

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 19th November, 2014

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

DEMISE OF SENATOR FOR HOMA BAY COUNTY,
SEN. GERALD OTIENO KAJWANG

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

Hon. Senators, it is with a very heavy heart that I rise to issue this communication to inform you of the untimely demise of our colleague, the Senator for Homa Bay County, Sen. Gerald Otieno Kajwang. Most of you by now are privy to the news of the passing on of the Hon. Senator. Sen. Kajwang passed on last night at around 11.30 p.m. at The Mater Hospital in Nairobi where he was rushed for treatment by family members after complaining of breathing problems and chest pains at his Nairobi home.

Sen. Kajwang was born on 2nd July 1956 in Waondo Village in Mbita, Homa Bay County. He went to Waondo Primary School, Mbita High School and Maseno School, before joining the University of Nairobi and later Makerere University where he graduated with a degree in law in 1982. He was admitted as an advocate of the High Court of Kenya in March 1984, after which he started private legal practice.

Hon. Senators, the late Sen. Kajwang was first elected to Parliament in December 1997 to represent Mbita Constituency. During his first term as a Member of Parliament (MP), the late Kajwang served as the Chairperson of the Departmental Committee on the Administration of Justice and Legal Affairs, Member of the Liaison Committee and Member of the Standing Orders Committee.

The late Kajwang was re-elected to represent Mbita Constituency in the Ninth Parliament of 2003 to 2007. During this term, he was a Member of the Public Investments Committee (PIC) and the Standing Orders Committee. In the Tenth Parliament of 2008 to 2013, the late Kajwang, who had been re-elected for a third term, served as the Minister of State for Immigration and Registration of Persons, a position he held until March 2013 when he was elected the first Senator for Homa Bay County.

Until his untimely demise, the late Kajwang was serving his fourth consecutive term as a Member of Parliament. In recognition of his distinguished service, he was

decorated with the National Honour of Elder of the Golden Heart (EGH) by his Excellency the President in 2008.

In the Senate, the late Kajwang was an active Member of the Standing Committees of Roads and Transportation and Agriculture, Livestock and Fisheries.

The late Kajwang was a believer in democracy and human rights. He served in leadership positions of various political parties, the latest being service as the Chairperson of the Homa Bay branch and a Member of the National Executive Committee of the Orange Democratic Movement (ODM) party. It is during his activities as a mobiliser and crusader of democracy that he coined the *Bado Mapambano* clarion, with which he has become synonymous over the years.

Hon. Senators, death has robbed this nation of a great son, an illustrious servant, an astute lawyer, a relentless worker and a gallant politician, whose contribution in the respective fields, I am sure, will be greatly missed.

On behalf of all Senators, staff of the Senate and on my own behalf, I wish to convey our deepest condolences to the family; may the almighty God grant comfort to his family, friends, relatives, the good people of Homa Bay County and the nation at large, during this very painful and sorrowful period. May the Lord give us all the strength to bear this tragic loss and may the good Lord rest his soul in eternal peace.

Hon. Senators, the Senate fraternity and in solidarity with the family of our late colleague, the Rules and Business Committee (RBC) met this morning and has appointed the following to constitute a funeral committee to assist in funeral arrangements for our late colleague. The Membership will be:-

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| 1. Sen. Kembi-Gitura | - | Deputy Speaker |
| 2. Sen. (Prof.) Kindiki Kithure | - | Senate Majority Leader |
| 3. Sen. Moses Wetangula | - | Senate Minority Leader |
| 4. Sen. Beth Mugo | | |
| 5. Sen. Kiraitu Murungi | | |
| 6. Sen. James Orengo | | |
| 7. Sen. Kipchumba Murkomen | | |
| 8. Sen. Johnstone Muthama and | | |
| 9. Sen. (Dr) Agnes Zani | | |

These Senators will be joined in the committee by six of our colleagues from the National Assembly.

Hon. Senators, in honour of our departed colleague, the RBC met today, like I have said, at 12 noon and resolved to request the Speaker to rearrange today's business pursuant to Standing Order 39(2) to allow Senators to eulogise the late Kajwang.

I accordingly wish to inform you that the business of the Senate this afternoon will conclude at Order No.2. On the conclusion of this communication, I will provide an opportunity for Senators to eulogies our departed colleague after which the Senate will adjourn until tomorrow.

Further arrangements and details will be communicated to you in due course and we shall continue to update you on all the developments. We shall also give you communications as necessary between now and the day that his body shall be laid to rest.

Hon. Colleagues, in our usual parliamentary tradition, let us stand in silence for one minute in honour of our late colleague and friend, Sen. Otieno Kajwang. May I

request the Senators who are standing at the door to come in so that we can all stand in solidarity with our departed colleague.

*(Hon. Senators stood up in their places and
observed a minute of silence)*

Thank you, hon. Senators.

Hon. Senators, as I have said in my Communication to you, that is the position we are in today. It is for that reason that we will spend the rest of the afternoon eulogizing our late colleague after which the House shall stand adjourned. If you wish to contribute in this manner, you could please indicate.

Proceed, Sen. (Prof.) Kithure Kindiki.

MOTION OF ADJOURNMENT

TRIBUTE TO THE LATE HON. OTIENO KAJWANG,
SENATOR FOR HOMA BAY COUNTY

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, as I stand here, I am yet to come to terms with the reality that our friend and colleague, Sen. Gerald Otieno Kajwang, is no longer with us. Yesterday, a few minutes to 4.00 p.m., I walked to the Chamber. I had consultations with the Clerk and I discovered that the Statute Law (Miscellaneous Amendments) Bill was one of the Bills that had been placed for possible debate yesterday. I was to move that Bill. Before that Bill was the National Police Service (Amendment) Bill, 2014. The Clerk told me: “We do not know how long the National Police Service (Amendment) Bill will take. In case you are ready, prepare. Once we are through with this Bill, you can move the Statute Law (Miscellaneous Amendments) Bill.

I decided to go back to my office so that I could have some quiet time to go through the Statute Law (Miscellaneous Amendments) Bill and prepare my notes for moving it in the event that the National Police Service (Amendment) Bill would be concluded. Before I left I decided to do what I normally do, and many of us do in this House and it is a good tradition, I decided to cross the Floor and greet a few of our colleagues on the Minority side before I leave the Chamber. I remember I greeted two Senators, I think Sen. Obure and another Senator. The third Senator was Sen. Otieno Kajwang. Surprisingly, he insisted that I sit down and we had a chat at the back for a few minutes. What surprised me, yesterday, Gerald Otieno Kajwang was a very lively person. He was normally jovial, but yesterday, there was some extra ordinary joy. We sat there and talked about many things including politics. We joked. I remember him asking about the “sky team” and things like those, the usual things that we discuss with colleagues and friends.

After that discussion, I exited the Chamber and went to the office. As I prepared my notes on the Statute Law (Miscellaneous Amendments) Bill, I watched Sen. Kajwang making a very passionate presentation as he contributed to the debate on the National Police Service (Amendment) Bill. Little did I know that my five minutes chat with him in

this Chamber, and my watching a few minutes later on the screen from my office would be my last moments with our brother and our friend.

Mr. Deputy Speaker, Sir, allow me to say that a few minutes to midnight, that was the next time I heard of Otieno Kajwang, but by that time he was no longer alive. The person who called me, a journalist said: "Could you confirm, we have heard that it is possible Sen. Kajwang has died a few minutes ago." I said: "No, I was with him today, he was very happy, it is not true." I called between 20 and 30 Senators last night, starting with my brother here, the Senate Minority Leader. I also called my senior, Sen. Orengo, Sen. (Dr.) Khalwale.

I called literally everybody until I got hold of Sen. Hassan Omar Hassan towards 1.00 a.m. and he was sleeping. He told me: "Fine, I am not aware, but let me confirm." In a few minutes' time, he had returned a Short Message Service (SMS) confirming. However, by that time, somebody else had already sent me a text saying: "We are at Mater Hospital, Otieno Kajwang is dead." I drove there at about 1.00 p.m., not believing this to be true. Only to be confronted with the reality of the departure of our friend, Sen. Otieno Kajwang.

Mr. Deputy Speaker, Sir, allow me at this time to say that I am personally affected, as a person, first and foremost, because Sen. Kajwang was a friend. Despite our being in different political parties, Sen. Kajwang had a way of making things look easy; he also had a way of making everything look comical. There are many things we have discussed together. I have come to admire him since we joined this Senate. He is one of the few politicians who have learnt the art of not taking politics into our hearts. I say this because I know Sen. Kajwang was a very strong supporter of the ODM and also of the CORD Coalition. I know he had very strong views about Jubilee, as a Member of the Opposition. Kenyans and my colleagues here will bear me witness that it did not matter how harsh Sen. Otieno Kajwang's criticism was. He said it with a peculiar smile on his face, even when he was criticizing Jubilee or when he said the harshest of things. He would say it in such a way that he would leave both his supporters and the supporters of his side, and even us who were on the receiving end, laughing. He had a way of distinguishing between political differences, friendship and the other things that we do as human beings. I am not talking about somebody I did not know. I am not trying to talk about somebody I have not interacted with.

I have come to admire Sen. Otieno Kajwang, first and foremost, as my senior in the profession. He, alongside Sen. Moses Wetangula, Sen. James Orengo, Sen. Kiraitu Murungi and yourself, Mr. Deputy Speaker, amongst others, are some of the colleagues we have in this House, those of us who are lawyers, who have helped us to appreciate that seniority should not be a bar to creating healthy and fruitful relationships. So, I am here to mourn a friend, colleague and my senior in the profession. I am here to mourn a politician who was fearless, frank, but somebody who was not bitter and did not exhibit bitterness even as he did his political engagements. For that reason, the reason of friendship and the good times and discussions that we have had with Sen. Kajwang as my elder brother that made me to drive all the way at 1.00 a.m. yesterday, alone. Even as I stand here, I still have not really come to terms with this.

Mr. Deputy Speaker, Sir, mine is just to eulogise this great man. I want to take this opportunity to send my condolences to his wife, friends, family and the people of the County of Homa Bay who gave Sen. Kajwang three uninterrupted terms, first of all, as

Member of the National Assembly representing Mbita Constituency and, finally, when he decided to vie for the Senate seat. They capped his three term success with electing him as the first Senator of that county. We appreciate the people of Homa Bay County. However, the loss that we are talking about today is not a loss to only the family of Otieno Kajwang or Homa Bay County alone, I dare say, it is not just a loss to ODM or CORD, it is a loss to the Kenyan fraternity as a whole. It is a loss to our country and it is at times like these ones that we want to reflect as a nation and see how sometimes we take things so seriously, including our differences, only to learn at the end of the day that we are here, we have a finite time with one another.

I hope the death of our friend will give us an opportunity to reflect, reorganize ourselves, be able to balance between the work we do and being able to take ourselves and even building friendships with other people. The greatest lesson that I carry from Otieno Kajwang's legacy is being able to communicate a serious message without looking angry and secondly, being able to have friends whom you do not agree with politically. That was Otieno Kajwang for you.

I know speaking from the Jubilee side, we are not trying to make it up. I know some of my colleagues will come here and speak, who have shared with me already. There are things they were discussing with Otieno Kajwang. I know Sen. Kipchumba Murkomen who also joined me at the hospital around 3.00 a.m. He told me they were working on a Bill on education together. It was initially a Motion and they were working on it. I know Sen. Charles Keter, my deputy, he told me just yesterday, around the same time that they had a discussion and there is something Sen. Kajwang wanted Sen. Keter to support him on. That is the spirit that we should build on. It is so sad that we are losing Otieno Kajwang hardly two years after we lost another senior colleague and friend, Sen. Mutula Kilonzo.

Mr. Deputy Speaker, Sir, this is the time to mourn, bond and reach out. In honour of Otieno Kajwang, going forward, for the remainder of this session, we want to see how we can improve on our business and our communication so that even as we differ and disagree, we must do so in decorum, dignity and we must not internalize political differences to mean physical and actual enmity.

I do not wish to take a lot of time because I know every Senator has a right, if I may say so, to eulogise our late brother. I just want to say that I am shocked and saddened that death can come so fast, speedily and in such a cruel manner. It horrifies me. I hope that through this experience we become stronger and better people and politicians. We can also prepare, so that when our time comes, we can depart in peace. I believe Otieno Kajwang left in peace because as late as yesterday, he was a happy man.

Finally, on behalf of the Majority side, we are standing together with the CORD fraternity in this House. My brother and Minority leader, Sen. Wetangula and your team, we are supporting you fully. We are there for you. We are praying for you. We want, out of this process, to come out stronger. We have briefed the President of Kenya and the Deputy President. They have assured us that within the course of today, they will reach out to the families. They will also be able to condole physically with all of us who are mourning.

Mr. Deputy Speaker, Sir, with those many remarks, once again, my apologies, rest in peace, Sen. Gerald Otieno Kajwang.

The Deputy Speaker (Sen. Kembi-Gitura): Senate Minority Leader, Sen. Moses Wetangula.

The Senate Minority Leader (Sen. Wetangula): Thank you, Mr. Deputy Speaker, Sir. Equally, I stand here with a very heavy heart. Allow me, before I speak, I know you, probably as the Speaker, will acknowledge the presence of my colleagues in the gallery. I welcome the presence of the former Prime Minister, Raila Odinga, former Vice President, Kalonzo Musyoka and the Governor of Mombasa County, Hassan Joho.

(Applause)

I was having lunch with them. They learnt that the Senate, as the House where our departed brother served with diligence, was dedicating this afternoon to eulogise him. They found it befitting to come and listen to us. We welcome them heartily.

An hon. Senator: There is also a Member of Parliament.

The Senate Minority Leader (Sen. Wetangula): Yes, there is also the Member of Parliament for Kasipul Kabondo. He is welcome too.

(Applause)

Yesterday was a normal day in this Senate. The distinguished Senator for West Pokot County moved a Bill concerning police reforms and security. He did it with great eloquence and passion, like he has always done. The Bill attracted support from both sides of the House. Members made very valuable and positive contributions. For Members who normally sit in this House for long hours, like me, you noticed that Gerald Otieno Kajwang, our distinguished departed brother, spoke like he has never done before when he was given an opportunity. He spoke with clarity, passion and with patriotism, decrying the state of insecurity in the country and whole heartedly supporting the incorporating of police reservists, not only in ASAL areas, but all over the country to augment the efforts of the security agencies in protecting the lives and property of Kenyans.

Mr. Deputy Speaker, Sir, before he spoke he called me and told me that there is a section of the law he wanted to confirm. He said, "You are good at this, can you check it for me, my leader?" So, I instructed Sen. Judy Sijeny to look for the law and we gave it to him. When he finished, I went and sat with him briefly. He was in a very good mood. He talked to me about a few things concerning issues in the country. I came back to where I normally sit. At 6.15 p. m., because I looked at my watch, he came and told me, "Boss, I am done with my day, see you tomorrow." Little did we know that, that mercurial speech on the Floor of this Senate was his last and he was bidding me farewell not to see me tomorrow, but forever.

When we learnt this morning of the departure of our brother, it sounded like a fairy tale. A person you sat with, listened to and joked with only a few hours back, is no more!

I talked to the former Prime Minister and we rushed to The Mater Hospital. On arrival, they were getting ready to take the body to the Lee Funeral Home. We led the way to the Lee Funeral Home and deposited the body. Many colleagues, including the

former Vice President and Members from both sides of the political persuasion in the country came in.

Mr. Deputy Speaker, Sir, this House has lost a very able Senator; a Senator who even our distinguished colleagues who were having their debut in politics, had a lot to learn from on the skills of debate, the ability and the capacity to say what you do not agree with without showing any negative passions.

Mr. Deputy Speaker, Sir, I knew Sen. Kajwang when we were at the University of Nairobi. You have heard me joke on the Floor here that he was my learned junior, but at the University of Nairobi, he was a year ahead of me. In his class was hon. Martha Karua, hon. Njeru Githae and Mumo Matemo and a few other people. They were one class ahead of us. He was then a very eloquent student leader. He was the Secretary General of the Student Organisation of Nairobi University (SONU) at our time. When he stood at the great court to speak, he moved everybody. As fate would have it, those were days of extreme intolerance and Sen. Kajwang, hon. Mukhisa Kituyi, Rumba Kinuthia and a few of that group were expelled from the university. Sen. Kajwang found his way to Makerere University, finished his law studies and came back. He has been a very active member of the bar and a Member of this House; starting with the last Parliaments which he has served with distinction from 1997.

Mr. Deputy Speaker, Sir, Sen. Kajwang is a man nobody can forget easily. I was checking on the *Twitter* and among those who tweeted, I have never seen him tweet before, is the President, hon. Uhuru Kenyatta. He said, "It is with utter shock and deep sorrow that I have learnt of sudden death of Sen. Gerald Otieno Kajwang." There is a friend of mine and friend of ours in Tanzania, the de facto Leader of Opposition in the Tanzanian Parliament called Zito Kabwe. He has also tweeted saying, "My sincerest condolences to the family of Sen. Otieno Kajwang and the people of Homa Bay County." He has dedicated his tweet to President Uhuru Kenyatta, the former Prime Minister Raila Odinga, the Senate Minority Leader (Sen. Wetangula) and Sen. Murkomen.

Mr. Deputy Speaker, Sir, there are many other people who have called to say many good things. There is a tweet from a journalist called David Makali saying, "That is the passing of the most humorous and hilarious politician on the landscape of Kenya." Indeed, it is true. As we have been doing our political rounds, even when the public is waiting to listen to the big three of CORD, they always demand to listen to two people; Sen. Kajwang, the Bullfighter of Kakamega, Sen. (Dr.) Khalwale and sometimes the distinguished Senator from Machakos County. Once Sen. Kajwang is present, it is a must to be listened to. He came on the stage like a raging bull; "*Mapambano*" and so on which has become a household song.

Mr. Deputy Speaker, Sir, I want to thank the Kenya Broadcasting Corporation (KBC). This morning, and I am an avid listener to KBC, they dedicated their morning service from 6.30 a.m. to 9.00 a.m. to Sen. Kajwang. They played clips of his addresses and they allowed people from all over the country to call in and say what they knew and their experience of Sen. Kajwang. I thought that was immensely patriotic.

Mr. Deputy Speaker, Sir, as we eulogise our friend, and am truly touched with the conduct of both sides of the House, my distinguished colleague from Tharaka Nithi County; the Senate Majority Leader (Sen. (Prof.) Kindiki, drove himself at 3.00 a.m. to The Mater Hospital. I salute him for that. Sen. Murkomen drove there to join him. I salute him for that.

Mr. Deputy Speaker, Sir, the outpouring of grief and sympathy for the family and the cries of Kenyans, shows what kind of person we are talking about. Sen. Kajwang was not just a lawyer; he was not just another Senator but a distinguished national leader. Even when he one time acted as the secretary general of the then ruling party KANU, he discharged his duties with extreme commitment, distinction and patriotism.

Mr. Deputy Speaker, Sir, you have seen in this House, he does not walk much on the Floor, but you have seen many Members flock to his corner; he permanently sits. Many Members go there to consult him. I have noticed on this side; if a Member is sitting on the seat that he normally sits, when he walks in, that Member vacates to leave it for him. That is the level of respect that he enjoyed in this House.

Mr. Deputy Speaker, Sir, the committees we have given him to serve, you can never hear that Sen. Kajwang misses committee meetings, misconducts himself or his level production is below expectation. He was a man of perfection.

Mr. Deputy Speaker, Sir, as this House eulogises our brother, it is a moment to stand together. Even with the little irritations we have been having with the National Assembly, the Speaker of the National Assembly has come on board with full gusto, ready to be part of the process of giving a dignified send-off to our brother. I am ready to be part of the process of giving a dignified send off to our brother. I want to thank Members whom we have nominated to serve in the Committee and assure our colleagues in the House that the Committee had to have only eight people. Each and everyone had the ability, the capacity and the will to serve, but those who have been nominated will serve on your behalf. Give them the necessary support, give them ideas and on the day where we will be sending off our brother, I want to urge the Senate without exception to be like another sitting in Homa Bay. This is to show the people of Homa Bay that they gave this country a distinguished and courageous son who has worked to make the country a better place to live in.

You remember last week when Sen. Gerald Otieno Kajwang was speaking on the Motion of Adjournment regarding the problems in Turkana and Pokot. Again, he spoke like a patriot. When he mentioned the issue of not deploying the army internally, he did not just talk politics, he even cited the Constitution and read it to the House. He said that that was not the situation. He did not apportion blame. He said that a Turkana and a Pokot are Kenyans and must live in peace and we must help them live in peace. That is Kajwang for you.

Mr. Deputy Speaker, Sir, so that we give a chance to other Members to speak; on behalf of the CORD fraternity, on behalf of my co-principals, Hon. Raila Odinga, Hon. Kalonzo Musyoka and the entire leadership, I join hands with our brothers and sisters across the Floor to learn and say that the loss of Sen. Kajwang is first and foremost to the family, to his constituents and a loss to this House and the broader family of CORD. We will miss him. His family will miss him even more. His constituents will miss him even more. For us to show the country that we feel a great sense of loss of our own brother, I want to urge us to dedicate, like we have done this afternoon, to soberly pour grief, condole the family and say the little or the much we have had with Sen. Otieno Kajwang. He was a ferocious fighter and crusader of what he believed in. Whether you found him in court as a practicing lawyer, whether you found him in a rally, on the Floor of this House, or even in a coffee house, taking coffee with colleagues, he will still speak convincingly about his convictions.

Mr. Deputy Speaker, Sir, there are not many like him. He was a crowd puller; a crowd exciter when he speaks and he was loved by many. I am sure he was loved most by his immediate family; his dear wife, children and parents. It is with a heavy heart that we have read a 4-1-1 that his old father, on hearing the news, also suffered some health difficulty and has been taken to hospital. We wish him quick recovery so that we do not have a double tragedy in the family.

As I end, I want once again, to pay my greatest respect to a friend, a learned colleague, a fellow politician, a distinguished leader, a committed and patriotic Kenyan and a Kenyan who believed that for each and every one of us in public life and public calling, we have a duty to leave this country better than we found it. Sen. Kajwang strived to leave this country better than he found it. He has left this country better than he found it. For us who knew him and who were friends to him, we are now the poorer with his departure.

May the good Lord rest his soul in eternal peace.

COMMUNICATION FROM THE CHAIR

PRESENCE OF THE FORMER PRIME MINISTER, FORMER
VICE PRESIDENT AND OTHER DISTINGUISHED GUESTS
IN THE SPEAKER'S ROW

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I wish to interrupt the debate briefly to acknowledge the presence in our midst on the Speaker's Row of three leaders in this country:- The Right Hon. Raila Amolo Odinga, the former Prime Minister of this country, His Excellency Kalonzo Musyoka, former Vice President of the country, Gov. Hassan Joho of Mombasa County, Hon. Osele, Member of National Assembly for Kasipul-Kabondo Constituency and hon. Commissioner in the Parliamentary Service, Commissioner Lornah Mumelo.

We are grateful that they have come to grief with us. Like it has been said, we have lost a very dear colleague, Sen. Otieno Kajwang who used to sit until yesterday on seat No.59 where he sat continuously. Yesterday, he conferred at great length with Sen. Obure before he made a very strong and powerful speech, like it has been said by his colleagues. I was also in this Senate. I wish to assure you honourable leaders that this is not a loss of just the CORD or ODM fraternity, but a national loss. We have lost a great debater, a great Senator and a great friend. It is the reason that we chose to devote the afternoon to eulogizing a colleague. We are grateful that you found time to come and share in our grief.

Thank you.

Sen. Khaniri, what is your point of order?

Sen. Khaniri: On a point of order, Mr. Deputy Speaker, Sir. So, that we can have many Senators making their contribution, we limit the debate to five minutes per Senator because I know each and every Member wants to say something on our departed colleague.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Khaniri, I apologise. May I request you to recap what you have said?

Sen. Khaniri: Mr. Deputy Speaker, Sir, I am making a request to the Chair so that we can have many Members to contribute, we limit the time allocated to each Member to five minutes because I know each and every Member would want to say something about our departed colleague.

The Deputy Speaker (Sen. Kembi-Gitura): That is a timely request, but let me say that there are lots and lots of requests for the Floor. It is important to let you know that from the outset. Therefore, I am having problems knowing whether you want to intervene as a point of order or contribute because the screen is full. I watched the situation and I will give a direction on that issue very soon. I had called Sen. Murungi to give his eulogy, but with his indulgence, may I ask Sen. Orenge, who has to attend to some very urgent matters concerning this issue, to take the Floor and give his eulogy. He will be followed by Sen. Murungi.

Sen. Orenge, you have the Floor.

Sen. Orenge: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to join my friends and the other Senators to also express my deep felt condolences to the family and relatives of Sen. Gerald Otieno Kajwang and the people of Homa Bay County and the entire country. Listening to the radio and seeing what was going on in the media, I think the whole nation is mourning. Unlike Mark Anthony in his oration of *Julius Caesar*, I will not just mourn my brother Sen. Kajwang, but also praise him. Probably, Mark Anthony did not praise, did not feel that it was opportune for him to praise Caesar because he had been killed by his own brother colleague Senators. Probably, it was unwise for him to praise Julius Caesar in front of the very Senators, including his relatives and friend Brutus, who had killed him.

I want to say this without any fear of contradiction, that Sen. Kajwang was a good man. Simply said, the better, and even today when we were meeting at the Rules and Business Committee (RBC), my sister Sen. Mugo, when we were having a conversation with her and the Senate Minority Leader, she said as much with so much clarity and confidence that I was worried for once that I was not as good as my brother Sen. Kajwang, but she did offer some little comfort by saying she is *Nyarugenya*, so I was able to take heart.

Simply said, Sen. Kajwang was a good man and even last week when I was sitting out there with Sen. (Prof.) Lonyangapuo and many Senators in the lounge, when they were having a conversation and you approached them, they did not want any interruption. They were speaking like brothers and members of the same nation and country. Sen. Kajwang was a patriot and nationalist because he never built any walls.

Sen. (Prof.) Kindiki, let me praise you for what you did yesterday because you were at the hospital within an hour after Sen. Kajwang passed on.

(Applause)

You did not have to think about it twice. It is because Sen. Kajwang was a good man. In many instances in this country you find that even when we see the goodness of each one of us we tend to build walls around us. It is like the iron curtain; that so long as Sen. Orenge belongs to ODM or CORD, you build an iron curtain so that you do not see the goodness of a Kenyan patriot simply by the colour of his skin or the place he comes from. The fact that Sen. Kajwang could overcome all these characterizations, I have seen and

witnessed like the Senate Minority Leader said that people crossed this Floor to go and talk to Sen. Kajwang. That is the kind of man and people we want in this country so that Kenya can become one nation.

Although, in his novel, Ayi Kwei Armah said that the beautiful ones are not yet born, I say that when you see people like Sen. Kajwang in their conduct and what they do without hate or malice, I see the beautiful ones are here, but many times we do not see them. In Kenya, there is something that is happening; that we tend to appreciate people in death rather than when they are alive. When we relate and socialize, we do not have the warmth of patriots, zealots and nationalists.

I remember that Jaramogi Oginga Odinga one time told me, when I asked him why he mourned Kenyatta so much when Kenyatta died. He said that Kenyatta died his friend. It is people who built a wall between him and the first President. So many times we build walls between ourselves and, therefore, Kenya cannot move ahead. If there is one thing we can learn from this death, shown by the leaders who turned out at The Mater Hospital, it is that, indeed simple things like a wedding or a death in the family can make Kenya become one nation of true patriots. When we sit down on a matter that concerns a nation, we do not have any divisions.

Sometimes good men like Sen. Kajwang live their lives struggling. He would have had one of the best legal practices in this country. However, if you look at the kind of work he was doing *pro bono*; acting for students and leaders in distress who were detained, there is no way that he could have built a healthy legal practice. The other person I can think of, in that category is Dr. John Khaminwa. He had a very good practice, but because of his commitment to fellow Kenyans, irrespective of tribe, his practice simply went haywire. In doing so, Sen. Kajwang had some obsession on how we hold elections. Some of you may remember that there was a case in which he was involved, where the Government at that time tried to rig the Opposition out of the elections by bringing a Bill before Parliament with the words “not more than” instead of the constitutional provision which was “not less than” which would have put the Opposition in great jeopardy in nominating people to contest the elections. Eventually in that case, Pheroze Nowrojee, Senior Counsel, led the legal team, but without him, probably, the Opposition in 1992 would have ended up with 10 seats because they were caught unarmed and not ready for those elections being given only 14 days to carry out their nominations.

In this business of elections, I remember last year when Sen. Kajwang was a little bit worried about the electronic voting system that was brought into the country so late. He warned that without extra care, the elections might not have gone the right way because the system was introduced rather too late. The other case which he did in the courts which has been reported, and it was an important case in that it is an important legal precedent, is about private prosecutions in the case of Raila Odinga vs Saitoti where he successfully sought the permission of the court to prosecute the Goldenberg case. But unfortunately, the Attorney-General (AG) took over the case then terminated it. Those in legal practice would remember that it was not an easy job for our friend Sen. Kajwang to do that case like many others, including constitutional cases, election petitions and many more that he did extremely *pro bono*.

As we mourn him, let us, once again, because I think I am repeating this kind of speech for the tenth time; that in death we tend to become one people. But when we

socialize and do our politics we see no evil and no goodness in our brother colleagues. It takes somebody of Sen. Kajwang's character for everybody else to see the goodness in him. However, if it is somebody like me, some people will hardly see any goodness in me. Although, now there are a lot of people, including the Senate Majority Leader who sometimes appreciate the little things I have done.

(Laughter)

When we used to do politics with Sen. G.G. Kariuki, people would not believe that I was a Permanent Secretary in the Ministry of Lands when Sen. G.G. Kariuki was an Assistant Minister for Lands. For that reason, probably, he appreciates me a little bit and I appreciate him a lot and always refer to his seniority.

Now that the Senate has formed a Committee to show that we are together in this tragedy, let us not just be together because we have lost a colleague. We should not wait for Kenya to be torn apart to love our nation. We should love it while we have the opportunity to build it into a great nation.

With those few remarks, I hope that the family will find comfort in every word that will be said in this Senate. I pray that he rests in eternal peace.

Sen. Murungi: Thank you, Mr. Deputy Speaker, Sir for giving me an opportunity to pass my sincere and heartfelt condolences to the family of our friend and colleague, the late Senator for Homa Bay, Sen. Otieno Kajwang. I learnt about the death of the late Sen. Kajwang about 1.00 a.m last night and could not sleep. I kept on seeing Sen. Kajwang almost throughout the night. I remembered my talks with him.

I could see him singing in political parties about *mapambano* and wondered why a man so full of life could go. He was a man rich and full of life. Does this life have any meaning at all if Sen. Kajwang can just get out and go? The message for me, at a personal level, is that life is not permanent. The stresses we give each other are really not worth it. They say that we are all leaves in the tree of life. Today Sen. Kiraitu Murungi may fall, but *siku ingine* it is Sen. Wetangula. However, life continues. This has happened to our colleague.

I am happy that our former Prime Minister, Rt. Hon. Raila Odinga, His Excellency Kalonzo Musyoka and other former colleagues in previous Parliaments are with us in the Senate today. All of us will remember that Kajwang was the most hardened when it came to the fight for constitutional reforms and multi-party democracy. Sometimes, this involved street battles which Kajwang was not afraid of.

Sen. Kajwang will be remembered as one of the able debaters; a person who kept this Senate alive. He died on duty because he was contributing to the Bill of Sen. (Prof.) Lonyangapuo on security. He was recalling the visit they undertook to Turkana with the former Prime Minister when the Turkana people were invaded by the people from Ethiopia. The police post was being manned by only five people. He was calling for more resources to be given to security forces, especially for the Kenya Police Reservists (KPR). That was Kajwang; a true nationalist. This is a man who fought for issues, causes and for justice in this country.

I had the luck of knowing Sen. Kajwang for over 20 years. I must say that over that period, we had our ups and downs. Sometimes we were together, but at times, we were apart. Sometimes we agreed, but at times, we disagreed. However, we kept on

talking always. We were friends and our training as lawyers helped us do that. We could distinguish arguments and issues from personalities.

I had the privilege to serve with Sen. Kajwang at the Senate Committee on Agriculture, Livestock and Fisheries. The day before yesterday, we were planning what questions to ask the Cabinet Secretary for Agriculture, Livestock and Fisheries who appeared before us this morning. Sen. Kajwang was very passionate, especially in matters concerning sugar. I think his constituency is a sugar zone. He had planned to ask some very difficult questions to the Cabinet Secretary. As fate would have it, when the Cabinet Secretary appeared this morning, Kajwang had left us last night. So, Sen. Ndiema and I, tried to reframe the questions, but we could not replace him. Our Committee will feel the big gap as far as Sen. Kajwang is concerned.

We first started with Sen. Kajwang in FORD, fighting against dictatorship in this country. We fought very serious battles, of course, under the leadership of the former Prime Minister, Raila Odinga who was a gallant fighter. However, somewhere along the line, they decided to join KANU as NDP and we were left in the Opposition. We criticized them heavily for making that move. I remember that Sen. Kajwang became the Secretary-General and would terrorise us a bit. We then came together in 2002 during the NARC campaigns. Those were the best campaigns that we did together in this country. I wish we could have another one like that. We then came into Government. A few months of being in Government, we disagreed again. You will remember that they called us the *Mount Kenya mafia* and fought us seriously.

We then went to Bomas, things were worse. There was passion and fury at Bomas. We then went into a referendum where they went for oranges, but we were with bananas. We then went into the 2007 Election which was the worst because it led to post election violence, almost tearing this country apart. However, God was with this country. We came back together in 2008 and we became Ministers in the Grand Coalition Government. God put us together again at Nyayo House. I was a neighbour to Kajwang. He was the Minister of State for Immigration and Registration of Persons while I was the Minister for Energy. We shared the same building and we kept on talking a lot. We were good friends and worked very well together for those five years. The Grand Coalition Government delivered. It was good that all the forces were there.

We fell apart again during elections, but met here at the Senate. Here at the Senate, we reconnected. We have been working closely together in the Agriculture, Livestock and Fisheries Committee. We have travelled to China, India and had great moments with Sen. Kajwang a month ago. I remember the chats we used to have to review our history and wondered what it was all about. I can even disclose that Kajwang told me that he will always die for Raila Odinga because he knew that without Raila, he could not have been a Senator. He was that frank. He knew I was for Uhuru Kenyatta, but this did not create any divisions between us. We talked about elections. Kajwang had proposed that since it is elections which make us fight, why can we not outsource the service? He said that we should get an external body to manage our elections, so that all these issues are done away with.

We also talked about the issue of referendum. The late Sen. Kajwang thought that we, in the Jubilee, should join the referendum so that we strengthen the Senate. I told him that we should go the Inter-Parties Parliamentary Group (IPPG) way where we will sit down, look at the Constitution and see what we can amend because it has provisions in

the Constitution. We do not need to tear the country and go into enormous---- We have done it before. These were discussions we had with Sen. Kajwang.

I remember one evening Sen. Kajwang saying that for him it is better a short enjoyable life. He would ask: Why have a long life plagued by all manner of diseases and a lot of suffering, why not a nice quick life then you go? We were having a glass of wine. This is the life Sen. Kajwang has lived. This is a man who has enjoyed his life. We had come to connect more closely, especially since my daughter got married in his county, he started calling me *Nyawana*. My daughter is married in Kabondo. He taught me a few words in Dholuo language. We were now relating as in-laws. So, allow me to send my most dear condolences to the family of my in-laws.

May God rest him in internal peace.

(Applause)

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Senator. Now, Hon. Senators, I have about 24 requests and more requests are coming. If you give 24 requests 10 minutes each that is four hours. That will take us to 8.30 p.m. There has been no Motion of extension of time. If we give each of you five minutes, we will be able to finish at 6.30. p.m. and possibly give everybody a chance. We are not going to go to a vote, but it is reasonable that we should give each other a chance to contribute because we are eulogizing a friend and a colleague. So, I rule that from now, the eulogies shall be for five minutes maximum, so that we are able to give everybody who is here a chance. I think that is reasonable.

Sen. Kipchumba Murkomen, you have five minutes.

Sen. Murkomen: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to eulogize Sen. Kajwang who was my friend. Last night Sen. (Prof) Kindiki called me at about mid night. I thought it was one of those usual calls, but we had completed discussing what we needed to discuss about five minutes earlier. I was busy listening to some music before I sleep. He told me that he had no good news. It was suspected that my friend had passed on in one of the hospitals in Nairobi. I was shocked.

Many Kenyans do not know that despite the fact that most of us are in different political parties and coalitions, that we have the best of relationships among ourselves. One of the persons who were so close to me, apart from many other Senators who are here on the other side, was Sen. Kajwang. Before I came to this House, I used to think when watching television and listening to the radio, that Sen. Kajwang was a volatile person and unfriendly. I used to think that politics has what Sen. Orenge has called the iron walls that are perceived out there. When I came to this House, I found out that Sen. Kajwang was a very humble man, a humorous person and he always made his point by humor.

Sen. Kajwang's face was like a book, it was easy to read it. If Sen. Kajwang loved you, or if he liked you, or liked what you did, you could see it even before he approaches you. If Sen. Kajwang did not like what you did, you would see it. There was no second guessing, if he was your friend, he was a loyal friend. There was no back-stabbing. It is true that he was very humorous. At one time, I went to a rally and criticized him for his tenure in office as the Minister for Immigration and Registration of Persons. So, when I arrived in this House he told me that "*Jatero*, I saw you working very hard politically this

weekend, invoking the good and famous name of Otieno Kajwang to assist your political profile”. That is how we laughed it off and the whole story ended there.

I can remember very well, and you can be a witness Mr. Deputy Speaker, Sir, that anyone who sits there as the Chair, like myself, if Sen. Kajwang is contributing, you will not even feel like sleeping. One of the confessions that you should make is that when you sit there, sometimes you can easily feel sleepy.

(Laughter)

The Deputy Speaker (Sen. Kembi--Gitura): Order, Senator! Talk for yourself.

Sen. Murkomen: Mr. Deputy Speaker, Sir, I am speaking for myself. When Sen. Kajwang spoke, you felt like as the Chair you would want to take notes. When I moved my Motion, in terms of transfer of education, infrastructure, secondary and primary school level to the counties, he strongly contributed to the Motion. He came to me and we had a very good discussion a few weeks ago, where we agreed that I was going to convert that Motion into a Bill. He was going to assist me, we were yet to agree whether we would jointly sponsor the Bill. But for sure, I was going to move and he was going to second the Bill. Unfortunately, we do not have that opportunity again.

When I went to the hospital last night, I saw my friend lying in the bed where he had gone to be attended to. I was told that he walked to the hospital when he was dropped next to the door, he went in and waited for treatment. You would see a face that was expecting, looking like a face that had hope. I believe that we can translate that hope to be a better future for this country. We can translate that hope and the ideas that Sen. Kajwang had to make a difference in our nation.

The message is this; many at times members of the public do not appreciate that we are one country, we work jointly here. It is my confession this afternoon that there is a lot that joins us together than those few things that separate us. It is important for us to continue drawing closer, even the issues that Sen. Kajwang----. Actually we had a discussion there I do not know who else was at that corner, of how to deal with the referendum, which they were sponsoring on the other side, and how we can salvage the position of the Senate in terms of making it strong. There was no better and passionate defender of the Senate than Sen. Kajwang.

With those many remarks, I want to say that may he rest in peace.

Sen. Mwakulegwa: Asante, Bw. Naibu Spika. Nataka kuchukua nafasi hii ya kipekee kutoa rambirambi zangu kibinafsi, familia yangu na watu wa Taita Taveta Kaunti, kwa familia, ndugu na marafiki wa Seneta aliyetuacha, Sen. Kajwang.

Kufikia jana tulikuwa na Sen. Kajwang. Tulikutana naye katika lifti ya Kenyatta International Convention Centre (KICC) na tukazungumza. Alikuwa mcheshi kama kawaida na kwa utani akaniuliza, “Mbona ndugu yangu siku hizi umekuwa fiti umepunguza mwili”? Nikamwambia “Ninaenda gym, na wewe pia kitambi kimezidi ninataka ujiunge na mimi ili twende kwa mazoezi pamoja.” Sikujua ya kwamba utani ule sitaupata tena. Sen. Kajwang sasa ametuacha.

Pia nataka kuchukua nafasi hii ya kipekee kusema kwamba nilipoingia katika siasa, na hasa chama cha ODM, mmoja wa wale tulifanya kampeini na kutembea pamoja ni Sen. Kajwang. Yeye alikuwa wa kwanza kuzungumza katika mikutano yetu yote ya

kisiasa. Aliweza kushangiliwa sana na wananchi alipozungumza. Yeye alitunyeshwa njia ya kisiasa.

Katika Seneti hii, Sen. Kajwang alikuwa mmoja wa wale Maseneta walio na ujuzi wa kuzungumza, kutafakari na kutoa maelezo yake katika ufasaha. Hata katika hali yake ya kuzungumza na kutoa mada, hakuna Seneta mwingine katika Bunge hili aliyekuwa maarufu na waandishi wa habari kama yeye. Kila alipotoa Hoja, ilinakiliwa na ikatolewa katika hali ambayo hakuna Seneta alipata nafasi kama ile. Kwa kweli, tunaweza kusema kwamba alikuwa anaelewa lugha ya Kiingereza. Maneno yake yalikuwa ya kuvutia, si tu kwa waandishi wa habari mbali wananchi wote kwa jumla.

Mimi nilikuwa na uhusiano wa karibu sana na Sen. Kajwang. Kati ya Maseneta 67 walioko hapa, Sen. Kajwang alikuwa ni mmoja wakiwa na Prime Minister katika Bunge la Kumi waliokuja katika kijiji changu; pahali nimezaliwa kule Taita Taveta. Niliposikia kwamba ametuacha, watu wengi walipiga simu kutoka nyumbani ili wajue ukweli. Na kwa niaba yao, ningependa kutoa rambi rambi zangu kwa mke wake, watoto wake na watu wa Homa Bay na Kenya nzima kwa kumpoteza shujaa wa kisiasa.

Alipotembea popote pale, alijulikana kama “bado mapambano.” Haya yalikuwa mapampano ya kisiasa. Lakini ajabu ni kwamba mapambano yake hayakuwa ya kutumia nguvu. Mapambano yake yalikuwa ya kutumia mdomo. Alipomaliza kuzungumza bado mngesalimiana kwa furaha. Alionyesha kwamba alikuwa amekomaa kisiasa. Hata tulipokuwa hapa tukilumbana, tukitoka hapa kwenda kunywa chai, kila mtu alikuwa anamkumbatia Sen. Kajwang. Naomba kwamba tufuate mfano wa mwenda zake, Sen. Kajwang. Ni lazima tujue ya kwamba siasa si uadui wa kijamii. Tunatofautiana tu katika mirengo, dhamira na mipango yetu ya vyama vyetu. Lakini kama Wakenya tuna undugu wetu.

Bw. Naibu Spika, katika stesheni za redio za Kenya Wakenya wametuma rambi rambi zao kutoka pembe zote za Kenya wakisema kwamba alikuwa ni shujaa, bingwa, mtetezi na shupavu, hasa kwa kutetea maslahi ya wale ambao walikuwa hawana sauti ya kufika mahali kama hapa. Hii ndio maana akipita popote watu walikuwa wanamuita mapambano. Alikuwa hana daraja. Yeyote awe mkubwa au mdogo alikuwa na kipawa. Alikuwa anaweza kuongea na yeyote.

Kwa hayo, Bw. Naibu Spika, Mwenyezi Mungu aiweke roho yake mahali pema peponi hadi siku ya kiama tutakapokutana baada ya sisi sote kuondoka duniani.

Sen. (Prof.) Lonyaganpuo: Thank you, Mr. Deputy Speaker, Sir. As my colleagues have mentioned, I also want to pass my condolences to the family of our late brother, Sen. Kajwang. We have lost a leader who was able to cover the gap whenever an issue arose. Yesterday, I remember very vividly at such a time when we were seated here and Sen. Kajwang sat in the Chamber nearly the whole afternoon. He called me after I had just moved my Bill and was very touched because he had been following very closely what is taking place in Baringo County, particularly the operation taking place in Tiaty sub-county.

I want to quote what he said here to underscore that this is a real man that we have lost. He was a man that was able to stand with the people when others abandon you. I have a copy of the HANSARD report here with me. This is what he said in the second last paragraph:-

“Mr. Temporary Speaker, Sir, before my time runs out, I want to say this: Please, if the Executive listens to us, remove the army from Pokot country. This is not good for

this country, for the community and even in the long run, for our country Kenya, that every time we have a problem, we use the army. It brutalizes a community. In fact, it impoverishes them and destroys their economy. I saw that somebody ordered the killing of cattle. The cattle were shot not by a bomb. If it was a bomb, we would have said that it landed there wrongly. But these were our own army officers shooting cattle. That is to destroy an economy.

I understand that the commanding officer comes from a neighbouring community. I understand that the commanding officer is from a community called Njemps; a small community, a Samburu sub-tribe. In fact, some cattle have been seen in his compound. I do not know why he should take other people's cattle and keep them in his compound where he is commanding an operation. This kind of a person should be taken to jail".

These are the words of Sen. Kajwang and I do not want to proceed from there. I do not know where he got some detailed evidence which he showed me, plus the photographs of these animals in somebody's compound. My phone is full of messages from the people of Baringo County. They have actually asked me to tell the people of Nyanza that the time the Senator will be laid to rest, you will see a magnitude of people coming from West Pokot to stand and grieve with them. I will be the ring leader.

Mr. Deputy Speaker, Sir, I am mentioning this because if somebody was able to pinpoint ills when a problem arose, this is the time that we need to pay tribute to such a person. I want to pray that God stands with the people of Homa Bay at this time of grief and believe his children will receive protection from God. The Bible says in the book of Job that man came alone into this world and so will he also depart from this world. When somebody challenged Job to disown his God, he told him that he had come alone and he would depart alone. So, all of us here should know that when the time for death arrives, there will be no announcement. It comes at a time when you least expect.

Today we were supposed to issue a joint press release with Sen. Kajwang condemning this issue where somebody was trying to be a thief while purporting to be conducting an operation. Now that my brother has gone, we will continue to work and make sure that some of the ills that are practiced by our officers, including ourselves are mentioned. We were supposed to go and open a school which we build together while I was a Permanent Secretary. At that time, there was a fund called the Economic Stimulus Project when President Uhuru Kenyatta was the Minister for Finance and Raila Amolo Odinga was the Prime Minister.

Sen. (Dr.) Machage: Asante, Bw. Naibu Spika. Sen. Kajwang akiwa Seneta wa Homa Bay, nami nikiwa Seneta wa kaunti jirani ya Migori - Nyanza Kusini ni Homa Bay na Migori. Jirani humchagui; ni wa lazima. Unaweza kuchagua rafiki. Nyanza Kusini, tumempoteza kiongozi mashuhuri. Tumempoteza mmoja wetu. Kilio kingemleta. Lakini basi ni hivyo, ni kudura ya Mungu.

Jana nikiwa kwenye Kiti cha Spika nimeisikiza hotuba ya Kajwang baada ya kukazana kupata muda kutoka kwangu. Kwanza alikuwa na kadi ambayo haikuwa yake na nikamuuliza Temporary Three ni nani? Akasimama na kutaka kuanza kuongea na nikamkatisha. Ulipofika muda nikamuita Sen. (Dr.) Khalwale kuongea kabla yake, niliona amekasirika kwa sababu alikuwa anataka kuongea.

Punde si punde, Sen. (Dr.) Khalwale alipomaliza kuzungumza sikufuata desturi ya kusema kuwa mmoja akiongea upande huu, nafasi inapewa upande ule mwingine. Nilipoona kuna jambo linalomsumbua, nilimpa nafasi. Kwa hivyo, nilipeana nafasi mbili

upande huu kwa muda huo. Sen. Kajwang akaanza kuongea mambo mengi ya ajabu niliyoyasikiliza nikiwa Spika wa Muda. Ambalo sikufahamu ni kwamba ilikuwa hotuba yake ya mwisho niliyokuwa nikisikiliza.

Bw. Naibu Spika, hata hivyo, alikuwa mtu wa ajabu na mwenye heshima. Sen. Kajwang ni rika yangu; usione nywele nyeupe--- Lakini ananishinda kwa siku kumi kwa umri. Alizaliwa tahere 26 Mwezi wa Saba na mimi nilizaliwa tarehe kumi Mwezi wa Nane, mwaka huo huo aliozaliwa. Alinishinda kwa mwezi mzima. Hata hivyo nilimtia nikaambia kwamba: “Wewe, sikukuambia kwamba usiwe na nywele nyeupe, utanisalimu “shikamoo” kwa sababu ni desturi ya Kiafrika”. Alifanya hivyo tangu mwaka wa 2002 tulipokutana nilipokuja Bungeni wakati yeye alikuwa amehudumu kipindi kizima. Tumekuwa pamoja kutoka Bunge la Tisa akinisalimu “shikamoo” hadi jana alipofariki. Alikuwa wa ajabu.

Katika Kaunti ya Migori tumemkaribisha sana Sen. Kajwang kwa mikutano mingi na desturi yake ya wimbo. Tutakosa ucheshi wake na sera zake za kutumbuiza. Hata hivyo, alikuwa akiongea mambo yake kinaga ubaga, hakuficha chochote. Sasa tunamuuliza Mungu: Je, mbona janga hili la kifo ambapo tumempoteza Seneta wa pili, na ajabu kutoka kwa “mlango” wa CORD? Sisemi kwamba kifo kiende kwa mlango mwingine. Kiishie hapo. Ninamuomba huyo malaika aondoke. Ashindwe! Aachee Seneti hii kabisa. Majonzi haya ya kila mwaka sisi hatuyawezi. Ingekuwa jambo la kutumia hirizi tungeweza lakini haya ni maumbile na siri ya Mungu mwenyewe. Kifo ni siri tusiyoweza kuitegua. Je, tufanye nini sisi ili tumfukuze huyu malaika mbovu kutoka kwa Seneti hii? Ni maombi tu.

Bw. Naibu Spika, tunapowafariji jamii, kutoa majonzi na tukilia kwa vishindo, tunamuomba Mungu amjalie na kumponya babake ambaye alipokea habari hizi kwa kishindo. Ni jambo la huzuni muno kiongozi anapopata matatizo yoyote, iwe ni ajali au kifo, na vyombo vya habari kupeperusha habari hizo hata kabla ya jamii ya kiongozi huyo kuandaliwa kuzipokea. Nafikiri hivyo ndivyo ilivyokuwa mpaka mzee kajipata hospitalini.

The Deputy Speaker (Sen. Kembi-Gitura): Your time is up!

Sen. (Eng.) Muriuki: Thank you, Mr. Deputy Speaker, Sir. I rise to express my sincere condolences to the family of our departed colleague. I have known Sen. Kajwang since 1998 when I was elected for the first time to the National Assembly. I believe that he was also elected for the first time to the National Assembly then. Since that time, whether in the National Assembly, the tea place or outside in the podium, Sen. Kajwang has been known to be a very jolly person. It is actually very difficult not to admire him; whatever side of the political persuasion you belong. His contributions varied between being comical and humorous. Perhaps, I will not say very much about his personal achievement having listened to the very well written or presented account of Sen. Kajwang; his achievements as a Member of Parliament and as a Minister of the Government.

Mr. Deputy Speaker, Sir, recently, we were in a retreat in Mombasa. In one of the sessions, we had the Members who were present engage the media for a while on the lack of reporting on the Senate. We told them that they are not reporting the Senate enough and not noticing what we are doing. A very eloquent lady from one of the media houses was quite straightforward. She said: “Well, sometimes, you do not have material for us to write, but whenever Sen. Kajwang speaks, we must write because of the way he presents

it". Sen. Kajwang stood up immediately and told the gathering that, perhaps, it is not so much about the substance of what you are talking about, but how you present it. The media went on to say: "Yes, because of the way Sen. Kajwang presents himself, he always makes headlines" We found ourselves bargaining with the media that: "Well, use Sen. Kajwang as headlines and also write about some of us who have a point below there in that article."

Mr. Deputy Speaker, Sir, we must recognise that the death of Sen. Kajwang is a loss to the family, the people of Mbita, which I believe was his grooming in politics and the people of Homa Bay County whom he represents as a Senator. I believe it is also a big loss to the CORD fraternity. I wish them well without him. God has no committee to decide which of us will go when. He decides alone. To that extent, we accept the loss of our dear colleague, Sen. Kajwang. He was lively in the House and elsewhere. As a matter of fact, as a result of Sen. Kajwang appearing on television, whether in the House or elsewhere, even small children have known to say "*bado mapambano*." Everybody forgot what "*mapambano*" was about. It was just his brand name. If you hear "*mapambano*" or see Kajwang then you know what it is. Maybe we shall remember him for "*bado mapambano*" and also what it was all about.

As I end my contribution, once again, I condole with the family, colleagues, and all acquaintances who have known Sen. Kajwang.

May his soul rest in peace.

Thank you, Mr. Deputy Speaker

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Muthama, are you not ready to contribute?

Sen. Muthama: Bw. Naibu Spika, nashukuru sana kwa nafasi hii. Ningependa kutuma rambi rambi zangu na Sen. (Prof.) Anyang'-Nyong'o ambaye yuko Uingereza. Alituma rambi rambi zake kupitia kwa Sen. Wetangula lakini alisahau kuzitoa. Kwa hivyo, natuma rambi rambi hizo kwa jamaa, marafiki wote na Seneti hii.

Bw. Naibu Spika, mpaka sasa siamini jambo lililotokea. Wakati mwingine nafikiria kuwa ninaota. Hii ni kwa sababu jana tulikuwa na Sen. Kajwang hapa na tukaondoka pamoja. Tulikubaliana kukutana naye, Sen. Orogeno, Sen. Ongoro na mawakili wetu ili tuzungumzie kesi zinazotukabili, zinazohusu matumizi ya lugha ya uchochezi na chuki. Tulimngojea lakini hakufika, licha ya wengine wote kufika. Leo niliamka mapema kwa sababu nilikuwa na mkutano saa moja asubuhi. Nilipofungua redio nilisikia kwenye muktasari wa habari kwamba Seneta wa Homa Bay, Sen. Kajwang, alikuwa ametuacha. Nilishindwa hata kuwapigia Maseneta wenzangu kuwauliza kama wamesikia habari hiyo. Niliduwaa na nikawa sijielewi.

Baadaye niliweza kuthibitisha kwamba Sen. Kajwang alikuwa ametuacha. Kwa kweli maisha ni mafupi muno. Hakuna mtu anayeweza kusema kwamba ataishi kwa siku ngapi. Kuna vitu viwili kuhusu binadamu. Kuna mwili na uhai. Uhai ndio wenye mwili na mwili ndio wenye uhai. Lakini anayechukua uhai ni mwingine. Kama Mkristo nilifikiria vile Yesu alibemba mizigo ya wenye dhambi hadi kaburini. Sen. Kajwang anaelekea kwenye kaburi sasa akiwa anabemba matatizo na uchungu wa Wakenya.

Nasema haya kwa sababu Yesu alisulubishwa msalabani kwa sababu alitetea haki za watu na alitaka kuwakomboa. Sen. Kajwang anaenda kaburini akiwa na kesi ambayo inamngojea kortini kwa sababu alisimama Uhuru Park na kusema kwamba anataka Wakenya wakombolewe na wapate haki zao. Ni Mungu tu atakayeutua mzigo huo na

kumlipa kulingana na malipo anayostahili. Tungependa hata wale ambao wametushitaki kwa sababu tunasema kwamba tunataka kuwe na usawa wa Kenya watupumzishe ili tusiende makaburini tukiwa na kesi zinazotukabili.

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

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

Bw. Spika wa Muda, naomba sote tuongee ukweli hapa. Hakuna mtu aliyesimama na kusema kwamba Sen. Kajwang alisema mambo ya chuki au kuwagonganisha au kuwatofautisha Wakenya. Sisi sote tumesema kuwa alikuwa mtu wa kufaa na hata akabuni wimbo wa “bado mapambano.” Kweli nimeshangaa kuwasikia hata wale ambao waliukashifu wimbo huo hapo awali wakisema kwamba unafaa. Kwa nini haukumwambia Sen. Kajwang akiwa hai kwamba huo wimbo wake wa unafaa? Yeye anaelekea kaburini akidhani kwamba wimbo wa “bado mapambano” ni dhambi kuu katika taifa letu. Tuwe wenye haki na kumheshimu Mungu aliyetuumba. Kwa sababu Sen. Kajwang ametuacha nipende mimi nilivyo. Kama unajua kwamba ninafanya mambo mazuri na hutaki kunisifia, unafaa kuaibika.

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

Sen. Leshore: Mr. Temporary Speaker, Sir, I would like to say a few words about Gerald Otieno Kajwang (GOK). He first came to Parliament when I was the Government Chief Whip. From that day I coined the word “GOK.” He came to Parliament as an Opposition Member of Parliament.

I have heard my colleagues talking good about him. However, the one thing that they do not know about the late Sen. Gerald Otieno Kajwang is the bravery that he had when he was a new legislator in Parliament. He was one of the few legislators who could dare bring a censure Motion against a powerful former Vice-President, the late George Saitoti. For those of us who were in the Eighth Parliament like Sen. Khaniri, Sen. Musila, Sen. Kiraitu Murungi and Sen. Beth Mugo, this is still fresh in our minds. I was the Chief Whip and the Speaker then was hon. Francis Kaparo. The Speaker called and told me that hon. Kajwang and his fellow Opposition Members of Parliament wanted to bring a censure Motion against the late Prof. Saitoti. I told him: “Let him bring it because I will beat him.” He came and told me: “Chief Whip, I understand that you are lobbying a lot to fight my Motion.” I asked him: “What else do you expect me to do?” Hon. Kajwang was such a brilliant and courageous fighter and he brought the Motion. Even after we defeated him, he never carried any hatred against me or the late Prof. George Saitoti. He became a good friend.

Yesterday, after I contributed, I pointed at him as I was going out of the Chamber. Little did I know that I will not see him alive again. Recently, I joked and asked him whether he introduced the slogan “*baba* while you were away,” the way he introduced “*mapambano*.” He laughed and told me: “Sen. Leshore, *wacha huo uchokozi*.”

Mr. Temporary Speaker, Sir, with those few remarks, I want to send my heartfelt condolences to his family, the people of Homa Bay, the Senators and all Kenyans who are grieving today because of the loss.

Sen. Obure: Thank you very much, Mr. Temporary Speaker, Sir, for the opportunity. I have personally known Sen. Kajwang for very many years, having met him in a church where we are both faithfuls. He was the choir leader in the church and also played the role of a teacher for the young children. He was a very committed church leader.

I, therefore, take this opportunity on behalf of my family to convey our condolences to his wife, children, the entire family and people of Homa Bay whom he represented in this House. Sen. Kajwang has so many friends in Kisii; people who admired and interacted with him. For the whole day people have been sending messages and conveying their feelings through the local radio stations. On behalf of all those from Kisii County, I wish to convey our condolences to the family and people of Homa Bay.

We have all lost a friend. Kenyans have lost a very popular leader; a leader who was endowed with the ability for speech-making, a leader with the ability to explain complex issues in very simple terms. This Senate has lost a very eloquent, vibrant and fierce debater. I want to say that I found Sen. Kajwang to be a person who was pragmatic and down to earth. He was very inviting and friendly. He is a person who was also endowed with great humour.

Sen. Kajwang and I served in the Senate Committee of Transport and Infrastructure. You will recall that a few weeks ago, Sen. Wamatangi, brought a question in this House regarding a road which was under construction in Kikuyu area and it was posing challenges to the residents of Kikuyu Town. We, as a Committee, decided to visit Kikuyu Town yesterday. I had the privilege to travel with Sen. Kajwang in my car and we spent a long time together, from 9.00 a.m. to 3 p.m. After we observed what was happening in Kikuyu Town, I recall the people of Kikuyu demanded that Sen. Kajwang speaks to them.

I remember, in his usual characteristics, he addressed them and referred to the issue at hand. He talked about a road that was being constructed, but which would go through Kikuyu Town without accessing the town itself. That was posing a serious challenge to the people. I recall, in his own words, he said that roads are meant to serve people. If such a road would cause problems to the people of Kikuyu, then we better go back to the planning stages and redesign that road. He received a huge applause from the people of Kikuyu Town. I hope that this Committee where Sen. Wamatangi and myself served will find a solution based along the words of Sen. Kajwang. Yesterday we exchanged views on various issues. After lunch, we took a cab together.

Sen. Lesuuda: Mr. Deputy Speaker, Sir, I join my colleagues and fellow Kenyans to send my heartfelt condolences to the family of the late Sen. Kajwang and also to wish his father a quick recovery. I also pray for the family that they can go through this time and get comfort. I must say that I am very privileged and I am happy that I was able to meet and interact with the late senator in this House. I would also like to say that I know many Kenyans, even if you never interacted at a personal level with the late Sen. Kajwang, you felt that you knew him and you have ever met him from just watching him on television or listening to him.

I am not just saying this after his demise, the impression I used to have of him, just as you had said when you were speaking, that he is one of *mapambano* or the one who would intimidate you. I used to wonder whether I would be intimidated by some of my colleagues in this House. I was wondering whether I could speak when Sen. Kajwang

speaks, but I must say that he was one very disarming person. I am happy that I was able to tell him when he was alive that the impression you get of him or his politics is not necessarily his personality. I would tell him that he looked like a choir master when doing his *bado mapambano* out there.

In this House he was very dedicated. He use to be among the last persons to leave at 6.30 p.m. and contributed to almost every Motion and you could see that his contributions were well researched; his ideas were well thought out. He was someone who was always concerned and it shows in what he contributed yesterday. It does not matter whether we are talking about Turkana, Samburu, Pokot or any part of this country, he had an interest. I think even as we talk about our own personal relationships, the last thing that he contributed on was about the security of our people and the peace of the north. That is something that we need to take up. We, as leaders who are in this House should not just speak for our communities, but we should speak as a leader who means well and who would like to see a peaceful north. That is what Sen. Kajwang wanted when he contributed. Each one of us in this House has a role to play to ensure that this actually happens.

Mr. Temporary Speaker, Sir, I also want to say as Sen. Murungi said, it is almost unbelievable. He was in this House yesterday, he contributed and was not unwell, but he is no more. We have to accept that this is the way we will all go and we do not know who is next. The Samburu culture has a saying that it is just like a puppy. A puppy comes to your House, you give it milk and it goes to the next house and so on. You do not know where the puppy is and you do not know which house it will go next to look for milk.

I just want to say that this country is mourning and it is not just members of CORD or Jubilee, the old or the young, but everybody who interacted with him. We have actually lost a very intelligent and also a brave, eloquent orator in this country. His absence will most definitely be felt. He will be missed and we shall definitely feel his gap in this Senate. The only wish I would have asked is to have had more time to interact with him and tap into his qualities.

May his soul rest in peace.

VISITING DELEGATION OF MEMBERS OF LELAN
MATATU ASSOCIATION FROM WEST POKOT

The Temporary Speaker (Sen. Murkomen): Hon. Senators, I would like to briefly interrupt debate to acknowledge the presence of members of Lelan Matatu Association from West Pokot County. They are seated in the public gallery. On behalf of all of you and on my own behalf, I welcome them to the Senate and wish them a fruitful visit. I hope they are seeing their Senator being here very committed, Sen. (Prof.) Lonyangapuo and their neighbouring Senator, who is yours truly.

(Applause)

Sen. Khaniri: Mr. Temporary Speaker, Sir, I want to thank you for this opportunity. Just like my colleagues who have spoken earlier, I stand here with a very heavy heart and greatly shocked. Yesterday about 4.00 p.m. as I walked out of this

Chamber, I went and tapped Sen. Kajwang and told him “*mapambano*” and he replied “*makali*”. So, the last word I heard from him was “*makali*”. I will never forget that.

Mr. Temporary Speaker, Sir, on my own behalf, on behalf of my family and on behalf of the people Vihiga, I want to convey my deepest and heartfelt condolences to the family of my departed colleague, to the people of Homa Bay, the CORD fraternity and particularly to the people of Mbita who elected him to Parliament three consecutive times.

I have known Sen. Kajwang since he joined me in the Eighth Parliament when he was elected as the Member of Parliament for Mbita Constituency. At that time, I was the Member for Hamisi. That was 1997. I was doing my second term while he was doing his first term. We have been in Parliament together all that while and we have cultivated a very good rapport and friendship. I visited him in Mbita and he visited me in Hamisi when I was the area Member of Parliament. Eventually, we were both elected as Senators, him for Homa Bay County and I for Vihiga County. Death has robbed this country of a gallant son, hero, a crusader of democracy and a man who fought for the rule of law to prevail.

Mr. Temporary Speaker, Sir, we all know the contribution that Sen. Kajwang made to the second liberation of this country. We all know the contribution he made towards the development of his constituency and the country at large. The House has lost a very good, eloquent debater and experienced politician.

Mr. Temporary Speaker, Sir, unlike you and hon. (Prof.) Kindiki who got the information soon after the Senator died, I got the information this morning. Unfortunately, I switch off my phone when I go to sleep. I am now learning that probably I should change that policy and leave my phone on.

I got the information this morning and rushed to the Lee Funeral Home. At that time, they had removed his body from The Mater Hospital. When I got there, the rest of the leadership were leaving because they had already issued a press statement. Sen. Orengo and I got there late. We insisted that we must view the body despite the fact that the management had said that there would be no more viewing. However, we insisted and were allowed to view the body. When we were allowed to view, there was a huge crowd outside that was becoming rowdy simply because it also wanted to view the body. We pleaded with the management which allowed the crowd to view the body for about 30 minutes.

This is a sad day. I am saddened. I want to send, once again, my condolences to the family. We will miss Gerald Otieno Kajwang. We will miss *Bado mapambano*. We pray that the Almighty God will rest his soul in eternal peace.

Rest in peace, dear comrade.

Sen. Mugo: Thank you Mr. Temporary Speaker, Sir, for the opportunity you have given me to contribute and to join my colleagues in eulogizing our dear colleague whom I have worked with in three consecutive Parliaments and now in this Senate.

We were both elected, as others have said, in 1997 for the first time. For three consecutive terms, we served in Parliament. In the previous term, we served in the Cabinet together and after 2013, we found ourselves in the Senate. So, if I say that I know hon. Kajwang, I really do know his capability and work. I said, this morning, that he was a clear hearted person. He had no animosity. What you saw in him was what he was. He had no animosity. We served, most of the time, in opposite camps but we also served on

one side at one time. At no time did we have animosity towards each other. He would always smile. He had a lot of humour and friendship.

I, therefore, join my colleagues in mourning Sen. Kajwang. I send my condolences, those of my family and the Nairobi people whom I have served for a long time, to the family of late Sen. Kajwang. This is not only a loss to CORD. Sen. Kajwang was a national leader and this is a national loss. I remember many brilliant contributions made by him. One that stuck in my mind was the “Donde Bill” when he spoke very passionately in the Eighth Parliament. He spoke about the compounded interest that saw many people lose their properties. He gave his own personal experience which was very moving. The Bill went through and since then, many people have got relief because there were no compounded interests by banks. That was one of the instances.

In the Cabinet, he was articulate, fearless and spoke on issues which most of the time we get lost in. We end up not speaking on issues but dwell in partisan politics. That is what builds animosity. I hope that if nothing else, we will copy Sen. Kajwang with regard to his openness so that we do not mix *siasa* with issues. We should serve Kenyans as diligently as he did.

This House has lost an articulate, fearless, and strong debater in the person of Sen. Kajwang. May his soul rest in eternal peace. Amen.

Sen. Musila: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to join my colleagues in mourning a very good friend of mine, the late Sen. Kajwang. Like many colleagues have said, I was woken up about midnight by the Member for Mwingi Central who informed me of the untimely death of Sen. Kajwang.

I was shocked beyond words and true to the scriptures, I realised that we are flowers. We blossom and wither suddenly because we had spent the best part of yesterday with Sen. Kajwang. This morning, Sen. Ongoro, Sen. Moi and I visited the family of the late Kajwang at Runda. There, we found a very shocked and devastated family and mourners who had gathered there after learning of the sad news.

I first knew the late Sen. Kajwang 17 years ago. We were all elected at the same time during the Eighth Parliament. We worked very closely. During the Ninth Parliament, as you may be aware, I was the Deputy Speaker of the National Assembly. Owing to the quality of debate of the late Sen. Kajwang, he always caught my eye. There was no time that he wanted to speak that he could not speak. We had recognized him as a good debater.

I was also the Chairman of the Liberal Democratic Party (LDP) after the passing on of hon. Job Omino, and Sen. Kajwang was the legal advisor of the LDP. From that time, I relied on him to give me advise to the extent that until yesterday, I referred to him as the “AG” because he was the Attorney-General of our party. He referred to me as “PC.”

He was a very humble man, a very able legislator who put his points across in an eloquent and persuasive manner. Everybody regardless of his political persuasion tended to agree with him. Where you disagreed with him, you agreed to disagree in the most civilized manner. Owing to these qualities, Sen. Kajwang was liked by everyone across the political divide; whether you are in the CORD or Jubilee coalition, whatever views Sen. Kajwang had, they were respected by everyone. We can say many things about Sen.

Kajwang who was friendly to everyone. He was a very effective leader; he represented the people who elected him very effectively.

On behalf of the people of Kitui County, who I represent, I send my very sincere condolences, first and foremost, to his family, relatives and friends. Above all, I want to also send my condolences to the people of Homa Bay County. We pray that God's grace rests on this family so that they can withstand this terrible loss.

Thank you.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I rise to eulogize my brother, Sen. Kajwang. In so doing, I wish to use this opportunity to send my condolences, personal, family, on behalf of the people I represent in Kakamega County and my larger national constituency to the family of Sen. Kajwang.

As many have said before me, Sen. Kajwang was a great politician. I want to confess today that when I was campaigning during the 2013 General Election, I could tell people in Kakamega that I wanted them to give me a chance so that I could go and join hands with great debaters in the Senate like Otieno Kajwang, James Orengo, Prof. Anyang'-Nyong'o and many others.

Mr. Temporary Speaker, Sir, yesterday, I had the rare opportunity of being requested by Sen. Kajwang to go and sit right next to him and he told me that something was disturbing him; he wanted us to join hands on an amendment Bill on the National Police Service Act by Sen. Elachi. He told me that we should go out of our way to sensitize Senators so that we delete one of our amendments. Because I do not want to anticipate debate, I will not state which that amendment is, but I will be using this announcement to persuade colleagues that apparently Sen. Kajwang was asking me to do that for him by way of a premonition of the impending death.

I do not know who will fill the national platform that Sen. Otieno Kajwang has left on the Floor of this Parliament; who will fill the national platform that Otieno Kajwang has left at Uhuru Park where we addressed many liberation rallies together; I do not know who will fill the regional platform that Otieno Kajwang used to address at Tononoka Grounds where his voice would boom and echo with the whispering winds of the palms of the coast; I do not know who will fill the regional platform in Kisumu, Moi Stadium, where Otieno Kajwang and I addressed many national rallies and where he could move crowds with his *Bado mapambano* lyrics, and; lastly, I do not know who will fill the regional platform at Kakamega Muliro Gardens where Otieno Kajwang freely melted into rhythm in song and dance with his in-laws, the brothers and sisters of his wife. I say *pole* to my sister who has lost her husband.

I mourn.

Sen. G.G. Kariuki: Mr. Temporary Speaker, Sir, being almost the last person to speak to this very bad news, I will take a very short time.

A lot has been said about our friend, Sen. Kajwang, and I do not think whether there is anybody else who will bring new information on what we have heard about him. Those who have worked with him, especially in Parliament like me, know him very well. He was a brilliant person who during debate – I did not know him in private very well – he would be very clear, open and did not have anything to hide. He was not influenced by insinuations that politicians like using when they are talking. Therefore, he was a great man who has just left us.

Mr. Temporary Speaker, Sir, I do not know what people are going to do in this country and even all over the world when they speak about a person who has just departed because they simply talk so much of what he did and what he was but I think time has come when we should be dictated as parliamentarians by what we have done for the people of our constituencies. When you are elected, you must know that time will come when you must go. People can make a lot of statements about you but the biggest responsibility lies on the people that you are supposed to represent.

I think we need to try as much as possible to understand somebody from his deeds here and at home because we were all elected to serve our people. Our people are more important than what we are doing here. They brought us here to do something for them. I am not trying to imply that Sen. Kajwang did not do anything for his own people because they would not have been electing him several times as they have done. I think he deserves what all Senators have said about him.

Mr. Temporary Speaker, Sir, I used to call refer to Sen. Kajwang as *Jaluo* while he referred to me as *Kikuyu*. For the little time I knew him, I think he was a very good person that you always wanted to talk to. Yesterday as he was walking home, we walked together to the parking lot and as usual, he wished me a good night. I will always remember him for that moment when we parted outside the main building. When somebody dies, some people may come out and talk of how good he was, but none of us would dare say what he did to them. Time has come for us to have that courage. We should be open and stop being hypocrites. We should believe in nothing but the truth.

Sen. Sijeny: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity. First and foremost, I wish to sincerely convey my heartfelt condolences to the late Sen. Gerald Otieno Kajwang's family and friends. I received this message at around 6.00 a.m. This is because towards 12.00 a.m., I started receiving text messages and thought that they were the usual Safaricom messages. I was wondering why they were harassing me or which clients of mine they were. In the morning, I received a message from my brother, who is at home in Siaya, saying:- "*Poleni sana* for losing Sen. Kajwang." I wondered whether he was dreaming. Immediately I saw a missed call from Sen. Emma and the 411 message. I could not believe it. I woke up and started reflecting on the last moments with Sen. Kajwang.

Under the invitation of Sen. Wamatangi, Members of the Committee on Roads and Infrastructure went to visit the bypass that is under construction in Kiambu County. When we reached there, people were very excited. We listened to their grievances and before we left, Sen. Wamatangi asked his constituents:- "Do you know this person?" They all started singing:- "*Mapambano, mapambano.*" When he was given a chance to speak, he said: "*Tumekuja kupambana na hii barabara na shida zenu hapa tutazitua.*" The message was so loud and clear. That reminded me of what we were taught during the Senators' retreat. We were just learning how to debate, capture news or convey good messages to the people. We were taught about punch lines. I saw that in Kikuyu when he used the words "*tumekuja kupambana na shida za hii barabara.*" The people connected with it. Some of us were trying to give so long a story that the people were not even able to listen to.

Sen. Kajwang, of course, was my senior. When I was a young lawyer, we would meet in court and he never intimidated us, the way other senior lawyers would do. Some would find us sitting in the front row and say: "Give us space." The late Senator would

not tell you to go to the back row. He would always encourage you. At times whenever you were not prepared for your case and asked for more time to prepare he would say:- "Fine, you can get the adjournment. Let us meet on another date." Of course, you would meet and the rule of law would carry the day. That was very encouraging.

Later on when he joined politics, I was elected to the Council of the Law Society of Kenya (LSK). I would occasionally meet him. At one time, I asked him: "Hon. Kajwang, why are you not engaging in LSK issues anymore? Do you not know that you will come back and practice in future?" He told me:- "No! Politics is so sweet." I asked him: "Why?" He told me: "There we just do politicking without formulas. I do not want these civil procedures of yours. You tell me to follow a straight line from point "A" to "B." I got interested and curious to know what politics was all about.

Later on, he was elected while I was nominated to the Senate, of course, by the Wiper Party. We found ourselves on one side as CORD, not that it mattered. We were both nominated to serve in the Committee on Roads and Infrastructure and joined other colleagues like Sen. Chris Obure, Sen. Keter, Sen. Wamatangi and our Chair, Sen. Abu Chiaba. They are so experienced in this field but they agreed to elect me as their Vice-Chairperson and have really given me support. Sen. Kajwang would fight for the rights of his people of Mbita and other places. You would see that he knew what he was doing.

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

Sen. Ntutu: Thank you very much, Mr. Temporary Speaker, Sir, for giving me this opportunity. On behalf of my family and the residents of Narok County, I take this opportunity to convey my heartfelt condolences to the family and friends of the late Gerald Kajwang and the residents of Homa Bay County.

Mr. Temporary Speaker, Sir, the late Sen. Kajwang was a very friendly and jovial man. I interacted closely with him when we went to China and India for two weeks. When we were in India, we decided to go for a thorough medical check-up. I was in the second team. I was in the same team with Sen. Kajwang and we went to do a thorough medical check-up, just to know our status. We were very happy when everything turned out okay.

I want to say *pole sana* to the family, friends and residents of Homa Bay County. We have lost a great man and close friend.

Sen. Ndiema: Mr. Temporary Speaker, Sir, on behalf of my family and the people of Trans Nzoia County, I wish to convey condolences to the family of the late Sen. Gerald Otieno Kajwang and the people of Homa Bay County and, indeed, all Kenyans, following the untimely departure of our friend and great leader of this country.

Mr. Temporary Speaker, Sir, I also speak on behalf of the Immigration fraternity in this country, knowing that he served at one time as the Minister in charge of Immigration and Registration of Persons. I also served there as the Director of Immigration. He was, indeed, a selfless leader and servant of the people. He was a committed, fearless, frank and jovial person. He was also an eloquent and patriotic Kenyan. All of us know him for the clarion call of "*Bado mapambano.*" If you had never met him in private, you would mistake him for a combatant. But when you sat with him in the evenings, he was full of "*mapendano.*" He was, indeed, a person who loved friends and his country.

Mr. Temporary Speaker, Sir, yesterday, he sat behind me as he was listening to the Bill by Sen. (Prof.) Lonyangapuo on the National Police Service, which I seconded.

He asked me for a pen, through Sen. Boy Juma Boy, to prepare his notes. I gave him a pen but I forgot to take it back from him and walked away.

But what surprises me is that he gave the pen to Sen. (Dr.) Khalwale in the evening and told him to make sure that he gives it to me today. Sen. (Dr.) Khalwale has just given me the pen two minutes ago. We had agreed to meet in the morning as Members of the Committee on Agriculture, Livestock and Fisheries to tackle issues with the Cabinet Secretary for Agriculture, Livestock and Fisheries regarding the problems facing maize in the country including delayed purchase of maize, issues of sugar and tea. We were expecting him this morning but we never saw him and there we are.

Mr. Temporary Speaker, Sir, he was an eloquent person, he knew how to put his words across. In Mombasa, he really tickled us when he quoted one leader who saw a desperate situation and said OAU is a toothless dog that does not bite and somebody replied that at least it is a dog that barks and we went into laughter. That was Sen. Kajwang. He is a leader that we will all miss. When we were in China and India, he was very passionate about two things for himself and for his constituents. I knew this when I worked in the Ministry of Livestock Development, when he led a delegation of fishermen seeking cold rooms for his people at the beach.

When we were in India, he was saying he would like two things for himself and his constituents; one of them is afforestation because there is land and he would like it to be utilized. The second thing was about fish farming. He was very passionate that Lake Victoria should be used to capture fish for farming, whereby you would capture fish, put them in a cage and grow them.

Sen. Boy Juma Boy: Asante sana, Bw. Spika wa Muda. Kwanza, ningependa kutoa rambi rambi zangu kwa familia, Wabunge, Seneti naviongozi wote wa CORD ambao wamepoteza shujaa wao. Kuna mwimbaji wa Tanzania ambaye aliimba wimbo unaoitwa kifo; anaitwa Remi Ongala. Alisema kama angejua kifo kitakuja namna gani angaliweza kukihonga. Kwa nini nasema hivyo? Nasema hivyo kwa sababu tulikuwa tumezoea kukaa pamoja na Sen. Kajwang. Hata wote mnajua kwamba sisi wazee wawili tunakaa pamoja na kwa jina maarufu tunajulikana kama Back benchers.

Jana alipofika, tuliongea juu ya kufuzu kwa kakake kule Kampala. Tukazungumza kirefu na akanieleza kwa nini hakuhudhuria sherehe za kufuzu za kakake. Tulizungumza mambo mengi. Tulizungumzia sana swala la Mjadala uliokuwa mbele ya Bunge hili juu ya usalama. Pia, tulizungumza kwa kirefu na akanieleza masaibu yaliyompata wikendi alipokuwa safarini. Alipata ajali alipokuwa akisafiri. Alitoka hapa kwa ndege na akachukua gari lake aina ya Prado na akapata ajali. Tulijadiliana kirefu na tukacheke sana. Kumbe vile alivyosema Remi Ongala, “kifo kifo, laiti ningelijua hata kama ni kumhonga, tumemhonga”. Tulicheke sana kiasi kwamba Naibu Spika wa Muda, Sen. (Dr.) Machage, akamwona Sen. Mungai kwa sababu alipata kwenye *bar* bila *kubow*. Akaniambia unaona mzee mwenzetu anaona mpaka mtu ambaye hakubow pale.

Bw. Naibu Spika, hayo ni maneno tuliyoyazungumza na mwenda zake. Tulizungumza kinaga ubaga kama watu wazima na kama wazee. Kwangu mimi na familia yangu, ni pigo kubwa kwa kukosa rafiki ambaye alikuwa mmoja kati ya marafiki muhimu. Busara zake zilikuwa za muhimu sana. Pia, alikuwa mtu wa umahiri kiasi kwamba akiamini jambo, anasistiza nalo. Pia, alikuwa ni mtu mcheshi. Alikuwa anaweza kuzungumzia swala lolote katika hali ambayo utafurahi. Ndio maana aliweza kujulikana kama “Bado mapambano”. Nitakosa ucheshi wake mimi kama Seneta mwenzake. Yeye

ni mmoja wa nguzo muhimu sana kwa sababu wakati wowote ambapo unataka ushauri kwake, alikuwa anakupa ushauri katika njia za kitaalamu. Angekupa ushauri kuhusu Kanuni za Bunge kama anavyoelewa na si kama unavyotaka. Ni watu wachache wako hivyo. Wengi hujisemea wanavyotaka na wala sio vile wanavyoelewa. Kwa hivyo, ni huzuni kubwa kumkosa mtu wa aina hii.

Waliovyosema Maseneta wengine, naiombea roho yake ikae mahali pema peponi.

Sen. Gwendo: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to join my colleagues to remember a friend, an uncle, a colleague and a jovial man. Many of my colleague Senators might not know that I was the first Senator to get to the hospital yesterday. I happened not to be asleep by the time most of the Senators were being called. I saw Big Ted who works at State House calling me several times. I wondered why he would be calling me at midnight. Then he told me Sen. Kajwang is dying and I decided to call back. He told me that they are at the Mater Hospital. I got there within 30 minutes and found him still in the suit he wore in the Senate in his smile. I remembered the way he used to call me *nyathima nyako* meaning, young girl.

As his colleagues, we cannot feel the same way that the family members are feeling. However, we can only help them and pray for them. A few minutes later, we were with Mr. Speaker, the Senate Majority Leader and the Member of Parliament for Nyando. There was nothing much we could tell the family. However, indeed, death is a painful thing. I remembered when we were in Mombasa, the way he was being praised as the Senator with the punch line. We need to ask ourselves whether we lost the Senator with the punch line. Have we lost the punch line or will we create another punch line? I do not have much to say but I will go to the Bible and quote Job Chapter 1: "The Lord gives, the Lord takes. Glory be to Him".

Sen. Nabwala: Thank you, Mr. Temporary Speaker, Sir. I would like to join my colleague Senators and my family in sending condolences to the family of our distinguished Senator Kajwang, who departed to be with the Lord last night.

I must say that this has come as a shock. I am saddened. This morning when I woke up, I could not reconcile myself with his death. Therefore, I proceeded to the Lee Funeral Home to see his body so that I could believe that he had really died. The late Sen. Kajwang is one politician who was very vibrant. He was a good debater, well skilled and intelligent. He contributed, immensely, to the Motions and Bills that have been brought to the Floor of this House. Therefore, there is a gap that he has created. However, as we all say, someone will step in that gap. We hope that this will be someone capable from Homa Bay like the late Sen. Kajwang.

I would like to send my condolences to the family and to the country at large. We have lost a great leader. Sen. Kajwang was, indeed, a great leader. I remember him because of the "Pentagon" and his famous song *Bado mapambano*. Many people will miss him because he had a lovely voice. When he sang, the crowd went wild.

In the CORD fraternity, he has played a key role. He has been in the frontline with the former Prime Minister in championing the multi-party politics and in campaigning for the Constitution 2010 which we now enjoy as a country. There are very many accolades attached to him. He has left a good legacy.

As a mother, I feel very sad. My heart goes out to the family because it is a great pain to lose a husband. The children have been orphaned. I hope that the Lord will look

after his wife and the family. I hope that Senators of this distinguished House will be close to the wife as she goes through this difficult period.

May God be with Sen. Kajwang. He should receive his soul and keep it in eternal peace. Rest in peace, Sen. Kajwang, Amen.

Sen. Wamatangi: Thank you, Mr. Temporary Speaker, Sir. Life is so fickle and death is such a thief. Death steals from battle grounds, poor families and from a House of Parliament like this one and takes away gallant leaders and contributors of debate with content and quality like our departed brother, Sen. Kajwang. I want to condole with the late Sen. Kajwang's family in a very special way. I see a paradox of---

About one year ago when I was a new Senator, I happened to take a flight from Mombasa to Nairobi with the late Sen. Kajwang. As we embarked on the flight, Sen. Kajwang called me to his seat. As we were debating, he told me; "Sen. Wamatangi, the walls that have been erected as political differences between us are imaginary and one day, we must break them." Those were his words.

Yesterday, which was the last day that Sen. Kajwang was alive, he was my guest at my county. In the morning, as we were heading towards Kikuyu with the Committee on Roads and Transportation, we did not know that Sen. Kajwang would be joining the group. Therefore we grouped together and before we left, he came on his own. We were joined by Sen. Kajwang and were very glad to have a good number. We had a cup of coffee and tea at Java and then proceeded to Kikuyu.

I want, on behalf of the people of Kikuyu and Kiambu County to pay special tribute to Sen. Kajwang and to thank him. As we were debating and discussing how we would resolve the issue of the bad road in Kikuyu, he is the one who came up with the tie breaker. As we were discussing the matter with Kenya National Highways Authority (KeNHA) on the way forward, he said that they had agreed that the road would be done and a lane to go into the town will be provided. That was it and we had a solution. We left to come back to Nairobi. It is also amazing how God gives us an opportunity on the last day of our lives to roll out who we really are and what we have been here for.

In the morning, when we went to Kikuyu, the last portrait we took of Sen. Kajwang was one where he was wearing a helmet and an overall to show that he was at work. This was in absolute contradiction that he was not at work in Homa Bay but in Kikuyu, Kiambu. From there, he had an opportunity to come to this House and contributed, as you have heard, to the debate that was touching on the livelihoods of others. That is how life is.

On behalf of my family and the people of Kiambu County, I want to send sincere condolences to his family and the people of Homa Bay and to all the people of this country. May the good Lord put in the mouths of his family, where they are crying and wailing now, the words of peace that are said by the Psalmist; I am trading my pain for the peace and joy of the Lord because though sorrow may last for the night, joy comes in the morning.

I condole.

Sen. Kagwe: Mr. Temporary Speaker, Sir, this morning, I made what one may consider a very stupid statement. I was not aware that our brother had gone until I got into my car. When my driver asked me whether I had heard that Sen. Kajwang had died, I said, no. I said; I was with the late Sen. Kajwang yesterday in the House. Therefore, the shock I got was to believe that because you are with a person at some point very late in

the evening, it is not possible that the person may have died. However, I realised that this was an issue of shock.

I want to join my colleagues in condoling the family of the late Otieno Kajwang and the people of Homa Bay County. On behalf of the people of Nyeri and my family, I express sympathy to those who are from his county and the many friends he had across the country. I think as we mourn Sen. Kajwang, we must not forget that Sen. Kajwang was a happy man. He was a happy soul. He was not the sort of man who would have wanted us to mourn, cry and grief. He was the sort of man who would have wanted us to celebrate his life rather than mourn his death.

Therefore, it is only that sometimes grief can give us the wisdom of being close to death and understanding what death is all about and appreciating, even by the contribution he was making yesterday, that we can only make a living by what we get, but we will make a life by what we give. Otieno Kajwang gave intellect and time – he sat in the Chamber very late – he gave his intelligence to the people of Kenya and contribution worth following and emulating to the people of this great nation.

Mr. Temporary Speaker, Sir, for me, when I remember Kajwang, I remember the passion and enthusiasm with his *Bado mapambano* song and the fly whisk on the podium. What comes to mind when you think of Kajwang and his fighting spirit was that it is not the size of the dog in the fight; it is the size of the fight in the dog. The man had passion, and he could move crowds. Therefore, I believe that what we can learn from Sen. Kajwang is what everybody has been saying here. Even as we sit in this House opposite one another, let us never forget that we do not actually live opposite one another. We just sit opposite one another so that Kenya can be a better place.

I tell the people of Nyeri that they must never forget that Sen. Wetangula has been given a Government vehicle and a Government salary so that he can oppose the Government and so that it can be better. This is the spirit by which we should remember friends who share with us the spirit of building a country. Never mind which side of the divide that they are.

When I think about it, the only thing that comes to mind is that we should not actually try to live forever because we will not succeed even if we tried, but you can try to live faithfully. I think Sen. Kajwang actually lived faithfully. The passion he had reminds me of the great saying of one Winston Churchill that he was prepared to meet his maker. Whether his maker was prepared to go through the great ordeal of meeting Winston Churchill was a different matter all together. For me, I do not know whether the maker of Otieno Kajwang is prepared to deal with the ordeal of meeting an honourable gentleman called Otieno Kajwang who for sure, if indeed there is a heaven, he is in heaven and fighting for us out there.

Once again, *pole sana* to the people of Homa Bay and the family of the Senator.

Sen. Madzayo: Asante sana, Bw. Spika wa Muda. Kwa niaba ya familia yangu na watu wa Kilifi ningetaka kutoa rambi rambi zangu kwa watu wa Mbita *Constituency*, vile vile watu wa Kaunti ya Homa Bay na Wakenya wote kwa jumla kwa sababu ya kupoteza kiongozi wao.

Tukisema “kiongozi wao” ni kwamba ndugu yangu, Sen. Kajwang, hakuwa mwanasiasa wa Homa Bay peke yake; alikuwa mwanasiasa wa Kenya na alijitambulisha kwa ushupavu wake katika mambo ya mijadala. Alikadiria ushupavu wake katika ulingo wa siasa kwenye jukwaa. Nikisema hivyo ni kwamba Sen. Otieno Kajwang alikuwa mtu

mshupavu kwa kueleza sera zake. Sisi katika jukwaa la siasa mara nyingi tulikuwa tukimfananisha.

Nikisema hivyo, zaidi sana, nitachukua mfano wangu mwenyewe wa kuweza kumuiga na kusema ya kwamba wakati tulikutana hapa Seneti nilipochaguliwa, kwamba akitengeneza sheria zake za kuwasaidia watu wa Homa Bay na mimi nitakuwa upande huu nikitengeneza sheria zangu za kuwasaidia watu wa kaunti ya Kilifi. Kwa hivyo, ningetaka kusema kwamba alikuwa kielelezo kwa watu wanaotaka kuwa wanasiasa, kwa vijana ambao wanataka kuwa wanasiasa na pia kielelezo kizuri cha sisi wenyewe kama wanasiasa katika nchi ya Kenya.

Bw. Spika wa Muda, nataka pia nikumbuke ya kwamba hivi majuzi mwezi uliokwisha, tuliweza kusafiri naye hadi kule China na wakati tukiwa kule China, wao wanakula chakula chochote, nilimuuliza wakati mmoja kwamba hii nyama ambayo inakaa imenyooka sana ni ya kawaida ama ni nyama ya aina gani? Aliniambia kwamba hiyo---

Sen. Hassan: Jambo la nidhamu Bw. Spika wa Muda. Sen. Madzayo amesema kwamba Wachina wanakula chochote. Ninafikiria hapo kidogo angejirekebisha wakati anaendelea.

The Temporary Speaker (Sen. Murkomen): I think let us just focus on the main issue. Proceed, Sen. Madzayo.

Sen. Madzayo: Bw. Spika wa Muda, wachina wanajulikana kwa kula vyakula vingi. Kwa hivyo, pengine ulimi ulitelelza kidogo, lakini nilikuwa kusema kwamba wanakula nyoka, vyura na vyakula vingine vile ambavyo sisi Waafrika, hasa Wakenya huwa hatuli. Sahani ilipokuja tukiwa tumeketi pamoja, tuliweza kunong'onezana pale kwa sababu kile chakula hakikuonekana kama ni nyama ambayo sisi tunakula huku Kenya. Nilimwuliza ndugu yangu ikiwa ilikuwa vyema tule kile chakula ama tusile. Alinieleza kwamba:-

“Ukija China na upate wanakula nyoka, wewe pia kula nyoka, na kama wanakula vyura, wewe kula vyura, maanake tumekuja huku tujue jinsi ya kuishi ili tukirudi nyumbani tuilinganishe na *food security* yetu”.

Kwa hivyo, katika harakati zake za maisha, alikuwa mcheshi na mtu mwenye kufahamu mambo mengi. Ninakumbuka pia wakati fulani tulipokuwa naye kule India, tukiwa katika hali ya kutembea hapa na pale kutafuta *medical examination*, alitueleza kwamba yeye hawezi kufanya *medical examination* kwa sababu itamwambia mambo mengi ambayo yeye hakutaka lakini tulimsihi afanye na hatimaye alikakubali kuangaliwa na madaktari.

Natoa rambi rambi zangu.

Sen. (Prof.) Lesan: Thank you, Mr. Temporary Speaker, Sir. Let me also take this opportunity this afternoon to also convey my condolences and those of the people of Bomet on the demise of a colleague and friend, the Senator for Homa Bay, Sen. Kajwang.

I did not get to know Sen. Kajwang for a very long time, but I had the great opportunity to be with him for a whole week as we joined the Speaker of the Senate in a visit to Estonia along with Sen. Boy Juma Boy and Sen. ole Ndiema. We were there for one week where we shared a lot and performed the duties which we were supposed to perform in Estonia. For me, it gave me an opportunity to have a close association and relation with Sen. Kajwang. He was happy and able to express himself. This was one

moment where I found Sen. Kajwang to be completely different from what I knew him before. To me, his size was very intimidating because he was a very huge man while I was small. I always thought that he would intimidate me, but the friendliness that I got from him during the five days we were together gave me courage as we continued to work together.

I came to know on this day that there was a person in him who was also as elementary as any human being. We talked about the eucalyptus trees that he plants in his home area and I was interested because I also plant trees. We encouraged ourselves about a lot of things. Therefore, it was such a shock and surprise when I got the news very early in the morning that Sen. Kajwang whom we were with until yesterday evening, at 6.30 p.m. had gone to rest.

Mr. Temporary Speaker, Sir, in the last few weeks, one of the motivational speakers from the Bahamas by the name Myles Munroe was here. He was one of the motivational speakers who always spoke about death. Many times, he said that the richest place in any city is the cemetery. This is because many people go to the cemetery when they are still full of ideas and dreams. The same speaker said that it was better to die empty. I want to believe that while we are still on earth, we want to discharge; give out everything that you have so that we can go to the grave empty. The people who will remain will be richer because we would have discharged all our responsibilities and duties.

Mr. Temporary Speaker, Sir, the Senator was very famous for “*Bado mapambano*.” The volume and confidence with which he said it meant that he was discharging his responsibilities. The only thing that he did not say is between who and who the *mapambano* was. It was simply a statement of encouragement; that he had done as much and there was still much to be done. I think that this is what “*Bado mapambano*” was all about when he said so.

This Senate will miss Sen. Kajwang. We on his side who have been seeing him directly will miss him dearly. I think for a while, we will still be “seeing” him there even though he will not be there, because of the very impact that he made in this House. I, therefore, want to take this opportunity like all the others, to condole the people of Homa Bay. I hope that they will get a replacement for Sen. Kajwang. I know that this is a very hard task because of the very unique person that Sen. Kajwang was.

Mr. Temporary Speaker, Sir, on behalf of my family and the people of Bomet County, I wish to send my condolences to the family and the people of Homa Bay County.

Sen. Munyes: Mr. Temporary Speaker, Sir, I join my colleagues in sending my condolences following the death of Sen. Kajwang. I have known Sen. Kajwang for the last 18 years. I first knew him when we got into the campaigns around the time when FORD broke up. I joined FORD-K at that time and was elected in 1997 to represent Turkana North. He was also elected into Parliament to represent Mbita Constituency. We have had a good time as politicians. We would visit each other and travel across the country. He would even come to Turkana to support us.

Mr. Temporary Speaker, Sir, Kenya has lost a true nationalist and patriotic leader. Sen. Kajwang confronted national issues. Even as we condole today, he has tried to tackle the issue that is affecting our nomads. For the last one week, his main agenda was cattle rustling and the oppression and marginalization in those areas. This is something

that I want us to take up, as the Senate. We should find ways of remembering him and debating this matter that is causing many losses of lives and suffering in our areas. Unlike so many lawyers, I found his clarity very admirable. Every time I wanted to discuss matters of law, Sen. Kajwang would give a very simple understanding of the law. Surely, his humour, use of words and ability to interact with everybody without bitterness was admirable. Even at times when we had lost elections, he never kept any bitterness in his heart.

Mr. Temporary Speaker, Sir, a man of that kind of integrity should be rewarded. I know that one person will do it at one time, in a small book, just to highlight the lesson. Something can be written for generations to come; that there was somebody by the name Sen. Kajwang, who was so admirable and did so much for this country. This is because so much has been said about our brother today through condolences and the country stands to learn a lot. This should unite us, as the Senate. There are many problems to be addressed by this Senate, but sometimes, we get divided along party lines. We should take this opportunity to agree when we have a problem in this country and come together and address it.

Mr. Temporary Speaker, Sir, I look at life differently. I was shot at a few months ago and as I lay in my car, I had lost hope completely. I thought that I was not going to make it. I bled and survived it. I look at life and the purpose is to suffer. That is what Sen. Kajwang did. Let us give service as long as we are in this world. We are not going to take anything after our service on earth, but let us leave behind a legacy, serve this country and be united.

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

Sen. Hassan: Mr. Temporary Speaker, Sir, first and foremost, on behalf of myself, my family and the leadership of Mombasa County and her people, I convey my heartfelt condolences to the family of the late Sen. Kajwang, his friends and the people of Homa Bay County.

Since I came to this Senate, slightly over one year ago, I started developing a certain political nearness with Sen. Kajwang. He exuded extraordinary humour. In fact, at any opportune time when he had a minute or two, he would drop a joke or two on our diverse nature.

Mr. Temporary Speaker, Sir, when I was watching television this morning, they ran some of his excerpts on *Bado Mapambano*. I have tried to sing that *Bado Mapambano* sometime back, even on platforms that Sen. Kajwang has been, I am even trying to rehearse hoping that he will need a replacement in that regard and I realise that I am falling far short of being Sen. Kajwang. In that regard and many other regards, we will never have another Sen. Otieno Kajwang.

Behind the humorous and good natured man, was a very deep sense of passion in terms of a belief in something. My own belief is that we will talk about his great deeds, speech and humour but we can best honour Sen. Kajwang by living with many of the ideals that he represented. Every other time I had any issue in Mombasa County or any other issues that touched on governance, my principal lobby would be Sen. Kajwang, because I knew when he spoke, the Senate would be at its greatest moment in terms of attention. People would listen and he had a way of communication. I recall when I sat in the Committee on impeachment of Bernard Kiala, the Deputy Governor of Machakos County, I called Sen. Kajwang but he told me that he would be travelling, I think, out of

the country with the Committee on Agriculture, Livestock and Fisheries. However, later on the Committee decided to postpone its travel by a day so that they could attend those proceedings. The late Senator asked me which way he should go. I told him that I had written him a minority report and he should just go with it and said that he would support the minority report. He said he would listen to me and base his remarks on what I would say. True to his words, when Sen. Kajwang spoke, it was evident that he had read through the report and, in fact, he was able to pick out certain things that some of us had failed to pick out in terms of the general content or issues around the impeachment of Bernard Kiala, the Deputy Governor for Machakos County.

Mr. Temporary Speaker, Sir, we will miss him fondly and dearly. I believe he was an asset not only for the political opposition or the Orange Democratic Movement (ODM) but generally for the entire country. I remember my last major political rally I was with him at Jacaranda in Embakasi a couple of weeks ago. I spoke just before he did and when I sat down, he told me a few words. He told me to remain focused and that being a first time legislator, he believed I was doing well. Those were kind words coming from a person of his stature.

Mr. Temporary Speaker, Sir, all I ask of us in this Senate is to honour him in the way that would make him proud; to live his values, speak out the truth boldly and courageously and to stand for the right things and cause. He had distinguished himself in that aspect. In every speech and humour, there was a loaded message and even behind that humor, there was a man with great compassion for his people.

As we lay him to rest, many of us have been inspired by him. Young people of my type, who give a lot of attention to debate and oratorship, picked a lot of kind things from him. He also gave us a useful lesson in terms of communication in the last leadership retreat of the Senate as Sen. Ndiema indicated.

Therefore, I wish the people of Homa Bay County great strength at this point. I wish his brothers, family ---

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

Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. On behalf of myself, my family, Makueni County and the people who love Sen. Kajwang, I wish to pass my condolences to his family and his constituents and people who liked him and many others who most likely, in his life, did not like his comments but are now celebrating him.

Mr. Temporary Speaker, Sir, standing here today, I know the pain that the family is going through, having lost my father just about a year ago in similar circumstances. Therefore, I know the confusion they are going through.

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

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

As we condole him, we must remember that the hole left in that family is difficult to fill. I do not want to repeat what everybody has said about his contribution. Yesterday he made a very robust constitution and what the drafters intended particularly when it came to the Administration Police or the police generally. Every time, he stood up to speak, that was

the punch line. Therefore, to honour him, Senators should stick to the letter and spirit of the Constitution the way it is. I also want to say that we speak very passionately about people when they are not here but we fail to care when they are here. I would like to ask, Senators, as we do our work of legislation, we should start caring for one another beyond our political affiliations and little things that we fight about. In the end, these things do not matter. Although Sen. Kajwang was a Member of CORD, he spoke for Kenyans. Therefore, I think we should do the same.

Lastly, we must recognize that we have a lot of work we, as Senators, and perhaps all of us, in some of the workshops we do, should be made to check how our vessels or hearts are working. Sometimes in our efforts to represent people, we work so hard and tirelessly leaving at 6.30 p.m. or 8.00 p.m. forgetting to take care of ourselves. That is a lesson to all of us.

May this gentleman rest in peace. The legal profession has lost a gentleman who understood the law. We are less one more person on the row just the same way we lost the first Senator who shared a name with me.

The Temporary Speaker (Sen. (Dr.) Machage): Who is temporary five?

Yes, Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Mr. Temporary Speaker, Sir, if anybody had said that we would be standing here today talking about these things, I would have thought they live in another world. What has happened was most unexpected. I remember sitting here yesterday listening to Sen. Kajwang make his contribution to Sen. (Prof.) Lonyangapuo's Bill that was being debated. He spoke with passion about various issues on security ranging from different backgrounds, I remember him talking about Lamu. As I was sitting here, I was thinking how well he articulated the issues and the passion which he brought out issues. I am very impressed because he was articulating issues from my region. At one time, Sen. Kajwang was concentrating so much and I told Sen. Sijeny who was sitting next to me about it. He was listening to everything that was going on, he was focused and really engaged in a very amazing manner. That was very surprising but very encouraging. Many times when he made his contribution, he did so with a lot of knowledge, passion and insight. I did not know that yesterday was going to be his last contribution. I did not know that I would never see him again in this Senate.

It is a big blow for the Senate and for the whole country and more so for the people of Homa Bay who he served as the Senator. His *Bado mapambano* song will be associated with him for a very long time. Indeed, it epitomizes for us the song of a struggle. It is going to be a legacy for Sen. Kajwang that anytime when we fight for our rights, inequalities, social justice, space and the implementation of the Constitution, his memory will be a part of that struggle because he played a part in it. That was the serious part of Sen. Kajwang.

There was a jovial and very laughable part about him. I remember in Mombasa when he was associated and said to be the Senator with a punch line and the way he reacted immediately, smiled about it and even gave us more tips. I think for us who are probably much younger politicians, he becomes a model of how even as a politician, you have heavy moments but you also have light moments. He was able to take those light moments and move on with them with a sense of humour that was only unique to him.

I remember him in a special way, when I was running for the seat of Secretary General in the Orange Democratic Movement (ODM). He was also running for the seat

of Vice Chairperson for the National Executive Committee. Everywhere in all the counties that we went to and all the delegates we spoke to, he took a leadership role. He took a role of guidance and working together as a team. I remember all the time sitting, strategizing, discussing, communicating and the sort of energy that he put into it. He had good words for all the members in the various themes. He did not just try to get the votes for himself but also tried to get the votes for all the other members who were in the team as well.

He was very candid; he never just said something because he had to say it. You would tell moments when he had something to say but probably thought that was not the right moment to say it and he would keep quiet. I think that is the wisdom that comes with leadership that is so essential and so critical in our lives. Whenever there was a moment of a storm, he remained calm, gave leadership, advice, direction, listened and heard what you said when you were speaking. He wanted to contribute in one way or another to everything that he would offer.

Sen. Mungai: Mr. Temporary Speaker, Sir, Nakuru County has waited for so long for this particular moment. I take this opportunity to also condole the family of the late Otieno Kajwang, the Senator for Homa Bay County.

When I woke up this morning, I was looking forward to continuation of the chance that I was to get in the House; to continue debating on the Bill that was moved by Sen. (Prof.) Lonyangapuo. It came to me as a shock when I learnt that Sen. Kajwang had passed on. It is worth noting that last evening when we were leaving the House, I met Sen. Kajwang coming back and I asked him, "Senator, why are you going back?" He told me that there is something that he had to finish. That is the last time that I personally talked to Sen. Kajwang.

Mr. Temporary Speaker, Sir, it is very painful that we have lost another Senator. It is important that we pray to God so that if there is anything in this House that is making us go out of his way, we pray that it stops because it is not right if we were to lose another Senator. It is very painful.

As the head of the Nakuru delegation comprising of Sen. Chelule, Sen. Njoroge and the entire Nakuru County where we have Members from the Government and the Opposition, we are together with the family of Sen. Kajwang. We are also together with the people of Homa Bay County. Anybody mentioning the name Homa Bay, the name that comes into one's mind is "*Bado mapambano*." Anybody saying the name "*Bado mapambano*," the picture that comes into one's mind is Sen. Kajwang. Some of us, when he was saying "*Bado mapambano*," never took "*Bado mapambano*" as something that was negative. We took it as a way of ensuring that Kenyans have better lives.

It is worth noting that Sen. Kajwang played a very big role in the second liberation. Since many people have talked so much and said very great words of wisdom and appreciation about the Senator, I would like to tell the family, the Coalition for Reform and Democracy (CORD) leaders and the other people that we are together and we will be together in this particular journey right up to the end.

Rest in peace, Sen. Kajwang.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Kanainza.

Sen. Kanainza: Thank you, Mr. Temporary Speaker, Sir. I stand to mourn the sudden death of Sen. Otieno Kajwang on behalf of my family and that of the Kenyan youth.

This was a charismatic leader, a fearless fighter and a soldier that we will miss in this country. I shared an office with Sen. Kajwang at our Parliament offices. He has been a friend and a neighbor, and I am sad that this happened. Yesterday, as I was walking out of the Senate, I had a chat with him. He explained why he missed my function last week on Friday. He told me that he had an accident while he was driving to Oyugis. It is unfortunate that I found him to be very strong only to learn, hours later, that he had gone to be with the Lord.

This is a big blow to the Senate. We know the type of contributions he made in this House. He was a jovial man whom the youth of this country celebrate. The trend on *Twitter* and *Facebook*, you will see that young people are mourning his death. We do not know why it had to happen this soon. Since we are not God, we cannot judge. However, we have lost a treasure. We have lost a Senator who was very committed to our cause especially, we, from the CORD Coalition. He was in the forefront in supporting the Okoa Kenya Referendum. Unfortunately, he has gone even before we won the war. Mine is to say, rest in peace, *Bado mapambano*.

Sen. Karaba: Thank you, Mr. Temporary Speaker, Sir, for giving me this chance to condole my friend, Sen. Kajwang. He is somebody who has been described as a rare person; rare in this Senate and in the past Parliament. I know he was capable of changing to the tunes of what is important to be noted.

When I was elected Member of Parliament (MP) for Kirinyaga Central Constituency in 2002 and he was the MP for Mbita Constituency, I remember he steered the then politics of Kibaki *Tosha*. He was a rare person, who did it so eloquently and diligently to the point of satisfying everybody including what he used to call the Mt. Kenya mafia. That is the time he embraced the courageous fighters of democracy; people who wanted to change this country. He fitted there. He was admired and he focused on what he wanted people to know. He was fearless and friendly if you so wanted him to be and opposed an issue when it was necessary to do so. He was therefore an articulate speaker.

His oration was unparalleled. That is why all of us are mourning, the Senator. If he was to be done away with, he would have been done away with in the University of Nairobi where he was a student leader. After being expelled, he fought his way to Makerere University and came back to lead Kenyans. This was somebody who would have been lost but thanks to God that we saved a soul that we least thought would be the way he is now. We thank him for the contribution he has made to this country.

On behalf of the entire Kirinyaga community, the Kirinyaga County, all the voters and supporters who mean well in Kirinyaga County, we mourn the our departed friend, Sen. Kajwang. May he rest well in eternal peace. Amen.

Sen. Kisasa: Asante Bw. Spika wa Muda. Pia, natandaza wingu la simanzi hapa Seneti. Kazi ya Mungu haina makosa. Ule ucheshi, umahiri, sifa, na haiba yake Sen. Kajwang hatuwezi kusahau. Ni huzuni kubwa. Niliona ujumbe wa 411 lakini ni kama kichwa changu hakikukubali kuwa ni Sen. Otieno Kajwang. Nilipokuja Seneti leo na kuona picha ya Seneta Kajwang, nilipata huzuni kubwa sana. Niliona sasa ni kweli kuwa kifo kimetupokonya mtu mahiri na shujaa.

Kifo kimetuleta pamoja na wale wa upande mwingine, na sisi wa huku Serikalini ndio tumesikia majonzi makubwa kwa sababu pale ninapoketi, Bw. Spika wa Muda, ni upande wa pili kabisa. Kwa hivyo tunapokaa upande huu wote twaona Sen. Kajwang.

Heri wale wenzetu ni kama wako kwenye bus, wanaenda safari na Sen. Kajwang amekaa nyuma. Upande huu sisi tumejawa na wingu la simanzi kabisa. Mswahili anakwambia; nyoko nyoko ni kuonana. Kwa hivyo, ile nyoko nyoko ni ile kuonana. Sasa yale mambo yote tulikuwa tunaona Sen. Kajwang labda hivi ama vile, saa hii ndio tumejua kuwa kweli kifo ni kitu ambacho huwezi kukirudisha nyuma. Watamani awe yupo na umwite “Bado mapambano” naye anakwambia “kabisa.”

Bw. Spika wa Muda, ni huzuni kubwa kwa watu wa Homa Bay, nawapa pole za dhati. Kwa watu wa Seneti, pole, naomboleza nanyi. Tuko pamoja na tusimkosoe sana Mwenyezi Mungu. Tumwombeni Mwenyezi Mungu ailaze roho yake pahala pema peponi. Mwenyezi Mungu amlaze pale ambapo yeye mwenyewe awepo kwa sababu tukiangalia Sen. Kajwang amelala, hana makosa na maswali mengi. Ungemwona jana, ungesema siye ndiye alikuwa aende. Kuna wengine ambao tuko wadhaifu zaidi yake. Lakini kila mtu ana siku yake na ndio tumeona ile hali ambayo mwenzetu ametuacha ilhali sisi hatujui kama tutaliwa na simba ama tutakufa kwa mto. Tunajisikia mashujaa kwa sababu ushujaa ni kumzika mtu wako. Kwa hivyo, kweli tunalia lakini tunafurahi kwa sababu tutamzika kama shujaa.

Mwenyezi Mungu alaze roho yake pema peponi.

Sen. Okong’o: Thank you, Mr. Temporary Speaker, Sir, for this opportunity on behalf of myself and the people of Nyamira, to eulogize a departed colleague. It is often said that today we are but tomorrow we are not. Sometimes they say: “Cheer each day as we may not be available tomorrow.”

I know this is a man who has been eulogized not only in Kenya but internationally. He is a human rights activist; a crusader for democracy and a man I never saw get angry. He even criticized the Government even when he was a Minister when he thought things were not right. He is a man who those of us serving our first term in Parliament, have shared a lot. It was only yesterday that I greeted him. Yesterday, he was keenly following the debate on the Bill that was on the Floor. Hardly did I know that a few hours later he will be no more.

Mr. Temporary Speaker, Sir, I concur with those who have said that we do not have to critique God because we do not know when we shall leave. We are like passengers in a bus where some alight earlier than others. For us who are remaining, we should follow his dreams, for those of us who understand what he stood for. My colleagues have spoken on most of the issues I wanted to speak to and so the best I can do is to pray for the family so that the Lord Almighty rests his spirit in eternal peace.

Thank you.

ADJOURNMENT

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Members, we have now come to the end of today’s business. The Senate, therefore, stands adjourned until tomorrow, Thursday, 20th November, 2014 at 2.30 p.m.

The Senate rose at 6.10 p.m.