

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 23<sup>rd</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]*

### COMMUNICATION FROM THE CHAIR

#### PROCEDURE FOR APPROVAL OF PROPOSED AMENDMENTS TO BILLS IN THE COMMITTEE OF THE WHOLE

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I have a short communication to make.

As you are aware, the House has concluded the Second Reading of the following Bills:-

(1) The County Governments (Amendment) Bill, Senate Bill No.1 of 2014 by Sen. (Dr.) Khalwale on Tuesday, 17<sup>th</sup> June, 2014.

(2) The Alcoholic Drinks Control (Amendment) Bill, Senate Bill No.5 of 2014 by Sen. (Prof.) Kindiki on Tuesday, 17<sup>th</sup> June, 2014.

(3) The Statute Law (Miscellaneous Amendments) Bill, Senate Bill No.6 of 2014 by the Standing Committee on Legal Affairs and Human Rights on Wednesday, 2<sup>nd</sup> July, 2014.

(4) The County Governments (Amendment) (No.2) Bill, Senate Bill No.2 of 2014 by Sen. Martha Wangari on Wednesday, 9<sup>th</sup> July, 2014.

(5) The Political Parties (Amendment) Bill, Senate Bill No.2 of 2014 by Sen. (Dr.) Khalwale on Tuesday, 15<sup>th</sup> July, 2014.

The five Bills are now due for consideration in the Committee of the Whole and will be scheduled for Senate business this coming week as follows:-

On Tuesday, 29<sup>th</sup> July, 2014, the House will consider the Alcoholic Drinks Control (Amendment) Bill, Senate Bill No.5 of 2014 by Sen. (Prof.) Kindiki, the County Governments (Amendment) Bill, Senate Bill No.1 of 2014 by Sen. (Dr.) Khalwale and the County Governments (Amendment) No.2 Bill, Senate Bill No.2 of 2014 by Sen. Martha Wangari.

On Wednesday, 30<sup>th</sup> July, 2014, the House will consider the Statute Law (Miscellaneous Amendments) Bill, Senate Bill No.6 of 2014 by the Standing Committee on Legal Affairs and Human Rights and the Political Parties (Amendment) Bill, Senate Bill No.2 of 2014 by Sen. (Dr.) Khalwale.

Hon. Senators, Standing Order No.138(2) of the Senate Standing Orders states as follows and I quote:-

“No amendment shall be moved to any part of a Bill by any Senator, other than the Senator in charge of the Bill, unless written notification of the amendment shall have been given to the Clerk at least twenty four hours before the commencement of the sitting at which that part of the Bill is considered in Committee of the Whole.”

In order to facilitate orderly transaction of business at the committee stage on the five Bills, I would like to request hon. Senators who intend to propose amendments to any of the Bills, to forward their proposed amendments to the office of the Clerk by 10.00 a.m. on Friday, 25<sup>th</sup> July, 2014. This is necessary to facilitate drafting, where necessary, and for approval by the Speaker. It will also serve as a notice of amendment to the sponsor of the Bill and enable us to avoid the situation where substantive amendments are brought on the Floor of the Senate during Committee Stage which causes confusion because such amendments are not contained in the Order Paper. Substantive amendments brought after the indicated timelines will not be approved.

Hon. Senators, I also wish to bring to your attention that pursuant to Article 123 of the Constitution and Standing Order No.71 of the Senate Standing Orders, the House must proceed on a division on every Bill and for every amendment proposed. Additionally, a vote is carried only if it is supported by a majority of all the delegations. The import of that last part is to request and implore you, hon. Senators, to ensure that on those two days that we shall be in committee for those five bills, it is imperative that as many of you as possible are in the House, so that we are able to deliberate and pass the Bills as necessary.

Thank you.

Next Order!

*(Mr. Munyes moved to the Dispatch Box)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Munyes, are you standing up to present a petition?

**Sen. Munyes:** Mr. Deputy Speaker, Sir, I have a public petition from Turkana County over the insecurity that is affecting the northern region of this country amongst the Turkana and West Pokot counties. The petition is signed by two petitioners on behalf of the Turkana people under Standing Order No.223 of the Senate Standing Orders. It is written to the Speaker of the Senate---

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Munyes, has that petition passed through the Clerk's office or is it a fresh matter?

**Sen. Munyes:** Mr. Deputy Speaker, Sir, I have raised the matter with the Speaker.

**The Deputy Speaker** (Sen. Kembi-Gitura): Has he approved it?

**Sen. Munyes:** Well, this copy has not been approved.

**The Deputy Speaker** (Sen. Kembi-Gitura): I would like to see an approved copy. We need to do this procedurally. I do not have anything to stop you from raising a

petition, but it is imperative that it should pass through the right procedure so that the Speaker's office has approved it, having gone through the office of the Clerk. If it has that endorsement, I will allow you to go on with it. If it does not, I will ask you to suspend it.

**Sen. Munyes:** For sure it does not have the endorsement.

**The Deputy Speaker** (Sen. Kembi-Gitura): Then you cannot proceed with presenting the petition. I have not seen it. I am also informed by the Clerk's office that they have not seen it either.

Next Order!

## STATEMENTS

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, there are statements that are listed in the appendix of today's Order Paper. I would like us to go in sequence first.

Sen. Billow, do you have a statement for Sen. (Dr.) Khalwale? Is it lengthy?

*(Sen. Billow spoke off record)*

I cannot hear you. Could you move to the Dispatch Box?

### DETAILS OF AGREEMENTS BETWEEN THE GOVERNMENTS OF KENYA AND CHINA

*(Resumption of Statement interrupted on 10.7.2014)*

**Sen. Billow:** Mr. Deputy Speaker, Sir, the microphone is on now. Yes, the statement is lengthy but I will only read out the highlights because the Member has all the details on the issue.

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

**Sen. Billow:** Mr. Deputy Speaker, Sir, I will go to the second part of the attachment that says "the National Treasury is required to provide a statement on financing agreements signed between the Government of Kenya and the People's Republic of China." In particular provide information on:-

- (a) the exact details of the multi-billion shillings agreement signed between the governments of Kenya and the People's Republic of China;
- (b) how much money is involved in these agreements;
- (c) how much of this money will go into infrastructure projects; and,
- (d) how much of this money constitutes interest free loans and grants.

Mr. Deputy Speaker, Sir, the details of the agreements are provided in the schedule. There is a list of completed projects which add up to Kshs40 billion made up of grants and concessional loans. We also have the list of ongoing projects which add up to Kshs426 billion. We have grants of Kshs3.2 billion bringing the total to Kshs469 billion.

To answer the second part of the question, the amounts involved in these agreements are: Completed projects - Kshs40 billion, ongoing projects - Kshs469 billion making a total of Kshs509.576 billion.

On the third part of the question of how much of this money will go to infrastructure, I would like to respond as follows: Under the recently signed agreements, the total for infrastructure is Kshs319.2 billion made of the Nairobi-Mombasa standard gauge railway of Kshs309.9 billion and the Nairobi City centre network, the 66 KV network upgrade totaling Kshs9.3 billion.

The last part of the question is on how much of this money constitutes interest free loans and grants. Interest free loans is Kshs2.1 billion and grants is Kshs2.57 billion making a total of Kshs4.673 billion.

Mr. Deputy Speaker, Sir, the rest of the information is available in the supplementary schedule.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Senator. Sen. (Dr.) Khalwale, do you have any intervention or reaction to that? This will be very short because, if you recall, we had already dealt with these issues. I think what was sought was supplementary information on the original issue. Am I correct?

**Sen. (Dr.) Khalwale:** Correct.

**The Deputy Speaker** (Sen. Kembi-Gitura): I hope that we will not take too long on this.

Go on, Sen. (Dr.) Khalwale.

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, the House will recall that last week, when this matter was adjourned, it was because we were not agreeing with the Chair of the Committee over the annexure. I notice in today's answer that there is a complete departure from that annexure. That was the reason we adjourned. But I am happy to further note that the Principal Secretary, Dr. Kamau Thugge, has not substituted that particular annexure but has said, further to the letter, that he has added the current information. For that reason, since he has not withdrawn it, could the Chair respond to the issues of favouritism and skewed awarding of funds that would be paid for by taxpayers to only certain regions in this country; regions that are seen to be areas where the Deputy President and the President of Kenya come from?

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Billow, let us see whether there are any more interventions, so that we can---

Sen. Kanainza, you are seeking the Floor for what purpose?

**Sen. Kanainza:** Mr. Deputy Speaker, Sir, my statement was approved and I am supposed to seek it today.

**The Deputy Speaker** (Sen. Kembi-Gitura): Is it okay, let us first deal with what is before us first because there will be confusion.

There is no other request on the statement by Sen. (Dr.) Khalwale. Sen. Billow, you can proceed.

**Sen. Billow:** Mr. Deputy Speaker, Sir, the hon. Senator had sought a clarification last week with regard to the fact that the loans and grants from China are for projects that are in areas where the President and Deputy President come from. He specifically mentioned Central and Rift Valley. Specifically, he mentioned two of the projects. I want to state that he mentioned a grant for reconstruction of Gatundu Hospital at Kshs1.52 billion and Kenyatta University Teaching, Research and Referral Hospital Project at Kshs9.85 billion. If you go through the schedule, it will be clear that these projects are national projects that span across the country. I want to give examples. In the completed projects that add up to Kshs40 billion, you will find Moi International Sports Complex

which is the first project funded by China, it is a national project in Nairobi. It is not favoring any particular region.

The widening of Jomo Kenyatta International Airport (JKIA) - Uhuru Highway Road, which will cost Kshs1 billion is a national project. It is not something that is either in Central or Rift Valley. The construction of Mama Lucy Kibaki Hospital in Nairobi's Eastlands was for Kshs2 billion. This was done a few years ago. The Nairobi-Thika Super Highway, again, is part of the Nairobi Metropolitan. If you come to Ol Karia Geothermal, the cost is Kshs7.5 billion. That is providing power to Kakamega and other parts of this country. Procurement of equipment for NYS was Kshs4.2 billion. This is a national issue. The list goes on, it is long, I do not want to go through all of it. But when you come to the ongoing projects, which I am sure is the Senator's area of concern, the Kenyatta University Teaching, Research and Referral Hospital, this is located in Nairobi. The hospital is not located in Rift Valley or Central. This project commenced more than four years ago. It was not started by this Government. Therefore, the question of saying that it was started and is favouring the two incumbents is wrong. In fact, this project was started at the time when his side was part of the coalition that was in government then. It is almost reaching completion.

The Kenyatta University Teaching, Research and Referral Hospital is a national university. The procedure is that universities apply to the Treasury for funding. If Maseno University in Western Kenya applies tomorrow for funding through a programme like this one, the National Treasury will process it the same way they processed the other one. I do not think there is anything skewed about the Kenyatta University Teaching, Research and Referral Hospital.

The other issue is on the Nairobi-Southern bypass Project. Again, it is part of the northern corridor that goes all the way to other countries in East Africa. The cost for this is Kshs19 billion. Apart from the standard gauge railway, the other single largest item is listed as No.12 on the provision of drilling materials for 80 geothermal wells in Ol Karia.

Lastly, the other project the Senator is concerned about is the reconstruction of Gatundu Hospital. This is a grant of Kshs1.52 billion. Gatundu Hospital, like any other hospital, applied through the Ministry for funding. This is a grant that has been given to assist reconstruction of that hospital. So, with all due respect to the Senator, I do not see anything you would say is skewed or that the projects are favouring Central or Rift Valley region. These are all national projects that benefit every part of this country, to a large extent.

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Prof.) Anyang'-Nyong'o!

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I have made a request for a point of order.

**The Deputy Speaker** (Sen. Kembi-Gitura): I have heard you but there is another point of order before yours and I have called it out.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I thank the Chair of the Committee on Finance, Commerce and Budget for the response that he has given to Sen. Khalwale's observation and query. I would agree with him that some of those projects were started when we were in the Government. Indeed, I know very well how the Kenyatta University Medical School project was started because I was part of the initiative. That notwithstanding, we are talking about now. First, would it be in order for

the Chairman to make that list available to all Senators for further scrutiny and discussion? Secondly, having read the distribution of the project, is it not fair to say that we have tended to be too Nairobi-centred or around-Nairobi-centred? What initiative is now being taken to make sure that we diversify this kind of investment to other parts of the country, in the spirit of the new Constitution, which is now not then?

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I want to state that the Chair is misunderstanding my clarification. I had no doubt about the other infrastructure projects. My problem is that in both annexures you have Nyeri Provincial Hospital, Gatundu District Hospital, Kenyatta University Teaching and Referral Hospital – I am talking about the one in Juja and not the Kenyatta National Hospital in Nairobi – Moi Teaching and Referral Hospital and Mama Lucy Kibaki Referral Hospital. All these hospitals are in the same catchment area and yet, the whole country right from the Coast, Western, Nyanza, North Eastern and Eastern, have Kenyans who want to have access to such ultramodern hospitals. It is, therefore, out of order for the Chair to imagine that I am canvassing for the case of a hospital in Kakamega. Yes, I am entitled to, but I am saying this in the interest of respect for the Constitution; which requests that resources must be seen to go to all the regions of the country. How can you have six ultramodern hospitals in one little area, when the rest of the country is begging for treatment? I request you to respond. Are the President and Deputy President using their positions to ensure that the areas where they got best support are favoured in this modernization of the medical services in this country?

**Sen. Kagwe:** On a point of order, Mr. Deputy Speaker, Sir. Last time when this matter came up here as well as this time, the hon. Senator for Kakamega and my friend, Sen. Boni Khalwale, referred to the matter of Nyeri, which I clarified that I have not seen the money that he has been talking about. But that is not really my point. Would I be in order to propose to the hon. Senator for Kakamega that instead of talking as if he hates some people from certain regions getting any money for any hospitals, he could ask for money for the areas that he wants, rather than this psychological inferiority complex of always attacking Nyeri hospitals and the other hospitals, as if they do not deserve what other Kenyans deserve?

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Is Sen. Kagwe not on a point of order?

**Sen. Kagwe:** Mr. Deputy Speaker, Sir, I stand by what I said.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. You have heard my colleague, Sen. Mutahi, say that I am talking as if I have hatred for some people in this country. I demand that he substantiates, even if he needs two days to come and do so, failure to which, he should kindly withdraw and apologize. This is because I am on record as being one of the politicians in this country who put my life on the line. My car was burnt because I was supporting President Kibaki, when the country had shifted out of it.

**The Deputy Speaker** (Sen. Kembi-Gitura): Order! Order, Sen. Khalwale!

**Sen. (Dr.) Khalwale:** This politician must realize that to speak in this country is not a privilege. He must apologize. It is not a joke!

**The Deputy Speaker** (Sen. Kembi-Gitura): Order! Order, Sen. Khalwale! Sen. Khalwale, I think that the rules of the House have not changed, however, angry you may be. When the Speaker is on his feet, I think that it is imperative that the Senator should be seated.

**Sen. Elachi:** On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to remind the hon. Senators that if we go the route of looking at projects and indicating where they are, we will be putting this country again into a very sensitive dilemma? Would I be in order also to ask my Senator from Kakamega to tell us whether the railway line from Mombasa to Nairobi does not pass in other regions that are not for the President and Deputy President?

**The Deputy Speaker** (Sen. Kembi-Gitura): We are seeking interventions from the supplementary Statement that was issued by Sen. Billow Kerrow and now, it appears like new things are coming up. I do not know whether you want us to deal with points of order or concentrate. I had said that this is not a Statement that I wished to take too long on, because it is supplementary and there are other Statements that have to be issued this afternoon.

I can see other requests. Sen. (Prof.) Anyang'-Nyong'o, you have already contributed to this issue.

**Sen. (Prof.) Lonyangapuo:** Mr. Deputy Speaker, Sir, although Sen. Khalwale is right to raise any query here, it would be in order to know that most of these projects started sometime ago before this Government came into place. I was a Permanent Secretary and so, I know. But he is in order to ask – just as I am going to ask – when the other regions are going to be considered.

**The Deputy Speaker** (Sen. Kembi-Gitura): I am not sure that Sen. Billow Kerrow, the Chairman, will be able to answer your question, unless you are seeking a fresh Statement. That is a completely new dimension that you are giving to the Statement.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, would I be in order to request the hon. Senators to lower the temperatures a little? Whereas the information being sought is genuine, because it is based on facts--- If facts could be brought to bear then, of course, the questions would be answered. I think that Sen. Billow Kerrow is capable of doing that. It is a fact too, as my colleague in the previous Government said, that we started these projects. But it does not mean that we were right all the time. We might have started projects which are concentrated too much in the urban centres and not taken into consideration rural areas. But now that we have a Constitution that gives provision for that, would it be in order, therefore, for Sen. Billow to just provide the list to the Senators and they be given time to study it and after that, ask more sensible questions, than raising temperatures between Nyeri and Kakamega?

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Elachi, do you have another intervention?

**Sen. Elachi:** On a point of order, Mr. Deputy Speaker, Sir. Would I be in order just to request that as he answers, it would also be important for the House to know all the grants and funding not just from the Chinese Government but all our donors and how they have been spread across the country?

**The Deputy Speaker** (Sen. Kembi-Gitura): I have only one problem here. We now have a situation where Statements are issued in the House and then they are taken back for further information. When they are brought to the House, again, they are taken

for further information. It cannot go on *ad infinitum*. That is why I stopped Sen. Lonyangapuo and said that the avenue is always open to seek a Statement specific to your need and what you want to know. But if you keep asking the same Chairperson who has issued a Statement and another Statement the same questions but on different facts, he or she may be unable to answer those questions.

I notice that Sen. Kagwe and Sen. Elachi are requesting for the Floor. If you want a point of order, please, go to “intervention” and if you request the Floor, go to the request button.

**Sen. Billow:** Mr. Deputy Speaker, Sir, regarding the clarifications that was sought by the Senator for Kisumu, Prof. Anyang’-Nyong’o, let me clarify, and I think that the Senator for Kakamega needs to pay attention, that, in fact, all these projects, including the ongoing projects – their designs, plans and proposals – commenced well before this Government came into power. Secondly, these projects to a large extent are based on the flagship projects of Vision 2030. Vision 2030 was developed when the last Government was in power, the majority of whose members are now sitting on that side. If any of the Senators can go through the Vision 2030, they will actually tick off all these projects, because they are listed there. So, it is not something that is being developed now.

Regarding the clarification sought by Prof. Anyang’-Nyong’o, to the extent that, that Vision 2030 actually covers all the priorities in terms of development across the country, the funding when you look at this may not actually appear to be comprehensive. This is because there is funding from the national Government and other donors. In fact, the other donors combined have significantly more contribution in terms of funding than this one from China. So, there are many of these projects that are included in the Vision 2030. I am sure that in terms of the policy aspects, Vision 2030 will address that.

The second query was raised by the Senator for Kakamega. He asked why we have these projects concentrated in these regions. As I mentioned earlier, Moi Teaching and Referral Hospital is a project that was completed many years ago. Kenyatta University Teaching, Research and Referral Hospital that he has mentioned, also, is a matter that started three or four years ago when Kenyatta University decided to have a referral hospital, and is about to be completed.

Nyeri hospital is not included in this updated answer. It was in the proposed institutions that have applied for funding. It has not yet been approved and it has not been included anywhere in this document.

With regard to Mama Lucy Kibaki Hospital, it is a Nairobi Hospital and it is the main hospital that was put up in the Eastlands part of Nairobi and it serves all people in Nairobi and not just a particular area. I think those are the clarifications that have been sought and I am sure the hon. Senator for Kakamega will be happy.

**The Deputy Speaker** (Sen. Kembi-Gitura): That brings that matter to an end.

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

**The Deputy Speaker** (Sen. Kembi-Gitura): On the same issue? Are you seeking a further clarification?

**Sen. (Dr.) Khalwale:** Yes.

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

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, you are yet to make a ruling on my request that my brother and colleague, Sen. Kagwe, substantiates his allegations.

**The Deputy Speaker** (Sen. Kembi-Gitura): What part do you want substantiated?



**Sen. (Dr.) Khalwale:** I wanted him to substantiate, failing which---

**The Deputy Speaker** (Sen. Kembi-Gitura): What part do you want him to substantiate?

**Sen. (Dr.) Khalwale:** It is on record what he stated, and I am very clear on the HANSARD about what I demanded for.

**The Deputy Speaker** (Sen. Kembi-Gitura): So, I am asking you what exactly you want substantiated.

**Sen. (Dr.) Khalwale:** I want him to substantiate his allegation. It falls below my dignity and professional training to even repeat his allegation. I am a dignified man and I lead a patriotic life.

**Sen. Kagwe:** On a point of order, Mr. Deputy Speaker, Sir. I first want to respect the views of the Senator for Kisumu and therefore maintain a modicum of civility. However, I said and I repeat that it appears to me that the hon. Senator, whom I said I respect, is exhibiting some level of hatred. It appears to me, and the HANSARD will bear me witness. That is my opinion and I do not think there is any substantiation to be done. I want to believe that the appearance I have is wrong and it is not correct but at that point in time, it appeared to me, given two times of the same question in the same hospital and indeed it has proven to be completely wrong. So, one can appreciate, here I am, sitting here, hearing a Nyeri hospital that has gotten some billions of shillings, knowing the desperation that is currently in that hospital and continued insistence on the same wrong notion. Therefore, on a friendly notion, I want to assure my brother, Sen. (Dr.) Khalwale, that I have respect for him and indeed I do not believe that he hates a part of this country, but the way we express ourselves in this House, also requires that hon. Members remain honourable to the extent that your statement cannot be construed by a reasonable individual to be meaning that you do not like a certain area in the country.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, can we proceed.

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I understand the rules of debate. What I have put on HANSARD, I now want to leave it to the conscience of the Senator, whether he feels compelled to apologize or not. I also want to leave it to the Chair, having stated that he is not going to apologize whether you are going to insist that he does the second part of the request, that is, withdraw and apologize. I leave it to you.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. (Dr.) Khalwale. I think we will leave it at that. I would also like, with a lot of respect, to bring to your attention Standing Order No.94 (1) and (2) but pursuant to your statement, I would like to leave it at that and move on.

Sen. Billow, you had a Statement to issue, but before you do that, Sen. Ongoro has an intervention.

**Sen. Ongoro:** On a point of order, Mr. Deputy Speaker, Sir. I had been requesting for some time and sorry for taking you back. This is a debating chamber and having listened to the debate taking place on the Floor of the House, I feel almost intimidated that seeking a Statement in the Senate is going to be restricted to free debate. It is my opinion that when one seeks a Statement and I believe all our Chairs have the ability and capacity to provide the Statement and the answers sought. I want to remind hon. Senators in this House that in 2007 this country had a very nasty experience which we do not want to repeat or to ever experience. One of the issues was because of the perceived historical injustices that a section, sections or regions felt. Therefore, when we seek Statements---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Senator. When you use a word like intimidation, I do not know whether it is directed at the Speaker, the Chair of the Committee or the House in general. It is not my wish to go back to that issue because Sen. (Dr.) Khalwale has been very gracious. He has ended the matter. He has said that he will leave it to the conscience of Sen. Kagwe and for the Chair to consider it. If I re-open it now, it could go on and on, I might not be able to stop it at that point. That is why we are talking about rules of debate. They state that a debate must come to an end. The specific one on the Statement that has been issued has come to an end because I made an order that we close it and move on to the next Statement. As pertains to the last statement, I am *functus officio* and I cannot go on with it. So, I am afraid I am not going to allow us to reopen that debate.

Sen. Billow you can proceed.

ANXIETY IN COUNTIES OVER DELAYS IN ENACTING  
COUNTY APPROPRIATION BILLS

**Sen. Billow:** Mr. Deputy Speaker, Sir, I stand to issue a Statement pursuant to Standing Order No.45(2)(a) regarding county budgets. Our attention has been drawn to a statement in the media to the effect that counties face imminent cash crisis due to delay in the passing of Revenue Allocation Bills and delays in approvals of budgets by the Controller of Budget. On behalf of the Committee, I wish to advise the counties as follows:

The Division of Revenue Allocation Bill will be finalized by the end of the week. The Mediation Committee Report of the two Houses was adopted by the Senate yesterday and will be adopted by the National Assembly today. The equitable share of revenue shall not change from the initial Kshs226.66 billion but there shall be an additional conditional allocation for Level 5 hospitals. After that, the County Allocation of Revenue Bill will then proceed to be processed next week.

In the meantime, counties can use Section 134 of the Public Finance Management Act which outlines action to be taken in case of delays in enacting the County Appropriation Bills that may be occasioned by delays in the revenue allocation process. We are aware that most counties still have sufficient balances in their respective county revenue funds that can be applied under Section 134 to pay salaries and other essential expenditure. Consequently, we want to clarify that there is no crisis of funding in the counties.

Mr. Deputy Speaker, Sir, on the budgets, we are aware that the Commission of Revenue Allocation (CRA) has set certain budget ceilings on expenditure to ensure that there is prudent use of finances in the counties. The Commission is empowered under Article 216(2) to make recommendations on matters concerning among other things the financial management by county governments in formulating this recommendations, CRA shall seek according to that Act to encourage fiscal responsibility.

Section 102 of the Public Finance Management Act also demands that County Governments adhere to the principles of financial management outlined in Article 201 of the Constitution which, among other issues, requires that public finance shall be spent in a prudent and responsible way. It is also important to note that the Public Financial

Management Act, Section 107, stipulates that certain fiscal responsibilities and principles must be adhered to in the formulation of county budgets which include, and I quote:-

“Recurrent expenditures of county governments shall not exceed its revenues and that a minimum of 30 per cent of the county governments’ budget shall be allocated to development expenditure.”

Mr. Deputy Speaker, Sir, in this regard, the Controller of Budget under Article 228(5) of the Constitution shall not authorize withdrawals from the County Revenue Fund unless she is satisfied that the laws have been complied with. In this particular case, for instance, she has to ensure that these budgets from the county governments meet the requirements of the Public Finance Management Act and guidelines issued by the CRA. It is in this regard that we fully support the Controller of Budget in her efforts to ensure that financial management is streamlined in the counties in accordance with the laws and regulations.

Finally, we have noted that some county assemblies have piled pressure on the county executives in determination of how much resources shall be allocated for various programmes and/or projects and have even demanded that the funds be allocated to them in their respective wards for their determination and management. It is important to draw the attention of Members of the County Assemblies (MCAs) or the county assemblies to the principles of financial management in Article 201. Moreover, Section 131(2) of the Public Finance Management Act outlines that they cannot amend the budget forwarded for their approval by the county executive in any manner that they want and that they must “take into account the views of the county executive member for finance”.

Therefore, the role of the assemblies must be restricted to oversight and not management of the counties. We therefore urge county assemblies to comply with the recommendations of the Commission on Revenue Allocation and the directions of the Controller of Budget to revise their budgets to be in line with the relevant laws and regulations.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. Billow Kerrow. There are no interventions on that Statement. That is a Statement by a Chairman of a Committee on topical and important national issues which is very welcome. There are some other Statements that have been sought.

Sen. Kanainza, you can go on.

#### ALLEGED IRREGULARITIES IN RECRUITMENT OF POLICE OFFICERS

**Sen. Kanainza:** Mr. Deputy Speaker, Sir, I rise to seek a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations, particularly seeking to know about the irregularities that marred the recent recruitment by the National Police Service (NPS). In the Statement, the Chairperson should:-

(i) state whether the Government is aware that the recruitment of police officers by the National Police Service on 14<sup>th</sup> July, 2014 was marred by irregularities in some counties such as Kakamega especially in Lugari, Matete and Malava regions. The irregularities included favouritism, nepotism and corruption;

(ii) state the specific steps that the Government has taken to remedy the situation following the widespread irregularities that disenfranchised potential and qualified youth from being recruited and favouring non-deserving cases;

(iii) present the tribal distribution of the 10,000 recruits in the county and sub-county levels in the country;

(iv) state the ideal qualifications of a police officer and why the recruiting officers were looking for outdated qualities such as teeth structure; in other words, he should describe the police recruitment procedures;

(v) state why candidates who studied under the international curriculum such as the International General Certificate of Secondary Education (IGCSE) were sent away yet this system is recognized by the Ministry of Education;

(vi) state whether there are adequate facilities such as housing and equipment that will ensure recruits are comfortable as they perform their duties;

(vii) describe if there are any improvements in the Kenya Police Training College that will enable them to cope with the current advanced and complex nature of security threats such as terrorism, cyber crime, online fraud such as bank hacks and computer crime, illegal trafficking of cultural property, environmental crime, organ trafficking, money laundering and smuggling of immigrants.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Where is the Chairperson of the Committee on National Security and Foreign Relations?

**Sen. Adan:** Thank you, Mr. Deputy Speaker, Sir. I would request to be given about two weeks to respond to that Statement which has been requested.

**Sen. Kanainza:** Mr. Deputy Speaker, Sir, I do not know what she means by two weeks, because I am aware that we are proceeding on recess in the coming week. This is a matter of urgency and as you can see, many commissions and institutions are really not comfortable with what happened on 14<sup>th</sup> July, 2014.

**Sen. Billow:** Mr. Deputy Speaker, Sir, I rise on a point of order in terms of guidance from the Standing Orders. Is it in order to deal with a statement such as this one when this matter has also gone to court? At the same time, there is also a Committee of the National Assembly which has also pronounced that, that exercise be stopped. We also know that the Ethics and Anti-Corruption Commission (EACC) and other agencies have also commenced investigations on the whole matter. Will it not really be unfair, in terms of the time of the House, to be engaged on this matter when it is being dealt with at several levels? Am in order to---

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

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, the importance of this matter cannot be gainsaid. Therefore, when the Chairperson says that they will bring it after two weeks, it will be too late because we do not know when these recruits will be reporting to the police training college. It is important that we sort it out quickly so that if there is need for Parliament to pronounce itself that the process should be repeated, it should be done in good time before the recruits who bought their way into training have already been admitted at the college.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Obure, I know you want to intervene, but your name is not on the panel. It is now there as a request for the Floor and not for intervention. But go on, Sen. Obure.

**Sen. Obure:** Thank you, Mr. Deputy Speaker, Sir. First of all, I want to thank Sen. Kanainza for raising this matter; I had exactly similar concerns. But I want to, first, start by referring to the sentiments expressed by Sen. Billoo; the fact that this issue is being handled elsewhere. I do not think that will preclude this Senate from discussing a matter of such great national concern. We should be allowed to express ourselves. This recruitment of personnel into the police force was a complete sham and that has been captured by the sentiments expressed by Sen. Kanainza.

What I want to request for, Mr. Deputy Speaker, Sir, is that in the response from the Chairperson, he should specifically state if this criteria for recruitment was actually applied in respect to recruitment centres in my own county, Kisii. Secondly, we want to be assured if, indeed, the Cabinet Secretary (CS) himself and the people responsible – the National Police Service Commission – is actually satisfied that the recruitment was done properly and if this is, indeed, the way we will go. The truth of the matter is that if you are a child from a poor family, you had absolutely no chance of getting recruited into the police force---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Sen. Obure! You are now not seeking a clarification; you are making a statement; you are debating; you are pre-empting the debate actually.

**Sen. Obure:** Mr. Deputy Speaker, Sir, I was just going to conclude---

**The Deputy Speaker** (Sen. Kembi-Gitura): No, no, no! I am not going to allow you to debate on this issue; even the Statement has not been issued!

**Sen. Obure:** But more importantly, Mr. Deputy Speaker, Sir, let me ask what action specifically---

**The Deputy Speaker** (Sen. Kembi-Gitura): I know you had sought a statement, but you were advised that Sen. Kanainza had sought a similar statement. So, I only allowed you because maybe you would like to ride on that statement which was sought, but not to debate on it. No, not now; not before the statement is issued.

**Sen. Obure:** Finally, Mr. Deputy Speaker, Sir, what I would like to see happening---

**The Deputy Speaker** (Sen. Kembi-Gitura): If you would like a---

**Sen. Obure:** What action---

**The Deputy Speaker** (Sen. Kembi-Gitura): Let me say this; if you would like – as a rider to the statement – the Chairperson to deal with a specific issue based on the statement that you had yourself sought, I will be quite happy to allow you.

**Sen. Obure:** Yes, correct. My interest is just to find out what specific action the National Police Service Commission is going to take to ensure that there is equity in the last recruitment and in future recruitments, because there has to be fairness.

Thank you, Mr. Deputy Speaker, Sir.

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

**Sen. Njoroge:** Mr. Deputy Speaker, Sir, I was just on a point of order because---

**The Deputy Speaker** (Sen. Kembi-Gitura): Yes, what is your point of order?

**Sen. Njoroge:** Mr. Deputy Speaker, Sir, I just wanted to know if I am in order to say that the speaker who has just concluded was seeking a fresh statement---

**The Deputy Speaker** (Sen. Kembi-Gitura): So, what you wanted to raise has been spent now?

**Sen. Njoroge:** Yes, I mean, I have done it.

**The Deputy Speaker** (Sen. Kembi-Gitura): So we can proceed?

**Sen. Njoroge:** Thank you.

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

**Sen. Musila:** Thank you, Mr. Deputy Speaker, Sir. I just wanted to rise on that same issue and ask the Chairperson not to ask for two weeks because this is a matter that is at hand. Even today, this matter was raised in the National Assembly and an answer was given today. So, I think we should not appear to be gagging this House so that whenever we have a question, you postpone it and say you will give it on a day when you know it is impossible so that the matter dies off.

Mr. Deputy Speaker, Sir, Sen. Billow wants us to avoid it and say that it is in court; it is not in court and even if it is in court, this House has a right to debate a matter of national importance like this one.

(Applause)

Mr. Deputy Speaker, Sir, can we have this Statement on Tuesday, because I have some orphans who were denied appointment even though they were number one and number two in one of the centres?

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): The last intervention from Sen. Omar Hassan.

**Sen. Hassan:** Mr. Deputy Speaker, Sir, I just wanted to add my voice to the matter, being a matter of great public interest and urgency. I think it will be reasonable for us to have the statement as soon as practically possible, which is next week, so that we can dispense of this matter. We will come back from the break--- No, no---

**The Deputy Speaker** (Sen. Kembi-Gitura): What is your request?

**Sen. Hassan:** That we have the answer on Wednesday because Tuesday will be a public holiday.

**The Deputy Speaker** (Sen. Kembi-Gitura): Yes, Tuesday is a gazetted public holiday.

Now, Sen. Dullo, you know that all things being equal, we are going on recess this coming Thursday. So, when you say that you want to issue the statement in two weeks time, you know that, in a sense, you are saying that you will issue it 46 days after Thursday, because that is when we will resume. So, the matter will basically have been overtaken by events. So, what are you going to do about it?

**Sen. Adan:** Thank you, Mr. Deputy Speaker, Sir. I understand the concerns raised by my colleagues regarding this particular matter. But we have tried severally to make sure that we obtain the statements within the required time, but we normally face a bit of a challenge because the statements are sought from specific areas that are requested for. But since we are going on recess, I will try my best to have the statement ready by next week. Thursday will be better.

**The Deputy Speaker** (Sen. Kembi-Gitura): Vice Chairperson of the Committee, Sen. Fatuma Dullo, first of all, I would like to state in answer to what Sen. Billow Kerrow has said that I am not aware of any court proceedings on this matter. Therefore, I do not agree that the matter is *sub judice* or that we should stop debating it in the House. I am aware from reading newspapers and items like that, that the National Assembly has

itself debated this issue. I do not believe that precludes us from debating it; we are a different House, with a different purpose and I think it is our right to debate this matter.

Thirdly, I am convinced that this is a matter of national importance because it is affecting all the counties and we need to be satisfied that the procedure used in the recruitment was free, fair, without any favouritism and that everybody got an equal chance. Therefore, in light of all those things, I would like to rule that, that statement be issued on Wednesday next week. We will not leave it to the last day of the term of the session. So, I want it issued on Wednesday next week, which shall be on Wednesday, 30<sup>th</sup> July, 2014 at 2.30 p.m.

There is a statement which was sought by Sen. Lonyangapuo to the Chairperson of the Sessional Committee on Devolved Government. You are supposed to issue a statement. Is the Chairperson here? The Chairperson is not here. Is the Vice Chairperson here?

Sen. Lesuuda, are you the Vice Chairperson of the Sessional Committee on Devolved Government? Is that statement ready?

**Sen. Lesuuda:** Mr. Deputy Speaker, Sir, I am the Vice Chairperson. No, the statement is not ready.

**The Deputy Speaker** (Sen. Kembi-Gitura): In the absence of the Chairperson, you take responsibility. If you look at the Order Paper in Appendix b, you are supposed to issue a statement today to Sen. (Prof.) Lonyangapuo.

**Sen. Lesuuda:** Mr. Deputy Speaker, Sir, the statement is not ready.

**The Deputy Speaker** (Sen. Kembi-Gitura): Are you sure?

**Sen. Lesuuda:** Mr. Deputy Speaker, Sir, I do not have it.

**The Deputy Speaker** (Sen. Kembi-Gitura): Is it not easier to say you do not know?

*(Laughter)*

Hon. Senators, I think this issue about---

*(Sen. Lesuuda remained standing in her place)*

Please, sit down.

This issue about statements is a very important issue. The Order Paper is always there and it states---

*(Loud consultations)*

I will be happy if you could listen. The Order Paper is here and the appendix always states what statements have to be issued. So, I think it is imperative that the Chairperson of the Committees look at the Order Paper and if you see that your Chairperson is not here, then I think it is incumbent on the Vice Chairperson to be seized of the matter. So, I do not know whether you are saying that you do not have the statement, or that it is not ready, or you do not know so that we can move on?

**Hon. Senators:** All!

**Sen. Lesuuda:** Mr. Deputy Speaker, Sir, I do undertake to follow up on the matter and---

**The Deputy Speaker** (Sen. Kembi-Gitura): What is the reason that the statement is not here?

**Sen. Lesuuda:** Mr. Deputy Speaker, Sir, I am not aware.

**The Deputy Speaker** (Sen. Kembi-Gitura): That is not right. That is the reason why we have Chairpersons and Vice Chairpersons of Committees.

**Sen. (Prof.) Lonyangapuo:** On a point of order, Mr. Deputy Speaker, Sir. This question is very urgent in light of what we have been reading in the papers; that some County Assemblies have been paying MCAs a lot of money.

**The Deputy Speaker** (Sen. Kembi-Gitura): You are not seeking another statement, are you? I am asking you to react to what the Vice Chairperson of the Committee has said.

**Sen. (Prof.) Lonyangapuo:** Mr. Deputy Speaker Sir, this Committee should respond to this question so that we see how the Senate will assist the counties. Could they bring an answer as soon as possible, probably tomorrow?

**Sen. Lesuuda:** Mr. Deputy Speaker, Sir, as I said, I undertake to bring the response tomorrow afternoon.

**The Deputy Speaker** (Sen. Kembi-Gitura): Tomorrow, 24<sup>th</sup> July, 2.30 pm. Sen. Karaba, do you have a statement for Sen. Liza Chelule?

**Sen. Karaba:** Mr. Deputy Speaker, Sir, she is requesting for a statement.

#### CHALLENGES FACING THE TEACHERS SERVICE COMMISSION

**Sen. Chelule:** Thank you, Mr. Deputy Speaker, Sir. I would like to seek a statement from the Chairperson of the Standing Committee on Education. The statement relates to challenges facing the Teachers Service Commission (TSC) which is one of the ten commissions established by the Constitution.

In the statement, he should state what he will do to ensure that funds meant for commissions field operations and maintenance are located to the commission and not to the Department of Education.

**Sen. Karaba:** Mr. Deputy Speaker, Sir, I will issue this statement after we come back from recess. We only have two days to go and yet this is a very serious statement.

**Sen. Chelule:** Mr. Deputy Speaker, Sir, the Chairperson is not giving me an exact date of when he will respond. He is saying that he will respond after we come back. What date is that?

**The Deputy Speaker** (Sen. Kembi-Gitura): Will you be prejudiced if the response is given after recess?

**Sen. Chelule:** Mr. Deputy Speaker, Sir, I will be comfortable.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Karaba, could you indicate the date?

**Sen. Karaba:** Mr. Deputy Speaker, Sir, I will respond the first week after we come back. I do not know when we will come back. When will be come back after recess?

*(Laughter)*



**The Deputy Speaker** (Sen. Kembi-Gitura): The clerks-at-the-Table will note that you will respond on the first week after we resume.

#### DEMARCATON OF KONZA CITY BOUNDARY

**The Deputy Speaker** (Sen. Kembi-Gitura): We will now go to the final statement from the Chairperson of the Committee on Lands and Natural Resources. Do you have a statement for Sen. Mutula Kilonzo Jnr.?

**Sen. Khaniri:** Thank you, Mr. Deputy Speaker. I rise to issue a statement which was requested for by Sen. Mutula Kilonzo Jnr., the Senator for Makueni. This is a Ministerial Statement on the Demarcation of Konza City Boundary.

(1) The 47 counties adopted by the Constitution of Kenya were the 47 districts created by the Districts and Provinces Act Cap 105 of 1992 and revised in 2012. The Act is a basis for delimitation or description of the boundary in wards of the districts and provinces derived from the various consultations and stakeholder forums held by the then Ministry of Provincial Administration and Internal Security and the Ministry of Local Government. Since Independence, there has been piecemeal demarcation which is placing inter-visible boundary beacons along the districts and provinces boundaries.

This has now become a challenge to the county governments and the national Government. The Cabinet has, however, directed that the marking of the counties and national boundaries be finalised without delay to address this situation. The process or exercise of marking these boundaries will also involve the Independent Electoral and Boundaries Commission (IEBC) as stipulated in the relevant law.

(2) This is to confirm that Konza City is in Machakos County based on the boundaries descriptions in the Districts and Provinces Act Cap 105 of the Laws of Kenya for the former Machakos and Makueni Districts which are now Machakos and Makueni counties respectively.

Historically, the 5000 acre piece of land in which the Konza Techo City is being developed fell within the then Machakos District. Indeed, Makueni District was carved out of the then Machakos District in 1992 with the Konza Techo City Land remaining on the Machakos side.

According to the 1987 Kenya Parliamentary Constituency Review Order, Legal Notice No.309, the Konza Techno City site fell within Machakos Town Constituency No.65.

This position tallies with both the 1992 Districts and Provinces Administrative map of Kenya and the 1997 Parliamentary Constituencies map which again places the area under Machakos Town Constituency and, therefore, under Machakos County.

The historical position is vindicated further by the fact that according to the 2012 Parliamentary and Wards Maps prepared by the Independent Electoral and Boundaries Commission (IEBC) for Machakos Town and Kilome, the Konza Techno City is located within Machakos Town and, therefore, Machakos County. From the above historical analysis, it is clear that the location of the techno city within Machakos County is a consequence of historical, administrative and political developments which cannot be attributed to mischief or ill intentions perpetuated by anybody either in the current or previous administrations.

(3) The Ministry of Lands, Housing and Urban Development is in consultations with both Makueni and Machakos counties and; the Ministry of Interior and Coordination of the National Government and the IEBC will work together with a view to resolving the outstanding issues regarding Machakos and Makueni county boundaries.

(4) Notwithstanding the fact that the actual Konza Techno City is located within the Machakos County, the Ministry of Lands, Housing and Urban Development has prepared a local physical development plan which has identified and designated a total of 14,700 hectares of land within Makueni County to be developed as part of the city development zone.

According to this plan which was approved on 18<sup>th</sup> December, 2013, the people of Makueni County will have an opportunity to benefit from the development of the city through investments in real estate, mixed urban developments, hospitality industry and high value agriculture, commercial and industrial development without losing their land through Government acquisition.

It should be noted that when this plan is eventually implemented, the people of Makueni will definitely stand to benefit more than any other county within the region in terms of opportunities for wealth and employment creation, revenue generation, transfer of knowledge and skills, social transformation and high value commercial agricultural practice. Specifically, the entire area to be covered by the techno city development including the actual techno city is 27,772 hectares spread out in the three counties as indicated below.

1. Makueni, 14,700 which is 52 per cent of the area;
2. Machakos area which is 12, 700 which is 45.7 per cent and Kajiado;
3. There is also 372 hectares which is 1.3 per cent of the total area.

I attach a copy of the approved development plan, No.2564/2013/1 prepared by the Director of Physical Planning illustrating this point.

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

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, I want to thank the Chairman of the Committee for attempting to answer my question. I will be seeking the following clarification in sequence. The third question I asked was very specific.

The Minister was required to explain the legal basis upon which the Director of Survey has placed Konza City Boundaries within Machakos County. In the answer provided by the Cabinet Secretary, she has described and stated as follows: The Act is a basis for delimitation or description of boundary in wards of the districts and provinces derived from various consultations and continues to describe Konza City to be in Machakos County. In support of that, the Cabinet Secretary has attached a map. I have shared the map with the Chairman because I have the Act with me, in words; part 17 which describe Makueni District as per 1992. I have demonstrated that to the Chairperson and, therefore, would like a clarification on whether the Minister is aware that the boundary that is created on this map that they have provided to the Senate which attempts to show the boundary between Makueni and Machakos is Mombasa Road is not part of the Act.

That simple discrepancy has created and moved 5,000 acres into Machakos. I am seeking that clarification so that the Minister can tell the Senate whether she is aware that

her answer to the Senate, which appears to be correct in law, contradicts the supporting documentation.

Secondly, the Minister should confirm whether she is aware that this land was amalgamated when it was purchased and registered in Makueni. Three, she should say whether she is aware that the representative who was elected in the last General Election sits in Makueni under Kalanzoni-Kiu Ward. Fourth, I would like to know whether the Minister is aware that the National Environment Management Authority (NEMA) has issued consent for the construction of Konza City under Makueni County. Those clarifications will enable the people of Makueni find out the truth because this map is not correct.

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, I am very disappointed that my hon. colleague said that I attempted to answer or issue a statement when he knows that I have issued a comprehensive statement which we have discussed with him. He only needs some few clarifications which I will address. It is emerging that it is the hon. Senator's word against the Minister's word. According to the hon. Senator, the map I have tabled does not conform to the Districts and Provinces Act, Cap 105.

For us to resolve this matter once and for all, I want us to invite the Cabinet Secretary in charge of land and the hon. Senator so that we go through the Act and the map that has been provided so that we see where the discrepancy is, then we can resolve this matter once and for all. As it is now, it is the hon. Senator's word against the Minister's word. The Minister insists that Konza is in Machakos while the hon. Senator is insisting that it is in Makueni. Both of them seem to be tabling evidence. The Senator has provided a map which I have tabled. The hon. Senator is also citing the Districts and Provinces Act Cap 105. The only way we can resolve this matter is to be in a meeting with the Cabinet Secretary where the Senator will be present so that we look at the map and the Act.

**The Deputy Speaker** (Sen. Kembi-Gitura): I know that some Senators want to intervene on this issue. However, if I got you right Sen. Khaniri, you said that you would like to have one chance to have a round table meeting with all the interested parties and then you can give a more comprehensive Statement to the House. The Statement before us is now the property of the House.

I would go by the proposal by Sen. Mutula Kilonzo Jnr. because all committee meetings, first of all, are public and any Senator can attend any committee meeting. I would propose that all other Senators who are interested in this matter be invited to that meeting, so that they can talk about that map and all those other things that appertain to this Statement. From there, Sen. Khaniri can bring a comprehensive Statement to the House. We, as a House, can then debate and see whether we can have a way forward. To me, that sounds reasonable.

**Sen. Musila:** Thank you, Mr. Deputy Speaker, Sir, I also want to thank Sen. Khaniri for giving the answer that he did. Indeed, it was a big contrast between both sides. You saw how efficient Sen. Khaniri was. He told the House that the Cabinet Secretary said that they need time to sort out this issue because it appears not to be clear. If that is the case, I want him to tell us why the Cabinet Secretary went to the site in Konza and declared that it was a concluded matter, not subject to negotiation, that Konza Techno City belonged to Machakos County when she now admits that there is still room

for correction? Would that not have amounted to incitement of the communities from the two counties who are sisters and brothers?

**Sen. Mositet:** Mr. Deputy Speaker, Sir, I thank the Chairperson of the Committee who issued the Statement. However, on the other hand, I have had a chance to sit in one of the meetings where I was invited together with the Senator for Makeni, the Governor and the Senator for Machakos. It would be good if this House is told the truth. It is the Cabinet Secretary who has some sinister motives.

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Sen. Mositet! I will not allow you to take that route because the Cabinet Secretary is not here and she is not able to defend herself in this House. I still believe that this is a very important matter that needs to be sorted out and the Chairperson of the Committee has indicated what they would like to do as a way forward. Let us hear what Sen. Mutula Kilonzo Jnr. has to say and then I will give an order on that matter.

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, I understand where Sen. Mositet is coming from because, at the time we attempted to resolve this at a round table, it is the Cabinet Secretary in charge of Lands who—

**The Deputy Speaker** (Sen. Kembi-Gitura): Order! Sen. Mutula Kilonzo Jnr., I have already made a ruling on that issue pertaining to the Cabinet Secretary. If you have something else to add, please, state it, but do not bring in an issue that is for now extraneous to what we are discussing.

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, I was going to clarify the issue. Notwithstanding what the Chairperson of the Committee has said, I will propose out of experience - that is why I support what Sen. Mositet said - that other than the Minister in charge of lands, the Director of Survey and the Director of Physical Planning should be present at that meeting because they are the people responsible for drawing these maps and not the Cabinet Secretary. The Cabinet Secretary most likely when we go to that meeting, like Sen. Musila has said, will insist that this is the correct picture without necessarily giving us what we would call evidence. I would request that the invitation to us should be for a meaningful purpose. The people who drew this map should be present. We do not want to attend a meeting of the Cabinet Secretary to repeat what she has put in this Statement.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Deputy Speaker, Sir, I have been following this Statement as I was coming here and I am seeking a simple clarification. Towards the end of President Kibaki's regime, we went to Konza Techno City site for him to launch the construction of the City. All the preparations, all the protocols, all the attendance and the speeches made were that this was done in Makeni County. The clips even from the PPS or from any respectful media house can show. In attendance were several of us who were Cabinet Ministers, the Vice-President then, the Chairman of Konza City, Mr. John Ngumi and many other dignitaries.

Now, did somebody perform a deception on the former Head of State or has there been a survey done that shows the contrary? This was after the new Constitution had come in force and the alteration of boundaries between counties is set out in the new Constitution. To the best of my knowledge, no commission as envisaged by the new Constitution has been set out to deal with boundary issues between counties and that is why even you, as the Chair, has declined to entertain Motions brought by one Yusuf Haji and George Khaniri to deal with boundaries between counties. Has any commission

determined this or was the President duped into coming to launch a new city in a county where it is not situated? If he was duped, who is responsible for this mega and embarrassing deception?

**The Deputy Speaker** (Sen. Kembi-Gitura): We must bring this issue to a close although I can see that there are Senators who are still showing an interest in it.

**Sen. Wangari:** On a point of order, Mr. Deputy Speaker, Sir. I keep reminding the Senate Minority Leader that the Standing Orders are very clear on how you refer to Senators and not to one Yusuf Haji and Khaniri? Is he in order?

**The Deputy Speaker** (Sen. Kembi-Gitura): He is completely out of order. I always refer to you as Sen. Wetangula because the Standing Orders clearly state that we shall refer to Senators thus.

**The Senate Minority Leader** (Sen. Wetangula): Yes, Mr. Deputy Speaker, Sir. I meant the distinguished Senator for Garissa County, Sen. Yusuf Haji and the distinguished Senator for Vihiga County, my younger brother, Sen. George Khaniri brought Motions here and the Chair disallowed them because of the lack of a commission.

**The Deputy Speaker** (Sen. Kembi-Gitura): The issue is clarified. That is all Sen. Wangari wanted to know. Sen. Khaniri, do you want to have the last comment on this issue or should I make an order on it because you already sought what you thought was the way forward?

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, maybe just a quick response to what was raised by Sen. Musila and Sen. Mutula Kilonzo Jnr. and Sen. Wetangula.

Sen. Mutula Kilonzo Jnr. alluded to the fact that I said that the Cabinet Secretary needs some time so that we can clear the position. I did not say so. I said that I need time because I am getting two contradicting versions of the story. The Cabinet Secretary still insists that the Konza Techno City is, indeed, in Machakos County and yet the Senator here is tabling evidence to show that it is in Makueni County.

We cannot, therefore, determine boundaries of counties based on events. I think Sen. Wetangula is totally out of order. Boundaries of counties are based on the Acts and the maps that have been provided to us. We cannot base it on events; that the President purportedly held a function and was hosted by the Makueni leaders does not put that area in Makueni County.

Mr. Deputy Speaker, Sir, Sen. Mutula Kilonzo Jnr. requested that when we call for this meeting, we should--

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Mr. Deputy Speaker, Sir. The President launching Konza Techno City is not a purport, it was an event that everybody knows and so we cannot call it a purport. A purport is something that never happened. He actually launched the City. The distinguished Senator for Vihiga, my very good younger brother is totally and grossly out of order in misrepresenting facts.

**The Deputy Speaker** (Sen. Kembi-Gitura): I do not think it is in your place to determine that he is out of order.

Proceed, Sen. Khaniri.

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, I think I am right and in order. It is you to make the ruling.

Sen. Mutula Kilonzo Jnr. had requested that when we convene this meeting, he wants us to invite the Director of Survey and the Director of Physical Planning. We will oblige and send invitations to them to attend this particular meeting.

Thank you.

**The Deputy Speaker** (Sen. Kembi-Gitura): In this event, since the Chairperson of the Committee has himself sought that position and the Senator for Makueni who had sought the Statement has further sought that it be enlarged, I think it is important that, that round-table meeting be held as soon as possible. I would direct that the Clerk's Office, in inviting people for this meeting, should ensure over and above those Senators and other people who may be interested, that there shall be the Director of Survey, the Director of Physical Planning and the Cabinet Secretary. However, the most fundamental question that, that Committee must decide is whether or not a Cabinet Secretary can make a Statement and determine that the boundary of a county is this and that. That is why I want the Committee to sit as directed and then come up with an answer.

Senate Majority Leader, is it on the same issue?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): On a point of order, Mr. Deputy Speaker, Sir. I want to ask whether it is in order to provide information when you have already determined.

**The Deputy Speaker** (Sen. Kembi-Gitura): It is late now.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, Article 188 of the Constitution vests the matter of boundaries between counties with the Independent Electoral and Boundaries Commission (IEBC), subject to the approval of the two Houses of Parliament. This matter may look like a small matter, but I know that there are very many counties which have serious issues of a security nature, leave alone the Makueni/Machakos issue which appears, to me, to be commercial. Tharaka-Nithi and Meru counties have boundary issues and I am sure that many other counties have similar problems. So, if that mandate is used well, it can help this country to sort out most of those problems.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you very much, Senate Majority Leader. When the Cabinet Secretary writes a Statement and says this city belong to that or that county, it is not in my place to dispute whether she is right or wrong. Whether Konza Techno City is in Makueni or Machakos, I do not know and I reckon that is why the Statement was sought. But when a Statement comes and says that Konza Techno City is in Makueni then, like the Senate Majority Leader said, it might be saying that the boundary of a county has been determined. I do not know whether even bringing it here is the right thing, because there must be a body or Commission under the Constitution, because it is clear on who can declare where the boundaries of counties are. So, you can discuss it as I have directed and if you have a way forward, we will be happy. However, I am not certain that you or anybody else, has that capacity to determine where the boundaries, because the Constitution is there.

*(Sen. Orengo stood up in his place)*

Sen. Orengo, as you move to the Dispatch Table, may I, please, direct that you leave your card somewhere and then collect it in the morning when you come. You have the Floor now.

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

**Sen. Orengo:** Mr. Deputy Speaker, Sir, I would not have risen, but the comments made by the Senate Majority Leader may lead us into more dangerous territory. This is because the Constitution itself has already established the boundaries between counties, and it is so stated. What we and even the Cabinet Secretary cannot do is to alter boundaries. In fact, Article 188 is about altering boundaries and not about establishing boundaries. Those boundaries already exist and they are described and defined. So, I do not think that we should go out there with the impression that there is anybody who can now re-establish boundaries. They already exist.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Orengo, maybe you can help by pointing out to me where the establishment of boundaries is in the Constitution.

**Sen. Orengo:** It is in the Schedule.

**The Deputy Speaker** (Sen. Kembi-Gitura): There are six schedules. Which one is it?

**Sen. Orengo:** If you look at the Schedule and read it together with Article 188.

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

*(Sen. Orengo referred to the Constitution)*

**Sen. Orengo:** Mr. Deputy Speaker, Sir, it is the First Schedule on page 176. Those counties already exist and are defined in a statute.

**The Deputy Speaker** (Sen. Kembi-Gitura): The First Schedule only states the 47 counties by name.

**Sen. Orengo:** Mr. Deputy Speaker, Sir, it is the number of counties, but they are based on an existing statute. In fact, those boundaries are not described only in terms of just lengths and so on, but even their descriptions. Where there is a river they mention it and so on. There is information there which can guide you. That explains the point by Sen. Mutula Kilonzo Jnr.; that if you need to know the boundaries, they already exist. What you cannot do is to alter.

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, the tripartite meeting that will be held by the Senators, as I have directed, may come up with an answer. One can state that this lies here or there if the boundary is clear as alluded to by Sen. Orengo. But if you are going to determine a boundary, seem or appear to alter a boundary, then I do not believe that the Cabinet Secretary or anybody else has that power, except the Commission as may be provided in the Constitution. That is the point that I am trying to make.

The only other Statement that is waiting to be sought is by Sen. Catherine Mukiite.

STATUS OF ELDERLY PERSONS CASH  
TRANSFER PROGRAMME

**Sen. Nabwala:** Mr. Deputy Speaker, Sir, I rise to seek a Statement from the Chairperson of the Standing Committee on Labour and Social Welfare about the status of

the older persons cash transfer programme. I am particularly seeking to know the progress, success and challenges.

Mr. Deputy Speaker, Sir, in the Statement the Chairperson should:-

(1) State the number of beneficiaries per county and the amount given to each elderly person. The Chairperson can provide data per county.

(2) Explain the criteria used by the relevant Government departments to allocate the funds, since this is used selectively---

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Mukiite, for purposes of the HANSARD, your request for a statement ends with the words “departments to allocate the funds.” So, put a full stop and delete the words starting with “since.” I am referring to the approved request.

**Sen. Nabwala:** Mr. Deputy Speaker, Sir, I am so advised. In the Statement the Chairperson should:-

(1) Explain why some poor elderly people, whose names had been approved and submitted, have not received any funds at all, even after His Excellency the President increased the funding by Kshs470 million.

(2) State the monitoring and evaluation mechanisms put in place to report on the feedback and success of the initiative on the lives of the elderly Kenyans.

(3) Explain why the amounts that were dispensed were not sufficient and uniform across the counties. Some elderly people received amounts ranging from Kshs1,000 to Kshs2,000. Is this amount sufficient?

(4) State the actual budget for the poor elderly people through this programme. Is this consistent with the national Budget?

**The Deputy Speaker** (Sen. Kembi-Gitura): Who is the Chairperson of the Committee on Labour and Social Welfare?

**Sen. Madzayo:** Mr. Deputy Speaker, Sir, I will be in a position to respond to that request within the next two weeks.

**The Deputy Speaker** (Sen. Kembi-Gitura): We said that we do not have two weeks. So, you are seeking to present the Statement after we return from recess.

**Sen. Madzayo:** That is right, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): That shall be the first Thursday after we resume.

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Is that okay, Sen. Mukiite?

**Sen. Nabwala:** Most obliged, Mr. Deputy Speaker, Sir.

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

#### MEASURES TO ERADICATE POACHING OF WILDLIFE IN KENYA

**Sen. Kittony:** Mr. Deputy Speaker, Sir, I do not know if I am in order, but last Wednesday the Committee on Land and Natural Resources gave a Statement following my request, but it was not exhaustive. The following day, there was a write up in *the Star* newspapers about the increased number of elephants and rhinos being killed. The Chairperson of the Committee on Lands and Natural Resources was given one week to bring a comprehensive answer, factoring in the questions on the matter that arose on the Floor. Since there are other issues that came up during the week, would I be in order to



further request that when he brings the statement tomorrow, he also looks at what I would like to table?

**The Deputy Speaker** (Sen. Kembi-Gitura): You cannot do that. However, if you sat down with the Chairperson or the Committee and expressed your concerns to the Chair, maybe they can beef up the further Statement that they will give. But you cannot do it right now, because in front of me, I do not have any document seeking a further statement from you. So, we need to go by what is already there. Let the Chairperson bring the further statement that you had sought. In the meantime, if you can meet them and give them the information that you have, then maybe they will use that information to give you a more comprehensive answer.

**Sen. Kittony:** Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): That is the end of Statements.  
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 Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, to the best of my knowledge, debate on this Bill was concluded and I replied. The only thing that was left is Division. At the moment, I doubt whether we are able to carry out any Division today given the numbers that I see in this House.

**The Deputy Speaker** (Sen. Kembi-Gitura): What am I supposed to do then?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, I request the Chair to defer the putting of the Question to tomorrow, under Standing Order No. 54.

**The Deputy Speaker** (Sen. Kembi-Gitura): It is so ordered! The Division shall be held tomorrow 24<sup>th</sup> July, 2014, at 2.30 p.m.

*(Bill deferred)*

Next Order!

**MOTION****THANKS OF THE SENATE FOR THE ADDRESS  
OF THE PRESIDENT OF THE SENATE OF RWANDA**

**The Senate Majority Leader** (Sen. (Prof. Kindiki): Mr. Deputy Speaker, Sir, I rise to move the following Motion.

THAT, the thanks of the Senate be recorded for the Address of the President of the Senate of Rwanda, the Rt. Hon. (Dr.) Jean Damascene Ntawukuliryayo delivered on Tuesday 22<sup>nd</sup> July, 2014.

Mr. Deputy Speaker, Sir, hon. Senators, yesterday was a historic day in the calendar of the Senate because for the first time this Senate was addressed by a visiting dignitary in the name of the President of the Senate of the Republic of Rwanda. I say it is historic because one of the things that this House can do to build its stature, its profile, its visibility as a House that represents the interests of the people of Kenya is once in a while to have interactions with important visitors whenever they come to our country. Those who did the Standing Orders had this in mind. In any case, this is a tradition that is observed the world over. Given Kenya's increasing international relations both in East African region and even outside this region, it would be important that going forward whenever we have an important guest in town from other countries, they have an opportunity to address us so that we can also get an opportunity to interact with them.

The address that was given by the Rt. Hon. President of the Senate of Rwanda was a straight forward address, but it raised a number of issues that are of importance to us, as a nation, as a country, which is a Member of the East African Community. Currently, Kenya is chairing the East African Community at all levels; the technical level, the ministerial level and even at the level of the heads of States and government. Therefore, it is not surprising that one of the highlights of the remarks or the Address of the Rt. Hon. President was on the need for Kenya and Rwanda to continue deepening and widening the relationship that exists, especially within the East African Community partner states.

I think it is important for Kenyans to appreciate that Kenya, Uganda and Rwanda have been the trail-blazers of this co-operation for a while now. This is not supposed to say that the other partners States are not doing their bit, but the reality is that those of us who have been engaged in the negotiations and regional discussions around how we can strengthen and fast-track the East African Corporation will understand that on each and every issue that has been on debate, always Kenya, Uganda and Rwanda are the first to agree. Of course, our other partner States have had issues with one or two things which are being resolved, but I think it is good to realize that we have so many things in common. It is not surprising, therefore, that the Address by the Rt. Hon. President did dwell a little bit on this special relationship.

Today when you go to Kigali, you will find numerous Kenyans who are pursuing livelihoods there and businesses. The other day I was there and I counted not less than ten big firms right from retail chains like Nakumatt Supermarket, Kenya Commercial Bank (KCB), Equity Bank, Mt. Kenya University and so on. This only underscores the fact that Rwanda is an important partner to Kenya, not just in terms of political co-operation, but also in terms of commercial and trade relationship.

Time has come for us, as a country, to realize that some of our most important trading partners are countries within this region. For a long time we have been pursuing trade with some far away countries which has always been skewed against the interest and benefits of the people of Kenya. Every time we review the balance of trade with some of our long standing partners, we have always realized that the balance has always been in favour of those other partners. If you look at the relationship of trade between Kenya and Uganda, you realized that we have a lot of interest---

*(Several Senators exited through the side doors)*

**Sen. Hassan:** On a point of order, Mr. Deputy Speaker, Sir. I am sorry for interrupting the Senate Majority Leader, but I just want to confirm from the Chair whether it is procedural to use those exits.

**The Deputy Speaker** (Sen. Kembi-Gitura): They are exits, are they not?

**Sen. Hassan:** Thank you for that clarification.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Sen. Hassan. I also did not know you could do that as well, especially when you do not want to bow. I am told when you exit through them, you do not have to bow.

I was saying that the way to go is to strengthen and deepen our trade and commercial relationship with the countries around us. Until recently when some statistics were reviewed, people realized that actually Uganda is a much more strategic trade partners than all the countries in Western Europe combined. This information has not been available in the public sphere. The more we get this kind of visits or interactions we realize a dream of a faster East African Community and also the dream of a prosperous country faster than we would have thought.

The Address by the Rt. Hon. President of the Senate of Rwanda also touched on the common aspirations by Kenya and Rwanda to achieve certain economic bench-marks. For Rwanda the set timeline is by the year 2020 and for Kenya it is by the year 2030. What this means is that just like Kenya, Rwanda has set itself certain targets and they are confident of achieving them. I am also persuaded as a Kenyan that what we have set for ourselves as a nation can be realized not only in 2030, but even earlier because we have witnessed that if we were able to keep our country peaceful and, indeed, our country has been peaceful for a while now, it is possible within the next ten years to make Kenya leap into great heights of prosperity and this will hasten our Vision 2030, so that it becomes a reality to the people of the Republic of Kenya.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. Did you hear the Senate Leader Majority mislead the country and this House that Kenya has been peaceful for a while when only a few hours ago families were slaughtered in Likoni, including a ten year old child? Is he in order?

**The Deputy Speaker** (Sen. Kembi-Gitura): What is your comment, the Senate Majority Leader?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, first and foremost, I was not aware that there has been a criminal attack in Likoni while we were sitting here. For that reason, I send my condolences to those families that have been affected. Having said that, despite increasing crime which every Kenya is concerned about irrespective of our political affiliations, despite other issues that we are struggling

with, despite the divisive nature of our interactions, at the moment, especially along ethnic lines and so on, I am one person who believes that what happened in this country in 2008/2007 is nothing compared to anything else we have seen either before or after 2008. It is in this context that I sought to say that at least after 2008, generally, the country has been peaceful. I did not intend to mislead the Senate or the country that there is no crime in our country. We condemn crime and we hope that everything that needs to be done must be done in the shortest time possible to make our country safe and reduce these attacks.

Mr. Deputy Speaker, Sir, the address by the President of the Senate of Rwanda also touched on a few things, especially around the difficult relationship that Rwanda has had around ethnicity and how they are confronting that. This also relates to our own history and experience, as a country. We have also had difficult relationships. We can also learn from countries like Rwanda and how they have been able to fairly bring people together. Even if there are still difficulties in that country, at least, you will find businesses are running, people are relating and having social interactions in a country where just 20 years ago there was massive slaughter of the people of Rwanda, not by foreigners, but by fellow citizens.

This tells us, as a country, that in spite of what we have done and in spite of the challenges we have experienced, it is still possible to put our country together and to recover lost ground, mend the broken relationship, knit ourselves back again and live as people who belong to one nation and who share a common destiny.

Let me also say that Kenya and Rwanda are members of the International Great Lakes Conference. This is an organization that brings together other countries like the Democratic Republic of Congo (DRC) and other countries far down south as far as Angola.

Mr. Deputy Speaker, Sir, unlike the East African Community which has really moved very fast and has some results to show, this grouping of countries whose mandate deals with issues of peace and security in East Africa and the Great Lakes Region has not done much. It is not visible. I really hope that through these interactions, our two countries and the other partners, neighbours and members of this International Great Lakes Region can speed up the harmonization and standardization of security benchmarks in the region so that trade becomes easier.

Mr. Deputy Speaker, Sir, the address also touched on the infrastructural projects that are taking place across the region, for example, the initiative to build a railway from Mombasa to Kigali and Bujumbura. This will open a great deal of the hinterland of our region. It would be easier to do business in the region. At this juncture, I really want to comment Rwanda, even if we are saying that the two countries have been at the forefront of steering the East African Community integration process. In fact, Rwanda is even ahead of Kenya. For instance, this is something I have witnessed myself when I visited that country a few months ago. It takes a day to register a business in Rwanda. So, they are ahead of us. There are Kenyans who told me that when they went there by evening their businesses were registered. The following day, they had set up shops. So, we really need to relook at our own immigration laws. I know we are having problems with insecurity, but I do not think we will tackle insecurity just by putting steel doors and gates around our country. I do not think we can tackle insecurity by putting gates around

our country. I think the cure for insecurity lies in proper intelligence, just knowing where the threats come through and being able to tackle those threats.

Mr. Deputy Speaker, Sir, Kenyans will not need a visa to go to Kigali; and neither will Rwandese citizens; they do not need visas to come to Kenya. We are encouraging other East African partners, especially our good sister country, Tanzania, to also open up and realize that the so-called threats from neighbouring countries only exist in theory and not in practical terms. I know countries which have had such open relationships with Kenya for many years and that has not really interfered with their economy. Zambia is one of those countries. I also know of a country like Ethiopia which, since 1963, there is no requirement for visa and that does not mean you will find many Kenyans even taking over the domestic industry in Ethiopia simply because there is no visa requirement.

Mr. Deputy Speaker, Sir, this Address also, other than raising those issues, brought to the fore the issue of *Al Shabaab*. Rwanda has been with Kenya on this one. I remember when we were attacked at Westgate, one of the first people to call our President and to condole with Kenyans was the President of Rwanda. I remember when I went to Rwanda, I had an opportunity to meet the President of Rwanda. I think that country believes that their future is intertwined with the future of Kenya for many reasons. We share a common history, we share common ideals. We have the same vision about where we need to go in terms of infrastructure.

Therefore, I think on this issue of *Al Shabaab* and terrorism, I think the intelligence issues, the lapses and the action programmes can actually be sorted out by comparing notes with countries like Rwanda and Ethiopia even before we run very far away to look for help. I am not saying that we should not look for help far away, but we can come up with homegrown solutions within the region. I really do not want to politicize this issue, but I should be understood in that context because I know that there are some people who are saying we are being attacked because our troops are in Somalia and that the moment we withdraw our forces from Somalia, Kenya shall be free from *Al Shabaab* attacks. That is not true.

Mr. Deputy Speaker, Sir, Rwanda has been very visible in these things of peace keeping in the region. It has even sent forces to neighbouring countries. It has even been more robust in the Democratic Republic of Congo (DRC) and other places. A country like Ethiopia has actually gone to war in Somalia, but you will rarely hear of the kind of things and attacks that we get in Kenya. You will also rarely hear of them in Rwanda, Ethiopia, *et cetera*. So, the problem is elsewhere. That is what we, as Kenyans, should all ask ourselves. The withdrawal is not the solution. The moment we are going to do so, number one, we will accept to fall into the trap and the road map of the terrorists.

We not know what they will ask next. Maybe the next thing they will tell us is to close all our embassies in Britain, America and Tel Aviv, among other countries. You will get the country into an unnecessary mess. As I said, I do not want to politicize this issue. Honestly, as a Kenyan, on the issue of insecurity and terrorism, which the President raised in his speech on how we can learn from each other, I believe the solution of a safer Kenya does not lie in withdrawing our military from Somalia. Of course, in the long term, we have to withdraw them. However, that is not the solution as of now.

Lastly, my two points, Mr. Deputy Speaker, Sir, because I do not want to say much; in any case the speech was not very long. We are also encouraged that beyond the level of Parliament, the two countries, Rwanda and Kenya, have had visits at the higher

level; at the level of Heads of State. The President of Rwanda has been a guest in this country severally. This year alone, I think he has been here twice or thrice. The President of Kenya has similarly been a guest in Rwanda I think twice or thrice. There is even a time I know he went to Rwanda, then he went to Turkey or Brussels; he then came back to Rwanda again before coming back to Nairobi. That is how easy it is even at higher levels. Political will is the surest way of uniting people and driving the integration that we so desire to have in this region.

Finally, Mr. Deputy Speaker, Sir, just as the President said towards conclusion, the role of Parliaments in this region in putting people together, in trying to discuss the difficult issues that our citizens in this region are unable to deal with--- That role cannot be over emphasized. It is high time that Parliaments in this region interacted more. I am not against other associations we have, including the Commonwealth Parliamentary Association (CPA), the Inter-Parliamentary Union (IPU), the African Caribbean and Pacific (ACP) grouping of Parliaments and others. I am not against them because all those are important. However, even before we strengthen those international parliamentary institutions, we need to forge very close, cordial relationships in this region. The Parliament of Kenya should engage with the Parliament of Burundi. The Parliament of Burundi should also be engaging with the Parliament of Tanzania. This way, some of the issues that we are unable to unlock either as citizens or even as politicians at presidential level, can be resolved through parliamentary institutions.

I say so because already I know, for example, that within this region, there is a big challenge between the Republic of Rwanda and the Republic of Tanzania on several issues relating to regional integration. Sometimes when you listen, it might just boil down to just a bit of misinterpreting each other's position at senior levels or at personal levels. Therefore, this is why parliaments become important; both the Senate and the National Assemblies in this region can help our leaders to come together to understand some of the difficult issues of development and of social cohesion that this region is facing.

On that note as I conclude, Mr. Deputy Speaker, Sir, that is why we are saying that even if there are serious issues affecting our country, I, as the Senate Majority Leader, see no reason somebody says we cannot sit with my counterpart, the Senate Minority Leader and discuss those issues. I see no point whatsoever for somebody sitting in this House to say that you are elected as a Senator for Kakamega and you are not legitimate to discuss with the Senator for Nyeri, the Senator for Kitui or the Senator for Mombasa to resolve Kenyan issues. You are actually undermining your own legitimacy. My thinking is that the future of this country must be invested in our institutions. It is either we have institutions or we do not have them. If anybody delegitimizes the institution in which they, themselves, are serving, then I am afraid we are leaving a contradiction.

Mr. Deputy Speaker, Sir, with those many remarks, the way forward for this region is through interaction, dialogue, exchange programmes, comparing notes and bench marking. I am happy that the President of the Senate of Rwanda did not come with 20 people; he came with two or three people, which is good. I am also happy that when the Speaker of the Senate of Kenya went to Rwanda, he also went with two people, which is good. That message should also go to the county assemblies, who are complaining that we are too harsh on them. They are complaining that we are telling them not to travel. We are not telling them not to travel; what we are telling them is that it is a shame for an

entire assembly to enter one aircraft in the name of bench marking, go and waste two weeks in a foreign country. On that one, we are not going to relent. We will not relent.

Mr. Deputy Speaker, Sir, having said that, I have a lot of faith in our Parliament. I have a lot of faith in this Senate. All the problems Kenya has, if I sit as the Senator for Tharaka-Nithi with the Senator for Homa Bay, the Senator for Isiolo, the Senator for Murang'a and with the Members of the National Assembly, we can assist the top *honchos* in Jubilee and Cord to realize that the country is bigger than everyone.

Mr. Deputy Speaker, Sir, I thank you and I want to request my brother and my friend, Sen. (Prof.) Peter Anyang'-Nyong'o, the Senator for Kisumu, to second.

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

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

**Sen. (Prof.) Anyang'-Nyong'o:** Thank you, Mr. Temporary Speaker, Sir. I beg to second this Motion of gratitude to the address given to this House by the Chairman or the President of the Republic of Rwanda Senate yesterday. I was not present to listen to the speech, but I got the speech itself. I would like to second the Senate Majority Leader in appreciating the President of the Senate's Speech, the Rt. Hon. (Dr.) Jean Damascene Ntawukuliryayo.

Mr. Temporary Speaker, Sir, many years ago when I edited the book which was titled "*Regional Integration in Africa: an Unfinished Agenda*," I noticed that one of the issues that the President of the Senate emphasized in his speech yesterday was to note that, and I quote:-

"If we, the Senate of Rwanda in partnership with the Senate of Kenya and National Assemblies of other partner states can play a role in helping take regional integration matters to a higher level, we will do so."

Mr. Temporary Speaker, Sir, my submission is that for the last 50 years since Independence when the East African Community was initiated out of the East African High Commission and the East African Common Services Organization, we have not managed to take regional integration in this country to a higher level. Unfortunately, in 1978 when it really crescendoed to a higher level, it was brought down due to the political contradictions within the region and specifically among the leadership.

As the Senate Majority Leader noted, we can again see political contradictions within the leadership restraining integration, being moved to a higher level in the region. He mentioned the tension between Tanzania and Rwanda, but it is not only that; the very concept of leadership or regional integration being too much centered at the top has somehow constrained imagination and advancement to regional integration.

Mr. Temporary Speaker, Sir, the Senate Majority Leader also underscored the Rt. Hon. (Dr.) Jean Damascene Ntawukuliryayo's point that elected leaders should play a bigger role in enhancing regional integration. I would go further to say that rather than moaning the fact that we belong to other associations – like the CPA – nobody stops us from establishing the East African Parliamentary Association and do it within the context of the East African Legislative Assembly, which is not a directly elected body which

should go via the Parliaments of the member states which is a rather weak way of electing people to that assembly.

In Europe, for example, to sit in the European Parliament, you have to be elected within your member states. I would like to propose that we take regional integration to a higher level by electing, within member states, directly those who sit in the East African Legislative Assembly (EALA). They will have more legitimacy and will be held more directly accountable. At the moment, sitting in the EALA is a sinecure, quite often given largesse by political parties within the Member States who second their representatives to the Assembly.

Secondly, in order to take regional integration to a higher level, the leadership of the East African Community (EAC) should be based on an election. It has been proposed that we have integration politically in East Africa. Why can we not go further and say that the President of the EAC integration or whatever you may call it, should be elected by Member States. Integration would move much faster. Kwame Nkurumah had proposed this many years ago with regard to the African Unity which did not succeed. However, in the East African region, we can move much faster. I know that President Museveni has had the ambition of being the first President of EAC. However, he should not be doing this via the club of Presidents. He should be doing this via being elected by citizens of East Africa. Should he dare stand for an election; I think I would stand against him and do fairly very well in the contest.

Let me go a little bit further. Given our close trade relationship with both Rwanda and Uganda and given the fact that we have a common factor that brings these countries together; Lake Victoria, it is unfortunate that we have not used this resource as an integrative factor much more effectively up to now. The management of Lake Victoria as a resource has been left more to the initiative of donor agencies rather than to ourselves. The Lake Victoria Environmental Management Programme is an initiative that is very important. However, since it is heavily donor funded, it is treated as an NGO issue whereas it should be an issue very much at the centre of the concerns of these three countries.

Conflicts on islands like Migingo have not really helped us because they have heightened and focused more on our attention and differences rather than what we should be doing together as three countries; Kenya, Uganda and Rwanda who were given by God a very important resource. Rather than use it to take integration to a higher level, it is being used as a battle field for no obvious reasons, except the egocentric attitudes of certain leaders in the region.

Mr. Temporary Speaker, Sir, I think the fact that Rwanda went through a very traumatic experience in 1994, and the fact that the Rwandese Patriotic Front (RPF) took over State power knowing that one of the things that Rwanda had to do was to sort out the problem of the national question in Rwanda---. The initiative so far taken has been good in terms of national security and integration. However, to sort out the national question in Rwanda is still itself an unfinished agenda as it is in many cities in many EAC countries.

We are all challenged by the fact that we have counties with ethnic diversities. We should have systems of Government that are very conscious of the diversities and which make sure that the face of Government in every country reflects the national diversity.



I would like to read from our Constitution because I think the Senate Majority Leader has missed a step somewhere, especially in his representation. This is important, especially when we are discussing politics, not only of regional integration, but of each country in the EAC.

Our Constitution is very progressive and this is something that our partner States can learn from. It starts right from the beginning on the right principle. The Senate Majority Leader emphasized the importance of institutions. However, I would like to say that prior to institutions coming into being; there have to be reasons institutions are established. There must be certain values and principles that make institutions come into being.

Mr. Temporary Speaker, Sir, our Constitution begins with a very important reason certain institutions are created. It says that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution. Two, the people may exercise their sovereign power either directly or through their democratically elected representatives. You will realise that the issue of institutions comes subsequent to a very important principle; the principle of sovereign power which is about State power where sovereign power lies.

Sovereign power is very important. It says that sovereign power lies with the people. Institutions created thereafter to exercise this sovereign power cannot betray that principle. This is the issue of sorting out the national question in our various countries; Rwanda, Tanzania and in Uganda. The national state cannot exist legitimately without first of all establishing this principle. I hope that this can be a common principle in the Constitution of all the EAC countries and in the establishment of the community. Subsequent institutions, therefore, that exist for governance, must derive from this principle. You must determine who the people are.

The people are the mosaic of the Kenyan nation; the cultural mosaic of the Kenyan nation. The people are the cultural mosaic of the Rwandese nation. The people are the cultural mosaic of the Tanzanian and the Ugandan nations. Mwalimu Julius Nyerere is the only leader who understood this principle at the time of Independence. He said that rather than hurry up and become Prime Minister or head of State of Tanganyika, let me leave that position at the time being and get the feelings of the people on what kind of state they want and sell them institutions called political parties; Tanzania African National Union (TANU) as a mobilizing institution for exercising State power. He left State power to be handled by Rashid Kawawa for a whole year.

He tried to understand what this principle was all about and he told Tanganyikans that although they were Kewewes or Chaggas, there is something called the people of Tanganyika and we need to buy into the project of being Tanganyikans. That, indeed, made a lot of difference in trying to sort out the national question in Tanganyika. It has taken us 50 years to realise that dealing with a national question is important and even enshrining it in our Constitution.

The question that the Senate Majority Leader was dealing with is very unfortunate. He should interrogate himself much more substantially and intellectually in this issue so that we travel in the same direction and understand the same issues together. That would help us avoid the tragic conflict like what Rwanda experienced in 1994 when the issue of the national question of who the people were was misunderstood or misapplied by the previous regime. The Rwandese State was divided between two

conflicting antagonistic ethnic groups; one which had to either vanquish the other one or exercise total power over the other one. That is what led to the genocide which the RPF has been trying to avoid by trying to create a principle of the sovereignty of the Rwandese State based on the sovereignty of other people. Whether the project is succeeding, that is a different issue. The principle has been accepted.

I would like to end by saying the following. One, I agree with the Senate Majority Leader that solidarity by having such visits is important. I agree with the Senate Majority Leader that by enhancing the importance of representative of institutions of the Senate and the National Assembly is important. I agree with the Senate Majority Leader that we should be exchanging ideas more frequently and not just make ceremonies.

It is, therefore, important for us to ensure that these sentiments are reflected in reality so that we establish institutional mechanisms by enhancing these exchanges. Such institutional mechanisms can only exist by following the visit of the President of the Senate by establishing a much more lasting institutional mechanism for these interactions among and between our various representative institutions in the EAC.

I beg to support.

*(Question proposed)*

**Sen. Hassan:** Thank you, Mr. Temporary Speaker, Sir for this opportunity. First and foremost, I would like to commend the Address that was delivered by the President of the Senate of Rwanda. I think we follow suit as being the only other Senate in the region. We have a lot to learn from Rwanda with respect to the structure of the Senate and particularly to borrow best practices.

Today, I want to add my voice to the very critical nature of our associations and particularly in the African Continent. We belabour, in our African context, issues around regional cooperation based on infrastructure. We think development is a train that will move from the coast of Mombasa to Uganda or South Sudan.

As much as infrastructure is a very important engine in terms of development, we must also partner on basis of values. I look forward to a day when we will refuse to associate with a country because of doubtful human rights record. I look forward when we will tell a President in the EAC States that since they hold political prisoners whose basis for incarceration is purely undemocratic and issues surrounding matters of human rights, our country will sever relationships with them.

In fact, these are benchmarks that if you want to join the community of Europe, you have to demonstrate as a country that you have a certain threshold of human rights standards in addition to economic standards. It cannot only be about a market. This market is about people. These people only become productive if they are free and creative. If you look at our country Kenya, we use this policy of non-interference to the detriment of very common values that we must hold. Therefore, I do believe that even as we head to this cooperation, Kenya appears to have a more robust Parliament and democratic system that despite the various attempts to continue to narrow the democratic space, people have stood vigilant. Therefore, it is important that as Kenya expands its authority in the East African Community, it exports values to these communities so that they can tell them: "If you do not allow democracy, if you are accused of assassination of your people and the subjugation of democratic space, then we have nothing in common to

share. Our cooperation or community must be about the people of East Africa. I think it is high time we started to import values.

Mr. Temporary Speaker, Sir, similar to the European Union, we should create a human rights court here that has powers to arbitrate over the massive detentions and violations that we see across East Africa. How can any President win an election with a 95 per cent vote unless there is definitely some suffocation of the democratic space? The East African Community has been about Presidents and pampering each other with rhetoric that is not sincere. It is the people of East Africa, particularly engines like the Senate, other institutions and people to show that we need sincerity in terms of establishing a value system that cuts across the East African States. You shall not be among us just because we wanted a road to reach you so that we can transport your goods, you shall only be among us if you do not have political prisoners, you do not kill people arbitrarily and you do not suffocate democratic space or violate your democratic Constitutions.

All the time we go to learn about genocide in Rwanda. There is nobody who has ever visited Rwanda on an official visit and has not been taken to the Genocide Mausoleum. We appreciate what happened. We sometimes must take blame for not having acted swiftly and intervened timely to avert the human carnage that happened there. Behind every genocide is a State. In fact, there cannot be genocide when there is no State. We need to point fingers at the State with regard to genocide because the State precipitates the situation of genocide either by exclusion or by continued victimization of people who might not be within the arrangement of that tribe. I overheard people telling us that as the opposition we must narrow our rhetoric. They do not realize that the opposition has no other avenue, but to respond through free speech to some of the transgressions. You cannot continue to appoint people on regional basis that beats the spirit and letter of the Constitution and when we rise up to talk about it you tell us that it is hate speech. There is no other way the opposition can audit the Government apart from speaking out against the transgressions. It is high time we proposed certain robust amendments to the NCIC Act of what constitutes hate actions. The deliberate disregard of the Constitution to prejudice other people should be construed as hate action. In fact, I do not believe that many of these people in the current arrangement of Government would be worth holding those positions if we really had the right decision of what ethnicity constitutes.

I remember when the debate about hate speech was in high gear, I was a commissioner at the Kenya National Human Rights Commission (KNHCR). At that time, I fought against that legislation. You are a victim of that legislation. I fought against it and told them that this was going to be used to gag speech. True to it, I found myself having to respond to an article I wrote in *The Standard* newspaper about ethnicization of State which the NCIC at that time, using its wisdom, said that it was fair comment. The people who were my accusers then are the people now charged with hate speech before the courts of law. We have to be careful with regard to the rhetoric used by countries that themselves have doubtful democratic records. We must not only lecture ourselves about infrastructure or free movement of goods. There must also be free movement of values and ideas. That is what we do not have in Africa. You cannot imagine that we can just become organic without being at pain.

The Senate Majority Leader talked about how these days Kenya, Uganda and Rwanda tend to agree more and more. I get worried about that access because the temptation to be a Museveni in Kenya can easily crack this country because this is the 21<sup>st</sup> Century. It is not those days where the Musevenis and the rest took power and could literally arbitrate over their country with indiscriminate---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order Sen. Hassan. If you look at the Standing Orders---

**Sen. Hassan:** Mr. Deputy Speaker, Sir, I withdraw that comment; an adverse reference to a friendly Head of State.

**The Temporary Speaker** (Sen. (Dr.) Machage): Be careful!

**Sen. Oremo:** You have been gagged by the Standing Orders!

**Sen. Hassan:** Mr. Temporary Speaker, Sir, I have, again, been gagged as Sen. Oremo has put it by the very Standing Orders we have created. That said and done, why I do not want us to continue to raise emotions, I do not believe that Kenya is in a genocidal state. There is the word para-suicide. This is a person who is at the advent of committing suicide. I do not believe that Kenya is at the brink of genocide. It is simply fear mongering because the opposition is holding ethnic cocoons to account. This does not constitute a State that is about to commit genocide against a people. We continue to create a situation where it is perceived that one ethnic group or a couple of ethnic groups are being profiled. Unfortunately, Kenya, in its arrangement, has elected to have ethnic politics determined on ethnic composition. Therefore, it is right for me to look at your Government and say that I do not see anybody who looks like me in it. When Sen. (Dr.) Khalwale, Sen. Oremo and I say it, it does not constitute ethnicity or hate speech. This is a legitimate concern that is dictated by the confines of the Constitution to have ethnic and regional diversity in any institution of Government.

We should advise Rwanda that if they have to move forward, they should not cry so much as having been victims of genocide to a point where they now create a community of advantage. What happens is that people will emerge from victim hood thinking that it is appropriate to victimize others. That is why in Kenya some people felt that their communities were left behind during the Moi regime and now it is important for them to catch up. You do not build a State by trying to recover. We, as CORD, are not seeking power to punish people, but to equalize society. We are not going to victimize anybody or prefer ourselves to anyone. We are simply going to create a situation where we will teach you what it means to be just and how to manage democracy and human rights.

Mr. Temporary Speaker, Sir, while I appreciate most of the concerns, I hope that the HANSARD will be sent to the President of the Senate, so that he benefits from what we have said as young Members of the East African Community, what we think about the genocide and what we think States must do to make sure that they avert possibilities of genocide.

I hope that we will foster the cooperation between ourselves, but pick what is good from Rwanda. Even if our Senate was born the other day and Rwanda Senate was born earlier than ours, they also can pick what is good from this Senate. This is because I think we have a galaxy of intellectuals in this Senate that can benefit the Senate of the United States of America or any other Senate. I have even sat down with Senators of other countries and when we juggle ideas sometimes I find, in my own assessment as I

walk away, that mine were far much better. Therefore, there are people who can learn from us. Our youthfulness as the Senate of the Republic of Kenya must not be construed for inexperience because in here we have some of the most experienced hands in public administration. All you need to do is to look at the Opposition side to see Sen. (Dr.) Khalwale, Sen. (Dr.) Zani, Sen. Ongoro, Sen. Orengo, Sen. Musila, Sen. Kajwang and the rest of us, including the Chair.

**Sen. Wamatangi:** On a point of order, Mr. Temporary Speaker, Sir. Is it in order for the Senator for Mombasa to mislead this House by insinuating that the only side that you can identify Senators of quality contribution is on that side? Did you hear him telling the House that if you want to see Senators who are of distinction, then you look at that side?

**The Temporary Speaker (Sen. (Dr.) Machage):** Yes, I heard him very well. Unfortunately, for your case, he is in order because that is his opinion. There is nothing you can do about it.

**Sen. Kagwe:** On a point of order, Mr. Temporary Speaker, Sir. I quite agree with Sen. Hassan that there are very distinguished persons on the other side, but did you notice that Sen. Hassan deliberately left out Sen. Kajwang who was the Minister for Immigration and Registration of Persons in this country?

**The Temporary Speaker (Sen. (Dr.) Machage):** Order! Sen. Kajwang was actually among the top mentioned, unless you want us to refer to the HANSARD.

**Sen. Wangari:** On a point of order, Mr. Temporary Speaker, Sir. This is a House of records and procedure. Is it in order for the Senator to refer to Members of this House by their names and yet it is clear how he should refer to them, even if he wants to elevate them to some other level?

**The Temporary Speaker (Sen. (Dr.) Machage):** Sen. Wangari, I think you should look at the Standing Orders. It is clearly noted that you refer to Senators as Senator so and so. I think that is exactly what Sen. Hassan did.

**Sen. Hassan:** Mr. Temporary Speaker, Sir, there is a simpler way in English language where you can use the words "Senators so and so" and then it covers everybody. If I was to shortlist that list I mentioned to one then that would be Sen. Kajwang.

**The Temporary Speaker (Sen. (Dr.) Machage):** Sen. Martha Wangari.

**Sen. Wangari:** Asante, Bw. Spika wa Muda. Nasimama kumpongeza Rais wa Seneti ya Rwanda, Dr. Jean Damascene Ntawukuliryayo kwa Hotuba yake jana ambayo haikuwa mrefu lakini ilikuwa ya maarifa. Siku chache zilizopita, tarehe 3-07-2014, nilikuwa na bahati kuwa Rwanda walipokuwa wakisherehekea maadhimisho ya ukombozi wao ambao wanaita *Kwivohora* kwa Kinyarwanda na nikaweza kushirikiana na Wanyarwanda. Hata mhe. Rais wa nchi hii ambaye ni Mwenyekiti wa Ushirikiano wa Afrika Mashariki aliweza kuhudhuria sherehe hizo.

Bw. Spika wa Muda, ningependa kusema kwamba kuna mambo mengi ambayo tunaweza kujifunza kutoka nchi ya Rwanda. Pia kuna mambo mengine ambayo hatufai kuyaiga kutoka nchi ya Rwanda. Niliweza kuhudhuria makumbusho ya mauaji ya halaiki ya watu yaliyotokea miaka 20 iliyopita. Nchi ya Rwanda wamepiga hatua kubwa za kimaendeleo kama nchi ingawa ni wachanga kidemokrasia.

Katika Hotuba yake Rais huyo alisisitiza uongozi wa akina mama. Kwangu, hilo ni jambo la muhimu kwa sababu nchi ya Rwanda ina ongoza ulimwenguni kwa kuwa na

wanawake wengi sana katika Bunge lao. Hiyo ni asili mia 64 ambayo haijawahi kuonekana nchi nyingine za dunia. Tulikuwa kule na akina mama tukihudhuria mkutano ambao ulikuwa umewaleta pamoja wanawake Wabunge kutoka nchi zaidi ya 70.

Bw. Spika wa Muda, napenda sana kusoma lugha za kitamaduni za Kiafrika na za hapa nchini. Wasomali wako na msemu mmoja kuwa ukidungwa mishale miwili, mmoja kwa jicho na mwingine kwa tako, jambo la busara la kufanya ni kutoa ule ambao uko kwa tako ndio uweze kuketi na kutoa ule ambao uko kwa jicho. Hii ni kwa sababu mshale ukiwa kwa jicho unahitaji uwe makini zaidi. Unaweza kutoa ule ambao uko kwa tako lako bila kufikiria sana. Hivyo ndivyo watu wa Rwanda walifanya. Waliweza kukosoa yale mambo ambayo yalifanya kuwe na mauaji ya halaiki mwaka wa 1994. Walikomesha mauaji hayo kama wametengwa. Hata aliyekuwa kiongozi wa Umoja wa Kimataifa, Bw. Kofi Annan, alihuzunika sana kwa sababu nchi nyingi ziliwaangalia wakiuana na wakawatenga. Lakini wameweza kutatua shida zao kwa miaka 20 iliyopitia. Imekuwa safari ngumu kwa Wanyarwanda, lakini wameonyesha kwamba wanaweza kusuluhisha haya mambo.

Bw. Spika wa Muda, niliweza kuhudhuria ibada kanisani kule Rwanda. Niliambiwa kuwa wengi wa wahubiri makanisa huko ni Wakenya. Pia wafanyabiashara wengi kule ni Wakenya. Niliona Benki ya Kenya Commercial Bank (KCB) na Equity kutoka hapa Kenya. Haya ndio mambo ambayo tunafaa kudumisha. Si lazima twende mbali sana kutafuta kazi kwa watu wetu. Walimu wengi sana kule Rwanda ni wa kutoka Kenya. Ni lazima tushukuru na kuhakikisha kwamba tunadumisha uhusiano wetu na Rwanda.

Kuna mambo ambayo ningetaka pia sisi tuyasome kutoka kwa Wanyarwanda. Ukitembea Mji wa Kigali utagundua kuwa ni mji ambao ni msafi sana ukiulinganisha na miji ya Nairobi na Mombasa. Sisi tuna tabia ya kutupa takataka kila mahali. Mji wa Kigali umepiga hatua kwa kuhakikisha ya kwamba ni mji msafi. Huwezi kuwapata watu wakitupa takataka ovyoovyo kama tunavyofanya hapa. Hata duka la Nakumatt ambalo liko kule halina mifuko ya plastiki. Sisi tumejaribu kufanya hivyo hapa na tumeshindwa. Kila siku watu wanakufa kutokana na magonjwa ambayo yanaletwa na takataka. Tumetembea kule Rwanda na kuona vile mambo yanafanyika na naamini kwamba mambo haya yanaweza kufanyika pia hapa nchini.

Bw. Spika wa Muda, tunaweza kusoma mambo mengi, lakini la muhimu ni kuwa ni lazima sisi, kama viongozi, tujue kwamba ni lazima Serikali ishirikiane na watu. Rwanda imefika mahali hapo kwa sababu ya watu wote kushirikiana bega kwa bega. Nilipata nafasi ya kutembea hata vijijini na vitongoji kule Kigali na hata karibu mpaka kwa Rwanda na Congo. Kuna umoja ambao sisi kama Wakenya hatujapata. Vikao vya vijiji vilitengenezwa na kuwahusisha hata wale ambao walitekeleza mauaji, manusura na waliopoteza familia zao. Watu waliweza kuongea na kusikizwa. Tunafaa kujifunza kutokana na jambo hili. Tunafaa kujua kwamba yale maneno ambayo tunasema kama viongozi yanaweza kuunganisha au kuwatenganisha Wakenya. Vitabu vikiandikwa miaka 20 au 30 ijayo, jina la mtu halifai kuwa kwa vitabu hivyo kama huyo mtu alitoa matamshi ambayo yalifanya watu wapigane. Pia tusifikirie kwamba Kenya haiwezi kuwa na mauaji ya halaiki. Ungewauliza Wanyarwanda siku kadhaa kabla ya mauaji hayo hawangefikiria kwamba mauaji hayo yangefika kiwango hicho. Ilianza kama mzaha, kisha ikawa ngumu kusitisha. Ni lazima tujifunze kama wananchi.

Bw. Spika wa Muda, namshukuru Rais wa Seneti ya Rwanda kwa kutuhutubia. Naamini kwamba tutaendelea kushirikiana kwa mazuri na kusoma yale mabaya na kuyasema vile yalivyo.

Asante, Bw. Spika wa Muda.

**Sen. Kajwang:** Thank you very much, Mr. Temporary Speaker, Sir, for this opportunity to also contribute to this goodwill message that was brought to us by the President of the Senate of Rwanda. I say that it is a goodwill message because that is exactly what it is, from a sister nation to an institution of the Senate, whose first and primary duty is to protect the State and make friends with other states. If we do that, we will have done a big job for this country.

Mr. Temporary Speaker, Sir, Rwanda is a beautiful country. I have been there twice or thrice. They call it a country of 1,000 hills. It is hilly. However, I also noticed it is green. They have done a lot of work deliberately to make their country green and the air there is fresh. So, you will love to drive to the countryside and enjoy the environment.

Mr. Temporary Speaker, Sir, this brings us, as a people, to the subject of the East African Community (EAC). In fact, we clearly called it “community” because we are talking about communities that make the EAC. It is good that the EAC has been enlarged from the traditional three States to now five. It was done deliberately. I think that Rwanda drove this agenda very fast. Rwanda decided that it is in its national interest to be close to the EAC bloc. It was in its interest economically and socially. In fact, I think they have decided to even integrate further by way of language. Our young people are teaching English language in Rwanda. They have chosen to learn English language as one of their national languages or, at least, a language of communication and commerce. They have realized that most of their business comes through Kenya, Tanzania, Uganda and Burundi. Of course, they do a lot of business with Congo, but I think they have chosen wisely. They are bold in their approach to the EAC.

When I was the Minister for Immigration and Registration of Persons, one of the issues that was bothering us most was how to get people to move freely in the EAC. If people move freely, then goods and services will move freely too. As a result, growth moves freely. We realized that the first thing to do is to allow the people of East Africa to walk across other countries without any restriction whatsoever. In fact, Rwanda was the first one to say that you do not need a passport to visit the country, so long as you are Kenyan, Tanzania or Burundian. You needed only to walk into Rwanda, so long as you had your national identity card of your country.

They said that if you want to do business in Rwanda, you do not need a work permit. They shocked us because immediately they said that we had to reciprocate by saying that if you are a Rwandese and you want to do business in Kenya, you can walk in and start your business without a work permit. It has been difficult with other nations. In this case, although we do not want to discuss country by country, but there have been difficulty in one of our neighbouring countries who would not want to see a Kenyan get in without a passport and ask how long one wants to stay and what they want to do.

For that reason alone, it is very difficult to move people, goods and services in those countries. It is a matter of leadership because if the leadership says that from today, Kenyans can move to Tanzania freely without passports, it will happen. However, if the leadership and the parliaments in those countries say that they do not trust Kenyans, and that is what they say most of the time, it will be difficult to integrate. They also say very

bad things like alleging that Kenyans are thieves and might steal their land. This is bad for the EAC.

Mr. Temporary Speaker, Sir, what we should build and what I think the President was trying to do here, is build trust. We should trust each other and that we are friends and one can visit us when he or she wants. In fact, one of the greatest speeches I have heard President Museveni give in Kisumu one time is that people at the immigration desk think that their brief is to stop people from coming into the country. He was saying that their brief is to facilitate people to get into the country. He said that if somebody goes to Uganda and does not have enough money, do not worry about him because immediately he finishes using his money, he will flee. So, do not ask him how much he has or how long he will stay. For that reason, people have been visiting Uganda more and doing business in Uganda more. In fact, we must say this because we have this opportunity.

Recently when we were very hard with the Somali community in this country because we said that they are the ones bombing us everywhere, we forced them out of this country and Eastleigh became a ghost town. That population is now in Uganda and they are very happy with them. They are also in Tanzania and Mozambique. They are continuing with business because they do international business. If you disrupt them in Kenya, they just move somewhere else with their money. I understand that they moved almost Kshs31 billion out of this economy. We will cry for it because we need business people to do business in this country so that we benefit from it. We do benefit in many ways because they pay rent, they pay taxes and the business that goes around itself including the people who visit this country because of that business, those who live in the hotels, those who rent buildings, those who pay our labour and so on. All these ventures will suffer for lack of business.

Mr. Temporary Speaker, Sir, when you deal with an issue that involves a population in your country, you must be very careful to cultivate friendliness, integration and cohesion. You can only do so, when people speak to each other through these institutions and through other fora.

Rwanda is a small country and those who are comparing it with Kenya are making a big mistake. The economy in Rwanda is a small economy. I am not sure if it can even compare with the economy of Kisumu, but they have done well in that small economy and we appreciate what they do. When we went there sometime as official delegation the Kenyans who came to meet us were in hundreds and all of them are consultants, engineers, business people, doctors, teachers and nurses. They have given us a window in which we can sell our labour. There is nothing wrong with that. We earn money and bring it back home and invest it here. So, this is a good move. In fact, I think we should be inviting more speakers from our neighbouring countries and not only speakers of assemblies, but even Presidents of our community countries, so that they do not only end up in State House and also come here and talk to us. They will listen to us debating our speeches. They will know where we seem to think that they could take us further and quicker.

The genocide in 1994 was a shame for this community. The problem of Rwanda is very close to the problem of Somalia. They are one people and they speak one language. When you go there, you are not so sure who is a Tutsi and who is a Hutu. They have intermarried. They belong largely to one religion called Catholic. So, you wonder why they would ever fight. At least in Kenya, we have Kikuyus, Luos, Kambas, Luhyas



and others with all sorts of things, including prejudices. They live in different places and have regions which they call their own and so on. In Rwanda, for example, they are mixed. There is no region of so and so. The language is the same. The religion is the same and even the ancestors are the same. So, sometimes you wonder why they should kill each other. Politics sometimes is a stupid thing. Some of us who practice it get ashamed that we are the ones who cause some of these things.

Look at Somali, for example, one religion, one people, one language and there is nothing that differentiates them other than clan. Sometimes you look at it and wonder why they should tear their country apart. Politics are sometimes very shameful, but it is the same politics that can also correct it. Good politics can correct. Tanzania has more tribes than any other East African Community country and yet you do not feel it. When you get to Mwanza, you do not feel any tribe. When you go to Dar-es Salaam or Arusha, you do not feel it. Of course, you can know whether one is a Chagga, but there is really nothing earthmoving about it. This is because they were taught and socialized that Tanzania is their country. They think more Tanzanian before they think Chagga or any tribe. We have more than 200 tribes in the small country of Tanzania and they are very happy together.

The question is: What can we do as a country? It comes to leadership. There is no other way of doing it. If Nyerere did it, then we can do it. If any leadership thinks that it is ours against them, then you will destroy your country. If you do not destroy it in your time, it will be destroyed in your child's time or your grandchild's time. Time will come when some people will not tolerate those acts. Tanzania has been led by some of the smallest tribes there. Some of those tribes are unknown. If you try to check Nyerere's tribe, it is almost a clan---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order. Nyerere comes from the Kuria tribe and it is not small.

**Sen. Kajwang:** Mr. Temporary Speaker, Sir, I know that the Kuria clan is the largest in Tanzania. However, when I talked to the President of Tanzania one time, he told me that they are the most troublesome. I think we can take our country very far. In fact, that is why I love the issue of integration in East Africa. If East Africa was integrated and we had one federal Government, probably we would not even think of tribes. We would be very minute inside there and all this hot air about tribalism will flee.

I must also criticize this speech for one sentence only. I have been told that women empowerment is at the highest level in Rwanda. This could be true. There are more women in the Senate and in the National Assembly than all of us put together. But only the other day, one of First Ladies who wanted to run for Presidency in Rwanda was arrested even before she started her campaigns. She was arrested and charged with some offences which are not known to the law. She was detained and she stayed there until the elections were over. In Kenya, we have had hon. Ngilu, the late hon. (Prof.) Wangari Maathai and hon. Martha Karua run before. So, on that score, we are quite ahead because we have given our women the recognition that they deserve.

*(Applause)*

*(Sen. Kajwang spoke off record)*

Mr. Temporary Speaker, Sir, the last thing I want to say is that genocide was mentioned three times in this speech. I wish that we did not---

**The Temporary Speaker** (Sen. (Dr.) Machage): Hon. Senators, I would advice that if you should switch on your microphone to request to speak, please, keep it on. This is because if you tamper with it and switch it off, when you switch it on again, you will be the last in the queue. So, what the Speaker sees here may be confusing to some of you.

Anyway, let us proceed.

Sen. Ongoro.

**Sen. Ongoro:** Thank you, Mr. Temporary Speaker, Sir. I also rise to record my sentiments on the speech given by the Senate President of Rwanda yesterday. I want to start by saying that when I came to the House yesterday, I came prepared to sit for a long time listening to a lengthy speech. But I was impressed by the short, precise, up to the point speech that was delivered by the President of the Senate. The simplicity of his entourage was even more impressive.

Looking at the address, I want to agree that what was recorded in the speech was actually, to a very big extent, the truth and the reality on the ground. This is because some countries refer to themselves as friendly to Kenya, but their actions and deeds are contrary. Rwanda, on the other hand, is indeed, a friendly country because they exhibit this spirit of friendship by the things that they have put in place. For example, it has been mentioned here before that we do not have any visa requirements for Kenyans going to Rwanda. Similarly, for our business people, they have created a one stop shop and a one day registration and facilitation. Therefore, this is very encouraging because when they call themselves friendly to us, it is really what they are exhibiting.

I also want to state that Rwanda supports the integration of the East African Community by deed because, indeed, Rwanda is also a signatory to the Peace and Security Pact that was signed by the East African countries this year. This is going to give us a joint platform in fighting terrorism, cross border crime and all other ills that could be unique to this region.

The experience of genocide has been so extensively referred to in this speech. While I want to state that it could not be very close to our own, but it is an example that, probably God has given us close to allow us at each point in our politics when we fight for regional and balancing in all aspects of our Government. This is because we have these examples of Rwanda, Somalia and all these other ones close by. So, when we study the issues that led to genocide in Rwanda, I visited Rwanda and had occasion to be taken to the sites. I had an entire day interrogating those who were taking me round because I really wanted to understand why they ended up like that, when they really are a one people to a very big extent.

Mr. Temporary Speaker, Sir, there were issues of perceived historical injustices by one section of the community in the country which were silent and which were not allowed to come to the fore. These issues were not interrogated, addressed, or discussed. That is why I think, we, as a country and as a nation, when we want to ventilate either in the Houses or outside, we should learn not only to talk, but also to listen. It would be better not to be reactionary, but to be a people who would listen and address some of these issues without trying to wish them away.

When you travel overseas, you get a very big number of Rwandese still staying in countries like Belgium. While I commend them for the resilience and speed with which

they have healed as a nation, they should similarly extend this very good gesture and try to invite their brothers and sisters who they left during the genocide and after, and who are still living out there, to come back to the country. On that same note, I would still add my voice for them to find ways of not branding the same people of Rwanda as people who are still in political distention to a very big extent, with the specific reference to the woman who has been detained because she was running for political office.

Mr. Temporary Speaker, Sir, speakers who have talked to this Motion before, with specific reference to the Senate Majority Leader, supported the issue of dialogue. Dialogue was also used by the people of Rwanda and which we, as a nation, have attempted in the past few days, but which flopped because of dissenting opinion from our brothers and sisters. He specifically stated that he encourages dialogue between peers and I agree with him. Nothing could be more true than that. He cited issues that a Senator from the other side should talk to a fellow Senator and parliamentarians should talk to each other. However, having stated that, he failed to then correct himself because when we wanted peers in the persons of the President and the immediate former Prime Minister to also talk, then there was very strong opposition. We should walk the talk and support that process in its entirety.

If you allow me, I want to make reference and quote part of the address, which has also been referred to by the hon. Sen. Kajwang about women empowerment. Actually, it states:-

“A key priority for Rwanda after the 1994 genocide against the Tutsi has been to empower women so that they lead Rwanda through the critical period of reconciliation and transformation. Women empowerment is one of the many lessons 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, and which the whole world cannot ignore.”

Mr. Temporary Speaker, Sir, this is very true. Rwanda has walked the talk. Rwanda is standing at 64 per cent in women representation; it is supported by word and deed. They facilitate their women rights from the grassroots level.

If this country wants to copy this good example of empowering women, we must start by facilitating them at the grassroots in good time. We must have civic education and give empowerment and training. Political parties must create honest space for women at every level. That is the only way that we can deal with this issue and sort out challenges of nominations.

We have very good women in Kenya. However good, eloquent, learned or able, if political parties which are the vehicles through which the same women must move to positions do not support them, then we will have policies that support empowerment of women. Political parties have not put in place adequate structures and are not honest to whatever policies they have included. We may end up having an increased space for nominating women. In some county assemblies, you will find that no woman was elected and no woman was also elected to come to the Senate. This is not because we had scarcity of capable women to run for these seats but, the politics of true inclusion must be exercised by political parties and the Government.

With those few remarks, I do not wish to repeat myself but support the address.

**Sen. Elachi:** Mr. Temporary Speaker, Sir, I also rise to support and thank hon. Dr. Jean Damascene, the Speaker of the Senate of Rwanda. I want to thank the Rwandese Government for giving employment to our Kenyan sisters and brothers who are there.

When you look at the EAC today, you will appreciate the work that Kenya has done. The hostility that our Kenyan brothers and sisters are facing in some EAC countries is very high. Indeed, as leaders, we need to ask ourselves, as we move on to the EAC, knowing that we have a very aggressive and intelligent human resource, how we will ensure that there is cohesion for the sake of their survival? It is also kind to say that the Rwandese Government has stood with Kenya in terms of appreciating our expertise in our education, banking and immigration systems. Their systems have taken place because of our Kenyan brothers who went there to support them.

We also want to thank the Rwandese people. Today, in Kenya, we face a dilemma with our young people in term of values; the same thing that our parents are suffering. Young people do not care about their parents. They abuse, rape and this has eroded our African culture. However, we have countries that we can still go back and borrow and look at what they are doing so that we help our young people to move to the next level so that they defend their country.

I had an opportunity to go to Rwanda. If you go there, you see the police and appreciate that, indeed, there is patriotism. This is because of their history and where they are coming from. We must appreciate that the history has helped them to shape and understand that they need each other and they also need to move on. When we talk about human rights, we also need to ask ourselves where our brothers are coming from and, whether the colonial systems that divided Rwanda and Burundi did them justice. Burundi was part of Rwanda and there is no difference. These people are the same. They are Tutsis and Hutus.

We must appreciate our Pan Africanism that we have as Kenyans. We must look at East Africa and see how we can have homegrown solutions to some of the challenges that we face. In Europe, people do not face challenges of ethnicity as we do in Africa. In Africa, we appreciate our culture and diversity. Therefore, we need to know that we have many opportunities to learn from each other.

In the address, the President goes on to talk about how he will open up economic trade. As much as we may say this does not matter so much, it matters. This is the only relationship you will have with your brother in Rwanda. There will always be something that you are buying from each other that will make you start speaking and bring you together. In terms of language, you will find that we are very different.

When you look at our Tanzanian counterparts, you will see that the Kiswahili bonds us together. Rwanda has also taught us that you can come back from the Francophone side, go to English and even move further to Kiswahili. They want to bond and to be closer to us.

Kenya is the power of the economic beasts. Kenya is the country that would lose much in the economic base. We are the ones who export things to Rwanda and Uganda. Many European countries have been saying that we are faced with insecurity. However, I have seen new hotels coming up in Riverside like the Bluesands, Roadsands and other serious hotels which are international. There are people who are taking advantage of that insecurity. However, we are the gateway that opens up for the rest of Africa. We must ask ourselves if the rest of the countries appreciate what we have done. We have done a

lot for other countries. If we go towards bringing our country down, do we have neighbours who will welcome Kenyans? We have to be honest as leaders when we debate. Many of those countries fear Kenyans. They say we are aggressive. The Senator for Homa Bay said that they call us thieves among other names.

I once went somewhere – I will not mention the name of the country – and met a Managing Director, a Kenyan, running a Serena Hotel. In that hotel, we found the Keringet bottled water being used. The Head of that State entered that hotel and asked openly who was running the hotel. He was told that it was a Kenyan running the hotel. He asked why they were not using water from their country instead of Keringet and the Manager was taken aback. A few months later, the Manager was back in the country.

We must learn, as Kenyans, as we move on, that God has blessed us and given us a lot of brains. However, we have a challenge in knowing that we do not have many friends. We are told that we open up and that we have good hospitality. As we go to other countries, things become very difficult. We must protect our country.

We must know that we are safe where we are for the sake of our own children, brothers and sisters. We must also know, as we talk as leaders, that we have many Kenyans out there who rely on us and we must reciprocate to their country which will give them a better platform to continue doing their businesses.

I want to thank the Speaker for bringing up the issue of women in his Speech. As my Chairperson of the Kenya Women Parliamentarians Association (KEWOPA) said, if political parties in this country embraced— That is why when women stand for presidency, in the end, the results are not good. This is because we play masculine politics. We come out very strongly to say what we will do. Kenyans, owing to their culture, will find a lot of faults. The politics of Africa are politics of men. The conflicts we experience in Africa are a result of the struggle for power. When you look at all the conflicts we have seen in many countries, it is because of power struggles. It is the men who fight for power and not the women. Rwanda could be making strides in development because women have taken various positions to build their country as women. We should look beyond ourselves for this country to develop. What is the purpose of holding the positions we hold? I believe God has a purpose for us being in the Senate and He would wish us to leave a mark when we exit. Those who have led us before must be respected regardless of the challenges that we are facing. This respect does not only apply to the President and his Cabinet but everyone who has held any position of leadership in this country. That does not mean that we should not critique the Government, but we should do so for the sake of all Kenyans. We should fight for and defend everything for the sake of all Kenyans since we are all the same. It is only that we have different fathers and mothers but they are all God's creation. We were all created in the image of God.

I look at a country where Kenyans are wondering whether politicians mean what they say because they keep changing goal posts. We should think about our values; how can we ensure that Kenyans trust what we talk about? How sure are we that Kenyans will believe in what we say? Sometimes politicians lie for the sake of their survival. Kenyans have reached a point where they do not take lies any more. Is it not fair to stand up and say the truth? Maybe that is why we have seen a lot of demonstrations in this country, for example, when demonstrators came to Parliament Buildings with pigs. This is because of the image that we portray. This is an image that worries the youth. We have even gone further and behaved badly during the campaigns and that is why even university

campaigns are also dirty. This is a culture we are inculcating in our youth without knowing where it is going to take us.

I thank the President of the Rwanda Senate for his Address. He talked about what he feels we can do together as different countries. He also talked about what can bring the two countries together. Lastly, he talked about the African dignity. We should consider Rwanda as a county and learn from them so that our counties can build themselves the way Rwanda has. We should ask ourselves what we are doing about clean environments and the general health of our people. When I went to Rwanda, I thought it would be a good model for our counties to learn the best practices and to move on as counties.

I would like to thank Sen. (Dr.) Zani and Sen. Mositet for staying with the visitors until they left. There are those amongst us who like travelling a lot but when visitors come, we do not care for their presence, whereas when we were in those countries we were welcomed very well. When it is time to reciprocate, no one can be found. We are usually very busy. We should either stop travelling and only work in our country or ensure that when the visitors come, those committees that had visited their countries take care of them. This should be replicated in the National Assembly and the county assemblies. Only three of us were left at the airport whereas so many Senators have travelled to Rwanda with their committees.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order. Your time is up.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I rise to acknowledge the Speech by the President of the Senate of the Republic of Rwanda. In his Speech, he brought us greetings from the people and the Government of Rwanda. It is my pleasure to assure him that we too greet him on behalf of the respective county assemblies and on behalf of the Government of Kenya.

Mr. Temporary Speaker, Sir, Dr. Damascene also assured us of the continued cooperation between his Republic with Kenya. We want to assure him of the same. He also spoke of the increased cooperation between Kenya, Uganda and Rwanda, but conspicuously missing in his Speech was any mention of Tanzania, Burundi and South Sudan. You as a former Minister for East African Community for this country and with your able Assistant Minister whom you know---

**The Temporary Speaker** (Sen. (Dr.) Machage): My Assistant Minister was Dr. Boni Khalwale.

*(Laughter)*

**Sen. (Dr.) Khalwale:** Thank you, Mr. Temporary Speaker, Sir. Please do not remind them that on the day you were demoted, it was the same day I was sacked. You will be the first to urge the President of the Senate of Rwanda to use the Senate of the Republic of Rwanda as we should here, to remind the Head of States of Rwanda, Uganda and Kenya that the three of them should not misconstrue the dream of the East African Community.

In the beginning, the East African Community (EAC) was about Kenya, Uganda and Tanzania. Now that we have expanded to include Burundi and Rwanda, this apparent salient attitude or attempt to lock out Tanzania and Rwanda is killing the dream and is not going to help the EAC. We have to urge them that whatever political differences that

those Heads of State might be having, the Community was not intended for the Heads of State but for the business of the people of the Community.

The President of the Senate of Rwanda talked of co-operation in fighting terrorism. Now that he said it, I want to use this opportunity to urge that it is important that Kenya realizes that if it took the presence of the Speaker of the Senate to emphasize the need for co-operation between nations, for purposes of fighting terrorism, the Government of Kenya should also re-establish co-operation between Kenya, United States of America (USA), United Kingdom (UK) and Israel for purposes of fighting terrorism today. This is because when the relationship between us and these three countries was robust, there was brisk sharing of intelligence. The CIA of the USA is very well endowed in gathering intelligence and so is the MI6 of the UK as is the *Mossad*. It is because of this failure to emphasize this co-operation on sharing of intelligence that we have in some instances been hit by the *Al Shabaab*.

Mr. Temporary Speaker, Sir, you will remember that when the unfortunate incident of Mpeketoni occurred, the *Al Shabaab* shamelessly claimed ownership and responsibility for the attack. The USA and UK pointed to *Al Shabaab*. Maybe it is because we lacked that co-operation in sharing intelligence that we found the Government of Kenya, on the other hand, fumbling and saying that this was because of political networks or whatever they called it. Doing business with China is very good and we are happy that it is there. However, we should know that you cannot do business in the midst of insecurity. Therefore, I want to urge the Government to continue co-operating with China in terms of doing business, but not break the old ties that we had with our traditional partners, the USA, UK and Israel.

Mr. Temporary Speaker, Sir, in that statement of co-operating in the region, something provokes me. This issue maybe is a hypothesis that could thrive into a theory; that maybe time has come for us to consider the possibility of strengthening the Republic of Somalia with a view of admitting it into the EAC, so that we start doing business with each other. My mind tells me that it will be more unlikely for us to fail to see brotherhood and shared interests if Somalia was admitted into the EAC. I am not saying that it be done haphazardly, but this is something that we can work on for a period of ten years or so.

On the issue of co-operation with neighbouring countries, this is the time when this Senate must urge the Executive to return our gallant soldiers who have been defending this country in Somalia. They went there for a purpose and that purpose was achieved. After they come back, our troops should be mobilized from Eastleigh, Eldoret Barracks and the other barracks across the country, to be taken to the border with the Somalia, so that we seal it and deal with terrorists when they try to cross the border.

I want to remember that this country has supported Rwanda in many ways. Personally, I was disappointed when the President of the Senate of Rwanda did not acknowledge what the Parliament of Kenya has done for the Parliament of Rwanda. I remember, hon. John Cheo, the Chairperson of the Public Accounts Committee (PAC) of Tanzania and a former losing presidential candidate in Tanzania, when he was the Chairman and I was the Secretary General of the East African Associations of Public Accounts Committees (EAAPAC), we went to Rwanda and set up a PAC because before then, no such committee existed. All accountability issues were taken to the office of the President. I would like, when Hon. John Cheo and myself go to Rwanda, that we be given

that recognition because we played a role. Today, the PAC, both in the Senate and the Chamber of Deputies in Rwanda are robust, they are doing a good job.

Mr. Temporary Speaker, Sir, while meeting the two speakers of the Houses of the Parliament of Kenya, the President of the Senate took it upon himself to remind us, the opposition, that we should be measured in our speeches because he did not want our speeches, as the opposition leaders, to ignite any form of ethnic unrest. I could not agree with him more.

Having said that, I wish to now be reminded of what some of us in the opposition think about the opposition in Rwanda. We want to urge the President of the Senate of Rwanda to ensure that the Senate makes a resolution so that the democratic space in Rwanda is expanded to the extent that hon. Victorie Ingabire Umuhoza, who in 2010 was barred from running for presidency, and who has since been kept under arrest for two charges of terrorism and national security, the Senate of Rwanda should speak with one voice, they expand the space so that this gallant daughter of the East African region can be allowed to enjoy the freedom of her mind, the freedom of expression, association and her desire to one day be the first woman in the East African Community (EAC) to be called Madam President.

We cannot claim to be playing affirmative action to the women of Rwanda and by extension of the region if all that we do for them is to allow them to be nominated on party lists, but the women who are strong enough to challenge and defeat men like Victorie are arrested. I would like the Senate to raise its voice about assassinations of opposition leaders. Members of this House know the story of how a gallant son of Rwanda, who was the head of intelligence, Mr. Patrick Karegeya, was murdered in South Africa for political reasons. We want to urge our colleagues in the Senate to speak to these issues.

Finally, but not least, before I finish, the issue of regional peace is not just limited to the Members of the EAC. Africa bleeds and some of us, as leaders, we are not happy when we see little children of five years – girls and little boys of Africa – running to nowhere because the guns of eastern Congo are sending salvos. We want the Senate of Rwanda to urge the Government of Rwanda to come out of eastern Congo. In fact, honorable colleagues, today the support that Rwanda was enjoying from the international community has been withdrawn. Today, sanctions are being applied on Rwanda because Rwanda is in eastern Congo because they fear the Hutus who come from the Congo side of our region. Those Hutus, as I am being reminded by Sen. Orengo, are also Rwandans.

Mr. Temporary Speaker, Sir, what a better example than yourself? Supposing somebody in Tanzania, God forbid, had differences with the Kurias of Tanzania, then he comes and starts clearing you people, the Kurias of Kenya, we should be the first people, as a Senate, to then ask the Republic of Tanzania to get out of Kuria, Kenya. I am, therefore, asking the Republic of Rwanda to get out of eastern Congo. The children are dying for the simple reason that the President of Rwanda is afraid of the militia groups of the Hutus that are in eastern Congo. What is easier? Let him work with President Joseph Kabila and President Museveni to make sure that eastern Congo is safe.

Mr. Temporary Speaker, Sir, with those many remarks, I want to again request the Rules and Business Committee (RBC) of this Senate – Sen. Orengo sits in that Committee and I have expressed this reservation – to vigorously debate the position of a visiting dignitary to address this House before we are addressed.



**The Temporary Speaker** (Sen. (Dr.) Machage): Yes, Sen. James Aggrey Orenge.

**Sen. Orenge:** I thank you very much, Mr. Temporary Speaker, Sir, for giving me this opportunity. First, is to recognize that despite whatever criticism will be directed against Rwanda, they have done a lot to bring that country to a situation of stability where institutions are working. In saying this, I also want to remember that when the first military coup was conducted in Rwanda and the King was overthrown, he together with his family and associates lived in Kenya for a very long time. Kenya became a safe haven for the Rwandese for quite a number of years. I also want to remember that the Government of Rwanda, at the time when the President was Bizimungu and Kagame was his deputy, that Government was the first Government after the system of multiparty democracy was established in Kenya that recognized the Kenyan Opposition. I remember going there in a delegation of Members of the Opposition at that time; it was a very strong delegation of 10 people, Members of Parliament (MPs) which included former President Kibaki, the late hon. Wamalwa Kijana and the late Martin Shikuku. We worked together with the Rwandese Government using the Parliament here to make sure that those who had committed acts of genocide in Rwanda and were living in Kenya were exposed. Using the materials we were given by the Rwandese Government as MPs, we tabled that information in the House and also worked together with the Special Tribunal for Rwanda in trying to seek out the genocide perpetrators who had come to Kenya as fugitives of justice.

One must congratulate Rwanda because it is becoming a small but very powerful country. It is very much in the form and shape of other small but powerful countries found in the Asian Continent, Korea and Singapore. Japan in terms of population and resources is not also a big country. In Europe, you will find countries like Switzerland and Austria which are small but powerful in many ways as a country. That is basically because they have taken up some values of hard work and the rule of law. They have not always followed democracy but those who eventually succeed are very strong on democratic values and human rights.

Integration in East Africa is the integration of the states. The people of EAC are more or less integrated and it is a question of old colonial boundaries that still exist that have hampered the movement of people's goods and services across the borders. If as a transition measure we can use borders not as barriers but as bridges to open up, the EAC integration at the level of states may be accelerated. It should not be lost that the people of East Africa are already integrated. If you look at the border between Kenya and Uganda, you will see that 40 per cent of Luhyas as we know them; as a people, are living in Uganda. If you look at the Maasais, you will see that more than half of them are living in Tanzania. More than half of the Kurias live in Tanzania. The Somalis have crossed borders and one can say that about many other communities including the Pokot and the Turkanas. There is already integration but barriers in form of boundaries are what have made it difficult to fasten and accelerate integration in East Africa. This is what we must work very hard at.

We cannot achieve that until all the countries in East Africa have a common denominator about governance, the rule of law, human rights and democracy as a critical principle operating in the entire East African Region.

I want to comment on something that the Senate Majority Leader said earlier here about institutions. As long as you have strong institutions, then everything else works. One should remember that in Uganda, it is the institution of the Presidency that brought problems. If you look at the various Presidents; Obote and Amin included, you will see that it is that institution that brought pain and suffering to the people of Uganda.

Part of the evil that was established in Kenya; the one party system of Government came from Parliament. It is the precursor of this Parliament that turned Kenya into a one party state. It was not the people out there but the institutions.

**The Temporary Speaker** (Dr. Machage): Order, Sen. Orengo, you will have eight minutes more tomorrow when debate on this Motion resumes.

### ADJOURNMENT

**The Temporary Speaker** (Dr. Machage): Hon. Senators, it is now 6.30 p.m. That marks the end of today's business. The Senate stands adjourned until tomorrow, Thursday, 24<sup>th</sup> July, 2014 at 2.30 p.m.

The Senate rose at 6.30 p.m.