

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 6th November, 2013

*The Senate met at the Kenyatta International
Conference Centre at 9.00 a.m.*

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

PRAYERS

QUORUM CALL AT COMMENCEMENT OF SITTING

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

The Speaker (Hon. Ethuro): Hon. Senators, we have the requisite quorum. Therefore, let us commence our business.

STATEMENTS

STALLED CONSTRUCTION OF MAKUTANO-KIKIMA AND TAWA ROAD

Sen. Mwakulegwa: Mr. Deputy Speaker, Sir, I want to read a Ministerial Statement requested by Sen. Mutula Kilonzo Jnr. on the construction of Makutano-Kikima and Tawa Road. In the Statement, he had asked the following questions:-

(a) Whether the Ministry is aware that Victory Company Limited never finishes its projects and the escalation of the price from the amount given on the basis that the terrain was not anticipated cannot be accepted.

(b) Why the Ministry has paid the contractor Kshs1,572, 419,368 out of a contract sum of Kshs1, 895,094,559 yet the road is not done halfway?

(c) Why the contract period for constructing the road has been extended by 68 weeks over and above the stipulated contract period of 24 months?

(d) Whether the Ministry is aware that Victory Construction Company took up a road contract 10 years ago in Kiambu County and was paid Kshs1 billion, up to date they have only done 15 kilometres between Thogoto and Kamangu.

Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry is not aware that Victory Construction Company Limited never finishes its projects. An example of the project he has successfully completed is the

Kitui-Kangonde Road Project in Kitui County measuring 45 kilometres. We humbly submit to the House that the escalation of the price due to quantities as a result of terrain factors is a legitimate occurrence in many civil engineering projects because during the design, sampling is only done in between a half a kilometre to a kilometre length along the road and the depth is done between one metre to 1.5 metres. It sometimes happens that the intermediate sections and layers underneath turn out to have different properties. When these situations are encountered during construction, it is incumbent upon the resident engineer to instruct the contractor to carry out the work to the proper standards. This may involve more excavation, more filling with quality materials and disposal of unsuitable materials than was anticipated at the design stage.

(b) The Ministry paid the contractor Kshs1,572,419,368 out of a contract sum of Kshs1,895,094,559.84 broken as follows:-

The value of the works	-	Kshs1,094,264,040.43
Variation of price	-	Kshs303,073,081.10
Value Added Tax (16%)	-	Kshs175,082, 246.47
Total		Kshs1.5 billion

To date, 24.6 kilometres of road is complete to bitumen standards, and earth works, including drainage works are complete over a section of 29 kilometres against the earlier length of 43 kilometres. This translates to un-weighted average per cent of 64.4 per cent completion of the original contract or 91 per cent of the revised contract scope of 29 kilometres.

(c) The contract has been extended by 68.3 weeks for the following reasons: During the post election violence the contractor had asked for eight weeks and he was granted those eight weeks; changing design, the contractor had asked for 20 weeks, but the Government declined to grant him that extension; unfavourable weather, the contractor had asked for an extension of 26 weeks, but the Government only gave him two weeks; shortage of cement he had asked for six weeks, but the Government allowed him 4.5 weeks; shortage of fuel, he had asked for four weeks, but the Government declined because there was no shortage of fuel; shortage of bitumen, he asked for eight weeks, but he was only given two weeks; shortage of water he had asked for 49.3 weeks, but he was given 35.3 and land acquisition; he had asked for another extension of 20 weeks, but was only allowed one week; changing nature of works, he had asked for 22 weeks, but he was given 9.4 weeks; destruction of bridge by flash floods, he had asked for 12 weeks and he was given 6 weeks. In total, he had asked for an extension of 175 weeks which is equivalent to three and a half years, the Government allowed him 68 weeks which is one year and four months.

(d) The Ministry is not aware that Victory Construction Company Limited took up a road contract ten years ago in Kiambu County and was paid Kshs1 billion and that up to today, they have only done 15 kilometres between Thogoto and Kamangu. The Ministry is aware that Thogoto-Kamangu-Gikambura-Mutarakwa Road is 30 kilometres long. Kurdan Singh Construction Company Limited constructed the 15 kilometres between Thogoto and Kamangu to bitumen standards. They also constructed the earth works of 15 kilometres between Kamangu to Mutarakwa during the period 2006 to 2008. Victory Construction Company was awarded the contract for a section of the road between Kamangu and Kwamberia on 23rd June, 2012 at a tender sum of Kshs935,367,390.91 to construct the pavement layers and surfacing which remained

when Kurdan Singh left the site. This project is ongoing, but has delayed over a stop over by NEMA and the budget constraints arising from devolution of funds which were meant for implementation of roads under the KeRRA. The stop order has since been lifted and some budgetary allocation will be made during the Supplementary Budget to enable the implementation of the project to continue.

Of the amount of money paid to Victory Construction, they had interim certificate No.1 of Kshs93,536, and Kshs739.09 milion. Advance payment against a bank guarantee as provided in the condition of contract. Certificate No.2 of Kshs8, 949, 656 has been paid. Interim payment certificate No.3 of Kshs16,293,332.13 for works done has also been paid. Interim payment certificate No.4 of Kshs11,276,160.63 is yet to be paid. The total certified to date is Kshs130,053,896.86. Out of the above amount, payment has only been done for Kshs118,775,727.20. Interim certificate No.4 is still pending payment.

Thank you.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Mutula Kilonzo Jnr., do you want to seek any clarification?

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, first, I want to thank Sen. Mwakulegwa for giving me this response in advance so that I can read it. I have gone through it and part of it, concerns the Senator for Kiambu who is not here. The portion that concerns Makueni County is part (b).

One of the concerns that we had was that the project had taken too long. Under part (d), there is an extension given of 68.3 weeks to this contractor. He has constructed 24.6 kilometres for seven years which translates to four kilometres per year. Although there appears to be some payment made, there are two details missing. Why has he not been paid the full sum? Secondly, whether the Chairperson of this Committee is aware the constructor is not on site because he has not been paid.

Thirdly, since they have agreed that he will only do 29 kilometers and there are five kilometers left, whether or not, we will have to wait for four years for him to complete the remainder of 4.4 kilometres.

Mr. Deputy Speaker, Sir, the people of Mbooni want to rest assured about the completion of this road which was launched by His Excellency the former President Mwai Kibaki who promised to ensure that it would be completed before he left office.

Sen. Musila: Mr. Deputy Speaker, Sir, I also want to thank the engineer for the Statement. The Senator has made reference to a road in my county, that is, Kitui-Kangonde which he claims was done successfully. This road took 11 years to be completed by Victory Construction Company. By the time it was completed, the area that they started with had already started peeling off. I want to make that clear as a matter of record. The road will be dilapidated again by the time they finish it. But more importantly, those of us who went to the funeral of the late Sen. Mutula Kilonzo, saw the road that this Victory Construction Company is undertaking. It has taken them seven years. The areas they started with are now also peeling off, like in the case of the Kitui-Kangonde Road. Is the Ministry satisfied that Victory Construction Company is giving quality service to the people of this country in building roads?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Mwazo, Sen. Musila has raised the issue of the road peeling off. Since you are an engineer, what is the life of a road in a contract like this?

Sen. Mwakulegwa: Mr. Deputy Speaker, Sir, I would not speculate because the road specification determines the life of the road. I am not an engineer.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Musila called you an engineer, when he was seeking a clarification from you.

Sen. Musila: Mr. Deputy Speaker, sir, he looks like an engineer.

(Laughter)

Sen. Mwakulegwa: Mr. Deputy Speaker, Sir, I am not an engineer by profession. Therefore, I will not be able to speculate on the specifications.

Mr. Deputy Speaker, Sir, let me respond to Sen. Mutula Kilonzo Jnr.'s questions. The reason the job has taken so long is due to the massive earth works; that is, the drilling and blasting of the stones. That is why the Government extended by 68 weeks. He had wanted 175 weeks, but after the evaluation by the technical staff, they extended it by 68 weeks.

Mr. Deputy Speaker, Sir, secondly, the contract was reduced from 43 kilometres to 29 kilometres, because of the time that it was taking. Out of the four kilometres to go, the contractor had submitted a certificate of payment of Kshs198 million and he was only paid Kshs15 million. For that reason, the contract, come June this year, was not factored in the budget. He, therefore, actually suspended the construction of this road. The contractor has actually committed to finish the road in two years time, when funds are made available. But, currently, the funds are not available.

Mr. Deputy Speaker, Sir, Sen. Musila said that the construction of the Kangonde-Kitui Road took 11 years and that seven years into the construction, it started peeling off. I will report this to the Cabinet Secretary, who is an engineer by profession, so that he can send his people on the ground. We will report back if so required by the engineers, as to why the road is peeling off.

The Deputy Speaker (Sen. Kembi-Gitura): Does the last part indicate that you are going to come back to us on the same Statement to make further clarification?

Sen. Mwakulegwa: Yes, Mr. Deputy Speaker, Sir. I will make further clarification. I will give it to Sen. Mutula Kilonzo Jnr. and if he so requires me to do it---

The Deputy Speaker (Sen. Kembi-Gitura): No! Once a Statement is sought it is the property of the House. So, you will do it in the House. When are you going to do so, hon. Senator?

Sen. Mwakulegwa: Mr. Deputy Speaker, Sir, give me ten days, because he has to send his technical staff to actually inspect the peeling off.

The Deputy Speaker (Sen. Kembi-Gitura): Maybe you can also ask at that point what the normal lifespan of a road like this one is. Is it 11 years or what is it?

Sen. Kagwe: Mr. Deputy Speaker, Sir, you have actually said what I wanted to ask. There is the notion that contractors in Kenya are not operating as they are supposed to be. But there are other factors that we must also place in the hands of the Government. Roads are constructed according to specifications. If the contractor is asked to do a five-year road, the road cannot last for seven years because---

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Kagwe, are you seeking a clarification or giving information?

Sen. Kagwe: Mr. Deputy Speaker, Sir, I am proposing that in the clarification that he is going to bring to the House, he should specify very clearly what the specification of the roads in question were. Were they supposed to be five, ten or 15 years?

Mr. Deputy Speaker, Sir, secondly, could he also clarify the method of payment of contractors? As I speak today, there are contractors who are supposed to be constructing roads in Nyeri, for example, who are being accused by everybody of neglecting their responsibilities, yet they have not been paid. If he is not paid, he cannot build. So, could he clarify also for us what is the method of payment to the contractors when they start constructing and what happens when there are delays in payment?

Sen. Ndiema: Mr. Deputy Speaker, Sir, I want to seek a clarification. We have heard that there are four kilometres remaining, yet in this financial year, there is no provision for completion of the four kilometres. Since I believe that the contractor will still be on site, could he clarify whether the contractor will eventually be paid for the period that he will be on site without doing any job? Could we also be told how many projects this contractor has completed within the time given and contract sum in the last five years?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Ndiema, on the first clarification that you have sought, on whether or not he will be paid for the time that he is there, will not allow that to pass because that is a contractual relationship between the contractor and the Government. I do not believe that you are seeking to better or deal with the issues of the contract. So, I do not think that, that is a proper clarification sought.

On the second issue that you have raised, yes, that can be dealt with. Are we agreed?

Sen. Ndiema: Mr. Deputy Speaker, Sir, these are public funds and in my view---

The Deputy Speaker (Sen. Kembi-Gitura): But you cannot argue a contract on behalf of a person who has been contracted. We will deal with issues like the extension of time that has been given and the reasons that have been given. However, you do not want the Senator to commit the Government on the actual issues of the contract and payments. That is the point that I am trying to deal with.

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

Sen. Khalwale, is it a point of order or clarification?

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. The issues raised by the Senator for Nyeri were actually contained in a Ministerial Statement that the Chair directed that it would come at the same time with the one of Junior.

The Deputy Speaker (Sen. Kembi-Gitura): Who is Junior?

Sen. (Dr.) Khalwale: It is Sen. Mutula Kilonzo Jnr. the son of my hero and friend---

The Deputy Speaker (Sen. Kembi-Gitura): Senator, please, go on!

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, this was contained in a Statement that I requested for, where I had indicated that over 70 contracts across the whole country have stalled because the Jubilee Government has not factored into the Budget the money for continuation of those contracts. I am wondering whether this is not the time for you to

remind the Chairman that he should then do what he promised to do, that is, give the Statement now.

The Deputy Speaker (Sen. Kembi-Gitura): On what? Is it a more general Statement?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, if you will allow me, in my Statement, I said that around 70 contracts across the whole country have stalled because no money has been factored into the Budget in this financial year. Since those roads had not been handed over to the contractors, the usual money that the Government puts in for maintenance had been left as a responsibility of the contractors. So, most of the roads are not motorable. I gave examples of several roads, including the one in my county called Sigalagala-Malinya-Musoli-Bukura-Sabatia-Butere-Sidindi Road.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Mwazo, are you aware of that? Were you supposed to give that general statement on all the 70 contracts or so that Sen. Khalwale has mentioned?

Sen. Mwakulegwa: Mr. Deputy Speaker, Sir, I was not aware of that. Our Committee is not seized of that request.

Mr. Deputy Speaker, Sir, regarding the request by Sen. Kagwe, I think that it will be covered in the clarification that I am going to make regarding the specifics and quantities that are required when constructing a road. The issue of payment is quite clear. That is why I said that the contracts raise certificates of payment which go to the Ministry for evaluation and are authorized for payment. So, no payment is made without the contractor raising a certificate of payment. The work is evaluated by the resident engineer and other people before the Government makes payment.

Mr. Deputy Speaker, Sir, regarding the clarification sought by Sen. Ndiema regarding the four kilometres, I think that we have already disposed of the matter. In terms of bringing to this House the list of works that have been completed by this contractor, I oblige. When I come with further clarification, I will also table that information in the House.

Sen. Kagwe: On a point of order, Mr. Deputy Speaker, Sir. Is it in order, really, for the Chairperson to tell us that payments are made upon certificates? Actually, what we are referring to are circumstances where all those steps have been taken, but delays are still continuing. Where, for example, a contractor has put materials on the road and was supposed to be paid upon completion of putting materials on the road--- If you look at the Nyeri-Othaya Road and all those roads in Nyeri, you will find that all those things have been done. Certificates have been supplied and when we take the contractors to task, they show us all those certificates whose payments have not been made. So, we are not talking about procedural issues, but denial issues. Could the Senator, please, clarify those matters?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Mwakulegwa, I understand Sen. Kagwe's clarification; that he is seeking to be more fundamental. I understand his position. I am sure he is not just talking about Nyeri, but he is talking about stalled roads because of non-payment of contractual sums. I think what you need to clarify is whether that is the correct position. Are there some roads that have stalled because certain payments have not been made or not?

Sen. Mwakulegwa: Mr. Deputy Speaker, Sir, that is the right statement. This House needs to be told that during this year's budget, the counties were given Kshs210

billion. Kenya Urban Roads Authority (KURA) and Kenya Rural Roads Authority (KeRRA) were not given money because part of the allocation was sent to the counties. We, as a Committee, discussed this matter with the Cabinet Secretary (CS) for Roads and Infrastructure, the CS for National Treasury and upon our meeting, Kshs10 billion has been released to KURA just two or three weeks ago for them to undertake the construction of the stalled roads. It is not in Nyeri only, but it is countrywide that KURA and KeRRA had no money. The funds are being made available and all contractors now will be paid and work will resume.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Kagwe, I think that satisfies that position for now.

Sen. Kagwe: Mr. Deputy Speaker, Sir, indeed, that would be wonderful. I hope that the words will be followed by action. We can come back to the House to clarify whether they have been paid or not.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Prof.) Lonyangapuo.

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, the Chairperson is talking about---

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Prof.) Lonyangapuo, can you take the microphone in the front, please?

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, the answer given by the Chairperson of the Committee on Energy, Roads and Transportation is not really telling us what the underlying problem is. It is not only in roads where we have stalled projects, but the former Ministry of Public Works, which was undertaking huge infrastructural projects like the Lamu Port and Lamu-Southern Sudan-Ethiopia Transport Corridor (LAPPSET), it has come to a standstill---

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Prof.) Lonyangapuo, could you allow us to deal with the roads first? I do not think we should put undue pressure on the Chairperson of the Committee because we are dealing with a specific issue that was raised to the Committee. He is doing his best to give an answer based on that Statement that was sought to do with a specific road. Of course, we can discuss general roads, but now if you bring different projects, you will have to seek a fresh Statement, hon. Senator

Sen. (Prof.) Lonyangapuo: Indeed, Mr. Deputy Speaker, Sir; I will do so. But he needs to tell us what the problem is. It is not because of devolution---

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Prof.) Lonyangapuo, I do not think it is fair to the Chairperson of the Committee to raise fresh and new issues when he is dealing with a specific issue. We can deal with general issues later, but this is specific to roads. He can now deal with roads in West Pokot, Nyeri, Kitui and wherever else. But if you bring in LAPPSET, I dare say that you may have to seek a fresh Statement so that he can now seek fresh information and get a fresh Statement on that. That is my position.

Sen. (Prof.) Lonyangapuo: Thank you, Mr. Deputy Speaker, Sir. In his answer, he talked about Kshs10 billion being given to KURA. He is saying that the problem has arisen because of devolution, where funds have been taken to the counties. That should not be the case because we knew that these projects were ongoing and when we were doing these others, these ones should have been sorted aside earlier, because you cannot stop a project that has began or any road project that was ongoing.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, is it another point of order, or are you now seeking a clarification?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I am now seeking a clarification.

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

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, the clarification is now on the confirmation by the Chairperson that they have now released Kshs10 billion. Could he, when he comes back, come with a list of the projects that will be the beneficiaries of the Kshs10 billion so that the Senate can also be seized of the fact that there is need for equity, otherwise the funds might end up as well going to one skewed end of the country?

Mr. Deputy Speaker, Sir, as I sit down, please ask him to comment on what he will do with the Statement that I raised because he said he was not aware. It is now three weeks old.

The Acting Senate Minority Leader (Sen. Abdirahman): Thank you, Mr. Deputy Speaker, Sir. I listened to the Chairperson and I think he has now cleared the notion that affiliate Members – those who assumed that people from the other side of this House or Chairpersons from the other side cannot respond---

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Abdirahman, let us deal with the issue---

The Acting Senate Minority Leader (Sen. Abdirahman): I want to say that he has done very well. I am not making any other comment.

The Deputy Speaker (Sen. Kembi-Gitura): You are either seeking a clarification or not; but if you want to bring any other issues, we are not going to allow it.

The Acting Senate Minority Leader (Sen. Abdirahman): Mr. Deputy Speaker, Sir, I want to say that the Chairperson has done very well. But as he goes back, issues of stalled projects are very common in the country. Could he undertake to actually provide details to the effect that all roads that have stalled, not necessarily within Nairobi or its environs, are actually listed and, probably, adequate time within which these can be undertaken be provided as he comes back?

(Several hon. Senators stood up in their places)

The Deputy Speaker (Sen. Kembi-Gitura): Order Senators! You know this issue must come to an end because we are taking too long on Statements.

Proceed, Sen. Mositet.

Sen. Mositet: Thank you, Mr. Deputy Speaker, Sir. My concern with the Chairperson and his Committee about the report is when we read or hear about seven years, nine years and 10 years. From an engineering point of view and even maybe giving an example of mega road projects that we know, Thika Super Highway Road took not more than four years. So, when we hear of a small road taking about nine or 10 years, something is not correct. This House should not just receive such reports which cannot pass the test of engineering, or even to the laymen.

So, Mr. Deputy Speaker, Sir, I think the Committee needs also to interrogate the reports properly and also be very serious to the officers in the Ministry before they table such reports to the House.

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

Sen. Mwakulegwa: Mr. Deputy Speaker, Sir, on the clarification sought by Sen. (Dr.) Khalwale on the Kshs10 billion, I will do so, but not next week because it requires

more time for me to prepare the answer. I will have to consult with officers in the Ministry.

The Deputy Speaker (Sen. Kembi-Gitura): When you are at it, hon. Senator, I think it will be important that you look at the HANSARD; I am now dealing with the earlier issue that Sen. (Dr.) Khalwale raised. I may not recall specifically because I may not have been sitting here, but I believe that he did seek a further Statement on this same issue on a countrywide basis. Since you are going to come back with a further Statement on these matters that we have raised, as you have undertaken to do, whether in a week's time or in ten days' time, I would request that your Committee looks at the HANSARD and sees what he had, indeed, sought, so that you are able to incorporate it in the further Statement that you will make.

Sen. Mwakulegwa: We will do so, Mr. Deputy Speaker, Sir.

Sen. Abdirahman requested whether we could come with a list of all stalled projects in Kenya. That will need a lot of time. But I committed myself to bring a list of projects completed within five years by Victory Construction Company. I will bring that in 10 days' time. But if he wants a total roads audit for the stalled projects in Kenya, then that requires much more time. It cannot be done in less than six weeks because we need to consult with the Cabinet Secretary for us to make a very elaborate report touching all counties in the country.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): This brings us to the close of this issue. We have taken a substantial length of time on this issue.

Now, I have taken that you have sought a three months period--- What period are you seeking to give this further Statement, because we need to have it for the record?

Sen. Mwakulegwa: Mr. Deputy Speaker, Sir, for the first one, I had sought 10 days. For the second one where he needs all the roads to be audited and the report be tabled here, I had said six weeks.

The Deputy Speaker (Sen. Kembi-Gitura): Okay. So, you will be tabling a report at that point?

Sen. Mwakulegwa: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): So that the other one for ten days, you will give a further statement?

Sen. Mwakulegwa: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): It is so ordered.

Next Order!

Sen. Haji, do you have some Statements to deliver?

Sen. Haji: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): How many Statements do you have this time?

Sen. Haji: Two, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Okay; let us have them.

Sen. Haji: Mr. Deputy Speaker, Sir, Sen. George Khaniri requested for a Statement on the Government support to victims of Westgate Mall terror attack. The hon. Senator wanted to be informed:

1. Whether the Government will provide any form of financial support to the victims of the attack or their next of kin.

2. The amount of money which was raised through the voluntary monetary contributions made to the Red Cross Organization and explanations on how it will be utilized for the benefit of the victims of the attack and their next of kin.

3. Whether any logistical or financial support has been provided to the affected families, so far.

Mr. Deputy Speaker, Sir, the Government has constituted a Disaster Emergency Fund Disbursement Committee to address the humanitarian aspect of any disaster in the country. After the Westgate Mall attack, the Committee resolved, as has been the practice, to give monetary assistance amounting to Kshs50,000 to the next of kin of the deceased to finance part of the burial expenses. So far, the Committee has met burial expenses for a total of 6 needy and bereaved family members upon proof that they are the legitimate next of kin.

Further, Mr. Deputy Speaker, Sir, Safaricom and the Kenya Red Cross initiated collection of funds from well wishers where as on 24th of October, 2013, more than Kshs125 million had already been collected, with the President contributing a further Kshs11,580,000. The Committee, comprising of the Chief Executive Officers (CEOs) of Kenya Red Cross Society and Safaricom, hospital representatives and the representatives of the Ministry of Interior and Co-ordination of National Government was formed. Its tasks, among others, were to take care of all the hospital bills, including long term hospitalization using these funds. So far, the Committee has disbursed a total of Kshs10,998,865.60 to the various hospitals.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Khaniri, do you wish to seek a clarification?

Sen. Khaniri: Thank you very much, Mr. Deputy Speaker, Sir. Let me, first of all, thank the Chairperson for coming up with this Statement, but at the same time, state that I am very dissatisfied with the Statement as given to this House today. The Statement has taken too long until it is almost overtaken by events. This Statement was supposed to be issued three weeks ago when we were doing the burials of these victims, and when I asked for this Statement, I was seeking for assistance to help the families of the bereaved bury their loved ones.

Mr. Deputy Speaker, Sir, he says only six individuals or families were assisted in the burials. One, can he table the names of the families which were assisted? Two, I stated earlier here that I lost five people from my constituency and none of them was assisted. I did harambees for the five families to enable them sent the bodies home for burial. So, I want to know why the five families were not assisted. That is number one. Secondly, what criteria were used to select the six that were assisted, yet we lost over 70 people in this particular tragedy? Thirdly, he says there is a Committee or a task force that has been formed; we want to know when they will complete their job so that we know how the more than Kshs125 million that was raised by Kenyans was used. We, as a

Senate also contributed more than Kshs2 million to this kitty. So, these are public funds. We want accountability and transparency in the disbursement of these funds.

Lastly, Mr. Deputy Speaker, Sir, His Excellency the President, with his own mouth – I watched him on television at State House in a press conference say that the Government was going to help the families with the burial arrangements and all that. We want to know exactly how much or what assistance the Government extended to these families, because I am aware that the five families that lost their people in Hamisi were not assisted with anything.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Elachi, you have given your request.

Sen. (Dr.) Khalwale, is yours a request or a point of clarification?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, there is a culture of bad manners which has developed in this country where people who preside over funds collected to offset hospital and mortuary expenses end up with the money in their pockets.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Khalwale, that statement is too sweeping, unfortunate and unfair. These are also voluntary bodies which have not given their final account of how they dealt with the contributions.

I would not want this Floor to be used and to appear to be unfair to people who took their time to do that exercise. Unless you have a specific reason at the moment to talk about the bad manners or the misappropriation of funds, I will not want that to come from the Floor of the Senate. So, you should either couch it in a different way or seek a clarification on a factual basis. However, I will not allow the desecration of people who have taken their time to try and do well for the society.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker. The facts that have come from the Chairperson include the assertion that Kshs50,000 was given to each family and only six families received the money. He has also said that to date, only Kshs10 million has been received. I raised that concern based on my fear that out of all the contributions that were made by the National Assembly, the Senate, through M-Pesa, pledges by the Government through the President, only Kshs10 million has been accounted for by the Chairperson.

Could he undertake to come here with all the accounts of that Fund so as to show who contributed what; what was spent, and, what expenditure was budgeted for? This culture is there. We come from communities that practise collecting monies during funerals. We, Luhyas, and Luos, for example, collect money every other time during funerals and people abuse the collections.

Sen. Haji: Thank you, Mr. Speaker, Sir. As I said in the statement, a Committee was formed, not only to deal with the Westgate issue, but to also deal with all other disasters. I do not think that this committee will be going out to seek for assistance.

I will advise hon. Sen. Khaniri to take up this matter with the committee that is responsible for assisting the victims of Westgate. I am sure, as it has been promised in the Statement, that something will be done eventually.

As to whom these six people are, in two weeks' time, I will answer that. Regarding the reaction by Sen. (Dr.) Khalwale, it will be very unfortunate for volunteers like the Kenya Red Cross Society (KRCS), Safaricom and other Kenyans who contributed this money – they will be very sad to hear that the money is being misused. I

do not think that the money has been misused. All the same, if you want to know how much money was contributed, that is something we have already said. The question regarding who contributed what is a tall order. The money was contributed through Safaricom and M-Pesa. Safaricom was just receiving the money and loading it to their system. I do not think it is fair for him to ask that question.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, public funds are public funds. I did not seek to know who contributed the money. All I said was that there were block arrivals of funds; one from M-Pesa, another from the National Assembly, another from the Senate and another one from the State through the President. I am saying that he should give us an account of the receipt and an account of the expenditures. Surely, he cannot get away with this when he has only accounted for Kshs10 million. He cannot. Those are public funds.

Sen. Haji: Mr. Deputy Speaker, Sir, this is a new question altogether. I will advise the hon. Senator to ask that question on behalf of the concerned.

Sen. Okong'o: Thank you, Mr. Deputy Speaker, for this opportunity. Sometimes, I get very amused. Safaricom benefits a lot from Kenyans in making its huge profits. The company has, therefore, a responsibility that we call the corporate social responsibility to assist Kenyans. However, when they help us, they make us to believe that this is a favour. However, they are carrying out a legal matter.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Mong'are, I do not know whether you came in late, but we are dealing with a statement that was issued by Sen. Haji on Westgate. We are not talking about KRCS. We are talking about specific sums of money that were raised by Kenyans. Safaricom may have been the medium, but I do not think that this is the opportune moment.

Sen. Okong'o: Mr. Deputy Speaker, Sir, I wanted to clarify the perception that Safaricom has been helping Kenyans. Even the KRCS gets donations from people and corporate bodies. It is important for the Chairman, when he comes to issue statements to beware of public issues which need clarifications. I am amused by the casual manner in which some statements are answered here. That is something that this House needs to take note of. Every Chairman should be careful when they are issuing statements here for the sake of the public and for our own interest.

Sen. Khaniri: Mr. Deputy Speaker, Sir, when I rose and sought four clarifications. You will agree with me that the Chairperson only responded to one issue; the one relating to the individuals who benefited. He said that he would table a complete list next week.

What did the national Government contribute following the promise by His Excellency the President in a press statement in State House? He talked about a committee that has been constituted to work on disbursement of the funds. When will this committee complete its task so that he can lay on the Table the full account? That question was not answered.

The last one was why five families that were affected from my constituency were not assisted. That question was not answered. I want you to compel the Chairman to answer these questions. If he is not ready, we can give him the two weeks that he requested for. He can then lay on the Table a full list of beneficiaries and answers to the three other questions that I raised.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Haji, you have to answer to Sen. Khaniri's request. I got Sen. Haji, to say, on the very last one, that the assistance by the committee is on a need basis. The person in need would have to ask the committee for assistance after reporting that they suffered in the attack. The committee may not know everybody who needs assistance. Therefore, people need to get in touch with the committee. However, having said that, Sen. Haji, you may need to address the matter that Sen. Khaniri has raised.

Sen. Haji: Thank you, Mr. Deputy Speaker, Sir. As to the number of people who have been assisted, I said that this is on a need basis. If there are victims and relatives who have not been assisted, they can forward their case and they will be assisted. With regard to how much the Government contributed, I will answer this in the next two weeks together with other issues that have been raised.

I am not surprised that Sen. Okong'o Mong'are made that comment. It has been reported by the media that since he came here, he has not made his maiden speech. Therefore, I think he is using this moment to impress the people outside there. The fact remains that the contributions that were made were voluntary and no one was forced to contribute.

Sen. Okong'o: On a point of order, Mr. Deputy Speaker, Sir. The Chairperson never ceases to amuse. The answer is very clear. I am not here to please anybody. I am here to carry out my constitutional responsibility and to put on alert Chairpersons who are supposed to represent the Government, but come up with shoddy and same old---

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

Sen. Okong'o: Mr. Deputy Speaker, Sir, is the Chairperson in order to say that I have not made by maiden speech in this House?

The Deputy Speaker (Sen. Kembi-Gitura): Have you?

Sen. Okongo: Mr. Deputy Speaker, Sir, I was among the first Senators to make a maiden speech in this House.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Haji, you are out of order! I know that Senator Mong'are has made a maiden speech in this House.

Sen. Haji: Mr. Speaker, Sir, I sincerely, apologise. Forgive me.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir for your indulgence. Seventy people died. Our understanding in giving financial support was that the money would go to the 70 families unconditionally. The issue being raised by the Chairman that the money should go, on application, to the families, should not be allowed to pass.

The money should be taken to the families and if there is a family that does not require the money, they can always return it to the KRCS. If you do not do that, you will be allowing the Fund to be abused. After all, Simani's children in Tiriki, Khamisi, Vihiga Constituency – Simani was a big man – were returned from South Africa, in fact, on the same day that he died.

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

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, we should not allow the Chairperson to continue with the assertion that this money can only be given to people on a need basis. Everybody is in need. In every family concerned, somebody died. If there is a family which does not need the money, just give it to them and they will return it.

Sen. Haji: Mr. Deputy Speaker, Sir, in the first place, no money can be given to deceased persons. Secondly, one has to know whether they are really needy cases. You do not just dish out money to every Tom, Dick and Harry. The families of the victims should go and demand for that money.

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. The Chairperson is imputing that I am naïve. Indeed, I am not. I know that no dead person can receive money for the simple reason that I am a doctor of medicine, I know deaths better than him.

I am talking about the members of the families of the dead be allowed to receive their entitlement. If there is any rich family that does not need the money, they will return it. Why is the Chairperson over-protecting whoever is appropriating this Fund at the KRCS?

The Deputy Speaker (Sen. Kembi-Gitura): I think Sen. (Dr.) Khalwale you are also being unfair to the Chairperson. This is my honest opinion because, at the end of the day, when the Committee finishes its mandate and gives an account and a report, then we shall be able to interrogate the report and see the parameters on which they made certain decisions, like giving out Kshs50,000 or Kshs100,000 or whatever amount of money they decided to give case by case because needs cannot be the same. So, I think even as we sit here in the Senate and interrogate the very important issues that were raised by Sen. Khaniri in seeking the Statement - I dare say that he must get the correct answers - at the end of the day, we must do an audit of that committee and the work it has done. We can only do that at the end of it all.

I do not believe that certain issues that are coming from the Floor of the House or from Sen. (Dr.) Khalwale are things that are within the province of the Chairman of the Committee unless Members wish to seek a new Statement from him specific from what Sen. Khaniri had sought. At the end of it all, when the Committee closes and gives a report, you shall be able to say whether money was misappropriated or whether the Committee followed the mandate that it undertook to follow when it formed itself to try and help Kenyans who were in need. Indeed, this was a Kenyan initiative because everybody gave money through M-pesa and all the other avenues to help those people that were either bereaved or hurt in the incident. So, I think we also need to be a little fair to the Committee. But that does not negate the fact that the issues raised by Sen. Khaniri and the other legitimate issues need to be answered to.

Sen. Khaniri: Mr. Deputy Speaker, Sir, I want to thank you for that. I am not seeking for clarification. I just want to thank him for promising that he will bring the accounts and all the other clarifications in two weeks' time. I will be away for two weeks on official duty and because I have a very keen interest in this matter and I want it to come when I am in the House. May I request that he brings the answer in three weeks' time. We add him one more week instead of two weeks.

The Deputy Speaker (Sen. Kembi-Gitura): Does that suit you, Mr. Chairman?

Sen. Haji: That is okay.

The Deputy Speaker (Sen. Kembi-Gitura): It is so ordered. Next Statement, Sen. Haji.

RAID BY CATTLE RUSTLERS AT APUKE
IN WEST POKOT COUNTY

Sen. Haji: Mr. Deputy Speaker, a comprehensive Statement was requested on the raid by cattle rustlers at Apuke in West Pokot County. The Statement on the raid by the cattle rustlers at Apuke in West Pokot was issued in the House on 23rd October, 2013. However, it was ruled that a more comprehensive Statement should be issued. Consequently, I take this opportunity to state as follows:

On 30th September, 2013 an unspecified number of cattle rustlers believed to be Turkanas and Matheneko Karamajong from Uganda raided Apuke Village in the North Pokot District and made away with about 700 heads of cattle. The raiders together with the stolen livestock crossed over to Loima District in Turkana County. So far, 10 head of cattle have been recovered. However, intelligence information reveals that the rest of the cattle were later driven to Moroto in Uganda where they were sold, thus making the recovery difficult. In an effort to address this matter, the cattle rustling menace between the two counties will be an agenda in the forthcoming Kenya-Uganda Administrators/Commissioners meeting which is scheduled to be held later this month.

It is true that the Government has no provision for compensation of victims of cattle rustling. However, in accordance with the request by Sen. (Prof.) Lonyangapuo, the Government is planning to assist the affected families with relief food. In order to enhance security in the area, the Government has deployed security personnel along the border as follows: General Service Unit (GSU) officers at Turkwel, Loya, Lorogon and Lokomor area; Anti Stock Theft Unit at Lorogon, Kinuk and Ahulo while several Administration Police and police posts have been opened along the border between the two counties.

In order to forge partnership between the communities and the Government and among the different community members, several peace meetings have been held in the area in collaboration with the District Peace Committee, elders and other stakeholders. The latest meeting was held on 24th October, 2013 at Turkwel where hon. Moroto of Kapenguria Constituency graced the occasion.

Mr. Deputy Speaker, Sir, the Ministry appreciates the concerns of the hon. Senator that there is need to innovate new ways of fighting crime in the country, including cattle rustling, more so by embracing technology. The Government intends to implement the police modernization plan which will focus on provision of modern equipment and establishment of a national command and control centre. The Government also intends to update technology in border surveillance. Further, in order to enhance security in the area, the Ministry has up-scaled and intensified intelligence information gathering and sharing among the security officers besides increasing surveillance and patrols along the border by the security personnel from both countries.

Thank you.

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, I want to thank the Chairperson for bringing a detailed and more comprehensive statement regarding this terrible attack that took place in Apuke. But I have some few issues that he needs to clarify arising from his Statement. He says that ten animals were recovered. He needs to tell us where those animals are because such a number does not exist; no single cow has been returned.

Secondly, he also needs to clarify where he says that the animals were later taken to Uganda; where they were sold thus making the recovery difficult. How did the Government know that the animals had been sold yet there has never been any attempt to communicate with the Uganda Government? It looks like there has been communication, but there is none because I come from the ground and the County Commissioners can attest to this.

Thirdly, there is a Statement down here which I will quote the last statement on page one. He said:-

“Mr. Speaker, Sir, it is true that the Government has no provision for compensation of victims of cattle rustling”.

This is surprising because the Government is seemingly saying that when there is an attack, people are displaced and harmed by cattle rustlers, it does not touch anybody's heart in Kenya. He needs to clarify this because it is not true. Just like we compensate an individual when a snake bites somebody, why does the Government not feel a pinch when its people are killed?

Fourth, he needs to clarify that food should be taken to that area because he said that according to the request I made, the Government is planning to assist the affected families with relief food. When will that take place? Now it is going to two months since this raid took place. You cannot imagine people staying without food and they normally depended on milk from their cows. There are no crops grown in the hills where they stay. Could the Chairperson clarify when this food will be taken to that place?

The fifth clarification is with regard to what he said on the second page; that the Government has deployed security personnel along the border. He has quoted those places very well. The security personnel at Turkwel are taking care of the generating plant and the workers and so we cannot say that they are at the border. All the other places are in Turkana County. Loya, Lorogon and Lokomor are all in Turkana County. I want him to tell us when the Government will dispatch the GSU and other security personnel to the manyattas where the people of the West Pokot County are. This is just a very old story because these places are on the other side.

Mr. Deputy Speaker, Sir, I am also surprised with the statement where the Chairperson says that there have been peace committees by elders and stakeholders in order to resolve this problem. He has stated that the latest meeting was one where hon. Moroto of Kapenguria Constituency attended. The true fact is that hon. Moroto went there alone and nobody came from the Turkana community. So we cannot say that there was a peace meeting that took place.

In the last statement, he says that the Ministry has up-scaled and intensified intelligence information gathering. I do not know whether he is aware that is no network connectivity in the areas where these incidences have been taking place. This is the stretch between Kainuk all the way to Loya in Turkana. So, how can they collect information and from who because there is no road network?

Lastly, my attention has been caught with regard to the supplementary information he has given where he said that this incident took place as a counter-raid where some cattle rustlers went to steal 2,000 goats in August and so the 900 was retaliation. To quote him he said: “This particular raid against the Apuke residents, therefore, seems to be retaliatory”. Is the Government owning up to the fact that it is okay for civilians to raid each other? This is a shocking statement and it should not even be

entertained at all. Why did they not follow the 2,000 goats at that time and apply the necessary mechanisms to recover them rather than trying to equate 2,000 goats and over 700 cows? That is equating Kshs4 million to Kshs30 million. This is not possible.

Thank you.

The Acting Senate Minority Leader (Sen. Abdirahman): Mr. Deputy Speaker, Sir, I just want two clarifications from the Chairman. First, when there are cattle raids, pastoralists immediately become very poor and vulnerable. Given that relief food is not a very good option because it can help, but it is a short term measure, could the Government consider restocking these people, especially in cases such as this one where livestock cannot be traced?

We heard the Chairperson state that police will be given modernized equipment. Knowing the history of our police force, they are not very good in tracking even when they are given the best equipment. We know that people in this region have been disarmed whereas their counterparts across the border have not been disarmed. Since homeguards do a much better job than the regular police force, could the Ministry consider arming homeguards and deploying many of them so that these people can be secure?

Sen. Haji: Mr. Deputy Speaker, Sir, the question of livestock being returned and over 600 crossing the border to Uganda and being sold, I think the Government officers on the ground must have had this information from their counterparts in Uganda. As to where they were recovered and to whom they were given after being recovered, I will require another two weeks to be able to find out to whom these ten head of cattle were given.

Mr. Deputy Speaker, Sir, on the question of compensation to cattle rustlers, this is a historical problem in this country which has been here since colonial times. There has not been any policy to compensate losses due to cattle rustling. In my personal view, if that is done, it would encourage people to continue doing cattle rustling. Therefore, the Government has not decided up to this moment to compensate the cattle rustlers.

Mr. Deputy Speaker, Sir, regarding the issue of security forces being beefed and deployed to various places, all of them are---

Sen. Muthama: On a point of order, Mr. Deputy Speaker, Sir. I have been listening to the Chairperson here and he has talked about compensating cattle rustlers. Is it the cattle rustlers who are supposed to be compensated or the victims of cattle rustling? Maybe it is a mistake, but for the purposes of the HANSARD, I think that, that needs to be clarified.

Sen. Haji: Mr. Deputy Speaker, Sir, I think that common sense states that those victims of cattle rustling are the ones who should be compensated. I said that is not possible.

Mr. Deputy Speaker, Sir, regarding the issue of all the police deployed being in Turkana, I want to be given another two weeks. My imagination is that, perhaps, the cattle rustling area is along the border of the Turkana and Pokot counties. That is why there is a lot of concentration of security personnel there.

Mr. Deputy Speaker, Sir, with regard to the peace meeting which one Member of Parliament attended, I think that it serves the purpose. But it is not mandatory that all politicians must attend such kind of meetings.

Mr. Deputy Speaker, Sir, a Senator asked what means they are going to use to intensify intelligence gathering, given that there is no communication system in that area. Many parts of this country have no communication. There are no roads, but still people are able to reach the security forces if they are close to them. The most important thing here is to make sure that security forces are closer to the people, so that they can deal with any issue.

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, I want the Chairman to tell this Senate whether it is really the Government policy that anybody who is affected by cattle rustling should not be assisted at all. In his Statement, he said that there has been no compensation since Independence. I want to hear it categorically, because the people who have suffered as a result of cattle rustling are so many. They are not in West Pokot alone, but in many other parts of the country. We want to see a policy document, so that we can determine, as Senators, whether something needs to be done.

Mr. Deputy Speaker, Sir, he also needs to come out clearly on the communication intelligence gathering. In Baragoi in Turkana and Samburu, where massive raids took place, there is no network connectivity. Could the Government liaise with Safaricom and other dealers to avail connectivity? That is the cheapest way of reaching the policemen, because you will find only two or three policemen in a police post and they have no vehicle and there is no good road. So, I think that the Chairperson needs to come out seriously and clearly and explain how this menace can be stopped, rather than treating it as a historical thing that can be wished away. We have Internally Displaced Persons (IDPs) as a result of cattle rustling, who should be treated the same way we treated the other IDPs.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Haji, that will be the last one.

Sen. Haji: Mr. Deputy Speaker, Sir, I really sympathize with the hon. Senator and the people of Pokot, Turkana, Samburu and other areas where cattle rustling is very prevalent. As I stated, I have never seen any Government policy which says that there should be compensation. But I think that this is a matter which the Government should look into in the future. The pressure should come from elected Members of Parliament, to convince the Government that there is need to compensate victims of cattle rustling.

Mr. Deputy Speaker, Sir, regarding the communication network, when I was the Acting Minister for Internal Security, I summoned all the mobile phone network providers and requested them to provide network in all areas that are prone to insecurity. Unfortunately, these are business people and they look for places where they can make money out of the services that they give. But it should not stop the Ministry from further pursuing this request with the mobile network providers. I will pass a copy of the HANSARD to the Cabinet Secretary with the request that they should look at areas that have been mentioned by the hon. Senator.

Mr. Deputy Speaker, Sir, Sen. Abdirahman also talked about the cattle rustling menace. Similarly, there has never been any policy to do that, but I think that this is a matter that needs to be pursued with the authority concerned.

Mr. Deputy Speaker, Sir, I am aware that there are homeguards both in West Pokot and Samburu. They may not be adequate, but as I stated yesterday, I am aware of those who have been trained in Wajir, Garissa and Mandera for the last one year and are not armed. There must be a problem that needs to be solved in the Ministry. Until there are adequate firearms, I do not foresee that to be possible.

Thank you, Mr. Deputy Speaker, Sir.

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

That brings us to the end of Statements. If there are any further Statements, they will be issued in the afternoon.

Next Order!

MOTIONS

MEASURES TO ASSIST COUNTY GOVERNMENTS DEVELOP CAPACITY IN PRE-PRIMARY EDUCATION

THAT, noting that Article 6 (2) of the Constitution recognizes that the National and County governments are distinct and inter-dependent; aware that devolution is an important principle in the new structure of governance; recognizing the fundamental role of education world-wide in fostering economic and social transformation prompting governments to create specialized agencies to, among other functions, regulate the training, registration, recruitment and deployment of teachers; aware that the function of pre-primary education is vested in the County Governments pursuant to the Fourth schedule to the Constitution; noting with concern that one of the main obstacles to the efficient and effective operation of County Governments is inadequacy of appropriate capacity; cognizant that Section 15 (2) of the Sixth schedule to the Constitution requires the national government to assist County Governments in building capacity to govern effectively and provide services for which they are responsible; the Senate calls on the National Government to take measures to assist County Governments to develop capacity in the training, recruitment and deployment of teachers for pre-primary education.

(Sen. Karaba on 5.11.2013)

(Resumption of debate interrupted on 5.11.2013)

The Deputy Speaker (Sen. Kembi-Gitura): The last contributor before we closed yesterday was Sen. (Dr.) Zani. So, the Floor is still open for this debate, which has a balance of two hours and fifteen minutes.

Sen. Mong'are!

Sen. Okong'o: Thank you, Mr. Deputy Speaker, Sir, for the opportunity to contribute to the Motion that was brought by Sen. Karaba, requesting the national Government to assist in developing institutions which will empower the young ones who go to nursery schools to get the necessary standards.

Mr. Deputy Speaker, Sir, I am a Member of the Committee on Education, Information and Technology and we have had an opportunity to travel to almost 14 counties. What we have seen in those counties is deplorable. The conditions of the young ones have been forgotten. If you go to places like Tana River County, Lamu and Kwale

counties, you will be disappointed that those toddlers are living in deplorable standards. It is very important that the national Government, in conjunction with the county governments, comes up with proper curriculum in terms of infrastructure development for the young ones.

Mr. Deputy Speaker, Sir, educational development can only be accelerated to enhance economic growth. This has been captured under UNESCO and the Kenyan Government has done a great deal in this sector, although it has not empowered those young children. Those toddlers aged between three years to six years require the best care that can be afforded. Most of the classes that we visited were congested and some of those toddlers are kept for long hours in school before taking a break. So, it is important that the Government, in conjunction with the county governments, comes up with mechanisms to create a uniform curriculum in hiring and training, so that the young ones can get proper equipment.

Mr. Deputy Speaker, Sir, if you look at Brazil, for instance, the national Government does curriculum development, trains teachers and pays the county governments for those procedures. These are the areas that we require the national Government to give its input. Argentina is also another very well developed country in this sector.

Mr. Deputy Speaker, Sir, in some counties, you will find about 60 babies in one class. There is no feeding programme in place; and there are no toilets.

We went to Kwale and we were told that these young ones go to the bushes for short and long calls. So, it is important that I support this Motion and ask my colleagues to also come and support it so that we can pass a policy to engage the national Government and county governments to develop these programmes which can assist these young children to also have the basic training which will enable them to improve as they move on and prepare themselves for their future lives.

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

Sen. Mohamud: Thank you, Mr. Deputy Speaker, Sir. I rise to support the Motion which urges the national Government to assist the county governments in training, recruitment and deployment of pre-primary teachers.

Mr. Deputy Speaker, Sir, I believe that Early Childhood Development (ECD) education is the foundation of every aspect of education. I am a Member of the Committee on Education, Information and Communication. Normally, when we go for county visits, we propose that the ECDs have the best classrooms in the school. The reason we recommend that is because we have appreciated the important role played by ECDs, since they are the foundation of every aspect of education.

Mr. Deputy Speaker, Sir, during our county oversight and engagement visits, we interacted with the county executives in charge of education and what they were saying is that most of them are ready to recruit the teachers, but they lack the capacity to do so. As you are aware, the devolved function is just new and whenever something is new, there must be some challenges. We are urging the national Government to take this initial stage in building the capacity of the counties when it comes to recruiting because earlier on, it is the Teachers Service Commission (TSC) which used to recruit teachers. When you look at the Fourth Schedule of the Constitution, the ECD function is a devolved function. We would really like that even the recruitment of teachers be devolved. Without the county governments having the capacity to recruit these teachers, deployment will be a

challenge. So, it is high time that the national Government came in so that, at least, the devolved function could be devolved completely, so that the county governments can take over the process fully and not partly.

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

Sen. Muthama: Bw. Naibu Spika, nasimama kuunga mkono Hoja hii. Kama kungekuwa na usawa, hata hatungeongea sana na kusema kwamba tunauliza Serikali ama kaunti ziangalie masuala ya waalimu ambao watafundisha watoto wetu wachanga ambao ndio wanaanza elimu ya msingi. Lakini ingekuwa jambo la kawaida na la haki kuhakikisha kwamba Serikali kuu inazingatia masilahi ya walimu wa elimu ya chekechea ili kuhakikisha kwamba pale pahali walimu wa zile sehemu zingine walipowekwa, vile vile walimu hawa wamewekwa pale.

Bw. Naibu Spika, ni jambo la kuhuzunisha sana kuona kwamba Wakenya fulani wanaishi maisha ya kubahatisha katika taifa lao. Wakenya ni wale wanaosomesha shule za chekechea.

Bw. Naibu Spika, walimu hawa hulipwa na pesa zinazochangwa na wazazi. Jambo hili hufanyika kote nchini. Hawa wazazi wenyewe hawana pesa, ni masikini sana. Wao huchanga ili watoto wao wapate elimu ya chekechea, Utakuta kwamba yule anayefundisha katika shule hizi za chekechea mara nyingi anapata Kshs1,000, Kshs1,500, Kshs2,000. Wakati mwingine pesa hizi hazipatikani kabisa. Jambo hili linakuwa ni kama la msaada ilhali tunafahamu kwamba mtoto akitayarishwa vilivyo katika msingi wa kudumu kutoka shule za chekechea halafu aende katika shule ya msingi akiwa amejihami na kujimudu vizuri, yeye huelewa masomo ya msingi kwa urahisi sana. Ikiwa ataenda bila ya kujimudu, basi itakuwa ni vigumu kwake kuelewa na masomo ya msingi. Kwa hivyo, ni jukumu la Serikali kuu kujua kwamba Kenya ni yetu sisi sote na tunagawanya raslimali zetu katika viwango vyote. Ni lazima tuhakikishe kuwa raslimali kutoka Serikali kuu zinawafikia watu wetu kule mashinani. Hii ndio njia moja ya watu wetu kujivunia nchi yao na Serikali yetu.

Bw. Naibu Spika, tunapozungumzia mambo ya elimu ya watoto wetu, hatulengi tu watu wa daraja fulani katika maisha. Tunajua kwamba watoto au watu wengi ambao wamefaulu katika maisha wanatoka katika daraja ya chini au ni watoto wa watu masikini. Hawa ndio wanaohitaji kusaidiwa na Serikali kuu. Lakini tukiangalia vile mambo yalivyo hivi sasa, ni watoto wa matajiri kama vile Sen. (Dr.) Khalwale, Sen. Muthama, Sen. Mositet na wale wengine ambao watafaidika. Je, watoto wa masikini wataendelea lini? Watoto wa hawa matajiri wataendelea kutawala na kufaulu hadi mwisho wa dunia.

Kwa hivyo, ili tuinuke pamoja na tuendelea pamoja, ni lazima Serikali kuu na za kaunti zifanye kazi pamoja. Mambo haya yasije kuwachiwa serikali za kaunti pekee. Serikali haiwezi kuwa inatoa lile jukumu lake la kufanya kazi na sisi tunakuja tu hapa kusema “kaunti ifanye hii; Serikali itoe pesa iwaajiri walimu wa shule za chekechea. Wawalipwe mishahara kiasi hiki na hiki. Jukumu lao haliishi pale wanapowaajiri walimu. Mara nyingi shule za chekechea huwa na mwalimu mmoja. Mwalimu huyo ikiwa mgonjwa, basi siku hiyo au wiki hiyo, hakuna masomo.

Watoto katika shule hizo husomea katika mazingira mabaya sana. Wao hukeyeki kwa mawe. Hawana chakula wala maji. Naona kuwa nchi hii haitafika mahali popote kimaendeleo ikiwa masomo ya shule za chekechea hayatazingatiwa kwa makini. Hii ni kwa sababu masomo haya huweka msingi maalum kwa watoto wetu. Viongozi wazuri watatoka katika shule hizi. Kwa hivyo, ni lazima wawe na msingi thabiti. Tukifanya

hivyo, Mungu aliye juu atatubariki na nchi yetu itaenda mbele. Tutaweza kuinua maisha ya masikini wengi katika nchi hii na katika familia zao tunaweza kupata marubani wa ndege, daktari, walimu na wengine wengi. Mama akizaa mtoto, si tu anaona watoto wa Sen. Muthama wanapita wakienda ile shule nzuri ilhali watoto wake wanaenda katika shule iliyochakaa pale. Ni jukumu langu kuhakikisha kwamba kama kiongozi katika Serikali, shule anayoenda mtoto wa masikini inafanana na ile anayosomea mtoto wangu.

Bw. Naibu Spika, jambo linaloendelea nchi hii ni jambo la kuleta kizaazaa cha mauti siku moja kwa sababu ya hiyo tabia tuliyoiga tangu tujinyakulie Uhuru. Unapoishi wewe na ninapoishi mimi hapa Nairobi ni kama tunaishi ndani ya jela. Milango ya nyumba zetu ni ya chuma. Mlango wa nje wa nyumba yako ni wa chuma, mlango wa ndani ni wa chuma, dirisha ni ya chuma na kadhalika. Ikiwa nyumba hiyo kwa bahati mbaya itashika moto, basi hakuna mali au mtu atakayeokolewa. Hakuna nafasi ya kujiokoa. Utaumia pale ukitafula ufunguo za kufungua zile kufuli. Kilichosababisha mambo haya ni nini? Ni Kenya kuwa na matajiri 10 ilhali wananchi milioni arubaini wakiwa masikini. Na kama tutaendelea hivyo, basi kila tunachofanya tutaambulia patupu. Siku moja tutakuja kuporomoka kama nyumba ya matope au ya makaratasi.

Kwa hayo machache, Bw. Naibu Spika, naomba kuunga mkono Hoja hii.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Dullo.

Sen. Adan: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I rise to support this Motion. First, I believe this is a critical stage and the best foundation that our young ones would require. It is important as a country to invest in these young ones when they start going to school. In some of the areas, you will see that the schools are actually being built by parents. Sometimes you will find that such schools are left to the parents to manage them, especially in the rural areas. Of course, the parents who have done the fundraising and constructed these schools do not have the capacity. Therefore, I would request the Government to take over such schools so that we can have proper management and, also proper care of the schools by the Government.

Secondly, Mr. Deputy Speaker, Sir, in terms of recruitment, you will find that for those nursery schools, the Government tends to recruit people who have dropped out of class seven or class eight. So, it is high time that we recruited staff or teachers who are qualified to take care of these children.

Lastly, Mr. Deputy Speaker, Sir, the Government must facilitate and also pay the teachers who are already teaching in those nursery schools. Finally, the county governments, of course, have taken responsibility as it is their mandate to take over these responsibilities. It is high time they came up with policies focusing on pre-primary schools at this early stage. If that is not done, then we are not going anywhere. Most of these schools, especially at the grassroots levels, the parents are very poor. We have very poor communities who are even unable to take their kids to school. So, it is important for us to give proper focus by the county governments to enable them take care of these young ones who are coming up in their lives.

Thank you, Mr. Deputy Speaker, Sir.

Sen. Chelule: Asante, Bw. Naibu Spika, kwa kunipa fursa hii ili nichangie Hoja ya leo iliyoletwa na Sen. Karaba kuhusu watoto wetu wachanga. Naunga mkono Hoja hii ili watoto wetu wachanga wapate msingi bora; pia yatakikana sisi, kama viongozi, tuwaangalie vizuri watoto wetu wachanga. Nimeketi na kufikiria ni kwa nini Serikali peke yake imelenga shule za msingi ama vyuo ambavyo walimu wanaofunza madarasa

ya juu wanafuzu, ilhali shule za chekechea zimepuuzwa. Nafikiri itakuwa jambo la maana sana iwapo sisi, kama viongozi wa nchi hii, tutaangalia msingi bora wa watoto wetu kwa sababu hapo ndipo mambo yote yanapoanza.

Bw. Naibu Spika, kuna ripoti moja iliyochapishwa iliyosema kwamba kuna watoto walioko madarasa ya sita ama saba ambao hawawezi kusoma wala kuandika. Hili linafanyika kwa sababu msingi wao haukukamilika. Nasema hivi kwa sababu madarasa ya watoto wachanga yanafaa kuwa tofauti na yale madarasa mengine ya watoto wakubwa. Madarasa haya yanafaa yawe spesheli. Walimu wao lazima waangaliwe na wapewe mafunzo na elimu ya kutosha ili wawaangalie watoto wetu wachanga kwa makini. Mahitaji ya watoto wadogo si masomo peke, bali ni lazima tuzingatie mambo ya afya yao, vyakula na madarasa wanayosomea. Mambo haya yote ni lazima yaangaliwe kwa makini sana ili waweze kujikimu katika maisha yao ya kimasomo.

Bw. Naibu Spika, Sen. Karaba ameangalia mambo haya kwa makini sana. Nataka kuwaunga mkono Maseneta wenzangu kwa kusema kuwa lazima tubuni mikakati au sera ambazo zitafuatiliwa na kutekelezwa na serikali za kaunti. Lazima tuangalie ni nani atachaguliwa aende kufunzwa kuhusu mambo ya watoto wadogo. Ni lazima tuangalie watu hawa watachaguliwa aje, wataajiriwa kazi kwa njia gani. Kwa hivyo, kama Seneta, nina hakika kuwa Maseneta wako na nguvu na uwezo wa kutekeleza sera nzuri kama hii ambayo itatekelezwa na serikali za kaunti.

Bw. Naibu Spika, kwa sababu Hoja hii ni ya maana sana, ningepomba ipitishwe na kutekelezwa kwa haraka iwezekanavyo.

Kwa hayo machache, naomba kuunga mkono Hoja hii.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I would like to support this very important Motion. I would like to applaud the Mover of the Motion, Sen. Karaba, for finding time to come up with this Motion. One of the biggest ironies of the last ten years in this country is the fact that the Government came up with the Free Primary Education (FPE) Programme. However, it never occurred to President Kibaki in his first five years or even in his second five years or to President Uhuru, in his eight months that the children we are targeting in the FPE programme from Class One must have come from somewhere. Why do they find this very difficult? Maybe it is because of the inequalities that we have in the country.

There is a Swahili saying that goes; *kuishi kwingi kuona mengi*. If you move around the country, you will find that there are many disparities whereby some nursery school children use flush toilets. However, there are other counties where nursery school children sit on the ground and their learning material includes sticks and their fingers. They write on dust. When they want to relieve themselves, they go straight to a thicket. That is happening in Kenya today. The new Constitution, by sending these children to the counties, forgot these inequalities. We are very unequal. If we ask county governments to train teachers, some counties like Kwale – I hope that the Senator for Kwale will take no offence because this is a genuine example – will never have teachers.

The Government should recruit the teachers. The few teachers who struggle to be trained using their own means are not recruited, not because there is no policy on equipment but because the Government does not want to pay these people. We must ensure that the Government helps in this recruitment and that we have resources at the disposal of the Governor to pay teachers. If you look at the County Revenue Allocation

Act that we passed in this House, you will see that there was something called the Conditional Allocation which specifically goes to help hospitals.

I am looking forward to our next allocation of revenue where we should have a particular fund; from that of the national Government, that will go, conditionally, to the county governments for the purpose of achieving quality pre-primary education so that Governors can recruit and pay attractive salaries. Training of teachers cannot take place under trees. There has to be infrastructure.

Let us close our eyes and reflect on our counties. How many of our counties have colleges to train pre-primary education teachers? In Kakamega, such institutions are private institutions where even the curriculum is not standardised. If this Motion goes through and we become serious to see that it is implemented, we will have standardised the curriculum and emoluments of these teachers. We will also have ensured that children, irrespective of where they are born, have access to quality education.

I cannot end without paying tribute to missionaries. In most rural areas, it is the missionaries who have saved us. Were it not for the missionaries, most of us, Senators, would not be here. We would not have gone to school. We have two types of Kenya; the one of Nairobi and Nairobi-like and the rural area but Kawangware-like Kenya. Kawangware, Mathare, Kibera and Kangemi join the rural areas in giving force to the neglected Kenya. It is only missionaries who go to those areas to build schools and hospitals.

Now that we have the new Constitution in force and considering that we have very many young people queuing to become Presidents of this country, we hope that we will bridge the gap between rural Kenya and Nairobi Kenya. If we do not do that, what hon. Sen. Muthama has said will catch up with us. He told us that we are prisoners of our own success. Sen. Muthama, I hope that the day you come to Kakamega, you will visit me and see where I live. I have refused to live in Kakamega Town. I live on the one-acre farm that my late father gave to me.

Owing to the poverty surrounding me, I have been forced, hon. Senators, to put up swings, see-saws and slides so that children of the poor from Malinya and Musindi primary schools can see how swings look like. I have been forced to set up these things there. I do not know how I continue to remain married because I have given my wives the battle of cooking *githeri*, what is referred to as *nyoyo* in Luo and *maenjera* in Luhya so that children take something once they are done with swinging. We are running away from reality and this will sway us. Hon. Members, we must address this. The children of the poor are also children.

I support.

Sen. Ndiema: Mr. Deputy Speaker, Sir, I stand to support this very important Motion that concerns the citizens of Kenya, our children.

The Constitution has transferred ECD programmes to county governments but the secondary and primary education to the national Government. This will, certainly, bring challenges with regard to implementation. One, this is because most of our ECD classrooms are located within primary schools. If we were to strictly separate the two institutions, there would most likely be duplication which is costly.

Training of teachers is still a function of the national Government. Teacher training colleges which cater for the ECD are under the national Government. How do we harmonise this? There is the issue of land. If we were to separate the ECD centres from

primary schools, this exercise would be costly because the county governments would have to spend money to procure land. For us to save costs and make the implementation effective and affordable, it is important for the two levels of government to work in harmony even if it means having an agreement in accordance with Article 187 of the Constitution. The two levels of Government should work jointly. With regard to training, this is a function that can continue to be implemented on agreement.

The issue of curriculum development should be considered factoring in a uniformed curriculum for the whole country. The national Government has the expertise and experience to develop such a curriculum. So, it is necessary that the national Government develops this curriculum even on the standards that we want teachers to attain in terms of qualifications and remunerations.

The ECD teachers have scarified a lot. Some of them are paid on *ad hoc* basis while some have been going without salaries for many years. Some of them who are in “well to do” areas are well paid, as Sen. (Dr.) Khalwale has said while others who are in poor areas live from hand to mouth. You will find that the most unqualified people are the ones who volunteer to handle these children. We want to handle our children with dignity. We want to give them the best education that can be given and even better than the higher levels. This is the foundation of a child.

This Motion is very important because churches have also played a very important role. Most churches have nursery schools that cater for their communities. This should encourage the county governments, while budgeting to work in tandem with churches and ensure that children get the best education. We do not know, as of now, if there is any county that has taken any step to take up the ECD programmes. While we urge the national Government to take up the necessary steps to build up county governments, these county governments should take the initiative to provide budgets and ensure that programmes are up and running.

With those few remarks, I support.

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

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

Sen. Elachi: Thank you, Mr. Temporary Speaker, Sir. I also rise to support the Motion knowing very well that many parents in this country take their children to school at the age of one year upwards. When we talk about the development of a child and early childhood education, we must look at, first, how does a child grow up? What are those development steps and how important are they especially when a child is in the early childhood education foundation?

One of the things that children do between ages one to five years is to learn to understand themselves, adopt skills and get the muscles to roll and skip around. They also learn how to think and interact. Therefore if the teacher does not understand the five ways of developing a child, then indeed that child will have challenges. We have seen many children who have gone through the best early childhood education always doing very

well in Standard One. They are able to understand what the teachers are saying, interact, respond and even question their teachers. The child is usually more exposed.

When we talk of early childhood education, we should not just look at the teachers, but also the facilities. At that level, the child must learn how to identify the numbers, vowels and the alphabet. I think the most important thing in early childhood education, if a teacher is well trained, is to mould the child to grow his or her mind. They should be given time to paint anything that is on their minds. They should be left to also play and sing because this is the level at which they develop their minds. If you keep them in a classroom environment, then the child's mind is developed in a way that when they go to Class One, they would wonder what they are being taught because it would simply be a repetition of what they had learnt.

Mr. Temporary Speaker, Sir, there is need to look at an early childhood teacher and how he or she is supposed to manage a child from one year to five years. They should endeavour to develop that child to be part of society without making the child feel stressed by the teachers. This could discourage them from going to school because they are not able to read. This stage is very challenging to the teacher and also to the child.

So, these are some of the issues that the Government and all the other stakeholders, especially parents must be involved in. It is important for parents to know how their children are growing. This is the age where the child gains confidence. This is also the stage where a child can be able to tell you what is good and what is bad. This is the age where they are very frank; they never lie. This determines how they will move to the next level.

In early childhood, you have to think of nutrition because one of the challenges in the rural areas is that most children lack nutrition. In some of the schools in Nairobi, they are provided with tea and milk whereas in the rural areas, many children are suffering from malnutrition although they are very bright. If a child comes to school when he or she is hungry, then that child is unable to concentrate and to listen to what the teacher is saying. I know in the rural areas, we do not bother with the hours a child has to sleep per day. But in Nairobi and other urban areas, they usually rest at 2.00 p.m. So, while we look at the counties, the teachers must understand that these are very young children and they need to be given an opportunity to enhance their brains and even to rest as they grow up.

I know in Kakamega, the Governor had included this in his blue print. He had even set the salaries and people had applied to be employed. Therefore, it is something that just needs to be rolled out. I know the national Government has not been able for all those years to pay the early childhood education teachers.

I beg to support.

Sen. Sijeny: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute to this Motion. I stand to support this Motion because of its importance. It concerns very special citizens of this country. When we lay a good foundation for our children, we are sure to bring up very good citizens who will be responsible to ensure that the economy grows well. They cannot do it on their own and that is the reason why I am supporting that the national Government recruits, trains and deploys teachers for pre-primary education within the counties.

We know very well that when you take children of tender age to school, they tend to believe their teachers even more than their parents. I am talking from my own

experience, having children of my own and remembering how it all began. In a parent's mind, a child is very young to understand and then you try to look for a funny language so that they understand and yet teachers in their own way have managed to teach them the right thing, they will tell you, no, the teacher said this and that. There are times in most schools that these teachers get to counsel parents. But if they are not well trained, they are not even able to impart the relevant knowledge to the parents. In most cases, these are things that happen in private schools.

Mr. Temporary Speaker, Sir, there is no manual for bringing up children. This is something you learn yourself. But there are people who are well trained and they impact this knowledge to the parents. In schools where the parents and teachers work hand in hand, the children end up being very good students and citizens.

The other reason I am supporting this Motion is because this is the very beginning. Unless the foundation is laid properly, the result is a disaster. A child will wake up in the morning and refuse to go to school depending on how the school and the teachers are. If the teacher does not know basic child psychology, they will not be able to deal with children who woke up with tantrums or children who have seen a lot of domestic violence in their homes. If this child is taken to a school where the teacher has been trained on how to deal with these psychological issues, the child is able to cope. This is a child who will love schooling.

Unfortunately private schools are very expensive and as parents, sometimes we are forced to take loans to take our children to private nursery schools so that the child can get adequate training that they so much desire at the pre-primary level. If the national Government works hand in hand with the county Government and trains and recruits the right people, then the poor citizens will not have to struggle so much to take loans in order to educate their children in private schools. These policies should be harmonized and implemented accordingly to ensure uniformity. When affordable quality education is granted, then we know we are on the right path as a country.

Mr. Temporary Speaker, Sir, after training, where these teachers are being deployed should be looked at. The Government should ensure that there is security and that they have deployed the right teachers in the schools so that the children are not abused or their rights violated. At the moment, there is a lot of defilement of minors in our country and we wonder why.

Good food should be provided in the schools. For example, in Kibera, the schools that provide food are flooded with children. I urge the national Government to ensure that they continue with the school feeding programme. The county governments can also network with like-minded partners who can provide the facilities that are required. If the children do not have uniform or clothing, there are charitable organizations who can provide books and uniform because this is a reality and this is what happens in our country.

I beg to support the Motion.

Sen. Omondi: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute towards this important Motion about education. I want us to do a flash back when we first went to school; where we started and the challenges we faced. We should ask ourselves whether we are able to change or leave things the way they used to be. Early childhood education was left to the teachers and mosques. When you look at the environment surrounding such a learning facility, it does not promote quality

education. It also demoralizes early learners. Early childhood education being the foundation stage of the development of a human being, you find that when such a child enters primary school, life becomes difficult and such a child sometimes discontinues her education.

The reason I am saying this is because during early childhood education, you will find that the teachers are not trained and those who start such schools just pick on anybody as a teacher so long as they are Form Four leavers. When it comes to primary schools, the trained teachers introduce complicated issues to the children and that is why we normally have many school dropouts. One colleague Senator said that we are not able to retain such children in schools. Many children are not going to school and this poses a security risk to the rest of the community because such people lack good background that can mould them into good citizens.

Mr. Temporary Speaker, Sir, the national Government should support or assist the county governments by, maybe, allocating some fund and resources, so that we can invest in Early Childhood Development (ECD) education, in terms of training and paying the teachers and psychosocial support to such children. Many a times, you will find young children coming from school in ordinary clothes and we are not able to connect whether or not they go to school. In case of an accident, you will not link the child to a school.

Mr. Temporary Speaker, Sir, the role played by EDC teachers is very important because this is where children begin from scratch. This is where a child is taught how to handle a pen and how to behave well. If a child is not given a good foundation or learning environment, it becomes a problem for them to adjust into a normal life, where they can be responsible as they grow up.

Mr. Temporary Speaker, Sir, developing the brain of a young child means a lot and should be taken seriously by all stakeholders, right from home and the two levels of Government – the national Government and the county governments. The ECD education is a devolved service to county governments, but it has a lot to be done that should not be transferred and left to the county governments. It will become a problem for the county governments to administer that area. I think that the national Government has a role to play and provide ECD personnel with knowledge and skills that will enable them to effectively carry out the role of bringing up young children into adults and respectful Kenyan citizens.

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

Sen. Ongoro: Thank you, Mr. Temporary Speaker, Sir. I rise to support this Motion.

Mr. Temporary Speaker, Sir, I totally agree that the national Government should take measures to assist county governments in establishing infrastructure for capacity building, to ensure that training, recruitment and deployment of teachers at pre-primary school level of education is well structured. I say this because in the first place, capacities of county governments are different. There are county governments that are going to lay more emphasis on education and educational facilities. Other counties may lay emphasis on other areas of development. In other counties there is already the added advantage of having an already developed infrastructure in educational facilities.

For example, there are those counties that had the opportunity to be settled by white settlers and church missionaries, who laid emphasis on education. Such counties

already had a good climate and when the white settlers came, they preferred those kinds of counties. If you undertake a research and study, you will find that those counties that were settled got the advantage of educational facilities being established in their counties. Therefore, they had to start from somewhere, even in successive governments. Now that we have devolved to counties, they are starting at a platform much higher than other counties, in terms of educational facilities.

Mr. Temporary Speaker, Sir, it has been said internationally that Kenyan workers are some of the best. Wherever they are employed, they excel and perform. That is because of the kind of education that they get. That being the case, therefore, we must lay emphasis on education and that takes us to the foundation. Just like in every building, the strength of a building depends on the strength of the foundation. If we want to sustain the human resource that we are known for, as Kenyans, then we must lay adequate emphasis on the foundation of education, which is, pre-primary education and ECD. In that case, it means that we not only need free pre-primary education, but also we must support it with resources and ensure that it is universal.

It has to be universal because those who come from poor families, like I do, did not have the opportunity to have good pre-primary education. We found it very difficult in primary school when we met with colleagues who had four years in pre-primary education. They were speaking fluent English, Kiswahili and you were joining them at the same level and sitting for the same national examinations. It is very difficult to compete with this kind of people. How do you expect somebody who comes from the part of the country where the letters “L” and “R” are interchanged, and at some level, you expect them to speak the same English with a child who was exposed to English at a very early age?

That is the formative stage where people learn and children know how to pronounce words. So, if you allow a child, for example, to keep calling “L” as “R” and vice-versa or you come from another part of this country where people cannot pronounce the words “SH” and insist on “S” for everything and expect that at some level you are going to expose a child, who was taught in Luo for over five years, to *insha* and English Language--- We must insist that pre-primary education must be universal. They must have a curriculum that is universal; we must have adequately trained teachers at all levels and the necessary infrastructure, including good classrooms and facilities, because this is the formative year. How this person is going to access, perform and pass their exams actually has its roots in the kind of pre-primary education that they got, but that is not the only thing that needs to be taken care of.

Mr. Temporary Speaker, Sir, I went to school during the time that we had the privilege of drinking *Nyayo* milk. Apart from anything else that I was going to school for, since I came from a very poor family, what took me to school was the milk. So, when you talk of children who come from poor families and slum areas and have nothing to eat, and there is a motivation that if they go to school, they will find a plate of a hot meal, they will like schooling. I liked school because everytime I went to there, I was given a glass of milk. For many days, that is what I survived on. I would go back home to an empty kitchen, but I would always be the first in class because I knew that there was milk at the end of the day.

So, sometimes we want to take such things like the school feeding programme lightly, but it might be light for those who are able to afford three meals a day or five

course meals everytime. But for a child who comes from the slums of Korogocho, Kibera or the rural areas where people are very poor, when you feed them in school, you motivate them. For them, that is the mental picture that they create about schooling. You cannot tell a three-year-old that one day they are going to be the Chief Executive Officer of something, when he is dying of hunger. But when you give them a plate of *githeri*, then whatever you are talking about that they might be able to get 20 years to come makes sense. Therefore, the school feeding programme must be sustained at this early childhood level.

Mr. Temporary Speaker, Sir, but that notwithstanding, infrastructure development is very critical. If you go to most schools, you will find that the most dilapidated classroom in that institution is what is delegated to these very young children. Does it make sense really? It does not make sense because at this stage, these kids are more sensitive to hygiene and need more protection. So, it cannot be that in every school and institution, the most dilapidated classroom is what is left to those who are at pre-primary level. We must insist that in the same way we build capacities for primary school level, in that same way, we must construct adequate classrooms with sanitation and enough facilities for these children.

Mr. Temporary Speaker, Sir, it must become a policy that not anybody is able to just teach these children. At that age, anything that you infuse or teach these children stays. In the case of urban areas, for example, if you have an extra room and can read and write Kiswahili, you will collect all the neighbours' kids, start an institution and teach them anything. We are exposing our children to just about anything in the name of having nursery school education. That is really wrong. I have visited a county, which I am not going to mention, where the most qualified teachers – the best of the best – are taken to teach young children in pre-primary, kindergarten and all that. This is because they know that at that level, you are forming the brains of these children.

If you want patriotic citizens in 20 years to come, then you should have people who will instill in these children the idea of patriotism. If you want them to speak good English, take the best English teachers not to Class Eight, but at this level. If you want them to become mathematicians, engineers and all that, take those who have really excelled and not somebody who got Ds in every level. Do not take somebody with Ds to teach your three or four year olds, thinking that they are going to teach anything tangible.

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

The Temporary Speaker (Sen. Murkomen): Sen. Mositet.

Sen. Mositet: Thank you, Mr. Temporary Speaker, Sir, for allowing me this chance to support this Motion by Sen. Karaba.

Mr. Temporary Speaker, Sir, the last speaker who spoke did it very well; he explained everything about the Motion and I was just imagining and trying to think of my own county. When I talk about my own county, I do know that in almost all this country, apart from a few urban areas where you can really say that the pre-units or the pre-schools are a bit different, but you will agree with me that the rural setup is almost the same countrywide.

Mr. Temporary Speaker, Sir, the pre-schools are actually the foundation of education. Even talents are supposed to be identified at the pre-school level. For a child who is going to be an engineer, a priest or a chemical engineer, the best teachers will always identify the talents of a child when they are very young.

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

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

Madam Temporary Speaker, with this beautiful Motion, Sen. Karaba is trying to say that the national Government must make sure that we train special teachers to cater for the pre-units or pre-schools.

Madam Temporary Speaker, why do we have the variance in performance between the rural schools and the urban schools? It is purely because of the pre-units. In the rural areas, the pre-units are non-existent. Why do I say so? If you go to those rural setups, the teachers are the students who finished Form Four and who never even excelled; maybe the best they scored were Ds. Then they are told: "The best you can do now to assist this village is to teach or take care of a particular pre-unit," which is just next to the homes. So, those young children are condemned in terms of the material they are getting because the person who is giving them the education or who is trying to nurture their talents did not even make it in the "O" Levels. So, ideally, you are just telling the children from that level, before they even know how to speak, that the best you can do is to condemn them.

Madam Temporary Speaker, with this Motion of Sen. Karaba, we are supposed to get relevant teachers and people who are qualified to teach the pre-units; people who have qualified to know that they can nurture some talents from as young as maybe two or three years; people who are qualified to know that a particular child has now qualified to go to Class One or to Class Two.

Madam Temporary Speaker, when we talk about the infrastructure to cater for the young angels of our country, again, we find that those children in the rural set-ups are condemned. I am sorry to quote a case like Murang'a, where Sen. Karaba comes from. In fact, we have read how Ahadi Kenya Trust performs well in the jigger infested areas. They will tell you that some of the areas that have a lot of problems are the pre-units in the rural set-up of Murang'a; because children are just condensed into the classrooms where even the floor is non-existent.

Madam Temporary Speaker, this is the right time for the Senate to make sure that we compel the national Government, because it is their duty, to make sure that there is adequate and right infrastructure for the pre-units. A young child will definitely want to rest; a young child will want to drink water; a young child will want to exercise the brain as they grow. Up to now, I can recall that when I was quite young – although we never had the infrastructure, but I can still recall what we were kneading with mud. I can recall what I kneaded the first time I was in the pre-unit, and I did not even have a short. But up to now, I can remember that I did something which was a resemblance of a cow because that is what I was seeing. Later, I graduated and started modeling cars simply because I had seen a car passing by at one time.

So, Madam Temporary Speaker, if we come up with the proper infrastructure by making sure that each and every ward and school has the proper infrastructure for these young ones, we will make sure that no talent will ever go into the drains. The talents will

always be nurtured when one is young and any child who wants to be an engineer will always get the perfect chance.

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

The Temporary Speaker (Sen. Ongoro): Sen. Kanainza.

Sen. Kanainza: Thank you, Mr. Temporary Speaker, for giving me this opportunity to contribute to the Motion brought by Sen. Karaba. I will start by commending the work being done by the county governments to ensure that devolution works for the good of our people. I would also like to commend the national Government for trying to help these county governments perform their duties. When we speak about the pre-primary education, actually, it is key, the reason being that this is the first stage that these children go through to enable them have a successful future in their lives. The reason why it is very important for us to focus on pre-primary education is because it is a transiting period; that after pre-primary education, they are going to primary schools, then secondary schools and then onward to tertiary education.

You will find that if these children do not get that conducive environment, they end up hating being in school; they end up not liking school at all and it even affects their growth and attitude towards life. For many years, as my colleagues have said, this responsibility has been left to the society, the churches and even to other organizations that have the heart for the people. But it is good that it has been put under the devolved functions of the county governments, and I know that something good is going to be done. All this is because of the focus that we have for this child, that we want him or her to be an important person in future. When we look at the state of pre-primary education at the moment, there is no proper policy framework or curriculum being used; every institution is using a different type of framework.

Madam Temporary Speaker, the other problem is about the feeding programme. These children stay in school without taking porridge or even a meal, and maybe they have walked from home without even taking a cup of tea. When they get to school, they spend most of their time in class learning; they do not have time to play. Even if they have time to get out, there is no playground specifically for this function of their recreation. When you look at the infrastructure in most places, these children are crowded in one place and sometimes they even sit on the floor, and the floor is not made as well as where we are today; it is just a shanty place made of mud. With this, we are actually even exposing these children to some diseases.

Madam Temporary Speaker, when we talk about the language of instruction, sometimes when you visit these institutions, when you greet these children in English "How are you?" they are not able to respond. We really need to know which language should be used in terms of instruction; whether it is English, Kiswahili or mother tongue. Similarly, you will find that teaching materials are not there. When we were growing up, we used to have sticks and bottle tops, but nowadays, we only use the theoretical bit, unless you are in a private school. But if you are learning in a public institution, then these facilities are not there.

As we look into the development of capacity in the training, recruitment and deployment of teachers, we also need to see how best these kids are going to survive in these schools. That is why both the county governments and the national Government should strive to make pre-primary education classes our best classroom models. It should not be the case that only Standard Eight pupils who are going to sit for their final

examinations have a very nice class; they have best facilities; they are the only ones who take tea and lunch in school. We should also look at this child that, at one point, will move from this level of being in an Early Childhood Development (ECD) and transit on to the primary level even to reach that Standard Eight.

Madam Temporary Speaker, I will also recommend having parental education – we call it parenting education – to support the child. When the child gets home from school, this parent knows that he or she has to help his or her child do their assignment. He should encourage him or her by telling him or her what he or she is supposed to do and, maybe, what they want to be in future.

Lastly, Madam Temporary Speaker, I will also give my recommendation on the pre-primary education. I would think of having Class One to Class Three be included as part of the pre-primary education because these children are of a tender age. Mostly, when someone is in Class Three, he or she is aged around nine years, and they still need this tender care.

With those few remarks, Madam Temporary Speaker, I want to say that most of us here are a product of a good foundation and we always know that a good foundation builds a good future for us. That is why it is very important for the national Government to take measures and come up with this framework and policy to assist county governments develop capacity in the training, recruitment and deployment of teachers.

Madam Temporary Speaker, I beg to support.

The Temporary Speaker (Sen. Ongoro): Sen. Mukite.

Sen. Nabwala: Thank you, Madam. Temporary Speaker, for giving me this chance to contribute to this very important Motion which was brought by Sen. Karaba concerning ECD education. As one of the contributors has said, ECD in the rural areas does not exist. Actually, you can only find it in towns. In my county of Trans Nzoia, we have ECD centres, but when you go further on into the villages, they are not there. You will even find that Standard One and Two children seated under trees where even the blackboard is hoisted on a tree. Although the ECD is a function of the county governments, I would like to call upon the national Government to take interest so that they can help the county governments maybe in the form of grants for them to develop ECD infrastructure.

Madam Temporary Speaker, concerning training and recruitment of teachers, this should be standardized so that the same standard of teachers that teach in ECD centres in Nairobi should be applicable to the counties, because all students have to adhere to and sit for the same standard of national examinations. The ECD is the basic foundation of our children and once we lose that, then you will find that the performance of our children or pupils in the villages will be poor and they will not compete with those children in towns, because they cannot speak English. I remember there is a child I had adopted from Butere, and when this child came under my care and I took her for an interview, she could not even speak English. This was just because in the village, they use their vernacular language or Kiswahili for communication. So, I think we need to set up standards of education that are the same in all counties.

In Trans Nzoia, the county government has taken upon itself to recruit teachers for the ECD; two for every school. However, they cannot cope with the situation because there are very many wards. I would like the national Government to give a hand in the recruitment of teachers and support counties to take off. This is an area that has been left

behind. It is lacking, wanting and that is why you will find children in rural areas who cannot compete with those in towns or major cities like Nairobi.

With regard to the feeding programme, we used to give children milk in school. A child from a poor family who takes black tea for breakfast would be very glad to go to school because during tea break, the teacher will give him or her milk. This encourages children to go to school and learn and to also open up to teachers. Children who have problems at home, for instance, those whose parents have fought, go to school while sad or sulky and the teachers pick this straight away. Teachers talk to the children and find a way forward for them. So, going to school is very important. We need to put more emphasis on the ECD level because it is from there that we will pick out professors and even Presidents. Some of us are products of ECDs.

I went to an ECD school when I was three years old. This was a boarding school and I stayed there until I completed my Form Four education. I then moved to Nairobi to proceed with the Form Five and Six. So, the ECD is very important.

I support and appeal to the national Government to give a hand in form of grants.

Sen. (Prof.) Lonyangapuo: Madam Temporary Speaker, Sir, I want to thank my colleagues for contributing and bringing more information and ideas which are required in this Motion. The Motion, as stated by hon. Karaba, calls upon the national Government to assist the county governments to set up infrastructure and structures that can sustain and bring a formalized programme for the ECD education in our society. We need to put our foot down and manage our education system from the beginning to the end. We know that the primary education, secondary, high school and university education is well catered for. However, the foundation stone should be thoroughly looked into. That is why I want to thank my colleagues for speaking to this Motion and pointing out key things.

I suppose that the relevant Ministry will look into generating a policy so that we have a regulation to take care of this system of education on the ground. The earlier we do this the better. Colleagues said that since we are anchoring devolution, it is better we put our best foot forward on matters to do with education, which is the best avenue to produce human resource that can build this country right from the start.

I do not want to speak much into it but to say that I support the Motion.

Pursuant to Standing Order No.51 (3), I request that the putting of the question be deferred to another day if this is a county matter.

I beg to move.

The Temporary Speaker (Sen. Ongoro): Hon. Senators, I want to refer you to Standing Order No.69 (1) and (2). It is my considered opinion that this is a matter that affects counties. It affects counties and that is why we are asking the national Government to prevail upon counties and to help them. The ECD is a county issue. Therefore, your request is in order. I direct that we put the question. Are you okay with tomorrow or next Wednesday? We will defer it to next Wednesday at 3.00 pm.

(Putting of the question on the Motion deferred)

Let us move to the next order.

PROVISION OF CHEAP CREDIT TO FARMERS
BY THE AFC

Sen. Chelule: Madam Temporary Speaker, I beg to move the following Motion.

THAT, aware that agriculture is the backbone of the Kenyan economy and one of the avenues through which poverty reduction can be achieved; concerned that the Agricultural Finance Corporation (AFC) is charging high interest rates on loans and imposing heavy penalties on loan defaulters; the Senate urges the National Government to provide cheap credit to farmers by reducing the current interest rates charged by the Corporation from 10% to 3% and abolish the penalties imposed on loan defaulters.

Madam Temporary Speaker, I have the following reasons to support my Motion this afternoon. We all know that agriculture is the backbone of our economy. This is an activity that is undertaken by most people at the grassroots level. Agriculture is the only way we can reduce poverty and grow our economy as a country.

Today, we are sitting here as healthy leaders of this country because of one person and that is the farmer. A farmer contributes highly to the growth of this country. This is an activity that is being undertaken by majority of the people. These are the same people who pay taxes in this country. There is no way that we can improve our livelihoods without agriculture. It is my concern, this afternoon; to inform Senators that there is no way we can empower farmers if we do not avail cheap credit to them.

We all know that the Agricultural Finance Corporation (AFC) has been assisting farmers. However, the problem with it now is the high interest rates. It is my humble request to Senators to contribute to this Motion positively because if the rates are reduced from 10 per cent to 3 per cent, this will give an opportunity to the people at the grassroots level, especially women and the youth who are idle due to unemployment. This will encourage them to engage in farming activities.

We are aware that the Government is also channeling funds through banks or some micro-finance institutions. It is my request that instead of channeling this money through banks, this money should be channeled through the AFC. The AFC should even be upgraded from being a corporation to a bank. This would enable the institution to give support to farmers by giving them cheap money.

As I stand here today, I am not sure whether you are aware that defaulters are being charged double interest. For instance, in the Act, farmers are charged 10 per cent. However, if they default, they are charged 20 per cent. When you charge farmers 20 per cent, considering that most farmers have defaulted one time or another, not because they wanted to do so but because they were forced by circumstances that are related to the low market or plant diseases----. Is it fair to charge the farmer double interest rates? It is my humble request that the Government should look into this issue. The interest rates should remain at 3per cent if this Motion sails through successfully in this House.

It is also my humble request that Senators contribute positively to this Motion because many people and our country will benefit from it. This will be the only way to

boost our production. This will reduce insecurity and there is no time that the Government will need to import food into the country.

With those few remarks, I beg to move and call upon the Senator from Kakamega, Sen. (Dr.) Boni Khalwale, to second the Motion.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I rise to second this very important Motion. Before I do so, I would like to thank you for allowing me to speak and to thank the Mover.

“Mr. Speaker, Sir”, this Motion addresses the plight of our peasant farmers. The big farmers do not need this Motion because they have money and they practice mechanised farming. If you are doing mechanised farming, your cattle are milked using machines and you do not pay the machines any salary. Your calves are breastfed by robots that you do not pay salaries.

Therefore, large-scale farmers do not--

The Temporary Speaker (Sen. Ongoro): Order, hon. Senator! You have constantly and persistently referred to me as Mr. Speaker. In spite of the fact that I am keeping my hair short, I am of the opinion that you can see that I am not a man.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I am very sorry. This is the only time that I have made that mistake. I am not sure whether this is because of the testosterone that is flowing through my brain this morning.

However, I want to plead with colleagues that this is a practical thing. When you borrow money, you do so knowing that you will break even and repay it. Some people may say that this Senate is being unrealistic by lowering the rates from 10 per cent to 3 per cent. Farming is not like any other businesses. I know that most of you have businesses. Farming is a speculative business. The term “speculative” means that a farmer can plant ten acres of maize mixed with beans. You speculate on the assumption that rains will come on time and that they will be pure and not accompanied with other disasters. But what happens in some of the years? You find that in a particular season, the rains fail and so the crops fail or the rains come late and so the crops fail or the rains come on time but they come with hailstones which destroy the crops which fail. What is more, the rains can come with other disasters like a storm and flatten the entire plant and the crop fails.

In some cases, you will find that in certain seasons, rains come with army worms. In fact, this is such a common thing in Nyanza, some parts of the former Western Province and Trans Nzoia that even in our communities children who are born at a time when these rains come with army worms are given special names. They are called *tsikhungu*. So, every time you see a boy called *tsikhungu*, you know that the boy was born when the army worms were there. In fact, there are many songs that are sung in my vernacular which complain about disasters caused by *tsikhungu*.

The ordinary people see it necessary to name children so as to remember that disaster. It should not fail to occur to the Government that this matter is so outstanding. Granted it is being experienced by small people, but it is so outstanding that it calls upon the Government to actually write off the loans. Therefore, I support the Mover when she says that those people who defaulted, the heavy penalties that are imposed on them are not fair. If a farmer is able to prove that it was because of one or more of these disasters that they failed to break even, then they should be allowed to enjoy a write-off.

Madam Temporary Speaker, I want to share with my colleagues the experience that I had when I visited dairy farmers in Canada. In Canada, one farmer keeps 175 head of cattle using only three employees. They do not use anything out of this world. They have discovered that when you leave an animal to walk in the fields, you disturb it and productivity goes down. When the sun heats it, the productivity goes down. So, the so-called zero grazing in this country is actually the farming that is in vogue for higher productivity in the first world countries. I therefore would like the Government – granted that they have given agriculture as a devolved function to the county governments – to be interested so that we support county governments especially in those high milk producing areas so that they are able to practice modern farming where many animals can be looked after by fewer personnel so that the cost of management of the farm is cut down.

This cannot just take place because we have said it in the Senate. We have to start an attitude in this country where since we grew up thinking that the real thing to get in life is land and we know of many cases where people kill each other in the rural areas because of land---. We have to create a paradigm shift so that that mindset in our children that for them to be seen to be people, they should own land, should go away. I can assure you if you ask Sen. Kajwang, we make much more money from our professions than you would make from 100 acres of land where you have planted maize. But you will find that even us, the doctors, lawyers, engineers and other professionals, keep on impacting into our children that it is land, land and land.

Time has come for professionals to free the land which they hold in fertile areas to professional farmers, so that you concentrate on your profession, where you earn your livelihood. This will make it possible for the farm holding across the county to be bigger. When farm holding is bigger, it means that the majority of the people of the Republic will live in urban centres.

Madam Temporary Speaker, I want to refer Members to a book that I was reading last week on how you can end poverty in our lifetime. This book illustrates that the countries that have moved from middle economy to first world economy, like Brazil, have had to fight, so that the majority of their people have moved from the rural areas to urban areas. The moment you do that, then you will free all that land that the majority of the Kenyans live on in the rural areas for farming. The country will then become food-secure. If we do not move in that direction or our leadership is not going to drive the thinking of our youth into that direction, what we are going to end up with in this country – 50 years from now – will be Kenya as a rural slum, which is just a graveyard. This is because Luos, Luhya and Kisiis must bury their people in the homestead. The Kalenjins have also learnt from us. So, you will just have a rural slum and graveyard.

Madam Temporary Speaker, we must aggressively train our children and ask them to live within their profession and gracefully pursue something that almost made us lose the referendum on the current Constitution. The “No” side was telling Kenyans that this Constitution was going to provide that there will be no further subdivision of family land. Now that the Constitution was passed and we are through with those challenges, this Senate should face it and tell Kenyans that you cannot subdivide land beyond a particular acreage. This is because the moment you do that, land stops being productive. The poor who cannot live with the idea of losing their ancestral land should be managed. For example, you can move all of them to Kakamega and put them in flats. You then give

services including water, schools and electricity cheaply, to people who are in the same place. Where they have come from, you leave it open for farmland.

Madam Temporary Speaker, with those many remarks, I beg to second the Motion.

(Question proposed)

The Temporary Speaker (Sen. Ongoro): Sen. Mukite.

Sen. Nabwala: Thank you, Madam Temporary Speaker. I rise to support this Motion which was moved by Sen. Liza Chelule. She is asking for two things; one, she is urging the National Government to reduce the interest rates charged to farmers by the Agricultural Finance Corporation (AFC) and, also, to abolish the penalties imposed on loan defaulters. The AFC plays a central role in providing financial services for the development of rural and agricultural sector in the country. In the 1980s, I think it was doing extremely well, but when we got to the 1990s, we saw a downward trend. Why is that? It is because some people took out large loans which were secured by farms, and they were not able to pay back those loans; or the AFC was not able to sell the farms, one, maybe because the person who borrowed the monies was a politician or, two, since land is a very sensitive issue, particularly when it comes to clan land, because it is not easy to sell this land. Also, where somebody is a politician and you tried to sell his land, in the past, you would find yourself in trouble.

The AFC plays a very important role, as I have said; it does asset finance, seasonal crop credit, and it also gives out development loans. Their interest rates range from 5 per cent to 10 per cent, depending on the kind or type of loan that one has taken out. When one defaults in repaying this loan – and it is not your wish like the other contributor has said – but because it may be due to natural hazards where there is bad weather; or like in Taveta County, when we visited that county, we received complaints from the residents that elephants stray into their farms and destroy their crops. If one has borrowed money against that crop, then it is obvious that they are not going to repay such a loan because your crop has been lost. Since there is no crop insurance and, also, the Kenya Wildlife Service (KWS) does not compensate farmers for such kinds of losses, borrowers may default on their loans.

Sometimes also, you may have a poor crop because of poor seed, like it happened at one time in Kitale. Somebody buys the seed from the market or from the Kenya Seed Company (KSC), you plant it with fertilizer and when it comes to the harvest, this maize does not grow and the highest it can grow is maybe two or three meters. So, that is already a loss; but who can you put that blame on? Even the seller of the seed is not willing to accept responsibility because, maybe, you have already thrown away that receipt to show that you bought that seed from such and such a company.

So, Madam Temporary Speaker, in cases of default, I think the Government should take on that loss, because these losses should be looked at individually. When the AFC lends out money to farmers to grow crops, they should behave the way the KSC behaves; they come to the ground, you show them where your land is, the acreage and they will lend you the exact amount that is going to cover that acreage. But, first, you must also show your commitment; you must plough. So, you can only go to the KSC maybe for the seed and for maintenance of the crop, and they will keep monitoring the

crop until harvest time. When the maize is harvested, they are there with their lorries and they make sure that this crop is delivered to their godowns so that they can deduct their money before you are paid. So, I think if the AFC takes that position of monitoring and control, we shall get somewhere.

However, Madam Temporary Speaker, I wanted to point out some challenges regarding these loans which are given by the AFC. I have already mentioned one of them being misconception by the borrowers that these are grants and, therefore, they do not need to pay back. Of course, this eats into the kitty of the AFC and you will find that they do not have that capital base to lend out. The other challenge, of course, is security. We know that there are various kinds of securities, not just land, but the AFC insists that farmers must give their land. Most people are very conscious because they may take land where their family lives as security to the AFC, maybe the crop fails and your land can be sold and your family thrown out of the property. These days, people are very careful in using land as collateral.

I would like to ask the national Government to be flexible so that collateral is not just in the form of land. They should also take car log books which are easier to sell than land which at times belongs to a clan and cannot be sold.

Sen. Kajwang: Thank you, Madam Temporary Speaker. I would like to thank hon. Khalwale for reminding us that when worms attack his community, the children born at that time are called "*Tsikhungu*." I want to challenge him that I have my age mate, a lady, called Nakhungu. This is a great tragedy that people have to remember when it happens.

Agriculture will not take us anywhere unless it is mechanized and modernized. We will not mechanise and modernise it without applying capital to the land. This capital can come from banks. However, Kenyans found out early that banks were in another business altogether and to support farmers, we had to start a finance corporation that would understand farmers. That is why their interest rates were deliberately lower. In fact, at that time, there was insurance that was taken over by the Government. If you lost your crop through adversity, the loan would be written off. In fact, this was called the Guaranteed Minimum Returns (GMR). There was a minimum return that if you did not get from your farm, you were not asked to pay. That comforted the farmer and made him to go to the farm the following year.

However, if they behave like any other bank - I suspect that the AFC has started behaving like any other bank - their interest rates will also be high. The penalties are also prohibitive. In fact, there are penalties on top of penalties and before you know it, somebody runs away from his farm and comes to Mathare Valley to hide there. Agricultural production suffers because somebody has run away from auctioneers and villagers are left behind to protect the farm. They are the ones who chase away prospective buyers like Sen. Khalwale who may go there with a loan from Parliament to buy the land.

This has made farmers to run away from their farms and yet we should be encouraging them since they are the ones who know what they are doing. They love doing what they are doing and we need to support them. Farming is not very profitable. In most countries, whether it is in America, Germany or Britain, farmers are subsidized. In fact, the biggest war in the World Trade Organisation (WTO) right now, we are thankful that our own son, my former roommate in Makerere, is the Secretary General,

hon. Dr. Kituyi. The biggest problem is subsidy to cotton farmers in America and to beetroot farmers in Germany and to any other farmer in developed countries. In fact, the towns that hon. Khalwale has referred to are largely subsidized. The food is not taxed. I learnt, the other day, that chicken feed is now being taxed. If you do your arithmetic well, you will see that you will not make any money.

Therefore, farmers in Kenya need to be subsidized and you can do that by providing a loan with low interest rates. Look at what we are doing with *Uwezo* Funds and other youth funds. We are giving it at almost 1 per cent because we want to subsidize those youths so that they can come up. If you allowed them to go to any other bank where they will be charged 17 per cent or 21 per cent, they would not even start. So, a country which is conscious of the sector that it wants to develop, for example, improvement, modernization and mechanization of agriculture, then loans have to be subsidized. So, when we talk of loans of 3 per cent interest, we are saying that the Government will provide the subsidy so that farmers can continue doing what they do best and the country can benefit. In any event, if we do not support our farmers through subsidies, we will buy maize from other countries like South Africa who have subsidized their farmers.

Madam Temporary Speaker, when we did not have enough maize in this country, I remember running around to South Africa to see if we could get some maize. They told us that their maize is not good for us because it is genetically modified. So, we looked for maize until we decided to take the South African maize despite the fact that it was genetically modified. So, if you do not support your own people, you will support other people and you will borrow the money with which to support them. Imagine we borrow money to buy maize from South Africa, which means that we are borrowing to pay with interest to support a farmer in South Africa who is already supported by his country.

The Temporary Speaker (Sen. Ongoro): Order, Senator. Your time is up.

Sen. Kajwang: I support.

Sen. Muthama: Madam Temporary Speaker, Sir, I stand to support this Motion. Before I do so, I wish to propose an amendment.

Madam Temporary Speaker, I beg to move that the Motion be amended as follows:-

THAT, the Motion be amended by inserting the word “preface” between the words “on” and “the loan” appearing in the sixth line.

Mr. Speaker, Sir, this small amendment is just meant to make sure that those who are given the money should not just think that it is free. At the end, the Motion says “abolish the penalties imposed on loan defaulters.” This is random and is not clear where the penalties should be abolished. By inserting the changes, it gives a clear way that applies to those who have been given loans with high interest rate of 10 per cent. This would protect those who received loans before and those who will be receiving loans at an interest rate of 3 per cent. This is to protect farmers so that we do not end up where we are.

Kenya is a unique country. This is a country where banks declare their profits in billions in the first six months of a financial year. In other countries starting with the United States of America (USA) or Geneva, the profits of banks are minimal. So, to protect farmers, we need to go that way.

I support this Motion and move the amendment. I want to ask Sen. Mositet to second.

Sen. Mositet: Madam Temporary Speaker, I second.

(Question of the amendment proposed)

Sen. Muthama: Madam Temporary Speaker, the amendment having gone through, I will continue with my contribution.

The Temporary Speaker (Sen. Ongoro): Not yet.

Sen. Muthama: Not yet? Since I have moved the amendment, I will now give a chance to other Senators to debate on it and then we pass it.

Sen. Kajwang: Madam Temporary Speaker, I want to debate on this amendment. The Mover of the amendment has said that it is only in this country where banks make profits in billions and they have now been joined by telephony companies. I have looked at it and realized that they are not profits. If those are profits, then they are obscene. These are called windfalls. You should not allow people to make windfalls instead of profits in your country. In fact, it only shows us how much they rob this economy or the users of those facilities. Why should Safaricom selling airtime here make billions of shillings and rob us of talking time? Anytime you talk, it is over.

I support.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, this is a very important hindsight. Sen. Muthama has now made it even clearer. Those who think that we are being hypothetical will now realise that we want to clear the old burden so that people are encouraged to take new loans. I would like to add on what Sen. Kajwang has said by saying that these people are not actually doing business. They are profiteers and the Government allows them to get away with this. They are actually getting away with murder. I want to support this with special reference to what the Government can do. Just like Sen. Kajwang has said, it is possible for the Government to control this profiteering. It is also possible for the Government to cut some of the losses that farmers make.

Let me give you the example of fertilizer. The reason why we are having problems with fertilizer is because the entity which the founding fathers of this nation put in place when they were creating Agricultural Finance Corporation (AFC) has been killed. There was something in this country called the Kenya National Trading Corporation (KNTC). It is this corporation that used to import---

Sen. Kajwang: On a point of information, Madam Temporary Speaker.

The Temporary Speaker (Sen. Ongoro): Do you wish to be informed, Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Yes, I would like to be informed.

Sen. Kajwang: I have been wondering why the Ministry of Agriculture imports fertilizer. I have been wondering why the National Cereals and Produce Board (NCPB) imports fertilizer. The Kenya National Trading Corporation went down but I want to inform my brother that in the last Cabinet, we were informed that it has now come back to life, that it has cleaned its balance sheet and it is now a strong company. Let us go back to giving the National Trading Corporation its job of importing bulk things that we need for this country, whether it is fertilizer or sugar, so that we remove these brokers who are destroying our country.

The Temporary Speaker (Sen. Ongoro): Proceed, Sen. (Dr.) Khalwale, you have one minute.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I thank the Senator for informing me. Look at the shame; Members who sit in the Houses of Parliament of Kenya are the ones who are caught up in Committees of the Houses of Parliament to have stolen through the National Cereals and Produce Board (NCPB) and other organizations but they still walk around calling themselves “honourable”. We must redefine leadership.

I support the amendment.

*(Question, that the word to be inserted
be inserted, put and agreed to)*

(Question of the Motion as amended proposed)

The Temporary Speaker (Sen. Ongoro): Hon. Senators, we will proceed with the Motion as amended.

ADJOURNMENT

The Temporary Speaker (Sen. Ongoro): Hon. Senators, it is now 12.30 p.m. and the Senate stands adjourned to today, Wednesday, 6th November, 2013 at 2.30 p.m.

The Senate rose at 12.30 p.m.