

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Tuesday, 18<sup>th</sup> March, 2014

*The Senate met at the County Hall,  
Parliament Buildings at 2.30 p.m.*

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

#### PRAYERS

#### COMMUNICATION FROM THE CHAIR

##### CLOSURE OF CONTINENTAL HOUSE CAR PARK TO PAVE WAY FOR CONSTRUCTION OF OFFICE BLOCK

**The Temporary Speaker** (Sen. (Dr.) Machage): Hon. Senators, as you may be aware, the Parliamentary Service Commission (PSC) has awarded a contract for the construction of a modern office block in an effort to ensure that Members and staff of Parliament are adequately facilitated with a good working environment. The office block will be constructed at the current car park of Continental House. The construction site was handed over to the contractor on 16<sup>th</sup> January, 2014 and the contractor is now ready to move on site. To create space for the construction work, the parking space at Continental House will be closed with effect from Monday, 24<sup>th</sup> March, 2014.

Hon. Senators, therefore, alternative and additional car parking space has been leased at the Kenyatta International Convention Centre (KICC), COMESA grounds. This parking, together with the visitors' car park at the Main Parliament Buildings, shall be reserved for Members of Parliament. This is to request Members to cooperate with the Serjeant-at-arms to ensure that the construction site is vacated and made available to the contractor before Monday, 24<sup>th</sup> March, 2014.

Thank you.

#### STATEMENTS

##### CAUSE OF POWER BLACKOUT IN RHAMU TOWN, MANDERA NORTH

**Sen. Billow:** Mr. Temporary Speaker, Sir, I seek two statements. First, I am seeking a very urgent statement from the Chairperson of the Committee on Energy regarding a complete power blackout in Ramu Town, which is the district headquarters of

Mandera North for the past four weeks. The first generator of 100KVA failed nearly a month ago whilst the second generator of 80 KVA which was serving key institutions like the district hospital and other security establishments blew up shortly afterwards, plunging the town into total darkness.

Most commercial activities as well as water supply, hospitals and schools are in crisis and the residents have suffered serious security situations. They do not know why the Government has forsaken them. Could the Chairperson:-

(a) State what emergency measures the Ministry is taking to address the power supply problem facing the district?

(b) When will the power be restored?

(c) Given that the two generator sets are inadequate to supply power to the town, to state what long-term measures they will take to address the inadequate electricity supply.

(d) Confirm that two years after the due completion date, the contractor of the power station is yet to hand over that power station to the Rural Electrification Authority (REA) and what measures the Government is taking to ensure that is done and by what date.

**The Temporary Speaker** (Sen. (Dr.) Machage): Chairperson, can you respond to that?

**Sen. Mwakulegwa:** Mr. Temporary Speaker, Sir, I will respond by Thursday this week.

**Sen. Billow:** Mr. Temporary Speaker, Sir, that is in order. I can wait until Thursday because this is an urgent matter.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Mwakulegwa, did you say Thursday this week or next week?

**Sen. Billow:** Mr. Temporary Speaker, Sir, Thursday this week, please, because it is an emergency situation, the hospitals are all closed and there is a crisis.

**Sen. Mwakulegwa:** Mr. Temporary Speaker, Sir, if it is not Thursday next week, can I do it on Tuesday next week?

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. Sen. Billow, is that okay?

**Sen. Billow:** Mr. Temporary Speaker, Sir, in the meantime can the Chairperson consult the Ministry to take whatever action is necessary so that we do not wait? But he can bring the answer on Tuesday. In the meantime, I urge him to take some action.

**Sen. Mwakulegwa:** Mr. Temporary Speaker, Sir, as usual, I will do the necessary and provide the answer by Tuesday next week.

**The Temporary Speaker** (Sen. (Dr.) Machage): It is so ordered.

Next Statement!

#### CAUSES OF POOR PERFORMANCE IN NATIONAL EXAMINATIONS IN MANDERA COUNTY

**Sen. Billow:** Mr. Temporary Speaker, Sir, I seek a further statement from the Chairperson of the Committee on Education. I do not know if the Chairperson of this Committee has been elected or not, but I am aware the committee is in place. So, I need your guidance on this.

**The Temporary Speaker** (Sen. (Dr.) Machage): Whether there is a Chairperson or not, there is the Senate Majority Leader who should be able to reply to that. Take note that he is present.

**Sen. Billow:** Mr. Temporary Speaker, Sir, I seek a very comprehensive statement from the Chairperson of the Committee on Education regarding the dismal performance of students in national examinations in Mandera County in the past decade.

Mr. Temporary Speaker, Sir, in the statement, the Chairperson should state:-

(a) The relative performance of the county in KCPE and KCSE in the past ten years.

(b) The Student enrollment, the number of schools, the number of teachers and other relevant statistics.

(c) State the key factors responsible for the dismal performance of students in national examinations.

(d) State what specific radical measures the Ministry of Education and the Teachers Service Commission (TSC) are taking to reverse the trend and give hope to the children of Mandera County.

**Sen. (Prof.) Lesan:** Mr. Temporary Speaker, Sir, the Committee is yet to elect the Chairperson, but work must continue. I am one of the Members of the Committee. We undertake to give a reply to that question if we are given three weeks. It is comprehensive; we need to do some research.

**The Temporary Speaker** (Sen. (Dr.) Machage): That is quite in order because an order was made for the committees to elect their chairs within two weeks. So, three weeks is quite in order.

Let us move on.

#### STATUS OF THE KINDARUMA-GARISSA KV LINE

**Sen. Mwakulegwa:** Mr. Temporary Speaker, Sir, I was to give a statement, a clarification which was sought last week on the issue of the Kindaruma-Garissa KV line. My response is as follows:-

The financier of the Kindaruma-Mwingi-Garissa 132 KV line, the works of construction of 250 kilometres circuit line establishing two lines at Mwingi and Garissa and extension to the existing Kindaruma Station is the World Bank and the Government of Kenya. The contractor is Tata Project Limited of India. The transmission line will cost Kshs1.2 billion. The completion date is October, 2014.

Thank you, Mr. Speaker, Sir.

**Sen. Billow:** Mr. Temporary Speaker, Sir, I want to thank the “Minister” for that answer. I was holding brief for my colleague, the Senator for Garissa. He has asked me to continue because he had not got the brief from me.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Billow, maybe, we should learn to use the right titles. We do not have Ministers, we have Cabinet Secretaries.

**Sen. Billow:** My apologies, Mr. Temporary Speaker, Sir.

Thank you very much, Chairperson of the Committee on Energy for that answer. I would appreciate if he could clarify one issue. I know he said in October this year the project will be completed. Do we then understand that this project has already

commenced? If it has, how far has it gone? Has it reached Mwingi or is it yet to begin? That clarification is important.

**Sen. Mwakulegwa:** Mr. Temporary Speaker, Sir, I had said it would be completed by December, 2014. But the contract completion date is October, 2014. As we speak, it has reached at Mwingi.

**Sen. Billow:** Thank you, Mr. Temporary, Speaker, Sir, I appreciate.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. (Dr.) Zani, you may proceed.

*(Interruption of Statements)*

### NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33

#### ONGOING STRIKE BY STAFF OF PUBLIC UNIVERSITIES

**Sen. (Dr.) Zani:** Mr. Temporary Speaker, Sir, I stand to give notice of a Motion of Adjournment of the Senate to discuss a matter of national importance under Standing Order No.33(1). This is the matter of the public universities where staff are now on strike. Many students are not able to access their academic institutions.

Mr. Temporary Speaker, Sir, the following Senators who are upstanding support this adjournment.

*(Several hon. Senators stood up in their places)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. I have received this message and I can see you have the requisite numbers. In my own observation, the matter is urgent and, indeed, of national importance. I allocate time from 5.00 p.m. for debate of this matter.

Next Order!

*(Resumption of Statements)*

#### RESETTLEMENT OF IDPS IN NYANDARUA COUNTY

**Sen. (Eng.) Muriuki:** On a point of order, Mr. Temporary Speaker, Sir. There is a statement that has been long overdue. I requested this statement last month with regard to the status of IDPs in Nyandarua County. A promise to deliver this statement has been given week after week. The last promise was that this statement would be given today by the Chairperson of the Committee on National Security and Foreign Relations. I can see the substantive chairperson is in the House.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Haji, what do you have to say about this?

**Sen. Haji:** Mr. Temporary, Speaker, Sir, first, I want to congratulate you for becoming our temporary speaker.

Secondly, I want to sincerely apologise that up to this moment, I have not been able to fulfill the promise of giving my old friend, Sen. (Eng.) Karue, the statement. I have even gone to get this statement and I did not receive a convincing explanation. But I want to assure the House that I will still follow up this matter. Last week, I was away with the President in Addis Ababa. That is why my brother, Sen. Billow, stood in for me. So, I beg that we be given up to Thursday so that we can know why we are not receiving this statement.

**The Temporary Speaker** (Sen. (Dr.) Machage): Actually, I thought you were privy to this information. Your statement was initially directed to the Committee on National Security and Foreign Affairs but it was found to be an issue of the Sessional Committee on Devolved Government and henceforth was moved to that committee. But that is a Sessional Committee and it is not yet well organised. The chairperson has not been elected. But maybe in three weeks time also, he should be because we have two weeks to elect the chairpersons of the various committees.

**Sen. (Eng.) Muriuki:** Mr. Temporary, Speaker, Sir, maybe because of the procedures in the House, but when this matter came up, it was quite urgent and it remains so. The residents of Nyandarua County are still eagerly waiting for that statement. A meeting of leaders of this county is coming up and yet there is no answer. Whereas waiting for this committee to be constituted is in order, I seek your direction on which way to go so that these kinds of answers which are required urgently--- some way is found so that we can get an answer whether the committee or the chairperson is in place. As you had ruled earlier, we have the Senate Majority Leader. Maybe he can take it up so that we get the statement delivered. This will bring down the anxiety in the county.

**The Temporary Speaker** (Sen. (Dr.) Machage): Senate Majority Leader, are you ready to take the duty of delivering the statement sought by Sen. (Eng.) Muriuki?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, if the relevant committee has no problem with that, I am happy to perform that role. Is it about the IDPs?

**The Temporary Speaker** (Sen. (Dr.) Machage): Correct.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Is a week adequate because I have to now do the work from ground zero?

**The Temporary Speaker** (Sen. (Dr.) Machage): The rules of the House give you the mandate to answer when the committee is not ready. So, it is not a matter of begging for permission from that committee whose elections are yet to be done. So, you have said you are bringing the statement in seven days.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): That is in order, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): Is that okay, Sen. (Eng.) Muriuki?

**Sen. (Eng.) Muriuki:** I think that is okay, Mr. Temporary Speaker, Sir. I would only, through the Chair, urge the Senate Majority Leader to expedite the delivery of that statement. Assuming the previous committee had---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. (Eng.) Muriuki. We have heard your prayer. It will be done.

**Sen. (Eng.) Muriuki:** Let me speak one word, if you may allow.

**The Temporary Speaker** (Sen. (Dr.) Machage): Proceed.

**Sen. (Eng) Muriuki:** Mr. Temporary Speaker, Sir, the word is, the previous committee must have engaged---

**The Temporary Speaker** (Sen. (Dr.) Machage): Those are already ten words.

*(Laughter)*

**Sen. (Eng) Muriuki:** Okay, Mr. Temporary Speaker, Sir. Seven days are okay.

**The Temporary Speaker** (Sen. (Dr.) Machage): Next Order.

## PROCEDURAL MOTION

### REDUCTION OF PUBLICATION PERIOD OF BILLS

**Sen. Elachi:** Mr. Temporary Speaker, Sir, I beg to move the following procedural Motion:-

THAT, pursuant to the provisions of Standing Order No.125, the Senate resolves that the publication period of the following Bills be reduced from fourteen days to eleven days:-

- (i) The County Industrial Bill, 2014;
- (ii) The Alcoholic Drinks Control (Amendment) Bill, 2014; and
- (iii) The Statute Law (Miscellaneous Amendments) Bill, 2014

Mr. Temporary Speaker, Sir, the reason we are reducing the days is because we wish the Bills to be taken to the committees so that we can expedite them. We also wish to bring more Bills to the Senate, so that we start working on Bills instead of the continuity of Motions. That is why I ask my friend, Sen. (Dr.) Khalwale, to second the Motion.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, this being a procedural Motion, we, the opposition, would have no serious issues against it. Therefore, we want to support the Government side.

As I support this Motion, allow me to use this opportunity to urge the Senate Majority Leader that, we thought after the ruling of the Supreme Court, we would see more of the Government business coming from the Senate Majority Leader. We continue seeing only private Members' business. I want to urge him to look into this.

I support.

*(Question proposed)*

**Sen. Wako:** Mr. Temporary Speaker, Sir, I stand to support this Motion. In fact, I hope Sen. Elachi is listening to me. I had been nominated by the Senate Minority Leader and the Deputy Minority Leader to second this Motion. But Sen. Beatrice Elachi---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Wako. Avoid semantics.

**Sen. Wako:** Mr. Temporary Speaker, Sir, is this a conspiracy from Kakamega County? Sen. Elachi immediately went ahead and nominated Sen. (Dr.) Khalwale to second the Motion when the officials of the Opposition---

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Wako, do not be jealous! Support or oppose the Motion.

**Sen. Wako:** Mr. Temporary Speaker, Sir, I wish Kakamega County had moved in favour of Busia County, but anyway, I support this Motion. For too long, we have been accused that we are not debating the real issues of a legislature, which is to enact legislation. So, the sooner we go into debating legislation in this House, the better. For that reason, I support.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, this is a procedural Motion, but a very important one. We have been waiting for Bill No.3. We had tasked the committee chaired by the distinguished Senator for Busia County to bring a comprehensive raft of amendments to various statutes that touch on devolution, to bring them to speed with the current dispensation. I hope the Bill contains all this. It is time that we moved away from engaging in debating Motions full time and address matters of legislation that will help not only enhance and strengthen devolution, but which will change the lives of Kenyans.

I see we have an Alcoholic Drinks Control (Amendment) Bill, 2014. I hope it is not influenced by Mututho. But let it come, we will be able to debate it. I urge that we support this. The committees to which the Bills will be committed after First Reading today should also move expeditiously and report back to the House in the shortest time possible, so that we are able to do our work of legislation.

Mr. Temporary Speaker, Sir, I beg to support.

**Sen. (Dr.) Zani:** Mr. Temporary Speaker, Sir, I stand to support this procedural Motion. This is a very good and encouraging move, that we reduce the number of days for publication of the Bills from 14 to 11. This will give us a chance to go into debating Bills directly. This will be good for the development of the counties and also to encourage that more Bills come up to this House for further discussion.

**Sen. Kagwe:** Mr. Temporary Speaker, Sir, I also want to join those who are congratulating you on sitting in that chair because we know you are able.

As my colleagues have said, this is a procedural Motion which does not require much debate. However, I would like to take this opportunity to urge that the House strengthens its capability of drafting Bills. This is because there are several Bills that are sitting out there from the committees waiting for drafting; and they have been there for a while. Even as we criticise ourselves for not bringing Bills to this House, one of the reasons why that is not happening is because our capability in the drafting area leaves a lot to be desired. So, it is good for me to take this opportunity to urge that the office of the Clerk is strengthened to be able to effectively bring our Bills to the Floor of this House.

*[The Temporary Speaker  
(Sen. (Dr.) Machage) stood up on his feet]*

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

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Khaniri! I am on my feet!

*(The Temporary Speaker  
(Sen. (Dr.) Machage) sat down)*

Now I am not on my feet! Sen. Khaniri, you may proceed.

*(Laughter)*

**Sen. Khaniri:** Thank you, Mr. Temporary Speaker, Sir. I can see you are enjoying the powers of the Chair.

This is a procedural Motion, but I just want to be on record to have supported this Motion. I wish to remind my colleagues that at the end of the term of this Senate, which is the first Senate under the new dispensation, we will be judged by the number of Bills that we will have passed in this House and not Motions. Therefore, I want to reiterate what Sen. Kagwe has said, that we must increase our capacity to process Bills in this House. We must go further and insist that Bills that are coming from the Government that touch on counties, that are supposed to be debated here, we must push for our right and ensure that the Bills come here and not what has been happening, whereby the Government has been pushing all the Bills to the National Assembly.

Mr. Temporary Speaker, Sir, we support the fast tracking of Bills. We look forward to debating particularly Bill No.3, the Statute Law (Miscellaneous Amendments) Bill, 2014.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. This is not a Motion affecting counties. Every Senator is entitled to a vote; the elected and nominated Senators. I, therefore, wish to put the question.

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Next Order.

## **BILLS**

### *First Readings*

THE COUNTY INDUSTRIAL BILL, 2014

THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL, 2014

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, 2014

*(Orders for First Readings read - Read the First Time and  
ordered to be referred to the relevant Senate Committees)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Next Order.

## **MOTION**



ADOPTION OF REPORT ON FAMILIARIZATION TOUR OF  
KPA, KPRL AND KPC IN MOMBASA COUNTY

THAT, this House adopts the Report of the Standing Committee on Energy, Roads and Transportation on the Familiarization Tour of Kenya Ports Authority (KPA), Kenya Petroleum Refineries Limited (KPRL), and Kenya Pipeline Company Limited (KPC), in Mombasa County between 5th and 8th August, 2013, laid on the Table of the House on Thursday, 27<sup>th</sup> February, 2014.

*(Sen. Mwakulegwa on 6.3.2014)*

*(Resumption of Debate interrupted on 13.3.2014)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. (Dr.) Khalwale, you were on the Floor when debate on this Motion was interrupted. You have 12 minutes to conclude your debate.

Proceed.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, when we adjourned I had just said that I was paying my compliments to our former able colleague, hon. Danson Mungatana, for having been appointed as the Chairperson of the Kenya Ports Authority (KPA). I had pointed out that one hopes that hon. Mungatana will not walk the same old unhelpful route that was walked by his predecessors who thought that as soon as you are taken to that port, it was an opportunity for you to give jobs to your friends, relatives and people from your community.

Mr. Temporary Speaker, Sir, I look forward to a situation whereby we are going to remember hon. Mungatana for having spearheaded the modernization of Mombasa Port. When I speak of modernization of this very important national resource, quickly in mind comes the issue of the quality of business that we are able to roll out at Mombasa Port. We have for all these years relied on the natural suitability of the Port of Mombasa in terms of receiving vessels. It is important that the new leadership at the Kenya Ports Authority (KPA) goes out of its way to ensure that funding is secured so that dredging can be done to attract bigger vessels and therefore bigger business for the Port of Mombasa. I hope and look forward, during the tenure of hon. Mungatana, to have a KPA which is efficient. The amount of inefficiency in this port is the reason why countries like Rwanda, Burundi and Uganda are starting to have second thoughts about using our port.

I have in mind the issue of clearance. Clearance at the KPA takes unnecessarily long. After that when they go to Malaba border, again crossing to Uganda is another headache. I know the Chair comes from the western side of the country and he has been to Malaba. You will see trucks lined up for a distance of 13 or 15 kilometres long, and they take days and weeks to be cleared. The modern way of controlling that kind of port like the one we have in Mombasa is to do what we call "one-stop border post": When the businessman arrives at the Port of Mombasa, he gets all the services that he is going to get on the Kenyan side and the Ugandan side from only one office.

Mr. Temporary Speaker, Sir, in the tenure of hon. Mungatana, - and you will forgive me for repeating his name because this was a distinguished parliamentarian for the ten years that I worked with him. He fought corruption and I am hoping that the corruption that currently exists at the Port of Mombasa should be something of the past. I am making this statement on a day when His Excellency the President has just been launching the strategic plan of the Ethics and Anti-Corruption Commission (EACC). I am so disappointed that the security of the president locked me out of that office because I had just come from another meeting here and when I reached there, the President had just entered and they locked me out. How can a Senator be a threat to the security of the Head of State when he is launching the EACC strategic plan? Some of us have fought corruption in this country; look at the stories of Kimunya, stories of Prof. Ndung'u and so on. Now events coming in the later day are vindicating us. Therefore, I felt very hurt that the security of the President locked me out of this very important meeting. I am not a security threat to the President or any other member of the Executive.

Mr. Temporary Speaker, Sir, I therefore want to join the President in his effort---

**Sen. Haji:** On a point of order, Mr. Temporary Speaker, Sir. Is the Senator in order to allege that he is not a security risk? If you are late for a meeting and the meeting starts, it is only proper that you should be kept out. So, you should know how to keep time.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, because Sen. Haji is very happy I forgot his nine year old granddaughter is my real hero. She loves me and I love her and I would just want to tell her that the grandfather looks very smart.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Can you continue?

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, the small girl was waiting for me to say that the grandfather looks very smart today unlike the other time when he was wearing strange things but that is---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! There was a ruling in this House by the Speaker that Sen. Haji was well dressed. So, that should not be brought up again. So, he deserves an apology.

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): What is it, Sen. Wetangula?

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, one can be very well dressed in strange things.

*(Laughter)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Wetangula! Sen. Haji was well-dressed, period; and normally, in normal things.

**Sen. (Dr.) Khalwale:** Indeed, I agree with you that he was very well-dressed. What I did not know---

**Sen. Haji:** On a point of order, Mr. Temporary Speaker, Sir. You made a ruling that he should apologize. This matter should not be trivialized. If the Speaker has ruled, you apologize.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Temporary Sir. For the sake of his granddaughter, I apologize profusely.

Regarding the issue of corruption, it is good that the President has decided to start it today during the launch of the strategic plan. It is so important that we all, as a nation, agree that our problem is not the wage bill. Our problem is the inability to provide leadership in making sure that we seal the loopholes of corruption where we lose over Kshs300 billion every financial year. I am hoping that under the leadership of hon. Mungatana, he will take the trouble to go to Panama. In Panama, they only have one thing; a canal, but they have maximized it up to and including the actual business activity and tourism. One of the biggest tourist attractions of Panama is the Panama Canal.

In fact, we can duplicate what happens in Panama at Mombasa. Who does not know the rich history of the Port of Mombasa? We could do this and our country will make a lot of money. For those who are familiar with the KPA, and I happen to have been a doctor in charge of treating patients at KPA for six years, you will realize that huge and important as that port is, it has got only one jetty at Kipevu. How can it take 50 years when we have expanded business into the East African Community for the leadership of this country to realize that there is need for us to increase the number of jetties so that we have more than one terminal? This makes the port extremely inefficient and, consequently, we lose a lot of business. This has forced some of the member states of the East African Community to start exploring the possibility of using the Port of Dar-es-Salaam.

On the issue of efficiency, I want to make a statement about the ferry services in Mombasa. The ferry service is a joke. We spent so much money in purchasing very expensive vessels purely for purposes of doing 50-100 metres from the city side of Mombasa to Likoni side. There is a huge opportunity - and I hope the County Government of Mombasa will take advantage - you will find that you can use the ferry services to sort out traffic jams in Mombasa because a majority of the people who work on the island in the city centre, they live on the mainland and all of them approach the mainland through either Nyali Bridge, the ferry or Makupa Causeway. It is possible to expand the ferry services so that we have a water transport system that goes round the island to the extent that when the ferry goes round the island, it picks commuters at Likoni ferry, at Nyali Bridge and Makupa causeway. As it does so, it drops them at various working spots in the city. This is an easy way of sorting out congestion in the city of Mombasa. It is an easy way of making transport efficient in that city and therefore improving the business practice of the town.

Mr. Temporary Speaker, now that I am on the issue of transport, it is important that members of this House know that as early as 1979, a report that had been commissioned by the Government of the Late *Mzee* Jomo Kenyatta had already decided that we should build a bridge connecting the south coast to the mainland. Why it has taken all these years and nothing has been done, one can only guess. I want to urge the Committee as I support them in this report that you have been very active, and I am starting to think that the Gideon Moi led Committee is starting to emerge as the most active in the House and I must compliment them.

I want to urge them to go into the issue of the emerging oil producing sector in this country. We want to hear you, as members of the Committee, that you have met the Executive and they have assured you about the negotiations going on between the Government of Kenya and the companies extracting oil so that the royalties that those companies will be paying to this country should not be a paltry 5 per cent as they were

doing to all the oil producing countries of Africa from the western part of the continent. Our continent has been producing and exporting oil and the poverty in West Africa is not acceptable. This is because the leaders chose to be bribed instead of negotiating for better royalties and taxation procedures.

With those few remarks, I beg to support.

**Sen. (Prof.) Lesan:** Mr. Temporary Speaker, Sir, I also rise to support the adoption of this Motion. First of all, I want to thank the Committee for a very commendable report that they have tabled in the House. I only wish to address two issues regarding this report. The first one is to do with the Kenya Pipeline Company (KPC). I wish to point out that the commodity which this company deals with is a very inflammable product. It is a highly inflammable product. Therefore, it is very important that when reports of this nature are made; although it was made specifically for Mombasa, the pipelines that belong to this company traverse most of the country. Therefore, the safety of these pipelines must be secured both at the depot and when in transit. It is important to do this because of the history and the things we have recently witnessed regarding the risks that the public is exposed to. It is therefore important that the report should recommend some safety procedures that should be done.

It is also important to have very feasible and elaborate disaster preparedness with regard to this inflammable product that the company deals with. We know and are aware at the moment of a case which is going on in the High Court regarding the disaster that happened in Nairobi where a burst pipe caused several deaths. In fact, a case like this is very costly to the company and to the country because it involves loss of revenue. It is important that we have recommendations in such reports to cover such occurrences. There was a recommendation that the company is trying as much as possible to transport the product through the pipelines. It would be commendable if the company would try as much as possible to reduce the amount of petroleum or diesel carried on the roads. Of late, we have had very serious accidents involving heavy vehicles that are carrying large quantities of petroleum. This has caused significant deaths of wananchi. Of course, this is a real danger because it continues to go on. As we noticed, our people always scramble for fuel when a tanker overturns.

Mr. Temporary Speaker, Sir, the Kenya Ports Authority (KPA), I recommend and suggest, should find it very important to address the security of the port. This is in particular with regard to the presence of the many clearing agents that are working there. It is apparent, from what we have heard, that the clearing agents and other crooks who work at the port are much more sophisticated than the procedures that have been put in place. Owing to this, the country is losing a lot of revenue just because of the activities of the individuals at the port who are acting as agents.

It was recommended in this Report that legislation ought to be put in place. I recommend that the recommendations be fast tracked so that these kinds of activities stop. I know that these activities go on and this can be shown by the evidence that is there. The evidence that is there shows that occasionally, large quantities of ivory have been arrested in far off places like China or the Philippines, having gone through the Port of Mombasa. That means that this issue is continuing in Mombasa. We know that there are also contrabands goods that have been coming into the country. For the same reasons, they go through the same Port of Mombasa and enter into our country. We know that there are several materials like hard drugs and many other things and more worrying are

the activities by the terrorists. It is important that the port assures wananchi of adequate security so that we are safe as a consequence of what is going on at the port. This recommendation should be enhanced in the Report that we were given.

There was also a recommendation that talked about the national oil reserves. It is important for us to know that the petroleum that is in the country, at the moment, is in the hands of marketing agents. The country does not have its own oil reserves. This is a very important point. The country should own some of the oil rather than the oil being owned by the companies. I am glad to hear that one of the terminals in Mombasa will be used as a storage facility. It is not only the oil company that will use the petroleum but the Kenya Government will also stock its own oil reserves. This is very important in terms of every aspect, including the security of the nation.

With that, I support this report and commend that it be adopted by this House. Perhaps, the recommendations that have been made should be implemented.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Temporary Speaker, Sir, let me begin by commending the Committee for this Report and for having chosen to go to the Port of Mombasa as their first responsibility to this House.

As previous speakers have said, the Port of Mombasa is key to the economy, not only to this nation but to the region. Historically, this has been the port of entry to the East African Community (EAC) and beyond. The port is an extremely useful facility as, indeed, Sen. Boni Khalwale has said. I want to go further than that and say that since this is a Committee on Energy, Roads and Transportation, Mombasa, as a city cannot function if transportation in the city itself is problematic. I hope that when the Committee went to Mombasa, they flew into Moi International Airport and went by road to Mombasa which is a herculean task.

Although the City of Mombasa, during the Coalition Government, tried to clear the road from the airport to the city, that clearance of kiosks and other things just improved it marginally. There is still a very big problem. Going to Mombasa via Moi International Airport, with all the tourists coming in, having heard all the glorious things about Mombasa, they find it a nightmare to get to the City. Most tourists who come here get shocked at how difficult it is to wade your way through the island before you go to the tourist hotels.

The Government, at this point in time, with all the plans of the past – I have been in two administrations and I know that there have been plans to decongest Mombasa. They should use the Dongo Kundu Road which has been there for many years. Now, I understand that it is being constructed so that the south coast can be opened up and the economies in the south coast and Kwale can be enhanced. While doing that, the current congestion in Mombasa is a nightmare with all the *matatus*, *tuk tuks* and *boda bodas* that have invaded our cities. Unless we do something about infrastructure in the city, particularly the inner city, then it will not function. The port may as well improve as Sen. Khalwale has said but getting out of that port to upcountry continues to be a nightmare. This will continue to be a nightmare if nothing is done.

The second thing I want to say about Mombasa is that, given the fact that this is our show case city owing to the fact that it is a port of entry, we cannot just ride on the glory of tourists hotels. That is well and good. However, as a Kenyan city with historical significance, the renewal of Mombasa is very important. I get ashamed when I go to Mombasa and I see it being run down. The buildings are old and have not been painted.

The infrastructure has been broken down and this is a task that cannot be left to the County of Mombasa. Mombasa is a national asset and requires massive investment, some kind of a marshal plan to bring it to the modern time and for it to be a showcase for our country.

Having said that, I would like to point out that the other responsibility of this committee is to take care of roads. Roads are very much connected to energy. One of the things that should be done is to take off the roads all the tankers that bring petroleum from Mombasa up to the upcountry and traverse our nation into Uganda, Rwanda and beyond. These should be taken off the road to the railway. This would be more cost efficient and effective.

Some time, last year, I spent a week in a city called New Orleans in the USA. I witnessed a goods train passing by the hotel I was staying. The goods train went past our hotel for 45 good minutes, one goods train. I stood by the window to watch the goods it was pulling. This was mainly petroleum and other things. It went for 45 minutes; a very long time. That kind of a train can only run on a line which is stable. Those talking about this old lunatic line being modernized do not know what they are talking about. The lunatic line was built at a time when technology was very backward and people could not go through certain ingredients as they do today. They did very well because they built tunnels like the one in Limuru which used to be a wonder for us who were going to Alliance High School many years ago.

Those tunnels were works of wonder those days. However, now they are not because technology has improved so much. When you are building railways, the alignment becomes very important because that determines how long your trains can pull goods. So, it is important that we build a new standard gauge railway from Mombasa to Nairobi, Kisumu, Busia, Kitale and Kampala. We made these proposals under the economic recovery strategies for wealth and employment creation when I was the Minister for Planning and National Development. In fact, at that point in time, we proposed not only a standard gauge railway going all the way to eastern Congo but a double carriage way road. A double carriage way is good for safety.

One reason we are losing our people on our roads is because we have these single lanes we refer to as highways. It is criminal to call a road from Nairobi to Kisumu a highway when it is a single lane. It is not a highway. Where is the "highness" and where is the "way?" If we really want this Committee to do its job, let what is being done be commensurate to the name of the Committee; Energy, Roads and Transportation.

I will tell you that we are pennywise and pound foolish by putting so many luggages on the road from Mombasa to Nairobi. However well you build that road, once it is doing the work that a railway should be doing, it will break down. You can say that you will put policemen on the way with all the weighbridges, however, you know our problems. Policemen will take bribes and let very heavy lorries pass through and ruin our roads. They are doing this every day. We need to make very strong recommendations regarding our emergency programme. Our emergency programme should be the building of the road from Mombasa-Nairobi-Kisumu-Busia and even to Eldoret as a double carriageway, a real highway all the way to Uganda and eastern Congo.

I know that there has been a lot of debate about the standard gauge railway. Kenyans are not opposed to the standard gauge railway. What Kenyans are avoiding is doing it at a cost that our generation and the generation after us will not afford. We do not

want to pass on to our children and our children's children a debt they cannot pay. This is a question of cost. We must also ask the other question. Why is it that the cost is higher than the international standards? If you go to the internet these days, you can benchmark the cost of anything. You can benchmark the cost of a pen, the cost of going to a nightclub and even that of doing a railway line. Kenyans are raising these issues and it is incumbent upon the Government to explain.

Tell us, dear brothers and sisters, that you want the railway to be built and how you arrived at the cost. Otherwise, if you do not do that, you will invite all kinds of people to speculate and to fear-monger so that in the end, civil servants are petrified in their offices and cannot move. Even if they know something is correct, but because of what is being said, they get terrified. I have been a Minister and I know this. When characters start speaking without facts and fear-mongering all over the place, then the Government cannot work. The Government on its side does not speak and explain things, it encourages fear-mongering and the nation cannot function.

So, on the issue of the standard gauge railway, let this Senate go on record that we want it, but at a cost that we can afford and an explanation that is understandable. At the moment, what is going on is like the Tower of Babel; everything is being said, nobody is listening to the other and somebody is not speaking to somebody. I call upon this particular committee that at least this is one issue they should handle in this particular session. Let this Committee, at least for the sake of the Senate, come out with a report on this standard gauge railway which is sane, well informed and which this Senate can speak about with authority. Otherwise, this Senate is too dignified to join in a discussion which is nothing but the Tower of Babel.

Finally, on the issue of petroleum products, it is very important that we have a paper from the Government on the development of the petroleum industry in this country early enough. There is no need going around drilling wells all over the county but a Senate like this which is in charge of the counties does not have a policy paper on petroleum development in this country. If it exists in Government bureaus, let it be made available as a Sessional Paper for the Senate so that we can know what wealth of petroleum or oil exists in our country.

As I speak, in my own county, there are allegations that we have oil in Nyakach. These discussions should reach this Senate because these are county matters. So, if the Government can come out with a policy paper on petroleum, they can also, in that policy paper, give us an up to date report on exploration of petroleum in this country. We should know what the policy is in terms of royalties. I know Sen. Zani has a very good committee working on royalties. Let us look into the future so that Kenyans get informed. Let us not run a country on the basis of rumour, speculation and conversations amounting to the Tower of Babel.

I beg to support.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, allow me to begin from where the good old professor left; the standard gauge railway. I have said this in many fora and I want to say it on the Floor of this House that nobody in his right frame of mind in this country can oppose the construction of a standard gauge railway. We needed it 30 years ago and we need it even more today. I want to advise President Uhuru for free that when a project of this magnitude is mired in such ugly controversy, Kenyans have waited for 30 years for a rail line that is standard gauge,

modern and in fact, electric. All he needs to do is swallow the pride of his Government, order a proper open tender with public participation and get a good contractor to give us a standard gauge rail line. If it is a Chinese company we want, what the Chinese do is that they give you money and limit you that all the competitors in this will be Chinese. If it is the Europeans, they do the same thing. They give you money and they tell you that in this contract, the competitors will exclusively be European. They even go on and tell you that the company to win this contract must come from France, Germany or Spain, depending on which country put in the largest component of money. This is done everywhere and so we are not asking for too much.

Mr. Temporary Speaker, Sir, figures have been bandied around and it made me to make a few calls around the world from my contacts to find out what kind of thing we are talking about. In South Africa, a standard gauge rail line is costing US Dollar 2.3 million and they are electric. In Kenya, we are costing it at US Dollars 6 million per kilometre. It does not make sense.

Let me go back to the main issues. The Committee visited the Port and made several recommendations. On part (c), they are recommending that the Kenya Railways Act be amended to provide for the Kenya Ports Authority to manage and maintain the inland port within the country. I do not know what this means because what has the Kenya Railways Corporation Act got to do with the Kenya Ports Authority opening and maintaining inland ports? The Kenya Ports Authority already under the law has authority to maintain dry ports inland. In fact, we have---

**Sen. Kajwang:** On a point of information, Mr. Temporary Deputy Speaker, Sir. When we used to have the Railways and Harbours and we split it into two the Port of Kisumu remained under the ownership of the Railways. Somehow because the railways has not had the resources and the capacity to maintain that port, the port actually died. So, in order to get the resources and the expertise to maintain the inland port, we are suggesting that the Kenya Ports Authority now gets the Kisumu Port as their property and develop it so that it can be used.

**The Senate Minority Leader** (Sen. Wetangula): That makes sense, although the port already has authority under the law to open and maintain dry ports like the ICD at Embakasi. They have acquired 100 acres of land in Malaba and they are supposed to put up another dry port and so on. The Port of Mombasa alone, if efficiently run, and if you flushed out the corruption cartels there, can generate our current GDP in one year. It can turn around the economy of this country. We once visited a port in Belgium called Antwerp which has an annual turnover of twice our GDP. Mombasa is in a very unique position; it serves Kenya, Uganda, northern Tanzania, Rwanda, Burundi, eastern Congo, Southern Sudan and Ethiopia. It has a very rich catchment. I even noticed that goods destined for Zambia come from Mombasa by road up to Bujumbura and then it is put on steamers down Lake Tanganyika to Zambia. The port has enormous potential but what have we done?

Mr. Temporary Speaker, Sir, the successive governments in this country have only looked at the Port of Mombasa as a cash cow for individuals. There is a lot of corruption. The port does not expand or modernize. The congestion that Members have been talking about is all there to the extent that if you do a proper evaluation of the Port of Mombasa, it does not function and operate at more than 30 per cent of its potential and capacity. If we want the port to operate, many ideas have been put forward. You do not



need rocket science to know how a port operates. The managers of the Port of Mombasa have been around the world for the last 20 years. They visit Singapore to see how to modernize a port and after six months, the chairman is sacked and a new chairman comes in. He visits Singapore to also see how to modernize the port. After a short while, a new Managing Director comes in and they have to visit Hong Kong to see how to modernize a port to the extent that we are now looking bad.

I met an Israeli Director of an institution of agriculture and he asked me what was wrong with our country; that people are always visiting Hong Kong to learn. He told me that when Kenyan delegations started visiting that institute, he was an intern. He has now risen to be the Managing Director of the institution and Kenyans are still coming to learn about the same thing. This is the problem; we want to be mired in the trap of seminars, visitations and so on, whereas we are nil at implementation.

I want to urge the Committee – because they have said they are looking for an opportunity to legislate; to inform, get proposals and enrich the nature of policy and legislations touching on the sector that could be debated on the Floor of the House – please let us not end up with debating this Report and leaving it there. They should bring some legislation to enhance the efficiency of our port. As they are haggling on who has eaten what on the standard gauge railway line, you should bring legislation to help the country build an actual standard gauge electric line to modernize our transport system. You heard what Sen. (Prof.) Anyang'-Nyong'o said that we have big trucks on our roads.

Mr. Temporary Speaker, Sir, I am sure you use the road to Nakuru when you are going to Kuria. From Nairobi to Nakuru, there is an endless jam. There are trucks upon trucks. You heard Sen. (Dr.) Khalwale talk about Malaba. On some average days, you will find trucks lining up from Malaba border up to halfway between Malaba and Bungoma, a distance of 28 kilometres. All this is money lost because when the truck is parked there, it will take three to four days for a truck to move from Bungoma to Malaba to clear and cross the border yet we have been offered money by the Europeans to build a one border point where if you have goods coming from Kenya, once you are cleared on the Kenyan side, you are not checked on the Ugandan side and *vice versa*.

If you go to Zambia; the boundary between it and Congo, at a place called Chirundu, which is now referred to as the most efficient inland border post, they effected the one stop shop and trucks cannot stop at Chirundu for more than one hour. You get there, you present your papers, they are dealt with and you move and yet Malaba which has been statistically proven to be the busiest border point in Africa carrying goods from Mombasa to about six countries on the west, there is no intention of expanding and making it efficient. Even now there is a road being constructed from Eldoret to Malaba, including the construction of a dual carriage bridge to cross the border. This has stalled because there is no money and yet this is very little money that will generate so much money for this country. I want to urge the Committee to visit the border points of Malaba, Namanga and Busia to see how we are choking business in this country by being inefficient in handling our international border crossings that are so necessary for us to grow our Gross Domestic Product (GDP).

Mr. Temporary Speaker, Sir, the Port of Mombasa has been debated for a long time in extending its services to a free port. That is how Dubai has grown. With a free transshipment port, anybody with goods in Japan, Hong Kong or India can bring them into Mombasa without paying anything. You only wait for those who will buy, and that is

when money is paid. Imagine a situation where with a rich hinterland Mombasa was visited as a free port by just about ten per cent of the 300 million that it serves. If 30 million people visit Mombasa for business in a year, and each of those visitors is spending just US\$1,000, that is US\$30 billion, and remember our GDP is only US\$40 billion. That is almost equal to doubling our GDP from one indicator only – the Port of Mombasa. It can be done. It does not need rocket science. All that it needs is courageous managers of this country. Instead of engaging in diversionary issues like cutting wages in the wrong way, those are things that we should be focusing on. You want to reduce your salary by 20 per cent, but doing nothing to improve efficiency, reduce wastage and cut down on corruption and all the issues that will help you save public funds.

Mr. Temporary Speaker, Sir, we have such a flawed tendering system in this country that a bottle of water like this one, if you go to the supermarket maybe Kshs50, but in a Government office, because of tenders, we may be acquiring it for Kshs100 – double the cost. These are the things that the Jubilee regime should be looking at and not boring Kenyans about cutting wages, which they know that nobody will accept and is against the International Labour law.

**Sen. Elachi:** On a point of order, Mr. Temporary Speaker, Sir. Is the Senate Minority Leader in order to say that the Jubilee Government is boring Kenyans, yet he has been in the same system? Is he in order to say that the Jubilee Government is boring, yet we have said that it is a discussion? Let Kenyans discuss and see whether, indeed, we need to deal with the wage bill.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Wetangula, are you in the Jubilee system?

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I believe that the distinguished Nominated Senator has landed from outerspace, because I have never been in the Jubilee system and wish not to be at anytime. The Nominated Senator must please her nominators that she is here to do something.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Wetangula. Please, avoid those semantics.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, the pipeline, again, is a very important asset. I honestly would want to encourage the Committee – because they said that the purpose of their visit is to inform policy and legislation – to bring legislation here to get rid of tankers from the roads. We have a pipeline and can put in more money to have return cargo for the oil fields of Uganda, for example. The pipeline can be extended up to Kampala, Rwanda, Burundi and Eastern Congo, and get these monsters off our roads.

Mr. Temporary Speaker, Sir, again, I feel sometimes constrained to use much stronger language, but the Jubilee Government, in its total misguided approach to issues, instead of getting tankers off the road, they are saying that buses cannot travel at night. You fail to get logic---

**Sen. Elachi:** On a point of order, Mr. Temporary Speaker, Sir. While we appreciate the Senate Minority Leader's sentiments, since night travel by buses was stopped, we have not seen any accident. But very soon we shall---

**The Temporary Speaker** (Sen. (Dr.) Machage): What is not in order?

**Sen. Elachi:** Is he in order to say that we banned buses from travelling at night and have not gotten rid of tankers on the roads, yet he knows very well that we did so to try to save lives? I think that this is done in the whole of East Africa.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. Is Sen. Beatrice in order to mislead the country? The vision of the Jubilee Government, in your manifesto, was that you wanted to turn our economy into a 24-hour economy. How the hell are you going to turn it into a 24-hour economy when you have now imposed a ban on night travel by buses?

**The Temporary Speaker** (Sen. (Dr.) Machage): That is not a point of order. What is not in order?

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, what is not in order, with all due respect to the hon. Senator, is that she is misleading us. Those are her thoughts. Those are the mandarins that control State House that have made it impossible for the President to---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Khalwale!

**Sen. Elachi:** On a point of order, Mr. Temporary Speaker, Sir. I think that we need to look at the interest of this country. I think it will be wrong to say that we are misleading the country when, indeed, we are trying to deal with issues. There was no ban.

**The Temporary Speaker** (Sen. (Dr.) Machage): Remember that you are on a point of order.

**Sen. Elachi:** Is the hon. Senator in order to say that I am misleading the House by saying that there was no ban? All we decided is that if you follow the regulations, you will be able to travel at night.

**The Temporary Speaker** (Sen. (Dr.) Machage): That is a point of argument. Continue, Sen. Wetangula!

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I want to invite the distinguished Nominated Senator to read a small book by Chinua Achebe called "The Trouble with Nigeria." Chinua Achebe says that President Shehu Shagari had pronounced himself that corruption in Nigeria has not yet reached dangerous proportions. Chinua Achebe says that anybody who makes a statement like that is either a crook, a fool or does not live in Nigeria. Then he says: "I know that President Shagari is not a crook or fool. I can only conclude that he does not live in Nigeria." I know that the distinguished Senator is not a crook or fool, but she definitely does not live in Kenya. This is because since they banned buses from travelling at night, we have had so many deaths at Salgaa. I am sure that you have seen this in the newspapers and everywhere. The other day, in Emuhaya, we buried a family of eight and another one of 18 in Nandi.

Mr. Temporary Speaker, Sir, I am encouraging the Gideon Moi Committee, which has very distinguished Members, including Dan Mwazo, Otieno Kajwang and others, to bring legislation to extend and expand the pipeline and get tankers off our roads. It will be more efficient and we will make more money. We will also save money that we spend on reconstructing roads. In this country, we build a road and there is no maintenance. After five years, you have to reconstruct it, yet if you go to Israel, the superhighway that Jesus was moving on, when Saul was struck by lightning, to Damascus is still there. How many years back are those? Here, a road erroneously described as a highway, as Professor has told us, cannot last for five years. You start a

road from Maai Mahiu to Nakuru and by the time you reach Nakuru, the road in Mai Mahiu is gone. You go back and start reconstruction.

In fact, what we do in this country is to sustain the motor spares industry in Japan and countries where we bring our cars from, because you have to put shock absorbers on your car every other month at the expense of other things. So, we must get these trucks off our roads. We must get the pipeline working efficiently and taking oil to the markets and bringing crude oil from Uganda to go and refine it.

Mr. Temporary Speaker, Sir, I agree fully with Prof. Anyang'-Nyong'o. Now we are moving into the mineral extraction economy. For a long time, Kenya was the most successful non-mineral based economy in Sub-Saharan Africa until South Africa came on board. We were dependent on services. Now we are moving to stage two. One, I pray God the Almighty to descend on this country, so that as we go into the extraction industry to manage our economy, we do not go the way our brothers in Nigeria did, by abandoning the earlier mainstay of the economy of agriculture. When you go to our sister country, Nigeria, they import tomatoes from Israel and oranges from Italy. I hope that the Government of this country, today and in future, will spend the money from the minerals that we are getting to not only strengthen the agricultural sector, so that we remain the breadbasket of the region and the rest of the world; but also build first-class infrastructure, strengthen what we have and move to a different level of economics.

Mr. Temporary Speaker, Sir, oil is a wonderful thing but it can also be a terrible curse to our country, as we have seen in other countries, where oil comes and who benefits? It is the same Anglo Leasing and standard gauge railway people. You will find them owning oil wells and yet, our brothers in Turkana who have kept this oil for centuries are eating a dog because there is no food. It is a shame and scandal. The time to start is now. The Committee should not wait until vested interests are entrenched to the extent where when you bring a Bill here, somebody will be waiting out there in dark glasses, with a briefcase full of dollars, to influence legislation. They do this all over the world. You sponsor a Bill and the next day, they are at your doorstep to deliver goodies to you to abandon your Bill. The time to do it is now, when there are no vested and entrenched interests.

Mr. Temporary Speaker, Sir, when Norway first discovered oil, they set up what they call a sovereign fund. They capped the price of oil and said: "For the oil that we sell, any price above 30 dollars goes to a sovereign fund that nobody can touch, including the Queen until after 15 years when it matures to be released." Today, there is no country as rich at *per capita* level as Norway. The money has piled and piled. They have got the largest sovereign fund in the world. I would want us to see a situation where we legislate and say that the moment we start commercial production of our oil, we lock dollars above 20 or 30 per barrel into a sovereign fund that nobody can touch, until after 50 years, for the future. Otherwise, all that you will be doing is getting a report, like what we saw from the United Kingdom (UK) yesterday, that ten richest men in the UK are richer than 40 percent of the population in the UK. That kind of scandalous behaviour is what Karl Marx called the ugly face of capitalism. We do not want that kind of thing. People want to live well, but why would you want to be richer than 40 per cent of the population of your country? That is obscenity. We must control national wealth for the country.

Mr. Temporary Speaker, Sir, sometimes I feel embarrassment when we are told: In Kenya, so-and-so is the richest African, and when you look at the people who are

being dubbed as the richest Africans, they have never even worked in an office as an office messenger, not even once. That is why in this country a new vocabulary has developed. When you go out there, people in Kenya hardly talk about earning money. They only talk about making money. Nobody wants to earn money; everybody wants to make money. This is how we have ruined our country.

Mr. Temporary Speaker, Sir, I want to encourage the Committee to bring legislation to modernize the port and make it more efficient to grow our GDP. Secondly, I want to encourage them to bring legislation to extend and expand the pipeline, so that we can get the tankers off the roads.

Mr. Temporary Speaker, Sir, lastly, the refinery in Mombasa has a long and bad story. I remember an Indian company called Essar was given the refinery to run. Now it is closed and the people who used to work there have to go home and nobody will look after them. We must make our choices. Now that we have oil, this Committee should also help legislate something similar to what Museveni has done in Uganda. He said that no Ugandan oil will be exported in its crude form. You must add value before you export. Export clean fuels, export lubricants and all manner of products up to bitumen. So we need a refinery. What we need is not the one we have in Changamwe. That one is out of date both in technology and everything. Now that we have oil, I personally do not agree with those who have been saying that a refinery should be put up in Isiolo because refineries must be put at the port where it is easier if you bought crude oil, to refine it and distribute clean products. So, it is important that we have our ideas and priorities right.

**Sen. (Dr.) Kuti:** On a point of information, Mr. Temporary Speaker, Sir.

**The Senate Minority Leader** (Sen. Wetangula): I do not want information. I need no information, I know what I am saying.

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

**The Temporary Speaker** (Sen. (Dr.) Machage): Yes, point of order.

**Sen. (Dr.) Kuti:** Is the distinguished Senator for Bungoma in order to state that it is not in order for the refinery to be in Isiolo when, in fact, the crude oil this time is not coming through the sea? What he fails to understand---

**The Temporary Speaker** (Sen. (Dr.) Machage): What is not in order?

**Sen. (Dr.) Kuti:** Is he in order to demean the centrally located Isiolo? If you check the most central point in Kenya, it is Isiolo. You can even confirm. Is he in order to impute that---

**The Temporary Speaker** (Sen. (Dr.) Machage): Can you execute your point or order properly; otherwise, I will stop you?

**Sen. (Dr.) Kuti:** Is he in order to mislead the House that Isiolo should not have a refinery?

**The Temporary Speaker** (Sen. (Dr.) Machage): That is enough. Do not spoil it again. To my own knowledge, I do not think I heard Sen. Wetangula deny Isiolo from having a refinery.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, when I was making my very informative and intelligent point, the distinguished Senator for Isiolo was engaged in an animated discussion with the distinguished Senator for Meru.

**Sen. Murungi:** On a point of order, Mr. Temporary Speaker, Sir. Is the honourable Minority Leader in order to mislead this House that he is making intelligent

contribution regarding this matter of the refinery when he seems to know nothing about it?

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. Are the two Senator in order to force the location of the refinery at Isiolo when no residents of Turkana and the rest of their sympathizers across the Republic have been involved in deciding that it should not be in Turkana? Are they in order?

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! They only disputed the intelligence of information that Sen. Wetangula was giving to the House. So, can you prove that it was an intelligent point?

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, the world over, refineries are always constructed at sea ports or ports of discharge. Even for Kenya, we have oil in Turkana, it will go to the refinery in Isiolo but on a day or month when for some strange reason, the oil wells break down or there is no oil being extracted, it is much more sensible and cheaper economics to have a refinery in Lamu, Kilifi or Mombasa where when you cannot pull in your own inland crude oil, you can bring in crude oil and refine it. This is common knowledge world over. You have travelled and seen all refineries in the world are in sea ports.

**Sen. Kajwang:** On a point of information, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): Do you want to be informed?

**Sen. Kajwang:** The reason why it is more prudent and intelligent to put a refinery at the port is this; you are not building a refinery just for Kenya. You are building a refinery for people in India, South Africa and so on who will come with large vessels, refine their products and sell it elsewhere. So, Isiolo is not suitable for that kind of thing whether it is the centre of Kenya or not.

**The Senate Minority Leader** (Sen. Wetangula): In fact, I will tell the distinguished Senator for Isiolo for free that there is a small Island called Curacao Island. Curacao is a Dutch Municipality next to Venezuela. Curacao is part of what used to be called the Guyanas. In Curacao, they have some of the largest refineries of crude oil in the world. They do not produce any oil. What happens is what the distinguished Senator for Homa Bay has told you. You bring a shipload of a million barrels of crude, refine it on commercial terms and sell it. If the refinery is in Isiolo, how will a tanker of a million barrels come there to refine oil and sell to the rest of the world? I have nothing against Isiolo. In fact, I love Isiolo very much.

**Sen. (Prof.) Lonyangapuo:** On a point of information, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): Do you need to be informed?

**The Senate Minority Leader** (Sen. Wetangula): I decline to be informed.

**Sen. (Prof.) Lonyangapuo:** I want to ask if I can give information.

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

**The Senate Minority Leader** (Sen. Wetangula): Let me get the information from the distinguished Senator from West Pokot who is happily married to a lady from my county.

**Sen. (Prof.) Lonyangapuo:** That last point, I do not know how valid his assertion is.

**The Senate Minority Leader** (Sen. Wetangula): But you are happily married?

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

**Sen. (Prof.) Lonyangapuo:** Who told you anybody speaking the same language as you must come from Bungoma?

**The Temporary Speaker** (Sen. (Dr.) Machage): Is that the information you want to put across? If that is the end of it, then sit down. Can you prosecute your information?

**Sen. (Prof.) Lonyangapuo:** I want to inform the distinguished Senator and Senators present here today that the exchanges we are hearing about the location of refinery in Isiolo was actually approved by the Cabinet during the tenure of these gentlemen who are exchanging their ideas here. You should have spoken that time and reiterated that it is not supposed to be in Isiolo. The two of you and Sen. (Dr.) Kuti were sitting in that Cabinet.

**Sen. (Dr.) Kuti:** On a point of order, Mr. Temporary Speaker, Sir. Is the distinguished Senator in order? The reason why Isiolo was chosen is the fact that crude oil from Juba or Turkana will converge at Isiolo then be diverted to Nakuru, Nairobi, Addis Ababa and Lamu. It is not just about the issue of the port but the supply to the general region. The centrality of Isiolo is based on the fact that when it is refined in Isiolo, then it will go to Abbis Ababa, Uganda, Kisumu, Nairobi and Lamu. That is the basis on which that centrality was picked on. It is not about being near the port. What about Uganda where there is no sea port?

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, are you satisfied that that was a point of order?

Mr. Temporary Speaker, Sir, I want to conclude so that my colleagues can also contribute.

It is not that we are against a place or against somebody. I can very well be selfish and say that the refinery must be in Bungoma. We can very well say that the refinery must be in Kisumu which has an inland port. We are still saying that is bad economy because it has to be at the sea. I would invite the distinguished Senator for Isiolo County to do a little more reading about international business and how the oil and gas industry is done.

If you look at the eastern coast of Africa, you will see that there was a refinery in Mogadishu before the war; there is a refinery in Mombasa, there is a refinery in Dar-es Salaam, there is a refinery in Lorenzo Marks which is now called Maputo, there is a refinery in Durban, there is a refinery in Cape Town, there is no refinery in Johannesburg, the largest commercial centre in Africa and it is for a good reason.

Let me end by thanking the Committee for doing a good job but more importantly for encouraging that in the legislation that we are proposing, you also loosen the grip of Kenya Ports Authority (KPA) on the running of harbours. We want diversification. Your Committee should visit a country called Turkey which has now broken to the trillion dollar economy, a country that has 12 operational ports, some run by the Government and some run by private enterprises. I dream a day when we will have a port in Shimoni, have the KPA in Mombasa, have a port in Takaungu, have a port in Lamu, have a port in Malindi then have railway lines running from each of those ports to the trunk line going to the western parts of the country up to Congo. When entrepreneurial colleagues like the distinguished Senator for Nakuru import their goods, they choose whether to go to Shimoni, Takaungu or Lamu and they will still get to the main gridline to them to where they want. You will increase efficiency and cut down on costs and have competition.

Competition is good because it breeds the best. Then our economy will grow and grow. The Committee, over to you, we now want to see legislation.

Thank you, Mr. Temporary Speaker, Sir, I beg to support.

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

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

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. The point of order I am rising on is not for or against what Sen. Wetangula has said. I am just requesting the Chair that very important points have been canvassed on the issue of the location of the refinery. Maybe using Standing Order No.1, could the Chair consider that the Government be forced to seek leave of the Senate and with the concurrence of the National Assembly on where it is going to site the refinery because the old corrupt Cabinet that made that decision seems to have come to a conclusion that is not seeming to be conclusive and acceptable to all Kenyans as we are represented in this House?

**The Temporary Speaker** (Sen. Mositet): I believe the Chair of the Committee has been taking notes and from the many contributions, I believe the Government will take action.

**Sen. Elachi:** Mr. Temporary Speaker, Sir, I want to state that I support this report. I want to look at this report today as a Kenyan.

Mr. Temporary Speaker, Sir, in support of this report, as a Kenyan, I am very disturbed. We used to do all this work with the former Ministers. Once the report came to the Floor of the House, they would contradict themselves. I will now move on to the issue of the railway line.

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Mr. Temporary Speaker, Sir. Is the distinguished Senator in order to allege that Ministers of yesterday came here and contradicted themselves? Only fools do not change their minds. Life is dynamic and a good idea will always give way to a better idea. We also know that a better idea will always give way to the best idea. Is she in order?

**The Temporary Speaker** (Sen. Mositet): I believe, Sen. Elachi you are not in order because those Ministers were serving different Governments with their own manifestos.

**Sen. Elachi:** Mr. Temporary Speaker, Sir, on the issue of the railway, first, it was given to an individual. We want to sensitise our people on the importance of a reliable railway transport and move on. However, our focus has been taken away by the amount of money and corruption involved in this project. Corruption is not only on the Jubilee side, but it is across the political divide. It is all over. The Senate must fight it, once and for all. We should not use the Kenya Pipeline Company (KPC), the Kenya Ports Authority (KPA) and the railway to earn money in a manner that is not acceptable.

Right now, Committees are sitting at the National Assembly. I will not be surprised to learn that money has already exchanged hands. It is a pity with these allegations, tenders are cancelled and we end up starting the tendering process afresh.



Sometimes projects are abandoned. We need to pursue these projects to the end if we, as a nation, want to achieve our vision.

The recommendations that the Committee has suggested are very good. If we implement them, then we will not be talking about money exchanging hands. The KPA will be moving in the right direction. The report does not tell us whether there is a line five of the railway that will be coming from Mombasa to Nairobi. How much will it cost? This might cost a lot of billions of shillings. Here we are told there is one rail line which will cost Kshs6 billion. I have keenly looked at the reports by the National Assembly, but there is no mention of Kshs6 billion. I have seen a total of Kshs327 billion that will do the whole railway. I get confused very much. I am wondering whether the documents which have been tabled in public are correct or not. Are there others which are not in the public domain? We have every right to access public reports.

**The Senate Minority Leader** (Sen. Wetangula): On a point of information, Mr. Temporary Speaker, Sir.

**Sen. Elachi:** Mr. Temporary Speaker, Sir, I do not want to be informed.

*(Laughter)*

I wish the Committee would take a step further. I have seen a few tenders being advertised in the newspapers. These are very huge tenders. We would like to see this process of tendering being done above board so that we do not end up in a murky situation. We do not want to end up in a murky process that was carried out during the Tenth Parliament by the said former Ministers. The murky processes we are fighting were done eight years ago if you are to go by this report. One then wonders why nobody among them was bold enough to say: "I will bite the bullet and say the truth."

There are institutions that are very critical in this country. One of them is the Ministry of Energy and Petroleum. We want to see things done in a transparent manner. We appreciate that the report brings out the issue of transport. When we are advertising tenders, we need to agree with those who are doing the project what the tender entails. The other day, I was reading that we are supposed to be giving a billion for the maintenance of Thika Road. I wondered what the agreement is between the companies that are doing the roads and the Government. They must maintain the roads for two years at least before they hand over.

I want the Committee to look at the toll stations. Probably, Kenyans should appreciate that whether we like it or not, we will have to maintain our roads. We will do so by use of toll stations. Let us do it in a transparent manner so that roads leading to Kakamega are done.

With regard to trucks, I was among those who wished that the Minister set a time frame for them to move on our roads. We should put in measures for such regulations. I hope that the Committee will give a report to the Cabinet Secretary. Overloading of our trucks is the worst corruption because we are destroying our roads. Whether we talk about high wage bill or not, the challenge in Kenya is corruption. This started when we were doing the tenders for the Japan Embassy. Our leader carried it on his back, but it has moved on now. Very soon, we will see the fruits of our leader from Kakamega, Sen. (Dr.) Boni Khalwale, through Mr. Kimunya, who is now facing criminal charges. We have

been talking for years and people have been thinking that they can run away from these things.

**Sen. (Dr.) Khalwale:** On a point of information, Mr. Temporary Speaker, Sir. The Senator is perfectly right when she says that the real problem is corruption. For her knowledge, I think she would be happy to note that the ones who were involved in the Japan Embassy scandal are before court and none of them is the former Minister for Foreign Affairs, Moses Wetangula.

**Sen. Elachi:** Mr. Temporary Speaker, Sir, he was in charge of that Ministry. Let us be very honest to one another.

**The Senate Minority Leader (Sen. Wetangula):** On a point of order, Mr. Temporary Speaker, Sir. Is the distinguished Senator in order to pursue a misguided argument on the Floor of the House when it is on record that I and nobody else opted out of office to give way for investigations? They were carried out, concluded and His Excellency, Mwai Kibaki, my President then, called me back to office on finding that I was blameless. I took political responsibility and walked out of office. Is she in order to engage in a trivial attempt to besmirch me ostensibly purporting to answer issues that I raised on the Floor in a rather clumsy manner?

**The Temporary Speaker (Sen. Mositot):** Sen. Wetangula, I did not hear the distinguished Senator mentioning you. I think she only said that corruption started with the Japan Embassy without mentioning names. Maybe the question should have been; when and how?

**Sen. Elachi:** Mr. Temporary Speaker, let me move on. The Senator for Kakamega is the one who confirmed that. That is how the conversation began. As I finalise, I would like to say two things. There is a worrying issue in Mombasa which the Committee should look at. Since we do not want to hear these things as rumours, it would be important for them to investigate whether the railway station is still working or whether soon; it will become a car bazaar.

With regard to the issue of marine services, we need to ask ourselves whether we have invested enough and whether we need to start collecting more revenue within the services. We have the ferries, but we have not asked ourselves how efficiently we have used our waters in terms of transport. For example, if you wanted to cross from the Tamarind to the other side of the sea today, you would do it using the small boats. Today, we would be talking about different transport avenues within the coast. We have not invested in that. We have not also invested in modern berth where large ships would dock and we collect revenue from them.

We are talking about a high wage bill because we have not managed operations and maintenance. Our country has a trend of carrying out maintenance even on newly done projects under the guise of "maintenance." We would wish to see the oil refineries of this country being redone, not being maintained or renovated. We want a new refinery that will see this country move on to the next level. We are competing with Ethiopia which is doing very well because it has divorced development from politics. Our challenge is that we, as Kenyans, first, must invest and then we start politicking about development matters. We get carried away by our positions and our political parties until we forget that we are putting the country into a very dangerous position. We are now about to lose money from donors.

This is a House of wisdom and the politics played in the Lower House should not be played in the Senate. We are not saying that we should not condemn. We should condemn and push on with our development agenda. If counties are the ones that will benefit, let us help them do so through the national Government. The more we play politics, the more we scare away investors. Today, we need to ask ourselves where the laptop project is heading to. When we look at the companies fighting, that shows that our children will suffer and we might not get value for our money. That company is now heading to court. Trust me, because of what our courts have become, they will be paid. What will happen next? Where is the interest of the people? We know that the railway project had issues.

The Jubilee Government found the project going on. The Government stood firm and said even though it had issues, for the sake of this country, we should make it move on. We must build the standard gauge railway line to spur development in this country. I know we will fight in court with the owners of the tankers. Once the construction of the said railway is completed, they will be out of business. This is not just a simple issue. We will move on to court 100 times until we complete the railway line. We will also get to another point where we will be told that the railway cannot pass through Tsavo National Park. That is why we must look at very many components as we ask ourselves whether we really need to take all these cases to court or we can dialogue and agree and move on.

I will give the last example as I finish. When we were doing the Southern by pass road which we think will help the trucks not to enter town, the contractors had to stay one year dialoguing with the Kenya Wild Service (KWS) for the 30 metres they had carved from the park. They ended up paying quite a good sum of money to the KWS. Now, if the investor has to go through that and yet everything is ours, I think we should ask ourselves whether we really need to take investors through this process because they could relocate to Tanzania and the other countries.

I beg to support.

**Sen. Kajwang:** Thank you, Mr. Temporary Speaker, Sir. Let me start by reminding ourselves of a very good debate those days in Parliament before all of us came there, of the late Martin Shikuku and the rest of the Members in Parliament at that time when they were proposing to build the pipeline. I think we had that argument in high school and we wrote economic papers on it. This was the first time in the history of this world that a country like Kenya was building a pipeline to transport oil. We wanted to build a pipeline to transport oil and yet we did not have it. He went on to say that at least we should have built a pipeline for water because it would have made much more sense. It was a popular argument at that time. The others argued that it was going to remove tankers from business.

Mr. Temporary Speaker, Sir, 25 to 35 years later, the tankers are not off the road. In fact, they are more in number than they were then. At that time, they were arguing that the pipeline would make the tankers on the railway line unusable because then they would take the job that the tankers are doing of moving crude oil by tanks on the railway line. Now, the pipeline that we built has made money for this country. It has made the movement of fuel efficient. In fact, without it, I do not think we can cope with the transportation of oil that we need upcountry and even across the borders. It is now old and we must think of building a second pipeline.

Sen. Murungi was for building a second pipeline when he was a Minister and tried to repair this old one and make it a bit more efficient. We have all agreed that it is now too old and too small to cope with the work that it was designed for. Therefore, we need to build a new pipeline. Kenya as it is, you can talk of something for 20 years, and every time you try to do anything about it, you will be reminded of corruption. And because you are afraid of being taken to jail you throw it there and it waits for the new Managing Director (MD). A bold one would try it and go home. Another one starts, but he will never move. Ethiopia moves those kilometres of roads and railway line because it is a dictatorship.

Sometimes I wish ours was a dictatorship regime whereby we could say we are building a railway line and move on without questions so long as it will meet internationally accepted standards. When the Chinese Government decides to build a dam at a particular place, they do so and there is no argument about it. What Chinese people do is to simply wait to see the dam. When they say that they are building a city, you will see a city in two years. When you talk about Kenya doing the Southern bypass, my brother here, Sen. Obure and so many others when they were Ministers, tried to do it, but the Government was taken to court by lovers of wildlife who do not want us to use just a portion of the KWS land and decongest Nairobi. In Kenya, people go to court for anything. Our courts seem to listen to anybody and give injunctions for anything. We should bring a substantive Motion here to discuss the courts because we are allowed to discuss them. We should tell them that they are destroying Kenya. Nothing moves on in this country because of court injunctions. We have injunctions on injunctions, an appeal on injunctions and another appeal in the Supreme Court.

Mr. Temporary Speaker, Sir, let me come back to the Port of Mombasa. Before you reach the Port of Mombasa like Sen. (Prof.) Anyang'-Nyong'o was saying, you pass through the road from the airport to the City. Really, that road is not even 10 kilometres long, but it should be a dual carriageway. Each side should have four lanes. This is something we can do and it helps Kenya more than all these other roads we are building. It is not that those other roads are useless, but at least, this is the second largest city. It is the port city and the gateway to Kenya. You will get stuck between the airport and the causeways for two hours whether you are going in or leaving. So, our visitors have to wake up at 3.00 a.m. to reach the airport on time.

I thought that when the Jubilee Government was going to celebrate in Mombasa, the first executive order the President would have made at the airport would have been: "Can you start building this road now?" He should have awarded it to a contractor and told him to build it to the internationally accepted standard. By now, we would have a dual carriageway. When President Uhuru was the Minister for Finance and he wanted to build Thika Highway, it was built. So, this road can be built. It is a small contribution for Kenya and it will bring value.

The Port of Mombasa, like Sen. Wetangula said, can bring enough money to run this economy. In fact, Djibouti Port which is a very shallow port and which is doing a very small percentage of what we could do in Mombasa, is already making that desert country rich. In fact, they are now building a highway from Djibouti to Congo with the money from the port. In fact, their port is being run by the Port of Dubai. They are making millions of shillings out of that small port whereas we are wasting money.

Mr. Temporary Speaker, Sir, we should look at making Mombasa Port a free port. In fact, in our NARC manifesto, we said that we would build a free port in Mombasa so that people would come and visit Mombasa and buy goods. People would bring their goods from China, Korea, America and many other parts of the world and put them there without any cost. When you sell, you pay us some fee. Warehousing would be booming business. In fact, people visit Dubai not because Dubai is a very good place to visit, because it is very hot and sandy, sometimes it is too cold. There is really nothing beautiful to see in Dubai other than the hype and that it is a free port where you can go and buy something. If we did that for Mombasa, I think the world would come to Mombasa because, first of all, it is a beautiful place. If you look for a tree in Dubai, you will see a pipe under the tree because the water must be piped there for the tree to grow. In Mombasa, you can see coconuts and forests. For how many years have we been saying that we will do a free port in Mombasa? It has been many years and nothing is going on. No government has put any serious money there and nobody is doing anything about it. I wish we did that.

One time I passed through Dubai and the taxi man from Pakistan asked me whether that was my first visit and I told him that I normally pass there from Europe. He told me that, that year they had done very well because they had 97 million visitors. Among them are those who visit for two weeks and below. He told me that most of them spend just about US\$1000. He was telling me that the expenditure of each visitor generates about US\$97 billion, leave alone the fact that those who go there also pay about US\$100 for their visa which also translates to several other billions of money. So, actually, the visitors alone generate enough money to run the Dubai economy even before they sell their oil. The visitors to Mombasa would do the same. They would run this economy. We would not talk of 20 per cent salary cuts which we first say it is voluntary and, in the next sentence, it is compulsory. If you do not want to accept the 20 per cent pay cut, you go home and if you go to court, they will deal with you. All those actions and utterances are not necessary.

Mr. Temporary Speaker, Sir, in fact, reducing the salary of even all the civil servants by 20 per cent does not help the country. If we only plugged the waste or the kind of allowances that I was reading in the newspaper over the weekend by a lawyer who was advising the Prime Minister then, on tea and all those other things, I can tell you that we can save enough money. I read one sentence which said that a civil servant earns Kshs40,000, but earns allowances to the tune of Kshs400,000. If you look at it, he would gladly accept the 20 per cent salary cut and earn the Kshs400,000. So, we are not helping anything. We must think in terms of dealing with the waste and with the abnormal allowances and several other out of town and out of country meetings which are very expensive and do not earn us much.

On the standard gauge railway, I support. I was in Mombasa when the President was launching this project because I support it. This is because a port that does not have an evacuation strategy is a dead port. The port must know that goods will come in, in large quantities, and must be moved quickly. They can only be moved quickly if the railway line is working properly. Right now, whoever is running our railway line is only doing 6 per cent of the job that they are supposed to do. In fact, now it is going to 3 per cent. I do not know whether they still feel like running it because if you are running a

machine which is giving you an efficiency of 3 per cent, then you should abandon it. But somehow they are still running it and I hope they are making some money out of it.

A standard gauge railway which will be moving at a specific speed and pulling sufficient cargo at the required speed and decongesting the port will make our port the port of choice for everybody internationally. In fact, people from East Africa will start depending on Mombasa to take their goods to West Africa through some railway line across Africa and we would make even more money from that.

Mr. Temporary Speaker, Sir, the refinery has collapsed. It had to collapse because the technology being used there is dead technology. Our own companies that buy oil from there have said that they cannot buy fuel at that price. They do not want to offload that cost to us because we would be complaining. So, it had to die. What is important is that when it dies, we invest in a proper refinery; a larger, more efficient one with cutting edge technology so that the refinery can help us make money even from people who want to refine and move their oil across the world. They will come to Lamu, refine their oil and will take it and sell it wherever they want to sell it. We will be making money from that refining business.

Mr. Temporary Speaker, Sir, let me finish by talking about geothermal energy. Geothermal energy is the cheapest source of energy. We are lucky that in Kenya we have a few wells that produce enough geothermal steam which we can use to generate very cheap energy. But sometimes Treasury does not understand the thinking of the Government. The Government is saying that we want to produce so many megawatts of cheap and clean energy within a specified time. But when the Treasury does its arithmetic, sometimes it refuses to give the Geothermal Development Corporation just Kshs100 million which would help them to drill one other well. So, sometimes the Treasury should be working in tandem with the Government; looking at where the Government wants to go. This is because a delay of one year will be a delay for a long time to meet certain targets in energy that we require.

Mr. Temporary Speaker, Sir, this is a good report. This is a Committee which I loved serving in and will still serve in. We have listened to the comments that have been made by our brothers and sisters and next time I think that we will do better.

Mr. Temporary Speaker, Sir, I beg to support.

**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, I join my colleagues who have spoken before me in thanking the Committee on Energy, Roads and Transportation for the good work that they have done. They have visited some of the key areas that touch on their mandate and of concern to the lives of many Kenyans.

Mr. Temporary Speaker, Sir, there are some Committees that need to emulate this Committee. The key Committees must be very active and move around the country, for example, the Committee on Agriculture, Land and Natural Resources. This is because today agriculture contributes substantially to our Gross Domestic Product (GDP). It, therefore, calls upon us to visit and bring the ideas to this House, so that we can discuss and find a way forward.

Mr. Temporary Speaker, Sir, we have talked about the Port of Mombasa as highlighted in the report. The Committee visited the Kenya Ports Authority, the Kenya Petroleum Refineries Limited and the Kenya Pipeline Company Limited. Everybody has agreed that most of the goods that come into Kenya, which we do not produce in our land, come through the Port of Mombasa. That is why we have key strategic agencies

stationed at the Port of Mombasa, to ascertain the quality of the goods that keep coming into this country. But I think that the Committee should find ways of improving the way this port is run, now that we have the Senate. This Committee should be able to stand firm and ask that the port, which is the only source of life into Kenya through the Indian Ocean, must be more efficient.

Mr. Temporary Speaker, Sir, some colleagues indicated that when you land at the Moi International Airport in Mombasa you will suffer for you to reach town; that it is difficult for the tourists to go to the tourist destinations, because of the very narrow roads. You will meet very huge lorries trying to navigate their way to the nearest parking lot. We have been watching this game for a long time. Governments have come and gone without doing any significant improvement. I do not know whether anything will change now that we have the Mombasa County Government. It is us, as Kenyans, who can choose how to improve this port. Some of the people who have been benefiting from the port, like the huge transporters, think that they will lose their businesses and lorries if we bring order in the port operations. I do not think that they will lose at all. We want to encourage the transporters who have been causing confusion at the port that they may even get better jobs as a result of improving the port.

Mr. Temporary Speaker, Sir, many visitors are frustrated at the port, just like there is also frustration at the Jomo Kenyatta International Airport (JKIA). When you land at the airport, you will find it difficult to access the City of Nairobi. Sometimes it is faster to travel from Kisumu or Eldoret, like I did in the morning, to Nairobi by road. Mombasa Road is narrow, yet it is the road that is supposed to quickly take visitors to their destination of choice. We have a lot of traffic congestion and jam on the road from JKIA to the Central Business District. Nobody has come up with a way of easing this congestion. We only seal potholes. The more we improve and expand the road, the more the vehicles come since Kenyans are busy buying vehicles. We need to come up with a way of decongesting the road. We should consider the innovation that that we had from Thika from Nairobi, where the Ministry did very well. But if you expand a 30-kilometre road and then narrow the road when it joins the City of Nairobi, what does it tell us? It tells us that we need to think beyond. Instead of doing just a few kilometres, we can plan for a highway that runs from Mombasa to Busia even if it takes us four or five years. Whenever you travel to Nakuru, like some of us normally do, there is no time that you will never get that road busy. It is permanently packed, even on a Sundays. The road is very smooth, but narrow. Since we inherited these roads in 1963 we have never expanded them.

Mr. Temporary Speaker, Sir, Kenyans have never learned to invest more in order to get more. We are now going to invest in the Lamu Port, yet Mombasa is still not as efficient as it is required to be. We are opening up a bush there. I was the Permanent Secretary who was responsible for the construction. The buildings are now done, but three years down the line, nobody is using them. We have not been able to build the first berth for any ship to dock. I think that Kenyans are very good at producing documents and acting on impulse.

Mr. Temporary Speaker, Sir, somebody talked about us relaxing and allowing some obstruction. If somebody does not agree with an idea, he rushes to court and we say: Let us wait. There are decisions that touch the lives of Kenyans that may not please one or two persons. So, if we find that a decision is essential we need to move on---. That

is why we are calling upon the Executive to move and implement decisions. If as many Kenyans as possible are pleased with the idea, we should work with it. If it is discovered that there are a few “pickpockets” in the project, they should be arrested in the process.

Mr. Temporary Speaker, Sir, some people are calling for the termination of the railway project that the President launched the other day, just because of a few clouds. If you think that there is somebody there who is a problem, he should be answerable. I have just come from my county where some children were asking: “Senator, you are in the Jubilee Government; where is my laptop?” They also listen to radio and television and know that the contract has been canceled by somebody who does not know the demand for them. What went wrong that we allowed things to go to that extent? We need to be firm.

Mr. Temporary Speaker, Sir, we transport a lot of fuel by tankers and there are some notorious places that are known, like Salgaa, Sachang’wan and so on, where a week does not pass without a tanker being involved in an accident. We call them black spots, but have never taken any keen interest to make them better spots. In West Pokot, for example, there is a very notorious corner called Kamatira. Last week a tanker which was going to Sudan caused an accident. When we raised the issue with the relevant authority, they said that they will act. This Committee in conjunction with the relevant officers in those Ministries needs to identify all the areas where we normally have black spots and come up with a solution.

Mr. Temporary Speaker, Sir, again we have not taken advantage of some of the newly created states like South Sudan. Even with the problems that they have, they need food. Most of the food comes from Kenya but it has to go through Uganda, yet the road through Lodwar is nearer. After Kapenguria the road is completely worn out and so, those who have invested in lorries really suffer a lot. Some people say that it is because of insecurity, but that is not true. When you abandon roads anybody can come and stay there and anything can happen. Therefore, I challenge the relevant Committee to go and visit the Kapenguria-Lodwar---

**The Temporary Speaker** (Sen. Mositet): Order! We had a Senator who had requested to move a Motion of Adjournment and the Chair had allowed. So, I ask Sen. (Dr.) Zani to move the Motion.

Sen. (Prof.) Lonyangapuo, you have three minutes left. I believe that tomorrow when the debate resumes, you will continue.

### **MOTION OF ADJOURNMENT UNDER STANDING ORDER NO.33**

#### **ONGOING STRIKE BY STAFF OF PUBLIC UNIVERSITIES**

**Sen. (Dr.) Zani:** Mr. Temporary Speaker, Sir, I beg to move that this House now adjourn to discuss a matter of national importance and this is the issue of the stalemate that has led to the strike. Right now, all members of staff of public universities are on strike. Students have been left in a situation where they cannot attend to their lectures and are in hardship. The strike has actually entered its sixth day today morning. That means a lot is being lost in terms of resources, both financial and human. It has thrown the public



universities into confusion. This is an issue that needs to be addressed and I think it is important for us to discuss it.

The whole dispute started with a Collective Bargaining Agreement (CBA) between 2010 and 2013 that was actually gotten into by all public universities and the Government. At that time, about Kshs7.8 billion was allocated to public universities. This was going to be distributed into two tranches or two bunches, each of equal amounts of about Kshs3.9 billion. That was agreed in 2012. That money was meant to be given as salary increment at a rate of about 14.4 per cent in house allowance and 33 per cent as salary increment. When the money came, it was meant to be disbursed because an agreement had already been made.

The first payment of Kshs3.9 billion was distributed, but there was a dispute even about that distribution which I will go into later on. The first payment was effective December, 2012 and it was paid to the university staff. The second phase is the one that has been problematic. If the money was paid to the universities - and there is a dispute whether it was paid to the universities or not - it should have been distributed then to the various universities as salary increments and allowances. That is what the CBA stipulated. That was the expectation from the teaching and non-teaching staff.

According to the Secretary General of the University Academic Staff Union (UASU), that is, Muga K'Olale, the money, if it was paid to the universities, was not used to pay for the specified allowances. Instead, it was used to pay casual labourers, hire more staff; in certain cases, it was used for expansion of various projects that the universities have been engaging in. At other times, it was used to hire extra hostel facilities for students. It was also used to pay various debts by the university, gratuity and pension. This did not happen unilaterally across all the universities. For two universities, that is, Narok and Maasai Universities the money was paid to them as house allowances and salary increment.

There is also a dispute, in cases where the money was paid out, whether it was implemented as per the agreed formula. For the salary increment, what was agreed upon was 23 per cent, but what was given was 17.5 per cent. For the house allowance, instead of the 14.5 per cent, what was given was 7.5 per cent. Whatever was promised in advance is what was not given out. So, this has locked the unions in a dispute, especially the two unions, the University Academic Staff Union and the Kenya University Staff Union (KUSU). It has also locked the Government in terms of them coming out clearly to say what amounts were disbursed, when they were disbursed and whether the university actually did what was expected of them to have done.

Mr. Temporary Speaker, Sir, there are negotiations that have been taking place, but they have borne no fruit. It looks like a to and fro movement between the Government, the university and the unions. Due to that stalemate the unions gave a notice for a strike. So, for the last six days, there has been a strike. It is unfortunate that it has gotten to a point where the university management, the unions and the Government are engaged in a process that has not been concluded appropriately and yet these are three different bodies which can sit together, discuss and avert this particular strike.

At the end of the day, the sufferers are the students. This is a different sort of strike than what the public universities have experienced in the past. Before, it would be a dispute between the university and the Government, but this one is where the Government has already allocated the money to the universities and probably, the

disbursement did not happen as it was supposed to be. Therefore, the dispute is between what has actually been given to the universities and the fact that it has not been appropriately used. There is need for clarification on the amounts that were given. There are contradictions coming through; that the universities are saying that they have Kshs2.2 billion, but they cannot account for Kshs1.8 billion.

Mr. Temporary Speaker, Sir, that is not something difficult because all these players can be put together so that this stalemate is ended. Our concern is that as this strike goes on, students are missing out on their lectures. That means a lot for a university calendar because each and every week is taken into account in terms of the learning that is meant to take place. Some of these students stay in hostels. They have access to kitchens where they buy food at reasonable prices. With the strike going on, the kitchens are closed. They are not able to buy and access food at a cheaper rate. Some of the students have been forced to travel back to their homes. The strike is also opening up a lot of space for a lot of vices. In fact, some of the students are now considering what they are going to do. Are they just going to do sports during the day rather than engage in lectures? This is also putting Kenya in a very tricky situation because the nature of strikes and even in a culture where strike often happen, these students are expected to be managers. It becomes very difficult when they themselves are exposed to strikes from their own mentors. Yet without having this kind of aggression put in place, sometimes it becomes very difficult for things to happen. The point is: It does not have to get to that point. Most of these issues could have been sorted out much earlier.

This means that a lot of consideration has to be made because at the end of the day, it is for all these organs to sit together and give a way forward about what is expected to happen and what is going on. For now, students are suffering and lecturers are also suffering as engagement is taking place instead of lectures. So, even we, as a country, are saying that it is important that some of these issues are resolved long before we get to that point.

With those few remarks, I beg to move and request Sen. Ndiema to second.

**Sen. Ndiema:** Mr. Temporary Speaker, Sir, I stand to second this Motion of adjournment. This is because for the last six or so days, students in the public universities, have not been attending classes. It appears that there is not much being done either by the Government or the university administration to sort out the matter. This Motion has come at the right time. We, as a Senate, must express our concern not because this is a devolved function, but since it involves students across the country, it is of national interest. We should discuss the matter with the aim of finding a way out.

Mr. Temporary Speaker, Sir, students are in their youth stage. Some of them have just joined universities having been home for almost one or more years. They have been idle. This is the time when they have to orient themselves and go on with their studies. Unfortunately, no sooner had they started than they are left hanging. The impact of this on the young generation cannot be over-estimated. We are trying to build a nation of people with a sense of responsibility. We are trying to bring up these young people to be responsible citizens who will one day come to offer leadership and grow this economy. When they receive signals like this, it looks like we have failed in many ways.

As we have heard, funds were allocated for the purpose of meeting the commitments which the university, the Government and the lecturers had entered into. It would appear that somewhere along the line, due to non-transparency or accountability,

some funds may have been misappropriated rather than being used for the right purpose. The funds may have been used in the wrong direction yet all these are public institutions. If you read the Acts that establish them, they are answerable and should be audited from time to time to see whether they are operating under the stipulated financial regulations. If they do not, then action should be taken.

Mr. Temporary Speaker, Sir, you may recall that this problem was sounded way back. It is not something that has just happened. The lecturers started complaining earlier, but it seems everybody buried their heads in the sand waiting for them to go on strike. If this matter is not addressed urgently, then I do not know the seriousness with which we are treating the issue of education, especially university education. For many years we have had the problem of students finishing form four and remaining at home for quite long. It is just recently that the Government undertook to do a double intake to cure the problem. It looks like if we are not careful, we are going back again to the same problem that we are trying to avoid because the double intake is not curing the problem.

I think the relevant Committee will have to look at it in depth so that we can know what the problem is. This Senate should find a way of breaking the deadlock. As it is now, it is not healthy to education. The parents are concerned and are looking upon all of us to provide guidance.

With those few remarks, I beg to second.

*(Question proposed)*

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, first, I want to thank the Chair for using its discretion to allow the distinguished nominated Senator, Sen. (Dr.) Zani, to move this Motion of Adjournment. A country that gets mired and bedeviled with industrial actions all the time courts instability. This is not the first time university dons have downed their tools. It has happened before. Every time it happens like all other industrial actions, it has serious collateral damage to others. Parents start worrying about their children, students cannot have classes, students cannot stay in their hostels and many things emerge. The professors and dons are not asking for something extraordinary. There were Collective Bargaining Agreements (CBAs) that had been reached. I am happy that in this Senate, we have several ex-dons who understand and appreciate the paltry salaries that university professors, lecturers and researchers earn.

Mr. Temporary Speaker, Sir, as people start talking about the public debate on salaries, we, as a nation, need to candidly face the challenges that we have. Many lecturers earn very little money. This has always caused many of them to start moonlighting to make ends meet. You will find a professor teaching at the University of Nairobi in the morning. At mid day, he runs to a private university somewhere. Later on, he has to run to another one. In the process, lack of personalized attention, concentration on how to give skills to students becomes wanting. This is because they are inadequately paid.

The strike by the university dons is a serious test to the Jubilee Government. When there is clamour of reducing salaries, you can see that the KNUT has already signaled that they want more money. The dons are asking for more money. The doctors are asking for more money. Nurses are asking for more money. Everybody is asking for

more money. All these requests for more money can be addressed holistically. As we have said, it is not impossible or irrational to sit down with dons to discuss and to give them a sensible offer. They very well know that they may not get what they want. They very well know they may not get what they are looking for. However, there must be benchmarks for negotiations. Look around and see how much dons in comparable jurisdictions are paid and give them something to take home.

At one time, during the populace days in this country, university lecturers were offered duty free car facilities. Again, that was summarily and without explanation withdrawn. The first lecturers during our days at the university used to be housed by the universities. There is nothing as important as housing to anybody who earns a salary or wages. Today, the lecturers are not housed. The few who are housed are negligible. The salary that an average lecturer earns forces them to stay as far as Ongata Rongai, Kitengela and Kayole and yet he has to be in class.

**The Temporary Speaker** (Sen. Mositet): Your time is up!

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I took my time because I knew that the Senate Majority and Minority Leaders have different timings. Could I be guided?

**The Temporary Speaker** (Sen. Mositet): Order, hon. Senator! According to the provision of Standing Order No.33(4), you do not have more minutes than other Senators. It says:

“No Senator speaking on a matter under this Standing Order shall speak for more than five minutes without the leave of the Senate, except that the Mover may speak for ten minutes.”

This is as per the Motion moved by Dr. Zani.

However, simply because you are the Senate Minority Leader and you are the only Leader in the House; I will give you two more minutes.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, as I laud Sen. (Dr.) Zani and those who will speak about this, we, as a Senate, are a House of majority and reason. We do not want to engage in activism. We want to urge the Government to sit down with the dons, listen to them and address their issues. A nation that does not pay attention to the intellectual development of its youth is headed for doom. Every time there is an interruption, it affects the economy of this country.

**The Temporary Speaker** (Sen. Mositet): Hon. Senator, I thought Sen. (Dr.) Zani said that the Government has already approved the funds. This has nothing to do with the Government. This is about the management of the university versus the lecturers.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, public universities are part of Government institutions. They are 100 per cent Government owned. If the Government releases money to the University of Nairobi and Prof. Magoha does not pay, get rid of him and get somebody who will be responsive to the wishes of the dons.

I fully support the process so that dons can be assisted to get their money and to go to work.

**Sen. Karaba**: Thank you, Mr. Temporary Speaker, Sir for allowing me to speak on this very important Motion. I appreciate Sen. (Dr.) Zani for coming up with the Motion in the Senate. We talk about strikes when we have a case to push through with the Government. However, according to the whole scenario, this is instigated by the Vice

Chancellors themselves. The money was approved by the Government. There were negotiations earlier by the Government for the money to be paid to the lecturers. Sometimes decisions can go haywire. Instead of the money going to salaries, it was used to do other things. This is a detriment. I was going to summon the Vice Chancellors here to tell us what is going on. This is an embarrassment to the Government. The Government has given out billions of shillings to be paid for a very good cause. It was meant for the lecturers who are teaching our children. The Vice Chancellors have connived to change the use of that money to something else. I am told that it is only Nairobi University which is operating. The rest have closed and we need to know why. If it is found out that the problem lies with the Vice Chancellors, then, they should be surcharged. They should also be surcharged for the time that the students have wasted in the streets. These people are misusing money because they know they can get away with it.

It is very important to know that the universities earn a lot of money from the second module. They make a lot of money. Some of these students have many classes going on and we need to know what has happened. We also need to support the lecturers. I noted the other day that it is only University of Nairobi which was ranked among the top 100 in the world. All the other universities are below par. This could be because most lecturers are spending time trying to make money because what they are getting is little. Most of it has already been embezzled as we have seen it happening. So, if there is somebody who is responsible for this action, we need not relent. We need to go down to the root of the problem and punish the culprit properly. This should not continue again.

I do not support strikes, but for the first time, I am supporting the lecturers' strike. We need to know the cause of the strike. Just to advise them, they need to fight for their rights. Vice Chancellors need to sit down with lecturers, doctors, professors and listen to them more than any other group of striking workers that I have seen on the streets. Let us agree that they go back. However, we should negotiate. They should sort out that problem. I do not know why the Minister is taking this for granted. He knows the problem. After all, he was also a lecturer. We need to solve the problem because this is an urgent matter. However, it is not very serious because the Minister is capable of solving it.

A statement should be issued by the Senate, addressing the whole country so that it is known that we have discussed this matter and condemned it. The action that has been carried out by the Vice Chancellors has been condemned to the letter. We hold the Vice Chancellors responsible for any loss of time and the money paid out by parents.

I support.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, if the Government needed any reminder that whatever is going on is very dangerous, and then they should remember the Presidential Debate in the United States of America (USA).

One of the questions that are posed to the presidential candidates is; what is his policy or stand on matters of science, teaching, research and technology? If you do not get it right, Americans start fearing that you may not move the frontier of development of the USA. It is, therefore, important, for the Government to know that this is a national catastrophe and that all our universities are closed.

My dear colleagues, if you need a reminder that university education has become a major player in the Kenyan economy ask those of us who come from Kakamega

County. In Kakamega, just because of the arrival of Masinde Murilo University, this has completely changed the economic profile of our town. Kakamega is now developing very rapidly like a university city. Those of you who may not have come to the west, Kakamega is growing faster than Nakuru, purely because of the university.

I want to use this opportunity to condemn the Vice Chancellors and the Deputy Vice Chancellors in charge of handling finance in all public universities. I was expecting that the Government, by now, would have arrested those two people in the public universities so that they record statements and tell us what happened to the Kshs3.9 billion that was disbursed for purposes of paying salaries and allowances to our lecturers.

I want to thank the Chairman of UASU, Dr. Sammy Okubasu, who is from my former constituency, Ikolomani and from my County for standing strong and remaining steadfast with the lecturers. My sympathies go to the students for what they are going through. All the accounts of all the public universities are audited by the Auditor-General. Therefore, Prof. Kaimenyi should not pretend that he has no idea of what became of the Kshs3.9 billion if, indeed, the money was disbursed to the universities. The least we can ask for, as the Supreme Oversight organ in this country, is for proper accountability of the Kshs3.9 billion. We hear that this money was diverted. They can only give us a reason why the money was diverted. The person who diverted it colluded with the people who were carrying out projects. The bottleneck in this is corruption.

The President has started moving and I hope that the ethnic and political party networks that surround Heads of States will not discourage him. We want him to continue moving. The move on Prof. Ndung'u of the Central Bank of Kenya (CBK) and on the former Minister, Amos Kimunya, is the direction to go. I am hoping that before they take Prof. Ndung'u to court, they will remember to widen the scope of the charge sheet. The charge sheet should be expanded to include what he did at the Grand Regency Hotel now called Laico Regency. It should also be expanded to include what Parliament found them to have done at the contract of De La Rue. I remember a particular Member of Parliament whose name I do not want to disclose is the one who was helping us with the wherewithal to get to the bottom of the De La Rue scandal. There are a lot of patriotic Kenyans; we had lawyers who went to court for free because they wanted us to get down to the bottom of this issue.

Mr. Temporary Speaker, Sir, the President must know that the issue of Kimunya is going to be challenged by the usual ethnic considerations. Kenya is bigger than all our communities. Just like in the case of Prof. Ndung'u, I expect the charge sheet for Kimunya to be expanded to include De La Rue, the Grand Regency Hotel, the privatization of Safaricom and Telekom Kenya. This is the disaster that these people have visited our country. We have chosen patriotic and humble lifestyles.

I support.

**Sen. Billow:** Mr. Temporary Speaker, Sir, I want to add my voice to this Motion which is very important. I think what has happened is that when in August last year the university lecturers called off the strike for their allowances under the Collective Bargaining Agreement (CBA), they were very patriotic. They called the strike off because they were promised that the money was going to be paid. We were told that the money was part of the Kshs7.8 billion that was paid. My arguments are very simple. If the money has been paid, the reason we have two Houses of Parliament is that when money is voted for a specific purpose in Government, that money must be utilized for

that particular purpose and no other purpose. That is the basis of having Parliament appropriate money to Ministries and so forth. Therefore, it is going to be interesting and I want to call upon, in particular, the National Assembly that deals with the budget of the Ministries to get the relevant committees to investigate how the money that is meant for allowances and by negotiated CBA for lecturers can be diverted?

Secondly, truth be told; this country is collapsing under corruption. It is collapsing! You open the newspapers any day and you get shocked.

**An hon. Senator:** Shame!

**Sen. Billow:** You can say that the Government is fighting it, but as far as we are concerned, it is the number of corruption cases being reported. I want to appeal to every Member of Parliament and every Senator that when we speak here, we pretend to be speaking for the people of Kenya with regard to corruption, but when we go out there to our “*manyattas*”, we start defending our people. We all saw what the Administrative Review Board came up with regarding the procurement of lap tops. It is very clear in their report that in addition to what those guys quoted, an additional so much billion was added on top.

There is one principle that Kenyans must not miss and we raised this issue with regard to the impeachment of Governor Wambora. When President Nixon was being impeached, the question was: When does a leader take responsibility for the actions of his servants or his employees? As long as you know that your employee is doing that work, you take responsibility for his actions. If the Minister knows that this money was fleeced for payment of that allowance to the university lecturers and the money was diverted and he did not take action on any of those university administrators, he takes responsibility. He takes responsibility in the same way he failed to guide the issue of the laptop tender. So, when we go to the “*manyattas*” we should not defend people like that. I do not blame the Senators and the Members of Parliament, but the leadership of the country.

We cannot keep on saying at every function that we have a zero tolerance to corruption when this Cabinet Secretary after the other one is being associated with corruption in the newspapers. How many Cabinet Secretaries have been reported to the President in the last one year? They are not less than three or five that people wrote about and nothing happened. Even stepping aside, for Heaven’s sake, to pave way for investigations, that will send a message and it will benefit the President and strengthen his commitment to fighting corruption. We must fight for this culture that whoever is given a responsibility in Government, really must admit that the buck stops with him, so that a Minister takes credit when something is going right.

Like the other day when he was releasing the examination results, the Minister took credit for everything that goes right, but when something goes wrong, it is not him. That cannot work and yet this is what is happening in every Ministry. In those Ministries where the report has been made to the President, it will really help. We wanted a Government for change, for Heaven’s sake in this Jubilee Government. We did not want the *status quo*. It should not be business as usual. The President should ask people to step aside in order to avoid this crisis we are in. Why should our students be on the streets because some people have messed around with the management of the universities? How many people can run those universities who are without jobs? I think it is a question of being committed to fighting for our rights.

I support the Motion.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Temporary Speaker, Sir, I rise to support this Motion, first, because being a university don and having been at the University of Nairobi and being there now, I think the plight of our colleagues must be properly addressed. I salute the Senate for bringing this Motion. I agree with Sen. Billow that the root of all these problems is the issue of corruption. Were we to start discussing corruption today, we will discuss it until two weeks are over because it needs to be properly addressed and that will take a lot of time. I really appreciate the summary given by Sen. Billow.

One thing is certain; when the President is elected and a huge lot of money is used, that money must come from somewhere. We know that it came from the people who invested in the presidency knowing very well that when it succeeds, they must get something back. They get this something back through contracts, kickbacks and forward backs. So, this is what is happening. If it was necessary at this point in time that this money, therefore, was going to the university to pay the university lecturers needed to be diverted to give attention to these investors in the electoral process, then of course, it goes.

One of the things that we have to look at in this nation is whether we are really running an electoral system which is going to enhance democracy and reduce corruption. As far as I can tell, presidential systems are a disaster to Africa. They are a big disaster. It is much better to have Parliamentary systems which are much more accountable. They would be less prone to presidents being held hostage by investors with big money and, therefore, enhancing corruption. So, when we have the robust debate on corruption, this is one of the things that I would like to advance, but I do not want to deal with that today. That is just to underscore the point that Sen. Billow was making.

Mr. Temporary Speaker, Sir, the point I want to make today is about the financing of education in this country. Somebody did a summary the other day on the budgeting system in this country and came to the conclusion that the three areas which need a lot of budgetary allocation and which are thoroughly under-funded are health, education and security. If you look at Kenya today, these are the three areas where we are having most problems. A lot of money goes to such things as the National Intelligence Service (NIS) which is part of security, but a vague area of security. The security that concerns that common man is the police and so on. That is the area where we have had a lot of problems for decades. One of the things that we should address in this Senate is the financing of education, particularly higher education. In more civilized societies, universities are usually funded through Boards of Trustees. These are people who know how to invest in higher education and how to safeguard money meant for running universities. They even come up with ways and means on how to create investments with the university itself so that the university need not look at the Government every year for pennies to run itself. We could shift our focus a little and liberate the universities from this annual dependence on Government by finding a way of putting money under the trust of a Board of Trustees to run universities.

When I moved the Presidential Retirement Benefits Bill in Parliament in 1998, I was mob lynched because I was proposing something that was really outlandish, but in the end, it was adopted. Why was I proposing it? I wanted us to have Presidents who make a lot of money, so much so that when they retire, they do so in comfort and then they use their wealth to create things like chairs in the universities. Moi should be the



chair of physical sciences, Kibaki should be the chair of economic studies and something like that, so that this wealth that they have earned from being in public office can be used for public good. I am quite sure that there are many other business persons in this country who can endow chairs in universities. Sen. Wetangula said here that quite often when you read the *Forbes Magazine*, Kenya features as one of the countries with billionaires, but we do now see those billions in endowments and philanthropy. Instead, those billions go to finance more elections and encourage more corruption in our country.

I would appeal that those for whom we as parliamentarians have done so much good to pass the Presidential Retirement Benefits Bill now look back and say: What can I do for my country, especially universities? I think it would be very good even in terms of attracting other investments if we have endowed chairs in our universities. Individual Kenyans can afford them and even companies. Some banks have given us leadership by establishing foundations, for example, the Equity Foundation for giving scholarships to students, the Kenya Commercial Bank (KCB) Foundation and so on. Now we need more philanthropy from those who have.

I beg to support.

**Sen. (Prof.) Lesan:** Mr. Temporary Speaker, Sir, I rise to support the Motion by my colleague with regard to the unfortunate strike that has affected the universities. This strike by university lecturers is very unfortunate. I was in the university and I participated in one strike by professors. That time it was a strike against the Government. This time, this is a strike by professors against the other professors who are running the institution. I think this is very unfortunate. It is an indication of the rot that is there in terms of remuneration and salaries of the most brilliant people in the country. I think this particular case has a zero option; the university management must pay the money that they were given. They do not have another option. If there is any other option here, then it is not being told to us. It is a hidden agenda and it must be shown.

In this case, the Government gave the universities the amount of money that was negotiated for and the university management is intelligent enough to understand what was contained in the Collective Bargaining Agreement (CBA). Misappropriating the funds that were in that CBA, as stipulated in the Public Finance Management Act, is an offence. In this case, apparently this is a dilemma for the Cabinet Secretary for Education because he was in this management that caused this misapplication. Although he is my friend, I will not forgive him in this situation here, because this is a very clear misjudgment which is causing us headache. It is causing our students to be idle. I cannot forgive him on this because this is a---

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. Sen. (Prof.) Lesan has said something very important; that the current Cabinet Secretary was part of the team that made the mess. Could he, under the rules of procedure, substantiate so that we conclude the case of this Professor, who seems to have been the cause of the problem? The rules require that he substantiates.

**Sen. (Prof.) Lesan:** Mr. Temporary Speaker, Sir, I am sure that everybody here is aware that in the last few years, the Deputy Vice Chancellor in the University of Nairobi was none other than my colleague, Prof. Kaimenyi. This is when this issue was raised. In fact, this is when this issue was applied. So, I am sure, like all the other Vice Chancellors, he was responsible for these decisions which have caused the universities to go into strike. I am glad that the University of Narok – Mara University – took its own

decisions. In fact, this should have been the case because all universities are established under separate Acts of Parliament. They are not established under one Act. So, I should expect that each one of them should be able to make a decision on their own and manage the institution without necessarily doing it collectively with the others. So, I think that this problem would not have been bigger.

Mr. Temporary Speaker, Sir, these universities are raising enough money that can enable them to agree on a payment module. All they have to do is to reach an agreement and this problem will be solved. They are making much money and can do it. The students are not in the university, but somewhere. Very soon, we shall see a lot of broken glasses in the streets of Nairobi because of some of these issues. What actually was a very small issue is going to boomerang very quickly and become a big issue. Therefore, we should start to take responsibility for our actions in whatever capacity we are in.

Mr. Temporary Speaker, Sir, I beg to support.

**Sen. Muthama:** Asante sana, Bw. Spika wa Muda. Nasimama kuunga mkono Hoja hii.

Ningependa kuwashangaza kwamba jana nilifuata kwa karibu sana mambo ya ndege iliyopotea katika nchi ya Malaysia. Kilichonishutua si kupotea kwa hiyo ndege, bali ni kuona habari kwa mtandao iliyotiliwa mkazo kwamba Kenya kupitia watumishi wake wa juu Serikalini imepoteza kiasi cha Kshs4 billioni. Hiyo ndio ilikuwa sifa ya taifa hii. Wakati wale wanalilia ndege, inasemekana kwamba sisi hapa kwetu tunaendelea kupanua wizi kwa njia isiyoaminika. Ilinibidi niujiulize kama kweli tuna taifa ambalo tunaweza kujivunia au tunakaa kwa kuvumilia. Uamuzi wangu ni kwamba tunaishi kwa kuvumilia.

Bw. Spika wa Muda, kama taarifa ulimwenguni inasema kwamba tumepoteza Kshs4 bilioni ilhali tuna matatizo ya walimu wakiwemo wale wa vyuo vikuu. Wacha tuseme ukweli. Ni vigumu sana kuwaandama wezi wanaoiba pesa za Serikali katika taifa hili. Hii ni kwa sababu wamebadilisha wizi katika taifa letu. Mhe. Boni Khalwale alikuwa Mwenyekiti wa Kamati ya Public Accounts Committee (PAC). Vile vile Sen. (Prof.) Anyang'-Nyong'o alikuwa katika Kamati ya Public Investments Committee (PIC). Mimi katika Bunge la Kumi nikiwa Kiranja wa Serikali, nilishangaa kwamba tulikuwa tunachunguza vitabu vya matumizi ya pesa za Serikali vya miaka saba iliyopita. Baadhi ya wale waliohusika na wizi hata walikuwa wamekufa au hawapatikani.

Bw. Spika wa Muda, ili tuende mbele, kama Rais anapenda nchi hii na kuhurumia masikini, anafaa kuwaandama wale wanaoiba pesa za Serikali hivi sasa na wala si kesho. Tunafaa kuanza na Magavana wanaoiba pesa hivi sasa. Tunakaa na kusema kuwa tutachukua hatua. Je, baada ya miaka kumi tutasaidia vipi? Mambo ni yale yale kwa Mawaziri. Mambo ya reli na *laptops* yako vivyo hivyo. Wengine wetu wanajifanya kuwa wanatetea Serikali lakini kesho tutakuja papa hapa kusema mambo ya Serikali tuliotetea. Ukweli ni kwamba ni watoto wa masikini wanaoumia. Watoto wa wale wanaoiba pesa hizo wanasomea ulaya. Watoto wanaosomea hapa nchini na kupata matatizo ni wale wa masikini. Tunarudia maneno aliyosema J.M. Kariuki kwamba hii ni nchi ya *billionaires* kumi na masikini 40 milioni.

Bw. Spika wa Muda, wakati ni sasa na wala si kesho. Bw. Matemu alichaguliwa katika kitengo cha kuandama wezi juzi. Kama hataki kuwashika wanaoshiriki ufiadini, anafaa kuondoka ili tuchague mtu mwingine anayeweza kuwashika watu. Hatuwezi kuendelea hivi. Je, Kshs3.9 bilioni zilienda wapi? Watu wanapewa pesa ambazo

wanazitumia kwa manufaa yao, kisha kesho wanapandishwa vyeo. Anapewa ruhusa ya kuiba zaidi. Nikirejelea mambo ya *laptops*, je tutangojea Kshs24 bilioni ziingie katika shimo ili tuanze kulia?

**Sen. G.G. Kariuki:** Mr. Temporary Speaker, Sir, I would like also to say something about this Motion.

Mr. Temporary Speaker, Sir, this Motion is straightforward. It has necessitated a lot of heated debate when it is just supposed to be a straightforward Motion. The biggest question that we need to ask ourselves is why the Kshs3.9 billion was not paid to the appropriate authorities or people who were supposed to be paid. That is the cause of the strike. The strike is number two, because if you refuse to pay me, what do you expect me to do? I will fight it out. Now, the boys are fighting it out and us, being their representatives, we have to say something about it. But the main issue is whether it is true or just normal political debate that the money was given and diverted.

Mr. Temporary Speaker, we are talking about it with a lot of confidence. But I hate talking about something unless I am so sure about it. In fact, for me to stand here and condemn the Vice Chancellor or his deputy without having correct information, I would also appear to the public as if I do not know what I am talking about. I think that, that is what this House needs to be careful about. All of us are known to be good debaters and can speak from morning to evening. But the question is: Are we speaking the truth or the right thing? Just securing an opportunity to attack the entire system because of two or three people at the university or in the Government, who may be committing this outrageous crime, I think is most unfair. I get very concerned when I sit here and listen to people criticizing and speaking just for the sake of it. Let us try to shift from that kind of life.

**Sen. Billow:** On a point of order, Mr. Temporary Speaker, Sir. You heard the hon. Member literary rubbishing the contribution that these hon. Members have been making. We are not simply criticizing the Government for the sake of criticizing. Is he in order to really belittle the contribution that these hon. Members are making with regards to the performance of the Ministry?

**Sen. G.G. Kariuki:** Mr. Temporary Speaker, Sir, I think that I have all the right to be here and say what I think without infringing other hon. Members' freedom.

**The Temporary Speaker** (Sen. Mositet): Order, Senator! With all your right, please, you should not also belittle the House. I think that, that is the point of order.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. Is it in order for Sen. G.G, whom we respect a lot because of his age and experience, to assert that all of us who have spoken before him, have not based our contributions on facts and are merely criticizing? We are informed debaters. Is he in order to cast aspersions against us? If he is not casting aspersions, could he withdraw and apologize?

**The Temporary Speaker** (Sen. Mositet): Sen. G.G., I think that you should either substantiate or withdraw.

**Sen. G.G. Kariuki:** What should I withdraw?

**The Temporary Speaker** (Sen. Mositet): When you belittle the House---

**Sen. G.G. Kariuki:** Mr. Temporary Speaker, Sir, if that is how it was understood, it was not my intention. I would like to withdraw.

However, my intention was to go beyond the normal debate. I think that we need to go beyond what we keep on talking about here. We should not fear to be told that we

are not saying the right thing or belittling the House. We are here to make sure that this House remains above board and that is why it is the Senate. Let us be ladies and gentlemen of high quality. We should really try as much as possible to be driven by facts.

**The Temporary Speaker** (Sen. Mositet): Your time is up!

**Sen. G.G. Kariuki:** Mr. Temporary Speaker, Sir, can you not add me one minute, because they have taken my time?

**The Temporary Speaker** (Sen. Mositet): Do you support?

**Sen. G.G. Kariuki:** Mr. Temporary Speaker, Sir, how would I support the Motion when you have not given me the time? Give me one minute to support.

**The Temporary Speaker** (Sen. Mositet): I will give you one minute.

**Sen. G.G. Kariuki:** Thank you, Mr. Temporary Speaker, Sir. I would like to thank those who are concerned with what I am saying, because it is important and has gone into their ears and brain.

*(Laughter)*

Mr. Temporary Speaker, Sir, I beg to support.

**Sen. Obure:** Mr. Temporary Speaker, Sir, first of all, I want to start by thanking Sen. (Dr.) Zani for bringing this Motion to this House at this very appropriate time. I support the Motion. Kenyans are concerned about what is happening in our universities and other institutions of learning. Smooth running and order appears to have given way to chaos, confusion, protests, strikes and confrontation of all kinds. In these institutions, learning has been disrupted, research work has also stalled and nothing is moving. We cannot afford this waste. We cannot afford the number of man-hours being lost. The students are getting frustrated because they are idle. Some of them are even contemplating dropping out of those institutions to go and pursue other careers. Therefore, we are demanding to know what happened to the payment of Kshs3.9 billion that was given out. It is the responsibility of the Cabinet Secretary to explain to the nation what happened. If, indeed, it was misappropriated by individuals and diverted to other causes, we want to know what action is being taken. It is important because this is the only way we can restore order and dignity to our institutions of higher learning.

Mr. Temporary Speaker, Sir, industrial strife is far too common in this nation. We have strikes and protests. It is my view that in order to minimize the negative impact of industrial strife for the sake of growing our economy, we need to engage in constructive negotiations which are conducted on the basis of faith, honesty and good intentions. This is the only way we can reduce mistrust because at the moment even when these negotiations have been conducted people still believe that whatever has been agreed upon may not be implemented. Therefore, we need to be serious when engaging in these negotiations.

Mr. Temporary Speaker, Sir, I want to say something about what happened in my own county, Kisii, last week. The Kisii university authorities unilaterally raised tuition fees by an addition of Kshs10,000. As a result of that, students engaged in a protest demanding to know why the increase was being effected. In order to stop this protest, security personnel were sent in. What followed was something unimaginable; students were beaten up, some have been maimed and some are in hospital with severe injuries. It is even said that the security personnel were accompanied by people who may not have

been security personnel. So, we want to know why all these was happening. We want to know why students were brutally beaten up. The parents want to know why this should be allowed to happen. Some of these personnel forced their way into hostels, molested students and we have reports that some of the female students were raped. We want to know what was happening and why it should be so. We are calling upon the Cabinet Secretary to explain to the nation and bring back order to public universities.

**Sen. Mungai:** Mr. Temporary Speaker, Sir, I would like to take this opportunity to thank Sen. (Dr.) Zani for bringing this Motion of adjournment. It is very sad that we are in this House, but students in public universities are not learning. The question here is why and who is to blame. It has been said clearly here that it is the vice chancellors who are to blame. Why are they subjecting our students to this kind of frustrations? There is no way the lecturers can continue teaching if there is no pay. We know very well that the economy requires finance. The vehicles that are used are supposed to run on fuel so if they do not have money, then they cannot teach. It is time that the clout that the vice chancellors have is rechecked. If they can divert funds that are meant for payment of lecturers then it means that their clout is just too much. Money that is supposed to pay salaries is supposed to do that work.

Mr. Temporary Speaker, Sir, when we talk about prudent financial management dynamics, we are supposed to be learning this from them. They are supposed to be showing the whole country how to run institutions without strikes and things like that. So, it is a big shame to them; the kind of style that they are showing the country is a very bad style. This cannot be termed as anything else other than sabotaging university education in this country. They should not do it because they have nothing to benefit them. Right now, our leaders are having headaches because of what is happening on the streets. The students are just wandering and walking about aimlessly and yet they are supposed to be studying in their lecture halls.

The major question is: If they have misappropriated these funds, what next? I believe that the best thing is for them to be given an ultimatum so that they can reallocate the amount of money that they had allocated to other areas. This money is supposed to be used to pay lecturers now and not tomorrow. If they do not do so, I think the most honourable thing would be for them to either quit so that people who are more competent to run the universities are hired. I do not think there is any other alternative. Tomorrow, the lecturers are supposed to be paid.

Mr. Temporary Speaker, Sir, regarding the laptops it is good that I mention one or two things; it is important that when tendering is done, it is done as one unit. What I believe is that we have issues touching on a particular tender then another one. This is bringing a lot of confusion and making speculators think that whatever figures being added were not supposed to be there, in the first place. So, it is important that the people given the job---

**The Temporary Speaker** (Sen. Mositet): Order! Your time is up!

**Sen. Mungai:** With those few remarks, I beg to support.

**Sen. Hassan:** Thank you, Mr. Temporary Speaker, Sir for giving me this opportunity. Mine is also to come here and to support this Motion by Sen. (Dr.) Zani which is extremely timely. The Motion comes at a time when the Senate must address itself to the holistic approach to adult education; universities being just one of the many components of education. That is not in doubt.

Our universities have been commercialized such that the quality and standards have been compromised. Therefore, as we move forward to discuss this issue that faces us, substantively, the Committee is responsible and some Senators who can take leadership in this area like Prof. Lonyangapuo, Prof. Lesan and the rest of you who have been involved in this should know that it is time that we rewrote the whole philosophy of education in this country.

That said and done, Sen. Muthama picked a point that I have argued passionately about in various fora. If you will notice, in this country, the only institutions that go on strike are public institutions. This is the public healthcare and public education. What Sen. Muthama has said is that the elite of this country hardly step in these institutions unless we are doing some politics. At what point, does the Cabinet Secretary for Health visit hospitals? This will happen only if he wants to take an opportunity.

I do not ever believe that there would be a solution to the problems in this country until and unless, we, in leadership, lead by example. In due course, we, as the Senate, must formulate rules as much as we know that there is freedom of choices and movement. We should make it mandatory, for Cabinet Secretary for Health and his family to visit public hospitals and get healthcare. It is only after feeling the pinch that the President, the Deputy President and all other Members who are charged with the responsibility around these hospitals will be obligated and mandated to visit these hospitals as the hospital of choice even when they and their families fall ill.

It must be compulsory for us to take our children to public schools and universities. This is the only way that we can avert strikes. The university lecturers' strike, as Sen. Muthama said, is happening when some of our children are safe and sound. They are in the United States, the United Kingdom and they have benefited from scholarships that they, probably, took by virtue of the offices that they hold. Therefore, unless and until we instill a sense of discipline and sacrifice, how can you be a Cabinet Secretary of a university that you do not have the confidence to take your children to? How can you be a Cabinet Secretary of a hospital that you cannot go to in order to receive treatment? Unless we evaluate how we move forward in this country, these issues will not be resolved. The children who are at home are those of poor people.

I was out of the university severally because of strikes. I remember students who were in the university with me just because their fathers were Ministers and Permanent Secretaries. They did not even see me and they would not even know what I was doing in class. I only heard that they had moved to go and do their pupilage, way before I completed university because they benefited from a scholarship to Australia, United Kingdom, and Belgium and to other countries. They then came back and went to the Kenya School of Law (KSL). This infrastructure of privilege was created by virtue of the fact that their fathers hold public positions at our expense. Therefore, if you want to serve in the public office, you must have the element of sacrifice. This country must move consciously to ensure that we make that sacrifice and shift our paradigms. One should say; if I can be the principal of this university, then I should have my son or daughter in this college.

We need to move with passion on whoever precipitated this crisis by diverting public funds that were earmarked for a specific purpose. Until we better the quality of these universities, people stand no chance in these universities. Many of us are in this

Senate because education brought us here. It is not their family name or their wealth, but the competence from the university.

I support.

**Sen. (Prof.) Lonyangapuo:** Thank you, Mr. Temporary Speaker, for giving me this opportunity. I join my colleagues in supporting this Adjournment Motion. The issue at hand is very critical to the people of Kenya because the top echelons of our academia are not on duty for almost one week primarily because of a negotiated CBA that was signed.

We know the impact and repercussions that have come as a result of the strike. Very many students have not sat their examinations. Some of them are living in private hostels and will spend more money in paying for their stay, should they resume later on. Although the strike has come, university personnel should have sat down to discuss this. We have key agencies that sit in the universities. We have the university council that has eminent people that sit in it. We have the university management, the university leaders and the leadership at the Ministry of Education. Nobody seems to be giving us the correct position with regard to this dispute. We are hearing that the Kshs329 million has already been paid. The balance of Kshs3.9 million has not been paid. I was a university manager for five years; a principal. Some of my colleagues who are running the universities are saying that Kshs1.8 billion has not been disbursed by the Government. No wonder the Cabinet Secretary and the Treasury people are quiet. Nobody is speaking.

We should stand firm and say that we should not allow any mess in the calendar of the university. We should demand the relevant people to sort out their problems. We do not want to hear about it. In some quotas, they are saying that the Narok University has paid. However, they have not remitted anything as a result of the same. They have not paid university staff pension and there is a game that we do not know about. Let them finish their own arithmetic. We, as the Senate, demand, that they sort out this. The union and other lecturers are saying that they want 33.1 per cent increment of their basic salary. The management on one hand is saying that they can sustain 22 per cent of the same. We want them to solve their problem. We are giving them the shortest time possible. One day is sufficient. These are people who are learned.

This raises many questions. We have professors earning almost Kshs100,000 while a Member of a County Assembly (MCA) is now getting almost Kshs200,000. What does that mean? With regard to devolution, we have County Executive Committee Members (CECs) who are earning Kshs300,000. These are people who have never experienced anything close to what the lecturers have experienced. Did we think critically about the pay for all the levels that we introduced? They are disabling and distabilising everybody. If you look at the latest model of vehicles, they have been bought in the counties yet even the senior people here cannot afford to buy such vehicles. Some of the things that we have done, we need to look at them critically so that we do not even talk about the bloated wage bill. The wage bill is going to suffer as long as we do not monitor the expenditure of the money that is being allocated to the counties. This is destabilizing all the systems and all the structures that we had in the national Government.

I support.

**Sen. Omondi:** Mr. Temporary Speaker, Sir, ---

**Sen. Muthama:** On a point of order, Mr. Temporary Speaker, Sir. Looking at the time, it is 6.25 p.m., and if we must conclude this you must give some guidance on the timing.

**The Temporary Speaker** (Sen. Mositet): Sen. Omondi, you have two minutes.

**Sen. Omondi:** Thank you, Mr. Temporary Speaker, Sir, for allowing me to contribute to this Adjournment Motion moved by my friend, Sen. (Dr.) Zani. For sure, this is just a confirmation on how corruption is gaining more roots in this country. It shows that even Free Primary Education (FPE) is being mishandled because the beneficiaries are young Kenyans who cannot speak for themselves, or else they would have raised the issue. The management of the FPE is questionable. If you went to some other parts of this country you would wonder at the state of schools where FPE is being conducted.

I condemn what is happening right now because the parents and the poor Kenyans who have invested in their children are losing a lot because time is now being wasted.

I support the Motion.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Mositet): Hon. Senators, it is now time for the interruption of business. The Senate, therefore, stands adjourned until tomorrow Wednesday 19<sup>th</sup>, March, 2014, at 2.30 p.m.

The Senate rose at 6.30 p.m.