

**PARLIAMENT OF KENYA****THE SENATE****THE HANSARD****Thursday, 30<sup>th</sup> March, 2017**

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

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

**PRAYER****STATEMENTS****INSECURITY IN BARINGO COUNTY**

**The Temporary Speaker** (Sen. (Dr.) Machage): The first Statement is to be issue by the Chairperson, Standing Committee on National Security and Foreign Relations. He is not here. Any Member to issue it on his behalf? We will wait and see whether he will avail himself.

**THE ONGOING STRIKE BY LECTURERS  
OF PUBLIC UNIVERSITIES**

We will move on to Statement (b) by the Chairperson, Standing Committee on Education? The Chairperson is not available. We will wait a little and see if he comes.

**DOUBLE TAXATION BY COLLECTION OF CESS  
ON AGRICULTURAL PRODUCE BY COUNTY GOVERNMENTS**

We now move on to Statement (c). Where is the Chairperson, Standing Committee on Finance, Commerce and Budget? I cannot see him neither can I see any Member of the Committee. The questioner is also not there. Let us move on.

**THE PLIGHT OF FARMERS IN MWEA RICE IRRIGATION SCHEME**

Where is the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries? I cannot see him. Let us proceed to the next statement.

**ALLEGED REGISTRATION OF VOTERS USING  
NYS IDENTIFICATION KITS**

Could we hear from the Chairperson, Standing Committee on Legal Affairs and Human Rights regarding Statement (e)? He is not here. Let us leave it for awhile.

KILLING OF STANISLAUS NAMAI MUKOMA AT SHIBALE  
IN MUMIAS, KAKAMEGA COUNTY

Where is the Chairperson, Standing Committee on National Security and Foreign Relations on Statement (f)? Next statement.

COUNTY LEGISLATION ON RETIREMENT PACKAGE  
FOR CECS AND MCAS

Could we hear from the Chairperson, Standing Committee on Labour and Social Welfare on Statement (g)? Next statement.

PILFERAGE OF PUBLIC FUNDS BY THE MANAGING  
DIRECTOR OF KIWASCO

The Chairperson, Sessional Committee on Devolved Government on Statement (h)? There is no comment again. Let us proceed.

PLIGHT OF SUPERMARKET WORKERS IN KENYA

Where is the Chairperson, Standing Committee on Labour and Social Welfare on Statement (i)? Let us move on to the next.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 4<sup>TH</sup> APRIL, 2017

Where is the Senate Majority Leader? He is not here.

This is serious because he was supposed to issue a statement on the Business of the Senate for the coming week. There is no delegation. I do not want to be partisan on who is on the right or left of my table, but Serjeant-at-Arms, make sure that office is reminded of this very important activity of this House, immediately.

I can see the Chairperson of the Committee on Labour and Social Welfare. We have two requests for you. As you take your rest, look at Statement (g). However, the questioner, Sen. Khaniri, is yet to come to the House. Are you ready?

*(Sen. Madzayo spoke off record)*

I am yet to give direction. I will do so in a minute. You will also look at Statement (i) which is a statement requested by Sen. (Prof.) Lonyangapuo. Are you ready with the same?

**Sen. Madzayo:** Thank you, Mr. Temporary Speaker, Sir. I am not ready with Sen. (Prof.) Lonyangapuo's answer, but I am ready with the reply for Sen. (Dr.) Khalwale.

**The Temporary Speaker** (Sen. (Dr.) Machage): It was not Sen. (Dr.) Khalwale, but Sen. Khaniri. Let me get further information from the Secretariat.  
Mr. Chairperson, approach the Chair.

*(Sen. Madzayo Approached the Chair)*

I acknowledge the presence of the Chairperson. We will give him a few more minutes to settle as we wait for the questioners.

My concern is that we realize that today is Budget Estimates Presentation Day in the National Assembly, but that is the longitudinal presentation of budget. The Senate has nothing to do with that process because our concern is lateral allocation of the budget. There is a possibility that most Members have gone to listen to that. It is their constitutional right as citizens of this country to do so. However, matters of this House must also be considered.

I give a bit of concession. These questions have not been missed before. One of them was on the Order Paper of 8<sup>th</sup> March, 2017. I do not have any reason to drop any of them, especially taking into consideration the efforts that are taken by the Chairpersons to look for the answer. Let us give them a few minutes.

**Sen. Madzayo:** On a point of order, Mr. Temporary Speaker, Sir.

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

**Sen. Madzayo:** Thank you, Mr. Temporary Speaker, Sir. This answer is in a bulky form. Therefore, it will be better for me as the Chairperson to give my reply to it and then table the document for my colleague to have a look at it. In case he has more questions to whatever exhibits he will have seen, I will be ready to answer him.

**The Temporary Speaker** (Sen. (Dr.) Machage): As I consider your request and opinion on the matter, this House is not only run on our Standing Orders, but also on traditions and precedence. Precedence has been set in this House that the questioner be given priority as much as possible to be present to execute, especially so, for the first and the last question. Let us be a bit patient and see whether they will appear.

*(Interruption of Statements)*

Next Order.

## MOTION

### THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, pursuant to the provisions of Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President delivered on Wednesday, 15th March, 2017 and further notes the following Reports submitted by the President in fulfillment of the provisions of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the House on Tuesday, 28th March, 2017-

- a) Report on measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- b) Report on Progress made in Fulfillment of the International Obligations of the Republic; and,
- c) The Fourth Annual Report to Parliament on the State of National Security.

*(Sen. Elachi on 28.3.2017)*

*(Resumption of Debate interrupted on 29.3.2017)*

**The Temporary Speaker** (Sen. (Dr.) Machage): We are still debating the Address by His Excellency the President. This is the third and the final day.

**Sen. Okong'o:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to air my views on the Presidential Speech which was read a couple of days ago.

You are aware that I did not participate in that Joint Sitting after going through several Presidential Addresses. After listening to the issues raised by the President, I was vindicated. For the last four years, Kenyans have waited in bated breath for the Jubilee regime, headed by President Uhuru Kenyatta, to tackle issues which are fundamental and basic to their lives. For example, water, food and medical care.

When I listened on the radio when doing my other errands, I realized that the President's Speech was repetitive just like the over 70 speeches I had listened to. Therefore, the speech took away the constitutional right of the President to champion what he stood for. I never heard issues of corruption heavily dealt with in the speech other the President reading interim reports. I was surprised when the President, who is the Commander-in-Chief of the Armed Forces, received interim reports and presented them to Kenyans as a catalogue of the achievements of his regime.

I have heard the Jubilee regime talk about road infrastructure. I waited to be told the specific 7,000 kilometres of roads which were tarmacked. I have waited for a long time to hear which roads have been tarmacked. I expected that the President, in his address to the nation, to give specifics of the roads that have been tarmacked or earmarked for construction. For example, he would have told us that if you look at "A" and "B," you would see that tarmac.

I was surprised to listen to the President sing some song in Kiswahili where he said that the regime's successes are to make sure that the people of Taita Taveta can sell their vegetables in Mombasa. I was surprised and vindicated that the speech was hollow. It did not highlight the challenges facing our people.

I expected him to address the concerns of our uniformed forces who have fought gallantly for this country. They have given their dear lives to serve this great nation. He did not talk about their equipment and how he is planning to address their welfare.

Therefore, I may not spend a lot of time to delve into a speech which was full of political rhetoric. It did not make any change to the interest of Kenyans. I do not want to give it honour by delving into it.

With those few remarks, I beg to say that the speech did not augur well, but I had to talk about it since the Constitution requires us to do so. That is my position.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. I see no other requests. There is no need and I see nobody asking to make any reply on this.

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. (Dr.) Machage): I am being advised by the Chair of the Committee on Legal Affairs and Human Rights that I must read the whole question. So, let the earlier one be expunged from the record. I will put the question again.

*(Question put and agreed to)*

*(Sen. Kanainza spoke off record)*

May I refer Sen. Kanainza to Standing Order No.105. It states that:-

“Whenever the Speaker or the Chairperson of Committees rises, any Senator then speaking or offering to speak, shall resume his or her seat and the Senate or the Committee shall be silent, so that the Speaker or the Chairperson of Committees may be heard without interruption.”

You are lucky I will not invoke Standing Order No.110 to consider you disorderly but stay advised.

**Sen. Okong’o**: On a point of order, Mr. Temporary Speaker, Sir. I seek your guidance, considering that we have gone through the order on Statements. Traditionally, the Senate Majority Leader, his Deputy or any Member designated should be available to issue a statement on the business of the Senate for the coming week. I need your guidance whether we will be proceeding without that statement.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Okong’o, what Standing Order are you referring to?

**Sen. Okong’o**: Mr. Temporary Speaker, Sir, I am referring to Standing Order No.1, traditions of this House and precedents. Traditionally, the Senate must be prepared on the business of the subsequent week. That has been the tradition for many years. Once or twice it has raised acrimony in this House whereby we got directions on the same.

Today is the last sitting of the week. If that is escaped, then we will be proceeding with business that has not been deliberated by the Senate Business Committee (SBC) and the time allocated.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Okong’o, first of all, you will have to apologise to the House for having come late because I had ruled over this matter. I had sent the Serjeant-at-Arms to go, seek and bring the Senate Majority Leader to this House. It is either you were not in the House or it escaped your notice.

However, all said and done, I do not see where Standing Order No.1 comes in. Standing Order No.1 only allows me to make rulings where there are no provisions in our Standing Orders. As far as I am concerned, we have not come to the closure of today’s business and I will allow the Senate Majority Leader to read his statement at any time that I so desire.

**Sen. Madzayo:** On a point of order, Mr. Temporary Speaker, Sir. With tremendous respect, I believe my hearing capacity is first class. I was here when the Speaker entered. Incidentally, I did not hear the Speaker telling the Serjeant-at-Arms to go and look for the Senate Majority Leader and bring him here. If it was so, then I would have heard.

**Sen. Karaba:** On a point of order, Mr. Temporary Speaker, Sir. I heard your order to the Serjeant-at-Arms.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Madzayo entered the House late. You should apologise.

**Sen. Karaba:** That is what happened. I heard it.

**Sen. Okong'o:** On a point of order, Mr. Temporary Speaker, Sir. First, I was among the first Senators in the House. Secondly, you gave a ruling which did not have timelines to the Serjeant-at-Arms to go and seek the Senate Majority Leader and his Deputy who have abrogated their roles.

Mr. Temporary Speaker, Sir, you did not give timelines and as a matter of procedure and traditions, we cannot skip an item which is very crucial. I expected you to give timelines to the people who have abrogated their roles to be sought. That is why I got concerned and spoke about Standing Order No.1 which gives you the mandate.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! If you want to dispute the Speaker's ruling or statement on the Floor of this House, there is a procedure prescribed in the Standing Orders. So, you are completely out of order to argue on matters of the Speaker's ruling and appear to want to start another argument. The Speaker's powers are so immense. Do not invite them over you. At least I am the Speaker now and I have those powers.

I have not gotten the report. Maybe it is being brought. Sen. Okong'o, for the time being, my ruling still suffices because I said earlier – I do not know whether you were in the House – that the running of this House is governed by not only Standing Orders but also tradition and precedents. The tradition that has been established in this House is such that the Senate Majority Leader will be given time to appear either in person or a Member so delegated and approved by our own Standing Orders to make such a statement. So, let us give it time.

Let us revisit the order on Statements.

## STATEMENTS

### INSECURITY IN BARINGO COUNTY

**The Temporary Speaker** (Sen. (Dr.) Machage): Is the Chairperson of the Committee on National Security and Foreign Relations present?

Let us move on.

### ONGOING STRIKE BY LECTURERS OF PUBLIC UNIVERSITIES

**The Temporary Speaker** (Sen. (Dr.) Machage): Is the Chairperson of the Standing Committee on Education here?

Let us move on.

DOUBLE TAXATION BY COUNTY GOVERNMENTS VIA  
COLLECTION OF CESS ON AGRICULTURAL PRODUCE

**The Temporary Speaker** (Sen. (Dr.) Machage): Is the Chairperson of the Standing Committee on Finance, Commerce and Budget here?

Let us move on.

THE PLIGHT OF FARMERS IN MWEA RICE IRRIGATION SCHEME

**The Temporary Speaker** (Sen. (Dr.) Machage): Is the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries here?

Let us move on.

ALLEGED REGISTRATION OF VOTERS USING  
NYS IDENTIFICATION KITS

**The Temporary Speaker** (Sen. (Dr.) Machage): This is for the Chairperson of the Standing Committee on Legal Affairs and Human Rights. Let us move to statement listed as “f”.

KILLING OF STANISLAUS NAMAI MUKOMA AT SHIBALE  
IN MUMIAS, KAKAMEGA COUNTY

**The Temporary Speaker** (Sen. (Dr.) Machage): This one is also for the Chairperson of the Standing Committee on National Security and Foreign Relations. He is not here.

Let us move on.

What do you have to say, Sen. Madzayo?

**Sen. Madzayo:** Mr. Temporary Speaker, Sir, we had asked for two days but the response has not yet arrived. Wednesday next week would be quite sufficient for me.

THE PLIGHT OF FARMERS IN MWEA RICE  
IRRIGATION SCHEME

**Sen. Karaba:** Mr. Temporary Speaker, Sir, I am ready to issue the statement but the questioner is not present. It will depend on when the ---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order Sen. Karaba. I am referring to Statement (d) where you were the questioner. Do you agree with Sen. Madzayo's request on behalf of the Committee on Agriculture, Livestock and Fisheries.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, I am present and I have the answer so he can go ahead. All what he needs to do is to read and I will be happy. This would be the only one which is here for the day going by what is happening.

**The Temporary Speaker**(Sen. (Dr.) Machage): It appears Sen. Madzayo has no instructions from the Chairperson of the Committee on Agriculture, Livestock and

Fisheries or any copy of the answer you so hold, but I have the same answer in my folder meaning that it was provided to us by the Chairperson.

Sen. Madzayo, are you ready to execute?

**Sen. Madzayo:** Mr. Temporary Speaker, Sir, in so far as you have the answer, maybe you could give me some few minutes. The Chairperson has come in and he can now take the responsibility.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. Let us have the Chairperson Committee on Agriculture, Livestock and Fisheries.

**Sen. Madzayo:** Mr. Temporary Speaker, Sir, can I be given some time to consult with the Chairperson?

**The Temporary Speaker** (Sen. (Dr.) Machage): With the Chairperson in the House, I have really nothing to do with you. However, I appreciate---

**Sen. Madzayo:** Mr. Temporary Speaker, Sir, I am obliged in that direction.

**The Temporary Speaker** (Sen. (Dr.) Machage): Let me instead give direction to the Chair on what has transpired and I pray that you thank Sen. Madzayo for having stood for you even without having a copy of the answer you are supposed to give to Sen. Karaba.

Execute Statement (d) on the Order Paper.

#### THE PLIGHT OF FARMERS IN MWEA RICE IRRIGATION SCHEME

**Sen. Murungi:** Mr. Temporary Speaker, Sir, I am sorry I have come late. Could you give me a few minutes to respond as you deal with the next Statement?

**The Temporary Speaker** (Sen. (Dr.) Machage): How many minutes to be exact?

**Sen. Murungi:** Mr. Temporary Speaker, Sir, may be, five minutes.

**The Temporary Speaker** (Sen. (Dr.) Machage): Five minutes and may the Serjeant-At-Arms give him some water.

**Sen. Murungi:** Thank You, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): The Chairperson, Committee on Labour and Social Welfare.

#### COUNTY LEGISLATION ON RETIREMENT PACKAGE FOR CECS AND MCAS

**The Temporary Speaker** (Sen. (Dr.) Machage): The questioner, Sen. Khaniri is not in the House. What have you to say about it?

**Sen. Madzayo:** Mr. Temporary Speaker, Sir, I have the answer with me and it is fairly brief. I would undertake to serve the answer to my colleague, Sen. Khaniri. Just in case he has anything further that he would like to have clarified, I am sure he will put it to the House and then you can give direction.

**The Temporary Speaker** (Sen. (Dr.) Machage): There are two issues you have raised in your reply. One that you will undertake to serve the questioner with the answer. Two, that you are ready to execute the answer in his absence. Then you requested for more time for supplementary questions.



Number one, if the questioner has not yet received a copy of your answer, then I am forced to say that you will not deliver the statement until such a time that the questioner has received a copy.

Has the questioner received a copy of your answer?

**Sen. Madzayo:** Mr. Temporary Speaker, Sir, I would like to believe so because they are normally put in the pigeon holes form where the questioner can pick them up or be served by the staff from the Journals Office.

**The Temporary Speaker**(Sen. (Dr.) Machage): The normal procedure in this House is that the answers are delivered to the Clerk who makes sure the deliveries have been made. Can I have the answer from my Clerk?

*(The Clerk at the Table approached the Speaker)*

The answer I have is that the office of the Clerk has just received your answer and they have not yet dispatched it to Sen. Khaniri. I will, therefore, defer the Statement to next Tuesday.

*(Statement deferred)*

**The Temporary Speaker** (Sen. (Dr.) Machage): We now look at Statement “h” from the Sessional Committee on Devolved Government.

PILFERAGE OF PUBLIC FUNDS BY THE MANAGING  
DIRECTOR OF KIWASCO

Is the Chairperson or Member in the House? Sen. Lesuuda.

**Sen. Lesuuda:** Mr. Temporary Speaker, Sir, I would request that we bring the Statement next week as we are still working on it.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. Since the questioner is not also in the House, I will grant the request.

*(Statement deferred)*

**The Temporary Speaker** (Sen. (Dr.) Machage): The Chairperson, Standing Committee on Labour and Social Welfare, do you have the answer for Statement (i)?

THE PLIGHT OF SUPERMARKET WORKERS IN KENYA

**Sen. Madzayo:** Thank you, Mr. Temporary Speaker, Sir. I do not have the answer to Sen. (Prof.) Lonyangapuo’s question. However, I have an answer to one of the questions that was asked by Sen. (Dr.) Khalwale sometime back and it has been pending for sometime. I do not know what direction you may give. I stand guided and I am ready with the answer.

**The Temporary Speaker** (Sen. (Dr.) Machage): I appreciate that you have had two out of three Statements sought from your Committee and that is highly appreciated by the House. However, I will not be able to sanction or to allow you to first, to give

Sen. (Dr.) Khalwale's Statement because it was not on the Order Papers. So, he may not have been advised that his Statement was coming in.

Secondly, you do not have an answer to the statement sought by Sen. (Prof.) Lonyangapuo. So, they are all deferred to next week Wednesday.

*(Statement deferred)*

As we wait for the Chairperson, Committee on Agriculture, Livestock and Fisheries to continue resting, there is one Member who would like to seek for a Statement.

**Sen. Okong'o:** Mr. Temporary Speaker, Sir, I do not intend to disagree with your ruling on the guidelines. You have said that you are giving the Chair of the Committee on Agriculture, Livestock and Fisheries time to rest. I do not think this is a resting place.

**The Temporary Speaker** (Sen. (Dr.) Machage: Unfortunately, Sen. Mong'are is a lawyer but your Speaker is a medical doctor and he knows sometimes it is good to allow somebody to rest and recollect his mind before making such an important endeavour to give such an important Statement on agriculture. So, let us allow him. It is my order; whether it is pleasing to your ears or not, that is the Speaker's word.

KILLING OF LIVESTOCK IN LAIKIPIA COUNTY  
BY SECURITY OFFICERS

**Sen. Lesuuda:** Thank you, Mr. Temporary Speaker, Sir. I rise pursuant to Standing Order No.45 (2)(b) to seek a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the killing of livestock in Laikipia County last week by the security personnel drawn from different police units and the Kenya Defence Forces (KDF) who were carrying out a security operation in the area.

In the Statement, the Chairperson should:-

(1) Explain whether the Cabinet Secretary for Interior and Coordination of National Government is aware of the above incident.

(2) State what the Cabinet Secretary is doing to protect both livestock and livestock owners from such unfortunate incidents.

(3) State what the national Government is doing to resolve the conflict arising out of the need for pasture and grazing land, especially in light of the adverse effects of drought affecting pastoralists.

(4) He should explain if the national Government has any plans to compensate the affected pastoralists, considering that livestock is the only source of income and livelihood.

(5) Explain what the national Government is doing to compensate livestock farmers and resolve conflicts in many parts of Kenya, especially in Samburu, Isiolo, Baringo and West Pokot Counties, considering that many animals have died and continue to die as a result of the drought currently affecting the country.

**The Temporary Speaker** (Sen. (Dr.) Machage): Chairperson, Standing Committee on National Security and Foreign Relations?

Do we have any Member of the Committee on National Security and Foreign Relations?

**Sen. Ongoro:** Mr. Temporary Speaker, Sir. I have just walked in but I will undertake to inform my Chair and have the answer ready in two weeks.

**Sen. Abdirahman:** Mr. Temporary Speaker, Sir, this matter on Laikipia is now reaching emergency levels. Actually, it is a crisis. Yesterday I am sure you followed and everyone was following what happened in terms of demolishing or trying to burn lodges. Pastoralists are getting affected, and the towns are getting affected. This is not a matter that can await two weeks. In fact, it should be answered at the earliest opportunity available because, according to me and a majority of the people, we cannot allow this. It is going to move into bigger problems if we do not have this report.

The security officers are on the ground but the livestock are being killed and more properties and lives are being lost. This issue must be given the due attention it deserves. I do not think whether the national security team has done very well on this. Therefore, if we can take the shortest time to undertake this, say, one week or three days, the better. I appeal to you we have it on Tuesday.

**Sen. Lesuuda:** Thank you, Mr. Temporary Speaker, Sir. I rise to add a rider to what Sen. Abdirahman has said. This is an issue that needs urgent attention. In two weeks' time, we would probably go for recess and this matter needs to be addressed, in order to assure the pastoralists and inform the people who are living in Laikipia on what the Government is intending to do to resolve the issue, once and for all. This is especially for us to interrogate whether the use of force is the only answer to the problem in Laikipia as it is causing more damage than what was expected. So, next week would be better.

**The Temporary Speaker** (Sen. (Dr.) Machage): Taking into consideration the arguments by the two Senators and my own observation that this is a matter of serious concern to the livelihoods of the people of Samburu and other communities in that area, I order that the answer be brought on Tuesday. It is ordered.

Sen. (Dr.) Khalwale, you sought a question from the Committee on National Security and Foreign Relations but the Chair is not around. Do you have any comment?

KILLING OF MR. STANISLAUS NAMAI MUKOMA AT  
SHIBALE MARKET IN MUMIAS, KAKAMEGA COUNTY

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, the Senator concerned did inform me that she was travelling out of the country. I hope she has actually gone out of the country because some of the Jubilee politicians go to River Road to get stamps purporting to have gone out of the country. I hope she has gone.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. (Dr.) Khalwale. Can you look at Standing Order No.110? I know you are well versed with this, Sen. (Dr.) Khalwale.

Standing Order No.110 states that it shall be out of order to use offensive or insulting language whether in respect of Senators or any other person. Therefore, to purport that Jubilee Senators have rubberstamps for their international travels in River Road; to me, it is a big insult. You are lucky nobody has brought it to the attention of the Speaker for substantiation, so you escape.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, on a point of order. I had already expressed my disapproval as regards that allegation. It requires very serious substantiation. I am a member of Jubilee. I feel insulted when it is said that we go to River Road. I have never been to that place for that kind of confirmation. Can he first of all apologise and withdraw? There are so many Jubilee members here.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. Sen. Karaba has been fair. He has not sought any substantiation. He has only requested that you withdraw and apologise.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I do not know who it escaped. I said, some Jubilee Members of Parliament (MPs). I did not say some Jubilee Senators. It is a fact that a Jubilee Member of the National Assembly was returned from Italy when he was found to have stamped his passport with a stamp purported to be a stamp of the European Union (EU) and it was not. He was returned.

Mr. Temporary Speaker, Sir, Jubilee is bringing us a lot of shame both locally and internationally. I, therefore, have nothing to apologise or withdraw, but if he wants me to substantiate then he should be a regular reader. He should update himself with current affairs. These are matters that are in the public domain.

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

**Sen. Lesuuda:** On a point of order, Mr. Temporary Speaker, Sir. Sen. (Dr.) Khalwale should substantiate what he has said. Is he in order to insinuate? He is saying it in reference to another Jubilee Senator, whether she is also doing the same. That is insinuating and in bad light; speaking about another Senator in this House. Is Sen. (Dr.) Khalwale in order?

**An hon. Senator:** On a point of order, Mr. Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, I am on my feet. The tradition and precedence of this House is that in all proceedings of Parliament - I am pleased to recognise that one of the most experienced MP in this House is Sen. (Dr.) Khalwale; who is nearly clocking 15 years of legislative work, and a very active Member, having served as a backbencher for a long time. Therefore, he should know that tradition prohibits us from using newspaper reports as a standard medium of information on the Floor of Parliament.

Whereas that is so, may I refer Sen. (Dr.) Khalwale to Standing Order No.90(4) which states:-

“No Senator shall impute improper motive to any other Senator or to a Member of the National Assembly except upon a specific substantive Motion of which at least three days’ notice has been given, calling in question the conduct of that Senator or Member of the Assembly.”

You are putting into question the conduct of a Member of the National Assembly, based on newspaper reports that he was expelled from Italy for certain reason. I am forced to order that for the purposes of decorum and respect to the rules of this House, you withdraw and apologise.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, for the respect and decorum in this House, I withdraw but wish to revisit this matter with all the documents showing how this MP shamelessly put the country to shame. I withdraw and apologise.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Senator! I have not, in any way, prevented you from revisiting the subject but I have shown you the law on how

you should revisit the subject by giving a three days' notice of a substantive Motion. So, can you withdraw and apologise?

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I have done so. I repeat. I withdraw and apologise. I condemn that Member who has brought shame to this country.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Very well, you were supposed to have commented on the status of statement (f), an opportunity I gave and you have not. So, I will ask you to sit. I order that this statement be brought next week.

KILLING OF MR. STANISLAUS NAMAI MUKOMA AT  
SHIBALE MARKET IN MUMIAS, KAKAMEGA COUNTY

(*Statement deferred*)

**Sen. (Dr.) Khalwale:** Most obliged Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very good. There is a statement by Sen. Madzayo which is ready. You asked for it. Sen. Madzayo is already in the House with the answer.

(*Sen. Madzayo consulted*)

Sen. Madzayo, I am addressing you. Are you ready with Sen. (Dr.) Khalwale's answer? It is not on our Order Paper today but I will use my discretion to order that you give that statement.

**Sen. Madzayo:** Mr. Temporary Speaker, Sir, I thought you had already made a ruling. You are *functus officio* to revisit the matter.

(*An hon Senator spoke off record*)

No, both with Sen. (Dr.) Khalwale's. I think ---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Madzayo. *Functus officio, functus unofficio, functus extraordinary* --- I used "*functus*" Speaker's ruling. The only thing you should say is whether you are ready or not? You had said hitherto that you are ready.

**Sen. Madzayo:** Yes, Mr. Temporary Speaker, Sir. I am ready with the answer.

**The Temporary Speaker** (Sen. (Dr.) Machage): Proceed. Sen. (Dr.) Khalwale, are you ready *functus officio*?

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, so that I am not ambushed, I request that he serves me with a copy of the answer for me to follow him.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. Can you do that as we listen to the statement being issued by the Chairperson of the Committee on Agriculture, Livestock and Fisheries? I think you have taken a glass of water.

**Sen. Murungi:** Mr. Temporary Speaker, Sir, I thank you for indulging me. I did not see any glass of water. I had only a plastic bottle but ---

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. We have what we call satirical and figurative expressions. As a lawyer you know about that. That is "*functus unofficio*."

**Sen. Murungi:** Mr. Temporary Speaker, Sir, I give you the benefit of doubt. At the sitting of the Senate held on Tuesday 21<sup>st</sup> February, 2017, Sen. John Karaba rose under Standing Order No.45(2)(b) ---

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

**Sen. Karaba:** On a point of order, Mr. Temporary Speaker, Sir. I am not John. I am Sen. Daniel Karaba.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. You are so advised. Can you read the name of the respectable Senator properly?

THE PLIGHT OF FARMERS IN MWEA RICE  
IRRIGATION SCHEME

**Sen. Murungi:** Mr. Temporary Speaker, Sir, Sen. Daniel Karaba rose under Standing Order No.45(2)(b) to request seek a statement from the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries regarding the plight of farmers in Mwea Rice Irrigation Scheme. In the statement, I was requested to state:-

(1) if the Government is aware that the farmers in Mwea Irrigation Scheme in Kirinyaga County are facing serious challenges in production of rice, including, but not limited to poor yields.

(2) Confirm whether the Government will extend any financial assistance to the farmers in Mwea.

(3) Long term measures that the Government would take to make sure that the production of rice in Mwea continues to be high.

Mr. Temporary Speaker, Sir, I beg to give the following statement which was prepared by the Ministry:-

(i) If the Government is aware that the farmers in Mwea Irrigation Scheme in Kirinyaga County are facing serious challenges in the production of rice?

I want to make the following response:-

The Government is aware of this statement since the short rains in 2016 performed poorly limiting the irrigation water. This greatly affected the main crop at the grain formation stage, whereas productivity from ratoon crops was not realized.

The production fell from 85,000 metric tonnes of paddy rice to 40,000 metric tonnes. This has created a rice market upward surge from Kshs100 to Kshs140 per kilogramme.

(ii) The Senator wanted us to confirm whether the Government will extend any financial assistance to farmers in Mwea.

I want to give the following response:-

The Government has been assisting farmers in Mwea through subsidized fertilisers and donor projects:

(a) Regarding subsidized fertilizer:

Sulphate of Ammonia 20,000 bags and fertilizer blends of 60,000 bags of 50 kilogrammes have been procured and are yet to be distributed to the farmers, but they are in the process of being distributed.

DAP and another fertilizer called 17:17:17 amounting to 10,000 bags each of 50 kilogrammes have been distributed.

Both DAP and 17:17:17 are sold at Kshs1,800 per kilogramme per bag as opposed to the commercial price of Kshs3,000 and Kshs2,800, respectively, because the Government is subsidising the fertiliser for the farmers.

(b) The donor projects:- several donor projects are being implemented to promote and support the production of rice in Mwea Irrigation Scheme (MIS) and other parts of the country as follows:-

(1) Partnerships for Sustainable Rice Systems Development in Sub-Saharan Africa (PARDA). This is a two year project on capacity building of rice stakeholders. The source of funding totaling to Kshs42 million is from the Government of Venezuela through Food and Agriculture Organisation (FAO). It will cover Kirinyaga, Busia and Kisumu counties for the Financial Year 2017/2018.

(2) The rice statistics project:- This is a one year project on correct estimation of rice yield and production area. There is also funding of Kshs2.5 million from the Government of Japan through FAO. It is covering Kirinyaga County. The project period is from November 2016 to December 2017.

(3) There is another project called the Second Kennedy Round, (2KR). This project is for rice mechanization. The funding is from the Government of Japan totaling ¥460 million.

Phase One of this project covered Mwea only in the year 2014 at a total cost of ¥187,949,500 and it procured 20 tractors, 16 combined harvesters, 11 trailers, 52 reapers and 22 rice threshers.

Phase Two of this project which is for the balance of ¥254 million is for the equipment for Kisumu, Busia, Baringo and Tana River counties. It started in 2015. It procured 52 tractors and associated implements, 50 rice threshers and 50 rice reapers.

(4) There is also the Market Oriented Agriculture Promotion Project (RICEMAPP D). This is a project for increasing rice profitability for rice farmers in Mwea. The project period was from 2012 to January 2017. The source of funding was the Government of Kenya together with Japan International Cooperation Agency (JICA). The total funding was Kshs174.27 million. Phase Two of that project is still going on. It will not only cover Kirinyaga but it will also be extended to Kisumu County.

(5) There is another project called Science and Technology Research Partnership for Sustainable Development Systems, (SATREPS). This project is for tailor made breeding and cultivation technology to be developed in Kenya sponsored jointly by the Government of Kenya and the Government of Japan. It is being implemented by Kenya Agricultural and Livestock Research Organisation (KALRO).

The project period is five years from 22<sup>nd</sup> May, 2013 to 22<sup>nd</sup> May, 2018. The project is for undertaking research on low fertility adaptability, drought tolerance, rice blast tolerance, cold tolerance, soil and water management and salinity tolerance. The project site is the KALRO Mwea and the National Irrigation Board MIAD centre. The field sites are National Irrigation Board Ahero and the KALRO Agricultural Research Institute at Kibos.

The following are the achievements of this project since its implementation in May 2013:-

- (i) We have three modern experimental greenhouses which have been built.
- (ii) The research fields have been rehabilitated and modernized for quality research data collection and improved technology development.

(iii) A bore hole has been sunk and electricity installed to support this research project.

(iv) Experimental soils have been collected from rice growing areas of Kenya, including the Coast and Eastern Province. They have been analysed and put in greenhouses for varietal development.

(v) A total of 33 experimental activities are currently being undertaken.

(vi) There are 14 Kenyan and 17 Japanese scientists working on different aspects of these research areas.

(vii) The project has supported a total of 28 Masters of Science degree and PhD students both from Kenya and Japan.

(iii) The long term measures that the Government will take to make sure that production of rice in Mwea Irrigation Scheme continues to be high are as follows:-

The Government of Kenya and JICA are constructing a Kshs20 billion dam across River Thiba to solve the water problem in the MIS. By May 2017, the contractor should have started the civil works for this dam. This will be a major transformation.

Mr. Temporary Speaker, Sir, the Government is also creating more overnight storing facilities in some sections of the scheme and stakeholder coordination on the use of water resource is being done because of the 33 uncontrolled upstream obstructions that have been identified which cause serious danger to the scheme. The Government is also undertaking stakeholder engagement with the Water Resource Management Authority (WRMA) with a view to establishing a user support programme.

Lastly, improvements of the outgrower area both on irrigation infrastructure and roads adding up to 4,500 acres for irrigation are being opened up in the area.

So, Mr. Temporary Speaker, Sir, this is what the Government is doing to support rice production in Mwea Irrigation Scheme. The Senator for that area should be very happy because of the massive investment. Thank you.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, I thank the Chairman of the Committee on Agriculture, Livestock and Fisheries very much for issuing the statement this time round. I hope that whatever he has given or tabled in this House is being implemented. Going by the answer given, I am afraid that the production of rice has gone down by a half. It is therefore suggested that more than half of the population is suffering because that is the only crop grown in Mwea. They do not do mixed farming but only rice.

I wanted to know, through the Chair, whether the Government can consider waiving some of the costs for the farmers so that they can survive because natural calamities like shortage of water have persisted for a long time. As of now there is hunger and people do not have food because of the drought. This is because they mainly rely on rice as a food crop. I do not know whether the Government will provide food to the starving Mwea farmers now that drought has persisted for that long.

Secondly, from the answer that my friend Senator for Meru has given, it appears that the Government has been assisting which is true. But today, the problem---

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Karaba, you are also one of the longest serving Members of this House. I expect you to know that after a statement has been given, what you do is to seek for clarification but not to debate it. Could you seek for clarification if there is any?



**Sen. Karaba:** Mr. Temporary Speaker, Sir, I have two or three clarifications I would like to seek. The first one is on what the Government is doing now that the people are suffering and they have no food to eat because the drought has persisted. Secondly, is the construction of the dam a permanent solution to the water problem? The story of constructing the dam has been there for a long time. Could the Chairman undertake to give a definite time by telling us whether it will be next month or in May?

**The Temporary Speaker** (Sen. (Dr.) Machage): That is ably executed.

**Sen. Murungi:** Mr. Temporary Speaker, Sir, in my statement, I said that the Government is undertaking stakeholder engagement with WRMA with a view to establishing a user support programme. I think the user support programme could include the waivers which is what the Senator is asking the Government to do.

Regarding the food shortage, I do not think this is very unique to Mwea. We have also asked for relief food for Meru which is not traditionally captured within the Arid and Semi-Arid Lands (ASALs) because of the serious shortage of rains in the last season. Therefore, I advise the Senator to contact the Ministry of Devolution and request for relief food for any residents of Mwea who are without food as we speak.

Mr. Temporary Speaker, Sir, I also advise my colleague Senator to find out what the County Government of Kirinyaga is doing regarding supporting rice farmers because agriculture is a devolved function. Even as much as the national Government supports through donor projects and some Government of Kenya (GoK) funding, the primary responsibility for the rice farmers in Mwea rests squarely on the shoulders of the Governor of Kirinyaga. I think the Senator should put pressure on the County Government of Kirinyaga to do something about the plight of the farmers. I thank you.

**Sen. Billow:** Point of order!

**The Temporary Speaker** (Sen. (Dr.) Machage): Before your point of order, Mr. Chair, could you revisit Sen. Karaba's questions. He had a very straight-forward question. He asked when water is going to be available for the Mwea rice farming. Secondly, he sent you to seek for the statements that you now want him to go and seek from the governor. The onus of production of all that information rests on you. I can defer the statement lest you say you need more time.

At least, attempt to answer his one question. We may understand that starvation is a national crisis but when will the programmes sought or put *in situ* commence to supply water for Mwea farmers? Before you continue, there was a point of order. Is it overtaken by events?

**Sen. Billow:** Mr. Temporary Speaker, Sir, if you heard the Chairman carefully, he advised the Senator to go to the Ministry of Devolution and seek relief food for residents of Mwea. Is it an admission that this Government has failed spectacularly in managing food security and that our breadbaskets like Mwea and Meru have to go for relief food in this age? Is it that they have failed to manage agriculture and now he wants a Senator to go and see a governor regarding the succession of--- The Ministry of Agriculture, Livestock and Fisheries is primarily responsible for policy and ensuring food security in this country. What does the governor do?

In the Budget that is being read today, there is over Kshs50 billion for the Ministry of Agriculture, Livestock and Fisheries and the Government has that money. Is it an admission of failure by the Government; that the people of Mwea and Meru should

look for food because the Ministry of Agriculture, Livestock and Fisheries has failed to ensure food security? It is a shame!

**Sen. (Dr.) Khalwale:** Point of order!

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

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, is the governor in waiting for Meru in order to avoid responding to the query and purport to push the matter to the county government, claiming that the national Government has nothing to do with agriculture when he knows very well that the Jubilee Government has pumped billions of shillings into the Galana-Kulalu Irrigation Scheme which has produced no maize worth talking about?

**The Temporary Speaker** (Sen. (Dr.) Machage): You are actually out of order because I had already challenged him on the same.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, on Galana-Kulalu?

**The Temporary Speaker** (Sen. (Dr.) Machage): Let him then attempt to answer.

**Sen. Murungi:** Mr. Temporary Speaker, Sir, still in the statement as way of seeking a long term solution to the water problem in Mwea Irrigation Scheme, the Government with the support of Japanese International Cooperation Agency (JICA) is constructing a Kshs20billion dam across river Thiba which supplies all the water in the Scheme.

I also said specifically that the contractor is going to start work on the civil works for this dam in May this year.

**The Temporary Speaker** (Sen. (Dr.) Machage): The question was when it will be ready.

**Sen. Murungi:** Mr. Temporary Speaker, Sir, the statement I have does not contain that information about how long it is going to take to construct the dam. I can seek that and inform my colleague.

**The Temporary Speaker** (Sen. (Dr.) Machage): Can you attempt to comment on Sen. Billow's concern?

**Sen. Murungi:** Mr. Temporary Speaker, Sir, speaking as the Chairperson of the Committee on Agriculture, Livestock and Fisheries, this is a matter which we have engaged ourselves in for some time now, regarding food security in this country because we have seen that the game has changed. Food security is no longer a matter of charity and benevolence. Giving Kenyans adequate food of suitable nutritional value is now a constitutional right.

You remember the Senate has done its bit because we passed the National Food Security Bill which contained very elaborate processes for making food insecurity a thing of the past. The Bill was sponsored by the Senate Majority Whip, Sen. Elachi and unanimously passed by Senators. It was forwarded to the National Assembly through the normal processes about one year ago and to date, they have not disposed of the Bill. Consequently, the legal framework which the Senate set for sorting out these perennial cycles of hunger and famine in the country---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order. Let me assist you a bit on Sen. Billow's concern which was so straightforward to you as the Chairperson of the Committee on Agriculture, Livestock and Fisheries. Do you now agree that the Jubilee Government is unable to give food to Kenyans? That is the basic question.

**Sen. Murungi:** Mr. Temporary Speaker, Sir, I think I can answer that one straightaway. The Jubilee Government has done its best in the circumstances because no Kenyan has died for lack of food.

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

**The Temporary Speaker** (Sen. (Dr.) Machage): Yes, Sen. Billow.

**Sen. Billow:** Mr. Temporary Speaker, Sir, you heard the Senator for Meru saying that no Kenyan has died. This news has been live on our television screens and even our kids have seen Kenyans literally dying in broad daylight. What do you want Kenyans to do? Do you want dead bodies to be brought from Turkana, Marsabit and Samburu to the Ministry of Agriculture for you to admit that people are starving? People are starving and dying and you know it. How do you deny the obvious?

**The Temporary Speaker** (Sen. (Dr.) Machage): What is your point of order, Sen. Kanainza?

**Sen. Kanainza:** Mr. Temporary Speaker, Sir, the Chair of the Committee on Agriculture, Livestock and Fisheries is lying in broad daylight yet we call him “the King of Meru”. Shame!

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Sen. (Dr.) Khalwale can you take the opportunity to enlighten, not educate, your neighbour on parliamentary language. “Lying” is not parliamentary. You say “misleading” or “ntruths”. Can you execute your concern?

**Sen. Kanainza:** Mr. Temporary Speaker, Sir, maybe I used unparliamentarily language because I was angry since it is very true that Kenyans are dying.

**The Temporary Speaker** (Sen. (Dr.) Machage): Relax and get a glass of water too.

**Sen. Kanainza:** Mr. Temporary Speaker, Sir, let me try and relax and tell the Chairperson of the Committee on Agriculture, Livestock and Fisheries that he is misleading the House. Even people in Tharaka-Nithi and Kieni where we believe they enjoy the best facilities of this country are also dying of hunger.

The Chairman has misled the House.

**The Temporary Speaker** (Sen. (Dr.) Machage): So you are asking whether he is in order to mislead the House. That is how to put it.

**Sen. Lesuuda:** On a point of order, Mr. Temporary Speaker, Sir. Is it in order for the Chairperson, Committee on Agriculture, Livestock and Fisheries, to state that nobody has died? It is almost belittling the issue that we are trying to address in this House and reducing the importance of the Statement. We know that this has been one of the hardest hitting droughts in the recent past, especially in the counties that we come from and it should be given the importance and concern that it deserves.

It does not just require people to die but even the starvation levels require urgent attention.

**Sen. Madzayo:** Mr. Temporary Speaker, Sir, I have tremendous respect for my Chairman, Committee on Agriculture, Livestock and Fisheries but on this one I think he has missed the point. Does he look at the electronic media in the evening? This is because it is out there in the public that even livestock, let alone human beings have died in their thousands. Human beings are starving and dying in this country. We have lost quite a number of people because of lack of food and essential commodities.

**The Temporary Speaker** (Sen. (Dr.) Machage): So, what is out of order?

**Sen. Madzayo:** Mr. Temporary Speaker, Sir, is he in order to mislead the House by saying that people are not dying in this country?

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I rise under Standing Order No.110 (1)(f) that provides:-

“Conduct is grossly disorderly if the Senator concerned-  
(f) deliberately gives false information to the Senate;”

The Senator for Meru County knows that people have died, not only in Baringo but in West Pokot, Turkana, Elgeyo Marakwet, Tharaka-Nithi counties, Kieni and generally in Kenya. He went ahead and deliberately gave us false information so as to please the honchos of Jubilee.

Mr. Temporary Speaker, Sir, I invite you under Standing Order No.110(2) to move and ask the Senator for Meru County to withdraw from the precincts of Parliament forthwith. The death of one Kenyan is very serious.

**The Temporary Speaker** (Sen. (Dr.) Machage): The general assumption that every Member will be watching the programmes you watch or from the station that you watch is totally false. The assumption that every death in Samburu for both humans and animals is attributed to starvation is debatable. However, it is common knowledge and exactly what is going on in this country that drought has hit us. We also have medical emergencies, malnutrition and even deaths attributed to lack of food. Perhaps I will forgive the Senator for Meru County for not having a hold of this information. He is now informed.

**Sen. Murungi:** Mr. Temporary Speaker, Sir, I am only asking for fairness to the Government which has done a lot because it is aware that there is a crisis in the country. Indeed, I said that in areas where we have traditionally not asked for famine relief such as Meru, we are now asking for it. I was advising my colleague from Kirinyaga County to do the same. It is an acknowledgement that there is an acute food crisis in the country. The Government is trying its best to address this issue.

Mr. Temporary Speaker, Sir, I was quoting the Ministry of Devolution and Planning which has said that so far it has done its best and no Kenyan has died because of lack of food. It is upon those who are saying that somebody has died to bring the necessary evidence before the House. It is those who are making the allegation who should substantiate rather than asking me to get punished by the House for a statement I have not made.

I challenge Sen. Billow, Sen. (Dr.) Khalwale and my sister, Sen. Kanainza, to as of now, table in this House the list of those who have died because of lack of food in this country. It is the Senators who were the first to say we should not rely on newspaper information. Whereas we appreciate the seriousness and magnitude of this crisis, we should not make unfair and exaggerated allegations.

**Sen. Billow:** On a point of order, Mr. Temporary Speaker, Sir. I am also a member of the Government that the Chairman of the Committee on Agriculture purports to defend. However, one cannot defend the indefensible. I come from Mandera County. As I speak, there is not a single programme by the national Government of providing food or water to the people who are starving and needy.

There are people who have lost their lives. It is not the responsibility of Senators to table lists. This is a shame. It is the Government that must go out to the counties after they read and see what is happening. How can a media person go to the wilderness in

Turkana and show pictures of people dying and the Government officers cannot take a flight there to find out why people are dying? Do you want us to bring dead bodies to this House? Is that the evidence you want?

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

**Sen. Billow:** Is the Chairman of the Committee on Agriculture in order to defend the indefensible? People are dying because this Government cannot feed them. None other than the Head of State asked the international community to give us aid. They declared drought an emergency. If you read the newspapers today, you will realise that we are spending Kshs40 billion – I am sure he will not believe this – how many billions were collected in bags in cash from Government offices? Why do we not spend that money on relief and feeding our people? Why are we begging for money from other countries? Shame on the Government! Do not defend the Government. We are in the same Government and we know what is happening!

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Billow. You have made your point.

As I preside over the debate in this House, my blade cuts both sides and equally so. It is only that Sen. Murungi was not explicit enough. He may so wish to do it, if persuaded, to demand substantiation from the three Members, which he has not. So, I will leave it as such. However, if you did that, I would have been compelled to give that order.

Let us not scratch the wounds too much. Let us also not put the Chairman of the Committee on the receiving end because this was not part of the question; that he tables a list of members of the public who have died as a result of starvation. Maybe, if one Member of this House cares, that question will be relevant to be asked. It can be asked so that the Committee on Agriculture or the Committee on Health can respond to it. That has to be put properly.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. The Chairperson of the Committee on Agriculture cannot be allowed to walk out of this House with such a dangerous sweeping statement, that it is up to the Senator for Kirinyaga County to go and apply for food relief if there are people who are starving. It is the national Government which has got surveillance tools and a budget for monitoring where there is lack or otherwise of food in this country. Could he withdraw that statement lest the people of Kirinyaga County think their Senator is failing? It is not the work of the Senator to find out which house slept without food. Could he withdraw and apologise to the Senator of Kirinyaga County?

**Hon. Senators:** On a point of order, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Let us first hear Sen. Murungi. He also has a right to be heard. He was on a point of order.

**Sen. Murungi:** On a point of order, Mr. Temporary Speaker, Sir. You have heard Sen. Billow say that as we speak, there is no Government programme for supplying famine relief to the people of Mandera County. I would like to challenge him to substantiate his statement that there is no Government programme. As far as we know, the Government has programmes covering all ASAL areas in situations of severe food shortages like this one.

Mr. Temporary Speaker, Sir, regarding the point of order by Sen. (Dr.) Khalwale – I know he is a medical doctor – He is not listening to me!

*(Sen. (Dr.) Khalwale consulted other Senators)*

I now have his attention. He only knows how to ask questions but not to listen to answers.

I request Sen. (Dr.) Khalwale to read Article 96 of the Constitution which gives the Senate the role to protect the interests of the counties. The agent of the Senate in the counties is the Senator. As the Senator for Meru County, I went to the Ministry of Devolution and Planning and asked for food for the people of Meru County, specifically Ekiagu Ward. What is the role of Sen. (Dr.) Khalwale if he does not protect the interests of his people?

If he does not protect the interests of the people of Kakamega, and which is in greater interest of any person than the interest to life, I still think that my advice to my colleague, Sen. Karaba is valid, that he should also visit the Ministry of Devolution and National Planning and alert them that there are certain people in Kirinyaga County who need food, and then, the Government can move.

**The Temporary Speaker** (Sen. (Dr.) Machage): Before I allow more points of order, let me say this. Sen. Billow gave you as the Chairperson of the Committee on Agriculture, Livestock and Fisheries the information he knows about food supply to his County. That is information. So, it is your duty to enlighten him if the situation is otherwise. For you to throw it back to Sen. Billow yet the information he has is that there is no government agent involved in Mandera in supply of food to the needy at this time is a bit unfair. We have been a bit too much on getting more information. Sen. Murungi, there is some important information you needed to supply this House. That is why we have too many points of order.

I will therefore, defer the answer to Tuesday.

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

Order! Sen. Billow is on the Floor.

**Sen. Billow:** Mr. Temporary Speaker, Sir, my point of order is clear. The reason why our Governments have failed is precisely because of what the Chairman has said.

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

**Sen. Billow:** Mr. Temporary Speaker, Sir, I want to bring my point of order.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Do not go any further because I have already ruled on that. Please do not draw a post mortem on my ruling.

**Sen. Billow:** I will not touch your ruling, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): Do not even touch on his statement because he will reissue it in Tuesday. So, if you have further questions – he has also got the opportunity.

**Sen. Billow:** Mr. Temporary Speaker, Sir, I just wanted additional information in this regard.

**The Temporary Speaker** (Sen. (Dr.) Machage): So, can you say as he provides his answer, could he provide ---

**Sen. Billow:** Mr. Temporary Speaker, Sir, that is what I was coming to. Could he provide a substantive programme of this Government of dealing with the current

drought? He should not ask Senators to go to the ministries. What is the Government's programme and policy? What activities are there? Let him table that then we can know that the Government is indeed ---

**The Temporary Speaker** (Sen. (Dr.) Machage): But that is a different question?

**Sen. Billow:** Mr. Temporary Speaker, Sir, since you have deferred the statement, he can get that additional information. It addresses most of the questions we are raising per county.

**The Temporary Speaker** (Sen. (Dr.) Machage): I also have the right to protect Sen. Kiraitu Murungi on different questions. Can you give a detailed answer on what the question entailed but may I advise that another question is raised along the lines of Sen. Billow's concern; and on the statistics of deaths that may have occurred as a result of the current drought.

Sen. Karaba, I think we have covered that. What do you want to say?

*(Sen. Karaba spoke off record)*

Yes, what is it?

**Sen. Karaba:** Mr. Temporary Speaker, Sir, my other concern is that as a Senator, I am supposed to go around the ministries whether they are aware that Kirinyaga and the rice farmers of Mwea are suffering as a result of shortage. Surely, is that right? Can you make a ruling and tell us whether that is the additional work of a Senator? Do we not have workers in the field who can provide that information to the Ministry Headquarters?

**An hon. Senator:** Assistant chiefs and chiefs.

**The Temporary Speaker** (Sen. (Dr.) Machage): My answer is, stick to your mandate as provided by Article 96 of the Constitution. You may further want to look at other mandates in Article 113, all through to Article 118 if you want to look at the financial managements and stick to your mandates as stipulated in the Constitution. However, Sen. Kiraitu's statement did not challenge your ability to do that but what he could have said may be not well understood. If that was the concern of the Senator, then the county Government should also be informed, but you are right; that is not your duty.

Proceed, Sen. Kiraitu.

**Sen. Murungi:** Mr. Temporary Speaker, Sir, I feel that I have not been properly treated by the House. I am also seeking clarification from the ruling that you have made from the Chair. If you look at the statement which I was supposed to give to the House, the statement only covered three things; I was supposed to make a statement on whether the Government is aware that farmers in Mwea Irrigation Scheme in Kirinyaga are facing serious challenges in production of rice. So my statement was to ---

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

**Sen. Murungi:** Mr. Temporary Speaker, Sir, there is nothing about food security. Asking me to bring a new statement on food security which will not ---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Sen. Kiraitu, I have told you to answer the question or bring the statement exactly as it was asked. That is what I have ordered. I have also ordered that anybody who has different questions on the two issues of the state of starvation in the country and the mortality so far noted as a result of starvation, this be brought to this House as a different question. I directed that this can be directed either to the Committee on Agriculture, Livestock and Fisheries or the

Committee on Health. This House has treated you so fairly. If I consider the concerns of the Members, I have been over-protective.

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

Order, Sen. Kiraitu! Sen. (Dr.) Khalwale is on the Floor. May I refer you again, like somebody else, to Standing Order No.105?

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. Sen. Kiraitu is actually a distinguished lawyer in this country; in fact, an eminent lawyer. He knows that one of the greatest ruling in law was in respect of hunger; where sailors set out to sail and they ran out of food and agreed that they would eat a boy. They ate that boy but when they went back to the United Kingdom - the Senator knows - the court ruled that whereas you have a right to ensure that you do not die, you should have democratically decided who should first be eaten amongst all of you.

Is he in order to suggest that the children of the poor, who are dying, akin to being eaten by the corruption in the Government, deserve to die and say how angry he is when you push him to bring a correct answer?

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Corruption has nothing to do with the drought in the country.

*(Laughter)*

You would have put it in another way. What is it, Justice Madzayo?

**Sen. Madzayo:** Mr. Temporary Speaker, Sir, in my humble view, it is misplaced to state that drought has nothing to do with corruption. Corruption has everything to do with the drought.

I thank you.

**Sen. Billow:** On a point of order, Mr. Temporary Speaker, Sir. You are the Speaker and I seek your indulgence. We all know that corruption causes drought and it kills. It causes drought in the sense that it denies the Government the opportunity to come up with intervention measures. People do not get food because the Ministry says it has no money. There is no money because the money has been stolen. That is how corruption kills people. Corruption kills more than any other thing you can imagine. In this country, people die because of corruption.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well.  
Sen. Murungi.

**Sen. Murungi:** Mr. Temporary Speaker, Sir, I agree with my colleagues that corruption kills because it leads to misallocation of resources. Even relief food can be lost through corruption by not reaching the intended beneficiaries.

Mr. Temporary Speaker, Sir, I am pleading with you. I gave a very comprehensive and lengthy statement regarding the questions which Sen. Karaba had requested. I think I did my best in answering that question.

More information is normally required on the supplementary questions. I plead with you to rule that I have answered Sen. Karaba's questions satisfactorily. Other questions regarding food insecurity will be dealt with. Regarding the issue of rice, I think this Statement is comprehensive and my friend Sen. Karaba has not complained concerning the issue.



**The Temporary Speaker** (Sen. (Dr.) Machage): You are touching on a responsibility that is not bestowed on you today. That responsibility is bestowed on me as the Speaker. My ruling is that; that statement was not adequate and it did not satisfy Members of this House. I ordered that you bring another statement on Tuesday. That is the end of that question because we have executed it enough.

Sen. (Dr.) Khalwale, have you agreed to the statement by the Chair of the Committee on Labour and Social Welfare?

**Sen. (Dr.) Khalwale:** Yes, Mr. Temporary Speaker, Sir. I have agreed and I am glad that he has given me a copy of the answer. However, he has annexed---

*(Sen. Murungi walked out of the Chamber)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Hold on. Sen. Murungi, could you approach the Chair for one second before you move out?

*(Sen. Murungi approached the Chair)*

Sen. (Dr.) Khalwale, please continue.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, he has given me a copy of the answer but he has annexed---

**The Temporary Speaker** (Sen. (Dr.) Machage): I beg for the indulgence of the House. You remember that earlier, Sen. Okong'o had an issue with the statement of next week's programme. The only person that can execute that is a Member of the House Business Committee (HBC) and we only have one here. That is Sen. Murungi who is pressed to attend to an emergency.

I beg for the indulgence of the House that we allow him to read next week's programme and then we will proceed.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 4<sup>TH</sup> APRIL, 2016

**Sen. Murungi:** Mr. Temporary Speaker, Sir, pursuant to provisions of Standing Order No.45, this is to present to the Senate the business for the coming week. On Tuesday, 4<sup>th</sup> April, 2017, the Senate Business Committee (SBC) will meet at 12.30 p.m. to schedule the business of the Senate for the week.

Subject to further directions by the SBC, the Senate will focus on urgent committee reports and Bills at the Second Reading and Committee of the Whole including the following: The County Assembly Services Bill (Senate Bill No.27 of 2014), The County Early Childhood Education Bill (Senate Bill No.32 of 2014), The County Statutory Instruments Bill (Senate Bill No.10 of 2015), The Impeachment Procedure Bill (Senate Bill No.8 of 2016), The Assumption of Office of Governor Bill (Senate Bill No.10 of 2016), The Parliamentary Powers and Privileges Bill (National Assembly Bill No.35 of 2014), The County Governments Amendment (No.2) Bill (Senate Bill No.7 of 2016), The County Pension Scheme Bill (Senate Bill No.20 of 2016), The Intergovernmental Relations (Amendment) Bill (Senate Bill No.9 of 2014) and The Public Participation Bill, 2016.

On Wednesday, 5<sup>th</sup> April, 2017, the Senate will continue with the business not conducted during the Tuesday sitting and any other business scheduled by the SBC.

On Thursday, 6<sup>th</sup> April, 2017, the Senate will consider Bills at Second Reading, deliberate on Motions and other business scheduled by the SBC.

Hon. Senators, as you are all aware, we have worked very hard throughout the other sessions. We are now in the last session of Parliament and we have very few sitting days remaining. There are many Bills that have been concluded at the Committee of the Whole and are just awaiting Division. I urge you to avail yourselves to dispose of these Bills and any other pending business.

Let me take this opportunity to remind you that as per the calendar, the Senate is scheduled to proceed on recess on Thursday, 6<sup>th</sup> April, 2017. When we meet, we should optimally use the available time.

I thank you and hereby lay the Statement on the Table on behalf of Sen. (Prof.) Kindiki, the Senate Majority Leader.

*(Sen. Murungi laid the document on the Table)*

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

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

**The Temporary Speaker** (Sen. Ongoro): Hon. Senators, I have one communication to make.

### MESSAGE FROM THE NATIONAL ASSEMBLY

#### REJECTION OF SENATE AMENDMENTS TO THE DIVISION OF REVENUE BILL, 2017 AND APPOINTMENT OF MEDIATION COMMITTEE

**The Temporary Speaker** (Sen. Ongoro): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.40(3) and (5), I have received the following message from the Speaker of the National Assembly regarding the rejection of the Senate Amendments to the Division of Revenue Bill, 2017.

Pursuant to provisions of Standing Order Nos. 41 and 142 of the National Assembly Standing Orders, I hereby convey the following message from the National Assembly.

WHEREAS the Senate amendments to the Division Bill (National Assembly No.2 of 2017) relating to the allocation of revenue raised nationally between the national and county governments for the Financial Year 2017/2018 were considered by the National Assembly on 23<sup>rd</sup> March, 2017;

FURTHER, WHEREAS on 28<sup>th</sup> March, 2017, the National Assembly, by resolution, negated the consideration of the said amendments in the Committee;

NOW THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Order Nos.146 and 149 of the National Assembly, I hereby

convey the said decision of the National Assembly to the Senate and seek the appointment of the Senators to the Mediation Committee in respect of the Bill.

I hereby convey the said decision of the National Assembly to the Senate and seek the appointment of Senators to the Mediation Committee in respect of the Bill.

Hon. Senators, Article 112(2) b of the Constitution provides that:

(2) If, after the originating House has reconsidered a Bill referred back to it under clause (1) (b), that House—

(b) Rejects the Bill as amended; the Bill shall be referred to a Mediation Committee under Article 113.

For the benefit of the Senators Article 113 provides as follows:

(1) If a Bill is referred to a mediation committee under Article 112, the Speakers of both Houses shall appoint a mediation committee consisting of equal numbers of Members of each House to attempt to develop a version of the Bill that both Houses will pass.

(2) If the mediation committee agrees on a version of the Bill, each House shall vote to approve or reject that version of the Bill.

(3) If both Houses approve the version of the Bill proposed by the mediation committee, the Speaker of the National Assembly shall refer the Bill to the President within seven days for assent.

(4) If the mediation committee fails to agree on a version of the Bill within thirty days, or if a version proposed by the committee is rejected by either House, the Bill is defeated.

Hon. Senators, in the circumstances, I concur with the Speaker of the National Assembly, to form a Mediation Committee in accordance with Article 112(2) b and 113.

In this regard, I have received communication from the National Assembly that the Speaker of the National Assembly has appointed the following Members to represent the Assembly in the Mediation Committee that will attempt to develop a version of the Bill that both Houses will pass:

- (1) Hon. Mutava Musyimi
- (2) Hon. Mary Emase
- (3) Hon. Samuel Kamunye Gichigi
- (4) Hon. Christopher Omulele
- (5) Hon. Richard Onyonka

Similarly, and consequent to the foregoing, the Speaker of the Senate has appointed the following Senators to represent the Senate in the Mediation Committee:

- (1) Sen. Billow Kerrow
- (2) Sen. Mutula Kilonzo Jnr.
- (3) Sen.(Dr.) Agnes Zani
- (4) Sen. Beatrice Elachi
- (5) Sen. Mutahi Kagwe

I urge the Mediation Committee to move with urgency and dispose of this matter.

**Sen. (Dr.) Khalwale:** On a point of order Madam Temporary Speaker. That this is happening in the fifth Budget under the devolved system of government is very unfortunate. There is no single recommendation that has come from this House in respect of this Division of Revenue Bill which has ever been respected by the National Assembly.

The same people; Sen. Billow Kerrow, Sen. Mutula Kilonzo Jr., Sen. (Dr.) Agnes Zani, Sen. Beatrice Elachi and Sen. Mutahi Kagwe have always sat and fought with Hon. Emase, Hon. Mutava Musyimi and so on. As we debate this as the last Division of Revenue Bill under this Jubilee Government, it should forever remain clear that those people in the National assembly are acting under instructions to frustrate anything that comes from this House. I, therefore, advise my colleagues to pull out of that Committee to let them have their way. It is a waste of time!

**The Temporary Speaker** (Sen. Ongoro: Do you have an intervention to make?)

**Sen. Billow:** Madam Temporary Speaker, it is unfortunate that the National Assembly of the Republic of Kenya has found it fit to reject the Bill after it has come from the Senate. I think my main worry is that the National Assembly Members do not appreciate that they represent people who are in those counties and not the Treasury or the executive in Nairobi.

We are being subjected to unnecessary time consuming and a very difficult thing to do in the middle of the impending election when everybody is out and busy. To go into mediation simply because nobody wants to give an extra Ksh29 billion to our counties is a waste of time.

I always say that Hon. Musyimi and his team do not see the log in their eye but the speck in other peoples' eyes. They do not see the Kshs40 billion disappearing in the Kenya Pipeline Company (KPC) and the Kshs63 billion in Triton.

They see the Kshs29 billion you give to 47 counties in this country. We will meet as you have directed, but I think it is important to point out at this time that, getting our Members to expedite this matter might be a tall order and so we might drag on. I thought it is important to bring it to the attention of the House.

**The Temporary Speaker** (Sen. Ongoro: Your sentiments have definitely been captured and we will definitely get a way forward on this matter.

Next order; Order No.9

## MOTION

### CONSIDERATION OF AMENDMENTS TO THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO.32 OF 2014)

**Sen. Karaba:** Madam Temporary Speaker, I beg to move that the National Assembly Amendments to the County Early Childhood Education Bill (Senate Bill No.32 of 2014) be now considered.

This is a Bill that was passed by the Senate and referred to the National Assembly for concurrence. The National Assembly considered the Bill and effected 53 amendments thereon which have essentially altered the Bill from the version passed by the Senate.

The Committee on Education has considered these amendments and agreed with them. I now urge Senators to pass this Motion to enable us to consider the National Assembly amendments of the Committee of the Whole.

I beg to move and request Sen. (Dr.) Khalwale to second.

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, I beg to move that the National Assembly amendments to The County Early Childhood Education Bill (Senate

Bill No.32 of 2014 be now considered for the reasons that this particular aspect of education has revolutionized education in the first world.

African countries and many other developing countries, because of challenges of poverty, hunger and disease, have not paid sufficient attention to this sector of education. Since in Kenya, we aspire to be number one not just in Africa but also on the frontline in the upcoming former third world countries, it is important that we make this the main stay of our education.

As I support, I am saddened as a Senator of this country that we have had an opportunity to oversight the expenditure on construction of ECD centres in many counties and the situation is pathetic. The construction of these ECD centres has been extremely wasteful where in some instances Kshs2 million is spent on construction of one classroom with four walls. It is a serious audit query that runs across the counties.

I want, because of how it stands out, to congratulate the governor of Kilifi, Gov. Kingi, for the great work he has done in this department. He has got some of the best ECD centres. When you look at them alongside what was there before devolution, you wonder why the national Government would be unhappy with a governor like Gov. Kingi just because he is not singing hymns and praises of some leaders in the national Government.

I beg to second.

*(Question proposed)*

**Sen. Billow:** Thank you, Madam Temporary Speaker. I rise to support this Bill. The reason why I am laughing is the speed at which the Bill was moved.

This is a very important Bill and it is one of the key responsibilities that have been given to county governments. It is true there are still grey areas between the county and the national Government, for instance, with the regards to the recruitment of teachers as well as other challenges with the county governments.

I want to go as far as Sen. (Dr.) Khalwale in congratulating governors because the they have gone for the physical aspect of building the classrooms. However, ECD is a critical institution that goes beyond building classrooms. It is literally about investing significantly in human resource. That is the time to train these children before they go to school to inculcate values, develop the child's mental capacity and ability to comprehend. Therefore, it is a very important institution.

Madam Temporary Speaker, many of the challenges we have today in our primary schools is because of the poor transition like students leaving schools not having been properly grilled in this regard. For that reason, this is an important Bill. In many of the counties like counties in the northern Kenya, the early childhood programme is literally something that has been started after devolution. They did not exist before. There were no nursery schools and pre-primary schools. This is something new.

This is an important Bill that addresses some of the key areas including ensuring that there are adequate learning institutions and facilities. It is the key responsibilities of counties and the Senate has done well to come up with this Bill. I am sure as we go forward, we have a greater responsibility to ensure that counties take those responsibilities. In addition, if they succeed in ECD and in this level of education,

tomorrow when the Constitution comes up for review, Kenyans can look at it and say: "Yes, counties have succeeded in ECD, let us perhaps devolve the primary schools."

It is important that counties take this matter very seriously because it is either going to be the determinant of whether or not Kenyans should devolve the rest of the schools or education system in future. It may actually lead to devolution of further institutions of learning to the county governments.

With those few remarks, I support.

**The Temporary Speaker** (Sen. Ongoro): Thank you, Senator.

**Sen. Mugo:** Thank you, Madam Temporary Speaker. I also rise to support this Bill. I know that Kenyans love education and I do not think there is anything that people can do to stagnate education. From time immemorial, we know that people themselves started constructing schools and educating the children. If that had not happened, today, we would not be where we are with education.

Nevertheless, the areas where there had been historic injustices, as far as education is concerned, it is the local people themselves who took the initiative and built the schools. However, we have seen revolution as far as education is concerned; starting with free primary education and going on to free secondary education as well as subsidizing university education. We know that in the first years of a child, learning is the most important thing. The area that we should put a lot of emphasis and support to give enough money is kindergartens and the pre-primary. That is where the foundation of a good education is made.

We know that previously, communities used to pay the kindergarten teachers because the government had not made provision for this; that facility was not there. It is good that the Government realised that this is the foundation of a strong education and development because education is the engine of development. If we do not give the children enough apparatus by providing good and enough classrooms, qualified and adequate teachers; we cannot talk of a good education system which is starting up here and forgetting the roots.

I commend those who have done a good job and those governors who have good jobs. There are some governors who have not done such good jobs. I believe there is nobody who wants to be praised. Sometimes we misplace our words that if one does a good job, the national Government and we as the public we appreciate that person.

However, if there is corruption you do not want to be told there is corruption because you belong to this side or that side. So, if there is corruption, there is corruption. If a person has done a good job, we appreciate and say one has done a good job. Therefore, let us not always trivialize the debate and start hurling abuse and attacks at the Government or to anybody else who criticizes corruption because it is both ways.

Madam Temporary Speaker, I strongly support this amendment. We should pass it so that our children can start enjoying properly this facility and strengthen our education system.

With those remarks, I beg to support.

**Sen. Sijeny:** Madam Temporary Speaker, I thank you for giving me an opportunity to add a word to this important Motion. I support this amendment. If we do not take into account or give all the adequate consideration, care and attention to the young ones, then we lose as leaders and as a nation. The County Early Childhood Education Bill (Senate Bill No.32 of 2014) is timely. I support the amendment because it

will give us a strong foundation to ensure that the education system in the country, especially for the little ones, is adhered to. This will also improve the standards of education. When you give a strong foundation that is required, as the children prosper they will not lose anything.

Madam Temporary Speaker, children are very sensitive. There are some with special needs. As a country or leaders we should concentrate, give adequate facilities to all the children, especially those with special needs and ensure that we have proper criteria of determining who these children with special needs are. What are the different disabilities they have and how will they be assisted to be at par with other children? This Bill ensures that all children, irrespective of their background, shall achieve best standards of education.

These centres will ensure that all adequate facilities are sourced properly so that no child lacks. It should not be that children in their institutions, especially the private ones and those of well to do people have more facilities than those from other institutions.

Madam Temporary Speaker, with those remarks, I congratulate the Committee on Education. I beg to support.

**The Temporary Speaker** (Sen. Ongoro): There being no other request, I call upon the Mover to reply.

**Sen. Karaba:** Madam Temporary Speaker, I request that debate be now adjourned.

**The Temporary Speaker** (Sen. Ongoro): No, that would be coming in the next order. At this point you just have to do what is necessary and reply. This is your Motion. You moved it and we have debated. You need to reply.

**Sen. Karaba:** Madam Temporary Speaker, I beg to move the National Assembly amendments to the County Early Childhood Education Bill (Senate Bill No.32 of 2014) be now considered.

**The Temporary Speaker** (Sen. Ongoro): Senator, Senators have made contributions. It is your time as the Mover of this Motion to reply.

**Sen. Karaba:** Madam Temporary Speaker, I thank the Senators for contributing a lot on this Bill. As they said, this is a very important Bill. If considered, it will save us a lot of problems. Earlier constructions of classrooms were haphazardly done. Some pupils did not even have class rooms. They would even sit under trees and be taught by people who were not educated or qualified to handle the early childhood education.

Therefore, once this Bill is passed it will enhance the much awaited effort that Kenyans are yearning for so that all pupils in Kenya are treated equally. I, therefore, in this regard thank those who have contributed to it.

Madam Temporary Speaker, I beg to reply.

**The Temporary Speaker** (Sen. Ongoro): I will now put the question.

*(Question put and agreed to)*

Next order!

**COMMITTEE OF THE WHOLE**THE COUNTY EARLY CHILDHOOD EDUCATION BILL  
(SENATE BILL NO.32 OF 2014)

**The Temporary Speaker** (Sen. Ongoro): Sen. Karaba, I can see you have a request. Please take your seat. That request will be granted later. Hon. Senator, we are on Order No.10 and as you can see from the number of Senators in the House, we are not able to execute this. So, I will defer Order No.10.

*(Committee of the Whole deferred)*

Let us move to the next order.

**MOTION**ADOPTION OF REPORT OF CPAIC ON FINANCIAL OPERATIONS OF  
VARIOUS COUNTIES FOR FY 2013/2014

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the financial operations of Kiambu, Busia, Tana River, Trans Nzoia, Nyandarua, Migori, Kwale, Kisumu, Samburu and Kericho County Executives for the Financial year 2013/2014 (1st July, 2013 to 30th June, 2014) laid on the Table of the Senate on Thursday, 23rd February, 2017.

*(Sen. (Prof.) Anyang'-Nyong'o on 1.3.2017)*

*(Resumption of debate interrupted on Wednesday, 2.3. 2017)*

**The Temporary Speaker** (Sen. Ongoro): This is resumption of debate. It was already on the Floor of the House. How many hours do we have on this debate?

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

Sen. Karaba, I can see your request.

**PROCEDURAL MOTION**ADJOURNMENT OF DEBATE UNDER STANDING  
ORDER NO. 99(1)

**Sen. Karaba:** Madam Temporary Speaker, I beg to move:-  
THAT, the debate be now adjourned.



Madam Temporary Speaker, going by the fact that the Senators are busy with other important calls out there, I would wish that the debate be now adjourned and the Chairperson do report progress under Standing Order No.99.

**The Temporary Speaker** (Sen. Ongoro): Thank you, Senator. I was waiting for you to refer us to the Standing Order on which you were making this request. I can see it is Standing Order No.99. Your request is in order but it has to be seconded.

**Sen. Sijeny** seconded.

**The Temporary Speaker** (Sen. Ongoro): Thank you, Senator.

*(Question proposed)*

*(Question put and agreed to)*

*(Debate on the Motion was adjourned)*

Hon. Senators, going by the numbers in the House, I will defer Order Nos. 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21. We are not able to execute them because we do not have the requisite numbers.

## COMMITTEE OF THE WHOLE

THE COUNTY ASSEMBLY SERVICES BILL  
(SENATE BILL NO. 27 OF 2014)

THE NATIONAL CEREALS AND PRODUCE BOARD  
(AMENDMENT) BILL (SENATE BILL NO.15 OF 2015)

THE COUNTY STATUTORY INSTRUMENTS BILL  
(SENATE BILL NO. 10 OF 2015)

THE PRESERVATION OF HUMAN DIGNITY AND  
ENFORCEMENT OF ECONOMIC AND SOCIAL  
RIGHTS BILL (SENATE BILLS NO. 8 OF 2015)

THE BASIC EDUCATION (AMENDMENT)  
BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)

THE PARLIAMENTARY POWERS AND PRIVILEGES  
BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)

THE ASSUMPTION OF OFFICE OF GOVERNOR  
BILL (SENATE BILL NO.10 OF 2016)

THE MEDICAL PRACTITIONERS AND DENTISTS  
(AMENDMENT) BILL (SENATE BILL NO.2 OF 2016)

THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2)  
BILL (SENATE BILL NO.7 OF 2016)

THE TREATY MAKING AND RATIFICATION (AMENDMENT)  
BILL (SENATE BILL NO. 5 OF 2016)

*(Committee of the Whole deferred)*

For Order Nos, 22, 23 and 24, both the Chairperson and the Vice Chairperson of the Committee on National Security and Foreign Relations are not in the House.

### MOTIONS

ADOPTION OF THE REPORT ON THE SECURITY SITUATION  
IN MANDERA, LAIKIPIA AND KAPEDO

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the assessment of the security situation in Mandera County, Laikipia county and Kapedo (Border town of Turkana and Baringo counties) conducted between 19th January and 5th February, 2015 and laid on the Table of the House on Wednesday, 29<sup>th</sup> July, 2015.

ADOPTION OF EALA REPORTS AND RESOLUTIONS

THAT, the Senate notes the Report of the Standing Committee on National Security and Foreign Relations on the EALA Reports and Resolutions pursuant to standing order 235 laid on the Table of the House on Tuesday, 19<sup>th</sup> April, 2016.

ADOPTION OF REPORT ON STUDY VISIT TO RUSSIA

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the study visit to Russia laid on the Table of the House on Tuesday, 15<sup>th</sup> March, 2016.

*(Motions deferred)*

### ADJOURNMENT

**The Temporary Speaker** (Sen. Ongoro): Hon. Senators, that constitutes what we had on our Order Paper for today. Going by the number in attendance, it will be in order that the Senate adjourns.

There being no more business to transact, the Senate stands adjourned until Tuesday, 4<sup>th</sup> April, 2017 at 2.30p.m.

The Senate rose at 5.05 p.m.