

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 7th May, 2015

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

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

PRAYERS

PAPER LAID

The Speaker (Hon. Ethuro): Sen. Mositet, you are listed to table a Paper. Have you changed your mind?

Sen. Mositet: Mr. Speaker, Sir, I have not changed my mind. I am sorry one of the clerks had brought me something so, my attention was diverted.

I beg to lay the following Paper on the Table of the Senate today---

The Speaker (Hon. Ethuro): Order! You are not going to lay the Paper where you are standing. It is laid on the Table and you have no Table before you.

(Sen. Mositet moved to the Dispatch Box)

REPORT OF THE FIFTH ORDINARY SESSION OF THE FORUM OF PARLIAMENTS OF MEMBER STATES OF THE ICGLR

Sen. Mositet: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday, 7th May, 2015.

Report of the Fifth Ordinary Session of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (ICGLR) held in Nairobi, Kenya from 20th to 22nd January, 2015.

(Sen. Mositet laid the document on the Table)

NOTICE OF MOTION

ADOPTION OF REPORT OF THE FIFTH ORDINARY SESSION OF THE FORUM OF PARLIAMENTS OF MEMBER STATES OF THE ICGLR

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

THAT, this House adopts the Report of the Fifth Ordinary Session of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region Held in Nairobi, Kenya from 20th to 22nd January, 2015, laid on the Table of the House today, Thursday, 7th May, 2015.

STATEMENTS

The Speaker (Hon. Ethuro): Where is the Chairperson of the Committee on Land and Natural Resources? Let us take requests for Statements first.

FORTHCOMING STATE VISIT BY THE PRESIDENT OF THE UNITED STATES, MR. BARACK OBAMA

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise under Standing Order no. 45(2)(c), to request for a Statement from the Majority Leader of this House concerning the forthcoming visit to Kenya by the President of the United States, Mr. Barack Obama. In his Statement, the following clarifications should be made:

(1) What official functions does President Obama intend to perform during his state visit?

(2) How does the Government intend to use this visit so as to:

- (a) improve the trade between the United States of America and Kenya; and,
- (b) address the escalating threat of terrorism in Kenya.

(3) Will President Obama address this Parliament?

(4) Will President Obama visit Kogelo in Siaya County?

The Speaker (Hon. Ethuro): Senate Majority Leader, Deputy Majority Leader or the Chairperson of the Committee on National Security and Foreign Relations?

Sen. Karaba.

Sen. Karaba: Mr. Speaker, Sir, I will make sure that, that thing is answered as soon as possible. It will be answered within a week.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. Sen. Karaba referred to a statement that I have requested, approved by the Speaker and read on the Floor of the House as “that thing.” Could he withdraw and use the appropriate reference to the important statement?

Sen. Karaba: Mr. Speaker, Sir, it will be answered within a week’s time.

The Speaker (Hon. Ethuro): Sen. Karaba, Sen. (Dr.) Khalwale is perfectly in order. I was not sure what you were responding to. You were responding to some “thing” but the issue before us was a statement.

Sen. Karaba: Mr. Speaker, Sir, I apologise for that. The statement will be answered within a week’s time.

Sen. Mositet: Mr. Speaker, Sir, I ride on the same question as Sen. (Dr.) Khalwale. The Ministry of Information, Communications and Technology should let us

know whether the network communication during the stay of President Obama will be normal or will be interrupted.

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

The Speaker (Hon. Ethuro): Next is the Chairperson of the Standing Committee on Land and Natural Resources. Is he not here? Could we have the Chairperson of the Committee on National Security and Foreign Relations? Where is the Vice Chairperson of the Joint Committee on Cohesion and Equal Opportunity or the Chairperson of the Standing Committee on Health or any Member? Sorry, the Committee on Health will respond to Statement (d).

The Chairperson actually confirmed that he would be present today. He has been present since Tuesday except on the material day.

Sen. Kembi-Gitura: Mr. Speaker, Sir, I do not know what to say because yesterday you directed that the answer should be given today as a Statement and the Chairman was here. I do not understand what could possibly be going on. I do not know the direction you will give on the issue. This is because the Chairman has been very eager to give the Statement. I cannot understand what has happened that he is not here now.

The Speaker (Hon. Ethuro): Not only did I indicate but I also directed. What I gave yesterday was the format in which the issue will be disposed of; whether as a report or a statement. However, the agreement had been reached so that he responds on Tuesday. So, there was adequate notice. Under the circumstances, Sen. Kembi-Gitura, I do not know what we will do. We just have to be patient and wait, I suppose. He might be on his way.

Sen. Mositet.

Sen. Mositet: Mr. Speaker, Sir, is it about the Samburus?

The Speaker (Hon. Ethuro): Please recollect your thoughts and then approach me.

Proceed, Sen. (Prof.) Lonyangapuo.

PERSONAL STATEMENT

SERVING OF POLICE SUMMONS TO MPS WITHIN
PRECINCTS OF PARLIAMENT

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I rise to give a Personal Statement. I seek the indulgence of the Senate to rise under Standing Order No. 46 to make a Personal Statement.

Mr. Speaker, Sir, this morning, you invited us to attend a *Kamukunji* which commenced at 11.00 a.m. I duly attended it as did other Senators. The *Kamkunji* went on until about half past one. On exiting the Chamber, I met an officer of the National Police Service who identified himself as Corporal Daudi Mutui. The officer stated that he

wished to serve on me, “Notice to compel attendance under Section 52(1) of the National Police Service Act, No. 11A of 2011.”

The notice is issued by Mr. Joseph Ngisa Angasa, a police officer attached to the investigation branch who states that, “He is investigating a case of robbery with violence contrary to Section 295 as read with Section 296(2) and stock theft contrary to Section 278 of the Penal Code.”

The notice goes further to compel me to appear before him at the Directorate of Criminal Investigations (DCI) Headquarters, Mazingira House, situated along Kiambu Road on 8th May, 2015, which is tomorrow. The notice was served on me immediately upon exit from the Chamber; at the doors of this Chamber.

Mr. Speaker, Sir, I seek to bring this matter to the attention of the Senate because, in my view, it raises serious issues. If the issues are left unresolved, they are likely to adversely affect the manner in which this Senate and individual Senators discharge their duties in the Senate.

Mr. Speaker, Sir, is it appropriate that while in the course of discharge of their duties and functions and while within the precincts of Parliament, Senators are accosted with summons and notices without your knowledge? Is it appropriate for a Senator to be accosted with summons and notices right outside the door of this Chamber?

I do not think that is the position. It is neither in law nor the practice and traditions of our Parliament and the Commonwealth as a whole. I have carefully studied the National Assembly (Powers and Privileges) Act (Cap 6) of the Laws of Kenya and the Senate Speaker’s Rules. It is evident that the intent of provisions of law is to ensure that an elected Member; whether in the Senate, the National Assembly or a county assembly, is not distracted while in the course of executing his or her functions within the precincts of Parliament.

Mr. Speaker, Sir, I wish to specifically cite Sections 5 and 6 of the National Assembly (Powers and Privileges) Act and Paragraph 9 of the Senate Speaker’s Rules issued by you, Hon. Speaker.

Mr. Speaker, Sir, I seek your guidance and further seek your protection of all Senators to ensure that what happened this afternoon does not become a practice in this Parliament and in our county assemblies. The sanctity of the Senate must be protected at all cost.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Order, Hon. Senators. Standing Order No. 46 is about Personal Statement and it states that:-

“During Statements Hour, a Senator may, by the indulgence of the Senate, explain matters of a personal nature although there is no question before the Senate, but such matter may not be debated.”

Therefore, this is a matter that we cannot comment on. It is sad to say that the Senator has raised very grave matters that touch on powers and privileges of Members. I will look into that and respond appropriately.

Order Members, I can see that Sen. Kivuti is in the House. Do you wish to proceed with the Statement, Senator? You are the Chairman of the Committee.

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

Sen. Kivuti: Mr. Speaker, Sir, I rise to give supplementary information on the Statement on the ongoing development on Land Reference No.NRB/Block 90/599 at the junction of Loresho Ridge Road and Kaptagat Road.

Mr. Speaker, Sir, on Wednesday 11th March, 2015, the Committee met with officers from the Ministry of Lands, Housing and Urban Development, the National Land Commission (NLC) and the National Environmental Management Authority (NEMA) to seek further information and clarification with regard to the Statement on the ongoing property development on the said land reference number. The Committee sought to know specifically what the Ministry and the NLC are doing in revoking the title to the parcel L.R. No.NRB/Block 90/599, since there was agreement that the land is public and it had been acquired fraudulently by a private developer.

We also sought to know when the stopping of construction and any other development on the parcel of land would be done and whether the Ministry of Lands, Housing and Urban Development has formerly written to the NLC to request that the Commission terminates the process of revocation of the title or determines. The Committee further sought to know if the NEMA had approved the ongoing constructions on the said parcel of land.

Mr. Speaker, Sir, the response from the Ministry of Lands, Housing and Urban Development was that it had determined that the said parcel of land is a public utility and had been transferred to private land erroneously. In the event that, that land for public utility was no longer needed, then the institution which was the custodian of the land, was supposed to surrender it back to the entity which issued the land, in this case, the Government. They confirmed that the Ministry of Lands, Housing and Urban Development had formerly written to the NLC to request it to revoke the said title. They also explained that the physical planning process that was carried out on the parcel of land in question was done erroneously and did not get statutory approval because the process of acquisition by the developer was fraudulent.

Mr. Speaker, Sir, the NLC submitted that they had received a complaint letter from the Nairobi City Water and Sewerage Company (NCWSC) about the encroachment and also including five other parcels of land, one of which, the Loresho Plot No.596, which is part of the L.R. NRB/Block 90/599, was the subject matter of the Statement.

The NLC had initiated the process of determining whether the said parcel and other parcels of land had been acquired fraudulently. The NLC had invited stakeholders and members of the public to a public hearing to establish the legality of the parcel of land. The NLC was mandated by law to hear all parties to a land dispute and determine its legality. They invited the purported owner of the L.R. No.NRB/Block 90/599 to the public hearing, but he did not attend and has been given a second chance to appear. The NLC invited stakeholders to provide documentation on the said parcel of land and from the preliminary investigations, it was evident that the said parcel of land was public land

reserved for development of a water reservoir. The NLC recommended that public institutions should secure land in their custody by way of fencing, so as to keep off potential landgrabbers.

Mr. Speaker, Sir, the NEMA also submitted that they had received a complaint from the Nairobi City Water and Sewerage Company on the same allegations. The NEMA had not received any environmental impact assessment report for any construction on the said parcel of land and, therefore, they had not approved any development thereon. The NEMA officers had visited the parcel of land and sought the name of the purported owner of the land to no avail. They, therefore, issued a stop order on construction works that had been going on at the site. The NEMA was not aware if any construction was continuing on the parcel of land.

After that, the Committee had the following findings to make:- (1) The parcel of land Loresho Parcel 307, which was reserved for a police station and where currently there is a police post, had also been fraudulently acquired by the same person who had acquired the parcel L.R. No.NRB/Block 90/599, which was the subject of the Statement given.

(2) The following parcels of land belong to Nairobi City Water and Sewerage Company and had also been fraudulently grabbed:

- (a) Karen Ponds L.R. No.12037;
- (b) Farasi Lane Reservoir;
- (c) Dandora sewerage treatment plant, L.R. No.12979/1; and,
- (d) Kariobangi sewerage treatment plant, L.R. No.8285/161.

Therefore, the Committee made the following resolutions:-

That,

- (1) The Ministry of Lands, Housing and Urban Development undertakes to write formerly to the NLC to review of the grant of ownership on the title L.R. No.NRB/ Block 90/599, situated at the junction of Loresho Ridge Road and Kaptagat Road.
- (2) The NEMA enforces the stop order on construction works on the parcel of land as aforesaid.
- (3) The NEMA provides a copy of the stop order on construction on the said parcel of land.
- (4) The NLC issues as stop order on the development of land referenced as Loresho Parcel No.307, where the police station is, by 25th March, 2015.
- (5) The NLC determines the root of title deeds for the following parcels of land:-
 - (a) L.R. Block 90/599
 - (b) Loresho Parcel No.307
 - (c) Karen Ponds L.R. No.12037;
 - (d) Farasi Lane Reservoir;
 - (e) Dandora sewerage treatment plant, L.R. No.12979/1; and,
 - (f) Kariobangi sewerage treatment plant, L.R. No.8285/161.
- (6) The NLC provides the Committee with a summary of the preliminary findings on the determination of review of grants and dispossession of titles on the above stated parcels of land by the end of business day on 12th March, 2015.

Thank you, Mr. Speaker, Sir.

Sen. Kembi-Gitura: Mr. Speaker, Sir, I would like to start by thanking the Chairman and his Committee because when they started to interrogate this issue further, they invited the Senator for Nairobi County and I to the Committee to participate, so that we could understand what was happening. I want to thank them for that and for the report.

The reason we had this further meeting was because the then Cabinet Secretary for Lands, Housing and Urban Development in her answer said “the Ministry, through the National Land Commission (NLC) is going to review the allocation of the said parcels of land. If it is found that the land has been reserved for a water reservoir which is a public utility the title deeds will be revoked. That is the bottom line and the most important finding.

The subsequent meeting which we had, like the Chairman has reported, in the further clarification, found that this is a public utility land and that the Ministry of Lands, Housing and Urban Development would write to the NLC to have the title deeds revoked. I note that in the resolution of the Committee, it says that “the NLC provides the Committee with a summary of preliminary findings on the determination of review of grant and disposition of the titles on the above stated parcels of land by end of business on 12th March, 2015.

Mr. Speaker, Sir, I have given that background because in the various findings that were made, one of them by the Ministry of Lands, Housing and Urban Development was that after he said the land was a public utility land and it should be restricted to the public, he would confirm if the Ministry of Lands, Housing and Urban Development had formerly written to the NLC to request the commission to revoke the same parcel of land and committed to ensure the said letter was written.

The NLC said that from preliminary investigations, it was evident that the parcel of land was public land reserved for the development of a water reservoir and the National Environmental Management Authority (NEMA) confirmed that it had not approved any development on the said parcel of land, although development was going on. The question all these raises is: Since the Committee was supposed to be reported back to by the NLC on 12th March, 2015, has that report been made to the Committee on or before that date and can we now rest assured that the land in question has been restituted to the public, that the title deed has been cancelled in favour of the person who took it from the public and that the land is finally the property of the Nairobi City County as trustees for the citizens of Nairobi for a water reservoir?

That is the first clarification I would like to have from the Chairman because that is the issue that I am trying to follow up, so that the structures there will be demolished and finally the land becomes the property of the Republic.

The Speaker (Hon. Ethuro): Chairman of the Committee on Lands and Natural Resources?

Order Chair, I see Sen. (Prof.) Lesan is on a point of order.

Sen. (Prof.) Lesan: On a point of order, Mr. Speaker, Sir. Since it has been proved that this land was fraudulently obtained, it therefore means that there were some criminal acts which were committed by officials in the Government. Could the Chairman

also mention or tell this House whether there were any proceedings to commit those who are involved in this web of land grabbing in the city or elsewhere are brought before a court of law for justice to take its course?

Sen. Kivuti: Mr. Speaker, Sir, I appreciate that the Deputy Speaker appreciates the answers. I would like to also add that the additional information sought was very useful to this House because we uncovered several other properties which had been grabbed in a similar manner including the police station.

Regarding the question of whether the report was done by 12th March 2015, I have given information to Sen. Kembi- Gitura that there was a meeting of NLC Review No.5 of 2015, which was annexed to this report, whereby there was an order made to restrict anything to do with this land title deed pending the cancellation. I do not want to say that I have followed up the cancellation but this is a matter which from all the submissions made, is very clear. I do not think the grabber would wish to be near there considering that the Senator for Nairobi was personally taking his team there to enforce the police who were taken there by NEMA.

Regarding the issue requested by Sen. (Prof.) Lesan, whether this criminal act has been charged against the culprit, the truth of the matter is that I am not aware of any. This is a matter which can be decided here, that is whether we recommend that the person be charged in a court of law because all the arms of Government declared that this was not a legal allocation.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir, if I heard the Senator for Murang'a clearly, he wanted to know whether the demolition of structures would be done on this particular property. You have heard the Chair, who is the Senator for Embu, telling us that they are expecting that the Sonko Rescue Team will go on site and enforce police orders. Is he in order to suggest that a private citizen can enforce police orders? If it is true, as that private citizen enforces those orders, who is this developer that Sen. Sonko is trying to arrest and evict?

Sen. Kembi-Gitura: Mr. Speaker, Sir I appreciate what Sen. (Dr.) Khalwale has sought. Whereas, this is a good report and I commend the work of the Committee, the truth of the matter is that it is still inchoate and not complete because it had deadlines. There is the deadline of 12th of March, 2015, by which the NLC was to have confirm that the title deed has been revoked. The order of the NLC tribunal is dated 2nd March, 2015.

The Speaker (Hon. Ethuro): Order Senator, I think you have been quoting quite extensively, just make the points now.

Sen. Kembi-Gitura: Mr. Speaker, Sir, this has to do with 1.5 hectares of public land that is reserved for the public and somebody is purported to take. The National Land Commission---

The Speaker (Hon. Ethuro): I know Senator but this is also Statement time. I had indulged you much earlier and you went through it quite extensively. Just revisit the issues you feel---

Sen. Kembi-Gitura: Mr. Speaker, Sir, the question is because the resolutions have a deadline of 12th March 2015 by which the NLC had to confirm that the title had been revoked, that is why I said it in inchoate. Has the NLC confirmed as of that date or a later date that the title deed had been revoked because at the end of the day that is what

we are seeking? This is so that we can say that this is public land like it was right from the beginning?

Sen. Karaba: Mr. Speaker, Sir, this is a very serious revelation that we are getting from the Chairperson of the Committee on Land and Natural Resources. This is what is happening in the whole country. We have counties which have similar problems like the ones that are faced by my friend Sen. Kembi-Gitura, the Senator for Murang'a County. A similar answer may be given by the Chairperson of the Committee on Land and Natural Resources. Could we, therefore, borrow the same, particularly in Kirinyaga? There should be similar expertise from the Chairperson of the Committee on Land and Natural Resources to visit Kirinyaga and other counties and use the same mechanism including hiring Sen. Sonko's Rescue Team to have the plots reposessed?

(Laughter)

The Speaker (Hon. Ethuro): Order, Sen. Karaba! You do not expect the Chairperson of the Committee on Land and Natural Resources to be hovering all over the place for a problem that has not been identified. If you want him to visit Kirinyaga, I will be more than happy but you need to specify the issue like the Senator for Murang'a did.

Proceed, Chairperson.

Sen. Kivuti: Mr. Speaker, Sir, I will start by commenting on the point of order raised by Sen. (Dr.) Khalwale. I believe that the HANSARD will bear me witness; I did not say that we need Sen. Sonko to go and enforce the law. I stated as follows:-

I do not think the contractor, after having been chased by the National Environment Management Authority (NEMA) would dare go back there because Sen. Sonko was also pursuing the same matter. Sen. Sonko was pursuing that not because of his other team, but because he is the Senator for Nairobi. Having said that, the document I quoted is actually an order from the National Land Commission (NLC) dated 2nd March, 2015, which is nine days before the deadline date although this was not prompted by our meeting. This order bars the developer from doing anything on that land and is part of the process of cancellation of the title deed because there are several steps that the NLC must take before they cancel the title deed.

The Speaker (Hon. Ethuro): Chairperson, Committee on Land and Natural Resources, I think Sen. Kembi-Gitura was asking about the cancellation while you are responding about the title deed being worked on. In your earlier response, you stated that you have not really followed it up from that date. The House will be happy if you just state that, that is an issue you want to keep your eye on.

The one on Sen. (Dr.) Khalwale, on what basis is a private citizen enforcing compliance? That was the most important issue. If the Senator for Embu or the Senator for Kakamega were to do the same, are there some compensation mechanisms?

What is it Sen. Kembi-Gitura?

Sen. Kembi-Gitura: Mr. Speaker, Sir, in fairness to this issue and considering all the work that has been done by the Committee, it would be wrong to leave it at this because we should not have a resolution in futility. The resolution says that they expected a certain answer by 12th March, 2015. That answer was as to whether or not the title deed

had been revoked and therefore cancelled. The interest of this House is to know whether that has happened. In fairness, what the Chairperson should do is to reserve the final answer for another day so that he can have a meeting with the NLC - Dr. Swazuri and his team and then come and tell us that this is the final position. The title has been cancelled or somebody else has come in between and we are back to *status quo ante*. That is important.

Sen. Ndiema: Mr. Speaker, Sir, the issue here is; the Committee has done its work, it has been assured and once a resolution has been made, I seek guidance whether it will be the duty of this Committee or the Committee on Implementation which should take over the matter to ensure that, that decision is implemented.

The Speaker (Hon. Ethuro): You definitely need a lot of guidance. I will start by guiding you; there is no resolution by the House. The NLC committed to the Committee that by a particular date which was 12th March, 2015, the title deed would be cancelled. Today is 7th May, 2015 and the Chairperson is yet to get an indication from the NLC that the title deed has been cancelled. That is why the Senator for Murang'a is requesting that the Chairperson and his Committee go back and get the final confirmation from the NLC towards the desired outcome as agreed by all the actors in the process. I have summarized basically what is at stake here.

Proceed, Chairperson.

Sen. Kivuti: Mr. Speaker, Sir, while I appreciate the requirement by the Senator for Murang'a, the statement I made on item 6 was not the revocation. It was that the NLC provides the Committee with a summary of preliminary findings on the determination of the review of the grants and disposition of title deeds on the above stated parcels of land. This meeting was on 11th March, 2015, the following day they sent this summary which was requested and is the one which states the order that revokes any dealings with this land until the process of cancellation of the title deed is done. To make matters easier for my friend Senator, I propose that we write to the NLC to ask them how far they have gone with this matter. I think it is also in the interest of this House and it also concerns other parcels of land which have been grabbed.

Having said that, on the issue which you commented on the private individual from Sen. (Dr.) Khalwale, I believe the Senator for Nairobi was not talking as a private individual but as the Senator for Nairobi, just like Sen. Karaba is talking about Kirinyaga.

The Speaker (Hon. Ethuro): Order, Senator! Sen. Karaba requested you to go to Kirinyaga. Are you going or not?

Sen. Kivuti: Mr. Speaker, Sir, I am ready to go when requested through the Chair.

The Speaker (Hon. Ethuro): Order, Members! Let us conclude this one. I think we are getting somewhere. The Chairperson has concluded that he will write to the NLC for an update then from that update, we will know the next course of action. Senator for Murang'a, you should be happy about that one.

Sen. Kembi-Gitura: Mr. Speaker, Sir, I am very happy except that you allow me to ask this next week whether the answer has come so that it does not die. I think that is important. Otherwise the issue will just die off.

The Speaker (Hon. Ethuro): I give you two weeks. I am sure correspondence between the Committee and the Commission might need two weeks. You could actually do it in three weeks' time. Chairperson, we are working on the assumption that the matters are fairly agreeable to all parties, so it is just a confirmation.

Sen. Kivuti: Mr. Speaker, Sir, I am obliged to do that but it may be noted that the lands office, as all of us know, is not working very smoothly, just in case there will be any delay.

The Speaker (Hon. Ethuro): Order, Chairman. Yesterday, I read to you Article 47 of the Constitution regarding delivery of services expeditiously and efficiently. I do not think it is the business of this House to start apologising on behalf of public servants. It is our job to press and press on so that they do a better job for the country. Give them that opportunity. Let them explain to you because when they hear you they might get a reason to delay.

Sen. Kivuti: Most obliged, Mr. Speaker, Sir. We will write to them, push them and respond to you as soon as possible.

The Speaker (Hon. Ethuro): Thank you very much.
Next Statement.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY 12TH MAY, 2015

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I rise under Standing Order No.45 to issue a Statement regarding the business for next week.

As usual, next there will be a meeting of the Rules and Business Committee (RBC). During that meeting, the RBC will schedule business. However, given that we have three Bills that have very near Constitutional deadlines, we expect the RBC to be kind enough to prioritise the following three Bills:-

The Public Audit Bill (National Assembly No.38 of 2014), The Public Procurement and Asset Disposal Bill, (National Assembly Bill No. 40 of 2014) and the Fair Administrative Active Bill, (National Assembly Bill No.10 of 2015). The 27th May deadline is 21 days from now and this is a deadline that includes debate on these Bills in the Second Reading as well as the Committee Stage, the passage of these Bills in this House and the return of the Bills to the National Assembly for concurrence. So, the three weeks are very short.

I am using this opportunity to appeal for two things. One, that in the next two weeks, hon. Senators, we will need to be in the House, if possible, all of us to dispense with this national duty.

Secondly, I would like to remind hon. Senators that these Bills have been in the past the subject of extension of timelines. So, it may not be possible to enlarge the deadlines for the finalization of these Bills any longer without attracting undesired consequences.

On Wednesday, the Senate will continue with business not concluded on Tuesday.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. We appreciate the appeal by the Senate Majority Leader that we should endeavor and be in the House to

attend to those Bills. However, is he in order to say that when he is the very one who was not here yesterday when we wanted to debate this Bill and there was no one to move it? Is he in order to appeal to us when he is not here himself to initiate debate?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I received this Bill yesterday at 5.00 o'clock and I am prepared to move it right now. You cannot move a Bill you have not received. I will proceed.

The Speaker (Hon. Ethuro): Proceed, Senate Majority Leader. In any case, Dr. Khalwale, is not entirely right. You were not present for another Bill but not this one.

The Senate Majority Leader (Sen. (Prof.) Kindiki): All the three Bills that are listed here or any other Bill for that matter--- I have on my table six Bills which I received yesterday at 5.00 o'clock. So, I would not have been expected to move a Bill that had not been brought to my attention. That is my point.

The point has been made that we should be here to process Bills. The delay in processing these Bills is not the fault of the Senate because they came late to us from the National Assembly. We must do whatever we can to process them in good time.

The Speaker (Hon. Ethuro): Order, Senate Majority Leader. You also owe it to the Senate. These are matters that have timelines. For Senators to be asked to cooperate; as you have correctly observed, if the three weeks period will involve concurrence of the other House, there will be need for explanation as to why the Bill was delayed somewhere else.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, my business is to move Bills once they reach to this House and are brought to the attention of the Majority Leader. I have explained, very clearly, that this happened yesterday at 5.00 o'clock. In any case, even if the Bill was moved last evening, it would not be concluded by now. So, let us look at the big picture. The big picture is that we have work to do and we must do it as soon as possible.

Sen. Murkomen: On a point of order, Mr. Speaker, Sir. Sometimes I sit, as it is known, where you sit, on your behalf. I want to support what---

The Speaker (Hon. Ethuro): Sen. Murkomen, you need to be gracious to me.

Sen. Murkomen: Yes, thanks to you, Mr. Speaker, Sir. I really want to support Sen. (Dr.) Khalwale that the Senate Majority and Minority Leaders must lead this House to be here when we want to do serious business. We now have many Bills. That is a good thing and we must congratulate them for that. However, when it comes to availability for us to hold committee sessions, which sometimes have amendments, like we have in the last few committees, where we have even up to 20 divisions to go through, we need Senators to be here. This is a message to all Senators but the Majority and the Minority Leaders must whip them together with the whips to ensure that we achieve for the sake of Kenyans and ourselves.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. Indeed, we need to impress upon the Senate Majority Leader that such Bills will not find their way on the Order Paper through the industry of the Speaker or any other Senator. You are the Leader of Government Business in this House. Since this is a Government Bill, we expected the leader of Government business, who is a professor of law, to know the implications of

bringing this Bill at such a late hour and making it completely difficult for us to meet the timelines.

Could he tell us why in the last nine months, him as the Leader of Government Business in this House and hon. Duale did not meet so that these Bills are brought earlier than now? Could he explain or at least apologise?

Sen. Obure: On a point of order, Mr. Speaker, Sir. I know that we have expressed concerns about origin of Bills before. Although there have been improvements, I noticed that a number of Government Bills still originate from the National Assembly. Could he explain why some of those bills cannot be brought here directly?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, it is true that there has been tremendous improvement in terms of simultaneous conveyance of Bills in the two Chambers of this Parliament. I am happy to report, for the benefit of Sen. Chris Obure and my other colleagues that all these Bills, including the ones I have read were simultaneously conveyed to the two Houses of Parliament through the Senate Majority Leader for the record.

We wrote to the Office of the Speaker of the Senate and he wrote back to us saying that he was consulting his brother, the Speaker of the National Assembly and the decision as to which House becomes the originating House would be made. So, it is not true to argue that the Government of the Republic of Kenya has continued to---

The Speaker (Hon. Ethuro): Order, the Senate Majority Leader! I will not allow my office to be used in vain. One of those Bills is the Public Audit Bill, 2014. I had the opportunity to say it on the Floor, on a matter requested by Sen. (Dr.) Khalwale. I said that we had not sought concurrence and that the Bill was already before the National Assembly. So, it did not come to us.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, it is true. I remember the history around the Public Audit Bill, 2014. You remember that I was of the opinion that I think that there was misrepresentation on that Bill. You will recall that with regard to the Fair Administrative Action Bill, 2014, which is one of the Bills listed here, the process of dual conveyance was followed and what I have explained here is exactly what happened. The broad issue is that we have a number of Bills that we must finish. The delay in terms of these Bills reaching us this late is not a delay that can be attributed to this House or any Member of this House. My only appeal is that let us just work hard, process these Bills and move forward.

Mr. Speaker, Sir, on Wednesday, the Senate will continue with business which will not be conclude on Tuesday and further consider and vote on the various Bills that are in the Committee of the Whole stage.

On Thursday, the Senate will consider Bills at the Second Reading stage, deliberate on Motions and any other business scheduled by the Rules and Business Committee (RBC). I just want to reiterate, and I hope that in the next two weeks, we can make some good progress, so that these Bills are dispensed with and meet the constitutional deadline.

Mr. Speaker, Sir, I thank you and now table this Statement on the Floor of the Senate.

*(The Senate Majority Leader (Sen. (Prof.) Kindiki)
laid the document on the Table)*

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

CRISIS FACING KENYA AIRWAYS

Sen. (Prof.) Anyang'-Nyong'o: Mr. Speaker, Sir, yesterday, I requested that in line with Standing Order No.33(1), I would like to move a Motion for Adjournment on a matter of national importance to discuss Kenya Airways, which is our flag carrier and is currently facing a crisis.

(Sen. (Prof.) Anyang'-Nyong'o spoke off the record)

The Speaker (Hon. Ethuro): Order, Sen. (Prof.) Anyang'-Nyong'o! You seem to have been talking to one side of the House. May you just repeat?

(Loud consultations)

Order Senators!
Please give Sen. (Prof.) Anyang'-Nyong'o the microphone.

(Sen. (Prof.) Anyang'-Nyong'o's microphone was switched on)

Sen. (Prof.) Anyang'-Nyong'o: Mr. Speaker, Sir, yesterday afternoon, I requested that in line with Standing Order No.33(1), that I move this afternoon that the House do adjourn to discuss a matter of national importance regarding our flag carrier, Kenya Airways, which is currently facing a crisis. I think that as a House in this Parliament, it is our responsibility to ensure that our flag carrier does not let our nation down.

(Several Senators stood in their places)

The Speaker (Hon. Ethuro): Order Members! Sen. (Prof.) Anyang'-Nyong'o, Standing Order No.33(3) says:-

“If the Speaker is satisfied in terms of paragraph (2) and not less than five other Senators rise in their places in support, the Speaker shall nominate a time on the same day at which such Motion may be moved.”

I am quite satisfied that you have the requisite numbers. I have counted about 11 Senators. We will give you one hour, from 5.30pm to 6.30 p.m. today.

What is it Sen. Njoroge?

ESTABLISHMENT OF A BATTERY ASSEMBLY
FACTORY IN NAIVASHA

Sen. Njoroge: Mr. Speaker, Sir, sometime last week on Thursday, I sought a Statement which I expect to get a response today from the Committee on Health regarding a battery manufacturing factory which has raised a lot of questions within Naivasha, at a place known as Nyamathi.

Thank you, Mr. Speaker.

The Speaker (Hon. Ethuro): Chair of the Committee on Health, Vice Chairperson or any other Member present?

Sen. (Prof.) Lesan: Thank you, Mr. Speaker, Sir. On behalf of the Chairman of the Committee on Health, who is not present this afternoon, I would like to tell the House that as per the request that was made last week, and your directive, we were supposed to meet the Director of the National Environmental Management Authority (NEMA). We have made a request through the Cabinet Secretary of Environment Water and Natural Resources to make available the Director of NEMA, so that we interview him to answer that question. The process of request is ongoing and we were unable to schedule and get an answer this week. We, therefore, ask for the indulgence of the House to allow us to provide the answer next week.

The Speaker (Hon. Ethuro): Sen. Njoroge, that sounds like a reasonable request.

Sen. Njoroge: Mr. Speaker, Sir, next week runs from Tuesday to Thursday. So, I do not know the exact day to expect an answer from Sen. (Prof.) Lesan. Can he be specific?

Hon. Senators: Monday to Friday!

Sen. Njoroge: Next week actually runs from Monday to Friday.

The Speaker (Hon. Ethuro): Order Senator, you were right, from Tuesday to Thursday. Let other Senators not confuse you. We are talking of the days we have the sittings. They will respond on Thursday because they are going to have a meeting and the Committee needs to do a report.

Please proceed Sen. Mugo.

DISAPPEARANCE OF TWIN BABIES AT PUMWANI
MATERNITY HOSPITAL

Sen. Mugo: Thank you, Mr. Speaker, Sir. I also made a request to the Committee on Health on the babies who disappeared at Pumwani Maternity Hospital. I know that it has been a very protracted issue but could the Committee at least give us an idea as to when they will finish the investigations and give this House an answer.

The Speaker (Hon. Ethuro): Please respond to that Sen. (Prof.) Lesan.

Sen. (Prof.) Lesan: Regarding the issue of babies at Pumwani, the Committee has deliberated on this issue for quite a long time since it has been a complex issue and involves interviewing several people. We have made some strides on this and we still have one or two witness to interview before we complete investigations before we can

present a comprehensive statement. So far, the Committee is doing fairly well in gathering this information and I am sure that after the next meeting which is scheduled for Thursday next week, the Committee should have a sufficiently good report to present to the House.

The Speaker (Hon. Ethuro): Any indicative timelines?

Sen. (Prof.) Lesan: We could give a preliminary report on Thursday next week but we have to make a comprehensive report on this because it involves a lot of investigations and requires some further investigations by arms of government on some areas which were not conclusive. We will probably table a temporary report and then later on table a comprehensive one.

The Speaker (Hon. Ethuro): Thursday next week will be okay.

Sen. Kanainza.

Sen. Kanainza: Mr. Speaker, Sir, I had forwarded my request to seek a Statement on the Floor of the House but one week down the line it has not been put in the Order Paper.

The Speaker (Hon. Ethuro): Then this is must be the most inappropriate forum to find out the fate of that request. It has not reached here; we deal with things which have already reached here. I encourage you to go and find out from the relevant offices.

Next Order.

BILL

THIRD READING

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

(Sen. (Eng.) Muriuki on 4.12.2014)

(Resumption of Debate interrupted on 6.5.2015)

The Speaker (Hon. Ethuro): Order, Senators. We have done some counting and I order the Division Bell to be rung for two minutes.

(The Division Bell was rung)

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

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

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Members we are on Order No.8 and No.9 which are divisions. The bell has rung and it is quite obvious that we do not have numbers. Therefore, in my discretion I am proposing to step down Orders No.8 and

No.9 so that we do not have to vote now without having to put the question or get a request from any Member so that we go straight to the next Order.

(Bill deferred)

THE PUBLIC FUNDRAISING BILL (SENATE BILL NO.28 OF 2014)

(Sen. (Prof.) Anyang'-Nyong'o on 5.3.2015)

(Resumption of Debate interrupted on 5.5.2015)

(Bill deferred)

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

Second Reading

THE PARLIAMENTARY SERVICE (AMENDMENT) BILL
(SENATE BILL NO.21 OF 2014)

(Sen. Murungi on 5.5.2015)

(Resumption of Debate interrupted on 6.5.2015)

The Deputy Speaker (Sen. Kembi-Gitura): Who was on the Floor?

Sen. Muthama had seven minutes but he is not here. So, the Floor is open.

Sen. Okong'o, you have the Floor. I can see a request from you, what is it about?

Is it about this Bill?

Sen. Okong'o: I wanted to comment on a different aspect before you stepped down the other Bills.

The Deputy Speaker (Sen. Kembi-Gitura): You can do it if you still want to do it.

Sen. Okong'o: I will reorganize my thoughts in a while and then I can speak.

The Deputy Speaker (Sen. Kembi-Gitura): It may be too late. What was the issue?

Sen. Okong'o: I can debate the Bill which is on the Floor of the House.

The Deputy Speaker (Sen. Kembi-Gitura): Had you sought the Floor? Your name was on the screen and I thought you were seeking the Floor.

Proceed.

Sen. Okong'o: Thank you, Mr. Deputy Speaker, Sir. Let me just continue. From the outset, I support the amendment to the Parliamentary Service Commission Act to create a separate entity which we will call the "Senate Service Committee", for purposes of facilitating the effective work of the Senate.

For the last two years that we have been in this Chamber, we have been treated with a lot of inequalities since we are lampooned in the Parliamentary Service Commission. For instance, do we enjoy all the benefits of the Members of the National Assembly or in effect, represent the very lower populace? For us to have an effective oversight, we need to be facilitated in terms of our constituencies which are slightly larger than those run by Members of the National Assembly. On the other hand, if any Member has taken any interest to see how we have been receiving our payments, we receive them under the umbrella of the National Assembly. You wonder why you get a cheque that is payable through the National Assembly and yet you are a Member of the Senate.

This Senate is composed of eminent men and women of repute who have held great offices – doctors, engineers, former ambassadors and so on. It is surprising that you cannot even invite anybody to come to your office because the 10 by 10 offices that we sit in are an abuse to the repute, image and the name of the Members of this House. Most Members of this House are here in the interest of public service. They are not interested in monies. What they are interested in is facilitation. What some of us have come into this House for is to receive some honoraria or token for delivery of service to our country. Most of us in this House cannot spend our money to do the work of our nation. The more reason why we need a separate entity called the Senate Service Committee, an equivalent of other commissions in the world like the Philippines and the United States of America (USA). In these countries, Senators are effectively equipped to deal with mundane issues of oversight and facilitation for the work that they need to do.

Mr. Deputy Speaker, Sir, look at the way we are treated by the National Assembly on the issue of Division of Revenue Bill. The Senate does its role of looking at the interests of the counties and decides to just do a small increment for counties to get money for emergencies, so that they can deal with emergencies; issues of emergencies require urgent and sudden attention. We are then told that we must show the National Assembly where we are going to get the Kshs7 billion. That is a big joke. You cannot ask the nation of Kenya, the national Government, a country with huge resources, where we are going to get the small increment of Kshs7 billion. That is more reason why we need to demarcate the two offices, not only to ourselves but also to others who will come to enjoy the benefits for posterity. When my son, Prince Mong'are will be in this House 30 years to come, I will want him to enjoy running an oversight effective to the County of Nyamira.

We are suffocated in Parliament. When the people who elected us hear the name “Senator”, they think this is the right position to safeguard their interests at the counties. Many Senators cannot move, especially like my friend Sen. (Dr.) Khalwale and Sen. Wetangula, who have 11 – 12 Constituencies. They cannot effectively run their role of oversight because they are suffocated by a very meagre income for their staff. You cannot even have research officers do what we are asked to do in this House.

Mr. Deputy Speaker, Sir, there is a clique of the old order who want to suffocate this Senate so that it can have a natural death the way it was done in 1966. However, they have forgotten that the Senate of today is here to stay. The Constitution of Kenya has

entrenched the Senate and it is going to stay. For those who are dreaming that they can kill this Senate, they need to go and pray again to the wrong gods.

I support this amendment Bill, so that we can have enough resources to work for Kenyans. I am not supporting that Senators get an increment in salary. Most Senators here are well to do. Some of us are pensioners, we have made our money and we have done our work. What we need is facilitation. We want an effective office of the Senate. I am a young lawyer and I did not come to this Senate to look for money. What I need is when I go to the impassable roads of Nyamira County, then I should get a four by four vehicle provided by the Government of Kenya to do my work effectively. I am not going to use my vehicle to go and do my work. When I go to Nyamira County, I need to afford the package of an independent auditor to make a follow-up on the audit queries raised for the county. That is why I support the amendment Bill.

With those few remarks, I beg to support.

Sen. Murkomen: Mr. Deputy Speaker, Sir, from the outset I would like to congratulate Sen. Murungi for coming up with this very important Bill. I have heard the views of many of my colleagues, including the immediate speaker, Sen. Okong'o. I would like to look at this Bill from a different perspective. It is not a Bill of the Senate *vis-à-vis* the National Assembly. If you look at the way this Bill has been drafted, it is in a manner to create two Committees of the Parliamentary Service Commission, one for the National Assembly and another for the Senate. The advantage here is to create an avenue for both Houses to have an entity that they can prosecute their matters uniquely affecting the different Houses. This is important.

I would also like our colleagues in the National Assembly to look at it from that perspective when they debate this Bill; that bicameralism has been created for the good of the country. The system of checks and balances that come with a bicameral legislature are very important for this country, so that if one House is unable to look at a particular issue, the other House can do so. This is particularly on matters affecting counties.

It is, therefore, ingenious and rightly so, that the king of Meru thought through a process of coming up with this Bill. We can then have a committee called the "Senate Committee" that will serve under and report to the Parliamentary Service Commission. This committee is important because there have been issues of experience which must have informed what Sen. Okong'o was talking about in terms of past relations for the last two years between us and the National Assembly. The reason for this is that it is only the wearer of the shoe who knows where it pinches. There is no better person to explain the difficulties and challenges of a Senator working for a constituency called a county, than a Senator who has served for the last two years. Our experiences are very clear.

For me, Senator for Elgeyo-Marakwet County, it is unfortunate that the Constitution provides in Article 96 that I have a responsibility to oversight the county and look at its interests. On the other hand, when I come to Article 127, there are no specific mechanisms that have been created by the Parliamentary Service Commission to facilitate the Senator to deal with the functions that are provided for under that Article. Personal experiences would be very useful.

Senators here will tell you. When you visit your county, you are expected to traverse it. Some counties have 12 constituencies like the one for Sen. (Dr.) Khalwale.

Others have nine constituencies like Sen. Wetangula's while some have two constituencies like Lamu County. The challenge is traversing. If you are the Senator for Marsabit County, for example, Marsabit is twice the size of England and traversing it is a big challenge. It is, therefore, important to have a Senate Service Committee. The committee will report to the Parliamentary Service Commission after capturing the unique challenges of a Senator moving across the county.

Mr. Deputy Speaker, Sir, my Committee and I visited Wajir and Mandera. We flew over Garissa County for about 20 minutes and about 30 minutes into another county while using a big plane. How much more difficult is it for a Senator to traverse Wajir, Mandera, Garissa or Elgeyo-Marakwet County? Your operating office is in Nairobi but you are expected to go to your county and listen to your people. This is because during election time, people will not take excuses that you were in Nairobi and you were expected to work from Monday to Friday. Therefore, you had only two days of the week to visit your constituency and address the people.

When I was campaigning, it took me about two years to visit all the wards in the county. It could take you two years to cover the county. You have to do that every weekend for two years for you to properly cover the county campaigning. However, when you want to serve, listen, take notes and bring ideas of constituents here, there must be proper facilitation for Members who serve in this House to do their job. Therefore, we should have a service that will understand the challenges of Senators, provide the mechanism for us to reach out to constituents and provide for us to address the unique challenges that come with overlooking governors who have become run-away managers in the counties. These are governors who do not wish any person to come between them and corruption. Therefore, Senators and the Senate need facilitation.

Mr. Deputy Speaker, Sir, the Bill also creates a service for Members of the National Assembly to also have a caucus; a committee that will look at issues that are unique to the National Assembly; matters that deal with the Constituencies Development Fund (CDF) and what to do with the CDF that has been declared unconstitutional. Members of the National Assembly have their own unique ways of coming up with solutions to challenges and problems they face in their constituencies. Therefore, they need a platform that will not have Sen. Musila sitting there because they want to focus on things that affect the National Assembly only. The committee will be very useful.

My appeal to Members of the National Assembly, even as we debate this Bill, is that they must look at it not from the perspective of antagonism between the National Assembly and the Senate but as a mechanism for facilitating good working relations between the two Houses and ensuring that we strength this House to be a strong Senate that can carry out its responsibilities. It should be enabled to be a watchdog and to check public resources that have been devolved to the county level.

Mr. Deputy Speaker, Sir, I also want to use this occasion to express my feelings to the Senator of West Pokot, Sen. (Prof.) Lonyangapuo, Senator for Turkana County, Sen. Munyes, Sen. Moi and the Senator for Samburu County, Sen. Leshore. At the moment there is a lot of conflict in these regions. I was watching Members of the National Assembly – in one of the talk-shows, on television – quarreling and fighting each other. They were using very negative words that actually separate people instead of bring them

together. I wondered how our colleagues in the National Assembly debate on television based on their tribes, blaming and pointing fingers at one other. If they can do that, how much worse is it for their constituents back home if they are listening and watching and do not have a global view of issues? It came to my mind that the only voice of reason would be Senators. I have sat with the Senators of those counties. They have a cordial relationship and a good way of speaking. Therefore, it is important for them to take the leadership.

Having such a service will provide for resources and mechanisms and there will be a rapid procedure for creating some resources to an *Ad Hoc* committee assisting Senators to run to their constituents and address issues.

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Sen. Murkomen has told us – indeed, we agree with him – that the only voice of reason are the Senators that we have here. Could he then clarify why his Government, where he is a very influential man, has this afternoon refused to take advantage of the voice of reason in Sen. (Prof.) Lonyangapuo but are instead intimidating him? They have harassed him within the precincts of Parliament. Could he clarify or is he washing his hands?

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senator. Do not reply to that because the Speaker, in his ruling, indicated that he will deal with the situation of Sen. (Prof.) Lonyangapuo. He said that he will give a substantive direction. I do not want us to pre-empt or trivialise that by dealing with it at this point. Am I clear, Sen. (Dr.) Khalwale?

(Sen. (Dr.) Khalwale nodded)

Sen. Murkomen: Mr. Speaker, Sir, suffice to note that---

The Deputy Speaker (Sen. Kembi-Gitura): Order, proceed with the debate. Do not comment on Sen. (Dr.) Khalwale's situation.

Sen. Murkomen: Mr. Deputy Speaker, Sir, I just wanted to point out what Senators have talked about. Sen. (Prof.) Lonyangapuo serves in the same side of Parliament with me. We enjoy similar privileges and status in the Jubilee Government.

There is an opportunity that this Senate can take advantage of. Through the Committee on National Security and Foreign Relations, we can utilise the four Senators to have more time. They should be given resources to form a committee that will deal with matters of conflict and peace building. I am sure that if Sen. (Prof.) Lonyangapuo can drag and get the Senator for Baringo County, Sen. Moi, together, they can create a very strong team to look at the issue and spend time with the people. I say this because as a resident of Elgeyo-Marakwet County, particularly the Marakwet side, we had protracted conflict with our Pokot neighbours for a long time. However, when the NARC Government came to power and we elected a Member of Parliament, Hon. Jebii Kilimo, at that point and time in protest from the NARC side, she, Hon. Kamama and other MPs from West Pokot spent a lot of time building relations with the people. They conducted meetings and crossed over; the Marakwet MPs going to Pokot and the Pokot MPs going to Marakwet.

Mr. Deputy Speaker, Sir, a few months ago, I went for a meeting to celebrate the peace we achieved for over 10 years. So, we have a role and ability, as leaders, to bring

our people together. My message to the elected leaders on matters of security is that whereas the Government can come with guns, there is no greater solution to matters of insecurity than the personal relationship between neighbours. Following Jesus's principle a Samaritan and Jew can sit and live together as neighbours. That person who was a Samaritan was able to assist somebody whom he did not even know. It is important that Senators are facilitated. Today, if they wanted to apply for some resources to be facilitated to go to the troubled region, they will be told by the Parliamentary Service Commission that it is not possible. But if we had a Committee that is proposed here, that looks at matters and welfare of the Senate, that Committee would understand the uniqueness of a Senator operating in a space as large as Turkana, West Pokot, Baringo and Samburu.

There is a role that this House can play. Most of the Senators, if not all, are persons of experience, who have gone through various stages of management in this country, for example, Sen. Musila, who served in the provincial administration and Sen. Obure, who is a former Cabinet Minister. The nation must take advantage of the Senators of this House. Gone are the days when we always talked about the supremacy between the National Assembly and the Senate. In fact, I dare say that there are no better qualified public servants in the political leadership in this country than the Senators. The governors would have benefited a lot if they were taking advantage of the Senators. The Governor of Kakamega would have benefited a lot if he sat with the former Assistant Minister for East African Community and Chairman of the Public Accounts and Investments Committee, Sen. (Dr.) Khalwale, who is also *mtetezi wa wanyonge*.

Mr. Deputy Speaker, Sir, if the Governor of Murang'a was willing to sit down with an Ambassador like you, who formerly served in a very strategic embassy where we were discussing matters of trade in APC and EU countries and Parliament, he would benefit a lot. So, the mentality, thought and imagination that Senators just exist for the sake of it--- There are things that are written in Article 96 about what we can do, but there are also certain advantages that come with counties and the national Government taking advantage of the experience of leaders. I just mentioned the Senators on the other side, but there are many others like Mwalimu Karaba, who was the President of Principals in all of Africa. If the education sector could take advantage of him, we would go far. We also have Prof. Lesan here, a Medical Professor. The Governor of Bomet, whose experience also is in matters of politics, would benefit a lot from the experience of a doctor like Sen. Lesan. Therefore, this House needs to be facilitated and strengthened.

Mr. Deputy Speaker, Sir, I want our brothers in the National Assembly to learn that today they are in the National Assembly and tomorrow they will be in the Senate. Tomorrow they will be Governors and some of them could be elected to be speakers of county assemblies. I am not a prophet but after the 2017 General Elections most Members of Parliament who will have lost will be busy looking for jobs in the counties. Some of them will be speakers and county executive committee members in the counties. Some will come to the Senate to look for consultancy to assist the Senators. Therefore, they must not look at this so-called supremacy battle as a permanent fight. They must look at it from the perspective that we want to strengthen the institution of the Senate and

National Assembly not for today, but for posterity, because there is nothing that we are fighting over.

Mr. Deputy Speaker, Sir, I want to conclude by saying that Jesus said in Mark Chapter 10 verse 43 that whomsoever wants to be great, must be willing to humble himself like a small child. I am very proud of the Senators in this House who have humbled themselves. Despite all the abuses that have been hurled against us, we have always said that a tiger does not need to profess its tigrity. It can only pounce and when it does so, it demonstrates its abilities. Let us continue to do so with grace and humility.

Thank you, Mr. Deputy Speaker, Sir.

Sen. M. Kajwang: Mr. Deputy Speaker, Sir, I rise to also support this Parliamentary Service (Amendment) Bill that seeks to establish a National Assembly Service Committee and Senate Service Committee that shall work under the control and direction of the Parliamentary Service Commission.

Having listened to some of the contributions by my colleagues, who have been in Parliament for a long time, it is obvious that the institution of Parliament in this nation has come a long way. The Senate Minority Leader told us a story of the years gone by, where the parking yard of Parliament resembled a garage yard, because Parliamentarians really had a difficult time. It was through the efforts of stalwarts like the hon. Oloo Aringo, who mooted the idea of a Parliamentary Service Commission, that the lot of parliamentarians in this country began to improve.

I wish to also hail the king of Meru, who is not here today, for coming up with this clever amendment to the Parliamentary Service Commission. This is long overdue because the Parliamentary Service Commission currently is constituted with the old dispensation in mind. The Parliamentary Service Commission existed before the Senate was brought in under the new Constitution. Therefore, this amendment should not be seen as a way of the Senate asserting itself or flexing its muscles. It is a way through which the Senate is going back to the Constitution, looking at the constitutional provisions and making the relevant amendments that will ensure that the institution of Parliament functions as envisaged in the Constitution.

Mr. Deputy Speaker, Sir, laws should strive to help us to overcome some of the egos and competition that we have witnessed between the National Assembly and the Senate. I am not sure that by legislating or amending this Act we will be able to change the perception and competition that exists between these two Houses. In reality, in terms of perception, experience and expectation, the Senate is a superior House. If you go to Homa Bay County where I come from, there are eight constituencies, 40 wards and several islands that dot the county. My responsibility as a Senator is to oversee the activities of the county governments and represent that entire delegation, as opposed to Members of the National Assembly who have got much smaller units. They are important, but if you look at the bigger picture, the Senator has got a lot of expectations that stand on his shoulders. Unfortunately, the Senator has been treated similar to a Member of the National Assembly. When I go back to my county, there is pressure and expectations from my electorate that I will set up offices in all the sub-counties up to the level of wards. People expect that I am going to employ them, yet I have got a similar budget as that of the Member of the National Assembly.

The cure for this is to set up two Committees, one of which will look at the focused requirements and needs of the Members of the National Assembly and the other the Members of the Senate. I believe that the reason we have all been lumped up together and treated as animals of the same genetic makeup, is because we lack that focus. This is because the Parliamentary Service Commission, as constituted, still believes that there is only one House in Kenya.

I cannot speak on this with the experience that the previous speakers have spoken, because they have been in Parliament and elective politics for a long time. But I speak on this probably from the perspective of corporate governance, where it is good practice for a commission, similar to the Parliamentary Service Commission, to have focused and dedicated small groups that will look at the needs and requirements of the various stakeholders that it represents. One area that we might need to ask ourselves, as the Senate, as we discuss these amendment is that if the Parliamentary Service Commission is chaired by the Speaker of the National Assembly, should the National Assembly Service Committee be chaired by the Speaker of the National Assembly? This is because these committees will operate under the direction and control of the Parliamentary Service Commission. When the Speaker of the National Assembly chairs the National Assembly Service Committee, is it possible that anything will come out of that Committee that will not seek or meet the approval of the Parliamentary Service Commission? I think from a corporate governance perspective we must ask ourselves whether the National Assembly Service Committee should be chaired by the Speaker of the National Assembly or the Deputy Speaker of the National Assembly. This is because there is going to be some conflict. Once the Committee has decided and the chair of that Committee is the Chair of the Parliamentary Service Commission, it will become very difficult to have any objective discussion on the recommendations of the National Assembly Service Committee.

Within the PSC, we, probably, might ask ourselves whether we want the Speaker of the Senate or the Deputy Speaker to be the Chair. We can borrow a few examples from corporate governance which says that, if you are the Chair of a board of directors, then you are not supposed to Chair any other subsidiary committees because ultimately you are like the president of the Supreme Court within that institution.

Mr. Deputy Speaker, Sir, I know that this is a one unit called Senate. There is no CORD or Jubilee in our initiative to save Kenya. However, we in CORD have made certain proposals on areas where we believe that Kenya needs to be saved. We have proposed a lot of things in our initiative to save Kenya. For example, we want to see electoral reforms and more resources channeled to the county governments. But as we do so, we also need to strengthen the institution called the Senate. We have made certain proposals that are going to oblige governors and the executives in these counties to become more accountable and provide quarterly reports. If we can also give life to Sen. Sang's Bill that establishes county development boards, probably the Senate will start to assert itself. I would like to encourage my colleagues, particularly those who are yet to buy into the salvation of Kenya doctrine, Sen. Karaba and the esteemed Senator for Uasin-Gishu, that this is an opportunity to bring something to the table to strengthen the role of the Senate. This is because we have called for a national dialogue for us to sit

together and talk about the things that ail Kenyans. We do not have a monopoly of ideas. We do not have to exhaust all the ideas in terms of saving this nation.

I want to call upon my colleagues, my brothers and the esteem Senators on the other side, that this is also an opportunity for them to bring something to the table, so that we can strengthen the role of the Senate. We want to ensure that we entrench the Senate as an institution that Kenyans understand. One of the biggest problems is that Kenyans do not really understand what we do. We are like a mongrel that is between a governor and a Member of National Assembly. It becomes very difficult to succeed because there is too much expectation that is not supported by legislation and the Constitution. I see this as an opportunity for us to have a national dialogue we have been talking about. This could be one low lying fruit that we can pluck to ensure that we strengthen the role of the Senate.

Mr. Deputy Speaker, Sir, going forward, we probably might want to ask ourselves whether we want to have separate commissions, one for the Senate and another for the National Assembly. However, we would not have been on that problem were it not for the egos and infantile competition between the National Assembly and the Senate. First and foremost, we are all MPs. It is only that we have certain specific roles as Senators and Members of the National Assembly. But at the end of the day, we are all parliamentarians. Perhaps, if we get to that level where we appreciate each other, we could still operate under one commission if that commission understood that a Senate exists and it has a role that is different from the National Assembly. If we continue with the competition and where we do things that gets to the other House are challenged, then we need to assert ourselves. This House is a reservoir of knowledge. I am privileged to sit in this House because I am able to tap into and drink into the wells of wisdom, knowledge and experience that the Members of this House profess. I believe that this House needs to be treated with respect. The experience and values here need to be tapped for the sake of this nation.

Mr. Deputy Speaker, Sir, I support this amendment Bill and urge that we must reform our thinking and get rid of competition and egos that have stifled the role of the Senate.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Sen. M. Kajwang. Who is temporary two?

Temporary two you have the Floor.

Sen. Ongoro: Mr. Deputy Speaker, Sir, thank you---

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

The Deputy Speaker(Sen. Kembi-Gitura): What is the problem, Sen. Karaba?

Sen. Ongoro: Sen. Karaba, I think--

The Deputy Speaker(Sen. Kembi-Gitura): Order! I had called Sen. Karaba. What is the problem from there?

Sen. Karaba: Mr. Deputy Speaker, Sir, I thought I was to speak next.

The Deputy Speaker (Sen. Kembi-Gitura): Why did you think so?

Sen. Karaba: Mr. Deputy Speaker, Sir, my screen was showing that I was the next.

The Deputy Speaker (Sen. Kembi-Gitura): You do not have the screen. I have it here.

Sen. Karaba: I hope you have it.

The Deputy Speaker (Sen. Kembi-Gitura): By the way, the Speaker has the discretion.

Sen. Ongoro: Mr. Deputy Speaker, Sir, I rise to support this Bill. I will not repeat the good points that have been brought forth in support. I want to remind us to consider the role of Parliament as enshrined in the Constitution under Article 94, with specific reference to Article 94(1) and (4) bearing in mind the fact that the Senate constitutes Parliament as the “Upper” House. The role of Senate is to legislate by debating and approving Bills concerning counties. This is provided in Articles 109. If you consider that, together with specific role of the Senate as enshrined in Article 96, especially Article 96(1)(3) and (4). For the avoidance of doubt, let me just read Article 96(1) which states:-

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

Article 96(3) states:-

“The Senate determines the allocation of national revenue among counties as provided in Article 217, and exercises oversight over national revenue allocated to the county governments.”

If you have to consider those two functions and come back to this Senate, and consider the facilitation accorded individual Senators, then you will know whether we are serious with devolution or not. The Constitution states specifically that we are over sighting counties. These 47 Senators plus the 18 nominated Senators are not over sighting individual counties. We expect Sen. Musila while over sighting the functions of his county to also have an in depth analysis and understanding of the running of all the other 46 counties in this country. When he stands here to give any point in relation to over sighting counties, his pronouncements affects all the 47 counties. For him to then undertake that kind of extensive mandate, we expect him to have technocrats around him. You cannot expect Senators who have the sole responsibility of ensuring that devolution takes root, counties get adequate funding and ensuring that the funds allocated to these counties are well utilized, not to have the structures of oversight. This effort of bringing devolution, the 47 counties and of decentralizing funds to the grassroots level if not over sighted, then we are not doing anything.

Mr. Deputy Speaker, Sir, without facilitation and the technical team around these Senators, you expect any Senator at any one time, to turn himself into an auditor or an accountant to interrogate books of accounts from any county brought to the committee or of his own county. They have to turn themselves from time to time to a civil engineer, an architect or an environmentalist. He has to interrogate all matters pertaining to the counties. He must be an agricultural specialist and be involved in all functions that have been devolved to the counties, including medical services, agriculture and all the major functions that are the bedrock of the economy of this country.

It is only reasonable for this country to see the need to facilitate Senators. These Senators need facilitation. Not just in terms of the technocrats around them, but they need a whole array of facilitation.

Mr. Deputy Speaker, Sir, let us just consider, for example, why the Sang Act that was introduced here in this Senate earlier was fought. It was because of misunderstanding between this Senate and the county governments. That was the perception whether real or perceived. If these Senators are not adequately facilitated, we are silently introducing apathy amongst the Senators. We may not get the kind of collection of brains, experience and brilliance that we see in this Senate in 2017. We cannot expect this Senate and individual Senators to continue allocating more funds to the counties, but not give them the structures of oversight. At the end of the day, we must know how this money is expended in the county governments. When we introduce apathy in the Senate, eventually we are killing the Senate. When we kill the Senate, by extension we are killing devolution because any system that is not properly supported eventually dies, naturally or otherwise. Anybody who appreciates the provisions of this Constitution and devolution must start by appreciating the Senate and the role that each individual Senator and collectively as the Senate play.

Mr. Deputy Speaker, Sir, if anybody studies the first Senate of this country and why it was eventually by consensus abolished, then you will see similarities. We are slowly retrogressing and beginning to follow that same path. However, even as I support this Bill, let us research and consider more about the proposed committee. We must research more on its constitution, who chairs it, its mandate and how it will relate to the already existing commission so that we do not also create unnecessary challenges.

The law of the jungle is very clear. We are told that the rabbit is one of the most intelligent animals. However, we cannot expect it to oversight an elephant. That is what is being created here. With all due respect, however intelligent and enterprising we are, without facilitation, we will go back to our counties and see the elephant trampling on everything, every greenery, destroying the environment and we do nothing. Let us not take that route. If want the jungle to be well over sighted by lion, then we must have a lion with teeth and ability to do so. Even as it lies down, all the other animals know that when it rises, it will do something. We are passionately asking that the Government and this nation consider and not trivialize this Bill to mean that Senators are looking for additional funding or salary. No, far from it. In fact, that facilitation can as well be structured in such a way and format that the Senator plays no role, but provided he has the funding. For example, consider the nominated Senators who sit in this Senate. We have Senators who represent those living with disability. Their constituency is national. They need to know what is happening to the disabled in Turkana, Lamu and everywhere else. When we do not facilitate them, then it is a representation that is not effective. We must allow them the kind of facilitation and funding that can allow them to visit any part of the country, hospital and institutions to find out that those institutions are compliant.

Mr. Deputy Speaker, Sir, we also have women Senators here representing the very big constituency of the more than 52 per cent of this population. We, as women Senators, we do not have a specific constituency because we are representing the interests of women in relation to gender issues. For example, for you to do that effectively, you must research and have all the data concerning whatever is happening in ministries, gender mainstreaming, gender friendly budgetary process and all matters that affect the

more than 52 per cent of the population. In that respect, therefore, without facilitation, we cannot represent this constituency adequately.

Mr. Deputy Speaker, Sir, as I conclude, I urge the National Assembly not to look at this as yet another platform of engagement in terms of supremacy battles, but to look at it as the broader picture affecting the nation. This facilitation will also to some extent make their work as legislators easier. When you have an effective, properly facilitated Senator in your county, you the Member of Parliament (MP) in that county representing a single constituency, have an easier way of knowing what is happening at the county governments and then relate it to the national Government. That can that help you synthesize all those policies to be compliant also with yours in your constituency. Therefore, as I rest my case, I plead with our brothers and sisters to look at the broader picture of this Bill and not to have any issues with it.

Sen. Karaba: Thank you very much, Mr. Deputy Speaker, Sir, for allowing me to say something in support of this amendment Bill moved by my friend, Sen. Murungi, the “king of Meru.” This is a requirement. In fact, we should not be discussing it so much like we are suffering a lot from the problems which we have caused ourselves. This is an omission which was made during the time when the Constitution drafting was being done at Naivasha. I am sure those people who were there, would have seen that there was need to have a clear way of defining who is and who was to be a Senator. This Bill is coming at a time when the two Houses seem not to understand each other, particularly so on the roles of the Senator. These are the roles which should have been defined very well in the Constitution. But for reasons not known to us, they were not put in the Constitution.

Mr. Deputy Speaker, Sir, the PSC is the key. This is the most senior Commission. It is a constitutional commission amongst nine commissions enshrined in the Constitution. We have a lot of respect for it. It takes care of everything parliamentary.

In this case, let me thank my former Provincial and District Commissioner, Sen. Musila who has been very serious at that PSC. Most of the time, he has been here and he is not like other Senators who come and disappear. We have known him as somebody who can take our complaints to the PSC because he has been here. He knows, he hears and even gets to know the feelings of most Senators. He is not a stranger in this House. He knows and gets to know what we are saying. I am sure that after this; he will tell other Commissioners our feelings.

The feelings of this Senate are that we all went to a battle. This is the battle that culminated into campaigns and elections were held. Those who won were elected. To the amazement of most of those who were waiting for us to lose we won. We would have contested for various seats; either as Members of County Assembly (MCAs) or Members of National Assembly. However, we decided to contest for Senate seat because some of us had already served in the National Assembly.

We would have contested to become Members of National Assembly if we knew how the Senate would be treated so that we enjoy what those Members enjoy. We would also have become governors, but we did not know much of what was entailed in the governorship. We thought that since a governor compared to a Senator in America, the Senator is more powerful. Some of us went for the Senate seat because we were

comparing ourselves with America. That is why people like Prof. Anyang'-Nyong'o, Sen. Musila and myself had to become Senators.

We were comparing which House would be better. We thought that the Senate was the best. It is true that it is the best going by the brains contained in this House. It is the best because I know what kind of brains I am using. Mine, certainly, can be borrowed elsewhere. It is true that when I was in Mauritius last weekend I was representing the whole of Africa in the Early Childhood Development Education (ECDE) forum. This was a continental conference. When I got to Saint Louis, Mauritius, I was received by a Government official. I was driven in a Government car full of bodyguards. I met the Minister for Education, a lady who treated me like a Minister. That is what it costs to be a Senator.

It is a pity that when you are walking around here, nobody cares whether you are a Senator or a Member of National Assembly. We are all referred to as parliamentarians. That means that a Senator is by name and insinuation a person who is above others in terms of law-making and legislature. Therefore, when we are here, people should not demean us. They should not think that we are here because age has made it possible for us to be here. One time, age will get us out once we exit and others will come in.

The important thing is to perpetuate the feeling and principles of this House so that others find it necessary to come and be Senators just because we have had a very successful Senate that comprises of the Senators here. Since this is our second Senate since Independence; the first one was in 1963 and now we have the second one, we should maintain or perpetuate what is good for the Senate so that others can emulate and see to that it is good for them to be Senators. However, if we do not have the privileges enjoyed by Senators elsewhere and we do not have self esteem, we will have problems. In a nutshell, a Senator is that person who has been elected just like any other person and more so by more votes than a Member of National Assembly.

In my case, because I do not know about others, I was elected by over 250,000 people. In every polling station, I was number one. For anybody to say that I am not as popular as a Member of National Assembly who was elected by 20,000 votes, that is ridiculous. We should now be going for something which is possible, feasible and true depending on what we were elected for. When you are elected by a big majority, the majority look forward towards what you will do for them because they know that they elected people who are intelligent and people who can spread their wings to 10 or 15 constituencies in a county. That is why others who were elected in the constituencies were elected to lead constituencies. Those who were elected to lead counties are, according to the eyes of the majority, senior people who can afford to travel to such areas and bring calm to a county which is, probably, troublesome.

The expectations of majority of the people in a community are that the Senator is the most senior politician in the county. That is what they think. However, when it comes to the Senate and the National Assembly privileges, you will find that is not how a Senator is treated. The Senator should be treated the way people expect. The expectations are that the Senator is the senior person in the county. When we get to those positions, therefore, we should be seen that way. We should be the people driving bigger cars than the governors. We should be the ones walking more straight than the Members of

National Assembly or the women representatives. However, the women representatives walk more straight than the Senators because they enjoy funds and an office which we do not afford. Why create such a paradox? This is bad for us. We need to enshrine and come up with a proper definition so that we are not seen as a fake House that cannot do much which allows for age to catch up with those who are here. In that case, the Bill has captured the spirit. The spirit recognises the Senator per se.

The Bill also recognises the law that talks about the Senator which was not put across in the Naivasha Accord. The Bill also captures the present mood which is that the Senate is just there. The moment we have facilitation to Senators, we will behave as people who matter. We will be seen as people who also matter.

Imagine when you go to a county function, there will be a Governor who comes in with the “first lady.” There you are without a lady because you do not want to be embarrassed. You are then introduced to a lady and are told; “this is the first lady of the county, greet her.” You then start wondering what is happening. We need to know who should have the “first lady.” Is it the Senator or the Governor? If the Senator is the one who should provide the oversight to the Governor, he should also provide the oversight of who should be the first lady. That is what this amendment is talking about.

We are here to say that we support this amendment. The moment we support it, we will be more effective in our duties. We will appear as people who know what they are doing in the counties. We will create oversight the way it is spelt out in the Bill. We will also move from one constituency to another. We should sit in a sub county office for hours as we scrutinize these books. However, the people at the county have been employed by the Governor. There are many County Executive Committee (CEC) members in counties. We also need to have the offices in the sub county which have a fully fledged team to look into constituency affairs. If we have four constituencies or more, we should have fully fledged office. We also need an efficient transport system provided for to the Senator so that if there is fire in one constituency, he arrives there, before the Governor.

That is a politician; the person who was elected to ensure that the county is running and is accountable for all problems. If we are not providing the funds to facilitate him as a Senator, how is he expected to go to the different sub counties and attend functions same as the Governor? It is him who is supposed to oversight the expenditure of the funds that are already released by the Commission on Revenue Allocation (CRA) through the Senate. It defeats common sense of becoming the overseer, yet you have no facilities to do so. The facilities require money and that is the reason this amendment Bill is important. It is coming at the right time. For that matter, it is paramount that we have to pass it.

Mr. Deputy Speaker, Sir, the other day when we travelled to Kisumu, I saw Governors travelling in first class and yet there I was at the back of the plane. The only assurance I told them that we were going to arrive at the same time at the Kisumu International Airport. However, they were ahead of me and they disembark before the rest of us in the economy class. So, by the time I disembarked, they had already been taken by their flashy cars to the hotels. Leaving the Senator behind who is supposed to oversight to them.

Mr. Deputy Speaker, Sir, I think that we need to streamline the laws, responsibilities and esteem so that we feel like we belong to the Senate. We should hold this House like an esteemed House that is to be emulated and where everybody else would like to come to, because of the way we conduct ourselves and the way the PSC will come up with the other support that we are looking for. It is, therefore, important that we support the Bill.

I beg to support.

Sen. Musila: Thank you, Mr. Deputy Speaker, Sir, for the opportunity to contribute to this important Bill which I support. Let me, first of all, congratulate Sen. Murungi for bringing this Bill to the House. As we are all aware, he is a man of immense experience having been a lawyer for many years. We, therefore, respect him and support his work. Let me also acknowledge with a lot of humility, the kind comments made to me by my friend, Sen. Karaba, the Senator for Kirinyaga County.

This House nominated three Senators; that is, Sen. Mugo and Sen. Leshore and I, to serve in the PSC. The three of us have served this House with a lot of distinction. Of course, we have had to fight a lot of challenges. But overall, I think that we have made a lot of progress. I am also aware that there is another Bill, the Parliamentary Service (Amendment) Bill, which is actually amending the original Bill, which has been submitted or published for the National Assembly. It is meant to amend the original Act to bring it in line with the changes that we are all talking about with regards to the bicameral Parliament.

Mr. Deputy Speaker, Sir, looking through the proposed amendments, particularly the functions of the two committees, I find them to be in order as they will be further strengthening the services that the members of these two Houses need. However, with a lot of humility, I want to say as follows, first, Members have raised many issues. I think that one of the biggest problems that we have as Commissioners and as I had already told the *Kamukunji* this morning that having discussed with the Vice Chairperson, Sen. Mugo, is that I think as a PSC, we have lacked in passing information to the people who nominated us to those positions. I said this morning that, in future, we will be providing information as frequently as possible to our Members, because we owe it to them and they are the ones who nominated. They should also be in the know. I say this because yesterday I listened to some contributions which in a way – and I say this with a lot of humility – felt like some hon. Senators were not appreciating the work that has already been done by the PSC.

Mr. Deputy Speaker, Sir, first, on the issue of facilitation, you recall that when you Chaired a RBC meeting, you were given the responsibility of forming a subcommittee to do a paper and make proposals to the PSC on ways and means of improving the facilitation that is given to the Senators. You know that we executed those recommendations to the best of our knowledge. However, we met a lot of challenges. One, the issue of salaries and allowances falls completely out of the purview of the PSC. In the past, the PSC would sit, determine the remuneration and recommend the Treasury. However, the past PSCs had the power to decide on the remunerations and allowances. Now, the Salaries and Remuneration Commission (SRC) is the sole Constitutional Commission that has been charged with that responsibility. I do not want Members to

think that the PSC has been doing nothing about it. All the issues that have raised here by Members; that representing a county is not the same as representing a constituency, that matter has been hammered to the SRC, in fact, as late as last week. We went to the as PSC and met the SRC and those are some of the main issues that we discussed.

The fact that a Senator represents a county with many sub counties or constituencies is a matter that has been laid to bare before the SRC. However, so far, we have not been able to succeed. For example, on mileage, a Senator or a Member of the National Assembly is supposed to claim it on distance covered from Nairobi to your house. You wonder when you reach the house and you have been paid your mileage, how you move to the rest of the areas that you have to cover? These are the issues that we have raised time and again in writing to the SRC. However, we are waiting for their latest response that they said they will bring in two weeks' time. I want Senators to know and appreciate that their PSC has not gone to slumber as one distinguished Senator said yesterday.

Recently there were revisions of per diems where the Senators' as well as the Member of the National Assembly's were slashed by almost 50 per cent. Recently we had an experience with Members of the National Assembly and some Senators who went to Washington, during the World Bank meeting, but could not afford to stay in Washington because of the costs. They had to travel by train to Maryland in order to get a hotel that they could afford according to the per diem they are given today. In fact, one of the Members of the National Assembly fell and is now nursing a serious wound on his knee. If a Member of a distinguished House like the Senate or the National Assembly goes to a conference and he has to look for some substandard accommodation somewhere and yet he is representing Kenya as a nation. These matters were again executed last week to the PSC. We even took this Member to the Serem Commission to show the wound. I want to confirm here that despite all the negative statements that are being made about the PSC, I would like to confirm that it is working round the clock doing all it can to ensure that Members of National Assembly and the Senate are facilitated.

Mr. Deputy Speaker, Sir, admittedly when we started proceedings in the PSC, there were voices which tended to suggest what Members are saying now, that this is the Senate and this is the National Assembly. I want to confirm that over the two years that we have been in the PSC, the three Senators with the support of some Members of the National Assembly, we have managed to moderate the PSC to the extent that we are now speaking one language and not as Senators or National Assembly Members. This is why we have successfully, in collaboration with the leadership of the Senate, managed to secure Kshs1 billion during the next financial year for the oversight by the Senators of the counties as it is stipulated in the Constitution. I know that the money may be inadequate, but it is a start. I can see in future the PSC achieving more.

Mr. Deputy Speaker, Sir, the reason I support this is because it is supplementing the PSC. Members of the PSC according to this Bill, will also be members of this committee. That way, we will be able to put energy together to provide services. I wanted us to ensure that we leave the past behind. The past is going. We are now a cohesive PSC serving the institution of Parliament pretty aware of the responsibilities of Senators and the responsibilities of the National Assembly. We have made a lot of progress.

I listened to our junior Senator, recently elected, Sen. M. Kajwang and he made a lot of sense in what he said. For example, the proposal that the secretary of the committee be the Clerk of the Senate would not work because the Clerk of the Senate is the Secretary to the PSC. Therefore, it would not be in order for him to be the secretary of that committee. Similarly, the Chair of the PSC is the Speaker of the National Assembly and he would not be the appropriate person to chair that committee. These are amendments that can be done during the Committee Stage.

I want the distinguished Senators here to appreciate the work that we have done as commissioners. There is enormous development taking place. We are not perfect, but we have done our best. We are not unique in Kenya; the Senate, the National Assembly or the Congress, whatever you call it, there are always those issues of superiority and so on. In fact, in the Senate of Canada or the House of Commons, there is a line drawn showing where Senators reach and where the National Assembly Members reach. I do not think we want to get to that stage. Through these committees, I am sure we can have a cohesive institution of the Parliament of Kenya. We can facilitate members according to their needs. Let us also know that this committee will not be a solution to many issues like the salaries, allowances and so on because that is out of reach of the PSC. The answer would be, and I am saying this with all seriousness, for the two Houses to realise the need to change the Constitution in order to create a service commission for the Senate and one for the National Assembly. Indeed, that is what is happening in many jurisdictions. This can only be achieved through change of the Constitution. That is why the call by CORD for Okoa Kenya is not misplaced.

Mr. Deputy Speaker, Sir, I propose that that we consider amending certain clauses of the Constitution. I was in the committee that was formulating the Constitution. At that time, we thought that the Senate would just be a council of elders. The way it is now, is that this House must be treated and regarded as the Upper House. This can only be achieved through amendment of the Constitution.

With those few remarks, I beg to support.

Sen. Melly: Mr. Deputy Speaker, Sir, I want to congratulate Sen. Musila, for the wonderful contribution he has made to ensure that this House comes to its position. That is the position of being the Upper House of the Parliament of Kenya.

According to my view, there has been no political goodwill towards the Senate of this Republic. This has not started now, but even in 1963, people deliberately decided to do away with the Senate. Part of those challenges and part of those ideas are still there today. That is why when every Senator stands to speak, you hear them saying that it has been completely difficult for a Senator to access his constituency. The reason I am saying there is no political goodwill, it is now two and half years down the line and this Senate is struggling through the PSC, to ensure that at least a Senator is facilitated. If we were to give any other person to determine, it would be clear that you cannot facilitate a Senator who is actually elected in more than five or six constituencies as a Member of the National Assembly who is only elected in one constituency. We also want to remain relevant as the Senators of this first Senate. We cannot allow all these challenges to bring us down.

This Bill comes at a time when all of us are equally tired that despite doing our best, if we cannot be facilitated as Members have said, then we are losing relevance as Senators of this country. We require a commission, whether it will be chaired by the Deputy Speaker or the Clerk. That is not the issue. The first thing that we need to do is to use all our minds and experiences to ensure that we have a commission that will take care of our interests as Senators.

Mr. Deputy Speaker, Sir, unless we become independent as Senators, I have said it and I will repeat, we will continue to lose relevance in the eyes of the public. We have attended big functions and at times we get very embarrassed. You may have a function in one constituency and there is another big function that may be attended by an executive form the national Government in another constituency. You will find that you cannot even reach there. If you do, people will be recognised. A governor will be told: "Thank you, governor for doing this and that." A Member of the National Assembly will be congratulated. A Senator just sits in the middle with nobody talking to them. Even if you are given a chance to speak, you have nothing to say. People want to feel a Senator the way they feel the governor or a Member of the National Assembly, but that is not happening. We, as the Senate, accepted this situation. The only thing we are asking is that we be facilitated to access our people; the people who elected us and the projects funded by the counties within those sub-counties.

We should not be misunderstood and people should not believe that, as the Senate, we are asking for a salary increment. That is not our business and there is no day we will ask the PSC to increase our salaries. We are contented because we believe that this country is still developing and we have various challenges as far as raising finances is concerned.

Mr. Deputy Speaker, Sir, the Constitution is very clear regarding our mandate as the Senate. On issues of oversight, today when you ask a Senator whether he or she has done some oversight in his or her county, a big number of them, almost three quarters, will say they have done nothing. This is because they are not facilitated. Even if they have access to one constituency, they are not able to do oversight function. A number of Senators here have more than 10 constituencies. Nobody will facilitate you to reach those projects financed by the county government.

This House has passed different Bills among them is the Division of Revenue Bill 2013/2014. This year, another Bill will be tabled here. Our main business is to increase funds to the counties to the tune of billions of shillings. At the same time, a Senator is not facilitated to oversight over the projects which that money will fund. How do you expect a governor to do the right thing without the Senator being around to have a follow up on the projects, and question how much has been spent on certain projects? It is very unfortunate. The more we increase the money to the counties, the more it is will be disastrous in future unless the Senate is given powers of oversight by being facilitated to have access to every project in the county. I am sure we still have a long way to go.

Mr. Deputy Speaker, Sir, there have been forces that are uniting to ensure that this House becomes irrelevant in the eyes of the public so that, at one time, people will ask what the need of the Senate was. There are very many things that we could do well as the Senate if we had our own independent commission which can handle our issues. The

issues of Senators are unique. This is the first Senate that is sitting apart from the Senate that was scrapped in 1966.

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

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

So, there are unique challenges. This Senate is a child that needs a good environment to be nurtured so that in future, we will also celebrate as the first Senators to be elected in this country. We should celebrate that, indeed, when we were elected for the first time, this is the foundation that we put in place and people are enjoying today. We need to struggle and give good examples as leaders so that future Senators will say that the first Senate did a good job despite the environment that was not good. They will also say that they have a Senate that represents the counties of this country and which can oversight on anything; whether it is the national or county government programme or funding in the counties.

Madam Temporary Speaker, there is no one else to defend this Senate. This is not an executive arm of the Government. This is a legislative arm and we must be ready and willing, as Senators, to defend our own territory. Nobody will come here to ask for anything that is good for us. We are the people to do so. This is the right time for this Bill to come. I congratulate Sen. Murungi for thinking and coming up with this Bill. All these challenges that we have been facing for two and a half years will come to an end. We will then have a Senate that will have access to the people who elected us and also give the best to this country in terms of oversight for our counties.

Lastly, I believe that our brothers and sisters in the National Assembly, for the first time will agree with us on this. What we are asking for is not going to deprive them of any power. We are only asking for our own independent body to deal with the issues of the Senators. As Members of the National Assembly, they will be free to have their own committee to deal with their problems. Their uniqueness is that they are elected from constituencies. Senators are elected in counties which have a number of constituencies or sub-counties with different needs. I want to ask Members of the National Assembly to agree with us on this, so that we can walk a path that will bring equality among all the Members and deliver on our mandate according to the Constitution.

I support.

Sen. Boy Juma Boy: Asante, Bi. Spika wa Muda, kwa kunipa nafasi hii niunge mkono Mswada huu ambao ni muhimu sana. Ninawashukuru Maseneta wote waliochangia katika Mswada huu. Kwa hakika, kama umewasikia pamoja na wewe uliyekaa hapo kwa kiti, wamezungunza kinagaubaga. Aliye na masikio, asikie kwa sababu wakati mwingine kuna mtu ana masikio lakini hasikii. Unamwambia lakini hasikii! Ana macho lakini haoni!

Kwa maoni yangu, Mswada huu, ingawa nauunga mkono, ni dawa ambayo haitibu homa, bali inapunguza makali tu. Lazima uende umeze *Quinine*. Mswada huu unaunda Kamati mbili ambazo zitakuwa Kamati ya Bunge la Kitaifa, na nyingine

itakayosimamia Seneti. Tiba kubwa ni kubadilisha Katiba ili kuwe na Kamati ya kipekee itakayosimamia maswala yote ya Seneti.

Bi. Spika wa Muda, kama Katiba haitazingatiwa, hii itakuwa kama kutumia *Panadol* kupunguza tu makali ya malaria lakini si kutibu. Huo ndio ukweli wa mambo. Ufurahi ama ukasirike, ukweli ni huo.

Bi. Spika wa Muda, naunga mkono Mswada huu. Seneti, kama alivyosema Sen. Musila, kinagaubaga ndio waliochimbia kaburi hili tulimo. Amekubali mwenyewe hapa. Amesema kwamba walipokuwa Naivasha, walifikiria ya kwamba hili litakuwa Bunge la Wazee. Hivyo sivyo ilivyo.

Kifungu 96 kwenye Katiba kimeeleza kinagaubaga kazi ya Seneti. Mwananchi anaelewa ya kwamba Seneta ni kama Mbunge wa Bunge la Kitaifa. Hizi ni fikra za mwananchi. Kwa muda wa miaka 50, wananchi wamekuwa na fikra hizo. Mpaka leo, mawazo yao hayajabadilika kwamba Seneti ndio mlinzi wa ugatuzi. Fikra zao ni zile zile.

Kaunti nzima inaweza kuwa na Wabunge wanne. Wewe Seneta mmoja huna fedha za kufanyia kazi katika sehemu hiyo. Hata hivyo, unaambiwa kuwa wewe ndiye msimamizi wa rasilimali. Unatakiwa kuchunguza rasilimali ambazo fedha zinazochukuliwa zinapewa serikali ya ugatuzi ambayo inaongozwa na gavana. Kama twataka ugatuzi uonekane kwa nguvu, lazima Seneti ionekane kuwa na nguvu. Bila Seneti kuwa na nguvu, kama ulivyosema na hawa wengine wote wanaokubaliana nawe, hatutakuwa tumefanya kazi yoyote. Hii ni kwa sababu hali ilivyo sasa, mwananchi kule chini anaona gavana akifanya kazi. Gavana akifika mahali, anatoa ambulensi na *bursary*. Gavana akifika mahali popote, anasema kuwa; “Mimi na serikali yangu, serikali yangu imetoa *bursary*, serikali yangu imetoa vitu vingi.” Hakuna mahali Seneta atatajwa. Gavana akiandamana na MCAs, kila MCA anayesimama humsifu gavana kutoka wa kwanza mpaka wa mwisho ilhali wewe uko hapo hapo umeketi. Hatujulikani.

Bi. Spika wa Muda, kwa kupata nyenzo, tunaweza kufanya kazi kusudi tusiwe kama wale watu wa kuitikia; “Amina” baada ya kuwa maombi yameshafanyika. Kazi yako isikuwe tu kuitikia “Amina” kama kasisi ama mwalimu wa dini ameshasoma dua yote.

Bi. Spika wa Muda, kwa maoni na fikra zangu naona kwamba Mswada huu umekuwa wakati mzuri. Hata hivyo, nasisitiza kwamba muda ule ambao kila kitu kinachopitishwa katika Jumba hili mpaka kirudi katika Bunge la Kitaifa, kwa neno lijulikanalo kama “concurrency” katika Kiingereza umepita. Huu utakuwa mtihani kwa sababu hakuna jambo hata moja linalokwenda katika Bunge la Kitaifa kutoka Seneti ambalo litakubaliwa na Wabunge wa Bunge la Kitaifa. Kwa mfano, hivi sasa, Mswada ambao umetoka hapa na mabadiliko machache ya *Kshs7 billion* mpaka sasa umekuwa na mvutano. Kamati iliyoundwa ambayo ni ya uwiano haijapata jibu hadi sasa. Haya ndiyo maswala ambayo yanaleta utata. Hili ndilo swala ambalo tunaona ya kwamba ni kuifanya Seneti ionekane ya kwamba haina kazi. Watu wengine wamekuwa na fikra kuwa Seneti iondolewe; Kuiondoa Seneti ni kuuwa ugatuzi.

Nawaomba wenzangu kutoka Jubilee wasikie tunavyosema, “Okoa Kenya.” Haya tunayasema kila siku. Kenya itaokolewa hivyo. Kuiokoa Kenya ni kubadilisha hii Katiba. Kuna vipengele vinavyo tumiza. Tunasema kuwa tuwe na majadiliano. Ya nini tuwe na majadiliano ilhali dawa ya malaria ni *quinine*? Kinacho takikana kufanya ni kubadilisha

hii Katiba; Vipengele fulani vya Katiba lazima vibadilishwe. Tunasema maneno haya usiku na mchana. Kila siku tunaeleza maneno haya kwamba njia na mtu wa kutuokoa, hivi sasa, ni “Okoa Kenya.” Ndio maana tutabadilisha hii Katiba.

Sijakataa kwamba Mswada huu hautaleta mabadiliko kidogo lakini itakuwa ni sawasawa na kutumia *Panadol* ambayo huondoa maumivu ilhali unataka kutibu ugonjwa wa malaria. Utapata nafuu kwa muda mchache. Kama tunataka kutibu ugonjwa huu mara moja ili utoke na uende, lazima tuibadilisha Katiba. Huo ni ukweli wa mambo hata tusipokubali haubadilishi chochote.

(Applause)

Sen. Karaba: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Ongoro): Order, Senator! You need to log in an intervention then I will see and give you permission to speak. However, I will excuse you for that. What is your point of order?

Hold the time for Sen. Boy Juma Boy.

Sen. Karaba: Madam Temporary Speaker, my point of order is that the same people being referred to by my friend, Senator, told us that enough was enough because the principal had already read the Constitution. There was no need of reading it further and it was passed. Why should we go back again to what he is saying?

Sen. Juma Boy Juma: Bi. Spika wa Muda, namshukuru Sen. Karaba sana. Kwa kweli yeye ni mwalimu. Hata hivyo hapa hatuomeshani mambo ya Katiba bali tunaelezana hali ilivyo. Hata kama Katiba ilipitishwa, ina matatizo. Matatizo hayatatoweka kwa kuwa Katiba ilipitishwa. Huo ni ukweli lakini matatizo yapo. Huu ndio ukweli wa mambo.

Kwa hayo machache, naunga mkono huu Mswada.

Sen. Ndiema: Thank you, Madam Temporary Speaker for this opportunity. First of all, I thank Sen. Murungi for coming up with this Bill, which I fully support as it seeks to establish structures and streamline certain things with the purpose of improving on the functionality of the Senate. The Bill seeks to address the needs of the Senate and the National Assembly.

Madam Temporary Speaker, we all know that the Senate is new. The Constitution has a lot of weaknesses which previous speakers have highlighted. As we know, it is now two years since we have been in this Senate. We are faced with very many challenges that we have not addressed. This Bill seeks to get structures to address the challenges.

The Senate represents, protects and oversees the counties. However, if you were to ask every Senator here whether he or she has been able to perform the functions that are in the Constitution, almost unanimously, they would say that they have not done so for the simple reason that they have not been enabled. This is not because we are unable or incompetent to do it. This Senate is constituted of people of great minds and ability with varied experience from all fields. We have all types of experts here. However, they have not been able to function as protectors of counties.

Madam Temporary Speaker, the issue of perception is very important. As a protector of a county, you must be seen. As the overseer, that means that you oversee.

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Somebody who oversees is an overseer. In Kiswahili language, I think an overseer is referred to as *mnyapara*. As an overseer, you need to have certain standards. Our facilities in the county, as provided by the PSC, are wanting. You cannot compare our offices with any other office in the county. It is the high time that we had a Senate to exist permanently. We are not on transit. The PSC should have by now started a programme of constructing permanent offices for Senators in every county. Renting is not a solution because in the long run it will be very expensive. We do not even have enough funds to rent decent offices. Since our role is to oversight, we are supposed to move and talk to people. In the counties even the county executives have vehicles, but the Senator does not have a vehicle in the county office. It is really demeaning that the office of the Senator is the most underfunded.

Regarding personnel, the Senator is expected to be legislating in the Senate and go and perform other functions in the county over the weekend. The Senators are forced to perform those functions themselves because they do not have experts, including auditors, accountants and lawyers. In developed democracies, like the United States of America (USA), a Senator is facilitated. They have advisers and a retinue of officers to enable them work. Even in the absence of a Senator, that office will run and serve the people. Right now, we do not have people to deputize us when we are required in the counties.

Madam Temporary Speaker, public participation is an issue that has been emphasized in the Constitution. It is a requirement and there is no exception for the Senators. As I speak here, it is requirement that we must have consulted and involved our constituents in the counties, as individual Senators and also as a Senate. We are not able to do this because we are not facilitated. You cannot call for meetings because, first of all, you do not even have those funds to hire a hall. The few of us who have had the opportunity to call meetings of leaders and so forth, have had to dig into even the family finances to perform official functions. We have had to use personal vehicles to reach every corner of the county. I believe that this Committee will, therefore, address these needs very urgently to be able to facilitate the Senators.

Madam Temporary Speaker, the county assemblies look up to us as their seniors and advisers. This is because we are all in the legislature. However, we are not able to engage them adequately because we do not have facilitation. You can only attend their meetings upon invitation. I have had opportunity to occasionally address the county assembly in my county, but would have wanted to have more fora, perhaps, even outside the assembly, so that we can discuss so many other issues. To many Senators it is not possible to have constant engagements with the county assemblies without finances.

Madam Temporary Speaker, we were recently in Mombasa with the speakers of the county assemblies. They indicated that they want to be supported and have liaison with us. We need a Senate that has a unit or department that deals and liaises specifically with the counties in terms of oversight and supporting them to grow, because it is a constitutional requirement that the national Government must support the counties to take off. But unfortunately, the Senate has not been done that adequately because of lack of finances.

Madam Temporary Speaker, there is the issue of inter-county relations. We, as Senators, are in charge of counties. At times, there are conflicts between communities in one county and another. Senators are called upon to mediate as leaders of those counties, but they have not been able to do that. Some terrains are very rough and you may even require helicopters to travel there. Sometimes we have been blamed for not talking to our communities in order to bring about cohesion and peace.

Madam Temporary Speaker, we may discuss here and establish committees and commissions to facilitate the Senate, but the last decision as to how much money the Senate is going to get does not lie with the Senate. That is what I feel is lacking in the Constitution. All powers of allocating money to all Government institutions lie with the National Assembly. This is dangerous. The National Assembly can wake up one day and decide to allocate almost nothing to the Senate, and we will have no say. I believe that in the interim, these committees will be able to iron out issues, to ensure that the Senate gets its rightful share of the budget that is allocated to Parliament. But the final solution is the Constitution.

The Senate of Kenya should be like any other Senate in other countries. The Senate should truly be an upper House; that is the final decision maker. This issue of passing Bills to and fro is time wasting and duplication. Sometimes it is unreasonable because it puts us in a situation where we seem to be competing and trying to prove who is more senior or has more say than the other, yet we are here as servants of the people. It is the high time that this duplication of roles is done away with by way of looking at the Constitution. Let us not look at who says we need to change the Constitution. Let us address the issues in the Constitution that we feel should be changed and we change them, without taking partisan positions.

Madam Temporary Speaker, as we talk about the PSC, it is a requirement in the Constitution that there must be equality and equity everywhere. The practice of what was passed in the Constitution should begin from here. I would want to see a PSC that is transparent and will say that amongst its ranks of employees, from the top to the bottom, all communities have been represented in terms of employment. It should come out clearly. It should not be discretionary, because I believe that there could be some communities which do not have a single member of staff in this Parliament, yet we pride ourselves as a Parliament of the Republic of Kenya. It is high time that we ensure that there is inclusiveness.

Madam Temporary Speaker, I support this Bill that seeks to strengthen the Senate, so that it can, indeed, be the representative of the counties. We have made attempts to ensure that the county leaders meet and discuss because fora are a requirement in the Constitution. We went the way of the development board. Unfortunately, that matter is pending in court and I do not want to discuss much about it. Nevertheless, the fact that we are prohibited from holding meetings to discuss development issues in the county is really inhibiting our functions. This has gone on for the last two years. We do not know whether it will ever be lifted, so that we can eventually call all leaders, including the governors and Members of Parliament because we sometimes feel as the representatives of the counties, if things go wrong we must call. However, we are now held back because of the restriction that has been issued arising from that court process.

Madam Temporary Speaker, I support.

The Temporary Speaker(Sen. Ongoro): As earlier directed by the Speaker and as provided for by the Standing Order No.33, I now call upon Sen.(Prof.) Anyang'-Nyong'o to move his Motion.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33

CRISIS FACING KENYA AIRWAYS

Sen. (Prof.) Anyang'- Nyong'o: Madam Temporary Speaker, I beg to move that the House do now adjourn to discuss a matter of national importance in this House regarding the matter of Kenya Airways which is currently in crisis. Over the last couple of months, Kenyan newspapers have run with headlines focusing on the Kenya Airways. *The Business Weekly*, for example, on 2nd May, 2015 had the headlines saying “Cash short Kenya Airways seeks rich partners to lease Dreamliners’. On the 27th March, 2015, edition of the same paper, there was a headline saying “Broke Kenya Airways borrowing to pay salaries” on 19th March, 2015 another headline in our paper saying “Tanzania reduces Kenya Airways flights with Dar” those flights were reduced from 47 to 14.

The financial crisis in Kenya Airways has been estimated that at the moment our flag carrier is Kshs18 billion in the red. During the first financial year, Kenya Airways made a loss of Kshs10 billion. It is estimated that unless something is done very quickly, the airline will come to a standstill or ground to a halt in a matter of one month.

Madam Temporary Speaker, you remember during the Seventh Parliament in 1995/1996 Financial Year, after an International Finance Corporation (IFC) recommended the privatization of Kenya Airways, on condition that the Kenyan Government could write off a debt of Kshs6 billion. We in the then Parliament, including Sen. Boy Juma Boy, Sen. Orengo and many others, agreed that the people of Kenya should bear the burden of swallowing the Kshs6 billion debt to Kenya Airways in the restructuring process, so that it could be privatized and it went into partnership with KLM under the Chairmanship of hon. Isack Amollo Okello; the former Minister for Communication from 1996 onwards. With the capable board, Kenya Airways made profits and became a leading airline not only in Africa, but in the world.

Towards the end of the captainship of Mr. Titus Naikuni, who was the Chief Executive Officer (CEO), the airline has started to have a nosedive, particularly because of some of the investment initiatives that he took which were extremely ill-informed and because of the rent-seeking capacity of the management and other private individuals who are now bet on sinking the airline. For example, over the last couple of months, there have been frequent delays of Kenya Airways flights taking off in many places, Dar es Salaam, Mumbai, Amsterdam, Accra, Entebbe, London, Kisumu, Nairobi and Mombasa. One of the most devastating thing is that whenever Kenya Airways cancels a flight, the airline bears the cost of that cancellation. For example, when it cancelled a flight in Amsterdam, not too long ago, flight KQ 116, it cost Kenya Airways, Kshs47 million in terms of keeping passengers in hotels, paying for their accommodation, paying

air staff, ground parking and so on. A sum of Kshs47 million went down the drain when the flight was cancelled.

Recently, I was flying with my wife from Entebbe and the flight was cancelled and we were delayed at the airport for about five hours. The flight had a passenger capacity of about 112. That is another millions of shillings that have gone down. Let me read from one of the analysis of what happens when a flight is cancelled, what happens is that the airlines or companies with maintenance agreement with Kenya Airways, will always ensure that Kenya Airways planes are grounded longer for minor and inconsequential defects, so that their companies can maximize their earnings. Once such an incident happens in Amsterdam last Monday when Kenya Airways lost a total of Kshs47million in one flight because KLM engineers refused to clear the flight for takeoff over some valve leak which was found not to exist. When such a thing happens, KLM engineers would earn US\$250 per hour per engineer orUS\$120 per technician. This money is paid directly by Kenya Airways to the KLM accounts and it is not inclusive of repair and spare parts cost, which cost million of United States of America (USA) dollars. Why would Kenya Airways refuse to station their own engineers in such locations and lose Kshs47 million in one instance? The practice was common in Paris when Xavier Technology Services were contracted to maintain Kenya Airways planes, that 90 per cent of the planes were delayed or cancelled.

Madam Temporary Speaker, we also know that Kenya Airways is going along the route of leasing aircraft. It is known that some individuals in this nation, in very high positions of political power are in cohort with Kenya Airways management to establish offshore companies which then lease planes to Kenya Airways at exorbitant prices, so that eventually Kenya Airways as a corporation in which the public has shares will collapse and then they can privatize Kenya Airways further into individual hands. This is known in the public domain. We in this Senate as the protectors of the people of this nation should establish a committee to look into the affairs of Kenya Airways and report to the nation. The nation believes that it is only the Senate with sober and informed leaders who can save this nation from this imminent collapse of our airline. The sad thing is it is because of corruption and the culture of looting public enterprises that Kenya Airways is now facing a crisis. I think Mr. Titus Naikuni should be called back to explain to the Kenyan people why it is that while he was the CEO of Kenya Airways, things did well and just before he departed he entered into certain arrangements which are now going to plunge our airlines into a tremendous crisis if it is not already there.

The Temporary Speaker (Sen. Ongoro): Sen. (Prof.) Anyang'-Nyong'o, I want to take advantage of the provisions of Standing Order No.33(4); because of the importance of this Motion and the fact that we want that background you are giving, to add you an extra five minutes. You now have eight minutes.

Sen. (Prof.) Anyang'-Nyong'o: Madam Temporary Speaker, I am very grateful because I think there is a lot of information that I need to give to the House. The *Business Weekly* of Saturday 2nd May, 2015, which had the title "Cash Short Kenya Seeks Rich Partner to Lease Dreamliners." In that report in the *Business Weekly*, which was published by the Nation Group of newspapers, it said that Kenya Airways had originally

ordered nine Dream Liners from Boeing. Only three had been purchased so far. Kenya Airways decided that the six remaining Dreamliners should be leased.

I do not have any problem with the idea of leasing equipment. Indeed, under proper management and financial controls, it is better to lease equipment than to buy it. This is what I had advocated when I was in the then Ministry of Medical Services. When you lease equipment in an arrangement that is not financially viable and completely trapped in corruption, you are cheating the nation. Offshore companies owned by Kenyans have lined themselves up to lease these Dreamliners to Kenya Airways. They have already been involved in the practice of leasing air craft to Kenya Airways using this off shore company arrangement so that Kenyans do not know what is happening. We want the Kenya Airways management to come out in a transparent manner and clearly publish in the newspapers what the arrangements of leasing air craft to Kenya Airways are since 1996 when Kenya Airways was privatized by us paying Kshs6 billion in our tax money and authorizing our Government to write it off to Kenya Airways. We want to know how Kenya Airways has been doing business since then. At what point did the leasing arrangement start with regard to what kind of air craft? What are the profit margins that Kenya Airways derives from leasing as opposed to buying air craft straight away? We want to know the companies that have been leasing air craft to Kenya Airways, their shareholders and what the profits they are making from our national flag carrier.

Secondly, Madam Temporary Speaker, our pilots and cabin crew have been crying. Not too long ago, Kenya Airways retired ten pilots on the grounds that they were old and that they had been flying other airplanes. Since Kenya Airways was now going to Dreamliners, they needed to train young pilots to fly Dreamliners. If, indeed, these pilots had rendered services to Kenya Airways, and if they were not in a position to be trained, why not continue them flying other aircraft in destinations that do not need Dreamliners so that they are not penalized because of their age? That is unconstitutional. At the same time, Kenya Airways has an arrangement of hiring crew which is completely riddled with corruption. Whereas the cabin crew should be paid Kshs120,000 per month, they are only paid Kshs40,000 per month and they work under extremely discriminatory conditions. This House should be in a position to defend the rights of workers wherever they are and ensure that our flag carrier which says it is the "Pride of Africa," first and foremost, becomes the pride of this nation in doing and having proper business practices and protecting this nation from losing money.

Finally, Madam Temporary Speaker, I mentioned in reference to the delay and cancellation of flights in various cities in this world that Kenya Airways is now known to practice on a daily basis. One of the reasons Kenya Airways cancels flights, and it has been established by engineers, is that they have out sourced the servicing of our aircraft to other engineers other than Kenya Airways engineers. We have known that our own engineers here at the Jomo Kenyatta International Airport (JKIA) have provided services of servicing planes from other companies like Ethiopian Airways. We have also had a long time to train enough engineers. How come that we cannot position qualified Kenya Airways engineers to service our planes in Amsterdam, London, Entebbe, Mumbai and other capitals and cities? We understand that Kenya Airways has such a poor personnel

and human resources management system that good engineers leave when they find green pastures elsewhere. This is being pennywise and pounds foolish. After investing so long in engineers, the best thing Kenya Airways should do is to give them proper remuneration so that they can give the company services for a long time so that Kenya Airways can get value for their money. This situation is intolerable.

I would like Kenya Airways to come out with a statement in the newspapers stating very clearly why is it that they have had problems with their engineers and why is it that very frequently Kenya Airways is threatened by strikes not just by pilots, but by engineers as well and cabin crew.

Madam temporary Speaker, the information that is out there, as we know today, is that if we do not do anything urgent, this airline is going to collapse within a month. At the moment, we know that all advice that has been given to the board has not been received in any kind manner because the board is immersed in corruption in the company. For example, it is known that on more than one occasion, when these issues have been raised by pilots, engineers and so on, the board has buried its head in the sand like the proverbial ostrich. Therefore, it is now time that another team other than the board takes charge of what is happening at Kenya Airways by bringing this thing to the public domain and making sure that something transparent is done so that we know what is happening and a decision is made. My proposal is that this House should establish a committee which will conduct hearings in public so that everybody comes forward, we know what is happening in Kenya Airways and the Government is given a template for taking a decision.

I beg to move.

Sen. Muthama: Thank you very much, Madam Temporary Speaker. I stand here to support this Motion. I would like to support it considering the experience I have on such issues and, at the same time, as a businessman.

I would like to inform Sen. Anyang'-Nyong'o that what he is seeing now as Kenya Airways is just the face. The inside of Kenya Airways is dead and awaiting to be thrown into the dustbin. When Mr. Naikuni took over as the Chief Executive (CEO) of Kenya Airways that is when members of the public were asked to purchase shares from a company which was loaded with loans and had no capital whatsoever. A plan was laid down to source money from two areas; one from the Government and two, from Members of the public. There are those who pretended to be purchasing high stakes in Kenya Airways. However, they were just fronting their faces to access Government funds which had been invested there. After Naikuni completed his business, he left. Nobody knows why he gave a notice to leave, but this is because there was absolutely nothing left. This is how money was stolen. You cannot revive this. Kenya Airways will be the first to be secured with funds whose source is still not known. Look at how many times the Italian Airlines has been rescued by the Government. Look at how many times Lufthansa Airlines has been rescued by the German Government. There is no way that Kenya Airways can stand at any given time.

All the aircraft that were recently purchased were bought through loans. The big airline we have in this country will turn out to be a big problem to Kenyans. Not a single aircraft has been fully paid for. There is no single airline apart from the Emirates that can

stand on its own. Look at the Duty Free business in Dubai. I know that you have been in Dubai Airport. The shopping complex is owned by the Emirates. All the passengers offloaded by the airline on a daily basis are close to 2 million.

What was going on at the Kenya Airways? Those who were running it just woke up one day and started ordering for aircraft. Those are some of the things that make the Emirates act different. All the Duty Free Shops in Dubai Airport belong to the airline. That is how they raise their money. The airline also owns its own hotels. Once passengers book to travel, they also book to stay in their hotels.

All airlines are ailing economically, except private airlines where business operators can also be involved. The easiest way of squandering public funds is in the line of business airlines. There is no way that Kenya Airways will come back. The best step they took was to team up with other airlines.

I beg to support.

Sen. Karaba: Madam Temporary Speaker, thank you very much for giving me this chance to contribute to this debate. I read what was distributed by Sen. Anyang'-Nyong'o which was very sad considering that we are talking about an airline which is the pride of Africa. This is an airline which has taken us to great destinations. However, of late, we have noted that Kenya Airways has lost direction. That is true. I have been to many places where I am made to delay. I know what this means in terms of expense. If all that money is to be paid by the Kenya Airways, that is very sad.

Going by what we have seen, especially when the late Phillip Ndegwa was the Chairman of the Kenya Airways, he teamed up with the *Koninklijke Luchtvaart Maatschappij* (KLM) or the Royal Dutch Airline. From that time, the KLM has been reaping at the expense of Kenya Airways with flimsy excuses that the Kenya Airways cannot fly into some areas where the KLM can fly. I really wonder what kind of corporation this is.

Kenya Airways can only get you to London and back. The KLM takes you from there to wherever else you need to go; whether New York or anywhere else outside London. It seems as if the Kenya Airways has been restricted from flying into those areas for reasons we do not know. However, the reason seems to have been revealed in this discussion. Some of our engineers and very good pilots have terminated their jobs. The envy we experience from other airlines should not go unnoticed. This is true, particularly in business. Most of the airlines try to succeed in the airspace where Kenya Airways has failed.

If you compare Kenya Airways with others, particularly the Emirates, you will almost be comparing heaven and earth. There is no way you can compare Kenya Airways with the Emirates because they are way too apart. We should be wondering what will happen when Kenya Airways comes to a halt when we seem to have been the top in the air? This is embarrassing and sabotage to our economy. This is very bad. I, therefore, suggest that we move in to deal with the problems which are at the airport. We should also resolve the problems affecting our airline and the management of our airline system, including our security and everything else that affects our airport because it leaves a lot to be desired.

You will also notice that we take about three hours to move from the airport to the city centre whereas you may have taken less time to travel back into the country from another country. This is a pity. The passengers who are travelling to Nairobi to attend meetings in the morning end up getting late. People from Rotterdam or London travel to attend meetings in other cities and travel back to their countries in the evening because of an efficient ground transport system. This is what we would call harmonisation of both air and land transport. We should acknowledge that the time taken in the air should be compensated on the ground. Next time you fly with Kenya Airways and cannot access your destination on time, then you will not fly with the airline again. Most tourists have boycotted and moved to use other airlines which are efficient. This is the time.

This is the time because we have already seen the signs, read in the newspapers and seen what is happening at the airport. When you get to the airport, you will be told that Kenya Airways has delayed. Therefore you are taken to Laico Regency, where we cannot afford as Senators, by our airline to sleep there and the following day we are told that the delay has been extended. So, we sleep there yet for two nights which is very expensive. These allegations are true because some of us have experienced this. One time when I was travelling from Dubai, and we were mid air, the airplane had to come down because it could not fly. There is need to find out what is ailing KQ and the time is now. We should move in and salvage the situation.

Madam Temporary Speaker, I beg to support.

Sen. Hassan: Thank you, Madam Temporary Speaker. This is a matter of grave public concern and I share with Sen. (Prof.) Anyang'-Nyong'o that we must escalate this matter from this Motion for Adjournment and ensure that we bring it as a substantive Motion, so that we can follow on the paces of investigations and possibly make recommendations. If we do not do this, I think that what will happen is that the institution will collapse and we will have to bail it out as usual. We know that a few people are ripping this country apart using the kinds of corrupt and covert undertakings that they have had with Kenya Airways.

Madam Temporary Speaker, I am a regular user of Kenya Airways. I am actually what they call, platinum elite, in terms of my flight. I use the flight between Nairobi and Mombasa every week. I can tell you that it is sometimes a great frustration because of the arbitrary cancellations and delays. I, therefore, think that it is important, as Sen. (Prof.) Anyang'-Nyong'o, the Mover of the Motion had indicated, that were there are delays; there must be consequences even if it is a local flight. What essence does it serve for you to be delayed for one hour and 20 minutes for a 40 minutes flight? Therefore, somebody must take responsibility. This is reflected throughout the hierarchy of the Kenya Airways even in terms of the inefficiency upon arrival in Nairobi or any other Airport. There is always some laxity and this is because the employees there are quite conscious that there shall be no particular consequences in the event that they act in a manner that does not demonstrate sufficient customer satisfaction.

Madam Temporary Speaker, we need to investigate largely the leasing of the Embraers which I am told is the major burden to Kenya Airways. It is rumored that people in high places have held the airline hostage. It is, therefore, important this investigation be swift, robust and salvages this airline before total collapse. It is a red

card and we need to speak to it. What is more puzzling is the fact that the Government appears almost inept in terms of its information and action towards Kenya Airways. I believe that if we have this information, the Government has had it before hand. Neither the Chief Executive Officer (CEO) of the country or the Cabinet Secretary in charge of the Ministry of Transport and Infrastructure nor anybody in the line of duty bearers has spoken to this matter. Is it because they are adversely involved or they do not care about the investment of the Kenyan people? What are their motivations that a Government would be so silent at the root of a crisis of one of its major flag bearer in the airline industry?

I think that the slogan “The pride of Africa” is long gone. It was a marketing slogan and it now remains a pale shadow of its former self. We sometimes feel duty bound to use Kenya Airways in areas that it enjoys massive monopoly, because we literally have no otherwise. However, I believe and trust that with robust investigations we shall also try, particularly for domestic routes, to allow competitors to compete, so that Kenyans have a variety of options to choose from. The fares that Kenya Airways imposes on its passengers is enormous, exorbitant, shameful and robbery. You can tell that depending on the class of ticket that you travel in. Anybody around the world who engages in air transportation will tell you that the rates are amazingly insulting. I am one of those who has evidence of what it will cost you to fly Business Class in Kenya Airways. It is sometimes much more than what it would cost you to fly First Class in Emirates. As Sen. Karaba said, the services are almost mismatched.

Madam Temporary Speaker, when you fly Emirates First Class, it means that you will be put into their lounges meant for First Class passengers, transferred from the aircraft to the airport lounges by specialized cars, their treatment is different and facilities aboard are different. Whereas in Kenya Airways, you will find that it is basic. If you travel First Class from Mombasa to Nairobi, you will get a scone and cup of tea or coffee. The only difference between what happens in Business Class and Economy is that they serve your a scone on a plate, whereas in the Economy Class, they give it to you in a box. That is the dilution. They have squandered the airline so much that they are unable to offer services. I remember that at some point, when you travelled Business Class, even the Mombasa-Nairobi route, you would find some customer satisfaction. When it comes to public ratings, we no longer get Kenya Airways being rated highly.

Madam Temporary Speaker, I beg to support.

Sen. (Prof.) Lesan: Thank you, Madam Temporary Speaker. I also wish to contribute to this Motion by Sen. (Prof.) Anyang’-Nyong’o. I commend him for bringing this Motion because this is not the first time that he warns the nation or institutions of the consequences that are ahead. The warnings sometimes come as anticipatory and we might not believe them. However, there are some that are of serious consequences like this one which he has brought today.

Madam Temporary Speaker, I recently read a book entitled “Why Nations Fail”. It explained that in many instances, before nations fail the structures of its institutions, start to decay, fracture and fall apart. That is really the beginning of failure of any institution, be it a business one, nation or Government. It is very worrisome to see the “Pride of Africa”, the only airline that we have always known to be at par with any others

the world over, soon being compared with Air Zimbabwe, Air Sudan or some of the contraptions that are found in the airspace flying with no schedules of flying.

It is very sad that Kenya Airways is coming to that level where the bar for comparison has been reduced significantly. We want to be compared with Qatar Airlines, Air France and KLM. We were almost there until something happened. I am so glad that Sen. (Prof.) Anyang'-Nyong'o has raised this issue, so that we get a warning sign that there are things going on with Kenya Airways, which has been the pride of our country. I think that it is still going to be the pride of our country. We must, therefore, as a country start to look at it very closely. We would not only want to look at Kenya Airways alone, but other institutions that are associated with it as well.

There are institutions associated with Kenya Airways and we must continue to guard them jealously. One of them is the Kenya Airports Authority (KAA) and it is closely associated with Kenya Airways. It is important that as we look at what is going on in Kenya Airways; it is important to also consider what is going in KAA. Some of the things that the professor has said are not directly related to Kenya Airways, but KAA which is the ground body that assists Kenya Airways to stay afloat and in the skies. It is, therefore, important that we look at these institutions and make sure that we do not lose such a useful institution in the country.

Madam Temporary Speaker, we are aware there is a great slump in the tourism industry. The numbers of travellers have reduced significantly. Therefore, we should not conceal the fact that the fall in the number of tourists is affecting the operations of Kenya Airways. We have known in this country the failure of institutions which have been supported by the Government. When I came to this city, there was an institution called the Kenya Bus Service, KENATCO Taxis and so on. All these have gone down as a result of thing ailing Kenya Airways. This is an institution that is decaying from inside. As suggested by professor, some individuals who are causing these problems are within the institution.

With those few remarks, I beg to support.

Sen. Okong'o: Madam Temporary Speaker, thank you for giving me an opportunity to air my views on this. It is a tragedy for this country that we can see such an institution going down and yet Kenyans have invested heavily in terms of shares. It is important that we inform Kenyans that Kenya Airways has collapsed or is at the brink of collapse. We need answers about who owns the companies which procured most of the airlines. For example, who owns Twiga, Amboseli and Samburu? Kenyans have been deluded to think that the high flying airline is on its way to recovery, but it is just a shell of itself. The way the Embraer planes were procured, you will be surprised. Kenya Airways has been using government departments so that it can remain afloat. It is a shame that the once very reputable airline is on its knees. That is why even the other day those employed could not even identify long serving members of this country when Sen. Wetangula was humiliated at the airport. That means they have employed mediocre employees for a cheaper price.

Madam Temporary Speaker, the Dreamliners are no longer afloat because of maintenance costs. Recently, a Kenya Airways airliner was grounded in China because they could not pay. They have sold some airlines to offset debts. It is a shame. Three

years when Mr. Naikuni was at the helm, he was told to stay on. He stuck on for a year and that year the airline made a Kshs10 billion profit. During his exit, we were told that the airline has suffered a Kshs10 billion loss due to the Ebola outbreak in West Africa. That is the state of our systems in this country.

As young and eminent leaders in this Senate, we must raise these issues and we need answers from the highest office in this country. The President needs to tell Kenyans what is happening in this airline.

With those few remarks, I beg to support.

Sen. M. Kajwang: Madam Temporary Speaker, I wish to support the Motion of Adjournment and associate myself with the sentiments expressed by previous speakers, the Mover, that is, the esteemed professor and Senator for Kisumu County. Not too long ago, Air Malawi collapsed due to debts. Currently, it is under the hammer. It is becoming increasingly likely that Kenya Airways could go the same direction – God forbid. I do not have the privilege of understanding the internal workings of Kenya Airways. However, in my professional experience, I know how businesses and corporates are run. My reading of the problems with Kenya Airways boils down to three things: Poor strategy, corruption and poor governance. Kenya Airways has issued a profit warning which means that it expects to write a loss similar or greater than the loss it wrote last years. We are likely going into a loss greater than Kshs4 billion this year.

Madam Temporary Speaker, immediately after the exit of the former CEO, *Project Mawingu* which was the much touted project to turn around Kenya Airways has been dismissed. Nine Dreamliners that were ordered, only three have been delivered and now they are going to leaseback arrangements for the remaining Dreamliners. They have hired a consultant to help them in debt restructuring immediately after Naikuni left. It might be important for this House to find out what is it about the former CEO that makes the key strategic decisions that he made to be reversed immediately after his exit.

Kenya Airways is borrowing to pay staff salaries. We have been told that they have not been able to remit loan deductions for their employees. This means that the employees are being blacklisted in credit reference bureaus for an offense not of their own making. Kenya Airways must revisit its strategy and come up with a strategy that will stop it from nose-diving.

Regarding corruption, we have seen articles, allegations and accusations which need to be established. I want to support the call for a focus team to sit down and investigate allegations of corruption at Kenya Airways. Are we still having state officers who are service providers to Kenya Airways? Are some of these plans owned by the most powerful families in this country? They are not too many so it is not difficult to guess. Despite privatization status, is it true that the government mandarins are still pulling the strings and influencing decisions at Kenya Airways?

Madam Temporary Speaker, allow me to address poor governance and this goes straight to the heart of the Jubilee Government. Insecurity is at unprecedented levels. The tourism industry is dead. We have a lot of sympathy for the coastal communities that rely on tourism. Kenya Airways does a lot of its business hauling in passengers in the country. So, when you kill tourism because you are not serious about security in the country, you are directly killing Kenya Airways. The agricultural sector which also provides freight

services, is also dying a slow death. A problem we have in this country is a misplaced fetish for sectors of the economy that do not create true wealth. It is not a secret that powerful leaders in this country have invested extensively in financial services. As long as financial services are doing well and growing at 20 per cent and their shares in Safaricom are doing profits of Kshs30 billion or Kshs40 billion, they do not care what happens to the farmer or to the thousands of workers who rely on tourism. If the Government cannot fix issues of insecurity, if the Government cannot adequately and with the confidence revive the agricultural sector, even if Kenya Airways had the right strategy and even if we had to limit instances of interference, probably Kenya Airways would still struggle to get the numbers to hold on.

Madam Temporary Speaker, I wish to conclude by supporting the call that we need to set up a small team to get into the depth of this. I sit in the Committee for Transport and Roads and we, probably, could set up a focus team to look into this. There are so many Kenyans who have invested their hopes in terms of shares, but they have not received returns.

With those few remarks, I beg to support.

ADJOURNMENT

The Temporary Speaker (Sen. Ongoro): Hon. Senators, it is now 6.30 p.m. and it is time to adjourn the Senate. The Senate, therefore, stands adjourned until Tuesday 12th May, 2015 at 2.30 p.m.

The Senate rose at 6.30 p.m.