

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 23rd March, 2021

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

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

PRAYER

ADMINISTRATION OF OATH

*(The Senator-Elect for Machakos County entered the
Chamber escorted by Sen. Wetangula and Sen. Halake)*

Sen. Wetangula: Mr. Speaker, Sir, I have the distinct honor and privilege to introduce to you the distinguished Senator-Elect for Machakos County, Muthama Agnes Kavindu, of the Wiper Democratic Movement Party of Kenya.

(Applause)

The Oath of Allegiance was administered to the following Senator:
Sen. Agnes Kavindu Muthama.

(Applause)

*(Sen. Agnes Kavindu Muthama approached the Bar,
bowed to the Chair and took her seat)*

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

The Speaker (Hon. Lusaka): What is your point of order?

Sen. Khaniri: Sorry, Mr. Speaker, Sir. Before you make your Communication, I plead with you to use your discretion and allow Members to welcome and pass their congratulatory messages to the newly elected Member for Machakos even if it is for only 30 minutes. I know that it is not provided for in our Standing Orders as they are.

The Speaker (Hon. Lusaka): I was going to do that. The Communication I am about to make is related to that. So, I will allow.

COMMUNICATION FROM THE CHAIR

WELCOME TO HON. (DR.) STEPHEN KALONZO MUSYOKA
AND OTHER DISTINGUISHED GUESTS IN THE SPEAKER'S GALLERY

The Speaker (Hon. Lusaka): Hon. Senators, I acknowledge the presence in the Speaker's Gallery this afternoon of the hon. (Dr.) Stephen Kalonzo Musyoka, EGH, former Vice President of the Republic of Kenya and party leader of the Wiper Democratic Movement, Kenya.

(Applause)

He is accompanied by family and friends of the Senator-Elect for Machakos County, Sen. Muthama Agnes Kavindu, MP.

On behalf of the Senate and my own behalf, I welcome them to the Senate.

I thank you.

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir, for giving me the first opportunity to congratulate my sister and the new Senator for Machakos County, Sen. Kavindu Muthama. I congratulate her for being the fourth woman Senator to be elected in the Republic of Kenya.

(Applause)

We watched the vigorous campaigns that took place.

I would also like to thank the people of Machakos and the Wiper Party for conducting peaceful campaigns. Being a party that is led by a former Vice President, we expected them to be peaceful. However, the former Vice President displayed a lot of elegance and peace as a party leader during the campaigns and we thank him for that.

I thank my fellow Senators, the Senator for Kitui County, who is also my student, and the Senator for Makueni County, for representing this House throughout the campaign period.

I stand as one of the women who prayed for her and thought about her throughout the campaign period. This is because we were looking forward to having the fourth elected woman Senator.

Mr. Speaker, Sir, I would like to tell her that the road is not as bad as some people put it. The Senate is a place where she should be. Devolution is the way to go. We need the voice of the woman in devolution. Most of the areas that have been devolved touch on the vulnerable. For example, agriculture and health touch on women and youth and these are areas that Sen. Kavindu Muthama, as a Minister of the word, has been working on through the church. So, we congratulate her.

I will not take more minutes because I know many Members want to welcome her. So, I welcome her to this House of reason and debate. I am sure she will enjoy it.

The Speaker (Hon. Lusaka): Since that was my deputy, I gave her more time. There is a lot of interest. So, the rest of the Members should condense their contributions to about three minutes.

Proceed, Sen. Wambua Enock Kiio.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for giving me the opportunity to also join my teacher, the Deputy Speaker (Sen. (Prof.) Kamar in congratulating the Senator for Machakos County, Sen. Kavindu Muthama.

I thank the Almighty God because she is a God-fearing person and a leader of distinction. I am sure that the people of Machakos will be well and ably represented in the Senate. I believe that she will stand firm to uphold the dignity of the people who have elected her to this Senate. I hope that she will move forward with the rest of us to secure the aspirations and needs of the people of Machakos.

I also thank you for your communication on the visitors and distinguished guests who are in the Speaker's Gallery today. I thank my party leader, Senior Counsel, Hon. Kalonzo Musyoka, for leading such a dignified delegation to witness the swearing in of our party member into the Senate.

I take this opportunity to tell our colleagues across the political divide that the time for the campaigns is over. It is time to work. The Senate will stand firm in solidarity to assist our new Member to deliver on the mandate that has been overwhelmingly given to her by the great people of Machakos County.

Mr. Speaker, Sir, with those few remarks, I congratulate Sen. Kavindu Muthama.

The Speaker (Hon. Lusaka): Proceed, Sen. Dullo.

Sen. Dullo: Thank you, Mr. Speaker, Sir. I take this opportunity to welcome and congratulate my sister, Sen. Kavindu Muthama, to this House.

First, I thank the President for supporting her candidature. Secondly, I thank the former Vice President, hon. Kalonzo Musyoka, who stood by her despite all the intimidation that she faced. What Sen. Kavindu Muthama went through is what many women face when they go for elective positions.

Having witnessed the campaign that was conducted by Sen. Kavindu Muthama, I am convinced that she is a leader and a strong woman. The sky is the limit. I am sure that she will fit into the shoe of our former colleague, the Late Sen. (Dr.) Kabaka. I saw the confidence in her when she told the Governor of Machakos County that she is going to carry out her oversight responsibility well. That was a good sign that she is right for the position, so I welcome her.

The country is now sure that women can be elected to such positions. This House has now met the two-thirds gender rule. I welcome Sen. Kavindu Muthama to this House. I hope that she will achieve a lot and make sure that she delivers her responsibility as an elected Senator for Machakos County.

Karibu sana.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF VARIOUS DIGNITARIES

The Speaker (Hon. Lusaka): Hon. Senators, before we proceed, I also acknowledge the presence in the Speaker's Gallery this afternoon of the following dignitaries-

1. Hon. David Murathe- Vice- Chair Jubilee Party
2. Hon. Wavinya Ndeti, Chief Administrative Secretary (CAS) Transport

3. Hon. Peter Mathuki, newly appointed Secretary General East African Community (EAC)

4. Hon. Julius Mawathe MP, Embakasi South Constituency

5. Hon. Stephen Mule MP, Matungulu Constituency

6. Hon. Edith Nyenze MP, Kitui West Constituency

7. Hon. Joyce Kamene, Women Representative Machakos County

8. Hon. Joshua Mwalio MP, Masinga Constituency

9. Hon. Robert Mbui MP, Deputy Minority Leader National Assembly

(Applause)

Proceed, Sen. Orengo.

The Senate Minority Leader (Sen. Orengo): Thank you, Mr. Speaker, Sir. I also join my colleagues in congratulating Sen. Kavindu Muthama. I assure her that this is the right House for her and that she is part of this distinguished family.

I am saying this because during the campaigns, my heart was won by her in the manner she conducted the campaigns. She demonstrated that there is a place for mature issue-based politics in this country. When some people tried to go low by personalizing the campaign, she called them to order and made them focus on the campaign that was going on at the time.

It is not without significance that we are today welcoming the distinguished Senator for Machakos when in the neighborhood a lady has been enthroned as the President of the United Republic of Tanzania.

(Applause)

I am not taking this coincidence for granted. I assure her that she will have better company in this House than any other legislature in the Republic of Kenya. This is the right place to be.

(Applause)

Secondly, we are making history that we are becoming the first Chamber to have elected women Senators not by nomination or constitutional devise but by election, through a direct franchise not just in Machakos. The election of Sen. Kavindu Muthama is like the icing on the cake because it comes at a time when we are having controversy of how to empower our women colleagues. Women are the majority in any country, anytime, anywhere. You can check out if it is true or false.

Thirdly, I congratulate the Wiper Democratic Party for having faith in women. They have shown that when you nominate women even in the most controversial elections, they can win so long as that election is conducted with dignity and on issues. The nomination of Sen. Kavindu Muthama was not by way of a coincidence. The Wiper Democratic Party fronted a lady candidate for the position of governor in the last general elections. Those are not the only examples from that party.

Finally, she is coming to this House at a very critical time and we know the critical role that she has played. She has been part and parcel of the review of the

Constitution. The name of Sen. Kavindu Muthama is on the Report of the Building Bridges Initiative (BBI). She has contributed immensely to the BBI Report. I know that we have a voice to guide us through this great debate that we are going to have on the review of the Constitution. I wish her well.

I think that the angles in the skies are happy that a lady of God, Sen. Kavindu Muthama, who is a pastor has been elected to this House. We now have two pastors in this House. One of them is looking at me. I was not going to leave you out.

(Laughter)

That includes the Senator of Bomet, the Senator of Kitui but in the order of significance because they have hierarchy even in the church. We have a better spokesperson for the Christian faith in this House and Sen. Wambua and others will follow.

(Laughter)

Sen. Kavindu Muthama, I want to assure you that I am one of the people who have been listening to you because I have heard you when you were wearing the other hat and as a family person because I know you care.

For the distinguished delegation that has accompanied you led by the former Vice-President, Hon. Kalonzo Musyoka; I do not like calling people “former”. As far as I am concerned, hon. Stephen Kalonzo Musyoka is the Vice-President; that title never goes away. What you are doing out there in the region, maybe is what visited you when you were firm that the candidate for the Wiper Democratic Movement Party will be Sen. Kavindu Muthama.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. (Eng.) Mahamud.

Before that, I wish to acknowledge the presence in the Speaker’s Gallery of hon. Kalembe Ndile.

Feel most welcome.

Sen. (Eng.) Mahamud: Thank you, Mr. Speaker, Sir.

Let me join my colleagues in congratulating the new Senator for Machakos, Sen. Kavindu Muthama. I congratulate her for being elected the Senator for Machakos.

I also congratulate the people of Machakos for electing her and for that matter, electing a woman. In fact, in this country, we should do away with tokenism for women where women are only nominated because women can be elected on their own.

Parties in this country must nominate women and field them as candidates for elections. If you look at the Constitutional (Amendment) Bill 2020, I think we are making ground for nominations instead of making ground for women to be elected to Parliament. We are doing away with the 47 women representatives in the National Assembly and subjecting women to be nominated at the behest of parties and party leaders.

Let me congratulate you for being elected as the Senator for Machakos. We will work together because we worked with the late Sen. (Dr.) Kabaka very well. He was a very strong Member of this House.

In fact, in the team that we were in together, Team Kenya, that actually fought very hard for revenue allocation to counties, he stood out as a leader for this country. Despite Machakos gaining money, he stood with all of us who were losing so that we were working together as a team.

Congratulations and welcome. Count on our support. On behalf of the people of Mandera and myself, I congratulate you once again.

Thank you.

The Speaker (Hon. Lusaka): Sen. Khaniri.

After that, you will allow me to be biased to allow the women to talk so that they also welcome the Senator for Machakos.

Sen. Khaniri: Mr. Speaker, Sir, I thank you for this opportunity.

Before I join my colleagues in welcoming the newly elected Senator for Machakos, allow me to join you in welcoming a distinguished Kenyan, a man that I have immense respect for, a man that I worked with in the 7th, 8th, 9th and 10th Parliament and we did so much together politically; His Excellency Stephen Kalonzo Musyoka together with the powerful delegation that you have led to the Senate this afternoon, welcome.

Mr. Speaker, Sir, I join you in welcoming the newly sworn in Senator for Machakos, kudos. You put up a very good fight. I was following all your campaigns, and as Sen. Orengo said, as others went low, you insisted that you would remain high. You are in the right place. This is a House where we do very mature debates. As you have been told, you are in good company.

With the election of Sen. Kavindu Muthama, I think the Senate now achieves the two-thirds gender rule in the House. If Justice Maraga's ruling is to be upheld, then the Senate will not go home because we have achieved that gender rule.

(Laughter)

The win for Sen. Kavindu Muthama is not just a win for the Wiper Party and the people of Machakos, but it is a win for the women of this country. You have demonstrated that women can do it. That was a very hotly contested election. All eyes and attention in the country was focused there and you emerged victorious. It is a clear demonstration that women can do it.

I just want to advise you, Madam Senator, that you are stepping in very big shoes; the shoes of our departed colleague, Sen. (Dr.) Kabaka, who was my deskmate. He used to sit here with me. He was a great debater. We are confident that you will fit in those shoes properly. Therefore, we want to wish you and your party well.

Mr. Speaker, Sir, as many other parties are struggling with the two-thirds rule, Wiper is the only party in this House that has 50-50. It has two men and two women. Therefore, it is 50-50. Congratulations to the Wiper Party for achieving that. We wish you well in your new journey as the Senator for Machakos. We are here to support and guide you as old hands in this House.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Halake.

Please keep it short.

Sen. Halake: Thank you, Mr. Speaker, Sir. I also join you and fellow Senators in congratulating Sen. Kavindu Muthama for her win, which is our win as women.

Let me add my voice to those that have congratulated the Party Leader of Wiper Party, hon. Kalonzo Musyoka, for giving a woman a chance to fly the flag of the Wiper Party. Thank you very much, Mr. Vice-President. This goes to show that when a woman is given a chance, she will deliver and she has delivered.

As the Chairperson of the Centre for Multiparty Democracy, I want to congratulate the Wiper Party. I want all political parties to take a cue from the Wiper Party leadership and make sure that their flags are flown by women. What we have seen from this by-election is that women are weaving their ethics into the complexities of politics and are emerging with mature politics as has been said by my fellow colleagues.

Madam Senator, congratulations. You did it in your style and a fashion that will be emulated by our girls and women. We welcome you to this House and I know that you will do very well here just as you have done during your elections.

Thank you and welcome again.

Sen. Wetangula: Thank you, Mr. Speaker, Sir. I join you and the House in congratulating the distinguished Senator for Machakos, Sen. Kavindu Muthama.

Allow me to join you too in welcoming my distinguished brother and bosom friend, hon. Stephen Kalonzo Musyoka, with whom we have worked very closely for a long time and all the dignitaries accompanying him including Mzee Kali Nzoya who has been in the streets of Nairobi playing street politics for a long-time. He is called Kali Nzoya.

Mr. Speaker, Sir, I participated in the campaigns for Sen. Kavindu Muthama together with hon. Kalonzo Musyoka, Sen. Mutula Kilonzo Jnr., Sen. Wambua and all the leaders who are in the Gallery.

What touched me most is that on the day Sen. Kavindu Muthama presented her papers, the first post-presentation rally, she stood in front of a mammoth crowd and said: "I know you, people, have a lot to say against my former husband, Sen. Muthama. Remember he is the father of my children and I do not want to hear people bastardising him". It cannot be greater and humane than that. She kept that faith. When we campaigned for her, you could see, feel, and hear that this is a Senator-elect; destined for good things.

As we welcome her, I want to encourage her. This is a House of vibrant debate. This is a House where you have to have a sharp knife to bring money to your county. The late Sen. (Dr.) Kabaka distinguished himself fully in this regard. He even abandoned a gain and joined those who were losing to bring more gain. Indeed, he did that.

Mr. Speaker, Sir, for the women of this country, and for the Wiper Party that has given Mama Muthama the ticket - it is clear that women can actually be elected if the environment is right. My party has a distinction of having the only county - Bungoma County - that nearly met the one-third women or gender requirement by having 13 women elected MCAs out of 45 wards. You and I know this. You know there is a young girl we gave a ticket before she graduated from Masinde Muliro University of Science and Technology (MMUST) who defeated 16 men.

Women of Kenya, do not wait for tokens. Pull up your sleeves, face the men, and fight gallantly. There are many of us who we will stand with you, by you and move with you to make sure that you get what you deserve; not as tokens, but as of right.

Thank you, Mr. Speaker, Sir.

(Applause)

The Speaker (Hon. Lusaka): Kindly, proceed, Sen. Linturi.

Sen. Linturi: Thank you, Mr. Speaker, Sir, for this opportunity.

With a lot of respect and humility, I want to congratulate the Senator for Machakos County, Sen. Kavindu Muthama.

I want to take this opportunity to tell the women fraternity and to give them advice that, being a woman is not a disability. Being a woman, you have equal power and strength to that of a man. What men can do; women can do better.

Mr. Speaker, Sir, this House, through the election of Madam Kavindu Muthama, just like Sen. Khaniri said, we have now been able to acquire the two-thirds gender reality or requirement. For that matter, I must encourage the women out there. I must also encourage the party leaders to learn from His Excellency Kalonzo Musyoka - whom I served with in this Parliament. He was my friend when he was the Vice-President - to always prioritize the nomination of women to run for various positions in this country. This is because if all of them were like him, probably we will not be in the problem we have today in terms of fulfilling the two-thirds gender requirement.

With those few remarks, congratulations, Sen. Kavindu Muthama. Welcome to the Senate. I am sure you are equal to the task. Always remember, just like the oath you have taken says, you will always pay allegiance to the people and the Republic of Kenya. You owe the people of Machakos that responsibility, allegiance to serve them with dedication and to ensure that what is required of you as their Senator is done.

Pongezi sana.

Sen. Kwamboka: Thank you, Mr. Speaker, Sir, I take this opportunity to welcome and congratulate Sen. Kavindu Muthama for joining us in this House. Let me take this opportunity to congratulate the citizens of Machakos County for electing a woman. Indeed, this is a great day to us and this House. As I always say, what a man can do, a woman can do better.

Congratulations, Sen. Kavindu!

Sen. Nyamunga: Thank you, Mr. Speaker, Sir, for giving me this opportunity to join you and my colleagues in welcoming Sen. Kavindu Muthama in this House. I want to thank God very much. This is the doing of God. Politics is a very hard game. A woman competing amongst men is not a mean joke. We want to congratulate the Wiper Party Leader, the former Vice-President who is present here and to let him know that we are really happy with what you have done by supporting a woman in the midst of a lot of noise and useless talk that should not even come from men.

(Laughter)

We want to let you know that we respect you. This is because you stood very firmly by your candidate. Today, you have given us a woman of dignity to sit in this House.

I want to welcome her and to let her know that she will never feel lonely in this House because we are here. Secondly, we have a very strong support from our staff. We have a very cooperative staff; very strong, very educative that within a very short time, you will be swimming. You will not be walking in this Parliament, but swimming.

The main agenda in this House is to represent the people of Machakos County. The Senate is about the people. It is about devolution and to make sure it works and that the people of Machakos get what they deserve.

Sen. Farhiya: Thank you, Mr. Speaker, Sir. I wish to join you and my other colleagues in congratulating Sen. Kavindu Muthama for a resounding victory; 85 per cent win is not a mean feat. How many people came here with 85 per cent win? I am sure they are very few. Therefore, I congratulate you.

I also wish to congratulate very much the Wiper Party and your party leader, our former Vice-President for allowing a woman to thrive.

Women in this country, it is not that they not organized. Therefore, political parties ignoring women votes is very dangerous trend because they are also voters. They constitute 51 per cent of this country's population. We should not ignore them. I also think that next time, when there are elections in this country, let us look for the party that will pick a woman as the deputy president. That should be our minimum as women. His Excellency Stephen Kalonzo Musyoka will lead by example.

Machakos County has removed the notion that women are unelectable; they have also proved that they can trust their vote with a woman. We have the capacity to deliver. I wish to also request the people of Machakos to elect her for the second term, now that she will learn how to do things. Next time, elect her so that she comes with great experience.

Something phenomenal happened in East Africa. We have a woman President. I think every woman from this region should be very proud of President Suluhu. She is now the President of Muungano wa Tanzania. I am very happy about that and I know that it can also happen in Kenya.

As women and men, let us work towards giving women opportunity and making sure that they are nominated. This lady conducted her election in a dignified manner. Despite the attacks, and people saying all manner of things, she ignored and moved on. This is the kind of leadership we need in this country. Thank you, your Excellency Stephen Kalonzo Musyoka, for making this possible.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me this opportunity to join you in congratulating Sen. Kavindu Muthama for being elected. The election of Sen. Kavindu Muthama is a true definition of what gender means. The issue of gender is about men and women joining hands for a better future. I thank the party leader, hon. Stephen Kalonzo Musyoka, for deliberately ensuring that a woman gets the party ticket. Apart from that, walking the journey with her and ensuring men around her support and rally behind her until she has delivered. It is indicative that when we join hands together with men, they can bring us on board, walk with us until we are sworn in. His Excellency has also come to confirm that you have been sworn in.

As you come to this House, you will get gratification in terms of legislation and representing the people of Machakos. Sen. (Dr.) Kabaka was here and he delivered. I am sure you will fit in his shoes. Congratulations for being in this House. However, be objective since you have a reason to be here. Represent your people and represent them effectively.

The Speaker (Hon. Lusaka): Sen. Wako, proceed. Hon. Senators, please let us observe COVID-19 rules. It is real and serious.

Sen. Wako: Thank you, Mr. Speaker, Sir, for giving me this opportunity to speak on this matter. On 13th January, I sent the following message to Sen. Kavindu Muthama-

“Congratulations on being nominated by Wiper Democratic Movement Party to stand for the seat of Senator Machakos County. I wish you well and pray for your success. I look forward to welcoming you in the Senate.” This was on 13th January, 2021 when she was nominated. I had that confidence because I have worked with her in the BBI. I know she is issue orientated. More importantly, she was concerned with what the people said. When we discussed any topic and she saw that we were going off target, she would remind us what the people of Taita Taveta, Busia and other regions said. Therefore, we should focus on what the people said and provide a solution to the people.

She is people orientated and concerned with the welfare of the people. I also noticed that when we toured Machakos County, she has grassroots support at her fingertips; be they women organisations or church organisations who were flocking towards her. I had every confidence that she would be elected.

This is why I want to take this opportunity to congratulate His Excellency, Hon. Stephen Kalonzo Musyoka, the leader of the Wiper Democratic Movement Party, who got part of his legal knowledge under the feet of Amos Wako. I am proud of him and congratulate him for nominating Sen. Kavindu Muthama. Not only for nominating her, but for also nominating Hon. Wavinya Ndeti for the gubernatorial post although she did not go through. It shows that he is sensitive to gender issues. If we had more leaders who are sensitive to gender issues like that, we would not be quarrelling over the two-thirds gender rule, be it in the Senate or the National Assembly. In 2022, let political parties take cue from the Wiper Democratic Movement on this matter.

I welcome Sen. Kavindu Muthama. Continue to work the way you used to in the BBI, and I am sure the people of Machakos will realise and know they have made a good choice. What Sen. Wetangula referred to when I heard you say that on your nomination day, be a politician, how can you say, ‘respect my husband’. I even shouted in my room, ‘be a politician!’ However, I know you are issue orientated and you will keep this House on issues which relate not just to women but also the poor people; the ‘hustlers’ as you may call them, the *mama mbogas* of this world. Thank you, Mr. Speaker, Sir. Welcome, and you are in good hands where you are seated. Others will guide you appropriately.

Lastly, I noticed that Wiper Democratic Movement Party supported FORD-(K), Jubilee also supported her and because of this unity, we had victory. Let us take the cue and continue to be united because victory is coming next year.

Sen. Wamatangi: Thank you, Mr. Speaker, Sir. I take this opportunity to congratulate and welcome to the Senate the most brand-new Senator in town; Sen. Kavindu Muthama. In so doing, a lot has been to congratulate the Wiper Democratic Movement Party and its party leader, Hon. Stephen Kalonzo Musyoka. In my mind, when I look at the history of the Wiper Democratic Movement and its party leader, I could say confidently that our politics is getting somewhere. Now we can start to see that issue-based politics is not in vain.

The Wiper Democratic Movement party leader has had a unique distinction himself as being not only focused but also cool and rational throughout. It is no wonder that he chose the values that are in Sen. Kavindu Muthama.

Sen. Kavindu Muthama, as you are coming here, we know you not only here by right, but you are here because you have demonstrated that you are worthy of being here. The bar that was set by the late Senator for Machakos was high. For the people of

Machakos to have found it fit to let you fit into those shoes, it shows that your credentials are clear.

You are welcome, and I am certain that you will find your rhythm and fit within the team that is here and add value to not only what the people of Machakos have sent you here to represent them for, but also in the debate of this House.

We have no doubt as Senators in this House as many have said that Sen. Kavindu Muthama is capable. During the campaigns, we heard, saw and witnessed her confidence. Coming through that rubble and to rise up and arrive here, we know that she is going to leave this House a better House than she has found it. Her values are useful as a Christian, mother and wife. May God bless her. We will be here for her and do what we can to make her stay here in the Senate better. We will accompany you in giving success to this House. Welcome.

The Speaker (Hon. Lusaka): Sen. Boy, proceed.

Sen. Boy: Asante sana, Bw. Spika, kwa kunipa fursa hii niweze kupongeza Sen. Kavindu Muthama kwa kuchaguliwa kama Seneta wa Kaunti ya Machakos. Watu wa Kaunti ya Machakos wameamua na pia wamesema kwa sauti moja kwamba mama anaweza. Tulikuwa tunatarajia na tumeona mama ametosha kweli. Karibu Sana, Sen. Agnes Kavindu Muthama.

Natoa shukurani zangu kwa niaba ya watu wa Kaunti ya Kwale. Shukurani pia zimfikie mkuu wa chama cha Wiper Democratic Movement – Kenya (WDM-K), mhe. Steven Kalonzo Musyoka. Alifanya kazi nzuri sana na kuhakikisha kwamba kampeni imeenda salama na kwa amani.

Bw. Spika, ningependa pia kuwashukuru viongozi wengine kama wa Chama cha Jubilee, WDM-K, Amani National Congress (ANC) na Kenya African National Union (KANU) kwa kuungana pamoja katika kampeni. Walifanya kampeni kwa njia ya amani na kuhakikisha kwamba Sen. Agnes Kavindu Muthama ndiye mshindi wa kiti cha Seneta wa Kaunti ya Machakos.

Ushindi wake ulikuwa ni mkubwa sana na wa kihistoria. Itakumbukwa kwamba Sen. Kavindu Muthama alipata karibu kura laki moja na zaidi na wa pili wake alipata karibu elfu kumi na saba au elfu kumi na sita. Hii ni kuonyesha kwamba mama anaweza na sisi kama Maseneta, tunasimama naye Sen. Kavindu Muthama. Tutamuunga mkono katika kila jambo katika Seneti hii.

Asante sana, Bw. Spika.

The Speaker (Hon. Lusaka): Sen. Malalah, proceed.

Sen. Malalah: Mr. Speaker, Sir, thank you. On behalf of the people of Kakamega County, I would like to express my heartfelt congratulations to Sen. Kavindu Muthama. Many people have congratulated the people of *Ukambani* for having had a peaceful election. It is in the same breath that I congratulate the people of Matungu and Kabuchai for also having peaceful elections in the just concluded by-elections.

(Laughter)

As we celebrate and congratulate Sen. Kavindu Muthama---

The Speaker (Hon. Lusaka): What is your point of order, Sen. Kinyua?

Sen. Kinyua: Bw. Spika, kwa Hoja ya Nidhamu. Tunakumbuka mambo yaliyotokea kule Matungu na Kabuchai. Hata ijapokuwa tumesimama kumpongeza

Seneta mwenzetu, ni vizuri ijulikane wazi kulikuwa na sinto fahamu pale Matungu na Kabuchai. Ni vizuri ukweli usemekane na ijulikane wazi kabisa badala ya kuchanganya Wakenya. Inajulikana wazi kwamba mambo yaliendelea vizuri na kwa usalama katika Kaunti ya Machakos. Mahali ambapo ndugu yangu, Seneta wa Kaunti Kakamega, anaposema kwamba mambo yaliendelea vizuri, ni vizuri ijulikane wazi kwamba kulikuwa na vuta nikuvute.

The Speaker (Hon. Lusaka): Sen. (Dr.) Ochillo-Ayacko, what is your point of order?

Sen. (Dr.) Ochillo-Ayacko: On a point of order, Mr. Speaker, Sir. This is a House of record. The records we have is that by-elections that took place in Machakos County as well as those that took place in Matungu and Kabuchai were very peaceful. It is also on record nationally and here that there are suspects including my brother, Sen. Malalah, who were suspected to have been violent during the by-elections in Matungu.

Is it in order for my good brother and friend, Sen. Malalah, to place it on record that he should be congratulated and his people when there are suspects that have been dragged to court, having been charged with violence?

The Speaker (Hon. Lusaka): Order, Senators! This is a great day in the Senate because we are congratulating the distinguished Senator-elect who has made us achieve the two thirds gender rule as a House of Parliament. Let us not trivialize or get off the road by concentrating on side shows.

Sen. Malalah, kindly focus on what is before us.

Sen. Malalah: Mr. Speaker, Sir, thank you. I choose to keep quiet and proceed.

As we celebrate the newly elected Senator for Machakos County, I am sure there is one woman who is smiling in her home today. That woman is called Mama Grace Onyango.

Mama Grace Onyango was the first women to be elected to Parliament in 1969. I am sure that her dreams and aspirations are being actualized through Sen. Kavindu Muthama today. As we celebrate Sen. Kavindu Muthama today, I would like to remind the people of this Republic that even before this great woman called Mama Grace Onyango was elected to Parliament in 1969, she was the first councillor of Kisumu Central Ward. She was elected and went ahead and became the first woman Mayor of Kisumu Municipality.

Mr. Speaker, Sir, there is something unique about Mama Grace Onyango when you read the books of history. She campaigned for women empowerment in a very interesting fashion. When a male employee of Kisumu Municipality died or resigned, she insisted and had an internal policy that his replacement would be either his wife, sister or daughter.

This is a big lesson to the women who are in leadership today that they need to love their fellow women. More often than not, the enemy of a woman is another woman. It is very important that even as we celebrate women being elected in these positions, women should love their fellow women. We have seen in various instances women bringing down fellow women. It is very important for us to encourage them to love their fellow women.

Mr. Speaker, Sir, lastly, as we welcome the Senator for Machakos County to this House, I would like to remind her that there is a big task ahead of her. Her biggest task is

to ensure that the draft Constitution of Kenya (Amendment) Bill, 2020, is passed in this House.

The Draft Constitution of Kenya (Amendment) Bill, 2020 has a lot of deliverables for the women of Kenya. It proposes equal opportunity for women to sit here with men. We are going to have 47 women and an equal number of men in this House. Therefore, one of the biggest tasks of Sen. Kavindu Muthama is to ensure that she cushions that document and ensures that it is passed in good time.

I would like to encourage Sen. Kavindu Muthama to come for more tutorials. I will teach her how to navigate through the corridors of Parliament. I am the right person to show her around. Welcome and may God bless you.

Thank you, Mr. Speaker, Sir.

(Laughter)

The Speaker (Hon. Lusaka): What is your point of order, Sen. (Dr.) Langat?

Sen. (Dr.) Langat: Mr. Speaker, Sir, I think Parliament has its own way of orientating new Members. Private orientation should not be entertained.

(Laughter)

The Speaker (Hon. Lusaka): Order, Members! Those of you who understand the background of the Senator for Kakamega County know that he is a thespian. He sometimes thinks that everywhere is a stage. That was on a light note.

Sen. Omanga, proceed.

Sen. Omanga: Asante, Bw. Spika. Najiunga na Maseneta wenzangu kumpongeza Sen. Agnes Kavindu Muthama. Nimekuwa na fadhila ya kufanya kazi na Sen. Kavindu Muthama. Nilimfanyia kampeni zake za 2017 alipowania kiti cha mwakilishi wa wanawake wa kaunti kwa cheti cha chama cha Jubilee. Kusema kweli, alikuwa mama shupavu mwenye mpangilio.

Bw. Spika, ya Mungu ni mengi. Mungu aliona kuwa Sen. Kavindu Muthama hafai kupata tu kiti cha akina mama, lakini anafaa kuwa katika kiti ambacho atapigana na wanaume na atawabwaga. Sasa yeye ndiye Seneta mpya wa Kaunti ya Machakos. Hii imetupa motisha kama viongozi, haswa akina mama walioteuliwa, kwamba tunaweza kwenda kule, tuombe kura na tuchaguliwe.

Ningependa pia kupongeza chama cha Wiper Democratic Movement (WDM) kwa kujiunga na chama changu cha Jubilee Party, ambacho kilileta akina mama shupavu kama Naibu Spika, Sen (Prof.) Kamar, na Sen. Susan Kihika ambao walichaguliwa kutoka kaunti kubwa sana Kenya hii. Chama cha WDP pia kimejiunga na chama kingine cha United Democratic Alliance (UDA) ambacho kilimchagua Sen. Dullo kutoka Isiolo kuwa Seneta.

(Loud consultations)

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

The Speaker (Hon. Lusaka): What is your point of order, Sen. Wambua?

Sen. Wambua: Mr. Speaker, Sir, this is a House of records.

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Senators! Take your seats. I said that you should observe social distancing.

Sen. Wambua: Mr. Speaker, Sir, you should require that the Senator of Kitui be heard in silence. This is a House of order. It is a House of records. I want it to go on record that the Wiper Democratic Movement-Kenya has no alliance whatsoever with a party called UDA. We have not joined that party in any way and there are no plans to do that at all. Our alliance is with the Jubilee Party. That should go on record.

I thank you, Mr. Speaker, Sir.

Sen. Omanga: Asante, Bw. Spika. Ningeomba Maseneta wenzangu wawe watulivu na wasikize kwa makini. Sikusema kwamba wameungana kisiasa. Nilisema kwamba wamejiunga kwa vyama vile ambavyo viliteua akina mama kwa Bunge hili. Kimekuwa sasa chama cha tatu. The Party of Development and Reforms (PDR) ambayo imebadilishwa na kuitwa UDA, ilileta Sen. Dullo kwenye Seneti. Jubilee Party ilileta mama shupavu, Sen. Kihika, na Sen. (Prof.) Kamar. Sasa WDM ni chama cha tatu. Sijasema kuwa tuko na muungano wa kisiasa.

Bw. Spika, ningependa kuwapongeza watu wa Machakos na kumwambia Sen. Kavindu Muthama kwamba Sen. (Dr.) Kabaka alikuwa mtu ambaye ana--- Sijui kama ninaweza kuchanganya na Kizungu.

The Speaker (Hon. Lusaka): Hapana.

Sen. Omanga: Viatu vya Sen. (Dr.) Kabaka vilikuwa vikubwa. Ningependa kumpa moyo Sen. Kavindu Muthama nimwambie kuwa anaweza kwa sababu nimekuwa na yeye na nimeona vile anafanya kazi yake. Huyu mama anaweza.

Asante, Bw. Spika.

The Speaker (Hon. Lusaka): Sen. Pareno.

Sen. Pareno: Thank you, Mr. Speaker, Sir, for giving me this opportunity. Today, we decided, courtesy of our Deputy Whip, Sen. Kwamboka, that we will stand to support and to celebrate our sister Sen. Kavindu Muthama by adorning this very simple *leso* as a sign to show that we love her and we welcome her the traditional and parliamentary way.

(Applause)

Mr. Speaker, Sir, we celebrate her. Her win is our win. Her win is a celebration in this Senate because of the two-thirds gender rule. As women, we celebrate her very big win. Garnering over 104, 000 votes with her follower having around 19, 000 votes is a big statement for the women in this country, that you can do it and do it well. It is not easy to get 104, 000 votes, while your follower has 19, 000 votes.

We thank the people of Machakos for coming out in big numbers to make this statement for this country. We thank the party leader, who I celebrate, that you have done us proud for bringing another woman to the Senate; in the first instance by giving her that nomination certificate. Most of the time, women do not make it because they do not even make it past the nomination certificate of our parties. This is the way to go if we want to bridge the gap and obey the court orders on the two-thirds gender rule. The parties must come out clearly to support women and give them certificates.

Mr. Speaker, Sir, I am very happy that I see dignitaries and people that we really respect in this gallery, starting with the former Vice President, Kalonzo Musyoka, the Whip, hon. Mbui and none other than the newly appointed secretary of the East African Community, my former colleague, hon. Mathuki. Congratulations, my colleague. I have been with you and I know that you are able to turn around and do something to make East Africans proud of you.

Besides this win and besides this great lady, are all the gentlemen and ladies that we see up there. This shows that we really need each other in this journey. Without them probably, it would have been very difficult to go round, but with them by her side, she was able to succeed. So, we say; congratulations. I know that you are up to the task. Our dear departed colleague, Sen. (Dr.) Kabaka, was a very close friend of mine and the whole House. He did his best, but God wanted you to complete his journey. We are going to be with you and we thank you for coming up and strongly showing that you can make it.

Thank you, Mr. Speaker, Sir.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. Like my colleagues, I would like to congratulate Sen. Kavindu Muthama. On my side, people are calling you Sen. Muthama. We will call you Sen. Muthama because that is your name.

Secondly, as we congratulate my party leader for this decision. Allow me to say that it was not easy to make that decision. However, he stood firm for you to be nominated in the presence of men. Sen. Wambua and I were there during those discussions and we know the difficulty that was there in doing so.

Most of you do not know that Sen. Kavindu Muthama was actually a member of Jubilee Party and agreed to join Wiper to become our candidate. It is an honourable thing for the Jubilee Party leadership to agree - and the Vice-Chairman is here - that we could have Sen. Kavindu Muthama to be with us. It is an act of magnanimity on your part and the people of Machakos.

For the record, we must say that the men in Machakos who were competing with Sen. Kavindu Muthama changed the rules. They created misbehavior, insults and used everything possible including family to besmirch the character of Sen. Kavindu Muthama, because she is a woman. It is very sad, but just like Jesus said when he was being crucified, this lady impressed me when she said, "Forgive these people". Every time we repeated, she said: "Forgive these people."

We are very proud of you, Sen. Kavindu Muthama, for the victory; and the party for seeing it fit to nominate her. Members of the Senate, you are not aware that the manifesto of Wiper is 50-50. We are implementing the 50-50 gender parity rule. When Kalonzo is President, it will be 50-50. He has said so and I can repeat so on record.

Therefore, the 50-50 you are seeing of the Senators is a reflection of the manifesto of our party leader. It is not a coincidence, but a deliberate action. I have been a gender rapporteur for gender parity. The issue and question of gender parity is a question for political parties. Wiper Democratic Party has led the way and we are going to lead the way. Just follow us.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Proceed, Sen. Cherargei. We shall have two minutes each because we have a long agenda.

Sen. Cherargei: Thank you, Mr. Speaker, Sir. From the onset, I congratulate Sen. Kavindu Muthama, *Kavaa Mama*. I hope I got the name correct. I equally congratulate our Unite Democratic Alliance (UDA) candidate Mr. Ngegele Muthama. This should be heard loud and clear. Our candidate showed that when one loses an election, one should graciously accept. One does not go to the road or do demonstrations.

As a party of *kazi ni kazi*, we assure you of our full support. The late Sen. (Dr.) Kabaka was a great friend to many of us. Machakos County has a lot of problems. We hope you will play your oversight role now that you are the Senator.

I thank the Orange Democratic Party (ODM) because it is the only party just like UDA, which has fielded candidates across the country. They fielded a candidate in Matungu Constituency and UDA fielded candidates in Matungu and Kabuchai constituencies.

I ask party leaders who are here, including Sen. Wetangula, and hon. Kalonzo Musyoka that we should allow democracy to thrive in this country. We should not only field our candidates in conclaves of ethnic base politics. As a country and a party which is UDA, we want to have a country where we have tribe-less conversation and where democracy thrives. That is what we saw in Machakos County.

I thank the people of Machakos. I want Sen. Mutula Kilonzo Jnr., and Sen. Wambua for ensuring there were peaceful campaigns in Machakos County. I thank you, Sen. Kavindu Muthama, for I saw you came out strongly. I do not want to talk about Sen. Malalah because he was fighting for Kshs.2 million while I was being arrested in Kabuchai Constituency.

(Laughter)

Machakos did us proud---

Sen. Mutula Kilonzo Jnr.: On a point of information, Mr. Speaker, Sir. This gentleman was my Chairperson in the Senate Committee on Justice, Legal Affairs and Human Rights. Machakos County is not a county for Kambas. It is probably the only county with all the tribes of Kenya. So, Sen. Kavindu Muthama has not been elected by Kambas.

Sen. Cherargei: Thank you. I agree with that information. Machakos County is cosmopolitan and we wish her well. We hope she will lead the people of Machakos County to greater heights.

I was making a very important point that the party leaders should listen very carefully. I have even seen the Jubilee Party and it is good the Vice-Chairman is here hon. Murathe. They are not going to field a candidate in Bonchari. They want to support an ODM candidate who is facing allegations of corruption. Why are you reducing the party---

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Senator!

Sen. Cherargei: I said allegations and it is a fact.

The Speaker (Hon. Lusaka): Order! Why are you contradicting yourself by saying it is an allegation and a fact? The two cannot be in one statement. Please, do not make wild allegations.

Sen. Cherargei: I am saying it is a fact---

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

The Speaker (Hon. Lusaka): What is your point of order, Sen. Murkomen. Take your seat, Sen. Cherargei.

(Sen. Cherargei resumed his seat)

Sen. Murkomen: Mr. Speaker, Sir, is it in order for my good friend and one of my brightest students, Sen. Cherargei, to be addressing strangers in this House like hon. Murathe he? Who is that? I thought when one is debating on the Floor of this House, one can only address the Speaker and the Members of this House. All other strangers wherever they may be, are not relevant to debate in this House.

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

The Speaker (Hon. Lusaka): What is your point of order, Sen. Farhiya.

Sen. Farhiya: Mr. Speaker, Sir, I thought in your Communication, you said the Deputy Party Leader of Jubilee is in the Speaker's Gallery. It is in order for him to be addressed.

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Senators! I think we may need to go to the next agenda because I realize that people are beginning to trivialize a very serious order, Sen. Murkomen. I mentioned that this was a solemn moment for us because we are congratulating the Senator who has been elected for Machakos County.

Sen. Cherargei, finish so that we conclude.

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

The Speaker (Hon. Lusaka): What is your point of order?

Sen. Dullo: Mr. Speaker, Sir, I think Sen. Cherargei is not in order simply because he is maligning a name of an individual who is not in this House, who cannot defend himself. Could he apologise and withdraw?

The Speaker (Hon. Lusaka): Senator for Siaya County, Sen. Orengo. Take your seat, Sen. Cherargei.

(Sen. Cherargei resumed his seat)

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, I am rising on this point of order because Sen. Cherargei is a lawyer and we believe in constitutionalism. If there was no rule of law entirely in this country, there are so many Senators and Members of National Assembly who are facing charges in court, but because of the Constitution, nobody can kick them out of this House.

A Member should not be in order to malign others on the basis of allegations. Who has more reputational challenge; is it the one who has allegations made against them or one who is already charged in court?

I am appealing to him that we respect the Constitution which is why even after a Member of Parliament has been convicted, the law protects one till an appeal has been exhausted; the law protects you. If a Member of Parliament, a lawyer and a Senator who wants to be a governor can misconstrue the law and allege that---

Sen. Mutula Kilonzo Jnr.: I tell you!

(Laughter)

The Senate Minority Leader (Sen. Orengo): Particularly when in the Gallery, there is a former Vice-President and Senior Counsel, I think he needs to go to Sen. Wako and take a few tutorials so that next time he opens his mouth, he knows what exactly to say.

What worries me is that, on mere allegations, there are people who have been removed from this House and found themselves in detention and we laughed over it.

Now we have Members of Parliament who are charged with offences and I know they are innocent until proven guilty. For him to take the Floor of the House and besmirch the character of somebody who has not been charged in a court of law, I will not say "shame", but I think the people of Nandi County have a lot of problems.

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

(Laughter)

The Speaker (Hon. Lusaka): what is your point of Order, Sen. Wamatangi?

Sen. Wamatangi: Mr. Speaker, Sir, this is a House of precedence. It is a rule in our Standing Orders that for persons who are not here to defend themselves against any allegation made--- Although we enjoy the privileges that have been given to us, we have made it a rule in this House that we do not either make allegations, refer to people or make claims against our rules that seem to besmirch people.

I bring to your attention that the Senator of Nandi County is completely out of order. Also before the Senator of Elgeyo-Marakwet, Sen. Murkomen, entered in the debate that had ensued here all the way through we have been referring to the Leader of the Wiper Democratic Party and to the Members of Parliament sitting in the Gallery, Mr. Mathuki and so many others. None of them in your own wisdom and the powers that you have, have you either ruled or referred to as a stranger in the House when they were mentioned here.

Therefore, it is not in good faith and taste that the Senator for Elgeyo Marakwet singles out the name of David Murathe who sat in the Gallery. We have referred to all of them.

Mr. Speaker, Sir, as such, because it was in your Communication and you are the one who first mentioned the names of the people sitting in the Gallery, I think we are a House of dignity and respect. I believe that we should conduct ourselves with decorum so that this debate can be respected.

Mr. Speaker, Sir, I agree with you entirely as the Senate Majority Whip that this debate to welcome the Senator for Machakos should be held in absolute dignity of this House as we have always done. The whole country is watching how the Senate conducts its business.

The Speaker (Hon. Lusaka): Sen. Wetangula, what is your point of order?

Sen. Wetangula: Mr. Speaker, Sir, on a point of order.

This is a great day for Sen. Kavindu Muthama. She has come in for the first time. The people of Machakos who elected her are watching. Her Party Leader is in the Gallery watching and we should give her a baptism of dignity.

She has come to this House to join us and it is wrong for us to appear to trivialise a very important event in her life. She is now the distinguished Senator for Machakos, she has come to the Upper House, the House of record, the House of decorum and the House that should have men and women of distinction who do not stand up to trivialise debates and start bringing extraneous issues.

The implosion in Jubilee is not on this Floor. We are congratulating the Senator for Machakos. You read out the names of the dignitaries in the Gallery. I even took the opportunity to add my good friend, *Mzee* Kali Nzoya and welcomed him to the House. Let us not trivialise the debate in this House.

For my distinguished young brother from Nandi, Sen. Cherargei, remember that you cannot erase the footprints of history, you cannot. I want to urge you because you are still on the learning curve, take baby steps and then you will get somewhere.

Mr. Speaker, Sir, sometimes we wail louder than the bereaved and it does not help. Sen. Cherargei, my dear younger brother, I thought the experience in Kabuchai taught you a little lesson.

(Laughter)

However, it does not seem to have, and I hope that as we go to the future, we must learn what the Constitution says. You are a lawyer. You have chaired the Standing Committee on Justice, Legal Affairs and Human Rights in this Senate. You know very well that there is a Member of Parliament in the Lower House who was jailed for 67 years. He is out on bail and he is back in the House. That is what our Constitution says, until you exhaust all the appellate machinery.

Lastly, hon. David Murathe sitting up there is a friend of mine. He was a year behind me in the university. Whatever you are doing in Jubilee, do not bring it to this Floor because we have no issues with it.

The Speaker (Hon. Lusaka): Order, Senators.

Senators, if you look at your Order Paper, we have very weighty matters including a Motion where we are supposed to condole with the people of Tanzania. We are going to have a lot of time.

Order, Sen. Murkomen. You were a Leader here and I expect that you conduct yourself with a bit of decorum.

What I want to propose and suggest here is that because we are still going to have time to talk, we can still congratulate the newly elected Senator as you speak and even outside the House. That is also allowed. I realised that we have more than 20 interests from Senators.

I want to ask Sen. Cherargei to wind up, then I will make a Communication.

Sen. Murkomen, what is your point of order?

Sen. Murkomen: Mr. Speaker, Sir, on a point of order.

Mine is very brief because of the record. I know that the Senate Majority Whip, Sen. Wamatangi, in his maiden speech, is anxious to defend the party leadership.

Mr. Speaker, Sir, if he listened to me very carefully, my statements were in defence of those who are not sitting in this House. If we open the door for us to speak about the former Vice-President who is sitting there or Hon. David Murathe in a negative light, then there is no one to defend them here.

It would be expected, of course, that courtesy would demand that when we mention their names, it is in a good and positive light. However, in equal measure, when you start mentioning in that light, so many people here would make accusations against them when they are standing there, I cannot promise that when Sen. (Dr.) Langat, who was arrested when he was performing his serious duties at the behest of the party, may not be too kind like myself when he stands to speak.

Therefore, my defence was in positive light. I think Sen. Wamatangi should relax. He has his place and nobody will remove him.

The Speaker (Hon. Lusaka): Order, Senators.

What we are saying---

Order, Sen. Wamatangi. I do not want it to become an exchange between the two of you.

No! No! Order, Sen. Wamatangi.

Sen. Wamatangi, you are a leader. I hope you do not want to talk about that. Sen. Wamatangi, do not talk about that because we cannot continue.

Sen. Wamatangi: Mr. Speaker, Sir, I do not have to get into unnecessary altercation and you know that I am a stickler for rules. I respect the House.

I am a Senator who has been sitting in this House for eight (8) years. Since the time when we gave the Senator for Elgeyo Marakwet, my good friend---

Mr. Speaker, Sir, you have heard Sen. Murkomen on record here saying that I am the one who gave him a wife. He said that here. I just wanted to be on record that there is no maiden speech that the Senator for Kiambu is making in this House. I am in the HANSARD as having made speeches in this House.

The point I said is because as the Majority Whip, it is important that we not only emphasise that the conduct of this business be dignified as it should. These rules bind all of us in leadership including the Senator for Elgeyo Marakwet with his eloquence and friendship. If he continues that way, I will take that wife away.

(Laughter)

The Speaker (Hon. Lusaka): Sen. Cherargei, please, wind up.

Sen. Cherargei: Thank you, Mr. Speaker, Sir.

I want to conclude by saying that Sen. Wetangula was not here when I was giving some advice to party leaders. I said that all political party leaders in this country should allow themselves to field candidates. You are free to field a candidate of the Forum for the Restoration of Democracy–Kenya (FORD-K) in Nandi County to run against me or any other person.

That was my advice to all political parties. Let us allow democracy to thrive. Let us not reduce our political parties into tribal conclaves. I was saying that ODM have done

very well. They have fielded candidates across the country. That is the future that we want for this country.

I do not know whether you had a hand in what happened in Kabuchai, but we will discuss that over a cup of coffee.

Mr. Speaker, Sir, I expected you to send a cup of *uji* since I was in your county.

Thank you very much.

Congratulations to Sen. Kavindu Muthama. We wish you the best.

The Speaker (Hon. Lusaka): Order, Senators! There is a lot of interest on this matter. However, as I said earlier, we will have an opportunity to welcome and congratulate the new Senator for Machakos County. In the interest of time, and what is lying before us, allow me to make a communication that I should have made earlier. I will make it now, so that we proceed.

COMMUNICATION FROM THE CHAIR

COMMENCEMENT OF PART II OF THE FIFTH SESSION OF THE SENATE

The Speaker (Hon. Lusaka): Hon. Senators, I take this opportunity to welcome you back to Part II of the Fifth Session of the Senate. This Part of the Senate Calendar will run from today, Tuesday, 23rd March, 2021 to Thursday, 15th April, 2021.

It is my hope that you have all kept well and safe during the two-week recess, reconnected with your constituents, families and friends; and that you are ready for the business of the Senate in the coming weeks.

You will recall that on Wednesday, 3rd March, 2021, I issued a Communication regarding the status of delivery by the County Assemblies to the Speakers of the two Houses of Parliament their decisions on the draft Constitution of Kenya (Amendment) Bill, 2020, and the attendant roadmap on it. I indicated that as at 2.00 p.m. on that day, a total of 34 County Assemblies had submitted to the two Speakers, resolutions by the County Assemblies, on the proposed Constitution of Kenya (Amendment) Bill, 2020, pursuant to Article 257 (7) of the Constitution and paragraph (5) of the Guidelines for Delivery by the County Assemblies as set out in Legal Notice No. 175 of 22nd November, 2019.

Since then, the remaining counties have all submitted resolutions on their respective decisions on the Bill. The final result is that 43 county assemblies have submitted certificates of approval, while three county assemblies submitted certificates of rejection. One county assembly submitted letters to the Speakers of the Houses of Parliament, conveying that they had abstained.

Hon. Senators, you will recall that before we proceeded for the two-weeks recess on Thursday, 4th March, 2021, the Constitution of Kenya (Amendment) Bill, 2020 was read a First Time in both the Senate and the National Assembly, taking into account that the threshold set out at Article 257(7) of the Constitution had been met. The Bill was committed to the Standing Committee on Justice, Legal Affairs and Human Rights pursuant to Standing Order 140 (1) of the Senate. I directed the Committee to hold joint sittings on the Bill with the Departmental Committee on Justice and Legal Affairs of the

National Assembly and undertake joint public hearings pursuant to Standing Order 224 of the Senate.

It is my hope and, indeed, that of many Kenyans, that the two Committees have prepared reports on the Bill, which will be tabled before the Houses of Parliament at the earliest opportunity to inform the debate and the next course of action on the matter.

Hon. Senators, it is expected that in the schedule of business of the Senate, pursuant to Section 25 of the Public Finance Management Act and Standing Order 181, the Senate will consider the Division of Revenue Bill. As is standard practice, this Bill is introduced in the National Assembly. The Senate Business Committee will, therefore, prioritize this Bill upon receipt of a Message from the National Assembly on the matter. Shortly thereafter, the County Allocation of Revenue Bill will be introduced pursuant to Standing Order 182 of the Senate.

Other businesses already before the Senate include nine Bills that were read a First Time on 4th March, 2021, a total of 49 Petitions before respective Standing Committees and Statements pursuant to Standing Orders 47 and 48.

We will also be expecting Chairpersons of respective Standing Committees to make their quarterly reports pursuant to Standing Order 51 (1)(b). We look forward to hearing the impact that the work being undertaken by our Committees is making the innovations that they have had to employ to work in these unprecedented times and their plans for the next quarter. I urge us all to avail ourselves to consider and pass these critical businesses. I also urge Committees to redouble efforts to conclude the pending business before them.

I thank you.

Next order.

MESSAGES FROM THE NATIONAL ASSEMBLY

APPROVAL OF THE MEDIATED VERSION OF THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)

The Speaker (Hon. Lusaka): Hon. Senators, I wish to bring to the attention of the Senate that on Friday, 12th March, 2021, pursuant to Standing Order No.41 (3) and (4), the Clerk delivered to me a Message from the Speaker of the National Assembly regarding the approval by the National Assembly of the mediated version of the Early Childhood Education Bill (Senate Bill No.26 of 2018).

The Message which is dated 9th March, 2021, was received while the Senate was on recess and was transmitted to all Senators on 16th March, 2021 pursuant to Standing Order No.41 (5). Further, pursuant to the said Standing Orders, I now report the Message-

“PURSUANT to the provisions of Standing Orders 41, 149 and 150 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly -

WHEREAS the Early Childhood Education Bill (Senate Bill No. 26 of 2018) was referred to the Mediation Committee on Thursday, 1st October, 2020 in accordance with the provisions of Article 112 (2)(b) of the Constitution;

AND WHEREAS the National Assembly, on Thursday, 4th March, 2021 considered and approved the Mediated Version of the said Bill in the form developed by the Mediation Committee as required under Article 113 (2) of the Constitution;

NOW THEREFORE, in accordance with the provisions of Article 113 (3) of the Constitution and Standing Order 150 (4) (b), I will present the Bill to His Excellency the President for Assent.”

Hon. Senators, as communicated in the Message, the Speaker of the National Assembly is currently processing the Bill for Assent.

I thank you.

THE PASSAGE OF THE CARE AND PROTECTION OF OLDER
MEMBERS OF SOCIETY BILL (SENATE BILLS NO. 17 OF 2018)

The Speaker (Hon. Lusaka): Hon. Senators, vide a Message dated Friday, 5th March, 2021, I received a Message from the National Assembly on the passage of the Care and Protection of Older Members of Society Bill (Senate Bills No. 17 of 2018), pursuant to Standing Orders 41(1) and 142 of the National Assembly Standing Orders. You may recall that this Bill was passed by the Senate on Wednesday, 12th June, 2019 with amendments and referred to the National Assembly for consideration.

Hon. Senators, you may also recall that following the High Court ruling on 29th October, 2020, on Constitutional Petition No.284 of 2019, implementation of the judgment by the Senate commenced. Notably, the High Court ordered that all Bills for which the concurrence process contemplated under Article 110(3) of the Constitution could not be demonstrated, be ceased and that the said concurrence process be adhered to before introduction of such Bills in either House of Parliament.

Hon. Senators, the Care and Protection of Older Members of Society Bill (Senate Bills No.17 of 2018) was one such Bill for which the concurrence process pursuant to Article 110 (3) of the Constitution could not be demonstrated by the time the High Court gave its judgment.

As such, I directed that the Bill be republished, which it has as the Care and Protection of Older Members of Society Bill (Senate Bills No. 24 of 2020) and is currently undergoing the concurrence process pursuant to Article 110 (3) of the Constitution, following which, the Bill will be read a First Time in the Senate.

In view of the foregoing, the Care and Protection of Older Members of Society Bill (Senate Bills No.17 of 2018), as received from the National Assembly via a Message dated Friday, 5th March, 2021, will not be proceeded with in the Senate.

I thank you.

Next order.

PAPERS LAID

REPORTS ON THE FINANCIAL STATEMENTS
OF VARIOUS COUNTY EXECUTIVES/ ASSEMBLIES

Sen. Dullo: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Tuesday, 23rd March, 2021:-

(i) Report of the Auditor-General on the financial statement of the County Assembly of Siaya for the year ended 30th June, 2019.

(ii) Report of the Auditor-General on the financial statement of the County Executive of Siaya for the year ended 30th June, 2019.

(iii) Report of the Auditor-General on the financial statement of the County Assembly of Mandera for the year ended 30th June, 2019.

(iv) Report of the Auditor-General on the financial statement of the County Executive of Mandera for the year ended 30th June, 2019.

(v) Report of the Auditor-General on the financial statement of the County Assembly of Meru for the year ended 30th June, 2019.

(vi) Report of the Auditor-General on the financial statement of the County Executive of Meru for the year ended 30th June, 2019.

(Sen. Dullo laid the documents on the table)

The Speaker (Hon. Lusaka): Next Order.

NOTICES OF MOTIONS

ALTERATION OF THE SENATE CALENDAR FOR THE FIFTH SESSION

Sen. Dullo: Mr. Speaker, Sir, I beg to give two Notices of the following Motions:-

THAT, notwithstanding the Resolution of the Senate made on 16th February, 2021 (approval of the Senate Calendar), pursuant to Standing Orders 29(4) and 31(3), the Senate resolves to alter its Calendar (Regular Sessions) for the Fifth Session, 2021, in respect of Parts II and III, to hold two Sittings every week on Tuesdays only (morning and afternoon) beginning from 10.00 a.m. and ending at 12.30 p.m. for the morning sitting and beginning at 2.30 p.m. and ending at 6.30 p.m. for the afternoon sitting; beginning on Tuesday 23rd March, 2021, until Tuesday, 15th June, 2021, and that the Senate Calendar (Regular Sessions) for the Fifth Session, 2021, be altered accordingly.

TRIBUTE TO HIS EXCELLENCY THE LATE DR. JOHN POMBE JOSEPH MAGUFULI

THAT, the Senate of the Republic of Kenya expresses its deep sadness at the death on 17th March, 2021, of His Excellency Dr. John Pombe Joseph Magufuli, President of the United Republic of Tanzania. Records its appreciation for his immense contribution in public service to the people of Tanzania. Appreciates his efforts to foster unity and peace within the East African Community. Recognizes the high esteem in which he was held in the African Continent in his pursuit of Pan Africanism; Stands in solidarity with Her Excellency Mama Samia Suluhu Hassan, the new President of the United Republic of Tanzania, and the people of Tanzania, in the true spirit of brotherhood within the East African Community in this difficult time; and offers

its profound sympathy and condolences to Her Excellency Mama Janet Magufuli and the entire family, the Government and people of the United Republic of Tanzania.

I thank you.

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

[The Deputy Speaker (Sen. (Prof.) Kamar) in the Chair]

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. The next Notice of Motion is from the Chairperson Standing Committee on Roads and Transportation, Sen. Wamatangi.

ADOPTION OF REPORT ON THE OPERATIONALIZATION
OF NATIONAL CONSTRUCTION AUTHORITY
(DEFECTS LIABILITY) REGULATIONS, 2020

Sen. Wamatangi: Madam Deputy Speaker, I beg to give Notice of the following Motion:-

THAT, the Senate adopts the report of the Standing Committee on Roads and Transportation on its inquiry into the operationalization of the National Construction Authority (Defects Liability) Regulations, laid on the Table of the Senate on Thursday, 24th September, 2020.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Next order!

STATEMENTS

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, we have one Statement under Standing Order 47(1) and six under Standing Order 48(1). I want to request that when we go to Statements under Standing Order 48(1), we commit them to the committees rather than ride on them so that we dispose of two very important Motions.

We have the Motion on the change of the calendar which we must dispose of as soon as possible. I am sure we will need about an hour to deal with our condolence messages to the late Dr. John Pombe Joseph Magufuli.

If I could get your “silent okay”, then I will move to the first Statement by the Senator for Trans Nzoia, Sen (Dr.) Mbito. I do not see him in the House. Let us go to the next Statement.

We have two Statements under Standing Order 48(1) by Sen. Cherargei. Please take the two of them concurrently; one after the other.

STATUS OF ACCESS TO INFORMATION REGULATIONS
IN THE ACCESS TO INFORMATION ACT OF 2016

Sen. Cherargei: Thank you, Madam Deputy Speaker. I have two Statements and I request that I read both of them concurrently.

I rise pursuant to Standing Order 48(1) to seek a Statement from the Standing Committee on Information and Technology regarding the Status of Access of Information Regulations as provided for in the Access to Information Act of 2016.

In the Statement, the Committee should-

(i) Explain why the Cabinet Secretary for Information and Technology has delayed in making Access to Information Regulations as contemplated in Section 25 of the Access to Information Act, 2016.

(ii) State when the said regulations will be in place.

(iii) Explain the strategies that the Commission on Administrative Justice has employed to ensure that there is awareness among members of the public on access to information as a right, an awareness as provided for by the Constitution of Kenya, 2010, amongst public officers on their obligations under the Act to facilitate access to information

(iv) Avail a financial report on the implementation of the Access to Information Act, 2016, including an impact assessment of work conducted by the Commission on Administrative Justice.

OPERATIONALIZATION OF THE PROPOSED LEGAL AID FUND IN THE LEGAL AID ACT OF 2016

Sen. Cherargei: Madam Deputy Speaker, I rise pursuant to Standing Order 48(1) to seek a Statement from the Standing Committee on Justice Legal Affairs and Human Rights, regarding the operationalisation of the proposed Legal Aid Fund provided for in the Legal Aid Fund Act of 2016.

In the Statement the Committee should-

(i) Explain the reasons why the Legal Aid Fund has not been operationalized.

(ii) State the measures put in place by the Government to ensure that Legal Aid support is accorded to indigent persons.

(iii) Clarify whether the Office of the Attorney General has explored possibility of devolving the framework of the Legal Aid Fund (LAF) to the counties, and if so, state the strategy and timelines established; and

(iv) Provide a detailed financial statements of budgetary allocations, including assistance by development partners towards proving legal aid programmes in Kenya as was stated in Legal Aid Act of 2016.

I thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Sen. Cherargei. The first Statement stands committed to the Standing Committee on Information, Communication and Technology while the second Statement stands committed to the Standing Committee on Justice, Legal Affairs and Human Rights, respectively.

*(The first Statement was committed to the Standing Committee
on Information, Communication and Technology)*

*(The second Statement was committed to the Standing
Committee on Justice, Legal Affairs and Human Rights)*

The next Statement is from nominated Senator, Sen. Kwamboka.

OUTBREAK OF FOOT AND MOUTH DISEASE
IN NAROK COUNTY

Sen. Kwamboka: Madam Deputy Speaker, thank you. I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the outbreak of Foot and Mouth Disease (FMD) in Narok County. In the Statement, the Committee should-

(i) Report on the extent of the current outbreak and spread of the FMD in Narok County, particularly in Trans Mara;

(ii) State the measures put in place to contain FMD as we as other fast spreading livestock diseases, especially in market places;

(iii) Outline the measures set out to cushion farmers from the losses due to the outbreak, including the available veterinarian services in the county; and

(iv) Explain the actions taken by the Government to educate farmers on livestock disease, including both preventive and curative measures.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. That Statement stands committed to the Standing Committee on Agriculture, Livestock and Fisheries.

*(The Statement was committed to the Standing Committee
on Agriculture, Livestock and Fisheries)*

Next two Statements are from the nominated Senator, Sen. Shiyonga. Please read both of them one after the other.

DEPLORABLE STATE OF PUBLIC
SCHOOLS IN RURAL AREAS

Sen. Shiyonga: Madam Deputy Speaker, thank you very much for giving me this opportunity to ask my Statement on the deplorable state of the public schools in the rural areas.

I rise pursuant to Standing Order No.48 (1) to seek a Statement from the Standing Committee on Education regarding the deplorable state of public schools in the rural areas, especially at this time when the national examination is taking place.

Madam Deputy Speaker, in the Statement, the Committee should-

(i) Explain the framework put in place by both national and county governments to ensure that students, especially the candidates are able to write their exams comfortably;

(ii) Provide the demographic and distribution of the public schools which are deemed to be in deplorable state across the counties;

(iii) Outline measures, if any, that have been put in place to ensure provision of enough teachers, sanitary facilities, classrooms and other amenities to ensure learners achieve academic excellence; and

(iv) State the progress made towards establishing mechanism to equip these schools and upgrade them to higher standards as needed.

PLIGHT OF SUGARCANE FARMERS
IN THE SUGAR-BELT REGIONS

Sen. Shiyonga: Madam Deputy Speaker, pursuant to Standing Order No. 48(1), I seek a further Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the plight of sugarcane farmers in the sugar belt region across the country.

In the Statement, the Committee should-

(i) Explain the major cause of delay in transporting sugarcane to the sugar companies after harvest, especially for the growers in areas like Navakholo and Muhoroni;

(ii) State the measures that have been put in place to address this delay as well as the issue of delayed payment for delivered sugarcane considering that sugarcane farming is the only source of livelihoods for some of the farmers in this area;

(iii) Explain the progress being made towards removing rogue sugarcane brokers from the market and enhancing seamless process of operations between farmers and sugarcane companies; and

(iv) Outline the measures put in place, if any, to caution sugarcane farmers from losses they incur by failure or delay by these companies to transport sugarcane which often leads to delays, drying and rotting the canes ones harvested.

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. You had two Statements. I want to commit the first one to the Committee on Education and the second one to the Committee on Agriculture, Livestock and Fisheries.

*(The first Statement was committed to the
Committee on Education)*

*(The second Statement was committed to the
Committee on Agriculture, Livestock and Fisheries)*

I see an intervention by Sen. Pareno.

Sen. Pareno: Madam Deputy Speaker, thank you for allowing me to comment on the Statement by Sen. Kwamboka on the widespread infections of FMD on animals. Although this Statement is targeting Narok County, I want to request that the Committee that you referred it to, to look at the problem widely.

Nowadays we keep vaccinating our animals on FMD every two months. It used to be like once or twice in a year, but we are now doing it every two months. In every two months, the animals are already infected. By the time we vaccinate, we have already taken the meat and milk. We do not even know whether this milk and meat are already infected. We do not know the extent of damage to those of us that are livestock breeders and we take our milk daily.

We have a problem all over. It is so consistent that it can no longer be contained by single individual farmers. It has to call for the intervention of the bodies that keep the vaccines. I am requesting that the Committee to take into account and investigate whether

the vaccines that we are getting are no longer serving the purpose, or we are getting vaccines that are fake. Definitely, they are no longer serving the purpose.

Madam Deputy Speaker, I am requesting that the Committee broadens its investigations into Kajiado County and check on the effectiveness of the vaccines that we are getting on FMD. It so serious and we do not know where it is taking us.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Hon. Senators, the next Statement is by the Senator for Murang'a County, Sen. (Dr.) Kang'ata and he is not in. However, we have an approved Statement from Sen. Linturi under Standing Order No.48(1).

OUTSTANDING PENDING BILLS OWED TO
SMALL CONTRACTORS

Sen. Linturi: Thank you, Madam Deputy Speaker. This is a request for a Statement on outstanding pending bills to small African contractors on roads and other related infrastructure projects.

I rise pursuant to Standing Order No.48 (1) to seek a Statement from the Standing Committee on Roads and Transportation on the issue of outstanding bills owed to small contractors on roads and other related infrastructure projects.

In the Statement, the Committee should-

(i) Provide a list of pending bills owed to small contractors of roads and other related infrastructure projects since the year 2017 to date;

(ii) Explain the reasons for the non-payment of the pending bills despite the directive by the President to cushion small contractors against the impact of the COVID-19, a situation that has led to many job losses as the said contractors have been forced to lay off workers;

(iii) State reasons for lack of a policy by the three roads agencies in the Ministry of Transport, Infrastructure, Housing and Urban Development to prioritize payment of small African contractors as an affirmative action;

(iv) Outline measures that the three road agencies intend to put in place to pay accrued interests arising from the delayed payments of those contractors as provided for in the contracts signed and the impact on the taxpayer; and

(v) State when the three roads agencies in the Ministry of Transport, Infrastructure, Housing and urban Development intend to pay all outstanding pending bills of those small contractors given that supplementary budget tabled in the National Assembly has no provision for budgetary allocation to pay these contractors, especially special categories such as Persons with Disabilities (PWDs) women, and the youth.

The Deputy Speaker (Sen. (Prof.) Kamar): The Statement by Sen. Linturi stands Committed to the Committee on Roads and Transportation.

*(Statement was committed to the Standing
Committee on Roads and Transportation)*

Hon. Senators, we will go back to Statements under 47 (1) because I have confirmed that Sen. (Dr.) Mbitio has already delegated his Statement to Sen. Olekina.

ADDRESSING CORRUPTION IN POLICE
RECRUITMENT

Sen. Olekina: Madam Deputy Speaker, I thank you. I rise to request a Statement on behalf of Sen. (Dr.) Mbiti. This Statement is dated 27th February 2021, and it is similar to a Statement that I had requested. It is on an issue of general topical concern regarding addressing corruption in the police recruitment.

Madam Deputy Speaker, I rise pursuant to Standing Order 47(1) to make a Statement on an issue of general topical concern, namely addressing corruption in the police recruitment. Reports of widespread corruption in the ongoing hiring of police officers is, indeed, annoying. Some of the qualified candidates claim that they have been locked out on the flimsy ground that they could not raise the huge bribes demanded by recruiting officers. In some cases, results of the recruitment were shrouded in secrecy.

The recent recruitment of the Kenya Defense Forces officers (KDF) can also not be said to have been above board. In both cases, families were asked to pay as much as Kshs500,000 in bribes for their kin to join the armed forces, with Kshs400,000 being the standard figure, which is unbecoming.

Madam Deputy Speaker, one discerns two significant developments in the hiring. First, the country boasts of an army of young and educated people who are desperately looking for jobs. An opportunity to serve in the security services would not only have bestowed the youth with the patriotic duty to defend and protect their motherland, but also kicked off a journey that would lead to fulfillment of career dreams.

Secondly, the entrenched culture of corruption stubbornly continues to characterize recruitment in the security services. This cruelty disadvantages candidates from poor backgrounds who cannot raise the bribes, dashing hopes and opening the door for disillusionment.

There is something terribly wrong with a system that rationalizes and rewards corruption at the expense of merit and transparency.

It also raises questions on the commitment of agencies such as the Ethics and Anti-Corruption Commission (EACC), Independent Police Oversight Authority (IPOA), and the Director of Criminal Investigations (DCI), that are mandated to tame misconduct in disciplined forces. Therefore, serious measures should be put in place to ensure that there is sobriety in the security services sector.

Madam Deputy Speaker, the idea that corruption has been rendered the only window to serve in the police and military should be a moment to reflect for any right thinking citizen. It will be remembered that in 2005, the Government cancelled the police recruitment drive due to bizarre corruption. The EACC warned that 80 per cent of the candidates had either paid bribes, or used high level connections to get jobs. A total of 60 senior officers were suspended following the debacle.

The reality that the practice continues with the amount of bribes demanded increasing means that perpetrators have devised more ingenious ways to beat the dragnet. It is doubtful that Kenyans can expect individuals recruited through corruption to uphold ethics and integrity in their future careers. It is akin to polluting a stream at the source. Therefore, the relevant agencies should take action to ensure that we root out corruption completely in order to have a level ground field for every Kenyan to participate in the recruitment exercise.

Madam Deputy Speaker, on behalf of Sen. (Dr.) Mbiti, I thank you and hope that action will be taken on this matter.

The Deputy Speaker (Sen. (Prof.) Kamar): I will allow only on contribution, because we are not committing it to a Committee.

Yes, Sen. (Dr.) Langat.

Sen. (Dr.) Langat: Thank you, Madam Deputy Speaker. I wish to contribute a bit on the first Statement as I support this one by Sen. (Dr.) Mbiti on the corruption that seriously marred the recruitment of the police and the armed forces. The moment we compromise the recruitment of soldiers in our country, it has a long and lasting effect in the professionalism of the same profession.

We remember what happened to China in history. After erecting a very expensive wall to defend its territory, it was later on discovered it would not help them because of the soldiers who manned the gate were easily bribed to allow the enemies in.

I am so sure that these soldiers who are corrupting their way into this profession will finally be compromised in whatever they do. The military is a very important department in this country that is bestowed to defend our country from enemies outside. This is the force that keeps the secrets of the defense of our country. If this kind of compromise is allowed to continue, our country will be at risk.

It is, therefore, my appeal that the new recruitment that took place last month be rejected, disbanded, and a fresh professional recruitment done. It is embarrassing. I appeal that this corrupt system and team be disbanded and a new one be put in place to do new recruitment.

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, today is the Cerebral Palsy International Day. We have approved a Statement from Sen. (Dr.) Musuruve under Standing Order 47 (1).

Sen. Dr. Musuruve.

CEREBRAL PALSY AWARENESS MONTH

Sen. (Dr.) Musuruve: Thank you, Madam Deputy Speaker, for giving me the opportunity to make this Statement regarding Cerebral Palsy Awareness Month.

I rise pursuant to Standing Order 47(1) to make a Statement on an issue of general topical concern, namely, cerebral awareness month. The month of March is globally marked as Cerebral Palsy Awareness Month.

Thousands of Kenyans may not be aware of what cerebral palsy is, the symptoms and how to support children with cerebral palsy together with their caregivers. The word cerebral means having to do with the brain, whereas, palsy means weakness or problems with using muscles. Cerebral palsy is a brain disorder that can affect muscles or the brain. To create awareness of cerebral palsy, many people who are aware and would like to create awareness purposely wear green. The colour green was chosen to reflect youthfulness and new growth as well as hope for advancement in treatment and acceptance.

Madam Deputy Speaker, cerebral palsy may be caused by brain injury or problems that occurs during pregnancy or birth or within the first two or three years of a child's life while the brain is still developing. Cerebral palsy is related to brain damage

that happens before or during birth is called congenital cerebral palsy. Majority of cerebral palsy, between 85 to 90 per cent is congenital. In many cases, the specific cause is not known.

Some things increase the chance that a child will have cerebral palsy. These are called risk factors. It is important to remember that having a risk factor does not mean that a child will have cerebral palsy. Some of the risk factors for congenital CP are low birth weight, premature birth, multiple births, assisted reproductive technology that is, infertility treatments, infections during pregnancy, jaundice and kernicterus, medical conditions of the mother and birth complications - detachment of the placenta, uterine rupture, or problems with the umbilical cord during birth can disrupt oxygen supply to the baby and result in cerebral palsy.

Madam Deputy Speaker, a small percentage of cerebral palsy is caused by brain damage that occurs more than 28 days after birth. This is called Acquired Cerebral Palsy and usually is associated with an infection (such as meningitis) or head injury, problems with blood flow to the brain, cerebrovascular accidents, for example, stroke or bleeding in the brain associated with a blood clotting problem, blood vessels that did not form properly, a heart defect that was present at birth, or sickle cell disease.

In preventing cerebral palsy, there is need to be aware that the cause or causes of congenital cerebral palsy are not fully known, which means that currently little can be done to prevent it. Cerebral palsy related to genetics is not preventable. However, there are actions people can take before and during pregnancy as well as after birth that might help reduce the risk of developmental problems, including cerebral palsy.

Taking steps to help ensure a healthy pregnancy can help prevent developmental problems, including cerebral palsy. Acquired Cerebral Palsy is often related to an infection or injury, and some of these cases can be prevented. Some preventive measures are; mother being as healthy as possible before pregnancy, getting vaccinated for certain diseases such as rubella and chicken pox that could harm the baby and considering chances of reducing multiple pregnancies in case one is using assistive reproductive technology.

Madam Deputy Speaker, there are three types of cerebral palsy, namely, Ataxic cerebral palsy, dyskinetic cerebral palsy and spastic cerebral palsy. Ataxic cerebral palsy is a developmental disorder that affects motor function. It is characterized by problems with balance and coordination. These issues are caused by damage to the developing brains motor control centres. Ataxic cerebral palsy is not easy to diagnose until the child begins to show developmental delays. Mostly children begin to show awkward movements, difficulty following objects with eyes and problems grasping things. Ataxic cerebral palsy is the least common form of cerebral palsy.

Dyskinetic cerebral palsy also called Athetoid Cerebral Palsy affects muscles. Children with this type of cerebral palsy have trouble controlling muscle movement. They have twisting abrupt movements. Spastic cerebral palsy is the most common. Children with spastic cerebral palsy have stiff muscles. The stiffness may be in the upper part of the body, lower part of the body or both.

In general, the most common symptoms of spastic cerebral palsy are: stiff/tight muscles (hypertonia) on one or both sides of the body, exaggerated movements, limited mobility, crossed knees, walking on tip toes, abnormal gait and contractures. Many

people with spastic cerebral palsy have walking abnormalities such as crossing their knees or making scissor like movements with their legs while walking.

Madam Deputy Speaker, children with cerebral palsy may experience specific learning difficulties. These may include short attention span, motor planning difficulties (organizational and sequencing), perceptual difficulties and language difficulties. These can impact on literacy, numeracy and other skills.

There is no cure for cerebral palsy, but a child's quality of life can improve with treatment that may include surgery; therapy, including physical therapy, occupational therapy and speech therapy; special equipment to help children get around and communicate with others.

In creating awareness of cerebral palsy, I would like to urge county governments, Ministry of Health, Ministry of Education and all members of the society to empathize with children with cerebral palsy and their caregivers by creating awareness and a sustainable support system that will help children with cerebral palsy live a productive life. Actionable tender love and care will go a long way in creating some amount of confidence and feelings of acceptance in the lives of these children and their caretakers.

As we mark the cerebral palsy awareness month, I would like to urge the Ministry of Education together with all key partners and players in education to do their best in ensuring that children identified with cerebral palsy are accorded specialised instruction designed to meet their unique learning needs so that they can develop to their fullest potential.

In caring for a child with cerebral palsy, parents and or caregivers need to be their child's home therapists, help children be active, keep a bright outlook, get to know other parents/caregivers who have children with cerebral palsy, and focus on diet. Members of the society need to embrace families of children with cerebral palsy and refrain from labelling the child and their families. Societal attitude and support system is important in making the cerebral palsy child and caregiver feel loved and accepted.

Madam Deputy Speaker, people keen in supporting children with cerebral palsy can reach out to families or organizations that deal with cerebral palsy to find out on various specific points of intervention. Some points of intervention revolve around therapy services, for instance, speech, physio and occupational therapy; provision of food rich in calcium such as milk, yoghurt, cheese, and calcium supplement fruit juices and vitamin D rich foods such as fish.

Health services country-wide need to deliberately create awareness to expectant and lactating mothers on healthy lifestyles before and after giving birth and precautionary measures that need to be taken in helping children in their first years of birth develop mentally. This awareness can be incorporated in antenatal clinics.

Madam Deputy Speaker, thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Senator, I will give two minutes to summarize.

Sen. (Dr.) Musuruve: Thank you, Madam Deputy Speaker. I have talked about the three types of CP. Children with CP may experience difficulties in learning which may include a short attention span, motor planning difficulties that is organization and sequencing, perceptual and language difficulties. These can impact on literacy, numeracy and other skills.

People keen on supporting children with CP can reach out to families or organizations that deal with CP to find out on various specific points of intervention. Some points of intervention revolve around therapy services, for instance, speech, physio and occupational therapy, provision in foods rich in calcium such as milk, yogurt, cheese and calcium supplements, juices and Vitamin D rich foods such as fish.

Health services countrywide need to deliberately create awareness to expectant and lactating mothers on health lifestyles before and after birth and precautionary measures that need to be taken in helping children in their first years of birth to develop mentally. This awareness can be incorporated in ante-natal clinics.

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. I will only allow two interventions.

Sen. Sakaja: Thank you, Madam Deputy Speaker. Before I make a comment, I have noted that you asked Sen. (Dr.) Musuruve to summarize her statement. It means there is a problem somewhere because this Statement that was approved in its entirety. I do not know how you approved such a long Statement.

More importantly, the issues Sen. (Dr.) Musuruve has talked about are critical. I have very many children in Nairobi City County whose parents are not well-to-do and are suffering from CP. It is possible to help many of them live an almost normal life and be educated in special intuitions.

Many of these children – you will be disappointed to learn – are locked up in houses in the slums because there is only one caregiver and the mother needs to go out to earn a living. There are many of them who are locked up and kept almost tethered like animals. Sadly, there are hundreds of them in this City.

I am glad to note that Nairobi City County is doing something about children with CP. I thank the President His Excellency Uhuru Kenyatta who helped me to get a bus which we gave to one lady who does therapy for children with CP. The bus normally goes around picking those children, but more needs to be done. We have seen many of these children being able to be brought back into the system. Some of them are able to walk and learn.

I urge Sen. (Dr.) Musuruve to bring a substantive intervention that makes sure there is an allocation for the special institutions and a have a budget from the Ministries of Health and Education to take care of these children. It is only the rich in society that are able to rehabilitate their children and yet, there are so many children who are affected.

Cerebral palsy is an unspoken issue. In many rural areas, parents of children with CP are said to have been cursed. We need to also debunk, demystify and deal with the stigma that is associate with CP.

I am glad that Sen. (Dr.) Musuruve has been able break down what causes this condition. Instead of celebrating the cerebral awareness month every March, what action steps are we taking as a country, Senate or as a representatives of Persons Living with Disabilities (PWDS) to bring legislative intervention that will take care of these very important and very vulnerable segment of our population? The situation is dire than many people would care to appreciate.

The Deputy Speaker (Sen. (Prof.) Kamar: Proceed, Sen. Wako.

Sen. Wako: Thank you, very much for giving me this opportunity. I thought I should speak on this matter because when I was the Attorney General, a group of people

came to see me to from the Cerebral Palsy Society of Kenya. I got interested, registered the association and did a fundraiser for them to take off. When I went to that fundraiser and saw how much the children were suffering, I was so moved because that was the type of disability which is not taken care of institutionally. We have schools for the blind, for the deaf and for the physically disabled. However, this category of disability as at that time did not have any institution. Those were the pioneers in that game.

As you can imagine, when parents realise that a child has cerebral palsy - I am talking about men - a number of men can run away from that wife because of the way the child is. That happens quite a bit. I want to take this opportunity to congratulate the mothers because I found that mothers are very patient. They really look after these children. They put all their devotion and commitment into looking after these children purely on their own.

I hope that by now society has grown a bit so that they can be institutionally helped the way the Senator for Nairobi City County, Sen. Sakaja talked about. Unless you have an institution which is specialised in giving education to these type of students, children with disabilities, then we are just talking in the air.

About a month ago, I remember seeing on television, there is a lady in Ruaraka who has begun a home. However, looking at the children, you can see that she does not have the means or any facilities, but she is really committed. This was aired on TV.

It led me to think that we are not assisting as a society, the individuals who are committed to this. As a society, are we supporting the individuals who are very good hearted and want to do something and depend on handouts? These children are just there and nothing is happening. They are not getting proper education as they are growing up.

Madam Deputy Speaker, I would urge through Sen. (Dr.) Musuruve because she has been actively involved in these issues, to target that by this time next year we shall be talking about some concrete steps that are being taken institutionally, particularly in the provision of proper education and proper caring of the people suffering from cerebral palsy.

Sen. Sakaja has said that there is a bus which goes round picking them and so on. That is just a tip of the iceberg. Many are hidden in Mathare Mental Hospital and other places. I have seen one or two who are hidden completely because of the shame their parents feel.

We should have proper schools so that they are encouraged to take their children there and they can learn. Although it is a difficult challenge, they can learn to do something taking into account their disability. They can learn to do something. In other countries, they learn to do something and they become useful members of the society rather than just being left there and being taken as signs of bad luck to the families where they were born.

Thank you very much, Sen. (Dr.) Musuruve, for the comprehensive Statement that you have given. I would like to have a copy of it if I can for my record and for future reference. If there is any assistance that you would want us to do, do not forget to get in touch with us.

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Sen. Wako.

The Statement is available for circulation. However, I was also going to order that the full Statement be put on the HANSARD so that it is complete as it is. It was four pages.

It is celebration time for Senators and with that I would like to take the discretion to allow two more people.

Sen. Were and, finally, Sen. Mutula Kilonzo Jnr.

Sen. Were: Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): If you can take two minutes, Sen. Seneta will be able to get one minute.

Sen. Were: Thank you, Madam Deputy Speaker. I want to join my colleagues in congratulating Sen. (Dr.) Musuruve for bringing this Statement that is globally marked as cerebral awareness month.

We should note that the cases of cerebral palsy are rising. It is surprising that they are rising when we have free maternity care in our hospitals, which are encouraging proper antenatal care for our pregnant mothers. It means that there is a gap somewhere in the implementation of this free maternal assistance to mothers because they are not there to encourage proper antenatal care.

The Statement by Sen. (Dr.) Musuruve says that most of these cases, if they are not hereditary, they are caused by brain damage that occurs more than 28 days after birth. This means that during birth something occurs that was not foreseen because the mother has not been attending antenatal care as is expected. It is also possible because that that pregnancy was not healthy.

Mine is to urge those responsible for implementing free maternal care that is part of the Jubilee agenda for this country that they implement it fully, to start from antenatal to birth all the way.

Madam Deputy Speaker, the Speaker had promised earlier that we could also congratulate Sen. Kavindu Muthama when we rise up to speak on any issue. Therefore, I would like to congratulate Sen. Kavindu Muthama for her election, *kavaa mama*.

I would also like to congratulate the former Vice-President, hon. Stephen Kalonzo Musyoka for ensuring that she was given the party ticket. I thank the former Vice-President for mobilising his fellow leaders, Sen. Wetangula, the ANC leader hon. Mudavadi and KANU leader Sen. Gideon Moi, in making sure that we got this seat. It should not go unmentioned.

I urge other political parties to ensure that in their strongholds, they give women the nomination certificates. The election of Sen. Kavindu Muthama has proved that if you give a woman a nomination certificate in your stronghold, as a party you are almost 85 per cent assured of getting that seat.

Thank you, Madam Deputy Speaker.

Sen. Mutula Kilonzo Jnr.: Thank you, Madam Deputy Speaker. On this subject of cerebral palsy, let me disclose that when I was young in my practice, I represented a couple. That couple had a 14-year-old girl who suffered from cerebral palsy.

I have listened to the Statement of Sen. (Dr.) Musuruve and those who have mentioned about maternal healthcare because I did a lot of research, the correct position is this: Many of the children who end up with cerebral palsy get it during birth. That is when it happens. When that child misses oxygen for a period of less than five minutes, that child gets cerebral palsy.

This matter made me so paranoid that when my two children were born I was there to check so that there is no distress because it is that distress to the mother that causes cerebral palsy. The tragedy is that in most of our hospitals women would be told to continue pushing and that is when it occurs. I went to a hospital in Sultan where a mother was in labour for 24 hours. It is when the child is at the bridge that he gets cerebral palsy.

Speak the truth. Tell people that you cannot have a mother in labour for all that time because some mothers cannot dilate and it is not their mistake. It is at that point that doctors should take preventive action.

I got the UNICEF to donate the ultrasound machine to check the distress of a foetus when they are being born. In Kenya, the tragedy is that we only have at most 10 experts of cerebral palsy. This child was born under distress and was so small at 14 years, but no doctor could testify against the doctor who made that mistake.

Recently, a gentleman walked into my office, a week or two weeks ago. His child was under distress in a hospital in Nairobi, but was born with acute cerebral palsy. He was kept in an Intensive Care Unit (ICU) for three weeks and they were left with a bill of Kshs4 million when the child died. The child was buried and is when the parents then realized something was wrong. By the time they came to me, I said, we do not even have a case. This is because that child is gone, but the record shows that your mother was under distress for more than 14 hours.

Madam Deputy Speaker, the answer is in maternal healthcare. Sen. Lokorio Were has said that you cannot have a child at the bridge for five minutes and that five minutes will cause cerebral palsy which is irreversible. That child becomes deformed and its brain will never develop.

Thank God. The ones Sen. Sakaja talked about, in most cases, he will live for more than eight years. Those who have lived for more than eight years, God has been graceful to them. However, they do not get the attention they ought to get. They are treated as if they are disabled. They are treated badly and do not get any recognition.

I would urge you to have a Motion, get some way where we can have cerebral palsy as part of maternal healthcare, and in the Health Bill as a subject that is touching on the pregnancy of women and having every hospital with an ultrasound machine.

I thank you.

The Deputy Speaker (Sen. Prof. Kamar): Thank you, Senator, for that information. Sen. Mutula Kilonzo Jnr., very few Senators have been to the labour ward, but you have been in the labour room.

Sen. Mary Seneta, take the shortest time possible, please because another Senator wants to tell us his experience.

Sen. Seneta: Thank you, Madam Deputy Speaker, for also giving me a chance to congratulate Sen. (Dr.) Musuruve for having thought of this very vulnerable group.

As my other colleagues have said, this is the most vulnerable group of Persons With Disability (PWDs) that is forgotten. I want to join other mothers by celebrating the mothers with this nature of children. If a mother gets such a child, she will never go anywhere. She will be reduced to just taking care of her child forever. These are mothers who will not take these children to school. They cannot take them anywhere. They have stunted growth. Some of them will not talk. Some of them cannot hear. This child becomes a total burden to a parent forever.

Many of our facilities, counties, and healthcare institutions have no care for these children with cerebral palsy. I concur with her in her statement that we need to go further in terms of giving awareness of what these mothers should get, including others services and what these children should get. We should go further in making policies that can help these particular types of children.

Madam Deputy Speaker, I want to request you to give me a minute to also congratulate Sen. Kavindu Muthama because I did not get a chance to do so earlier. She is my neighbour from Machakos County. Kajiado County is neighbouring Machakos County. Therefore, on behalf of all the women of Kajiado County, we want to congratulate her.

We have also learnt quite a lot of lessons from you, especially issue based campaigns. I was following your campaigns in church and all forums, your campaigns were issue-based. We want to congratulate you, thank God for you, and thank the people of Machakos County for having stood with one of our own; a woman. Despite the fact that we are not coming from the same political party or affiliation, I want to congratulate you as a woman.

We are, indeed, happy. As a country, we are really happy. Further, this is a celebration month for us. Remember also we neighbour Tanzania. We now have a neighbour Madam President. We are blessed this month. Therefore, the women of this country have something to celebrate.

The Deputy Speaker (Sen. Prof. Kamar): Thank you, Senator. Finally, Sen. Wetangula.

Sen. Wetangula: Thank you, Madam Deputy Speaker. I will be very brief. I want to thank Sen. Musuruve for that Statement. Unlike those who spoke before me, I encourage her to go beyond this. She has been very passionate about disability issues.

I stand here to speak because I have an experience in these matters of cerebral palsy. My own mother lost two children in the 1960s, a sister and a brother, who suffered from what I now know was cerebral palsy. However, we did not know. This is because the level of awareness was very low.

In my earlier years together with Vice President Moody Awori, we did a lot of work with Sen. Amos Wako in trying to help. The fundraising Sen. Wako talked about, Moody Awori and I participated in trying to help children with condition.

Madam Deputy Speaker, it is important that we bring this to the national conversation. Whereas we deal with children with physical disabilities and seeing disabilities, we have not done as much to ensure children suffering from cerebral palsy are also attended to by the state as people who need special attention, care and help.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. We congratulate Sen. (Dr.) Musuruve and encourage her to look into this further as it has been said. I want to join my colleagues in saying that this is a group that can be helped. I had a student who had cerebral palsy. We took care of him throughout the first degree. He managed to go for masters, Doctor of Philosophy (PhD) and now he is a professor in a university.

It is possible to help them depending on the levels that she has defined for us. There are different types and levels. I am also taking care of one other cerebral palsy candidate called Kemboi, who is doing very well. He is now in college. Therefore, it is possible to help them. Colleagues, let us look out for them and help them.

Hon. Senators, we now go to Statements pursuant to Standing Order No. 51 (1) (a). We have two Statements then I will make a statement on the next Statements. These are updates. They should take two minutes each. The Chairperson of the Standing Committee on Labour and Social Welfare should make a Statement concerning the status of Inua Jamii programmes.

Sen. Sakaja, kindly, proceed.

Sen. Sakaja: Thank you, Madam Deputy Speaker. First, you will be pleased to note that it is not just Sen. Mutula Kilonzo Jnr. who has been to the labour ward. On the 14th of March 2012, 11th of August 2013 and 12th of May 2019, I was there for both my sons and daughter, respectively. I was there, inside the labour ward. For the rest who I am going to have, because we are told to multiply, I will be there.

The Deputy Speaker (Sen. Prof. Kamar): Congratulations Senator. We are happy.

Sen. Sakaja: For the others who are coming, I will always be there.

Madam Deputy Speaker, as the Speaker said earlier that we can take this opportunity. Allow me to take the opportunity to congratulate my neighbour - Machakos neighbours Nairobi County - Sen. Agnes Kavindu Muthama for being elected.

Madam Deputy Speaker, as it was said earlier by Sen. Omanga from Nairobi Delegation, Sen. Kavindu Muthama was a Jubilee Party member. She is on loan to Wiper Democratic Party. However, she is still ours. We are very proud of that election. It is the first election of meaning that has shown what unity can do. We saw party leaders together. Sen. Wetangula was there with his Forum for the Restoration of Democracy (FORD) - Kenya troop. His Excellency Musalia Mudavadi was there with the Amani National Coalition (ANC) troop. Sen. Gideon Moi was in support. Maybe, that is why maybe today, her jacket is very colorful. She is wearing all the party colours that represent all those parties. However, I do not know what yellow represents though it is 'kambasome'.

We are grateful and proud you have come. You have set the tone and showed you can have a campaign that is not about tribe, but issues-based. It was not insults, but encouragement. This signals a new way of doing our politics. This is what we have been doing. My slogan has always been '*siasa safi*'. That you do not have to return an insult with an insult, but rather with an encouragement. Congratulations, Sen. Kavindu Muthama.

It is a good thing for women. We have achieved the gender parity and we have seen women celebrating. Our claim to democracy is tainted when half of the team is out of the pitch. This is why we have men in this House who support gender parity. This is why I would like to advise the ladies - you all came with *shukas* today - this fight you will not win on your own, but must involve the men. The only man with a *shuka* was Sen. Olekina which is because he wears the *Maasai shukas*.

There is something called "he for she". This fight for gender parity must be won by both men and women. You can count on us. *Hongera* Sen. Kavindu Muthama.

THE STATUS OF THE INUA JAMII PROGRAMMES

Sen. Sakaja: Madam Deputy Speaker, pursuant to Standing Order 51(1) which provides that a Chairperson can make a Statement on a matter for which the Committee is responsible I would like to make a Statement on the Inua Jamii Programme as a follow of the Houses' last discussion on this matter.

At the sitting of the Senate on Tuesday 2nd March, 2021, I informed the House by leave of my Committee that we had received communication from the Ministry of Labour and Social Protection; the State Department of Social Protection regarding the payment drive to beneficiaries under the Inua Jamii Programme that had commenced on 22nd February, 2021.

Madam Deputy Speaker, Senators urged the Committee to get more details on the matter. I wish to inform the House that we have invited the Cabinet Secretary Labour and Social Protection together with his Principal Secretary of the said department to come and shed light on the following matters-

(i) A briefing on the payment process that commenced on 22nd February, 2021 - I had given the amount which is close to Kshs8 billion - on the challenges encountered and whether they achieved 100 per cent success;

(ii) The institutional framework in place to implement each of the programmes including the criteria for selection to the programmes, the implementation framework and monitoring and evaluation of these programmes;

(iii) How far the State department is in the registration of older persons of society on the National Hospital Insurance Fund (NHIF) to take care of the medical needs. These were concerns raised by Senators when I gave the Statement;

(iv) A comprehensive report on the disbursement of the latest programme, including details of disbursement under each programme broken down to counties so that each Senator knows what is happening in their specific county and constituency level; the names, criteria used to select the amount given and historical information on the disbursement and beneficiaries;

(v) How the State department is planning to manage the transition of some of the beneficiary of the programme; orphans and vulnerable children; and

(vi) What the department has done in creating databases of these special interest groups, how it manages to clean the data. For example, when an older person dies or a child aged 18. How they coordinate with county governments so that we do not have duplication of two levels of Government doing the same thing and getting credit or using it to account yet it is being done by another arm of Government. Also, the tentative dates for the next recruitment.

Madam Deputy Speaker, with your kind permission, I invite Senators to the virtual meeting of the Senate Labour and Social Welfare Committee. Because of the spike in the numbers of COVID-19 - Even today at the Senate Business Committee Meeting - we discussed that we need to reduce physical engagements. We earlier had invited the Cabinet Secretary to a physical meeting here for the Senators to come and raise questions. However, because of the new protocol based on the spike of the third wave, I hereby invite Senators to a virtual meeting of the Committee on Labour Social Welfare with the Ministry of Labour and Social Protection tomorrow, Wednesday 24th March at 9.00 a.m. The login details will be shared on the Senate business platform. The

credentials will be there and Members will get a chance to seek clarifications from the Cabinet Secretary and the team.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. The next Status report is from the Chairperson of the Committee on Justice Legal Affairs and Human Rights on the Status of the BBI.

UPDATE ON THE CONSTITUTION
OF KENYA (AMENDMENT) BILL 2020

Sen. Omogeni: Thank you, Madam Deputy Speaker. I rise Pursuant to Standing Order 51(1)(a) to give an update on the Constitution of Kenya (Amendment) Bill 2020. Following directives of the two Speakers of the National Assembly and the Senate. The departmental Committee of Justice Legal Affairs of the National Assembly and the Senate held meetings to consider the Constitution of Kenya (Amendment) Bill 2020.

Following our meetings, both Committees received memoranda pursuant to a public invitation on public participation that took place in the sittings that were held in this House on the 12th March, 2021, 16th and 17th March 2021 to collect views of the Members of the public. The public interest participation attracted a lot of interest and we received memorandum from citizens of this country, constitutional offices, including; Independent Electoral Boundaries and Commission (IEBC) Kenya National Bureau of Statistics (KNBS), the Gender Commission among many others.

Thereafter, the Committee undertook a joint retreat on the 19th March, 2021 to consider the issues raised during public hearing. I would like to report to the House that after considering the views received from the public, the joint Committees identified a number of issues in six thematic areas that require in-depth consideration by the two Committees. Therefore, the Committees were not able to conclude their consideration of public views and writing of the report on the meeting that was held on 19th March, 2021.

Bearing in mind that this is the first time Parliament is processing a Bill to amend the Constitution through a popular initiative under Article 257. It is the view of the Joint Committee that this matter should be given due consideration and where necessary get assistance from experts on constitutional matters.

The Committee, therefore, agreed to adjourn its sittings and resume further sittings on the 26th, 29th, 30th and 31st of March, 2021. This far the meetings that have been held by the joint Committee have been collegial and egalitarian with single purpose of midwifing this process forward.

On behalf of the two Committees, I assure the country that it is the intention and hope of this Committee that this process will be midwifed taking into account that the two Committees have one of the most experienced legal minds in this House. Therefore, this update is to seek an extension from the Speaker and request that the Committee tables a report of the joint Committees before this House on the 6th of April, 2021.

Madam Deputy Speaker, I want to assure the country and the promoters of the BBI that there is no intention by the two joint Committees to scuttle the BBI process. However, we want to undertake a process that can stand any constitutional test. Let us bear in mind that any process that we undertake, as Parliament, is subject to the supervisory jurisdiction of the High Court.

Arising from a similar process that was undertaken by the County Assembly of Tana River, the High Court has nullified the proceedings that took place before the County Assembly of Tana River. Therefore, I urge Members to give this Committee and Parliament an opportunity to interrogate the Constitution of Kenya Amendment Bill, 2020 and go through a process that can withstand any Constitutional challenge. Therefore, we beg that the time for presenting the joint report of the two committees be extended to 6th April, 2021.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Sen. Omogeni. I see an intervention from Sen. Orengo.

The Senate Minority Leader (Sen. Orengo): Thank you, Madam Deputy Speaker. I join the Co-Chair of the joint committee in the request that we be given more time to come up with a report. Allow me to state that nobody in this country should say that the role of Parliament is ceremonial. You cannot have a provision in the Constitution where Parliament is required to conduct business or a transaction for ceremonial purposes. The fact that Parliament is involved in this process is proof enough that the two Houses are not ceremonial. In fact, Parliament is one of the few institutions which is involved in the parliamentary process and in the popular initiative. It is not for nothing.

Madam Deputy Speaker, I urge those people who want to imagine that there is a crisis in the Committee that there is nothing like that. If the Independent Electoral and Boundaries Commission (IEBC) can take a position on some matters, Parliament requires an answer to be given to that representation made by the IEBC. The Kenya National Bureau of Standards (KNBS) took certain positions which they made out to Parliament and we must answer their questions.

I want the Co-Chair to listen to me as I say this because he is the one who brought up this issue. If you look at how the Committee of Experts conducted their business, there is literature backing almost on every issue on every Article in the Constitution, on the positions that they took.

Madam Deputy Speaker, if you go to the HANSARD and the records of the parliamentary process during the Constitution making process which came to this Parliament, you will only find our debates. It is a shame that the public will not be able to understand the position taken by Parliament in 2010. Therefore, this time around we should not allow a position where Parliament is going to give a report to this House which treated our role as purely ceremonial. I want to assure you that in the deliberations of the joint committee, there was no single issue on which Members of the Committee differed. I can assure you of that because I was there. We agreed on what to do.

Madam Deputy Speaker, generally, we said there are two components of the report that we are required to bring before Parliament. One, is on the process. We must answer that question. Are we on the right track? It is a question that has arisen out there in the public and courts so Parliament must speak to it.

Secondly, is on the issue of content to which Parliament must give an answer. I always regret the fact that when we were turning this great nation to a one party system, nobody was heard. In fact, if the matter had gone to the public and was informed by the public, the results would have been different.

Madam Deputy Speaker, now that the public, county assemblies and government institutions have spoken, why do they expect Parliament to become a voting machine? We are an important Arm of Government. I would plead with the people who are making

commentary on this process to be very patient with Parliament. We know the timelines and our duty.

Today we swore in a new Senator and she swore a constitutional oath. We are aware of what that oath requires of us. I hope that when the deliberations come before the Senate, each single Senator who wants to be heard should get chance to speak on this very important question.

Madam Deputy Speaker, we have a very able Co-Chair. I want to remind you that if you read the deliberations either in Committee or even the literature around constitution making in America more than 200 years ago, it is those who said something that are remembered and not those who kept quiet.

Those who said in the proceedings whenever they took place. There are those who wrote about it like Hamilton and Maddison are quoted today for purposes of constitutional interpretation and the thoughts that were there around the American Constitution.

Madam Deputy Speaker, the next time we are going to interpret the Constitution, people would want to know when we were discussing this process, what did Sen. Mutula Kilonzo Jnr. or Sen. Murkomen say about it?

The Supreme Court has said in interpreting the Constitution, you must be contextual. You must take into account what happened when the process was going on. Therefore, I hope that this process will be a successful conclusion. Nobody is opposing the process. However, we must not be seen to be just voting machines. I am not ready to do that. Not this time and never.

(Applause)

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Orengo, you have not said whether you are supporting the extension because the Co-Chair has requested for an extension.

The Senate Minority Leader (Sen. Orengo): Madam Deputy Speaker, when I was urging you to extent, the Co-Chair and the Clerk-at-the-Table were busy talking to you. That is why I pleaded my case to the Co-Chair to listen to me.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Sen. Orengo. I know this Committee was formed through a Communication. It was not a Motion. However, because of the request for extension we are going through a different way to see how we can assist in extending through everybody's participation. That is why I will allow a few comments on it.

Sen. Murkomen, proceed.

Sen. Murkomen: Madam Deputy Speaker, I rise to support the request by the Co-Chair for extension of time for the Committee to deliberate on this very important matter. First of all, it is in public domain that I belong and I am part of the group in this Republic that holds steadily that this is not the time to amend our Constitution.

Madam Deputy Speaker, I do not have the luxury to watch the process and abstain from this very important process because I have a constitutional duty to contribute to this process of amending our Constitution. Therefore, since it is a matter of course, it is a must for us to participate in this process. Others have initiated it and it has come to this House.

Madam Deputy Speaker, I thank the Co-Chair, Sen. Orengo and the rest of the Committee Members for locating the place of Parliament and institution of the Senate in terms of its contribution to this process. I am of the school of thought that believes that the process and content of the Constitution of Kenya (Amendment) Bill 2020 is subject to deliberations by this House. It is subject to the decision that will be made by this House. We are not a rubber stamp.

I believe that this House has the responsibility to advise the country before we talk about referendum as to whether it is right for us to go for a referendum with certain issues contained in that Bill. We have also a responsibility to ensure that there is harmony of the various provisions of the Constitution. There are many examples that are being given to the Committee, including by IEBC on delimitation of boundaries among others.

Madam Deputy Speaker, I believe that this House will have to give proper advice to those who are promoters of this Bill as to whether or not we should be able to go to referendum with the Bill as it is.

Madam Deputy Speaker, as a Senator who has opposed the amending of the Constitution at this point in time, if all of us in this House are given chance to participate in this process, without looking at this group or the other, I believe that our contribution including, my contribution, may become of great value to the Senate and to the promoters of the Constitutional (Amendment) Bill as to what kind of Kenya we are going to have.

I have said this before informally and I want to say it on the Floor of this House that when the day comes for deliberating and debating this very important Motion, I hope that no one will come to this House and say that every Senator has two or three minutes. On the contrary, instead of being given the 15 or 20 minutes that we usually use here, we should increase the time for every Senator to have 30 minutes to contribute so that we can record our observations, views and thoughts on the concerns we have about this Bill.

[The Deputy Speaker (Sen. (Prof.) Kamar left the Chair]

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

I totally agree with Sen. Orengo that in a hundred years to come Kenyans will want to know what were the thoughts of Sen. Murkomen, Sen. Sakaja, Sen. Wako, or Sen. Wetangula in terms of amending this Constitution.

It is sad that in the past, this House has had to rubber stamp things. I hope that this is not one of them. We are going to rise above our sectarian political sides. As the group of the “Hustler Nation”, we have always said that we are ready for a conversation, a consultation, and a win-win approach to this process of amending our Constitution. I do not think that there is a better institution for achieving that win-win approach than the Floor of this House.

Mr. Temporary Speaker, Sir, I am very grateful that we have this opportunity to engage. I hope that we will close ranks across the aisle, sit down together, and forget about the factions that are taking place on the Jubilee Party side of the House and sit down to agree on the way forward in amending the Constitution.

On the question of amending the Constitution, we are discussing this issue at a time when we are also discussing about achieving gender parity. Since I did not get the time to say this, I want to congratulate Sen. Agnes Muthama for her being elected to the

Senate. I went to Machakos and campaigned against her. I stood firm and said that I would prefer her son who is called Ngengele, to be elected so that he can come here and take care of his mother. However, the people of Machakos said that they want the mother and that is how they ended up electing Sen. Muthama and brought her here.

Mr. Temporary Speaker, Sir, now that she is here and Sen. Mutula Kilonzo Jnr. should not be too excited, because as you know, Sen. Agnes Muthama was our candidate in 2017. We prepared her and shaped her. Finally, the Wiper Party came to inherit her and delivered her to this House. Since that has happened, this House now becomes the first Chamber of Parliament since Independence to achieve the two-thirds gender rule.

I am glad that I belong to the Jubilee Party and the United Democratic Alliance Party (UDA), who became the pioneers in as far as the election of the first women to this House is concerned. Sen. Dullo is the only Senator elected from UDA and the first female Senator from the North to be elected to this House, comes from UDA Party, the wheelbarrow party. Sen. (Prof.) Kamar, my neighbour, comes from Jubilee Party. Sen. Kihika comes from Jubilee Party. She is our friend and believes in the ideals of the "Hustler Nation". They are all elected from this side.

It therefore means that if we can have more time to look at this constitutional amendment process, we can achieve a conversation that will ensure that this House achieves the two-thirds gender rule and also allows the National Assembly to have an opportunity to elect women to that House that will also contribute to the two-thirds gender rule without having over 100 people being nominated to Parliament. That is the kind of conversation that I look forward to having.

I want to ask Sen. Agnes Muthama to work so hard in this remaining one year, so that either herself or another woman is elected to come here and represent Machakos again, so that we move forward. We do not want to move backwards in terms of election of women to Parliament. It is possible and achievable.

I want to ask those who are in the Committee to be willing to listen to us, to have this conversation on how we can make this House gender compliant. We should also assist the National Assembly with the participation of Kenyans, not nomination of party leaders to elect people to the National Assembly that can achieve the two-thirds gender rule.

Sen. Orenge, I know that we disagree politically; you are on other side of the political aisle, but I want to assure you that should the opportunity come for us to have a conversation on this Bill ---

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

The Temporary Speaker (Sen. (Dr.) Mwaura): Samahani. Sen. Wako ana hoja ya nidhamu.

Sen. Wako: I believe I heard Sen. Murkomen, who is an eminent lawyer say that he belongs to the Jubilee Party and UDA. Is that in order? I believe that under our Constitution and our laws you are supposed to belong to only one party and not two. If he actually belongs to two, can he tell us which party he prefers of the two, because you cannot serve God and Mammon. You will love one and hate the other.

The Temporary Speaker (Sen. (Dr.) Mwaura): Sen. Wetangula.

Sen. Wetangula: Mr. Temporary Speaker, Sir, did you notice that when Sen. Wako was on his point of order, Sen. Murkomen was actually standing there and gesturing. That is not part of our Standing Orders. The moment a Member stands on a

point of order, the Member on the Floor takes a seat. Sen. Murkomen has been very good at this. I do not know why he is degenerating.

Sen. Murkomen: Mr. Temporary Speaker, Sir, Sen. Wetangula used to raise very serious points of orders. I do know when he degenerated to such minute issues on the Floor of the House.

(Laughter)

Be it as it may, in all fairness, I can confidently say that I belong to both UDA and the Jubilee Party. This is the explanation. I was elected to this House under the Jubilee Party of Kenya. In the Jubilee Party, we signed a coalition agreement, even before my election, with UDA. When I arrived in this House, I became the Senate Majority Leader, and the UDA Senator became the Deputy Majority Leader. We have worked together since then, so I am a supporter of both parties. There is no contradiction at all, in so far as the same issue.

I am surprised that Sen. Wako who is a senior counsel has not read the relevant provisions of the Constitution that say that you either belong to a party or a coalition of parties. I am part of that coalition that brings together Jubilee Party and UDA. I do not know why Sen. Mutula Kilonzo Jnr. is shaking his head because he has been knocking the door; he signed a co-operation agreement with Jubilee Party. He also wants to join UDA and Jubilee Party, so he should understand and appreciate that when I say that I belong to the Jubilee coalition, Jubilee coalition includes the UDA, which is the wheelbarrow party of the “hustler movement” and I am very proud to be part and parcel of that movement.

Mr. Temporary Speaker, Sir, I will conclude by saying---

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

The Temporary Speaker (Sen. (Dr.) Mwaura): Sen. Orengo.

The Senate Minority Leader (Sen. Orengo): Mr. Temporary Speaker, Sir, the issue that has been raised by Sen. Wako is very critical and is foundational on how a multiparty democracy operates. You can be a member of a political party which belongs to a coalition. For example, Sen. Mutula Kilonzo Jnr. is member of Wiper Democratic Party, but he can be a member of National Super Alliance (NASA) or Jubilee Party Coalition. However, you cannot be a member of two distinct parties. This is because jubilee is a distinct party and the Senator of Baringo will tell you that he is a Member of KANU, but not a member of Jubilee party.

I would dare Sen. Murkomen to repeat what he is saying on the Floor that he is a Member of Jubilee Party and a member UDA and be ready to face the consequences.

Sen. Mutula Kilonzo Jnr.: A “member” not a sympathizer of UDA party.

The Senate Minority Leader (Sen. Orengo): I dare him to say because what follows, for good order, can be taken at the appropriate forum.

The Temporary Speaker (Sen. (Dr.) Mwaura): Sen. Murkomen, *malizia*.

Sen. Murkomen: Sen. Orengo, I can say I am a member of UDA without a consequence. Nobody can dare to bring anything against me. It is only Sen. (Dr.) Mwaura and other nominated Senators they like harassing.

Be that as it may, I am a member of Jubilee coalition where UDA is a member and I am a total sympathizer of UDA party together with all its philosophy and manifesto, the “hustler” and the “wheelbarrow” movement. I also believe in “*tuko pamoja*” which is bringing people together.

In conclusion so that I do not take a long time, I was telling Sen. Orengo which was the most important part of my communication that although we disagree politically - Sen. Orengo may be happy to listen to this - it is only the ODM party and the sympathizers of the “wheelbarrow” movement who enjoy the majority of this House.

On his side, it is ODM which calls the shots. I have always said that even though I disagree with the former Prime minister, I have requested the parties that work in the NASA coalition to respect ODM. I did my arithmetic the other day and realized that FORD Kenya has one member of Senate, Wiper Democratic Party has three elected Members of Senate, KANU has only two and Amani Party has only two, but one is already an ODM sympathizer. I respect ODM party as the second largest party in this House.

If you bring the “hustler movement” here, it is only ODM and “hustler movement” who can think about one single majority party in this House.

Even though our ideologies differ, we do not agree and we will have fierce competition next year, I believe in the constitutional review process. I promise Sen. Orengo that if there will be a time that we will be asked to sit down on the round table to achieve a win-win approach, so that we go to the uncontested referendum to agree on issues, those of us who on this side subscribe to “hustler” ideology, we will voluntarily be there. We are ready and willing to hammer and discuss the issues that are there, for us to move forward as one united country and team.

The Temporary Speaker (Sen. (Dr.) Mwaura): Nafikiri huo ni mchakato ambao utaendelea. Sisi ni wanachama wa Jubilee. Miungano na mirengo ya kisiasa inaendelea kuibuka hapa nchini.

Hapa ninaona kuna Maseneta wengi sana wangependa kuzungumza. Muda umeyoyoma kwa sababu bado tuna Hoja tofauti. Kama tutaidhinisha-inafaa tuwe na kikao kimoja pekee cha Seneti. Vilevile hatujaweza kutoa rambirambi zetu kwa aliyetuacha Mhe. Rais Magufuli---

Hapa nina Maseneta 10 ambao wanataka kuzungumzia jambo hili. Sijui tupunguze muda wa kila Seneta ama tufanyaje?

An hon. Senator: Tupunguze muda.

The Temporary Speaker (Sen. (Dr.) Mwaura): Dakika ngapi? Tatu au mbili. Tupunguze muda. Dakika tatu, sivyo? Tufanye dakika tatu.

Kiongozi wa walio Wachache, kabla ya hoja ya nidhamu, dakika tatu.

The Senate Minority Leader (Sen. Orengo): Mr. Temporary Speaker, Sir, I want the Clerk to hear this because he might guide us.

The debate on the Former President of Tanzania John Pombe Magufuli is not something that we want to do without sufficient decorum and have a proper debate for those who wanted to contribute on this matter. They are quite a number. We have been waiting here.

We only have 30 minutes for somebody to move and second. We took the device of a Motion so that at the end of the debate, the record and the HANSARD will be handed over to the Tanzanian High Commission.

Although we have one day for two sittings, I propose that we defer the debate on the Motion of the Late President of Tanzania to next week.

I have been sitting here pleading that this was a matter that we needed to discuss properly. However, seeing what happened in Tanzania, how the Members of Parliament debated on this issue informally, I think if they see us rush and act as if we do not know the former President, I do not think we will be doing it the greatest honour.

Therefore, I urge you to administratively defer this debate to next week. I know that by then the President will have been buried, but it will not be too late to do it with dignity.

Sen. Wetangula: Mr. Temporary Speaker, Sir, on a point of order.

I want to urge the leadership; Sen. Orenge included that since the Motion for change of calendar has not been moved, you do not move it today. Move it tomorrow and dedicate tomorrow to our eulogising President Magufuli as the only agenda of the day. When we finish, then we move the Motion on the change of calendar and adjourn to next week.

Mr. Temporary Speaker, Sir, I will request that you give me 30 minutes to eulogise President Magufuli. I have worked with him, sat in sectoral meetings and done many things for East Africa with him. I cannot possibly talk about him in five minutes.

Therefore, if you accede that we have that as the only agenda tomorrow, then Sen. Dullo can move the Motion on the change of calendar tomorrow.

The Temporary Speaker (Sen. (Dr.) Mwaura): Nafikiri kuwa ni mwelekeo mwema Ili tusichukue muda mchache tu kwa kiongozi ambaye ni wa hadhi ya juu kama Rais Pombe Magufuli.

Kwa hivyo, tuendeleo na huu mjadala. Kuna Maseneta wengi ambao wanataka kuzungumza. Sasa hivi nampa nafasi Sen. Mutula Kilonzo Jnr.

Ni dakika tatu.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Temporary Speaker, Sir.

On the Motion of extension, I also sit as a Member of the Committee; it surprises me a little when I read some comments elsewhere, which I will not quote that there are people who think that our role as the Senate is perfunctory. I think it is belittling this House.

County assemblies had been given 90 days. In fact, in the programme of the Constitutional (Amendment) Bill, we had slotted 45 days for Parliament. We have barely even taken a week.

There are Members of this Senate who thought there was no reason to do public participation. The Members of the Committee that sat here were bombarded with legal issues on everything, every little thing including statistics that Sen. Sakaja insisted on population per constituency.

The details that have been collected by the Kenya National Bureau of Statistics, will help us determine the question of the schedule produced by the steering committee, where happily, two Members; Sen. Agnes Kavindu Muthama, *Kavaa Mama*, and Sen. Wako sat. In the process of interrogating those issues, we actually discovered many more things. Speaking to the Independent Electoral and Boundaries Commission (IEBC), it appears to us that not only as responsible Senators but as good lawyers, we must inform this House on the process.

It occurs to us also that one of the Members of this House was a member of the Committee of Experts (COE) in the making of the Constitution. We did not know that

there is a record of every debate that took place in the making of every Article in the Constitution. Therefore, in interpreting that statute, so that we cannot inform the House as to what role the Parliament plays in Article 257 vis-à-vis Article 256, we have asked for that HANSARD which is volumes and volumes and it has been provided. We are going through it, so that when we present our report, we will tell you what the intention was in drafting Article 257 in the way it is drafted currently, and many other issues.

We are all in agreement. I am told that some of the Members of the other House, have disagreed with something we all agreed upon. We did this in the Election Laws Amendment Bill. We have agreed that we do not have monopoly of information or knowledge. Therefore, the Committee has also engaged experts, who will come and interrogate some of the things that we are doing, so that we have a good report. We had the benefit of those experts in the Election Amendment Laws Bill, that came into this House and therefore, the wisdom of having those experts will inform the detailed report on what we intend to do. The Building Bridges Initiative (BBI) Steering Committee had a schedule of things to do and laws to pass. We are going to go into greater detail. A week is not even enough, but we have agreed to take a week which is not too much to ask.

Mr. Temporary Speaker, those reasons are good enough for the good lawyers and the Seniors Counsels sitting in that Joint Committee to produce a very comprehensive report, not only for the naysayers, but also the people who are part of the crusade and need more conversion.

Thank you.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante sana, Sen. Mutula Kilonzo Jnr. Wale ambao wanachangia, tafadhali mtueleze kama inawezakana kubadilisha rasimu hiyo ambayo imependekezwa.

Sen. Sakaja, tafadhali, changia.

Sen. Sakaja: Thank you, Mr. Temporary Speaker. I do not know whether the House is informed, especially the Co-Chair that - These are the intricacies of dealing with a Joint Committee - even as we are seeking this extension, the National Assembly Speaker has ruled that the report be done by the 1st of April 2021 yet it is a joint report by both Houses; meaning that by April fool's day, the report should be ready. That means that we need to adjust what we are asking for from this House.

Mr. Temporary Speaker, Sir, in the process of our discussion, we realized that there are several weighty legal and political matters that we need to discuss. The first and biggest question is what you are asking; the actual role of Parliament in such a process. That is what needs determination. The Constitution of Kenya (Amendment) Bill, 2020 is a popular initiative. Article 255 (3) provides the two ways of amending a Constitution; either by Parliament or by the people. What we want to know is what "by Parliament" constitutes of.

Article 256 of the Constitution which speaks about amendment of the Constitution through a parliamentary initiative, it provides for public participation, which is silent in Article 257. It provides for how you publish this Bill and what happens between Second and Third Readings, including the 90 days. This is because Parliament is legislating.

Therefore, the question we will seek to answer is, in this process in Article 257, whether Parliament is legislating or processing. Whether or not the Senate or the National Assembly vote for this Bill - because now it is a Bill - it will go to a referendum, that is

the provision. That is one of the questions that we need to answer. Also, we want to answer the question that if there are provisions that do not need a referendum that have been passed through this process; whether if the President assents to that, because Article 257(9) provides for the presidential assent; whether those sections are deemed to have been passed and then the IEBC isolates the other matters to go to the people. These are weighty questions that we must ask.

However, we must give assurance because I have seen there is already suspicion. We have seen the media in its reports saying that the Committee is divided. The Committee is not divided. We are very clear. We are not trying to delay this process. We just need to answer these weighty questions. There are those with concerns including my people of Nairobi about constituencies. Sen. Mutula Kilonzo Jnr. will tell you that even when KNBS came, they said: “Leave alone the 29 constituencies that are provided for. Nairobi actually deserves 33”. These discussions must be heard and we must hold fort to discuss and agree on what our role is.

Mr. Temporary Speaker, Sir, as I conclude, imagine if through popular initiative a Kenyan sought to disband the National Assembly and the Senate. Would the National Assembly and the Senate be then allowed to amend that popular initiative? Article 1 provides that: “The sovereign power of the people is expressed either directly or through their representatives”. The direct expression of sovereign will of the people is through a plebiscite and the people can say they want to amend anything that they want and Parliament cannot stand in the way of whatever the people want to do. Those are the questions that we will have to determine.

However, we want to give assurance to the House and the promoters that there is no ulterior motive because I can see people thinking that we are trying to play games. That is neither here nor there. These weighty questions are precedent setting; this is the first amendment; these weighty questions must be answered and a determination be made so that in future, in 30 years people can be guided when there is another similar initiative that comes.

I thank you.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante sana Sen. Sakaja. Ningependa kuchukua muda huu kumpa hongera Sen. Agnes Kavindu Muthama kwa kushinda uchaguzi wa Machakos. Tulikuwa na wewe ulipokuwa katika chama cha Jubilee na bado ulipata kura nyingi sana. Kwa hivyo, umeongeza tu kura kidogo na karibu katika hii nyumba yetu ambayo pia tuna mcha Mungu.

Ningependa kusema kwamba tumeweza kuwasiliana na viongozi na kwa sababu ya muda, hoja za nambari nane na tisa zitashughulikiwa kesho.

(Interruption of debate on Statement)

MOTION

ALTERATION OF THE SENATE CALENDAR
FOR THE FIFTH SESSION

THAT, notwithstanding the Resolution of the Senate made on 16th February, 2021 (approval of the Senate Calendar), pursuant to Standing Orders

29(4) and 31(3), the Senate resolves to alter its Calendar (Regular Sessions) for the Fifth Session, 2021, in respect of Parts II and III, to hold two Sittings every week on Tuesdays only (morning and afternoon) beginning from 10.00 a.m. and ending at 12.30 p.m. for the morning sitting and beginning at 2.30 p.m. and ending at 6.30 p.m. for the afternoon sitting, beginning on Tuesday 23rd March, 2021, until Tuesday, 15th June, 2021, and that the Senate Calendar (Regular Sessions) for the Fifth Session, 2021, be altered accordingly.

(Motion deferred)

**MOTION OF CONDOLENCE ON DEMISE OF THE
PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA**

TRIBUTE TO HIS EXCELLENCY THE LATE
DR. JOHN POMBE JOSEPH MAGUFULI

THAT, the Senate of the Republic of Kenya expresses its deep sadness at the death, on 17th March, 2021, of His Excellency Dr. John Pombe Joseph Magufuli, President of the United Republic of Tanzania; records its appreciation for his immense contribution in public service to the people of Tanzania; appreciates his efforts to foster unity and peace within the East African Community; recognizes the high esteem in which he was held in the African Continent in his pursuit of Pan Africanism. Stands in solidarity with Her Excellency Mama Samia Suluhu Hassan, the new President of the United Republic of Tanzania, and the people of Tanzania, in the true spirit of brotherhood within the East African Community in this difficult time; and offers its profound sympathy and condolences to Her Excellency Mama Janet Magufuli and the entire family, the government and people of the United Republic of Tanzania.

(Motion deferred)

(Resumption of debate on Statement)

The Temporary Speaker (Sen. (Dr.) Mwaura): Sasa hivi nitampa nafasi Sen. Wetangula.

Sen. Wetangula: Thank you, Mr. Temporary Speaker, Sir. I want to support the chairperson of the Committee on Justice Legal Affairs and Human Rights and his team in requesting for more time. The process of changing the Constitution and this being our first amendment, should be done very carefully so that whatever we come up with is carrying the aspirations of Kenyans, enjoys the support of Kenyans and we do not go to a referendum that creates more divisions in the country. Already county assemblies have passed the Bill in their majority.

I want to urge the senior colleagues who are in this Committee; Sen. Omogeni, Sen. Wako, Sen Orenge, Sen. Mutula Kilonzo jnr. that leave nothing to chance and bring everything that *Wananchi* are telling you in the public hearings.

The centrality of our Constitution 2010 is the participation of the people of this country in everything we do, including but not limited to changing the Constitution. The people who have come before the Committee - we have been reading and listening to some of the things they have said - have raised extremely weighty issues. I want to expect that the Committee in preparation of their report should bring to the House not only a true and honest report of what members of the public, professional bodies and others have told them but also showing direction. The issues raised by the KNBS on the constituencies; the issues raised by IEBC on encroachment on its mandate and many other issues need to be dealt with so that when we go to the referendum and we are all ready to go out there and campaign to have these constitutional changes go through.

We must do so with a clean conscience and carry along everybody, even the skeptics like the Senator for Elgeyo-Marakwet who spoke here and left. We need to convince them that what we are doing is good for everybody, including him.

Mr. Temporary Speaker, Sir, we need to ensure that the time we are looking for through the Committee is in tandem with the operations of the National Assembly. This is because I listened to my distinguished nephew, he does appear like having a joint Committee between this House and the "Lower House" is not working.

You cannot have the "Upper" House and the "Lower" House, joint committees and then one House is giving directions without consulting the other. One would expect that, in fact, any Communication from the Chair from Speaker Hon. Muturi and Speaker Hon. Lusaka should be jointly prepared by the joint Committee. This is so that when they communicate to the Houses and the country they do not cause confusion.

Mr. Temporary Speaker, Sir, the reason they are working together is to bring a composite, reasoned and agreed direction that will help the country. The moment we start saying the House of Senate taking direction that looks different and inconsistent with the direction being taken by the National Assembly, then we are sowing seeds of loss going to the future.

We want the process to go through. We want the changes to the Constitution to go through. However, wherever there is an issue we must listen to each other and change to the satisfaction of as many if not the majority of Kenyans. This is so that we have a Constitution that is agreed upon by all that will serve all.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante sana. Sasa hivi nitampatia Sen. Shiyonga nafasi. Pia niwajulishe Bunge la Seneti kwamba tuko katika mchakato wa kubadilisha au kutafsiri hizi Kanuni za Kudumu kwa lugha ya Kiswahili. Kwa hivyo tunatumai pia Maseneta wanaweza kuanza kutumia lugha ya Kiswahili. Kama Sen. Shiyonga unaweza kufurahi kwa kuzungumza kwa lugha ya Kiswahili.

Sen. Shiyonga: Thank you, Mr. Temporary Speaker, Sir. I hope you have not eaten into my time and they will give me that extension that you used. I want to support the extension in time.

Before I do so, I would like to take a bit of my time as one of the Senators here to congratulate Sen. Agnes Kavindu Muthama for being elected to this Senate.

Mr. Temporary Speaker, Sir, I congratulate still the party leader of Wiper Democratic Movement Kenya (WDM-K) hon. Stephen Kalonzo Musyoka for having worked tirelessly to bring women on board through what he is doing with the party. I

hope that other parties and party leaders are watching just to copy and paste so that women are uplifted in this particular arena.

I want also to thank the people of Machakos County for having tirelessly worked around and demonstrating that a woman matters, not only in the community, but also in a country and in leadership positions. Thank you, *Kamama* and welcome. I am your Chairperson of Kenya Women Senators Associations (KEWOSA).

Mr. Temporary Speaker, Sir, I welcome you even in that KEWOSA so that you feel you are part of us. We are sound, clever, clean and sharp ladies in the Senate here. That is why you are seeing us even extending time to sit in this House and discuss issues of this country. We are saying that *aluta continua*. You are a blessed woman and Kenyan women are blessed.

I now contribute on what the Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights has requested on the extension of time. I would like to say that the matter before us is very important. Through the Building Bridges Initiative (BBI), Kenyans are watching us to make sure that they get a certified and improved document that is supposed to deliver what Kenyans have researched and are looking forward to.

Mr. Temporary Speaker, Sir, BBI being one of the documents that we are looking for, I would like to support the extension of time, so that this Committee --- Let not one House be superior to the other House. The Senate is a House just like any other House. We are not going to leave one House to overrule issues that we see that are important to Kenyans.

We are the Senate of Kenya, the Upper House. I always say that we are here to deliberate on what is important to Kenyans. Let not one Speaker take over and assume for all Kenyans. We are here to stand and support all the thematic areas, issues, and concerns that are raised. This is not an issue of a personal intention. It is an issue that Kenyans are looking for Senators to discuss and deliberate challenges that are facing Kenyans.

We should not leave this one for the National Assembly or the Senate, but for a joint Committee. One should not look to another as if Kenyans elected weak---

(Sen. Shiyonga's microphone went off)

(Sen. Shiyonga spoke off record)

The Temporary Speaker (Sen. (Dr.) Mwaura): Tafadhali, muda umeyoyoma sana kuna Maseneta wengine. Basi nakupa dakika moja peke yake.

Sen. Shiyonga: Thank you, Mr. Temporary Speaker, Sir. I was saying that the opportunity that was taken by the Committee on Justice, Legal Affairs and Human--- When Members meet here, they have the opportunity to bring feedback on the issues that they are discussing right now. What they have collected from the public needs to be interrogated, digested and processed. What are we doing if we give the Committee a mandate to deliver to Kenyans, they bring us matters, and then we rubbish it? We give ourselves one minute to discuss issues that are going to concern generations.

With this one minute, I conclude by saying that it is very important for the extension to be given to the Joint Committee. Let us bring here what they come up with,

discuss it and give a genuine product to Kenyans that we are people, we were chosen, and we have a responsibility.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante Sana Sen. Shiyonga, lakini nikukosoe kidogo. Wakati Spika anazungumza, hachukui muda wa Seneta yeyote.

Sasa hivi nitampa nafasi Sen. Cherargei.

Sen. Cherargei: Thank you, Mr. Temporary Speaker, Sir. From the onset, I want to say that I am proud of my successor, Sen. Omogeni, the Senator of the great people of Nyamira County. I am very proud. As my successor, he is doing very well. He has done very well on the conversation and public participation we have been following keenly and we are proud of that.

There are two things that I want to mention. One is that the extension of time is timely. I wish that the promoters of BBI would appreciate that this process is so sacrosanct and sacred that we do not want to reduce it into a process that is so trivial. The process we are discussing is the future and posterity of this country.

Many years after this process is concluded, someone will want to check the Hansard of the Senate and look at what the Senate said about the first amendment to the Constitution of Kenya. I agree with the Committee on Justice, Legal Affairs and Human Rights that this process should be given enough time, so that it can allow all of us to canvass on these serious issues.

I know that the promoters of BBI are ahead of themselves, because they have owned this process. They do not want any divergent views, any criticism, or input, because their mind is so set that they believe if they rush this process, Kenyans will not have an opportunity through their representatives in this House.

Finally, Mr. Temporary Speaker, Sir, Article 257(7) of the Constitution states that-

“If a draft Bill has been approved by a majority of the county assemblies, it shall be introduced in Parliament without delay.”

What is implicated by the statement, “introduced in Parliament”? Does it mean that we just sit and allow it to pass or must we have an input?

I agree with the Co-Chairs of the Senate Committee on Justice, Legal Affairs and Human Rights and Justice and the Legal Affairs Committee of the National Assembly (JLAIC), that we allow all of us to be part of this process. Promoters of the Building Bridges Initiative (BBI), please, *kujeni mdogo mdogo*. Do not be in a hurry. Let us listen to every voice. Every Kenyan voice matters regardless of whether some of us are comfortable or not.

Finally, Mr. Temporary Speaker, Sir, allow me to mention something. The National Assembly and the Senate must work hand in hand. I do not know why the National Assembly are taking as back. When I was the Chairperson of the Committee on Legal Affairs and Human Rights and Justice of the Senate, we took the National Assembly to the High Court which ruled that the National Assembly cannot exist in isolation. Why do we not take this time and work together? Where is the “Handshake” team? Where are the BBI promoters? Why can they not lead us in getting a united report that can be presented in this House?

Mr. Temporary Speaker, I agree that we should move forward as a country but allow us to have a win-win situation. Let us not have losers or winners in this process.

The Temporary Speaker (Sen. (Dr.) Mwaura): Umemaliza muda wako. Sasa hivi nitampa Sen. Madzayo nafasi ya kuzungumza.

Sen. Madzayo: Asante, Bw. Spika wa Muda, kwa kunipa fursa hii. Mambo ya kisheria lazima yachukue mkondo wake na taratibu za kisheria kufuatwa.

Katika mchakato huu, jambo kubwa sana ni kwamba hili ni jambo litakalokuwa sharia ambazo zitatumika katika siku za usoni kusaidia Wakenya. Ningependa kumpa kongole dada yetu, Sen. Agnes Kavindu Muthama, aliyekuja hapa. Yeye ni mama mkakamavu sana. Amedhihirisha wazi kwamba anaweza kuingia katika ulingo wa siasa, kumenyana na wanaume na kuwabwaga. Kongole sana dada yangu kwa kuja hapa Bunge la Seneti.

Hili ni Bunge lenye uzoefu mkubwa katika taratibu zake za Bunge. Majadiliano hapa huwa makali na tunakosana lakini mwisho, tunaweka akili pamoja na kuendelea mbele sawasawa. Karibu sana.

Bw. Spika wa Muda, tunajua vile sheria zinatakiwa kutengenezwa. Kuna watu ambao hawakuhusishwa ama Wakenya wote wamehusishwa na jambo hili liko Bungeni sasa hivi. Bunge ndio kielelezo kikubwa. Tunajua kuna kule kujumuisha watu wote na kuzungumzia Mjadala kama huu. Sasa imefika wakati ambapo Ripoti imeandikwa na hili Bunge liko na haki kabisa kuweka mchango wake hapo.

Muda ambao umeombwa na Mwenyekiti wa Kamati ya Haki, Maswala ya Sheria na Haki za Binadamu upewe kipa umbele. Ni muhimu Kamati hiyo ipewe muda kuchambua na ilete ripoti itakayokuwa sawa kisheria na pia itakayokubalika. Baada ya hapo, mambo yote yatakayopelekwa katika kura ya maoni yatakuwa ya kukubalika na Wakenya wote. Ninafikiria ni vizuri muda huo upatikane.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante sana.

Sen. (Dr.) Milgo, ninakupa dakika nne, kutoa mchango wako.

Sen. (Dr.) Milgo: Thank you, Mr. Temporary Speaker, Sir. I also take this opportunity to support this Motion of extension of time to the Committee on Justice, Legal Affairs and Human Rights. What we are speaking to right now is a very contentious issue or a very weighty matter.

The reason we have The Constitution of Kenya (Amendment) Bill, 2020 is the fact that this country has had many challenges. First, when it comes to elections and even revenue sharing. When we talk of constituencies, we are talking about revenue sharing. That is why an additional 70 constituencies have been proposed. In addition to that, we have had a great challenge in terms of gender parity. We need to speak to many issues which are contentious.

Maybe we have been having challenges because we did not realise that during the promulgation of the Constitution in 2010, there were many people who wanted to speak to the issues that are currently being addressed but nobody was listening. The Constitution of Kenya (Amendment) Bill, 2020 has come to build bridges and at the same time, to ensure that Parliament will not be disbanded again.

Mr. Temporary Speaker, Sir, this Parliament has survived by a whisker. It would have been disbanded had the President taken up the advice of the former Chief Justice. We have to speak to these matters critically so that in future, Parliament will not be left out.

I do not understand the reason why we have a joint Committee speaking about two different dates; one is talking about 1st of April and another one 6th of April 2021. They should have agreed on one date. The date that has been proposed by the Committee

on Justice, Legal Affairs and Human Rights of the Senate, 6th April, 2021, is not far. As I was following the proceedings, I realized that the Independent Electoral Boundaries Commission (IEBC) presented some serious issues, which should be listened to.

Lastly, I congratulate Sen. Agnes Kavindu Muthama for making it to the Senate. I saw her campaigns which were very mature. Women, go through many challenges. In many cases, opponents bring up the issues of our family because they know that would bring down a woman. However, Sen. Kavindu Muthama displayed maturity. During the campaigns, she mentioned one thing about family that touched the hearts of many people. She showed the world that women can still be patient and respectful even when they are pushed to the wall.

Sen. Kavindu Muthama is most welcome. She is making this House warm, by being the fourth woman Senator to be elected. She has shown us the way and inspired us to work hard. We saw her display of mature politics and we will follow in her footsteps.

The Committee on Justice, Legal Affairs and Human Rights should be given sufficient time to look at the contentious issues and bring to this House what is acceptable by all.

The Temporary Speaker (Sen. (Dr.) Mwaura): Sen. (Dr.) Musuruve, zamu ni yako.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to comment on this issue. I commend the extension and support that there is need for extension of time for this report to be brought to the Senate.

I thank Sen. Omogeni, the Co-Chair of the Joint Committee and the Chairperson of the Committee on Justice, Legal Affairs and Human Rights together with his Committee for what they are doing. Public participation is a constitutional requirement and right. Therefore, there is need for this Joint Committee to analyse the information they got from the public and see what Kenyans want. We want a document that will be acceptable to all Kenyans.

For the sake of the people of this country, there is need to set a precedence of having Kenyans feel that they have been represented the way they should. I am sure that the Joint Committee will look at the thorny issues in the report and see how to balance them. When the Report comes to the Floor of this House, we should speak on issues that will impact Kenyans positively.

The Temporary Speaker (Sen. (Dr.) Mwaura): Maseneta, sidhani kuna Hoja nyingine yoyote. Huu Mjadala ulitokana na Ujumbe wa Spika kwa hivyo haukuwa na muda.

Hata hivyo, ninaelekeza kwamba Kamati hii ya Pamoja isichukue muda mwingi. Iwapo mtaweza kumaliza kabla ya tarehe sita Aprili, 2021, itakuwa vyema kwa sababu kuna mikakati ingine ambayo inafaa kuangaziwa. Kwa hivyo, tutawapa muda zaidi.

Maseneta, kwa sababu tayari tumeshaahirisha ile Mijadala mingine, sasa tunaweza kusimama.

ADJOURNMENT

The Temporary Speaker (Sen. (Dr.) Mwaura): Waheshimiwa Maseneta, sasa hivi ni saa kumi na mbili na dakika ishirini na nane, wakati wa kuahirisha Kikao hiki cha

Seneti. Kikao hiki sasa kimeahirishwa mpaka kesho, Jumatano, tarehe 24 Machi, 2021, saa nane na nusu za mchana.

The Senate rose at 6.28 p.m.