

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 29th March, 2017

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

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

PRAYER

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION OF STAFF FROM NYAMIRA COUNTY ASSEMBLY

The Speaker (Hon. Ethuro): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting staff from Nyamira County Assembly.

The staff members are here on a five-day attachment programme at the Senate. I request each member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

1. Mr. Evans Omwenga – Public Relations Officer
2. Ms. Janet Onchwanga – Public Relations Officer

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.

I thank you.

VISITING DELEGATION FROM ST. JOSEPH GIRLS SECONDARY SCHOOL, TAITA TAVETA COUNTY

The Speaker (Hon. Ethuro): I wish to recognise the presence of students and teachers from St. Joseph Girls Secondary School from Taita Taveta County. They are seated in the Public Gallery. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you.

Sen. (Prof.) Lesan: Mr. Speaker, Sir, I join you this afternoon in welcoming the girls from Taita Taveta County that have visited the Senate. I would like to encourage them to not only preserve the facilities in their school but to preserve themselves as well. We have had incidences from schools that were performing and behaving very well yet

recently we had an incident where some students injured their fellow students in the name of disciplining them. This is a bad culture that needs to be curtailed in all the schools. I therefore encourage the school that visited the Senate to take care of themselves within their institution and ensure that it is a safe learning place and keep the reputation of their school.

The Speaker (Hon. Ethuro): Senators, kindly restrain yourselves to a maximum of one minute.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I join you in recognising the presence of the officers from Nyamira County Assembly as well as the students from Taita Taveta County. It is good for the county assemblies to visit the 'Upper House' to know what is happening here. As we learnt last year, a number of counties were making trips to other countries to benchmark. Some county assemblies went as far as Israel which is a desert country to benchmark. I wonder what they were going to look for in those countries. It is good for such officers who are working in the public relations Department to advise the leadership of the assembly that they would rather visit a neighboring assembly to know how they are performing.

I also recognise the presence of the little girls who have come all the way to see how we are doing. We were also young at one point and we were educated just like them. It is good for them to come and see how we are making laws for them so that they can work hard. I wish them well as they build Taita Taveta County and Kenya through their studies.

Sen. Karaba: Mr. Speaker, Sir, I join you in receiving and congratulating the girls from Taita Taveta County for having come all the way to Nairobi to see what we do here in the Senate. I encourage them to learn more from here as well as the National Assembly if they have the time. I hope that one day, one of them will be seated here just like we are contributing to receive visiting students in future. Send greetings to the rest of the school.

Sen. Wangari: Mr. Speaker, Sir, I join you in recognising the presence of the public relations officers from Nyamira County Assembly noting that their Senator has since become a presidential candidate. I thank your office for the steps that it has taken to make sure that the Senate is a learning ground for the counties to ensure that we teach them on how things are done. I hope that they will take greetings to Nyamira County.

On behalf of the Kenya Women Parliamentarians Association (KEWOPA), I welcome the students from St. Joseph Secondary School to the Senate. I encourage them that the future can only get better. The Constitution that we have is very progressive in ensuring that women's rights are entrenched. Today, the High Court ruled that the not more than two thirds gender rule must be enacted by Parliament within 60 days or Parliament will stand dissolved. We are therefore making steps and so I encourage the girls from Taita Taveta County that they will be seated where I am in a few years. It can only get better in the county assemblies. There are many opportunities for them and the sky is not even the limit. Welcome to the Senate.

Sen. (Dr.) Machage: Bw. Spika, nachukua fursa hii kuwakaribisha na kufurahia ugeni wao hasa wageni kutoka Kaunti ya Nyamira na wanafunzi kutoka Kaunti ya Taita Taveta. Jumba hili la kutunga sheria limewekwa wakfu na wengi wa wanafunzi wameandika historia ambayo hawatasahau siku za usoni kufika kwa Bunge la Seneti la Kenya.

Kama muonavyo, Bunge hili linatumika na binadamu wenye umri kuwashinda, lakini ni binadamu. Kwa hivyo, inawezekana kwamba hata nyinyi siku za usoni---

The Speaker (Hon. Ethuro): Order, Sen. (Dr.) Machage! These are girls in high school. How do you compare yourself to them?

Sen. (Dr.) Machage: Bw. Spika, nawapa motisha kwamba kesho waje hapa. Nawahimiza kwamba wanaposoma, wajue kwamba wana nafasi iliyo kamili na iliyowekwa wazi kama wenzao wengi. Wanahitaji tu kuwa miaka kumi na nane kufika hapa. Wasije wakatishwa na kuogopa.

Sen. Obure: Mr. Speaker, Sir, I join you in welcoming the two delegates from Nyamira County and the students from Taita Taveta County. The Senator for Nyamira is not in the House to welcome the delegation from Nyamira County because as you are aware, he is a presidential candidate. He is therefore very busy right now receiving delegations from various parts of the country and discussing strategies for his victory. I thank your office for laying facilities for the two visitors from Nyamira County---

The Speaker (Hon. Ethuro): Order, Sen. Obure! I am only aware of one Sen. Okongo who is the Senator for Nyamira County in the Senate of the Republic of Kenya. As far as I am concerned, there are no candidates to any seat. We only have aspirants who wish to be candidates.

Sen. Obure: Mr. Speaker, Sir, I thank you for that correction. I thank your office for making it possible for the delegation from Nyamira County to come and learn from the Senate. As you know, these are the officers who make it possible for Nyamira County to provide services to Wananchi. I therefore wish them success during the visit and hope that they will learn something from the Senate which will make it possible to deliver services in a more efficient way to the people of Nyamira County.

I also take this opportunity to welcome the delegation of students from Taita Taveta County. I assure them that the current Constitution of the Republic of Kenya opens all doors for young ambitious people. I hope that they will set their goals high because there are opportunities for them to become professionals, leaders and anything that they want to be in this country. I urge them to work hard to achieve their ambitions.

The Speaker (Hon. Ethuro): Hon. Senators, let us start with the statements being sought.

STATEMENTS

PUBLICATION AND DISTRIBUTION OF EDUCATIONAL MATERIALS TO PUBLIC SCHOOLS

Sen. (Prof.) Lesan: Mr. Speaker, Sir, pursuant to Standing Order No.45(2)(b), I rise to seek a Statement from the Chairperson of the Standing Committee on Education regarding the publication and distribution of books and other educational materials to public primary and secondary schools. In the statement, the Chairperson should:-

(1) Explain the process of publication and distribution of books and other educational materials to public primary and secondary schools under the free basic education programme.

(2) Explain the roles of the following institutions in the publication and distribution of books and other educational materials;

(a) The Kenya Literature Bureau (KLB);

- (b) The Kenya Institute of Education (KIE);
- (c) The Kenya Schools Equipment Scheme (KSES);
- (d) The Jomo Kenyatta Foundation (JKF); and
- (e) The Heads of Primary and Secondary Schools.

(3) State the total budgetary allocation for the free basic education programme since 2003 and indicate the corresponding budgetary allocation the KLB, KIE, KSES, JKF and all public schools for publication of books and other educational materials.

(4) State the books and learning materials to pupil ratio since the commencement of the free basic education programme.

(5) Explain the initiatives and strategies that the Ministry of Education is pursuing to integrate ICT in the publication of books and other educational materials to public schools.

Thank you.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, that is a very important statement. Allow me to ride on it by speaking to the issue of the educational material called laptop or tablet. Could the Chairman further tell the House which institution is responsible for the distribution of the laptops that the Jubilee Government promised our children? He should also come with a written apology from the Government that is signed to the children who expected laptops in 2013, 2014, 2015, 2016 and missed out.

The Speaker (Hon. Ethuro): Sen. (Dr.) Khalwale, you need to help me. The statement was on publication and distribution of books and other educational materials. Are laptops educational materials or equipment?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I heard Sen. (Prof.) Lesan very well. They fall under other educational materials. The Jubilee administration must be answerable to our children. We were not expecting them to use their money. They are using the tax payers' money. Parents pay taxes.

The Speaker (Hon. Ethuro): Order, Senator! It was a simple clarification. You have discharged yourself honourably.

Where is the Chairperson of the Committee on Education?

Sen. Karaba: Mr. Speaker, Sir, I endeavor to deliver that statement in three weeks' time.

The Speaker (Hon. Ethuro): Order, Sen. Karaba! The standard practice has been in two weeks' time.

Sen. Karaba: Mr. Speaker, Sir, it is a laborious task.

The Speaker (Hon. Ethuro): Order, Sen. Karaba! You do not argue with the Chair. First, as the Chairperson of the Committee on Education you know better than anybody about efficiency, quality assurance and standards. Who knows that better than you?

(Applause)

I direct you issue the statement in two weeks' time.

Sen. Karaba: I am obliged, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): We proceed with statements to be requested. Proceed, Sen. (Prof.) Lonyangapuo.

STATUS OF CHEPARERIA TECHNICAL TRAINING COLLEGE

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I rise pursuant to Standing Order No.45(2)(b) to seek a statement from the Chairperson of the Standing Committee on Education. In the statement the Chairperson should clarify:-

(a) What is the status of the new technical colleges initiated by the Government for the period 2013-2017?

(b) What is the status of Chepareria Technical Training College in Chepareria Ward, Pokot South Constituency of West Pokot County?

(c) Could the Chairperson confirm that the first phase of the Chepareria Technical Training College Complex which comprises of the classrooms, administration block and laboratories collapsed in February 2017?

(d) Who is the contractor and the technical staff who were supervising the construction? What measures will be taken to complete the project?

(e) What action will be taken against the contractor and the technical staff for negligence?

(f) When will the project be restarted and completed?

The Speaker (Hon. Ethuro): What is it, Sen. (Dr.) Machage?

Sen. (Dr.) Machage: Mr. Speaker, Sir, allow me to ride on the first part of the question. Could the Chairperson tell us how many technical schools have so far been built and in which constituencies? Why are other constituencies having the technical schools? How much money has been used for so far?

(Sen. Wetangula consulted loudly)

The Speaker (Hon. Ethuro): Order, Sen. Wetangula! Sen. Wetangula is talking to the Chairperson through unorthodox ways but for some reason I heard you.

Order, Sen. Wetangula! The fact that you sought intervention does not mean you are the only one who did so. Others were there before you.

(Sen. Wetangula spoke off record)

Order, Sen. Wetangula! That is not the way we transact business. Sen. (Prof.) Lonyangapuo, your statement was directed to who?

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, it was directed to the Chairperson of the Committee on Education.

The Speaker (Hon. Ethuro): Proceed, Sen. Wetangula.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I am vindicated. I thought Sen. Karaba was rising to respond. Allow me to ---

The Speaker (Hon. Ethuro): Order, Sen. Wetangula! First, it is the Speaker who directs the Chairperson. When the statement was being sought, Sen. Karaba had already indicated his interest in the matter. You came after him.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I thought he was exhibiting enthusiasm and exuberance into the matter.

The Speaker (Hon. Ethuro): Proceed, Sen. Wetangula.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, while I thank the distinguished Senator for West Pokot for asking this question, I would like the Chairperson of the Committee, when he brings the answer, to tell this House and the country whether the much publicized stories about building a technical institute in each and every constituency in the country is the usual campaign gimmick by Jubilee or a fact. If it is a fact, bring the budget line for each and every constituency in the country, the status of each and every technical institute, the levels of staffing, number of students where they are operational and the levels of bursary allocations by the Government to the students in those colleges.

The Speaker (Hon. Ethuro): What is it, Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, this is a House of equity. Therefore, in all fairness, over and above what the two Senators have asked to supplement the question by Sen. (Prof.) Lonyangapuo, the Government should also tell us in those constituencies where we already have these institutions, where will their entitlement go? Specifically, I want you to speak to Ikolomani Constituency where I want to thank God; my Constituency Development Fund (CDF) Committee built enough of those institutions. Where will the money for Ikolomani go? Will they be given in terms of equipment? How will it be utilized?

Sen. Karaba: Mr. Speaker, Sir, earlier on I had indicated that I could deliver that statement in one week's but now due to complicity involved from the other side, two weeks would be enough.

The Speaker (Hon. Ethuro): It is so directed. The statement will be issued in two weeks' time.

Order, hon. Members! We now go to statements to be issued. Where is the Chairperson, Vice Chairperson or any Member of the Standing Committee on National Security and Foreign Relations? There is none. We will get back to it.

Let us move to statement (b). Where is the Chairperson or Vice Chairperson of the Sessional Committee on Implementation?

Let us move to statement (c). Proceed, Chairperson of the Committee on Education?

THE ONGOING STRIKE BY LECTURERS OF PUBLIC UNIVERSITIES

Sen. Karaba: Mr. Speaker, Sir, please give your advice. The statement is overtaken by some recent events. So, do I continue giving the response? The issue was to do with the strike which was ongoing by then, but we made sure it was called off. I was with Sen. (Dr.) Zani when we were told to persuade the lecturers to go back to work.

The Speaker (Hon. Ethuro): What is your proposal, Sen. Karaba?

Sen. Karaba: Mr. Speaker, Sir, my proposal is that we call it off and wait for another strike.

(Laughter)

Sen. Wangari: Mr. Speaker, Sir, we have heard the Chairperson of the Committee on Education, but it will be of great importance for us to know on record the

details of their discussion when they attended the meeting with Sen. (Dr.) Zani and the lecturers. The country will be interested to know what the deal was because it was part of the question that was raised in that statement.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I want to agree with the House that the answer must come because we cannot allow a situation where we create a void. A question was raised in the House and the record must reflect that it was answered. We would also like to know, for posterity, how the Cabinet Secretary (CS), Dr. Matiangi, handled this. This is because he is a man that we donated from the Opposition and he seems to be the only one working. When he exits, we hope that the others---

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

The Speaker (Hon. Ethuro): What is it, Sen. Wangari?

Sen. Wangari: Mr. Speaker, Sir, can Sen. (Dr.) Khalwale clarify what he means when he says that they “donated” a CS to the Government? I know that every person who is in Government is employed. It does not matter whether they are in the opposition or not. They do not have a label on their head. Could he clarify what he meant by that word “donation”?

The Speaker (Hon. Ethuro): Sen. (Dr.) Khalwale, you have been challenged.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I would like to gladly clarify what I meant by the word “donation.”

Without mentioning names because I am constrained by Standing Orders, a senior public officer in the Jubilee Government was recently in Kisii, the greater Gusii Land and he said that in spite of Kisii people not having voted for them, he gave them jobs. It is true that the Kisii people are fiercely in the National Super Alliance (NASA). They are *ndani kabisa*. They never voted for Jubilee and they will not vote for it. Therefore, we donated him just like we donated Mr. Joseph Nkaissery from the fierce Maasai people who are again *ndaani* inside NASA. Those are our talents and we---

The Speaker (Hon. Ethuro): Order, Sen. (Dr.) Khalwale! It might look interesting, but from what you are saying, there is no donation. If somebody is picked from an area that is considered of a particular political persuasion, it does not mean that each individual is of the same mindset.

Just allow it to pass and make ask your clarification.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I stand guided, but may I inform the House that before Mr. Joseph Nkaissery resigned, he approached the co-principals of CORD, they held a crisis meeting, chaired by *Baba* and they allowed him to go. Surely, did they not donate unless the word “donation” has changed in its meaning and usage?

The Speaker (Hon. Ethuro): Order, Sen. (Dr.) Khalwale. We can engage in more constructive matters. You cannot donate and still have a crisis meeting.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, it was before.

The Speaker (Hon. Ethuro): Proceed on the substantive matter, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I had concluded my substantive matter. It is already on record. He attempted to interrupt at the tail end.

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

The Speaker (Hon. Ethuro): What is it, Sen. Obure?

Sen. Obure: Mr. Speaker, Sir, on what Sen. (Dr.) Khalwale has just said, are we going to allow misconceptions to go on record? This is a House of records. He has just said that Gusii was an opposition zone even in 2013 and that it is the same case in 2017.

I want to put it on record that in 2013, out of nine Members of Parliament elected in the National Assembly, six of them were from the Jubilee leaning and only three were elected from the opposition. Is it right for Sen. (Dr.) Khalwale to come here and give us false information and give the wrong impression to this Republic? I also want to inform him that even in 2017, we expect more support for Jubilee from Kisii.

The Speaker (Hon. Ethuro): Order, Members! Sen. Obure, I thought you were going to bring the point even closer to the Senate. I thought you would mention that even of the two Senators, they seem to have different orientations, including a presidential ambition that could be counter.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I did not want to visit this, but is it in order for my great friend, Sen. Obure, who I have tremendous respect for, to say what he has said, when even where he is sitting betrays what he has said. He is sitting on the opposition side. The other Senator from Gusii land is sitting on the opposition side. In the last elections, the CORD coalition got 73 per cent of the presidential vote and the other 17 per cent was shared between Jubilee, Mudavadi, Martha Karua, Mwalimu Dida, Peter Kenneth and all the others who were running for election.

Is the distinguished Senator in order to deny the obvious? In law, we call it the constructive. There is a constructive donation of Sen. Obure to Jubilee right now.

Sen. Wamatangi: Thank you, Mr. Speaker, Sir. I had almost also decided to let it go, but I thank Sen. Obure for having brought it up. This being a House of records, we need to tidy up our records. Sen. (Dr.) Khalwale being one of the longest serving Members of this House knows that you cannot start addressing this House in one language then switch to another language. Our Standing Orders are very clear.

Sen. (Dr.) Khalwale started to address the House then he went on and said that the Kisii Community is *ndani kabisa*. Then he talked of the Maasai and said *wako ndani*. Could he elaborate or find him out of order for mixing the languages? How can he explain to this House how he measures the *ndani* of a community? There is no *ndaniometer* for you to declare that anyone is *ndani*. Can you have that expunged from the record?

Sen. Kembi-Gitura: Mr. Speaker, Sir, I thought of contributing to that on a point of order. I frankly think it is a waste of very valuable time of the Senate if you ask me, except for the statement made by Sen. Obure that this should be expunged from the record. Although it may seem cursory, certainly that is not important in a House of records like ours.

When you refer to a Cabinet Secretary like Dr. Matiang’i who has done so much towards improvement of education in our nation as a “donation”, I think that is disrespect of the greatest order not just to Dr. Matiang’i as the Cabinet Secretary for Education but also to the Government of the day. As a House of records, some of these things should not be allowed. We should not allow ourselves to be flippant in this House but deal with issues before us which are so important.

Mr. Speaker, Sir, I think that is a matter that needs to be expunged from the record.

The Speaker (Hon. Ethuro): Order Members, the substantive matter before us was whether this statement needs to be made by the Chair and the operational word for him was “ongoing.” According to him, it is no longer ongoing but gone.

We do not have the benefit from the Member who sought the statement. To me and that is what most Members have stated, there is a concept called public interest. Definitely, a strike by lecturers of public universities is something of immense public interest. By even describing how you ended it, you might inform the future so that you should not expect another strike to occur. So, depending on the availability of the Member, this Statement must remain on the Order Paper.

The matter that arose was the matter raised by Sen. (Dr.) Khalwale in trying to support the position I had already taken. He then made some statements that have been challenged by Sen. Obure.

Sen. (Dr.) Khalwale is well versed with our Standing Orders, that a Member is responsible for the accuracy of the statements. In fact, Sen. (Dr.) Khalwale had made all of us believe that that particular region was 100 per cent NASA. Obviously, he has been contradicted by his own Minority Leader. He has said they only got 73 per cent of the presidential vote and that agrees with what Sen. Obure was challenging. He used other considerations like Members of the National Assembly.

To me, the point Sen. Obure was challenging was to say that each and every individual in a particular area in its entirety belongs to a particular political sheath. The point made by Sen. Obure in challenging that has been confirmed by the Senate Minority Leader who gave even more specific facts, that there was another percentage out of 100 minus 73. That leaves you with 27 per cent. So, you could not say which portion that donation came from. That matter is very clear.

The next matter is the one of mixing the two languages and Sen. (Dr.) Khalwale is the man with the burden. Standing Orders are also clear. When you start with one language, you should continue with it. It is not allowed for you to mix. My direction is that first, you were not fully accurate in the assertions you made about donations of a particular source and the greater Gusii area. Secondly, you mixed the two languages.

In trying to challenge you in mixing the two languages, Sen. Wamatangi also went ahead to challenge you on a language that he has already--- So, you do not need to deal with that from Sen. Wamatangi. If my first finding is that it is not acceptable, then you do not respond to it. Deal with the Standing Orders issues.

An hon. Senator: Point of order!

The Speaker (Hon. Ethuro): This is not a debate. Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, indeed I stand guided and I agree with you. However, you, Sen. Wetangula, Sen. Kembi-Gitura and I were in the 2002 to 2007 Parliament. You will remember that the former Vice President, the late Michael Kijana Wamalwa used the word “unbwogable” on the Floor. We were in the House that day and he was challenged in exactly the same manner Wamatangi has done. Speaker Kaparo challenged Hon. Wamalwa Kijana but Hon. Wamalwa Kijana explained that English has borrowed from many languages over the years. He said that “unbwogable”, being a word that had become of high usage at that time, was finding its way to the English vocabulary. The word “ndaani” is very useful in the current time and so it has found its way in the English language.

Mr. Speaker, Sir, the record will capture that I never said that the Gusii people are *ndani*. I said *ndaani* and there is a difference.

The Speaker (Hon. Ethuro): Order, Sen. (Dr.) Khalwale! I agree that over time, some words evolve and become acceptable like the Kiswahili word safari. I have no recollection and I do not wish to challenge you but I can imagine that Speaker Kaparo decided to accept the word “unbwogable” because it was used in a song that was sung in English. For you to purport that *ndani* transits to an English word in a country where both languages are official constitutionally is taking imagination too far. Standing Order No.81(2) applies to you.

(Laughter)

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, in accordance with precedent and usage in many parliaments of comparable jurisdictions, I agree with you that you cannot use English and Kiswahili interchangeably. That is clear in the Standing Orders but in a speech, a Member can bring in words in a different language as matter of quote or emphasis without violating the language barrier. So, you also need to give us direction that if I am making a contribution and I quote that somebody said *huyu mtu ni mjinga*, then I continue with my speech, that quote is not a violation of the Standing Orders.

I would like the Chair to make it clear so that we do not get caught up in some of the uncalled for points of order when we are contributing if we make such quotations.

The Speaker (Hon. Ethuro): Sen. Wetangula, you are absolutely right and that is not an issue. You might think so but we heard Sen. (Dr.) Khalwale and he never quoted. You are allowed to quote but there was no quote.

Sen. Okong’o: On a point of order, Mr. Speaker, Sir. The Standing Order you are mentioning states that if a Senator starts his speech--- Sen. (Dr.) Khalwale started his speech in English and only put in one Kiswahili word. According to me, that does not affect Sen. (Dr.) Khalwale.

The Speaker (Hon. Ethuro): Order Senator! I am afraid I have to be a bit more candid because there was no speech in the first place. The import of that is what we are applying. Sen. (Dr.) Khalwale did even worse because he introduced it interchangeably by repeating that particular word several times. As the Deputy Speaker has said, this is a small matter.

Sen. Dr. Khalwale you are a man of immense contributions. Do not allow small things to distract us.

Sen. (Dr. Khalwale): Mr. Speaker, Sir, you are now very clear. I, therefore, wish to withdraw the use of the word that the “Abagusii are *Ndaani*” and replace it with the word they are completely and a 100 per cent inside the National Super Alliance (NASA) movement in Kenya.

Sen. Okong’o: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): What is it Sen. Okong’o?

Sen. Okong’o: Mr. Speaker, Sir, I think Sen. Dr. Khalwale has made it worse with his last remarks. Gusiiland now has a new kid on the block; a Presidential candidate by the name Sen. Mong’are. So, Jubilee and this side I sit must be wary of that. The Gusii people are not completely either in NASA which is an amorphous body or Jubilee. I

disagree with him unless he brings statistics. He would rather go with the earlier warning in the Standing Orders.

The Speaker (Hon Ethuro): Order, Members. We must make progress. Sen. Omar.

Sen. Hassan: On a point of order Mr. Speaker, Sir. I wanted to interrogate whether Sen. Okong'o is in order to call the NASA coalition an amorphous body whereas all the four parties signed to that agreement and deposited the same instrument on that very day with the Registrar of Political Parties in accordance with the law. I was seated there with a checklist ticking: "*iko, iko.*"

How can he come and derogate our instrument that is recognized by law and a coalition recognised by law? Can you tell him to apologise to the NASA fraternity, withdraw and then I will re-assert where the Gusii people lie? They are actually in NASA.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, the distinguished Senator for Nyamira is a Member of my party. He is in this House courtesy of the Ford Kenya party and CORD. Never mind where he is headed. As long as his term runs up to the end, legally he is a Member of my party.

NASA is acknowledged as a registered instrument of a coalition between Ford Kenya, Orange Democratic Movement (ODM), Wiper Democratic Movement and Amani National Congress. This is recognized in law and the Constitution. I find it derogatory and unacceptable. I would urge the Chair to order the distinguished Senator to withdraw and apologise for calling the legal organization an amorphous body. It is neither amorphous nor a body.

Sen. Okong'o: Mr. Speaker, Sir, I think I misused the word amorphous; thus, I withdraw it.

Secondly, I have a point of information to my former party leader. Currently, I ceased to be a Member of Ford Kenya. I am now the party leader of the National Liberal Party of Kenya (NLPK). With this statement, I speak to this with all the attendant consequences.

(Loud Consultations)

The Speaker (Hon. Ethuro): Order Members. Let not one issue lead to another. Even if it is serious, not all serious issues will be completed in this afternoon Session.

(A Senator interjected)

You need to visit your Constitution, particularly the Article on how an office of a Senator falls vacant. If you claim that you know the law, show me where in that Article the Senator has violated the law.

Secondly, there are ways in which things are communicated to the Speaker in order to make that determination. It cannot be under duress, excitement or because you are seen appending your signature next to somebody else. We must proceed. The issue was about an amorphous body and the Member has withdrawn.

Let us have the next Statement from the Chairperson, Committee on Agriculture, Livestock and Fisheries.

SUPPLY OF FERTILIZER AND OTHER FARM
INPUTS BY NCPB TO FARMERS

Sen. Ndiema: Mr. Speaker, Sir, I rise to issue a Statement regarding preparedness for the planting season and supply of fertilizer and other farm inputs to farmers.

The Government is taking measures to ensure adequate supply of seeds and fertilizers to farmers throughout the country. The Ministry of Agriculture, Livestock and Fisheries has put in place measures to ensure adequate seed and fertilizer supply and distribution to farmers.

Seed has the greatest potential to increase farm productivity and enhance food security compared to other agricultural inputs. In order to ensure constant supply of seed for crop production, Kenya Seed Company adopted irrigated seed production due to changing weather patterns by installing its own pivot irrigation system and utilising the National Irrigation Board infrastructure. Over 30,000 acres are put under irrigated seed production annually, which is expected to double by 2018.

Currently, the seed companies in the country have 48,000 metric tonnes of maize seed against an annual demand of 35,000 metric tonnes which is adequate for farmers to plant during the short rains of 2016 and the long rains of 2017.

Fertilizer distribution to counties is mainly through the elaborate NCPB depot network and some farmers' cooperative societies. In areas where depots are far from farmers, NCPB normally opens satellite selling points at strategic points.

Mr. Speaker, Sir, fertilizer allocation to various counties is based on intensity of agricultural activities, county uptake trends and seasonality of the time of distribution.

Criteria for access for fertilizer

The fertilizer is only accessible to registered farmers with the database at the Ministry headquarters. The Ministry is now piloting electronic subsidy management system in three counties; Machakos, Embu and Murang'a, with an intention of expanding to four more counties during this financial year. The system is designed to improve efficiency in fertilizer distribution through use of electronic gadgets. In this system, the farmers access subsidy fertilizer by use of their mobile phones.

In the preparation for the 2016 short rains planting season, the Ministry distributed 17,100 metric tonnes of various types of fertilizer as shown in the appendix.

Distribution of above quantities is shown in Annex (1) and (2). This answers the Senator's question. In addition to the above quantities, a tender for supply of 195,500 metric tonnes had been announced whose closing date is November 2016.

Measures the Government has put in place to cushion farmers in the event of depressed short rainfall; *La nina*, as predicted by the Metrological Department.

Mr. Speaker, Sir, the Kenya Metrological Department had foreseen a *La nina* phenomenon. The climate from October and November up to December indicated that much of the country was largely to experience depressed rainfall mainly driven by the evolving *La nina* conditions. The depressed rainfall was expected to impact negatively on the agricultural crops. Poor, partial and temporary distribution of rainfall was highly likely to interfere with agricultural activities in most ASAL areas.

Measures the Government has put in place cushion famers.

The Ministry of Agriculture, Livestock and Fisheries has put in place measures to ensure adequate seed supply and distribution to farmers. This include supply of traditional high value seeds and also seeds like sorghum, millet, beans, green grams, pigeon peas and so forth. This year, the programme plans to distribute 597 metric tonnes of assorted drought tolerant seeds to 25 counties in different phases of drought to reach 91 sub-counties targeting over 100,000 small-scale farmers in ASAL areas. Approximately 86,675 acres is expected to be planted for food and nutrition security at a cost of Kshs143,222,320 which include seed delivery to the counties and farmers capacity building. The counties have been advised to distribute the seed in areas with irrigation facilities for better impact. The Ministry is also undertaking sensitization of farmers on the *La nina* phenomenon and appropriate actions spearheaded by counties.

Thank you.

The Speaker (Hon. Ethuro): What is it, Chair?

Sen. Ndiema: Mr. Speaker, Sir, I also had another Statement. Do we handle the first one or I issue both?

The Speaker (Hon. Ethuro): Are they related or different?

Sen. Ndiema: Mr. Speaker, Sir, slightly different.

The Speaker (Hon. Ethuro): So, how do you combine?

Sen. (Prof.) Lonyangapuo: Thank you, Mr. Speaker, Sir. I want to appreciate the response that has been given by the Chairperson, Agriculture, Livestock and Fisheries Committee. You will note the Statement that I sought was delivered on 15th November, 2016. The Ministry of Agriculture responded the next day, 16th November, 2016. Someone may read two things; either they did not want to understand my questions clearly to the extent that they just went to the archives to give us this template answer or they were tired because we have been asking many questions relating to fertilizer supply in the country.

However, I want to ask these clarifications as shown here. In page 2, there is an interesting statement quoted here at the last bullet:-

“The fertilizer types procured depend on soil requirements and crops grown in various regions of the country. This is well guided by the soil suitability evaluation for maize production in Kenya in collaboration with the report of the Kenya Agricultural and Livestock Research Organization released in 2014.”

This report needs to be relooked at. As a farmer, this report is misleading farmers in Kenya. I was told my farm needs Nitrogen Potassium (NPK) and not Di-ammonia Phosphate (DAP). So, I implemented what they said and instead of getting the 40 bags per acre which I used to get, I got 22 bags. I repeated the same this year and out of 100 acres I lost 1,800 bags. The Ministry is giving us fake reports here. This is not true on the ground particularly on the farms in Trans Nzoia, Uasin Gishu, West Pokot and Elgeyo Marakwet counties where maize is planted. This policy needs to be relooked at again.

On page 3---

The Speaker (Hon. Ethuro): Order! You are not interrogating the entire document.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, this is where the---

The Speaker (Hon. Ethuro): You are required to seek clarifications of which you have done enough.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, one other clarification---

The Speaker (Hon. Ethuro): The last one.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, there are very many. There is a lot of bias in the distribution of fertilizer. On one hand, the Government says the sale of maize is liberalized and therefore you can sell to anybody at the farm. However, when you go to buy fertilizer, you are asked to sell your maize cheaply to the National Cereals and Produce Board (NCPB). So, farmers do not know what to do. On one hand, you are told to sell to the highest buyer and on the other hand, you are told there is no fertilizer. Therefore, there is chaos in the farms.

Lastly---

The Speaker (Hon. Ethuro): Order, Senator. That was the last one. You have clarified the last one.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, this document is---

The Speaker (Hon. Ethuro): Order!

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I request you to give me only one more clarification.

The Speaker (Hon. Ethuro): Order! I had already given you one last time. I am very clear when it means the last one. It cannot be last but one.

Proceed, Sen. Karaba.

Sen. Karaba: Thank you, Mr. Speaker, Sir. Yesterday I reminded you that the issue of fertilizer either in supply or purchase is important to Kenya and more so to the farmers. Is the Ministry of Agriculture, Livestock and Fisheries serious to tell us that they cannot plan ahead for farmers if they are importing fertilizer which is not perishable? They can buy fertilizer in bulk so that on the onset of the rains, the farmers will have adequate supply to use for planting instead of subjecting farmers to planting using fertilizers for top dressing. Why can they not supply fertilizer to the farmers prior to the planting time?

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, the Chairperson also happens to be the distinguished Senator for Trans Nzoia which produces one third of the maize cereal in this country. Could the Chairperson tell the House and the country what exactly is the policy on farm subsidies, particularly on the issue of fertilizer? As the Senator for Mwea has said, the fertilizer always arrives ---

An hon. Senator: It is Kirinyaga, not Mwea.

The Senate Minority Leader (Sen. Wetangula): I am sorry. Mwea is in Kirinyaga, anyway. Fertilizer always arrives ---

The Speaker (Hon. Ethuro): Order, Sen. Wetangula! Surely, Mwea and Kirinyaga are two different things.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, it is the distinguished Senator for Kirinyaga County, *Mwalimu* Karaba.

The fertilizer always arrives very late. The shelf life of fertilizer is four or five years and the Government policy is to move away from rain fed agriculture in many places to irrigated agriculture. This means that farmers can plant anytime throughout the year. Could the Chairperson tell the House whether the Government will constantly maintain sufficient stocks in the National Cereals and Produce Board (NCPB) and other designated silos, fertilizer not only for cereal farmers, namely maize but for rice, wheat, tea, coffee and all other agricultural crops, including farmers who grow hay? They also need fertilizer so that the subsidy for farming is not limited to maize and not used every

other year as a political tool to hoodwink farmers to support this or that kind of political thinking.

The Speaker (Hon. Ethuro): Proceed, Chairperson.

Sen. Ndiema: Mr. Speaker, Sir, clarification is sought on the issue of the testing of soils and recommendation of appropriate fertilizer. It is true that this report says that most of the soils in our country are now acidic arising from use of certain types of fertilizer. It is high time that changes are made to use non-acidifying fertilizer.

However, what we are getting from farmers is that a switch to these other fertilizer does not meet the production levels that they expect. Therefore, as a Committee on Agriculture, Livestock and Fisheries, we are looking at this. We recommend that further testing be done, not only on soil but also on productivity of the fertilizer procured. Indeed, there is a complaint. Sen. (Prof.) Lonyangapuo is a farmer in my county. He experienced reduced productivity after changing the fertilizer type.

Mr. Speaker, Sir, on the issue of early procurement of fertilizer, my Committee is seized of this matter. I sought discussions with the relevant Ministry to impress upon them to ensure that fertilizer is procured in good time and in adequate quantities. There has been some improvement. For instance, this planting season which started in February, some fertilizer was procured but in my county, there seems to have been inadequate supply. It may have come in good time but the quantity is not adequate. It comes in piecemeal but our Committee is taking this seriously.

(An hon. Senator spoke off record)

The Speaker (Hon. Ethuro): Order, you do not direct the Chair. I have already directed you. When do you want to respond to the other one?

(Sen. Ndiema left the Chamber)

(An hon. Senator spoke off record)

What is it, Sen. (Dr.) Machage? This is to be responded to by Sen. M. Kajwang.

Sen. (Dr.) Machage: Mr. Speaker, Sir, could the Chairperson of the Committee on Agriculture, Livestock and Fisheries be bold enough and tell this country that no research has been done on the soils of this country in terms of acceptability of certain fertilizer? If there is any research that has been done, let him give us the website address where we can refer to different soil structures and the recommended fertilizers.

Sen. Kittony: Mr. Speaker, Sir, if I heard him right, the issue of fertilizer and farmers at this moment is very crucial. There is no fertilizer in the depots. There is what is called 23:23:23. I do not know where it will be used and on which soil. Maize and food production will be zero. What I have heard is not correct. Could he tell us when farmers will get the right fertilizer?

The Speaker (Hon. Ethuro): We need to conclude this. Better be brief Sen. Karaba.

Sen. Karaba: On a point of order, Mr. Speaker, Sir. The Chairperson of the Committee on Agriculture, Livestock and Fisheries is not here. I do not know who we are addressing our questions to.

The Speaker (Hon. Ethuro): Order, hon. Members! You have confirmed the difference between being present and absent at the same time. If you are present in this Chamber and following the proceedings, the Chairperson was going for another engagement. He delegated to an able Member of his Committee known as Sen. Kajwang who is here. If I could hear it from this side, why can you not hear the same? Let us have Sen. M. Kajwang on behalf of the Committee on Agriculture, Livestock and Fisheries.

Sen. M. Kajwang: Mr. Speaker, Sir, there is the Kenya Agriculture and Livestock Research Organisation (KALRO) that undertakes research on various issues in the agricultural sector. If it suits the Senator who requested for reference on research on soil samples, the Committee could retreat and get these references from KALRO.

The Speaker (Hon. Ethuro): Although the Chair does not intervene, I am a bit constrained. Sen. (Dr.) Machage, I used to work for that particular organization as a research scientist. There is a whole centre called National Agricultural Research Centre just around the roundabout of James Gichuru Road and Waiyaki Way. It is a specialty centre in soil fertility studies. That is enough for now. Those were many years ago.

What Sen. (Prof.) Lonyangapuo was disputing was the report of 2014. I think that is a valid one in terms of the advice he was given on which fertilizer to apply. From his practical experience, the yield was different. That is something you need to retreat and confirm, Chairman.

That should be the end of question time. I direct that the Statement sought by Sen. Khaniri be deferred to Tuesday next week. The same applies to the statements sought by Sen. Sang and Sen. (Dr.) Zani.

INSECURITY IN BARINGO COUNTY

THE PLIGHT AND WELFARE OF FORMER COUNCILLORS UNDER THE DEFUNCT LOCAL AUTHORITIES

THE ONGOING STRIKE BY LECTURERS OF PUBLIC UNIVERSITIES

(Statements deferred)

What is it, Sen. Khaniri?

Sen. Khaniri: Mr. Speaker, Sir, the Statement that I had sought had to do with the security situation in Baringo. Matters to do with security must be given preference and first priority because we are talking about the lives of Kenyans. I remember in the old Constitution when we were in Parliament, this would come under Questions by Private Notice and they were to be answered within 48 hours.

I want to plead with you that this Statement be delivered tomorrow if possible. This is because the physical Statement signed by the Cabinet Secretary, Mr. Joseph Nkaissery is there. We should settle this matter once and for all.

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

The Speaker (Hon. Ethuro): What is it, Sen. Wetangula?

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, on this matter of security in Baringo, even as we wait for the Statement and knowing what is going on there---

The Speaker (Hon. Ethuro): Order, Senator.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I am addressing the Chair---

The Speaker (Hon. Ethuro): Which Chair?

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I am seeking you to take an intervention.

The Speaker (Hon. Ethuro): Order, Sen. Wetangula. There is no matter before us. The issue before us is when the Statement will be issued and I want to give direction.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, let me speak to that.

The Speaker (Hon. Ethuro): Order, Senator. Assume your seat.

Order, Members. It cannot be that we want to create a debate on every mundane matter.

(Sen. Wetangula spoke off record)

Order, Senator. It is not my responsibility to call the Cabinet Secretaries. The Statement is ready. I want to direct as pleaded by the Senator who sought the Statement and you, Sen. Wetangula, being a Member of that Committee, you should occasion your Chairperson to be here tomorrow afternoon and to respond to the Statement. You can then say whatever you want. It is that simple.

The Senate Minority Leader (Sen. Wetangula): Can you now hear me?

The Speaker (Hon. Ethuro): I cannot!

(Laughter)

Next Order!

BILLS

First Readings

THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO.25 OF 2016)

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO.4 OF 2015)

(Orders for First Readings read – Read the First Time and ordered to be referred to the relevant Senate committees)

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

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

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

(Sen. Elachi on 28.3.2017)

(Resumption of Debate interrupted on 28.3.2017)

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I was on the floor.

The Speaker (Hon. Ethuro): Yes, Sen. Wetangula, you were on the floor. You have a balance of 13 minutes.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I was advised that I had 13 minutes. Thank you, Mr. Speaker, Sir.

Yesterday, I was offering my critique of the Speech by the President, described as policy and I said that I saw no policy in it. I had talked about several issues that were lacking.

I will go to the point where I left, which is on public debt. The President, in a very casual manner, said that the public debt in the country was not unmanageable. Everybody knows that this country is suffering under the weight of public debt. Everybody knows that the debt has ballooned from Kshs875 billion left by the Grand Coalition Government of Kibaki and Raila to Kshs3.8 trillion under the watch of the Jubilee Administration. They have recklessly borrowed money to start grandiose projects with the sole purpose of kickbacks and bribes that they are collecting mainly from Chinese contractors.

Until and unless we manage our public debt, this romantic talk of our economy growing--- I even heard the President say that we are doing better economically than America and South Africa. It is good to dream, but such wild dreams are not helpful, especially when they are coming from a Head of State. There is no policy in here on the management of debt.

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

The Speaker (Hon. Ethuro): What is it, Sen. (Dr.) Machage?

Sen. (Dr.) Machage: Mr. Speaker, Sir, I usually appreciate the Senate Minority Leader's speeches because they have information and they stimulate thinking. This happens when he especially enlightens us that the contracts going on now are full of kickbacks and bribes from Chinese contractors. I would be more enlightened if he can go further and give us more information on these kickbacks and bribes. I need substantiation.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, as I go on to do so, I want to plead with the Chair. Yesterday, I was so rudely interrupted by some excited Senators to the extent that all my time was consumed by points of order. I want you to protect me to push my point.

To answer Sen. (Dr.) Machage, the distinguished Senator for Migori County, he was a Minister in the Kibaki Government and he knows that the Standard Gauge Railway (SGR) was costed and awarded as a contract at Kshs200 billion to the China Road and Bridge Company. When the Jubilee Government came in, they suspended the contract, re-awarded it after re-costing and inflated it from Kshs200 billion to Kshs358 billion. If that does not smack of corruption and kickbacks, then I do not know what it means.

Right now, the Cabinet Secretary for Water and Irrigation is embroiled in an endless and protracted argument with his Permanent Secretary on an award of a huge contract. The only inference one can draw is that they are fighting over "eating". There are many others and we do not want to waste time going into all those things.

Sen. Kembi-Gitura: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): What is it, Sen. Kembi-Gitura?

Sen. Kembi-Gitura: I do not believe that discussing or debating the Presidential Address is about attacking people who are not in this House and cannot give answers.

Mr. Speaker, Sir, if we allow that; where people can say what they want, then we will have anarchy in this House, which is not what we want. The reason we have Standing Orders and particularly Standing Order No.94 is so that Senators can take responsibility for the statements that they make. However, when you make general statements about a nation or a presidential address and you are not willing to clarify anything, then something is very wrong.

Mr. Speaker, Sir, because we are a House of record, let me bring it to the attention of the House that yesterday a ruling was made by the Speaker who was in the Chair. He said that Sen. Wetangula should make certain clarifications before he resumes with the debate this afternoon and I have not seen that clarification. Instead, what I am seeing are further generalised statements about bribery and corruption against people who are not in the House to defend themselves. This is totally against the rules of the House.

I think we need to get a direction from you regarding this issue because we cannot have our House degenerate into a place where we will be making statements and when substantiations are ordered by the Chair, none are forthcoming. Instead, we get more and more generalised statements. We need to get a clarification on this issue.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, the Deputy Speaker under the guise of a point of order has just pursued an argument.

Mr. Speaker, Sir, you have been in this House even longer than the Deputy Speaker. We used to be told as soon as we entered Parliament that when the President has made his speech and it is open for debate, you are open to debate anything under the sun within the rules.

Mr. Speaker, Sir, it is fallacious to expect that we stand here to go through the paragraphs of the President's speech and praise it. We are critiquing the speech of the President about the State of the Nation Address. The President in his own wisdom mentioned corruption.

Sen. Kembi-Gitura: On a point of order, Mr. Speaker, Sir. It is not the question of the length of time a person has been in this House. The distinguished Senator may have been in the House longer than I have been but we are in the Senate at the same time. Rules of the House are in a book called the Standing Orders and even a first-timer can read and follow them.

I understand what a presidential address is. It is on the State of the Nation. I know it can be critiqued and that is okay. The point I am making is that for instance when an order is made that a clarification or substantiation has to be made because, maybe, the Senator went beyond the limits of what should be done when we debate the Presidential Address, then that has to be obeyed.

It does not matter how long I have been in this House but I remember yesterday an order was made that a substantiation has to be made on a statement that was made by Sen. Wetangula. Instead of getting that substantiation, I see attacks on people who are not in this House and have no chance of defending themselves. These are the basic rules of this House. All I am asking is that we follow our own rules so that when a Senator is ordered to substantiate, before they can stand on their feet, they must start by doing what is correct. In law, we used to call it purging. In this case, Sen. Wetangula must substantiate what he was ordered to substantiate yesterday then we proceed with the debate.

The Speaker (Hon. Ethuro): Order Members, Sen. Kembi-Gitura is referring to yesterday's altercation and the way you were challenged to substantiate. Proceed on that one.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, the Speaker of the day, the distinguished Senator for Kajiado, told me to substantiate today. He never said that I would have to substantiate before I continue with my debate and I will substantiate before I finish. The point was very simple. I said that the President said that the police population ratio in Kenya is now higher than the United Nations (UN) recommended standard. I said I had consulted with the police and a senior police officer told me that that statement was incorrect. I do not even know what I am supposed to substantiate but I am coming to that and I will explain it, if you allow me to go on. There was no caveat that I must start with that before I continue my speech.

The Speaker (Hon. Ethuro): Proceed, but you will have to conclude with it.

The Senate Minority Leader (Sen. Wetangula): Thank you Mr. Speaker, Sir and I want you to protect me from the Deputy Speaker.

Sen. Kembi-Gitura: On a point of order, Mr. Speaker, Sir. This is a matter of argument and I think it is also a matter of law. With greatest respect, I do not think that the Senator can say he is going to substantiate at the end. Standing Order No.94 requires that substantiation has to be done now so that if you are not satisfied or if he does not substantiate or withdraw and apologise, then the only recourse is to throw out the Senator. This is mandatory and there is no window for change.

So, it has to be, now, instantly, before he can proceed with the debate. Otherwise, with the greatest respect, it will make nonsense of Standing Order No.94. What happens

supposing he says other things that require substantiation and aggravate the situation? So, it has to be now before he proceeds.

Because he is a lawyer, I am sure he understands that very well. Like he said, he has been in the House much longer than I have.

The Speaker (Hon. Ethuro): Order, Sen. Kembi-Gitura and Sen. Wetangula, you are both lawyers. I can confirm that your legal minds and training may be helpful on many matters but not on this particular case.

Standing Order No. 94(2) states that:-

“If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order 110 (Disorderly conduct) unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires.”

Instantly should have been yesterday but for some reason, he convinced the Speaker that he will substantiate today. Sen. Kembi-Gitura, we have not exhausted the next sitting day which is today. That is why I have allowed him. Already he has less than five minutes to proceed. So we will deal with it because it is not the end of the day.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I had 13 minutes but the distinguished Deputy Speaker has consumed eight of them. I plead for my time because my distinguished senior is degenerating into a mere nuisance and this is not good.

Sen. Kembi-Gitura: Point of order!

The Senate Minority Leader (Sen. Wetangula): You cannot protest what you did not hear.

The Speaker (Hon. Ethuro): What is it, Sen. Kembi-Gitura?

Sen. Kembi-Gitura: Mr. Speaker, Sir, I followed the debate yesterday. I recall that Sen. Wamatangi, the distinguished Senator for Kiambu, told the distinguished Senator for Bungoma that he is the Senate Minority Leader of the House but not the leader of the Opposition. Therefore, respect must be accorded by the leadership to everybody in this House.

Mr. Speaker, Sir, I do not think it is right for a Senator to use derogatory terms against another Senator because that is an abuse of the privilege of the position that the person holds in this House. The Senate Minority Leader is a very senior position in this House and we must be led from the front.

The Senate Minority Leader should not use that position to use derogatory language against other Senators like it happened yesterday and it is happening now. This should not be allowed because this is a House of record and we must accord respect to each other regardless of where we sit in the House. That respect is expected more from the leadership because that is what leadership entails. I do not expect derogatory language to be used and no sanction levied because it is not right.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, the Senator for Murang'a rarely sits in this House for debate and I can only infer that he is doing so today to interrupt my contribution.

Many of us sit here for hours as we seek to contribute to improve the lot of our nation.

(Sen. Kembi-Gitura spoke off record)

Mr. Speaker, Sir, allow me to proceed. I do not want an altercation with my distinguished learned senior, his misconduct on this matter notwithstanding.

Sen. Kembi-Gitura: I think Mr. Speaker, Sir, you must protect us.

The Speaker (Hon. Ethuro): Order Members. This is the same issue that arose yesterday and I am afraid, Sen. Wetangula, you are just repeating and inviting more trouble to yourself. I was just going through the HANSARD which is why I did not want to intervene immediately.

I have just confirmed that the Temporary Speaker asked you to either ask for more time so that you can substantiate or withdraw and apologise. You said:

“If you want the exact numbers, I will bring them tomorrow.”

The HANSARD is quoting Sen. Wetangula.

The Temporary Speaker said:

“So tomorrow at 2:30 p.m. I am going to give you some more time so that tomorrow you can bring the figures.”

You said:

“It is so easy and I will shame this Kiambu man tomorrow.”

You were cautioned against referring to Members that way, especially, “this Kiambu man”. I am afraid you seem to be also referring to your learned senior in similar terms.

I think, without a lot of legalese, let us now go to the bottom of the matter. Our Standing Orders are very clear in terms of Paragraph 94. If you have the figures you substantiate or withdraw and apologise. Simple!

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, the reason I said I would do so at the end is because I am waiting for a document that will come to me before I finish. However, if that is the wish of the Chair, I will say the following: I have no doubt in my mind that the police-population ratio in Kenya is far much less than the United Nations (UN) recommended standards. Had we met that ratio, we would not be having the security challenges we are having in Baringo, Turkana, West Pokot and everywhere else.

Be that as it may---

The Speaker (Hon. Ethuro): Order, Senator.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, if the House wants me to bring the exact figures, I will withdraw now but give a condition that next week, I will still bring those figures and table them on the Floor.

I withdraw, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Order! I am afraid I have to enforce the Standing Orders. You had an opportunity to withdraw your remarks yesterday. You sought for more time and it was granted.

The Senate Minority Leader (Sen. Wetangula): But I have withdrawn, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): You cannot withdraw and say you are still coming back with it. You cannot withdraw and start with a preface on what you think is the correct position.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I withdraw and---

The Speaker (Hon. Ethuro): Order Senator. Let me explain. Resume your seat.

This House gives you a lot of latitude to express yourself but when you are challenged, it becomes a different ballgame. The challenge was there yesterday. You were given up to the next day which is today. So, you cannot come back now and say you want another day. You either have the information or you do not have it. So withdraw and apologise without qualifying.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I said---

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

The Speaker (Hon. Ethuro): Are you ceding the balance of your time to Sen. (Dr.) Khalwale?

The Senate Minority Leader (Sen. Wetangula): No, Mr. Speaker, Sir. You normally readily give points of order---

The Speaker (Hon. Ethuro): Order! Yes, but you cannot just determine that I am going to give.

The Senate Minority Leader (Sen. Wetangula): You have serially given points of order to Sen. Kembi-Gitura until I was unable to speak, which I take very unkindly.

The Speaker (Hon. Ethuro): Order, Sen. Wetangula. The reason I gave points of order to Sen. Kembi-Gitura was because you were mentioning him. I have always said in this House that if you do not mention a name, I have no problem. I have not refused to give to Sen. (Dr.) Khalwale. How did you know if I was going to grant him or not? Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. Could you clarify exactly what we are doing? When Sen. Wetangula has up to the end of today to respond to the challenge, is it a must that he should do it within the time allocated for debate? Given that he has indicated that he is waiting for a document which probably has the information or facts and figures.

The UN figure is one policeman guarding at least 400 people. In the county of Kakamega of 2 million people at that rate, it means we have five thousand police officers. They are not there.

I request that you allow - as a matter of procedure - the Senate Leader of Minority to finish his contribution and before the end of today, he must be compelled to substantiate his allegations.

The Speaker (Hon. Ethuro): Order, Members. Sen. (Dr.) Khalwale, I said you were challenged to substantiate instantly. I do not know whether we read the same English. Then you are given latitude that if you cannot do it, you have up to the next day which is why I was indulging the Leader of Minority; that he can do as he requested at the end of his submission.

However, having looked at the HANSARD, he was actually given up to 2:30 p.m. of the next day which is today. The time now is 4:20 p.m. I was, therefore, working on those parameters. They have proudly stated that they are lawyers whose understanding of English is usually above average.

Proceed Sen. Wetangula.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I beg for additional three minutes so that I can go to four other things. The President said that the country has recorded 1,950---

The Speaker (Hon. Ethuro): Order Senator. On the issue of withdrawing and apologising---

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I did.

The Speaker (Hon. Ethuro): Order. I said it was qualified. You were not categorical.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I tender my apology but I am not withdrawing that. I will definitely bring those figures to prove my assertion at a later stage. I have seen questions of security and I will use them to bring my matters to the Floor. I am sure the Chair is now satisfied.

You come from a security challenged county. If these policemen were there, you would be seeing them.

The Speaker (Hon. Ethuro): Order, Senator. I have no problem with your line of reasoning but my problem is that you have been challenged and you are unable to substantiate; which is the most honourable thing to do, especially for a senior Member of the House like you, with due respect. No additions, preface, forward and no postscript. I withdraw and apologise. Period.

Keep to yourself whatever you plan to do.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I withdraw all the prefaces to the withdrawal and apology.

The President said---

The Speaker (Hon. Ethuro): Order, Senator. You do not play language with me. The withdrawal was on the issue of yesterday.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, which I have done. I withdrew and apologized.

The Speaker (Hon. Ethuro): Order, Senator. Order! You are skating to the limit. I will go by the rules of this book.

Order, Senator! Failure to which the Senator shall be deemed under Standing Order No.94 (2) to be disorderly within the meaning of Standing Order No.110 – Disorderly Conduct.

“Unless the Senator withdraws the allegations and gives a suitable apology if the Speaker so requires.”

I have determined you have not given a suitable apology. So, give it but before you do so, I invite you to look at Standing Order No.110 – Disorderly Conduct.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I withdraw and apologise. I want to say this; I will not be intimidated by any threats to throw me out. I have withdrawn and apologised. I have the right to be here; I am an opposition leader. I am not here to praise the Jubilee Government or the President of Jubilee. I am not here to heap praises on wrong things. I want to encourage my brothers---

Sen. Wako: Mr. Speaker, Sir, on a point of order. It is not all that difficult to get that information. We know that the population of Kenya is 42 million and is now one police for 380 citizens. If you divide, it comes to 105,000. The only issue that has to be determined now is whether the total established police force amounts to 105,000. So,

that information on the total number of police force is easily obtainable. Tomorrow, you can undertake to supply that information. It is not all that difficult.

The Speaker (Hon. Ethuro): You are not being helpful to your leader or even to the rest of us. I am satisfied that he has apologised and withdrawn. I also want to make it very clear, Sen. Wetangula. Nobody is asking you to heap praises on anybody; I am just employing Standing Orders.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, when the Chair starts waving the expulsion clause because of what I am saying, it is not right.

The Speaker (Hon. Ethuro): Order, Senator! I have this book before me, I read to you. You can read it for yourself. If I do not use it, you will tell me I am doing my own things. So, to make reference to it becomes an issue.

Your time is up, Senator.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I have been so interrupted that I have not made my point. I beg for five minutes to make two or three points.

The Speaker (Hon. Ethuro): Order, Senator! Your time is up.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, this House has become a dictatorship.

The Speaker (Hon. Ethuro): Order, Sen. Wetangula!

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, and this appears to be connivance between the Speaker and his deputy.

The Speaker (Hon. Ethuro): Order, Sen. Wetangula!

The Senate Minority Leader (Sen. Wetangula): It is not right---

The Speaker (Hon. Ethuro): Order, Sen. Wetangula! Assume your seat. Let us rest that matter, Sen. Kembi-Gitura.

Order, Members! We shall maintain decorum in this House.

POINT OF ORDER

ALLEGED DISORDERLY CONDUCT BY THE SENATE MINORITY LEADER

Sen. Kembi-Gitura: Mr. Speaker, Sir, on a point of order. The most important thing in this House is that we must, as you correctly say, maintain decorum. When the Leader of Minority, on HANSARD, says that, "there is dictatorship in the Senate and this is connivance between the Speaker and his deputy." That is on record. Are you going to allow it to go on record; that you and I are conniving to create dictatorship in the House, a Senator refers to another one and specifically to myself as intolerant just because I raised a point of order? Are you going to allow that to go on record?

How is it that the Leader of the Minority can be allowed to get away with so much? How is it that he can stand up in the Senate of the Republic of Kenya and refer to you and your deputy as people perpetuating dictatorship in the Senate and you allow it to go on record? I do not think so. With the greatest respect, I do not think so.

This amounts to gross misconduct under Standing Order No.110. This calls for sanctions. I am the Deputy Speaker of this House; humbly and very privileged to be the Deputy Speaker of this House and elected by Members of this House. If following the

rules that are in the Standing Orders is dictatorship because somebody is not getting what they want; because somebody has that attitude about being entitled so they can use the House to hurl insults at other Senators? I do not think so.

Mr. Speaker, Sir, this is such a serious issue; you, as a Speaker, duly elected and your deputy, duly elected, are said to perpetuate dictatorship in the House because somebody does not want to be challenged in what they say. I did not at any point ask anybody to praise the Speech of the President. We appreciate. I have also been in this House and discussed presidential addresses since I was in the Ninth Parliament. It does not give and should not give anybody a sense of entitlement because they claim to have been here longer than others or because they are the Leaders of Minority.

These are positions we hold in trust and these are positions we need to give respect to. It cannot be possible that a Leader of Minority would use that position to use derogatory language against other people and expect to get away with it. It is not and cannot be allowed. Where has there been transgression in interpreting the Standing Orders in saying that at Standing Order No. 94 requires apology, substantiation? If it does not forth come, then a withdrawal and apology. We always do it in the House. Is it dictatorship?

Mr. Speaker, Sir, Sen. Wako has been very reasonable; it is a question of arithmetic. Go and bring that arithmetic and show the House that what the President said was not right. You cannot just throw words in the air and become abusive and then expect respect from people. That is the best way we can go.

The Speaker (Hon. Ethuro): Order, Members! Indeed, I am equally aggrieved when I am accused of a conspiracy, having read the Standing Orders that all Members can read. I am used to that from the Leader of Minority. That is why it does to bother me, but not everybody is the Speaker.

Sen. Muthama: Mr. Speaker, Sir, we, as elected Members of this House, have a mandate to raise and debate issues. Any time some of us, especially Members of the Opposition stand here and touch on the wrongdoing of the Government, we are silenced once and for all, to an extent that some of us have withdrawn completely; even attempting to paint a bad picture about the Government in case one wants to contribute is hindered.

Mr. Speaker, Sir, I kindly ask you to consider this. Just look at this House; interest is being lost by Members because instead of being allowed to do what we are supposed to do, we are curtailed and contained. We cannot stretch beyond certain points. Give us room. I ask the leadership and your office just to bear and give us room to debate issues – even if we are touching on the Government, we are Members of the Opposition. We are supposed to criticize to the last level of criticism. If we do not do so, we will not be doing our work. Kindly, give us room to debate. Allow us to criticize and for that matter attack the Government from all corners so that we can apply checks and balances as Members of the Opposition.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. The Senator for Murang'a is inviting you to find that the Senate Minority Leader was grossly out of order. Before you do that, because obviously, the statement he made touched not only on Sen. Kembi-Gitura but also on you, let us cool the emotions first. What was the genesis? In his contribution, he could not continue because the Senator for Murang'a challenged him that

he was attacking people who cannot defend themselves here. The two people in question were the President and his Cabinet Secretaries who the Minority Leader mentioned.

Mr. Speaker, Sir, on a Motion like this, the President has invited us to talk about him. Under Article 153 of the Constitution, when the President has allowed us to talk about him and the performance of his Government, it includes the Cabinet Secretaries. Do you want us to talk about them at the National Super Alliance (NASA) public rallies, funerals and weddings? We are supposed to do it here!

I, therefore, urge you to bend all the way backwards and find that Sen. Wetangula is within his domain. He is entitled to 60 minutes because he is not the Deputy Speaker. Deputy Speaker, if your position was unique like that of Sen. Wetangula, you would also be enjoying 60 minutes. When you speak in this House, you do not speak like the Deputy Speaker. You speak like the Senator for Murang'a. The only time you enjoy that position is when you are on that Chair but unfortunately you cannot debate when you are on it.

So, however much you are offended, the Senator for Bungoma was defending his 60 minutes. You are looking for something which you do not have. You have only the same time like the Senator for Kakamega. It is part of the fact of being the Deputy Speaker. Therefore, let us shed off emotions. President Uhuru has not sent you here to defend him, neither has he asked you to defend his Cabinet Secretaries. He came here with a speech for which he has been taken Kenyans for a ride. It is up to us to debunk the lies in the President's Speech. If you want to expand similar jurisdictions, see how debate is vibrant in the Parliament of South Africa and the House of Commons. All you have to do is to go to *YouTube*. Do not take away the freedom of speech from Kenyans simply because we are now talking about the President.

The President must open himself to oversight and accept to be challenged. We will continue challenging him even if you throw the Minority Leader out. If you choose, you can throw the entire Opposition out just because we are not saying good things about the President.

Mr. Speaker, Sir, I beg you to ignore any attempt to find the Minority Leader grossly out of order.

Sen. Kittony: Mr. Speaker, Sir, I urge you to stick to the rules of the House. This is a House of rules and order. No one can intimidate you to look back. It is unfortunate because this afternoon we have not carried ourselves in a deserving manner, especially my friend whom I respect very much. The Minority Leader should have carried himself in a better manner – he calls somebody else that “man from Gatundu.” It is not acceptable because he is the President of Kenya. We all need to respect him. Therefore, what has transpired is not acceptable. I ask you to stick to the rules because this is a House of rules.

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. First, I congratulate Sen. Wetangula for withdrawing and apologizing, albeit after a long coercion. That was “statesmanly”. At the same time, I remind the Minority Leader to look at Standing Order No.105 and 110 (1)(i) very closely. The Minority Leader is one of the greatest leaders we have had in this country in terms of material and articulation of debate in this House. However, when Standing Order No.105 is ignored, then the Speaker is in problems on how to handle him.

Mr. Speaker, Sir, would I be in order to request that you order Sen. Wetangula to clearly read and understand Standing Order No.105?

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Speaker, Sir. Sen. Kittony has just uttered some words and fled the Chamber. You and the Deputy Speaker are my witnesses. I have never made reference to the President on this Floor in a derogatory manner. I always say, President Uhuru or the President of Kenya, and then I proceed to criticize what he has done. I have never referred to the President, and I will never, as “the man from Gatundu”. I do not know where she got it from. Yesterday, as a matter of light moment in the House, I made reference to my friend, Sen. Wamatangi, as the man from Kiambu; and then without anybody prompting me, I withdrew it.

Mr. Speaker, Sir, however, debate is not gloom. You may recall that in the House of Commons in the 1500 A.D. or 1600 A.D. the king of England ordered five Members of Parliament (MPs) to be arrested. Those MPs had been challenging the King anywhere and everywhere, insulting him; and then the police arrived at the House of Commons and went to the Speaker. In a very cavalier manner they went to him in the Chair and said we have been sent by the King to collect these five members of the House of Commons to take them to custody. The Speaker looked around the House and said, you want member so and so, I cannot see them. He said so yet they were there. That became the epitome of the protection of the House and its Members by the Speaker.

Mr. Speaker, Sir, sometimes when we get carried away – every human being has the right to lose his cool if he or she is pushed to the wall, it does not mean I disrespect you. You have been a Member of a party I lead for two terms in this House. We have worked together very well.

Sometimes when we get carried away and every human being has the right to lose his cool if he is pushed to the wall. It does not mean that I disrespect you. You have been a member of a party I lead for two terms in this House and we have worked together very well. The distinguished Senator for Murang’a County, apart from being my learned senior and friend, I appointed him as an ambassador. He knows how I hold him in great respect and esteem.

The only thing that touched me is that the Standing Orders gives me time to speak and---

Sen. Kembi-Gitura: On a point of order, Mr. Speaker, Sir.

The Senate Minority Leader (Sen. Wetangula): Let me finish.

The Speaker (Hon. Ethuro): Order, Sen. Kembi-Gitura, let him finish. I will give you time.

The Senate Minority Leader (Sen. Wetangula): The only thing that touched me is that the Standing Orders give me time to speak. I have eight things that I wanted to critique in the President’s Speech and I did not even finish two.

I am very fond of standing on points of order all the time. Normally, you do not give me chance like four or five times in a row. You would give me one, then deny me and give me another chance later. I appreciate that because I am not the only Member in the House. I want to reaffirm my great respect for the Chair, for you personally and for my distinguished learned senior, Sen. Kembi-Gitura. I have no issues with him.

When we come here, we are not a parliamentary system. The parliamentary system would require the President or his nominee, called the Leader of Government Business, to sit in the House and answer blow by blow on matters touching on Government. In the current situation, the President comes only once to give a treatise of

the state of the nation that he is leading and what his Government is doing to Parliament. It is then upon us, as leaders, to come and say that the President was right here but he was not right here.

I have points where I was going to agree with the President on certain issues. I started with the points where I do not agree with him. My distinguished colleagues, who I do not know what gallery they are playing to, could not hear me criticize the President. They could not hear me criticize the Government nor could they hear me do anything.

I want us to respect each other. I want us to debate issues in this House with decorum as it has been said. You used to see Martin Shikuku or better still, Mwai Kibaki, in the previous Parliament where we were with you. When I came to Parliament, hon. Mwai Kibaki was the leader of the opposite side of Government and he used to debate. He used language and facts stronger than I would ever do in this House and everybody listened to him. He would pick a budget statement and spend three hours because then there was no time limit. He would shred the budget speech from A to Z and dismiss it as a fallacy. He would dismiss the President as a sham, then he would walk out and go have his cup of tea. Nobody would interrupt him.

I have not called the President any names. It is not an insult to the President when you say that what the President said is incorrect. When you say that the facts that the President gave to the nation are not consistent with the facts as we know them, it is not an insult to the President. This is the 'Upper House', so the latitude of freedom and the latitude of critique is even greater and should be protected. I have no doubt that you will protect this even with your life because I know you.

I am sorry if I have rubbed you the wrong way but that will not stop me from taking the responsibility of the opposition that I lead. My colleagues, Raila, Musalia and Kalonzo, are not in Parliament. It is only Sen. Wetangula who is in Parliament. When I stand here, I am speaking for the other half of the country that is not able to bring their voice here.

In competitive politics, why would we want to replace Jubilee if they are so good? If we stand here and say that they scored A+ on roads, A- in water and A- in electricity. In that case, we will not seek then to replace them.

Mr. Speaker, Sir, I want to finish by saying that I do not and I have never wished to disrespect anybody. I respect everybody. I walk to the Office of the Deputy Speaker to consult him, laugh with him and have tea with him more than he has ever walked to mine. This is because I value him as a friend. I value the friendship with respect. I do the same with you and everybody. I respect everybody but that will never stop me from saying what I think I ought to say to better things in the country.

The Speaker (Hon. Ethuro): Order, Members. I do not know where you want this thing to go.

(Sen. Dr. Machage spoke off record)

Order, Sen. (Dr.) Machage. I allowed Sen. Kembi-Gitura to contribute after Sen. Wetangula for him not to continue with the false impression that there is a conspiracy.

Sen. Kembi-Gitura, will you allow Sen. (Dr.) Machage to go before you?

Sen. Kembi-Gitura: On a point of order Mr. Speaker, Sir. So you want Sen. (Dr.) Machage to go before me?

The Speaker (Hon. Ethuro): Yes. Proceed Sen. (Dr.) Machage.

Sen. (Dr.) Machage: Mr. Speaker, Sir, this could be a point of omission or forgetfulness. We will need correction because this is a House of records. Was Sen. Wetangula in order to say that he appointed Sen. Kembi-Gitura as an ambassador? These records must be corrected. I believe Sen. Wetangula might have had a slip of the tongue. The only person who has that authority is the President of this country. He may correct that so that the records are clear.

Sen. Kembi-Gitura: Thank you very much, Mr. Speaker, Sir. I am happy that Sen. (Dr.) Machage has brought up that issue. It was one of the issues that I was going to raise. Sen. Wetangula and I, as he has correctly said, go back a long way. He and I served as Assistant Ministers in the Ministry of Foreign Affairs. We served this great nation with distinction.

It is true that he was the Minister for Foreign Affairs when I was appointed the ambassador of Kenya to Brussels to the European Union (EU) and to Luxemburg but he did not appoint me. This is because he did not have the capacity to appoint ambassadors. That is the privilege and whole province of the President. It is important that the correction is made. Yes, we go back a long way, we served in the Ministry together, he was the Minister when I was appointed ambassador, but he did not appoint me to be an ambassador of Kenya. I was appointed by His Excellency the President. That is important and it should go into record.

Having said that, in a very brief answer to what Sen. Wetangula has said, because he has mentioned me severally; let me make this clear for the record. I have not and I do not expect Sen. Wetangula to praise the entire Speech of the President during the State of the Nation address. I appreciate and respect his right to look at it and criticize it and even critique it as much as he can. Indeed, it is not only the opposition who will criticize that speech. I am sure that even people on the Majority side have the same right.

We are addressing and are representatives of the people of this Republic. We should not appear to mislead them or give them information that is not correct. That is why Standing Order 94 requires substantiation. Nobody is saying that anybody is lying. All we are saying is that people must take responsibility for the statements they make in this House. You can criticize as much as you can but let it be factual.

If you say that the ratio of policemen to the citizens of this country is not 1:380, then show it but do not say that the President is lying. Do not say that the President is lying because that is misleading the nation. It is very easy to say on camera, playing to the gallery that the President is not telling the truth because when people hear you say so, they may want to believe you. What is the point of misleading the people particularly when you call yourselves the alternative Government? You have more responsibility to tell the people the truth so that they know where and on what you stand so that they do not see that you stand on quicksand.

Mr. Speaker, Sir, let me be understood correctly. I am not saying people should not criticize. I am not being intolerant but I am against the citizens of this country being given information that is not correct, not true and that cannot be substantiated. You cannot stand, defame me and come and say "sorry" tomorrow in a small print where people who read you defaming me may not have a chance to read the statement.

So, Mr. Speaker, Sir, I pray and urge us to respect each other and tell our people the truth. Even as you criticize, do not tell people things you know are clearly untrue and

you are not able to substantiate. That is all I want to say and I thank you for the opportunity.

The Speaker (Hon. Ethuro): Sen. (Dr.) G.G. Kariuki.

Sen. (Dr.) G.G. Kariuki: Mr. Speaker, Sir, I do not know what you have decided before you called me. What I was trying to say from the beginning is that we have had this matter since yesterday and you made a decision which was clear to all of us. No one said the President should not be criticized. You can critique the President's statement and offer some alternative. If it is criticizing, anybody can do that and that is why we have Standing Orders here. Do not just walk in and start criticizing others and then get away with it just because of what you think. What you think might be irrelevant to other people because that is how you feel. We feel differently.

Mr. Speaker, Sir, I take off my hat to you because you allow everybody to say what they think they know. You have given the whole afternoon and we are being lectured from that Dispatch Box. People have been schooling for all these years and they are being caned for a small thing here which can be constructive criticism.

Mr. Speaker, Sir, this is not constructive because I believe I have learnt a lot of other things. If a statement is brought to your committee and you do not want it, just explain the reason why you cannot support the statement because it lacks this and that. The President is there whether you like it or not and he will continue being in power until his term comes to an end. So, let us move in a different direction. Let us discuss what he said regarding what he has done, what he is going to do and what he is willing to do.

We were supposed to discuss what he wants to do and say whether it will work or not. By doing that, we would be seen by this nation as people who think and not people who come here to do what the "Lower House" does because they are still trying to understand the Standing Orders. You cannot train any Senator here on the Standing Orders of this House. It is a small House of 47 people.

Mr. Speaker, Sir, I sit here aggrieved but that seems to be our habit in Kenya. You criticize another culture by hiding your head and use a language you want to use. I thank you.

The Speaker (Hon. Ethuro): Order, Members, I think we have listened to everybody. Let me make the following observation. It is a sad day when responsible Senators can engage in a debate of this nature. It is a debate that is taken out of context, conjures up conspiracy theories that do not exist; a debate that attacks personalities and appears like we are gagging Members from speaking; either defending or attacking the Government. That is the job of parliamentarians.

I have been in this House and always on the Government side. You can go to the HANSARD and find that I have always criticized even Presidential debates when I had the opportunity of the Floor but the manner in which you do it is what is contested. These Standing Orders are clear so that you do not reduce this – you have heard the expression – to a market place. There is a difference between debating in the Senate and debating in a public baraza. There must be decorum.

Part 16 of the Rules of Debate provides that proceedings to be in Kiswahili, English or the Kenyan Sign Language (KSL) and Senators to address the Speaker; two or more Senators requesting to speak, the Senator called upon by the Speaker shall be the one entitled to speak and you do not demand; speeches may not be read; no Senator to speak after a question has been put.

Regarding points of order, any Senator may raise a point of order at any time during the speech of another Senator. Anticipating debate is not allowed and proceedings of the Select Committee are not to be referred to. Standing Order No.90 gives you the content of speeches. Standing Order No.90 says that:-

“(1) Neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the Senate shall be referred to adversely, except upon a specific substantive Motion of which at least three days’ notice has been given.

(2) It shall be out of order to introduce an argument on any specific question upon which the Senate has taken a decision during the same Session, except upon a Motion to rescind that decision made with the permission of the Speaker.

(3) It shall be out of order to use offensive or insulting language whether in respect of Senators or other persons.

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

(5) It shall be out of order for a Senator to criticize or call to question, the proceedings in the National Assembly, a County Assembly or the Speaker’s Ruling in the National Assembly but any debate may be allowed on the structures and roles of County Assemblies or the National Assembly.

(6) A Senator shall refer to another Senator by the title “Senator... (name of the Senator)”.

Standing Order No.91 is on Retraction and Apologies, Standing Order No.92 is on matters of *sub judice* or secret, Standing Order No.93 is on Declaration of Interest and Standing Order No.94 is on Responsibility for statement of fact.

When it comes to a Member making statements and another Member challenges--
- In fact, I have inherited this matter; it is not mine. It started yesterday and has been raised by a Member. In fact, Sen. Wetangula, you will appreciate that the Deputy Speaker had even approached me wanting to raise that matter before you even spoke and I told him not to do so. I demanded for the HANSARD so that I can read for myself.

You asked to respond towards the end of your statement and I allowed you to do so against the protestations of Sen. Kembi-Gitura. This is because you address the mischief not the Senator who is enjoying but the aggrieved party. That is how you dispense justice.

If for one reason or another Sen. Kembi-Gitura felt aggrieved on a matter that he feels safe under the Standing Orders and when he is being referred to consistently as a person, I have always said in this House – it is not the first time - that if you refer to a Senator by name or any other description that fits that Senator, I will allow that Senator to challenge you. However, if you refer to any other matter as a point of order----.

When Sen. Wetangula started his speech yesterday he said the following:

“Everything he said apart from addressing two Speakers and Members of Parliament were all laced with exaggerations, falsehoods and outright untruths. They

were statements that could only make sense to an audience that does not live in this country.”

You then talked about an editorial and nobody challenged you. To create the impression that we are gagging you from attacking the Government is misleading. It was not until you said:

“Regarding security, the President gave out some figures. I have checked with the police and those figures are false”

That was when trouble started when Members wanted to confirm which are these correct figures. Finally, the Temporary Speaker decided that you substantiate today. Is it wrong for the presiding officer to demand what the Chair decided after being petitioned? This is because we must start with decorum and be honest with each other.

For you to claim that we have a conspiracy, I wish you had spoken the way you spoke last. It just made it even worse. I may not feel aggrieved for all the reasons that you have said. We know each other and we think there is that respect but sometimes when it comes to certain things, you wonder whether that respect is there or it is just for temporary purposes.

I think respect, even as the Senate Majority Leader, for you to be listened to, the example you have given of the former President, when he was the Leader of the Opposition, I do not remember him abusing anybody. In fact, one of my memorable statements from him was attacking the police vehicles; the Mahindras and he said: “How does a Government buy vehicles that cannot even catch a goat.” All of us could see what it meant; that you have vehicles that are not moving fast enough.

There is a way which you can still make the language flowery and all that without really attacking personalities. This is all the House is demanding of you and I know for sure you are not short of language. If certain words are offensive to certain Members and you do not find them offensive, you can elect to use other words and still deliver the same message without hurting other people.

The issue you raised about Speaker Lenthall was actually in 1642 and it was about an outsider, the king, coming to Parliament and when he said:

“On a bended knee, I have neither the eyes to see, nor ears to hear but to do the will of the House”

That is the House and another arm of government. What do you do when it is within the House? Can you pretend to have neither the ears, nor the eyes? The king, by the way responded: “Fairly, I hear you.”

If an issue arises as part of the deliberations of the House, the Chair has a responsibility to make sure it is prosecuted to its logical conclusion. Our rules are very easy; prove something, withdraw and apologise. You made a few attempts to withdraw and apologise and I said I was not satisfied and you went ahead and gave a suitable apology as required by the Speaker and demanded by the Standing Orders and I agreed.

We were to proceed along those lines. I think I have said enough. I will take your last statements and I think that is the spirit that should guide us going forward and I think Sen. Kembi-Gitura has also said his piece. As Senators, we all have a history with each other which should guide us to bring us closer than to pull us apart. This is because we have a long history and we are seasoned politicians in this Republic, leaders of this Republic and you did very well early this year so that our country did not go into unnecessary turmoil and we should maintain that decorum which should be the spirit.

If one Senator feels offended, be magnanimous. There is no harm because in my other profession we have something called utility curve. If the satisfaction along the same does not alter yours but improves another one, the society's welfare has improved. I think that is where we should all be learning to be tolerant.

We continue with the Presidential Address. Sen. Kembi-Gitura.

Sen. Kembi-Gitura: Mr. Speaker, Sir, the Presidential Address that was given not so long ago was a statement pursuant to the provisions of the Constitution. I listened to it and I dare say that I was quite happy with what came out of that Speech.

We are privileged as a House to be the first Senate in this Republic after the promulgation of our new Constitution in August 2010. When history is written, it will show that we were the people who were there when devolution was being tested for the very first time. I am a very strong believer in devolution. I believe sincerely that it is the future of this country because it is giving equalization or equitability amongst all the people of this nation.

I was going to say 42 tribes but I have remembered that we have the 43rd in our country; the Makonde, who were recognized not so long ago and have been living in the country and are now part and parcel of our nation.

They are no longer going to suffer the indignity they have suffered over the years. We have made progress. I think the most important is the need to create strong institutions. The Senate may not appear to be as strong as it is supposed to be because Article 96 does not quite give it the strength and teeth that it ought to have and this has been a bone of contention.

However, I say with pride that we Senators have worked very hard to see to it that we get our rightful space in the development of our nation. In an interesting manner, I was quite impressed when the National Assembly was discussing Senate only about two weeks ago, and they made a statement that in their view, the Senate needs to be strengthened. I do not know how that is going to be done whether after a referendum or by amendment of the laws that we have. Whichever way it is done, this was the first positive thing that the National Assembly has said about the Senate in the last four years.

Devolution is important and is continuing to change this country. That there have been failings, it cannot be blamed on the provisions for devolution in our Constitution but the indictment is on the implementers of devolution. That could be our source as the Senate but more so the people who are implementing it at the county government level.

We have spoken about corruption and we shall continue to do so because it is the biggest and greatest scourge and enemy to the development of our country. The indices that we are getting from the counties clearly show the amount of corruption going in there, and how the money that has been devolved to the counties continues to be dissipated by hungry governors, county and tender-entrepreneurs. These are the things we must speak candidly and look for solution. If we do not so, then devolution would have been for nothing. However, I do not believe that all is lost.

We are going to elections in the next few months. I want to believe that even my colleague Senators who have opted to try their hand at being governors in this country are not doing it out of selfish reasons, not to follow the food chain of trying to go and also "eat," but because they have seen the power and the capacity of a devolved system. I want to hope and believe that they are going to the counties as governors because they

want to make it work better because they have seen just what kind of feeling there has been about devolution.

Devolution will continue to change the country. Further, I am quite impressed even when the President read his speech and referred to Wajir as a county having its first tarmac road since time began or since the history of this country began.

Mr. Speaker, Sir, the Constitution, as all of us are aware, provides for 15 per cent minimum of the share between the national Government and the county governments. However, all of us know particularly well because we are Senators and we are always involved in the Division of Revenue Bill and in re-sharing of the money among the 47 counties. We all know very well how strongly we have fought for more money to go to the counties. Currently, it is standing at 34 per cent up from the statutory minimum of 15 per cent.

This year we were debating the Division of Revenue Bill. This Senate, led by the relevant Committee of Senate, led by the Senator for Mandera, increased the amount by Kshs29 billion so that the counties could benefit more and more money could go to the people for devolution to work better. We know that the National Assembly and it is in the public domain, has rejected our increase of Kshs29 billion. Therefore, denying the 47 counties of that amount of money. We know that this matter is headed to the relevant Committee to try and reconcile the two figures. Additionally, I want to hope that the Committee that is going to be formed to arbitrate or agree on this figure will find that the Kshs29 billion---

(Loud consultations)

Protect me from loud consultations. Every time Sen. Murkomen comes to the House there is a complete change of attitude because suddenly it becomes so noisy. It is not even possible to hear yourself when you are addressing the House. I am happy to see that he has tried to retreat.

I want to hope that the Kshs29 billion--- I can see now it is the turn of Sen. (Dr.) Machage.

The Speaker (Hon. Ethuro): Order, Senator Kembi-Gitura! You chased the man from proximity to you. You can only assume the furthest point away from you. Respect that one

Sen. Kembi-Gitura: Mr. Speaker, Sir, I respect that very much because I can see has gone to consult at the other corner of the Senate.

The point I am making is that I want to hope that the National Assembly realises that the Ksh29 billion that we increased and which we know can be found in the budget of this country, is going to counties. The National Assembly should appreciate that the constituencies they represent are within the counties so that it is in their interest that this money should go there so that their people can benefit.

We have also increased or accepted the conditional grant that the government has given to the counties. This is important because the effect of it is to improve access, for instance, to medical care and to health facilities and also to those other things that are the duty of the county government than at this level; through the national Government through the conditional grants. This is something that needs to be lauded. It is something that we appreciate, all of us.

During the period of the last four years that the Jubilee Government has been in power, we have seen a lot of changes in the way that things are done. We have seen the Huduma Centres; the e-citizen, for instance, and how much it has impacted on the issuance of licenses and certificates that otherwise took very long time and distances.

(Loud consolations)

Mr. Speaker, Sir, I want to seek your intervention. I know it is the right of members to consult. I can see Sen. Murkomen has come to this side and I have noticed that he has been joined by Sen. Mutula Kilonzo Jnr. It will be impossible for me to contribute---

The Speaker (Hon. Ethuro): Order! Order Members! Sen. Murkomen, nobody will chase you out of the Chamber, but I am sure the Deputy Speaker appreciates your other role as the Deputy Majority Leader and you might need to consult. However, do so in low tones, and preferably very far from the Speaker.

Sen. Kembi-Gitura: Mr. Speaker, Sir, I also know that you can order him to sit at the furthest point without interfering.

Sen. Murkomen: On a point of order, Mr. Speaker, Sir. It is not my fault that when I get to the House, hon. Members get excited. I cannot really help that. The only thing that I can help is to ensure that it is not me who is talking, but with the excitement, how do I control them?

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. Is Sen. Murkomen in order to even imagine that Members get excited when they see him? It is just derogatory.

The Speaker (Hon. Ethuro): Order, Sen. Murkomen! From where I sit, you must withdraw those words and apologise for the simple reason the Members do not leave to welcome you at the Bar. You are the one who goes to the right, the left, the end and everywhere else---

Sen. Murkomen: Mr. Speaker, Sir, you know the life of this Parliament is almost at the sunset. So, we must maximize every opportunity to talk to every person you have never talked to in the last four years. However, I respect your ruling. I withdraw and apologise.

The Speaker (Hon. Ethuro): At least, that is an honest admission.

Sen. Kembi-Gitura: Thank you, Mr. Speaker, Sir. Sen. Murkomen needs to look more clearly at the Oxford Dictionary for the meaning of the word "excitement." He might find that he is wrong.

I was addressing myself to the issue, for instance, of e-citizen. We appreciate that there is corruption in this country. However, it is also important to appreciate the effort the Government is making towards ending this. The Huduma centres; the e-citizen and also the systems we are using to pay money electronically to get the services through the e-citizen are amazing. Therefore, removing the human contact is something that I know will go a long way in reducing the levels of corruption. I can apply for a birth certificate or driving license from my office without having to meet anybody and get it in the next 48 hours. Similarly, I can apply for a certificate of good Conduct without having to meet a police man to give it to me, except take my fingerprints and then walk away and do it electronically. The removal of that human contact will reduce the corruption that is pervading this nation.

Mr. Speaker, Sir, it is like having radars to track traffic offenders. If we have efficient systems, radars that catch up with over-speeding drivers, and communication is made to them via mail that they are expected to pay a fine and if they do not do so within a certain period, there are consequences; again that removes the human contact and reduces tremendously the levels of corruption.

The issue that has occupied us almost the whole afternoon is the ratio of police officers to citizens. The recommended number by the United Nations (UN) is 1 to 400. I was very proud to hear the President tell us as a nation, as a matter of fact, that the ratio currently is 1 to 380 which is below the UN expected ratio. This should be lauded. It is not something that you go behind to dig holes and come and tell us that the figures are not correct. It is not fair and right to tell the citizens of this country that the figures that the President gave are not correct.

When you say that the President gave false figures yet you cannot substantiate it, and then you come the following day and apologise, it is not right. We must take the higher ground, the responsibility and privilege that we have as leaders to tell our people the truth. This must be regardless of where we sit or the positions we hold.

Yes, it is right to criticize. We stand by that right. It is provided for in our Constitution but in my honest opinion, my very strongly held view is that it must be done responsibly without playing to the gallery so that the people can actually see what the truth is. Criticism cannot and should never be for the sake of it.

In the last few years, we have tried very hard at every level in every county, constituency and ward to fight drug, alcohol and substance abuse. This is a responsibility that all of us must take even to higher grounds because we know how much drug and alcohol abuse has destroyed our people, particularly the youth. We know the cost that it has had on our nation.

Again, I encourage the Government, particularly the Ministry of Devolution and National Planning to take up this matter much more seriously and fight it much more seriously so that we can have a sober nation. This is because a sober nation is a strong nation that will go towards 2030, when we hope to have achieved our middle income level, and therefore, stand amongst other nations towards being a developed nation.

Mr. Speaker, Sir, finally, because I know that time will not allow, let me talk about the programmes that the Government is undertaking. There has been misconception and misleading information by people who do not want to appreciate what the Government has done. There are people who keep on saying that the projects that the Jubilee Government is currently doing are a carry-over from the previous Government. This begs the question: What is expected of a current Government except first of all to build on the foundation that was already there and therefore, make it stronger and more visible and even finish the projects that were there? Was somebody suggesting that because the Standard Gauge Railway (SGR) was mooted during the Kibaki regime, that therefore, the Jubilee Government should not complete it? That is a misconception and a fallacious argument because the important thing is the impact this SGR will have in our nation.

I am excited because the completion of the SGR, at least to Nairobi before it moves on to Naivasha, Malaba, Kisumu and other capitals will have an impact. I hope I will be one of the people, who will ride on it on 1st June, 2017. Apart from the faster movement of goods and people, it will reduce the accidents between the highways in

Mombasa and Nairobi, Malaba and Kisumu because I am sure more people will be travelling on the SGR.

I would have no need to fly to Mombasa because by the time I leave my office and go to the airport an hour before and then leave the airport in Mombasa and take about another one hour to get to the meeting venue, it might be longer than the time it will take me to come from the railway station in Nairobi and end up in the railway station in Mombasa directly to my destination. This is what has made Europe and other capitals develop much faster than many other nations; infrastructure – railroad, other roads, water, telephone and other things.

I believe that the fact that I can go to Mombasa in four and half or five hours down from the current 12 twelve hours, speaks to a faster growing economy. It speaks to goods coming closer to the people much faster. This is something that should excite all of us regardless of which Government has done it. But the beautiful thing is that it has been done and completed during these four years of the Jubilee government, and therefore, the President was quite right in highlighting it as one of the main agendas in his speech.

Mr. Speaker, Sir, finally, as one Senator said yesterday, the fact that we are doing the SGR must also now require that we develop the small gauge railway lines that were in this country - The ones that were traversing the whole of this country so that the goods that are brought to Nairobi from Mombasa can reach the rural town, Nanyuki and all those other towns much faster, for faster development of our nation.

All in all, this was a very good State of the Nation Address. It has stated exactly where we are and where we expect to go. The naysayers cannot stop development to proceed. This is why I am utterly convinced that Kenyans will find it fit to reelect the Jubilee Government so that it can finish the projects that it has started; SGR, Lamu Port – South Sudan- Ethiopia- Transport (LAPSSET) corridor and other projects which are to the benefit of this country.

Mr. Speaker, Sir, finally, this is the very first time that our nation is developing equitably because we have a Senate and a devolution system which sees to it that all of us are going at the same pace. I laud ---

The Speaker (Hon. Ethuro): Your time is up, Senator!

Sen. Kembi-Gitura: Mr. Speaker, Sir, I laud and support. Thank you.

Sen. (Dr.) Machage: Bw. Spika, kwa historia ya Waisraeli kulitokea wafalme kadhaa. Mmoja aliyeitwa Suleimani aliulizwa na Mungu yuataka nini kwa sababu alikuwa amemtendea wema. Hakutaka almasi, dhahabu, lulu wala wanawake. Alisema, ninataka hekima. Basi alitambuliwa kuwa mfalme mmoja aliyeishi kwa hekima. Ni kweli kuwa ukiwa mtawala katika cheo hicho cha rais wa nchi ombi moja ambalo lastahili umwombe Mungu akutunukie wazo na akili ndio kama Suleimani uwe na hekima. Ni rahisi sisi tukiwa hapa nje kuona mpira ukichezwa kama vile sisi katika upinzani wakati mwingine hudhani.

Mmoja wetu hupenda kusema: “Fulani ana mpira, Wetangula na mpira, fulani ameushika, mara bao! Kweli wewe wasema hivyo, lakini ingia kwa uwanja ukaucheze huo mpira, utoe changamoto kama zile na kisha ufunge bao ambalo limo mawazoni mwako. Mhe. Rais alitoa hotuba iliyoonyesha machache ambayo yametekelezwa na Serikali yake katika hii nchi kwa muda wa miaka minne. Si sote ambao tumeridhika Kenya nzima lakini ukweli ni kwamba amejaribu kutekeleza mengi. Hotuba yake

iliangazia miradi ambayo inatekelezwa wakati huu na ile ambayo itatekelezwa siku za usoni. Lakini swali letu ni hili: Je, haki imetendeka kwa kila mtu nchini?

Mkoloni alianza kuijenga reli kuanzia Mombasa ikielekea Kisumu. Mji wa Nairobi ulikuwa kituo kilichokuwa na maji baridi. Kituo hiki kikaimarika na kuwa jiji la Nairobi kama tunavyojua leo. Mkoloni alitengeneza barabara zakuvingia vitongojini kule Rumuruti na Laikipia. Hata hivyo, alisau kuimarisha barabara za Mandera na Kuria kwa sababu mawazo yake yalikuwa ya kutawala na kupata ardhi yenye rutuba na madini. Basi reli ilijengwa kuanzia Mombasa hadi Kisumu bila kufikiria barabara za sehemu zingine. Hata sasa baada ya miaka 50 ya Uhuru, reli mpya au SGR inafuata mkondo huo wa zamani. Reli mpya imetoka Mombasa, ipitie Nairobi, Naivasha hadi Malaba.

Wengine ambao tunaachwa tutasaga meno na kusunoneka kwa sababu sisi pia ni Wakenya. Twataka tusikie mipango ya reli ikituhusisha. Kwa mfano, kama reli itafika Naivasha, basi ilikeweze kupitia Kisii, Migori, hadi ifike Sirare na Isebania mpakani kuelekea mji wa Mwanza, Tanzania. Na sisi tujisikie kuwa pia, tuna Uhuru na haki kutendeka kwetu. Sisi hukuza mahindi, sukari, njugu karanga, mtama na pia tuna madini kama dhahabu na kadhalika.

Sisi tutawekwa darubini lini? Twataka kusikia mipango ya maendeleo katika kaunti zetu. Hata kwa wale ambao watakuja siku za usoni, sijui kama ni akina Sen. Wetangula na wengine ambao “wananaswa naswa” kidogo katika chama cha NASA, lakini tunataka kusikia mipango yao hata wakati wa kampeni ni ipi. Je, wana mipango ya kujenga reli kule Kuria, Migori na Kisii? Bahati ya Mkuria ilienda wapi?

Je, barabara zimejengwa? Kulikuwa na mipango ya kujenga 10,000 kilomita za barabara. Zimelimwa lakini zimesambazwa namna gani? Serikali iliyopita ililima kilomita tano tu ya barabara kutoka Isebania-Ikerege-Kehancha-Witende. Barabara ya kilomita hamsini na sita na ikaachwa hapo na kusahaulika. Pia barabara ya kupitia Isebania-Sirare-Jamtiro-Ntimaro iende kuungana na bonde la ufa, ni yenye manufaa na mazao mengi ya kilimo. Hakuna ambaye anasema au kuweka mambo kama haya katika mipangilio yao.

Ninaamini labda mzee hajaambiwa. Sasa namwambia nikitumia Bunge hili kwamba ingawa twashukuru kwamba kuna mipango imewekwa kamilifu ya kujengwa shule, zahanati na hospitali za wilaya na mbinu za kuinua utali na kadhalika. Wakati mwingi unawezakungua kicheko usikiliza wanayotaka kutekeleza. Hii ni kwa sababu hakuna la maana utakaloliona katika hotuba kuhusu kaunti zingine.

Serikali ya Mhe. Rais Kenyatta imefanya mambo mengine mazuri. Sifa twazitoa lakini afungue macho pia kwa sababu Kenya ni kubwa. Tuna makabila 43 hapa nchini. Tuna kabila za Wahindi ambao ni Wakenya. Kwa hivyo, hapa nchini tuna makabila zaidi ya 45. Hizo ni nyumba zake zakulinda. Sisi sote tunataka haki itekelezwe kwa kila Mkenya. Makabila mengine ni makubwa na mengine madogo. Lakini tunataka haki kwa kila mtu. Wengine wasije wakafikiria ya kwamba kwa sababu mimi Mungu kaninyima kizazi cha kutosha, basi sitambuliki katika nchi hii. Mwingine kasema kwa sababu mimi Mungu alinitunukia kizazi cha kutosha nikikalia ratili ya uchaguzi, basi Rais atatoka hapa na mimi ndiye wakufikiriwa zaidi.

Twajua Rais mstaafa Bw. Moi alitoka kwa kabila ndogo ya Watugen. Hakuna kabila inaitwa Wakalenjin, lakini akawaita hivyo akajazajaza chembe kwa sababu huwezi kupika chembe moja ya mahindi. Lazima ukusanye makabila madogomadogo. Kuna

wakati ametawala hii nchi bila kabila ya Mjalu, Mkikuyu na akapita kura yake kwa sababu alitambua umuhimu wa kuwepo kwa jamii ndogondogo na hiyo ndiyo siri.

Sasa hivi tunaangaza macho yetu kwa uchaguzi. Ninatoa hisia kwa viongozi na Rais wa nchi hii. Hesabu sasa zapigwa na kila mtu. Miaka mitano iliyopita tulipata nini? Tumefaidi nini? Tumenyimwa nini? Jamii ya Mkuria haina Waziri, balozi na hata kupata afisa mkuu anayesimamia kitengo cha polisi (OCPD) ni shida. Kuna “Ka-Mkuria” tu ambaye ni Kamishina huko Mombasa na anatwangwa twangwa na siasa na akina Joho. Ni huyo tu.

Sisi ni Wakenya. Tuko kati ya yale makabila matano ambayo yameorodheshwa ambayo hawakuwepo katika nafasi za uongozi wa Kenya hii. Mkuria, Mdorobo, Muogiekina na Mmaasai. Sisi ni watu au tuna mikia? Sioni pembe kwa kichwa changu. Mimi ni binadamu. Siku zilizobaki miezi kadhaa yatosha.

Wewe Mhe. Rais Uhuru si kijana tena bali ni mzee. Ukishapitisha miaka 45 wewe ni mzee. Angalia kitabu chako na stakabadhi zako ulizoziweka. Panua utawala wako. Angazia kila sehemu ya nchi. Hutapata shida wengine wakinanaswa, lakini usipolenga mawazo yako hivyo, basi hata

Ulingo ni mkubwa. Twataka tuone ujenzi wa nafasi ya meli katika ziwa Victoria. Meli zilikuwepo kabla Uhuru. Zilitapakaa, zikaharibika na hakuna aliyejali. Tunataka tuone usafiri huo na mipango ya kilimo bora. Huko kwetu kulikuwa na tobako. Tukaharibu misitu na sasa tumeanza kuona watu wanashikwa na kansa hapa na pale. Twakataa tobako. Kuna nafasi ya kilimo cha nafaka tofauti. Kuna mimea ya kutoa mafuta ijulikanayo kama *soya beans*. Tuletee viwanda. Huenda sisi hatuna nguvu kama wengine walio matajiri. Tutafutie marafiki waje huku ili tujiskie kwamba uchumi wa nchi ya Kenya na matunda ya Uhuru yanaonekana.

Usalama ni jambo ambalo Rais aliguzia kidogo. Ingawa ni haki tuwe na wanajeshi kule Somalia, tunapopata shida hapa Pokot, ya nini kurundika maaskari kule? Tunajitafutia shida na Al-Shabaab. Limbukeni hilo. Tuliambiwa kuwa askari mmoja anahudumia watu 390 na wanatosha kulingana na kiwango cha Umoja wa Mataifa. Lakini je, maaskari hao wako wapi, wanalinda nani na wanafanya kazi gani? Wanafaa warudi watumikie wananchi.

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

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

Hatujui kwa nini makabila yapigane. Kwa nini Mturkana apigane na Mpokot? Kwa nini Mmaasai apigane na Mkuria? Ni kwa sababu rasilimali bado haijaenezwa vilivyo. Watu wanapigania maji na juzi tuliambiwa kwamba maji yanayoweza kunywewa na Wakenya kwa miaka 75 yamepatikana Turkana. Mbona watu wanapigania maji?

Mitambo ipelekwe na maji yatekwe ili Waturkana na Wapokot wapate maji ya kutosha na ng’ombe, mbuzi, kondoo na ngamia wanawiri. Hamna mtu atakayeenda kupiga mwingine kwa kukosa lishe ya mifugo. Sasa, wanajamii wameanza kuwapiga Wazungu waliobaki kwa sababu wanafikiri wamechukua mito yao.

Bw. Naibu wa Spika, ningependa kuendelea lakini asante.

The Deputy Speaker (Sen. Kembi-Gitura): Asante sana, Seneta, muda wako umeisha. Sen. Wako.

Sen. Wako: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to speak on this important Motion that the thanks of the Senate be recorded for the exposition of public policy contained in the address of the President. The Speech addressed comprehensively the achievements of the Jubilee Government. Indeed, I know it will be a stupid President who would not use that occasion to explain what the government has done all the years in fulfilment of the mandate on which they were elected. To that extent, I congratulate the President for having a summary of the achievements in one document.

Mr. Deputy Speaker, Sir, what I expected – being the last speech of this nature – were factors and difficulties, if any, that the Government has encountered in the implementation of its noble objectives particularly with reference to the constitutional provisions. I am saying this because as you are aware, during this term of office this Senate appointed a committee which went into the type of constitutional amendments that it would like taking into account the experiences of the past four years. It is not only this Senate. You are aware that the Council of Governors (CoG) also undertook an exercise to look at the Constitution from the prospective of the implementation of devolution. They also came up with their own amendments.

Mr. Deputy Speaker, Sir, you will also recall that even the Jubilee Government and the Orange Democratic Movement (ODM) fraternity also looked at this Constitution and came up with some suggested amendments. Even the “lower House” has also made some suggested amendments some of which are outrageous, if I may say so, that the Senate must be abolished. I believe the Judiciary also has come up with their minor amendments taking into account the problems they have encountered during implementation. Bearing in mind that this is a new Constitution, we are the first Parliament, the first Senate and the first national Government to be appointed.

Mr. Deputy Speaker, Sir, in his last address, I expected some thinking on the part of the President on the Constitution and if he thinks there are one or two problems in the Constitution which we should all look at. Having undertaken these exercises during this particular term, it was my considered opinion that taking into account that the elections were around the corner, the new Executive should undertake a proper audit of this Constitution and suggest amendments.

Amendments would not be difficult to come by because if one looked at the suggested amendments from all these organs and institutions, there are some common amendments that keep on coming up. So, it would not be difficult to find those amendments on which there can be a consensus. Where a referendum is required, we undertake it.

Mr. Deputy Speaker, Sir, as we go to elections, I would like those who are vying to be elected and various parties to undertake that within, utmost two years after election, we would have carried out the comprehensive audit and the referendum. Much as we did the exercise and made suggestions on the amendments, nothing could move forward because we were approaching an election. There is always that general fear that as we approach an election, referendum will be sought of rehearsals for the main general election to come.

Mr. Deputy Speaker, Sir, I was proposing that within the first two years when we are not thinking about elections and with our minds still focused on the greater vision for

this country, we should carry out that constitutional responsibility, undertake an audit, come up with the amendments where there is consensus and undertake a referendum.

My committee; the Standing Committee on Legal Affairs and Human Rights has been receiving petitions, a number of which relate to the Constitution, and we have always looked at it and said: "This is a good idea, this is not a very good one." However, who are we to decide that?

It requires a body to look at all these petitions that we have received, take into account other recommendations, come up with the ones which this country can agree and have a referendum. However, that should be within two years.

So, I expected the President could offer guidance on some of the areas that this country needs to look at with a view to making amends, taking into account the experiences that he has had as the first President elected under the current Constitution.

Mr. Deputy Speaker, Sir, I will just briefly touch on some aspects he mentioned, for example, in Paragraph 12, 14 and 16 he talks about the great transition that has taken place which he calls: 'Significant transitions'. He mentions, of course, that the Judiciary is now in place with the Chief Justice, Hon. David Maraga and his deputy Hon. Justice Philomena Mwilu in place. So far, I want to take this opportunity to congratulate the two because we have seen that they are giving the Judiciary some direction and that things appear to have cooled down. We do not have those other quarrels we used to hear emanating from there between the judges.

I congratulate the two for the leadership they are giving the Judiciary and for the firm stance they are taking on the various issues in particular, to defend the independence of the Judiciary. I was quite pleased with the comments that Hon. Justice Maraga made in Mombasa during the Legislative Summit.

The President then moved on to the Independent Electoral and Boundaries Commission (IEBC). Since the last election there has been a tussle about the IEBC and we are now glad that at least the new one is in place and is already working tirelessly to ensure we have free and fair elections. However, I must say that they inherited a very big problem where the timelines for the various issues will be difficult to adhere to and that is why we have had amendments of timelines from time to time.

We do hope and pray that come 8th August, 2017, everything will be in place and that we shall have free and fair elections. Of course, that election must be digital and the manual aspect should only be used in extremely rare circumstances. We do not want a situation like in the last election where on the election day, rather than it being digital, we were thrown back to manual. It becomes more manual than digital which is where the manipulation of figures and so on comes in and people start doubting and lacking confidence in the results that have been announced.

Mr. Deputy Speaker, Sir, the President also talked about the independent commissions and he said it is important that we accept and protect their role and that of independent offices. However, in Paragraph 16 he stated:

"However, it should be remembered that attempts to subvert this Constitutional framework damages our democracy, undermines the rule of law and weakens our institution development and our nation."

I would have liked to hear from the President a little bit more on what he means and the examples that he thinks that the independence of these institutions and offices

have had attempts to subvert them. If there are those attempts to subvert them, then those are some of the matters that can be considered during the Constitution review process.

Still talking about the transition at Paragraph 20, the President stated that there has also been accelerated transfer of functions and personnel to the county governments. This is true and, in fact, that accelerated transfer, I think, was too fast. The current Constitution gave this country a period of three years so that these functions could be transferred as and when the county governments have the capacity and the know-how to be able to handle those services.

However, as it happened, particularly, in the health sector; everything was transferred and no wonder we have been having problems up to now. In any event, whereas the Constitution gave three years, it is now four years and at least the target was met. However, I am just saying that the way we approached it has been part of the problems we are facing now particularly in the health sector and so on. It was because of the fast transfer of the functions without having a phase transfer and considering the myriad problems which are there in the health sector.

Mr. Deputy Speaker, Sir, he gave examples of the cooperation between the national government and the county governments and one of those examples was where the national government has assisted the county governments in various issues. I noticed on page 27, it states:

“The national Government has been able to provide street lights in all county headquarters and 36 other towns across the country”.

The Deputy Speaker (Sen. Kembi-Gitura): It looks like your time is up.

Sen. Wako: Mr. Deputy Speaker, Sir, we are very few of us. Can I have some more?

The Deputy Speaker (Sen. Kembi-Gitura): Time is up, Sen. Wako.

Sen. Wako: Mr. Deputy Speaker, Sir, anyway, in Busia it is the county government not the national Government which did the street lights and the public believes, at very exorbitant cost.

I will touch on the very last one which is the issue of the wage bill, but let me first touch on the East African Community.

Mr. Deputy Speaker, Sir, I would have wanted to hear more about the East African Community. This is because the summit has not met for quite some time now. Even the summit which regularly meets at the end of November did not meet. Whereas the Government began with an excellent relationship between the partner States of East Africa, we know that there are problems. They have not met for quite some time now. It appears they do not support each at the international fora such as the African Union and others. We know there have been changes in various projects.

Therefore, I would have liked to know more about why the good will and excellent relationship that began when they took over power, is no longer exhibited. It is sad that nobody talks about the East African Community or the East African Federation. I hear some of the countries within East Africa are planning to join SADEC. So, I would have loved to hear more about that.

On the wage bill, I agree with what was stated. However, we will be fooling ourselves to think only by reduction of wages shall we deal with the wage bill. What has to be addressed also is the total establishment of the public service. I was talking to the Salaries Review Commission (SRC) members. They told me that their mandate is just to

give policy on wage bill. They do not give policy on issues such as what is the ideal figure or what is the rational of having so many people working in a particular office. The wage bill may be reduced, but if we employ more people, the value of that reduction is completely lost. The wage bill may be reduced, but if you do not take care of inflation or the rising cost of living, people will still continue to demand more money.

Mr. Deputy Speaker, Sir, you have given me extra time and I do not want to abuse it.

With those few remarks, I give thanks to the exposition.

Sen. Billow: Thank you, Mr. Deputy Speaker, Sir. I rise to support the Motion. I will go straight to a few issues that I want to talk about because of time.

I have gone through this speech and I listened to the President when he delivered it. As my colleague has said, it is a statement of the achievements of Jubilee Government for the period they have been in office. As a House or Parliament, our responsibility is to exercise oversight over the Executive. It is in that capacity that we are here to debate this Motion. As my colleague has said, some of the issues that have been raised here, obviously, we will have no issue with them. However, I have a number of comments I want to give.

One of the things that, perhaps, this Government at the instigation of this Parliament has succeeded in is the capping of interest rates to 14 per cent currently. That is one of the single and most important achievements in many years if you look at the actions of the Government that directly benefit the people of this country. It is a pity that the President glossed over that issue. In fact, if you look at what he said about it, it is as if, at the end of the day, it was not the right thing that should have been done.

That is my problem with this Government. Indeed, all successive governments in the past have always tended to look at the interest of the banks and of the elites or people who control the economy of this country. We are not looking at the interest of the common. If they looked at the interest of the common man, Central Bank and the Treasury would not be arm-twisting the Executive as we see today. We are being told in the media by the Governor of the Central Bank that they are doing a study and they might have to scrap that interest rate capping. The Treasury has said more or less the same. The President has somehow indicated that there are challenges.

Mr. Deputy Speaker, Sir, all this is happening because of the lobbying of the Kenya Bankers' Association. The banks in this country control the Treasury. That is not what it is supposed to be. The CBK is there to regulate the banks in the interest of the people of this country. Just like any other industry, there are institutions that are there to regulate. That regulation must benefit the interest of the common man. It is the people of Kenya to benefit; not looking either at the interest of the shareholders nor the interest of the person who started that business.

It is time this Government, particularly the CBK, focused on the interest of Kenyans as opposed to the interest of the banks. Their role is not merely regulatory; their role should be to facilitate the economy instead of only looking at it from one perspective: Are they shareholders making money? Are the banks happy? Are the banks reaping profits?

We all know that the banks in this country have been profiteering literally; banks making tens of billions of shillings even when every other sector of the economy is making losses. Today as I speak in the last two years - the Nairobi Stock Exchange can

bear me out - most of our bluechip companies and sectors in this country have been doing very badly. Companies have been making losses. Companies have laid off staff, shut down while others have relocated. It is known to the Government. Yet, one sector, even in the worst of the economic circumstances, must continue to make money. If they do not make billions, then it is as if the country has suffered. It is a pity.

It is time the CBK came up with policies; it should not be driven by Parliament. They must come up with policies that look at the benefit and the interest of the people of Kenya. For instance, there must be a condition of licensing banks that they must be ready to comply with certain provisions. If, for instance, the Government wants to facilitate the growth of the agricultural sector, the Government then must be able to say anybody who wants to become a banker, as part of the requirement of the licensing, you must invest or lend 10 per cent or 20 per cent of your advances to the agriculture sector. If the Government is keen on the Small Micro Enterprises (SMEs), this should be made a conditional; that you must give 10 per cent of your loans to SMEs; that becomes part of the requirement.

Mr. Deputy Speaker, Sir, there is nothing wrong for the CBK - for heaven's sake - coming up with rules and telling them these are the rules of the government, if you want to be in this industry you play by it, if you do not want, you go to some other industry. However, to be held hostage by a few capitalists or businessmen who must make billions when the rest of the country is suffering, it is a pity.

It is a pity that today the President and the Government of this country are worried about the interest rate capping. Why? These guys have manipulated everybody. They are now blackmailing the country. The banks are deliberately cutting down on lending, so that this law can be reviewed. They are not lending deliberately. They tell you what is the point of lending to you at 14 per cent? This is blackmail. The CBK, for heaven's sake, is the regulator. They must look at the interest of the country and should not allow this kind of thing.

Parliament has a responsibility to the interest of the people Kenya. It is time Parliaments stood up. I want to urge particularly the National Assembly. They came up with that law, but again, we know what National Assembly is in this country. It is time they stood up and said "no" to the banks that it is in the interest of the people and the banks must lend. The banks must lend to the various sectors that the Government wants and the people of the Kenya want. This should be made conditional. If somebody thinks that is not good business he can go to another business. However, it is wrong to hold the country hostage and punish people because somebody must make money at the expense of the rest of the Kenyans.

The second area I want to talk about is the public spending that Sen. Wako talked about. The issue of rationalizing the public service has been the talk for the last three or four Parliaments in this country. However, nothing happens. It is pure lip-service. Every Government that comes into power pledges to rationalize the public service, cut down public spending, reduce public sector deficit and so on, but nothing happens.

Our deficit is above 6 per cent because public sector spending has grown. It grows every year; for instance, this year the budget that is to be tabled tomorrow has an expenditure of Kshs2.6 trillion against revenue of Kshs1.2 trillion. The President has said here that our revenue is Kshs1.2 trillion. So, I want to spend Kshs2.6 trillion. Simple mathematics will tell you that we are living beyond our means.

The issue is not about wages. I have said several times, with all due respect, the Salaries and Remuneration Commission (SRC) and the executive must not mislead Kenyans with regards to the public wage bill. The figure is provided for here, Kshs36 billion, our public wage bill is over Kshs600 billion, and therefore, Ksh627 billion per year is 50 per cent of the revenue. I have ridiculed this many times. This information is incorrect. The figures that have always been taken by the SRC are intended to mislead Kenyans.

I have said this as much even in the seminar we had with the SRC. They should stop misleading Kenyans. They should be talking about the national Government wage bill. That is what comes from the National Treasury. What you have here are payments to state corporations; salaries of state corporations that do not receive any cent from the Kenya Government. They are self-sustaining and sufficient. That is their money. You do not lump up all these figures to dramatize the public wage bill. The national Government wage bill is half of this. It is time that we stopped this entire story about the public wage being 50 per cent of the revenue.

Saying that you want to save money through salaries of MPs is a joke. How much does Parliament get out of Kshs2.6 trillion? It is 1 per cent. It is about Kshs20 something billion. That is what the entire vote of Parliament is; development plus recurrent combined. How much of that is wage?. It is less than KShs10 billion. You want to tell me you will save billion from Kshs2.6 trillion and you are happy, if you scrap the entire Parliament wage.

So, we are being, as the British say, penny wise and pound foolish. We always seem to take the little pennies you want to save and dramatize that. That is not the issue. If This Government wants to cut down on the deficit, there are many things they can do but most importantly is the public sector spending. You come up with lofty budgets; very ambitious budgets because you want to look and feel good as Government that you have got the best and biggest budget; each year you increase by Ksh400 or Kshs500 billion. You are also employing.

As the Senator has just said, every day you employ people in administration and every Ministry, sometimes creating even new state corporations, not rationalizing the existing ones; there are over 300 to 400 state corporations. For heaven's sake, why would this Government need a state corporation to run taxes or a state corporation to sell chicken? We have talked about it. The Government has undertaken to rationalize but again I think that has been pep talk. That is one of the challenges we have had.

Mr. Deputy Speaker, Sir, on the economic growth, the President said it is on average 5.9 per cent. I agree that the economy has been growing. However, one thing that this Government and the previous ones need to always know is what sectors of the economy we are talking about. What section of Kenyans does it entail? Our economy that is growing is the elitist, for instance, tourism and manufacturing. The growth from that sector does not trickle down to the ordinary man. If you look at the agriculture sector which accounts for 80 per cent of the employment in this country, has it grown in recent years? It has not.

In the SME sector, we are told that nearly two million companies and businesses in the SME startup collapse each year. Two million are registered, but they collapse. This happens because they do not have access to credit and support from Government. If we

say that the economy is growing but we only look at that aspect of the economy which is elitist in nature, we miss the point.

It is time the National Treasury looked critically at how to facilitate growth in the critical areas of the economy, particularly agriculture and the SME sectors. That is what is important. What we see as economic growth are the thousands of people employed to build the Standard Gauge Railway (SGR). This is distorting for it creates an impression that the economy is healthy. Maybe, it is only one project that is accounting for substantial part of that 5.9 per cent. It is important, therefore, for the Government to focus on the concerns of the ordinary Kenyans.

Lastly, I want to touch on the area of devolution. In the devolved governments, there are challenges of corruption. However, it is unfortunate that the National Assembly yesterday voted against the proposal of this House to increase revenue that should go to the counties. The Budget Committee of the National Assembly in particular does not see the log in their eye. They do not see the billions that are being wasted and the hundreds of billions being reported daily. If you look at the *daily Nation* newspaper headline today, Kenya Pipeline has lost Kshs40 billion or is it Kshs60 billion. This happens every day. Billions are being looted or wasted from the National Government, but they do not see it.

They are asking us why we are giving money to counties. They feel that county monies are getting lost. It is true that counties are also involved in massive corruption. However, that cannot be a reason as to why we cannot send money to county governments. The National Government is not providing oversight. It is literally collapsing under the weight of corruption. A day does not pass before you read about what is happening in the ministries. It is shocking. However, that should not be a reason to deny the county governments money.

There are enough institutions that have been put in place. If each of these institutions were facilitated to carry out their work--- For example, if the county assemblies are facilitated to do their work and the Director of Public Prosecution (DPP), the Ethics and Anti-Corruption Commission (EACC) and all these other institutions, then corruption will be a thing of the past.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Billow, your time is up!

PROCEDURAL MOTION

ADJOURNMENT OF DEBATE UNDER S.O.99(1)

Sen. G. G. Kariuki: Mr. Deputy Speaker, Sir, I beg to move:

THAT, the debate be adjourned.

This debate is very important and it does not matter how much it will take us to conclude, but I think it is important for many Members to be present when we debate it. So, I stand under Standing Order No.99(1) to request that we adjourn this debate to tomorrow when we will have everybody here.

The Deputy Speaker (Sen. Kembi-Gitura): Are you moving that the debate be adjourned?

Sen. G. G. Kariuki: Yes, Mr. Deputy Speaker, Sir. We should adjourn and debate it tomorrow.

The Deputy Speaker (Sen. Kembi-Gitura): I believe that you are moving it under Standing Order No.99.

Sen. G. G. Kariuki: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you. Sen. Billow, do you want to second the Motion as moved by Sen. G.G. Kariuki?

Sen. Billow: Mr. Deputy Speaker, Sir, I agree with you. It is a Motion where we need to have more Members in the House. Therefore, I second.

(Question proposed)

(Question put and agreed to)

(Debate on the Motion was adjourned)

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I defer Order Nos.11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26.

MOTION

CONSIDERATION OF AMENDMENTS TO THE COUNTY EARLY CHILDHOOD EDUCATION BILL

THAT, the National Assembly Amendments to the County Early Childhood Education Bill (Senate Bill No. 32 of 2014) be now considered.

(Motion deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

MOTION

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

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

(Motion deferred)

COMMITTEE OF THE WHOLE

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

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

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

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

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

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

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

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

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

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

(Committee of the Whole deferred)

MOTIONS

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

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the assessment of the

security situation in Mandera County, Laikipia county and Kapedo (Border town of Turkana and Baringo Counties) conducted between 19th January and 5th February, 2015 and laid on the Table of the House on Wednesday, 29th July, 2015.

ADOPTION OF EALA REPORTS AND RESOLUTIONS

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

ADOPTION OF THE REPORT ON THE STUDY VISIT TO RUSSIA

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

(Motions deferred)

ADJOURNMENT

The Deputy Speaker (Sen. Kembi-Gitura): There being no more business, it is now time to adjourn the House. The House stands adjourned to Thursday, 30th March, 2017 at 2.30p.m.

The Senate rose at 6.20 p.m.