

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 11th February, 2015

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

DEMISE OF HON. GEORGE MUKURU MUCHAI,
MEMBER FOR KABETE CONSTITUENCY

The Speaker (Hon. Ethuro): Order Senators! I have one Communication to make on the demise of Hon. George Mukuru Muchai.

Hon. Senators, as you may be already aware, on the morning of Saturday, 7th February, 2015, the Hon. George Mukuru Muchai, Member for Kabete Constituency, together with his two bodyguards and a driver, lost their lives when they were attacked by armed thugs along Kenyatta Avenue, Nairobi.

Records in Parliament indicate that the late Hon. George Muchai was born on 22nd July, 1949. He attended St. Michael Primary School between 1956 and 1963 and Highway Secondary School, Nairobi between 1964 and 1967. He obtained a Certificate in Electrical Installation Trade Test from the Railway Training School in 1974. Later, the late Hon. Muchai attended the Kenya Polytechnic where he was awarded a Certificate in Electrical Installation Technology. He thereafter undertook several courses on labour matters, regionally and internationally.

The late Hon. Muchai was an active and vibrant labour unionist, having been elected as the General Secretary of the Bakery, Confectionery, Food Manufacturing and Allied Workers' Union in 1984, a position he still held until his demise, owing to his passion for and responsiveness to the needs of the people he represented. His empathy and humility largely endeared him to the workers of this nation and saw him overwhelmingly elected as the Deputy Secretary General of the Central Organization of Trade Unions (COTU) in 2001. Indeed, he never lost an opportunity to air the problems that befall the masses, especially workers, whom he continued to represent for the last three decades.

Hon. Senators, the late Hon. George Muchai made his debut in national politics in the run-up to the 2013 General Elections when he successfully vied for the Kabete Constituency seat, Kiambu County. His swift mastery and grasp of parliamentary

business ensured that his contributions were keenly followed by all. Particularly, his contributions on legislations related to the labour and education sectors were insightful and tremendously enriching to the matters under debate. He was an active Member of the Departmental Committee on Labour and Social Welfare as well as the Budget and Appropriations Committee of the National Assembly.

On behalf of all Senators and indeed on my own behalf, I wish to take this opportunity to condole with the family of the late Hon. Muchai, the people of Kabete Constituency and all his friends for the loss of this great trade unionist and a people's defender at this trying time. I also condole with the families of the late police constables Samuel Lekakeny Montata and Samuel Kimathi Kairingia who were security officers of the deceased Hon. Member and the late Stephen Ituu Wambugu, the driver of the late Hon. Muchai. As the Senate, we assure the families of our support during this period of great sorrow.

As I conclude, I would like to appeal to the concerned security agencies to move with speed in investigating this heinous crime with a view to bringing the perpetrators to book. It is only through this that the nation, and indeed the families of the departed, will rest knowing that justice, and indeed the sacredness of every life as enshrined in the Constitution, will have prevailed. May his soul and the souls of his departed staff rest in eternal peace.

As I promised yesterday, I will allow a few minutes for Senators to eulogise our departed colleague.

I thank you.

Please, proceed Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr: Thank you, Mr. Speaker, Sir. Allow me to pass my condolences to the family of the late Hon. George Muchai, the bodyguards and the driver. On Saturday morning on my way to Makueni County, I happened to find this terrible incident at about 6 a.m. I was extremely shocked by the manner in which a Member of Parliament lost his life in one of the busiest streets in the City of Nairobi.

It is also appalling that the persons who caused the death of this Member of Parliament managed to escape again through the streets of Nairobi to an unknown destination. It was a very chilling event. Mine is to condole with the family, but insist that there are too many stones that have been left unturned in this county on persons who have died. It is not enough to say that we, the political class or the elite, are under danger. The fact of the matter is that it is not enough for this country to pass so many security laws when people are losing their lives like the way that Member of Parliament lost his life.

No Kenyan should lose his life the way Hon. Muchai lost his life. However, what is more disturbing are the reports in the newspapers today. Why are the police investigating crime through the press? They are suggesting that, in fact, this cold-blooded murder was as a result of carjacking so that they can start poisoning the minds of Kenyans; so that we do not continue asking questions as to why these people just walked to his car and instead of carjacking him, they shot him and then walked away.

Mr. Speaker, Sir, I would like to condemn this act and say that if this country can lose Members of Parliament on the streets of Nairobi, nobody is going to step into this country because of insecurity. Therefore, the national Government once again, with all the threats and everything that they are saying that they are going to turn around, is back to the limelight. This is yet another leader who has died under mysterious circumstances

and no results have been released. We would like the perpetrators of this crime to be brought to book. If the national Government is serious about crime in this Republic, they should take decisive action.

Lastly, Mr. Speaker, Sir, if the County Government of Nairobi is serious, they should tell this country that the Closed Circuit Television (CCTV) that is around this city is not just about machines that are there for purposes of a show; but to deter and detect crime so that we do not lose another Kenyan in the manner that Hon. George Muchai and his bodyguards lost their lives.

Mr. Speaker, Sir, the daughter of hon. George Muchai watched her father being shot, together with her family. I sympathize with that family. If there is something this Parliament can do, one of them is to ensure that our VIP security is capable of protecting us. Otherwise, we should then be given an opportunity to look for persons who can protect Members of Parliament (MPs) because the work we are doing is bound to put us at cross hairs with enemies or persons who do not like what we are doing.

Thank you, Mr. Speaker, Sir.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I would like to use this opportunity to pass my sincere condolences to the family and friends of our departed colleague. I had a unique opportunity to work with the late Hon. Muchai in the last Parliament before we came to this House, when we were creating laws to give effect to Article 162(2), which provides that Parliament, through legislation, shall create courts that will have the same strength as the high court to listen to matters of employment and labour relations. We worked with him and the Secretary-General of the Central Organization of Trade Unions (COTU), Mr. Atwoli, sometimes beyond midnight. He struck me as somebody who really had the interest of the workers at heart. For this reason, when I learned about his being gunned down on Saturday morning when I was at Bukhungu Stadium attending a bull fighting function, I felt so bad.

Mr. Speaker, Sir, I want to appeal to Kenyans that, please, do not kill us. Why are you now killing us yet you elected us and we represent you? Do not kill us! If it is money you are being given to kill us, please know that, that money they might be giving you is the very money that they get from you through corrupt practices that we fight them for. I want to appeal to Kenyans not to kill us.

Mr. Speaker, Sir, just like hon. Mutula Kilonzo Jnr. has said, it is very sad that the newspapers now want to create a threat through a theory so as to bring the country on board. Today, they are saying that it was carjacking; carjacking? Carjacking means that the guy who is attacking you is doing so to take your car either to go with you or to eliminate you and go away with your car. The people they are referring to – and I do not want to doubt what the police are saying through the media – are reported to have carjacked some two ladies on the outskirts of Nairobi and carried them in the boot. Be it as it may, but if they are the same people they want us to believe carjacked Hon. Muchai, why did they not then, after killing him, take his more expensive car and go with it to wherever they would have wanted to take it to? We are not going to fall for this and we want to ask the acting Inspector-General (IG) to be in charge and ensure that people do not pretend that they are speaking “on condition of anonymity” when, in fact, they want to feed a particular theory to the public.

Finally, Mr. Speaker, Sir, it is important that the Jubilee Government realises that the futile attempt which I am hearing some of our colleagues say – that we should be added more security officers – is nonsense!

(Applause)

The late Hon. Muchai had more than three guns in his car, but the guns never saved him. The answer is not for MPs to be given additional police officers; the answer is to raise the threshold of security in the country so that MPs are free from the threats that we are faced with today just as much as the rest of the members of the public. Even if you gave me six armed guards and I am seated at the former Grand Regency Hotel, what will stop a gunman from coming in and wiping out all of us in spite of these six people sitting on the same table with me? So, the answer is not increased security for MPs; the answer is to make the whole country secure. As we have said before on matters like this, we are prepared to support the Jubilee Government as the Opposition to ensure that we are all safe as Kenyans.

Mr. Speaker, Sir, I mourn and I condole with the families of the deceased.

Thank you, Mr. Speaker, Sir.

The Senate Majority Leader (Sen. (Prof. Kindiki): Thank you, Mr. Speaker, Sir. I also want to take this opportunity to condole with the wife, children and relatives of the late Hon. George Muchai; the wife and children of the two police officers and the driver who were attached to Hon. Muchai; I also want to condole with the people of Kabete Constituency for the loss of their MP. I also want to extend my condolences to the Jubilee Coalition; we have lost one of our comrades in the political circles. Generally, I would want to condole with Parliament, especially the National Assembly because we have lost one of our own.

Mr. Speaker, Sir, just like the other Senators have said, this is something that has shocked all of us, first because George Muchai was a well known Kenyan. He is one of the outgoing generation of trade unionists who have done a great job in this country – to fight for the rights of workers and the underprivileged in our society. George Muchai, Francis Atwoli, Francis Ng'ang'a and the late Ambrose Adongo are people who have made tremendous impact in terms of defending the rights of workers and confronting the forces of capitalism that have tried to make the vast majority of our people to live in squalid conditions. Therefore, as we mourn Hon. George Muchai, we are hoping that since that generation of trade unionists is aging, we will want to see new leadership.

For me, that is the greatest challenge we have in the trade union movement. We would want to see new and fresh blood, people who can take over in the generations to come when we have the unfortunate things like what we are confronted with at the moment.

Mr. Speaker, Sir, I also want to take this opportunity to call on Kenyans to stand in solidarity with the families that are bereaved and to give the police the space and time to tell us what happened. It is encouraging, at least from what we are reading from the Press, that hopefully, we might be told who killed George Muchai. I think that is the least that we expect from our police force.

Mr. Speaker, Sir, a few weeks ago, some gunmen went into a media house and killed 19 people in France in one of the most horrific attacks on a media house in the

world in modern times. A few days later, the suspected gunmen were cornered in a building and they were all shot dead. I say so because as we mourn Hon. George Muchai, the country is confronted with a paradox. On the one hand, we want to ensure that we have a Constitution that is respected, including the civil liberties and the procedural guarantees of accused persons but on the other hand, we have seen that some times in extreme circumstances, there is need to balance the procedural guarantees with the greater good of public security. I would not be surprised if what happened in France four weeks ago had happened in Kenya; some of my colleagues whom I cannot name because I do not want to jeopardise my relationship with them, would have been doing “press ups”.

(Laughter)

They would have been protesting all over the place yet we have seen in all mature democracies, security is not a negotiable item. We can negotiate on anything else but public safety and security tops every other social good that we aspire to have as a society.

Mr. Speaker, Sir, with those many remarks, I once again condole with the bereaved families and we hope the police will give us the answers. The time has come for us, Kenyans, to make sure that we do not just take on board sentiments that perhaps would want to dilute the core values upon which our society is founded.

Thank you, Mr. Speaker, Sir. I beg to condole.

Sen. (Dr.) Machage: Bw. Spika, wingu la mauti limetanda tena kulifunika Bunge hili. Kumpoteza mmoja wetu wa Bunge la Kitaifa sio jambo la furaha. Siwezi kujitapa kwamba nilimfahamu kwa utu marehemu lakini alijulikana Kenya nzima kwa utekelezaji wake wa kazi hasa akiwa kiongozi kwa vyama vya wafanyikazi. Alikuwa mcheshi na mtu mwenye busara. Umri wa miaka 66 ni umri wa mtu aliyekomaa, asiyeogopa na aliyefika wakati wa kuwaongoza watu na kuwapa ushauri akiwa bado na nguvu kwa uzee wake. Tumepokonywa kiongozi huyu akiwa na askari wawili wamemzunguka wakiwa na bunduki mbili, yeye mwenyewe akiwa na bunduki. La ajabu ni kwamba muuaji aliwapiga risasi moja kwa moja bila hata risasi moja kutupwa kujikinga. Jameni, ingekuwa ni jambo la hirizi, tungezitupa. Lakini ni maajabu kwamba jambo lile limetendeka akiwa na askari wawili ambao tunaamini kwamba walikuwa wamepate mafunzo ya kutosha kwa kazi yao ya uaskari. Lakini ni kudura ya Mungu kwamba haya huwezi kuyasema, kifo chako kikifika, kimefika.

Juzi, Kamati ya Usalama na Maswala ya Kigeni ya Bunge la Kitaifa ilisema kwamba inataka muuaji atajwe kwa masaa kadhaa. Kama wanamjua, kwa nini wasimtaje? Wamtaje badala ya kupoteza muda walingoja atajwe na wengine. Vile walivyosema ni kana kwamba wanajua. Basi kama wao ni Wakenya wazalendo, wantaje. Vyombo vya usalama vipewe nafasi lakini wasizembe kwa kazi yao ya kumtafuta muuaji huyu; waachwe wafanye kazi yao. Lakini la kuumiza moyo ni kwamba inabainika labda kwamba nchini kuna vikundi ambavyo vimejitenga na kujiandaa kwa minajili ya kununuliwa kuwa watu ilhali tunaambiwa kuwa kuna usalama, uchunguzi na makachero. Hao wamelala kazini! Hivyo ni vikundi vya kutafutwa na kutambuliwa.

The Speaker (Hon. Ethuro): Muda wako unayoyoma!

Sen. (Dr.) Machage: Nashukuru, Bw. Spika. Nazitoa rambi rambi zangu.

The Senate Minority Leader (Sen. Wetangula): Thank you, Mr. Speaker, Sir, for giving me an opportunity to eulogize a close friend. I send my condolences to the family of my brother, the late Hon. Muchai, his two body guards and his driver. I have known Hon. George Muchai for over 25 years, when I acted for him and a group of his then young trade unionists, Francis Atwoli, Okwara and others. He has since remained a very close friend. The incident of his shooting reads like a gangland movie where somebody just walks to a car and pumps off bullets into people without any resistance. This is an event that must be condemned, more particularly that it happened as his family was watching in a vehicle behind his car. The trauma that the family must be going through is beyond anybody's comprehension.

Mr. Speaker, Sir, as this has happened, there is bound to be a lot of speculation, rumours, half-truths and so on. I want to take the opportunity to urge the ongoing investigation by the police to avoid sending wrong signals and red herrings like we are seeing. How can the police tell us that two women were hijacked, tied up in the boot of the car, heard gun shots and those gun shots must be the ones that killed Hon. Muchai, from the boot of a car? This is foreclosing an open investigation. We want the investigators to have an open mind, follow every lead and avoid investigating a matter of this nature in the Press. They can give updates on what they are doing but they cannot act the way they are acting. It will probably make those who shot our brother to sit and enjoy themselves, knowing very well that the police are headed in the wrong direction.

Mr. Speaker, Sir, the case of Hon. Muchai is a case for the whole of Kenya. We have heard many cases and I am quite sure that the day Hon. Muchai was shot, many other Kenyans elsewhere were shot by thugs. The country has been taken over by armed criminals, shooting and maiming people at will and all we see is the Jubilee Government pretending that the problem with security is about the law and not about the lack of the will to enforce the law that is already there.

The killings in Mandera did not happen because there was no law; the shooting of clerics in Mombasa is not because there has been no law; the killing of Hon. Muchai is not because there is no law; it is the lack of the will to enforce the law. I saw some footage today on Citizen TV in which the police, who themselves said they "teargased" children on Lang'ata road and even dismissed one of their own, now coming up with a new footage saying that it is an activist called Irungu who teargased the children.

When such things happen, the public starts losing faith in the security apparatus in the country. The police work under very difficult circumstances. They are poorly paid, poorly housed, poorly equipped and unappreciated, among other things. However, within those difficult circumstances, they can do better. We want to urge that security for Sen. Kembi-Gitura, and Sen. (Prof.) Kindiki - as he struggles to become a tribal spokesman - is security for everybody.

(Applause)

We want to have security for everybody. It is the duty of the Government under the social contract theory to make sure that every Kenyan is safe anywhere and everywhere.

I send my condolences to the family.

Sen. Kagwe: Thank you very much Mr. Speaker, Sir. From the outset, I wish to join my colleagues in condoling with the families of the late Member of Parliament, Hon.

Muchai, as well as his colleagues; the bodyguards and his driver who were killed with him. The assassination of Hon. Muchai leaves us cold in our bones. This illustrates that in effect, we are not safe. None of us is safe if the late Hon. Muchai, with his two bodyguards, in the middle of Nairobi streets can be killed, never mind the reason why.

The problem as it were is that in the history of our nation, normally assassinations are not solved. If today we are asked who assassinated the late Dr. Ouko, we will have no answer. We do not know who assassinated J.M Kariuki and we do not even know who killed the late Ronald Ngala. We hope that this time round, the story will not be the same and that we will, indeed, find out and unravel the reasons why and who killed the late Hon. Muchai.

This is also a good time for those who are spending money like the Nairobi County and the Ministry of Interior and Coordination of National Government to note that the amount of money we have spent on technology and Closed Circuit Television (CCTV) cameras in and around Nairobi is worth spending. At the very least, we should see those assassins on television even if they are wearing masks. We should, as a nation, see the footage of what is recorded on CCTV. If we do not see that footage, somebody must be answerable and tell us why we cannot see the footage when the CCTV had been installed. We should see what has happened since installation and what we should expect in future because we spend a substantial amount of money in installing those CCTV.

We should also be asking ourselves, particularly the people sitting in this House and the Members of the National Assembly about the degree of training of the persons that we sit with in our cars who are our bodyguards. Not too long ago, Sen. Munyes was shot in the foot by a gun that fell by mistake. He was shot by somebody sitting with him in the same car. I do not want to demean or to judge how Muchai's bodyguards behaved because they are already gone. However, we must ask ourselves questions: Do you have a relative of yours sitting in your car who came from the Administration Police section and has not been trained as a VIP bodyguard?

I want to illustrate something. I have some training in this area because I was a Member of the Kenya Police Cadets. I went with a bodyguard to a shooting range and when my bodyguard fired the pistol, we all went flat on our stomachs because it was wild shooting. I say this very seriously because we should be finding out whether the bodyguards we have go for retraining. It is mandatory, for those who understand firearms, to go for training, at least, every 14 days. They are supposed to go, clean the guns and shoot with them.

The question the Senators here should ask themselves is the last time their bodyguards went for retraining to practice to shoot. It is in their interest that they are trained.

I condole.

The Speaker (Hon. Ethuro): Order. Hon. Members, we would like to conclude this by 3.30 p.m. We have been operating on a five minutes limitation of time. However, I will reduce this to three minutes.

Sen. (Dr.) Zani: Thank you, Mr. Speaker, Sir. It is sad for somebody to die. It is sad when that person dies suddenly and it is even worse when a person is killed right in front of their family members. The psychological effect on the wife and the daughter of the late Hon. Muchai is something that has to be dealt with because, indeed, they will

suffer. We know that a father is the protector of a family. When a father is shot that way, we are left with no other hope that you have somebody to protect you.

I take this opportunity to condole with the family of the late Hon. Muchai and the families of the two bodyguards and the drivers who were also killed. That morning, I was shocked. When I woke up, I prepared to go to Voi for a Jumuiya ya Kaunti za Pwani meeting. My guard came running to me and warned me to be very careful because things had worsened in this town. He then told me that an attack had happened at the Nyayo National Stadium Roundabout.

Later, I found out that this had happened around the General Post Office (GPO). I passed there at about 5.00 o'clock and was shocked by the vehicles that had gathered there. For me, the reality was that somebody had been shot. That was not just somebody but an hon. Member who had a lot of protection. That sent a lot of shivers down my spine. I said work must continue and we have to do what we must. However, the sense of panic and that of not being safe is something we share in this country. Notwithstanding the CCTV cameras we have, we have not seen any footage of what happened. There is technology, I think, that can unmask those who are masked. If we have CCTV which is working, then we should get to the bottom of this as the Committee at the National Assembly said.

We need to get to the bottom of this matter. Unfortunately, this has become rhetoric. This is what we always say. One of the cartoons in yesterday's *Daily Nation* Newspaper captured that very well. We come out to say that we will not leave any stones unturned and that we will get to the bottom of the issue but this does not happen. We want to see it happening. We want it to come to an end. We cannot continue to live with this level of impunity and insecurity. Insecurity is escalating in this country. Things are deteriorating more and more with each passing day. Rather than make an improvement, we are moving backwards. We had dealt with street children who posed as a security threat. However, we are now seeing them coming back to the society. I would like to take this opportunity to say that the young man who died while saving the woman who was being mugged, those are the heroes we need in this country.

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

Sen. (Dr.) Zani: Mr. Speaker, Sir, however, everyone is so scared because we do not know where the next bullet is going to come from. We need the heroes. We need to feel that we are safe in this country. We need to be secure and really know that there is somebody somewhere taking care of our security and that they are doing it well.

Thank you.

The Speaker (Hon. Ethuro): Sen. Kembi-Gitura.

Sen. Kembi-Gitura: I thank you, Mr. Speaker, Sir. I wish to join my colleagues in sending condolences to the families of the late Hon. George Muchai, his two bodyguards and the driver.

On Friday early evening, I met Hon. Muchai and we spent a short time together when he introduced me to his wife, children, sister-in-law and his niece. So, it came as a very big shock to me when early the next morning, I learned that he had passed away, not in natural circumstances but at the hands of criminals. I want to join my colleagues in condoling with the family and also with the people of Kabete Constituency whom he served so diligently for the time that he was a Member of Parliament (MP).

When we talk about the security of this country, I find it ironical that we are talking about the security of Very Important People (VIPs). I think when we talk about security, it should be about the security of every citizen of this Republic. It becomes worrying that we, as leaders, are talking about our own security because I think that should be the last thing. We should talk about the security of this nation. Are the laws that we are making good enough for our security? Is it enough to keep blaming the Jubilee Government which has been there only for a short time? Are we taking full responsibility for ourselves; for the security of this nation? I think those are the questions that we need to ask ourselves so that all of us together can work for a better and more secure country. That way, we will not continue losing people like George Muchai, his bodyguards and driver in such unfortunate circumstances.

Mr. Speaker, Sir, while agreeing with my colleagues who have spoken before me, the police should do what they are employed to do. It is unfortunate that every time we open the papers, we are reading about the investigation of the murder of Hon. George Muchai, what has been done, what has not been done and what could be done. What we expect to see from the Police Department is results. We want to be sure that the people who killed our friend and colleague, George Muchai, are going to be arrested and face the full force of the law. We do not want to have speculations in the papers, which I agree with my colleagues, could be sending red herrings, wrong messages or making us become dubious or doubtful about what is going on. It is an indictment on the part of the police for us to be reading about anonymous people talking about how our colleague died.

It is unfortunate that the four families are mourning at this time and the police are not giving us any indications but telling us about speculations, which are just nothing more than speculation.

As I conclude, I wish to join my ---

The Speaker (Hon. Ethuro): Order! You have concluded. Sen. Muthama!

Sen. Muthama: Asante, Bw. Speaker. Naungana na wenzangu kutuma rambirambi zangu kwa mke wa mwenzake, marehemu George Muchai, watoto, jamii na vile vile watu aliowakilisha Bungeni. Pia, natuma rambirambi zangu kwa watu aliowakilisha katika Muungano wa Vyama vya Wafanyikazi. Wakati watu wamekufa Kenya, tunaahidiwa kwamba “hakuna jiwe ambalo halitapinduliwa.” Lakini wakati Tom Mboya alikufa, hakuna jiwe ambalo lilipinduliwa. Pia, wakati Dkt. Robert Ouko, JM Kariuki na wengine walikufa, hakuna jiwe ambalo lilipinduliwa.

Jambo la kushangaza ni kwamba, mambo yaliyotokea mwanzo yalionyesha kwamba Mheshimiwa George Muchai aliwawa na mtu mmoja ambaye alikuwa amefunika uso wake ingawa alikuwa na wenzake.

Baada ya kumuua Mhe. Muchai, mtu huyo aliingia kwa gari lao na hatimaye wakaondoka. Ninataka kueleza Serikali ya Jubilee na wale ambao wanasimamia vitengo vya usalama kwamba sisi, Wakenya, tunaangalia na tumefungua masikio kusikiliza. Hii ni kwa sababu haitawezekana tuambiwe kwamba walioteka nyara wanawake wawili, waliwapeleka kwa benki kutoa pesa katika ATM, na ni wao hao ambao wanaonekana wakipeleka watu kutoa pesa katika ATM na usiku wa manane haujaingia, ana mwanamke amefungwa mikono na hakuna mtu mmoja, hata askari, anaweza kusema: “Nimeona watu wakipita hapa, walikuwa na mwanamke aliyefungwa mikono, na amepeleka katika ATM kutoa pesa.” Anashindikizwa kutoa pesa, anafungwa tena na kuwekwa

katika buti ya gari. Halafu wakiwa pale, akiwa katika buti, anasikia risasi ikilia na anajua kwamba ni George Muchai ameuawa. Kama wako na tabia hiyo na sio pesa, kwa nini wasiwaue wale wanawake wawili kwanza? Wanawabeba kwa gari, wanakuta gari la mtu ambaye hawamjui, wanatoka, wanafyatua risasi na kuua kila mtu ndani ya gari na tena wanarudi katika lile lile gari, wanaondoka na wanawake wale na hakuna mmoja aliyepata madhara.

Sisi tunatoa kodi na tunaajiri askari watufanyie kazi. Tunataka kujua ni nani alimuua George Muchai na hatutaacha mpaka tuelezwe ukweli.

Natuma rambirambi, Bw. Spika.

Sen. Murkomen: Mr. Speaker, Sir, I would like to pass my condolences to the family, the wife, children and the extended family of Hon. George Muchai. I also extend my condolences to the people of Kabete Constituency and all the affected persons who knew the Hon. Member in person.

It is shocking when you know very well that somewhere, less than 200 metres from this great House of Parliament, just near Harambee House, near the supposedly protected Nyayo House, just less than 20 metres from Nyayo House and in the full glare of cameras and street lights, that one can be killed and the killers would go away unnoticed, unarrested, untamed and no action is taken. The question one would ask himself is: "Why did the policeman who was guarding Nyayo House not even try to run after the killers or perhaps try to find out what was happening?" Nothing has been said to that effect. Is it that our policemen or security people are trained to remain as stooges in places where they have been put? There must be something wrong.

I know there are a lot of accounts that have been provided for in the newspapers; that it could be this or that. My colleagues have spent a lot of time trying to use it as if it is the correct account. I take it with the errors that sometimes come with reporting. We want to be told the truth about what exactly happened to the honourable Member. We want to see, like in the Hon. Were's case, that people are arrested and convicted. We do not want to have situations where mysteries are continuously surrounding the situation.

This is also a pointer to the greed that we have as a people. I remember what Jesus said in the Bible: "For what is a man profited, if he shall gain the whole world and lose his own soul? Or what shall a man give in exchange for his soul?" Why is this greed overcoming all of us to the extent that each one of us would prefer to get more wealth and power at the expense of another person's life? This is a pointer to our values as a country. It is a pointer to what we value most. Do we value relationships? Do we value life? Do we value others? Or do we value wealth? If it is true in the accounts given in the newspaper that these people, the carjackers, who were actually carjacking for the purpose of going to commit another crime which supposedly now was the killing of honourable Member, that they were conversing and saying---

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

Sen. (Prof.) Anyang'-Nyong'o: Mr. Speaker, Sir, I stand to add my voice to the condolences to the late Hon. Muchai's family and friends for the untimely demise of this great son of Kenya. While saying so, let us ask ourselves one fundamental question: Why is it safe to walk in the streets of Kampala, Addis Ababa and Kigali at night when Nairobi is not that safe? We do not need to send our security officials to London or New York to learn how to make sure that we are safe in our country. Our neighbours are examples and we should learn from them. All the time, the

Criminal Investigation Department (CID) says that it will leave no stones unturned. The stones are now tired. They have been waiting to be turned for all these years and none of them has been turned. Speaking on their behalf, I must say that we should not cheat stones that we shall turn them when they will not be turned.

Mr. Speaker, Sir, people have mentioned names of Kenyans who have been gunned down in broad daylight. I remember, when Shem Onyango *alias* Kwega was gunned down in Kisumu at 10.00 a.m. Not too long ago, a young man called Odek up here in Eastlands was gunned down in broad daylight. Every time people are gunned down, there is a promise that something will be done. We have not heard anything about Shem Onyango; we have not heard anything about Odek's killers and now it is our colleague. Obviously, there must be something wrong about the security forces themselves and their methods of keeping security.

Of course, Sen. Murkomen has said that one of the things that are ailing the nation is the search for wealth all the time that compromises professionalism and commitment to duty. Indeed, the police force in Kenya is not paid any higher than those in Uganda, Ethiopia or Rwanda. This is not a question of salaries nor do they lack the equipment that policemen in Ethiopia, Uganda and Kigali have. They have equal equipment, I would say, or even less than ours. It is important that we make sure that we interrogate how security issues are carried out in this country. We should check the professionalism of our security forces and the line of authority that makes it rather difficult for people to obey orders. Indeed, we have now introduced things like Closed Circuit Televisions (CCTVs) in our cities. The CCTVs by themselves will not do anything unless---

The Speaker (Hon. Ethuro): Sen. (Prof.) Lesan.

Sen. (Prof.) Lesan: Mr. Speaker, Sir, I also take this opportunity to join my colleagues in mourning our colleague and dear friend. I had the opportunity of meeting *Mheshimiwa* Muchai in Naivasha and for the few minutes that we had a chat together, he made an impression to me to be a straight and determined person.

Mr. Speaker, Sir, as I condole with the family of Muchai, several questions pass through my mind as to how this country handles security issues. I am particularly concerned with how we handle arms in this country; particularly small arms. This has often been talked about as some of the threats to security in this country. Whenever this is raised, it is said that this country is unable to control the flow of small arms.

Mr. Speaker, Sir, there is no higher price than spending any amount of money in order to ensure the safety of each of our citizens in this country. I want to use the loss of the life of Hon. Muchai as a reason to have a very determined action to try and wipe out small arms in this country. The small arms do not only include pistols but also other guns that can be used to terrorize people such as AK 47 which is a very lethal arm carried around by thugs with bad intentions like wishing to kill Members of Parliament and security personnel.

Mr. Speaker, Sir, my sympathies also go to those security officers, especially Mr. Motanta who had two wives and seven young children who entirely depended on him for their survival and their future lives.

Mr. Speaker, Sir, it very regrettable that this is happening 50 years after Independence when our security should be one of the best things that we should have attained as part of development in this country.

I, therefore, condole the loss of Hon. Muchai's life and I wish that the state will come around and assist the children of those who are not able to assist themselves particularly the security personnel that were involved with Hon. Muchai.

Mr. Speaker, Sir, with that, I condole.

Sen. Ndiema: Mr. Speaker, Sir, I stand to join those who have conveyed condolences to the families of Hon. Muchai and also the other members of his staff who were with him on that fateful day.

Mr. Speaker, Sir, it is very sad that life could be lost in a matter of minutes through the cruel hands of the criminals. While we are witnessing such an event, it should be noted that in our counties, so many similar events are occurring. We have had cases where even *boda boda* riders have been hijacked; taxi drivers have been hijacked and sometimes killed for no apparent reason. It would appear that after the incident, no action is taken. We seem to have a security system that does not use technology to detect crime, more particularly forensic technology. We have technology in the world that can detect crime, particularly where firearms have been used. These firearms have been re-used in previous crimes and with proper forensic experts, we can detect and pinpoint the culprits.

Mr. Speaker, Sir, such events happening in our cities, particularly Nairobi, send very wrong signals all over the world regarding the safety of our country and city. Hence, sometimes we get wrong classifications of our cities although we are striving very much to promote our country as a tourist destination.

Mr. Speaker, Sir, I send condolences to the security officers who died together with Hon. Muchai. In fact, one of them, Mr. ole Motanta, was my neighbour. It is really hurting. I send condolences to the family.

Thank you Mr. Speaker, Sir.

Sen. Billow: Mr. Speaker, Sir, I also add my voice and condole with the family of the deceased Member of Parliament. I also condemn the merciless killing of the honourable Member of Parliament.

Mr. Speaker, Sir, ordinary carjacking where people are put into boots of cars and taken round the whole night in Nairobi is a common feature nowadays. Many Kenyans are in boots of cars throughout the night in Nairobi.

As far back as in 2005-2006, I remember, hon. Martha Karua was put in a car. This is a matter that has been there. However, what happened the other day was a professional execution of a Member of Parliament by someone who definitely was not an ordinary thug.

Mr. Speaker, Sir, how would you explain a situation where someone shoots four people, two of whom are armed, in a split second? This is someone who shot through the windscreens of the car but the windscreen was not smashed. It is amazing the way that thing was done and there is little doubt that it was a deliberately planned and well-executed assassination.

Just like my colleagues have said, there is need to motivate our security personnel, particularly the police. It is clear that the police are not motivated; the degree of investigations and the lethargic atmosphere when dealing with them is abhorring. We are being told that the car that was used by the hijackers was picked by the owner without it being dusted for fingerprints. There is need for our security officers to address that issue. I also want to agree with my colleagues who have spoken before me that simply

having technology will not be enough unless the police are sufficiently motivated. As it is, they do not have the morale to use that technology.

Mr. Speaker, Sir, unless the issue of corruption among the security forces is dealt with, I do not think the mere installation of equipment across this city will lead to elimination of crime.

The Speaker (Hon. Ethuro): Order, Senator. Your time is up.
Next Order!

MESSAGE FROM THE NATIONAL ASSEMBLY

CONCURRENCE OF THE SENATE ON THE PUBLIC SERVICE (VALUES AND PRINCIPLES) BILL (NATIONAL ASSEMBLY BILL NO.29 OF 2014)

The Speaker (Hon. Ethuro): Hon. Senators, I have a message from the National Assembly on the Public Service (Values and Principles) Bill, National Assembly Bill No.29 of 2014.

Hon. Senators, I wish to bring to the attention of the Senate that pursuant to Standing Order No.40 (3) and (4), the Clerk has delivered to me a Message from the National Assembly regarding the Public Service (Values and Principles) Bill, National Assembly Bill, No.29 of 2014. The message which is dated 5th December, 2014 was communicated to all Senators pursuant to Standing Order No.40 (5) on 23rd December, 2014 as we were on recess.

The message states as follows:-

“Pursuant to the provisions of Standing Order No.142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

Whereas the Public Service (Values and Principles) Bill, National Assembly Bill No.29 of 2014 was published in the Kenya Gazette supplement No.112 of 25th July, 2014 as a Bill concerning county governments in terms of Article 110(1)(a) of the Constitution and the provisions of Fourth Schedule of the Constitution.

Whereas the said Bill whose objectives is to give effect to Article 232 of the Constitution was considered and passed by the National Assembly on 3rd December, 2014.

Now, therefore, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order No.142 of the National Assembly Standing Orders, I hereby forward the said Bill to the Senate, the effect of which is to seek concurrence of the Senate to the said Bill as passed by the National Assembly.”

Hon. Senators, Standing Order No.148 requires that the Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.129.

I would also like to draw your attention to the fact that this is a Bill with a constitutional deadline in accordance with Article 261(1) and the Fifth Schedule to the Constitution. Consequently, it has been scheduled to be read a First Time today.

Also slated for First Reading today is the Environmental Management and Coordination (Amendment) Bill, National Assembly Bill, No.31 of 2014, whose Message from the National Assembly, I communicated to you yesterday.

Hon. Senators, pursuant to Standing Order No.130 (1), the Public Service (Values and Principles) Bill, National Assembly Bill No.29 of 2014 shall stand committed to the Standing Committee on Legal Affairs and Human Rights. I direct that pursuant to Standing Order No.130 (4) the Standing Committee facilitates public participation and concludes consideration of the Bill as soon as possible so that the Second Reading is commenced without delay.

Thank you.

PAPERS LAID

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, on behalf of my Chairman, Sen. Wako, I beg to lay the following Papers on the Table of the Senate.

REPORT OF THE LEGAL AFFAIRS COMMITTEE ON BENCH-MARKING VISIT TO GERMANY

A Report of the Standing Committee on Legal Affairs and Human Rights on the bench-marking visit to Germany from 5th to 11th October, 2014 and dated November, 2014.

REPORT OF THE LEGAL AFFAIRS COMMITTEE ON PUBLIC HEARINGS ON VARIOUS BILLS

A Report of the Standing Committee on Legal Affairs and Human Rights on public hearings on the following:-

- (i) The Statute Law (Miscellaneous Amendment) Bill, (Senate Bill No.2 of 2014);
- (ii) The County Assembly Powers and Privileges Bill, 2014;
- (iii) The Public Appointments (County Assemblies Approval) Bill, 2014;
- (iv) The Public Fund-raising Appeals Bill, 2014
- (v) The National Government Coordination (Amendment) Bill, 2014.

The Speaker (Hon. Ethuro): Sen. Mwakulegwa, go on although I had no indication that you are tabling some documents.

(Sen. Mutula Kilonzo Jnr. laid the documents on the Table)

REPORT OF THE ENERGY COMMITTEE ON BENCH-MARKING VISIT TO BRAZIL

Sen. Mwakulegwa: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate.

A Report of the Standing Committee on Energy on the bench-marking visit to Brazil from 6th to 16th September, 2014.

(Sen. Mwakulegwa laid the document on the Table)

REPORT OF THE FINANCE COMMITTEE ON
CONSIDERATION OF SECOND GENERATION
CRITERIA FOR RESOURCE ALLOCATION

Sen. Billow: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate.

A Report of the Standing Committee on Finance, Commerce and Budget on the consideration of the second generation criteria for resource allocation for 2015/2016, 2016/2017 and 2017/2018.

(Sen. Billow laid the document on the Table)

The Speaker (Hon. Ethuro): Next Order.

NOTICES OF MOTIONS

The Speaker (Hon. Ethuro): Sen. (Prof) Kindiki.

APPROVAL OF NOMINATION OF SENATORS
TO SERVE IN VARIOUS SENATE COMMITTEES

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you, Mr. Speaker, Sir. I rise to give Notice of the following Motion:-

THAT, Pursuant to Standing Order Nos. 177 and 210, the Senate approves the following Senators nominated by the Rules and Business Committee to serve in the respective Sessional Committees as indicated below:-

A. COUNTY PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE

1. Sen. Murkomen Kipchumba
2. Sen. Wamatangi Kimani
3. Sen. (Eng.) Karue Muriuki
4. Sen. (Prof.) John Lonyangapuo
5. Sen. Wangari Martha
6. Sen. (Dr.) Khalwale Boni
7. Sen. Omar Hassan
8. Sen. Sitswila Wako Amos
9. Sen. (Prof.) Nyong'o - Anyang'
10. Sen. Mong'are Okong'o Kennedy
11. Sen. (Dr.) Agnes Zani

B. COMMITTEE ON DEVOLVED GOVERNMENT

1. Sen. Murkomen Kipchumba
2. Sen. Lesuuda Naisula
3. Sen. Kerrow Billoo
4. Sen. Beatrice Elachi
5. Sen. Stephen ole Ntutu
6. Sen. Sitswila Wako Amos
7. Sen. Janet Ong'era
8. Sen. Omar Hassan
9. Sen. Tiolo Ndiema Henry

C. COMMITTEE ON IMPLEMENTATION

1. Sen. Njoroge Paul
2. Sen. Bule Ali
3. Sen. Onchwang'i Hosea
4. Sen. Mbura Emma Gertrude
5. Sen. Kariuki Godfrey Gitahi
6. Sen. Ali Hassan Abdirahman
7. Sen. James Orengo
8. Sen. Muthama Johnson
9. Sen. Nyongesa Kanainza Daisy

D. COMMITTEE ON DELEGATED LEGISLATION

1. Sen. Sang Stephen
2. Sen. Gwendu Joy
3. Sen. Chelule Liza
4. Sen. Mbura Emma Gertrude
5. Sen. Karaba Daniel
6. Sen. Juma Boy Juma
7. Sen. Sijeny Judith
8. Sen. Musila David
9. Sen. Omondi Godliver Nanjira

The Speaker (Hon. Ethuro): Sen. Mutula Kilonzo Jnr.

ADOPTION OF LEGAL AFFAIRS COMMITTEE REPORT ON BENCHMARKING VISIT TO GERMANY

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I beg to give Notice of the following Motion:-

THAT, this House adopts the Report of the Standing Committee on Legal Affairs and Human Rights on a benchmarking visit to Germany from 5th to 11th October, 2014 laid on the Table of the House today, Wednesday, 11th February, 2015.

ADOPTION OF FINANCE COMMITTEE REPORT
ON CONSIDERATION OF SECOND GENERATION
CRITERIA FOR RESOURCE ALLOCATION

Sen. Billow: Mr. Speaker, Sir, I beg to give Notice of the following Motion:-

THAT, this House adopts the Report of the Standing Committee on Finance Commerce and Budget on the consideration of the second generation criteria for resource allocation for 2015/2016, 2016/2017, 2017/2018, laid on the Table of the House today, Wednesday, 11th February, 2015.

ADOPTION OF ENERGY COMMITTEE REPORT
ON BENCHMARKING VISIT TO BRAZIL

Sen. Mwakulegwa: Thank you, Mr. Speaker, Sir, I beg to give Notice of the following Motion:-

THAT, this House adopts the Report of the Standing Committee of Energy on a benchmarking visit to Brazil from 6th to 16th September, 2014, laid on the Table of the House today, Wednesday, 11th, February, 2015.

The Speaker (Hon. Ethuro): Next order.

STATEMENTS

ONGOING PROPERTY DEVELOPMENT AT THE JUNCTION
OF LORESHO RIDGE ROAD AND KAPTAGAT ROAD

Sen. Kembi-Gitura: Thank you very much, Mr. Speaker, Sir. I rise under the Standing Order No 45 2(b) to seek a Statement from the Chairman of the Standing Committee on Land and Natural Resources regarding the ongoing property development on Land Ref.No.Nairobi, Block 90/599 situated at the junction of Loresho Ridge Road and Kaptagat Road opposite the Loresho Police Post. In addressing the matter, the Chairman should:-

1. Explain why the development has been allowed on the piece of land which houses Nairobi City County offices and which was reserved for a water reservoir by the defunct City Council of Nairobi in the 1970s when the Loresho Estate was being developed.

2. Explain when, if at all, the said piece of plot of land ceased being a public utility land and state when the change of land use from the original purpose to private ownership was effected.

3. Give the name of the developer and the date on which he acquired the title of the piece of land, from whom and at what consideration.

4. Produce documents on the piece of land tracing the origin of the title to the current ownership of the said piece of land.

The Speaker (Hon. Ethuro): Is the Chairman or the Vice Chairman of the Committee on Land and Environment in; or any Member of the Committee? I thought I saw the Vice Chairman, Sen. Khaniri, around?

Proceed, Sen. Obure.

Sen. Obure: Yes, Mr. Speaker, Sir, I am a Member of that Committee and on behalf of the Chairman, I wish to state that we will take up the matter raised by the Senator for Murang'a and report back in two weeks' time.

The Speaker (Hon. Ethuro): Senator from Murang'a

Sen. Kembi-Gitura: Thank you, Mr. Speaker, Sir. I am actually the Senator for Murang'a and not Senator from Murang'a.

The Speaker (Hon. Ethuro): Order Senator, both apply, Senator from Murang'a comes from Murang'a County

Sen. Kembi-Gitura: That would likely refer to a nominated Member from Murang'a – in the delegation of Murang'a but not for an elected Senator.

The Speaker (Hon. Ethuro): Order, you will not win on this one. A nominated Senator from Murang'a, and even an elected one is still from Murang'a

Sen. Kembi-Gitura: I stand guided but I prefer to be referred to as the Senator for Murang'a County because that is what I am. The trouble with these two weeks' time is that, the development is going on; I know there is a court order but the development is going on. I was wondering if there is anything the Chairman can do to have a stoppage of the construction, pending issuance of a comprehensive answer. The issue of land grabbing is so prevalent now that it cannot be allowed to go on. So, may I request the Chairman to see whether he can intervene, in the meantime, so that no development goes on as I await an answer from the Committee.

The Speaker (Hon. Ethuro): Sen. Obure

Sen. Obure: I hear those sentiments. I will discuss them with the Chairman and make that special report---

The Speaker (Hon. Ethuro): Order, Sen. Obure. I may also wish to support the Senator in the sense that we have all been told that these records are being digitised. In the light of Lang'ata Primary School, there were orders that all the land should be known and identified. Therefore, it is not too much to ask for your intervention and preferably give the House a Report at least within a week, not less than seven days.

Sen. Obure: Okay, I will take that challenge. Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Sen. Hosea Onchwangi.

(Applause)

PAYMENT OF EXAMINATION FEES FOR
KCPE AND KCSE IN 2015

Sen. Onchwangi: Mr. Speaker, Sir, I request for a Statement from the Chairperson of the Standing Committee of Education on the planned payment of examination fees for all Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary education (KCSE) candidates for 2015. In the Statement, the Chairman of the Committee should inform the Senate on the following:

- (a) How much it will cost the Government to pay examination fees for both KCPE and KCSE candidates in the year 2015,
- (b) whether the planned payment of examination fees by the Government will benefit candidates in private schools; and,
- (c) what measures the Government has put in place to ensure that the schools will not demand examinations fees from parents.

The Speaker (Hon. Ethuro): Is the Chairman of the Committee on Education not here?

Vice-Chair, Sen. Halima!

Sen. Mohamud: Mr. Speaker, Sir, first of all, I would like to thank and congratulate my colleague for the statement that he has asked from the Committee.

The Speaker (Hon. Ethuro): Order!

Sen. Mohamud: Mr. Speaker, Sir, on behalf of the Committee, I would like to state that we will report back to the Senate in two weeks time, if that is okay with the Senator.

Sen. Billow: On a point of order, Mr. Speaker, Sir. The second question asked by the hon. Senator in my view is not applicable. He asked how much the Government has voted for examination fees for the year 2015/2016. The Budget for 2015/2016 is yet to be passed by Parliament. Therefore, that amount can only be determined in the Budget.

The Speaker (Hon. Ethuro): Order! Order! You are splitting hairs. You know that there is the Medium Term Expenditure Framework (MTEF); there are three years' estimates. So, it is possible to have a feel of what to project to the next financial year.

ENROLMENT OF PUPILS TO FORM ONE AND RELEASE OF FPE FUNDS

Sen. Wangari: Mr. Speaker, Sir, I rise to request a Statement from the Chairperson of the Standing Committee on Education regarding the enrolment of pupils to Form One and the free primary education.

In the Statement the Chairperson should address the following:-

- (a) what criteria was used by the Ministry to enroll pupils who sat for KCPE in 2014 to join Form One in 2015;
- (b) how the criteria used to admit students to Form One during the 2015 enrolment compares with the previous years;
- (c) what the statistics of the pupils who sat for KCPE in 2014 are and how many of these missed admission to Form One in public secondary schools;
- (d) what steps the Ministry is taking to ensure that those who missed out on Form One admission receive the right to education as enshrined in the Constitution of Kenya, 2010;
- (e) when the Ministry of Education is going to implement the report of Dr. Kilemi Mwiria's taskforce on secondary education fees, 2014;
- (f) what steps the Ministry is taking to ensure smooth and timely release of free primary education funds.

Sen. Mohamud: Mr. Speaker, Sir, on behalf of the Chairperson of the Committee, I would like to state that we will report back to the Senate in two weeks time.

Sen. Hargura: Mr. Speaker, Sir, towards the end of the last Session, I had requested for two Statements from the Chairpersons of two Committees; the Standing Committee on Energy and the Standing Committee on Land and Natural Resources. I am still interested in getting the answers to those questions. I am seeking guidance on how I can get those Statements given, since this is now a new Session. Do I have to seek the Statements afresh or they will be carried over?

The Speaker (Hon. Ethuro): Order! Order! Of course, that kind of business, except for Bills, died at the end of the last Session. So, you need to put fresh requests.

Sen. Hargura: Thank you, Mr. Speaker, Sir. I stand guided.

Sen. Hassan: On a point of order, Mr. Speaker, Sir. I am seeking a similar point of order. I requested for a Statement in the last Session. As much as I respect your ruling, there is need to enforce the stature of this House. I was promised by the Chairperson of the Committee on National Security and Foreign Relations severally that, that Statement would be delivered, but it was not issued by the relevant Ministry. If this trend was to continue, then we will be frustrating our own internal processes of the Senate.

The Speaker (Hon. Ethuro): Order, Senator! Before you ask for the House to be respected, you need to respect yourself. One, if you are rising on a point of order that has already been canvassed and responded to, why did you have to do that? Secondly, this is the second day of a new Session and you are already imputing improper motives on the Chairpersons of Committees. It cannot be that because some things did not happen last year, it follows that it should also happen this year. So, put your Statement back. All of us know the frustrations of the Chairperson of the Committee on National Security and Foreign Relations and he said as much on the Floor of the House. You also know what we did and there were some responses from the Ministry.

It is just unfortunate that yours may not have been responded to, but most of the Statements were responded to. I think it is a bit too early to start doubting ourselves. I am convinced that this is a new year and things are going to be better than ever before. You may be the only doubting Thomas, but it is allowed.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. I do not know whether I understood Sen. Omar very well. But to my understanding, a Member having rested his request with the Committee and the Committee having failed to bring the answer in the promised time, the onus now shifts to the Chairperson, at this opening Session, to say that whereas in the previous Session he had received the following requests and for whatever reasons he had not finished, he now wants to give the Statements. But now it appears like the responsibility lies with the Members. I do not know whether I understood him in the same manner that you did. This is because as we speak---

The Speaker (Hon. Ethuro): Order! Order, Senator! I have understood you. You did not understand him and that is your problem.

(Sen. Hassan consulted loudly)

Order! He actually understood you, but he is misleading you. Sen. Khalwale is a Senator of good standing in this House. He even has the history of how we have amended the Standing Orders. Before the amendments, you could not bring a Bill straightaway. You had to go through the process of Motions and so on. We changed that. Likewise, all

businesses died at the end of the Session, but since then, we have changed that. We have said that Bills can continue, but for Motions they all die. So, the onus is no longer on the Chairperson to bring to us a dead matter. What was there last year disappeared. If the Member still thinks that, that matter is important to him, then he has another opportunity to do so in the new year. My concern was really that, on the second day, to start saying that nobody has delivered on what was not required of them is--- Let me not finish since Sen. Hassan is looking at me with those eyes.

What is it, Sen. Mutahi Kagwe?

Sen. Kagwe: On a point of Order, Mr. Speaker, Sir. I am seeking guidance from you. Where a question has been asked and a Statement has been given to the person who has asked the question and it has not been read in the House for some time, what are we supposed to do? Would I be in order to propose that either the Statement is then sufficiently done because the person who asked the question has got the answer or we enforce that as soon as the Statement has been given to the questioner, as Sen (Dr.) Khalwale would say, we ask the person who gave the Statement to read it?

The Speaker (Hon. Ethuro): That is slightly different from what is here. The bigger issue that we are dealing with is just time. Is this a new Session or not? Whether you did all the things that you have stated in the last Session, they do not apply now. If the Member still wants to put the question, it is a new Session and he can do so. If he is satisfied with the answer you gave him, we have no problem. It does not have to come to the Floor. However, if he insists that the answer should come to the Floor because that is where he sought the Statement, I think that he is entitled to receive it in the Plenary. I hope that I am clear.

Sen. Kagwe: Sorry, Mr. Speaker, Sir. I think you lost me at some point. I think you said that it dies but it is half-dead. It is still breathing because you have the Statement. All that remains is for the Statement to be given on the Floor of the House. In that case, I think the Statement should actually be read by the person. Otherwise, it remains the property of one individual instead of the property of the House.

The Speaker (Hon. Ethuro): In fact, I am absolutely clear. Whether half-dead or three quarters dead, it is dead. It died with the death of the last Session. If the Member still wants the matter to be brought, he needs to make the request afresh on the Floor. You respond as and when you will respond even if it is the same answer. As far as I am concerned, it is a new Session and the Motions must now be started afresh. It does not help your matter when you determine whether the patient is comatose or fully dead.

Next Order, please.

PROCEDURAL MOTIONS

LIMITATION OF DEBATE ON MOTIONS

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you, Mr. Speaker, Sir. I beg to move the following Procedural Motion:-

THAT, pursuant to Standing Order 100 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

Mr. Speaker, Sir, this is a Procedural Motion to increase the speaking time for Senators because one of the things that have come out from the previous Session is that sometimes, the time given for Senators to speak is too short. The main proposal here is to increase the speaking time for Senators from 10 minutes to 20 minutes, so that at least Senators, who have ample material and have researched on Motion, can contribute and have adequate time to share.

This is a debating House and Kenyans would like to see what their leaders are doing, how they are expressing themselves and defending the interests of the people who have elected them. Unless you have ample time, sometimes we are not able to express ourselves and that is a setback even to our electorates. I do not intend to take a lot of time.

I beg to move the Motion and request my brother, Sen. Wetangula, the Senate Minority Leader, to second.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. Could he clarify whether the Motion is attempting to allow Members to contribute for at least 20 minutes? I can see in writing that it is 15 minutes. Could he clarify whether he wants us to be speaking for 15 minutes as it is written here or for 20 minutes as it is now on record in the HANSARD?

The Speaker (Hon. Ethuro): What did you say, the Senate Majority Leader?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, maybe he did not get me clearly. The Mover always has more time as well as the responder. Those ones will have 20 minutes. However, every Senator will have 15 minutes from 10 minutes.

Sen. Abdirahman: Thank you, Mr. Speaker, Sir. I stand to second the Motion moved by the Senate Majority Leader. This is very necessary because for Members to ventilate on issues critically, in depth and for us to add value, we need to give Members more time. Without wasting time, I say that 15 minutes is sufficient for us.

With those few remarks, I beg to second.

(Question proposed)

(Question put and agreed to)

LIMITATION OF DEBATE ON ADJOURNMENT MOTIONS

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

THAT, notwithstanding the provisions of Standing Order 100(4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a

maximum of two hours with not more than 15 minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

Mr. Speaker, Sir, similarly, this is a Procedural Motion to increase the speaking time for Senators during Motions of Adjournment. The purpose of this Motion is to increase the speaking time for Senators from 10 minutes to 15 minutes.

So, Mr. Speaker, Sir, without much ado, I beg to move and request the Deputy Senate Minority Leader, Sen. Abdirahman Hassan, to second.

Thank you, Mr. Speaker, Sir.

Sen. Abdirahman: Thank you, Mr. Speaker, Sir. I want to second this Motion as proposed by the Senate Majority Leader. Many a times during debate on the Adjournment Motion, Members have to honestly almost scramble – let me put it that way, maybe you will get it – because of the timing. In fact, increasing the time to 15 minutes will give Members ample time to dwell on very crucial discussions.

Mr. Speaker, Sir, I beg to second.

(Question proposed)

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

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

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, could the Senate Majority Leader clarify? Where the maximum time of the Motion is 30 minutes, how many minutes does each contributor speak for? How many minutes is he entitled to, because if it is 15 minutes, it means that there will be only two speakers. Could you clarify?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, I think the intention of the Motion is to increase only the speaking time for Senators in an Adjournment Motion from 10 to 15 minutes. It is not proposed to interfere with what the previous resolution has been. The previous resolution has been that when you have an Adjournment Motion, it will proceed for two hours and if the adjournment sought is a very short adjournment, the speaking time should not exceed 30 minutes. So, I think those factors remain the same, except that a Senator has up to 15 minutes to speak. I do not think they have to exhaust the 15 minutes; it is just the maximum. When you have a short adjournment, it is hoped that the issues can be processed quickly; some can take two minutes, one minute or three minutes. So, you can have even 10 speakers within the 30 minutes.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, you are satisfied, of course.

(Question put and agreed to)

Next Order!

(Sen. Hassan stood up in his place)

What is it, Sen. Hassan Omar?

Sen. Hassan: Mr. Deputy Speaker, Sir, I do not know whether you will entertain a small inquiry to the Chair---

The Deputy Speaker (Sen. Kembi-Gitura): I beg your pardon?

Sen. Hassan: Mr. Deputy Speaker Sir, I am what you will call a “freshman” Member of Parliament (MP), just having been elected this particular cycle of elections. I have always wondered why it is that during Motions of Adjournment, Senators speak on a broad number of issues---

The Deputy Speaker (Sen. Kembi-Gitura): It is too late now, we are on the next Order!

Sen. Hassan: Okay, I was seeking your tutorship---

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

(Laughter)

LIMITATION OF DEBATE ON THE MOTION
ON THE PRESIDENTIAL ADDRESS

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you, Mr. Speaker, Sir. I beg to move the following Procedural Motion.

THAT, pursuant to Standing Order 100(1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

Similarly, Mr. Deputy Speaker, Sir, this Motion intends to increase the speaking time for Senators when they are debating the Presidential Address, which according to our Constitution, is expected annually or at any other time when the President decides to address Parliament. So, the previous resolution of this House is retained in all other respects except on the issue of how much time the individual Senators can speak. In other words, initially, the Mover of the Motion, in moving and replying to the Motion, had 30 minutes, which is retained. The Senate Majority Leader and the Senate Minority Leader previously had 30 minutes in relation to the Presidential Address, and that is retained in this Motion. The only change is to increase the speaking time for individual Senators from 10 minutes to 15 minutes for the same reasons.

Mr. Deputy Speaker, Sir, I just want to add one last point; especially when it comes to the Presidential Speech; the kind of things that you would expect to see in a Presidential Address is quite an array of issues touching on various aspects of the economy, security, *et cetera*. That means, therefore, that 10 minutes may not be an adequate for a Senator to critique, to commend or to express their views on the Presidential Speech - and I am being reminded especially if the Senator is a Member of the Opposition.

Mr. Deputy Speaker, Sir, with those few remarks, I now want to give a Member of the Opposition an opportunity to second; Sen. Abdirahman Hassan, the Senate Deputy Leader of Minority.

Thank you, Mr. Deputy Speaker, Sir.

Sen. Abdirahman: Thank you, Mr. Deputy Speaker, Sir. The Senate Majority Leader has very ably canvassed for this Motion and towards the end, he said that it gives an opportunity to all Members, including those on this side. I, therefore, beg to second this Motion very humbly.

(Question proposed)

(Question put and agreed to)

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE FERTILIZERS AND ANIMAL FOODSTUFFS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 36 OF 2013)

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL
(NATIONAL ASSEMBLY BILL NO. 33 OF 2013)

The Temporary Chairperson (Sen. (Dr.) Machage): Order, Members! We are in the Committee of the Whole. If there is any issue, you will raise it in the normal way from the Floor of the House.

I call your attention to Standing Order No. 13, Committee of the Whole and we are addressing No. (i), The Fertilizers and Animal Foodstuffs (Amendment) Bill, (National Assembly Bill No. 36 of 2013).

The Senate Minority Leader (Sen. Wetangula): On a Point of Order, Mr. Temporary Chairman, Sir. This being the Committee Stage, and there are amendments being brought by the Committee, the House is obligated to vote on each individual amendment as it is moved and question put. It is obvious that we do not have enough delegations to meet the requisite vote on Bills concerning counties. We may seek your direction as to whether this particular Order may not be stayed so that we go to the next Order that requires a voice vote as and when the question will be put because this is not a Bill originating from this House and fairness requires that being a referral Bill, we must give it the justice that it deserves by having enough delegations to vote.

The Temporary Chairperson (Sen. (Dr.) Machage): Very well, I have heard you. Being a seasoned Member of Parliament (MP), you know that there is a process of

doing exactly what you have requested for. If the Mover is so interested, as you have observed, it is his duty to move in the way he knows in the Standing Orders. Standing Order No.139 actually gives him the directions on how to report progress to this House. As it is, I am blind unless things are done in a certain way. If the Mover is satisfied that we are okay, then I continue. However, remember that we have several clauses; you have been alerted by Sen. Wetangula and I am also alerting you that we will be voting for every clause of the amendment.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Given the circumstances, Mr. Temporary Chairperson, Sir, I request that we adjourn.

The Temporary Chairperson (Sen. (Dr.) Machage): Order, let me give you one second for you to read that Standing Order so that you can execute it properly.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Okay, Mr. Temporary Chairperson.

The Temporary Chairperson (Sen. (Dr.) Machage): In your reporting of progress, I would rather you address the whole of Order No.13 instead of 13(i) or 13(ii) or because it will still apply on 13(ii). I would rather that, in your remarks, you address Order No.13

The Senate Majority Leader (Sen. (Prof.) Kindiki): Is it 13 or 139, Mr. Temporary Chairperson, Sir?

The Temporary Chairperson (Sen. (Dr.) Machage): Order No.13 but with Standing Order No.139. I am just telling you that Order No. 13 had two parts; we were addressing the first part, but instead of having again to repeat for the second part, address Order No.13 as it is.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Temporary Chairman, Sir, I beg to move that pursuant to Standing Order No.139 the Committee of the Whole reports progress and seeks leave to sit again tomorrow on Order No.13.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Chairman, Sir, we are still in Committee Stage. We should reconvene and discuss all of them and then report.

The Temporary Speaker (Sen. (Dr.) Machage): Order! I advised him, he took my advice and sought leave for both.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT

THE FERTILIZERS AND ANIMAL FOODSTUFFS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 36 OF 2013)

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL

(NATIONAL ASSEMBLY BILL NO. 33 OF 2013)

Sen. Mositet: Mr. Temporary Speaker, Sir, I beg to move that pursuant to Standing Order No.139, the Committee of the Whole reports progress and seeks leave to sit again tomorrow.

The Temporary Speaker (Sen. (Dr.) Machage): Did you say that you want to report because that is exactly what you are doing?

Sen. Mositet: Mr. Temporary Speaker, Sir, pursuant to Standing Order No.139, I beg to move that the Committee of the Whole reports its progress and seeks leave to sit again tomorrow.

The Senate Majority Leader (Sen. (Prof.) Kindiki) Seconded.

(Question proposed)

(Question put and agreed to)

BILL

Second Reading

THE POTATO PRODUCE AND MARKETING BILL (SENATE BILL NO. 22 OF 2014)

(Sen. (Eng.) Muriuki on 4.12.2014)

(Resumption of Debate interrupted on 4.12.2014)

The Temporary Speaker (Sen. (Dr.) Machage): I am told that this Bill was moved and now it is open for anybody to contribute.

I see no interest. Am I right?

Sen. Elachi: Thank you, Mr. Temporary Speaker, Sir. I rise to support The Potato Produce and Marketing Bill knowing that for many years women have been the ones in the business of planting potatoes. This is especially in Nyandarua, Nakuru and even in the western region like Bungoma, Mt. Elgon and other areas. Today, potatoes have become staple food for Kenyans. Today, every Kenyan and even our young children believe in eating chips.

The Bill brings in the issue of marketing which has been a big challenge. You will find that when you go to the market and when farmers are about to harvest potatoes, brokers are the ones who go to the farms. The farmers pack their potatoes in bags of between 90 kilogrammes to 110 kilogrammes. However, buyers buy the bags at a very low price. At the end of the day, farmers do not get the profits from their potatoes.

Mr. Temporary Speaker, Sir, this Bill comes in to help the county governments to ensure that their cash crops are respected. We have to respect what farmers have gone through to ensure that we have potatoes. If the brokers want to buy potatoes at the price of a 50 kilogrammes bag, then the potatoes should be packed and sold in 50 kilogrammes bags. The sad part about the potatoes industry is that nobody will ever understand why a

90 kilogrammes bag is sold as if it is a 50 kilogrammes bag. The person who benefits is the broker. You will find that most people do not want to invest in potato farming but prefer to be brokers.

The other issue is that today, our potatoes are almost the best. There are the Irish potatoes which are even exported. There is a big price difference after the broker has bought the potatoes. A 200 kilogrammes bag can be sold for Kshs250 but once the same potatoes get to Nairobi, they are sold at Kshs700.

Sen. (Eng.) Muriuki of Nyandarua is trying to address the disparities and to ensure that the price of potatoes is stable just like coffee and tea. The potatoes can also be packaged better. We have people who have come up with more innovative ways of doing it. They peel the potatoes, make them into chips and sell them that way. The Government should come in and ensure that young people get more investment in this. The young people should use this industry to improve their lives.

It is sad to see that in Nyandarua, the infrastructure is also very poor. The brokers there take advantage of that and say that their lorries use bad roads to pick the potatoes. When it is raining, farmers have to also go through a lot of challenges. They end up selling their potatoes very cheaply.

Mr. Temporary Speaker, Sir, the other issue which is very challenging is marketing. This is the most challenging thing. Many people take advantage of the low prices and go to the rural areas where they buy potatoes very cheaply and then go back to their small *kiosks* and restaurants in towns to make chips and sell them very expensively. We also have other restaurants that import the same potatoes. This is because we have not come up with a way of protecting what we have. How do we ensure that farmers in any rural area today are taken care of? How do we ensure that the seedlings that they get will enable them get the best produce? The other issue that people fear is the seedlings.

You will buy the best seedlings, however, not every farmer today understands how to go to the Kenya Agricultural Research Institute (KARI) to get the seedlings. Therefore, the other thing we are saying is that while we are doing marketing, this Bill is to also ensure KARI empowers farmers that are growing potatoes. Prof. Kabira has done the best potato research in this country and their potatoes are good. However, most likely, a farmer in Oloitokitok will not know that there is a new seedling that is coming up.

In terms of diseases, how do we ensure that while we are planting those potatoes – today we have different diseases even in maize – the farmers know what type of fertilizer they can use for them to now say that they have a potato that they can put in the market? This Senate has an opportunity to look at agriculture as a whole because we are talking about food security. Right now, you can see there is no rain but anyone who planted potatoes within the three months that we had some rain in November and December, if they were guided well, today they have a good produce of potatoes. We are going to have a big challenge because there is no rain the maize that was planted is drying up. We have to enable farmers to understand that it is time to get into other home grown crops to enable them move and not to just look at maize but also potatoes.

Mr. Temporary Speaker, Sir, when I go back to Lugari, I appreciate today that women and other farmers are really investing in potato planting. You will find them on the road. It is a crop that can really transform a family and take care of their economic status. However, what they lack completely is the issue of marketing. Where do they take their potatoes in wholesale? We are saying that the Government should come up with a

way of storage and that is why within the Food Security Bill that I was proposing, it was meant to deal with implementation. After you have planted your crops and you have harvested, it is time to look at the country and ask yourself; who has potatoes and who has mangoes and how do we redistribute that to every person in a country where we know the challenge is hunger.

The other issue that I think this sector has really faced is that we have never been serious in terms of taking care of policy and making sure that, indeed, when we talk of the different produce that we have, we enhance it. We have new technology that has come and we know that if the farmers are given extension workers from the Ministry of Agriculture to really ensure that they can show them how to plant the new seeds that are there today, we will see a transformation in our country so that we will not just wait for maize but we will also know that we have potatoes and many people will know that instead of dying hungry or wondering what to eat, potatoes can also be another staple food for people.

Today we have many counties that have this produce like Meru, Uasin Gishu, Trans-Nzoia, Nyandarua and Nakuru that has been the key. What we are saying now is that since we are expanding, it is time we also started looking at it the way we have been looking at the other cash crops. The way we have been maintaining coffee and tea, we can change this mindset that when there is hunger, it is only maize that we need.

Mr. Temporary Speaker, Sir, potato is a crop that is also very perishable and, therefore, in terms of storage, it is very critical. We also need to understand that the seedlings come from the same potatoes. Therefore, how do we ensure that we also build capacity of farmers in keeping the seedlings so that you have the best seedling for planting in the next season? That is one thing that the Government, through KARI, can really assist and also come out with awareness so that people can understand. Most farmers just plant it for the sake of it, but I think it is time we assisted them. If we give them more capacity we can go far in terms of even exporting potatoes to the European countries the way we export flowers. It is something that we really need to invest in. Therefore, this Bill will ensure that we have a market not just in Kenya but even in Europe. Today we see how climate change has affected Europe and if we had good potatoes we would have exported them the way we are exporting our flowers.

As I finalise, Mr. Temporary Speaker, Sir this is a Bill that is indeed touching the lives of Kenyans. Therefore, it is for us Senators to be committed and determined so that we are able to pass these Bills which are going to transform this country. I also want to urge the Committee to look at both proposals and ensure that whatever was brought in through public participation is captured because I know many of those who plant potatoes are really keen to see to it that for the first time in this country, Senate will be able to give them a Bill that talks about potato produce and marketing.

I beg to support.

The Senate Minority Leader (Sen. Wetangula): Thank you Mr. Temporary Speaker, Sir. I will be fairly brief. This is a Bill that seeks to bring some order and regulation to a crop that has been neglected and yet it is a crop that has immense food value in this country. In this country every time we talk of famine and food shortage it begins and ends with lack of cereals; maize to be exact. You will find our brothers and sisters in the Arid and Semi Arid Lands (ASAL) are being ravaged by famine, serious lack of food and nutrition and yet in areas like where you come from, the County of

Migori, Bungoma, Trans-Nzoia, Uasin Gishu and Nandi, you will find our poor mothers sitting with food by the roadside – bananas, potatoes and all other legumes – from morning to evening, racing after every car that will stop to see whether there will be a benevolent buyer or not.

It is desirable and important that we bring some legal framework that would help the potato farmer. But first and foremost, we need to look at the post harvest management and value chain process. That is why I support the issue of packaging. Whether you are talking of Nyandarua or Webuye in Bungoma, middlemen who are hardly ever straight, turn up with their lorries. What they call a bag of potatoes is actually two bags of potatoes because they will put one bag and then turn another and fill it as well and they pay for the price of one. Since the farmer is desperate he will carry the load of potatoes to the roadside market. When he imagines that you cannot sell and that you have to carry it back home, they just sell it at a throw away price.

Mr. Temporary Speaker, Sir, now that agriculture is a devolved function, I want to encourage that areas where such crops are grown---. These are perishable and their shelf life is not the same as grain. A potato shelf life will probably be a week; a banana shelf life would probably be two weeks depending on the time of harvest and the time of maturity of the crop.

We want to see the Bill provide for storage and not just storage by putting up *ghalas* here and there. We want cold rooms in production areas, marketing strategies that will take away the pain and agony from farmers. You should harvest your potatoes and there should be a place to deliver, take records and wait for your payment the same way things used to happen in the old days until profiteers came in and destroyed this country.

Mr. Temporary Speaker, Sir, a farmer used to go to Kenya Farmers Association (KFA) and take implements. He would be financed by the Agricultural Finance Corporation (AFC) and the harvests would be delivered to the National Cereals and Produce Board (NCPB) and they would pay and give you back your profit out of your farming. Now, there are middlemen waiting like predators waiting to pounce on a dying animal by the farms. Some even come and buy your maize, harvest it and even take the stalks away to go feed their animals and leave you with nothing. These are the things that we need to address.

However, as we do so, something that I want to urge the Committee on Agriculture, Livestock and Fisheries to look at is Clause 18. The proponent of the Bill is proposing to create County Potato Committees. Unless you qualify, you will be opening an avenue for eating chips. Potatoes being legumes grow in areas where soils are soft; where there is rain and water. Owing to the desire for people to eat, you will find people setting up County Potato Committees even in areas where no potato is grown to give jobs to their friends and appeal for public funds. You will find a County Potato Committee in Kericho where they grow tea.

You will find a County Potato Committee in Marsabit where what is best done there is ranching and other arid and semi-arid lands (ASAL) farming. You will find the country starting to engage in obscenities like what we saw in the days of opulence in Saudi Arabia where instead of importing wheat, simply because they had a lot of money, they started growing wheat in the desert at a cost five to ten times higher than the cost of growing wheat in areas where it can be grown.

Mr. Temporary Speaker, Sir, I want the Committee to qualify that the County Potato Committees will be established where necessary and not everywhere. If you leave it open like this, you will find that in areas where there is no single tuber of potato you have committees. That is how we have perfected the art of creating jobs for our kinsmen regardless of whether they add value to our economy or not.

Mr. Temporary Speaker, Sir, equally important is the area of research for continuous quality control and improvement which the Bill provides for. When you set up the Potato Research Council or something like that, there should be a role being played by the Agricultural Fisheries and Food Authority (AFFA). This is where regulatory bodies in agriculture, particularly crop agriculture have been amalgamated under one law. I, therefore, encourage the Mover to find a way of having a nexus between the existence of AFFA; the research structure and the regulatory structure that is put in the Bill. At the end of the day, it is unlikely that the National Government will accept to have a new regulatory body when they have already collapsed the pyrethrum board, coffee, tea and all the research groupings and regulatory bodies into one. I encourage that we move in that direction.

Mr. Temporary Speaker, Sir, equally important is the question of packaging. Packaging of potatoes should not be limited to the 50 kilogramme bags. We are moving to levels of standardisation where food crops are taken to supermarkets for the single consumer who wants to go to Uchumi, Naivas, Nakumatt supermarkets or any other retail outlet to just pick enough for the family. Therefore, we need provision where you can have packages of 50 kilogrammes, 25 kilogrammes, 10 kilogrammes down up to 2 kilogrammes depending on the needs of those buying.

Mr. Temporary Speaker, Sir, we have even moved to an area where packaging can be done for ready to eat products. This is where you go to a supermarket, you buy something, take home and you warm it up and put it on the table for the family. So I encourage the Committee to check on packaging.

(Sen. Murungi walked into the Chamber)

I can see the Chairman of the Committee has just walked in. I congratulate him for successfully resisting to be overthrown as a tribal spokesman where he comes from.

(Laughter)

Mr. Temporary Speaker, Sir, I encourage the Chairman - the Ameru king- whom I have congratulated for resisting the coup to make sure that his Committee assists the sponsor of the Bill to cascade the packaging from 50 kilogrammes downwards. The Kenya Bureau of Standards (KEBS) is there to do this and any other marketing structured organization so that potatoes are not just packaged at 50 kilogrammes but down to a level where a *mama* can walk in to a supermarket or a retail shop, pick two kilogrammes with standadisation and quality.

Mr. Temporary Speaker, Sir, we must also emphasise on quality because we are going to compete. We are not the only potato growers in the region. Our neighbours grow potatoes as well and that is how the research mechanism comes in to continuously improve the quality of the crop within the farmers, whether in what we call Irish potatoes.

Perhaps today we should call them “Nyandarua potatoes” because that is where they are largely grown and the sweet potatoes should be called “Western potatoes” because you will find lots of them in the Western region of this country.

More importantly, I do not know how this mechanism will be done to make sure there is value to the farmer. The other day I went with my friend hon. Stephen Kalonzo to have lunch in some restaurant and we were served some small quantity of sweet potatoes, hardly a mouthful, what a good eater in the village would call a mouse trap, but the Bill was almost Kshs3,700 per plate. These are potatoes picked from *mamas* at home at Kshs2. How can we cascade this very high quality pricing back to the farmer? The farmers must have some value for their sweat.

I would like to encourage that just as we have recommended retail prices for *coca-cola*, *fanta*, salt, *royco* and so on. We can also have some recommended retail prices for foodstuffs. I know it is a free market economy but there is some determinant where every other day you hear, for example, that green maize is going for this much in Marikiti, Mombasa, Meru, Kakamega, Bungoma and so on. With the development of information sharing, the farmers can determine how to offload their crop to the ever increasing number of unscrupulous middle men that do very little but walk away with the best out of the farmer.

Mr. Temporary Speaker, Sir, a farmer who has toiled to create food for us should benefit from the produce. More importantly, I would like to encourage the sponsor of the Bill and the Chairman of the Committee on Agriculture to also find a way of getting potatoes recognized and kept under our strategic food reserves. With proper storage, I do not see why bananas and potatoes cannot be part of our strategic reserves, regularly replenished and taken to areas where we have food deficits so that the country is not put on high alert every time maize is in short supply when food is rotting in the fields all over the country.

With those few remarks, I beg to support.

Sen. (Dr.) Zani: Mr. Speaker, Sir, this is a very important Bill and I stand to support it. It is a Bill that seeks to ensure that both the quality and the quantity of potatoes which is produced and distributed meet a particular standard. I have seen the passion of the Senator who moved this Bill. I have also seen that passion when he is talking to the media and also from farmers who are very excited that, finally, they might have a way forward as far as production and quality of potatoes is concerned.

I just want to say that potato is a very important crop employing almost up to 2.5 million people. It is actually the second employer after maize. Even as we talk about distribution, packaging and the people who are going to partake of this product, it is very important to note that it is an income earner to 2.5 million people across the entire population. It is cultivated by over 800,000 growers, most of them being small holders. That means that they have to think about all the specific aspects of the growth of the crop on their own, how they are going to till the land, how they are going to get fertilisers and so on. That is why the issue of quality becomes very important. This means that everybody will be doing things in a different way. For example, the quality of seed will depend on the capability of that particular small holder. It is important to regularize that particular sector so that from the beginning, it is possible that everybody knows exactly what standard is expected of them.

Mr. Speaker, Sir, the whole issue of production currently is worth about Kshs50 billion and this figure has been increasing over time. Therefore, it is very critical that the sector is looked into. It actually means that about 35,000 hectares of potatoes are grown annually in Kenya. Therefore, this makes Kenya a high potential for potato farming. This Bill is very critical at such a moment because we are talking about it cutting across the various sectors and for various people. For a long time, it has been very obvious that Kenya lacks quality potato seeds and that is another issue that has been canvassed in this Bill.

The potato industry also faces many challenges that make the sector rot with a lot of issues. It is important that we contextualize the addressing of this within legislation and within law so that all the various players know exactly what to do. There is a formation of a council and also a committee; the council is at a national level and the committee at the county level. I also hope that in terms of castigating and in terms of the regulation between the two bodies, they will be able to coordinate sufficiently so that the various responsibilities that they have been given as per this Bill can be shared across the various levels of involvement.

Mr. Temporary Speaker, Sir, right from the onset there is a clear clarification of the various terms that are going to be used. Every time I see a potato, I only think about that one component that I see as a potato but I see here, the Bill is very scientific; it is known as *solanum tuberosum*, which includes the shoots, the tubers and so on. This clarification is very important because it goes more broadly to the product, the level and the sustainability of that product and how it should be put across.

The Bill states about five or six different objectives; to regulate production, packaging, processing, promote production and use by farmers, improve production in terms of quality, improve efficiency of potato farming, enhanced productivity and also induce self-regulation across the industry. If you look at the objectives and purposes of this Bill, I think it has broadly covered all the areas right from the seed, production and marketing. It is all encompassing in such a way that it is possible that each and every aspect of it has been taken into consideration.

What I like more about the Bill is that it sets the National Potato Council and in Clause 4 the provisions for that council have been given. This council will be mandated to implement the provision of the Act. Many times, you might have an Act in place but if you do not give clear provisions and clear power to a particular body, then the provisions for that Act make it almost impossible for the Act to be implemented.

Mr. Temporary Speaker, Sir, in this particular Bill which is a proposed Act, there is specific provision for the National Potato Council and it also stipulates the various regulations for that council. This is very important. The council will also promote production and standardization of packaging. The standardization is placed at about 110 kilogrammes per packet and also the standardization of the seed at about 50 kilogrammes per packet. That is very critical and very important. This has been clearly stipulated in the Bill and this makes it very easy for people to understand.

Mr. Temporary Speaker, Sir, Clause 6 states very clearly the functions of the Council include putting measures in place to improve production. This is where we all go wrong. We have extension officers and researchers but there is nobody to make sure that wherever new findings come up, they are actually brought down to farmers so that they can use the new ways of doing things.

Even the land acreage is very small. Other countries have been able to become the greatest producers because they look at the environment, their soil types and level of technology that they can use. Overtime, they have been able to use that appropriately to ensure that productivity increases, while safeguarding the interest of the principal stake holders within the market including the farmers, the middlemen and the marketers. So, it is overreaching - looking at the various aspects. They have also been able to promote the principles of self- regulation across the industries which also become very critical. Among other functions, at least the council has been given the duty to put in place very specific mandates to ensure that it becomes an Act. This Bill and law can be put out there in a way that it can be implemented successfully.

Mr. Temporary, Speaker, Sir, Clause 10 states that:-

“A council shall disseminate information useful to farmers and other stakeholders”.

Many councils and levels of organization at that level do not do that. There is a lot of information but that information does not get cascaded. In this particular aspect, the council shall disseminate that information which is useful to farmers. It is also important to come up with systems of ensuring that dissemination is appropriate for the various farmers whether it is in the form of workshops, group farming or giving practical experiences.

Mr. Temporary, Speaker, Sir, I was even more impressed when I realized that this particular council must come up with a five year strategic plan. Therefore, they have to set the agenda five years in advance, their targets, indicators and measurability, so that at the end of it, they can actually find out whether they have attained their respective goals or not. This is very critical.

Regarding certified seeds, sometimes back, the Senate had a problem in one of the counties where the seeds that farmers had been given did not germinate finally. So, it is the worst sort of fate for a farmer not to have the right certified seeds to plant, wait for production to take place, for the seeds to grow but nothing happens. If this can be curtailed at this particular moment and systems are put in place to ensure that seed producers are controlled so that the seeds can be taken through some sort of standard, the proposal is through the Kenya Bureau of Standards (KEBS) that this seed can be used effectively. Not everybody should just claim to be a farmer, marketer or producer, there should be a system for registration and this is going to be licensed by the Kenya Plant Health Inspectorate Services (KEPHIS) as prescribed in the Seed and Plant Varieties Act. This sort of measures across the various levels of the Council will make it possible for the actualization of this Bill.

Mr. Temporary Speaker, Sir, the setting up of the County Potato Committee at the County level is critical especially at this time of devolution. At the Council level we will have a feeling of exactly how the structure will be, but at the county level we will have it cascaded to the various counties. This might encourage the growing of potatoes in counties where it could happen, especially, where it is now seen that the benefit of this becomes very clear and can be well utilized. Even as that committee is being set up, we will have input from the county assembly.

One of the Senators mentioned that when you leave the system very open in terms of selection of who comes in, then you can have a process where people who have come in are not following the direction of those particular committees. The vetting by the

county assemblies will enhance the actual selection of the right calibre of people who will be in these specific committees so that they can be able to do the work. It shall facilitate the registration that has already been alluded to and that is very important.

Mr. Temporary Speaker, Sir, apart from the council and the committee being at the various levels, there is need for a lot of coordination.

Clause 22 states:-

“The council shall issue guidelines on appropriate methods, provide a nexus and acquire qualities of potato produce”.

This then has to be cascaded to the county committees so that whatever decision is made at the council level, it can be cascaded and enhanced. Therefore, a lot of coordination, I presume needs to take place there. The standard packaging is the most exciting part for the farmers. This contributes to the mark up prices so that it is very clear that for a standard package of 110 kilogrammes this is the amount of money that somebody should pay for a particular quality of potatoes or for this sort of certified seed and so on.

This, as Sen. Elachi said, will really enhance quality so that we can move to the point where we can export potatoes like we have done for flowers. We should find ways of preservation that can help farmers because that is the fate for many farmers. They will have the produce but at the end of the day they need to have an outlet quickly. Sometimes, it is very sad because as you are moving, for example, along Naivasha Road, you will find the amount of money that you pay for potatoes is very low compared to what you would pay for the same bag of potatoes in Nairobi. That means that the standardization is only benefiting the middle people who are able to quickly transport from the cheaper areas to the urban city set up and sell them at a higher price.

Mr. Temporary Speaker, Sir, finally as I wind up, the creation of the Potato Development Fund will also look at how funds come in, how monies are distributed within both the council and the community committees becomes very critical. The Bill finally touches on the finances of the Council so that, that is all tied up. It also says that it is not a money Bill, it is a Bill touching on counties and, therefore, it is a Bill for the Senate.

As I stop, I congratulate Sen. (Eng.) Muriuki and support this Bill. I hope that through this Bill the lives of farmers especially those who grow potatoes is changed forever and for the better.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Muthama!

Sen. Muthama: Mr. Temporary Speaker, Sir, there is enough time for those who wish to contribute; they should not be worried about time. I stand to support this Bill that has been brought by my brother Sen. (Eng.) Muriuki. I looked at several things and I want to start where Sen. (Dr.) Zani stopped with the two important points; imports and also the funding.

When I look backwards and compare the way things have been happening in this country - we behave like a sign board that is stationed at the Nyayo roundabout, which says Mombasa is 500 kilometres. That board has never been to Mombasa and it will never get to Mombasa. It stops with the message that Mombasa is on the left side and you cover 500 kilometres to get there. That is the direction but the board will never get there. We have made proposals, we have come up with commissions and committees but what we do at the end of the day is that whatever commission is set up, does not help the

farmer. We have the Coffee Board of Kenya, and whereas people in my county grow coffee, they have lost hope in that Coffee Board. We have the National Cereals and Produce Board (NCPB) in this country, but just look at the cry of the farmers from Rift Valley. None of those Members has come up with a solution.

The reason is that when we move these Bills and Motions, we tend to convince Kenyans that they are meant to help them. Farmers work up to ten hours on their farms and at the end of the day we tell them that we want to find a way of assisting them. I want to tell my brother here that time has come for us to think like business people.

Mr. Temporary Speaker, Sir, this year this country will have a Budget of Kshs1.6 trillion. At the moment we are going through a period of lack of rain. Soon or later you will hear our beloved Jubilee Government announcing to Kenyans that so many billions have been aside to purchase maize and give relief food to the affected citizens. After spending a colossal amount of money we will hear that the maize that was bought was not tested or it was toxic. You will hear of all kinds of problems when money has been spent. The time has come for the Government to realize that Kenyans deserve to get what belongs to them.

Mr. Temporary Speaker, Sir, the Government should find ways of trading with the citizens of this country and promote farmers. In Turkana and Baringo, citizens are eating seedlings and wild fruits some of which are poisonous and nobody is paying attention to what is happening. While that is happening, when you drive all the way from Nakuru what you find on the roadside is what Sen. (Eng.) Muriuki wants us to protect; the potatoes. Potatoes are packed in tins on the roadside. Some of the sellers are ready to give them for free. When you stop and request to buy two tins for Kshs200, you will have them because they have no choice. The Government has set aside money to purchase maize and citizens in Baringo are dying of hunger, when farmers elsewhere are suffering because of lack of market for their produce. Do we have planning in this country?

The Government should build stores with cooling systems so that it can buy those cabbages which are rotting on the roadsides, instead of spending billions of shillings to purchase toxic maize from South Africa. Some people put up double-storey houses, buy cars, build night clubs to spoil the children of the poor and do all sorts of things with stolen funds, when other people are dying. We need an Act of Parliament with regard to what is produced and consumed in this country.

Mr. Temporary Speaker, Sir, we have liberalized everything in this country. The market is free. When we decide that we should pack potatoes in bags of not more than 50 kilogrammes, who is the buyer? We have put a ceiling of 50 kilogrammes but there is an open market in Ngara. So, if you want to purchase 200 kilogrammes you can send agents to go there and purchase in baskets, because we have a free market. We should encourage exports, but we should not forget that we are competing with the world. I am speaking as a businessman. Thailand is in the market and their cost of production is cheaper than ours. There are many other countries which are competing in that market. To whom are we exporting? We leave those who can consume the produce here to die and try to export it to where we have no market.

Mr. Temporary Speaker, Sir, it is not easy to market your produce out of the country. I am in that trade and despite the fact that I deal with very scarce items, the market is still very competitive. Therefore, it is not just a matter of going out there and saying that you have come with Kenyan potatoes. This Bill asks for funds to be set

aside, but only a third of that money will be spent to buy the potatoes. The administrators who are earning salaries are waiting for an opportunity to finish the farmers once and for all. This money should be set aside not only to buy potatoes.

I brought a Motion on coffee and tea and said that the Government should not allow Kenyans to suffer in the hands of criminals. There are those who buy coffee cheaply for resale in the world market at a price that they want. My Motion was asking the Government to set aside funds to purchase the Kenya coffee from farmers, store and sell it when the market is good. How can you claim to be leading your people when they are dying because of poverty? You are not protecting them from poverty. It is a shame.

We will bring amendments to this Bill when it comes to the Committee of Whole and compel the Jubilee Government and any other Government that will come to set aside funds for not only the purchase of potatoes, but all other produce by farmers in this country. Is it not cheaper to pay maize farmers the Kshs3,200 per bag that they were requesting than to send ten representatives to South Africa to look for maize and bring it here? Will we not be saving Government some money? We will not ensure that the citizens of this country live healthy lives. They will eat what is produced here as opposed to importing food that is meant for the animals.

Mr. Temporary Speaker, Sir, I support the Bill with amendments.

Sen. Murungi: Thank you, Mr. Temporary Speaker, Sir. I can hear “Senator number one” complaining. However, he should remember that I am the Chairperson of the Committee on Agriculture. I am not being favoured.

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

Sen. Murungi: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to contribute to this very important Bill. I should be the right person to be speaking now because as you know, Meru County is one of the top producers of potatoes in this country.

The Temporary Speaker (Sen. (Dr.) Machage): Order Sen. Murungi! You are speaking now.

Sen. Murungi: Mr. Speaker, Sir, we compete for this honor with my colleague here, the Senator for Nyandarua, but we produce higher quality potatoes than Nyandarua. I thank my colleague, Sen. (Eng.) Muriuki for introducing the Bill. We in the Committee on Agriculture have really supported him on this Bill. We conducted public hearings and we have listened to all the potato experts in this country. They have by and large supported this Bill and given very good ideas on how it can be improved. We are going to be introducing some amendments at the Committee Stage to allow those ideas to be captured in the Bill.

Mr. Temporary Speaker, Sir, if you look at the memorandum of objects and reasons, the purpose and objective of this Bill is to establish a system through which potato farming will be improved, both in quantity and in quality by ensuring set agronomic practices are followed and standardization in packaging regulation of the whole industry is instituted to the benefit of stakeholders. Our main stakeholders as Senators are the farmers. They are the people who elect us. Indeed, 2008, was dedicated to be the year of the potato. However, the farmers celebrated that year, in misery because they were suffering under heavy exploitation by potato brokers.

I think this Bill will lift a big burden from the shoulders of the potato farmers in this country. First, the farmers make their own seeds. They select some of the potatoes

which were planted in the last season for planting in the next season. If the seeds that you planted were diseased, you will actually harvest diseased potatoes. So, the question of certification of seeds and registration of seed producers in the country is critical to the survival and development of this industry. It is for that reason that I am 100 per cent supporting this Bill.

Secondly, as Sen. (Dr.) Zani has observed, potato is catching up with maize as one of the biggest staple foods of this country. We are on the right path because potatoes were originally produced in South America and at that time, there used to be cycles of famine in Europe. Europeans used to die because there was not enough food there. However, with the discovery of potatoes by Christopher Columbus and taking them back to Europe, those cycles of famine ended in Europe. It is only a matter of time that we shall stop relying wholly on maize to sort out problems especially in the northern Kenya where these cycles of famine exist. We will now be talking about potatoes. That is why we are encouraging potato production even in areas where they are not being produced now.

Mr. Temporary Speaker, Sir, one of the key innovations in the Bill is in Clause 6 which talks about the potato council. It says that:-

“The principal function of the council shall be to implement this Act and in particular to regulate potato industry including production, packaging and marketing of potatoes in the country.”

One of the ways of exploiting the potato farmers has been the extension of bags. A bag which is sold in Meru as one bag is sold in Nairobi as three bags. The person who is making money is not the potato farmer. It is the broker who has transported the potatoes from Meru to Nairobi. So, when we say that---

(Sen. Mositet crossed the Floor without bowing to the chair)

The Temporary Speaker (Sen. (Dr.) Machage): Order Sen. Mositet! Go to the Bar.

(Sen. Mositet walked to the Bar and bowed to the Chair)

Sen. Murungi: Mr. Temporary Speaker, Sir, when we say that the wholesale package of potatoes should be 50 kilogrammes, we are not saying that potatoes cannot be sold at retail price in smaller packages. You can sell even a single potato if you want. You can sell in one or two kilogrammes. In the supermarkets you rarely find them in 50 kilogrammes.

What we are saying is that the farmer will be selling the potatoes at wholesale price of a bag weighing 50 kilogrammes. We are not inventing. We are just following International Labour Organisation (ILO) standards. The ILO has standardized these bags for the purposes of introducing some humanity. Carrying a 130 kilogramme bag is dangerous for a person's health. We want these regulations, because it has already been introduced by the Cabinet Secretary as a regulation, to be incorporated into law and strictly enforced, so that any person seen in this country transporting potatoes in bags of 50 kilogrammes and above should be arrested on the spot.

Sen. G. G. Kariuki: Arrested by whom?

Sen. Murungi: Mr. Temporary Speaker, Sir, Sen. G.G. Kariuki has become so cynical. He is asking “Arrested by whom?” Who arrests people? It is the police who enforce the law. Once this law is passed by this House, we expect the police in this country to enforce the Potato Act because that will be the law. So, if any person is seen passing through Rumuruti carrying bags of more than 50 kilogrammes he should be arrested by the police in Rumuruti. If he is seen in Nairobi, he should be arrested by the police in Nairobi. They are the law enforcement agents and we will rely on them to implement this Act.

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

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

Mr. Temporary Speaker, Sir, the next area we should be looking at is the value addition in potatoes. The primitive old days when potatoes used to be boiled or roasted and partaken whole, are long gone. Our children are now eating French fries or potato chips. In future, we will not just be eating *ugali* from maize flour. We are going to be eating potato *ugali*. When I spent sometime out of the country, there were packages in the supermarket called “hungry jack”. That was potato flour that used to sell in the supermarket when it was half cooked. All you needed to do is boil water, put in the flour and you have instant mashed potatoes. Instead of our ladies spoiling their nails peeling potatoes, we are going to be just picking a packet of flour from the shelf and making instant mashed potatoes. The days of transporting huge bags from Nyandarua to Nairobi are going to be soon over. We will be transporting packaged potato flour and chips from Nyandarua to Nairobi, Mombasa, Kisumu and other places.

I am not talking about theoretical things; when we travelled to Brazil late last year, I was interested in agriculture and we found that the staple food in Brazil is cassava. So, instead of eating maize meal, we ate cassava flour in Brazil. There were machines which they used for processing that cassava flour. I looked at the machine, which was worth about Kshs200 million; the machine does not only make the flour, it also makes starch out of the cassava while the zero waste products are used to make animal feed. So, my friend, Sen. (Eng.) Karue, I think you should travel to Brazil. Those machines can be adapted and they can be used for making industrial starch from the potatoes in Nyandarua and in my own county. When you see a tablet that white, it is really just starch which is used as a carrier for the chemical substances inside it.

So, there is no reason why we cannot make that industrial starch from our potatoes in this country. So, I see Sen. (Eng.) Muriuki and other Senators who come from potato-producing counties are very lucky because we are going to be major producers of starch for the industries in this country. There are animals all over which need animal feed. We are going to use potato peels and other potato wastes to make animal feed. We will sell this animal feed to those who have those animals and in the long run, we are going to improve our livestock in this country.

Mr. Temporary Speaker, Sir, in addition to value addition, I think time has come for us to look at the entire potato governance system, and that is why Clause 6 is important. We have been debating whether we should have a potato council, a potato Bill or a potato board, just like the Pyrethrum Board of Kenya or what kind of organization

we should have. As we proposed in the Committee, we moved away from the council because there is another potato council which is a private sector body registered under the Companies Act.

We do not want any competition with that council and so, we had suggested that it be called a Potato Board. We have been consulting with the Government and the trend at policy level for the Government is to move away from the creation of new parastatals. They are even amalgamating the ones that exist at the moment. So, instead of us having a Potato Board, it is being proposed that the potatoes be under a directorate under the Crops Act, just like other crops. I think our concern should be whether that directorate should perform the functions that the Potato Council had been assigned under this Bill.

Mr. Temporary Speaker, Sir, for me, I think that will be the right way to go; we need to look at the amendments at the Committee Stage to see whether we can still capture the spirit of the Bill but implement it through a directorate under the Crops Authority instead of a separate Board because we might create a Board here which the Government might find very difficult to implement because it runs contrary to Government policies.

Mr. Temporary Speaker, Sir, farmers have to be organized. The only way to fight exploitation of farmers is for the farmers to organize themselves and have a voice. There is very little allocation of Government budgetary funds to the potato sector in this country. Indeed, when you listen to maize farmers, it is as if the potato farmers do not exist; it is as if they are not tax payers in this country. So, I think time has come for us to put some money aside.

Sen. Hassan: Mr. Temporary Speaker, Sir. I have no regrets that my elder, the Senator for Meru, Sen. Kiraitu Murungi, spoke before me. In fact, that is the benefit we get, so I will make my presentation short because he addressed some of the issues I had hoped to speak to, which I think is a great thing.

Mr. Temporary Speaker, Sir, I think what Sen. (Eng.) Karue has done is extremely commendable; to translate ourselves to the vanguards of the common man. In this country, the Judiciary and the law making agencies have, for a long time, been agencies for the preservation of those with power and prestige. I think this Senate, being a Senate of a very revolutionary Constitution, must recast its paradigm to ensure that those who voted us to this office are the people we give our principal attention.

I would like to associate myself with some of the comments made by Sen. Muthama. Just recently, I was telling people that when I looked at my election results, some of the best suburbs in Mombasa County were places that I was getting votes and they were extremely – not negligible, not unimportant – fewer in number. When we went to those areas which we call ‘informal settlements’ when the ballot boxes were being opened, the turnout was extra ordinary – 70 to 80 per cent – and those are the people who actually put us in these positions of privilege and prestige.

Mr. Temporary Speaker, Sir, our law making agencies here hardly address the plight of the common man. We always talk about how to preserve capital for a few and to give others greater opportunities to make business. We defend those who are corrupt; we defend processes that are illegitimate and I think the National Assembly, the Senate and Parliament in its totality has totally lost its soul. I think that is why I need to commend Sen. (Eng.) Muriuki because I always try to address myself to this particular Article 96(1) on the Senate, which talks to the roles and functions of the Senate.

It says:-

“The Senate represents the counties and serves to protect the interests of the counties and their governments.”

I think the interest of the counties here will count for every member of our county. Every Kenyan is an important soul and, therefore, for us, it is important to preserve and to protect the people who actually elected us into office.

Mr. Temporary Speaker, Sir, the example I gave is not only reminiscent of Mombasa County; it is everywhere. Come to Nairobi and see who the biggest voters are; it is the people who dwell in slums and informal settlements, so-to-speak, yet we have hardly taken the progressive steps to give them dignity. When we talk about these roads, I see Kenyans who are some of the wealthiest in the world, when they travel from one town to another – I hold nothing against them – stopping by the roadside to buy potatoes and other farm produce principally because it is so much cheaper than when it comes to Nakumatt and other prestigious supermarkets. Even as we hear – for lack of a better word – it is Kshs500 by random price – you will always bargain and say Kshs200 or you will even attempt to leave. The poor peasant will then give you farm produce that you would have bought in Nakumatt or other places for much more. I think we are a very barbaric society; rather than you looking at the market so that you can give people that honor and that dignity, you try to always fleece even the poor.

Mr. Temporary Speaker, Sir, as we move into the substance of this Bill, for me, I will just raise very few issues. We address the Constitution as ‘Articles’ and we address normal legislation as ‘Sections’ and so, Section 3(e) for me is the principal section which addresses the issue of enhancing productivity and income for potato farmers. There is a myth that has been created in this country that people who hail from certain communities are wealthy. It is true that, maybe, there are a few people who are wealthy in all our respective communities. If you drive, for example, from Nairobi to Eldoret, you will encounter the land where the two communities which are said to be holding power live.

My first drive along that route was when I was reporting to Moi University and, for the first time, I drove from Nairobi to Eldoret. I had gotten all these stereotypes about what the first and the second Presidents had done for their people, but I drove through appalling poverty that I cannot believe. The men and women who sell these potatoes are people who are desperate. When you get to the hinterlands of Eldoret and the Rift Valley Province, as it was referred to then, I did not see the kind of development and the kind of stereotypes that had been created; that there were so many roads that even cattle slept on them. It was untrue.

We need to have pro-poor policies that protect the poor people. The poor people include the farmers. We brag to be a nation of farmers but I see quite a number of those who call themselves farmers actually poor, apart from the brokers and those who hold large unqualified land for farming in the different areas.

Therefore, in this Act of Parliament, I want to see an Amendment here so that the purpose of this Bill is set out at the very outset so that we bring the people who Sen. Murungi talked about as our principal stakeholders way up into the objects of this Bill or into the purpose of this Act. It is an Act of Parliament to establish the National Potato Council to promote quality and standards. It is to protect the farmers and to ensure whatever else that the drafts people know how best to capture this. This is so that

immediately somebody reads this law, he knows that the basic purpose and object of this law is that poor man.

When Sen. (Eng.) Muriuki was drafting this law, I am sure the person he had in his mind is that poor person who has been exploited time and again and who is unable to pay fees for his children, put decent food on his table and meet some of the most basic obligations of his life merely because he plants where he does not reap the highest benefit of his hard work and labour.

Therefore, we need to bring the purpose of this Bill and include the people or the farmers. If we say those are our principal stakeholders, it would be important to say an Act of Parliament to establish the National Potato Council to promote the quality and quantity of potato production, to set standards to regulate the industry; but we must have an element of the stakeholder before we talk about for connected purposes to ensure maximum benefit goes to those who actually toil to ensure that we eat these potatoes.

Mr. Temporary Speaker, Sir, there is a perception - I think I will stand guided by senior lawyers in this House - that we list all these functions in order of hierarchy. There is a perception that maybe 3(a) might be more important than 3(d) and 3(e). There is that perception that is created whereas all of them are binding almost at an equal basis.

In terms of the hierarchy of objects we need in Section 3(a) to put the hierarchy as to protect the principal stakeholders we referred to in other parts of this Act; that is the potato grower or farmer. The farmer who we exploit as we travel as Senators who earn good money and stop by the roadside - I hold nothing against you - simply to buy it because you appreciate that at that point when you buy it, it is two or three times cheaper than if you bought it in Nakumatt, where they have simply washed it, put it in a Nakumatt paper bag and then labelled it. I do not know how much benefit then goes back to Nyandarua, Meru and to that last person.

As we change and shift the paradigm of our politics, we should not look at these people who are in the majority who always vote for us as simply objects of our political exploitation. There is this very pervasive terminology or what I call "rhetoric"; that when you come into power in Parliament, you say: "Let us make money" and you make money at all costs. Let us make money for our people too and that way, we will give them access and opportunity. Therefore, even as you come to Section 6 again in terms of hierarchy of these functions of the Council, the Council must be told, first and foremost, to safeguard the interests of the principal stakeholder in the potato industry whom I am made to believe by that definition by Sen. Murungi is actually the farmer. That must be the first in terms of hierarchy.

Mr. Temporary Speaker, Sir, we must change the style in this Senate. When people see a Bill of the Senate where it originated from, they can easily tell - even though it will be called an Act of Parliament - that this Bill originated from the Senate principally because the person, the Kenyan or the most vulnerable of our society, the most disenfranchised, the most underprivileged is the principal object of that Bill in terms of the fact that he or she is a principal focus.

I am talking broadly but I will come with more specific amendments. In terms of our style we must show that we have acquired this pro-people, pro-poor kind of an approach. We can just not allow our people to be simply voters. I get 60 or 70 per cent of my votes from people I know have no means in life. They come here to tell us to fight for them and that is why I want to really commend Sen. (Eng.) Muriuki. I do not have

any objective test but if I was to rank some of the best Senators in this Senate or if I was to ever write my memoirs if God gives me that life, I think you are one of those I will definitely bullet because I have seen your focus has been the people of Nyandarua. Your focus has been supporting your county even though it touches on the broad. I remember I once reluctantly voted against a Bill you proposed about building of county headquarters merely on account.

I think there was a previous Bill about allocation of more money to counties and, therefore, I said that if we wanted more money to counties, then that means more money to Nyandarua. So it is a contradiction of sorts to say one thing and not the other, but I know the sincerity of your action; we put you in a very difficult situation. But for you, it has been “county, county”, “people, people” and I have noticed some of your interventions on matters that are equally sometimes extremely divisive in this Senate and the position you have taken. That is why I said if I was to write that memoir, I will have very soft reference to you in terms of what you have done.

I am asking that we need to change the style so that as Sen. Muthama says, let us then not give the brokers and all these people who are intermediaries an opportunity through an Act of Parliament to take more advantage because even as we control the marketing it is likely to regulate the market or for self regulation, it might also allow a few who enjoy certain comparative advantages now to suck dry those who also now have no advantages at all.

As we progress forward to give our input in form of amendments, I think we will look into some of those critical points so that a Bill of the Senate must look different from a Bill of the National Assembly. We serve to protect the interests of the people of the counties and, therefore, that person must be the basic unit which informs any Bill. I am sure if all of us are appalled by how farmers have been left almost sinking in shameless poverty while a few brokers benefit, then we keep saying *sisi ni wakulima*, we are a country of farmers and we are proud to be farmers and yet we do nothing to ensure that that farming really translates to something in their pockets.

For that reason, I support this Bill by Sen. (Eng.) Muriuki and hope that as we progress, we will expedite it so that we can get it operational and so that people can start to enjoy the benefits of the intent of this Bill in particular.

I beg to support.

Sen. Murkomen: Thank you Mr. Temporary Speaker, Sir. I would like first of all to congratulate Sen. (Eng.) Muriuki for the hard work he has put in coming up with The Potato Produce and Marketing Bill, 2014. This is a very important Bill considering that this is a House that debates Bills concerning counties. One of the definitions of a Bill that concerns counties is basically emanating from the fact that those Bills---

(Sen. G.G Kariuki stood up in his place)

The Temporary Speaker (Sen. Mositet): Order, Sen. Murkomen!

Sen. G.G Kariuki, please note that Sen. Murkomen had requested earlier than you, so you are still in queue. His card was already showing. He left it logged in. I am very fair. You will be next.

Sen. Murkomen: Mr. Temporary Speaker, Sir, you know when *Mzee* G.G is unhappy, I am also unhappy. But as you know, the system here has an electronic digital

system of request and that is why I had made my request earlier. For that reason, I want to congratulate Eng. Muriuki for being a faithful farmer and a representative of potatoe farmers. I want to congratulate him because this is one Bill that is integral to the functioning of the Senate because Senate is here to debate Bills that concern counties. That definition emanates from the functions that are given to counties. If there is a function that is heavily given to the county governments in the allocation of functions under the Fourth Schedule of our Constitution, agriculture is key among them. Apart from agricultural policy which is left as a national function, all other functions related to agriculture are a function of county governments. Therefore, this Bill is here for a good reason.

As I listened to Sen. Hassan Omar, I heard him point out the objectives in Section 3 which are very noble. The key issue here is to deal with regulating production, packaging, processing and marketing of potatoes. I listened to Sen. Wetangula speak very well about how the packaging is done. I do not know how my colleague and a Member of the Committee on Devolved Government, the father of CDF forgot to list Elegeyo-Marakwet as one of the main producers of potatoes. I was not here when he moved the Bill but this is not also listed in the Bill. We have a lot of potatoes in Elgeyo-Marakwet County.

Every time I look at how they package the potatoes to transport them to where Sen. Ndiema comes from, particularly Kitale, Kachibora and Uasin Gishu, you will be surprised. A person will tell you that they are selling one bag of potatoes. However, this is normally a combination of two bags of 90 kilogrammes being used as the measurement for one bag of potatoes.

The Elgeyo-Marakwet County passed a law to ensure that the packaging is 50 kilogrammes. That has helped the farmers from that region. I saw my Governor, very excited, weighing potatoes of 50 kilogrammes somewhere in Lelan Ward where we produce a lot of potatoes. The key issue here should be protection of farmers just as the Senator for Mombasa has said. His county is listed as the leading in the consumption of potatoes.

Be it as it may, I have certain structural and constitutional questions to ask the Committee on Agriculture and my friend, Eng. Muriuki. The first thing is that we have the National Potatoe Council. What does this Council stand for especially regarding matters related to the regulations being given to a national entity? Considering that the Fourth Schedule has already pointed this as a county function, are we not running the risk of clawing back a function that has already gone to the county? Every county should be left under the County Governments Act to find a regulatory mechanism for the regulation of that function.

My interpretation of what could be a function under the Constitution is standardization. This has to do with providing for standards and so forth. However, in the daily functioning, as it is provided here, the council is cascaded to operate within the local level with committees. What happens to the committees if the Ministry of Agriculture, Livestock and Fisheries in the counties have their own structures of managing agriculture and the sector of potatoes in a certain county? The Committee should think through those issues.

I was in my county yesterday and was looking into the running of the Ward Development Fund. We have created Ward Development Committees and a Division of

Revenue formula so that all the money for development goes to a Ward Development Committee. Why were we creating devolution? Is there need for the Ministries at the county level?

Basically, they are asking for the money so that they create a parallel system of administration. They also want to run it as the CDF and to continue paying salaries. I fear that if we create a parallel council system that goes to the local level, you will be denying the counties the functions that they are supposed to do. You will be creating duplication and running the risk of increasing overheads. Already, counties are struggling to have enough money for development. You will be pushing them again to have more overheads. Is it possible for Eng. Muriuki and the Committee on Agriculture and Livestock to find a middle ground where you have the Council to look into standardization, issues of regulations and so forth but leave this as a small narrow body at the national level which is not cascaded with too many offices?

The other issue is what the Senate Minority Leader talked about; marrying functions of the Council if it must be there with the one of the entity under the Agriculture Act which amalgamates all bodies that deal with agriculture issues. You should ask yourself if you will not be running the risk of every crop having its own Council and at the same time creating too many entities. One of the struggles we are dealing with in this country is too many parastatals, increasing overheads at the expense of using money for development. I am giving a critique to the Committee and to my friend, Eng. Muriuki so that they look at it.

Section 11 says that the Council may, in consultation with the Cabinet Secretary impose levies as part of measures to raise funds to enable it carry out its functions. Counties under Article 209 (3) of the Constitution have been given the responsibility to collect certain fees and levies. Are we denying them a source of revenue in the imposition of those levies so that we take them again to the Council at the centre and deny the county a possibility of getting levy from potatoe transporters? We need to think through that so that we do not run the risk of finding ourselves in constitutional challenges.

Section 19 says that there shall be established in each county - in the First and Second Schedules - a Committee to be known as the County Potatoe Council. Why can we not use the existing structures within the counties that deal with agriculture, potatoes included so that we do not end up micro-managing?

I was reliably informed by Sen. Ndiema that some of my concerns have already been addressed. My main concern, initially, when I read the Bill was the fact that it was listing certain counties that would sit in the Council and benefit from the resources because they are the leading potato producers. I am glad that the Committee has already worked on that. I could be the leading potatoe producer and even Nairobi could be the leader because urban agriculture is a major thing in the world. Potatoes could be produced in Nairobi so that a county which is not leading today could be the leader in 10 to 20 years time. I am happy that the Committee has already worked on that.

If you must create an entity at national level, you will each have a certain number of representatives but avoid a situation where you are going to classify specifically which county will be represented so that the representation becomes collaged on behalf of the counties. This is because there will be a time when we will do major irrigation in Wajir. I heard the Senate Minority Leader say: "Why should someone from Wajir be sitting in this committee?" There might be a time that we will do a major irrigation there and be the

leading producer of potatoes. Tana River County will soon be the leading producer of maize because of irrigation. The point is to create an avenue for people to be able to engage in this kind of farming.

The last thing is that whereas we are busy creating legislative framework for us to market the potatoes and so forth, the question that should go to the counties is that what are they doing for value addition? We are not saying that they use their revenue allocation to the counties to start factories. What are they doing to encourage investors that are coming to do potato crisps and chips, so that a farmer in Lelan or Chepkorio in Elgeyo Marakwet County, will actually deliver his or her potatoes directly to a place where it will be processed, added value, employ people in that locality and sell them?

Mr. Temporary Speaker, Sir, I have realized that it is not capital intensive. Creating a small factory to do potato chips and crisps and so forth is a very easy thing. I have a friend of mine who is now doing one for maize – using maize to make crisps and so forth. I went to see it and it is a very small factory here in Ngong'. She brought it to Ngong' but she comes from Elgeyo Marakwet and she did not get the necessary support at that point in time within the county. If such people are given the opportunity to come there, we will forget about this business of packaging and transporting because the farmer will be the owner of that processing plant. He or she will have a lorry going to collect the potatoes, the prices will be high and the locals will be employed. Counties are just thinking about small routine, rudimentary actions that used to be done by the county councils. Why can we not do something new; add value to these potatoes, maize and all other crops so that the prices can go up? Potato is very good because after three months you harvest and you can plant again and so forth.

With all due respect, I have interests in Trans-Nzoia County but I feel very bad that when I go to my farm I plant in March and wait until December to harvest. There is nothing in that farm and if you see the margins that you get from selling the maize, that farm would have produced other things at several times. We just need to tell our farmers that they must be more innovative, creative and accept other crops. There is nothing so special about one particular crop at the expense of the other. You can farm as many crops as possible within the farm. That is the function of the county; to look for ways of bettering those crops, adding value and let those counties compete among themselves.

Let us not just sit and rest. We should compete or come together to create a bigger market like the *Pwani* Group. We asked the people of North Rift to do the same as long as you do not bring sectarian political issues. This should be purely for economic purposes. For economic purposes, it will be necessary, due to economies of scale, for counties try to come together and synergize so as to attract one factory in one county and another in another county.

Sen. G.G. Kariuki: Mr. Temporary Speaker, Sir, first I must apologize because you thought I was protesting against Sen. Murkomen and you and that was not the case. It was only that I had another commitment to attend to but I have been here from 2.30 p.m.

Mr. Temporary Speaker, Sir, the most unfortunate thing is when you put this on and you go away for an hour, come back here and address the House as if others did not want to speak. You also run the risk of repeating all the things that other Members have said. This needs to be taken into account by the Speaker. If somebody has not been here for an hour and requests a chance to speak, that should be taken into account.

The Temporary Speaker (Sen. Mositet): Sen. G.G. Kariuki, maybe the Senator had gone to conduct some research. You cannot rule that out. He had just left.

Sen. G.G. Kariuki: Mr. Temporary Speaker, Sir, the speaker who just sat down is my friend and I admire him for his understanding of many things. However, I want to say, since I am going to be last to speak to this Bill, I find it very---. Let me say that we were given a very good opportunity by the Mover of this Bill to talk about the farmers of this country.

In this country, farmers have been forgotten completely yet they are the cream or the reason for our survival. We survive because we have farmers who have struggled and who struggle to keep our homes fed. Therefore, the issue of creating a new Council as my friends have just said is valid. I was listening to the Chair of the Committee on Agriculture whom I respect very much. I could see that whatever he was saying was coming from real inner him. However, our political environment and many other factors that we live in contribute a lot to make sure that whatever we say does not go anywhere.

Mr. Temporary Speaker, Sir, we can also create a law. I want to repeat that the corruption going on in this country is not because we have no laws. It is because the implementers of the law and the executors have to change or be converted to be new people. You can create a law against people who heap bags to become two instead of one when they are selling. This happens all in the eyes of our policemen and everybody else. That does not mean that we should not attempt to make laws. We will continue doing it. However, I think the major point is to find the cause and effect of issues because everything has a reason. My training has always been to find the cause of things. Why have the farmers been forgotten? It is because some people somewhere want farmers not to have enough. This is because they would want to import the same commodity in the process. That way, this country will move the wrong way. Therefore, the Senate has to think very seriously to find ways and means of sustaining our farmers.

Temporary Mr. Speaker, Sir, we are talking about potatoes. Go round in this country. Maybe, in Kajiado you have a maize store. In this country people have been asking that stores be made available in every area where more maize is produced. That has failed. Look at other commodities or farm produce like coffee and the rest. They are just dying because we do not have a Council. Will the Council improve anything or will it add more problems?

Mr. Temporary Speaker, Sir, I think my friend from Nyandarua County, Sen. (Eng.) Muriuki, by the time he thought about bringing this Bill to this House, must have been desperate. He feels total desperation when he sees his farmers' efforts being wasted. It is not only him who has the eyes to see but the entire system of this Government. They know what is happening and the biggest question is when we are going to sit down and think critically on new ways of survival.

If you look at the travels made by the Members of Parliament both by National Assembly and the Senate, they have gone all over the world but what is the value of all these visits if we cannot change our lives? Do we just visit to see and enjoy ourselves? If people have gone to Brazil, for example, with the Committee on Agriculture, whatever they saw was seen five years ago by others and nothing happened. We have gone to Japan and what we saw there five years ago is not there but we are still thinking of the Japan of five years ago. Time is now for us to decide as the Senate because I am sure, we

will create a name if we say that whatever happens, the Senate is going to move in that direction.

We should become a nationalistic House which will be considered as the only place where you can find nationalism. These are people who will not be thinking of profits and money they make outside there. When that time comes, we shall face our people and look them in their eyes. Nowadays in every centre of this country, we have cries of men and women working in the farming sector; both farmers and workers cry but we all expect to survive through them.

Mr. Speaker, Sir, in India in 1954 they decided that their budget for everything else except medical or health the money will be put in agriculture for five years and now the 1.2 billion people are living better lives than Kenyans. If you go to China, you will not find beggars asking for food. In this country we have all the educated men and women; the best economists, best agriculturalists, best politicians, best engineers like you and so on but where are we going wrong? That is the biggest question we need to ask ourselves. What are we lacking? Is it that we do not have the mind after qualification or is it bought by somebody somewhere else? When we say our economy is improving, I do not know if we are talking about ourselves. You go to the villages and tell me where the economy has improved. These are people who cannot live comfortably because of human-wildlife conflict, lack of food, insecurity and so on. I think this is a trial.

Mr. Speaker, Sir, I respect the brain of my comrade here, Sen. (Eng.) Muriuki, because he is also the founder of the Constituencies Development Fund (CDF). He is now coming to help us think about perishable products from our farms. This is a very good idea but let me tell hon. Members that this is not a matter of the National Assembly or the Senate. It is a matter of the so-called political parties and the leaders of those parties to decide whether time has come to change our thinking about this country.

If this Council is formed, who is going to fund it? It will be sustained by farmers just like any other Council. The money we are trying to get for the farmers is to go and maintain employment somewhere. People will be employed to manage the so called Council and that money will be gotten from the farmers themselves out of their produce. So, we have to think critically whether we are in this country and whether we know what it is. Anything that you start they say "look at the county government now". About 80 per cent of these county governments do nothing else except payment of the wage bill. Nobody can stand up from top to bottom to say: "Wait a minute; this is too much, when are we going to get the money to the people?" Nobody is asking that, but you hear us saying here on the Floor of the House that we want more money to go to the counties. We have not taken statistics of those working there, whether they are supposed to be there or not but we start something and we start employing our friends and that is okay.

Mr. Temporary, Speaker, Sir, I want to end there because I had a lot to say, but sometimes, when you start to speak in this place, if you remember how far we have come and yet things are in the situation they are in today, you feel very offended. Therefore, those who are charged with the responsibilities of making sure that this country will get enough food for the people--- For example, today in Laikipia people are begging for food because there is no food at all. Animals have destroyed all the foods, cattle rustlers and cattle thieves have been killing people left and right and yet we are in the same country. So, when somebody says that there is a policeman to manage a certain body, I wonder whether that policeman is converted and is either a pure Muslim or a Christian,

somebody who believes in God. I doubt that very much, we are not there yet. I hope Sen. Ndiema and I will pray for you to get there.

God bless you and thank you.

ADJOURNMENT

The Temporary Speaker (Sen. Mositet): Hon. Senators, it is time to adjourn the House. The Senate stands adjourned until tomorrow, Thursday, 13th February, 2014 at 2.30 pm.

The Senate rose at 6.30 p.m.