS NO. 30 OF 2018)

*(Sen. Mutula Kilonzo Jnr. and Sen. Sen. Sakaja on 3.04.2019)*

*(Resumption of debate interrupted on 3.04.2019)*

*(Bill deferred)*

## MOTION

#### REALIZATION OF GENDER EQUITY IN ELECTIVE AND APPOINTIVE POSITIONS IN KENYA

AWARE THAT, the Constitution of Kenya recognizes dignity, economic, social and cultural rights, education, housing and the right to health including reproductive health; and that the principle of equality and non-discrimination is established as a core value of leadership and the national values and principles of governance include human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of marginalized groups, among others;

FURTHER AWARE THAT, the Constitution of Kenya has very progressive articles that indicate commitment to the international and regional obligations arising from treaties and conventions and other Commitments signed or ratified;

COGNIZANT that Kenya has ratified the Convention on Elimination of all forms of discrimination against Women and the Protocol to the African Charter on Human and People's Rights of the Right of Women which are international instruments that are key to promoting women's rights;

RECALLING that policy framework to enhance gender equality has also been developed, and include the National Gender and Development Policy 2000, the Kenya Vision 2030, Sessional paper No. 2, of 2006, the National Land Policy, the National Policy for Response to Gender Based Violence, and the National Policy for the Abandonment of Female Genital Mutilation;

NOTING THAT, despite there being sound constitutional provisions and elaborate policy framework to realise gender equity, both national government and county governments have not done enough to realise the achievement of gender equality;

CONCERNED that women in Kenya experience hardships when it comes to elective offices, and are underrated by society with most opportunities for elective and appointive offices being awarded to men;

NOW THEREFORE THE SENATE RESOLVES

1. That Parliament fast track the enactment of the law that shall give effect to the one third gender rule; and,
2. That pursuant to Article 81 of the Constitution both the National and County governments observe the principle of equality, and empowers the female gender by increasing the appointive position to at least fifty per cent.

*(Motion deferred)*

## MOTION

### COMPLETION OF STALLED COUNTY PROJECTS THROUGH BUDGETARY MANAGEMENT

THAT, AWARE THAT Kenya has had a development blueprint of Vision 2030 since 2008 which has guided planning and development for the last decade, with a focus to making Kenya an industrialized middle income economy with a higher per capita income for its citizens;

FURTHER AWARE THAT, the development planning of the country is funded from the Consolidated Fund through the annual budget whereby revenues generated by Kenyans through taxes, levies, and fees

that are supplemented with support of development partners in the form of outright loans, conditional loans, grants and/or unconditional grants to support growth and development across the country;

COGNIZANT THAT, any diversion from the Vision 2030 blueprint as well as the President's "Big Four" Agenda, would negatively impact the development trajectory that seeks to ensure a long term microeconomic stability resulting in a revision of targets on the goals for socio-economic, cultural, environmental, technological and political transformation;

NOTING THAT, whereas the National Government's Budget is based on Vision 2030 and "Big Four" Agenda, the County Governments' Budgets are based on their respective County Integrated Development Plans, (CIDPs) which are expected to dovetail with the overall national development blueprint;

CONCERNED THAT, there are glaring discrepancies in progress made in development among counties, particularly among the 14 devolved functions caused by lack of accountability, integrity, professionalism and remaining a blemish on the successes of devolution;

ACKNOWLEDGING, the tribulations, ridicule, pecuniary embarrassment and negative socio-economic impact that pending bills have had on the local business community who supplied or undertook a service for the county governments, and the attendant slowdown in actual project completion, the rise in stalled projects dotting counties, with County Governors prioritizing new projects instead of the completion of those which have stalled;

FURTHER ACKNOWLEDGING THAT, the National Treasury in its circular No. 9/2018 detailed the five hundred and forty five (545) projects which have stalled in the 47 Counties, and their status of completion, collectively amounting to an estimated project cost of three hundred and sixty six (366) Billion Kenya shillings;

NOW THEREFORE, the Senate recommends that the National Treasury in partnership with the Controller of Budget, Commission on Revenue Allocation, the Council of Governors and the County Assemblies Forum to-

(1) Ensure that all the County Integrated Development Plans (CIDP's) and Annual Development Plans (ADP's) are aligned to Vision 2030 with an implementation, monitoring, and evaluation framework in place;

(2) Address Pending Bills by prioritizing their payment, creating clear timeframes for payment and publishing a schedule of payment of the same; and

(3) Prioritize the completion of stalled development projects prior to undertaking or funding new projects.



*(Motion deferred)*

### MOTION

#### RENAMING OF MURANG'A UNIVERSITY OF TECHNOLOGY TO KENNETH MATIBA UNIVERSITY OF TECHNOLOGY

THAT AWARE THAT, Murang'a University of Technology (MUT) is a Chartered University established under Section 13 of the Universities Act, 2012, and is positioning itself to develop a distinctive profile as a progressive and international Technical University, growing its enrolment strategically;

FURTHER AWARE that the University is located in Murang'a County, the home County of the late politician Kenneth Njindo Matiba, who died a patriotic and political hero, with numerous achievements spanning four decades;

NOTING THAT, the late Matiba was a prolific industrialist in the hospitality and education sector, and an accomplished public servant having served as the first indigenous African Permanent Secretary for Education in 1963; Permanent Secretary for Commerce; Chairperson of the Kenya Football Federation from 1974-78; a Member of Parliament for Kiharu Constituency; Cabinet Minister for Health; Culture & Social Services; and Transport & Communications;

FURTHER NOTING THAT, the late Matiba was part of the opposition alliance that led the liberation struggle for the restoration of multi-party democracy through the Forum for the Restoration of Democracy (FORD), later founding FORD –Asili under which he ran for presidency in 1992 general election;

COGNIZANT that under the Heroes Act, 2014, the state is obliged to confer recognition to the late statesman for his cardinal contributions to the political and economic growth of this country;

FURTHER COGNIZANT that other patriotic Kenyans like Jomo Kenyatta, Daniel arap Moi, Masinde Muliro, Dedan Kimathi and Jaramogi Oginga Odinga have been accorded such recognition;

NOW THEREFORE, the Senate urges the National Government in remembrance of Matiba's contribution to our Nation, to rename Murang'a University of Technology to Kenneth Matiba University of Technology.

*(Motion deferred)*

**MOTION****CREATION OF SUPPORT SERVICES FOR THE  
DISCIPLINED FORCES AND THEIR FAMILIES**

THAT APPRECIATING the commitment and sacrifice by members of the disciplined forces in protecting our country from both internal and external aggression;

AWARE of the risky and stressful environment that the officers are exposed to daily in the line of duty, combined with the increased terrorism threats at home, and abroad;

NOTING that members of the disciplined forces, and by extension, their families are exposed to traumatic incidents both at home and abroad that manifest as living in constant fear, debilitating depression, nightmares, crippling anxiety and thoughts of suicide commonly referred to as Post Traumatic Stress Disorder (PTSD) leaving them exposed to the stigma of society and unable to care for themselves and their families the way they could before;

RECOGNIZING that there is no structured national comprehensive program for post-traumatic stress counseling either for active or returning soldiers and their families;

NOW THEREFORE the Senate calls upon the Ministry of Interior and Co-ordination of National Government, in partnership with the Ministry of Defence, to establish counseling and support centers in all premises housing disciplined forces, and provide mandatory counseling to all service personnel and the families of those currently serving, and those who may have been killed in the line of duty.

*(Motion deferred)*

**MOTION****ESTABLISHMENT OF NATION-WIDE CENTRES  
AND SATELLITE CLINICS FOR SICKLE CELL DISEASE**

THAT, AWARE THAT Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;

NOTING THAT, Parliament enacted the Health Act (2017) whose objects encompass the need to establish a national health system at the national and county levels, as well as to facilitate, in a progressive and equitable manner, the highest attainable standards of health services;

ACKNOWLEDGING THAT Sickle Cell Disease, a severe hereditary form of anemia in which a mutated form of hemoglobin distorts the red blood cells into a crescent shape at low oxygen levels, and is prevalent amongst those of African descent, has been acknowledged by World Health Organization (WHO) as a major public health priority which has had devastating effects on populations in many parts of Kenya;

FURTHER ACKNOWLEDGING the lack of comprehensive information and care programs for Sickle Cell Disease is occasioned by the poor public awareness, unavailability of routine health data and nationally recognised treatment guidelines;

CONCERNED by the lack of national screening programmes for Sickle Cell Disease despite the serious health problems it causes, and its contribution to childhood deaths in Kenya;

NOW, THEREFORE, the Senate urges the National and County Governments to establish nation-wide screening at existing medical centres and satellite clinics, and the provision of counselling on the management of sickle cell disease, a lifelong medical condition that has no cure, at the county, sub-county and ward levels.

*(Motion deferred)*

## MOTION

### WAIVER OF INTEREST ON HELB LOANS FOR GRADUATES

THAT, AWARE THAT Higher Education Loans Board (HELB) has, for over the last two decades, become the leading financier of higher education in Kenya whose mandate is to source funds and lend them as affordable loans, bursaries and scholarship to students pursuing higher education in recognized institution;

COGNIZANT THAT, the Ministry of Education announced that the Government has lost Kshs7.2b through people defaulting payment on loans issued by HELB translating to 74,692 graduates who have defaulted the loans payment;

NOTING THAT, measures were taken to enhance the HELB loan recovery process which included a six month waiver of accumulated interest and penalties, and working with law enforcement officers to make sure the defaulters who are employed payback the loans;

CONCERNED THAT, there are graduates from institutions of higher learning who have not been gainfully employed for many years after graduation, and are therefore burdened with loans that have accumulated interest and penalties that they have no means to repay;

FURTHER CONCERNED THAT, when beneficiaries fail to remit their monthly installments for more than three months, HELB reports them to the Credit Reference Bureaus (CRB) preventing them from

accessing loan facilities with any financial institution in Kenya, accessing employment opportunities in the Government and major private and publicly listed companies and the loan guarantors are pursued and forced to service the HELB loan;

NOW THEREFORE, the Senate recommends that the Ministry of Education and HELB-

1. Institutes a six (6) month full waiver of all the interest and penalties accrued, including the lifting of Credit Reference Bureau blacklisting, for defaulters who are willing to repay their loans in entirety, within the six (6) month period; and

2. Embarks on a forty-five (45) day sensitization exercise preceding the waiver, no later than ninety (90) days after the passage of this Motion.

*(Motion deferred)*

### MOTION

#### NOTING OF REPORT ON THE 5TH GLOBAL SUMMIT ON OPEN GOVERNANCE PARTNERSHIP

THAT, this House notes the Report on the Global Summit on Open Governance Partnership in Tbilisi, Georgia, 17th to 19th July, 2018 laid on the Table of the House on Wednesday, 20th February, 2019.

*(Motion deferred)*

Next Order.

### MOTION

#### ADJOURNMENT OF THE SENATE PURSUANT TO THE APPROVED CALENDAR FOR THE 2019 SESSION

**The Senate Majority Leader** (Sen. Murkomen): Madam Temporary Speaker, I beg to move the Motion-

THAT, pursuant to Standing Orders No. 28 and 29, the Senate do adjourn until Tuesday, 14th May, 2019.

I have spoken a lot this afternoon. We are adjourning because the Calendar says that we should adjourn. Secondly, we are adjourning because we have the Legislative Summit next week. It will be taking place in Kisumu and all Senators have been encouraged to attend the Legislative Summit. I believe that we are going to have a fruitful engagement with our colleagues from the county assemblies as we think through what has happened in the last one year in so far as matters devolution are concerned. We also

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need to chart the way forward on how we are going to handle our oversight responsibility.

I wish the Senators a good recess as they engage their constituents after next week's conference. We should also think of what we want to do when we come back. I am sure that the recess period will give us an opportunity to engage the constituents so as to know what is happening on the ground but it will also help us come up with ideas that we can prosecute in this House.

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

**Sen. Wetangula:** Thank you, Madam Temporary Speaker. I second the Motion. This is a scheduled recess that is defined in our Calendar. It is a recess that also coincides with an important event that the last Senate created. It is meant to bring together our colleagues from the county assemblies to meet with the Senate and engage in day to day benchmarking and sharing experiences on how to carry out oversight, legislation and representation activities in their comparable jurisdictions.

As we recess today for two weeks, one week of the recess will actually be a busy working week. We will go to the Lakeside City of Kisumu to congregate with the Members of County Assemblies (MCAs) from the whole country, numbering close to 1,600. This will be a major boost to Kisumu as a City and the conduct of business in the Senate. I encourage colleagues from the Senate to not only go to Kisumu to engage the MCAs from their counties, but also those from other counties. We will be meeting with speakers and clerks from county assemblies. It will be a major event, as we have witnessed previously in Mombasa.

Madam Temporary Speaker, as we recess, I will just mention two things that the Senate Majority Leader and the Government side that he leads must pay attention to. The rains have started and farmers everywhere are anxiously asking where to get quality seeds and fertilizer at affordable prices. The Government does not give this fertilizer for free. All that the farmers are asking is that it be availed and brought closer to them, and they will buy it.

Madam Temporary Speaker, Sen. (Prof.) Kamar and I had the privilege of leading the team that was investigating the maize crisis in the country. We were shocked in Kisii to find that certified seeds from a seed company licensed by the Government had been sold to farmers and they recorded 100 per cent germination failure. We need to pay attention to our farmers because they are the ones who feed this country. About 78 per cent of the workforce in the country is in the agricultural sector. If we let farming go the way it is going, then this country will have serious problems. Not only will we be unable to feed ourselves, but also unable to control the influx of young people to urban centres with the hope that they will get jobs.

Secondly, as we have said many times before, I encourage the Government to relentlessly wage the war against corruption in the country in a fair manner that gives due process to everybody and restores dignity to the way we run our public affairs in this country.

Thirdly, I want to also bring to the attention of the Senate Majority Leader that there is money that has been provided from the Scandinavian countries or Europeans that targets about eight counties that are described as water towers, that includes Elgeyo-

Marakwet County. I have been told reliably by the Council of Governors (CoG) that this money appears to be disappearing at the National Treasury, where it is mixed up with other monies. If we do not follow it up, it may easily be veered into paying other Government activities and, therefore, denying the counties that are targeted. More importantly, it is a tranche that will come for three years, that is, Kshs80 million per county per year for three years. It is good to follow up, so that we can make sure that the money targeted for Bungoma, Trans Nzoia, Elgeyo-Marakwet, Uasin Gishu, West Pokot, Kisii, Nandi and I think Nyeri or two counties in Central Kenya, is put to good use.

Madam Temporary Speaker, as we recess, we would also want to see the Government rising to the occasion and tame the tide of reckless killings that are going on in our institutions. We are losing a lot of young people, and we have mentioned it here today. All of us are parents who have or will have children in these institutions. It is very dangerous if the safety of our children is not guaranteed. If a Cabinet Secretary moves around with a platoon of 20 security officers, surely the Government can afford to set up a police post in every university; properly equipped so that it can protect our young people when such eventualities happen.

How do we explain a situation where a person wielding an axe goes and cuts a student into pieces, as if he is dissecting an animal for human consumption? This is unacceptable and the Government must deal with the matter firmly and decisively, and bring protection. This is because parents will now start wondering whether it is safe to take their children to university and allow them to stay there, yet, the responsibility of the Government is to provide security for all of us.

Madam Temporary Speaker, with those few remarks, I second the Motion and wish colleagues, Senators, a good two week recess. More importantly, I wish them a resourceful and successful endeavour and retreat in Kisumu with our colleagues from the county assemblies.

Thank you, Madam Temporary Speaker.

*(Question proposed)*

**Sen. Sakaja:** Thank you very much Madam Temporary Speaker. I rise to support this Motion; that the House adjourns pursuant to the provisions of our Standing Orders. As has been said, this is procedural in terms of it being provided for in our Senate Calendar. It is a time that coincides with us having this very important Legislative Summit.

We are going to the Legislative Summit after we have just had the Devolution Conference. I am sure if I asked many of my colleagues what actionable outcomes came out of the Devolution Conference that was heavily funded by taxpayers--- There was a show of opulence, fanfare and glitz. However, at the end of the day, was it just a talk-shop or was there some learning that happened? I will be very sad and remorse if we come to this House after the Legislative Summit and will not have agreed or made some moves towards strengthening devolution and the relationship between this House and the county assemblies. There must be some value for the money that taxpayers are paying for this Legislative Summit.

It is an opportunity for us to have candid conversations. I hope that the sessions will be interactive. Before we go to those sessions, there is some preparatory work that has been done. I am glad we have a steering Committee. When we come back, it will be very clear to every Senator what the impact of that Summit will have been. This will also apply to the thousands of MCAs out there, who are the basic unit and defenders of devolution.

Madam Temporary Speaker, as Sen. Wetangula has said, it will be good for us to think beyond just our MCAs and look at other counties and learn the challenges they face. Looking at the audit reports that are coming out, there is a lot of theft and corruption. This is because the primary oversight function by county assemblies has not been as strong as envisaged in our Constitution. If we do not defend and support them to do the primary work, a lot of our secondary level oversight will be in vain.

As we go for recess, we should be aware of what is in the hearts and minds of the people of Kenya. It has been a tough time for many people in various parts of this country because of the hunger. Mine is not a pastoralist or an agricultural county but it is the worst hit when there is no food because of urban poverty.

In Kiswahili, we say Nairobi *ni shamba la mawe*. If you do not have food in Nairobi, you have no food. There is no garden at the back of the house where you can get some greens and there is no neighbour who can give you a tin of maize.

In this country, the rains will come as a surprise because we are not ready for the rains. The drainages need to be unclogged and water harvesting needs to be done. However, you will find people crying because of floods. After that, drought comes as a surprise. We are in the 21<sup>st</sup> Century but we still depend on rain-fed agriculture. We still get food donations from countries that are water-scarce like Egypt and Israel. Shame on us all! I hope this will be the last episode of drought and famine because it has caused a lot of insecurity.

We went to Sen. Mwaruma's county and the insecurity there is not about herders but drought and the search for pasture. The interaction between crop farmers and livestock keepers has caused a lot of untold agony in this country. So, let it not be that hunger, rain or lack of it come as a surprise. Our Meteorological Department is one of the best on the Continent but maybe their advice is just pushed to the shelves. As we go on recess, I pray that committees with work to be done will do it.

As of today and in the weeks to come, thousands of residents in my county, especially in Eastlands, do not know if they will find their homes the next day because of the demolitions that have been going in Chokaa, Kasarani, Buruburu Farm and Kayole simply because of what is called *Okoa Laini*. Of course it is important to safeguard the power lines and the lives of the people. I have told Nairobians that I will not defend anybody staying close to a power line but I will also not allow inhumane evictions. There are those whose houses are 35 or 40 metres from the power lines. You can imagine how it feels to go home and you and your children see what used to be your home that you worked so hard for because you took a mortgage. I pray that the committee charged with the responsibility will take time during the recess to address the matter.

There is a Statement I brought to this House about the legality of Nairobi City County to continue operating without a deputy governor and substantive office holders. I

hope that the issue will be looked into during the recess, so that Nairobi City County Executive is properly constituted.

As I finish, I thank Senators for the support I have had on the issues raised about young people in this country. The level of unemployment is very high. Every turn they take to look for a job, they are oppressed, harassed and fought. I have spoken about *boda boda* riders, Uber drivers and hawkers who are accused of selling counterfeit goods. All of them have some hope in this House. As we fight corruption, let us not fight the youth. I hope that those issues will be addressed and brought to this House. I agree with the Senate Majority Leader that we should invite stakeholders such as the Ministry of Transport and Infrastructure Development, the Competition Authority of Kenya (CAK) and the National Treasury and Planning because we must get to the bottom of these issues.

I wish Members a lovely recess which is about one month. When we go to the counties, let us not just go and talk to our people but take time and listen to them. We have the Oversight Fund which will enable us to do our work. When we listen to the people, you will find some of the most beautiful and sterling ideas on how to oversight projects in the counties which belong to the people. I intend to spend time in the 17 constituencies and 85 wards of Nairobi City County just listening to my people and knowing what we can do to serve them better for them to feel the impact of this House.

I thank you and wish everyone a blessed recess.

**Sen. (Prof.) Kamar:** Madam Temporary Speaker, I join my colleagues in supporting this Motion of Adjournment. I wish my colleagues well and I believe we will have active sessions with the people that elected us.

I am grateful that we will have the Legislative Summit in Kisumu where we will interact with Members of County Assemblies (MCAs). One of the greatest expectations of MCAs is the Ward Development Fund and I am glad that we are done with the Bill. That is an important Bill not just for MCAs but for all of us who believe in devolution and especially this House which is the defender of devolution. It is important to start looking at how development will trickle down to the wards.

MCAs have been complaining that there is imbalance in terms of development in wards. I believe that our discussions while in Kisumu will bring this to rest. I also hope that we come up with Bills that will bridge the gap between what we have and what we ought to have.

Very soon we shall have rains and planting will take place in regions that some of us come from. The recess is a good opportunity for us to meet with our constituents and encourage them in this difficult time because of lack of fertiliser and seed. We will be there to encourage one another on how to move forward.

Madam Temporary Speaker, I do not want to add anything but just to wish colleagues and yourself all the best during the recess period and God's presence in everything that we undertake.

I thank you.

**The Temporary Speaker** (Sen. Pareno): I see no further requests. Thank you, hon. Senators.



**ADJOURNMENT**

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, pursuant to Standing Order Nos.28 and 29, the House, therefore, stands adjourned until Tuesday, 14<sup>th</sup> May, 2019 at 2.30 p.m.

The Senate rose at 6.25 p.m.