

**PARLIAMENT OF KENYA****THE SENATE****THE HANSARD****Thursday, 24<sup>th</sup> July, 2014**

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

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

**PAPERS LAID**

REPORT OF THE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK  
AND FISHERIES ON THE STATUS OF FOOD SECURITY  
IN BARINGO COUNTY

**Sen. Ndiema:** Mr. Deputy Speaker, Sir, I beg to lay the following Paper on the Table of the House.

The Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Status of Food Security in Baringo County.

*(Sen. Ndiema laid the document on the Table)*

LEGAL NOTICE NO.76 - THE UNIVERSITIES REGULATIONS, 2014.

**Sen. Sijeny:** Mr. Deputy Speaker, Sir, pursuant to Standing Order No.214(2), I beg to lay the following Paper on the Table of the House, today, Thursday, 24<sup>th</sup> July, 2014.

Legal Notice No.76, the Universities Regulations, 2014.

*(Sen. Sijeny laid the document on the Table)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Do we have any more Papers to lay on the Table? The Senate Majority Leader is supposed to lay a Paper on the business of the Senate for the coming week.

**An hon. Member:** That is under the Order Statements.

**The Deputy Speaker** (Sen. Kembi-Gitura): Okay, that is under Statements.

*(Sen. Adan stood up in her place)*

Sen. Adan, why are you standing up? What can I do for you? I cannot see you on my screen. That is the point I am making. Your microphone is on now.

**Sen. Adan:** Sorry, Mr. Deputy Speaker, Sir, I have a statement.  
**The Deputy Speaker** (Sen. Kembi-Gitura): We have not moved to that Order. You were ahead of your time.  
Have we read out the next Order?

### NOTICE OF MOTION

#### ADOPTION OF REPORT OF THE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES ON THE STATUS OF FOOD SECURITY IN BARINGO COUNTY

**Sen. Ndiema:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Status of Food Security In Baringo County, laid on the Table of the House on Thursday, 24<sup>th</sup> July, 2014.

### STATEMENTS

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, we are now on the Order, Statements.  
Sen. Murkomen.

#### RECRUITMENT OF STAFF IN COUNTIES

**Sen. Murkomen:** Mr. Deputy Speaker, Sir, I have a response to a Statement requested by Sen. (Prof.) Lonyangapuo on the issues related to employment at the county government level. With your permission, I would like to go ahead and answer what was sought.

**The Deputy Speaker** (Sen. Kembi-Gitura): Proceed.

**Sen. Murkomen:** Mr. Deputy Speaker, Sir, I want to confirm that, we, as a Committee, deliberated on the questions, invited responsible institutions and shared the answer with Sen. (Prof.) Lonyangapuo before time for any further clarification. The questions were as follows:-

One, explain why some County Executive Committee (CEC) members recruited staff in total disregard of the County Public Service Boards (CPSBs), contrary to Section 59 of the County Governments Act;

The CPSBs are established under Section 57 of the County Governments Act. The board is responsible for *inter alia* establishing and abolishing offices in the County Public Service (CPS) as well as appointing persons to hold or act in office of the CPS. It is important to note that there are positions in the CPS that may be filled other than through the CPSBs. These positions are as follows:-

(1) The office of the County Secretary which is already established under the County Governments Act, Section 44(2). It is a necessity that the Governor appoints the County Secretary and this is approved by the County Assembly.

(2) The interim teams of the county officers. This category of staff was appointed and deployed to the county executive without involvement of the CPSB. The Transition Authority (TA), in collaboration with the Public Service Commission (PSC) and the Parliamentary Service Commission (PSC) competitively sourced for officers who were already serving in the public service. These officers were then deployed to the counties to act as interim staff to serve the executive arm of the county government as well as county assemblies. The point here is that someone had to give birth to the county governments and the CPSBs. Therefore, there was need for interim staff who served until the county governments were able to employ using the CPSBs.

(3) The other category is the County Executive Committee (CEC) Members. These were directly nominated by the governors and, therefore, did not go through the recruitment process of the board. They were officers, according to the judgment of the governors who were qualified and were capable of delivering the governor's manifesto.

Mr. Deputy Speaker, Sir, in terms of the composition of the CEC Members by gender, Kiambu County has 60 per cent of women and, therefore, 40 per cent of men followed by Laikipia County which has 50 per cent men and women. Kericho, Baringo, Turkana, Kisumu and Makueni counties have 40 per cent women. In Nyeri County, for example, there are two women CEC Members out of ten. However, one has a court case after the governor terminated her contract leaving only one active woman in the structure. That is contrary to the constitutional requirement of a third.

In Isiolo and Lamu counties, there are two women out of a total of seven CEC Members. In Muranga County, they have two women out of eight CEC Members. I note how, Mr. Deputy Speaker, you are looking at me because you are the Senator for Murang'a County.

Tana River County has two women out of a total of nine Members. This is, again, below the requirement. Uasin Gishu County has two women out ten CEC Members.

Furthermore, in Murang'a County, two CEC Members; a man and a woman, resigned citing a hostile working environment.

The rest of the counties have three women out of ten CEC Members. That includes Elgeyo- Marakwet County.

Mr. Deputy Speaker, Sir, on the governor's personal staff, other positions which were created under the county executive before the establishment of the boards were officers personal to the governor and are as follows: Chief of Staff, Economic Advisor, Legal Advisor, Political Advisor, Director of Communication, Cook, Gardener, Driver, Personal Secretary and a Personal Assistant. Those were part of the interim staff who were given to the governors before the CPSB was in place.

These officers were critical to the operations of the office of governor and the latter had a leeway of selecting the officers according to his judgment of the support the officers would render to the office. The positions were created, in consultation with the PSC, the TA and the Salaries and Remuneration Commission (SRC) and were filled solely by the governor.

The CPSBs were not involved at the time of creating the above mentioned positions as none of them were in place at the time. Any other recruitment in the county public service which was not done by the CPSB would be illegal. Of course, in exercise of that discretion of appointing those advisors, the governors in some places selected people who were close to them, of their own tribes, communities and so forth.

Mr. Deputy Speaker, Sir, the second question wanted us to explain why some county assemblies conducted the recruitment exercise before their County Assembly Service Boards (CASBs) were constituted contrary to Section 12(7)(b) of the County Governments Act.

The CASBs comprise of the Speaker of the county assembly as the chairperson, Majority Leader, Minority Leader and the County Assembly Clerk as the Secretary as well as one member resident in the county and appointed by the county assembly, but who is not a member of the said county assembly. As soon as the county assembly members were sworn in, almost all the CASBs were in place apart from the final member. The issue of contention maybe whether the CASB is properly constituted despite there being a vacancy in its membership. Most CASBs were constituted before the appointment of the final member who is a resident of the county because the other members of the board are elected members and their appointments are, therefore, automatic by duty of their positions as Speaker, Majority Leader, Minority Leader and Clerk who has been hired.

As a result, six county assemblies as shown in the attached tabulation that is Tana River, Wajir, Marsabit, Siaya, Nyamira and Nairobi City have operated for one year without appointing the final member of the CASB.

Mr. Deputy Speaker, Sir, the third question sought to know why many CASBs have been constituted without observing the one third gender rule. The membership of the CASBs is provided for in the Act; Section 12(3) of the County Governments Act. As stated earlier, the CASBs comprise of the Speaker, Majority and Minority Leaders, Clerk and one member resident in the county and appointed by the county assembly. The composition as stipulated in the Act makes it difficult to control the gender balance as three out of the four members are elected while only one is appointed.

Most of the elected representatives of the CASB are men. Some counties have appointed a woman as the final member while others have not. An emerging trend was observed when county assemblies attempted to fill the position through advertisement with an affirmative action targeting a female member, but little interest was being shown by female residents in some counties.

As noted above, Nairobi City County Assembly Service Board (NCCASB), for instance, indicated that their reason for delaying in appointing the final member of the board is due to the fact that the first round of application did not attract women. They were forced to re-advertise. A total of 15 county assemblies of Kilifi, Garissa, Isiolo, Meru, Tharaka-Nithi, Machakos, Murang'a, West Pokot, Samburu, Baringo, Wajir, Marsabit, Tana River, Nyamira and Nairobi have no women in their county assembly boards while Kisumu and Siaya have two women. Nakuru, Kisumu and Kirinyaga counties have appointed women as their CASB chairpersons. That is by virtue of county assembly members appointing speakers who are women while the Clerk to the Elgeyo-Marakwet County Service Board is a woman. Another issue facing the board is that its composition is an even number making it difficult to make decisions should there be a tie. The Senate may also consider amending the membership of the board to add one more member so as to make it an odd number. In the alternative, the Speaker could be given a casting vote should there be a tie.

On the last question on what action should be taken to address the anomalies, the TA is proposing amendments or regulations to the County Government Act to address the following:-

(1) Provision for a time period within which the final member of the county service board should be appointed so as to ensure there is no inordinate delay in appointing the final member.

(2) Establishment of the CASBs departments which will be making proposals to CPSBs.

(3) Merging the two boards, the CASBs and the CPSBs to improve on objectivity.

(4) Reconstituting the boards to include nominated Members who are women in order to meet the a third gender rule requirement.

(5) The TA is proposing that the membership of the board be increased by one more person so as to ensure there is an odd number of members. This will facilitate decision making instead of a deadlock.

Attached to this response are the necessary analysis and the data that I referred to in the body of my answer.

I beg to table this answer to the House.

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Do you table an answer or you just read it and then we have the reactions to it? Sen. (Prof.) Lonyangapuo, do you have anything to react to this?

**Sen. (Prof.) Lonyangapuo:** Mr. Deputy Speaker, Sir, I want to take this opportunity to thank the Chairman and the relevant Government department for giving this very detailed answer to the question I raised. However, in the item where he talked about interim county officers, I want the Chairman to clarify the procedure that is followed for non-interim staff to quickly transform themselves into permanent members of the county or county assembly. That is not very clear here. In a number of counties, you find some of the interim staff become permanent without going through competitive recruitment.

Another clarification is on this gender rule. The answer that the Chairperson gave here says that nearly all the counties had difficulties in identifying women to fill these positions. I do not think that is the case. We need to follow---

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Prof.) Lonyangapuo, it is not my intention to interrupt you, but you must realize that you are seeking clarification and you cannot debate. You should seek a clarification on an issue that was not clear from the Statement issued by Sen. Murkomen. This time is not for debate.

**Sen. (Prof.) Lonyangapuo:** Thank you, Mr. Deputy Speaker, Sir. Is the Chairperson saying that there were no women who showed interest whatsoever in these positions?

Lastly, I think he put it correctly that TA and the Senate should look at how to make the Act more accommodative.

**The Deputy Speaker** (Sen. Kembi-Gitura): I do not know if the requests I have here are for that Statement or other things. I am sure certain Senators are putting requests because they are either seeking Statements or they are expecting to be given one. If you

want to react to the Statement that was given by Sen. Murkomen, can I request that you make it as an intervention so that we can distinguish the two?

**Sen. Billow:** Mr. Deputy Speaker, Sir, in the public service invariably there is a risk that staff gets victimized or they develop friction between them and the management at the county even as it happens in the national service. Therefore, there are employees who have been dismissed because they are not in good books with the county executive or the management of the county. I want the Chair to clarify what appellate process exists in the county governments for staff who are aggrieved by the disciplinary action of the county executive. Where do you go from there at the county level?

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Murkomen, your answer to those two reactions?

**Sen. Murkomen:** Mr. Deputy Speaker, Sir, Sen. (Prof.) Lonyangapuo has asked a very important question, that is, converting the interim staff to permanent employees. Once we have the CPS, the county executive should make request to the CPSB to create those positions so that they become part and parcel of the county public service, either for a contract period or permanently. There are some things like political advisor which are necessary, going forward. Maybe economic advisor is important and other advisors like on disaster management and so on. Those positions should be created by the CPSB, but with the approval of the county assembly. That is the procedure under the Act when you create positions. The next stage is where this House will give an advisory opinion to all the county governments to ensure every position that is being held by anyone in the county has been approved by the county assembly and created through the required process of the CPSB.

As rightfully pointed out by Sen. (Prof.) Lonyangapuo, it is true that using an interim mechanism, governors have retained appointees, including cooks and gardeners. All of them must be absorbed in the county public service because the employees should not live at the wishes of the governor only. They must have a place within the CPS, so that they have the legal protection provided for by the Act. That is why members of the public need to be given civic education so that even those who are serving in the counties can exercise their right to petition this House to look into particular cases in whatever county where the law is being flouted. County public servants must appreciate that this House is their House of raising issues of law or things that need to be corrected. That is a place that we can take on as a Committee going forward. This is not applicable to all counties. Some counties have already absorbed some of those people formally using the required procedure under the Act.

Mr. Deputy Speaker, first of all, I need to confess that we did not just seek an answer from a Cabinet Secretary because we thought the he may not have the capacity to point out everything. We called commissions that were dealing with these entities like the Constitutional Implementation Commission (CIC), the Gender and Equality Commission and the counties themselves through correspondence. I take it as a statement of fact when a county says they advertised, they short-listed, but did not get qualified women so they had to re-advertise and that is why there is a delay. That argument also has been used as an excuse because we told the Gender and Equality Commissioners and the CIC which is the arm required to report to this House about implementation that it cannot be an excuse now at this time that there can be a county which cannot attract a woman to do a job, unless it is a field so specialized like aerospace engineering or something like that.

Regarding the issue of dismissing employees, there are so many avenues in our Constitution for anyone who is dismissed before even rushing to court. Where these issues are rampant the procedure is to deal with it with CPSB. If one is unhappy with this, he or she appeals to the PSC. That is a constitutional provision. There are other routes like going to the court, report to the Gender and Equality Commission, report to the Kenya Human Rights Commission or the Ombudsman office and so on. There are so many avenues dealing with issues of employment complaints, including trade unions.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Prof.) Lonyangapuo, do you still have a further clarification?

Let us hear from Sen. Mutula Kilonzo Jnr. then he will be the last one on that score.

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, part of the answer on page 3 about the TA talking about governors' personal staff, part (d) of this question was actually the grounds for removal of Governor Chepkwony. The answer suggests that the recruitment of these persons called "advisors" was done, in consultation with what they are calling the Public Service Commission (PSC), the Transition Authority (TA) and the Salaries and Remuneration Commission (SRC). I am aware that this is still a contentious issue in most of the counties. Could the Chairperson clarify whether this issue has been sorted out in county assemblies because governors are facing a lot of challenges as a result of hiring these advisors who are not hired by the CPSB?

**Sen. (Prof.) Lonyangapuo:** Mr. Deputy Speaker, Sir, the clarification which I want to seek is whether there is a different procedure contrary to what is written in the Constitution where one member who was a TA staff is quickly made a permanent employee without regard to the stipulated procedure in the Constitution.

I had also asked about the gender rule. I know of my county where a woman applied and she was denied the position. She was a degree holder, but they took a form six leaver. I am seeing here that in Pokot no woman applied. It is not true.

**Sen. Sang:** Mr. Deputy Speaker, Sir, I want to seek a further clarification with regard to personal staff. The Chairperson responded that the governor was given the latitude and that the positions were created, in consultation with the TA and the PSC. Were the qualifications for the various positions indicated and were they followed? If you are calling someone an economic advisor, there ought to be a qualification for that economic advisor. If you are calling someone a legal advisor or political advisor, what were the qualifications and were they met in all the appointments?

**The Deputy Speaker** (Sen. Kembi-Gitura): I indicated to you, hon. Senators, I directed that if you want to seek a clarification so that I can find it easily, you do it through intervention.

Sen. (Eng.) Muriuki, are you seeking for an intervention because I want Sen. Murkomen to do a final round.

**Sen. (Eng.) Muriuki:** Mr. Deputy Speaker, Sir, the intervention button is not working.

The Chairperson gave a good description of the appointment of the board itself and the clarification I am seeking is on the board itself. The person who is appointed from the community other than the ones who come by virtue of their position, there is a phenomenon which is coming up slowly where after a while the county assembly due to

influence or, otherwise, decide they do not want that person anymore. Do they have the power to bring in another person?

**Sen. Obure:** Mr. Deputy Speaker, Sir, from the answer given by the Chairperson, it is obvious that the county service boards are playing a very important role. How much independence do they enjoy? Have they been protected from blackmail, threats or influence from other sources?

**Sen. Murkomen:** Thank you, Mr. Deputy Speaker, Sir. I think the key issue here is the question of interim staff. In cases where one moved from being an interim staff to permanent without following the procedure for advertisement, that is an illegality. That is total disregard of the law. It can attract the necessary penalties in terms of punishment to the county governments for what they do. The person responsible in that regard is the CPSB, which must be answerable for paying or retaining people in service who are called "interim" without going through the procedure for advertisement.

Mr. Deputy Speaker, Sir, as a matter of fact, let me speak for Elgeyo-Marakwet County. The current Secretary to the County Government in Elgeyo-Marakwet was an interim staff. When the time came for hiring, it was advertised and he emerged to be the best. So, it is important that, also, that should be applied across the board. For Elgeyo-Marakwet County, what it is very commendable is the fact that they hired someone who did not even come from that county. I think he comes from Siaya County. So, it shows also that there is rationality in some counties when it comes to equal opportunities even from people who do not come from the local community or the tribe that is in the local area.

Mr. Deputy Speaker, Sir, the advise was not open ended because as Sen. Mutula Kilonzo Jnr. said, this was a Kericho issue. Now that it has passed to us, it was an issue in the Kericho impeachment. Part of the issue in Kericho was that there was an extension stretching of the advisory position beyond that which was given as an interim. So, both interim and any advisory position that is necessary and which is created by the county, they must make the request. The Act is very clear; you have to make a request to the CPSB so that, that position is created either as permanent in the Public Service Commission (PSC), or a part time work for a particular period, in which case it will be on contractual terms of maybe five years or for the period of the term of the Governor when he is in office.

Mr. Deputy Speaker, Sir, regarding the legality of the extra person, the problem with the Act is that it is silent on the quorum of the CASB with regard to the legality of the proceedings that are going to be conducted in the absence of the person being appointed from the local community. Maybe that is an area we may want to tighten in a Miscellaneous (Amendment) Bill in future so that it is as the TA has proposed here, we must make clear the period within which a person should be appointed. If you look at all the other people, they have a conflict of interest. They are the internal management; you need a person with an outside eye; someone who is going to look at issues from a fairly objective perspective for that matter.

Finally, Mr. Deputy Speaker, Sir, is the question of those being sacked after a few months and then being replaced by the others. It is part of the things we have said out there. We continue to say in this House that the county assemblies must not be used as a forum of blackmail in the sense that they are blackmailing anybody by saying that if a person who is in the office does not comply, or if they appear to be so objective to the



extent that they are going to reveal any acts of corruption, then they will be dispensed off with. There must be clear procedures and those people have contractual terms. The CASB members must obey the law and follow the procedure. Anyone who is aggrieved must also follow the procedure for complaints.

Finally, Mr. Deputy Speaker, Sir, is the issue about the independence of the board. Both the CASB and CPSB are supposed, theoretically under the Act, to operate independently. But there are instances we are told where most of them operate as a smaller arm of the Governor's directives. It is the responsibility of the county assembly to maintain that independence and to ensure that those who serve in the board are protected from any acts of illegalities that are going to be committed through the Executive wishes just to create positions for the sake of it.

Mr. Deputy Speaker, Sir, there is the issue of qualifications that was raised by Sen. Sang. Again, I think every qualification is a subject of advertisement just like any other job. That is why the point is that the board must first create the position, they then categorize it in this or that category so that, then, there is also equality in payment. There are cases where we are told that a political advisor who is just advising the Governor about politics of the local area is paid more than a County Executive Committee (CEC) Member because there is no clear scale of where that political advisor falls within the county public service. The TA provided that for interim basis, but for the long term, it must be absorbed in the county public service.

Finally, Mr. Deputy Speaker, Sir, it must be remembered that every county public service has its own way of appreciating the staff. It is not uniform; it is based on how they are going to work out. Some counties will be a better employer than the others, and that is devolution and we must celebrate it.

Thank you, Mr. Deputy Speaker, Sir.

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

That brings us to the end. Now, we have people who have sought statements. Proceed, Sen. ole Ntutu.

PATHETIC CONDITION OF MAU NAROK-EWASO  
NG'IRO-MARA ROAD

**Sen. Ntutu:** Thank you very much, Mr. Deputy Speaker, Sir. I rise to seek a statement from the Chairperson of the Standing Committee on Roads and Transportation concerning the Mau Narok-Ewaso Ng'iro-Mara Road.

Mr. Deputy Speaker, Sir, it is without doubt that 70 per cent of our country's wheat comes from the Mau Narok area. It is also true that different food crops like potatoes, cotton, barley and maizet, among others, are produced in the Mau Narok area. The Mau Narok Road is in pathetic condition, particularly during the rainy season. What plans does the Government have to tarmac this 58 kilometre Mau-Narok Road?

Mr. Deputy Speaker, Sir, when will the Ewaso Ng'iro-Mara Road, which is the gateway to the seventh wonder of the world, commence and at what cost?

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Who is the Chairperson of the Committee? Is it Sen. Sijeny?

**Sen. Sijeny:** Mr. Deputy Speaker, Sir, I would require time to give a comprehensive report. We had asked the Cabinet Secretary (CS) for Roads to avail this information and they are compiling the report which the Senate had required. So, they asked us to give them more time and I would ask for two weeks; or we can deliver it on the first week of the next Session.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. ole Ntutu, two weeks will take us to the new Session; so, it shall be given on the first Tuesday of the new Session. Is that okay?

**Sen. Ntutu:** It is okay.

**The Deputy Speaker** (Sen. Kembi-Gitura): Okay; it is so ordered.

We have a Statement sought by Sen. Njoroge Ben. He is not here.

Yes, Sen. Naisula Lesuuda?

#### DROUGHT AND STARVATION CRISIS IN ASAL COUNTIES

**Sen. Lesuuda:** Mr. Deputy Speaker, Sir, I rise to seek a Statement from the Chairperson of the Sessional Committee on Devolved Government. The statement relates to the Drought that has caused Starvation that may lead to a humanitarian crisis across counties in the Arid and Semi-Arid Lands (ASALS) parts of Kenya. In the Statement, the Chairperson should:-

(1) State whether the Government is aware that due to the drought that has caused food and water shortage, people are facing starvation in the ASAL counties of Samburu, Turkana, Pokot, Baringo, Isiolo, Garissa, Wajir, Tana River and Laikipia, among others.

(2) State how many people are faced with starvation in the impending drought.

(3) Explain why the food that was bought by some of the ASAL county governments and stored in silos has not been distributed to the starving citizens.

(4) State when the Government will start the livestock off-take programme in each of the affected counties

(5) Explain the measures that have been put in place by the national Government, in conjunction with the ASAL county governments, to avert the looming crisis; and, finally,

(6) Explain what measures are being taken by the national Government in collaboration with the county governments to ensure that these counties become food secure.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Where is the Chairperson of the Committee?

**Sen. Murkomen:** Mr. Deputy Speaker, Sir, I will give the statement the first Tuesday after we come back.

**The Deputy Speaker** (Sen. Kembi-Gitura): The only problem with that, Sen. Murkomen, is that it may appear that we may have only one sitting day next week on Wednesday because Tuesday is a gazetted public holiday. However, there appears to me like there is some urgency in the statement sought. Is there anything you can do, maybe, on Wednesday, next week?

**Sen. Murkomen:** Mr. Deputy Speaker, Sir, I think we can seek an answer for Wednesday.

**The Deputy Speaker** (Sen. Kembi-Gitura): Wednesday?

**Sen. Murkomen:** Yes, Mr. Deputy Speaker, Sir, so that even if it is not comprehensive, at least for the Ministry to commit itself to what they are doing to address that issue. I also appreciate that the person who asked that question is the Vice Chairperson of this Committee.

**The Deputy Speaker** (Sen. Kembi-Gitura): So, she could very well be answering it next week.

*(Laughter)*

Sen. Njoroge Ben, did you have a question or a statement that you were seeking?

CASH TRANSFER PROGRAMME FOR PERSONS  
WITH SEVERE DISABILITIES

**Sen. Njoroge:** Yes, Mr. Deputy Speaker, Sir. I rise to seek a statement from the Chairperson of the Standing Committee on Labour and Social Welfare. The Statement relates to the cash transfer programme for the persons with severe disabilities. In the statement, the Chairperson should:-

(1) State the number of beneficiaries per county and amount given to each person with severe disability.

(2) Explain the criteria used by the relevant Government department to allocate the funds.

(3) Explain the monitoring and evaluation mechanisms put in place to report on the feedback and success of the initiative on the lives of the persons with severe disability.

(4) Explain whether all the disbursements to the people with severe disability are uniform; and,

(5) Outline the actual budget for persons with severe disability for the Financial Year 2014/2015.

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

Who is the Chairperson of the Committee?

**Sen. Wangari:** Mr. Deputy Speaker, Sir, as the Vice Chairperson of the Committee and, on behalf of the Committee, I would like to undertake that we will give this statement when we come back on the first Thursday, next week.

**The Deputy Speaker** (Sen. Kembi-Gitura): Now, there are two things---

*(Loud consultations)*

Can I request the Senators on my left to try and consult in softer tones, please?

There are two things, Sen. Martha Wangari. A Statement was sought yesterday from the same Committee again on cash transfers by Sen. Mukiite. Do you recall that? I am not sure I remember when you said you were going to give that answer.

**Sen. Wangari:** Mr. Deputy Speaker, Sir, we undertook, as a Committee, to give an answer the first Thursday after we resume from recess.

**The Deputy Speaker** (Sen. Kembi-Gitura): This Statement is about persons with severe disability. The other one was about the elderly and vulnerable people. The statement you are seeking is from the same department of Government. I would like you to consolidate the two. Consolidate Sen. Mukite's statement with this one. Seek one statement from the department for both Senators. When you come back, you will give one comprehensive statement detailing the issues raised in both statements so that we do not have repetitions. Are we together? They are basically the same, except for the details. Am I correct?

**Sen. Wangari:** Yes, Mr. Deputy Speaker, Sir. Most obliged.

INTENDED ALLOCATION OF LAND AT  
KANYANYOONI IN KITUI COUNTY

**Sen. Musila:** Mr. Deputy Speaker, Sir, I stand to seek a Statement from the Chairman on the Standing Committee on Lands and Natural Resources. I seek this Statement regarding the intended allocation of the 400 acres of land at Kanyanyooni, Kitui West Constituency of Kitui County. The land in question is public land as defined under Article 62(2) of the Constitution. From reliable information that I have, the Cabinet Secretary intends to allocate the said land to the National Security Intelligence (NSI) contrary to the Constitution. To the best of my knowledge, neither the people nor Kitui County Government have been consulted on matters of allocation of the land which is held in trust for the people of the county of Kitui.

In giving his statement, the Chairperson should state why the Cabinet Secretary went ahead to approve a third development plan for allocating the said land without seeking the views of people. In the meantime, pending this statement, could the Cabinet Secretary give this House her assurance that the land in Question will not be allocated to NSI or any other person until there are full consultations with the people of Kitui County?

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, thank you very much. It will not be possible to issue this statement next week. I want to give an undertaking that we will issue the statement when we come back from the break. I know that you have ordered many Statements to be issued next week and yet we only have two sitting days. I, therefore, want to give an undertaking that we will issue the Statement when we resume after the recess. In the meantime, as requested by the Senator, we will communicate the same to the Cabinet Secretary so that no allocation is done until the matter is resolved here.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you Senator.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 29<sup>TH</sup> JULY, 2014

**Sen. Elachi:** Mr. Deputy Speaker, Sir, pursuant to the provisions of Standing Order No.45, this is to present the Senate Business of the coming week.

On Tuesday, 29<sup>th</sup> July, 2014, there will be no sitting as it will be a public holiday to mark the end of Ramadhan. On Wednesday, 30<sup>th</sup> July, 2014, the Rules and Business Committee will meet on Wednesday, 30<sup>th</sup> July at 12.00 noon to schedule business for the Senate for the week.

The Senate will continue with the business that will not be concluded in today's Order Paper. As hon. Senators may recall from yesterday's communication from the Chair, the Senate will also consider the following Bills at the Committee of the Whole stage.

- (i) The Alcoholics Drinks Control (Amendment) Bill, Senate Bill No.5 of 2014 by Sen. (Prof.) Kindiki Kithure;
- (ii) The County Government's (Amendment) Bill, Senate Bill No.1 of 2014 by Sen. (Dr.) Boni Khalwale; and,
- (iii) The County Governments (Amendment) Bill, Senate Bill No.2 of 2014, by Sen. Martha Wangari.

Hon. Senators, as per the Senate Calendar the House is scheduled to adjourn for the August recess on Thursday 31<sup>st</sup> July, 2014 and to resume on 16<sup>th</sup> September, 2014. However, as Members will recall, a joint retreat between the Senate and the Council of Governors has been scheduled to start on Thursday, 31<sup>st</sup> July and to end on Saturday, 2<sup>nd</sup> August, 2014 in Mombasa.

The hon. Speaker has communicated on this matter previously and written a letter dated 22<sup>nd</sup> July, 2014 to all Senators inviting and reminding us to attend the retreat. Hon. Senators, this then means, with the approval of the Senate, that the Calendar of the regular sittings of the Senate will be varied. Towards this end, I intend to move a Motion to alter the Senate Calendar pursuant to Standing Order No.24 (4) on Wednesday, 30<sup>th</sup> July, 2014, so that the Senate adjourns a day earlier to enable Senators to travel and attend the retreat.

On Thursday, 31<sup>st</sup> July, 2014, if the Motion of Adjournment is adopted on Wednesday, the Senate will be engaged in a joint retreat with Governors the whole of Thursday, 31<sup>st</sup> July, 2014. The meeting's main objective is to streamline effective engagement and communication between the Senate and county governments on operationalisation of devolution. This meeting will be held at the Serena Beach Hotel, Mombasa, and it will end on Saturday, 2<sup>nd</sup> August, 2014. I hereby lay the statement on the Table.

*(Sen. Elachi laid the statement on the Table)*

SUBJECTION OF SENATORS TO EXCESSIVE SECURITY  
CHECKS AT MAIN PARLIAMENT BUILDING ENTRANCE

**Sen. Kagwe:** On a point of order, Mr. Deputy Speaker, Sir. I rise on a point of order to seek clarification on a matter that Senators are going through. As we enter the premise of the Senate, in spite of the fact that one has a sticker clearly indicated that one is going into the Senate, you are subjected to a process of writing in a book as if you are being monitored whether you were in or not.

I understand issues of security. However, I also understand issues of disruption.

**The Deputy Speaker** (Sen. Kembi-Gitura): What do you want me to do? You did not seek anything.

**Sen. Kagwe:** Mr. Deputy Speaker, Sir, I am simply seeking your intervention on this matter. You are the boss. When these kinds of things happen and Senators are lined up, so that books are written, you should intervene or give some clarification to make it clear. It should be made clear that when one has a sticker, they do not need to write in a book to come into the premises of the Senate.

**Sen. Muthama:** Mr. Deputy Speaker, Sir, in line with what Sen. Mutahi Kagwe has said, it is becoming a matter of concern to enter the main entrance. We have police officers who seem to have a commander amongst themselves. When you get there, they keep on debating on who should open the gate and who should not open. They force us to open the windows of our cars. After seeing us, they bring the registration book for your bodyguard or assistant to sign. We wonder whether we are coming here under our rights since we are coming to our offices and whether we have that permission to come in.

We seek the intervention of the Chair. We seek to know from those who are in charge of security in these premises whether we have our rights to come here. We come here to work. Those police officers are here to guard you, me and the others here. Therefore, if we are subjected to that kind of discrimination, whom are they guarding? Should we also go there and become guards? We need a clarification from the Chair.

**The Deputy Speaker** (Sen. Kembi-Gitura): I am actually surprised that this has generated some interest.

**Sen. Billow:** Mr. Deputy Speaker, Sir, mine is different from what has been raised. I have another point of order.

**The Deputy Speaker** (Sen. Kembi-Gitura): So, let us finish that one first. Yes, Sen. James Orengo?

**Sen. Orengo:** On a point of order, Mr. Deputy Speaker, Sir. The problem is even more compounded if you are coming in and leaving more than once or twice. Yesterday, I drove in and out about four times. Every time I came in, my details had to be written in a book and the car had to be inspected. We need some clarity on this so that we do not interfere with traffic along Parliament Road. Sometimes when they stop people at the gate, traffic along Parliament Road is also interfered with and disrupted. That, in itself, can be a source of insecurity to the premises.

**Sen. Musila:** Thank you, Mr. Deputy Speaker, Sir. As a Commissioner chairing the subcommittee on Security, I want to assure fellow Senators that I have heard their sentiments. All the measures being undertaken are for the purpose of securing the premises of Parliament and also for ourselves. I understand the sentiments. I have understood what they have said. I want to assure them that we will review. However, please, as we were told in the *Kamukunji* that was held before these measures were introduced, we also want you to be understanding. We are going through difficult times and everything is being done to protect you. However, I have taken your sentiments and will ensure that some adjustments are made.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. David Musila. Sen. Sang, I said that if you want to make an intervention, you should do it under the intervention button. I can see that you are now requesting while on the Floor. Do you want to say something different towards the assurance that has been given by Sen. Musila?

**Sen. Sang:** Mr. Deputy Speaker, Sir, just to add something on that, we have our offices at the KICC. Sometimes, many of us, as Senators, want to walk away to Parliament. I am requesting the PSC to consider liaising with the Traffic Department so that they create a zebra crossing just across our gate so that we walk in and out.

**Sen. Musila:** Mr. Deputy Speaker, Sir, I have heard.

**The Deputy Speaker** (Sen. Kembi-Gitura): I think the issues raised by hon. Senators are of utmost importance. Yes, Sen. Musila is our representative at the Parliamentary Service Commission (PSC). You have undertaken to raise the issue and we know that you are doing it for security purposes as you have indicated. However, I think it is important, since Members have raised the issue that you give us a progress report on the matters you have undertaken to do when we resume from the break we will take.

I would like you to note that you will be expected to give us a progress report on the first sitting when we resume from the break, in or around 12<sup>th</sup> September. Is that okay?

**Sen. Musila:** Mr. Deputy Speaker, Sir, I undertake to do that. I will undertake every measure that is necessary. I am not saying that we will abolish everything. However, serious adjustments will be made, including the provision of zebra crossing that Sen. Sang has raised.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Ong'era are you seeking an intervention?

**Sen. Ong'era:** Mr. Deputy Speaker, Sir, I was seeking the Floor, but you have already made a ruling on the matter regarding the management of the gates.

**The Deputy Speaker** (Sen. Kembi-Gitura): Do you wish to bring something completely new so that Sen. Musila can note it?

**Sen. Ong'era:** Mr. Deputy Speaker, Sir, I would like to further add that these police officers are extremely rude. They do not even want to look at who is entering through the gate. I think we are not so many that they cannot by now know that the number of Senators entering here is 68 Members, since we are currently using one gate.

Secondly, it is very embarrassing for us, especially when you are coming in as a visitor and you are being stopped. We are the bosses here and they are here for our security. They are not here to search us. It is extremely embarrassing and I hope that the PSC will look at these issues. We even do not need them; we know how to manage our security.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Kajwang, is it on the same point?

**Sen. Kajwang:** Yes, Mr. Deputy Speaker, Sir, but with a slight modification. I came in the morning, I was stopped, I wrote my name and signed in the entrance book. This afternoon when I was rushing here, I was stopped again and told to sign one more time. I do not think they do not know my face. I think they have seen me for a long time. It is important that when you are taking security matters in consideration, you do not suppose that a Member of Parliament can be carrying a gun which is unlawful or be carrying a bomb. That suspicion alone degrades our esteem in the eyes of everybody.

I will give you an example. When I was the Minister for Immigration and Registration of Persons, Nyayo House, which was much more guarded than all the other Government buildings, I used to go there with the flag of the Republic of Kenya on a Mercedes Benz which I retained and I was stopped with the flag and searched. I

wondered what the use of that flag was because if a Minister of this Republic is likely to bomb Nyayo House, then who cannot.

There are certain things that although you are protecting us, you suppose that we are gentlemen and ladies and that we cannot do certain things. That is why although people are searched everywhere, when we go to the big hotels, they see your face and they open for you. If the hotels can take cognizance of who we are, why can our own staff not take cognizance of that? As you review those rules, the first assumption should be that all Members of Parliament are honourable and we cannot destroy our country. If somebody else comes in my car, that is a different matter. But if I am inside the car then we presume that things are in order. That is how it should be done. In any event, I do not think that those mirrors they go with around our cars check anything. They are just messing us up.

I support.

*(Laughter)*

**The Deputy Speaker** (Sen. Kembi-Gitura): There was actually no Motion. It is important that each of us appreciates that security is paramount for both the installations and ourselves. Since Sen. Musila has undertaken to pursue the matter vigorously on our behalf, I would suggest that we leave it at that and expect to get a comprehensive answer taking all things into account on the first Tuesday after we come back from recess. Is that okay

**Sen. Musila:** Yes, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Kembi-Gitura): Sen. Billow, do you want to rise on a point of order?

#### POOR MEDIA COVERAGE OF SENATE PROCEEDINGS

**Sen. Billow:** On a point of order, Mr. Deputy Speaker, Sir. This is with regard to the media coverage of this House. If you look at both the print and the electronic media, the coverage of this House is very poor. For example, a couple of days ago we debated the Mediation Committee Report in this House and adopted it. It was not covered at all. The same was debated yesterday in the National Assembly and it was covered extensively even in the print media. They even reported that the Senate was going to debate the Report. They are not even aware that we had already finalized the debate. So, when asked why this is happening, the argument is that there is actually no dedicated room for the media like the one we had at the KICC where they can monitor and take their notes from the screen.

Part of the problem is that yesterday we debated a Statement that I responded to which had been raised by the Senator for Kakamega which was completely quoted out of context, for example, regarding the Chinese loans that I mentioned was Kshs509 billion. However, they reported in one of the print media that it was Kshs829 billion. This was almost double the amount. That misleads the country. When we asked, the reason is that they do not have a place where they can operate from.



I want to seek your indulgence as to whether the House can make appropriate arrangements for them to have a room. Secondly, what we are supposed to do when the media quotes information completely out of context.

**The Deputy Speaker** (Sen. Kembi-Gitura): As you are aware our Standing Orders have clear rules on broadcasting. I am not quite sure that there are provisions for the operations of the print media. On the issues that you have raised, the best I can do as I sit here now is to refer the matter to the Rules and Business Committee (RBC) sitting on Wednesday 30<sup>th</sup> July, as a substantive matter of discussion so that guidance and direction can be given by the Committee which is concerned with issues like the one you have raised now. I hope that we shall be able to get an answer from the RBC through a communication, or otherwise, when we resume in September. Is that okay?

**Sen. Billow:** Mr. Deputy Speaker, Sir what about the misreporting of the figures that I quoted?

**The Deputy Speaker** (Sen. Kembi-Gitura): Again, my immediate reaction is to refer the whole matter to the RBC on 30<sup>th</sup> July. Since I have not seen the report you are talking about, I cannot make an immediate ruling on it. If you wish, you can table it before the RBC on Wednesday. If they want to invite you to state your case before them, then they can do so and we have the matter sorted out, once and for all.

**Sen. Kajwang:** Mr. Deputy Speaker, Sir, just as you refer this matter to the RBC, there is something about the Press that we must say. Those days when we were trying to get multiparty politics in the country, we realized that the Opposition had been given a blackout by the media. Those days there was only one media which is KBC. We had to go to court to seek space so that at least the Opposition could also be covered. Of course, they gave us grudgingly and they covered us a little and argued that it was enough.

If you watch the minutes that they give to the National Assembly and the minutes that they give to the Senate, it is not the same. This is public money and this is the Senate of the Republic of Kenya. We should now insist that we must get equal time. They cannot just say that they are excited about some stories coming from a particular House, or some heckling and fighting in some House. They are not very interested in gentlemen and ladies who speak in a quiet manner because I think sometimes the Press is guided by excitement and what sells. This is public money, we are not selling news. We want the public to get to know what the Senate does and debates and the same for the National Assembly.

We want to insist that as you go to the RBC to say that we want equal time. If it is KBC that is going to cover it and this is public money and this the Senate of this Parliament and that is the National Assembly, split it 50/50, so that the country can begin to see what the Senate debates about. Otherwise, we are going to die because people do not know about us.

**Sen. Kagwe:** Mr. Deputy Speaker, Sir, for the benefit of the Senators, I just want to inform the House that yesterday the Committee on Information and Technology visited KBC. We even went to the studio that covers this House and we expressed the same sentiments that are being expressed here, including, not just the quantity of the coverage that the House gets, but also the quality of coverage we get. In other words, sometimes you can see a camera focusing on empty chairs which is really not supposed to be the case in parliamentary coverage. I think that that is only one area of coverage. We have a Broadcasting Committee that is composed of Members from the two Houses.

The long term solution that we expressed to the KBC was that upon moving from an analogue to digital platform for broadcasting, then what should happen is that the Senate should actually have its own channel and the National Assembly as well, so that if people want to switch to the Senate, they do so and if they want to watch the National Assembly debates, they also switch to their channel so that, that competition for time would then not be there.

Mr. Deputy Speaker, Sir, it is more than that because this also applies to the print media. Sometimes you can find the reporting on Parliament and you wonder whether the Senate exists. To that extent, we have also contacted some of those media houses and I know that there is a meeting that is being organized between some of the print media houses, the Committee on Information and Communication and the Committee on Broadcasting.

**Sen. Muthama:** Mr. Deputy Speaker, Sir, I also stand to comment on this issue to do with the Press. We, as Senators, have been elected by Kenyans and we are here to represent 47 counties. The only way that we can be felt within the counties is through the issues that we deliberate in this House. We, as Senators, are not allocated money to build schools, dispensaries or even to give bursaries. The only thing that we do is to debate issues that touch on the counties. Frankly speaking, the way the media reports what we say here is totally negative. For example, today I looked at the newspapers and what was reported as being significant on the debate of yesterday was the issue that was raised by Sen. Mutula Kilonzo Jnr., about the Konza Techno City being in Makeni County. This was supposed to portray our debates in a negative manner. Other important issues that were debated in this House were not pointed out.

The Press should know that they are the only tool in this country that can inform the people who elected us in this House what we do and so the reporting must be fair so that we can be seen to be working for the country.

**Sen. Elachi:** Mr. Deputy Speaker, Sir, it is also important to note that some of the journalists have requested the Senate to give them space to sit because they are saying that where the KBC crew sit, they are not allowed to go there. The other question they raised is that they have been given very limited space in a room that sometimes becomes very hot and they cannot sit there. They also requested that we look at our security which sometimes blocks them from coming in. I agree with your ruling that we deal with this matter more broadly in the RBC, because there are many other issues that they have also raised which they brought to my office.

**The Deputy Speaker** (Sen. Kembi-Gitura): I have already made a ruling on that, that it will go to the Rules and Business Committee (RBC). The RBC is entitled and empowered to deal with it, under Standing Order 176 (5) (g). So, I believe that they are going to deal with it, as I have ruled and then give us an answer, because the issues that have been raised are important.

On the issue that has been raised specifically by Sen. Mutahi Kagwe, on the coverage by the media inside the House itself, if you look at the First Schedule of our Standing Orders, there are very clear rules on broadcasting. I would like the people who do broadcasting from the House – and I am sure they can hear me – to acquaint themselves clearly with the broadcasting rules. If we have problems with that, we have a Committee on Parliamentary Broadcasting and Library which should be able to deal with those issues. Therefore, if any Senators feel aggrieved, they can refer the matter to the

Committee on Parliamentary Broadcasting and Library on specific issues that they feel are not being done as they should be by the people in charge of broadcasting in the House.

That brings us to the end of that matter.  
Next Order!

## BILL

### *Second Reading*

THE PUBLIC PROCUREMENT AND DISPOSAL  
(AMENDMENT) BILL (NATIONAL ASSEMBLY  
BILL NO.31 OF 2013)

*(By Sen. (Prof.) Kindiki on 15.7.2014)*

*(Resumption of Debate interrupted on 17.7.2014)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I think that we finalized with the debate on this Bill on 17<sup>th</sup> July, 2014 and it is now coming for division. Is the Senate Majority Leader not here?

Sen. Elachi.

**Sen. Elachi:** Mr. Deputy Speaker, Sir, I wish to request that we defer this Order under Standing Order No. 54 (3). But we must ensure that we finish this business, with your permission, in the next sitting which will be on Wednesday.

**The Deputy Speaker** (Sen. Kembi-Gitura): Why do you seek that we should defer the division?

**Sen. Elachi:** Mr. Deputy Speaker, Sir, I believe that some delegations have walked out and, therefore, we do not have the numbers to vote on the Bill.

**The Deputy Speaker** (Sen. Kembi-Gitura): You do not have the threshold?

**Sen. Elachi:** No, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Okay. The division on this Bill shall be done on Wednesday 30<sup>th</sup> July, 2014, which, if the Motion for Adjournment passes, will be the last sitting of this particular session.

*(Bill deferred)*

Sen. Dullo, are you trying to say something? Go to the Dispatch Box because it seems like your microphone has a problem.

*(Sen. Adan moved to the Dispatch Box)*

**Sen. Adan:** Mr. Deputy Speaker, Sir, maybe you forgot that I had requested earlier to give supplementary information on a particular Statement that was requested by Sen. Lonyangpuo. I do not know whether I should go ahead and give it.

**The Deputy Speaker** (Sen. Kembi-Gitura): As you know, so many things have happened and now you want us to go back. I know that you had made the request, but I think that it escaped my mind because of so many interventions coming in. Is there anything to stop you from doing it now, if I order that we go back one step before we go to the next Order?

**Sen. Adan:** I can do that, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Go ahead and do that, since you have the Statement.

## STATEMENT

*(Resumption of issuance of Statements)*

### INSECURITY ALONG THE WEST POKOT-TURKANA BORDER

**Sen. Adan:** Thank you, Mr. Deputy Speaker, Sir. This is supplementary information regarding a Statement on insecurity along the West Pokot-Turkana County border that was earlier requested by Sen. Lonyangapuo.

The Statement regarding the insecurity along the West Pokot/Turkana County border was issued before the honourable House on 1<sup>st</sup> July, 2014. However, during the proceedings, Sen. (Prof.) Lonyangapuo sought to be informed on:-

(1) the registration numbers of the vehicles provided to enhance patrols along the border;

(2) the details of how security was beefed up in Karon, Kases, Tikaiwa and Sarmach areas;

(3) why a special District Officer was deployed without a vehicle to assist movement around the area; and,

(4) whether the number of police reservists has been increased to serve in the area.

Mr. Deputy Speaker, Sir, I wish to respond as follows:

Listed here below are vehicles that have been deployed to enhance patrol along the West Pokot-Turkana border:-

(1) West Pokot County Headquarters (Kenya Police) – Toyota Land Cruiser caravan, GKB519E and Hino 500 lorry, GK196F.

(2) West Pokot County Headquarters (Administration Police) – Toyota Land Cruiser, GK851D and Hino 500 lorry, GK439F.

(3) Pokot North Administration Police Headquarters, Alale – Toyota Land Cruiser, GKB047E and Toyota Tdi 100, GKA451P.

(4) Pokot Central Divisional Headquarters, Sigor (Kenya Police) – Toyota Land Cruiser, GK305E.

(5) Pokot Central District Administration Police Headquarters, Sigor – Toyota Land Cruiser, GK052E.

Mr. Deputy Speaker, Sir, the following measures have been employed to beef up security in Karon, Kases, Takaiwa and Sarmach areas:-

(1) Increasing the number of personnel at the Anti-Stock Theft Unit and the General Service Unit (GSU) camps in Lorogon and Turkwel.

(2) Establishment of an Anti-stock Theft Unit camp at Takaiywa Village.

(3) Due to the limited resources, the Assistant County Commissioner, who is deployed at Turkwel, is sharing the same vehicle with the Administration Police officers; a Toyota Land Cruiser, registration No.GK027F.

(4) Although the Government has not recruited additional police reservists in the area in the recent past, the serving reservists have been armed and taken through several training exercises. The most current was conducted in June, 2014 and it was facilitated by the National Focal Point on Small Arms and Light Weapons, in partnership with Safeworld Kenya and Sicon and Security Research and Information Centre.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Lonyangapuo, do you have anything to say?

**Sen. (Prof.) Lonyangapuo:** Mr. Deputy Speaker, Sir, I want to thank the Vice-Chair for the answer to the supplementary question. However, in the answer, she is specifically talking about a special District Officer (DO). This House needs to know that a special DO was assigned to do patrols at the border between Pokot and Turkana counties. But it is wrong for the Vice-Chair to state that there is a vehicle that is shared between the DO and the Administration Police. I was there for three days, from Saturday until yesterday, and saw that the DO is in dire need of a vehicle. Could the Vice-Chair tell us when the DO will be given the vehicle, considering that at the moment the Ministry has enough vehicles, charging from the vehicles that are being driven around the country?

Lastly, the Vice-Chair talked about a GSU camp at Sarmach, but there is none. A camp is urgently required because the school that is there has so many children.

**Sen. Adan:** Mr. Deputy Speaker, Sir, on the issue of the vehicle, the information that I have from the Office of the President contains the registration number of the vehicle that the DO is sharing with the relevant department that I have mentioned. But since the Senator has indicated that it is a pressing issue that needs quick action, I will take up that issue with the Office of the President and see whether they can allocate him a special vehicle by next week.

On the issue of the camp, that is the information that I was given by the Office of the President, but I will clarify further whether or not the camp that was indicated in the statement is the right one.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you very much but do not come back to the House with that issue. Now you are going to deal with it yourselves. Is it not?

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you.  
Next Order!

## MOTION

THANKS OF THE SENATE FOR THE ADDRESS  
BY THE PRESIDENT OF THE SENATE OF RWANDA,  
RT. HON. (DR.) JEAN DAMASCENE NTAWUKULIRYAYO

*(By Sen. (Prof.) Kindiki) on 23.7.2014)*

*(Resumption of Debate interrupted on 23.7.2014)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Who was on the Floor?

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

Sen. Orengo, you had eight minutes.

**Sen. Orengo:** Mr. Deputy Speaker, Sir, yesterday, I was getting to the second part of my remarks. Basically, I was talking about comments that had been made by the Senate Majority Leader to the extent that if anybody had any issues in matters to do with governance or any problems that needed attention by the Government, then we should use the institutions that are in place.

Mr. Deputy Speaker, Sir, in fact, when institutions or governments are left alone, they can sometimes be the problem. I did point out that, in fact, under the old order, before we had the new Constitution, the problems that this country had, had been created not only by the Government of the day – and there were a number of them – but by institutions. For example, I had pointed out yesterday that the advent of the one-party system in this country was brought about by Parliament, which turned Kenya into a *de jure* one-party State. If you remember, even the Judiciary previously has been a source of problems in the sense that the Executive, at a particular time became more “executive” than the Executive. There is no better testimony of that fact than the current Chief Justice, who was not only charged before a court of law, but later on detained.

Mr. Deputy Speaker, Sir, you are also aware that if the Armed Forces themselves are left alone, they can also be part of the problem, and those who were here in 1982 know exactly what happened. So, this new Constitution gives us a new way of handling matters in this country, in that the public must be involved at all times. The Constitution is there for the people and not the Government. In fact, if you read the preamble to this Constitution, it says that the people have given themselves this Constitution. So, I will plead, in recognition of the remarks that were made by the President of the Senate of Rwanda, that we have gone beyond the thinking that was prevalent in yesteryears; that once you elected a Government, then it was left alone to govern and the opposition had to wait until elections time.

In history, without Martin Luther King going out and leading a march into Washington, there would never have been a successful civil rights movement. Equally here, without the involvement of civil society, the IPPG process would not have taken place. To that extent I urge this Parliament and the Senate that unless we play the constitutional role that is required of Parliament, even the doctrine of separation of powers would not work in this country because you have heard of what is now being called the tyranny of numbers. That kind of thinking undermines the authority of Parliament which is supposed to check the executive, to be conscientious of the issues of the day so that we do not have a rogue executive and without checks and balances, we can also have a rogue Parliament. Therefore, it is upon us to play a very important role as a Parliament to make sure that the gains of this Constitution are not lost. If we are not

careful, they can easily be lost like we experienced the period between 1980 and 1984 when even the electoral process was undermined by having institutions which were not carrying out their duty in accordance with the law and the Constitution.

Mr. Deputy Speaker, Sir, therefore in this new dispensation, we should be open to each other. There is no reason why church leaders can meet with the Head of State, discuss the issue of the day, governments can call on all manner of people from a cross section of Kenyans to talk about the issue of the day. As political parties, we feel very shy to have the leadership of the political parties to sit together and reason together so that this country becomes a better place to live. In that regard, we should be guided by speaking the truth or speaking our mind because if we do not do so under the banner of commitment to sectarian interests, then the gains of this new Constitution will hardly be met.

So far, I have to point out again and again that indeed people forget that the Government, left unchecked, can be an instrument of disorder. We have had governments like in Zaire which were basically a felony state or criminalized state that unleashed terror on its own citizens. Therefore, the gains that we have made requires of us to be vigilant all the time and ensure that we are each other's protector in all circumstances.

Therefore, the example and experiences of Rwanda and I am happy that all the time when one visits Rwanda, they like talking about their history about what they went through during the genocide. That history is supposed to guide us and the Rwandese themselves that without internal vigilance and without remembering like Madison said; that censorial power belongs to the people and not to the government to censure governors and not vice-versa. In this new awakening, the future can be greater for Africa and for Kenya. Unless we watch out, already there are some Bills which have gone through Parliament like the Media Bills which are retrogressive. To that extent, the institutions that we think are playing a constitutional role take us to the years past.

I support.

**Sen (Prof.) Lonyangapuo:** Mr. Deputy Speaker, Sir, I want to join my colleagues in thanking the Rt. Hon. President of the Senate of Rwanda, whose name is longer than mine. I thought mine was the longest. His name is Ntawukuliryayo. The Address by the President of the Senate of Rwanda brought a lot of commendations and greetings to our country. He indicated to us how close the people of Rwanda are to us. He also reminded us of the long lasting friendship and co-operation that has existed between our two nations. Therefore, it was good that we heard how they regard us highly in both good and bad times.

He mentioned about the friendly relationship that we have always had. He particularly mentioned about the joint infrastructure that Kenya, Rwanda and Uganda have. This reminds us what the President of Rwanda talked about where they assigned a person to sit in a lorry from Rwanda to Mombasa counting the number of toll stations between the two countries. The result of that revelation was a big eye opener. It showed how much time is lost on the road due to road blocks. Today we can say---

**Sen. Kajwang:** On a point of order, Mr. Deputy Speaker, Sir. I did not want to interfere with the professor but he mentioned something that I want him to explain or correct. He said that the officer from Rwanda was following the long trailers and counted how many toll stations are between the borders of Kenya to the sea. Then as he was

continuing to speak, he called them road blocks. So, I was wondering whether the road blocks are the toll stations and what is the relationship between the two.

**Sen (Prof.) Lonyangapuo:** Mr. Deputy Speaker, Sir, I mentioned that due to long delays, the Rwandan Government decided to do a thorough research as to what causes the delay. Therefore, they assigned an officer to sit in the lorry. They counted the number of roadblocks which then were behaving like toll stations because one would delay for a long time. I am told that the behaviour has been reduced to the extent that goods can move by road from Mombasa to their destination in a fairly shorter time. I am aware that there is this new initiative to build a railway all the way from Mombasa to Kigali. That will definitely make trade faster and reliable.

Mr. Deputy Speaker, Sir, he also talked about regional integration and security that has to be looked at by the people of East Africa. This comes in handy when our country is going through tough times where we need to make sure that the security of our people is fully guaranteed. He also talked about this region creating regional security and partnership in order to fight against the three enemies he cited including terrorism, cross-border crime and other regional security threats. How great that the President was able to mention this? He empathized and stood with Kenya with regard to the attacks from the *al Shabaab* like the Westgate attack last year.

Mr. Deputy Speaker, Sir, it may be important for us as Kenyans to ask how our neighbours have been able to combat crime. Last week I had the privilege of visiting our neighbour, Uganda, where pastoralists' cattle have migrated in search of pasture and I was surprised that although I was received at a higher level, I learnt one lesson that no one despite your position is allowed to address any meeting until you are given permission by the leader of the village. I asked why and they told me that, that is the way they manage crime or detect any foreigner. They call those fellows LC1. These are the people we call *wazee wa mtaa*.

**The Deputy Speaker** (Sen. Kembi-Gitura): You called them "fellows"

I want you to withdraw the word "fellows" and call them "people".

**Sen. (Prof.) Lonyangapuo:** Yes, I withdraw the word "fellow" and say these are the people we call *wazee wa mtaa* in Kiswahili. In English, these are elders who have been identified to be in charge of a group of people and now we call them the head of *nyumba kumi*.

I asked whether that happens even when the President comes and they told me yes. They told me that even the head of state cannot address any meeting in a village until the meeting is opened by that fellow, whether educated or not. This really touched me and I realized why things have been managed in some of these countries like Rwanda and Uganda. The level of security awareness is very high because the people on the ground in the villages are the ones who run and man the show. They even had to call Kampala to inform them that I was there so that they can get permission. We can copy this and modify it to suit the Kenyan style.

If you look at the stubborn nature of the problem we are witnessing in Lamu where terrorists emerge from some villages, attack people and run, somehow some people in those villages can identify who these characters are if such a system is made functional.

Mr. Deputy Speaker, Sir, when a neighbour comes to address us, it calls upon all of us as a nation to ask what they are doing that we are not able to do. He pointed out



what they went through in 1994. At that time, it was like a dead nation. Things were chaotic; there was conflict; tribe against tribe and person against person. Last year, a Committee of the Senate visited Rwanda for a week and I was privileged to be among those who went there to see how their laptop project is working. I was touched to see the level of cleanliness and the level of security alertness in Rwanda. We visited the place where the genocide took place. That is an everlasting memorial to remind the people of Rwanda and the whole world what a wayward spirit of man can do.

We need to remind ourselves that at this time when we are having inter-tribal challenges like in Wajir, Tana River and other places, we may need to take some of these people for a visit to go and see what some of these things can do if we do not suppress them and if we do not put our house in order. Visiting and seeing personally and practically is very important so that other people can learn.

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

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

There is no harm if it is just a day or two of travel where we take some of our people; we pick elders from some of these communities, put them in a bus, take them all the way to go and see the havoc that was caused 20 years ago. They will also see that, that country has come back to her feet and they are no longer fighting themselves.

Madam Temporary Speaker, Sir, indeed the President of the Senate of Rwanda also mentioned to us about the role of the national Parliament – in which case here in Kenya, it is the role of the Senate and the National Assembly – on how each of us should complement and make laws that can move this country forward, just like they have also done theirs. He spoke about the role of the national Parliament at the national level and at the community level – in our case, we have at the county level – and the fact that we need to have our community members and citizens trusting one another. There is a problem that is emerging in Kenya where people are running after land instead of honouring one another. You will find a brother rising up against another one just because of land. What have these other countries done that, now, they worship one another and honour one another instead of fighting for the land that we see around?

On integration of our people, we have gone into counties, but what lessons can we learn from Rwanda? We have learnt that we should integrate people of various counties. Look at the employment spree being conducted by every county; if you go to some counties, 80 per cent to 90 per cent or even 100 per cent in some counties is purely composed of local people who speak the same vernacular. I do not know how they conduct business; you may find things being done in the same language because the other people from the other communities do not exist.

We may need to follow up on this issue and see, as legislators here, how we can bring up clauses that ensure that a Pokot can be employed in Kiambu; such that his or her slot must exist. Somehow, I do not know; we are 42 tribes. Can those people be given their slots – 42 slots in every county as a minimum? The reason I am saying this is because I know that counties have not less than 100 employees in every county as at now. In fact, for the county assemblies, they are not less than 100; what about the county executive and the county itself? If we come up with a law that dictates as such, even if

you are not a resident of that county, you can be assured of employment. How lovely it would be when we have somebody from my county working in Lamu for the simple reason that their share and slot exists! In the years to come, if we go in that direction, we may find some serious integration because when people go to visit their kith and kin, and so on, and so forth, we may have this kind of blend that we saw in Rwanda.

Madam Temporary Speaker, Sir, the President of the Senate also talked about the fact that the Rwandese are realistic about the challenges that lie ahead in their country and in their region. We, in Kenya, must also think about that. He also talked about the need to advance regional integration and, in the same vein, that as a people and as leaders, we need to talk about African renaissance, African independence and African dignity. There is nothing that is so touching and so strong as these words where we are saying that we need to remember that we need to be independent. There was this scramble for Africa that took place those days and we have now acquired our Independence. But, today, we are having a new scramble for Africa; an economic scramble where some developed nations come around and they want to plot to stay around. In the process, we may end up having strangers even running small, tiny businesses in our country; businesses that belong to the people of Kenya.

Therefore, Madam Temporary Speaker, Sir, we also need to have dignity and to walk tall. I did not put an application to God to be made a black man, a brown man or a red man. We need, as Africans – as, indeed, he mentioned here – to have that dignity and to walk tall. He also reminded the world that we are here, as a continent and we need to get this confidence in ourselves so that we can move ahead and stand tall.

So, Madam Temporary Speaker, Sir, in support of what my colleagues mentioned, it was great to have such an Address from the President of the Senate of Rwanda.

Madam Temporary Speaker, Sir, I beg to support.

*(Several Senators stood up in their places)*

**The Temporary Speaker** (Sen. Ongoro): Order, Senators! I have not given you the Floor yet and I am not seeing your request on my computer. I am only seeing Sen. Mutula Kilonzo Jnr's request.

Proceed, Sen. Kilonzo. Please, insert your card and press for a request.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Madam Temporary Speaker, Sir. I rise to contribute to the speech by the President of the Senate of Rwanda. It is, indeed, a pleasure and a privilege for the Senate of the Republic of Kenya to have hosted the Speaker of the Senate of the Republic of Rwanda.

Madam Temporary Speaker, Sir, there are certain things that were said by the President that I think I must repeat, not only for record, but for clarity. The President stated that the Rwandese are realistic about the challenges that lie ahead for the region as well as being steadfast in their determination to overcome them. The resilience and optimism are the values of national spirit that have taken root in their lives for the last 20 years since the genocide against the Tutsis.

Madam Temporary Speaker, Sir, while reading this paragraph, as short as it is, I was just wondering whether this resonates in this Republic. Are Kenyans realistic about the challenges we are facing? Are Kenyans resilient and optimistic about what is

happening in the country? Are these the values that form the cornerstone of this nation? Have we learnt any lessons from the genocide against the Tutsis?

Madam Temporary Speaker, Sir, while delegations upon delegations from the county, the Senate and possibly the National Assembly are all over the place running over themselves to go to Rwanda, we must ask ourselves whether Kenya is confronting the problems that face us. Every time somebody mentions tribalism, we decide to hide; every time we say 30 per cent of the people we hire must come from different counties from our counties, Governors are not complying; when we tell the national Government that you cannot hire people from tribes who are perceived to be your supporters, nobody is listening yet we say that we are going for benchmarking in Rwanda. It is, indeed, surprising that a country like Rwanda can teach a lesson to a country like Kenya which, for all intents and purposes, was doing much better than Rwanda.

But Madam Temporary Speaker, Sir, what is the lesson that we have not learnt? I have gone through this speech; what lessons have we learnt? Most of the people think that Rwanda is doing well because it has a dictator in the name of the President. Rwanda is doing well because of good governance; Rwanda is doing well because the leaders in that country have realized that the buck stops with spreading what I call “tribal rhetoric, ethnic ostracization and the value of treating national treasure and national resource as something that should be treated well.

The lessons from Rwanda, other than all these things, is the fact that they are not spending too much time wasting public resources, doing things that do not make sense. They have prioritized the things that affect the Rwandans and we have not. They have come as a nation and as leaders, not only to represent the people who elected them, but the Rwandans have understood that Rwanda comes first and the rest comes later. We, as Kenyans, must learn – even in this Senate or even at the National Assembly or leaders from whatever category – whether with tyranny of numbers or not, the people we represent are the people of Kenya and those people require our services as leaders and not as people who have elected us from particular tribes, regions or class. I dare say that, in fact, Kenya is going to do a lot of benchmarking in Rwanda for years to come because I do not think we have learned our lessons.

Madam Temporary Speaker, Sir, it is on record and everybody knows that the Truth, Justice and Reconciliation Commission (TJRC) spent a lot of public resources for four years on Agenda Four. They produced a report which is possibly gathering dust somewhere in the shelves of some official of this Government. Nobody has bothered to check what that Commission recommended after spending so much time and so many resources, wasting a lot of resources of Kenya going everywhere, collecting views. Why is the TJRC Report still lying in people’s shelves, yet we are going all over Rwanda, falling over ourselves to go and benchmark, yet we are not learning lessons?

Madam Temporary Speaker, Sir, they have said in Rwanda – and this is part of the speech – and I am now repeating it for the benefit of the record:-

“A key priority of Rwanda after the 1994 genocide against the Tutsis has been to empower women.”

One of those things that the women of this country have gained from the 2010 Constitution is the one-third gender rule. During the early session, the Chairperson of the Committee on Devolution read a very saddening report which seems to suggest that in the hiring of people at the county level, the one-third gender rule has not been observed. Yet

again, we are, as a country, not learning from the lessons that Rwanda has learned and yet, for them, it is just practice. Ours is in the law and yet we are not following it. We are not doing much to empower the women of this country. We have been passing legislation and we are about to pass legislation about procurement, where we have said that 30 per cent of all procurement should go to women, youth and the persons with disabilities. I stated and I am on record to say that Makueni County has got more women than men. So, why should we give women that category and limit them to a minority yet we know that they constitute a majority of the population? Similarly, the youth constitute a bulk of the population, yet even in our own law, we are giving them a minority position.

Madam Temporary Speaker, Sir, I want to say that even in our road to transformation in this country, we have forgotten the lessons. We say this and practise the other. It is common in this country to preach water and manufacture all the wine in the world. They have done it in Rwanda and I have said it here; we are going to be overtaken soon enough because they have said women empowerment is one among many lessons that Rwanda is carrying to our friends as a reminder that democratic empowerment, inclusion and fair representation have a transforming impact which regional integration cannot ignore.

We have to preach and continue preaching as leaders that the women of this country do not need special privileges because they are the ones who bore us. We do not need to give them privileges in the Constitution through laws which we do not obey. One of the things we must learn from things like this and which Rwanda has come all the way to explain to us is that we must start recognizing the women of this country and give them the positions they deserve without necessarily discriminating against them. The lessons on discrimination are only too paramount.

One of the problems bedeviling this country is not poverty. One of the problems that bedevil this country that will take us to the next level is not this nice looking print of Vision 2030 but the way we will deal with the monster called tribalism. The day we deal with tribalism and our leaders stop preaching tribalism is the day we will start recognizing that we have communities which are marginalized. The day we stop preaching tribalism is the day we will realise that we have communities which are living in Mandera and other farflung areas and are also sons and daughters of this country. This is the day we will move forward. The day we audit ourselves and come to the table of truth and sit down and say that we have not only imbalanced the people of this country by hiring people from our own tribe to make economic gain, temporary as it may be, is the day the country will learn.

With regard to terrorism, the Speech spoke very well about security threats and how we can, as a country, deal with it. It is now on record that hotels in Mombasa will close. They will also retrench staff. Why will they retrench? They will retrench because the Government of the Republic of Kenya is playing lip service to security issues. We will retrench Kenyans because the beaches in Mombasa are empty. Lamu and Mombasa have become places where nobody wants to go because of insecurity. How much have we done in asking our neighbours to assist us because we appear as if we are failing in our security? Every time we debate the issue of security, we are just paying lip service to the people of Kenya. Tomorrow, you will hear of another security threat somewhere in another region.

I dare say that I had emails sent to me about threats to places like Likoni more than two weeks ago. If an ordinary Kenyan like me received such an email, where are the security operators of this Republic? We do not hear of such cases in places like Rwanda where, in fact, they would be having more problems than us. This Speech ought to be sent to all leaders in this Republic so that we know where they are coming from. We should know how we can help the Republic of Kenya and its citizens overcome the challenges we are facing as a country and one of them is security. If we do not deal with the issue of security, we will retrench many Kenyans, close our hotels and it will take us a long time to recover.

The hotels in Zanzibar and Tanzania are more expensive than those in Kenya. However, tourists have been flying to Addis Ababa, Uganda and Zanzibar. They are not bothering to go to Mombasa and yet we are considered to have some of the most beautiful beaches in the world. This is a lesson we must learn and one which must be adopted quickly.

Although the Speech was short and had very precise paragraphs, I hope the leaders of this Republic will read it and forward it to the national Government so that in its attempt to lead and to offer services, this Republic can learn from the Rwanda example. I wish we could adopt just one of the examples so that apart from achieving economic advantage, we also achieve national cohesion.

Once we have a cohesive nation as we have in Rwanda, the rest of the issues will fall in place. As I said, we will do benchmarking in Rwanda for a long time to come. Our priorities are upside down. The minute we put this country together, the other countries will come to benchmark from us. We will have overcome one of our biggest weaknesses that we inherited from the British when they left in 1963 which is called “divide and rule”.

**Sen. G.G. Kariuki:** Thank you, Madam Temporary Speaker. First of all, I have to apologise that I was not here when the Speech was being made by the President of the Senate of Rwanda. Therefore, if I say something that was not intended, you will bear with me.

**The Temporary Speaker** (Sen. Ongoro): Senator, you did not get a copy of the Speech?

**Sen. G.G. Kariuki:** Madam Temporary Speaker, I have just seen it. However, let me continue. Some of us may see this is an ordinary visit. However, I want everybody to understand that the world is changing every day. There is no country in East or Central Africa or the whole world for that matter that can survive without the support of others.

Therefore, the Address by the President of the Senate of Rwanda to this House is an important matter. This is a vision we had some ten years ago, that the countries of East Africa and Africa in general would get close together. This is when the Presidents, Speakers and Members of Parliament will have an opportunity to go and speak to their colleagues in the other parliaments. That is the only way that we will bring some understanding closer home.

For example, we had the incident of stock theft. Sometime ago, we suggested that Members of Parliament of Kenya and Members of Parliament of Uganda and all other Members of Parliaments which are involved in stock theft need to have a consultative meeting and an opportunity to come to a Parliament like this one to speak their minds

about what they see and what they expect Kenya and other nations to do in a situation like that one which we have not controlled.

A simple matter like stock theft and cattle rustling has become a big thing in our minds. We are now being harassed in the most unfortunate way. Cattle rustling is still going on.

The *Al Qaeda* has started developing their own vision and ordinary thieves in Nairobi are also trying to become strong in their own way. Time has come when we need to see these countries; Uganda, Tanzania, Ethiopia and all other neighbours as one country. If you look at international developments and how things are moving now, you will see that boundaries are becoming meaningless. There is no way you can stop economic forces. If Uganda is growing something that we must buy, whether we stop it or not, the items will be smuggled. It is high time we stopped saying that Kenya is a sovereign state and yet we cannot manage it internally. That is what is happening in all other African countries.

When democracy was unknown in these countries, dictatorship was necessary because of the way international politics were being carried out. There is no way we would have achieved what we so far achieved. The coming of the President of the Senate of Rwanda has a lot of messages. If you look at the statement, considering where he came from and keeping in mind the problems they have gone through and the way they have improved their economy within a very short time, you will see that there is a lot to be learnt from that country. Kenya has lived very peacefully and that is why you will not find Kenyans like Sen. Kajwang and I speaking with one voice. We still believe in our communities and where we come from. If we do not do that, we may not be elected back.

Time has come when some of us must give up our positions. This should start with the Head of State and then the others. One should decide to be a Member of Parliament to speak nothing but the truth for the good of this nation. If you are kicked out, you should just go and if you do not come back, you will have done your work. We have continued propelling disunity in the name of marginalization. We have talked too much about tribalism. This has dragged us backwards all the time.

Time has come when a Senator, for example, should speak nothing but what can bring unity in this country even if it will cost him his seat. This matter needs to be dealt with openly. A Senate like this one has been engaging in asking why a certain road has not been tarmacked and why so and so has not been promoted. We are deviating from the main reason why we are here. We are here to make sure that this country is united and is developed through the institutions which are in our Constitution. I long for the day we will behave that way. Some of us still think that we are Members of the National Assembly. However, we have to shift a little bit away and let the National Assembly do its work. Let us aim at uniting this country and at the same time bring other countries like Uganda and others together.

It is unfortunate that the issue of *Al Qaeda* has entered Kenya. It will go into Tanzania, Rwanda and everywhere else. Therefore, we have to unite and to make sure that this issue does not move from where it has reached. Otherwise, it will become a major problem. There are people in this country who in the name of historical injustice and marginalisation will take advantage to create problems so that *Al Qaeda* or other groups will take responsibility.

When you are out of this country and read newspapers and get information from outside concerning Kenya, you find that we are in a big problem which we are not open about. The crisis is everywhere. Which district would you not find the problems what that we are going through? My suggestion is that instead of Members of Parliament thinking of going to the US and the other big cities--- There is nothing you can contribute to the Americans. We are not capable of doing anything to them because they have got many ways of learning from us without even asking us to go to their countries. You can go to Nigeria and try to understand the *Boko Haram* and what they are doing. You have travel to Tanzania to find out why they think *Al Qaeda* has just attacked them. You have to go to Uganda and find out why they think “a” “b” “c” and “d” is happening.

We can get the knowledge within the East African Community. Thinking that traveling to France will help us is not correct. China, the United States of America and India are competing on the international market but there is an end to everything. Ten years ago if you had thought that Americans would be in the position they are in today, everybody would have laughed at you because it is a superpower. A superpower has got its own end; it must come down. Even when all these things are happening, we should focus on our own problems in East Africa and see how we can sort them out internally. We should deal with tribalism and marginalization which we have been talking about all the time but nothing will change; a Luo will remain a Luo and a Kikuyu will remain a Kikuyu. The only thing you are expected to do is to make sure that their knowledge and your knowledge put together will take the country beyond its borders. It is not right to think that you will be favoured because the President comes from your tribe.

Madam Temporary Speaker, the security of this nation should be looked at critically and very seriously because the way we are moving, I do not see anything that we are going to achieve. Those who are supposed to manage the security agencies of this country are disorganized; departments are acting without consultations. Time has come for this Senate to try to influence policy towards giving this country security so that we can talk about creating employment, expanding businesses and resuscitating tourism. At the moment, many tourists have cancelled their travel plans to Mombasa and many other places in Kenya. But if you ask the top people in the Ministry of East Africa, Commerce and Tourism, they will tell you that they have not been affected at all. Those who have businesses in Mombasa will tell you that they have been grossly affected. We need to have sober minds and behave differently in this Senate from how we used to behave in the National Assembly.

I beg to support this Speech and say that we were blessed to have the President of the Senate of the Republic of Rwanda to come and talk to us.

Thank you.

**Sen. (Dr.) Machage:** Asante sana, Bi. Spika wa Muda. Niruhusu niseme machache nikifurahia na kuitukuza Hotuba aliyoitoa Rais wa Seneti la Rwanda. Kwanza, ninamshukuru kwa kupata nafasi ya kuhutubia Bunge hili katika ziara yake nchini Kenya. Pia, tunamshukuru kwa sababu wakati fulani pia alimruhusu Spika wetu kuhutubia Bunge lake. Yeye alitukumbusha mambo machache hapa na pale hasa kulingana na mawazo yake mwenyewe, ambayo anayaona kule kwao Rwanda.

Alitukumbusha shida walizokuwa nazo mwaka 1994 wakati wa vita vya wenyewe kwa wenyewe nchini Rwanda. Wakati huu, karibu Watutsi milioni moja waliuawa kwa sababu ya uzembe wa ukabila. Hii ni hali ambayo haiwezi kuruhusiwa au kukubalika

kuingia katika taifa letu. Tunajua kwamba huko Rwanda, makabila haya mawili yanaongea lugha moja. Sisi hapa tuko makabila 42 ukiongeza mengine machache; labda, tuko 45 kwa sababu Wahindi ni kabila, tunaongea lugha tofauti. Tuna sera na mawazo tofauti. Kwa hivyo, tuna shida zaidi kuliko zile zilizokuwepo kule Rwanda, na ni lazima tutahadhari kabla ya hatari.

Lakini hata hivyo, jukumu la mambo hayo siyo kwa mwananchi peke yake lakini hasa kwa viongozi. Inafaa viongozi wa Taifa hili la Kenya wawe na mawazo mazuri yaliyokomaa na ya uongozi halafu wasiwe na siasa kali. Viongozi wetu wamejificha ndani ya vyama vyao vya kisiasa na hawataki kuelekezwa. Wamekuwa kama popo ambaye hupenda kupumzika akiwa ameelekeza kichwa chini. Na labda kwa sababu ni kipofu, popo anafikiria kwamba kila mnyama analala hivyo. Ukijaribu kumkumbusha popo aruke kidogo ili alale vizuri, ndio ataruka na labda atakutopia kinyeshi, lakini atarudi na alale vile ulivyompata. Hivyo ndivyo walivyo viongozi wetu na mawazo yao.

Bi. Spika wa Muda, juzi kulikuwa na mambo ya uwiano; kuongea tu juu ya mawazo tofauti. Viongozi wa Taifa waketi chini na kuongea mambo kuhusu nchi yao. Huyu akikubali, mwingine anakataa, huyu akigeuza mawazo na kukubali, yule mwingine anakataa. Wamekuwa kama popo. Lakini wale wanaojeruhiwa ni wananchi. Wao wamepata vinono na wanakula. Hawafikirii hali ya raia wa kawaida. Wamekuwa kama kuku na mwewe kwa sababu dua la kuku halimdhuru mwewe. Wakati mwingine, kuku atalia kwamba vifaranga wake wameliwa, lakini wakati huo mwewe naye anamshukuru Mungu kwa kupata kitoweo. Mungu ataamua nini kwani huyu anashukuru na huyu mwingine analia? Kila mtu anafikiri ni haki yake. Hivyo ndivyo tulivyo hivi sasa. Wale walioko kwenye utawala wanaona ni vyema wafanye hivyo ilhali wale wa upinzani wanalia. Haya ni mambo ambayo ni lazima tutafakari tukiwa wananchi na viongozi hasa, nchini na kufikiria kwamba, je kesho lawama itakuwa upande gani?

Wakati wa kuunda hii Katiba mpya ambayo tunaifurahia, mimi nilipinga na nikasema kwamba tuirekebishe kwanza ndipo tuipitishie. Wengine wakasema kwamba tuipitishie na tuirekebishe baadaye. Baada ya kuirekebisha na kupata unono na uhondo ndani ya Katiba, wamesahau kwamba kuna mambo yaliyohitajika kurekebishwa kwa sababu wana mamlaka; wana vinono, wananyonya na wamesahau. Inafaa wote tuitikie mwito tulioambiwa na watu wakati ule wa kuongea mambo ya ratiba ya Katiba. Wote tulikubaliana kwamba kuna mambo mabaya ndani ya Katiba. Ni njia ya kuirekebisha tu ndio tuliotofautiana; tuipitishie turekebishe baadaye, turekebishe sasa ndipo tuipitishie. Wakati huu, ni lazima wote tukubaliane kwa dhati kwamba kuna dosari ndani ya Katiba ambayo huenda ikafanya uongozi wa Taifa la Kenya kuwa mgumu. Inafaa wote kukubali kwamba ni sasa. Kama kuna jambo linafaa turekebishe sasa, tusingoje kesho, kwa sababu majuto ni mjukuu. Lakini iwapo kwamba tumesahau kwa haraka, basi kuna shida. Tunapigwa kulia na kushoto na kule Mombasa hamna biashara. Ndio kuna ukabila, lakini ni kwa sababu ya kutosikiza mawazo ya wengine. Tuna shida hiyo kwa sababu tumejitumbikiza kwa shida za taifa la Somalia, tukawa wakombozi halafu tumekatalia huko. Hivyo basi, wanalipisha kisasi. Sisi tutavumilia tu kwa sababu kila wakati tumekuwa wavumilivu.

Bi Spika wa Muda, ni nini hasa chanzo cha matukio haya? Juzi tulidokezewa kwamba siyo *al Shabaab* bali ni viongozi wasiotosheka ambao wanafanya maafa na kuonekana kwamba ni *al Shabaab*. Kama ni hivyo, inafaa wapelekwe gerezani. Makachero wako wapi watuambie ni akina nani wanaofanya mambo hayo? Vifo vya



wananchi visiwe tu ni stakabadhi za kusema kwamba kumi wamekufa leo, ishirini wamekufa kesho, elfu moja kesho kutwa na hakuna lolote linalofanywa.

Wakenya wanamwaga damu na viongozi wanacheka tu. Wanaitumia kama jambo la siasa. Taifa la Rwanda ni kielelezo cha kuonyesha ni wapi madhara kama haya yanaweza kufika. Wao wamejipiga mioyo konde, kutafakari, kuongea wenyewe kwa wenyewe na kuona ni wapi walikosea. Hivi sasa wanajenga taifa la kujivunia na sisi sasa tunaanza kujifunza kutoka kwao. Taifa la Rwanda linaanza kutufundisha mpaka hata vitu vidogo kama usafi. Tunaenda Rwanda kuona vile mji mkuu wao unawekwa safi. Hii ni aibu kubwa.

Wakenya wemejaa kule Rwanda. Wao ndio viongozi wakuu wa biashara na Serikali, walioajiriwa kwa mikataba. Sera hizo zote ni fikira za Wakenya, lakini huku nyumbani ni kama seremala anayeunda kiti kizuri lakini kwake hana kiti. Mwingine akikalia kiti alichokiunda vizuri--- Mkurugenzi Mkuu wa Kilimo kule Botswana alikuwa ni Mkenya. Aliimarisha kilimo mpaka wakaanza mifugo na kuwa taifa kuu la ulimwengu ambalo linauza mifugo kwa faida kuu. Lakini huku nyumbani kilimo cha mifugo kinakufa, mpaka hata kiwanda cha Athi River kimefungwa. Hii ni aibu. Je, uzalendo uko wapi? Ni jukumu la kila Mkenya, mdogo kwa mkubwa, kuwa na fikira ya uzalendo. Sikubaliani na mawazo ya Mzee G.G. Kariuki. Hatufai kusahau kwamba kuna wale wanyonge ndani ya taifa la Kenya. Kuna jamii ndogo ndogo ambazo zimefanywa. Isije ikawa ni hadithi ya mwewe na kuku. Mali inapogawanywa wanyonge wanawachwa. Kuna Mkuria mmoja tu aliyewahi kuwa Waziri kwa miezi kadhaa na ni mimi. Kuna Mkuria mmoja tu aliyewahi kuwa Balozi. Hatujawahi kuwa na *Officer Commanding Police Division* (OCPD) wala *Provincial Commissioner* wakati ule.

Ukiangalia Kenya nzima wale walio wachache ndio wameathirika ndani ya Serikali. Je, hatufai kulia? Tutalia na kusema: “Wakubwa, mnapokula hata makombo tuachie kwa sababu sisi pia ni wananchi wa Kenya. Barabara zinapojengwa, tunafaa kukumbukwa pia, kwa sababu sisi pia ni wananchi wa Kenya na tunalipa kodi licha ya unyonge wetu.” Kwa hivyo ni kweli kuwa kuna wale ambao wamefanywa. Ni lazima wale walio wengi wafikirie wale wanyonge, kwa sababu hawana kura za kutosha kuwa na Rais kutoka kwao. Hata nafasi za Mawaziri zikigawanywa hawawezi kupewa kwa sababu ni wachache.

Tusije tukasahau kwamba ni jukumu letu sisi tukiwa viongozi kujua kwamba wanyonge na masikini wapo nchini. Lakini pia sisi tukiwa viongozi tusikarisike tukikumbushwa. Nakumbuka wakati mwingine nilianza kusoma na kutafsiri Katiba. Nilipomaliza kutafsiri na kusema mawazo yangu, nilitupwa korokoroni kwamba nimesema mambo mabovu. Wakati ule nilikuwa nasema mambo ya National Land Commission (NLC), nikitafsiri kitabu cha Serikali. Naomba hotuba yangu itangazwe kwa wananchi ili waone kama kweli mawazo yangu yalikuwa mapotovu na *hate speech*. Niliyoyasema yanatokea sasa hivi. Lakini kwa sababu nilikuwa mnyonge nilitupwa. Kwa sababu nilikuwa Serikalini wakati ule na nikasema “No” wakati Serikali ilikuwa unasema “Yes”, ilibidi nitupwe ndani ili niwe kielelezo cha kuwafinya wengine wasije wakathubutu kufanya hivyo.

Mawazo ya Mkenya wakati wowote yanafaa kusikilizwa yawe madogo au makubwa, kwa sababu funzo hilo laweza kuwa ndilo lenya manufaa zaidi Kenya nzima. Labda baadaye mkifiria kuhusu jambo hilo kwa undani, mtagundua kwamba lingeokoa au kuongoza nchi na kuifanya kuwa na fanaka, bahati nzuri na mavuno mema. Kwa

hivyo tunapongea kuhusu Hotuba hii, tukumbuke Afrika ya Mashariki. Ni lazima tuwe wa kwanza kukubali na kutekeleza kipengele cha tano cha mkataba unaongoza Afrika Mashariki. Tulikuwa na Tanzania, Uganda na Kenya, kisha tukaungana na Rwanda na Burundi. Nakumbuka mambo haya yakitekelezwa nikiwa Waziri wa mambo Afrika Mashariki.

**The Temporary Speaker** (Sen. Ongoro): Senator, your time is up.

**Sen. (Dr.) Machage:** Asante, Bi. Spika wa Muda.

**Sen. Murkomen:** Thank you, Madam Temporary Speaker. I would like to congratulate and note the Speech of the President of the Senate of Rwanda, which was delivered in this very historic House. He was the first person to address us since the Senate of Kenya was returned under the Constitution of Kenya, 2010. I laud that Speech and appreciate the Speaker of the Senate of Kenya for inviting his colleague and giving him a chance to come and address us.

Madam Temporary Speaker, that Speech is a demonstration of the co-operation of the East African Community (EAC). The EAC Treaty notes among others that it is an institution, unlike the one that was established in 1960s, that is based on people's decision and participation. There is no better way for the people to participate than through their democratically elected representatives. Therefore, having a Speaker of a member country within the EAC, is fostering the requirements and provisions of that Treaty in terms of ensuring that our co-operation is deeper and stronger and will not be based on the relationships of the three Presidents. Those of us who have read the history of the EAC will know that it was as strong as the friendship of the late President Jomo Kenyatta, Mwalimu Julius Nyerere, Obote and then Idi Amin, among others.

There were many reasons the EAC collapsed, but the main one was the fact that it was based on the relationship between the three Presidents. I am told that the former President could have had a good relationship with Mwalimu Julius Nyerere, but again we had at some point, Idi Amin, a dictator in power and so forth. But now this is a co-operation that is based on people. The people of East Africa are willing to work together. They want greater opportunities and expansion of markets.

Madam Temporary Speaker, many people forget or have not been told that one of our most strategic economic partners is Uganda and not Europe, United States of America (USA) or China. Therefore, the objective of the people of East Africa coming together was to ensure that they can do their business and deal with the basic problems together.

In the Treaty, we were privileged to witness an agreement that has more than just trade. There is social co-operation and fostering of better human relations. The things that happen now could never have been imagined. You will see Kenyans travelling from Kenya to Rwanda for a wedding of a relative. Some go to Uganda and Tanzania. That means that there is co-operation even in terms of movement of human beings from one country to another. So, we are actually deepening this relationship by expanding this experience. Many people do not know that you do not need a visa to go to Rwanda. You just go to the airport and board a plane to Rwanda. It is just like going to Kisumu and Eldoret. Of course, you will have to go through the normal immigration processes, but you do not need a visa.

Madam Temporary Speaker, we have discussed many times why there is no good trade in Africa. One of the reasons is that we are putting on ourselves restrictions that we

do not even put to people from other races. We make it easy for someone to fly from Europe to Kenya and make it difficult for someone to drive from Uganda to Kenya. The EAC for that matter, therefore, facilitates us, as African people, to improve our connectivity, expand our market and attract better investors. It is easier to attract an investor coming to a region like East Africa, with over 200 million people, than to a country of 40 million people. Therefore, it is important that we expedite the provisions of the EAC, particularly, on matters of citizenship and movement of persons and goods within the EAC.

I laud what the President mentioned about the tripartite agreement of expediting development between Rwanda, Uganda and Kenya. One very important element is trade facilitation through improvement of infrastructure; working together on the issues of railway, expanding roads and building new ports, both in Moshi and Lamu. It is important, therefore, that infrastructure is put as a priority in the East African region, so that people can move. Most of us forget that to go and buy goods in China, you may wait for week, but if you want to buy goods in Rwanda, you just send your lorry this morning and tomorrow, it will be on its way back via road. Therefore, trading with the EAC partners is more beneficial to Kenya than even looking for new markets in Russia and other countries.

Madam Temporary Speaker, if the EAC is going to work, we must have a greater movement towards shared values. Rwanda seems to have learnt from the history of 1994 and appreciated that negative ethnicity can actually bring down a country, but there is a way that you can harness the diversity that you have, for purposes of progressive development of a country. Look at the way they are managing their politics. I know that in this country we love democracy and human rights but the first human right is food. We must put more energy in ensuring that people are able to eat, drink clean water, get treatment as they want, live in a clean environment and live a better life than to actually overemphasize the right to protest and talk.

In this country, we just like talking and call it more freedom, space and ability to say what you want. It is okay, but why do we not put more emphasis on the things that affect the quality of life? They say, of course, in law that human rights are indivisible, but even if there is no proper hierarchy of human rights, I believe that the greater rights are those that support the right to live. You can live without talking, but you cannot live without eating. You can live without protesting, but you cannot live without good health facilities.

Rwanda has shown the example that for now, they want to prioritize. They might have constricted the space for what we call democratic governance and so forth, but they are doing everything possible to ensure that they improve the quality of the common person. Some people who have invested in something closer to what they call “benevolent dictatorship” have developed a little bit faster than those that have increased talkshops. We need to learn from that and also address the problem of negative ethnicity. There is no problem with us having diverse ethnic background. In fact, it is an additional value. The fact that somebody comes from Kisii, Pokot, Kikuyu, Luo or Kalenjin, is something new. It should enhance our curiosity, that is, the desire to learn how they live and their ways of life. That must lead ultimately to a situation where you want to build one country with shared values.

If you ask a child what the five things that unite this nation are--- I was watching the other day on television and I realized that schools are no longer teaching the national anthem. Children sing the first stanza or the second but they do not remember anything in the national anthem. We need to have a philosophy that runs through the country that enables us to have an identity of some sort. I see some other countries when we watch football, they just cry when they sing their national anthem. But in this country for someone to cry for the national anthem is not possible. Even to stand during the singing, you have to remind them ten times. When it comes to the flag, very few people would proudly hold the flag and walk around with it. I saw in one of the rallies the other day people holding a flag of another country. That means that we are not even proud to be citizens of this country. We need to invest in what unites this country and the shared values. For us to reach there, we must focus on development. We must demand from the Government issues that will ensure that we have a greater access to rights.

Devolution is one new aspect that we must make it work. We must do everything possible for devolution to work so that it can be borrowed by other countries. I have a friend who is a Member of Parliament of Chadema in Tanzania. We studied leadership together in my early years. One of the things that we must think through is that Tanzania is going through a constitutional review and they were asking what we think about devolution. This is the right House to ensure that devolution works. We should ensure that counties have proper resources and ensure that those devolved resources are used in the right manner. We should ensure that those counties at the local level are able to use money for the intended purpose to support the functions in the Fourth Schedule.

Countries like Rwanda in the long run - when they would have expanded a little bit, their ability to speak or their freedom of speech, when they have a debate about devolving resources, then they can say that the Senate of the Republic of Kenya invested in ensuring that devolution works. Therefore they will replicate what we are doing here. One of the things we should export to East Africa and to Africa indeed is the unique form of devolution that we have that ensures that resources are utilized properly. The emphasis of our devolution should not be about power. It should be more of service delivery. It should be more of making a difference in people. This chest thumping and talking about who is more powerful or who can speak last is not healthy. The privatization of devolved units to be entities of one person who does not take orders from the county public service board, a person who does not believe in the county assembly, a governor who does not believe in his own deputy governor and so on is not good. We must have an entity that includes everybody.

Article 174 of the Constitution stipulates the self-governance of the people of the local level is indicated. The people at the local level must be proud and must carry their flags and be proud of their governments at the counties. The reason why the county assemblies and the county governments are being held into account more in terms of people getting agitated when they waste public funds is because people are near their elected leaders. So, they keep asking where the Members of the County Assemblies (MCAs) have gone and for what reason.

Madam Temporary Speaker, we must ensure devolution works and becomes an example for the East African Community.

I beg to note.

**Sen. Omondi:** Madam Temporary Speaker, thank you for giving me this opportunity to note the speech from the Speaker of Rwanda. I want to say that it reminds me of several issues that we as a country need to put in place. It reminds me of my duty as a legislator. What is the role of us, leaders, in this country? What are we supposed to do for our electorate to hold us accountable? It also reminds me of how we address issues. It is a high time that this country addressed or handled issues as they come because the more we hold on to issues, the more they become a problem to us and they run out of hand. It is high time we as a country gave a listening ear to our people. By listening to each category of people, we shall know what affects them and solve these problems. If we are not going to give a listening ear to the people we represent, then we are creating a bigger gap between the leadership and the electorate.

I want to note this speech by thanking the Speaker for giving us a challenge on how to run or lead this country in solidarity by enabling people who sent us to be their representatives in this Senate to have a voice. Are the messages that we send to them able to build their confidence in this country? Are they messages that make them have a negative attitude towards the current Government or the current leadership? This speech is a reminder to us that as leaders, we must understand each Kenyan citizen by listening and addressing their issues whether rich, poor or from a marginalized group. The problem that brings a difference between leaders is the way we treat or represent people and the way we create rifts between the people we represent. You can hear a fellow leader saying that so-and-so came to my territory and yet we are all leaders.

The Speaker reminded us that we have a responsibility of giving information to the people we represent. You can only give information when you go to them. Kenyans are tired of electing leaders and after that, they stay in Nairobi without going back. As we do that, it creates a negative impact between the people we are representing and us, as leaders ourselves.

Madam Temporary Speaker, I want to support or note this speech because it is a way of reminding us; there is a saying in the Bible that says in Kiswahili "*Nabii hana heshima kwao*" because when you remind your colleagues about these things, it now becomes a political issue because you are from a certain political background and that is why you are saying this. But it is all about reminding ourselves. What are we going to do to make Kenya a home where everybody will want to stay? Home is home; home is the best and it is only for us to work together as a team, to stand together and to pull together to change the things that we think are impossible.

It is our duty and responsibility to work hard towards improving what we think it is impossible. It is only through hard work, understanding one another, listening to one another and listening to the people we represent that we will pick what can help us. It is not all that you are told that you can use to help you, but it is always good to listen. As you get criticism, you take what can help you, move the agenda ahead. Other criticism you may ignore because you feel it is not of importance, but a few can help move this country ahead.

Madam Temporary Speaker, the issue of ensuring a peaceful country is the responsibility of all of us. It is through a peaceful environment that we can engage and come up with concrete solutions that can help this country move ahead. I am so happy that the issues that are affecting this country for sure are within this Speech. If we are going to borrow what is in this Speech, I am sure we are going to overcome some of the

issues that we think are a problem. When you go to other countries, you will find that what we feel that Kenya is behind, you find that we are in the middle or we are trying so hard to be on top.

I want to cite an example of my visit to Zambia, where I could not access so many offices. I was missing home because back in Kenya, only a few areas are inaccessible; but most of the facilities are accessible. So, even if I think that Kenya is not doing something on disability, when I visit other countries, I can confidently say that Kenya, on disability, is moving us ahead. With those few issues that we highlight, we learn and benchmark from other countries; we are able to improve where we are seeing that we have a shortfall and it is also going to help us to improve or work towards achieving what we want to achieve.

Madam Temporary Speaker, we are not badly off as a country. If only we can learn to listen, we can learn to benchmark and use whatever we have learnt from others, if only we can pass laws and implement them. Kenya has good policies but the problem is in the implementers; the service providers are letting us down. It is high time that this Senate held people accountable. If they are failing to implement already existing laws, we need to hold them accountable because that is our duty and responsibility. We are not going to waste time coming up with good laws, policies and then somebody somewhere just sleeps on his or her job only for us, again, to come up and review these laws or policies as if we did not have them in the first place.

Madam Temporary Speaker, it is never late and I am sure that if we worked as a team, we are going to move forward; we are going to achieve and Kenya will be a country where people from each and every country would like to come and learn from us.

Madam Temporary Speaker, with those few remarks, I support or I note the speech.

**The Temporary Speaker** (Sen. Ongoro): The Senator for Kisii County, Sen. Christopher Obure.

**Sen. Obure:** Thank you very much, Madam Temporary Speaker. The President of the Senate of Rwanda's visit was testimony and, indeed, an expression of the strong relations and friendship between Rwanda and Kenya. I have no doubt that his visit will go a long way in solidifying the relationship between the Senates of these two countries.

Madam Temporary Speaker, after the 1994 genocide, Rwanda came to its knees. Rwanda, as a country, was actually reduced to ashes. I want to take this opportunity to congratulate the people of Rwanda for the valiant efforts they have made to rescue their country from ashes to the greatness which it has now achieved; the various bold initiatives taken by the leadership to build their country, to reconcile the citizens of that country from that nasty experience must be applauded by all people of goodwill. We need, in many ways, to emulate the example of Rwanda in order to achieve some of the successes that they have achieved.

Madam Temporary Speaker, Rwanda is one of our most important trading partners. I know we often appreciate our relations with other countries – our other trading partners – but many times we do not appreciate Rwanda as one of our major trading partners. Rwanda is, in fact, one of the biggest users of the Port of Mombasa, because this port is the gateway to Rwanda. Therefore, in many ways, Rwanda contributes directly to the economy of Kenya and to the welfare of Kenyans by way of enabling Kenya to earn the much needed foreign exchange through trade, through the use of the Port of Mombasa

and through various other ways. Therefore, we really want to appreciate Rwanda as our trading partner and as a country which directly contributes to the welfare of our people in a very positive way.

Madam Temporary Speaker, the President talked about enhancing regional infrastructure and the need to build better roads to improve mobility between our two countries; the need to build a railway system that connects Kenya and Rwanda; the need to improve communications and energy provision. I agree with him entirely that there is need to do that. This will not only improve security and enable us to deal with all the various security threats like terrorism and all that, but most importantly, it will help us to enhance trade and to improve the economies of our two countries. This is significant, in my opinion, and I agree entirely with the sentiments expressed by the President.

There were times when it was very difficult to trade with Rwanda and many of our neighbours. During those days, if you wanted to contact somebody in Kigali, you had to go through Brussels in Belgium. You had to go through Europe to connect to Rwanda. If you wanted to travel by air to Rwanda despite the fact that it is only less than one hour flight from here, you had to go to Europe and then connect to Rwanda. Those days, it was very difficult to trade with Rwanda. We appreciate the improvements that have taken place since then. However, there is need to do more. They should increase the number of flights between here and Rwanda. We should minimise any hindrances or roadblocks that enable people to move across. We should improve mobility of people and reduce all the barriers that may exist to improve trade. You should increase contacts between citizens and this is very important for purpose of increasing trade.

The President of the Senate of Rwanda also talked about the role of Members of Parliament in sensitizing the general citizens of our two countries so that people can appreciate the value of integration and the bigger regional bloc that we must build so that we enjoy the economies of scale through accessing larger markets. It is our duty as Members of Parliament to ensure that we do what the President is asking us to do and to play our role in sensitizing the public in building trust and faith so that we facilitate movement and trade.

By and large, there are lessons to learn from Rwanda. First is the way they have dealt with tribalism as a hindrance to development. The fact that today, Rwanda is where it is even after the experience of 1994 is unbelievable. However, it can be done. They have built hope among their people. I know that we have challenges of tribalism in this country because our situation is even more complex than that one of Rwanda considering that we have more tribes here. The potential is greater here. We belong to many faiths and the potential is much greater here. We should learn from Rwanda because they have overcome this through determination, focus and by deciding that they must deal with those challenges directly. They have succeeded to do so and I believe we also can.

There is capacity to reconcile our citizens the way the people of Rwanda did. Personally, I think those are the two biggest lessons we can learn from Rwanda. Lastly, we are under obligation, as a nation, to enhance this interaction with the people of Rwanda and the Senate of Rwanda. The benefits are for all of us; the two countries in particular.

With those remarks, I take note of those sentiments which I totally agree with.

**Sen. Muthama:** Asante sana Bi. Spika wa Muda. Nashukuru kwa nafasi hii. Ningependa kuchangia Hoja ya Hotuba iliyotolewa na Rais wa Seneti ya Rwanda katika

Bunge hili la Seneti ya Kenya, Mheshimiwa aliyekuwa hapa. Jina lake ni nzito sana. Ninajaribu kulitamka lakini nashindwa.

Nilikosa kuhudhuria kikao cha Seneti jana lakini leo, nitasema machache kuhusu yale ambayo alisema. Niliipokea Taarifa yenyewe na pia nilielewa ujumbe ambao alitoa.

Nchi ya Kenya iko mbele kwa maendeleo katika eneo letu la hapa Afrika Mashariki. Taifa la Kenya linaheshimika kwa sababu ya tabia ya Wakenya; ujuzi wao na vile walivyo wakakamavu kwa sababu wao hufanya mambo yao kama Wakenya. Msimamo wetu na ujasiri wa Wakenya unatambuliwa. Ukienda Uingereza, Ujerumani na Amerika, utawapata Wakenya ambao wanafanya kazi huko. Wakenya hawa wana heshima sana.

Taifa la Rwanda, lilipojikomboa baada ya kukumbwa na vita vya wao kwa wao na kumwaga damu na ukabila, lilitegemea taifa letu la Kenya sana. Lugha yao ya kitaifa wakati huo ilikuwa Kifaransa. Lakini sasa, lugha inayozungumzwa sana ni Kiingereza. Ni Wakenya ambao walichangia kukuza Kiingereza katika nchi ya Rwanda. Pia, madaktari Wakenya na wahudumu wengine wa ofisi ambao walikuwa na ujuzi tofauti walipata kazi za juu huko.

Spika wa Seneti ya Rwanda aliyezungumza hapa hakutaka kutufurahisha kwa mambo ambayo sio halisi. Ukweli wa mambo ni kwamba kama angetaja mengi kuhusu Kenya, angesema kama sio Kenya, ingekuwa vigumu kwa Rwanda kujimudu na kuwa mahali ilipo sasa. Ikiwa Wakenya hao wanaheshimika hivyo, swali ni kwa nini Wakenya wakiwa hapa kwao hawaheshimiwi?

Wakenya ambao wamefanya kazi katika mataifa ya nje hawajapelekwa kortini kwa mashataka ya kujaribu kuiba ama kupokea rushwa. Tukiwa nje, hiyo ndio tabia yetu lakini tukirudi nyumbani, tunakuwa kama tumeoza. Waswahili husema, mcheza ngoma kwao hutuzwa, Ni kitu gani kinachotukera tukiwa hapa? Na ndugu yangu Sen. (Prof.) Kindiki yuko hapa. Ni mmoja wa wale ambao walichukuliwa kwa heshima kubwa katika hiyo korti. Hakuna pahali Mkenya alisimama na kukashifiwa kwa kutojua sheria. Hadi leo, wale Wakenya walioko katika hiyo korti wanaheshimika sana.

Hata sisi tunaona kwamba matamshi ambayo yanapewa kipaumbele ni yale ambayo yanaheshimika. Lakini swali ni: Ni kichaa gani au kasheshe gani inawapata Wakenya wakiwa hapa nyumbani kwao? Wakenya ambao wanafanya kazi katika Wizara ya Fedha kule Rwanda wanahakikisha kwamba pesa za Serikali ya Rwanda zinatumiwa vizuri kuambatana na kazi zilizotengewa. Hapa kwetu mwaka wa matumizi ya pesa za Serikali unakwisha bila sisi kutumia zaidi ya Kshs387 bilioni. Hii ni aibu kubwa. Kwa hivyo, ikiwa hao wenzetu ndio wanapanga vile pesa za nchi nyingine zitatumika, basi kwa nini mwaka nenda, mwaka rudi, pesa za nchi ya Kenya hazionekani ni kazi gani zimefanya? Ni nini kinachowakera Wakenya? Wananchi wa Rwanda wanafanya kazi tofauti na sisi na kuhakikisha pesa zao zinatumiwa vilivyo. Wakati umefika kwa sisi Wakenya kuamua barabara tutakayoifuata ili tuwe na maendeleo katika nchi hii.

Bi. Spika wa Muda, mataifa yanaotuzunguka yanataka kuiga mfano wetu. Sisi tuko mbele sana kwa mambo mengi, hasa siasa. Tunaweza hata kutangaza siku ya Saba Saba ambayo inawafanya watu wengine kukosa usingizi. Sisi tunawatia mori sasa Watanzania. Siku hizi wanaweza kusimama na kuzungumza kama sisi. Kwa sababu kabla vyama vingi vya kisiasa kukubalika hapa nchini, Kenya tulifanya kazi ngumu sana. Hata Sen. Mugo alifanya kazi kubwa sana kwa sababu alikuwa mmoja kati ya wale waliokuwa mstari wa mbele ili kuona ya kwamba nchi hii ina vyama vingi. Nchi kama Tanzania



ilikuwa na chama kimoja tu. Waliweza kubanduka na kupiga hatua mbele baada ya kuona kwamba Kenya imepata mrengo wa vyama vingi vya kisiasa. Hii ni kuonyesha kwamba sisi ni kama taarifa ya kusomwa na mataifa yanayotuzunguka. Ili tufaulu na tusiwe baba ambaye analisha watoto wa nje, lakini kwake nyumbani watoto wanalala njaa, ni lazima tutimize matakwa yetu kwanza.

Bi. Spika wa Muda, ikiwa magazeti zetu ndizo zinazosomwa sehemu ya Afrika Mashariki, na inaonyesha kwamba wakati wa matumizi ya pesa za Serikali unaisha bila sisi kutumia pesa zilizotengewa miradi fulani hapa nchini, sisi tutakuwa kweli mfano mzuri wa kuigwa na mataifa mengine. Mimi nitajichukia sana ikiwa tutaanza kuiga mambo ya maendeleo kutoka kwa wananchi wa Rwanda ambao tumeliwafundisha mambo mengi.

Ni juzi tu Taifa la Rwanda linaanza kuimarika. Lakini ukitembelea nchi zingine, unaambiwa kwamba inafaa Kenya ijimudu kwa shughuli zake ili ikae kama Rwanda. Leo inasemekana kwamba Rwanda ndio nchi safi kabisa katika eneo hili letu. Swali ni: Je, ikiwa watu walipigana kuuana na kuchinjana, waliwezaje kusafisha miji yao na ikawa na heshima kutuliko, ilhali sisi ambao tulikuwa mstari wa mbele na hatujakuwa na matatizo kama hayo? Nchi ya Rwanda inatoshana na Kaunti ya Machakos. Hii ni aibu kuba sana. Uongozi wa Taifa hili ni lazima ukome kuwatetea watu wafisadi kutoka makabila yao. Ni lazima hatua kali ichukuliwe dhidi ya watu hao ili nchi yetu tuheshimiwe na mataifa mengine. Ni lazima ukweli usemwe. Ni lazima Wakenya wote wapewe nafasi za kazi kama Wakenya. Hatutaki kuona kabila moja likipendelewa na kupewa nyadhifa kubwa Serikalini.

Bi. Spika wa Muda, nchi ya Rwanda imeweza kufaulu kwa sababu Rais Kagame ni mjasiri wa kuamua mambo bila mapendeleo ya kikabila. Yale makabila yaliokuwa yakipigana hayapigani tena baada ya Rais Kagame kuchukua hatamu za uongozi. Lakini angelikuwa ni mtu anayeogopa na kuzingatia mambo yasiyo ya ukweli, Rwanda haingekuwa vile ilivyo hivi sasa. Kwa hivyo, ni aibu kubwa sana kwa Wakenya kuambiwa wafanye mambo yao vile wananchi wa Rwanda wanavyofanya kwa sababu wanazidi kutushinda kimaendeleo. Hapa nchini Kenya tunataka kuona usawa katika Serikali yetu kulingana na Katiba yetu. Lakini vile mambo yalivyo hivi sasa, utumishi wa umma katika taifa letu umepewa kabila moja. Kuna kabila nyingine inayofuatia kwa karibu kwa kunusanusa ilhali Kenya ni nchi ya watu 40 milioni. Wakati Rais wa zamani wa Rwanda alifanya kazi kwa misingi ya kikabila, watu waliuana na kuchinjana kama kuku. Lakini baada ya kuzingatia heshima na ujasiri wa maamuzi, Rwanda imekuwa nchi moja. Tunataka kuona usawa katika Serikali.

Hatutaki kuona kama, kwa mfano, Kamati ya Ulinzi wa Kitaifa ikifanya mkutano, unahesabu watu tisa kutoka kabila moja katika wanakamati 11. Watu wawili pekee yao ndio hawaelewi ni jambo gani linaloendelea katika mikutano yao. Sisi tukitarajia kwamba askari wetu wataleta ulinzi katika Taifa letu. Watawezaje kuleta ulinzi katika nchi yetu ikiwa wakiamka asubuhi kwenda kazini wanakashifiwa kwamba wanafanyia kazi kundi fulani la watu hapa nchini. Kwa hivyo, sisi tunaongea maneno ambayo yataleta upendo nchini Kenya na uhusiano wa Wakenya. Ikiwa tutaungana na Wakenya wengine walioko mataifa mengine na kuwahusisha katika utumishi wa umma katika taifa letu, tutaweza kuleta amani nchini Kenya. Kuna swali moja ambalo ninajiuliza: Inakuwaje askari wetu wananyang'anywa bunduki na wakora? Ikiwa askari wetu ndio wanaouwao, ilhali wao ndio wanaofaa kutulinda, ni nani aliye na usalama hapa nchini?

**Sen. Mugo:** On a point of order, Madam Temporary Speaker, Sir. Is the hon. Senator in order to mislead this House that they speak words that will bring Kenyans together in love when he is usually on the frontline of abusing everybody in this country, including the President? He has no respect for any position in this country.

**Sen. Muthama:** Bi. Spika wa Muda, ikiwa kuna makosa nimefanya, kuna Serikali ya kuchunguza makosa ambayo nimefanya. Kama nimetukana Rais wa Taifa, kuna Serikali ambayo inafaa inipeleke kortini. Kuna sheria inayosimamia mambo hayo. Mhe. Seneta ambaye ameongea anajua vile nilimsaidia Rais mstaafu Mwai Kibaki kumaliza ukabila katika taifa letu. Mbona wakati huo hawakuona kuwa nilikuwa nikinafanya makosa? Mimi niko katika mstari wa mbele kukataa ukabila.

**The Temporary Speaker** (Sen. Ongoro): Sen. Muthama, you have one minute remaining.

**Sen. Mugo:** On a point of order, Madam Temporary Speaker. Is the hon. Senator in order to say half-truths when he knows that in the Government today there are many people who do not come from the same tribe? We have the Cabinet Secretary for Lands, Housing and Urban Development from his own backyard, Cabinet Secretary, Omamo, from Nyanza, Mr. ole Lenku, the Cabinet Secretary for Interior and National Coordination. I can go on and on. What does he mean by one tribe? Tribalising this Government is by voice---

**The Temporary Speaker** (Sen. Ongoro): Sen. Mugo, you have already made your point.

Sen. Muthama, are you misleading this House? Can you clarify for the one minute remaining?

**Sen. Muthama:** Bi. Spika wa Muda, hakuna kitu kama hicho. Kama anataka nihasabu ninaweza kufanya hivyo. Je, Mkuu wa Majeshi ni nani? Je, Mkuu wa Idara ya upelelezi ni nani? Je, Mkuu wa *National Intelligence Service* (NIS) ni nani? Tunaweza kuwahesabu. Mimi sitaki aibu hapa. Mhe. Seneta anafaa kuelewa kwamba mambo ninayoongea ni ya Kenya. Mimi nilikaa na Sen. Beth Mugo na kukubaliana kwamba ni lazima tumsaidia Rais Mwai Kibaki alete usawa katika taifa letu. Kwa hivyo, siipotoshi Seneti hii hata kidogo hapa. Sisemi mambo ya uongo.

Bi. Spika wa Muda, ikiwa kuongea kuhusu mambo haya ndio kuleta ukabila, basi ni nani atakayesimama na kukataa ukabila?

**The Temporary Speaker** (Sen. Ongoro): Your time is up, Sen. Muthama.

**Sen. Mugo:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Ongoro): Sen. Beth Mugo, his time is already up. Therefore, I would want us to rest that case, because he will not be able to respond again. He has already exhausted his time.

**Sen. Mugo:** Can I just make a point, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Ongoro): You are on a point of order. So, you were to direct us, as to what is out of order. But if you would have wanted him to respond, I have already ordered him to sit, because his time is up. Since the Senate Majority Leader will give his reply, he will have the occasion to respond to some of those issues.

There being no further requests and interventions, I now call upon the Senate Majority Leader to reply.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Madam Temporary Speaker. I want to take this opportunity to thank the hon. Senators who have contributed to this Motion to register the thanks of the Senate of the Republic of Kenya, regarding the address that was given on the Floor of this House by a visiting dignitary, namely, the President of the Senate of the Republic of Rwanda.

Madam Temporary Speaker, I have listened to the contributions which have been made. One thing that has come out very clearly is that the majority of us are in agreement on a number of issues. First, we are in agreement that Rwanda is a friendly nation from which Kenya can learn and to which Kenya is also a role model. Therefore, the visit by the President of the Senate of the Republic of Rwanda should be contextualized in that nature. The fact that he chose to come to Kenya and address this Senate is a demonstration of the deepening and widening of the relationship between our two countries in this region.

Madam Temporary Speaker, Kenya and Rwanda have demonstrated that the future of Africa lies in collaboration within ourselves as the nations of Africa. The interactions between Kenya and Rwanda have also demonstrated that there is much more to gain by our people and economies when we collaborate with our neighbours, even before seeking collaboration with our friends, who for geographical reasons, are far away from us.

Madam Temporary Speaker, today if you go to Kigali, you will find a number of Kenyan firms, for example, Equity Bank, Kenya Commercial Bank, Nakumatt, *et cetera*. So, actually, Rwanda is an investment destination for us, as a country---

**Hon. Senators:** Point of order!

**The Temporary Speaker** (Sen. Ongoro): Order, Senators! If you want any interventions, you have to log in.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Madam Temporary Speaker.

Rwanda is a serious economic and trade partner to this country. Not only are there a number of Kenyan firms and businesses, but there are a number of Kenyan individual business people who are successfully running businesses in that country. My interaction with many of the Kenyans in that country and even our Embassy in Kigali, tells me that the people of Kenya who are doing business in Rwanda are happy, comfortable and do not feel as if they are away from their homes.

Madam Temporary Speaker, it is important to also appreciate that for many years, the people of Kenya hosted a number of Rwandese citizens who were refugees when their country was in turmoil. Also, my experience and interaction with the Rwandese citizens who were hosted in this country in the late 1980s up to the early 1990s is that the Rwandese people never felt discriminated. So, our relationship is deep-rooted, genuine, natural and cultural. I do not need to overemphasize that these are the kinds of relationships that will take our country and continent far.

We have seen the President of the Republic of Kenya and the President of Rwanda, in the last one or two years, move towards accelerating linking the two countries, especially in the area of infrastructure and communication. One of the reasons trade within African States has not picked up is because of poor communication and transport systems in our continent. The economists say that lack of adequate infrastructure is a huge barrier to trade. The reason we are doing very well in our trade

with Uganda is because there is a road between Mombasa and Uganda. There is also a railway, although it is an old one, to some extent. If we want our trade with Rwanda to grow, and it is growing, it is not adequate to rely on air travel. We, as a country, must support the ongoing networking of our country and Rwanda through an efficient modern railway.

The reason Kenya has, for example, very little trade relations with some of the Western African countries is because there is no communication. There are no transport avenues. A few years ago, in my former life when I was an academic, I attempted to go to a city called Banjul in the Gambia. I took five flights between here and Banjul. First, I had to fly to Europe. From Europe I flew back to Africa. Even within Africa, you fly into Lagos and Accra. You connect to about five places. By the time you reach there it is after three days. How do you expect trade to thrive between those countries? What President Uhuru Kenyatta and his counterpart in Rwanda, Paul Kagame are trying to do now is trying to help our countries maximize on intra regional trade which is the engine for the growth of the economies in this region.

Madam Temporary Speaker, I had the opportunity, not long time ago, to pay a courtesy call on the President of Rwanda at State House, Kigali. I was amazed at his clarity on what ails our countries and the continent and how it can be fixed. I was so impressed, at his fingertips he knows what is working in Rwanda, what is not working, why and what needs to be done. With that kind of leadership, if we have more of such leaders in this region, our continent can move from being a continent that has been the laughing stock of other civilizations to a continent that is moving forward towards prosperity, progress and modality. Other parts of the world have made it. I do not see why, there is no single reason Africa, Rwanda or Kenya cannot make it.

I have listened to the contributions relating to the lessons and comparisons between Kenya and Rwanda with regard to nationhood. Truth be told that the people of Rwanda, including the dignitary who visited us, and many more of his countrymen and women are very amazed when they see the kind of politics we play in this country. Sometimes they whisper to us that: "Kenyans you have a great country, robust economy and great people, but, please, there are some things you cannot do, there are some politics you cannot engage in because the cost of that kind of politics is horrendous." About 15 years ago, I did a PHD study on the Rwandan Genocide. I spent many days collecting narratives and stories from people who experienced the genocide firsthand.

Those of us who have visited Rwanda have seen the Genocide Memorial and other places that will tell you that the spark that destroys a nation is a very little spark. What you require to destroy a nation entirely is very small. That is why, with all the shortcomings that the leadership of Rwanda could have, the one area where President Kagame has succeeded is to ensure that at no cost will he allow Rwanda to slide back to what happened in a span of 86 days in April, 1994, where a million people were slaughtered by their own neighbours, spouses and sons. All of a sudden, people discovered that you have been married to an enemy. All of a sudden, you have discovered that your father is an enemy simply because of ethnic incitement. For 86 days, a million lives were lost in a brutal manner; the bishops and the churches turned into massacre theatres. For that reason, the Rwandese said that this should not happen again.

Madam Temporary Speaker, likewise, this country had an episode of madness in 2007 for three weeks. Until now, Kenyans are still grappling with the consequences of

those three weeks of madness. We manufactured the madness, we incubated the madness and in those three weeks, what happened in this country up to now – as much as we want to try and forget it – we have not healed from the aftermath of that violence. As I speak, we still have cases at the International Criminal Court (ICC); the cases do not seem to be doing well, but that is neither here nor there. The fact of the matter is that we slaughtered each other because of political incitement. It will be foolhardy for us, as a nation, to travel back the path of incitement. Let me be clear; what the Director of Public Prosecutions (DPP) has done in the last one month is welcome and he should continue doing it. Anybody who incites a Kenyan against a fellow Kenyan, whether you are in CORD, Jubilee, UDF or whether you are party less, that person should be arrested and locked in before they destroy our country.

Madam Temporary Speaker, let us also be honest, I think sometimes we become hypocritical. You will hear people pontificating here, I am sorry that my brother, Sen. Muthama, has gone, about I do not know who is on the right side of history---

*(Laughter)*

I hear Sen. Muthama saying “Oh, who is the Chief of Defence; who is the Criminal Investigation Department (CID) Director and who is the Inspector General of Police? I do not know who is this and that. All those positions were filled when President Mwai Kibaki and Raila Odinga were running the Government of Kenya together.

*(Applause)*

So, nobody can come here and purport, all of a sudden, that they can confuse Kenyans and try to say that there are things that have happened during the last one year that are---

**Hon. Senators:** On a point of Order!

**The Temporary Speaker** (Sen. Ongoro): Order! Order! Sen. Nanjira was first. Proceed, Sen. Nanjira.

**Sen. Omondi:** Madam Temporary Speaker, is the Senate Majority Leader in order to mislead this House that when people are sharing power, they can make a decision? What I know is that the Head of the House makes the final decision. Is he in order to say that?

**The Temporary Speaker** (Sen. Ongoro): Yes, Senator? Let the Senator respond to that first.

**Sen. Muthama:** On a point of order, Madam Temporary Speaker.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Madam Temporary Speaker, Mr. Raila Odinga is my friend.

**Sen. Muthama:** On a point of order, Madam Temporary Speaker. Is the Senate Majority Leader in order to mislead this House by saying that some officers were in the office when Kibaki was there? Was Mr. Kinyua, the Head of Civil Service at that time? Was Njee Muturi the Solicitor-General at that time? Why is he misleading the House? We are talking about 11 members of the security committee who come from one community. He should concentrate on that and not to camouflage it. Is he in order?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Madam Temporary Speaker, with regard to the first one, as I said, the former Prime Minister is a good friend of mine

despite the fact that we do not agree politically at the moment. That word, “moment” is deliberate because two years ago, the kinds of political alignments that were there are very different from what we have today. That can even change in the future. The earlier Kenyans realise this better.

Former President Mwai Kibaki and Raila Odinga were not President and Vice President, respectively. They were co-principals in a Grand Coalition Government. During that time, there may have been difficulties. However, I am sure that there are many things that the former Prime Minister did not agree with, but he protested loudly. I did not hear him protesting about some of the things being protested here today. That as may be, there is something we call reverse discrimination. I do not think that any Kenyan should be ashamed of holding public office simply because they come from a particular tribe. If this is about balancing ethnicity in our public sector, the law is very clear.

The Constitution provides for that. In this Parliament, we have Committees of National Cohesion which can address this.

**The Temporary Speaker** (Sen. Ongoro): Sen. Muthama put a question to you and I want you to talk to it. He stated that you are misleading the House with regard to the National Security Council you were making reference to. He claims that nine members of the security committee come from one community. Between you and Sen. Muthama, who is misleading this House, could you clarify?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Madam Temporary Speaker, Sen. Muthama is misleading this House and he owes this House an apology. It is that kind of politics that have brought backwardness in this country.

**The Temporary Speaker** (Sen. Ongoro): So, that is not true?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Madam Temporary Speaker, that is not true. If he has any facts, this is where I was heading; we have a Joint Committee on National Cohesion and Equal Opportunities in this Senate which looks at issues regarding equal opportunities.

**Sen. Muthama:** On a point of order, Madam Temporary Speaker. I am surprised that the Senate Majority Leader has turned this to a political issue. I am not playing politics. I am just putting the record straight. They wanted me to substantiate certain names which I did. I picked only three and he cannot deny that. Is he in order that instead of sticking to the substantiation I made he is deviating?

**The Temporary Speaker** (Sen. Ongoro): The Senate Majority Leader, respond to that and proceed. Let us bring that to a conclusion.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Madam Temporary Speaker, I do not want to belabour that point. If Sen. Muthama thinks there is any structure in the public sector which does not meet the requirement of the Constitution in terms of ethnic diversity, he has a right to mention to the right institutions, including our own Joint Committee on National Cohesion and Equal Opportunity and the National Cohesion and Integration Commission.

Once again, I want to say that this country is our homeland and we do not have another country. There are things which when we say, we pull the people of this country further and further apart rather than bringing them together. I just want to appeal that for us in this country, we really need to work on nationhood. By that I do not mean that we do not point out what is going wrong. The discourse about diversity and inequality is a

discourse you will find in any country in the world, including all democracies. But the nature in which we communicate---

**Sen. Muthama:** On a point of order, Madam Temporary Speaker. The Constitution is very clear. It says that all the appointments in Government institutions must represent the national outlook of this country; we must have ethnic and regional representation. Gender is a great consideration when it comes to the Constitution. Why does it appear that I am talking outside the Constitution of this country? It is very clear that ethnicity and regional representation must be considered in those appointments. Why is the Senate Majority Leader avoiding that and yet he is supposed to be taking us through the Constitution.

**Sen. (Prof.) Lonyangapuo:** On a point of order, Madam Temporary Speaker. I just want to bring some information forward. I think Sen. Muthama is out of order to talk about issues that are not before us. If he has any issues to raise, he should do so through a substantive Motion for us to debate.

**The Temporary Speaker (Sen. Ongoro):** So, are you pointing to the fact that he is out of order?

**Sen. (Prof.) Lonyangapuo:** Yes, Madam Temporary Speaker.

**The Temporary Speaker (Sen. Ongoro):** Senate Majority Leader, we have three minutes to conclude this debate.

**The Senate Majority Leader (Sen. (Prof.) Kindiki):** Madam Temporary Speaker, I am very grateful that we have had this very healthy interaction. I want to take this opportunity to thank the President of the Senate of Rwanda for visiting our country together with his delegation. I also want to take this opportunity to thank all my colleagues for contributing to this Motion.

Finally, I hope going forward, every time there is an important guest in this country, the leadership of this House and also our counterparts in the National Assembly will make effort to ensure as much as possible that those dignitaries also have an opportunity to address us so that we can learn from one another and so that we can profile our Houses of Parliament internationally.

With those few remarks, I beg to move.

*(Question put and agreed to)*

**The Temporary Speaker (Sen. Ongoro):** Next Order!

## BILL

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL,  
(SENATE BILL NO.10 OF 2014)

*(By Sen. (Prof.) Kindiki on 10. 06. 2014)*

*(Resumption of debate interrupted on 17.07.2014)*

**The Temporary Speaker (Sen. Ongoro):** Sen. Wetangula was contributing to this Motion and he had 45 minutes remaining. He is not in the House and so---

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): On a point of order, Madam Temporary Speaker. To the best of my knowledge, debate on this Bill had ended.

**The Temporary Speaker** (Sen. Ongoro): Senate Majority Leader, the debate on this Bill had not ended. I was on the Chair when Sen. Wetangula was making his contributions and he had a balance of 45 minutes. This is not a timed Bill, so as many Senators that would wish to speak to this Bill are allowed to do so.

Sen. Wetangula is not in the House. Any other Senator interested in speaking to this Bill?

**Sen. Obure:** Madam Temporary Speaker, thank you for the opportunity to make my contribution to this Bill. I feel that the intentions of this Bill are certainly very good. I also appreciate what this Bill is designed to achieve. Kenyans embraced the current Constitution largely because they were motivated by the desire to have devolution. They felt at the time that devolution would help them to achieve faster development. That devolution will improve service delivery and help expand the economies of the counties. In so doing, create more employment opportunities and help to reduce poverty. Furthermore, that devolution will reduce marginalization in---

### ADJOURNMENT

**The Temporary Speaker** (Sen. Ongoro): Order! Sen. Obure, you have a balance of 13 minutes to contribute to this Bill. When it will be next on the Order Paper, we will give you the priority.

Hon. Senators, it is now 6.30 p.m., and the Senate stands adjourned until Wednesday 30<sup>th</sup> July, 2014 at 2.30 p.m.

The Senate rose at 6.30 p.m.