

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 22nd March, 2016

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

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

PRAYERS

MESSAGES FROM THE NATIONAL ASSEMBLY

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

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.40(3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage, by the Assembly, of the Basic Education (Amendment) Bill (National Assembly Bill No.35 of 2014)-

“PURSUANT to the provisions of Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

THAT, the Basic Education (Amendment) Bill (National Assembly Bill No.35 of 2014) was published vide the Kenya Gazette Supplement No.131 of 29th August, 2015 as a Bill concerning county governments.

AND WHEREAS the National Assembly considered and passed the said Bill on Thursday, 25th February, 2016, with amendments, in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order No.142 of the National Assembly Standing Orders, I hereby forward the Bill to the Senate for consideration.”

Hon. Senators, Article 110(3) of the Constitution provides as follows:-

“Before either House considers a Bill, the Speakers of the National Assembly and the Senate shall jointly resolve any question as to whether it is a Bill concerning counties and if it is, whether it is a special or an ordinary Bill.”

I, however, wish to report to you that concurrence of the Senate as contemplated in Article 110(3) of the Constitution was not sought by the Speaker of the National Assembly in respect of the Basic Education (Amendment) Bill (National Assembly Bill

No.35 of 2014). However, in his Message, the Speaker of the National Assembly has indicated that the Basic Education (Amendment) Bill (National Assembly Bill No.35 of 2014) as passed by the National Assembly, was published as a Bill concerning county governments.

Hon. Senators, this notwithstanding, pursuant to Standing Order No.148 which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.129, I now direct that the Bill be listed for First Reading in the Order Paper tomorrow, Wednesday, 23rd March, 2016.

PASSAGE OF THE AGRICULTURE, FISHERIES
AND FOOD AUTHORITY (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO.17 OF 2015)

Hon. Senators, I have another short Message from the National Assembly on the Agriculture, Fisheries and Food Authority (Amendment) Bill (National Assembly Bill No.17 of 2015).

(Sen. (Prof. Lonyangapuo) remained standing in his place)

Order, Sen. (Prof.) Lonyangapuo! Please, take your seat. I can see you at the back of my eye, you are distracting me.

(Sen. (Prof. Lonyangapuo) took his seat)

Hon. Senators, I wish to report to the Senate that, pursuant to Standing Order No.40(3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage, by the Assembly, of the Agriculture, Fisheries and Food Authority (Amendment) Bill (National Assembly Bill No.17 of 2015). I quote:-

“PURSUANT to the provisions of Standing Orders No.41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly:-

THAT, the Agriculture, Fisheries and Food Authority (Amendment) Bill (National Assembly Bill No.17 of 2015), was published vide the Kenya Gazette Supplement No.48 f 24th April, 2015 as a Bill concerning county governments.

AND WHEREAS the National Assembly considered and passed the said Bill on Wednesday, 2nd March, 2016, with amendments, in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order No.1423 of the National Assembly Standing Orders, I hereby forward the said Bill to the Senate for consideration.”

Hon. Senators, Article 110(3) of the Constitution provides as follows:-

“Before either House considers a Bill, the Speakers of the National Assembly and the Senate shall jointly resolve any question as to whether it is a Bill concerning counties and if it is, whether it is a special or an ordinary Bill.”

I, however, wish to report to you that concurrence of the Senate as contemplated in Article 110(3) of the Constitution was not sought by the Speaker of the National Assembly in respect of the Agriculture, Fisheries and Food Authority (Amendment) Bill (National Assembly Bill No.17 of 2015). However, in his Message, the Speaker of the National Assembly has indicated that the Agriculture, Fisheries and Food Authority (Amendment) Bill (National Assembly Bill No.17 of 2015) as passed by the National Assembly, was published as a Bill concerning county governments.

Hon. Senators, this notwithstanding, pursuant to Standing Order No.148 which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading, in accordance with Standing Order No.129, I now direct that the Bill be listed for First Reading in the Order

Paper for tomorrow, Wednesday, 23rd March, 2016.

I thank you.

POINT OF ORDER

FAILURE BY THE NATIONAL ASSEMBLY TO SEEK CONCURRENCE OF THE SENATE ON BILLS AS PER ARTICLE 110 (3) OF THE CONSTITUTION

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. You have told us that Article 110(3) was not observed. After drawing our attention to it, you have gone ahead and committed the Bill for First Reading. So that it is clear for posterity, are you satisfied that this Bill is proceeding in line with the provisions of the Constitution in respect of Bills concerning counties?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, if I was not satisfied, I would not have given the Communication. Are you satisfied? I have given the communication based on my understanding of the Standing Orders and the Constitution, particularly Article 110(3).

Sen. (Dr.) Khalwale: Thank you for giving me this chance, Mr. Deputy Speaker, Sir. The reason I am rising again, just as I rose the first time, is because I wanted to invite you to explain to us how you became satisfied when it is clear that the Speaker of the National Assembly did not consult the Speaker of the Senate. You needed to explain. This is a constitutional requirement as stipulated in Article 110(3).

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, I issued the communication because I have looked at what the Constitution says. What I have told you is my understanding of it. That is why I am satisfied. That is why we are taking the Bills for First Reading. The National Assembly started by acknowledging that these are Bills that affect counties yet they went on to deal with them. That could not have been the correct procedure. As far as we are concerned, they have not been read. That is why we, as a Senate, are seized of the matter.

Sen. Leshore: On a point of order, Mr. Deputy Speaker, Sir. I have heard what you said. Since you have noticed that there is a constitutional breach, as our leader, what do you want us, as a House, to do? We cannot continue receiving Bills from the other House unconstitutionally. I cannot speak in the same language you speak; I cannot speak

Kikuyu but I can speak a bit of Kiswahili and English. However, I am stating this in English. What do you want us to do?

The Deputy Speaker (Sen. Kembi-Gitura): Are you suggesting I communicated in Kikuyu? I did not get you right.

(Laughter)

Sen. Leshore: Mr. Deputy Speaker, Sir, I saw you yesterday saying you have spoken about corruption in your mother tongue!

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Leshore! This is a different forum.

(Sen. Wetangula spoke off the record)

Sen. Wetangula, if you want to make a point of order, you know what to do. Proceed, Sen. Khaniri.

Sen. Khaniri: Mr. Deputy Speaker, Sir, the point Sen. (Dr.) Khalwale is raising is constitutional. We, as a House, should take it more seriously than we are. If the “lower” House has breached our Constitution then we should not join them in doing so. As the “upper” House we will uphold the Constitution and its provisions.

Sen. (Dr.) Khalwale cited Article 110(3) and you also cited it during your communication; when delivering the message. It was breached. It would be wrong for us to continue the process on this Bill before that anomaly is rectified. It is my wish that this Bill is not listed in the Order Paper as directed until the provisions of our Constitution are followed.

Sen. Okong’o: Mr. Deputy Speaker, Sir, this is not the first time we have heard Communication from that Chair on the lapses of the Constitution by the Speaker of the National Assembly. A constitutional requirement cannot be mid-wifed. I request the Chair to consider directing that these Bills be withdrawn from the Order Paper tomorrow.

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, first, I thank you for obliging me have sight of your communication because I walked in after you had delivered it.

We, as a House, and the Chair as our leadership - we either have it right or we do not. When a constitutional provision that is mandatory is violated, it cannot be cured by the discretion of either the Chair or even this House. This House cannot pass a resolution, for instance, to acquiesce to a constitutional violation. We have sworn to defend, uphold and protect the Constitution. We have repeatedly said that the Speaker of the National Assembly has been quite contemptuous in dealing with this House. If we, ourselves, start curing the errors, so to speak, then we are emboldening his erratic and errant behaviour.

Article 110(3) was not complied with. You acknowledge that it was not. I urge this House not to process it. It is null and void. We should take it back where it came from. Let the two Speakers comply with the Constitution, and then the Bills can start their journey through the process of legislation again. If we do not do that, we are just signing away the authority of this House. The Chair has authority through a constitutional provision to participate at the inception of each and every Bill that is brought to either House.

I implore you to bring a more reasoned precedence-setting ruling. A ruling that will be cited 10 years down the line even when you have gone to become Governor of Murang'a or something else. The House will still be guided by your good thinking and your ruling as a Speaker.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Njoroge, is it still on this one?

Sen. Njoroge: Yes, Mr. Deputy Speaker, Sir. We had a similar matter just the other day. This is a demonstration of arrogance from the National Assembly. This House cannot allow it. We will set a very bad precedence when we violate the Constitution, as it is. It is very clear that both Speakers have to sit down together and consult each other regarding any matter being brought here as a Bill. It helps to know whether the Bill is a money Bill or otherwise.

I urge you to let that Bill be withdrawn from the Order Paper for tomorrow. We do not have to repeat this thing because it is a waste of time. Any Bill which is recognized that it has not passed through the normal channels should be done away with.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I am quite impressed to see that you followed my communication very closely. Paragraph two says as follows:

“The Agriculture, Fisheries and Food Authority (Amendment) Bill (National Assembly Bill No.17 of 2015), was published vide the Kenya Gazette Supplement No.48 f 24th April, 2015 as a Bill concerning county governments.”

(Sen. Murkomen spoke off the record)

Order, Sen. Murkomen! You have just come in. Kindly, give us a chance to finish this.

The Speaker of the National Assembly starts by communicating and saying that it is a Bill concerning county governments. He starts with that concession. However, you say that he should have sought concurrence in the first instance under Article 110(3) of the Constitution.

The reason I thought we could go on into the First Reading was so that we could deal with all those issues. Take this as a concession that it is a Bill concerning counties. Therefore, we could deal with it and then send it back to them for consideration as if it had not originated from them, in the first instance. That would save a lot of time and pressure. If we read it the first time, take it to a Second Reading for debate and go all the way up to our sending it back to the National Assembly for concurrence because it is a Bill concerning counties, however you look at it, there is nothing I have breached in terms of the Constitution because we were going to read it the first time, and then go through the motions.

The Senate Minority Leader (Sen. Wetangula): on a point of Order!

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

However, if you feel that we should treat it as null and void *ab initio*, and that it has not at all come because concurrence was not sought---

(Applause from Hon. Senators)

Order! It is not yet time to applaud. Let us finish. This is a very serious legal issue. So, let us deal with it properly.

The feeling of the hon. Senators is that maybe a step was not followed. You want to go back to the drawing board and you say that we should treat what the National Assembly did, as null and void *ab initio*. If that is what you are saying, allow me time to give it a little bit more consideration. Therefore, treat my communication as held in abeyance until I am able to deal with the situation that has been raised.

Sen. Wetangula, that preempts the point of order that you wanted to make because I suspect it is on the same issue. I cannot discuss it with you before I make a ruling. What is your point of order?

The Senate Minority Leader (Sen. Wetangula): On a Point of Order, Mr. Deputy Speaker, Sir. First, I congratulate you on that positive line you have taken. However, in so doing, I encourage you to move from the point that, it is not the realization of any Speaker that a Bill concerns counties; it is the initial stage before tabling in any House that they must consult. Therefore, it is a consultation, but not a realization. That is a point we had not argued and it will help you.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Wetangula, you are taking me back. I have dealt with the situation already.

Next Order!

The Clerk-at-the-Table: Order No 6; Notices of Motion. Order No. 7; Statements.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Prof.) Lonyangapuo!

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, my neighbour is in the spirit of being noisy today. I have a Motion that I want to read.

The Deputy Speaker (Sen. Kembi-Gitura): We have passed Motions. Has it been approved? A Notice of Motion on what?

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, a Notice of Motion, indeed.

The Deputy Speaker (Sen. Kembi-Gitura): I need to look at it.

You can go ahead.

Sen. (Prof.) Lonyangapuo: Thank you, Mr. Deputy Speaker, Sir---

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. (Prof.) Lonyangapuo!

Sen. Muthama: On a Point of Order, Mr. Deputy Speaker, Sir. I am very sure and aware that the order that we are going to conduct now is very crucial, more so, the Statements. However, we have divisions to deal with. As a Chief Whip, I am in order to alert the Chair that we can set aside some business now and go straight to divisions. We will come back to the other business of the House.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Muthama, I agree with you. Just let us give a Notice of Motion and then we will come to that.

Hon. Senators we have several divisions this afternoon. I would request that we do the divisions as soon as possible. Let us finish the Notice of Motion. I will suspend Statements so that we can deal with the divisions and other procedural matters. I request you to allow us to do the divisions this afternoon.

NOTICE OF MOTION**CREATION OF AN OFFICE TO AUDIT THE
BASIC EDUCATION INSTITUTIONS' FUNDS**

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, I rise to give notice of the following Motion:-

THAT, whereas Article 53(1)(b) of the Constitution provides that every child in Kenya has the right to free and compulsory basic education; recognizing the importance of education in the alleviation of the main challenges facing Kenya's sovereignty identified at Independence namely, poverty, illiteracy and disease; appreciating the gains made following the implementation of the Free Primary Education Programme in 2003; cognizant of the principles set out in the Basic Education Act, 2013 whose objectives include promotion and regulation of free and compulsory basic education, besides providing for accreditation, registration and management of basic education institutions; also noting the substantial resources invested by the national and county governments, parents, sponsors and development partners in the provision of basic education; further noting that pursuant to the Basic Education Act, the County Director of Education is vested with numerous responsibilities including, facilitation of auditing of all basic education institutions in the respective county thereby leaving fundamental gaps of governance especially in the management of the available resources; now therefore, the House recommends that the Cabinet Secretary facilitates the creation of the office of an auditor to specifically to audit the basic education institutions' funds to enhance transparency and accountability and improve governance in the management of these institutions.

Thank you.

(Sen. Wako consulted loudly)

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators. Order, Sen. Wako!

COMMUNICATION FROM THE CHAIR**VISITING DELEGATION OF STAFF FROM
KILIFI COUNTY ASSEMBLY**

The Deputy Speaker (Sen. Kembi-Gitura): Hon Senators, before we go to the next order, I have a short communication to make.

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting staff from Kilifi County Assembly, Human Resource Department. The County Assembly staff are here on a five-day attachment with their counterpart department at the Senate.

I request each member of the delegation to stand when called out so that they can be acknowledged in the Senate tradition.

1. Damaris Bakari, Senior Human Resource Officer.
2. Velda Gwiyo, Clerical Officer.
3. Margaret Pendo, Registry Clerk.
4. Agnes Kazungu, Office Assistant.
5. Penina Yeri, Office Assistant.
6. Joyce Pendo, Office Assistant.
7. Eunice Kibibi, Office Assistant.

An hon. Senator: Gender!

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators. I hope that they have a fruitful programme. On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

Thank you.

The issues you are discussing have nothing to do with the Senate because I could hear you talk about gender.

(Sen. Wetangula spoke off record)

(Laughter)

Hon. Senators, we need to make some progress. Sen. Musila had requested to make a Personal Statement. I do not know whether that will affect the division. May I request Sen. Musila to make the Personal Statement after we have finished with the division. Is that okay? Let us do this so that we can go ahead with the voting. Maybe your Personal Statement will elicit debate.

(Sen. Musila spoke off record)

Okay, then make your Statement. I had given you permission under Standing Order No.46.

An hon. Senator: Let us vote now.

Sen. Musila: Mr. Deputy Speaker, Sir, can I do it now?

The Deputy Speaker (Sen. Kembi-Gitura): Yes, do it now.

Order, Sen. (Dr.) Khalwale. What is your point of order?

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. I am sorry to interrupt Sen. Musila. Why should we give the impression that hon. Senators have the discretion to leave the House prematurely before we vote? In fact, we should impress upon Members so that the vote can as well come at 6.25 p.m.

Mr. Deputy Speaker, Sir, I rise on this point of order because if that kind of communication comes from the Chair, one day all of us might walk out of this House and the Chair remains alone.

The Deputy Speaker (Sen. Kembi-Gitura): In which case, the Chair will just adjourn the House for lack of quorum and proceed to go away.

(Sen. Wetangula spoke off record)

However, the point Sen. (Dr.) Khalwale is making is fundamental. Please, listen to me, Senate Minority Leader.

The point Sen. (Dr.) Khalwale is making is important but in this specific instance – I know that we should follow the Order Paper but the Standing Orders also gives the Speaker the discretion to reorganize the Order Paper. Sometimes we have to be practical about certain situations. If you look at the Order Paper, you will find that a lot of business for division has been outstanding for a very long time. If we can do away with it, it would be good but it is not that I have not heard what Sen. (Dr.) Khalwale has said.

So, proceed, Sen. Musila.

What is it, Senate Minority Leader?

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Deputy Speaker, Sir, I would like to seek your clarification. The Statement the distinguished Senator for Kitui is about to make is very important, critical and of the nature that may require you to allow us to make comments. We cannot allow this country to go back to the days where leaders were being teargassed in public.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Wetangula! You are being unfair to the House. Even I do not know what the Statement is about. However, Sen. Musila had the courtesy to seek leave---

(Sen. Wako walked around the Chamber)

It is only you, hon. Members, who bring your House to disrepute by not respecting your Standing Orders. Sen. Wako is moving all over the place while the Speaker is on his feet. We must respect this House.

However, Sen. Wetangula, the point I am making is that I cannot allow you or anybody else to anticipate debate; even I do not know what the Statement is about. If you have shared it with Sen. Musila, he has not shared it with me. He asked for leave to make a Personal Statement under Standing Order No.46. Therefore, I will not allow any sideshows on this issue.

Proceed, Sen. Musila

PERSONAL STATEMENT

ASSAULT OF MPS, MCAS AND MEMBERS OF THE PUBLIC BY THE POLICE IN KIBWEZI

Sen. Musila: Mr. Deputy Speaker, Sir, I seek the indulgence of the House to make a Personal Statement under Standing Order No.46.

Mr. Deputy Speaker, Sir, the Statement is in connection with the barbaric incident at Kibwezi, yesterday, 21st March, 2016 whereby the Kenya Police under the command of one Mr. Kimaiyo, the Officer Commanding Police Division (OCPD) without any provocation assaulted us; Members of Parliament (MPs), Members of the County Assembly (MCAs) and members of the public, as we were exercising our constitutional right to demonstrate peacefully as per Article 37 of the Constitution.

Mr. Deputy Speaker, Sir, the peaceful demonstration was to protest the Government's failure to develop the Kibwezi-Kitui-Mwingi-Tseikuru Road which is B7 – and for the information of hon. Senators, the road when completed shall transverse Kitui, Tharaka-Nithi and Isiolo counties. It has been a source of frustration for the people of Kitui County since independence, 53 years ago.

Mr. Deputy Speaker, Sir, as I speak, despite the road having a high classification of B category, it is impassible. Kitui County residents wishing to travel to Mombasa have to come to Nairobi in order to travel to Mombasa. For the information of the august House, yesterday, I led the exercise in the company of hon. Museo, Member of Makueni County Assembly, hon. Jessica Mbalu, Member of Kibwezi West, hon. Kitungi, hon. Makali, hon. Nyamai, hon. Muluvi, hon. Mathuki of Mwingi West, Kitui Central, Kitui Rural, Kitui East and the East Africa Legislative Assembly respectively.

Prior to our peaceful demonstration, we had informed the Kibwezi Officer Commanding Station (OCS) in writing as it is required. However, on Sunday night, we were given a one sentence letter from the police station stating that the demonstration would not be allowed “for security reasons.”

Mr. Deputy Speaker, Sir, after receiving this letter, as a man who understands the law, I called both the Deputy Inspector General of Police Service, Mr. Kitili and the Cabinet Secretary, hon. Nkaisery. They both agreed that we proceed with our demonstration as long as it was peaceful. I gave the two gentlemen my personal assurance that the demonstration was going to be peaceful.

We started our peaceful demonstration in the morning and walked 10 kilometres on the Kitui-Kibwezi Road towards Kitui. We decided to return to Kibwezi to go home as we had finished our demonstration. However, on our way back, six kilometres from Kibwezi, we found a police contingent in full riot gear blocking the road. They charged at us and without any warning or provocation, hurled teargas canisters at us and beat us up.

Mr. Deputy Speaker, Sir, they then drove on and waited for us two kilometres from Kibwezi where they repeated the same acts of violence, tear-gassing and beating us. A number of our people were injured. In addition, they robbed some demonstrators of cash and mobile phones. Along the road, they also robbed women of their fruits and ate them.

These acts by the police raise serious questions on the governance of this country. If the police force of a democratic country can behave in such a manner and assault law abiding citizens and elected representatives, it leaves much to be desired. It also raises questions on the command and operation structures of the Kenya Police Service.

Mr. Deputy Speaker, Sir, when we visited Kibwezi Police Station to record statements, the OCS, a Mr. Cheruiyot, told us that he was not in the picture of why the police were beating participants of a peaceful demonstration. He said that it was the Office Commanding Police Division (OCPD) a Mr. Kimaiyo who was in charge of the operation and that the police station was not involved.

We noticed an unusual distribution of security positions in Kibwezi which does not in any way represent the face of Kenya as required by the Constitution. The OCPD, Deputy County Commissioner, OCS, Divisional Criminal Investigation Officer (DCIO) and the National Intelligence Service (NIS) Officer in Charge, are all from one community.

Mr. Deputy Speaker, Sir, finally, I take this opportunity to inform the Kenyan Government, the Kenya Police Service and anyone else who cares to listen, that our community shall not be intimidated by anyone. We shall continue to push for our rights as Kenyans to get our rightful share - and as taxpayers - of national development.

Thank you.

Sen. (Dr. Khalwale): On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Order Senator (Dr.) Khalwale. I hope it is not on the Statement.

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. It is clear from what the Senator has said - I do not want to debate it even for a second -it leaves serious issues begging for answers from the Government. Is it in order to request that the Chair directs that this Statement be converted to a Statement under Standing Order 45 (2) (a) on---

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. (Dr.) Khalwale! It is not possible for me to order for the Statement to be converted.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, the powers of the Chair are immense.

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, you know you are pursuing a line in futility because you understand it is not possible. Sen. Musila who is also an experienced Senator having been a Deputy Speaker would have chosen to stand under Standing Order No. 45 (2) (a) but he chose to stand under Standing Order No. 46. He, just like you knows that that seals the matter. So, the matter is closed.

Hon. Senators, like I indicated earlier, I would like us to proceed to the next Order.

(Sen. Muthama and Sen. Sang consulted loudly)

Order Senators! If I had the powers - which I know I do not have - I would have requested that Sen. Sang and Sen. Murkomen do not sit anywhere near each other because it makes the work in the House difficult.

The Senate Minority Leader (Sen. Wetangula): Throw them out!

The Deputy Speaker (Sen. Kembi-Gitura): They have not done anything to be thrown out.

I had indicated that we should proceed to division. I order that the Division Bell be rang for two minutes.

(The Division Bell was rang)

(The Bar was drawn and doors closed)

BILL*Second Reading*THE COUNTY STATUTORY INSTRUMENTS BILL
(SENATE BILL NO.10 OF 2015)*(Sen. Sang on 10.3.2016)**(Resumption of Debate interrupted on 15.3.2016)***DIVISION**

ELECTRONIC VOTING

*(Question, that the County Statutory Instruments Bill
(Senate Bill No.10 of 2015) be read a Second Time put and
the Senate proceeded to vote by County Delegations)*

AYES: Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Hargura, Marsabit County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. Madzayo, Kilifi County; Sen. Mbuvi, Nairobi County; Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Ndiema, Trans-Nzoia County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators! The results of the Division are as follows:-

AYES: 29

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 29 votes to 0)

*(The Bill was read a Second Time and committed to a
Committee of the Whole tomorrow)*

(The Bar was undrawn and doors opened)

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, Order Nos.9, 10, 11 and 12 will be voted on separately in the Committee of the Whole and then we will have the reports as necessary.

Next Order!

COMMITTEE OF THE WHOLE

(Orders for Committee read)

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

IN THE COMMITTEE

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

The Temporary Chairperson (Sen. Mositet): Could the Division Bell be rung for 30 seconds?

(The Division Bell was rung)

THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL (SENATE BILL NO. 7 OF 2015)

The Temporary chairperson (Sen. Mositet): Order, Senators, we are on Order No.9 which is The Kenya National Examination Council (Amendment) Bill (Senate Bill No.7 of 2015). I will put the question that Clauses 2 and 3 be amended as proposed. We shall go to division. You may start voting now.

Order, Senators, I will put the next question which is that new Clause 2A be now read a Second Time. We will go to division to vote. You may start voting.

(Voting in progress)

DIVISION

ELECTRONIC VOTING

*(Question, that Clauses 2 and 3 be amended as proposed,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Hargura, Marsabit County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. Mbuvi, Nairobi City County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County;

Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairman (Sen. Mositet): Hon. Senators, the results of the Division are as follows:-

AYES: 27

NOES: Nil

ABSENTIONS: Nil

(Question carried by 27 votes to 0)

*(Question, that Clause 2A be now read a second time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Adan, Isiolo County; Sen. Chelule, Nakuru County; Sen. Hargura, Marsabit County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. Madzayo, Kilifi County; Sen. Mbuvi, Nairobi City County; Sen. Mositet, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairman (Sen. Mositet): Hon. Senators, the results of the Division are as follows:-

AYES: 27

NOES: Nil

ABSENTIONS: Nil

(Question carried by 27 votes to 0)

(New Clause 2A was read a Second Time)

*(Question, that Clause 2 (as amended), Clause 3 (as amended)
and New Clause 2A be part of the Bill, put and
the Senate proceeded to vote by County Delegations)*

AYES: Sen. Adan, Isiolo County; Sen. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Hargura, Marsabit County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki,

Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. Madzayo; Kilifi County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mwakulegwa; Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairman (Sen. Mositet): Hon. Senators, the results of the Division are as follows:-

AYES: 28

NOES: Nil

ABSENTIONS: Nil

(Question carried by 28 votes to 0)

(New Clause 2A agreed to)

(Clauses 2 and 3, as amended, agreed to)

*(Question, that the Title and Clause 1 be part of the Bill,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Adan, Isiolo County; Sen. Chelule, Nakuru County; Sen. Hargura, Marsabit County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. Madzayo, Kilifi County; Sen. Mbuvi, Nairobi City County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County, Sen. Wamatangi, Kiambu County and, Sen. Wetangula, Bungoma County.

AYES: 27

NOES: Nil

ABSENTIONS: Nil

(Question carried by 27 votes to 0)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairperson (Sen. Mositet): Hon. Senators, I now request the Mover to move.

Sen. Musila: Mr. Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the The Kenya National Examinations Council (Amendment) Bill (Senate Bill No. 7 of 2015) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE OFFICE OF THE COUNTY ATTORNEY BILL,
(SENATE BILL NO. 37 OF 2014)

(Resumption of Debate interrupted on 18.3.2016)

DIVISION

ELECTRONIC VOTING

(Question, that New Clause 10A be read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Adan, Isiolo County; Sen. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Hargura, Marsabit County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Mbuvi, Nairobi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. Madzayo, Kilifi County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, TaitaTaveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Mositet): Hon. Senators, the results of the division are as follows:-

AYES: 29

NOES: Nil

ABSENTIONS: Nil

(Question carried by 29 votes to 0)

(New Clause 10 A was read a Second Time)

DIVISION**ELECTRONIC VOTING**

(Question, that Clauses 2, 3, 4, 5, 7, 9, 10, 11, 14, 16, 18, 19, 21, 25, 26 and 30 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Hargura, Marsabit County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Mbuvi, Nairobi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. Madzayo, Kilifi County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Mositet): Hon. Senators, the results of the division are as follows:-

AYES: 30

NOES: Nil

ABSENTIONS: Nil

(Question carried by 30 votes to 0)

(Clauses 2, 3, 4, 5, 7, 9, 10, 11, 14, 16, 18, 19, 21, 25, 26 and 30 as amended agreed to)

DIVISION**ELECTRONIC VOTING**

(Question, that Clauses 2 (as amended), 3 (as amended), 4 (as amended), 5 (as amended), 6, 7 (as amended), 12, 13, 14 (as amended), 15, 16 (as amended), 17, 18 (as amended), 19 (as amended), 20, 21 (as amended), 22,23, 24, 25 (as amended), 26 (as amended), 27,28, 29, 30 (as amended), 31 and 32 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Hargura, Marsabit County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County;

Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Mbuvi, Nairobi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. Madzayo, Kilifi County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong’o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Mositet): Hon. Senators, the results of the division are as follows:-

AYES: 29

NOES: Nil

ABSENTIONS: Nil

(Question carried by 29 votes to 0)

*(Clauses 6, 12, 13, 15, 17, 20, 22, 23,24,27,28
and 29 agreed to)*

*(Clauses 2, 3, 4, 5, 7, 14, 15, 18, 19, 21, 25,
26 and 30, as amended, agreed to)*

DIVISION

ELECTRONIC VOTING

*(Question, that the First Schedule, the Second Schedule, the Title, and
Clause 1 be part of the Bill, put and the Senate proceeded
to vote by County Delegations)*

AYES: Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Hargura, Marsabit County; Sen. M. Kajwang, Homa Bay County; Sen. Kembi-Gitura, Murang’a County; Sen. Karaba, Kirinyaga County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Mbuvi, Nairobi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong’o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Mositet): Hon. Senators, the results of the division are as follows:-

AYES: 28

NOES: Nil

ABSENTIONS: Nil

(Question carried by 28 votes to 0)

(First Schedule, Second Schedule, Title, and Clause 1 agreed to)

Sen. Wako: Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the Office of the County Attorney Bill (Senate Bill No.37 of 2014) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE OFFICE OF THE COUNTY PRINTER BILL
(SENATE BILL NO.42 OF 2014)

(Resumption of Debate interrupted on 18.3.2016)

The Temporary Speaker (Sen. Mositet): Hon. Senators, we are taking Division on the next Bill; The Office of the County Printer Bill (Senate Bill No.42 of 2014).

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 4, 5, 8, 9, 12, Clause 2 and Clause 1 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Adan, Isiolo County; Sen. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Hargura, Marsabit County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West-Pokot County; Sen. Madzayo, Kilifi County; Sen. Mbuvi, Nairobi County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Mositet): Hon. Senators, the results are as follows

AYES: 28

NOES: Nil

ABSENTIONS: Nil

(Question carried by 28 votes to 0)

DIVISION

ELECTRONIC VOTING

(Question, that Clause 3, Clause 4 (as amended), Clause 5 (as amended), Clauses 6 and 7, Clause 8 (as amended), Clause 9 (as amended), Clauses 10 and 11, Clause 12 (as amended), Clause 2(as amended), the Title and Clause 1(as amended) be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Hargura, Marsabit County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West-Pokot County; Sen. Madzayo, Kilifi County; Sen. Mbuvi, Nairobi County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mwazo, Taita Taveta County; Sen. Ndiema , Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Mositet): Hon. Senators, the results are as follows

AYES: 29

NOES: Nil

ABSENTIONS: Nil

(Question carried by 29 votes to 0)

(Clauses 3, 6, 7, 10 and 11 agreed to)

(Clauses 2, 4, 5, 8, 9 and 12 as amended agreed to)

(Title agreed to)

(Clause 1 as amended agreed to)

The Temporary Chairperson (Sen. Mositet): I call upon the Mover to move.

Sen. Sang: Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the Office of the County Printer Bill (Senate Bill No. 42 of 2014) and its approval thereof with amendments

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

(Question proposed)

(Question put and agreed to)

Temporary Chairperson (Sen. Mositet): Order, Senators! We will have three Divisions.

THE WATER BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)

(Resumption of Debate interrupted on 8.3.2016)

DIVISION

ELECTRONIC VOTING

(Question that Clauses 8, 8B, 19, 24, 25, 30, 63, 72, 73, 74, 75, 102, 109, 114, 115, 117, 130, 139, 140, 154 and Clause 2 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Hargura, Marsabit County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West-Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mbuvi, Nairobi County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Mositet): Hon. Senators, the results of the Division are as follows:-

AYES: 30

NOES: Nil

ABSENTIONS: Nil

(Question carried by 30 votes to 0)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3, 4, 5, 6, 7, 8(as amended), 8A, 8B(as amended) 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 (as amended), 20, 21, 22,23, 24(as amended), 25(as amended), 26, 27, 28, 29, 30(as amended), 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63(as amended), 64(as amended), 65, 66, 67, 68, 69, 70, 71, 72(as amended), 73(as amended), 74(as amended), 75(as amended), 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102(as amended), 103, 104, 105, 106, 107, 108, 109(as amended) 110, 111, 112, 113, 114(as amended, 115(as amended), 116, 117(as amended), 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130(as amended), 131, 132, 133, 134, 135, 136, 137,138, 139(as amended), 140(as amended), 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154(as amended), 155, 156,157, Clause 2(as amended) be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Hargura, Marsabit County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West-Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mbuvi, Nairobi County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Mositet): Hon. Senators, the results of the Division are as follows:-

AYES: 30

NOES: Nil

ABSENTIONS: Nil

(Question carried by 30 votes to 0)

(Clauses 3, 4, 5, 6, 78A, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22,23, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62,65, 66, 67, 68, 69, 70, 71, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101,110, 111, 112, 113, 116,

118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 135, 136, 137, 138, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152 and 153 agreed to)

(Clauses 8, 8B, 19, 24, 25, 30, 63, 64, 72, 73, 75, 102, 109, 114, 115, 117, 130, 139, 140, 154 and 2, as amended, agreed to)

DIVISION

ELECTRONIC VOTING

(Question, that the First Schedule, Second Schedule, Third Schedule, Fourth Schedule, the Title and Clause I be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Hargura, Marsabit County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West-Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mbuvi, Nairobi County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Mositet): Hon. Senators, the results of the Division are as follows:-

AYES: 29

NOES: Nil

ABSENTIONS: Nil

(Question carried by 29 votes to 0)

(First Schedule, Second Schedule, Third Schedule, Fourth Schedule, the Title and Clause I agreed to)

I now call upon the Mover, Sen. Kivuti.

Sen. Kivuti: Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the Water Bill (National Assembly Bill No.7 of 2014) and its approval thereof with amendments.

The Temporary Chairperson (Sen. Mositet): Hon. Senators, we have done quite well. After this, we still have one more voting which is very important. If we do that, we would have finished all the Bills. So, after reporting, I request you not to leave the House.

The climax of what we have done cannot be achieved unless we make sure the reporting is well done and the voting is done.

(Sen. Khaniri consulted loudly)

Order, Sen. Khaniri! Order, Senators!

(Question put and agreed to)

(The House resumed)

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

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

(Sen. Muthama consulted loudly)

Order, Sen. Muthama!

Hon. Senators, we have achieved so much this afternoon. Please, let us complete what we have started. We have achieved tremendous ground. Let us finish what we have started.

We are starting with the report of the Committee of the Whole on the Kenya National Examinations Council (Amendment) Bill (Senate Bill No. 7 of 2015).

Where is the Chairperson? Proceed, Sen. Mositet.

REPORTS, CONSIDERATION OF REPORTS AND THIRD READINGS

THE KENYA NATIONAL EXAMINATIONS COUNCIL
(AMENDMENT) BILL (SENATE BILL NO. 7 OF 2015).

Sen. Mositet: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the Kenya National Examinations Council (Amendment) Bill (Senate Bill No. 7 of 2015) and its approval thereof with amendments.

(Loud consultations)

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators. Obviously you appreciate that the Bar is open and I cannot stop anybody from going out. There is a request you have made, but of course, there is freedom of movement. Sen. Wako, we cannot close the Bar.

However, I just plead with you again. Let us finish because we have made a big effort to reach where we are now.

Proceed, Sen. Musila.

Sen. Musila: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee on the said Report. I request Sen. Obure to second.

Sen. Obure seconded.

(Question proposed)

(Question put and agreed to)

Sen. Musila: Mr. Deputy Speaker, Sir, I beg to move that the Kenya National Examinations Council (Amendment) Bill (Senate Bill No. 7 of 2015) be now read a Third Time. I request Sen. Obure to second.

Sen. Obure seconded.

(Loud consultations)

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

(Question proposed)

Hon. Senators, if it is agreeable to you, I propose that we get to that point in all of them and then do a Division for all of them. Is that acceptable?

(Applause)

Thank you.

Hon. Senators, we are now on a report on The Office of the County Attorney Bill, (Senate Bill No. 37 of 2014)

THE OFFICE OF THE COUNTY ATTORNEY BILL
(SENATE BILL NO. 37 OF 2014)

Sen. Mositet: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The Office of the County Attorney Bill (Senate Bill No. 37 of 2014) and its approval thereof with amendments.

Sen. Wako: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

Sen. Sang seconded.

(Question proposed)

(Question put and agreed to)

Sen. Wako: Mr. Deputy Speaker, Sir, I beg to move that The Office of the County Attorney Bill (Senate Bill No. 37 of 2014) be read a Third Time.

Sen. Sang seconded.

(Question proposed)

THE OFFICE OF THE COUNTY PRINTER BILL
(SENATE BILL NO. 42 OF 2014)

Sen. Mositet: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The Office of the County Printer Bill (Senate Bill No. 42 of 2014) and its approval thereof with amendments.

Sen. Sang: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

Sen. Wako seconded.

(Question proposed)

(Question put and agreed to)

Sen. Sang: Mr. Deputy Speaker, Sir, I beg to move that The Office of the County Printer Bill (Senate Bill No. 42 of 2014) be now read a Third Time.

Sen. Wako seconded.

(Question proposed)

The Deputy Speaker (Sen. Kembi-Gitura): We shall follow the same procedure until we are through with the fourth Bill.

THE WATER BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)

Sen. Mositet: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The Water Bill (National Assembly Bill No. 7 of 2014) and its approval thereof with amendments.

Sen. Kivuti: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

Sen. Obure seconded.

(Question proposed)

(Question put and agreed to)

Sen. Kivuti: Mr. Deputy Speaker, Sir, I beg to move that The Water Bill (National Assembly Bill No. 7 of 2014) be now read a Third Time.

Sen. Obure seconded.

(Question proposed)

The Deputy Speaker (Sen. Kembi-Gitura): The Division Bell will be rung only once and we shall have the Division of the four Bills to be read a Third Time so that we can finalise with that Order.

I believe that we have the numbers and I order that the Bell be rang for two minutes.

(The Division Bell was rang)

DIVISION

ELECTRONIC VOTING

*(Question, that the Kenya National Examinations Council
(Amendment) Bill (Senate Bill No. 7 of 2015) be now read a Third
Time, put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, Pokot County; Sen. Madzayo, Kilifi County; Sen. Mbuvi, Nairobi County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, the results are as follows:-

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 30 votes to 0)

(The Bill was accordingly read the Third Time and passed)

DIVISION

ELECTRONIC VOTING

*(Question, that the Office of the County Attorney Bill,
(Senate Bill No. 37 of 2014)) be now read a Third Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, Pokot County; Sen. Madzayo, Kilifi County; Sen. Mbuvi, Nairobi County; Sen. Melly, Uasin Gishu County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Deputy Speaker (Sen. Kembu-Gitura): Hon. Senators, the results are as follows:-

AYES: 31

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 31 votes to 0)

(The Bill was accordingly read the Third Time and passed)

DIVISION

ELECTRONIC VOTING

*(Question, That the Office of the County Printer Bill,
(Senate Bill No. 42 of 2014) be now read a Third Time
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, Pokot County; Sen. Madzayo, Kilifi County; Sen. Mbuvi, Nairobi County; Sen. Melly, Uasin Gishu County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, the results are as follows:-

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 30 votes to 0)

(The Bill was accordingly read the Third Time and passed)

DIVISION

ELECTRONIC VOTING

Question, that the Water Bill (National Assembly Bill No. 7 of 2014) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang’a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, Pokot County; Sen. Madzayo, Kilifi County; Sen. Mbuvi, Nairobi County; Sen. Melly, Uasin Gishu County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Okong’o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, the results are as follows:-

AYES: 31

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 31 votes to 0)

(The Bill was accordingly read the Third Time and passed)

The Deputy Speaker (Sen. Kembi-Gitura): Thank you very much, Senators. We have done very well on those four Bills and I thank you on the progress that we have made together.

(Loud consultations)

Order, Senators! We will defer Order No. 13, Committee of the Whole, and go to the next Order.

COMMITTEE OF THE WHOLE

THE UNIVERSITIES (AMENDMENT) BILL
(SENATE BILL NO.31 OF 2014)

(Resumption of Debate interrupted on 15.3.2016)

(Committee of the Whole deferred)

Next Order!

BILL

Second Reading

THE FISHERIES MANAGEMENT AND DEVELOPMENT
BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2014)

(Sen. Murkomen on 16.3.2016)

(Resumption of Debate interrupted on 17.3.2016)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, you have seven minutes.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I was registering my support for this Bill for, amongst other things, the fact that it attempts to align the governance of our fishing industry to international and regional instruments. I was cut short when I was commenting on the issue of Migingo Island.

It will be remembered that the issue of Migingo Island has been around for a long time and that when it first came up a few years ago, when the President of Uganda finally conceded that Migingo Island was in Kenya, he then said that if Migingo Island is in Kenya, when you drop off from the island into the lake, you are now in Uganda. It then made it very impossible for our fishermen to do anything when they are on Migingo Island because being in Migingo counts for nothing unless you are taking advantage of the fish in the lake.

Mr. Deputy Speaker, Sir, I want to emphasize that as we support this, we must all be reminded that the real reason in Migingo is not the island. It is the rich fish resource. It

is my personal persuasion that all the fish in Lake Victoria is ours. Where does the fish come from? Scientifically, breeding only takes place in the warm waters upstream, along the main rivers that feed into Lake Victoria. So, since all these rivers are in Kenya, it, therefore, means that the breeding takes place in the Kenyan rivers, the mothers and fathers of the fish are in Kenya, they mate in Kenya and they give birth to young fish which are Kenyan fish. So, the fish is ours.

Mr. Deputy Speaker, Sir, I want to support this Bill because included in it is the emphasis on community participation. One of the reasons why our people do not enjoy maximum benefits from the fishing industry is because for a long time they have been left out in decision making by way of how to manage the resource, how to conserve it and how the benefits can go directly to our people. It goes without saying that we want the maximization of the benefits to the local people.

Mr. Deputy Speaker, Sir, it adds no value when every weekend the Jubilee honchos in their rallies say that they are giving these men milk cooling plants and talk nothing about the need for cooling plants for keeping our fish around the lake. If the Government has got money for milk cooling plants, why is the same Government not making it possible for cooling plants to be installed around Lake Victoria? It is very sad that a fisherman goes to the lake, gets the fish early in morning, the guys from Nairobi arrive with their canters and they park and keep quite. So, at 6.00 a.m. the fishmongers collect his fish and goes to the shores and the big buyer from Nairobi is just quiet.

By 9.00 a.m., the buyer tells him he will give him Kshs200 per fish and the former tells him his fish is very big. He tells the buyer he wants Kshs250, but the guy keeps quiet. At 11.00 a.m., flies are now starting to approach the fish and the buyer tells him he will give him Kshs150. The guy is desperate and he says he be given the Kshs200 he had earlier said. At 1.00 p.m., he tells him he will give him Kshs150 and the fisherman gives in. So, our people have remained in poverty and this must be brought to an end.

Mr. Deputy Speaker, Sir, this Bill tends to re-visit the issue of Vision 2030. It is very unfortunate that during the tenure of Jubilee Government, Vision 2030 has been completely forgotten. It, therefore, means that when we take over next year, we will have to readjust to Vision 2035 because an entire five years have been lost. Can you imagine the special team of experts that was chaired by Mr. Mugo Kibati of Vision 2030, has never met since Jubilee took power at Kasarani Stadium and we expect that the country will move towards Vision 2030? What is lost to Kenyans is that the so called projects that Jubilee is trying to tell Kenyans they are rolling out are the Vision 2030 projects, only that they speak about it and get excited when the issue of tendering comes in. I mean it!

Mr. Deputy Speaker, Sir, the Standard Gauge Railway (SGR) is one of the Vision 2030 flagship projects. We are saddened that our country is being subjected to populist leadership that only exercises Public Relations (PR) and refuses to work for our people.

The Deputy Speaker (Sen. Kembi-Gitura): What is your point of order, Sen. Murkomen?

Sen. Murkomen: On a point of order Mr. Deputy Speaker, Sir. Is it in order for Sen. (Dr.) Khalwale - who is a good friend of mine who has recently been facing hard times landing in Kakamega - to try to say that there are two different governments in this country? He says there is Jubilee Government and the Government of Kenya. As a lawyer, you know governments are there to succeed each other. Considering that administrations come and pass, and visions of government whether it was 1965 Sessional

paper or any other like Vision 2030 which the current President was at the centre of watering as a Minister of Finance and Deputy Prime Minister, is it in order for him to try to insinuate that there will be other persons who will implement that vision other than those who authored it, like the current President?

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir, for holding my time. It speaks volumes when you see a distinguished Senator---

The Deputy Speaker (Sen. Kembi-Gitura): Can you deal with the point of order, Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, it is the one I am dealing with now. It speaks volumes when you see a distinguished Senator like Murkomen confirm that he is no longer the same policing youth who won an election in Elgeyo-Marakwet, instead, he has come to Nairobi and he is now a mouth piece---

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. (Dr.) Khalwale! Could you, please, deal with the point of order that was raised?

Sen. (Dr.) Khalwale: Sir, I am dealing with it in my own way.

The Deputy Speaker (Sen. Kembi-Gitura): Not in your own way. You will deal with it the way it is dealt with in the House.

Sen. (Dr.) Khalwale: In my own way, but within the rules, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, do not test me. Deal with the point of order, please.

Sen. (Dr.) Khalwale: Any way, Mr. Deputy Speaker, Sir, the point of order is that he is wondering whether there is a Jubilee Government and a Kenyan Government. Yes, I insist that this is not a Kenyan Government. It is a Jubilee Government as evidenced by the appointments of last week when they resurrected old men from two communities only into jobs that youth should have been given.

Sen. Murkomen: On a point of order, Mr. Deputy Speaker, Sir. I said it last week that my colleague from Kakamega should not behave in a manner that will betray his age and experience by jumping over, he should go straight to the questions. Are there two governments?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Murkomen and Sen. (Dr.) Khalwale, I want both of you to respect the House and I want you to deal with the issues that are there to be dealt with and not sideshows. Those are the rules of the House and that is how we operate and that is how we will operate as long as I am sitting on this Chair. So, Sen. (Dr.) Khalwale, can you deal with the point of order? It is a question of dealing with what he said in the correct way.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I can only dispose of it if I remind the Jubilee Government that the face of Kenya, in a Kenyan Government, must be seen in their appointments and rolling out of projects. When that face of Kenya misses, it becomes a Jubilee Government, which we all know is formed by two communities.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. (Dr.) Khalwale! I will not allow this. The point of order that Sen. Murkomen raised was one and simple. He asked whether it was in order for you to insinuate that there are two governments; the Jubilee Government and the Government of the day. That was the only issue. I expect you to deal with that issue without getting out of the parameters. That is what I am asking and it is not difficult.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, with your indulgence and that of the House, last week we all witnessed clearly on footage an inter-ministerial symposium, clearly called “The Jubilee Inter-ministerial Symposium.” If we had a Kenyan Government in office today, they would have called that critical meeting “the Kenyan inter-ministerial symposium.” By calling it a Jubilee Inter-ministerial Symposium, it leaves us lost for words, but to say that, probably, we do not have a Kenyan Government in office. If that does not discharge me from blame that I am belittling the Jubilee Government, allow me to urge the Jubilee Government to demonstrate to Kenyans that they are not a Jubilee Government---

The Deputy Speaker (Sen. Kembi-Gitura): Just go on with your debate.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I have finished.

(Loud consultations)

Sen. Sijeny: Mr. Deputy Speaker, Sir, thank you for giving me the opportunity to contribute in support of this Bill. It is a comprehensive Bill which has considered a lot of issues. It is no secret that the fishing industry in Kenya is in a wanting situation. Having been born and brought up in the lakeside, I remember the days when we use to go to the villages within Kisumu City and there was plenty of fish everywhere.

Within the borders of Kenya and Uganda, there was a free market trade. However, lately, fish has become like some black gold; very rare. Most of the fish that we eat now is not tasty. People have gone into fish farming. As a result, there is low supply of from the natural waters. The problem is that it is quite clear there has been some mismanagement. We, as a country, have not really addressed issues in the fishing industry. For example, ever since Lake Victoria started suffering from hyacinth, people cannot access a lot of fish. We wonder where the fish has disappeared to. I believe most of it has gone to Migingo Island, which is no longer available to us. Our Kenyans relatives are being harassed there.

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

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

Sen. Okong’o: On a point of order, Mr. Temporary Speaker, Sir. Is the Senator in order to say that Migingo Island is not available to us? Does she have documentation and evidence in that regard?

The Temporary Speaker (Sen. Sang): Sen. Sijeny, did you say that Migingo Island is not available to us? Could you substantiate?

Sen. Sijeny: Mr. Temporary Speaker, Sir, it is not accessible to Kenya. It is obvious that Kenyans are being arrested in the island. It is common knowledge that the President of Uganda said that the water is on the Ugandan side and the island is on the Kenyan side. Definitely, I am quite in order to say that there is a big problem. If Migingo Island was once upon a time in Kenya, it is now not accessible and available to Kenyans.

Sen. Okong’o: Mr. Temporary Speaker, Sir, she has clarified that what we have in Migingo is a problem. There is a problem, but it is available to us. I agree with the clarification.

Sen. Sijeny: Mr. Temporary Speaker, Sir, it is sad because most Kenyans have been doing their fishing there and the fishing industry has been booming. If this Bill is passed there will be some rules and regulations. It also deals with fishing within territories and borders of the country. It will also deal with those who encroach on the land or the waters of Kenya illegally and bring foreign vessels without permits and licensing. There will be proper control of the fishing industry.

I like this Bill because it deals with the small-scale fishermen. It does not talk about the people who will be dealing in exports. It brings in policies, guidelines, creates bodies and boards that will look into the ordinary 'Akinyi' who deals with fish. It spells out how she will be safeguarded, so that the 'big sharks' do not swallow her. In most areas where fishing takes place, for example, Sori Bay or Uyoma, fish is very expensive for the local people because they do not have rules that protect the indigenous people. They do not have access to some of the things like factories or vessels which can help them preserve the fish and promote the trade. It is a free-for-all situation, which generally is not good, because they end up being abused.

When adults and even children engage in fish trade and get some money, they engage in adultery and illicit sex. As a result, there is high prevalence of sexually transmitted diseases. Many people die because they are not capacitated. The market is not available and so, they restrict themselves to the little available market. They do not think of exports or imports. With this Bill, everything will be regulated.

Mr. Temporary Speaker, Sir, I have gone through the Bill and feel that it gives the national Government a lot of control. It does not give 'Akinyi' or the county government control. Naturally, the county governments should have a say when it comes to policies because everything is within their regions. They ought to have been included. At the appropriate time, we will make proper amendments to ensure that everybody participates. The Cabinet Secretary should not be the only person in charge. The county officers should also have a say in the fishing industry within the counties. When we talk about giving licenses, it is the people who are at the grassroots level who know who operates what. Just like tourism, Kenya used to brag about the success in the fishing industry. We cannot take things for granted and it is never too late. We, as Kenyans and legislators, must make sure that we protect our country and people. Fish is not only nutritious, but it also brings in a lot of money.

With those few remarks, I beg to support.

Sen. Ndiema: Mr. Temporary Speaker, Sir, for allowing me to contribute to this Bill. The fishing industry is very important for our country and, indeed, globally. If you look at any country that is categorized as developed, fishing occupies a key position. Developed countries like China, Taiwan, Japan, Norway and United States of America (USA) largely depend on fish. The potential for generating wealth and creating employment opportunities for our people is enormous in the fishing industry. It is an industry which has remained unexploited for a long time. It can easily catapult us to the next level of development.

This is an area that needs little investment because when you fish, it is like you are merely harvesting fish from the waters. You do not have to invest a lot of resources or use fertilizer and so on like cash crop famers in other areas of this country. All you need to do is to reap. It is the only sector where one reaps without sowing. Nationals from other countries fish from our deep waters.

Mr. Temporary Speaker, Sir, internationally, there seems to be a scramble for fishing grounds. This is not the scramble for Africa as we know it from history. If one were to attend conferences on fishing as I did when I served in this sector, you will realise how serious some countries are with fish and fisheries. I attended a conference in Goha in India. It was specifically on Tuna fish. This is a popular species of fish in the world. Many countries sent very strong delegations to the conference. The deliberations were so serious that one would have thought we were in the Berlin Conference trying to partition Africa.

Mr. Temporary Speaker, Sir, I could clearly see that even the worst enemies globally agreed on fishing grounds and the need to keep away those countries, particularly Africans who are not serious in this sector. They tried as much as possible to put control measures. We all know whales are an endangered species. It is sad that some countries which I would have expected to respect nature are still fishing whales and Tuna. It is a high time that our county played a leading role in this industry. Currently, I am not aware of any fishing vessel that is owned by Kenyans or companies registered in Kenya. Countries like Senegal, Liberia and Cape Verde have taken advantage. We see many finishing activities taking place in our deep waters and yet we are not bothered. They take away our fish. We, as a country, what we gain after licensing them to do fishing in our deep waters, is mere peanuts. We are not reaping enough from our waters.

We have not fully exploited our deep sea or ocean waters. There is a lot of fish in our waters. You will be surprised the fish we mainly export from this country comes from Lake Vitoria. This is negligible. Kenya does not even export ten per cent of its fish in Lake Victoria. The talk about Migingo is all about fish. Even as we struggle to get as much fish as possible from Lake Victoria, we should not forget that there are enormous opportunities in the Indian Ocean.

The Constitution has assigned responsibilities to various authorities. However, there seems to be a bit of confusion and there is need for clarity or definition. According to the Fourth Schedule of the Constitution, fisheries is a county function while fishing is a national function. It is hard to draw the border between fisheries and fishing. There is need in this Bill to define what fisheries and fishing are, so that we can delineate the responsibilities to the two levels of Government.

Mr. Temporary Speaker, Sir, this Bill was drafted at a time when devolution was not envisaged. However, since we are devolved, it is important as suggested by my colleague Sen. Sijeny that it recognizes the function of counties. Counties should play a bigger role in fisheries and fishing because most of the fish farming is done there. We should allocate more responsibilities to the counties.

This is an important Bill because it seeks to establish so many organizations. We already have a research institution. There is envisaged to be established a marketing organization here. However, in the spirit of trying to reduce these organizations, it is important that we collapse some of them in the Bill into one.

Apart from the Lake Victoria, Lake Turkana and Lake Naivasha fishing authorities, in the past, the Government has done a lot to encourage fish farming. However, the biggest problem is that we have encouraged fish farming and people have gone into it, but there is no market. It is encouraging that this Bill seeks to establish a marketing authority to promote marketing of fish from farmers. We also need to ensure that fishing is financed because we do not seem to have a financial institution that caters

for fishermen. The Agricultural Finance Corporation (AFC) caters for agricultural activities. There is need for us to have a financial institution to cater for the fishing industry.

Mr. Temporary Speaker, Sir, research is very important in any economic activity, particularly in the agricultural sector. I know that we have a research institution, Kenya Marine and Fisheries Research Institute (KEMFRI) that deals in fish. The Committee on Agriculture, Livestock and Fisheries had an opportunity to visit them in Mombasa. We realized that this organization is starved of funds. They are underfunded. They are unable to carry out research in order to conserve our fisheries. We also realized that most of the researchers in that institution are aged yet we have young people. Most of the researchers will retire in the next few years. It is important that adequate resources are allocated to this sector.

The other issue that needs to be looked at and seems not to have been captured in this Bill is fish for sport. Right from the colonial period, this country is rich in fishing grounds for sport. This is an area where we can grow tourism. We have rivers from Mt. Kenya, Cherangany Hills and Mt. Elgon. A river like Suam, for instance, has clean water suitable for trout; this had been done in the colonial times. There are sportsmen who are interested in going to fish there just for sport. However, there has not been any effort to conserve that resource.

Also deep sea fishing for sport is an area that we should encourage. This has not been captured. I believe that, at the appropriate stage, perhaps the Committee Stage, this will be considered so that fishermen who do it for sport are also encouraged and facilitated to do so. Those rivers should be conserved for that purpose. We need to conserve the environment and the rivers to be clean so that they can be a good habitat for fish. As at now, our rivers are sometimes heavily polluted and some species of fish cannot do well.

Mr. Temporary Speaker, Sir, I have talked about foreign fishing vessels. It seems like most countries that do deep sea fishing are supported by their governments. It is high time that our Government led the way, perhaps, through partnership or on its own. If it could purchase a few vessels because they are very expensive for any individual to procure; the Government through these organisations that are being formed should procure some fishing vessels; employ our youths to also fish in the seas and oceans.

Our country is very rich in various species of fish. Some of the fish from our country have been proved to be palatable and good. You will be surprised that a fish species like tilapia, which is indigenous to our country, is now being farmed in other countries. It has even been patented. So, we also need to look at how we can protect our fish, genetic resource and patent those which have not been patented.

Mr. Temporary Speaker, Sir, this Bill has come at the right time. It is important because it will promote the fishing sector.

Mr. Temporary Speaker, Sir, with those remarks, I beg to support.

Sen. Hassan: Mr. Temporary Speaker, Sir, I thank you for this opportunity. Those of us from the coastal counties, particularly those who share the coastline; Lamu, Tana River, Kilifi, Mombasa and Kwale, have been concerned over the lack of interest or regulation over the years by successive governments in terms of ensuring that we exploit our seas in a manner that benefits our people.

Our people live in the coastline. They have the natural port, the Port of Mombasa, for that matter. Hardly is there any benefit that accrues. That is why at the centre of some of our politics in the counties, we have had an extraordinary reference to particularly the Kenya Ports Authority (KPA) and the tourism sector where we provide tourism support to the industry and the populations that work in this industry are hardly those of coastal origin.

Mr. Temporary Speaker, Sir, we have also had issues around the fishing industry. There is lack of regulation and perceived or real exploitation by other people; this only points - to many of us - a strategy of marginalization which the current and other past governments have continued to undertake against the coastal people and their economic wellbeing.

If enacted in its spirit and letter, this Bill provides the framework where we can exploit the full potential of our fishing industry to the benefit of the people of the coastal region in a manner that makes life meaningful and that the wave of the sea that is either brought by tourism, the port and the massive resources, including fish in the ocean, will now be realised for the benefit of the people of the region.

Mr. Temporary Speaker, Sir, this Bill is timely because it tries to anchor a system or structure that makes fish farming, fishing, its management and marketing a lucrative enterprise for even the local communities of the coast region. That is why we do not expect to see a fishing industry that is managed in a manner that does not benefit the people of the coast region. There has been our hue and cry when it comes to matters of the KPA. We hope that a similar strategy of marginalization; that, you take people without any expertise or connection to the fishing industry and put them at the helm of the management of this industry, will not happen.

Therefore, any government that is charged with the responsibility of managing this fishing resource as articulated in this Bill must be cognizant of the various concerns of the people of the coast region. Some of us would like to see a fishing industry where those who live by the sea or lake; those who produce fish manage these industries. I have never heard of a coastal person heading a farming, agricultural authority or sitting in boards in disproportionate form, or many other resources that are not allied to the coastline, the lake region or the coastal area. But there are cases where people from these regions populate these boards and authorities yet they have no connection or expertise.

Mr. Temporary Speaker, Sir, you will realise that there is a certain emotion when you manage an industry that you are familiar with and which constitutes the livelihood of your people. Today, it is a misnomer to talk about arid development or livestock and not have people who keep livestock adequately represented in the management of these authorities. My first appeal, therefore, is that we, as a Senate, must end the strategy of marginalization. It comes when people put up these types of laws and statutes and act in a manner as to ignore those who have the greatest compassion to these jobs.

They regularly say in the coast region, we do not have sufficient education. Next to me is Sen. Madzayo who is a retired judge. I also have sufficient education. The era we talk about is those days when a theory was presented in this country that the people from the coast region were a group of dimwits and a lazy generation, waiting for coconuts to fall. That was the stereotype that was used to exploit our people almost to a point of despair and to a point of crystalising the politics of succession because of the reckless and careless exploits of the coast region.

Therefore, when the Government is implementing this law, it must take those who, not only have the expertise, but are also connected to the fishing industry because it constitutes a livelihood for a majority of their people. It is shameful that we can buy canned beef or fish with a label 'Manufactured in Somalia'. Somalia is a country that has for over 20 years been in civil war. Today, we find products of fish from Somalia in our local stores yet we are in a country that brags of 50 years of stability. It is a pity that we cannot add value to our fish. It is shameful!

Mr. Temporary Speaker, Sir, as we debate, this Bill points to the shameful acts of past regimes because when there is no structure, people exploit. We know who owns the fishing trawlers which operate in the deep seas. We also know who invited them. We further know where the profits are channeled. Sometimes if you want to exploit a nation, do not create a structure. That is why today, a country of our stature is constantly lamenting of Japanese fishing boats and trawlers in the Kenyan territorial waters yet we have a Government and a naval force. What we have exposed our people to is what no government can ever expose her people to. It is mistreatment!

When we venture into these businesses, there are those who have controlled this industry. It is my hope that they will not be facilitated to put in place structures of what they already started. We must create new cooperative unions and opportunities for young people. They should be given trawlers, unlike the Youth Enterprise Fund which only gives them little money enough to buy sweets and trade in local businesses. In a day, they only get Kshs200 in return. That is also the concept applied in the National Youth Service (NYS).

Mr. Temporary Speaker, Sir, young people from the coast and lake regions should be given Kshs1million in organised cooperative societies. Let them pay for it because they can do so when they do large scale fishing. There is value addition to the fish when processed in these regions.

The other misnomer is importing crude oil through the coast of Mombasa and refining it elsewhere. I hope that we will stop creating industries in far flung areas that deny the people from the coast and lake regions the opportunity for value addition and development of industries in their own regions. We must guard against big business interests that will continue the strategy of exploitation.

If foreign vessels are licensed, we must ensure that royalties are paid to the communities and the bordering counties adequately. This is the time when we must appear like a nation that is aggressive and assertive in defending the rights of its own people and in, particular, their economic well being. So, it is my hope that, first and foremost, we do not have to face the potential of having to license only the big international shipping vessels. I hope that we will create the necessary capacity for investment in fishing, so that Kenya does not only control the local market, but also export to other markets. I am not a Government interventionist kind of a person, but there is need to protect our people from exploitation in a manner that resources do not appear to benefit the larger majority.

Mr. Temporary Speaker, Sir, we cannot allow a nation that talks about another 50 years of marginalisation. We cannot deny that there is marginalisation. The Constitution itself recognises that there is marginalisation in this country. That is why it talks about marginalised groups and describes who they are. So, we hope we will not create an

authority that evokes sentiments of exclusion and marginalization, but use an inclusive strategy which is an issue that the Constitution articulates.

Mr. Temporary Speaker, Sir, I thank the Mover of this Bill because it has, for once, provided a framework. We should punish ruthlessly those who violate these frameworks and exploit Kenyan waters. We have raised these concerns again and again and so have our youth. Therefore, it is important, as a society or a nation, to ensure we secure the long-term interests of our resources.

It is futile to have water next to you yet we always suffer lack of water in our regions. We suffer lack of food and food sustainability, yet God has blessed us with some of the best land you can ever imagine. Every visitor who comes to this nation always tells us how beautiful our nation is though mismanaged. They come from countries that are, for most of year, covered by snow, have falling leaves and heat waves. We come from a wonderful country; literally, God has been kind to us. He has given us everything. I always ask myself what it is we do not have in Kenya.

Right now, the mining industry appears to be more lucrative than we could imagine. Never did we think that Kenya had the kind of resources in oil and gas. Big companies and conglomerates have come to exploit these resources. Are we prepared to end the exploitation? Kenya is a country with human, agricultural, fishing and mineral resources. Kenya has the ability of being a super power nation if we allow a transformation that is genuine and fight against corruption.

I know that as we debate this Bill, there is somebody who might have sneaked in a clause that serves a certain interest. That is the nature of some of our legal processes. By the time of implementation of this Bill, we will, probably, not see anything new in terms of the reorganisation of the fishing industry.

Mr. Temporary Speaker, Sir, I want to end by saying that we must ensure that every resource given to us is exploited to its full potential for the benefit of the Kenyan people.

I beg to support.

Sen. Madzayo: Asante, Bw. Spika wa Muda kwa kunipa nafasi hii. Kwanza, namshukuru yule aliyechapisha Mswada huu na kuuleta katika Bunge ili tuweze kujadiliana. Mswada huu ni muhimu sana kwa watu wa Pwani na pengine watu wa Nyanza kwa sababu wao pia wana Ziwa Victoria.

Bw. Spika wa Muda, Mswada huu unazingatia zaidi uvuvi na kuangalia hali ya samaki itakayoleta faida katika nchi yetu. Kwanza, tunashukuru kwa sababu kwa miaka mingi, watu wa Pwani wametegemea uvuvi ili kuishi. Uvuvi ni kama chakula kwa watu wa Pwani. Sisi huwa tunapata chakula kutokana na uvuvi. Pia, tunafurahia tunapoangalia bahari na kuona kweli hatukumuomba Mwenyezi Mungu tuzaliwe Pwani. Hata hivyo, kwa sababu tumezaliwa huko, ni haki yetu kuona Pwani imefaidi watu wanaotoka maeneo hayo.

(Applause)

Tuko na msemu kule kwetu unaosema: “Wavuvi wa pweza hukutana mwambani.” Maana ya msemu huu ni kwamba hata tukifanya nini sisi ni watu wa pwani, tutakutana mwambani tujue faida za uvuvi wa pweza.

Mswada huu unapendekeza kuundwa kwa shirika ambalo litahakikisha kuwa wavuvi wanapata faida. Kwanza, tunajua kwamba vitu kama ngozi ya samaki wale wakubwa vina manufaa. Samaki kama papa na nguru pia wana faida yao kwa sababu nyama yao ikiuzwa, mvuvi anafaidika.

Ulimwenguni kuna utalii wa aina tofauti. Kuna utalii wa kwenda baharini na hata wa mbuga za wanyama. Utalii unaofanyika Pwani ni wa baharini ambapo kuna mashindano ya boti, uvuvi wa samaki, kukukimbizana kwa bodi na kadhalika. Kwa hivyo, tunaitaka Serikali, inapozingatia usimamizi wa maswala ya uvuvi, iangalie pia swala la ongezeko kwa michezo ya baharini ambayo itasaidia watu wa pwani.

Ipo hatari pia ambapo meli kubwa za kimataifa zinatia nanga katika Bahari ya Hindi. Serikali nayo haijazingatia jinsi inavyoweza kutetea mvuvi wa hali ya chini ambaye anavua na kuuza samaki ili apate faida kama mchuuzi. Kwa hivyo, kuna maswala mengi ambayo Serikali inatakiwa kufikiria iwapo Mswada huu utakuwa sheria.

Bw. Spika wa Muda, mambo ya kuweka samaki wanaopendeza macho inayoitwa kwa lugha ya kimombo *fish aquarium*, kuna mashirika mengi ambayo tunahitaji katika sheria kama hii, wale samaki ambao wanawekwa katika nyumba, wengine wanawekwa katika mahoteli makubwa, ukienda katika viwanja vya ndege, ukienda katika maofisi ya watu binafsi, tunasema ya kwamba samaki kama wale ambao wanapatikana kule pwani, jambo la kwanza ni lazima Serikali izingatie ili ione ya kwamba samaki kama hawa wakipatikana wanaleta faida.

Hasa tukiangalia ya kwamba kule Pwanindiko wale samaki wa *aquarium*. Tunasema kwamba Serikali iangalie na kuona ya kwamba watu wa Pwani wanafaidika kwa uvuvi.

Bw. Spika wa Muda, jambo la kusikitisha pia, tunasema ya kwamba ijapokuwa huu Mswada ambao tunategemea ya kwamba utaweza kusaidia, hasa hususan watu wa maeneo yale wanaotoka katika uvuvi wa samaki, tunasema ya kwamba, ni katika yale maeneo yaliyo na stakabadhi tofauti ama Serikali inakuwa na vitengo mbalimbali. Tunaona ya kwamba, sisi tuko na vijana wadogo ambao wako katika umri wa kuajiriwa. Ukiajiriwa katika *Kenya Navy* inamaana kwamba, wewe unaweza kuogelea baharini. Kuna vijana wadogo sana ambao wanavuka *Fort Jesus* wakienda ng'ambo ile nyingine ya *English Channel* na kurudi. Hao wamejua kuogelea kutoka zamani lakini tunaona ya kwamba wakienda kwa mahojiano, wao wananyimwa nafasi za kufanya kazi na watu wengine kutoka maeneo mengine wanaajiliwa.

Bw. Spika wa Muda, wasichana na wavuluna wa kutoka maeneo yetu na walio na tajiriba ya kuogelea kuliko watu wa maeneo mengine hunyimwa nafasi za kazi. Ni maombi yetu watu wa Pwani wapewe nafasi ya kufanya kazi katika jeshi letu la wanamaji.

Bw. Spika wa Muda, tuna Shirika la Uvuvi mashuhuri kwa jina Maritime Authority. Pia tuna shirika la kuangalia mambo ya uvuvi linalojulikana kama Fisheries Authority, na Kenya Ports Authority (KPA). Kwa miaka mingi mashirika haya yamekuwa yakisimamiwa na wakurugenzi wa kutoka nje ya maeneo ya pwani. Bodi za mashirika haya ni lazima zijumuishe watu wa kutoka makabila yote ya hapa nchini na wala si kutoka kwa kabila mbili tu. Nafasi hizo zipewe, hasa katika maeneo yale mashirika kama hayo yanapatikana.

Hakuna mtu wa Pwani ambaye yuko katika nafasi ya uongozi katika KPA, isipokuwa msichana mmoja aliyepewa wadhifa wa kushikilia tu. Hatujui kama atapewa kazi hiyo lakini tunatumai kuwa nafasi hiyo itapatikana. Vile vile watu wa Pwani wanafaa kupewa nafasi za kazi katika mashirika kama Kenya Maritime Authority (KMA), Kenya Fisheries Authority (KFA) na Kenya Navy.

Bw. Spika wa Muda, kuna ubepari unaoendelea hivi sasa. Mswada huu unahakikisha kwamba, kulingana na sheria, ni lazima watu ambao wanajenga nyumba zao karibu na bahari watenge nafasi ya wavuvi kwenda baharini kuvua samaki. Katika maeneo ya Malindi, Kilifi na Lamu, wavuvi hawaishi maeneo ya baharini, lakini wakitaka kwenda baharini, utaona kuta zikijengwa na ilani kutolewa kuwa sehemu ile ni mali ya mtu binafsi. Kwa hivyo, wavuvi hawawezi kufikia ufuo wa bahari ama kufanya uvuvi na kupata samaki wa kuuza, ili waweze kuwasomesha watoto wao. Kwa hivyo, Mswada huu utahakikisha kwamba wakenya hawatakosa nafasi ya kwenda kustarehe baharini ama kufanya uvuvi, ili wapate pesa na kujiendelesha katika maisha yao.

Bw. Spika wa Muda, nikimalizia, sisi tunaotoka katika maeneo ya Pwani, tunajua ya kwamba Mswada huu utaweza kutetea haki zetu. Jambo kama hili linaweza kuleta hasua mbalimbali. Kwa hivyo, ndugu yangu ameshikwa na hamasa kwa sababu ya kunyanyaswa. Tuna hakika kwamba Mswada huu umezigatia ya kwamba tutapewa nafasi ya kujitawala katika mambo ya samaki na uongozi katika mashirika ambayo yako katika maeneo ya Pwani.

Asante, Bw. Spika wa Muda.

Sen. Hassan: Ama tutakuwa wabaya safari hii.

The Temporary Speaker (Sen. Sang): Order, Sen. Hassan! You know that within the Standing Orders, you can still express your emotions and passion for the same through the provided avenues. That is noted.

Sen. Elachi: Mr. Temporary Speaker, Sir, I rise to support this Bill. This sector contributes to the Gross Domestic Product (GDP) of our country. The National Economic Survey, 2006 indicates that the fisheries sector was contributing approximately 4.1 per cent, roughly Kshs5 billion, to the GDP of this country. Today, we have gone beyond because the fisheries sector has transformed. We have more people who do fish farming at home through fish ponds. The Kibaki Government introduced an elaborate programme where young people were engaging in the fishing industry. To date, we have many people engaging in fish farming. Therefore, as I talk about this Bill, we should ensure that all the sectors engaged in the fishing industry are included.

This Bill seeks to establish two authorities. It talks of the fisheries and food authorities. I hope that the Senate will relook into the functions of these two authorities before we send it back to the National Assembly for deliberation. We need to amend some of proposals in this Bill. For example, is it right to collapse these two authorities into one? We are talking so much about fisheries as a subsector forgetting we are yet to discuss the Food Authority Bill. When we pass this Bill, we will have an authority that will deal with fish as a source of food and another authority to deal with fisheries. The Bill generally talks about food which could mean foods other than fish.

This Bill does not explain clearly the role of these two authorities. It talks of an authority that will promote, streamline, coordinate and regulate research in crops, livestock, marine and fisheries genetic resources and biotechnology in Kenya. Secondly,

it says the authority will promote, streamline, coordinate and regulate research in crops and animal diseases. We already have another authority that deals with animal diseases.

At the Committee stage, I hope the chairperson will further explain more about this Bill so that Kenyans can understand what it is we are trying to pass here. The title of this Bill does not say much why we need food authority. This Bill talks about fisheries and management. Therefore, it confuses very many Kenyans because it is dealing with very many issues. I would have wished that we deal with fisheries---

The Temporary Speaker (Sen. Sang): Sen. Elachi, are you sure that the Bill is confusing Kenyans or you are perpetuating that confusion? Your explanation is confusing.

Sen. Elachi: Mr. Temporary Speaker, Sir, when you read the objects of the Bill, it is confusing. If we were discussing two Bills dealing with food, I would understand. We have the Fisheries Management and Development Bill (National Assembly Bill No.18 of 2014) and an amendment---

Sen. M. Kajwang: On a point of information, Mr. Temporary Speaker, Sir. I would like to inform the esteemed Sen. Elachi that I largely agree with her on the issue of confusion. However, one of the things that the Bill seeks to do is to amend the Agriculture, Food and Fisheries Authorities Act so that it no longer refers to fisheries, but there is a separate entity that deals with fisheries.

Even though I have provided that information, I agree with her that in the context where we are trying to reduce the number of parastatals and institutions in this nation, it might not make a lot of sense to divorce the two.

Sen. Elachi: Mr. Temporary Speaker, Sir, I can now understand that we are repealing the Act which was passed in 2013. This is what we want to amend. We, as Senate, must come with clear amendments that will not confuse Kenyans. As much as we amend the Act of 2013, we seek to create a new authority to deal with the management of fisheries.

This is a Bill that focuses on the counties. Therefore, we need to ensure that the amendments that have come from the national Government, we will have a clear structure to allow the counties to fully participate because fisheries is a devolved function. The national Government may come up with the policy to govern this sector, the authority must have---

The Temporary Speaker (Sen. Sang): Sen. Elachi, you will have eight more minutes to contribute to this Bill the next time it appears on the Order Paper.

ADJOURNMENT

Hon. Senators, it is now time for the interruption of the business of the House. The Senate, therefore, stands adjourned until tomorrow, Wednesday, 23rd March, 2016, at 2.30 p.m.

The Senate rose at 6.30 p.m.