

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Thursday, 14<sup>th</sup> December, 2017

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

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

#### PRAYER

#### COMMUNICATIONS FROM THE CHAIR

##### REORGANIZATION OF THE ORDER PAPER

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Senators, welcome to this sitting. As you are aware, we have a critical agenda which includes the election of the Members of the East African Legislative Assembly (EALA). So, I will reorganize the Order Paper so that we go straight to Order No.9. Once we dispense of with that order, we can continue with the other items listed on the Order Paper.

What is it Sen. Murkomen?

**The Senate Majority Leader** (Sen. Murkomen): On a point of order, Mr. Deputy Speaker, Sir. Earlier on, we had – I am sure there will be communication from the Chair. We had a *Kamukunji* to deliberate and be apprised of the process of voting which is okay. The only thing that has just come to my mind is that at what stage does the voting end? As you can see, the Membership is trickling in on both sides of the House and at some point, some people may not be here. Are we going to do what we usually do – locking the door and drawing the bars – because then, some Members may still be coming.

If we draw the bars and lock the door – this has never happened before and Standing Orders have never also contemplated such a voting – this is the smallest polling station in this election. We are likely to have a very small turn out which may not reach the international threshold of at least 35 per cent. We need your direction on that. If you lock the door, we will have a problem.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senate Majority Leader! You have made your point.

I would like us to minimise on everything else because we all understand the importance of this exercise. However, the issue raised by the Senate Majority Leader is valid. We shall proceed as follows; once the Presiding Officer calls out the list of voters and it is exhausted, they will again call just to ascertain that there is no other voter present and has not voted.

Now, at that point – after such repeated calling out – if there are no voters, we shall close the voting process because we cannot have voting taking place when counting is also taking place. So, we shall close the voting to allow counting to take place.

On the issue of turnout, Sen. Murkomen – I hope you are not veering into controversial issues – this process is not compulsory. So, the issue of turnout does not apply. It is not a compulsory process so, we will take it that those who come to vote will be the turnout we will have to work with. That is precisely what the rules provide.

**Sen. Mutula Kilonzo Jnr.:** On a point of order, Mr. Deputy Speaker, Sir. Assuming a senator walks in and they have been skipped. May be they were No.20 and we are at No.25; you must give directions that there is liberty for them to vote. That, I think is what we were addressing. Otherwise, when they are called out, it is like a roll call; you tick absent yet, ideally, they might walk in before you close.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Absolutely, Sen. Mutula Kilonzo Jnr. and Sen. Murkomen. So long as the voting process is ongoing, a voter may vote at any particular time because again, there is no defined sequence that you must vote at this particular time. The only requirement is that you must vote when voting is taking place; not after.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Deputy Speaker, Sir, the direction, though true, is a bit disheartening. This is because, yes, it is not compulsory for everybody or anybody to vote but it is absolutely important and necessary that we discharge our obligation to vote because we are voting for people going to represent the country in the regional Parliament that will shape and determine the integration of this region.

So, an abdication of that responsibility will define your level of irresponsibility as a Senator. We encourage, through you, that all Senators present within the precincts of Parliament be whipped to come into the Chamber and discharge this responsibility and duty, much as it is not a compulsory exercise.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Noted, Senate Minority Leader. The Whips and leadership of both sides of the House are encouraged to whip as many Members as possible to come and discharge their national duty.

Next Order!

*(Sen. Pareno walked into the Chamber)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Pareno, would you hasten and find somewhere to sit?

*(Sen. Pareno took a seat)*

#### PROCEDURE FOR ELECTION OF EALA MEMBERS

Hon. Senators, I have a communication to make relating to the procedure for conduct of election of Members into EALA. I would like to guide the Senate on the procedure that we shall follow in conducting of election of Members of EALA.

*(Sen. Cheruiyot stood at the entrance of the Chamber)*

Sen. Cheruiyot, make your way to the Chamber.

*(Sen. Cheruiyot entered the Chamber and took a seat)*

*(Sen. (Eng.) Mahamud stood up)*

Order, Senator! Please, resume your seat.

*(Sen. (Eng.) Mahamud took a seat)*

I will start that communication again.

Hon. Senators, I would like to guide the Senate on the procedure we shall follow in conducting elections of Members of the EALA. The election exercise will be undertaken pursuant to the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017.

The election shall be conducted here in the Senate Chamber, being the place, I have appointed for that purpose in accordance with Rule 17(1).

In accordance with Rule 2, the Clerk of the Senate will be the Presiding Officer while the Speaker of the Senate will be the Returning Officer.

Hon. Senators, Rule 16(1) requires the Presiding Officer to prepare and, at the time appointed for the election, issue to each Senator (voter) one ballot paper, on which shall be written in alphabetical order, the names of all duly nominated candidates, their gender, age and county, clustered under the heading of the names of the respective parties that nominated them in accordance with Rule 5. I confirm that the ballot papers have been prepared in the manner required.

Similar to the manner of carrying out election of the Speaker, Senators will be called to vote according to the Senate list of precedence. So, we shall follow the list of precedence that we normally follow when swearing in Senators at the beginning of the term.

Senators who are present and voting will - on signing a list of electors, which is available with the Clerks at the Table - be issued with one ballot paper. Each Senator, on receiving a ballot paper which has been duly stamped, shall proceed to one of the ballot booths and secretly record his/her votes by putting a mark in the space provided on the ballot paper for recording of a vote against the names of their preferred nine candidates as clustered in accordance with the respective proportions of entitlement to each Parliamentary Party. In this case, you will pick five candidates for the majority party, and four candidates for the minority party.

Hon. Senators, kindly note that the ballot paper is divided into two clusters. That is the Jubilee Party's cluster, which has 14 candidates. Out of which, you pick five. The NASA coalition's cluster has 11 candidates. Out of which, you will pick four.

In respect of the Jubilee cluster which consists of 14 candidates, a Senator will be entitled to vote for not more than five candidates. That means five or less, but not more than five candidates.

In respect of the NASA coalition's cluster, which consists of 11 candidates, a Senator will be entitled to vote for not more than four candidates.

It is, however, important to note that in order to meet the requirement for the Treaty for the establishment of the East African Community (EAC) and our Constitution in reckoning the candidates to be declared elected the final list will have to include at least one-third of either gender. In this case, the total list must consist of not less than three Members of either gender.

Hon. Senators, please, bear in mind that in accordance with Rule 17(3), as a voter, you can only cast as many votes as the number of candidates to be elected. In this case, you are entitled to cast up to a maximum of nine votes. Do not exceed nine candidates in total and do not choose the nine from one cluster. In other words, you cannot choose more than nine neither can you choose more than five in respect of the Jubilee cluster or more than four in respect of the NASA coalition cluster.

*(Several hon. Senators stood at the Bar)*

I will sit down to allow the Senators who have been patiently waiting at the Bar to make their way to the Chamber. They should not engage in side issues or greetings.

*(Several Senators entered the Chamber)*

Hon. Senators, we may continue. Please, let us pay attention so that we do not have many spoilt votes. This is a very important exercise. I am sure you do not want to spoil your vote.

I would also like to clarify that under Rule 17(4), where a voter casts more votes than the number of candidates required to be elected, the ballot paper of that voter shall be regarded as spoilt.

*(Sen. Mugo stood at the Bar)*

Come in, Sen. Beth Mugo.

*(Sen. Mugo entered the Chamber)*

Do not make any other mark on the ballot paper. Do not draw diagrams, pie charts or any other mark of any kind other than the voter's election mark.

Hon. Senators, Rule 17 (5) provides that:-

“A ballot paper shall not be regarded as spoilt where the voter casts a number of votes that falls below the number of candidates to be elected”.

For example, if you want to elect only five, seven, eight or one Member, that is upon you. However, we will not encourage that because we will want our country to be fully represented.

In accordance with Rule 17(6), a Senator who accidentally spoils a ballot paper while voting is in progress is entitled, on surrendering the spoilt ballot paper to the Clerks-at-the-Table, to be issued with another ballot paper in place of the spoilt one. You can have an additional ballot paper if yours is spoilt, on condition that you surrender the spoilt Ballot Paper.

After marking the ballot paper, and while still in the booth, you must fold your Ballot Paper and proceed to deposit it in the ballot box and resume your seat. In the past, I have seen a lot of indiscretion around this issue. Some Senators want to mark their vote and announce to the whole world their decision. That violates the rules of secret balloting or voting. The vote is secret. This is not *mlolongo* or anything else. If you break the rule of secrecy, you are in violation of the law relating to this election.

The other thing is once you finish, do not loiter around or move all over the place. We know the format of consultations here; you can always consult quietly in a dignified way. Do not hover around and cause commotion. Otherwise, the presiding officer and returning officer might exercise their discretion to declare you an unruly voter and throw you outside the polling station.

*(Several Hon. Senators stood at the Bar)*

Hon. Senators, please, come in. Make your way to the Chamber

*(Several Senators entered the Chamber)*

*(Sen. Orengo walked towards the Dispatch Box)*

Order, Sen. James Orengo! Take the shortest route to your seat.

*(Laughter)*

Sen. James Orengo, your new status is noted. That notwithstanding, many other things are also noted. Congratulations! Let us proceed.

Hon. Senators, as required by Rule 18(1), once all Senators have cast their votes, I will appoint two Senators to be the counting agents and suspend the proceedings of the Senate to facilitate counting and tallying of the votes. During this time, hon. Senators, I urge you to remain within the precincts of Parliament. Please, do not go far away because it will be a temporary suspension of proceedings.

In accordance with Rule 18(2), the presiding officer, assisted by parliamentary officers, shall, in the presence of the counting agents, count and tally the votes cast.

The Senate will resume proceedings when the counting and tallying of the votes in the Senate has been concluded.

The Bell will be rung for five minutes as in a Division before the resumption of the proceedings.

Pursuant to the provisions of Rule 19, when the votes have been counted and the results of the election ascertained you can expect two things-

(a) At the end of counting of the votes, the Clerk of the Senate who is the presiding officer shall record the results of the tally and report to the Senate the results of the election together with the number of votes recorded for each candidate under the respective clusters at the end of the election exercise;

(b) The Speaker of the Senate, as the returning officer, shall announce the results of the Senate elections to the Senate and send a Message to the National Assembly, communicating the Senate election results which the Speaker of the National Assembly,

as the National Assembly returning officer, will announce to the Assembly. The presiding officer of the National Assembly will likewise also report the results of the National Assembly elections to the National Assembly and the Speaker of the National Assembly will send a Message to the Senate communicating the National Assembly election results.

In other words, hon. Senators, as you are aware, there are two polling stations; one is the Senate and the other is the National Assembly. The elections will continue concurrently.

The presiding officers of both polling stations will communicate in our normal way the results in each polling station and they will be announced in the receiving polling stations. In short, the voting must go on concurrently. Therefore, if the Senate finishes earlier, we might have to continue with other items in the Order Paper as we await the process in the National Assembly to be completed because we have more voters in that polling station than we have in our polling station.

*(Sen. (Eng.) Maina consulted loudly)*

Hon. Senator for Nyeri County, I hope you have realised your transgressions. Let us have order; so far, so good.

Hon. Senators, considering the National Assembly numbers, as I have earlier explained, the election exercise will mostly likely take longer than in the Senate. During the period before conclusion of the voting in the National Assembly and transmission of both the National Assembly election results and the combined results of the elections conducted in both Houses to the Senate, we shall proceed with other business scheduled on today's Order Paper. Upon receipt of the Message from the National Assembly on the Assembly's results and the combined results, I will announce both results to the Senate.

Hon. Senators, let me also point out that in the event of a tie between two or more candidates amongst those with the highest votes in any of the two clusters, the process will be repeated in both Houses between the candidates. So, it might take a bit longer if there is a tie between candidates. We cannot determine the best five in the case of Jubilee Party or the best four in the case of NASA

As I conclude, I would like to remind hon. Senators that during the entire election exercise, the Senate Standing Orders are applicable. They will apply during the elections. Therefore, we will not entertain anything that we normally do not entertain during the normal Senate business. The Standing Orders will not only apply, they will also be enforced by the Speaker where necessary. That said, hon. Senators, we shall forthwith commence the elections.

I now order the presiding officer to proceed as appropriate.

I thank you.

### **ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY**

*(Pursuant to the East African Legislative Assembly Elections  
(Election of Members of the Assembly) Rules, 2017)*

**The Clerk of the Senate** (Mr. Nyegenye): Thank you, Mr. Deputy Speaker, Sir.

Hon. Senators, the returning officers are ready to commence the process of election. I would like to invite the Serjeant-at-Arms to bring to the Table the ballot box and display it to the assembled House that it is empty.

*(The Serjeant-at-Arms displayed the ballot box, empty and opened it)*

We can all see that it is empty. Please seal the ballot box.

*(The Serjeant-at-Arms sealed the ballot box)*

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

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

**The Clerk of the Senate** (Mr. Nyegenye): Hon. Senators, we are ready to begin. As we have been guided, when called out, please come to the Table and sign the register as evidence that a ballot paper was given to you and you voted. Then you will proceed to the booth on either side of the House. If you are sitting on my right, it will be most convenient that you use the booth on the right and likewise on the other side.

We are ready to begin. We will begin with Senator No.1 who is the father of the Senate, Sen. Wako Sitswila Amos, Busia County and then I will be calling out names as you come to vote.

*(Hon. Members proceeded to vote, one by one)*

*(Voting in progress)*

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Order, Members! Let us consult in low tones so that we can proceed with the process smoothly. Let us take our seats.

*(Voting in progress)*

**The Clerk of the Senate** (Mr. Nyegenye): Hon. Senators, a substitute ballot paper is to be issued to Sen. Samson Cherargei.

*(Loud consultations)*

*(A substitute ballot paper was issued to Sen. Samson Cherargei and he proceeded to vote)*

*(Hon. Senators proceeded to vote)*

*(Voting in progress)*

Hon. Senators, we will issue a replacement ballot paper to Sen. Olekina.

*(A replacement ballot paper was issued to Sen. Olekina Ledama and he proceeded to vote)*

*(The hon. Senators continued to vote one by one)*

Hon. Senators, we have completed the voting process in respect of all the Senators who were present and willing to vote. The voting has accordingly now closed and we will commence the counting.

*(The Clerk consulted with the Chair)*

**The Speaker** (Hon. Lusaka): The voting is closed. Let us have two Senators as witnesses from both sides. We will have Sen. Olekina and Sen. Kihika as agents.

*(Sen. Kihika and Sen. Olekina walked to the Dispatch Box)*

**The Clerk of the Senate** (Mr. Nyegenye): May the counting clerks, please, proceed to the Table.

*(The counting clerks walked to the Dispatch Box)*

**The Speaker** (Hon. Lusaka): Order Members. I order that the House be suspended. The bell will be rung after the counting of votes to resume the sitting. May the counting commence!

*(The sitting of the Senate was suspended at 5.03 p.m. to allow for the counting of votes)*

*(Suspension of counting of votes)*

**The Speaker** (Hon. Lusaka): Order, Senators. I request the bell to be rung for five minutes.

*(The bell rung for five minutes)*

Order! The bell has stopped ringing. You may unveil the Mace so that the sitting can resume.

*(The Mace was unveiled)*

*(The House resumed at 6.20 p.m.)*

Hon. Senators, I now call upon the Clerk of the Senate to announce the results.



## ANNOUNCEMENT OF THE RESULTS OF THE EALA ELECTION

**The Clerk of the Senate** (Mr. Nyegenye): Hon. Senators, in accordance with the powers conferred upon me as a Presiding Officer under the rules for the election of Members to the East African Legislative Assembly (EALA), I now wish to announce the results of the elections held in the Senate this afternoon.

The total votes cast were 61; spoilt votes, 0 and valid votes were 61.

The respective votes garnered by each of the candidates are as follows: Under the Jubilee Party Cluster – Abdulaziz Ali Farah – 15 votes; Ms. Aburi Donya Doris – 3 votes; Hon. Aburi Mpuru – 40 votes; Mr. Bundi Justin Nthiiri – 3 votes; Ms. Karanja Eunice Wanjiru – 1 vote; Mr. Kosgey Jackson Kipkemoi – 4 votes; Ms. Masit Irene Cherop – 6 votes; Hon. Mbugua Simon Ng’ang’a – 51 votes; Hon. Muhia Wanjiku – 29 votes; Dr. Muriuki Joe Muriithi – 1 vote; Ms. Njeeh Elizabeth Wangui – 26 votes; Mr. Nooru Adan Mohamed – 30 votes; Mr. Nyachae Charles Ayako – 37 votes and Ms. Serгон Florence Jematia – 50 votes.

Under the National Super Alliance (NASA) coalition Cluster, the votes garnered by each candidate are as follows: Mr. Abubakar Zein Abubakar – 10 votes; Hon. Aden Abdikadir Omar – 32 votes; Hon. Ali Fatuma Ibrahim – 29 votes; Mr. Norman Magaya Amugira – 13 votes; Mr. Kalonzo Kennedy Musyoka - 55 votes; Ms. Marwa Jane Moronge – 5 votes; Ms. Maviala Loy Mwandia – 27 votes; Mr. Mochoge Justus Onsongo – 1 vote; Ms. Munyasia Angela Mweni - 0 vote; Ms. Mutunga-Syengo Beth Kalunda – 18 votes and Hon. (Dr.) Odinga Oburu Oginga – 48 votes.

**The Speaker** (Hon. Lusaka): Hon. Senators, having received the results, I will be communicating the same message to the National Assembly who will also in turn communicate their results for tallying.

In the meantime, as it had earlier on been ruled, we will go back to our Order No.5. Before that, the Senate Majority Leader would like to make an announcement.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I would like--

**Sen. Malallahh:** On a point of order, Mr. Speaker, Sir. We want to be very sure on how you will transmit the results. Will it be done electronically or manually? We are afraid because we have been in such a situation earlier.

**The Speaker** (Hon. Lusaka): Hon. Senators, we are very transparent. The Serjeant-at-Arms will physically transmit the results to the National Assembly under tight security. You will watch him walk with the results to the National Assembly. I have already signed them.

Could we hear from The Senate Majority Leader?

*(The Serjeant-at-Arm left the Chamber with the results)*

## PROCEDURAL MOTION

### EXTENSION OF SITTING TIME

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, pursuant to Standing Order No. 31(3)(a), the Senate resolves to extend its sitting time today, Thursday, 14<sup>th</sup> December, 2017, until the conclusion of the business appearing on the Order Paper.

The reasons are obvious. We suspended the House earlier. I would have moved this Motion before 6.00p.m. However, on the advice of the Clerk and yourself, since the House was in suspension, there was no way we were going to move it. The reason for extension of this time is because we still have a lot of pending business which includes approval of the Cash Disbursement Schedule to the counties. We are also waiting for the Message from the National Assembly on the EALA election without which, the process would not have been completed. We also need to approve the Members who will serve in various Committees for without which, the House will not function properly during the long period of recess. This is rather obvious.

Since there is no time, I do not want to spend so much time moving this Procedural Motion. I invite the Senate Minority Leader to second.

**The Senate Minority Leader** (Sen. Wetangula) seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Speaker** (Hon. Lusaka): Let us move on to the next Order. We are using the Supplementary Order Paper.

### PAPERS LAID

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Thursday, 14th December, 2017:

#### THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FISCAL YEAR 2017/2018

The County Governments Cash Disbursement Schedule for the Fiscal Year 2017/2018

#### THE REPORT OF THE PRC ON REVIEW OF THE STANDING ORDERS

The Report of the Procedure and Rules Committee on the review of the Senate Standing Orders

*(Sen. Murkomen laid the documents on the Table)*

**The Speaker** (Hon. Lusaka): There is an intervention from Sen. (Prof.) Ongeru.

**Sen. (Prof.) Ongeru:** Mr. Speaker, Sir, I need your guidance. We have moved on to the Order on Papers Laid yet Petitions are also listed on the Order Paper. I think that Order has been skipped.

**The Speaker** (Hon. Lusaka): What is your Point of Order?

*(Some Members walked out of the Chamber)*

**The Speaker** (Hon. Lusaka): Order, Members. The Order that is going to deal with the disbursement of funds will require delegations. I would like to ask Members to remain in the Chamber for us to prosecute that agenda.

Proceed Sen. (Prof.) Ongeru.

**Sen. (Prof.) Ongeru:** Mr. Speaker, Sir, I need your guidance. We went on to laying of the Papers and skipped Order No. 4, which is Petitions.

**The Speaker** (Hon. Lusaka): A ruling had earlier been made by the previous Chair. It was ruled that we prioritize areas that we must conclude before we go on recess. Order No.4 was a casualty of that ruling. We will therefore proceed.

Let us move on to the next Order.

### NOTICES OF MOTIONS

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to give notice of the following Motions:-

#### APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FISCAL YEAR 2017/18

THAT, notwithstanding the provisions of the Standing Order 177 (2) and (3), the Senate approves the County Governments Cash Disbursement Schedule for Fiscal Year 2017/18 laid on the Table of the House on Thursday, 14th December, 2017.

#### APPROVAL OF PRC REPORT ON REVIEW OF STANDING ORDERS

THAT, Pursuant to Standing Order No. 247, the Report of the Procedure and Rules Committee, laid on the Table of the Senate today, Thursday, 14th December, 2017, be approved.

#### APPROVAL OF SENATORS TO SERVE IN SELECT COMMITTEES

THAT, pursuant to Standing Orders No.183, 212 and 213, the Senate approves the following Senators, to serve in Select Committees of the Senate indicated in the Order Paper.

*(Sen. Murkomen did not conclude reading out all  
the terms of the Notice of Motion)*

**The Speaker** (Hon. Lusaka): Order, Senate Majority Leader! You must follow the procedure. You will have to read everything as written in the Order Paper. Get some energy to do that.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, you have powers under Standing Order No.1. In the best interest of the House, considering what we are supposed to vote on, instead of me reproducing all the 67 names---

**The Speaker** (Hon. Lusaka): The Senate Majority Leader, I have already ruled on this. Can you proceed and read out the names?

**The Senate Majority Leader** (Sen. Murkomen): You have ruled and I do not want to challenge you. I now proceed to read the names of the Committee as per the Order Paper as follows:

**A. COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES**

1. Sen. Ndwiga Peter Njeru
2. Sen. Lelegwe Steve Ltumbesi
3. Sen. Waqo Naomi Jillo
4. Sen. (Dr.) Mbito Michael Malinga
5. Sen. Wario Golich Juma
6. Sen. (Prof.) Imana Malachy Ekal
7. Sen. Masitsa Naomi Shiyonga
8. Sen. Moses Kajwang
9. Sen. Ben Oluoch Okello

**B. COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS**

1. Sen. Nderitu John Kinyua
2. Sen. Wario Golich Juma
3. Sen. (Eng.) Ephraim Mwangi Maina
4. Sen. Cherargei Samson
5. Sen. Iman Falhada Dekow
6. Sen. Sitswila Amos Sen. Wako
7. Sen. James Orengo
8. Sen. (Dr.) Boniface Mutinda Kabaka
9. Sen. Boy Issa Juma

**C. COMMITTEE ON EDUCATION**

1. Sen. (Dr.) Langat Christopher Andrew
2. Sen. (Prof.) Kamar Margaret
3. Sen. Mohamed Yusuf Haji
4. Sen. Nderitu John Kinyua
5. Sen. Seneta Mary Yiane
6. Sen. (Dr.) Gertrude Musuruve Inimah
7. Sen. (Dr.) Agnes Zani
8. Sen. (Prof.) Samson Kegengo Ongeru
9. Sen. Okongo Omogeni

**D. COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY**

1. Sen. Moi Gideon Kipsielei

2. Sen. Aaron Cheruiyot
3. Sen. Poghio Samuel Losuron
4. Sen. (Dr.) Milgo Alice Chepkorir
5. Sen. (Eng.) Ephraim Mwangi Maina
6. Sen. Enoch Wambua
7. Sen. Moses Kajwang'
8. Sen. (Prof.) Imana Malachy Ekal
9. Sen. Issa Boy Juma

**E. COMMITTEE ON ROADS AND TRANSPORTATION**

1. Sen. Wamatangi Kimani Paul
2. Sen. (Eng.) Godana Hargura
3. Sen. Mpayeei Philip Salau
4. Sen. Gona Christine Zawadi
5. Sen. Lelegwe Steve Ltumbesi
6. Sen. Slyvia Kasanga
7. Sen. Stewart Madzayo
8. Sen. Cleophas Malalahh
9. Sen. Enoch Wambua F.

**F. COMMITTEE ON ENERGY**

1. Sen. Aaron Cheruiyot
2. Sen. Mithika Linturi
3. Sen. Ephraim Mwangi Maina
4. Sen. Seneta Mary Yiane
5. Sen. Susan Wakarura Kihika
6. Sen. (Prof.) Imana Malachy Ekal
7. Sen. Ledama Olekina
8. Sen. Mwaruma Johnes
9. Sen. Mercy Chebeni

**G. COMMITTEE ON FINANCE AND BUDGET**

1. Sen. (Eng.) Mohamed Maalim Mahamud
2. Sen. Isaac Mwaura
3. Sen. Cheruiyot Aaron
4. Sen. Farhiya Haji
5. Sen. Philip Mpaayei
6. Sen. Wetangula Moses Masika
7. Sen. Mutula Kilonzo Jnr.
8. Sen. (Dr.) Boniface Mutinda Kabaka
9. Sen. Rose Nyamunga

**H. COMMITTEE ON HEALTH**

1. Sen. (Dr.) Mbito Michael Malinga
2. Sen. (Dr.) Ali Abdullahi Ibrahim
3. Sen. Beth Mugo
4. Sen. Nderitu John Kinyua
5. Sen. Iman Falhada Dekow
6. Sen. Okong'o Omogeni
7. Sen. Petronilla Were Lokorio

8. Sen. Masitsa Naomi Shiyonga

9. Sen. Ben Oluoch Okello

**I. COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS**

1. Sen. Dullo Fatuma

2. Sen. Cherargei Samson

3. Sen. Mithika Linturi

4. Sen. Kang'ata Irungu

5. Sen. Susan Wakarura Kihika

6. Sen. Wako Sitswila Amos

7. Sen. Kilonzo Mutula Jnr.

8. Sen. James Orengo

9. Sen. Faki Mohamed

**J. COMMITTEE ON LABOUR AND SOCIAL WELFARE**

1. Sen. Sakaja Johnson Arthur

2. Sen. Samson Cherargei

3. Sen. Poghisio Samuel Losuron

4. Sen. Mwaura Isaac

5. Sen. (Dr.) Milgo Alice Chepkorir

6. Sen. Beatrice Kwamboka

7. Sen. (Dr.) Gertrude Musuruve Inimah

8. Sen. Petronilla Were Lokorio

9. Sen. Stewart Madzayo

**K. COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES**

1. Sen. Mwangi Paul Githiomi

2. Sen. Prengei Victor

3. Sen. Godana Hargura

4. Sen. Ndwiga Peter Njeru

5. Sen. Halake Abshiro

6. Sen. George Khaniri

7. Sen. Mwaruma Johnes

8. Sen. Slyvia Kasanga

9. Sen. Boy Issa Juma

**L. COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION**

1. Sen. Moi Gideon Kipsielei

2. Sen. Gona Christine Zawadi

3. Sen. Anuar Loititip

4. Sen. Mpaayei Philip Salau

5. Sen. Waqo Naomi Jillo

6. Sen. Ben Oluoch Okello

7. Sen. Enoch Wambua

8. Sen. Beatrice Kwamboka

9. Sen. Judith Pareno.

**M. COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS**

1. Sen. Mohamed Haji Yusuf

2. Sen. Dullo Fatuma
3. Sen. Susan Wakarura Kihika
4. Sen. Sakaja Johnson Arthur
5. Sen. Anuar Loititip
6. Sen. Fred Outa
7. Sen. Beatrice Kwamboka
8. Sen. Judith Pareno
9. Sen. Wetangula Moses Masika

**N. COMMITTEE ON TOURISM, TRADE AND INDUSTRIALIZATION**

1. Sen. Kibiru Charles Reubenson
2. Sen. Anuar Loititip
3. Sen. Mwangi Paul Githiomi
4. Sen. (Dr.) Langat Christopher Andrew
5. Sen. Wario Golich Juma
6. Sen. (Dr.) Agnes Zani
7. Sen. Mwaruma Johnes
8. Sen. Masitsa Naomi Shiyonga
9. Sen. Mercy Chebeni

**O. COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENT**

1. Sen. Fatuma Dullo
2. Sen. Wamatangi Kimani Paul
3. Sen. Mithika Linturi
4. Sen. Kibiru Charles Reubenson
5. Sen. Omanga Millicent
6. Sen. Mohamed Faki
7. Sen. Ledama Olekina
8. Sen. Moses Kajwang
9. Sen. (Prof.) Sam Ongeru

**P. COMMITTEE ON DELEGATED LEGISLATION**

1. Sen. Kang'ata Irungu
2. Sen. Prengei Victor
3. Sen. Haji Farhiya Ali
4. Sen. Poghio Samuel Losuron
5. Sen. Omanga Millicent
6. Sen. Judith Pareno
7. Sen. (Dr.) Mutinda Kabaka
8. Sen. Okong'o Omogeni
9. Sen. Mohamed Faki

Thank you.

**The Speaker** (Hon. Lusaka): Let us move to the next Order.

**BILL**

*First Reading*

THE COUNTY GOVERNMENTS (AMENDMENT) BILL

(SENATE BILLS NO.11 OF 2017)

*(Order for First Reading read – Read the First  
Time and ordered to be referred to the relevant  
Senate Committee)*

**The Speaker** (Hon. Lusaka): Let us move to the next Order.

## MOTIONS

### APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FISCAL YEAR 2017/2018

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, notwithstanding the provisions of the Standing Order 177 (2) and (3), the Senate approves the County Governments Cash Disbursement Schedule for Fiscal Year 2017/18, laid on the Table of the House on Thursday, 14th December, 2017.

Mr. Speaker, Sir, the Cash Disbursement Schedule I had tabled was already discussed in terms of the legislative framework. It was now time to determine how that will be disbursed as per the provisions of the Public Finance Management (PFM) Act.

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Hon. Members, let us consult in low tones.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I really do not want to belabour the point. The Schedule has been tabled. It is important and also a provision of the law. In the Public Finance Management (PFM) Act, it is a requirement that a schedule of disbursement be provided, so that it can assist the Senate and the county governments to be able to follow how much money should be remitted in which month and ensure that no county is denied their rightful share of the money that is coming from the national level.

Because of the seriousness of this subject and the fact that we have to vote by delegations, and considering that we had debated this issue when we were amending it, I beg to move and invite the Senate Minority Leader to second.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, before I second, as a matter of House etiquette, our Standing Orders require that when any Member is on his feet, as the Senate Majority Leader was, the rest of the Members can either be in motion or seated. Did you notice the Majority Whip standing behind there and fiddling with her phone for the last almost 20 minutes? That is un-procedural and a flouting of the rules. Similarly, a Nominated Senator has been on her feet talking to Sen. (Prof.) Kindiki for the last 10 minutes. It is again out of order and I urge you to rule as such. We are a House of rules and etiquette.



Mr. Speaker, Sir, as I second, I want to encourage that the disbursement of funds to the counties should not be a matter of discretion by the national Government. Many counties are suffering and their development programmes have come to a halt. Every other month, the only money being disbursed to the counties is for recurrent expenditure; just to pay salaries to ensure that there are no strikes everywhere.

We want to see that the national Treasury, the Controller of Budget and all those involved in disbursement of funds, disburse these funds to the counties on time, so that they can run their functions and make sure that everything that needs to be done, including salary payments, is done. What happens is that at the end of the month, some counties are forced to go and borrow commercial loans to run their recurrent activities, including payment of salaries, waiting for money to be paid. As we know, the interest rates in commercial banks are quite high.

Lastly, we are soon going to formulate committees. I want to urge those who will be in committees, especially oversight committees, to ensure that every cent we send to the counties, through this procedural process, is put to good use, so that the people of the Republic of Kenya that we represent here feel the full benefits and positives of devolution. Kenyans voted for the new Constitution largely because of the element of devolution, which has now become a cash-cow for a few people in the counties, to the exclusion of ordinary *wananchi*, who are innocent bystanders; watching things happen without anything percolating down to them.

Mr. Speaker, Sir, we must change this so that the devolved functions and the money that is required to go to the counties changes people's lives. I sometimes feel very sad when I see pictures of people dying, people without water and all other ills that we see in our society, yet we have sufficient capacity to eradicate these ills.

Lastly, I hope that the county governments will, in keeping with the Motion we passed here, put in place some traffic marshals to help arrest the runaway people causing accidents on our roads. I would want to see a situation where the Governor of Nakuru has road marshals helping to control the flow of traffic along the dangerous Salgaa Highway and other accident-prone areas, to save lives of innocent Kenyans that are perishing like chicken every other day.

I beg to second.

*(Question proposed)*

**Hon. Senators:** Put the Question!

**The Speaker** (Hon. Lusaka): It is not a "voice" vote; it is a vote by county delegations. So, we will have to go to Division.

Okay, I now order that the Division Bell be rung for two minutes.

*(The Division Bell was rung)*

Hon. Members, could you now log in before we draw the Bars.

Draw the Bars.

*(The Bars were drawn)*

Okay, voting can commence. I give you one minute.

Wait a minute. The system is being set up. Okay, let us commence the voting. Those who need assistance can move forward.

*(Voting in progress)*

## DIVISION

### ELECTRONIC VOTING

*(Question, that notwithstanding the provisions of Standing Order 177(2) and (3) the Senate approves the County Governments Cash Disbursement Schedule for Fiscal Year 2017/18 laid on the Table of the House on Thursday, 14<sup>th</sup> December, 2017, put and the Senate proceeded to vote by County Delegations)*

**The Speaker** (Hon. Lusaka): Order, Members. I have the results but Sen. Khaniri has said that there was an abstention by default. You need to confirm that but I will go ahead to read the results.

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Haji, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Dr.) Kabaka, Machakos County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kinyua, Laikipia County; Sen. Loitiptip, Lamu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalahh, Kakamega County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghiso, West Pokot County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; Sen. Wario, Tana River County; and, Sen. Wetangula, Bungoma County.

**NOES:** Nil

**The Speaker** (Hon. Lusaka): Hon. Senators, I confirm that the results of the Division are as follows:

**AYES:** 29

**NOES:** 0

**ABSTENTIONS:** 0

The "Ayes" have it.

*(Question carried by 29 votes to 0)*

**The Speaker** (Hon. Lusaka): I now order that the doors be opened and the bars withdrawn.

*(The doors were opened and the bars withdrawn)*

Next Order!

APPROVAL OF PRC REPORT ON REVIEW OF  
STANDING ORDERS

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to move:-

THAT, pursuant to Standing Order 247, the Report of the Procedure and Rules Committee (PRC), laid on the Table of the Senate today, Thursday, 14<sup>th</sup> December, 2017, be approved.

The Report of the Rules and Procedure Committee seeks to amend the Standing Orders to separate Energy, Roads and Transport Committee into two committees which are; the Committee on Energy and the Committee on Roads and Transportation. It also seeks to split the Committee on Education and Information and Communication Technology into two committees which are; the Committee on Education and the Committee on Information, Communication and Technology.

This is a straightforward Motion and I do not wish to say much.

Suffice it to say this is to ensure that the Senate is able to track the concerns that are raised in the various Committees, for example, the Committee on Energy and so on. This is a big committee. In future, when Kenya will become a developed petroleum sector, we will have a Committee on Petroleum and a Committee on Energy.

The same applies to Information and Communication Technology (ICT) because of the specialization of ICT in different sectors, particularly due to the question of current debate on reforms of education, the Early Childhood Development Education (ECDE) in the county levels, among others. It is necessary that we separate these committees.

This is also a non-partisan Motion which had already been debated by the Senate Business Committee (SBC) and approved therein by the Rules and Procedure Committee (RPC). I, therefore, want to invite the Senate Minority Leader to second.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I beg to second. In so doing, I want to encourage those who will be Members of the Committee on Education. Part of education is devolved, but a very small portion of it. I would want this House to engage with the national Government and devolve the construction and management of physical infrastructure in primary and secondary schools in the country. It is unlikely that somebody sitting in Jogoo House will know how many classrooms a school in Tartar in West Pokot County or in a ward in Baringo County would require. These are some of the unfinished businesses of devolution that this second Senate should start to address and engage the national Government. There are many other things that we will be talking about, but we will talk more, particularly on education.

County governments are not given enough money to run the education sector. They only deal with ECDE and village polytechnics. However, every single day when there is a disaster, for example, when a school is brown up or razed down by fire, the first point of call is the office of the governor. It is absolutely important that education is devolved.

Second, the Committee that did this review omitted to look at the Standing Orders in relation to County Public Accounts Committee and Investment Committee (CPAIC). If you look at the mirror in the National Assembly and in all comparable jurisdictions, the watchdog committees; that is the Public Accounts Committee (PAC) and the Public

Investment Committee (PIC), enjoy the majority of membership from the minority party, that goes on to chair and vice chair them. Standing Order No.214 that sets up the CPAIC is silent on this. When you fall back to Standing Order No.185, that caps the membership of all Committees at nine and gives the majority five and the minority party four Members in relation to the current strength in this House.

This means that where the Standing Orders provide that the chairperson of the watchdog Committee will come from the minority side, it is then left to the discretion and terror of those who are more to determine who the chairperson is. This does not make much sense. In the National Assembly, our coalition NASA has the majority in PAC, PIC, the Committee on Implementation and the Special Audit Committee. We have the majority of membership in the four watchdog Committees. They provide the chairman and the vice chairman.

Mr. Speaker, Sir, I want to urge that within the shortest time possible, this House amends the Standing Orders so that; one, the majority membership in the watchdog Committee comes from the minority side and that they also provides the chair and the vice chair. It does not make sense to say that they are chairing because they are providing oversight to the Government. However, when the chairman is not there, those who are being over-sighted are the ones who chair the Committee. It does not make sense in terms of fairness, audit and oversight.

I want to urge that the Office of the Clerk, our leadership offices of the Senate Majority Leader and myself; that we look at this and deal with it in the shortest time possible.

Lastly, Mr. Speaker, Sir, in the last Parliament, the Committee on Finance, Commerce and Budget had a membership of 16 because it was an extremely busy Committee. It was dealing with a lot of issues that relate to revenue allocation. This involved engagement with the Commission on Revenue Allocation (CRA) and the National Treasury. I do not know why that has been slashed down to nine Members. I would want to engage my colleague from the majority side to see if we can improve on that.

Mr. Speaker, Sir, I beg to second.

**The Speaker** (Hon. Lusaka): Thank you, Senate Minority Leader.

*(Question proposed)*

**Sen. Wako:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to speak on this. First, I want to support the work done by the Committee. I wholly support the recommendations. I also support what the Senate Minority Leader has stated on the various Committees. He has talked about the CPAIC. I sat on that Committee last time. I do remember we had a lot of work to do. This Committee had to consider audited reports from 47 counties as opposed to just one report from the national Government that is considered by our counterpart in the National Assembly. I remember, and the Senate Majority Leader will recall, that we increased the membership of this Committee to 11 or 13. This is something that we have to consider.

The Committee does not only consider the audited reports, but it is also an investment Committee. In the National Assembly, there are two Committees. In the

Senate, it is one Committee that deals with both issues taking into account 47 governments and not just one national Government.

I would like this Committee to look into the issue of raising the membership of this Committee to either 11 or 13 as the case may be because the work is immense. It means that if we have to seriously consider each and every audit account properly, the Committee has to split and give responsibility to a few of Members to consider each of the 47 audited reports and report back to the main Committee. That is one point.

The Minority Leader also mentioned the issue of the majority membership being from the Opposition. I think it is only right. This is the practice even in the House of Commons which is the mother of all parliaments, the majority of the membership in the PAC comes from the Opposition and the chairman also comes from the Opposition.

Mr. Speaker, Sir, apart from the Committee on Finance, Commerce and Budget, we have the Committee on Devolution and Inter-governmental Relations. Our then Chairman is now the Senate Majority Leader. You may recall that it used to be a sessional Committee, but we have now made it a standing Committee.

**The Senate Majority Leader** (Sen. Murkomen): On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): What is your point of Order, Senate Majority Leader?

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, is it in order for the senior Senator and senior counsel, Sen. Amos Wako, to debate things that are not on the Order Paper? We are splitting only two Committees. That is what we are approving. If Sen. Wako wants to have an omnibus Motion that will discuss all these things, he should wait for me to move the next Motion which has all the Committees. Then he can engage in that direction. This one is only splitting two Committees.

**Sen. Wako:** Mr. Speaker, Sir, I thank Sen. Murkomen for promoting me to be the senior Senator. I think I am the only senior Senator in the House now. The rest are just ordinary Senators. However, I am not only a senior Senator, but also senior counsel. The reason I did not want to wait for the next Motion is the basic principle of numbers. We may recall that under your chairmanship, we increased the numbers of this Committee on Devolution and Intergovernmental Relations to about 11. I would like it to remain that way rather than to retrogress and go back to what, in practice, we saw was not adequate.

Thank you.

**The Speaker** (Hon. Lusaka): Sen. Khaniri, do you want to say something?

**Sen. Khaniri:** Thank you, Mr. Speaker, Sir. However, based on the comments of the Senate Majority Leader, I will reserve my comments to the next Order. They will be more relevant in the next order than this.

**The Speaker** (Hon. Lusaka): I now call upon the mover to reply.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to reply. I also wish to add that Sen. Amos Wako is not the only senior Senator. Sen. Yusuf Haji is seated behind me here, and he is even more senior. Sen. Sam Ongeru is also there. It is not about longevity only; it is about seniority, generally, in contributing to the welfare and goodness of this nation.

Thank, you. I beg to move.

*(Laughter)*

*(Sen. Wako spoke off record)*

**The Speaker** (Hon. Lusaka): Order, Sen. Wako! Let me proceed and put the question.

*(Question put and agreed to)*

Let us move on to the Next Order.

APPROVAL OF SENATORS TO SERVE IN SELECT COMMITTEES

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to move the following Motion:

THAT, pursuant to Standing Orders No. 183, 212 and 213, the Senate approves the following Senators, to serve in Select Committees of the Senate as follows-

I will move this Motion in an amended version. I will draw the House's attention to the areas that are amended.

**A. COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES**

1. Sen. Ndwiga Peter Njeru
2. Sen. Lelegwe Steve Ltumbesi
3. Sen. Waqo Naomi Jillo
4. Sen. (Dr) Mbito Michael Malinga
5. Sen. Wario Golich Juma
6. Sen. (Prof.) Imana Malachy Ekal
7. Sen. Masitsa Naomi Shiyonga
8. Sen. Moses Kajwang'
9. Sen. Ben Oluoch Okello

**B. COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS**

1. Sen. Nderitu John Kinyua
2. Sen. Wario Golich Juma
3. Sen. (Eng.) Ephraim Mwangi Maina
4. Sen. Cherargei Samson
5. Sen. Iman Falhada Dekow
6. Sen. Sitswila Amos Wako
7. Sen. James Orengo
8. Sen. (Dr.) Boniface Mutinda Kabaka
9. Sen. Boy Issa Juma

**C. COMMITTEE ON EDUCATION**

1. Sen. (Dr.) Langat Christopher Andrew
2. Sen. (Prof.) Kamar Margaret
3. Sen. Mohamed Yusuf Haji
4. Sen. Nderitu John Kinyua
5. Sen. Seneta Mary Yiane

6. Sen. (Dr.) Gertrude Musuruve Inimah
7. Sen. (Dr.) Agnes Zani
8. Sen. (Prof.) Samson Kegengo Ongeru
9. Sen. Okongo Omogeni

**D. COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY**

1. Sen. Moi Gideon Kipsielei
2. Sen. Aaron Cheruiyot
3. Sen. Poghio Samuel Losuron
4. Sen. (Dr.) Milgo Alice Chepkorir

Mr. Speaker, Sir, there an ammendment therein –  
Sen. Halake Abshiro instead of Sen. Ephraim Mwangi Maina.

5. Sen. Halake Abshiro
6. Sen. Enoch Wambua
7. Sen. Moses Kajwang'
8. Sen. (Prof.) Imana Malachy Ekal
9. Sen. Issa Boy Juma

**E. COMMITTEE ON ROADS AND TRANSPORTATION**

1. Sen. Wamatangi Kimani Paul
2. Sen. (Eng.) Godana Hargura
3. Sen. Mpayeei Philip Salau
4. Sen. Gona Christine Zawadi
5. Sen. Lelegwe Steve Ltumbesi
6. Sen. Slyvia Kasanga
7. Sen. Stewart Madzayo
8. Sen. Cleophas Malalahh
9. Sen. Enoch Wambua

**F. COMMITTEE ON ENERGY**

1. Sen. Aaron Cheruiyot
2. Sen. Mithika Linturi
3. Sen. (Eng. Ephraim Mwangi Maina
4. Sen. Seneta Mary Yiane
5. Sen. Susan Wakarura Kihika
6. Sen. (Prof.) Imana Malachy Ekal
7. Sen. Ledama Olekina
8. Sen. Mwaruma Johnes
9. Sen. Mercy Chebeni

**G. COMMITTEE ON FINANCE AND BUDGET**

1. Sen. (Eng.) Mohamed Maalim Mahamud
2. Sen. Isaac Mwaura
3. Sen. Cheruiyot Aaron
4. Sen. Farhiya Haji

Mr. Speaker, Sir, there is an ammendment in No.5; from Sen. Philip Mpaayei to  
Sen. (Dr.) Ali Abdulai Ibrahim.

5. Sen. (Dr.) Ali Abdullahi Ibrahim
6. Sen. Wetangula Moses Masika
7. Sen. Mutula Kilonzo Jnr

8. Sen. (Dr.) Boniface Mutinda Kabaka
9. Sen. Rose Nyamunga

**H. COMMITTEE ON HEALTH**

1. Sen. (Dr.) Mbito Michael Malinga
2. Sen. (Dr.) Ali Abdullahi Ibrahim
3. Sen. Beth Mugo
4. Sen. Nderitu John Kinyua
5. Sen. Iman Falhada Dekow
6. Sen. Okong'o Omogeni
7. Sen. Petronilla Were Lokorio
8. Sen. Masitsa Naomi Shiyonga
9. Sen. Ben Oluoch Okello

**I. COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS**

1. Sen. Dullo Fatuma
2. Sen. Cherargei Samson
3. Sen. Mithika Linturi
4. Sen. Kang'ata Irungu
5. Sen. Susan Wakarura Kihika
6. Sen. Wako Sitswila Amos
7. Sen. Kilonzo Mutula Jnr.
8. Sen. James Orengo
9. Sen. Faki Mohamed

**J. COMMITTEE ON LABOUR AND SOCIAL WELFARE**

1. Sen. Sakaja Johnson Arthur
2. Sen. Samson Cherargei
3. Sen. Poghio Samuel Losuron
4. Sen. Mwaura Isaac
5. Sen. (Dr.) Milgo Alice Chepkorir
6. Sen. Beatrice Kwamboka
7. Sen. (Dr.) Gertrude Musuruve Inimah
8. Sen. Petronilla Were Lokorio
9. Sen. Stewart Madzayo

**K. COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES**

1. Sen. Mwangi Paul Githiomi
2. Sen. Prengei Victor
3. Sen. (Eng.) Godana Hargura
4. Sen. Ndwiga Peter Njeru
5. Sen. Halake Abshiro
6. Sen. George Khaniri
7. Sen. Mwaruma Johnes
8. Sen. Sylvia Kasanga
9. Sen. Boy Issa Juma

**L. COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION**

1. Sen. Moi Gideon Kipsielei
2. Sen. Gona Christine Zawadi



3. Sen. Anuar Loititip
4. Sen. Mpaayei Philip Salau
5. Sen. Waqo Naomi Jillo
6. Sen. Ben Oluoch Okello
7. Sen. Enoch Wambua
8. Sen. Beatrice Kwamboka
9. Sen. Judith Pareno

**M. COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS**

1. Sen. Mohamed Haji Yusuf
2. Sen. Dullo Fatuma
3. Sen. Susan Wakarura Kihika
4. Sen. Sakaja Johnson Arthur
5. Sen. Anuar Loititip
6. Sen. Fred Outa
7. Sen. Beatrice Kwamboka
8. Sen. Judith Pareno
9. Sen. Wetang'ula Moses Masika

**N. COMMITTEE ON TOURISM, TRADE AND INDUSTRIALIZATION**

1. Sen. Kibiru Charles Reubenson
2. Sen. Anuar Loititip
3. Sen. Mwangi Paul Githiomi
4. Sen. (Dr.) Langat Christopher Andrew
5. Sen. Wario Golich Juma
6. Sen. (Dr.) Agnes Zani
7. Sen. Mwaruma Johnes
8. Sen. Masitsa Naomi Shiyonga
9. Sen. Mercy Chebeni

**O. COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENT**

1. Sen. Fatuma Dullo
2. Sen. Wamatangi Kimani Paul
3. Sen. Mithika Linturi
4. Sen. Kibiru Charles Reubenson
5. Sen. Omanga Millicent
6. Sen. Mohamed Faki
7. Sen. Ledama Olekina
8. Sen. Moses Kajwang'
9. Sen. (Prof.) Sam Onger

**P. COMMITTEE ON DELEGATED LEGISLATION**

1. Sen. Kang'ata Irungu
2. Sen. Prengei Victor
3. Sen. Haji Farhiya Ali
4. Sen. Poghisio Samuel Losuron
5. Sen. Omanga Millicent
6. Sen. Judith Pareno
7. Sen. (Dr.) Mutinda Kabaka

8. Sen. Okong'o Omogeni
9. Sen. Mohamed Faki

Mr. Speaker, Sir, these are the names of Senators to the various Committees. I would wish to say more, but I know many Senators are fatigued. We have been here the whole day. We are still waiting for the Communication from the National Assembly.

However, what is important is that finally the Senate now has Members to the various Committees. I wish we had the names to the Parliamentary Service Commission (PSC) as provided. We would have passed them as they are or possibly caucused in this House. The persons put there by the Senate in both sides are persons we know. We would have passed the names together with these Committees. However, be it as it may, hopefully reason will prevail so that maybe next week we can come back or any other time as agreed by both Houses to approve the names.

These Committees are very critical. The number of questions I have received in this House and which I have tried to answer as the Senate Majority Leader have not been ventilated enough. Yesterday we were debating about the questions that need to be dealt with in Committees such as Land, Environment and Natural Resources, Labour and Social Welfare and National Security, Defence and Foreign Relations. We now have time to call the officers and hold them to account on behalf of our people. So to speak, we will now function properly. The spirit of give and take should prevail in every conversation and consultation that will go ahead in so far as the leadership of these Committees are concerned.

With those many remarks, I beg to move and invite the Senate Minority Leader to second.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I beg to second. First, I wish to congratulate each and every Member who has been allocated this or that Committee and encourage us that within the Commonwealth jurisdictions most work is done in Committees. Plenary more often than not ends up with a stamp of approval on what Committees have done.

Mr. Speaker, Sir, I know that Members would have loved to serve on certain Committees of their choice, but the leadership has some difficulties in allocating everybody what they want. I want to encourage us that whichever Committee we find ourselves in, let us try to put all we can in it, so that you can make a difference.

Of particular mention is the absence of the Committee on Implementation, which we raised in the Senate Business Committee. It is absolutely important, and even in our sister House - the "lower" House - they have a Committee on Implementation, which has to do tracking and follow up on implementation of resolutions passed in Committees and in this Plenary.

Mr. Speaker, Sir, therefore, in the next few days or weeks, by the time we come back, we should bring back the Committee on Implementation and constitute the membership, so that it can help this House. We will also obligate that Committee to make periodic reports to the House, so that whatever resolutions we make against either the national Government or departments, the House must track to know whether what we have said has been done.

I also want to point out the structure of the Order Paper. This may look simple, but it is within Standing Order No.1, where precedence and usage are part of our structures. From the time I came to Parliament in 1993, the formation of names on any

matter of Parliament--- If it is my elder brother, Sen. Yusuf Haji, it should be written; 'Sen. Yusuf Haji, (EGH), MP.' If it Sen. Murkomen it should be 'Sen. Murkomen (EGH), MP;' it is not just the names as they are written. That is the case if you look at the HANSARD reports of all the years past.

I mentioned it to the Clerk and he said that they were in a great hurry and the list came as it was from the leadership offices. I want to encourage Sen. Murkomen and myself that our offices and those of the Whips should also take note of this. For example, when we write out the name of Sen. Wako, it should be 'Sen. S. Amos Wako, (EGH), MP,' and not just Sen. Amos Wako and so on and so forth. So, those of you who have any additions and accolades to your names, furnish them with your Whips, so that you are acknowledged. This is because they do not come easy, except the '*githeri* man,' who was just honoured by the State for standing with a plastic bag of *githeri* on a queue to vote in a flawed and rigged election.

*(Laughter)*

**The Speaker** (Hon. Lusaka): Order, Senate Minority Leader.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I also want to encourage - and I am addressing this to my brother, Sen. Murkomen - that in the last Parliament, we had a few Members from this side chairing committees that otherwise would have been the preserve of the other side. We have Sen. Amos Wako, a man with an impeccable and distinguished record that adds value to this House, Sen. (Prof.) Ongeru and Sen. Khaniri; people with vast experience.

I want to encourage that we take a bipartisan approach, so that it is not just winner-take-it-all. Where somebody adds value, it should be a bipartisan approach, so that we tap from the knowledge and experience of our Members who can chair committees. Justice Madzayo, a former Judge of the Industrial Court chaired the Committee on Labour and Social Welfare and did very well. I want to urge Members that when you retreat to elect your chairpersons, do not wear blinkers of Jubilee and the National Super Alliance (NASA) and forget that we are a House that has to make a difference in this country.

Lastly, in the last Parliament, Committees did very poorly in responding to petitions by members of the public that come to this House. We probably processed to the finish less than 5 to 10 per cent of the petitions that came to this House. Out there you will find that the members of the public have a fairly reasonable trust in this House. They fairly acknowledge that it is different and that is why they keep bringing petitions here, some of which have already been read.

I want to encourage that for any Committee that is given petitions, the Standing Order require that the results must come back to the Floor in 60 days. We have petitions that hung in Committees for four years, and we ended up not doing anything about them.

That brings me to the point that Sen. Wako raised; that we may have to increase the membership of some Committees, especially those that get many petitions, for example, the Committee on Finance and Budget, the Committee on National Security, Defence and Foreign Relations and the Committee on Land, Environment and Natural Resources, so that they can have sub-committees within themselves that can deal with these issues to the satisfaction of members of the public. This will ensure that we do not

end up, as the Senate and Senators, being discussed on FM radio stations every morning as to how we are not working. We want to be discussed as to how we are working successfully.

Mr. Speaker, Sir, I beg to second.

*(Question proposed)*

**The Speaker** (Hon. Lusaka): Yes, Sen. Khaniri.

**Sen. Khaniri:** Mr. Speaker, Sir, I thank you for the opportunity. I rise to support this Motion and in the interest of time, I will just have one or two observations to make. At the very outset, I join the Senate Minority Leader in congratulating Members who have been nominated to serve in various Committees and wish them well as they embark on their Committee work.

This is an important Motion because as we all know, most of Senate or Parliament work is processed in Committees, contrary to what people know out there. The electorate believes that the work of the Senate is done in the Chamber and so, when the sessions are not on, they think we are just lying about and lazing around. It is important for people to know that 90 per cent of Senate work is processed through these Committees that we are forming today.

The work of the Senate as provided for in the Constitution is oversight, being the forefront, legislation and representation. Oversight is done particularly through a very important Committee of this House called the County Public Accounts and Investments Committee, probably one of the most important Committees of this House.

During the previous Motion when I was seeking for the Floor, that is the point I wanted to make. I happen to have had the privilege to serve on that Committee in the last Parliament and I know the amount of work that awaits the Members who have been nominated to serve on that Committee. Therefore, I want to support the position that was presented by my senior, Sen. Amos Wako and by the Senate Minority Leader here, that this Committee should not be treated like the other Committees. Having nine Members is too few for this Committee and the leadership should move with speed to ensure that you increase membership on this particular Committee.

Mr. Speaker, Sir, in the last Parliament, we were supposed to look at reports of up to 2016/2017. But we only managed to look at the reports of 2013/2014 and so, the new Members on the Committee will start with 2014/2015, 2015/2016, 2016/2017. That is a huge amount of work for the Committee and there will be need for the Committee to be split into two or even three groups so that they can do the hearings from the counties and also have time to write their reports.

I beg to support.

**Sen. Poghiso:** Mr. Speaker, Sir, I also stand to support this Motion. It is good to see the House functioning as it should be; both sides of the House back to their work.

I congratulate all colleagues who have been nominated in various Committees. As it has been said by my friend, the Senator for Vihiga, it is now back to work. Work is ahead of us and I am sure that we will present the best in our Committees. I would like to also agree that the image of the Senate is going to be portrayed during this time; as the House of union that holds the country together. I do hope that we will continue to work in

the bipartisan spirit as proposed. We really need to have a bipartisan way of doing things from now henceforth.

I support.

**The Speaker** (Hon. Lusaka): Yes, Sen. (Prof.) Ongeru.

**Sen. (Prof.) Ongeru:** Mr. Speaker, Sir, I also rise to support this Motion. It is very important that this House re-establishes its authority in a bipartisan manner when dealing with matters of devolution which is so critical and touches the nerve centre of the ordinary *mwananchi*.

Hon. Senators, I am sure each one of you whenever you go to your own counties, you get numerous requests for meetings from the ordinary *mwananchi* wanting to know what is going on. They have so many issues that you will not be able to deal with each and every one of them. Therefore, I believe through Committees, we have a way of functioning more optimally, synthesizing and analyzing the issues that affect devolution and in the process, offering viable solutions to those issues that affect devolution.

In the last Senate, those of us who were not Senators seemed to think that all that the Senate was doing was impeachment. I accept that as part of our functions, but there are also other functions that we can carry out more efficiently so that we deliver the mandate that the people have given us.

I am one of those who believe that devolving not only functions but also resources to a substantial figure of almost 50 per cent with the National Government can only be realized through the functioning Committees that have been set up. That way, we will be able to touch each and every person in the counties. All of us cannot be in all Committees and it is important that when you are in a particular Committee, you take care of the interests of Senators who may not be in that Committee because they represent a larger constituency, in as much as you concentrate on your constituency.

I have looked at the composition of the committees. Congratulations to those who have been nominated to various committees. I can see I have been nominated to serve in the Committee on County Public Accounts and Investments Committee (CPAIC). Going by the past experiences, this is an enormous committee. Its mandate is to audit how finances and resources have been utilised at the county level, and; accounting for every single cent that has been audited and making a trace of it.

Nine Members of the Committee are not enough to deal with that situation effectively. It will be worthwhile and important that we expand this Committee as well as the Committee on Education and the Committee on Energy. This is because they will deal with the direct involvement of the *mwananchi* in a big way.

I do not know how the issue of water will feature in one of these committees. Perhaps, it will feature in the Committee on Land, Environment and Natural Resources. It is an important factor as we now look forward to climate change and the diminishing water reservoirs and resources. Our aquifers are diminishing. That is why we are seeing so much misery in our population. How we can tap into certain new innovations in technology in order to conserve water for our usage?

These are issues that we can engage in---

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

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

**Sen. Ndwiga:** Mr. Speaker, Sir, considering the length of time we have been here, will I be in order to request that you, please, limit the interventions to two or three minutes?

*(Applause)*

**The Speaker** (Hon. Lusaka): Fair enough! Those who will speak after, Sen. (Prof.) Ongeru will have three minutes.

Proceed Sen. (Prof.) Ongeru.

**Sen. (Prof.) Ongeru:** Thank you, Mr. Speaker, Sir. Sen. Ndwiga, maybe your blood sugar levels are diminishing. I am conscious of that fact. We should speed up. However, if we are going to work together as a House of reason, union and that adopts a bipartisan approach, then we should also look at these committees. The chairmanship and vice-chairmanship should be shared in a manner that creates an atmosphere which will be conducive to the functioning well and optimally of the committees.

With those few remarks, I support.

**The Speaker** (Hon. Lusaka): Sen. Mwaura Isaack. Please, let us stick to three minutes.

**Sen. Mwaura:** Thank you, Mr. Speaker, Sir. When Sen. (Prof.) Ongeru says that Sen. Ndwiga has got low blood level sugar, it is interesting because he is also a medical doctor and he could be in order.

I rise to support these lists. They are comprehensive. I must confess that it is difficult for the leadership to place Members in various committees. I imagine that we will finally have an opportunity to engage in a bipartisan manner to look at the issues that bedevil this country and then we will be able to put the best interest of Kenyans and, indeed, counties at the forefront.

It is also important to note that there are so many Bills that were not passed in the last Parliament. So, it will be important for the committees to review them and reintroduce them so that we can expedite them. We do not have to reinvent the wheel so that Kenyans can profit from the good ideas that were enshrined in the codification of those laws.

Finally, in the same spirit, while we appreciate the seniority of Members, it is also incumbent upon us to ensure that we give opportunity to young people to exercise their talents in the House leadership. I hope that will be considered when we start voting for the chairpersons and vice-chairpersons of various committees.

I support.

**Sen. Seneta:** Thank you, Mr. Speaker. From the onset, I support the Motion. I appreciate that we have now put in place the Senate Committees so that we can deal with the interest of our citizens relayed through petitions and statements. We already have so many important statements that have been coming to the Floor of this House which need to be dealt with through committees. I want to urge Members to vigorously play their role in the committees so that we make every committee important.

I saw in the media, last week and this week, some allegations that certain committees are more important than others. I believe all committees are supposed to serve the interests of *wananchi*. Therefore, this will depend on how Members will go about with the business in their committees.

I want to point out two or three imbalances that I have seen in two committees. On the Committee on Information, Communication and Technology, the minority coalition has nominated only male candidates to the committee. There is Sen. (Dr.) Milgo Alice Chepkorir.

I am told there is an amendment from the majority coalition. In the minority coalition, it is only one female Senator nominee.

On the Committee on Justice, Legal Affairs and Human Rights, I see only the learned friends. That is the class of my neighbour Sen. Mutula Kilonzo Jnr and Sen. James Orendo. We also need women Senators in that committee so that they can learn from you.

**The Speaker** (Hon. Lusaka): Sen. Mary Yiane, you have run out of your time.

**Sen. Seneta:** Thank you, Mr. Speaker, Sir, I am finishing. The Committee on County Public Accounts and Investment which is ---

**The Speaker** (Hon. Lusaka): Order! Your time is up Senator! Sen. Malalah Cleophas! Try to condense what you want to say so that you use your time well.

**Sen. Malalah:** Thank you, Mr. Speaker, Sir. I take this earliest opportunity to congratulate all of us who have been selected to various committees. I also take this opportunity to thank the leadership from both divides who burned the midnight oil to ensure that we have a comprehensive list that is agreeable.

Mr. Speaker, Sir, I want to draw your attention to Articles 94 and 95 of the Constitution of Kenya which categorically stipulates the role of Parliament. Our major role is oversight. Moving forward, I am sure that as we are going to vote for the various chairpersons of committees, most of the chairpersons, will come from the majority side. However, moving forward, we need to formulate a regulation that will help this House perform its oversight role adequately.

Mr. Speaker, Sir, I am sure that if a Chairperson of a Committee emanates from the Majority side and he or she is supposed to lead oversight over a Cabinet Secretary from the Government side, our oversight role will be undermined. Moving forward, I suggest that all Chairpersons of Committees to come from the Minority side.

**Hon. Senators:** No! Aaah!

**Sen. Malalah:** You may shout me down but next time you may be on the Minority side. You will not always be on the Majority side. Therefore, for adequate oversight, we will need a Committee which is passionate about oversight.

Secondly, since I came to this House, I want to believe that affirmative action has really benefited the women Senators. As we move forward, we need to have legislation that provides space for the youth because they are as equally vulnerable as the women. Every time we have opportunities, we only see women being given opportunities and the youth who are equally vulnerable are not.

I support this Motion. Thank you.

**Sen. Olekina:** Thank you, Mr. Speaker Sir, for giving me this opportunity. I would like to congratulate every Senator who has been nominated to serve in a particular Committee. I remind all the distinguished Senators of the words of the former President of the United States of America (USA), Theodore Roosevelt, when he once said:

“When they call the roll in the Senate, the Senators do not know whether to answer “present” or “not guilty.”

We have been given a clear mandate of oversight. Let us not be accused of being people who are not able to defend their counties because we cannot adhere to the rule of law.

Moving forward from today, I encourage all of us that we take on our roles in the Committees. We have got a lot of pending Statements and issues; particularly on the issue of land. We have raised several queries which have gone unanswered. This is mostly because of the fact that we had not yet established the committees. We have got issues of national security, compensation as a result of attacks by wildlife or the livestock that belongs to the Masais and the Samburus which have been killed. Therefore, it behooves upon us, as Hon. Members, as the House of union, to sit down, deliberate on these issues and demand answers from the relevant bodies that are tasked with the duty of protecting the people.

Mr. Speaker, Sir, when I sit in this House, I know that the people of this country really believe in our ability to defend them. I was looking at all the Committees that have been set up, although I agree with both the Majority and the Minority leader, it is imperative that we amend the Standing Orders and bring back the Committee on Implementation. That will really help us follow through. We need to make sure that we interrogate all the audit reports and those by the Controller of Budget. We should try to ensure that we lead and educate the county assemblies to ensure that, as the budgets are being implemented and established, they are all inclusive. It should not be a matter of someone sitting from a central location to decide---

**The Speaker** (Hon. Lusaka): Order Senator, your time is up.

Sen. Cheruiyot.

**Sen. Cheruiyot:** Thank you, Mr. Speaker, Sir, for this opportunity. I also congratulate my fellow colleagues who have been nominated to the various committees. While at it, I recognise the very difficult task that the House leadership both from the Minority and the Majority sides had in trying to place Members in different areas where they feel their expertise or competence will serve this House well.

I want to make a suggestion that the House leadership should perhaps allow Members to canvass amongst themselves. However, if you find that there is a Member who is placed in a certain committee where they are not comfortable, they can trade places and join a committee where they will serve this House better. We should be allowed such room so that we can execute our work with military precision and do great service to this country.

I support.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir, for this opportunity. I begin by congratulating Members, including yours faithfully, for being nominated to serve in different committees of the Senate. Having said that; we now have an opportunity to walk the talk. For the last five months, we have talked about our pride of place; that is the apex House with regard to representation, legislation and oversight. However, we have not been able to execute our mandate properly because we have not been having these committees. I will be requesting the leadership, both the Minority and the Majority, to allow Members, when it comes to establishment of the leaderships of the Committees, to ensure that Members, as they elect their chairs, are guided by not just experience but competences, so that we are able to serve our different constituencies and this country in the best way possible.

I support.



**Sen. Cherargei:** Thank you, Mr. Speaker, Sir. From the onset I congratulate all Senators who have been nominated to serve various committees. I agree with some of the statements that have been made by my Senate colleagues that most of these issues will be done in a bi-partisan way so that we continue to guard the interests of our counties and nation at large. However, I would like to invite some of our colleagues to be well versed with the Constitution as it is very clear that the role of the Senate is not divided based on whether Senator is from Minority or Majority sides.

So, let us not engage by saying a particular Chairperson should come somewhere because the role we have as Parliamentarians both from the National Assembly and the Senate is to oversight the Government. This is very important. So, let us also allow the Members to discuss at their own various committee levels so that they can agree on how the specific leadership of that Committee should be. I know all Senators have the ability in either way.

I agree with Sen. Mwaura that young people should also be given an opportunity to serve in these various committees so that we move forward. This should include Persons with Disability (PWDs) and many other interest groups to ensure that we get their point of view. We should also consider people living with disability and other interest groups. We should protect them and be sensitive to their points of thinking. The clarion call for all of us, as Senators, should be that we should do this work in a bipartisan manner. We should recognize our unique and diverse abilities, so that we discharge our duties better.

As we go forward, those of us on the majority side are willing and ready to take our roles with a lot of zeal and passion and ensure that we deliver on our oversight role. This will ensure that the interests of the counties are protected.

Mr. Speaker, Sir, I beg to support.

**Sen. (Dr.) Kabaka:** Thank you Mr. Speaker, Sir. I would also like to join my colleagues in thanking your office and the leadership for considering people like me, who are from a small political party. I was scared, but I think I have gotten justice. I am very lucky to be in three Committees.

However, I need to caution that as important as these Committees are, they are not composed of experts. With that regard, it is always important that these Committees work in coordination. If you think that you can fetch certain wisdom from Committee A or B, so be it. We will be ready to assist.

I support.

**Sen. Sakaja:** Thank you, Mr. Speaker, Sir. I have noted that the distinguished Senator who has spoken before me has confessed that his party is small. I have not seen anyone from his side refuting the smallness of his party.

On a serious note---

*(Sen. (Dr.) Kabaka spoke off record)*

It is Chama Cha Uzalendo (CCU). I do not think that there is a small party; it is the intention and ideology of a party that defines its greatness.

I want to congratulate all Members for finding space in different Committees. I have heard what Sen. Mwaura and Sen. Cherargei have said about young people. I think that young people are already serving in all Committees. The role that they will play

depends on how they are able to make a case for themselves. I do not think that anyone deserves a position just because they are young. I am one of the biggest advocates of young people, but youth, in itself, is not a qualification in this case.

I have heard some of the discussions that Senators have put forth. I would like to give a different perspective. On the issue of the Committee on County Public Accounts and Investment, I have heard the Senate Minority Leader talk about how we should mirror it to the same set up in the National Assembly. However, there are very many big differences between what we do and what they do.

The Public Investments Committee and the Public Accounts Committee in the National Assembly receive the Auditor-General's report on the national Government and the national agencies. That is why the language that should be used in the National Assembly is that the Chairmanship should be formed not by the majority or the minority side, but by the party not forming the national Government.

We realize that there is a possibility of forming the national Government and having a minority in Parliament. In this House, contrary to the other House, our Committee on County Public Accounts and Investment looks at Auditor-General's reports of the 47 counties. The 47 counties have governors from Jubilee and NASA sides; it is not about the party forming national Government. There is no correlation at all. If anything, the composition should be based on the number of governors coming from a certain coalition.

What that language does is that it creates a notion that there are certain Senators who are playing the oversight role and others who are not. The Senate is a House of oversight in its entirety. Each and every Senator, even if you are the Chairperson of a Committee--- I want to tell my fellow Jubilee Members that if you are a chairperson of a Committee which is looking at a county government or even a national---

*(Sen. Sakaja's microphone went off)*

**The Speaker** (Hon. Lusaka): Your time is up. I will add you two more minutes.

**Sen. Sakaja:** Thank you, Mr. Speaker, Sir. That kind of thinking, especially at the beginning of---

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

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

**Sen. Seneta:** Mr. Speaker, Sir, I requested for a minute to finish a very important contribution and was denied. Why are you adding Sen. Sakaja extra time?

**The Speaker** (Hon. Lusaka): Point noted. I will compensate you later on. Proceed, Sen. Sakaja.

**Sen. Sakaja:** Mr. Speaker, Sir, let me finish the point that I was making. We must not encourage the thinking that if you are a Member of Jubilee you are not going to play an oversight role. What that does is that it turns Members of one side of the House into voting machines, who will accept anything that comes from the National Government. They will come and protect---

*(Sen. Wetangula spoke off record)*

Senate Minority Leader, this is the 12<sup>th</sup> Parliament; it is different from the one you were in last time. I would like to urge my colleagues that all of us, as Senators, are playing that oversight role. This is because we are looking at reports from 47 county governments. There is no correlation with the party that has formed the national Government and how we compose the oversight Committees. In any case, if you look at presidential jurisdictions across the world, you do not find a distinction on oversight Committees, because Parliament in its entirety is supposed to play that role of oversight.

Having said that, I want to ask that even as we form the leadership of the Committees--- I know that Sen. Wako was the Chairperson of the Committee on Justice, Legal Affairs and Human Rights in the last Parliament, and I think he did a good job and so did Sen. Madzayo. This time round, I am sure that a lot of considerations that are to be made might not necessarily cross those party lines. However, in the working of the different Committees, let us drop aside our party hats and work together.

Thank you, Mr. Speaker, Sir.

**Sen. Wako:** Thank you, Mr. Speaker, Sir. On a light note, the Senate Majority Leader said that I am a senior Senator. Let me put it on record that I was very pleased when, thereafter, he added Sen. (Prof.) Ongeru and Sen. Haji as senior Senators. I am, therefore, in good company.

I want to congratulate the people who have been nominated into various Committees. Please, develop expertise in the area of the Committee in which you will sit, so that you can make meaningful and positive contribution to the issues which touch the subject matter of what that Committee normally considers. That is very important; it is not just for show.

There is an impression that has been created that by forming Committees, Parliament is seeking a way for Members of Parliament to earn money over and above what was recommended by the Salaries and Remuneration Commission (SRC). That came out very clearly. In fact, in one editorial, I read that not all Members of Parliament should be Members of Committees. In other words, there will be a few Members of the Committee who should be reporting to the rest of the Senators in a plenary session, where there is no allowance. I want them to know, as it has been stated a number of times, that in the Parliamentary Practice, which we follow, more than 80 per cent of the work is done in Committees.

Therefore, it is actually critical and very important that each and every Member of Parliament belongs to some Committee or the other. It is not a question of a few reporting to the rest. I just want to correct that impression in the eyes of some editorials that are read on this issue. Otherwise, what it will mean is that you have been elected, you do not belong to any committee, but just wait for a few people who have been elected and are in Committees to report to you what they have done and what you just do is to approve.

Each and every Member of Parliament is equal whether you are young, old, senior or junior. Each and every one of us is very important. In fact, I normally value the contributions of the young Senators because they come with fresh minds and ideas which tend to challenge our brains as the older people. That is why we remain young because we listen to what the youth are telling us. So, I just want---

**The Speaker** (Hon. Lusaka): Your time is up.

Proceed, Sen. Halake.

**Sen. Halake:** Thank you, Mr. Speaker, Sir. Please allow me to congratulate my colleagues for their appointment to the different Committees.

As I was looking at the list of Committees, the question that came in my mind was; is there any quality control with regard to composition of Committees other than---

With all due respect, I am sure our leadership has done a great job, but perhaps it would have been nice, I do not know whether it is your office or whoever it may be, to have some sort of checks so that these Committees are well constituted and the right capabilities have been well distributed. This is because, looking at some of the Committees, very homogeneous groups form the Committee Members, for example, certain leadership is entirely in one Committee and I kept wondering whether it is good for us. I am sure you have the list.

That was the question that came to mind. While I know every effort has been made and all trade-offs have been made, I kept wondering whether there was any system of checks and balances to ensure that the right capabilities have been distributed to the different places. With all that said, this was a very good effort on the part of the leadership.

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

**Sen. Halake:** Okay.

**The Speaker** (Hon. Lusaka): Yes, Sen. Wetangula.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I want to inform the distinguished Senator that on this side of the House, each and every Member was given an opportunity to pick a Committee of choice and competence. Therefore, you are given your first choice without any trading or debate, then the rest you are given according to availability and the Curriculum Vitae that we hold so that people can be productive. I believe your side may have done the same thing.

Secondly, being here is a learning curve so that when you get into a Committee that may not relate to what you have been doing previously, it is now an opportunity for you to up your game and get to know other things other than what you already know.

*(Applause)*

**Sen. Halake:** Thank you, the Senate Minority Leader. It is good to be reassured in that manner, but I am sure my point is made.

Mr. Speaker, Sir, with those few remarks, thank you very much. I would also like to take this opportunity to congratulate you and our Senate Majority Leader for being awarded the Elder of the Golden Heart of Kenya (E.G.H) ---

*(Sen. Halake's microphone went off)*

I am going to also ask to be added some time.

**The Speaker** (Hon. Lusaka): You have been added.

**Sen. Halake:** Okay. Thank you, very much.

With those few remarks, I would like to support the Motion and congratulate everybody as well as our Speaker and the Senate Majority Leader who were awarded the E.G.H during Jamhuri Day.

Thank you.

**The Speaker** (Hon. Lusaka): Yes, Sen. Omanga.

**Sen. Omanga:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I want to first congratulate all of us for being nominated to various Committees and I want to thank the leadership from both the Majority and Minority sides. We are trailing in this because the Minority decided to go on a resist mode. This is something that we could have done long time ago, but I appreciate that they are now back and they are on non-resist mode.

I wanted to add on what my colleague, Sen. Seneta, was talking about on the County Public Accounts and Investment Committee which I am a Member. However, I have realised the Members the Minority side forwarded to the Committee have no woman Member and as you know, this is a very important Committee of the House. It is a real oversight committee.

*(Applause)*

When my colleague, Sen. Malalah, talked about passion, the people who are passionate are the women and the youth. I would request the Minority side to look at it and reconsider and try to balance both genders. I will also emphasize on the youth. The youth are learning and if given opportunity, they have got talents.

*(Applause)*

I was actually appointed a director of KenGen, one of the blue-chip companies we have in this country in my twenties. I am not an engineer and yet when I was in KenGen Board, I learnt a lot which contributed to my confidence that I am standing up to talk about in this House today.

*(Applause)*

It has also made me what I am today. Therefore, I would encourage that we put more youth in leadership so that they learn and enable us take over from our seniors like my grandfather, Sen. (Prof.) Onger. Thank you, very much.

I support.

*(Laughter)*

**The Speaker** (Hon. Lusaka): Since I do not see more interventions, I now call upon the mover to reply.

*(The Chair consulted with the Clerk-at-the-Table)*

Since they are not in the House, I will now put the question.

*(Question put and agreed to)*

ADOPTION OF SESSIONAL PAPER No.2 OF 2016 ON THE  
NATIONAL SLUM UPGRADING AND PREVENTION POLICY

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, having consulted with you and having also tried to consult Sen. Khaniri earlier, I would like to cede this opportunity to Sen. Khaniri to move his Motion because I am not really prepared for move my Motion. I have also checked with the National Assembly and we still have a long time before we can get the message. They are only in the next box out of eight boxes in counting.

I beg to request you that I move this Motion at the next available opportunity and allow my friend, Sen. Khaniri, to move his Motion.

**The Speaker** (Hon. Lusaka): That Order stands deferred.

*(Motion deferred)*

Let us move to the next Order.

COUNTRYWIDE AUDIT ON DISTRIBUTION OF TEACHERS IN ALL  
PUBLIC SCHOOLS IN THE COUNTRY

**Sen. Khaniri:** Mr. Speaker, Sir, I want to thank you for this opportunity. As noted by the good professor, Sen. (Prof.) Sam Ongeru, I know that our blood sugar levels have dwindled because we have been sitting here for the past eight hours. Our level of concentration is also dwindling. Therefore because of that, I will take the shortest time possible to move this Motion which is straightforward.

Mr. Speaker, Sir, I beg to move:-

THAT WHEREAS Article 43 (1) (f) of the Constitution of Kenya explicitly provides for the right to education for all;

AND WHEREAS it is the responsibility of the State to ensure that the right to education is enjoyed by all;

OBSERVING THAT that the Teachers Service Commission (TSC) is the constitutionally mandated body to handle matters of employment, deployment, remuneration and discipline of teachers in all public schools;

APPRECIATING efforts made by the national government through the Teachers Service Commission (TSC) to improve the teacher pupil ratio to international standards in all public schools through yearly employment of teachers;

CONCERNED THAT currently there exists great disparities in the distribution of teachers in schools across the country, with major teacher shortage being experienced in rural and marginalized areas;

FURTHER CONCERNED that there is major inequality in the distribution and allocation of teachers among schools across the country leading to either oversupply or undersupply of teachers in some public schools;

NOW THEREFORE, the Senate calls upon the Ministry of Education, Science and Technology through the Teachers Service Commission to conduct a countrywide audit on the distribution of teachers in all public schools across the Country and report to the Senate within three months.

Mr. Speaker, Sir, I was to move this Motion in the last Senate but we were caught up with time. Initially in the Motion, I had wanted the Senate to set up a select committee to do the audit around the country but I was advised by the leadership then that that would have a budget attached to it and we were not ready to finance that kind of select committee at that time. That is why I amended the Motion to read that the Ministry of Education, Science and Technology in conjunction with the TSC to conduct a countrywide audit. I would have been more comfortable if the audit was done by a committee of this House.

Be that as it may, we can still achieve the same results because the gist of this Motion is equity. What I am looking for by bringing this Motion is to ensure that there is equity.

Mr. Speaker, Sir, there are cases in the rural counties that we represent where the ratio of teacher to pupil is just pathetic and unbelievable. I went to a school and found a classroom where there were 102 pupils against one teacher. This was a lower class of class two or three. When you come to urban areas where everybody wants to be, the recommended ratio of teacher to pupil is 40 to one.

However, there are public schools in these urban areas where the ratio is 25 to one. Where is equity? How do we expect these 102 children who are being attended to by one teacher to compete fairly with 25 pupils who have the privilege of being attended to by one teacher? There can be no competition. That explains why some of our rural schools have not been performing well in the national examinations.

Mr. Speaker, Sir, when you talk to teacher unions like the Kenya National Union of Teachers (KNUT) and the Kenya Union of Post Primary Education Teachers (KUPPET) they will tell you that there is a huge shortage of teachers yet the Government tells us a different story.

Mr. Speaker, Sir, the 2014 Basic Education Statistical Booklet, a study that was conducted by the Government revealed that Kenya has enough teachers to handle early childhood, primary and secondary public schools. The study was released by the then Cabinet Secretary for Education, Science and Technology, Prof. Jacob Kaimenyi on 5<sup>th</sup> October, 2015. According to this study, there are about 298,000 teachers across the country serving both primary and secondary schools.

The report goes on to suggest that there are enough teachers but there is a huge disparity in distribution of these teachers. The report which was compiled by the Government indicated that the ratio of Government employed teachers to students was within unacceptable range and, instead, it blamed the problem on distribution of the available teachers across the country.

Mr. Speaker, Sir, this is the very Government that we expect to ensure that there is equity in distribution. It is releasing a report telling us that the problem is distribution. It is for this reason that I came up with this Motion, so that this House can pass a resolution and compel the Ministry, together with the Teachers Service Commission (TSC) to ensure that a census is done, so that we know how many teachers, are where

and how they are distributed across the counties in the Republic. If we establish that there are these disparities that this report is alluding to, then it will be the responsibility of the TSC to ensure that there is re-distribution of teachers, so that there is equity in all the counties.

Mr. Speaker, Sir, besides this re-distribution, I am aware that the Government intends to recruit new teachers in 2018. As this recruitment is going on, emphasis should be given to counties where the ratio of pupil to teacher is still very high. Emphasis should be given to those counties and ensure that we ensure that we try to bridge the gap even as we await this census and audit to be done.

We passed very good pieces of legislation and Motions in the last Senate that would help improve so many sectors, but most of them just went unimplemented. The Government cared less to implement them, yet at that time we had the Implementation Committee. I do not know what informed the scrapping of the Implementation Committee. This was a very crucial Committee and the leadership should look to see that we bring it back.

If we pass this Motion, we will give the Teachers Service Commission (TSC) and the Ministry three months to implement it. We will need someone to follow up and ensure that this is done. This is where the Implementation Committee comes in. Therefore, I urge that we ensure that we return the Implementation Committee, so that we can make follow ups on the Motions that we pass.

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

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

It is my prayer that the Ministry, through conducting a national audit of all teachers employed by the Government and their distribution, will ensure justice is done to the millions of school-going children in public schools in Kenya. The issue of distribution and redeployment of teachers to ensure equity and quality in education is too important to be handled casually or be delayed. Plans by the TSC to employ additional teachers beginning 2018 is a step in the right direction, especially when taken together with the fair distribution of available slots.

I do not want to belabour the point because it is a very straightforward Motion. We want an audit, so that whatever number of teachers that are there, they should be distributed equitably to all our counties.

I beg to move and request Sen. Enoch Wambua to second.

Thank you.

**Sen. Wambua:** Thank you, Mr. Deputy Speaker, Sir. I wish to second this Motion which really speaks to a global problem and challenge on the teacher to pupil ratio. That challenge has a long history. This House would benefit from just a bit of that history. When 1,100 participants from 164 countries met in Dakar, Senegal in April 2000, under what they called the World Education Forum, they came up with a policy document that was called 'The Dakar Framework for Action; Education for All.' The purpose of that document was to encourage countries to firm up their commitments, which had earlier been made, on the push for education for all.



Mr. Deputy Speaker, Sir, it will be remembered that around the same time, Kenya had just emerged from conditionalities that had been imposed by the Bretton Woods institutions on what they called the Structural Adjustment Programs. Much of that was based on requirements by the institutions of Government, especially in the developing countries, to reduce their wage bills as a pre-condition for funding. That affected the number of teachers that this country would recruit and, in fact, what happened at that time was that it was no longer automatic that if you graduate from a teachers' college or with a degree in education, you would be absorbed in the workforce. So, the number of teachers went down.

The matter of the teacher-pupil ratio was further compounded in our country in the year 2003 with the introduction of free primary education where enrolment went very high, but there was no commensurate recruitment of teachers to handle the pupils. Today as we speak, the teacher-pupil ratio in this country is really appalling. It is only through a proper audit

to establish an average of the number of pupils that one teacher is handling, that proper decisions on recruitment of additional teachers should be made.

Mr. Deputy Speaker, Sir, I stand to support this Motion fully. Let the Teachers' Service Commission (TSC) and all other relevant authorities embark on a serious and proper audit on the number of teachers that we have in the country; those posted in public schools both primary and secondary, and establish where the gaps are. That way, we will begin to move in step with the world where the discussion now has moved from Education for All (EFA) to access to quality education and considering education as a basic human right.

With those remarks, I beg to second.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order Senators.

*(Question proposed)*

**The Senate Minority Leader** (Sen. Wetangula): Mr. Deputy Speaker, Sir, thank you for the opportunity to contribute to this excellent Motion.

I wish the distinguished Senator for Vihiga was not tricked into amending his original Motion because we are now asking TSC and the Ministry of Education, Science and Technology to audit themselves. It is unlikely that when you audit yourself, you can bring out the facts properly.

Mr. Deputy Speaker, Sir, if you look at the history of this Parliament and those who have been here a little longer, on and off like my brother Sen. Poghiso and Sen. Wako, can concur that Select Committees of Parliament have been known to do excellent work if they mean to do it. Remember the Kiliku Report on tribal clashes, the Masinde Muliro Report on the murder of JM Kariuki and many other extremely good reports. What was lacking was implementation. As an oversight body, I hope that we will not finish this Motion today and that Sen. Khaniri will find a colleague to amend the Motion to take it back to where it originally was so that we can do a better job.

I stand here having gone around this country. I once visited a school in a place called Maikona in Marsabit. The school had Standard One to eight with two teachers; one employed by the TSC, and another recruited locally whose qualifications were not known. I also visited another school near Tukwel Gorge on the edge of Turkana and

Pokot counties; a school which had standard one to eight with three teachers; one was from the TSC and two, on interrogation, had no credentials to be teachers.

This is replicated in almost every rural school, except perhaps in some areas of the country. The converse is true. If you go to any municipal school, you will find that they are so overstaffed that some female teachers spend half of the day knitting sweaters. This is because there are too many teachers in one school.

Mr. Deputy Speaker, Sir, this is the disparity that has informed Sen. Khaniri to bring this Motion. There is a great disparity in the distribution of teachers in schools across the country with major shortages in rural and marginalized areas. For example, in Mandera County we have a lot of teachers from what they call “down country”, in fact, largely from my county, Vihiga and Kakamega. For the information of the House, our counties and my community in particular provides more teachers in this country than any other, perhaps, followed by Kisii County.

Every time I go to Turkana I am feted by my colleagues, in fact, there is one young Member of Parliament who told me “*hii kizungu kidogo kidogo unasikia tunazungumza ni ya waluhya*” because our people take great pride in teaching.

However, we have seen in Mandera County, where my colleague (Eng.) Mahamud, the ambassador is the Senator, even when they go there to teach, there is no corresponding security to protect them. We have lost many teachers through banditry. Once that happens, the children cannot be relocated and the teachers run away. Those children are left in those schools without teachers. What happens is that at the end of the year, a child from Kipipiri, West Pokot, Maikona, Vanga, and a child from Kilimani Junior Academy have to sit for the same exam.

I have been to your county, Mr. Deputy Speaker, Sir, to those areas with very marginal climate like Marimanti and Karianjai. Children from those areas will sit exams with children from Makini School, Utumishi, Sunshine academies. At the end of the day, they are put on the same level as those from other better areas. They are then called failures while those from better places are called winners. Many of us here, apart from the “young blue band” Senators, went through those ravages. Some of us, like yours truly, first put on a pair of shoes when I went to form five. I went to school walking every day for 30 kilometers, to and from school, from form one to form four.

History shows that children from disadvantaged areas do better when they go to those schools. They will not wake up in the morning and refuse to take tea because there is no bread and blue band. For them, having tea is an early Christmas. We must build an egalitarian country where, the place one comes from is not an automatic qualification of disadvantage and where equal opportunity means equal facilities and equal availability of human and fiscal resources.

If we may remember, in the last Parliament we had an issue here which caused a rumpus in the country. We saw in a school in Turkana County where an administration police constable with a Kalashnikov on his shoulder was purported to be teaching children. Those children certainly could not have been learning. First of all, to have somebody with a kalashnikov in front of you instills fear more than inspiration to learn. It was a Government public school and it had no teacher except that administration police constable who doubled up as a security officer and a teacher.

A child in that school will be sitting for the same exam with a child from Kilimani Junior Academy. I have nothing against Kilimani Junior Academy. I am picking on it

because it is a school that performs well in comparison to the same plane with children in areas where when a child wakes up in the morning, he does not know whether to carry a bottle of water or a book or to meet a bandit on the road. We have seen cases where children are in class and in the middle of it, banditry attacks strike, raping young girls, bastardising teachers and doing all manner of things.

At 50 years of independence and a in country that has the dubious distinction of having more millionaires and billionaires with ill-gotten and inexplicable wealth than any other in the region, we have no excuse collectively to have schools like the school I saw in Maikona or the schools you find in West Pokot, Turkana, Kitui and Bungoma which is supposed to be a rain secure county that has had several advantages above others; but you still go to a school with two streams of children from standard one to eight with three or two TSC teachers.

However, when you go to Bungoma Municipality, this is a school that has an establishment of 12 teachers but it has 24 teachers. So, the issue is not the lack of teachers *per se*; it is poor management of education. If you are the Teachers Service Commission (TSC), you do not need rocket science or a Motion from my brother, Sen. Khaniri, to realise that a school with eight classrooms and 1,000 children should have enough teachers. This is the problem.

Mr. Speaker, Sir, we also have the issue of employment of teachers. My friend, Hon. Sossion, told me through natural attrition, the TSC loses an average of 5,000 to 6,000 per annum in death, dismissals from misconduct and retirement. Then you will find, in a year, the Government employing 10,000 teachers. So, in effect, you are employing 5,000 teachers. I fully subscribe to the philosophy that any teacher in any school found fiddling with young girls in Standard One to Standard eight deserves instant dismissal. They should not be given any opportunity to get anywhere near children.

There was one time, in my law firm, when a male teacher walked into my office in the morning with a lot of sweat on his office. He said: "I want to see you." I said: "But you are already seeing me; sit down." He said: "I have been unfairly dismissed. I have been framed. It has been alleged that I slept with a young girl of Standard Eight in my school." I asked him: "Did you do it?" He replied: "No!" I put him in my car, called my friend, Mr. Lengoiboni, and drove to the TSC. When Mr. Lengoiboni saw us he said: "This man is here!" He knew him as a notorious and habitual offender. Finally, they had caught up with him. They dismissed him and took him to court.

When he brought me a file and I looked at it, I found out this man was even posing in photographs with a Standard Eight pupil; his own pupil. He was writing letters to this girl saying: "When I go home I cannot sleep with my wife, unless I think of you." How can such a fellow look after your child? Such fellows are pedophiles and deserve to be in Kamiti Prison and not anywhere in any classroom. So, they are part of the 5,000 or 6,000 that leave every year.

Mr. Speaker, Sir, we need in this audit to have a clear policy; that if every year we need to up the number of teachers by 12,000, then we must net out the natural attrition of deaths, dismissals and so on, so that we employ enough teachers to maintain the ratio. In fact, that ratio must continue growing year after year. For example, if you go to Western Kenya, where I come from, where the level and rate of fertility and reproduction is slightly higher than many other parts of the country, we have many children in schools.

Woe unto us, as a leadership, if we create a country where we send children to school because they are a nuisance at home - there is nobody to teach them - and in the evening they come back, leaving you eased from the nuisance that they would have given you throughout the day. That is not the way we will bring up our children.

Further, I still encourage Sen. Khaniri, the Senator for Vihiga County, that the TSC and the Ministry of Education will not audit themselves properly. I can assure you that they will not bring any good report here. They will bring their fake things, create false numbers in some regions and suppress numbers in others so that they look balanced and fair. This must be done by this House. I have been talking to and finding out about a few of my colleagues and I am told that the distinguished lady Senator is a Professor and the other one is also a Professor. Therefore, we have many people here with dynamism and the passion that can bring change.

I want to finish and leave somebody else to speak. At the end of your term as a Senator, whether elected through universal suffrage or party list, it is your duty to leave your county better than you found it. It is your duty to add value to your county. It is not about going back to the county and appearing in public places to be clapped for. It is about going back and finding out if you have enough teachers.

I said this in the afternoon - I want to repeat it as we do this because having teachers without facilities is not enough - it is irrational to continue limiting devolution in education to Early Childhood Development (ECD) and village polytechnics. It is totally irrational. We must, as a Senate, engage the National Government. The Constitution is very flexible. Functions can be transferred whether they are in Schedule Four or not. Functions can be transferred on agreement.

We, as a Senate, must engage the national Government to transfer the development and management of physical facilities of primary and secondary schools to counties. Resources should be sent there so that when you go back to Tharaka-Nithi, you are better placed to walk into your Governor's office and ask him why Marimanti Secondary School is looking like that.

As of now, you have to travel from West Pokot to go and see the arrogant Matiang'i in the Ministry of Education to ask him why a school in your place is collapsing. The man has the weight of universities, Teachers Training Colleges and so many other things on his head. The last thing he will want to remember is a crumbling primary school in Marimanti or Tartar in West Pokot or Malakisi in Bungoma. We must transfer these to the counties. This Senate has the authority, both under the Constitution and the law, to engage the national Government to do this. The resources that are available for this physical development and maintenance of schools can go to the counties and bring up our schools.

As we talk about teachers, equally important is the issue of management of our moral fiber in schools. If you look around, you will see that schools that are under the tutelage and cover of religious organizations, be they Muslims or Christians, are normally better orientated towards bringing up children than schools that are left to District Education Boards and so on. I have seen universities recruiting chaplains.

You probably came a little too late in the University of Nairobi. When I was there, and Sen. (Prof.) Ongeru was a professor then, we had a Canadian priest called Professor Dondas who had a good orientation on how to bolster the moral standard and capabilities of children. He would tell the students who were coming in the do's and the

don'ts. Some of these girls who get entrapped by their male teachers do so because of lack of moral orientation in the school. As we carry out this audit, we may obligate whoever will do it to also look at the ratio of students to teachers, number of female teachers and where they are located.

As we move forward, as country, I saw a very dangerous Motion passed in Kiambu County. If they go in that way, we will end up having no country. Kiambu is the bedroom of Nairobi. It is what it is because of its proximity to the centre of the country. How do you pass a Motion in Kiambu County and say that all public and private enterprises in Kiambu will be obligated to employ 70 per cent of employees from Kiambu and they must be indigenous. What country are we building? How are we going to get teachers from Kisii County to teach in Mandera County? How are we going to get teachers from Tharaka-Nithi County to teach in Bungoma County if we start this parochial, narrow minded thinking?

Mr. Deputy Speaker, Sir, as we move forward, and the entire leadership across the Floor, should talk about this; that the Senate be obligated to look at legislations being passed in county assemblies to see whether they are developing devolution and national cohesion or they are antithesis of national cohesion and devolution. When you say that my county will employ 70 per cent of people from here, where do other Kenyans go? How do people from villages in Bungoma like me come to work in Nairobi where I was not born and called indigenous?

Mr. Deputy Speaker, Sir, that is very dangerous. I would encourage that you, in the Government side, tell the County Government of Kiambu that, that is not the way to go. If everybody will withdraw into their ethnic cocoon and think they can manage, they will soon realise how deficient they can be, until and unless we are a country called Kenya. I want a country where the moment you are told somebody has been killed in Mandera, you feel the pain of the people of Mandera, because those are your compatriots. The moment you are told somebody has been killed in Borabu, you feel the pain of the people of Borabu because those are your compatriots.

As I finish, recently there was trouble in Bungoma on 17<sup>th</sup> October, 2017, where people were resisting to vote and the police unleashed terror on them. They shot dead two young men and a woman. I called a policeman and asked him what was happening and who had been killed. Do you know what he told me? "We have not killed anybody; we have just killed a Luo." If this country was led to go that direction, we will have no country. I want us to embrace and love each other. I want to see children from Moyale in schools in Bungoma, from Kisii in schools in Turkana and also from Kipipiri in schools in Taita Taveta. That is the only way we can build our country.

Mr. Deputy Speaker, Sir, I beg to support.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Wetangula.

Let us hear from Sen. Poghisio.

**Sen. Poghisio:** Thank you, very much, Mr. Deputy Speaker, Sir. I stand to support this Motion. This is quite emotional and emotive. Part of the injustices that need to be addressed in this country is the issue of equitable distribution of teachers in our primary schools. Since 1988, I have been representing the people of West Pokot in one way or another, except for, let us say, a year when I was expelled from the party and another time in 2013 when I lost the Senate seat. I have been in leadership in that county.

I suppose, this is not the way to go about to attain the equitable distribution of teachers; not by this Motion. I support it. I am not allowed to cast aspersions or to even impute improper motives on the Chair or even think about it but I am told it is the Chair who advised the Mover of this Motion to withdraw the Select Committee attached to this Motion on account of financial implications. How are we supposed to work? We have seen so many select committees.

Mr. Deputy Speaker, Sir, I would like to propose that at some point, you allow that we amend this Motion to take it back to where it belongs for action. For those of us who draft Motions, you can tell that this Motion is very windy and long in legalese – “and whereas, and therefore, further this and that” – but very short on the action part that it demands of this House. Look at what we are asking for after all these ‘whereas’, ‘therefore’ and all this. We are only asking that the TSC audits itself. My question is: After we get that audit, then what? What is the action that this Motion is supposed to take, so that we have equitable distribution of teachers?

I was a Minister in the Ministry of Education, Science and Technology. I know that this audit that we are asking for is available. If you ask the TSC to do it, they can pull it from the drawers. The Ministry of Education, Science and Technology can pull it from the drawers because there are returns every month about teachers and so on. That makes this Motion lame. I am glad I can see the Mover walking in and I am asking that we find an amendment that then allows us to take this matter back to an effective Motion that Members of this House, in a Select Committee, can audit the TSC and the Ministry of Education, Science and Technology.

In fact, the injustice that the Senate Minority Leader was talking about--- I come from a place where most of the schools are in that category where the TSC will send only one teacher. Only the head teacher is employed by the TSC and the rest are employed by the parents. In Kasei Ward in my County, for example, one child in the recent Kenya Certificate of Primary Education (KCPE) scored over 400 marks. The village did not even understand that and so, there was no celebration. The young man was just going about his business.

The people from Nairobi County, whose children scored over 400 marks, seemed to know it was going to be 400 marks and so they had prepared the children for celebrations to be carried shoulder high, with the script written. I guess the children know what they want to say.

Mr. Deputy Speaker, Sir, it is so unfair to us to say the same exam which is set here in Nairobi County is sat by that child. Even that child in Kasei should have been the one who should have met the President and the Deputy President to be given real understanding of who he is. This is because this child is sitting there with no teacher at all and scoring 400 marks. He is the one who should have been brought and put in front of everybody to know that with just a little more help and just three more TSC teachers in those schools, you will be amazed at how brilliant those children are and how their performance will be enhanced. I am very proud of that child who scored over 400 marks under those conditions.

Mr. Deputy Speaker, Sir, if you go to any county right now, you will find some teachers just sitting somewhere. In fact, what the Senate Minority Leader was driving at is that there are schools where teachers have nothing to do. That means that they are many in one place. So, it is about equitable distribution and that is what this Motion

seeks. How difficult is it for the TSC and the Ministry of Education, Science and Technology to push for equal distribution?

It is very difficult for the officers on the ground to do that. We must have this House pushing for that to happen. Officers on the ground are captives who cannot make a decision. They cannot do anything because there are *waheshimiwas* or chiefs' wives. So, we must have legislation so that this happens.

This Motion was amended to include a select committee. If this is the case, it will not take long before the results are seen. However, there is need to have legislation that will make it possible to take action. Otherwise, we will say all things but nothing will happen.

In this country we know each other very well. We know our weaknesses and strengths. One of our weaknesses is creating equity. You cannot move a teacher from one school to another because of so and so.

The Cabinet Secretary for Education, Dr. Mating'i, has been praised for many things. He has dealt with cheating in examinations and he said he will focus on whatever is happening in universities. However, there is one thing he cannot afford to do. When he goes to the schools, I have never heard him say that some teachers will be moved from this school to that school. I would like to see him do that but I know it is very difficult. So, this House must come to the rescue of officers by having legislation so that somebody knows that what they do is against the law. We must create that kind of law and that is what our business is.

When the right time comes – I hope that some drafting of the amendment is going on – we will pass the amendments and bring the law into action. This Senate calls upon the Ministry of Education, Science and Technology in conjunction with the TSC to audit the distribution of teachers. We need to move and the select committee should help us find the needs and how we can solve the problem. We need to find a way of moving forward so that it is not business as usual for TSC officers serving at the grassroot level.

You have to almost turn to a beggar when it comes to the issue of teachers. A whole MP has to go and beg the TSC to provide teachers especially for new schools. When a school is started, they just appoint a head-teacher and what follows is to register it as a secondary school. Can we not have a basic standard where a school is not considered to be fully established if it does not have a certain number of Teachers Service Commission (TSC) teachers, so that it is known that so many schools are not yet qualified to be a fully set up secondary or primary school?

That way, distribution will be a crucial matter. But now, you will find that a school has one headmaster and 10 teachers employed from a certain village and it is considered a fully established primary or secondary school.

I am, therefore, of the opinion that this is an emotive matter and if we do not solve it with finality, it will just be a talking shop. It requires that we do something that solves this problem with finality. If we are not ready to finalise it, so that action is taken, then there is no need to move on. We will then have another Motion. This particular one says that we need to audit and another one will talk about something else. We will end up having so many of these Motions. Let us try and sort out this matter once and for all.

I would like to congratulate my friend and colleague who has, at least, helped us to start talking about this. However, let us move it to an actionable piece of legislation. I am sure that this House will pass it very quickly because it is painful. I speak for West

Pokot County, but I know that in many urban areas the distribution is not the same. I am sure everybody in this place will talk about their own case. We need to change the way the Motion is drafted and move it, so that there is action. I would like to be part of whatever it is that needs to be done.

I support.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Poghiso. I will now give the Floor to Sen. (Prof.) Sam Ogeri.

**Sen. (Prof.) Ogeri:** Thank you, Mr. Deputy Speaker, Sir. From the outset, I support this Motion by Sen. Khaniri. Having been a Minister for Education on two occasions; in 1988 when we established Sessional Paper No.6 of 1988 - then I was in the area of technical training and applied science and technology – and later from 2007 to 2010 when I was able to establish the free day secondary school education after the free primary education was set up in 2003/2007.

This is a very important Motion. When you analyse it in full depth, you will soon realise that this country needs to do much more than what is already stipulated in this Motion. Out of the few basics statistics, in 2007/2008, the number of public primary schools was 19,000 and the number of public secondary schools was almost 7,000. The teachers' shortage at the time when we entered was 70,000.

So, when looking at this Motion, first of all, one has to look at the completion rates even in the primary sector itself alone. It was quite apparent to me when I visited various provinces at that time. I went to West Pokot and visited Wei Wei Primary School; a small primary school somewhere in the bush. It is only after visiting there that, that primary school started doing well.

I am happy that yesterday when I was having lunch here, one of the students came straight to me and said: "I sang for you at Wei Wei Secondary School, and thank you for coming to visit us. You gave us the motivation to study harder and now I am employed at the National Assembly."

When you go to Kwale and Kilifi counties, the completion rates, particularly for the girl child are still very low. So, within this Motion, not only are we talking about fewer teachers, but also the completion rates of these pupils to be able move on to the next level. In comes the transition rate from Standard Eight to Form One.

That is where we had a glut in Form One positions because at that time, there were only 17 national schools and extremely limited in the number of students who could transit from Standard Eight to Form One. We brought in additional national schools to expand so that these students could have a better transition rate from what was classically 47 per cent. At the time I left the Ministry of Education, Science and Technology we were dealing with a transition rate of between 70 and 72 per cent.

If you look at the pronouncements of the Ministry of Education, Science and Technology this time around, the transition rate as per the year 2017 going to 2018 is going to be 100 per cent. Look at the background at which this transition rate is being done. When you look at the rural public schools, the infrastructure element is one of the wanting elements that is so critical to a conducive environment for good education. Even if a teacher is willing to go to that school, the first thing they would want to know is the environment of infrastructure. Do I have an accommodation and good school? The majority of these public schools are mud schools. That is why it was specific at that moment.



When the special economic stimulus package was done, it was with a view to enhancing and enlarging the infrastructure sector. We also looked to the World Bank to support the infrastructure development of some of these institutions. I dare say that the then Deputy Prime Minister, who is now the President of the Republic of Kenya and myself, were instrumental in trying to create this Fund so as to assist in the development of infrastructure in every public school in the rural sector, as well as the national schools.

I dare say that this has not been pursued vigorously. If it were to be pursued vigorously, we would see consistency not on *ad hoc* basis. Somebody visits a place and says that I am going to give you Kshs1 million for infrastructure development. This is not the way we perceived it. This is not the way it is going to be. This is not the way you are going to elevate the acute shortage of teachers in some of these areas.

If you send a teacher who is teaching in an urban centre to a rural setting, the first thing they would want to look for is a transfer. He will not come to the rural setting. So, we need to address that element of infrastructure. At that time, a lot of friendly partners and the Britain Woods institutions were willing to pump a lot of money into infrastructure development to create an even playing ground.

In 2010, I was instrumental in getting the TSC to be one of the constitutional commissions in this country. Its functions are twofold: To deploy teachers in an equitable manner throughout the country. Secondly, to be able to take into account errant teachers who may not be able to follow the norms that are required.

Mr. Deputy Speaker, Sir, there is the question of the teacher-pupil ratio. When you look at these academies, the teacher-pupil ratio is 1:20. I dare say in some other areas 1:16. That is why you can see schools like Makini can afford to have special classes of students up to 16, 20 or 24 who will be presented for the Kenya Certificate of Secondary Education (KCSE). That is why they do well in the national examinations whereas a public school has a population of between 100-200 pupils.

If you go to Kwale County- I actually visited some of those schools - I found children being taught under a *mnazi* tree. I was pained because this is not the way we want to create a human resource for this nation where others are ahead and others behind. No wonder when you see this bitterness in the overall structure of government, it is emanating out of those missed opportunities they have had without anything else.

When I was in North Eastern, when you go to Wajir, Buna, Gurar and come down to Habaswein, these people are missing out in the action. That is why through the Arab Bank we tried to bring in some sense in trying to support these teachers.

Mr. Deputy Speaker, Sir, in your own county Tharaka Nithi, there is a lot to be done. If you go there, there are only certain areas within Meru where there is a concentration of high manpower. We have this indifference between one class of the same people with another of the same people. The only way we can equalize these differences is being able to send adequate teachers so that we are able to attain a respectable teacher-pupil ratio so that the children learn under an enabling environment for them to excel.

The worst of it has been the book pupil ratio; the number of textbooks being supplied to a child. We tried to get this through the school boards which we restructured so that the money they get can go to the purchase of books. One area that needs to be audited is: Are the boards doing exactly what the infrastructure - the book fund - was supposed to do in every public school?

I am in agreement with Sen. Poghio that all these prumbular statements: whereas, and, when sounds like United Nations Organisation (UN) language. In that language when you want to be amorphous you just leave it there because already there is no decision made. As a Senate, we want to agree here that the elements and sentiments expressed in this Motion are far deep and wider than when we are looking at them at this stage.

There is, of course, the question of incentives for teachers. When you talk to teachers unions they can be pretty recalcitrant. They are the people who talk about incentives and are right to do so. When you look at their remuneration package, they are very resourceful people if you handle them carefully. They can be extremely difficult if you handle them wrongly. We need to have a dialogue. It is always necessary to have a nationwide dialogue on matters that affect the nation. Dialogue is a solution to anything that you need to resolve. However, do not resign it to a few individuals thinking that they can solve this matter.

Education has reached a level where we must intervene now as a House, so that we give direction on how it is being handled. The rapid change of the curriculum before the poor children understand what portends the change of that curriculum is another issue that needs to be looked at. The teachers we are trying to deploy to these schools have not been trained on the new curriculum. How do you expect them to carry out a curriculum which is not there?

Mr. Deputy Speaker, Sir, when I was Minister for Science and Technology between 1988 and 1992, nobody wanted to be called a *Jua Kali* operator because it was a very demeaning title. However, when the Bretton Wood institutions put a crunch on Kenya, we had no choice except to do skills upgrading. We did this by utilizing our vocational training centers which we now call village polytechnics to offer skills to those polytechnics to do certain innovations and inventions. We used the then the Directorate of Industrial Training---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. (Prof.) Ongeru I will add you three minutes to wind up your thoughts.

**Sen. (Prof.) Ongeru:** Thank you Mr. Deputy Speaker, Sir. We were able to bring in the Directorate of Industrial Training. We were able to train these people in Mombasa, Nairobi, Kisumu, Nakuru and Nyeri. That is how we managed to get our Asian brothers competitors from Tom Mboya and Biashara streets to go to Industrial Area for the industrialization programmes. This is how the *jua kali* programmes started rising up. This sustained employment opportunities for Kenyans at 40 per cent.

Mr. Deputy Speaker, Sir, this is where employment will come from. When you talk of industrialization you are talking of micro and medium term enterprises. These will come through children who have gone through the village polytechnics, vocational training centres, technical training institutes and the national polytechnics. These are the children who are not able to pursue the vertical line towards the university level. We are missing out talented groups of people who need to be in that direction such as talent academies to handle footballers and runners. We established talent academies from Canada with this country. They seemed to have fizzled out and we need to re-engineer ourselves and find out how we should revive it.

Through this Motion, we should address an array of issues that are bothering the Ministry of Education, Science and Technology so that we bring it in line. Let the

Teachers' Service Commission (TSC) stand on its own feet and deploy teachers in accordance with their mandate. I support the Motion.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. I will now give the Floor to Sen. Christopher Langat of Bomet County.

**Sen. (Dr.) Langat:** Thank you, Mr. Deputy Speaker Sir. I stand to support this Motion and thank Sen. Khaniri for bringing it at this time. I will be brief.

I would like to comment on the need to amend the Motion. The title is only narrowed to public schools. Due to some compromised policy issues in this country, some private schools are not exempted from this. Even though they are private, the pupils in those schools are public. So, we should also extend to make an audit not only in public schools, but also in private schools. If you remember, when the Cabinet Secretary Dr. Fred Matiang'i took over the Ministry of Education, Science and Technology there were messes in private schools. Some schools, through corruption, had been approved to be perfect in structures. However, the reality on the ground was that there were three classes that were being taught in one classroom. So, if this audit could be extended to public and private schools it will help.

In this country we do not only have teacher distribution disparity. I appreciate what Sen. Wetangula said. I almost thought he was a teacher before becoming a lawyer because he understands education very well. I also appreciate the experiences that Prof. Ongeru has shared on the Floor of the House. I also have a wide experience in this area, having been a tutor in Kagumo Teachers College and Kericho Teachers College before I went to Moi University.

Whenever we went to supervise teaching practice, we saw what the Members have expressed as the reality. There are various types of disparities like gender disparity. At one time I visited a school in a municipal area to inspect a teacher. There were 12 female teachers and no male teacher. What does that portray to learners who want male teachers as role models? There are also schools with no female teachers. This disparity affects learning and social growth.

Disparity in the distribution of teachers is a real thing. As Sen. Wetangula said, it does not necessarily have to do with shortage of teachers. There must be a compromise on policy or some policies may have been overtaken by events. This takes us further to re-examine the policies that are existent. These disparities affect one another. When we talk about teacher distribution gender disparity, we should also talk about infrastructural disparities.

Teachers, and Sen. Milgo knows this, are always posted to schools based on the number of streams and classrooms. Teachers are not posted on the basis of the how many pupils are in that school; it is on the basis of the number of classrooms. So, infrastructural challenges also affect this distribution. Unless we address this situation as a matter of urgency, it will be worse come next year, after the introduction of the free day secondary education. This is because 100 per cent transition from primary school to secondary school is anticipated. Many secondary schools have got only one TSC teacher, that is, the head teacher. Therefore, we must address this issue immediately, so that next year does not find us in a mess.

Mr. Deputy Speaker, Sir, another thing that we must re-examine is to find the root cause of all this. Some are historical while some places were favoured for a long time. They have got so many teachers and are wondering what we are talking about. So, we

must also establish the root causes of these disparities so that we get effective solutions to the same.

I also support Sen. Poghisio when he said that legislation must be put in place to make sure that these disparities are checked and there is implementation to avoid the same problems in future. We also need to re-examine the current policies in the Teachers Service Commission (TSC) – guiding teacher distribution within the Ministry of Education. There is also another issue that needs to be addressed. Today, if you examine very well, there is a lot of duplication within the Ministry of Education *per se* and the TSC when it comes to teacher management. This should also be harmonized to enable both institutions to work effectively.

Mr. Deputy Speaker, Sir, therefore, I would like to support this Motion with amendments so as to capture private and public schools. In addition, I am also supporting with an amendment that we establish a committee of the Senate that will deal with this particular matter. Otherwise, giving it to the Ministry of Education as Sen. Poghisio has said, they have this information and they know very well that they are in a way compromised. So, it should be us to do this particular audit and come up with legislation that would help the TSC and the Ministry of Education to implement it effectively. If not, we would be doing a lot of injustice to those particular pupils and students in secondary and primary schools in this country. I fully support this Motion.

Thank you.

**The Deputy Speaker** (Sen. (Prof. Kindiki): Thank you, Sen. (Dr.) Langat.

Sen. Olekina.

**Sen. Olekina:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I rise to support this Motion. I am actually very happy that I am speaking after the distinguished Senator from Bomet County, Sen. Langat. Sen. Langat comes from a place called Segemian in my County, Narok. If you go to Segemian, you will be surprised that there is not a single classroom or teacher from the TSC.

**The Deputy Speaker** (Sen. (Prof. Kindiki): Did you say that Sen. Langat comes from Narok County?

**Sen. Olekina:** Mr. Deputy Speaker, Sir, yes, he comes from Narok County.

**The Deputy Speaker** (Sen. (Prof. Kindiki): Since it is not contested, I will not dwell on it.

**Sen. Olekina:** Mr. Deputy Speaker, Sir, he was born in Narok County and then he migrated. When you traverse the County of Narok, you will be shocked by the number of TSC teachers who are posted in that county. In Segemian, where the distinguished Senator of Bomet County comes from, there are literally zero teachers from the TSC. You will find that most of the teachers there are hired and paid for by the parents and most of them make less than Kshs4,000 a month.

So, this audit is important because this is when we are going to realise which parts of this country are considered to be prime and others considered to be just the parts that make up the vote for any leadership in this country. When you go to parts of Mosiro in Narok County, they do not even know what a TSC teacher looks like. You will find that the majority of people who graduate from their Eighth Grade are the ones who are hired by the parents to teach their children.

Therefore, I support this Motion because it will help us. I echo the words of Sen. Wetangula when he said that we ought to amend this Motion so that we can be able to do

an audit of the entire teaching curricula in these schools. You will find that in most of these schools, even the ones that have one or two TSC teachers, very few teachers are trained on pedagogue. A lot of students there are taught subjects where teachers are not even qualified.

Many of our students are taught subjects by teachers who are not qualified. For example, you will find a teacher who teaches history, probably he had a grade “E” in Mathematics and yet he is teaching also Mathematics in that school.

We can add value by amending this Motion. We can also subject it to the Committee on Education which was set up today. I see very important people in that Committee. They have spoken confidently and have contributed heavily to this Motion. I see the distinguished Sen. (Prof.) Ongeru, who was the former Minister for Education. I also see the distinguished Senator who has spoken very confidently when contributing to this Motion. There is Sen. (Dr.) Langat who was a teacher and Sen. (Prof.) Sen. (Prof.) Kamar. We should subject it to this Committee so that we ensure whatever resolution we pass here is implemented.

I have come to learn that a lot of Motions that are passed here are never implemented. That speaks volumes about the Committee on Implementation. The leadership of this House should really work hard to ensure that it is brought back. Why else are we coming here and spending hours talking about different issues yet we do not ensure they are implemented?

I am worried by the number of unqualified teachers in this country. Unless this House puts its foot down and insists that the Committee on Implementation is brought back, we will be wasting time here. We will talk and contribute to Motions yet nothing will happen on the ground. Students in this country are subjected to the same national exams. However, some schools, especially in urban areas have more qualified teachers who are trained in pedagogy. Children in Maasai, Samburu and Bomet counties are taught by people who are not trained on pedagogy.

It is imperative, therefore, that this House amends the Motion for us to include all those things and look at issues of policies. If it becomes difficult, then we have to even encourage our county assemblies to increase their education budget allocation if the TSC does not have enough money to hire more teachers. I remember when Mr. Lengoiboni, as the Secretary to TSC, was asked about hiring of teachers in 2013 who come from those areas, he said most of them had not scored grade “C+” and above. We focus so much on high school grades and forget that our colleges and universities can uplift the level of education of those people who scored grade “C” or “D+.” Some of them got those grades because of the harsh environment they found themselves in. If that is not done, we will miss out on a lot of things.

I support this Motion and encourage Sen. Khaniri to consider amending it for us to include other things that we ought to audit. When we were at Machakos playing the Kenya Inter-Counties Sports and Cultural Association (KICOSCA) games, I saw a lot of sports talent in the young men who are employed by counties as *askaris*.

If we amend this Motion so that we can also audit sports in these schools, we can really improve. This is because not everyone will probably get a job when they leave school or will be able to be where we are. However, if we nurture talent from the onset, then we will make sure that we include everyone in this country.

Mr. Deputy Speaker, Sir, with those few remarks, I support.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well.

Yes, Sen. (Dr.) Milgo.

**Sen. (Dr.) Milgo:** Thank you, Mr. Deputy Speaker, Sir. I also rise to support this Motion. Indeed, this is a very emotive Motion. First, I thank Sen. Khaniri for bringing this great Motion. I support this Motion with amendments because nowhere in the world will anybody be an implementer and at the same time audit themselves. Many of the Senators who have spoken are of the idea that we could have a committee that is thoroughly going to look at these audit issues. We are all products of an education system. If it was not for a proper education system, we would not be here right now.

Mr. Deputy Speaker, Sir, as we talk here, what is happening on the ground is so serious. Come January, we will have worse issues. These issues started way back in 2002 when we started introducing the idea of free education. In addition to that, the Constituencies Development Fund (CDF) came in and there were many schools that were put up. As has been put by the Senators who spoke before of me, some of the schools are even making do without even a head teacher who is qualified. Therefore, you can imagine the quality of education in those schools. While education is a right to every student, it is the high time that we should settle down and check on the quality.

I support the fact that we are not only going to audit the number of teachers, but also the other facilities. As things stand right now, the Government is talking about building more classrooms and adding more facilities. That means there will be an influx of students. You will realise that many debates have gone on around the world about the issue of whether to have robots teaching, virtual learning or in this case, the use of other modes of teaching away from the teacher. However, nothing else can replace the human resource factor. That is why, right here, we are saying that when we talk about the issue of the teachers and distribution, it is itself an uphill task.

Many of my colleagues have spoken. I do not want to repeat that even when we talk about distribution, it may not happen without proper legislation. I am of the idea that if we have a committee, proper legislation and policies, then this issue will be concluded.

In addition to this, there is lack of coordination in the counties because when you go there, you will be told that nursery schools are overseen by the county governments. They say they have nothing to do with the primary and secondary schools, which belong to the national Government. I support my colleagues that we need to devolve education, particularly the infrastructure. Maybe the national Government should retain the manpower so that we are sure that there is proper distribution.

I support this Motion with amendments. Even if we will not clear with it right now, we can come back next year and ensure that we expand it to include infrastructure and many other things which have been bringing negativities into the education sector.

We talk about Vision 2030 and making our country a middle income economy, but we may never achieve that without quality education. We will all the time talk about access and transition. We do not want our children to become just statistics. We want quality education.

I support.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Senator.

Sen. (Dr.) Ali.

**Sen. (Dr.) Ali:** Thank you, Mr. Deputy Speaker, Sir. I stand to support this Motion as well. As others have pointed out, the issue of audit alone will not be helpful.

Audit and report will only give us a booklet which will not be helpful to us. I also suggest that we go the select committee way as suggested by Sen. Poghio. That way, we will have a select committee which will do the auditing and other things.

The issue of infrastructure should also be added to the Motion, as Sen. (Dr.) Milgo has said, so that the national Government deals with the numbers only and other resources go to the county governments. When you go round this country, as Sen. (Prof.) Onger said, many Kenyans do not know where Kenya really is. Of late, many people have gone back to their cocoons. They do not even know their counties well because they stay in their locations and divisions. That is why we have a lot of problems in this country.

I remember when I was in primary school in North Eastern Kenya, most teachers and headteachers came from all parts of Kenya. Today, with the unfortunate incidents of attacks by the *Al Shaabab*, you will not even see a single teacher from what we call upcountry or Kenya, for the Northern Frontier District (NFD) people.

It is unfortunate that when you go to some schools you will find people who are illiterate teaching students, and we expect them to pass. That is a big problem that we have everywhere in this country and it is worse for those in the so-called marginalised areas. I am sure that the national Government can handle the issue of teachers, but the infrastructure – Early Childhood Development (ECD) centres, primary schools, buildings and others – can be handled by devolved governments, and everything will be okay.

You will find some schools with no teacher from the TSC. With the onset of the Constituencies Development Fund (CDF) we built classrooms in every centre. In our areas the ratio that they use is the number of students and not classrooms, as Sen. (Dr.) Langat said. We are told that the ratio is one teacher to 40 students and yet a school might have only 100 students from Standard One to Standard Eight. So, we end up with two teachers. How will those two teachers help? In northern Kenya where we do not have enough teachers - and the teachers we used to get do not go there any more - students have a real problem.

The other issue is that the boards of governors of secondary schools employ teachers. When vacancies are advertised, teachers from all over Kenya will apply and get employed, but after three months they get transferred. They will go to the TSC offices and seek transfers to their home counties.

So the same school has to re-advertise the positions. There is need for people to know that there is a teacher in Wajir who comes from Meru or Kiambu and he or she will leave after three years. If they know that they will not be promoted, they will just go. Until we legislate and ensure that some action is taken, we shall continue going down the drain.

I did my Certificate of Primary Education (CPE) in Garissa and I can remember my headteacher was called Mr. Mopili. I think he came from somewhere in western Kenya. Those days the headteachers of other schools such as Buna were from Meru. Today it is not easy to find anybody from other parts of Kenya including Wajir. Everybody now goes to his or her location. You will find a situation where a person is taught by *woria* from primary up to college if they happen to go to Garissa Teachers Training College. What will such a person know about other parts of Kenya? That is the problem we have.

The situation could not be different from Vihiga. You could find that someone was taught by the locals from primary, secondary, college, up to university and they will not know what happens in other parts of this country. This is now affecting universities whereby if a university is started in Garissa, we want the vice chancellor to be a Somali. We cannot go far if we continue like that. We need to have legislation such that people are free to go to any place in the country. If you are from north eastern, you should have no problem going to Kakamega, Kisumu or Mombasa and vice versa, so that we appreciate Kenya.

We have Senators here who have not been to other counties in this country. When I was doing my A-levels in Kangaru High School in Embu, there was a problem with the roads and so we had to pass through Siakago and Tharaka-Nithi. The situation is not any better than the areas we come from. That was a good way of knowing Kenya. However, when you are from Kiambu and the furthest you go is Nairobi, when somebody talks about Moyale and Mandera or even Malaba, you understand nothing. I was shocked the first time I went to Lamu yet I come from Wajir which is terrible.

We have committees which should move round the country. They should not just sit here and make a lot of noise. They should make arrangement to visit and sit in every county so that they know what happens. The select committees should conduct talks on education and ensure that there is fair distribution of teachers in this country. We might have the perception that Kiambu is okay but you may get shocked when you get there.

With those few remarks, I support. I urge Sen. Khaniri to enhance this Motion so that it does not only deal with distribution of teachers but also looks at a wide range of issues in education.

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you Sen. (Dr.) Ali. I will now give the Floor to Sen. Abshiro Halake.

**Sen. Halake:** Mr. Deputy Speaker, Sir, I was not going to say anything but because I come from northern Kenya, where sometimes we do not consider ourselves from Kenya mostly on the basis of education and other things, I must say something.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senator, at least you have used the word “consider”. You said sometimes you do not consider yourselves---

**Sen. Halake:** Not all the time.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I will let it pass.

**Sen. Halake:** Thank you. Let me just cut to the chase and congratulate Sen. Khaniri for this very timely Motion. I rise to support and congratulate my colleague Sen. Khaniri for this timely intervention and Motion which of course, as everybody else has said, perhaps needs to be looked more holistically. We need to look at the whole question of education, not just an audit but all aspects of its rights-based approach that covers every aspect of education so that it is quality, rights based and considers every aspect of barriers that face people with regard to access to education.

Mr. Deputy Speaker, Sir, when I began, I said I would not do justice to the people of northern Kenya if I did not say something especially as a woman from there. This is because sometimes when you come home and say hello to the people from northern Kenya, they say to you: “How is Kenya?” Of course, this is not new and everybody knows this.



Thank you for passing and forgiving me for saying that we are not considered to be part of Kenya sometimes. It is because of these aspects of education. As you know, it is the most basic of human rights. It is what ensures other rights as well.

As you well know, Sustainable Development Goal (SDG) No. 4 is on access to quality education. Why is quality education important? It is because it ensures all the other rights. The right to food, access to information, read and write, negotiate and the right to health, especially for women to raise healthy families and communities is all ensured by the right to education. There is no better foundation than the right to education. I am very glad that our colleague, the Senator for Vihiga, brought this as a matter of urgency.

Of course our Constitution guarantees the right to education. However, one of the things that I have found is that we have actually perfected the art of indirect discrimination, where as a country, or institutions, we do not provide teachers or quality education that is enjoyed by the other parts of the country or certain marginalized areas, communities and groups, be they disabled, migratory or pastoralist communities. There is a lot of indirect discrimination as a result of education and lack of access to it.

Mr. Deputy Speaker, Sir, for us as northern Kenya inhabitants, especially as women, there is a lot of indirect discrimination where we find something enshrined in our Constitution yet it is not of quality. How many teachers are there? Everybody has said that we get two teachers who are sometimes untrained or volunteer teachers who can hardly string a sentence in English. What chance does a child from these marginalized communities have to compete with the rest of the country and the world? For me, the right to education is what enables other rights. Therefore, I stand to support this Motion. I would also urge Sen. Khaniri to revise it and make it more holistic and rights-based so that everybody who is usually excluded has a fighting chance to get access to quality education.

Thank you for giving me this opportunity. I support.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Abshiro. Last but not least, Sen. Isack Mwaura.

**Sen. Mwaura:** Thank you, Mr. Deputy Speaker, Sir. I note that I am speaking for the first time when you are in the Chair and so, I also, belatedly congratulate you for being our Deputy Speaker.

I was lobbied by senior Sen. George Khaniri to come and make contribution. I did although I thought taking some few cups of tea would have been more productive. I am very glad I am here because I am now very well informed from the contributions of Members.

The TSC as a institution has become lethargic by virtue of the fact that it is the biggest public employer in East and Central Africa. It employs over 200,000 people. In the last Parliament, we approved the nominees for the Commission. I was very glad that at least in that Commission, for example, there is a gentleman called Mr. Twahir Mbarak who is disabled, among others of great repute and qualifications. I also reckon that in this day's Jamhuri celebrations, both the Chairperson and the Chief Executive Officer of the TSC were given the Head of State commendation. They were given the Chief of the Order of Burning Spear respectively. As Sen. Moses Wetangula had put it, last year, I was also privileged to have been awarded by His Excellency the President.

There are serious concerns within the TSC which might not be directed at particular individuals. However, in my opinion, having interacted with the TSC and with various meetings with them, there are serious challenges in terms of teacher management. For the record, my first degree is from Kenyatta University. I have a Bachelor's degree in Special Needs Education. Although, I do have a TSC service number, I have never practised as a teacher because that is not what I wanted to do. I am not belittling the profession, it is very noble.

It is sad to see readers allowance has been withdrawn. In my area of interest, these teachers deserve readers' allowance. Why has it been taken away from them without an explanation? It facilitates those teachers who have visual challenges and would require people to help them read, especially in terms of marking.

In the last Parliament, I tabled a Motion in the National Assembly about the need to have a teacher rate scheme with the recognition of the fact that we have huge classrooms with limited numbers of teachers. The student-teacher ratio is strained. Part of it is because of this issue we call house allowance. Every teacher wants to work in Nairobi, Kisumu and Mombasa because of house allowance. The irony of it is that some teachers bribe to be posted in those areas, especially Nairobi. That does not apply.

In fact, the distribution issue is so serious because you are posted in Nairobi, but you live in Ruiru and Kajiado, Murang'a, *et cetera*. These areas serve as dormitories of Nairobi workers. Workers in those counties are not benefiting from that house allowance yet the cost of housing is the same. This is one of the challenges of teacher distribution in this country. It needs to be addressed. It is lack of incentive that makes teachers not to go to far-flung counties that are in dire need of their expertise.

The other issue that is also critical is you find primary school teachers who are doing their PhDs, but they are Class 2 or 4 teachers. These school-based programmes that I can confidently say are self-producing because you have people coming for three weeks. Some may quickly do rote learning, followed by exam and within no time they have a degree. Then they quickly get a Masters and just remain in their locality. However, when you look at the output, it is not there. Our schools are not performing. We are just pursuing higher education to get papers for the sake of it.

As part of this audit, we should consider terms of the skills and expertise that is within the teaching fraternity. Those are some of the issues we need to consider. Sometimes teachers refuse to be posted to far-flung places because they may not access universities that are closer to them. This is cascading upwards such that the quality is very low even for those who end up as lecturers or university dons.

I was very surprised to see teachers resisting to teach in their own localities. In fact, I heard one saying that they need to know the local environment. I do not think so. Just like any public official, a teacher must be ready and willing to be deployed across this county without necessarily saying that maybe they have some form of local knowledge as to ensure that they only remain where they come from. Someone ends up having that village mentality. I do not think there is any form of local knowledge that is required in the classroom. A teacher is a teacher and can teach anywhere.

That mentality has even encroached universities such that instead of having the universality of universities, we are basically having university villages. We have even seen political leaders lead in demonstrations demanding that one of their own must be a vice-chancellor. If we have somebody who has gone to a local university, gotten their

degree, masters and PhD from there, then comes to teach the same place, how do we expect that person to widen his or her own doxology even in terms of research? Someone's world view is different from the rest of the place one comes from yet they are supposed to be a leader. I think that is a serious challenge.

The other issue that is affecting teacher distribution is promotions. If you look at how the TSC is promoting teachers, they actually allocate a certain number of slots for certain disciplines, for example the arts or sciences. So, you find that the competition is extremely high. That in itself advantages other people against others because certain stations would give you certain conveniences that would occasion you to be promoted higher than the others. These are some of the issues that are really creating a lot of disgruntlement amongst teachers. It is important that this comes out in the report. However, the TSC generally requires reforms.

It is also important to mention at this point in time that we need to depoliticize our trade unions. Personally I fully support the directive by the Minister for EAC, Labour and Social Protection that state officers cannot be trade unionists at the same time. This is because the moment you do so, you make the engagement with the state or Government to be political rather than a question of the teachers' welfare. It is important to ensure that the Kenya National Union of Teachers (KNUT) and the Kenya Union of Post Primary Teachers (KUPPET) and other unions are seen to be neutral and that they do not represent a certain political view.

Mr. Deputy Speaker, Sir, there are many issues to be canvassed. I also want to postulate that there is no way the Senate can exist without a Committee on Implementation. Not necessarily that these committees end up doing some exemplary job really. I would actually even want to advice Members that if they have any matter, it is more productive for them to pursue it individually as that yields more returns in terms of pushing their agenda forward. However, it is important to have a situation where we can audit whatever resolutions that we make on the floor of the House and also see how they are actually implemented.

If you see how we draft out Motions, we keep on saying that, "We are urging the government." We need to ensure that our Motions are properly implemented and our Petitions achieve their objective rather than just being a report that is returned to the petitioner on behalf of the people that he or she is presenting the petitions for.

There is also the issue of establishment of a select committee. It is a good idea but we also need to ask, "Can this also be done as part of the work of the Committee on Education? Can we also be more imaginative in terms of what we would want to achieve with this report or is it just to highlight the disparities in terms of the distribution of this very important human resource within our education system? Those are some of the things that need to be very clear *ab initio* in terms of the reference of this *ad hoc* committee, as of when we resolve to establish.

This is a very timely Motion that speaks to the Sustainable Development Goals because education is key. In fact, if you look at the human development, index one of the key indicators for such is education. That cannot be properly provided for if we do not have teachers who are qualified, have right pedagogical skills and are committed to working for their country and educating each and every child no matter what location they may find themselves within this distinguished country.

With those few remarks, I support this Motion.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Mwaura.

I now call upon the Mover of this Motion, Sen. Khaniri, to reply.

**Sen. Khaniri:** Thank you Mr. Deputy, Speaker, Sir, for the opportunity. I thank my colleagues who have made very valuable contributions to this Motion. I am very happy that the support for the Motion has been overwhelming and this shows that there is a problem. Despite the fact that our blood sugar levels are low - we are tired and have been sitting here for the last nine hours - Members have braved all that to sit here and make contributions to this particular Motion. It tells you clearly that there is a problem and it must be addressed.

I have listened to all the Members who have contributed and what I read from most of the contributions is that people are skeptical about the implementation of this Motion, even if we passed it. People are questioning how the Ministry of Education, Science and Technology and the Teachers Service Commission (TSC) can audit themselves.

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

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What is it, Sen. Kibiru?

**Sen. Kibiru:** Mr. Deputy Speaker, Sir, I have been persuaded that we seek adjournment of debate on this Motion, pursuant to Standing Order 99 (1), so that we can have an inclusive one.

Standing Order 99 (1) says:-

“A Senator who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may, for reasons stated, claim to move “That the debate be now adjourned,” or, in the Committee of the Whole “That the Chairperson do report progress.”

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Khaniri, what are your views?

**Sen. Khaniri:** Mr. Deputy, Speaker, Sir, if you were listening to my reply that is exactly where I was heading. Members are very skeptical that the Ministry can actually audit itself. When I was moving this Motion I said that, initially when I drafted this Motion, I had sought that the House forms a select committee so that it can undertake this particular duty and responsibility.

I agree with the Senator who is seeking for postponement. If that is provided for under our rules and Standing Orders then I have no objection that we can defer debate on this Motion, so that we can move an amendment to include the views that Members have expressed during the contribution.

I support.

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

*[The Speaker (Hon. Lusaka) on the Chair]*

**The Speaker** (Hon. Lusaka): Hon. Senator, who is your seconder?

*(Hon. Senators consulted)*

Sen. Ledama, have you seconded? You had contributed. The Senate Minority Leader, do you wish to comment on this?

**The Senate Minority Leader** (Sen. Wetangula): Thank you, Mr. Speaker, Sir. The distinguished Senator for Elgeyo-Marakwet County has not been in the House. Members who have spoken to this Motion from both sides of the House have been of the view that we cannot pass a Motion to ask the Ministry of Education, Science and Technology and the TSC to audit themselves. We require a select committee of this House to do that. This is to ensure we achieve greater efficacy and bring sanity, order and equity in the distribution of teachers around the country. However, you will find in urban schools the student teacher ratio is 15:1. In rural areas, you will find a school with eight classes having one TSC teacher and two untrained teachers.

The distinguished Senator for Kirinyaga County has moved that we adjourn debate now so that we give an opportunity for the amendment of the Motion, which is a perfect idea in view of the debate that ensued.

Once you have spoken to a Motion, you cannot move or second it. That is why I was asking the distinguished lady from Kajiado County, who I believe has not spoken to it or Sen. Petronila seated behind me, to second so that we can adjourn debate on this Motion and wait for an amendment. That is where we are Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. Petronila, you can have the floor.

**Sen. Were:** Thank you, Mr. Speaker, Sir. I rise to second the proposal to adjourn debate on the Motion as presented by Sen. Khaniri.

*(Question, that debate on the Motion be adjourned proposed)*

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker Sir, this Motion is a very important. From the outset, the Mover informed the House that when he first drafted the Motion he wanted to create a select committee to audit the distribution of teachers around the country. However, he was informed that at the time, Parliament was cash strapped. We are in a new year and in a new Parliament. This House listened to new Members here like Dr. Milgo, Dr. Langat and the young lady from the Kenya African National Union (KANU) who had brilliant ideas. I am sure they will make a difference in the management of our education system.

I support the move by the distinguished Senator for Kirinyaga County that debate on this Motion be now adjourned to a later date to give an opportunity for that amendment and creation of a select committee.

**The Speaker** (Hon. Lusaka): I will now proceed to put the question.

*(Question, that debate on the Motion be adjourned,  
put and agreed to)*

Hon. Senators, we are still waiting for a Message from the National Assembly. They are just winding up. I propose that we suspend the House for a few minutes. Once we get the Message will re-convene.

*(The House was suspended at 10.45 p.m.)*

*(The House resumed at 10.55 p.m.)*

**The Speaker** (Hon. Lusaka): Hon. Senators, the Clerk of the Senate has drawn my attention to the presence at the Bar of an officer from the National Assembly. He is bearing a Message from the National Assembly to the Senate. I direct that the Serjeant-at-Arms to receive and deliver it to the Clerk.

*(The Serjeant-at-Arms escorted the officer bearing the Message from the National Assembly to the Clerk of the Senate)*

*(The Speaker consulted with the Clerks-at-the-Table)*

## MESSAGE FROM THE NATIONAL ASSEMBLY

### ANNOUNCEMENT OF RESULTS OF ELECTION OF EALA MEMBERS BY THE NATIONAL ASSEMBLY

**The Speaker** (Hon. Lusaka): Hon. Senators, I now have the results from the National Assembly. They are as follows-

From the Jubilee party: Hon. Simon Ng'ang'a Mbugua, 235 votes; Hon. Adan Mohamed Nooru, 162 votes; Mr. Charles Ayako Nyachae, 72 votes; Hon. Lawrence Mpuru Aburi, 168 votes; Hon. Wanjiku Muhia, 151 votes; Ms. Elizabeth Wangui Njeeh, 122 votes; Hon. Abdul Aziz Ali Farah, 171 votes; Ms. Irene Cherop Masit, 49 votes; Ms. Florence Jematiah Sergon, 202 votes; Mr. Justin Nthiiri Bundi, 38 votes; Ms. Eunice Wanjiru Karanja, 21 votes; Mr. Jackson Kipkemoi Kosgey, 34 votes; Ms. Dorice Donya Aburi, 20 votes and Dr. Muriuki Joe Muriithi, one vote.

From the NASA Coalition: Hon. Odinga Oburu Oginga, 195 votes; Mr. Kennedy Musyoka Kalonzo, 254 votes; Mr. Norman Magaya Amugira, 52 votes; Ms. Fatuma Ibrahim Ali, 113 votes; Mr. Abdikadir Omar Aden, 203 votes; Ms. Beth Kalunda Mutunga-Syengo, 45 votes; Mr. Abubakar Zein Abubakar, 56 votes; Mr. Loy Mwandi Maviala, 105 votes; Ms. Angela Mueni Munyasia, seven votes; Ms. Jane Moronge Marwa, 90 votes and Mr. Justus Onsongo Mochonge, 14 votes.

The total number of spoilt votes is 11.

### DECLARATION OF THE OUTCOME OF THE EALA ELECTION (CONSOLIDATED RESULTS)

**The Speaker** (Hon. Lusaka): Hon. Senators, the following are the consolidated results:-

From the Jubilee Party: Mr. Abdulaziz Ali Farah, 186 votes; Ms. Aburi Donya Doris, 23 votes; Mr. Aburi Mpuru, 208 votes; Mr. Bundi Justin Nthiiri, 41 votes; Ms. Karanja Eunice Wanjiru, 22 votes; Mr. Kosgey Jackson Kipkemoi, 38 votes; Ms. Masit Irene Cherop, 55 votes; Mr. Mbugua Simon Ng'ang'a, 286 votes; Ms. Muhia Wanjiku, 180 votes; Mr. Muriuki Joe Muriithi, two votes; Ms. Njee Elizabeth Wangui, 148 votes; Mr. Noor Adan Mohamed, 192 votes; Mr. Nyachae Charles Ayako, 109 votes; and Ms. Sergon Florence Jematiah, 252 votes.

From the NASA Coalition: Mr. Abubakar Zein Abubakar, 66 votes; Mr. Aden Abdikadir Omar, 235 votes; Ms. Ali Fatuma Ibrahim, 142 votes; Mr. Amugira Norman

Magaya Amugira, 65 votes; Mr. Kalonzo Kennedy Musyoka, 309 votes; Ms. Marwa Jane Moronge, 95 votes; Mr. Maviyala Loy Mwandia, 132 votes; Mr. Mochonge Justus Onsongo, 15 votes; Ms. Munyasia Angela Mueni, seven votes; Ms. Mutunga-Syengo Beth Kalunda, 63 votes; and Hon. Odinga Oburu Oginga, 243 votes.

Those are the results that I have received.

Let us move to the next Order.

### MOTION FOR ADJOURNMENT

#### ADJOURNMENT OF THE SENATE PURSUANT TO THE APPROVED CALENDAR FOR THE 2017 SESSION

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to move: “THAT, pursuant to Standing Orders No.28 and 29, the Senate adjourns until Tuesday, 13<sup>th</sup> February, 2018”.

First of all, I congratulate all those who have been elected and succeeded to represent us in the EALA. It shows the bi-partisan relationship that this House can have. You can see the leading candidate who got 309 votes is from the NASA side despite the fact that the Jubilee Party has more votes than all combined. This demonstrates that we are reasonable.

I congratulate my brother in the legal profession, Mr. Kennedy Musyoka, now Hon. Kennedy Musyoka, who has been elected to EALA. It is also a demonstration that one can prove his credentials beyond the relationship they have with other leaders; in this situation, his father. I congratulate all the other Members who have been elected and wish them a successful engagement in EALA.

Now, therefore, our House has come to a period of adjournment until February, 13<sup>th</sup> 2018, except where there will be a situation of a special sitting which will be determined from time to time.

I wish hon. Members a very successful Christmas break, particularly as they go back to engage their constituents. I wish them God’s blessings believing that all of us will serve with diligence, do our job to oversight counties and engage citizens in terms of views that we will get from them. I also pray that God who gives us life everyday will keep us safe from dangers on our roads and diseases or anything else so that we can continue saving and serving this country.

I pray that as motorists and as we use the roads, we become an example in the manner in which we do. I hope that Kenyans will take charge of their destiny by being careful on the roads so that even as we blame other institutions, whether the National Transport and Safety Authority (NTSA) or whichever one, we have ourselves take responsibility on whatever needs to be done.

I beg to move this Motion.

In good practice, I would like to call the Deputy Minority Whip to second this Motion.

**Sen. Were:** Thank you, Mr. Speaker, Sir. I rise to second the Motion to adjourn until 13<sup>th</sup> February, 2018.

I also take this opportunity to wish Kenyans a Merry Christmas and a prosperous New Year, 2018. I also agree with the Senate Majority Leader that as we go to the

festivities, we should ensure that we are safe, drive safely and ensure that everyone around us is also safe. We should be aware of all the dangers on the roads until we resume and get back to the business of the House. The Committees are now in place and, therefore, when we resume in February, we will be back to business.

*(Question proposed)*

*(Question put and agreed to)*

### **ADJOURNMENT**

**The Speaker** (Hon. Lusaka): Hon Senators, there being no other business, the Senate, therefore, stands adjourned until Tuesday, 13<sup>th</sup> February, 2018.

The Senate rose at 11.15 p.m.