

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 12th April, 2016

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

MEETING OF STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE WITH CABINET SECRETARY

The Speaker (Hon. Ethuro): Hon. Senators, I have a Communication to make on the meeting of the Standing Committee on Labour and Social Welfare with the Cabinet Secretary, Ministry of Labour and East African Affairs.

On Thursday, 18th February, 2016, Sen. Musila sought a statement from the Chairperson of the Standing Committee on Labour and Social Welfare regarding the Government's cash transfers to the elderly.

Further, on Tuesday, 8th March, 2016, Sen. George Khaniri sought a statement regarding registration of persons with disabilities.

The issue of cash transfers for the elderly is an issue that has continuously been raised in this House. On many occasions, it has been responded to unsatisfactorily. Consequently, the Chairperson of the Standing Committee on Labour and Social Welfare deemed it necessary to convene a meeting of all interested Senators and invite the Cabinet Secretary (CS), Ministry of Labour and East African Affairs.

Hon. Senators, I, therefore, inform you that the committee has convened a meeting with the CS for all Senators to deliberate on the matter of cash transfer programme for the elderly as well as the registration of persons with disabilities; these issues fall under the docket of the said Ministry. The meeting will be held tomorrow, Wednesday 13th April, 2016, in the Senate Chamber, ground floor, Main Parliament Building starting at 11 a.m. I, therefore, urge all hon. Senators to attend.

I thank you.

PAPERS LAID

ANNUAL REPORTS TO PARLIAMENT BY THE PRESIDENT

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Tuesday, April 12, 2016.

The Presidential Address delivered on Thursday, 31st March, 2016, during the Special Sitting of Parliament.

The Third Annual Report 2015 on measures taken and progress achieved in the realization of national values and principles of governance.

The President's report on the progress made in fulfilling the international obligations of the Republic.

Annual Report to Parliament on the state of national security by the President.

Schedule of cases pending before court as at 30th March, 2016.

Schedule of properties identified, recovered, frozen and seized as proceeds of crime in respect of National Youth Service (NYS) fraud and other cases.

(Sen. (Prof.) Kindiki laid the documents on the Table)

NOTICE OF MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

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

THAT, pursuant to the provisions of Standing Order No.24(6), the thanks of the Senate be recorded for the exposition of public policy contained in the address of the President delivered on Thursday, 31st March, 2016.

STATEMENTCLOSURE OF MASINDE MULIRO UNIVERSITY
IN KAKAMEGA COUNTY

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise to request for a Statement under Standing Order No.45(2)(b) from the Chairperson of the Standing Committee on Education on why Masinde Muliro University in Kakamega was closed down today.

He should clarify the following:-

- (1) What exactly was the reason for its closure?
- (2) Is the closure in any way related to the demand by the university's administration that students could only sit for the examinations if they have a zero-fee balance?
- (3) Why were the police invited to come and enforce the university closure order?
- (4) Why did the police resort to using live bullets against unarmed students?

(5) How many students have been injured and how much property has been destroyed as a result of this closure?

The Speaker (Hon. Ethuro): Sen. (Dr.) Khalwale, proceed to the next statement.

SENATOR'S GENERAL STATEMENT

VIOLENCE IN KAKAMEGA TOWN DURING THE LAUNCH OF SEN. WETANGULA'S PRESIDENTIAL BID

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I have a Statement to make under Standing Order No.45(2)(a). I would like to make a statement on the violence that took place on 2nd April, 2016 at Masinde Muliro Gardens, Kakamega Town during the launch of Sen. Wetangula's presidential bid for 2017. I thank you for allowing me to do so.

I condemn in the strongest words possible the violence as it was completely uncalled for. Unfortunately, it resulted in injuring, amongst others, the two senior most politicians in our community; namely, hon. Mzee Otiende, aged 99 years who sustained actual bodily harm on his head and hon. Mzee Burudi Nabwera aged 83 years.

I believe that it was neither caused by the Orange Democratic Movement Party (ODM) nor the Jubilee Coalition. It was caused by senior officers in the County Government of Kakamega who worked in connivance with unscrupulous police officers within the ranks of the County Administration Police. The police failed to provide security in spite of the Forum for Restoration of Democracy (FORD-Kenya) having given it notification after paying for the venue at Muliro Gardens.

We, as the leaders of that community, demand that action be taken against the perpetrators of these war-like activities. Specifically, the people I will name must be made to record statements on what they know about the violence and/or be arrested.

These are the following:-

(1) Mr. Sohela who is employed by the Kakamega County Government as the Chief Enforcement Officer, who on the eve of the rally actually commanded Administration Police (AP) officers so as to stop me and the other people who were organising the event from entering the garden to raise the podium.

(2) Mr. Lazaro Luchebereri who is an employee of the Kakamega County Government attached to Lugari Sub-County.

(3) Mr. Collins who is the Head of Security in Kakamega County Government.

(4) The Commandant of the Administration Police within Kakamega County so as to explain how teargas canisters were passed over to senior officers in the County Government and given to the goons.

(5) We would like the Chief of Staff of the Kakamega County Governor who also doubles as the Personal Assistant (PA) of the Governor, Mr. Nabii Nabwera, who was arrested temporarily and released quickly to be rearrested and charged because he was the mastermind of this particular heinous act.

(6) Finally but not least, we demand that the Governor of Kakamega, His Excellency Wycliffe Ambetsa Oparanya, be made to record a statement and/or be arrested for being involved in perpetuation of violence in Kakamega.

Mr. Speaker, Sir, I thank you.

Sen. Murkomen: On a point of order, Mr. Speaker, Sir. While I sympathise with the situation that faced the FORD-Kenya presidential candidate and the Coalition for Reforms and Democracy (CORD) co-principal who is also the Senate Minority Leader, Sen. Wetangula, Sen. (Dr.) Khalwale and Sen. Njoroge who you can see could not run like Sen. Hassan whom we trained and was able to salvage himself. This is a very serious issue that is beyond just making a personal statement. This House must be given opportunity to ventilate on this issue. This is because we are now at a very critical time before elections. Cases that related to 2007/2008 violence have just ended. We do not want to prepare our country for such a situation. I saw people carrying very heavy weapons.

The Speaker (Hon. Ethuro): Order, Sen. Murkomen! What are you trying to say?

Sen. Murkomen: Mr. Speaker, Sir, beyond the personal statement of Sen. (Dr.) Khalwale, is it possible for this House to be given a chance, considering the person of interest in this matter is the Senate Minority Leader and that is not a very small job?

(Applause)

Could we be given an opportunity to ventilate on this issue and give directions? This is because I or any other person may want to launch a presidential bid tomorrow. You never know, the president of the pastoralists may want to launch his pastoralists' party. We do not want a situation where people will be hammered left, right and centre.

I want the Senate Minority Leader to listen to me. He should have taken my offer to launch his bid in Iten because we are peaceful. We would have given him a free chance to carry out his launching peacefully. I sympathise with my colleagues, because there are certain serious questions this House wants to ask. For that matter, you should give us a chance to ventilate on this issue.

The Speaker (Hon. Ethuro): Order! Sen. Murkomen, you are completely out of order! You combined your point of order with interventions and opinions. You even misrepresented Sen. (Dr.) Khalwale. Sen. (Dr.) Khalwale rose on Standing Order No.45(2)(a) which states that:-

“A Senator may make a statement on a county issue on or an issue of general topical concern.”

You are interested in Standing Order No.45(4) which states that:-

“No Senator making a statement under this Standing Order shall speak for more than 10 minutes, unless with the permission of the Speaker.”

You are allowed to make interventions. This is not a debate and neither is it a personal statement. If it is a personal statement, you know that you are not allowed to comment on it completely. If there is a matter you are keen on, I am sure you know the relevant Standing Orders that you can use for other general matters. For now, you will have to restrict yourself to the situation in Kakamega County.

I will guide that since we are interested and this is the first time we are handling this matter, I will give each one of you not more than two minutes. So, just prioritise on the aspect that you are keen on.

Sen. Njoroge: Mr. Speaker, Sir, thank you for allowing me to comment on the statement made by Sen. (Dr.) Khalwale.

The Speaker (Hon. Ethuro): Order, Members! Since we have a lot of pending business, it has been brought to my attention that we have enough voting numbers. So, immediately we dispose of this matter, we will take the two Divisions that are on our Order Paper and then we will proceed.

Proceed, Sen. Njoroge.

Sen. Njoroge: Mr. Speaker, Sir, I also sympathize with the conveners of the meeting whereby the Senate Minority Leader launched his presidential bid which I actually attended since Sen. Wetangula is a colleague. It was very unfortunate because I was the first person to be teargassed in that field when my name and the party I come from were announced. That disqualified the Jubilee side from having a hand in the teargassing.

Before that, there were other many teargasses that were thrown to people of Kakamega trying to disperse them. The most unfortunate thing is that after the two teargasses were thrown, one to the Senate Minority Leader and another one where I was, the last teargas was thrown at the dais because I was still there. I was the last person to feel the teargas. I have always been thinking that I am badly disabled. However, that day, I had to find my way out of the dais however long it was.

(Laughter)

(Sen. Njoroge spoke off record)

The Speaker (Hon. Ethuro): Sen. Njoroge, your time is up.

Sen. (Dr.) Machage.

Sen. (Dr.) Machage: Asante sana, Bw. Spika. Kwanza tunampongeza Sen. Wetangula kwa ujasiri wake wa kuamua kwamba anaweza na angependa kuwa Rais wa nchi hii. Huenda wengine wetu tukafuata mkondo huo na kutangaza msimamo wetu. Hata hivyo, jambo lilotokea huko lilikuwa la aibu na halikupendeza macho ya Wakenya wengi. Ni aibu kuona mkutano kama huo ukiingiliwa na majambazi jinsi ilivyofanyika siku hiyo. Je, vitoamachozi ambavyo vilitumiwa vilikuwa vimechapwa muhuri gani? Kulikuwa na muhuri wa Serikali na vilifikaje huko? Maswali hayo ni lazima yajibiwe.

Ningependa kuwasihi viongozi wetu wa Upinzani kuketi pamoja na kuongea mambo yao polepole. Hii ni kwa sababu sisi wanachama wa muungano wa CORD hatupendezwi na mambo kama hayo. Lazima niseme kinagaubaga kwa sababu sisi hatupendezwi na vituko kama hivo tulishuhudia siku ya Jumamosi. Kwa nini viongozi watatu wa muungano wa CORD hawawezi kukaa pamoja na kutafuta njia nzuri ya kupata kiongozi? Kwa nini mnavunja muungano wa CORD? Imefika wakati ambapo lazima aibu zitoke kwa sababu aliye na aibu hazai. Tunawambia kinagaubaga kwamba tunataka mambo yafanywe kwa njia nyingine---

The Speaker (Hon. Ethuro): Order! Muda wako umeisha.

Sen. (Dr.) Machage: Nilikuwa nimeanza tu.

The Speaker (Hon. Ethuro): Pengine kuanza kwako ndio kumalizia.

(Laughter)

Sen. Hassan: Mr. Speaker, Sir, thank you for this opportunity. First of all, let me talk about the teargas. That was not my first time to be teargassed. However, the teargas was so lethal in terms of its capacity to suffocate. I have had teargas canisters thrown right at my feet and they were not as choking as those particular teargasses. So, as you look at those canisters, you should look at the content of those teargasses because they have the potential to suffocate and kill. In fact, at some point, I wondered whether that was the day to be with my creator. When I asked many others about their experience, they told me the same thing. The teargas was a little different in terms of makeup. So, we need to investigate and interrogate what type of teargas that was. We need to know if it is the one which is supposed to disburse potential riots after the 2017 elections.

That said and done, my appeal is that we must deal with political violence in this country. It has become commonplace with certain people to always plan to disrupt other people's rallies and attack opponents. In fact, I come from a county where we are told so and so is a very fierce fighter. It is like we are living in a banana republic. Therefore, politicians recruit somebody to start preparing and investing in violence against an opponent. We get the intelligence and we know that these things are happening across the country yet the Police Service is complacent. It is like we are living in a kangaroo state or a banana republic.

I remember the Senator for Nyandarua was once going to have a meeting---

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

Sen. Murkomen: Mr. Speaker, Sir, mine is just simple and direct to the point. We need to investigate who are the perpetrators of that violence. I heard Sen. Wetangula say that he will not deal with the dogs, but he will go for the master. This House must go for that master who prepared and organised that kind of violence.

Mr. Speaker, Sir, there is a trend that is developing related to certain individuals who by virtue of being in the Opposition, think that they can get away with all kinds of acts of violence. We must punish any violence, whether it is from a politician from the Opposition or the Government side.

There is another question I want to pose to my colleagues in the CORD side: Considering that Sen. Wetangula is the Senate Minority Leader and, therefore, the Leader of all those Senators sitting on the other side of the House, how come there was almost zero representation of the Orange Democratic Movement (ODM) in that rally in Kakamega? What do they know that others do not know?

(A hon. Senator spoke off record)

I said almost zero; and what do they know that others do not know. That may also lead to a pointer to those who, perhaps, wanted to frustrate the presidential ambitions of Sen. Wetangula. I want to encourage Sen. Wetangula that this is a free nation and each one of us must have a chance to lead this country. Any time he needs our support, or a place to launch his next bid, Iten or Eldoret is available for him. We are more than willing to receive every Kenyan to have a chance to communicate his vision to the country.

Sen. Kembi-Gitura: Mr. Speaker, Sir, I was very keen on this inauguration because Sen. Wetangula is my friend. So, I was very keen to see how it was going to proceed. Of course, we were worried because we were hearing that there might be a

disruption of the inauguration. However, I am happy about one thing that Sen. (Dr.) Khalwale has said in his statement; this seems to be an in-house thing, where for a change, there is no blame on Jubilee at all. It is a totally an in-house thing.

The only worry, which I believe is the worry of all of my colleagues here, is that there seems to be a rising trend of goonism in this country, something that we have not seen in the past. We are finding political meetings disrupted at whatever level, whether localized or not, by people we have not seen before. We have seen that governors in virtually all the counties now have goons which are very close to militia.

Unless this is nipped in the bud now and we and the national security deal with it now, we are looking at a situation where the election campaigns next year could be bloody without tribal phobia at localized levels. This is because goonism is taking a very centre stage in the politics of this country. That is something that we must stop now. It has come, it is obvious and we are seeing it.

We regret what happened in Kakamega County. In my opinion, this should not happen anywhere because everybody has a right to express their will of how they want to represent the people of Kenya. In the past, we have seen other people having their inaugurations which have never been disrupted even by the people that they were contending against. This is something that must be dealt with firmly before it becomes a national sport where people think that they can continue ---

Sen. Khaniri: Mr. Speaker, Sir, I rise to support the statement by Sen. (Dr.) Khalwale. Let me start by saying that every Kenyan has the right to run for any position in this country. Sen. Wetangula was within his right to go and launch his presidential bid and he cannot be an exception. There is freedom of movement and association as enshrined in our Constitution.

All I want to tell my colleagues in the CORD fraternity is to be very wary of our opponents on the opposite side. I do not know of any shop or supermarket where one can buy teargas as it is a preserve of the police. Therefore, I support when I hear my colleagues say that investigations must be done. They must be done thoroughly so that we establish where the teargas that was used was obtained from.

Sen. Kembi-Gitura: On a point of order, Mr. Speaker, Sir. All of us, Senators, have bodyguards that we go around with and all of them come from the national Government. Many times you will find teargas canisters with your security people in your cars. So, you cannot possibly state that this is a province of the national Government and that those teargas canisters must have come from the national Government.

(Loud consultations)

The Speaker (Hon. Ethuro): Order! Sen. Khaniri, I will give you the balance of your time.

Sen. Khaniri: Mr. Speaker, Sir, on his own confession, you have heard the Deputy Speaker say that he has teargas canisters in his car. I do not have teargas in my car.

(Laughter)

Sen. Kembi-Gitura: Mr. Speaker, Sir, I want my friend, Sen. Khaniri, to understand me very well. It is not right to assume that lawfully acquired teargas canisters cannot end up in the wrong hands. I am happy that at least, the Senate Minority Leader himself and Sen. (Dr.) Khalwale have made it clear that this was an in-house thing. So, investigations must be carried out. You must tell us how your people got control of teargas canisters.

The Speaker (Hon. Ethuro): Order, Sen. Kembi-Gitura! We cannot reduce this to Members.

Proceed, Sen. Murkomen.

Sen. Murkomen: On a point of order, Mr. Speaker, Sir. Is it in order for Sen. Khaniri to assume that when illegal teargas canisters are found in civilian hands, they must always come from the Government?

Hon. Senators: Yes!

Sen. Murkomen: Mr. Speaker, Sir, it is the same way that there are so many illegal guns in the wrong hands. However, it does not mean that those guns were distributed by Government. Unless he has information that he wants to contribute for the purpose of investigation---

The Speaker (Hon. Ethuro): Order, Sen. Murkomen! You know a point of order is not to challenge or argue.

Sen. Khaniri, you have a balance of one minute.

Sen. Khaniri: Mr. Speaker, Sir, the points of order raised by my colleagues just go further to support my point; that thorough investigations must be done to establish where this teargas was obtained from. Some of us know that teargas is a preserve of anti-riot police, therefore, the common *mwananchi* cannot access them.

As my colleagues have said, political violence must be condemned in the strongest terms. We all know the devastating effects of political violence. We are all fully aware of what happened to us in 2007. As we move closer to the next general elections, all of us must ensure that we are preaching peace so that we have peaceful elections come 2017.

Sen. Billow: Mr. Speaker, Sir, I think both the Senator for Kakamega and who I think is the running mate for ---

(Laughter)

He mentioned and pointed a finger to the Governor of Kakamega and he said that he wants him to record a Statement and be arrested. The candidate, the Bungoma Senator whose day it was, has always made it very clear publicly that he will deal with the owners of the master.

I advise my colleagues on the other side, since they have admitted that this is an in-house thing and the party within that CORD coalition which is notorious for that kind of thing is known, you should mention. They should have at least restricted themselves to the usual whistling and other things rather than throwing teargas canisters. That is something that they should encourage each other not to do.

(Applause)

(An hon. Member spoke off record)

Sen. Munyes: Why should I shut up if you think I was not there?

The Speaker (Hon. Ethuro): Proceed, Sen. Munyes.

Sen. Munyes: Mr. Speaker, Sir, I congratulate Sen. (Dr.) Khalwale for making such a statement. It is important because we are going to the general elections and unless we avoid violence, Kakamega County has set a precedent that this country should not be allowed to continue with. If a matter like this erupts with all the guns that people have in some of those areas where we come from, it can be a disaster.

I know FORD-Kenya is a peaceful party, but from the time the Governor of Kakamega decided FORD-Kenya will not launch Sen. Wetangula's presidential bid, I started smelling a rat. I also blame the Government side. It should have deployed enough security because we know FORD-Kenya partners can disrupt elections.

(Loud consultations)

I know that night Sen. (Dr.) Khalwale had a bigger struggle with the FORD-Kenya party there, organizing this event. We must sit as FORD-Kenya to really think about this matter ---

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

What is it, Sen. Abdirahman?

Sen. Abdirahman: On a point of order, Mr. Speaker, Sir. You have given me the microphone just when Sen. Munyes has concluded his contribution. However, you heard what Sen. Billow talked about a party that is known to disrupt rallies or ---

(Laughter)

Hold on. Let me finish, please. The same assertion is now held by my brother Senator from Turkana. I am not saying that they do not have the right to their opinion. They would rather come out in the open and say – I stand to challenge them – which is this partner in the CORD coalition or any other. Let us not allow them. I stand to challenge them. If they will not say, then they should not point accusing fingers lest they destabilize this side of the House.

An Hon. Senator: It is already destabilized.

(Laughter)

The Speaker (Hon. Ethuro): Order, Sen. Abdirahman! This House has a provision that you do not substantiate the obvious.

When you know the sum and then you start subtractions, you know the remainder.

(Laughter)

Proceed, Sen. Abdirahman.

Sen. Abdirahman: Mr. Speaker, Sir, the Speaker is always supposed to maintain a middle position; neutrality or impartiality. Now, you seem to have been drawn in the --- Sorry, Mr. Speaker, Sir; are you allowing me to contribute to the debate?

The Speaker (Hon. Ethuro): Contribute, but I want you to know that I have not been drawn to anything. I was just saying that what you are asking for is unnecessary. I tried to justify why it was unnecessary.

Sen. Abdirahman: Mr. Speaker, Sir, unless proven, I will assume this is the misgiving that a number of colleagues may have about certain parties. However, I join my colleagues in condemning what happened on Saturday, 2nd April, 2016.

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

Sen. Abdirahman: I have not said anything yet. What is your point of order?

The Speaker (Hon. Ethuro): Order, Sen. Abdirahman!

Sen. Billow: Mr. Speakers, is the Senator for Wajir in order to say some of the things he has said when he, in fact, came late and missed the Statement by the Senator for Kakamega and he does not know actually what the issues are?

The Speaker (Hon. Ethuro): Proceed, Sen. Abdirahman.

Sen. Abdirahman: Mr. Speaker, Sir, I will ignore that bit because I have not said anything that is out of order. I have started to contribute now and I join my colleagues in condemning the incident and those who contributed to it on 2nd April, 2016, during the launch of the presidential bid of my good friend and my leader, Sen. Wetangula, whom I support. Let me say honestly that the Government has not played its part because they have the responsibility of protecting property and life of Kenyans. They should have given sufficient security to ensure that all went well. Even long after the incident, they should have set in motion the process of investigating this matter so that they bring to book those who caused what we witnessed in Kakamega County that day.

Mr. Speaker, Sir, I also want to use this same opportunity to tell colleagues or governors like my brother Governor Oparanya who has come a long way with me, to tolerate other people's opinions, positions and thoughts and accommodate each other. Western Kenya is part of this country. By extension, Kakamega is the home to anyone from Bungoma or any other part of the country. Any Kenyan who is showing interest in any political position, particularly the national position can launch their bids wherever they wish.

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

Hon. Members, we need to conclude this matter. I will give the last chance to Sen. Okong'o, Sen. Mutula Kilonzo Jr., Sen. Elachi, Sen. (Prof) Lonyangapuo and we conclude with the Senate Minority Leader.

What is it, Sen. Murungi?

Sen. Murungi: On a point of order, Mr. Speaker, Sir. I am just seeking clarification on the names you have mentioned. As you know, Sen. Wetangula has been my friend for a long time, and I was offended by what I saw in Kakamega County because I know he is fit to be President of this country and he had the right to launch his bid anywhere in this Republic. He could even come to Meru.

(Laughter)

Mr. Speaker, Sir, I was wondering why you did not mention my name among the people to contribute because we cannot allow this rising kind of thuggery to be brought in by petty dictators in the village.

The Speaker (Hon. Ethuro): Order, Sen. Murungi! You do not need to clarify the names. The names were very clear. I will add your name to those names.

Sen. Okong'o: Thank you, Mr. Speaker, Sir, for this opportunity. I will be very brief. The preserve of maintaining security rests with the Government. What we need to know from the Jubilee Government is how many people have been arrested, arraigned in courts and what investigations have been done.

Mr. Speaker, Sir, there is no need for the other side of the House to shed crocodile tears. The coalition is very clear, but the trend of events in this country is worrying; 15 months to elections is of national importance. What we need to know from the Internal Security and Coordination Ministry is which mechanisms they have put in place and how many people have been arrested for the mayhem caused in Kakamega County.

Sen. Elachi: Thank you, Mr. Speaker, Sir. First, I want to thank the Senator for Kakamega County and he proved that anyone can be in Kakamega at any time and you will be able to have a meeting. What we now want the Government to do is to ensure that those who were caught are investigated and justice must be done. We had one person who passed on courtesy of the hooliganism.

When you ask who brought the teargas; it is obvious that governors in this country are able to do anything. They are “small presidents” in every county and they have put police in their “pockets”.

Mr. Speaker, Sir, you find that they are even able to manipulate the police to be on their side rather than on the side of the citizens. So, we must ask ourselves, as we go to 2017 election whether we will ensure that nominations are done in a manner that people will appreciate. That is very critical and we must come out clearly and tell those who are used to violence when doing nominations that no Kenyan will pass on for the sake of one person becoming a leader in this country. May it be a curse to their families!

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. Indeed, this is not a laughing matter. I do not think this House should entertain the sort of things that were visited upon Sen. Wetangula. For the time being, he is the Senate Minority Leader. Therefore, we, as Senators, must look at it from that perspective and not a partisan position.

Mr. Speaker, Sir, in offering leadership as a Senate, it is 15 months to the election. What is so difficult about this Senate offering leadership so that we do not have violence? This can be an excuse to have yet more violence for people who want to be presidential candidates and we then have mayhem. You just target one leader and we burn this country.

Just like in United States of America, we should suggest that the minute one declares he is a presidential candidate – like Sen. Wetangula - he should be offered presidential security.

(Applause)

Mr. Speaker, Sir, that is what is called equality before the law so that when President Uhuru is competing with Sen. Wetangula, they are at the same level. That is what I am talking about.

The Speaker (Hon. Ethuro): Order, Senator! This happened during the process of declaration.

(Laughter)

Sen. Mutula Kilonzo Jnr.: It is the same thing, Mr. Speaker, Sir. That is what a true democracy does. That is the only way we can have equality before the law. All animals must be equal and Sen. Wetangula must be treated fairly. I condemn those actions because I have some expertise in arms treaties and all these things courtesy of the Senate. These things like tear gas canisters, grenades and guns have serial numbers. It is very easy to determine who was in lawful custody of these items for purposes of determining who was negligent.

Sen. (Prof) Lonyangapuo: Thank you, Mr. Speaker, Sir. I join my colleagues in supporting the Statement by Sen. (Dr.) Khalwale. At the same time, I want to congratulate Sen. Wetangula for being bold enough to want to present his candidature as a Kenyan to be looked at as a presidential candidate.

What we saw on our televisions and read in the newspapers was worse than what we normally see in the movies. There were some people who begun to speak some days in advance that they would disrupt the event just because they wanted to stop the ambitions of Sen. Wetangula and Sen. (Dr.) Khalwale who wants to be a governor.

Mr. Speaker, Sir, what is coming out evidently is that what we saw in 2013 was peaceful election with over six presidential candidates. That might not be the same in the coming year. Governors have brought some new groups called county *askaris* who are very deadly and earn a lot of money, even more than the Early Childhood Development Education (ECDE) teachers who reached Form Four and are trained.

What is now worrisome to the Senate and the nation is why police officers and the police commander in a county would entertain that kind of a group. We need to know the number of these people employed per county, who trains them and what they are capable of doing. If they were able to disrupt a function like it happened last Saturday, what can they not do when there will be many more others?

Sen. Kittony: Thank you, Mr. Speaker, Sir. I would like to join my colleagues and thank Sen. (Dr.) Khalwale for bringing this matter. I also congratulate the Senate Minority Leader for being bold in trying to sell himself to Kenyans. What we are discussing is a serious issue and we should give it real seriousness. We should come up with solutions because it affects the future of this country. This House is a House of order and integrity and we should come up with the solutions that will protect the future of our citizenship because we seem not to be serious about what transpired.

Mr. Speaker, Sir, it is a serious issue and, therefore, we should not take it lightly. We should find solutions by trying to safeguard future incidences of this nature. It is upon the leaders to make sure that citizens understand the security and safety of each person because everyone is entitled to good living.

Therefore, we need to go out and educate Kenyans to be real Kenyans and not hooligans because we are degrading the name of this country. We are losing integrity internationally because of hooliganism. It is upon the leadership of all to make sure that

people that are supporting us behave in a manner that is befitting our safety and our good environment.

Sen. Murungi: Thank you, Mr. Speaker, Sir. We, as a House, are concerned about what happened in Kakamega, not because it was a CORD affair, but because it was a national affair. The crowd which was there to witness the declaration of candidature for presidency for Sen. Wetangula was not made up of only CORD members, but there were other ordinary Kenyans. Sen. Njoroge was in that function as one of the dignitaries going to support his colleague and he was the first person to be hit by a tear gas canister in Kakamega.

Mr. Speaker, Sir, it is a rising trend. It is not only CORD governors, but also Jubilee governors are creating little empires of their own, unleashing a reign of terror in this country. Look at the positions called "Chief of Staff". I understand the Kakamega mayhem was organized by a Chief of Staff. This is a military title. Even the Chief of Staff in Meru is the one who organized the chaos which met me in Maua.

(Laughter)

Are the chiefs of staff and the ward and town administrators governed by the code of conduct for public servants or they are personal servants, hooligans-----.

The Speaker (Hon. Ethuro): Order, Senator! Your time is up! Sen. Wetangula, you have five minutes.

The Senate Minority Leader (Sen. Wetangula): Thank you, Mr. Speaker, Sir. Allow me to thank, Sen. (Dr.) Khalwale for bringing this matter to the Floor and I have the following to say.

Mr. Speaker, Sir, the events that happened in Kakamega marked a very important turn in my political career. However, it was marred by acts of hooligans organized by persons known to the authorities. On the eve of the day, the 2nd April, 2016, Sen. (Dr.) Khalwale spent the whole day warding off hooligans who kept on invading Masinde Muliro Gardens to stop him from making the arrangements for the day. They are well known.

Mr. Speaker, Sir, on the material day, a militia was assembled at a school called Muslim Primary School and dressed to come and attack the event. They were also warded off by youths. We had notified the authorities of this big event and they knew the venue. We even paid the County Government of Kakamega Kshs100,000 to book the venue, which they accepted and receipted. I even told the governor that as a principal in the CORD, he should not have charged me to use a monumental garden for an event of that nature, but we paid. They kept on issuing threats that we will not get into Kakamega.

It is not true that there were no ODM Members who attended. Sen. Ong'era addressed the gathering. Other Members, included hon. (Dr.) Kibunguchi, Sen. Moses Kajwang, our distinguished colleague from Homa Bay, Gov. (Dr.) Evans Kidero, the Governor of Nairobi, hon. Lisamula of Shinyalu, the host Member, hon. Otaru and many others.

Mr. Speaker, Sir, allow me to join the condemnation of the culture of violence. People who perpetrate violence are criminals, pure and simple, and they must be dealt with as such. That is the only way we will stamp out thuggery and hooliganism from our political landscape. The police knew that there were imminent attacks on the meeting

because reports were given to them. At the time the teargas was lobbed at the gathering – for those of us who saw it on television and in the newspapers – there was a mammoth crowd of women, children and youth.

Above all, the patriarch of the Luhya nation, Mzee J. D. Otiende, who was in the Independence Cabinet of this country and is 99 years old, suffered a deep cut on his head. Mzee Burudi Nabwera, a former Minister in the Government of the Republic of Kenya, suffered an injury. A Member of the County Assembly (MCA) from Siaya, who is also a Member of FORD-Kenya, called Rosemary Awino broke her leg and is now in the hospital; not to mention the distinguished Sen. Njoroge in his physical state. How did the hooligans lay their hands on the teargas canisters, which are security gadgets? I have since learnt from senior police officers that a rogue policeman in Kakamega sold the three canisters to the perpetrators of this event. I have been reliably informed that the rogue policeman has been arrested. I hope he will be prosecuted.

Mr. Speaker, Sir, the first teargas canister landed right on the podium, in front of Gov. Kidero and Sen. Hassan. The second one was lobbed and landed on the podium between Sen. Njoroge and Mzee Nabwera. The third one landed between my legs; I have never felt such a painful experience. However, let us not apportion blame; I take this as a criminal act. My distinguished colleagues and brothers in the CORD fraternity, hon. Raila Odinga, Hon. Kalonzo Musyoka and I, held a meeting on Tuesday last week. We discussed and found a good working formula on how to move forward. Whoever was behind this, whether it was a governor, or a Member of Parliament, he or she is not above the law. The law must take its course.

Mr. Speaker, Sir, last but not least, I want to thank each and every Member. We had delegations from Garissa, Wajir, Mandera, Nyeri, Kiambu, Baringo, Siaya, Coast, Turkana - my national Chairman of the party, Sen. Munyes, was there - and above all, Members from the counties in Western who turned up in their thousands to witness this big event. I want to encourage that democracy must flourish within an arena of peace, tranquility, respect, and above all, the ability for us to entertain and accept views of others even if we do not agree with them.

I thank Members who have made kind remarks about this matter.

The Speaker (Hon. Ethuro): Sen. Wetangula, your time is up!

The Senate Minority Leader (Sen. Wetangula): I want to assure my followers countrywide that I am on course.

The Speaker (Hon. Ethuro): Order, Sen. Wetangula! You have confirmed that all of us are not above the law and so, none of us in this House, is above the Standing Orders, especially with the generosity of two-and-a-half minutes.

We need to vote.

What is it, Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. I want to remind you that when I requested for a statement from the Chairman of Committee on Education and he did not indicate when he will bring the answer.

The Speaker (Hon. Ethuro): Order, Sen. (Dr.) Khalwale! Have we gone to the next Order? That is the only way to confirm that I have vacated from there.

Chairman of the Committee on Education, there was a request for a statement by Sen. (Dr.) Khalwale.

Sen. Karaba: Mr. Speaker, Sir, I will get an answer “as soon as two weeks”.

The Speaker (Hon. Ethuro): Order, Chairman! It does not add up.

Sen. Karaba: Mr. Speaker, Sir, I will bring it after two weeks.

The Speaker (Hon. Ethuro): Mr. Chairman, this is a serious matter. Let us get the response in one week's time. I expect you to bring the statement next Tuesday.

It is so ordered.

Order, Members. We will skip Order No.8 and address Order Nos.9 and 10.

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

The Speaker (Hon. Ethuro): Order, Sen. (Dr.) Khalwale! This House has been generous to you. You owe it to the House.

Members, let us do Order Nos. 9 and 10. We will deal with them together.

Ring the Division Bell for one minute.

(The Division Bell was rung)

(The Bar was drawn and doors closed)

(The Senators proceeded to vote)

BILL

Second Reading

THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL
(NATIONAL ASSEMBLY BILL NO.18 OF 2014)

(Sen. Murkomen on 16.3.2016)

(Resumption of Debate interrupted on 23.3.2016)

DIVISION

ELECTRONIC VOTING

(Question, that the Fisheries Management and Development Bill (National Assembly Bill No.18 of 2014) be now read a Second Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori

County; Sen. Madzayo, Kilifi County; Sen. Mositet, Kajiado County; Sen. Munyes, Turkana County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mwakulegwa, Taita Taveta County; Sen. Nabwala, Trans-Nzoia County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County and Sen. Wetangula, Bungoma County.

NOES: Nil.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators! The results of the Division are as follows:-

AYES: 32

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 32 votes to 0)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

MOTION

ADOPTION OF MEDIATION COMMITTEE REPORT ON THE MINING BILL (NATIONAL ASSEMBLY BILL No.9 OF 2014)

THAT, the Senate adopts the Report of the Mediation Committee on the Mining Bill (National Assembly Bill No. 9 of 2014) laid on the Table of the House on Tuesday, 15th March, 2016.

(Sen. Kivuti on 29.3.2016)

(Resumption of Debate interrupted on 29.3.2016)

DIVISION

ELECTRONIC VOTING

(Question, that the Senate adopts the Report of the Mediation Committee on the Mining Bill (National Assembly Bill No.9 of 2014) laid on the Table of the House on Tuesday, 15th March, 2016, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Prof.)

Kindiki, Tharaka Nithi County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mositet, Kajiado County; Sen. Munyes, Turkana County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mwakulegwa, Taita Taveta County; Sen. Nabwala, Trans-Nzoia County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County and Sen. Wetangula, Bungoma County.

NOES: Nil.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators! The results of the Division are as follows:-

AYES: 32

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 32 votes to 0)

(The Bar was undrawn and doors opened)

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I beg to move:-

THAT, pursuant to the provisions of the Standing Order No.24(6), the thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President delivered on Thursday, 31st March, 2016.

As has become the tradition now, just before we went on the short recess – I am grateful that we have all come back – the President addressed the nation in his capacity as the Head of State as required by the Constitution. In that Address, he did as required and addressed a joint-sitting of both Houses of Parliament; the National Assembly and the Senate, to explain what has been achieved by this administration in the fulfillment of the constitutional requirements that are laid up in Articles 10, 132 and 240 of the Constitution.

(Sen. Hassan consulted loudly)

Mr. Speaker, Sir, protect me from the Senator for Mombasa County.

The Speaker (Hon. Ethuro): Order, Sen. Hassan!

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I thank Sen. Hassan and a few other Senators who were in that sitting because they showed a lot

of maturity and decorum. I understand the Standing Orders. Therefore, I do not want to say what happened unless I introduce a Motion. However, it is unfortunate---

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

Sen. Sang: On a point of order, Mr. Speaker, Sir. Is the Senate Majority Leader in order to congratulate Sen. Hassan and others, for not behaving like the others, yet they were denied the equipment? It was not that they behaved well, but I think they did not have the necessary tools to misbehave like the others.

(Laughter)

The Speaker (Hon. Ethuro): Order! I cannot agree more with Sen. Sang. In the same breadth; the Senate Majority Leader has just sought my protection from him.

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. Is Sen. Sang in order to suggest that if the equipment was available to hon. Senators, they would have behaved the same way like “the others”?

(Laughter)

The Speaker (Hon. Ethuro): Please, proceed the Senate Majority Leader.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I thank Sen. Sang for the information that equipment was not enough.

In the Address by the President, which address I have tabled before this House this afternoon, kindly allow me to highlight a few things which I think are important for us, as a House of Parliament, and as a nation.

Two things struck me most from the Address. The first one is a very extensive reference by the President to the nationalist covenant that has eluded the nation and previous administrations for a very long time. We, as a country, may have forgotten somewhere along the way that we are founded upon a certain process that led to the establishment of our country. The founding fathers at Independence negotiated a covenant to bring the various communities of this country together. Unless this nation continues to imagine the aspirations and goals of this covenant and unless this nation continues to expand this covenant, then it does not matter how much brick and mortar we put in place. Our nationhood, unity and prosperity are in jeopardy.

Mr. Speaker, Sir, the President laid out clearly that the greatest test of our unity, cohesion and prosperity was what happened to us in 2007/2008. That was the greatest turbulence and attack on the prosperity of our country and the realization of the goals and aspirations of the nationalist covenant. It is in this context that we are one people and nation, founded under God and sharing a common history and future. It is on that basis that some of the things that are happening in our country today as we build, put infrastructure in place, expand our production of electric power, build our roads, modernize our railway and securitize our nation, it should be a constant reminder that we do so, because we have a common history and future.

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

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

Mr. Deputy Speaker, Sir, as the President said in his Address, it is in that connection that as our country continues to engage in a very painful and costly war against the enemies of our nation; terrorists who have no other objective other than making sure that the dreams of our forefathers as espoused in our founding Constitution at Independent, are scattered. These are dreams of creating a nation and uniting our people.

Mr. Deputy Speaker, Sir, I do not think that we should overdramatize or assign collective blame, but it is unfortunate that there was an incident when the President was delivering his Speech where some of our colleagues could not fathom that what our security men and women do, is not because they do not have any other job or they are paid a lot of money, but because it is a calling. It is because of them that our country, families and communities are secure. I do not think any amount of compensation can be reason enough not to respect and honour our men and women in uniform and those who risk their lives for the sake of the stability and security of our country.

Mr. Deputy Speaker, Sir, it is unfortunate that we have lost a number of soldiers in Somalia. However, as the President said, that only emboldens us. It makes us bolder as a nation to upgrade our resolve and tighten our commitment to make sure that we fight until we secure our borders, once and for all. It is, therefore, unfortunate for any person of whatever rank; elected or not, to trivialize certain national symbols of national events or reminders. These are things that remind us of what we stand for and what we aspire to be as a nation.

We are living in extraordinary times and in the context of the Presidential Address, time has come to reflect on the nationalist covenant and find out how we, as a nation, can rebirth ourselves. The Senate being the House of reflection on important national issues, we cannot understate its responsibility in helping the country to stir into the next generation and phase of national development. In particular, I would like to highlight the important role of devolution in providing the next epoch of our national rebirth and development. I say so, because as the President noted towards the end of his Address, it is true, that we, as a nation, have gone through a lot of challenges. It is true that we are quite divided. Part of that division has been caused by irresponsible leadership, inequity and past injustices that have been visited on the people of Kenya.

It is in that context that devolution in the Constitution of Kenya 2010 was designed to correct some of the injustices and inequities. Therefore, the Senate being “the guardian angel of devolution” and charged with protecting devolution and making sure that it works, has an important duty to the present and future generations to ensure that this country remains equitable and united. Therefore, we must confront any threat to devolution whether it comes from external forces by those who believe in the centralism and those who have not accepted that power today has been dispersed and is shared between the national and county governments.

More importantly, this Senate must provide reflections and solutions on how we can make sure that the dreams and aspirations of the makers of the Constitution are not stolen, diluted or impacted negatively by internal threats to devolution which are proving to be more vicious and powerful than the external threats that we have adopted in our country.

Mr. Deputy Speaker, Sir, we have for a long time as a country taken our nationalist covenant for granted. For a very long time, we have assumed that the things that we enjoy are enjoyed without effort. Nevertheless, time has come for us to remind ourselves that the nationalist covenant is sacred. In honour of our people, country, history and God of all creation as stated in our National Anthem, we must rededicate ourselves to preserving certain core values that bring us together as a nation.

Allow me to demonstrate what I am saying. My lesson as a student of democracy and international affairs - I have learnt in my inquiry that if we want to create a stable and united nation, we must separate the institutions and values of the nation from the individuals who occupy those positions. In other words, you might not like a certain person who occupies a position, but you must love your country. For the sake of the love of your country, certain respects must be paid to the people who occupy certain positions because it is by doing so that we give effect to the dreams, aspirations and goals of the nationalist covenant.

We have had disagreements on the direction the country is heading. We have had alternative views, especially from the Opposition and other players. However, as the President said, whatever disagreements of opinion we have must be processed in a manner that gives decorum to our nation and its institutions. You may not love your leaders but you must love your country and the institutions that represent the authority and sovereignty of the people of Kenya. Any alternative views we must give should be given, as I have said, with decorum and only one objective; namely, to make our nation better and secondly, ensure that those views help us realise the aspirations and goals of the Nationalist Covenant.

Mr. Deputy Speaker, Sir, allow me to say that the second part of the President's Speech after he highlighted the objectives of our Founding Fathers and why we need to be committed, be nationalistic and honour our country above all things; we must honour our soldiers, the Judiciary, the Presidency, our county governments and our legislature. That is why it is unfortunate for a legislator who has all the time to contribute on a matter like this; the Presidential Address, to use other methods; extralegal, extra legislative methods to express themselves. It belittles the dignity of this House and Parliament.

The second part - I think the President did this deliberately - you first deal with the software that creates a nation before you talk about brick and mortar; the hardware. It does not matter; you can build railways, roads and all manner of sophisticated infrastructure but if you do not have people who believe in the nation, a country that is united, self-respect and nationalism; then, that entire infrastructure can come tumbling down. This country must be reminded of countries that had gone very far development-wise even on this continent but were brought to ruins by lack of cohesion and civil strife. Sierra Leone is an example. Another example is Cote D'Ivoire; a very prosperous African country but for the last 20 years, all that they had built has been brought to naught because of lack of nationalism and the ideals of nation building.

In addition, Mr. Deputy Speaker, Sir, the second part of the Speech deals with the things the Jubilee Administration has done in the last one year. I will not enumerate them one by one. However, I can say as follows: In the aspect of security, we have procured 3,000 vehicles to assist police officers to enforce the law. Every village, regardless of which part of the country you go to today, you will find a new police car; not just the regular police, you will find an Administration Police car. That process is ongoing. The

time Jubilee took power in 2013; many police stations across the country were rendered ineffective because of lack of transport. That is an area that this Government has done its best to ensure that our citizens are safe and protected.

The Jubilee Administration has also procured life insurance protection for our disciplined forces because they risk a lot. When they die; considering many of them are young people with young families, it is true you cannot replace the loss of life of a person who has died defending their country or protecting other people, but it is also true that they have families. They have spouses and children. Most of them are young families. Therefore, this life insurance will assist the families of the deceased officers to cope with the loss. It is also a token by the rest of us who are protected by these men and women so that they can also realise that we appreciate the kind of sacrifices that they make.

Similarly, the number of police officers and soldiers has increased. As you are aware, just last week, 10,000 new police officers were recruited. We have been doing that for the last three years. We are almost doubling the number of police officers that we found in 2013.

Mr. Deputy Speaker, Sir, in the area of health, the Jubilee Administration is in the process of equipping 98 level four and five hospitals; two hospitals per county, in partnership with the county government because these facilities are under the jurisdiction of county governments, to ensure that complicated diseases such as kidney failure, heart problems and cancer can be diagnosed and treated at the county level to save on costs and the trauma that many patients face to come all the way to Nairobi to queue for one dialysis machine. There are many statistics but there is one that the President gave in his report, that when Jubilee came to power, we had only 44 dialysis machines in Kenya. By the end of this year, we have close to 300; 289 specifically dialysis machines across this country. So, that is seven or eight times if not ten times more than what we inherited.

Mr. Deputy Speaker, Sir, in the energy sector, when Jubilee took over in 2013, we had 1,600 megawatts of power. Right now, we have increased to nearly 2,600 megawatts. Last year alone, under the leadership of His Excellency the President, the Jubilee Administration has put in new 630 megawatts of power. This might look like a small feat but since Independence until 2013, Kenya had only 1,600 megawatts of electricity. So, to generate 600 megawatts in a year is phenomenal. These are good things for our country.

However, as the President said towards the end of his Speech, this is good but still we must develop the values that help us celebrate these achievements so that we do not destroy our country. It does not help us to build the country in terms of infrastructure if we do not build the soft values that keep us together as a united nation.

We have reduced the cost of connecting power. In 2013, it cost Kshs70,000 to connect to power per customer. The following year, it reduced to Kshs35,000. In the third year, it has reduced to Kshs15,000 per customer. The intention of the Jubilee Government is that by next year, the connection fee will be waived altogether and the connection will be free. You only pay the bill.

Mr. Deputy Speaker, Sir, one of the notable feats in terms of achievements for last year is that Kenya is regarded as one of the top three countries in the world in terms of expanding access to electricity from 28 per cent access in 2013 to 54 per cent access by now. This means a double access rate. So, we are proud of our achievements in the energy sector.

Regarding the transport sector, as you are aware, the Standard Gauge Railway (SGR) is 70 per cent complete. It will be complete by June next year before we go to elections. The intention is that it will be extended to Naivasha, Kisumu and later on to Malaba and our neighbouring country. This is the first railway line to be built in 100 years. After the railway was built in 1900 by the colonialists, no single inch of railway has been built by any administration. Therefore, as Jubilee, we are very proud of these achievements.

Finally, Mr. Deputy Speaker, Sir, because my time is limited – I have about five minutes – other than what the President said about building the country in terms of hardware but also in terms of the software, the other thing that caught my eye in his speech and Address is his very strong stand on corruption at both national and county government levels. As Senators can see from the President's Address, he dismissed six out of 18 Cabinet Secretaries for accusations about corruption. They had not been charged; of course, two of them were charged later but at the time of dismissal, they had not been charged or prosecuted but he dismissed them because he did not want any implication that there is no political will to fight corruption; a very painful decision by any administration. I do not think there is any greater commitment or demonstration of political will than to shed off a third of your Cabinet at ago on just mere accusations. With that kind of support, this country will finally come around the challenge of corruption that is threatening to tear our country apart.

Mr. Deputy Speaker, Sir, other than the Cabinet Secretaries, nearly 300 public officers, for example, Principal Secretaries and parastatal officers are going through court processes on corruption related accusations. The only challenge the President heightened which I reiterate is that there is a lot of discontent with the slow pace of judicial processes. Citizens are getting angry. Wananchi do not know the difference between the Executive and the Judiciary. The citizens do not care much about the separation of powers. It is there. In other words, the Judiciary must pull up their socks and help us to resolve these corruption related cases so that we can give citizens an assurance that something is being done to make sure that we stamp out corruption.

At the county level, as I have said before and I reiterate on the Floor of this House; the biggest threat to devolution today, is the corruption that is being perpetuated from within the structures of devolution. If you like, the internal threats to devolution are more vicious than external threats. I will tell you why. It is unconstitutional today, for example, for any administration to reduce the money that counties are supposed to get to below 15 per cent because they will be acting unconstitutionally and there are consequences. Therefore, there are ways in which that can be controlled. However, the kind of plunder, theft and blatant robbery that are going on in our counties, if not checked, will bring down Kenya in a very short period of time.

We created the devolved units to fight a one-man show; a centralized domineering Government. In our quest to run away from one big man in Nairobi, we have created 47 little big men; we have created 47 little big men in all the villages of Kenya; people who do not believe in the rule of law and who instead supervise the raping of resources of our country. This Senate, through the appropriate Committee, must come out strongly. If there is nothing else we will do in this Session, the greatest service we can do to Kenyans before the end of this term is to ensure that the people who are looting money meant for devolution are brought to book.

We lost a lot of time because of the Judiciary. So, we are realizing that we have only a year or so to go but a message must be sent out. We cannot have some little boys and girls who have never held any other position in public or private employment but are junior people in the counties but all of a sudden in the village, they are driving five cars, building storey buildings left, right and centre. Where have they got this money from?

The Deputy Speaker (Sen. Kembi-Gitura): Are you calling governors boys and girls?

The Senate Majority Leader (Sen. (Prof.) Kindiki): No, Mr. Deputy Speaker, Sir. I said other junior members of staff in the counties. This theft is not just related to individual governors. It is a system. It starts from the top to the bottom. Now, you have little fellows threatening everybody in the village. If you ask this guy, what is your curriculum vitae? He says, "Ooh, you know I was an intern, then I did it for six months and then I became chief of staff or personal assistant to some officer in the county government."

Mr. Deputy Speaker, Sir, because of time, I end by saying that this House must not apologise for fighting corruption in counties. We will not apologise. Some of the criticism we have had, is that, ooh, why are you not talking about corruption in the national Government. That is not the mandate of the Senate. It is the mandate of the National Assembly. This Senate is focused on devolution, counties and county governments.

Therefore, we must re-energize ourselves and do whatever we can to save the country from collapse because if devolution flops, then our nation will collapse. That is the only hope that this country has; of re-engineering and reimagining the Nationalist Covenant as anticipated by our Fore Fathers in 1963.

Mr. Deputy Speaker, Sir, I beg to move. I request the deputy Senate Minority Leader to second.

(Interruption of debate on Motion)

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Abdirahman. Before you second the Motion, I would like to make a short Communication.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STAFF FROM VARIOUS COUNTY ASSEMBLIES

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting staff from Siaya, Murang'a and Nakuru county assemblies. The county assembly staff are here on a five-day attachment visit at the Senate. I request each of them to stand when called out, so that they may be acknowledged in the usual Senate tradition.

They are:

Siaya County Assembly:

1. Jacqueline Omwohah - Principal Clerk Assistant,

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|----------------------------|---|---|
| | | Procedural and Legislative Services |
| 2. Salome Sijenji | - | Clerk Assistant II, Procedural and Legislative Services |
| 3. Sylvester Douglas Agola | - | Clerk Assistant II, Committee Services |
| 4. Elijah Misolo | - | Clerk Assistant I, Committee Services. |

Nakuru County Assembly:

- | | | |
|----------------------|---|--------------------------|
| 1. Mr. Solomon Mutai | - | Senior Serjeant-at-Arms. |
|----------------------|---|--------------------------|

Murang'a County Assembly:

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| 1. Maj. (Rtd) Esau Otengo Shilako | - | Chief Serjeant-at-Arms |
| 2. David Waithira | - | Serjeant-at-Arms |
| 3. Joseph Nguyo | - | Serjeant-at-Arms |
| 4. Zachary Waithaka | - | Serjeant-at-Arms |

I hope they will have a fruitful programme.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.

(Applause)

(Resumption of Debate on the Motion)

Sen. Abdirahman: Thank you, Mr. Deputy Speaker, Sir, for allowing me to second the Motion on the Presidential Address to Parliament on Thursday 31st March, 2016. I also join you in welcoming staff from the various county assemblies. I wish them a fruitful stay in the Senate. They should take this opportunity to interact with our own staff and build their capacity with a view to improving the status of the county assemblies countrywide.

Mr. Deputy Speaker, Sir, I wish to begin by appreciating the contents of the Address. Of course, it is a national duty for the President to address Parliament as stipulated in the Constitution. The first paragraphs in the Address talk about the nationalist covenant. It is good to talk about a covenant that binds Kenyans and everyone subscribes to. However, Kenyans have never been as divided before as they are now, in my own observation. Our founding fathers tried to put this nation together in terms of communities and the situation was better many decades ago. However, this country is now more driven by tribalism than ever. I attribute this mainly to the political leadership. This country is made up of regions and the leadership must always work towards getting people together whether at the Executive level or any other institutional level in this country.

If our country was held together by the leadership, the unfortunate incidents of the 2007/2008 post-election violence would not have happened. I urge the Jubilee Government to hold the country together, because it has fallen short of that. As we draw close to the general elections, the country normally drifts apart because of the different

ideological positions. It is, therefore, incumbent upon the serving Government to always hold the country together.

Coming to the main issues indicated in the Presidential Address, I read that the economy grew from 5 per cent to 6 per cent. This to the ordinary Kenyan is not being felt. The effect has not trickled down to the lowest level. The ordinary Kenyan in the rural areas, including where I come from, Nyanza or even Central Kenya is the feeling the pinch of the high cost of living.

On the issue of security in this country, it is true that billions of shillings have been spent on security in this country. The incident in El Adde where our gallant soldiers fell affected all of us as a nation. Since terrorism is real, we require a concerted effort by the local communities, the state actors - the Police, National Intelligence Service and the Kenya Defence Force (KDF) – and the international community. Since Kenya is a frontline state when it comes to battling terrorism, it is important that the international community supports us fully. I have just come back from my county yesterday where the *Al Shabaab* attacked a border post that is close to Somalia. What baffled me is that the Kenya Defence Forces are stationed ten kilometres as you drive from Diff Trading Centre to Wajir Town.

It is the responsibility of our military to protect our borders. They have been provided with all sorts of equipment, but instead of protecting the local community and fighting the enemy, they seem to be putting them in a precarious position. I told hon. Nkaisserry - I could not reach the Cabinet Secretary, Madam Omamo – that our military must do better. We need not invest heavily in security if the strategies are bad. Why do the military position themselves right in the interior, instead of stopping the enemy outside the border? This indicates poor planning when it comes to security matters in this country.

Fifty Four years after Independence, we are still talking about combating poverty, ignorance and disease. We have had the Millennium Development Goals (MDGs), which are global benchmarks, and now we have moved to the Sustainable Development Goals (SDGs). However, we are not putting sufficient resources into the areas that would help us combat the problems that we keep talking about. We need to allocate enough resources to health and education. A healthy nation will prosper economically faster than any other country. We do not need to boast that we have done very well in education. In fact, we say that we are 30th in the world and the first in Africa in terms of offering quality education, but we are not doing very well in matters of health. The Jubilee Government should invest heavily in health and education sectors. In fact, the recommended global figures in terms of budgetary allocations should be about 14 – 15 per cent of the total budget. These sectors are, however, allocated only about 9 per cent.

I disagree with the idea of leasing that has become a trend in this country. We are leasing medical equipment and security vehicles. I do not think leasing is cost effective. It is actually the route to corruption that has been carefully crafted by technocrats in most Government offices. It would be good to re-evaluate this issue.

It is true that roads are being done in this country. In fact, it started during the Kibaki Government, in which some of us served. However, there are still parts of this country, including north eastern, that are cut off completely. I do not think that this situation will change in the foreseeable future. We have been told about the annuity

programme for the last four years, but I do not think it will come to fruition in the remaining period before the next general elections.

I entirely agree with the Senate Majority Leader that we must hold the governors accountable. We devolved power and resources to the wrong hands; starting from the governors to the lowest cadre of staff. We must do a lifestyle audit. How is it possible that a clerk who earns Kshs60,000 is building a house that costs Kshs10 million? We must seriously confront these issues and take to task all those engaged in corruption.

I appreciate the fact that a number of Cabinet Secretaries have been asked to step aside, but that is not the solution. Any case that finds its way to court must be concluded within a specific timeframe, so that those culpable pay the price for the mistakes they make in this country. There should be no sacred cows.

The Jubilee Government has dreamt big, but it is not realizing its ultimate goals. The Government has spoken passionately about the public/private partnership framework that has not been operationalized. If this is operationalized we can make a big difference in terms of achieving what has been planned.

Mr. Deputy Speaker, Sir, it is encouraging to the people of this country. There was a terrorist attack in a bus that was moving to Mandera. One gentleman, the late Farah is mentioned as someone who came out and defended the people from other faiths in the bus. That was a good move. We encourage Kenyans of all faiths, religions and walks of life to come out together and combat terrorism together as a nation.

We have suffered inside and outside Nairobi, including the incident that happened in my own county, two nights ago. I support this Motion. I conclude by saying that there are many gaps in terms of reaching the development goals that we envisaged as a country.

(Question proposed)

Sen. (Eng.) Muriuki: Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to support this very important Motion. I applaud the President for finding time to come to Parliament and address the nation from here. It is constitutional. He has to do it. Nonetheless, there are many people with obligations who will get all manner of excuses not to do their job. To that extent, I compliment His Excellency the President.

While addressing the nation, the President enumerated very many successes of the Jubilee Government which we all support. Even those who are in the Opposition, in the CORD fraternity, can see what is being done. We all appreciate.

Mr. Deputy Speaker, Sir, there are several serious challenges which the Government needs to address. One of them is security. As we appreciate the fact that the Government has done a lot towards securing the citizens, it still remains a very major challenge. Earlier, in this House, we had the issue raised about the function in which Sen. Wetangula was launching his presidential bid 2017. There is absolutely nothing wrong with Sen. Wetangula declaring his presidential aspirations. Very many others will also declare their intentions in the course of time. It is not a tribal, CORD or Jubilee coalition or any other party's issue. A function had been organised by a leader or leaders in this country. However, it was a pity that they were unable to do what they had planned to accomplish because of few hooligans; and the Government's security organs were staring as the meeting was disrupted.

Last year, I had an incident in Ol Kalou Town in Nyandarua County when the accounts of 2013/2014 Financial Year were released by the Auditor-General. I thought it wise to educate *wananchi* about them. I told them the amount of money we got was Kshs3.1 billion and the County Government had spent so much money. People came in thousands to listen to what I was reading for them. However, we could not go ahead with the meeting. The police stood there supposedly to provide security. Nevertheless, goons hired by the Governor, though that is my guess, came and disrupted the meeting.

The Officer Commanding Police Division (OCPD) and the Officer Commanding Police Station (OCS) were seated in the tent when the goons came to demolish the tent and generally disrupt the meeting. They were just looking on. We were unable to proceed. I later on raised the issue with the oversight body. Other people and I, recorded statements. Many people were angry about it. As of today, it has been about eight months yet no action has been taken. We know who it was because videos were taken. We know who did what. They have talked to many residents, but nothing has happened. It looks like some organs in the security system of the Jubilee Government do not want there to be security. It seems like they would be compromised with money or whatever, to cause insecurity.

If leaders cannot have security, what about the ordinary citizens, *wanjikus*, who do not have a place like this to express their dissatisfaction? Again, last week, in my county, a pastor, Rev. Murigu was attacked. He was driving in Shamata Village in Nyandarua County. He found the road blocked by motorcycles. He had to hit the motorcycles in attempt to run away. When the neighbours heard the commotion, they went there to help. They apprehended four of the attackers. One of the attackers was a known police officer from a nearby police post. They were arrested and taken to the police station and supposedly locked up. It is now five days since that incident, but nothing has happened. The only thing I heard before I left the county is that the particular police officer has been transferred to another police station presumably to go and do the same mess.

The President has done well in many areas. However, those that he has placed in charge of security have a long way to go, so that we can feel secure in spite of the various challenges. I will follow this particular issue in my own ways with the oversight bodies. It is bad.

The other issue we need to talk about is alcoholism. Last year, His Excellency the President led both Senators and Members of the National Assembly in a campaign against illicit brews. However, this problem has come back, having gone quiet for a few months. Now, wherever I go to the county, I find young men drunk at 9.00 a.m., but all shops and bars are closed. They are no longer drinking in the bar, but presumably in the backrooms. Whether it is the County Commissioner, the chief or the police, *wananchi* do not care. They simply do not want this illicit brew to be eradicated. I call upon those responsible for this to stop it. We may politicize and so on, but that is all we can do.

Let us do away with the term 'illicit brew'. The term 'illicit brew', at least where I come from, does not make sense any more. All those drinks are in sachets. They are manufactured in proper hygienic conditions in factories. Therefore, they are legal. We should talk about alcoholism in general. If you find young men and sometimes, not so young, drunk at 9.00 a.m. is not right. Some laws were made that bars are not supposed to

open until 5.00 p.m. They are now always open. I do not know how else people would be drunk at 9.00 a.m. unless they started drinking at 7.00 a.m.

I am happy that the President is tackling the issue of corruption head on. However, people are collecting money from us, *wananchi*, depositing it in a bank and stealing it, yet nothing happens to them. That is what is happening. When one bank collapses; people get together and make a bank for collecting deposits and so on from us. When they get amounts of up to several hundreds of billions, they simply give one another some so-called loans. These are not loans. They are just stealing from us. When one gives themselves a loan with no security and disappears, the bank collapses and then, we are left crying.

I heard the Governor of the Central Bank of Kenya (CBK) saying they will make a fund to compensate those who had deposits in those banks. That means the Governor of the CBK will take money from the Consolidated Fund, because there is no other source of funds. He will take money which belongs to all of us to pay off what the thieves have stolen and run away. A better solution should be found. As long as people get away with it, more and more will go stealing because they know nothing will happen to them.

I am happy that the President also mentioned about what is happening in the counties. This Senate is responsible for making sure money is allocated to devolved units and that it duly arrives in various counties. I want to talk about my Nyandarua County. This is the third year now and money allocated includes Kshs3 billion, Kshs3.7 billion and another Kshs4.7 billion were disbursed to the county. That is over Kshs10 billion. However, when you ask me just one big thing which I can see and be proud of that devolution is working in Nyandarua County, there is none. I believe it is not only Nyandarua. The situation is the same in all counties. Where did the Kshs10 billion go such that we cannot see anything happening? We cannot say that the money was used to pay salaries alone. That is just theft.

As I finish, we are all happy that the Deputy President, Hon. William Ruto, and the radio journalist, Mr. Sang, is also free. That means that the country is free from the International Criminal Court (ICC). We are all happy and celebrate for that. I personally wish to congratulate the Deputy President and Mr. Sang that they came out of the jaws of the crocodile.

Mr. Deputy Speaker, Sir, there has also been some talk that we should pull out of the ICC. I am not for or against pulling out of the ICC. Instead, we should revisit why we subscribed to the ICC in the first place, not as Kenya but African countries. The Presidents of Africa should meet and tell us which direction they want us to go because we subscribed to the ICC for a purpose. If we find it is not good enough, that is too bad.

Mr. Deputy Speaker, Sir, Kenya is now free and our leaders are free. We are happy that the President does not have the shackles and so on. I, therefore, appeal to His Excellency the President and the Deputy President to focus on the Internally Displaced Persons (IDPs). I know very many of them have been compensated but the so-called Integrated IDPs have not. For example, we have 30,000 integrated IDPs in my county but none of them has been compensated. These things happen and they could happen to anybody. That is not their fault or the fault of any particular individual. These people are languishing in abject poverty and experience serious problems. Sometimes, some of the parents there, mostly women with children, do not know what to do.

They come to us, as leaders, to beg for money to pay school fees for their children. There is no system set out for that. Some of them have no idea what they will eat in the evening. You will find a woman coming to you crying, something which leaves you wondering how you can help her. I appeal to the President and his Deputy to concentrate and focus on compensating or “helping”, if I may use that word, the integrated IDPs. This is because they have nowhere to stay. They live in tents or in somebody’s land for a while and they do not know what to do.

Lastly, Members of the National Assembly who thought for some reason it is a good idea to blow their whistles in the House during the Joint Sitting of Parliament should rethink such decisions. We are elected by the people. They should have waited for the right time to express their concerns the way we are doing here. Everybody knew that when the President speaks, we are not supposed to say anything. However, we are given a chance the way I am now speaking. You can express your feelings and do whatever you want. You can agree or disagree and criticise whatever you want and there is a chance for that. I would like to appeal to Members of the National Assembly---. I think they are called Members because I do not think there were no any Members from the Jubilee side blowing whistlers. I appeal that they rethink such decisions in future as they review what they did.

There was also an hon. Member who thought it is not a good idea to stand when the President says let us stand in honour of our fallen soldiers. It is bad enough that we ended up with our soldiers in Somalia. I personally believe that our situation with the terrorists would have been much worse if we did not have our soldiers in Somalia. It is an unfortunate situation where some of them died. We may see them as soldiers and expect such to happen to them but we must honour them. When such things happen and the President who is in charge of the country and the armed forces fraternity asks us to remember those fallen heroes, we should respect him. Some of them come from your own constituencies yet you think you do not want to honour them. I would like to appeal to that particular individual to do some soul-searching and see whether what he did was correct.

Mr. Deputy Speaker, Sir, lastly, I appeal to the Presidents of Africa to sit and give us direction. That is why we put them in charge. They should tell us why we subscribed to the ICC and why they think we do not belong there.

Mr. Deputy Speaker, Sir, thank you.

Sen. (Dr.) Machage: Bw. Naibu Spika, nashukuru kupata nafasi hii kujadili Hotuba aliyotoa Rais katika Bunge la Taifa kwa Wabunge wote. Ilikuwa haki yake kutumia Vipengele vya Katiba Nambari 10, 132 na 214. Hata sisi katika Upinzani, tungependa viongozi wetu watumie nafasi hii kuhutubia Bunge la Taifa kwa amani na utulivu tutakapokuwa na Rais hivi karibuni. Wakati huo, wanamrengo wa Jubilee wakiwa kwenye Upinzani wasije wakafuata mfano ambao ulionyeshwa na Wabunge kadhaa. Hiyo sio sera ya Upinzani bali ni sera ya watu binafsi.

Nilikuwa mmoja wa Wabunge kutoka Upinzani. Nilikaa kitako na kuisikiliza Hotuba ya Rais kutoka mwanzo mpaka mwisho. Nilitaka kuielewa, kuichunguza na kutoa dhiki endapo ningekuwa nayo wakati ukifika; wakati ambao umewekwa wakfu kwa Mabunge haya kila wakati kujadili Hotuba ya Rais aitowapo ndani ya Bunge. Huwa haichukui siku moja au siku mbili bali siku tatu ili ujitonde vile unataka na hakuna

atakayekuuliza. Hivyo ndivyo sera na desturi ya wasomi na watu wenye hekima ilivyo. Ningependa wenzangu waheshimu Katiba na Sheria za Bunge.

Mwanzo, Rais alianza kwa kutuambia mambo ya Uhuru. Wakati wa Uhuru, wengine wetu tulikuwa wakubwa kidogo. Tulikuwa tumezaliwa na kujua yaliyokuweco wakati wa ukoloni, tulifurahia Uhuru na mwito uliotolewa wakati huo na Rais wa kwanza wa nchi hii hasa kwa umoja wa taifa. Wakati huo, kulikuwa na upendo. Kulikuwa na vyama viwili vikuu; *the Kenya African National Union (KANU)* na *the Kenya African Democratic Union (KADU)*.

Wakati huo, walifikiri kwamba wanaleta umoja, lakini baadaye waligundua kosa walilofanya. Hadi mwaka wa 1966, ndivyo tukaanza kuona haya na haya, kukaja kifo cha marehemu Tom Mboya mwaka wa 1969. Siasa zikaanza kunoga nchini Kenya. Tunashukuru Rais mstaafu Moi aliyekuwa Rais hadi mwaka 2002 ambapo kitengo cha 2(a) kilitolewa katika Katiba na kutupa nafasi tena ya kuwa na vyama vingi. Ndipo sasa tunapata nafasi hii ya kuongea mambo ya Hotuba ya Rais au hata kukufuru tukitaka.

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

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

Bw. Spika wa Muda, Rais alidokezea zaidi migogoro iliyokuwepo mwaka 2007/2008 baada ya uchaguzi. Kulikuwa na vita na watu zaidi ya 1,000 wakauawa na wengine karibu 6,000 wakaathirika kwa kupoteza nyumba na mali. Mimi mwenyewe nikiwa Waziri wakati huo, kwa siku mbili tu Jijini Migori, nilipoteza mali ya Kshs25 milioni iliyoharibiwa kwa kuchomwa au kubomolewa kwa sababu wakati huo nilikuwa ndani ya Serikali na nilihifadhi Wakikuyu kwa nchi ya Wakuria. Ndivyo ilivyokuwa na ni aibu. Niliwapa hifadhi, utulivu na amani lakini nikalipa deni.

Ninawapongeza watu wa Migori pia kwa sababu baadaye, walinichagua nikawa Seneta wao na kunituliza moyo kidogo kwamba, mzee, tunajua una uongozi mzuri, sahai yaliyopita. Nikasema mimi nimesahau yaliyopita na ninaganga yajayo. Hata hivyo, kama mimi sasa ninahisi huo uchungu, na wale walioathirika kiasi cha kutokuwa na chochote hata nyumba ya kwenda kuingia, je, wamesahaulika.

Tunashukuru Mungu kwamba Naibu wa Rais wa nchi hii pamoja na mwenzake, kijana, wameondolewa minyororo katika mahakama ya *International Criminal Court (ICC)*. Tunashukuru kwamba yuko nyumbani na anafanya kazi bila wasiwasi. Tunashukuru kwamba juma lililopita, tumeona ibada za maombi kanisani. Nafikiri pia kuna maombi makubwa sana yanayoandaliwa Mjini Nakuru, Jumapili ijayo, kwa ajili ya hawa wawili.

Swali ni; je, wale walioathirika tutawaombea siku gani? Je, wanahisi vipi tunapotoa hotuba kama zile na kutukuza hawa wenzetu wawili vile walivyoponyoka kutoka kwa janga hili kwa sababu wako kwa uongozi? Je, wanahisi ya kwamba wamesahaulika? Wengine walipata Kshs400,000, wengine Kshs10,000 na ekari moja moja ya shamba. Hata hivyo, ni haki? Kwa hivyo, ni lazima tutafute njia nzuri ya kushukuru Mungu kwa hili jambo na tusije tukafungua vidonda bila sababu. Lazima tuwe na utu wa kumfikiria yule kabaila sana kwa umma, na pia kufahamu kwamba binadamu wote ni sawa na wapate huduma sawa na wale wakubwa.

Tunashukuru Bw. Farah aliyetukuzwa na Rais wakati wa Hotuba yake, kwa kujitolea mhanga na kuwaokoa Wakristo ndani ya bas. Mungu airehemu roho yake. Pia, ninawatukuza askari wengi waliopoteza maisha yao wakitusaidia sisi wananchi kutunza na kuilinda nchi yetu kwa usalama. Tunataka Serikali iangalie maslahi ya familia zao kwa dhati wala sio kupiga tu risasi wakati wa mazishi na kusahauliwa. Lazima Serikali iwe na mbinu. Ninafurahi kwamba wakati huu kuna bima ya afya ambayo imeanzishwa kwa askari na ninaamini kwamba jamii za askari walioathirika zitapata malipo ya bima.

Hata hivyo, sio mishahara ya kaskazini mwa Kenya tu ndio itunzwe. Ukifika Nyanza, kuna shida na mgogoro ambao labda utaleta shida - Kisiwa cha Migingo. Kila Rais anapotoa hotuba, sisikii akiguzia Kisiwa cha Migingo ambacho kiko Kaunti ya Migori. Ni chetu lakini kimekaliwa na wakoloni mamboleo ambao ni Serikali ya Uganda. Kweli ni mmoja wetu wa nchi za Afrika Mashariki lakini kwa nini kutuchoma macho na vijiti? Swala hili lilifika wapi? Mara tulisikia kwamba kuna tume iliyoundwa ya kuangalia mipaka. Mpaka sasa Kenya hatujui mipaka yetu iko wapi? Mara tuliambiwa kisiwa ni chetu lakini maji na samaki sio ya Wakenya. Tusi kwa nchi yetu! Ingawa jambo hili linaonekana duni, linatuathiri sisi wananchi wa Nyanza Kusini.

Bw. Spika wa Muda, Rais pia alidokezea maendeleo yaliyofanywa na kutuambia kuhusu magari 3,000 na vifaa vya matibabu. Hata hivyo, hakutuambia magari ya zamani yalienda wapi. Wakati mmoja, Rais akiwa waziri wa fedha nami nikiwa waziri wakati huo, magari yote aina ya Prado na Mercedes ya 3,000 cc yalikusanywa yote na tukapewa Volkswagen. Mimi na ukubwa wangu huu nilijiingiza ndani ya Volkswagen na kwenda tu. Ni gari nzuri. Tukasema: “Basi! Tumefika.” Yale magari yaliachwa yakazorota mpaka sasa hatujui tulipata faida gani kwa mpango huo. Sasa tena tumeona mashangingi; Prado, V8 na Range Rover zimekuja na ndio sasa magari ya Serikali.

Kwa sasa, Kenya ina deni la karibu Kshs3 trilioni. Mzee Kibaki aliacha utawala tukiwa na deni la Kshs680 bilioni. Kwa hiyo miaka michache tumetoka Kshs680 bilioni hadi Kshs3 trilioni. Maana yake sasa ni kwamba, kila mtu ambaye hajazaliwa hata yule ambaye bado ni yai, ana deni. Miaka ya binadamu ni miaka 80. Kama unakula vizuri na unaangaliwa vizuri, utafikisha miaka 90. Lakini, Bibilia inasema miaka 70 na zaidi ya hiyo, ni ya ziada. Umeachia vitukuu na vilembwe deni. Haki iko wapi?

Kwa hivyo, lazima tujihadhari kabisa maana vizazi vijaavyo vitatulaumu wale tuliomo uongozini kwa sababu ya kuwapachika madeni kushoto, kulia. Madeni hayo sio kwamba yanatumika kwa kazi ya maana bali ni rushwa ilhali tunaendelea kulipa. Mkubwa akishikwa anafungwa jela miaka 20, lakini mwananchi akishikwa kama ameiba kuku huona cha mtema kuni. Utahukumiwa miaka sita kwa kuiba kuku kwa sababu ulikuwa na njaa. Kwa hivyo, ukiiba, iba zaidi ya Kshs20 bilioni ili uwe mtu “mkubwa” hata ingawa wewe ni mwizi.

Bw. Spika wa Muda, tukubali kwamba kuna maendeleo mengine kadhaa kama umeme, njia ya reli na tuseme kwamba asilimia sabini imejengwa. Lakini, ujenzi huo umefuata mkondo wa Mkoloni aliyejenga kutoka Mombasa kupitia Nairobi hadi Kisumu na pahali penginepo. Sisi watu wa pembeni, ni lini tutaona mpango wa Serikali kujenga reli hadi Isebania au mpango wa kujenga reli hadi Manderu? Kwani sisi ni Wakenya nusu? Sitaki kusema mambo ya ujenzi wa barabara kwa sababu barabara zimejengwa kadhaa. Wengine wanalalamika kwamba pesa ziwekwe wakfu wa kutengeneza na kurekebisha---

(Sen. (Dr.) Machage's microphone was switched off)

The Temporary Speaker (Sen. Sang): Add him two more minutes.

Sen. (Dr.) Machage: Asante Bw. Spika wa Muda. Tunataka haki itendewe kila mtu. Ukiangalia stakabadhi ambazo ziliandikwa na Mzalendo Kibunja, kwa makabila yale matano ambayo hayana haki ndani ya Serikali, kuna Wakuria, Rendille, Ndorobo na Teso. Kazi zinatolewa lakini kiongozi wa daraja kubwa tulionao ni Katibu Mkuu mmoja na Kamishina wa Kaunti mmoja. Pia tuna Kamishna wa Shirika la Serikali wawili; moja wa kampunui ya SONY ambayo inakufa na mwingine wa Kenya Pipeline, na sisi ni wananchi ndani ya Kenya. Kila siku tukisikia Rais ameteuwa fulani, utasikia kina Kamau, Kiprotich, halafu kidogo, Odongo.

Bw. Spika wa Muda Wakenya wanataka haki.

Asante sana.

Sen. (Prof.) Lesan: Thank you Mr. Temporary Speaker, Sir, for the opportunity to contribute to the President's Speech. First, I want to commend and congratulate the President for addressing the nation on a specified day which he chose himself. I consider this to be an important day because it is a day that we all focus on the issues that affect our society. That is why this for me, is an important day.

I listened to the State of the Nation Address as one of the Members of Parliament representing the County of Bomet on what Government has done. I was pleased to hear the President address the issue of security in this country. Our security is important. The people of this country have sacrificed a lot and it was a great pleasure. I salute the President for asking us - both in the House and those who were outside - to stand for one minute in silence in remembrance of those Kenyans who have sacrificed to make this a more secure nation to live in.

Mr. Temporary Speaker, Sir, I had a great opportunity as well to stand in respect of the eight residents of Bomet County who sacrificed their lives in the course of the mission that the Kenyans are fighting in Somalia. I also had the opportunity to stand in respect of the victims who passed on. Unfortunately, it was sad to note that some of the Members of the august House did not see this as an important occasion to respect those who have sacrificed their lives to save this country.

The State of the Nation Address also focused on international issues that affect this country. We know that there are several international issues that affect this country, among them, the issue of the International Criminal Court (ICC). I take this opportunity to thank God for the opportunity that was given to the innocent people who were in The Hague. They were charged at the ICC for crimes that they did not commit.

Mr. Temporary Speaker, Sir, we must be aware of some of the issues that can bring problems and even conflicts. These are international problems like the territorial boundaries. We are aware that, to date, Somalia and countries around the Indian Ocean are staking a claim on swaths of ocean some of which belong to the territorial waters of this country. I urge this Government to make sure that they go through the international treaties to make sure that these issues are resolved by discussion and other means rather than by confrontation or war. The Speech made by the Head of State touched on issues like the international boundaries which we all know have raised eyebrows.

I was pleased to hear the President addressing serious issues with regard to agriculture. Most of the counties that we represent in the Senate are rural counties whose

communities rely heavily on agriculture. When you go around the country and see these farmers, you shudder at the amount of poverty that is afflicting them. I was glad to hear the President mention the provision of subsidies like fertilizers to the farmers.

Mr. Temporary Speaker, Sir, I realised that subsidies that were given to farmers were lopsided. This only favoured maize farmers. We do know that farmers dealing with other crops like tea contribute significantly to the economy of this country. Therefore, they need to get these subsidised fertilizers so that they are able to increase the output. I want to use this occasion to urge the Government to subsidise fertilizer for tea farmers so that their take-home pay which at the moment is meager is increased.

Secondly, it is important that we start to relook at the organisation of the authorities that we have formed to run the agricultural sector. It is time that they are reorganised. We are knowledgeable and we can carry out a re-organization of these bodies to make sure that there are maximum benefits. There are organisations such as the Kenya Cooperative Creameries (KCC) and Kenya Tea Development Authority (KTDA) which require strict and extensive reorganization in order to benefit the farmers.

Mr. Temporary Speaker, Sir, value-addition is the only remaining factor that will improve farming in this country. If we combine technology and value addition on the products made by the farmers, we can improve the livelihoods of our farmers. I was glad to hear that the Government is looking into some of these issues. Technology is one of the issues that we can look at now, so that we can add value to some of the products produced by farmers as they transit into the market.

The Senate Majority Leader has made a significant contribution on what is happening at the counties. He has mentioned again and again the word 'corruption.' Corruption in the counties is, perhaps, the greatest undoing of devolution that we are trying to impart. It is important that this House relooks at the regulations, laws and procedures that are used in the counties, to ensure that devolution thrives in the country. This is because it has already shown, albeit in a small way, that it is useful. Therefore, we need to protect devolution.

One of the threats that I can foresee in the next general elections is the ill-gotten money from the devolved governments. There are millions of shillings in the hands of people who do not deserve to have that money. This money will distort representation of the people of this country because it will be used to maneuver or manipulate the electoral process. It is important that we not only look at the economic development of the country, but also secure it by making sure that the country has credible and transparent elections. The Government should do everything possible to ensure that elections are conducted properly.

Mr. Temporary Speaker, Sir, as has been said by my colleagues, the external debt of this country, which stands at Kshs3 trillion, is a threat. We have gotten the first warning from the World Bank about it as it goes beyond the means of the country. It is, therefore, important that we look for ways to reduce this external debt. Since this country is rich in natural resources, we should exploit them and minimize external borrowing, which is heavily burdening this country.

I once again salute the President and ask Kenyans to fight insecurity in the country by providing that one other thing that is missing, which is information. Citizens must provide information to be used by the National Intelligence Service to safeguard and improve the security of this country.

Sen. Kisasa: Asante Bw. Spika wa Muda, kwa kunipa fursa hii ambayo nilikuwa nimeingojea kwa hamu na gamu mchana wa leo. Nilikuwa likizoni lakini nilijua kwamba badala ya kupiga filimbi nitapata fursa ya kuongea na kusikika kwa njia inayokubalika.

Nampa hongera Rais wa Jamhuri yetu ya Kenya kwa sababu alionyesha umahiri wake. Sio jambo rahisi wakati unataka kuongea na watu wengine wanataka kukufanya uonekane ni kama huna maana. Ule ulikuwa mtiani mkubwa na kwa hivyo nampa Rais hongera sana. Kulikuwa na wageni kutoka nchi mbalimbali na watoto wa shule katika Bunge letu. Wakenya wengi walikuwa wanaangalia kilichokuwa kinaendelea. Kilichotendeka halikuwa jambo rahisi; ilionyesha ukomavu wa watu walioko Serikalini na Rais. Huu ulikuwa mtiani mkubwa sana.

Haikuwa aibu tu kwa nchi yetu ila kwetu sote. Itakuwaje mtu ambaye ni kiongozi abebwe hobela hobela? Itabidi turejeele kipengee kinachohusu kutolewa Bungeni kwa nguvu. Ni aibu kubwa kwa familia ya Waheshimiwa ambao walitolewa Bungeni kwa nguvu. Nguo ya mmoja wao iliraruliwa na hata akuvuliwa viatu. Kulikuwa na wanafunzi Bungeni ambao wanajua Rais kama kiongozi mkuu wa Kenya ambaye anastahili kuheshimiwa. Huo ulikuwa mtihani na funzo kubwa kwetu zote kama Wakenya.

Kitendo kama kile cha kumpigia Rais firimbi ni cha aibu and hakifai tena. Ni lazima tuwe na nidhamu. Tulifaa kungojea siku kama ya leo ili tupeane maoni yetu. Waswahili wanasema unafaa kusikiza kisha uamue utakavyo mwenyewe. Hufai kuleta vitimbi na kuonekana na jamii yako ukibebwa kihobela hobela kama gari mbovu.

Kitendo kama kile kinaweza kumpata mwanasiasa yeyote na kionekane kwenye runinga na wake au watoto wao. Kwa hivyo, tunastahili kudumisha nidhamu Bungeni. Wakati ule ulikuwa wa Rais kutueleza vile nchi inaendelea. Ni ajabu kwamba hata wanahabari waliyapa uzito zaidi matukio mengine kuliko Hotuba ya Rais. Hawakutueleza umuhimu wa maneno ya Rais.

Bw. Spika wa Muda, nina furaha kwamba kesi iliyokuwa katika Mahakama ya Kimataifa ya Jinai imeisha. Kesi hiyo ilikuwa inatupotezea uzingizi. Sasa tumebakia na shida moja ya wenzetu wakimbizi wa kisiasa. Je, tutawafanyia nini ili wajihisi kuwa pia ni Wakenya ambao wako huru kama Makamu wa Rais na Bw. Sang?

Bw. Spika wa Muda, naomba kwa unyeyekevu, kima watakachopewa, kiwe kima haki kwa sababu---

The Temporary Speaker (Sen. Sang): Sen. Muthama, I cannot see your intervention. Do you have a point of order?

Sen. Muthama: Kwa hoja ya nidhamu, Bw. Spika wa Muda. Je, ni haki kwa Sen. Kisasa kuwaita wakimbizi wa ndani ambao tunajua ni waathiriwa, wakimbizi wa kisiasa? Hawa ni masikini walioathirika kutokana na vita vya ndani vya kisiasa. Walitimuliwa kutoka makao yao. Wengi wao sasa ni masikini wa Mungu. Hawana mashamba au makao yao. Watu waliathirika na wengine wakafa.

Sen. Kisasa: Bw. Spika wa Muda, Waswahili husema: “Mpapia au mkamia maji hayanywi au hafaidiki nayo.” Pengine kama Sen. Muthama angenisikiliza kwa makini angeelewa nilichosema. Mimi ninataka watu hao wapewe haki ili waweze kujikimu kimaisha ili wasahau yale yaliyowapata. Naomba Serikali yetu iwasaidie ili waweze kununua mashamba na kuwa na makao mapya.

Sen. Muthama: Kwa hoja ya anidhamu, Bw. Spika wa Muda. Si kuzungumza kuhusu hatua zitakazowafaidi watu hawa, bali nimesema si haki kwa yeye kuwaita wakimbizi wa kisiasa. Ningependa kumkosoa Sen. Kisasa kuwa watu hawa si wakimbizi

wa kisiasa lakini ni waathiriwa wa vita vya ndani. Waathiriwa wale ni wananchi ambao hawana hatia bali wamewekwa katika mashaka na matatizo.

The Temporary Speaker (Sen. Sang): Sen. Kisasa, hoja ya nidhamu kutoka kwa Sen. Muthama ni kwamba umewaita waathiriwa hao wakimbizi wa kisiasa ilhali jina linalotumika ni wakimbizi wa kindani au waathiriwa wa ghasia za uchaguzi wa 2007. Kulingana naye, umelitumia jina hilo kimakosa. Wewe unawaomba waridhiwe vilivyo ilhali yeye anasema hawa si wakimbizi wa kisiasa.

Sen. Kisasa: Bw. Spika wa Muda, nimerekebisha kwa kusema ni waathiriwa wa kindani. Nafikiri pia yeye hakunipata vyema. Ulimi ni kawaida kuteleza.

Sen. Elachi: Bw. Spika wa Muda, nafikiri mwenzangu alikuwa anamaanisha waathiriwa waliopata hasara kutokana na ghasia za uchaguzi. Hata hivyo, watu hao waliathiriwa kwa sababu za kisiasa.

Sen. Kisasa: Bw. Spika wa Muda, Sen. Muthama amenirudisha nyuma. Hata hivyo, ni ombi langu kama Mkenya na mama kwamba waathiriwa wapewe haki. Shida tuliyonayo sasa ni moja si kama hapo awali wakati shida zilikuwa nyingi. Mhe. Naibu wa Rais sasa ametulia. Ninahakika kwamba mambo mazuri yanakuja kwa sababu tunataka sote tuishi pamoja kama Wakenya wa kabila na dini moja ndiposa kila mmoja wetu ajihihi huru katika nchi yetu.

Ni ombi langu kuwa wote walioathiriwa katika ghasia za uchaguzi waridhiwe ili nao wajisikie ni Wakenya. Tumekuwa tukiomba na maombi tunayoandaa, ningependa tuwaombe kila mmoja wetu kwani shida tuliyonayo sasa ni ya uwiano na kuishi pamoja kama ndugu na jamii moja. Mara kwa mara, binadamu akifanikiwa humkimbilia Mwenyezi Mungu kwa heshima kutoa shukrani. Kama tujuavyo, tukiomba na kuamini, waathiriwa watafaidika na tutaishi kwa amani. Nina hakika kuwa Mwenyezi Mungu atajibu maombi yetu na tutapiga hatua za kimaendeleo. Sisi kama Wakenya ni lazima tuishi kwa umoja natupige vita sababu zote zinazotutenganisha kama jami moja. Tujiulize jinsi Wakenya ambao nyoyo zao zina majonzi, watasaidika aje.

Bw. Spika wa Muda, nampongeza Mhe. Rais Kenyatta kwa sababu sauti yake ilikuwa imara na haikutoa kite hata baada ya kupigiwa firimbi ndani ya Bunge. Hatuwezi kusahau jambo hilo kwani tuliona ameimarika na kwamba amekomaa kisiasa. Wengi wetu wangepigiwa firimbi hivyo wangepasirika lakini Mhe. Rais wetu alitulia hadi mwisho wa makelele kisha akatoa hotuba yake. Mhe. Rais ni shujaa, mahiri na hachaguwi nani yuko katika Serikali yake. Yeyote anayefanya kitendo kisichofaa anatimuliwa.

Kwa hayo machache, ninaunga mkono.

Sen. Muthama: Bw. Spika wa Muda, ninakushukuru kwa nafasi hii uliyonipa ili niweze kuchangia Hotuba ya Mhe. Rais Kenyatta. Sikufika siku hiyo Bungeni lakini nilitazama yote yaliyofanyika katika runinga. Kuna maswala mbalimbali ambayo yalinikera na si kwa sababu za kisiasa bali kwa kuwa mimi ni mwananchi wa Kenya. Niko hapa na nitazidi kuwa hapa mpaka siku aipendayo Mwenyezi Mungu.

Bw. Spika wa Muda, kuna mambo yaliyotokea. Mojawapo ni kasheshe iliyotokea Bungeni. Baadhi ya Wabunge wa Bunge la Kitaifa walizua taharuki. Wengi waliwashambulia na kumlazimisha Spika wa Bunge kuwatimua. Hata mwingine alifukuzwa. Inasemekana kwamba atakuwa nje kwa kipindi cha zaidi ya siku 90. Tunafahamu kwamba kulingana na Kanuni za Bunge hiyo inamaanisha nini. Haifai Spika

wa Bunge lolote kuchukua uamuzi wa namna hiyo kwa sababu Mbunge fulani ametoa mapendekezo yake na kuzungumza wazi.

Bwana Spika wa Muda, Wabunge waliotimuliwa Bungeni walikuwa wanafanya kazi waliotumwa na wananchi kufanya. Mbali na kuwa Rais wa Nchi, Mheshimiwa Kenyatta sio Mbunge wa Bunge lolote; Bunge la Kaunti, Bunge la Kitaifa au Bunge la Seneti. Akiwa pale, yeye ni mgeni. Kuna wale ambao ni wenyeji. Hao ni Wabunge na wana haki ya kuzungumza na kufanya mambo yote yanayohusu shughuli za Bunge.

Lakini, Rais alistahili kustahimili kwa sababu nilishuhudia katika Bunge la Kumi, upande wa ODM ukiwa upande ule na upande wa PNU upande huu; Rais Kibaki alipokuwa akiapishwa tulikaa Bungeni tukichagua Spika na Wabunge wakiapishwa kuanzia Saa nane na nusu za alasiri hadi mpaka Saa kumi asubuhi. Asilimia 75 ya shughuli za Bunge ilikuwa ni kupinga uchaguzi wa Rais kwa kiapo. Hakuna Mbunge alitimuliwa. Mhe. Kibaki alizomewa Bungeni, nikiwa Naibu wa Kiranja, na aliitwa mwizi. Nikiwa mrenge wa PNU nilishuhudia Rais wa taifa akiitwa mwizi. Alitembea pole pole kwa utaratibu mpaka kwenye kiti chake, akaketi na akatulia. Nakumbuka kwamba Waheshimiwa fulani ambao leo ni Mawaziri katika Serikali ya Rais Uhuru Kenyatta, walimkashifu na kumuudhi Mhe. Kibaki kwa sababu ilieleweka kwamba shughuli za Bunge ni za Wabunge. Hakuna Mbunge hata mmoja alitimuliwa. Ni nini sasa imetokea?

Nchi yetu inarudi tulikotoka. Wakati ambao KANU ilikuwa inatawala, kwa mfano, ikitaka kuwakomesha Wabunge waliokuwa wakipinga Serikali wakati huo; askari walikuwa wanaletwa hapa, wanapewa mavazi ya Kimaasai na rungu. Waliwatwangwa Wabunge na kuwakimbiza mji mzima. Ilisemekana kwamba ni Wamaasai kutoka Narok wamekasirika kwa sababu Serikali ya KANU inapingwa.

Bwana Spika wa Muda, ingekuwa namna hiyo na kama watu hawangepigana kubadilisha Katiba kwa lazima wakati huo, wewe, Bwana Spika wa Muda, unayekalia kiti hicho kwa sasa ukiwa umechaguliwa na chama cha URP, haingewezekana kwa sababu ilikuwa ni lazima ukae kwa chama kimoja kilichoitwa "Baba na Mama." Kwa hivyo, kama Rais na wanaomsifu hawana habari, ajue kwamba historia ya nchi itasomwa sasa na siku zijazo kwamba hakuweza kuvumilia kupitia kwa Spika wake kuwaachilia Wabunge wafanye kazi wanazostahili kufanya katika Bunge lao. Rais ni mgeni kwa sababu yeye si Mbunge wala hafanyi kazi Bungeni. Alistahili kuvumilia na kumwambia Spika wake aliyemthamini kwa chama chake na mrenge wake wa Jubilee aachane na Wabunge wafanye siasa.

Bwana Spika wa Muda, kupitia mtandao, tunayaona yanayotokea katika Bunge la Korea, Afrika Kusini na Bunge zingine. Tunaishi katika historia. Hakuna historia hata moja---

The Temporary Speaker (Sen. Sang): What is your point of order, Sen. Elachi?

Sen. Elachi: On a point of order, Mr. Temporary Speaker, Sir. Is my friend, the Senator for Machakos, in order to say that the President would have told the Speaker to let the Members demonstrate yet he knows very well that with our new constitutional dispensation, he is a visitor? He can only come and give us an address and leave. He is not even allowed to interrogate his Address. There is no provision in the Standing Orders that allows him to intervene.

Sen. Muthama: Bw. Spika wa Muda, Kiswahili ni lugha ngumu kwa Sen. Elachi. Rais ni mgeni katika Bunge na hakuna Mbunge anastahili kuadhibiwa kwa kufanya kazi

yake bungeni kwa sababu mgeni yuko pale. Ikiwa katika historia yetu, tunaanza mambo kama haya, basi, nchi hii inarudi nyuma katika mipango yake ya kidemokrasia.

Rais alizungumzia mambo ya wanajeshi wetu walioko nchini Somalia. Kwanza, ninamuunga mkono Rais. Mipaka yetu, ulinzi wetu, imani na amani yetu lazima ilindwe kwa vyovyote. Tunastahili kuulinda nchi yetu. Mtu akituchokoza hapa, tunafaa kumfuata mpaka kwake kwa sababu tuna uwezo, nia na namna kama Wakenya. Lakini hata hayo yakiwepo, ukimfuata adui, humfuati hadi kwa nyumba yake na ukifika kwake unachukua kiti, kitanda chake, sufuria, familia yake na unakaa ndani ya ile nyumba. Hakuna vile utamueza yule adui ukikaa katika nyumba yake. Mtu akituchokoza, inastahili – tunajua makao ya Al Shabaab na wanakoishi – tunastahili kuwafuata mpaka pahali wanazalia lakini hatufai kwenda katika nchi yao. Kwa hivyo, Rais hakuwaambia Wakenya tumemfuata adui mpaka wapi na kwa nini wanajeshi wetu wanakaa katika taifa la Somalia.

Hatuna biashara wala kazi ya kufanya Somalia. Kazi ni kulinda mipaka yetu. Kama hakuna amani na jeshi la kulinda amani linatakiwa kutumwa Somalia, hilo sio jukumu la Kenya. Hilo ni Jukumu la Umoja wa Mataifa. Wanafaa kuketi na kufanya hili na lile lakini sio kupeleka askari wetu na kuwajengea kambi ndani ya Somalia na kuwaacha pale. Wanavamiwa kama inzi, wanashikwa na kumenywamenywa kama mandazi na watu ambao wanajidai kwamba tuko ndani ya nchi yao.

Kama Rais awezi kulitoa jeshi letu katika nchi ya Somalia, hawafanyii Wakenya sawa sawa. Taarifa yake ya kusema kwamba tumedhibititi ulinzi wetu Somalia ni maneno tu. Hakuna mtoto wa ndani na wa mbele. Hakuna hata mmoja wa viongozi wa nchi hii ambaye amemtuma mtoto wake kwenda Somalia. Watoto wao wanalindwa, wanakula na kukaa sawa sawa. Ni mtoto wa maskini anatumwa na umaskini wa mama na baba yake; ndio anaenda kumenywa kule na kuuawa na mambo yanaishia pale. Hata ridhaa ambayo Serikali ya Kenya inatoa haistahili hata kidogo ilhali mamilioni ya pesa inaibwa. Hatutavumilia na hatutaki mambo haya.

Bw. Spika wa Muda, Rais alitoa ahadi na kusema kuwa Serikali yake imetimiza ahadi zote kwa miaka mitatu. Nataka kumkumbusha Rais akiwa pahali yuko kupitia mazungumzo yangu kwamba aliahidi watoto wetu wa shule za msingi vipakatalishi. Katika Bajeti ya mwaka wa kwanza wa uongozi wake, Rais alitenga Kshs26 bilioni ya kutoa vipakatalishi. Sisi sote tuliochaguliwa na hata wale ambao waliteuliwa katika Bunge hili wanaweza kuwa mashahidi wangu nikisema kwamba hakuna shule hata moja imepata vipakatalishi. Ikiwa mambo ya vipakatalishi haijatimizwa, inakuwaje Serikali inasema kwamba imeweza kutimiza ahadi zake zote baada ya miaka mitatu? Hayo ni maneno ya kufurahisha na hayana msingi na ukweli. Kwa wakati huu, Wakenya wanastahili kuambiwa ukweli na sio mambo ambayo hayafai.

Bw. Spika wa Muda, tulisema na nimesikia watu wakizungumza hapa mambo ya rushwa na mambo mengine yanayoendelea. Kuna mtu alimkashifu Mbunge fulani kwenye mtandao. Ilimchukua siku nne kuandikisha mashtaka yake na kuenda kortini. Kwa sababu mtu huyo ni maskini, alitozwa faini ya Kshs5 milioni baada ya siku nne. Kuna mamilioni na mabilioni ya pesa zilizoibwa katika taifa letu. Ni taarifa tu tunasoma, kusikia au kuambiwa kwamba Serikali imejitoa mhanga kuhakikisha kwamba wezi wanaandamwa.

Hakuna kaunti ambayo haijaathirika na wizi wa pesa katika kaunti zote 47. Mambo haya yote yako wazi. Hakuna jambo hata moja la kuficha. Hata hivyo, utapata kuwa gavana anachukuliwa saa nne na kutolewa kwa dhamana na saa sita au saa nane.

Rais alitumbua kuwa kuna kesi 300 za rushwa. Utapata kuwa mwizi wa mbuzi, vijiko, mandazi na mipira ya kunyonyeshea watoto maziwa anapelekwa kortini asubuhi na saa kumi na moja utasikia amehukumikwa kifungo cha miaka mitatu, mine au mitano. Katika kipindi cha uongozi wa hayati Mzee Jomo Kenyatta, wizi ulikuwa katika Serikali. Ulikuwa wizi usio wa mabavu wala si wizi katika benki. Katika Serikali ya Rais mstaafu Mhe. Moi, wizi ulianza kupenya na kuingia katika mashirika ya kibinafsi. Hivi leo, ni wazi kwamba hata Rais mwenyewe alisafiri kwenda Israeli na kuonyesha kuwa amebeba mzigo wa wizi mabegani ambao umemchosha. Alisema kuwa; Jamani Wakenya nawaomba tafadhali, mbona mmekuwa na maarifa ya wizi namna hii?

Bw. Spika wa Muda, naomba uniongeze dakika mbili tu.

The Temporary Speaker (Sen. Sang): Nakuongeza dakika mbili na nusu.

Sen. Muthama: Asante sana, nakushukuru.

Bw. Spika wa Muda, Rais alisema kuwa Wakenya wanoenaka wamehitimu kwa wizi. Hapo ndipo tumefikia. Maskini anaweka pesa katika benki na anapoenda kuzitoa, anakuta benki imefungwa. Sio moja, mbili, tatu au nne. Hii ni kwa sababu kila mtu ameweka katika akili yake kwamba ukitaka kufaulu katika taifa letu, ni lazima uibe. Juzi kulikuwa na madai hapa kwenye Bunge letu. Inasemekana kuwa hata wafanyikazi wa Bunge letu wanahusika katika rushwa na kashfa ya wizi wa pesa. Kwa hivyo, taifa hili linaelekea pabaya.

Leo tunasherehekea uamuzi wa Mahakama ya Kimataifa ya Uhalifu. Kabla sijaketi, nataka kutoa ombi langu la mwisho katika taifa hili. Ninasema kama mwanachama wa Mrengo wa *Coalition for Reforms and Democracy* (CORD) ambaye nilikubali shingo upande uamuzi wa Mahakama ya Kimataifa ya Uhalifu. Ninatangaza hapa leo kwamba labda mambo yangukuwa mengine ikiwa kesi haingepolekwa katika Mahakama ya Kimataifa ya Uhalifu. Viongozi wa Afrika wanaoongoza serikali za sasa wasifanye mapenzi yao kwa kujaribu kutoa taifa letu katika Mahakama ya Kimataifa ya Uhalifu kwa sababu inazuia mambo mengi. Aidha, inawafaya watu kuamini kwamba isipokuwa korti za hapa kwetu ni zile tunajua ni za wale ambao tumeona wakipelekwa kortini, kule nje kuna korti ambayo inaweza kuangalia maslahi ya wananchi. Naomba wenzangu kuwa tusijiondoe katika Mahakama ya Kimataifa ya Uhalifu ili tuwe na sehemu nyingine ambayo inaweza kutisha wale ambao wanapanga kufanya makosa.

Bw. Spika wa Muda, nashukuru.

Sen. Elachi: Mr. Temporary Speaker, Sir, first, I want to thank the President for addressing us, which is a constitutional mandate. I also want to raise a few key issues that he talked about. He asked us to salute our heroes who have been in Somalia fighting the Al Shabaab. We know that it was a requirement by the African Union (AU) that we deploy the African Union Mission in Somalia (AMISOM).

Therefore, Kenya deployed her army to Somalia courtesy of the AU and the agreement with the United Nations (UN) to have the AMISOM taking care of us. We know that terrorists have never been a friend of anyone. They could find you in Parliament or anywhere. Therefore, it is very important for us to appreciate that terrorism is not just an issue that affects Kenya but it is a global threat to everyone.

Mr. Temporary Speaker, Sir, the President also talked about a very critical agenda that we need to relook at as politicians. That is the covenant that our founding fathers had re-imagined; what they would have seen in our country. They had a dream and a vision and they left this country for us and moved to the next world to be with our Father in heaven. We salute them. The most important thing that we need to ask ourselves as the second generation, as we take over our country is how we will protect our heritage, dignity and diversity that we are proud of and, especially, our ethnicity. How do we use it in a positive way but not the negative way we have been using it as elites and Kenyans have been suffering because of that? How do we turn that around and make it an opportunity for all of us to ensure that we appreciate? We have 47 counties and one country called Kenya.

Mr. Temporary Speaker, Sir, we have seen achievements. I know one of the biggest challenges that we faced and delayed to start; the laptop project. This was a result of lack of solar power or electricity in some schools. Today, all primary schools have electricity and now we can roll out the project. I thank the Cabinet Secretary (CS), Dr. Matiang'i, who has come out very strongly to ensure that the education sector is back on track and that there is cohesion between the unions and teachers. By June, he will have rolled out this programme.

The President brought out a very fundamental issue that this Senate has done. For the last three years, the Senate has ensured that county governments receive Kshs1 trillion. When we talk of Kshs1 trillion, it means that the local revenue that has been collected for the last three years is more than Kshs2 trillion. If you put together Kshs1 trillion which is just a drop in the ocean from the national Government, yet we have left county governments with their local revenue which nobody questions or does anything and they have a leeway to do anything with this money---

No county has come out clearly to say that my money from the national Government will be specifically for development. All we have seen is county governments still incurring debt. This is something that the Senate should be very worried about. We need to ask ourselves, if you are going to be a governor, will you take over a county that is on its knees with debts amounting to Kshs10 billion or Kshs14 billion? These are the issues that we should raise.

We also thank the President for Kshs87 billion for the Constituencies Development Fund (CDF). I was shocked and thought that Kenya is a rich country. If we have a Kshs1 trillion pumped into counties and we have Kshs87 billion in CDF, why do we not see development in counties? We are crying and still seeing children studying under trees with no classrooms. There is something wrong with us, as leaders, who have been given the responsibility to run these counties. We must be very serious. When we have a governor who decides to play public relations, buy choppers and bring hooligans to start their own campaigns, something must be wrong. That is a security threat. We must be very worried when we see Nairobi City County *askaris* on television killing people in daylight and it is documented.

Anyone who is vying for a political seat should ask himself or herself if we will really have a free and fair election, or people will just use goons to destroy your meeting, kill people and have you blamed. We must stop it. This Senate must take the lead to ensure that the hooligans that governors have created and those *askaris* are stopped. We must bring a petition to this Senate to determine who trains these *askaris* and where they

are trained because they handle business people the wrong way and yet you expect revenue. How will we have a conducive environment to collect revenue when we harass the small business people on the streets?

Mr. Temporary Speaker, Sir, as we look at the President's Address, these are some of the issues that we must raise as we move to the next level. Before we do the Division of Revenue Bill in this House, we must ensure that we raise very critical questions to county governments. Why are they in debt? It is time Senators had the right to decide that this money will not go to your county until a few things have been done. I would wish to see that.

The President also talked about investing and improving the lives of Kenyans. He talked about infrastructure and mining and we have just passed the mediation Bill on mining. I hope that we can now move to the next level and ensure communities with natural resources are given the opportunity to, first of all, just get that responsibility of being part of the projects that are on their grounds.

We have coal in Kitui and Mwatate. It has been there for many years. We now want to see these communities benefiting. We have the Information Communication Technology (ICT) projects; we want young people to be innovative in bringing up projects, solutions and applications that can be used for farmers and any other sector that we have. We have different solutions in applications that can transform and give information to people. He talked about us moving to the digital era. We now have different radio stations that are there.

Mr. Temporary Speaker, Sir, the most important thing that we now need to deal with in our country is cohesion. We must be serious when we talk about cohesion. We must stand, sacrifice and ensure Kenyans feel part of the Government. We must ensure that this country becomes one. God has given us that opportunity. Having moved out of the ICC, the next agenda should be to bring the country together.

I also want to tell those who are now trying to bring a few political connotations that do not matter at all, that will again break this country---

QUORUM

Sen. Muthama: On a point of order Mr. Temporary Speaker, Sir. I want to refer the Chair to Standing Order Nos. 34 and 35 to notify you that despite the fact that my colleague was on the Floor contributing, the House does not have enough number of Members that form the quorum of the Senate.

The Temporary Speaker (Sen. Sang): Hon. Senators, I can confirm that there is no quorum in the House. I direct that the Quorum Bell be rung for eight minutes.

(The Quorum Bell was rung)

The Temporary Speaker (Sen. Sang): Hon. Members, we seem not to have raised the requisite numbers. Sen. Elachi, you have a balance of five minutes to contribute to this Motion.

ADJOURNMENT

The Temporary Speaker (Sen. Sang): Hon. Senators, the Senate now stands adjourned until Tomorrow, Wednesday 13th April, 2016 at 2.30 p.m.

The Senate rose at 6.20 p.m.