

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 31<sup>st</sup> May, 2018

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

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

### PRAYER

### PETITION

#### STATUS AND FUNDING OF MOI TEACHING AND REFERRAL HOSPITAL

**The Speaker** (Hon. Lusaka): Hon. Senators, pursuant to Standing Orders No. 220(1)(a) and 225(2)(b), I hereby report to the Senate that a petition has been submitted through the Clerk by Hon. Jackson K. Mandago, the Governor of Uasin Gishu County, and four other officers in the Uasin Gishu County Government.

The Petition relates to the status and funding of the Moi Teaching and Referral Hospital (MTRH) which is located in Eldoret within Uasin Gishu County. In the Petition, the petitioner states that:-

(a) Although the MTRH is recognised as a referral hospital serving residents of Upper Rift Valley and Western Part of Kenya, it has long been classified as a level 4 hospital. This has meant that, since the onset of devolution, the MTRH has not benefitted from the conditional grants allocated through the budget process to other referral hospitals.

(b) The MTRH has since been reclassified by the Ministry of Health as level 6 referral hospital. Despite this, the MTRH has not been allocated any conditional grants for the Financial Year 2018/2019, the estimates of which are under considerations by Parliament.

(c) Since the MTRH has now been classified as a level 6 referral hospital, the County Government of Uasin Gishu requests that funds be allocated to enable construction of a level 4 hospital to serve the residents of Uasin Gishu County.

The petitioner, therefore, prays that the Senate urgently considers this matter to ensure that the MTRH benefits from conditional grants allocated for national referral hospitals in the Financial Year 2018/2019 and subsequent financial years.

Hon. Senators, an earlier version of this Petition was reported to the Senate on Tuesday, 4<sup>th</sup> April, 2017 and committed to the Standing Committee on Health for its

consideration. However, the Petition was not concluded as the term of the 11<sup>th</sup> Parliament lapsed before the Committee tabled its report.

Hon. Senators, pursuant to Standing Order No. 226, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

Proceed, Sen. Cheruiyot.

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

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

**Sen. Wambua:** Mr. Speaker, Sir, on a point of order, I rise under the Standing Orders No. 35 and 36 to draw your attention to the lack of quorum in the Chamber.

*(Loud consultations)*

*(The Speaker consulted the Clerk-at-the-Table)*

**The Speaker** (Hon. Lusaka): Ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

Sen. Cheruiyot was contributing before the Quorum Bell was rung.

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

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

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, pursuant to your earlier ruling on quorum, we now have the quorum.

*(Laughter)*

**The Speaker** (Hon. Lusaka): Okay.

Proceed, Sen. Cheruiyot.

**Sen. Cheruiyot:** Thank you, Mr. Speaker, Sir. It is really interesting to begin contribution on such an unprecedented move in this House. The fact that we continue to receive petitions in this House, is testament enough to the belief, faith and hope that many members of the public have in this institution, that is, the Senate. It is my utmost and most sincere desire that we shall continue to do justice and dispense with the matters brought to this House with seriousness that they deserve.

The issues that have been raised by the Governor of Uasin Gishu County are extremely important because the bulk of patients that are attended to at the MTRH come from the county that I represent. I know for a fact that in the last few years, despite the gains of devolution, many members of the public still continue to struggle, when they get to Eldoret Town, with either finding bed spaces or even the services for which they have gone to seek in this institution.

Therefore, the facts and issues that have been raised by the governor in his petition to this House are very weighty matters that we need to consider. As a House, we are given the mandate and responsibility to consider, think critically on ways that we can

strengthen and inculcate devolution deeply in this Republic. I urge that the Committee that you shall direct to look at this Petition gives it the seriousness that it deserves.

The Commission for Revenue Allocation (CRA) in their report that they sent to the Committee on Finance and Budget had requested that Kshs2 billion be set aside for the establishment of two cancer referral centres in this Republic. Unfortunately, the National Treasury ignored that advisory. It will only be proper if this House stamps its authority and rises to the occasion so that we address the needs of many Kenyans that continue to suffer. In Eldoret Town, as you are also aware, there is mushrooming of so many private hospitals that are cashing in on Kenyans who continue to go to these institutions to seek assistance but they cannot get it.

Mr. Speaker, Sir, it is my sincere most hope that we shall not dash the hopes and desires of the people of Uasin Gishu and the entire region that rely on this facility and do justice to it.

**Sen. Olekina:** Mr. Speaker, Sir, I have to admit that you caught me unawares. I was having a discussion with my leader in terms of other legislations that we are introducing into this House such as the Urban Planning Bill that tries to redefine our cities. I thought about it and said, what about our hospitals? This Petition is so timely because it gives us an avenue or opportunity to look at all the hospitals that we have in densely populated cities or towns in this country and ask ourselves; what is it that each referral hospital must have?

Mr. Speaker, Sir, I rise to support this Petition. I know that Uasin Gishu and Eldoret particularly, is a very big town that has a huge population in it. When we are looking at this petition, it will be important for us to examine the existing institution. What is it that it does not have? I concur with my colleague, Sen. Aaron Cheruiyot, when he talked about the resources and what the National Treasury ought to do.

Right now, we are talking about devolution and when we are pushing for more resources to go into the counties, we also have to consider the way we have looked at our hospitals. In Narok County, our hospitals probably are Level Four. It is probably considered as a referral hospital but what are some of the facilities that it has in terms of disease control? We might elevate a hospital and call it a referral hospital yet when you go into the morgue, it does not have the required facilities to support that status.

Mr. Speaker, Sir, I support the Petition by Gov. Mandago. I urge that when we are looking at this, we look at the entire health sector. I believe that health is one of the four pillars of H.E President Uhuru Muigai Kenyatta. So, this Petition is really timely because it gives us an opportunity to support all other hospitals in this country.

With those remarks, I beg to support.

**Sen. Kihika:** Mr. Speaker, Sir, I also rise to support the Petition that has been brought to this House by the Governor of Uasin Gishu County. My County, Nakuru, being a neighbouring county to Uasin Gishu, this is extremely timely because with our one Level Five Hospital, it would reduce the strain that comes to my county from the very many people who need those services in the neighbouring counties, especially Uasin Gishu.

Also, it is timely owing to the fact that health is one of the Big Four agenda that we shall be working very hard in these coming few years to make sure that they work right. Without a healthy population, then we cannot achieve any of the other pillars, goals and visions that this Government has.

So, I support that Petition and ask the Committee on Health to look at it very quickly. We have been informed that the petition had been brought in the previous session but it became barred. I urge the Committee on Health to work on this with extra speed so that this can be looked into. Also, maybe it is time to look into other hospitals that should be upgraded so that we can make health accessible and affordable for our populations across the counties.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, before I became a Senator, I used to be a consultant on matters devolution. One of my widely read papers in the health sector is devolution of health. In that paper, I enumerated some of the challenges that come with devolution of health.

One important challenge pointed out is the definition of what a referral hospital is. Schedule Four of the Constitution states that all hospitals except referral hospitals are county institutions. The reason why Gov. Mandago is making that petition is because we have failed as Parliament to enact the Health Act in a manner that responds to the challenges that come with a devolved system of Government.

Therefore, if we want to answer conclusively the issue of referral hospitals, county referral hospitals, national referral hospitals, how hospitals will graduate from a county referral hospital to a national referral hospital and what are the obligations that will ensue for county and national government, we must enact the Health Act.

The reason why the Health Bill is still pending in Parliament is because we cannot agree on various issues that are related responsibilities of national Government and the responsibilities of counties in so far as health is concerned, and to what extent they can support each other. If you look at the whole region of North Rift, there is no single Level Five Hospital. It is justifiable on the part of the Governor of Uasin Gishu to move this hospital to Level Five; reason being that it should receive certain level of support from the national Government like it does at the moment.

All the other level five hospitals are entitled to this, in so far as a certain amount of money going as a conditional grant; but the permanent answer to the issue of health lies in how we navigate the issues that are related to devolution of health in the Health Act. This is so because even doctors up to now are still desirous of having a national health institution that deals with matters of human resource.

Mr. Speaker, Sir, you may ask yourself; at the moment, if we go by the legal regime that is existing, if a doctor employed in Tana River gets married in Kakamega and wants to move to Kakamega, there is no legal framework of such persons moving from Tana River as an employee of the County Government of Tana River to be absorbed on certain terms in another county. Those are human resource related issues that are giving a lot of challenges to the health sector.

My short answer to this is that I support the Petition of the Governor of Uasin Gishu but I also ask us, and particularly, the Committee on Health and as Parliament, we expeditiously move to deal with this issue which has been pending in the National Assembly. It came to our Committee on Health in the Senate. Now it has gone back to the National Assembly. Soon it will come to this Committee. We must navigate through these issues and ensure that the matters are discussed.

**The Speaker** (Hon. Lusaka): What is your Point of order, Sen. Kajwang'?

**Sen. M. Kajwang'**: On a point of order, Mr. Speaker, Sir. Sen. Kipchumba Murkomen raises a very important issue which we needed to test. He talks about the

Health Bill not having been signed. When I look at the website of the Presidency, on 21st June, 2017, the President assented to the Health Bill. Could Sen. Kipchumba Murkomen just brief the House which other Bill is pending because the last Senate worked on the Health Bill and to my recollection, it was assented to. The only challenge we are having is that the national Government is hesitant to implement the provisions of the Health Act.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I thank Sen. Kajwang' for bringing that to my attention. To the best of my knowledge, I thought it was part of the rubric of the laws that we passed in this House and which never passed in the last Parliament and to be reintroduced; but to the extent that it has been signed, then I will update myself on that matter and speak on it properly in the near future.

The reason why I was more convinced we had not gone through with it is because that issue of referral hospitals and the issue of human resource were still pending. I need to relook at it. I stand corrected if that is the position as read by Sen. Kajwang'.

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

**Sen. Khaniri:** Mr. Speaker, Sir, allow me to join my colleagues who have spoken earlier in hailing Gov. Mandago and the four other patriotic Kenyans for bringing this important Petition to the Senate of the Republic of Kenya.

I want to agree with the Senator for Kericho, Sen. Cheruiyot, that the fact that we are receiving so many petitions in this House is a clear testimony that Kenyans out there have a lot of confidence in this House. They look upon us to solve some of the problems they bring to us. Indeed, we must rise to the occasion and ensure that we do exactly that.

The Moi Teaching and Referral Hospital is a very important institution in this republic. It does not only serve Uasin Gishu and the environs, but the entire former Western Province of the Republic of Kenya. Therefore, it is a terrible omission - and it is long overdue - that the hospital is not benefitting from the conditional grant. This Petition must be looked into with a lot of speed to ensure that this anomaly is corrected, so that the hospital receives its share of the conditional grant. The Government must also ensure that the hospital is properly funded because of the population that it is serving.

In addition to this, the hospital is overwhelmed. It will be important that as we go into the future, the national Government should think of ways and means of developing other national referral hospitals, for example, Kakamega Hospital, so that it can serve the western part of Kenya. We should have others in Kisumu, Eastern, Coast and North Eastern, so that we do not put lot of pressure on Moi Teaching and Referral Hospital and the Kenyatta National Hospital.

I fully support this Petition and urge the Committee on Health, which I believe will be handling it, to expedite this matter. This matter was brought before the last Parliament, as clearly stated, on the 4<sup>th</sup> April, 2017. If the Committee had adhered to the laid down timeframe for handling petitions, this Petition should have been dispensed with in the last Parliament. This is because Parliament sat until June, last year. Therefore, we ask the current Committee to ensure that this is done within the stipulated 60 days, so that we get this matter resolved once and for all.

Mr. Speaker, Sir, I support.

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

**Sen. (Dr.) Ali:** Mr. Speaker, Sir, thank you for the opportunity. Since, my Chairman is not here, I will be representing him. As the Vice Chairman of the Committee, we intend to take this job urgently and work on it as fast as possible.

On top of what other Members have said, the hospital is called Moi Teaching and Referral Hospital. It is not only a referral but a teaching hospital. Therefore, if doctors and other paramedics are learning in that institution without proper funding and teachers, we will bring out half-baked professionals, which is not good for this country. I also support that the hospital be funded fully and de-linked totally from the county government.

We also support the issue that the Governor has asked of having Level 4 hospitals in Eldoret, so that they can serve the people of Eldoret and other areas. This will ensure that the hospital becomes a teaching and referral hospital for the whole region.

Thank you and I support.

**The Speaker** (Hon. Lusaka): Hon. Senators, as earlier directed, the Petition stands committed to the relevant Standing Committee, in this case, the Standing Committee on Health. In terms of Standing Order 226 (2), the Committee will be required, in not more than 60 days from the time of reading the prayer, to respond to the petitioners by way of report addressed to the petitioners and laid on the Table of the House.

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM RONGAI AGRICULTURAL TECHNICAL SCHOOL, NAKURU

**The Speaker** (Hon. Lusaka): We have visiting students and teachers from Rongai Agricultural Technical School, Nakuru. I would like to acknowledge their presence in the Public Gallery this afternoon.

In our usual tradition of welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate, and my own behalf, I wish them a fruitful visit.

I thank you.

*(Applause)*

### PETITIONS

#### LAND OWNED BY MULTINATIONALS IN KERICHO AND BOMET COUNTIES

**The Speaker** (Hon. Lusaka): Hon. Senators, I hereby report to the Senate that a Petition has been submitted through the Clerk by three persons, who are residents of Kericho and Bomet counties. As you are aware, under Article 119(1) of the Constitution, and I quote:

“Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.”

Hon. Senators, the salient issues in the said petition are:-

THAT, the residents of Kericho and Bomet counties have suffered numerous historical injustices from 1907 under the hands of colonialist and continue to suffer from the effects of such injustices. These injustices include:-

- (1) Detention without trial.
- (2) Economic crimes through unfair confiscation of property, including cows, donkeys, goats, sheep and even dogs.
- (3) Imposition of internal exile and travel restrictions. Forceful evictions from ancestral land approximating 25,000 acres to white settlement under soldier settlement scheme known as British East Disabled Officers' Colony (BEADDOC) in 1919 (Duder, 1980), which was later allocated to tea companies including James Finlay (trading as African Highlands Produce Co. Ltd) and Brooke Bond (now Unilever Tea), George Williamson.
- (4) Forceful transfer of population leading to loss of fertile prime ancestral lands.

THAT, efforts have been made to have this matter addressed by the Truth, Justice and Reconciliation Commission (TJRC), the Independent Electoral and Boundaries Commission (IEBC) and the Kenya National Commission on Human Rights (KNCHR) with no success.

The petitioners, therefore, pray that the Senate recommends that the National Land Commission (NLC) and the Kenya National Commission on Human Rights (KNCHR) carry out investigations under which multinationals in Kericho and Bomet counties acquired the land they own and consider the plight of the residents.

Hon. Senators, pursuant to Standing Order 225, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

Yes, Sen. Cheruiyot.

**Sen. Cheruiyot:** Mr. Speaker, Sir, these are weighty matters, especially to us the residents of Kericho and our good neighbours from Bomet, who by extension are still residents of Kericho, as it used to be one district back in the day. The petitioners are members that are well known to me and what they are trying to canvass are matters that we have discussed as a community that lives around where the multinationals occupy. We have tried to seek all forms of redress but nothing good has been forthcoming up to date.

Many of our forefathers were kicked out of their ancestral land and were not given any compensation. Their animals and wealth were taken forcefully. To date, Unilever and James Finlay (Kenya) Limited continue to make hundreds of billions in profits out of that land without giving any due consideration to the residents of the county. That is an injustice to the people of Kericho and Bomet counties.

The most unfortunate thing is that when economic survey is done, the products and the land being talked about herein is considered. Therefore, Kericho is considered to be a wealthy county by estimation. There are Senators here who believe that wrongly pushed theory, that Kericho is a wealthy county because of the tea plantations. The truth of the matter is that the residents own absolutely nothing and they do not enjoy anything apart from occasional invites that I get in to go and officiate the launching of a classroom or a dormitory that the multinationals build in one or two schools out of hundreds of billions they make each year. There is absolutely nothing else.

Without taking much time because I know there are other colleagues who want to speak to this matter, it is my sincere hope that the committee that will be tasked to look

into this Petition will expeditiously delve into it and consider the matters being raised and give us a solution, so that we know whether this House as an institution can stand with the poor people of Kericho and Bomet and justice is served on us.

I thank you.

**Sen. (Dr.) Langat:** Mr. Speaker, Sir, I would like to support this Petition. So many things have already been said by Sen. Cheruiyot but the truth of the matter is that the multinational companies are very inhuman in the way they treat the people of Bomet and Kericho.

We used to sympathise a bit because most of our youth used to be employed in those particular companies. Of late, they have introduced machines that pluck tea and that has rendered the youth who used to earn their living from those particular companies jobless. They have also been underpaying people. This has been evidenced through various strikes that have been taking place more often than not.

Through the struggles of people in Bomet, sometimes back, they gave out a small piece of land to around 20,000 people to live on. They are so congested in a place known as Chepchobas and the same people no longer benefit from the company through employment.

The lease terms by the multinational companies are not clear to the locals. We have been trying to ask and they gave some information that is not very clear.

We will support, give some information and take Members of the committee that will work on this Petition round, so that they know how much the people of Kericho and Bomet have suffered through these particular multinational companies. They make our county appear to be rich but the people do not benefit. Kericho and Bomet counties should be considered marginalised but nobody can believe it because when people see the tea, they presume that we are rich but most of our productive land went to the whites and we do not benefit anymore.

I support this particular Petition.

**Sen. (Dr.) Zani:** Mr. Speaker, Sir, let me start by congratulating the people of Kericho and Bomet for bringing this Petition. It is a clear indication that when historical injustices are not addressed, they will not go away. The nature of humanity will always continue to seek to hear their voices heard as have the people of Kericho and Bomet. Indeed, this is not a situation that is unique to Bomet and Kericho only.

When you talk about marginalisation, areas of the coast come to mind straight away in terms of land alienation and historical injustices. It is unfortunate because this Petition also refers to the Truth, Justice and Reconciliation Commission (TJRC) Report and efforts by the Kenya National Commission on Human Rights (KNCHR). Despite all the efforts, we have not reached a place of closure. You cannot talk about development when closure has not been attained. So, it is important for closure to be attained.

It is also unfortunate that Kericho and Bomet host most of the multinational companies and that gives a wrongly perceived impression of development to all whereas there is a group of people who are suffering. I congratulate their bravery because they have brought their petition to the right place. The committee that will look into this Petition will have to go an extra mile to unearth as much as possible the issues that residents of the two counties have raised.

I want to talk about the issues---



**Sen. Sakaja:** On a point of order, Mr. Speaker, Sir. There is a word that has been used by the previous speaker which I feel is unparliamentary and it might be a blot in our HANSARD. He referred to the multinational companies as “the whites”. As much as I know, his intention was not to use it in a derogatory manner.

For the record of this House to be as it should, could you direct that the Senator withdraws that and replaces it with an appropriate word?

**The Speaker** (Hon. Lusaka): That is not bad. It is just the whites of the day and that is a fact. That does not change anything because they will not become black.

**Sen. Sakaja:** Mr. Speaker, Sir, the reason I am persuading you is because I know that whichever committee that will deal with this will have to go and visit those multinational companies and of course they will have a copy of the HANSARD. There might be an impression that there is almost a racist kind of attitude but I stand guided.

**The Speaker** (Hon. Lusaka): The committee will deal with the matter when they get to the ground.

Proceed, Sen. (Dr.) Zani.

**Sen. (Dr.) Zani:** Mr. Speaker, Sir, was Sen. Sakaja in order to raise that point of order when another speaker is on the Floor of the House? He should have raised it when Sen. (Dr.) Langat was speaking rather than interrupt me and make me lose my thread of thought. I was going to raise a very important point on Social Corporate Responsibility (SCR) by the organisations.

As Sen. (Dr.) Langat has said, many organisations sugarcoat the whole issue of SCR and make it appear that they are doing a lot. It is important to unearth by going deeper and making sure that they give back to the communities. There should be a level of some sort of value addition in terms of the projects that they do.

I commend this Petition. I hope that the committee that will look into issues raised herein will give us a worthy report and that the people who brought it will be happy with the work that we do in the Senate.

I thank you, Mr. Speaker, Sir.

**Sen. Wetangula:** Mr. Speaker, Sir, I also laud the courageous citizens of Kericho and Bomet but I wonder whether there is lack of material nondisclosure on this matter in accordance with Standing Order No.223(g).

I am aware and I stand corrected by the distinguished Senators of Kericho and Bomet that the governor of Kericho, who is my good friend, has been pursuing a court process in relation to James Finlay (Kenya) Limited and other multinationals that occupy the ancestral lands of the people of Bomet and Kericho and that there is a court process ongoing in London in a court of law.

If that be the case, then the Petition will have some difficulties in accordance with Standing Order No.223(g). But be that as it may, I laud the courageous citizens. I want also to encourage the Senators from Kericho and Bomet counties that they may, in trying to hit the fly, crash the head of the person on whom the fly is perching.

James Finlay Kenya Limited and those other multinationals are agricultural entities that are devolved under the Constitution. So, one way of getting strong revenue base for their counties is to encourage their county assemblies to legislate on how to share the proceeds and profits that are being generated by these multinationals to improve the lives of their people. This is because in the macro-economic status of the country, tea growing, tea processing and tea export is a critical component in our sector of the

economy. Therefore, my two colleagues from the two counties may have to look into that.

Mr. Speaker, Sir, more importantly, as I finish, the issues being raised by these Kenyans out of frustration is because of the continuing arrogance and refusal by the Jubilee Government to implement the Truth Justice and Reconciliation Commission (TJRC) Report. All these issues were canvassed in this report. All these issued were addressed, solutions were given, reparations and compensations were recommended. A few resettlements were recommended, but the TJRC report is lying in the office of the Majority Leader in the National Assembly. It has never gotten to the Floor of the National Assembly. It is your side that is frustrating your people.

I want to encourage you also as you pursue these avenues, you should know what the Committee is about to do, is to reinvent an existing wheel because the matter has already been dealt with.

**The Senate Minority Leader** (Sen. Orenge): Mr. Speaker, Sir, the land question has always been a very important one; not now, but even in pre-independence and during the struggle for Independence. That is why the independent Constitution of Kenya had a whole chapter dealing with land with emphasis on community land. One of the things that we need to determine moving forward is the extent to which the national Government can override the interest of communities, particularly those communities that have suffered from historical injustice.

As a person who comes from Kericho County – the Senator for Kericho County knows this very well – there are communities in Nandi and Kipsigis who were evicted from their ancestral land. Quite a number of them were actually taken to Subaland. If you go to Suba land, there is a large community of Talais. When they speak Luo language, you will never know whether they come from Nandi or Kipsigis communities. I salute many of them because they have never forgotten their roots. Even their children speak fluent Nandi or Kipsigis language. It is terrible that a community which can trace its ancestral land, cannot go freely to that land in a free and independent Kenya.

One of the things that we must bear in mind is the fact that when it comes to the question of land, ownership of land is very important. Whether or not we have corporations which are giving us returns, the critical factor is; “who owns the land?” This is the question that the Constitution tried to address. It says no foreigner should own land for a period of more than 99 years. In fact, within the framework of our Constitution, a company like James Finlay Kenya Limited would be on their knees, not only to the national Government, but to the counties of Kericho and Bomet, trying to renegotiate leases over those ancestral lands. This is because these lands are not public or county land, but they are ancestral land.

I welcome this Petition because the displacement of peoples from places where they live is the greatest injustice that you can do to anybody. Besides, you can see signs of colonialism in Limuru where there are tea farms. You can also find them in Nyeri County where even today we still have colonial villages. You will find those colonial villages in Nandi and Kericho counties. So, let there be no excuse for these multinationals.

Mr. Speaker, Sir, I am glad that in South Africa the African National Congress (ANC) is now taking a more proactive approach to claim the ancestral land. This is because if you begin to go to the basis of security and sanctity of title deeds without

looking at the history of how that land was acquired, then you are causing a lot of injustice to many people in the country, and more particularly in Nandi and Kipsigis. By the way, that is why the Nandis and Kipsigis turned out to be one of the few communities who fought against colonialism before even the Second World War. The Mau Mau came later. These communities were fighting colonialism because they were being moved away from their ancestral land.

Mr. Speaker, Sir, I support this Petition. I hope that the relevant committee will quickly come up with a report for us to discuss. I agree with Sen. Wetangula that we are also causing part of the injustice because the TJRC addressed most of these issues. The only reason it is not out here is because some peoples' names were there, who were as bad as this company and the colonial Government. They should also be named. Why do we fear historical facts? A black man who has robbed another black man of his land is just as bad as a white man. So, let the TJRC report come out.

**Sen. Kihika:** Thank you, Mr. Speaker, Sir, for the opportunity to also support this Petition. Before I add my few remarks, I would like to take the opportunity to welcome the teachers and students of Rongai Agricultural Technical Institute who are in the House today.

I also thank the courageous people of Kericho and Bomet counties. If we get it right with this Petition, we will have a way for most parts of this country to petition the Senate and have these historical injustices addressed, once and for all.

I have also seen in different contexts in some counties, a lot of the multinational companies getting a lot of benefits from our country at the expense of the locals. Many at times when it is brought up, we are told that they are the major employers who build classrooms here and there, or install piped water. However, the locals are not getting the value of their land.

I support this Petition and I look forward to the relevant Committee bringing back a report. Hopefully, we should get it right so that we can address a lot of these historical injustices throughout the country.

**Sen. M. Kajwang':** Mr. Speaker, Sir, I also rise to support the petitioners for deeming it fit that the Senate would be able to deal with this matter. I also wish to subscribe to the presentation by Sen. Orendo. Indeed, when the Talai were exiled to Subaland, they were sent to Lambwe Valley which is close to my home, and others were sent to Mfungano Island. There is usually some doubt whether I am Talai, Luo or Suba. However, that is the uniqueness of the people who come from that area.

Mr. Speaker, Sir, the petitioners have requested that this matter be sent to the Kenya National Commission of Human Rights (KNCHR) and the National Land Commission (NLC) to address it. Article 67 establishes the National Land Commission (NLC) and in Article 67(2)(e), the NLC as established is supposed to-

'initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress'

The question we should be asking as the NLC nears its sunset is; to what extent has the NLC addressed historical land injustices? There has been a preoccupation with dealing with millionaires and billionaires in this city that are fighting with the National Government or county government because that is where the highest premium is.

I hope that the appeal that has been made by Sen. Wetangula and Sen. Orendo shall fall on the ears of the Chairperson of the Committee on Justice, Legal Affairs and

Human Rights, Sen. Cherargei. In the last Parliament, Sen. Sakaja and I sat in the Committee on National Cohesion and Equal Opportunity and we attempted to bring the Truth, Justice and Reconciliation Commission (TJRC) Report to the House. We had issues with the Committee on Legal Affairs and Human Rights of the National Assembly who said that it was the Committee on Legal Affairs and Human Rights that was supposed to bring the matter to the House.

Let us not wait for the National Assembly to bring this matter because these are issues that affect counties. I challenge the Chairperson of the Committee on Justice, Legal Affairs and Human Rights and the Chairperson of the Committee on National Cohesion, Equal Opportunity and Regional Integration in this House to bring the TJRC Report to the Senate and let us confirm to the country that the Senate is serious about dealing with some of these issues.

I support.

**The Speaker** (Hon. Lusaka): Hon. Senators, I see a lot of interest. We have only ten minutes for that, so I will give the remaining Senators two minutes each, starting with Sen. Mwaruma Johnson.

**Sen. Mwaruma:** Mr. Speaker, Sir, it is Sen. Mwaruma Johnes.

Thank you for the opportunity to support the Petition from the people of Kericho and Bomet. It is a very important issue because it touches on matters land. There are investors who own a lot of land and they are investing in them and the only way in which our people in the county are benefiting is through employment and the rates that the investors pay to the county governments.

The Committee that will deal with this Petition should zero in on the issue of benefit-sharing. The people who own large chunks of land took the land when we did not know its value but we now know the value of land. They took huge chunks of land and the communities around are getting tokens in terms of benefits. We want to try and see if we can re-evaluate the price of land and negotiate the benefit of the people surrounding the investment firms.

I beg to support the Petition.

**Sen. Olekina:** Thank you, Mr. Speaker, Sir, for giving me the two minutes to comment and support this Petition. My leader talked about a black person taking the land of another black person. When I reflect on all the land issues that we have, I come to the conclusion that the full dispensation of land by the British colonial masters set precedent to all the problems that we have in this country regarding land ownership but the people who took over the land from the colonial masters make them look like philanthropists. There are issues surrounding land ownership which include the way people are kicked out of their land like the Maasais and the Talais.

There is a question of leasehold. Most of the land owned by the colonial masters had a lease period of 99 years. What happened? When you commit this to the Committee on Lands, Environment and Natural Resources, those are the questions that they should be asking. When the lease expired, how was it renewed? Were the people who were kicked out of those parcels of land considered? We have a very good Constitution that guarantees everyone a roof but where do you take these people when the land that they were raised and brought up on was taken away from them? All the land issues can only be resolved if we are bold enough.

I commend the President for saying that he will be the first one to fight corruption but the only way we can win this war is when the President decides to implement the TJRC Report tomorrow. I know that the Maasais are complaining. Their land was taken away from them and they were sent away from Laikipia down to the reserve areas. This issue is very important and I want to request the President to consider what I have said.

**The Speaker** (Hon. Lusaka): I like your passion.

**Sen. Farhiya:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I support the Petition. We are talking about historical injustices and people losing their land. The super Senator reminded us not to use a racist name, but I want to state that people from the East are buying a lot of land from Kenyans and since they are poor, they are letting them have their land. In many years to come, we might just start complaining about land so that needs to be looked into. There is need to have some laws to ensure that ancestral land is owned by Kenyans and not allowing foreigners to buy all the land, then making people landless.

**The Speaker** (Hon. Lusaka): Hon. Senators, pursuant to Standing Order No. 226(1), the Petition should be committed to the relevant Standing Committee for its consideration. In this case, I direct that the Petition be committed to the Standing Committee on Land, Environment and Natural Resources and the Committee on Justice, Legal Affairs and Human Rights.

In terms of Standing Order No. 226(2), the Committee is required, in not more than 60 days from the time of reading the prayer, to respond to the Petition by way of Report addressed to the Petitioner and laid on the Table of the Senate.

#### CBA NEGOTIATION STALEMATE BY KUCO

Hon. Senators, a Petition has been submitted through the Clerk, by Mr. George Gibore and Mr. Peterson Wachira on behalf of the Kenya Union of Clinical Officers (KUCO).

As you are aware, Article 119(1) of the Constitution states that:-

‘Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation’.

KUCO is a Union representing over 20,000 clinical officers practicing in Kenya.

Hon. Senators, the salient issues raised in the Petition are:-

(1) The KUCO submitted a draft Collective Bargaining Agreement (CBA) to the Ministry of Labour in the last week of November, 2017 as agreed upon in the return to work formula.

(2) The timelines for negotiations agreed upon by both parties (the Government/KUCO) were up to 31<sup>st</sup> December, 2017 but in any case not later than 28<sup>th</sup> February, 2018.

(3) Due to the fact that negotiations were not complete by end of January, 2018, the Government requested for an extension of time which the Union agreed to. However, the extension ended and no progress has been made.

(4) The Union has always attended all negotiation meetings and ensured quorum on its side. However, the Government team has for almost half of the scheduled meetings, failed to raise quorum which resulted to postponement.

(5) On 10<sup>th</sup> April, 2018, the Government team indicated that they would not negotiate on the disputed clauses unless the Union accepts their position, which has resulted in a stalemate.

(6) The Petitioners, therefore, pray that the Senate intervenes by mediating this negotiation stalemate to prevent health services disruptions.

Hon. Senators, pursuant to Standing Order No. 225, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

Hon. Senators, I can see that there is no interest on this one. Pursuant to Standing Order 226(1), the Petition stands committed to the relevant standing committee for its consideration. In this case, I direct that it be committed to the standing Committee on Health. In terms of Standing Order 226(2), the Committee is required, in not more than sixty days from the time of reading the prayer, to respond to the petitioner by way of a report addressed to the Petitioner and laid on the Table of the Senate. I salute you.

Next Order!

### PAPERS LAID

#### REPORT ON THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL

**Sen. Sakaja:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, 31<sup>st</sup> May, 2018:-

The Report on the County Governments Retirement Scheme Bill, 2018, (Senate Bills No.6 of 2018).

*(Sen. Sakaja laid the document on the Table)*

**The Speaker** (Hon. Lusaka): Proceed, Majority Whip.

**Sen. Kihika:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today 31<sup>st</sup> May, 2018:

#### REPORT ON THE FINANCIAL STATEMENT OF MARSABIT COUNTY EXECUTIVE CAR LOAN SCHEME

One, the Report of the Auditor-General on the Financial Statements of Marsabit County Executive Committee Members Car Loan Scheme for the year ended 30<sup>th</sup> June, 2017.

#### REPORT ON THE FINANCIAL STATEMENT OF MARSABIT COUNTY EXECUTIVE MORTGAGE SCHEME

Two, the report of the Auditor-General on the Financial Statements of Marsabit County Executive Mortgage Scheme for the year ended 30<sup>th</sup> June, 2017.

ANNUAL CORPORATE REPORT OF THE OFFICE  
OF THE AUDITOR-GENERAL

Three, the Annual Corporate Report of the office of the Auditor-General for FY 2016/2017.

THE KNBS 2018 ECONOMIC SURVEY.

Four, the Kenya National Bureau of Statistics (KNBS) 2018 Economic Survey.

THE EACC REPORT ON THE 2016 NATIONAL ETHICS  
AND CORRUPTION SURVEY.

Five, the Ethics and Anti-Corruption Commission (EACC) Report on the 2016 National Ethics and Corruption Survey.

*(Sen. Kihika laid the documents on the table)*

**The Speaker** (Hon. Lusaka): Hon. Senators, you may now switch to the new Supplementary Order Paper.  
Next Order!

**NOTICE OF MOTION**

REVIEW OF POLICY AND LEGISLATIVE FRAMEWORK ON  
THE FIGHT AGAINST CORRUPTION

**Sen. (Dr.) Mwaura:** Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, RECALLING that in December 2003, Kenya became the first country in the world to sign and ratify the United Nations Convention against Corruption (UNCAC);

AWARE that since then, Kenya has put in place robust laws and regulations to prevent, combat and punish corruption, among them the Anti-Corruption and Economic Crimes Act of 2003, the Public Officers Ethics Act of 2003, the Witness Protection Act of 2006; the Proceeds of Crime and Anti-Money Laundering Act of 2009, the Leadership and Integrity Act of 2012, the Election Campaign Financing Act of 2013, the Public Procurement and Asset Disposal Act of 2015, the Bribery Act of 2016; and the Access to Information Act of 2016;

FURTHER AWARE that Kenya has established various institutions and agencies tasked with spearheading and coordinating the fight against corruption; amongst them the Ethics and Anti-Corruption Commission (EACC), the Director of Public Prosecutions (DPP), and the Directorate of Criminal Investigations (DCI);

CONCERNED that despite these efforts, corruption remains the greatest challenge to Kenya's socio-economic development, including the attainment of the Big Four Agenda for Kenya's development under Kenya's Vision 2030, the African Union's Agenda 2063, and the United Nations (UN) Sustainable Development Goals (SDGs);

RECALLING that, during the State of the Nation Address to Parliament on 2<sup>nd</sup> May, 2018, H.E. the President urged Parliament to help design the legal tools needed to help win the fight against corruption;

NOW THEREFORE, the Senate resolves that the Standing Committee on Justice, Legal Affairs and Human Rights to undertake a comprehensive review of the relevant policy and legislative framework on the fight against corruption in Kenya and propose measures to be undertaken, including amendments to the existing legislation, to strengthen the fight against corruption; and that the Committee do table its Report within sixty days.

**The Speaker** (Hon. Lusaka): Next Order.

## STATEMENT

BUSINESS FOR THE WEEK COMMENCING,  
TUESDAY, 5<sup>TH</sup> JUNE, 2018

**Sen. Kihika:** Thank you, Mr. Speaker, Sir. Pursuant to Standing Order 46(2)(c), I hereby present to the Senate the business of the House for the week commencing Tuesday, 5<sup>th</sup> June, 2018.

Hon. Senators, before I speak on the issues relating to Business of the House for the coming week, I take this opportunity to acknowledge and commend you for participating in the Third Annual Legislative Summit held last week from 22<sup>nd</sup> to 25<sup>th</sup> May, 2018, in Mombasa County. It was an enlightening summit and we look forward to continually engaging with the county Assemblies to ensure that devolution works.

Turning to matters Business, the Senate Business Committee (SBC) will meet on Tuesday 5<sup>th</sup> June, 2018, to schedule the business of the Senate for the week. Subject to further direction by the SBC, the Senate will on Tuesday continue with consideration of business in today's Order that will not be concluded.

On Wednesday, 6<sup>th</sup> June and Thursday, 7<sup>th</sup> June, 2018, the Senate will consider Business that will not have been concluded on Tuesday and any other Business scheduled by the SBC.

Hon. Senators, a number of Bills, including the following, are at the Second Reading stage.

- (a) The County Boundaries Bill (Senate Bills No.6 of 2017)
- (b) The Office of the County Attorney Bill (Senate Bills No.3 of 2018)
- (c) The County Government Retirement Scheme Bill (Senate Bills No.6 of 2018)
- (d) The Public Participation Bill (Senate Bills No.4 of 2018)
- (e) The Physical Planning Bill (National Assembly Bills No.34 of 2017)
- (f) The Irrigation Bill (National Assembly Bills No.46 of 2017)
- (g) The Kenya Roads Bill (National Assembly Bills No.47 of 2017)



(h) The Division of Revenue (Amendment) Bill (Senate Bills No.14 of 2018)

There are also four Bills due for the Committee of the Whole House, namely:

(a) The Assumption of Office of the County Governor Bill (Senate Bills No.1 of 2018)

(b) The National Flags, Emblems and Names Amendment Bill (Senate Bills No.8 of 2018)

(c) The Food Security Bill (Senate Bills No.12 of 2017)

(d) The County Government Amendment No.2 Bill (Senate Bills No.7 of 2017)

I continue to urge the committees to table their Reports on Bills and Petitions before them within the stipulated timelines to facilitate the House to dispense with them expeditiously. In the same breadth, I urge Movers of Bills and Motions to avail themselves in the House when their Business appears on the Order Paper, to avoid postponing Business for no good reason.

Mr. Speaker, Sir, I thank you and hereby lay the statement on the Table.

*(Sen. Kihika laid the document on the Table)*

**The Speaker** (Hon. Lusaka): Next Order!

### MOTION

#### REVIEW OF POLICY AND LEGISLATIVE FRAMEWORK ON THE FIGHT AGAINST CORRUPTION

**Sen. (Dr.) Mwaura:** Thank you, Mr. Speaker, Sir. I beg to move the following Motion-

THAT, RECALLING that in December 2003, Kenya became the first country in the world to sign and ratify the United Nations Convention against Corruption (UNCAC);

AWARE that since then, Kenya has put in place robust laws and regulations to prevent, combat and punish corruption, among them the Anti-Corruption and Economic Crimes Act of 2003, the Public Officers Ethics Act of 2003, the Witness Protection Act of 2006; the Proceeds of Crime and Anti-Money Laundering Act of 2009, the Leadership and Integrity Act of 2012, the Election Campaign Financing Act of 2013, the Public Procurement and Asset Disposal Act of 2015, the Bribery Act of 2016; and the Access to Information Act of 2016;

FURTHER AWARE that Kenya has established various institutions and agencies tasked with spearheading and coordinating the fight against corruption; amongst them the Ethics and Anti-Corruption Commission (EACC), the Director of Public Prosecutions (DPP), and the Directorate of Criminal Investigations (DCI);

CONCERNED that despite these efforts, corruption remains the greatest challenge to Kenya's socio-economic development, including the attainment of the Big Four Agenda for Kenya's development under

Kenya's Vision 2030, the African Union's Agenda 2063, and the United Nations (UN) Sustainable Development Goals (SDGs);

RECALLING that, during the State of the Nation Address to Parliament on 2<sup>nd</sup> May, 2018, H.E. the President urged Parliament to help design the legal tools needed to help win the fight against corruption;

NOW THEREFORE, the Senate resolves that the Standing Committee on Justice, Legal Affairs and Human Rights to undertake a comprehensive review of the relevant policy and legislative framework on the fight against corruption in Kenya and propose measures to be undertaken, including amendments to the existing legislation, to strengthen the fight against corruption; and that the Committee do table its Report within sixty days.

Mr. Speaker, Sir, this country is suffering. Today, during the National Prayer Breakfast, we saw a very good gesture from the two main principals of the politics of this country, His Excellency President Uhuru Kenyatta and the Rt. Hon. Raila Odinga. It is also true that, today, we exorcised demons. Some of the exorcised demons were actually demons against corruption. We are being treated to the theatre of the absurd in this country; that people can conspire to loot and steal monies meant for young people. We have seen individuals being paraded, indeed, becoming the first of this kind of heinous acts.

These people did not supply anything and were given the opportunity to blatantly loot our country without flinching. For a long time, Kenyans have been treated to the fact that when you steal public money, you become a national hero. It negates the tenets of natural justice and goes against the manner in which we would want to see our future generation looking up to people of integrity.

As I speak, Kenya is facing one of the most outrageous scandals of corruption in the National Youth Service (NYS), and it is not the only one. Kenyans have become so cynical because when you look at our history, you will go back to Anglo Leasing, the maize scandal and many others, yet looking at the cycle, some of the purported beneficiaries have never been convicted. Recently, all the people who were accused in the NYS scandal were acquitted. To add insult to injury, some of the people who have been adversely named in this corruption end up occupying public office. They superintend over the affairs of the public using the very monies that they have looted from Kenyans.

Mr. Speaker, Sir, we cannot have a country where meritocracy, hard work, due diligence and morality is negated by the fact that when you steal money, you are the one who seems to have the way. It has become so gross to the point that the looters of this public money have compromised every foreseeable public institution in their quest to escape justice. We cannot legislate character. Indeed, we cannot have a situation where we think the law can be a solution. However, it is incumbent upon this august House to be seized of this matter and look into ways in which we can help strengthen that fight against corruption.

Looking at this Motion, we can all attest to the fact that, indeed, it is not due to the lack of laws or institutions that we have failed to fight corruption. There is a challenge in the fact that even when we believe in the rule of law, if the law is circumvented and not applied evenly, then we are encouraging more people to steal

public money. In any case, what will you tell Kenyans, if stealing of public money has now been caricatured? Kenyans have become so cynical to the point that they now expect several seasons of scandals. We have had “NYS Season I” and now we have “NYS Season II”. Every time these things happen, we hear things like: “There will be no stones left unturned. We will not leave this matter to rest until everybody is held accountable.” However, it is business as usual.

Kenyans have been treated to theatrics where, when somebody is being accused of stealing public money, you see leaders, including political leaders, rallying behind an individual under the name that they come from the same tribe. So, people will know that no matter what they do, they just need to get the support of some few political leaders for them to escape with the loot.

We have also seen a situation where people who have been accused of stealing little amounts of money get severe punishment. Recently, a lady was accused of taking a bribe of Kshs2,000 and she was given a huge fine. However, when people who hold big offices are accused of having committed certain crimes, including hate speech, their cases take too long and eventually, no action is taken against them. If Kenyans feel that there is unequal application of the law, what will stop them from also wanting to get into public office in order to steal?

Mr. Speaker, Sir, there is a twinning of two challenges that face this country. The first one is tribalism, which has robbed us of our collective sense of purpose, such that when something happens, all of us have to look the other way if at all it concerns one of us with whom we share a surname or speak the same mother tongue. We have been bereft of the ethos of nationhood, so that we do not see public money as to commit public goods but rather, to enrich ourselves. Corruption has become a cancer and robbed us of our present and future. If this were to go on for far too long, then this country will have stunted growth in terms of development.

Narratives have been given about why Africa has not developed. It is very good to easily accuse the history of colonialism. However, when you look at how we use our public money, you can tell that the problem is about us. It is how we execute that which we commit ourselves as part of what we need to use to solve our problems.

Many Kenyans have actually stolen in the name of helping the poor. People have actually taken food meant for people who are starving or money meant for young people, who are supposed to be doing odd jobs. People have misused well intentioned programmes within Government to enrich themselves.

Therefore, I think we need to put an end to this because, currently, we are borrowing to sustain our Budget and the same money ends up not being used for the benefit of public coffers but on projects where a few beneficiaries have already been identified. When we borrow to the point where we are now reaching unsustainable levels and our revenues have dwindled, what will happen to the fiscal policy of our country? How will we finance the many policies that we are passing here, so that Kenyans can benefit?

Mr. Speaker, Sir, it is on record that a third of our national budget is lost through corruption. It is a pity that out of the Kshs2.1 trillion budget for this year, more than Kshs600 billion will be channeled to private use. The principle of raising revenue is to contribute towards the public good. If we do not achieve that public good by using these

resources prudently, then we will end up not implementing the national projects we want to carry out. Time has come for us to act.

Perpetrators of corruption must now be dealt with ruthlessly. Using the word “corruption”, some people may think it is lofty. These are thieves and they should be referred to as so. No sugarcoating. What is happening in this country is a grand heist. People are shamelessly stealing from the public coffers.

Mr. Speaker, Sir, I urge the Justice, Legal Affairs and Human Rights Committee of this House to look into ways and means of strengthening our laws in order to seal the loopholes that currently exist in our law. One of them is where a suspect of corruption deals with a rush to court to attain an anticipatory bail so that he is not arrested. This is against the rules of natural justice. If a thief can get a court order not to be arrested, then how will we succeed in the fight against corruption in this country?

This morning, the Chief Justice committed himself to help us to fight corruption in this country. However, this country has become so predictable. When a person goes to the Judiciary, there are three things that may happen. One of them is that if his surname appeals to the judge, he may get favourable treatment. He may go to a judge who will tell him how much he will give to buy his freedom. A person might also go to a judge who may not be interested in the matter whatsoever. We may want to look at the Judiciary as an end in itself because it has also participated in frustrating efforts of fighting corruption in this country.

Mr. Speaker, Sir, there are some loopholes also in audit systems. People have learnt how to hide their corruption and “thieving” in good financial statements. Whatever is on paper is different from what is on the ground. All you need to do is to bribe an auditor to get a clean bill of health. We have heard leaders say no money was lost because the auditor was okay with their auditing system. If the auditor also participates in cushioning those who are stealing, then what are we going to do?

Given our mandate by Kenyans, we must face these questions head on. We must lead from the front. We must not shy away because we feel helpless. I believe that we have the power, knowledge and wherewithal to confront this grand mongrel called corruption for the benefit of our people.

Mr. Speaker, Sir, our fiscal systems are wanting. Our counties, for example, have a lot of pending bills stemming from the last general election. Contracts were awarded without following the due budget process. As I speak, counties are struggling to pay pending bills and yet they are faced with a lot of financing challenges.

Today we have situations where primary school heads are inflating the number of pupils in their schools so that they can be allocated more money from the free primary education kitty. This goes on unabated. We have a situation where in the formula of allocation of resources, some people are increasing their population to get more. Once they get it, it is like some grants as we have seen with the National Youth Service (NYS). They have too much money. They will have to vomit it, just like in the Roman Empire where people had become so consumed with power and ended up having a place called a vomitory.

Mr. Speaker, Sir, those who are found culpable of grand corruption, if need be, must be killed in a public gallery so that this country moves forward. Kenyans are tired. We cannot continue hiding under the aegis of human rights and justice. Human rights must be followed with responsibilities. This is a moment of reckoning. Based on how we

will deliberate this matter, the Justice, Legal Affairs and Human Rights Committee will be seized of it and present succinct proposals on how we can change our legal court systems in order for us to succeed in the fight against corruption. They do not need to reinvent the wheel. Last year, the former Attorney-General, Githu Muigai had compiled a comprehensive report on what needs to be done to fight corruption in this country.

Mr. Speaker, Sir, without speaking a lot, I beg to move this Motion and ask Sen. (Dr.) Kabaka to second it.

**Sen. (Dr.) Kabaka:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I rise to second this Motion.

The country is sick because of corruption and it is a great shame. Those of us seated here as Senators, or in the National Assembly, may think that they have solutions to this problem. I have heard Sen. Mwaura saying these people should be killed. However, there are certain things we need to understand. One is the philosophy of capitalism. It is not easy to kill this animal called corruption. Historically, we appreciate that we inherited the English system. Indeed, the legal system which was in play is what we inherited at Independence. We understand how corruption was entrenched in the first Government.

We are aware of how the land issue was created in this country. Up to now, we have a problem with distribution of land. There is also a legal problem in the way the laws are crafted. Sen. Mwaura has talked about parties rushing to courts with their advocates to get bails upfront. We have senior counsels like Sen. Wetangula and Sen. Orengo who can attest that since time in memorial, nothing has been done to change those laws. If, indeed, we are honest to Kenyans, we should be the first Senate to change the laws so that people can face justice. We are also aware that corruption is all over, including churches, mosques, Parliament, the Executive, the Judiciary and everywhere.

It is time as it is stated in the Holy Bible, we admitted that all have sinned and fallen short of the glory of Lord and we repent. Today was a very great day where parties were supposed to examine their morals and ask themselves what has gone wrong. We are talking about corruption but some of the research I have undertaken is very worrying and I need to tabulate it.

The National Youth Service (NYS) (II) has gobbled Kshs9 billion paid to suppliers in the Financial Year 2016/2017. In the Financial Year 2015/2016, we lost Kshs1.9 billion in NYS(I) through fraud. The Karen land issue gobbled Kshs8 billion linked to 40 Members of Parliament; some of whom are seated here today and others who were voted out, among other state officials. There is also the notable National Cereals Produce Board (NCPB) that paid Ksh9 billion paid to undeserving brokers.

There is also Hazina Towers which belongs to the National Social Security Fund (NSSF) where another contract was given to a Chinese company called Jiangxi at a cost of Ksh6.8 billion. This money has also been lost. The tender has been cancelled but they have sued for a lot of damages which is public money.

Let me now turn to the Jomo Kenyatta International Airport. The Kenya Airports Authority (KAA), which is a state parastatal, lost Ksh55.6 billion through irregular tendering. This is another scam. The Government also lost Kshs5 billion through procurement malpractices at Afya House. We have the NSSF Tassia Project. I remember the Secretary General of the Central Organisation of Trade Unions (COTU); Mr. Francis

Atwoli, fighting it hard. We lost Kshs5billion. That scam involved cancellation of a tender.

There is also the Kenya Police Surveillance Cameras Project where Kshs15billion was spent on unreliable cameras. Also, we have the “chicken gate scandal” where Kshs50 million was paid to the Independent Electoral and Boundaries Commission (IEBC) officials.

The Youth Enterprise Fund (I) lost Kshs180 million that was misappropriated by top officials and the Youth Enterprise (II) where Kshs10 million was irregularly paid to three youth groups. There is also the Lang’ata Road Primary School land grab attempt.

The Green Public School Project which His Excellency the President had given Ksh2billion had money also lost. That was reported in the *Daily Nation* on Monday, May 28<sup>th</sup>, 2018. If you want to know the page, it is 1, 2 and 6. There is also the National Land Commission (NLC) which has again turned out to be a doyen of corruption. There is also the issue of compensation for land acquired for the construction of the Standard Gauge Railway (SGR) project. I heard my brother, Sen. Wetangula, mention that a lot of money has been lost during compensation.

There is also the Kenya Pipeline Company (KPL) where there was a contract known as the hydrant pit valves probe where Ksh647.3million was lost. Other scams are yet to come.

Mr. Speaker, Sir, What are saying? We should change the law especially the Penal Code Chapter 63 of the Laws of Kenya. The remedy is simple: those who are convicted after trial should be taken to Uhuru Park and face the firing squads.

*(Laughter)*

This is not a laughing matter; I am very serious. If I am caught, I should be the first one. The students of history know the French revolution of 1789

**Sen. Wetangula:** The Robespierre’s.

**Sen. (Dr.) Kabaka:** Yes, the Robespierre’s. I know the guillotine machine which was introduced. I understand that the person who introduced it - Robespierre- was the third to have his head chopped off. Corruption is all over even in other professions. Go to advocates- I am one of them, engineers, doctors and so forth. I can see Sen. (Eng.) Maina, the Senator for Nyeri County trying to wave at me. I do not know whether in approval or disapproval.

*(Laughter)*

**Sen. (Eng.) Maina:** On a point of order, Mr. Speaker, Sir.

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

**Sen. (Eng.) Maina:** Thank you, Mr. Speaker, Sir. I am not rising because I disagree wholly with what he is saying, however, he is not clarifying one thing; that there are engineers and lawyers of our years who are real, such as the Senate Minority Leader; Sen. Orenge, who are not in this category. Therefore, my friend, this is a new trend and habit---

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

**Sen. (Eng.) Maina:** Mr. Speaker, Sir, he should not try to mix oranges with bananas.

*(Laughter)*

**The Speaker** (Hon. Lusaka): Proceed, Sen. (Dr.) Kabaka.

**Sen. (Dr.) Kabaka:** Mr. Speaker, Sir, let me proceed. I do not want interruption. It is on record, I am privileged and I can talk mountains in this House because I have been elected by the people of Machakos to represent them fully. We know instances where even doctors leave needles in patients' bodies while others are accused of stealing human organs so that someone can get money. It is a shame.

This country is corrupt. I do not even know whether the blood of Jesus is enough to cleanse the sins of this country. Today, His Excellency the President said that a thief is a thief. Whether one is Kikuyu, Kamba, Luo or Luhya, they are known by their tag name - a thief. People should therefore, not hide behind their tribal cocoons.

Mr. Speaker, Sir, we will make amendments. I submit that the Senate Committee on Justice, Legal Affairs and Human Rights and related committees should be very serious. As Senators, we will assist them in our different professions to sit and craft the laws, especially the economic anti-corruption laws.

Lastly, I want to go on record that I have heard members of public say that Parliament is also corrupt. We talk about auditors, reports are brought here and we interrogate them. However, the question is who polices the National Assembly?

**Sen. Wetangula:** Who will watch the watchdogs?

**Sen. (Dr.) Kabaka:** Who will watch the watchdogs or watchmen? We have a problem. It is not enough for Members of Parliament just to debate and wish away the problem. We must find solutions. Kenyans are out there watching us and want Members of Parliament to rise to the occasion and fight for them. Otherwise, this country will face a revolution. People will say that they are not going to pay taxes only for the money to be stolen. Even our people will think that we are thieves. When we drive cars, they will think we bought them using their money.

It is very sad. I wish I had enough tears to weep like the late hon. Martin Shikuku used to do. My heart is very heavy this afternoon.

**Sen. Wetangula:** Rightly so!

**Sen. (Dr.) Kabaka:** Mr. Speaker, Sir, I do not know who is going to wipe my tears.

*(Loud consultations)*

Mr. Speaker, Sir, it is a very sad day for this country. I beg to second Sen. Mwaura's Motion.

*(Question proposed)*

**The Speaker** (Hon. Lusaka): Proceed, Sen. Orengo.

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, Sir, I wish to support this Motion. In supporting it, I want to commend the prevailing mood in the country, particularly the action being taken on the part of the Executive in dealing with corruption.

This morning at the National Prayer Breakfast, it was instructive that all the leaders who spoke there, including the leaders in the Government and in the opposition, spoke in unison not only against corruption, but also in support of the measures that have been taken to deal with this animal called corruption.

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

*[The Temporary Speaker (Sen. Nyamunga) in the Chair]*

The crowning of the events of today was by the Speaker of the Senate conducting a ritual at the end, which was partly in the Luhya language and partly in English.

*(Laughter)*

Some people may have thought that it was being done in jest, but it was an important statement towards the question of dealing with corruption. However, the problem is that this has happened before. Even in 1906, when the Prevention of Corruption Act was enacted as an ordinance in Kenya, it was for the purpose of dealing with corruption then and the people were talking the same language.

Indeed, I can tell without fear of contradiction, that a lot of people do not believe what we are saying. This is what we are going to deal with. It is not that nothing is going to happen out of this initiative. However, the public is very skeptical. In fact, when I saw Sen. Mwaura and Sen. Kabaka talk with passion and commitment, to a lot of people, it was as if they were speaking in tongues. It was as if they were in a church, where some people are speaking and at the end of the day, whether it is in English or in Kiswahili, they sweat and cry. Sen. Kabaka nearly cried, although he did not quite cry.

*(Laughter)*

To the public there, we are just speaking in tongues.

By the way, Madam Temporary Speaker, the only way we can deal with corruption is by starting a conversation about ourselves, as leaders. Kenya is not maturing as a democracy; we are afraid to become a mature democratic country. We are afraid of speaking truth to power so that when we talk about corruption, we talk as people who are restrained. However, in a country that is maturing to become a proper democracy, it is important that when we talk about corruption, we start that conversation with ourselves. This is because when we talk about corruption like this morning during the National Prayer Breakfast, the people out there could see some people there who are part of the corruption gang in this country also having breakfast.

*(Applause)*

Madam Temporary Speaker, the people know that these corrupt people sit in the Cabinet, and I can dare say that without fear of contradiction. That is why the people are very skeptical that we are talking about corruption and dealing with it in the severest terms. However, even in the inner sanctum of power in the Cabinet of this country, there



are people who are sitting there who should not be there in the first place. To the people out there, the same applies even to this Parliament.

I want to speak the truth, that even as we speak in this Parliament, the people out there are judging us as being part of the problem. Even in our churches, when you go to a *harambee*, you will find that the person who contributes millions of shillings is the most corrupt thief. However, he or she gets the longest prayer from a Bishop more than the other people. A good example is that of that of a young woman who went by the door, paid tithe and said, "My Lord I have got only one shekel." The church must also join in this war against corruption.

There is talk in the United States of America about a preacher who is asking his congregation to buy him a fourth jet. In our churches here, there are a lot of church leaders who want a second or third car, *et cetera*. Some churches also organise a *harambee* for a bishop who wants to wed a new wife or other similar things. Conversations should take place amongst the leaders to the highest level. In South Korea, which is now a first world country, how many heads of state have been taken to jail, some of them even executed, but through a proper trial?

I do not support what Sen. Kabaka was saying, that we should take people to Uhuru Park and execute them. If we go that way, the most innocent of people will be the first to be taken there. This is because you do not know who will be in power then and thus, you need a fair process. Even the last female President of South Korea who visited us here sometimes back, is now serving a jail term. In South Africa, neither the government nor Parliament but a political party was able to recall a president. In Kenya, I do not think one can imagine recalling a president; it is unheard of. In fact, we would ask ourselves if that is possible.

Until and unless we talk truth to power and take this road to where it belongs, we will not succeed in the war against corruption. We will just talk in tongues day in, day out, and this demon will continue to be in our midst. The demon of corruption is not going to be removed by prayers; you will pray and pray. Even the Pope also has got demons sitting in the Vatican. There are Cardinals who sexually assault people, steal offerings and so on, and so forth. They are there in the midst of any society.

Madam Temporary Speaker, hyenas are not normally cannibalistic, but they cannot tell their cubs not to eat meat. They would never say that. So, if you have a hyena telling its cub not to eat meat, the cub would wonder what type of a hyena the parent hyena is. This is because the moment we tell people that we are going to punish corruption; we are not going to be believed by the public. Jesus told those Sadducees and the Pharisees that he, who has never sinned, to throw the first stone.

Therefore, I am waiting for a conversation to take place in the inner sanctum of power in this country. I know that can take place. The person who came nearest to that was former President Kibaki. He would never want to be involved in a process where he is trying to help somebody. However close you were to President Kibaki, he would not try to intercede when you are being prosecuted or being accused of an act like corruption but he also had his pressures.

So, I challenge the executive to deal with corruption. This is not corruption. It is grand corruption. It is organised crime. There are people in this country who already know about the budget that we are about to look into. They have looked at it in advance. They know where the money will go.

**Hon. Senators:** Shame!

**Sen. Orenge:** Madam Temporary Speaker, they already have a scheme, more than you as MPs who will make that budget. Parliament is in charge of the budget. They know when to start planning how to get that money. They know the National Treasury inside out; how this Integrated Financial Management System (IFMIS) process works. They also know how to release the money. You can find some counties parading in the National Treasury for one month, looking for money which has been authorised by this Senate and the National Assembly but when an individual goes there, within two days, payment is authorised.

If you do not believe me, yesterday Cabinet Secretary Kiunjuri was talking about how somebody, a farmer, was being paid Kshs300 million having delivered maize in amounts and tonnages which were inexplicable. There must be somebody behind that person.

I challenge the leadership in this country, particularly the four leaders who stood up today during the prayer breakfast, to start a conversation amongst themselves. Are we the role models for Kenya? Do we have anything that we should not have which we have taken from the people of Kenya? If you are telling your Cabinet Secretary or party officials not to steal or not to acquire anything corruptly yet two months ago you sent that person to make sure that you got part of the Standard Gauge Railway (SGR) funds which I understand people have been getting in all forms, either through the National Land Commission (NLC) or through contracts.

That is why every project in this country never pays back, including the SGR. It will not payback because it has already been eaten up. It is supposed to help us but what we will pay in return does not justify what we have spent on it.

I agree with Sen. Mwaura. In fact, if you look at the Big Four agenda, if it is implemented before we deal with this animal called corruption, it will be an exercise in futility. For example, on the issue of building houses and how much the houses will cost, some people have already done deals, by the way even before the President proclaims publicly about the Big Four agenda. They already know. They know about the National Youth Service (NYS) which is the best way of getting money quickly and in millions.

The strange thing is that we were talking about the NYS just last year. The NYS is not a new story. The Parliamentary Committee - Sen. Sakaja was in the National Assembly - the CID and the police were invited to carry out investigations by that report. All the investigative agencies and even the Director of Public Prosecutions (DPP) were directed to take steps by Parliament. Before they could do it, there was another scandal. What happens? It is because in the power chain, we are dealing with a *mafia* which controls the entire system. They are there in the Judiciary, here in Parliament, in State House, they are everywhere

Before we kill them, not literally killing them by using weapons but killing them in order to deny them the tools with which they have been working to do this, then we will talk and talk, and the year, 2022, another President will come and say, my first agenda is to deal with corruption. How many times did President Moi talk about *ufisadi*? We used to sing every song. In fact, if you think about most of those songs about President Moi, they were about *ufisadi; tumemaliza ufisadi*.

Now, 15 years after President Moi, the animal is still here with us. So, I would plead with the leadership in this country to start the conversation amongst ourselves.

Begin with the issues of corruption amongst the leaders themselves; the senior leaders. In fact, in this whole thing, even these Cabinet Secretaries, some of them are very junior people in this entire arrangement. There are bigger forces dealing with this. There are forces who actually even in the electoral process, they participate behind the scenes. They are the ones who want to determine who sits in State House yet we are here talking about corruption.

As we are talking about corruption, they are watching us and wondering how small we are in the entire operations. Let them talk, they will say that but I think and I am convinced with what the leaders did today and the measures that are being taken. If we truly believe in it, it should continue but let it not continue as a process where we are looking out there without having a conversation amongst ourselves about the question of corruption. I think this is where it begins.

Leaders in this country should begin declaring their wealth. If you want to be a Senator or President, the first thing you do is to declare your wealth. Not only the wealth that you have but a little history of how you got that wealth because if you ask President Carter about his peanut farm, you can get a history of how that business came about or even the Kennedys, one of the richest families. You would know over the years, and you can look at their tax returns.

Finally, we will not succeed unless we learn how to make Kenya a one indivisible nation. Even by appointment already, there is no meritocracy. When we are doing vetting, and that is why I think vetting should come to the Senate. Just the other day, the National Assembly was doing this vetting, if we do not do them in a bipartisan manner and trying to get the best like the Constitution is saying, we will end with people in the public service, who are just embarrassing us; and we have appointed some of them as leaders of the investigative agencies. I am not talking about the ones who are there but in the past we have had others.

So, let us abide by the constitutional aspirations. My believe is that we do not necessarily need new laws but we need, as leaders, to mean what we say and when we say it, it should be seen to be done. It starts with the person with whom the executive authority of the state rests or is vested. That is in the Office of the President and the leaders in all the arms of Government.

With those remarks, I support and hope that this message goes out there; that we are in a new era of fighting against corruption but let us have a conversation amongst ourselves.

I beg to support.

**Sen. Farhiya:** Madam Temporary Speaker, I thank you for giving me an opportunity to take part in this conversation. I support this Motion because we are taking this matter very lightly. The way things are, we will lose this country to corrupt cartels that will bring this nation and its sovereignty to its knees. Why am I saying this? Right now, anybody who is corrupt hides behinds their tribe. That, so and so is being targeted because of his political stand or because of his tribe. When people steal, they do not steal on behalf of their tribe but when they are prosecuted, then they belong to a certain tribe. That culture needs to stop now.

The other thing is that I sometimes feel that people are not proud of this country. I do not know why there is no sense of nationalism in this country. Anybody who has a little bit of a sense of nationalism should feel for the Kenyans who pay taxes. It is,

therefore, unfortunate that the ‘big fish’ or ‘small fish’ are stealing hard earned money by Kenyans through shady deals and corruption. We should categorise corruption as a catastrophe in this country. Due to corruption, Kenyans are losing money meant for education and setting up cancer centres.

The security situation is also compromised. We all know that at one time the *Al Shaabab* attacked the capital City of Nairobi. How did they manage to pass through all the roadblocks that we have in this country to the capital centre and blow up buildings? It is because even the police who are supposed to investigate and bring this menace to an end are also corrupt.

As Sen. Orengo has said, we need to have a deeper conversation about corruption and come to a conclusion on how to tackle it. Right now corruption is rampant and very soon Kenyans will be very poor. The tribes we will have will be the tribe of the rich and the poor. I hope we will not get there. Most homes in Kenya are fenced because we try to protect ourselves from the thieves. If everything was in order we would all be comfortable and not need to go there. The conversation we should have in this country is how we can eliminate corruption.

Yesterday I was very shocked while watching news. A number of people were being questioned by *Citizen Television* on what they would do if they got Kshs60 million whose source they did not know. Most of the people, except one gentleman, said they will take the money to the village and hide it under the mattresses. Others said they will pay ten per cent of it to the church to thank God. We have reached a level where we bring God into the conversation of thieves; even when it concerns money that was not acquired the right way. Where do we go with this? If this trend continues, we will definitely lose this country. Do we have anywhere else to go? Kenyans should be hurt by corrupt deals enough to feel that it is everyone’s responsibility to do something about it.

This country does not lack laws to deal with corruption. As Sen. Mwaura has elaborated, there are numerous laws to deal with corruption. What we need to deal with is culture. Let us discuss our culture because most Kenyans have a culture of theft, for lack of a better word. The other conversation we need to have is how to strengthen our institutions to ensure that corruption does not continue thriving. We should have some sense of nationhood.

We were told about the amount of money that is being transferred from Africa through illicit financial outflows. We do not get even one per cent of that money back in terms of aid and grants. Why do we even need foreign aid? If we could stop corruption in this country, we would give aid to other countries. Kenyans and this House need to stand up and be counted by coming up with different strategies on how to deal with corruption.

I posted in the Senate Business platform today about a child, between eight to ten years old, who was asked what gift Kenya would give to the world, and the child said: “Corruption.” When that child grows up, what do we expect of this country? We have a habit of praising people who acquired their wealth through shady means. Those are our heroes and role models. We need to praise people who acquired their wealth in the right way, because we need role models in this country.

As the Senate, we need to pass more laws on corruption. I do not know how we will do it, but something needs to be done about corruption, which in my view, is worse than terrorism. Terrorists find their way into our country because of corrupt police officers who are supposed to man our borders.

Corruption is worse than terrorism because it denies us hospitals and creates vulnerability in terms of our ability to deal with droughts. Look at the rate of flooding in this country. If there was no corruption, we would have enough money to invest in dams, using the water that is flooding in Tana River and other places in this country, to provide water to Kenyans for the next three years.

We need to also create a court that deals specifically with cases of corruption. Setting up a court is not enough; we need lawyers, judges, prosecutors, police officers attached to that court and have the interest of this country at heart. Short of that, this country will end up with only two tribes; the rich and the poor. We should not have people who hide behind their tribes when they commit fraud.

Thank you, Madam Temporary Speaker, for allowing me to contribute to this debate.

**The Temporary Speaker** (Sen. Nyamunga): What is your point of order, Sen. Halake?

**Sen. Halake:** On a point of order, Madam Temporary Speaker. I request that we reduce the time to contribute, so that the rest of us who would like to speak can get a chance as well.

**The Temporary Speaker** (Sen. Nyamunga): That is noted. We are looking at the numbers and the time. For the time being, I will give the next two, after which we will reduce the time.

What is your point of order, Sen. Olekina?

**Sen. Olekina:** Madam Temporary Speaker, I rise on a point of order, under Standing Order 100. Is the distinguished Senator in order to go against the Standing Orders? The Standing Orders are very clear that we can only limit the time before the debate starts.

**The Temporary Speaker** (Sen. Nyamunga): You are out of order, Senator. It can be raised at any one time, depending on the interest and the number of Senators who would want to participate in any particular Motion.

Yes, Sen. Wetangula.

**Sen. Wetangula:** Thank you Madam Temporary Speaker, for an opportunity to contribute to this Motion. I salute Sen. Mwaura for bringing the Motion which Sen. Farhiya and also I wanted to bring but it is good that he brought it ahead of us.

If there is anything that must be declared a national disaster in this country, it is corruption. Extraordinary problems require extraordinary measures to solve them. Corruption has reached an extraordinary level. The country is bleeding and hurting. Yesterday the Governor of Central Bank of Kenya (CBK) said that our external borrowing has reached a limit and we cannot borrow anymore. At Kshs4.6 trillion, the national debt can only burst the economy.

This country has been bedeviled by one incident of corruption after another. The National Youth Service (NYS) graduated some suspects to high office. That is a big shame! Somebody joked the other day that if the previous one was in office for one year and graduated to where she is, the next one might graduate to become the president.

I agree with Sen. Mwaura for tabulating the legal framework we have in fighting corruption. There is no shortage of law. The shortage we have in this country is the will to fight corruption.

When Dr. Patrick Loch Otieno (PLO) Lumumba was the head of the Kenya Anti-Corruption Commission (KACC) and resigned in a huff, he said something very important; that when he was appointed to that office, he thought he had been appointed to fight corruption but he quickly learnt that he was only appointed to appear to fight corruption and not to fight corruption. That is why he was shown the door unceremoniously because he went beyond appearance.

Madam Temporary Speaker, because of limitation of time, allow me to look at the issue of the National Cereals and Produce Board (NCPB). I laud the Cabinet Secretary, Mr. Kiunjuri for having been honest yesterday before the committee. The NCPB, by its framework and foundation, knows farmers in every region. Not anybody can just turn up with a briefcase and say they are a farmer and they want to deliver produce.

In Bungoma which is my county, Kshs534 million was paid to farmers. When you look at the description of the farmers, you will cry like Sen. (Dr.) Kabaka did on the Floor of this House. In Bungoma, there is not a single farmer who can talk of farming 200 acres of land. We do not have land because of population. You will find such kind of farms in Uasin Gishu, Trans Nzoia, Nakuru and a few other places like Laikipia.

A Mary Wanjiku, describing herself as a farmer, delivered maize that she harvested on 800 acres of land in Bungoma. Another farmer called Mary Wanjiru Ndiwa delivered maize she farmed on 334 acres of land in Bungoma. Another one called Benard Mwangi Kimani delivered maize having farmed on 400 of land in Bungoma. Another one called Mary Wasamwe delivered maize that she farmed on 800 acres of land in Bungoma. Another one called Lucy Nduta Kihara delivered maize she farmed on 230 acres of land in Bungoma.

My nephew here, who comes close to Bungoma, knows that you cannot get anybody in Bungoma farming more than 100 acres of land. The NCPB is taking public money and giving it to people who are fraudulently passing off as farmers. Instead of such people being arrested for giving false information to a person employed to serve the public and fraudulently acquiring public resources through dishonest means, they tell us they are investigating. What are they investigating? This is an open and shut case.

As a lawyer, we say that the error is on the face of the record and you do not need to look behind the record. You will realise that there is a lot of hype in the charges framed against the people in the NYS case. We are told Kshs9 billion got lost but nobody has been charged with stealing money. Instead, they are being charged with abuse of office, neglect of duty and all manner of spurious charges that will be difficult to prove and people will walk home scot-free.

This is Kenya. There is a lot of hype and fanfare. People in the administration of justice are on television everyday updating the country on the fake steps they are taking in the fight against corruption. After a short while, the story will die like the floods that we have witnessed. After the floods, the sun comes out and dries up everything and the next day we start talking about a new thing.

There is no way you can fight corruption without making corruption painful. If you do not make corruption painful, you will never win the war. You will find that somebody who stole Kshs1 billion is taken to court and fined Kshs20 million. What is that? That is pocket change.

You will remember the famous case in Mombasa where the Managing Director of Kenya Ports Authority (KPA) was found with Kshs120 million in the house and he

wondered why he was being disturbed. He said that is what his wife uses for her regular shopping. He was never taken to court and he never recorded a statement. He is still enjoying the money.

In this country, nobody talks about earning money. Everybody talks about making money. When you meet young men in bars and hotels, they will tell you they are discussing a *ka-deal*. You will not find people telling you that they are discussing on how to work hard and earn money but the story is making money. Making money is through shortcuts.

Three former presidents of South Korea are in jail. There is a lady who visited us here – the daughter of a former president – who is also in jail. She came here and pontificated about corruption and development. She will be in jail for 26 years. We salute such a country because we should make it difficult for people to benefit from corruption. Corruption just starts from simple things.

One time when I was a Minister, I tried to find out how we procure things here. A roll of tissue paper that you can walk to a supermarket and get at Kshs120 is procured for Kshs1,000. A pencil that you can buy for Kshs20 is procured for Kshs300. A writing pad that you can walk into a supermarket and pick for Kshs50 is procured for Kshs500. Cumulatively, how much money is stolen?

In Kenya and Africa at large, we talk about Gross Domestic Product (GDP) and very handsome growth. Nigeria has overtaken South Africa as the largest economy on the continent. South Africa has a bigger economy and the Democratic Republic of Congo has more resources than the whole of Africa put together but where is the social transformation in Africa?

The poor of 1960 are poorer today and the villages of 1960 are worse today but we keep on saying lives have improved and more people are doing this and that. Today, in this country we are sitting on a time bomb. A total of 12.8 million young people capable of working have no jobs. My colleague, Sen. Orengo, was here. We sounded a warning together. Why are you putting money in National Youth Service (NYS)? NYS was receiving a budget of Kshs5 billion. However, within one year, it was allocated Kshs27 billion without structures to absorb the money. You are just handing over money to people to pocket.

That is why we see cynical calculations that if the amount of meat procured in NYS is to be used properly, each NYS officer will eat one and half cow every day for 365 days a year. Those are the procurements you have on record. A tyre that you can walk to Mr. Manish's Kingsway Tyres and buy for Kshs49,000, is bought for a Kshs1 million at NYS. This is a scandal. The President should not be begging some Kenyans to stop practicing corruption, but he should be locking them up for being corrupt.

Madam Temporary Speaker, I always say this and I can say it again, when I was the Minister for Foreign Affairs in this country, someone maliciously brewed what they called the "Tokyo Scandal." I walked to President Kibaki as my President and told him, "Mr. President, I have no moral stand in that office until I am cleared of this because I do not know anything about it." I left the office. I stayed out of office for six months. Every agency investigated and thereafter, the President called me back and said, "My Minister, they were wrong, you are innocent." That is the only reason I agreed to go back to the office.

We want to have a situation where, as Jesus said, “Those of you who have never done this, throw the first stone.” The majority of people cannot throw any stone, leave alone the first stone. They cannot throw any stone because everybody is tainted. Who worships money? It is everybody, everywhere. These Members you see here, including yourself, cannot go to your home without money in your pocket. People just get to their constituencies and create reasons and disappear because they have no money. Everybody who comes to see you wants money.

Why do people want money? It is because we stifled opportunities for people to live decent lives and so they have to come to you. A man makes his wife pregnant, watches her grow for nine months and he comes to the Member of Parliament to pay for maternity fees. What kind of joke is this that we are having in this country? This is what we should be fighting for. There should be free medical care everywhere. There should be free education everywhere.

I want to urge you Sen. Mwaura that setting up any committee of this House to look into these things will not yield anything. What we need to do and what we should have done is to call the agencies of governance in this country – the Ethics and Anti-Corruption Commission (EACC), the Director of Public Prosecutions (DPP), the Controller and Auditor General, the Directorate of Criminal Investigations (DCI) and the Judiciary - although the Judiciary is not accountable to Parliament and so they may decline to come. You call them here and ask them, “We are giving you taxpayers’ money, what are you doing?” If you are a father in the home and a robber strikes and you are the one who climbs to the roof to wail instead of fighting back, then that house is doomed. That house will crumble. I want to urge this country, let everybody stand up.

Madam Temporary Speaker, what Sen. Farhiya said, I saw it too from somebody else. Some fellow asking children, “what lesson can Kenyans give to the rest of the world?” A six or seven year old boy stands up and says, “corruption.” I saw another one where children were on Television and a child was asked, “who is your role model? When you grow up in this country, what do you want to be?” The boy raised his hand and said, “I want to be Kamlesh Pattni.” When our children are growing like that, Sen. Mwaura, we have lost generations.

Today, everywhere you go, you are respected for the size of car you drive and not the content in your brain. Nobody wants to respect you for speaking good English and creating new ideas and doing all sorts of things. People would respect you when you walk into a place and say, “*panga laini hapa.*” Everybody claps. Even when you go to church, every priest wants to talk to you saying, “when are you coming to do a *harambee* for me?” Nobody is asking you, “how do we make this country better? How do we make this country accountable?”

Madam Temporary Speaker, we have a crisis. A crisis must be dealt with in a crisis situation. President Uhuru Kenyatta, if you are listening to this Senate, declare corruption a national crisis and let us deal with it as a crisis.

I beg to support.

**Sen. Cherargei:** Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this Motion. I want from the onset to thank Sen. Mwaura for coming up with this Motion on the Review of Policy and Legislative Framework on the Fight Against Corruption. I must agree that we, as a country, are now on the right track by having a conversation about corruption.



The Committee on Justice, Legal Affairs and Human Rights of which I chair will do anything possible to ensure we look into this issue. This will be in terms of any policy changes or legislative framework that we need to improve. We will discuss and come up with any necessary legislative amendments that need be made to make our county to move forward in terms of fighting corruption.

I want to agree largely with what my colleagues have said that corruption is now part of the Deoxyribonucleic Acid (DNA) of this country. When one of the National Cereal and Produce Board (NCPB) scandal emerged the other day and I saw the Cabinet Secretary for Agriculture and Irrigation, Mr. Mwangi Kiunjuri and the rest of the Ministry of Agriculture officials speaking yesterday, it looked like a joke. In this country, somebody gets involved in corruption and the next thing is they are elected to a higher office or celebrated.

As Sen. Orenge has said, you receive the longest prayer because you have stolen somewhere and you donated money to a church. The Bishop decides that you should receive the longest prayer as opposed to those people who toiled the whole day and gave Kshs100 in a church service.

The fight against corruption is a big joke when you see some of the suspects in court applying lipstick. It shocks the country because people know that this is just a circus or drama. They know corruption is never taken seriously in this country. Going forward, I agree largely with what some of my colleagues have said. It is not about legislation itself; it is about the goodwill. That is why the handshake has now moved to a 'hug shake.' We need to ensure that one of the agendas that benefit the handshake apart from unity, development and peace, must include the fight against corruption.

Madam Temporary Speaker, I want to thank the Rt. Hon. Prime Minister for what he said today. The fight against corruption is one of the biggest agendas of the hug shake and handshake as opposed to what some of us have been opposing concerning the handshake. Going forward, we, as elected leaders from the grassroots level to the highest office, want to tell the Presidency, as the President told us in the State of the nation Address, that one of the biggest challenges in implementing the Big Four Agenda is corruption. We want to see that goodwill.

I have heard Sen. Wetangula saying that we should summon some of these agencies. The Committee on Justice, Legal Affairs and Human Rights has summoned the DPP, EACC and Commission on Administrative Justice (CAJ), among other agencies that are tasked with fighting corruption in this country to appear before our Committee on Wednesday. They need to tell us what they are doing as agencies that are funded by the taxpayers in fighting corruption in this country. That is why we want to challenge them; if they cannot fight corruption, they should resign and allow other Kenyans of goodwill, good moral standing and integrity to serve.

We, as a Committee, will work very hard to give this Senate the necessary direction in terms of legislative and other policy proposal changes to ensure that we move forward. When the Cabinet Secretary for Agriculture and Irrigation, Mr. Mwangi Kiunjuri, gave the names of the farmers, it was shocking because some of us are small scale farmers not large, but that somebody who is not a farmer would be given priority over a hardworking farmer was unthinkable. Some of us represent farmers and if there is someone who is suffering like Jesus Christ, then it is a farmer. There is no subsidy and

the cartels are waiting for nine months for them to harvest their maize just for them to come like hyenas. It is sad that the genuine farmers continue to suffer.

When Sen. (Prof.) Kamar brought a resolution of a meeting from Eldoret farmers the other day, I said that we need to be careful because when farmers stop farming, the country will go hungry and people will start eating each other because there will be no food. A healthy nation is a wealthy nation and when there is no food, the nation is not healthy, thus they cannot create wealth. I hope that the National Cereals and Produce Board (NCPB) scandal will be addressed. The Cabinet Secretary (CS) was afraid to name the big fish and we hope that the Holy Spirit will visit him during this long weekend for him to give us the name of the big fish who has been troubling and fighting farmers in this country by Monday.

My challenge to the President and other leaders, and it is good that the Senate Minority Leader is a close confidant of the former Prime Minister, is that we should have a concerted effort to fight corruption. Let us come out strongly and fight corruption as much as possible for us to have something that we can bequeath to posterity. When we allow corruption to thrive, it will destroy the social fabric of this nation and everything that we have ever worked on.

As we discuss the national corruption and institutionalization of corruption, we should also look at counties. Counties are now the other target of the cartels that we are talking about and they have even been crawling into my county. The Governor of my great friend, Sen. M. Kajwang', appeared for audit queries that were so many that it shocks one to the high heavens. I want to challenge us that even as we fight the institutionalization of national corruption, we should also agree that our counties have also shown signs and symptoms of this cancer known as corruption.

As we concentrate on fighting the national corruption, we must agree that devolving corruption to the grassroots level is dangerous, thus we must fight so as not to lose the track. In my community, they normally say that one should be careful when chasing a gazelle because the squirrels are likely to appear. I want to urge my colleagues to maintain the focus of chasing the gazelle and avoid the distraction of the squirrels that might come our way.

The Committees should be the place of refuge for Kenyans who are suffering from corruption such that when we deliberate on reports and discuss the matters that affect the foundation of this country in the committees, we must address them with the integrity that it deserves such that we can stand on the moral high ground and speak of people who are corrupt.

I know that our President will walk the talk. The Deputy President took personal commitment last time in Kisii County when he has said that he is going to ensure that we fight corruption. I know that the Senator of Narok County does not believe this but I want to tell him that the Jubilee side and His Excellency President Uhuru Kenyatta and the Deputy President William Ruto, have all made a personal commitment that they will walk the talk and ensure that we fight corruption. They will ensure that the people who participated in the National Youth Service (NYS) season one and season two are brought to book, including those who participated in NCPB. That also includes those who stole from the young people and those that Sen. (Dr.) Kabaka mentioned.

We want to ask the people who will be found guilty of corruption to be patient and instead go to Kamiti or Naivasha maximum prison. When there, we will talk to the

Pope, the bishops and priests, since I am a practicing Catholic, to preach and encourage them that there is life after prison. They will also ask them to atone for their sins and pray for this country.

On behalf of the Committee, I want to take a personal undertaking that we will look into this matter, give the necessary proposals going forward and ensure that we fight corruption and create a better Kenya for all of us.

**The Temporary Speaker** (Sen. Nyamunga): Looking at the numbers, the interest is very high. It will be in order for us to give as many Members as possible an opportunity to discuss this Motion. We will now reduce the time to ten minutes.

**Sen. Wambua:** Thank you, Madam Speaker, for this opportunity. I also want to thank God for the opportunity of attending the National Prayer Breakfast where speaker after speaker spoke eloquently about the need to fight corruption. That talk was overwhelmingly interspersed with a call for forgiveness. It was said that we should forgive one another. I want to stand on the Floor of this House and make a clarification.

First of all, I want to draw the line between forgiveness of sin and the consequences that must fall on the shoulders of people who break the law. On the issue of forgiveness of sin, the Bible is very clear. Hebrews 9:22 says that there can never be forgiveness of sin without the shedding of blood because it is the shedding of blood that makes atonement to the soul. The Senate Minority Leader and many other speakers on the Floor of this House said that we must make corruption very painful.

Indeed, the Mover of this Motion, my good friend, Sen. Mwaura, talked about the seasons of corruption. He talked about NYS I and NYS II but he forgot to speak about maize season I and now maize season II. The maize scandal of 2009 is still fresh in the minds of Kenyans and what the wikileaks said about the leaders who were involved. Those matters are still very clear in the minds of many Kenyans. Today is a sad day because I got information through the media that the Directorate of Criminal Investigation (DCI) has started investigations into the allegations of corruption against the Directorate of Public Prosecution (DPP). When we get there, then you know that our country is really crippled by corruption.

Today, His Excellency the President of the Republic of Kenya, HE Uhuru Muigai Kenyatta, the former Prime Minister, Raila Amollo Odinga, the Deputy President, William Samoei Ruto and the former Vice President, Stephen Kalonzo Musyoka paraded themselves in front of the leadership of this country, guests from other countries, the media and the world. They talked about their commitment to fight corruption. My challenge to the four of them is that the fight against corruption must start at the very top. When there will be need to talk about corruption, my question to them will be, what will you talk about?

Madam Temporary Speaker, I would want a situation where these four great leaders of this Nation – if they are serious about corruption – will look at each other in the eye and say, “What has each one of us gotten in the wrong way that belongs to the public that we need to return to them?” That way, the fight against corruption will get some impetus.

Madam Temporary Speaker, there is no deficiency of laws to fight corruption in this country. We have the Anti-Corruption and Economic Crimes Act, the Public Officers Ethics Act and other related legislations. As far as the definition of corruption and prescribing the consequences for breach are concerned, these laws are very clear. Today,

because of corruption, our health system has broken down completely. Our children, mothers, fathers and the society at large are dying; they are falling like flies.

Madam Temporary Speaker, I support this Motion and I want to challenge all of us in this country that the fight against corruption must now move beyond talk to real action.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Nyamunga): Very well.

Proceed, Sen. Ledama Olekina.

**Sen. Olekina:** Thank you, Madam Temporary Speaker. As the Italian mafia would say, all of us in this country are corrupt. We, the politicians, are number one in corruption. If it was a championship, I would probably say that the presidency would be the defending champions. So, the biggest question to ask ourselves is; what is this corruption?

Madam Temporary Speaker, the media is awash with all ideas of what form of corruption ails this country. We were recently entertained by the distinguished Senator for Nandi, Sen. Cherargei, who spoke before me, when he said that in his county, there is a lot of nepotism and sycophancy. He even used the words “slay queens;” saying that the Governor of Nandi County is hiring all these people.

Madam Temporary Speaker, I can tell you this; that we are all corrupt. Let us not kid ourselves. This is something that has been ailing us for a very long time. There is a lot of favoritism everywhere; in our offices we employ our relatives and favour our political sycophants. We do not reward merit! Let us not kid ourselves. The question is; are we really ready and willing to solve this problem? The former Vice President of USA, Joe Biden---

**Sen. Wambua:** On a point of information, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Nyamunga): Sen. Olekina, do you need any information?

**Sen. Olekina:** No, Madam Temporary Speaker; I do not need any information.

**The Temporary Speaker** (Sen. Nyamunga): Proceed.

**Sen. Olekina:** The former Vice President of the USA, Joe Biden, once said that fighting corruption is not only good governance in itself, it is self-defense and patriotism. This is what we need to be talking about. We need to realise that if God is so kind to us, he will only give us 70 years; we will then die and leave all these earthly possessions in this world.

Madam Temporary Speaker, I am sick and tired of this corruption. It is now becoming a comedy. Every year, the President is heard saying: “Everyone who is corrupt should carry their own cross.” I have been waiting to see someone senior in Government carrying their own cross or actually being prosecuted and found guilty of having embezzled funds. We are not ready as a county to accept the truth. The moment we will accept the truth is when we will begin to have a decent conversation about corruption in this country.

Madam Temporary Speaker, I have lived in the USA for about 20 years and in Kenya for the rest of my years. However, it is only in Kenya that people become overnight millionaires by working for the Government. Every politician who comes to this Parliament – the Senate and the National Assembly – actually spends most of their time seeking government tenders, working with the Government and cutting those deals

that the distinguished Senator for Bungoma County was talking about. We are teaching our children that the only way you can be respected is by cutting deals. That is the reason why you can see those university students in cybercafes discussing about deals. It is because we are leading by example.

Madam Temporary Speaker, today I listened carefully to the story that the former Prime Minister gave; and I stand corrected on this. He said that we are saying that we are fighting corruption, but the people we are arresting are those junior officers. It is like taking a dog for hunting, but you do not guide it; and you let it get into the bush. That way, the dog could come out with a squirrel or a rat. However, when a leopard comes, it runs away.

The truth is that if we are serious about fighting this corruption, then we must guide the dog that we take hunting to ensure that even if it is a leopard, it is dealt with. If you go to the Maasai Mara National Reserve, you will see real dogs which are trained to fight lions because they are guided. The only way we will end corruption in this country is if we first take personal responsibility, and that is what we are not ready to do.

Madam Temporary Speaker, how do we solve this corruption problem? One, we must build capacities. Our county governments are rotting in corruption because – like the distinguished Senator for Homa Bay County said – sometimes, when you lack the capacity to develop legislation that will help you to do your job, there is no way that you will achieve what you desire to achieve.

The problem we have in this country is that the government and we, the politicians, are not ready to empower our people by giving them the tools that they can use to fight corruption. If we are ready to fight corruption, let us develop these tools and cut the red tape. The only way you can be given a contract is if you know somebody. That is very frustrating. The reason we have many pending Bills, some of which cannot even be authenticated, is because of corruption. It is sad.

Madam Temporary Speaker, the distinguished Senator for Machakos County almost cried. I am upset and angry, and every Kenyan ought to be angry because we are not going anywhere. We have so many youth who are unemployed, but instead of those coming up with ideas on how to make them employed, we are busy cutting deals with even foreigners. When you travel around this country, you will see that any business that is coming up is managed by foreigners. Why is this so? It is because we are blindfolded. We are so corrupt that we cannot see opportunities.

All high-end restaurants in this country are now run by foreigners and we, politicians, are partners. When will we teach our youth that they can make a decent living by using the opportunities which are around? The reason Dr. Matiang'i is taking action now is not because he does not want to open our country for direct foreign investment. It is because he wants us to be upset and see those opportunities.

We have to end impunity. We will end corruption the day we will say that it does not matter who you are, who your godfather is or where you come from; so long as you have committed a crime, you face the full wrath of the law. Otherwise, we will talk about corruption yearly. This is nothing but systemic corruption. We have weakened all our institutions. We do not give them independence. Even in this Parliament, I dare say that most of the legislations that come from the Government are designed to create Authorities to embezzle funds.

*(The red light was switched on)*

Madam Temporary Speaker, I request for one more minute, please.

**The Temporary Speaker** (Sen. Nyamunga): Just one minute, please.

**Sen. Olekina:** Madam Temporary Speaker, if you look at the quality of legislation that we are drafting in this Parliament, they are designed to establish authorities to create Chief Executive Officers (CEOs). We forget about devolution.

Recently in the House, we killed the Irrigation Bill. I have seen it in the Order Paper after coming back from the National Assembly. The reason we killed it is because we did not agree with the way it was drafted. Now, it is finding its way back. What do we call that? It is corruption! It is coming to a point where we are almost accepting it as a national culture; that if you are not corrupt, you are not Kenyan. We need to have the conversation that we are talking about, but be ready to take personal responsibility. We should be ready to say: "I will reward so and so because of merit and not because he or she comes from my home." That is the reason we are not developing in this country.

I support the President and encourage him. Let me say something here that, probably, even my leader would not expect me to say. If His Excellency President Uhuru Muigai Kenyatta really goes the whole nine yards and fights corruption, I will be among the first people to go down and beg him to run again for presidency. However, right now, we will just be entertained; it is becoming comical. Let us practice what we preach and not just preach.

Madam Temporary Speaker, with those few remarks, I beg to support.

**Sen. Halake:** Thank you, Madam Temporary Speaker, for giving me this opportunity. I also thank Sen. Mwaura for bringing this Motion. I think everybody agrees that we have a cancer called corruption. We are even losing its definition. Sometimes we get lost as to what constitutes corruption. We keep thinking that, perhaps, corruption is the mega things that are happening. That said, we need to go back to the drawing board and think of some of the practical solutions that we can have at every level to fight corruption.

As everybody has said, we have mainstreamed and institutionalised corruption to the point where we cannot even recognise it even if it stared us in the face. Some of it has been made so normal that if you complained against certain aspects of corruption, people will look at you strangely and say: "We have done this and nothing has happened, so far." So, as everybody has said, it is being normalized and this is sad. I have said it in this House before that in every situation there is always the aggressors, victims and bystanders. I am glad that, today, this House has chosen not to stand by and watch as our country disintegrates under the sheer burden of corruption, but at least speak about it and remind the nation that this is getting to a disaster level.

Looking at the systemic aspects of corruption in our country and its institutionalisation, I shudder to think that every institution of this country--- Of late, I do not even watch television because it is giving me so much hopelessness. For example, look at the banking sector and forestry. We have less than seven per cent of forest cover, not because we have industrialised but because of logging. The people that are mandated to guard this are the ones actually perpetrating these atrocities. Of course, corruption has a ripple effect. If people log and go beyond the 10 per cent forest cover, we self-destruct. Climate change vagaries set in and we experience the kind of climate-induced floods and

drought cycle that we see. So, corruption has a ripple effect in every sector; from the climate to everything that we do on a daily basis.

Madam Temporary Speaker, look at the National Youth Service (NYS), the National Cereals and Produce Board (NCPB) and National Land Commission (NLC). The other day in the Committee on Land, Environment and Natural Resources, where I sit, we questioned the issue of compensation for land used for the Standard Gauge Railway (SGR). We learnt that billions were paid to three companies as the rest of the peasant farmers along the SGR line are yet to be paid a coin. It beats logic why a small-scale farmer that needs to be compensated Kshs200,000 Kshs300,000 is not paid, while the Government has the money to pay one individual Kshs1.2 billion.

What kind of warped priorities are these? It, definitely, points to corruption. We have made representation on this issue and asked the relevant authorities – the NLC - who will appear before us, to explain to us how citizens have not been paid very menial amounts, yet big timers, whose land ownership is still in question, are being paid billions. We also have issues with the Youth Enterprise Development Fund. In fact, I have to stop there, otherwise, we will look like a country that is bordering on levels that are unprecedented in the world.

Who are the aggressors? It is our leadership because when you can do something about a situation and you do not, you are an aggressor. If you stand by and watch a situation that is hurting the people, you are an aggressor; you are aiding the aggressors. We have watched on television people that have been brought before the courts, but on whose behalf are they acting? On whose behalf did they receive these monies? These are some of the things that we need to confront. We really need to look at the big fish behind the small fish. We need to confront these issues.

Madam Temporary Speaker, the number one driver of corruption is our decision making. The decisions we, as leaders, make support, aid and entrench corruption in our country. So, we must deal with the issue of decision making. We must bring on board institutions and agencies of governance. Corruption is painful because it disproportionately affects vulnerable groups, especially women who, in many cases, are not in the decision-making table. The women of this country should stand up against corruption because it affects and robs their children of the future.

We learnt the other day that our banks have been downgraded because of these reasons. I am planning to bring this to the House as a statement. The banks that were downgraded by Mundis are Kenyan national banks. At the same time, the governor of the Central Bank of Kenya has admitted that our own debt is becoming untenable. So, where are we heading? We do not have anything to hold on to, be it our agencies of governors, banking or environmental sectors. Even our schools are robbing our children of a decent education because examinations are compromised. The cancer has spread to every single sector of this country.

As we eloquently describe the mega corruption and how it has gone down, we should also look at some solutions which include bringing on board the people that are affected most by corruption, namely, the youth and women.

I am glad to have seen some youth taking over the Youth Fund offices the other day. While I do not condone lawlessness, it is time that everybody who is disproportionately affected by this, stands up to be counted. Clearly, our leadership, including ourselves has failed. If the President can stand up and continue to beg that

corruption must stop and it does not, what does it mean? Where will we go because the highest level of Government seems helpless?

Today we had all the principals and everybody who matters in this country, the President, the former Prime Minister, Deputy President, former Vice President and they are all crying the same way Wanjiku in the village of Isiolo County where I come from is crying. Where do we turn?

I am glad that this House has taken the first step to discuss, confront and bring this to the attention of the nation so that we all move to the next level which might constitute petitions or protests. I see a revolution coming.

In the Non Governmental Organisations (NGO) world where I come from, people would be in the streets today. I know people frown upon these things, but sometimes, as it has been said over and over again, desperate times calls for desperate measures. Sometimes, the people that are disproportionately affected must take charge of these things.

I urge everybody, including the leaders, women and youth to stand up and keep everybody accountable. When we go to ask for votes, they should hold us accountable and bring our scorecards in regards to corruption and nepotism which we have accepted that we practice.

The women of this country should be put on table and be allowed to speak.

I know my time is up, but this is something that is really close to my heart. It breaks my heart to know the constituencies I represent which are the vulnerable groups, the women, youth and everybody else that is usually excluded are disproportionately affected. Perhaps, the answer lies in the standing up of those who are disproportionately affected so that they are counted.

Madam Temporary Speaker, I hope that this House, through the Committees and other *Ad hoc* means will take this to the next level. This discussion should not end today.

**The Temporary Speaker** (Sen. Nyamunga): Thank you. Those are good deliberations. We, as a nation, have reached a point where we need more way forward. We know the problems and were they are.

**Sen. Pareno:** Thank you, Madam Temporary Speaker, Sir, for allowing me to strongly support this Motion by Sen. Mwaura.

Even though this Motion is calling for a review of policy and what we have in place, we do not lack in policies or in terms of provisos of law. What is lacking is political goodwill. We have bad governance, not because the laws are not there. I also tie this to lack of transparency and inequitable distribution of national resources. People take shortcuts because they are left behind due to bad governance and tribalism.

So, the quickest way that Kenyans have adapted over the years is to bribe their way so as to access services in public offices. At some point, people have complained that they had to give out something for them to access services like accessing files in land registries and in court rooms. It is about our governance and systems. The laws are there, but we are not serious in as far as the provisions of the law are concerned.

Madam Temporary Speaker, Sir, some people in the country feel like they are more Kenyan than everybody else. They feel like they can do anything and nobody will do anything about it. It is time that the sense of nationalism and belonging comes back. Some of these people who feel like they are more Kenyans than all of us should know that we are all Kenyans and we deserve to get the best. We have a problem with our



attitude. Some people feel like they can trample upon everybody and do whatever they want and get away with it.

We have a problem with our attitudes as Kenyans and the kind of governance that we practice. This is where the shortcuts have come in and people think that corruption is the shortcut to whatever service they need from this Republic.

Madam Temporary Speaker, we lack political goodwill. I will only believe in that goodwill that they are talking about as a leadership when we see proper action. The Anglo Leasing scandal came and passed. The Goldenberg scandal came and passed. I dare say that there was a quote by our own leaders that 'we cannot pay, will not pay', then, they paid. History cannot forget these things. Each one of us will we be held accountable for what we say.

This country deserves better than what we are doing. The 'Chicken Gate' scandal came and we have not talked about it. Back in the United Kingdom (UK) people were convicted in regards to Smith and Ousman scandal. However, nothing happened to the Commission that was led by Isaack Hassan. When people were convicted in the UK, up to today, we have not even followed up to ensure somebody somewhere is answerable yet, we have systems that are supposed to ensure that people are answerable.

In fact, what we did at that time, and Senate Minority Leader, Sen. Orengo can attest to it, is the only reason the Independent Electoral and Boundaries Commission (IEBC) at that time, got out of office. It is because of our demonstrations as the opposition and not because of the 'Chicken Gate' scandal. They were given some lumpsum to get out of office. We gave them a package to get out of office after a blunder; after they have committed crimes that have been discussed in another jurisdiction and people convicted for it. Are we serious? Is that the way to send home people who are accused of having messed up with systems?

Madam Temporary Speaker, when it comes to the NYS I and II and even for Anglo leasing, the Serious Fraud Office did investigations and asked Kenya to help give the evidence that they knew was within Kenya to them to help us sort out the scandal. It is on record that the authorities at that time in year 2007 refused to give the evidence. They said that the case was stood over until Kenya gives the evidence. This is now the time to go on with this case.

Let us wind back and punish those that are punishable if at all we are serious. I am afraid that we cannot wind back because maybe they will be told if they mention people, they will also be mentioned in another place. We are therefore, being held hostage because all of them are implicated.

Madam Temporary Speaker, the issue is not the laws or policy. However, this is a good Motion that can lead to something better. The Kenya Constitution, 2010 was brought up to help us sort our country. In fact, I look at Chapter Six -Article 73 on Leadership and Integrity. What kind of leader did we want from this Constitution giving a new lease of life and foundation to this country? We wanted a leader of integrity, good character and one who is not a criminal or convict. What happened when we tried to enforce these provisions?

I am one of those in the political parties where for example in the orange democratic movement(ODM) we tried to enforce and ensure one was vetted before being cleared to vie for a position in this country. They said that was not what the Constitution meant. People went to court to dilute the provision of Article 73. What are we talking

about, if we are busy diluting the provisions that are meant to be a foundation for prosperity in this country?

We lost on leadership and integrity at the time we had the International Criminal Court (ICC) cases. I always said that if it was honourable at that time for people to have stepped aside and go back after clearance; they would then have the moral authority to tell people to step aside. I wonder who in this country has the moral authority this time to tell people to step aside from their jobs because of corruption?

Madam Temporary Speaker, we have violated our own Constitution that creates responsibilities and public trust. However, since we are greedy as a country; people do not want to sweat and, instead, want shortcuts. We need to address our greed.

The other issue is the shoddy investigations that are done on these corruption cases. What happens to these investigators such that we do not know what is happening to Ms. Kabura of the NYS I Scandal to this date? Somebody somewhere said that people were cat-walking while carrying money in bags. We have seen more very beautiful faces cat-walking yesterday when they were appearing in court. Therefore, NYS I cat-walking with bags of money, NYS (ii) cat-walking with bags and bags of money. What is happening and why are we not prosecuting people?

Madam Temporary Speaker, I want to believe in the current Director of Public Prosecutions (DPP), the current “handshake” and that you are giving us a new lease of life for this country. It is only a belief until we see it. This is because if we really meant it, those who were cat-walking with NYS (i), Anglo leasing and “chicken gate” scandals should have been in jail by now.

As a country, we have a new lease and spirit. I want to believe that we are going in the right direction. However, we can only believe that if we start seeing people right now, stepping aside, proper investigations being carried out and the culprits being convicted. I want to see the President asking his people, whoever has been mentioned, to step aside and await conviction or non-conviction. If we see that, and then we shall believe that we are rescuing this country.

I beg to support.

**The Temporary Speaker** (Sen. Nyamunga): Yes, Sen. Shiyonga.

**Sen. Shiyonga:** Thank you very much, Madam Temporary Speaker, for giving me this opportunity to support this Motion. I applaud the Senator who brought it to the Floor of the House.

Speaking about corruption, Kenya is ailing in the intensive care unit and about to die. If you look at corruption, as my colleagues have said, it has scaled heights and is uncontrollable. It has nothing to be compared to.

*[The Temporary Speaker (Sen. Nyamunga) left the Chair]*

*[The Temporary Speaker (Sen. Pareno) in the Chair]*

From the days of the Anglo leasing, Eurobond, Afya House, forests and NCPB scandals, mention them; there is no Ministry or department in Kenya that has been spared of corruption.

Madam Temporary Speaker, it is so pathetic when you look at our offices. Many of those who have looted our programmes are the ones being promoted, applauded and

re-elected to senior positions. It is so embarrassing to say that the level that corruption has reached cannot be compared to any other.

The leadership in Kenya and the institutions that have been given the authority and responsibility to take care of the wealth and property of Kenyans have been compromised. The same corruption is taking root in our counties and devolved organs; yet we are saying that we want to support devolution. It is so sad to realise that funds allocated to programmes needed to save Kenyans' lives during emergencies are being squandered.

Just like my colleagues, I stand here heartbroken. It is so sad when one gets a school that is supposed to assist our pupils being looted. On Karen land, people want to enrich themselves within the shortest time possible, almost overnight. They want to go with thousands of money.

I would want to see Kenya standing on its feet, walking and laughing and smiling again. We can do this through strengthening our institutions and coming up with legislation that can see some of these corrupt looters, thieves - name them - being prosecuted and jailed in the shortest time possible. I would want to see one being jailed for a period of even 50 years just to serve as an example. This is because when we get this list of people and names, they are just decorations of our files and they end up nowhere. It is so sad to see vehicles and police officers chasing after people who have looted and whose names are being mentioned, but no one is prosecuted. Something needs to be done.

My colleagues are saying that they are naming the National Youth Service (NYS) Scandal as NYS Season One and Season Two or the Maize Scandal as Season One and Season Two. I would like to call it NYS Phase One and Phase Two. Let us even be prepared, after this, to have NYS Phase Three and yet nothing will happen.

It is very important for us Kenyans, as much as we come together even with handshakes and heart-shakes, to look at the specific ways that we can prosecute offenders at the shortest time. I repeat, make sure that these people are prosecuted at the shortest time. This is because they are responsible and they are people like others; there is nothing like saying that we have big fish and small fish. If you have stolen, you have stolen; so what? You need to be jailed. You do not even need to have a case because there is evidence.

Madam Temporary Speaker, we have just seen the Director of Public Prosecutions (DPP) arresting and arraigning people in court. So what? We are waiting for these cases to be concluded as fast as possible so that these people can be brought to book. These people should serve as an example to the rest of Kenyans.

We have seen the Central Bank of Kenya Governor saying that he knows the banks that have worked in collusion or have assisted in stealing these monies. It is very important for these banks to be named. Why are we hiding this information? Which investigations happen in Kenya? It is very important for these banks to be mentioned and shamed because they are institutions that are entrusted by other faithful Kenyans. So, it is my plea, even to the Central Bank of Kenya, that these banks need to be shamed and the individuals in these banks prosecuted. We, as Kenyans, have lost faith in our own systems. It is my plea that the laws that will be put in place will assist that poor Kenyan to redeem Kenya, which is currently ailing.

Thank you, Madam Temporary Speaker. I beg to support.

**The Temporary Speaker** (Sen. Pareno): Proceed, Sen. (Rev.) Waqo.

**Sen. (Rev.) Waqo:** Thank you, Madam Temporary Speaker. First, I congratulate you because this is my first time to speak since your appointment to the Speaker's Panel.

From the onset, I support this Motion and also congratulate Sen. Mwaura, who has passionately brought it to us. As a mother and a woman leader, I do this with a lot of concern simply because we have destroyed our nation and denied our children the opportunity to enjoy. From what we are seeing, our children will not have anything they can be proud of in this country simply because our generation, which is now known as the most corrupt in this country, has taken this action to deny others the opportunity to enjoy the resources that God has given us.

Madam Temporary Speaker, this has also taken away our integrity and dignity as a nation. There is nothing, even for us as leaders, that we can be proud of today. Sometimes when we visit other countries, the only good things that most people bring to our attention are the games, the athletes, our wildlife and other things that we do very well in. However, nowadays, even that does not take centre stage. It is the corruption that takes centre stage and we are known as the corrupt country.

As leaders, we should take this upon ourselves and carry this cross on behalf of our nation. God has put us in this position not to just sit and earn our salaries but to speak for that poor woman who cannot fight for herself – to fight for that young man or woman in the village who has been denied his or her opportunity. We should fight for their rights.

Corruption is a baptismal name that we have given to this vice. We all say a thief is a thief yet we refer to that vice as corruption. Corruption is a soft term that is very friendly and accommodative. That does not attract any stigma. If it is that friendly, then everybody will not be ashamed. I was following what is happening at the NYS. Some of the figures are scaring. They seem to be very important people and we may look like fools talking about them.

It is high time for us to condemn and take up the responsibility that God has given us so that we can fight it. I thank God because of the President, the former Prime Minister and all other leaders this morning vowed and said that they will fight corruption together. They cannot do it alone. We have to do it with them.

The source of corruption has made our country to adopt this culture that it is an ordinary thing for somebody to commit. It has made our young people lazier. Women like me are exposing themselves in many ways so that they get rich within a night. It is unfortunate that we have lost our values both at the family and the national levels. It is high time we came up with laws that can support us and take us somewhere.

We talk about this matter of corruption and that investigations are going on but the narrative has to change now. The investigations have been going on since we got Independence and nothing has happened. Some of the investigations have never been concluded. Kenyans are getting tired. Can this people be prosecuted? Can they not be jailed? Can we see somebody jailed for that? It is my prayer that in this process some innocent people will not lose their lives because I think the next week or the other, we might be talking of other things which will divert our attention.

As the Senate, we have a bigger role because our responsibility goes beyond this House. We are supposed to take care of the counties. Whatever we deliberate on here, we should make sure that even at the grassroots, it is practiced, passed and people who are linked to these corrupt deals are dealt with.

As I conclude, in the field that I have been in, I have never encouraged anybody to think of demonstrating but I think a time has come for us even to call upon women to stand up for the rights of our children and say that we cannot condone corruption anymore. Even if it means walking to different offices to shout and demand for the removal of particular officers, the women of Kenya should do that to save this nation. Our young people have been exploited through the National Youth Service (NYS) and in other ways. We should encourage them to fight for their rights. We should also walk with them as they look for justice because, as a nation, we have lost it. It is my prayer that the passion we have will not die as it has happened in the past. It is my prayer that we will see the end of this and shout that we have overcome this animal that we call corruption.

Sen. Mwaura, we are with you. I fully support this Motion.

Thank you.

**The Temporary Speaker** (Sen. Pareno): Yes, Sen. (Dr.) Musuruve.

**Sen. (Dr.) Musuruve:** Madam Temporary Speaker, thank you for giving me this opportunity to add my voice to this Motion. I want to start by commending Sen. Mwaura for coming up with this Motion which has come at the right time. I believe that the Senate will ensure it sees the light of day and corruption is brought to an end.

Kenya ratified the United Nations Convention with regard to corruption and it was the first country in the world to sign that Convention. If Kenya was the first country to sign that convention in 2003 that signature is fully loaded and we should have walked the talk from 2003. Whenever we say that corruption is cancerous, I wonder whether it is benign or malignant. When we talk of something being cancerous, if it is malignant then the whole nation is dead because there is no cure. However, if it is benign - and I hope that is the case - it means that it is localised and can easily be gotten rid of. I hope and believe that the cancer of corruption in this country is benign and we need to see how to uproot it

Madam Temporary Speaker, we have different levels of corruption. We have corruption at the high level, low level and middle level. Corruption is indeed ailing this country because it is retrogressing our economic development. We make three steps ahead and about 30 steps back. It is time we, as leaders, embrace what the President has said. I really empathise with the President's statement.

During his Address to Parliament, he humbled himself and asked leaders to be committed to serving. When the President talks about commitment to service, he reminds us directly or indirectly that we should embrace Chapter Six of the Constitution so that we are counted as leaders who can stand with our people.

Many statements that come on the Floor of this House come as a result of some element of corruption that needs to be addressed. We have been talking about many issues in this Senate, for instance, the issue of farmers. When farmers in the village are helpless with their maize, you wonder who will sort them out. We are supposed to stand with the farmers of this country and encourage them because farming is a source of their livelihood. However, because of corruption, they harvest their maize but do not know where to take it because they are helpless. Corruption must come to a stop.

When you look at the problems facing institutions, you will realise that corruption is the core issue. We hear people talking about jobs being scarce for our youth but sometimes the youth are not given an opportunity when they have the papers. The same

affects PWDs who also lack jobs and they are not being given tenders. The tenders are there but they are given to the wrong people and not PWDs. That has to stop.

Concerning the education sector, people say that we do not have resources and materials. However, when you dig deep, you will find that there is an element of corruption that makes resources not to reach schools and the rightful persons.

There is also corruption in our courts and the police. You may have a genuine case, present it to the police and write a statement and you are given the Occurrence Book (OB) number but you are asked to go the following day or after one week. The case could die and you remain helpless.

I want to give a practical example of a case. At one time I wanted to import a car. It was painful that someone took advantage of me. They took a lot of money from me but they did not deliver the vehicle. I had to take a flight to Mombasa. I went to Mtwapa Police Station and wrote a statement and kept doing follow-up. Eventually, the person was not brought to book and the money went just like that. I was helpless.

Corruption is at the core of almost everything. The person who swindled money from me went scot-free because the police did not do anything. It is important that the courts in this country take their work seriously. The police should ensure that they arrest the criminals and take them to court.

There is another practical example of something that happens to our school girls that people do not want to talk about. Sometimes we see in the media cases of school girls having been impregnated by their headteachers or teachers but the suspects go scot-free because of the element of corruption.

The element of corruption is diverse and malignant and we need to arrest but we can only do that if we stand for what the Constitution says. In this country, you will find that innocent people's land is grabbed sometimes because of double allocation. The case could be reported but you may find criminals going scot-free.

I had a plot but when I went to the National Social Security Fund (NSSF) offices to confirm with them, I discovered that the plot had been grabbed. I reported the matter, but nothing was done. The plot just went like that. That is the helplessness that corruption can drive us to.

Madam Temporary Speaker, it is important that corruption is addressed. If we do not address it, this nation will go to the dogs. There is need for laws to be put in place to ensure that the menace of corruption is brought to a standstill. I believe that the Senate will do so. The Senate will deliver to the people of this country. When we were sworn in, we committed ourselves to serve Kenyans diligently. This Senate should be remarkable. Let people look at what we are doing as a Senate and say that, indeed, we are serving the people who God has allowed us to serve.

I support this Motion that Sen. Mwaura has brought on board. Thank you much for giving me the opportunity to express my thoughts and views concerning the issue of corruption in this country.

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, I see no further interventions as Sen. M. Kajwang, Sen. Kasanga and Sen. (Eng.) Maina are not here.

I call upon the Mover to reply.

**Sen. Mwaura:** Thank you, Madam Temporary Speaker. First of all, I thank all the Senators who have made robust contributions, especially Sen. Halakhe and Sen. (Dr.) Musuruve who are present.

As I make my concluding observations, I want to contrast two countries. The first country is Malaysia. Prime Minister Mahathir Mohamad was the father of the nation who was in office for many years. Thereafter, other prime ministers were elected and served diligently. However, when Najib Razak was elected as the prime minister, he stole a whopping Kshs70 billion. This made people very angry and during the last elections, they elected Prime Minister Mahathir Mohamad back to power at the age of 94 years. Within one week or seven days, he was able to get back USD50 billion. That is the essence of political will.

Madam Temporary Speaker, in Kenya recently I was at a social joint. I came across some young man who addressed me as Sen. Mwaura. I asked him, "Who are you? He replied, "I am Kabura's son." The guy was wearing bling bling and had a big vehicle. He was very proud to say that he was associated with Josephine Kabura. I am also reminded of a video that is circulating in the social media of a Luhya lady who is urging his fellow Luhyas to also enjoy corruption, asking them what they are doing in high offices when everybody else is stealing. Really, it has sunk that low. You are asking members of your community to steal so that you can protect each other. As you know, that culture of 'it is our time to eat.'

When we had the first maize scandal and the Triton Oil scandal, Kenyans were so pessimistic saying that leaders were eating their maize and then swallowing it with their oil. This is quite interesting; *tunakula mahindi na tunateremsha na mafuta*. The Chicken-Gate Scandal associated with a young man called Trevor Oyombra; even the name Oyombra means to eat or the way you would tear apart some chicken.

Madam Temporary Speaker, this country has witnessed so much corruption. It is so much that even in this same Parliament Members of Parliament are there for hire. You just need to see some few people around and then your agenda will pass. This House has just become another rubberstamp. Going forward, I will quote one of the people who commented on this Motion – namely Hilary Kosgei. He said, "Mwaura, why do you want to burn the bridges of corruption and yet we also want to use the same to come up just like you people in politics?"

Most of our elected leaders or a good number - let me not generalize that - are products of corruption. This is in terms of the money they get from their former employment opportunities and the way we conduct our party primaries. There is corruption in the way in which people colluded with the officials of the Independent Electoral and Boundaries Commission (IEBC). That is why some election results were nullified. We have seen a situation where the best qualification you may have in this country is to be a slay queen. All you need to do is to catwalk around some officials in the office and show your credentials other than your papers and you are given the tender to supply air like the new face of corruption in the name Anne Ngirita from Naivasha, who applies lipstick in court.

I pity the person who will be the President of this country in the year 2022 because he will not manage it. The Central Bank of Kenya Governor has told us that our debts are unsustainable. This is not a new song. During my tenure as a Member of the Committee on Budget Appropriation of the National Assembly, we kept on telling Henry Rotich that our debts are unsustainable but he would tell us that Japan had 200 per cent on the debt to GDP ratio. He would also mention other countries but he forgets that Kenya does not have such liquidity. Our private sector development is still low, so where

will he finance his budget from? If people are allocating budgets for projects of their own choice for them to go and plunder, then we have a serious problem in our budget making process.

I would want to implore upon the Presidency to seriously consider two things; one, he should create the office of Budget Management in the Presidency and make it effective because the National Treasury has failed to be a true custodian of fiscal policy. Secondly, Parliament is the holder of the public purse thus it must be allowed to execute its mandate even when Parliament is the sponsor of the person occupying the Presidency for the majority party must also be able to execute its mandate in terms of oversight. We started very well in 2013 but I can report that most of those powers have been clawed back. Under the edges of Article 114 about consultation with the National Treasury, we have to have safeguards. Parliament must not act as a mortician where we come to parade people who are suspects and thieves in public office after they have already committed the crime.

To fight corruption, Parliament must have an up to date audit for us not to revisit corruption that happened three or four years ago that is water under the bridge. This is something that we must do as a Parliament. We must also ensure that when we declare our wealth in the forms under the Public Officer Ethics Act, it should be declared public. There is no need of declaring your wealth then you hide it in some locker somewhere in some big office. We need to amend the law so that we are able to declare our wealth and those forms become public documents for us to interrogate the amount of money that Sen. Mwaura had when he came to Parliament *vis-à-vis* what he has when he is leaving. If we do not do so, the declaration becomes a charade. There are times when we are told by the Speaker that we have not declared our wealth and that is when one quickly fills it. It is just a question of formality where one ticks the box.

Another key issue that we need to consider in the fight against corruption is legalizing the issue of lobbying fee and tips. It is being done in the United States of America (USA) where one knows that there is a lobbying fee of this percent that needs to be paid and it is legitimate. That will help one to know that waiters are given tips thus they have to give it to them instead of having the waiters hanging around and treating one well to get it for that is the essence of corruption, *kitu kidogo* mentality. That is something that we need to consider. The reason as to why 30 percent of our monies are taken is because the 30 percent is divided amongst three people equally.

In fact, recent figures show that in a public procurement process, about 38 per cent of the costs go to private pockets. That also means that when you are trying to cost the project, you institutionalise those elements of corruption so that, then, as Sen. Wetangula said, a tissue paper can cost Kshs1,000, yet you use it in one day and it only costs Kshs20 in the local market.

Madam Temporary Speaker, another key issue that we need to look at when fighting corruption is the culture of rewarding thieves. You will find that a suspect is very well known is named and shamed around, but when the next elections come, they are elected as a Governor or a Member of Parliament (MP). We have a case in the National Assembly where an MP is supposed to appear before fellow MPs to answer to charges of corruption from her previous office. That is the truth! Some of these people are the most eloquent on matters corruption. Sometimes we look very funny as politicians because the most eloquent are equally sometimes the most corrupt.



Madam Temporary Speaker, we must also speak to the issue of primitive accumulation of wealth. Kenyans have decided that their role is to primitively accumulate wealth. The moment you primitively accumulate wealth, of course, you want to save it for yourself and your children. Those are the fears we then have. However, if we had good governance, a good pension system, retirement packages and what-have-you, one needs not worry about this. How much is too much? If you have three, 10 or 20 vehicles, you can only use one at a go. However, we have also seen wealthy individuals in this country who, after they die, their wealth vanishes and their children become wrecks because of the very wealth. I want to imagine that, actually, it is a curse because if they got their wealth wrongly, then it must crumble in the nick of time. In the true test of time, Kenyans must ask themselves questions, because we are all responsible. What answers will you give God the moment you appear before Him; that you used your public office to accumulate wealth primitively just for the sake of it? These are moral issues that we also need to think about.

Madam Temporary Speaker, we must find new ways of fighting corruption. The laws and policies that we have are not enough because people have learnt how to circumvent them. However, the truth of the matter is that the junior officers steal on behalf of their senior officers courtesy of “orders from above.” Recently, John Gakuo, a respected former Clerk of Nairobi City Council, was jailed and people have complained. With due respect to him, let him be jailed so that, tomorrow, officers will know that they are not supposed to take illegal orders from their superiors because they will be held culpable and their superiors will go scot free. In every corruption scandal, there is always a politician, a lawyer and an accountant. Most of the time, the lawyer and the accountant – particularly the accountant – may be prosecuted, but the politician will go scot free. We must, therefore, have a situation where small people must stop acting on behalf of the big fish so that when they are eventually paraded, we do not say that they are the only ones being victimised.

Madam Temporary Speaker, the other issue is about our national values and principles. We are a deeply corrupt society; we do not hold anything to account. Today, we have people who have been elected to public office and we sometimes wonder how they ended up there. People like Mike Mbuvi Sonko – and I will not fear to mention them – are people who have no character, but they end up holding public office. This is my personal opinion. We enjoy the theatre of the absurd and, eventually, they are not able to deliver to the great people of this Republic. We must put this to an end. This can only be stopped if we reinstate the provisions of Chapter Six of the Constitution. The law must not be interpreted to suit the whims of certain individuals simply because they enjoy political support at any given point and time. In any case, that is fleeting because it goes; today the support is there and tomorrow it is not there. We must have a country where every person, from the lowest to the President, can be held accountable, as the case is in South Korea and other jurisdictions, where even presidents are recalled.

Madam Temporary Speaker, this debate is very revealing and it calls for us to do a lot of soul searching. If we continue like this, we will not have a country to bequeath our future generations. Sometimes we feel like we have failed as a generation. I want to imagine that we have to rise to the occasion as Senators and Members of this august House to play our role. We have the opportunity to provide leadership. Given an

opportunity we can do it, for leadership almost invariably has capacity to transform society.

Madam Temporary Speaker, let me end with two quotes. One is from a gentleman called Abdul Kareem Kalam who says:

“If a country is to be corruption free and become a nation of beautiful minds, I strongly feel there are three key societal members who can make a difference. They are the father, the mother and the teacher.”

Fathers must play their role. The problem of corruption can be traced way back to the role of absent fathers in our societies. Men have failed to conduct their role as heads of families. Mothers have failed to nurture good morals in their children and teachers have decided to do small businesses, so that they can be respected in the villages, rather than bringing up our children in the right morals.

In Sunday School I used to read the Bible together with other children. At that time, it was fashionable to quote the Bible because it was like a memory verse. One day I was asked to give a Bible verse and I gave Proverbs 14:34. However, I did not really understand what it meant. It says:

“Righteousness exalts a nation, but sin is a reproach to any people.”

It is only now that it makes sense to me as a legislator. The word ‘righteousness’ comes from the word ‘right.’ If we can do things right, then our nation shall be exalted. However, if we continue to primitively accumulate and floss around of how good we are, certainly, this country will not survive.

Therefore, this Motion is timely. Thank you very much to everybody who supported. I believe that the Committee on Justice, Legal Affairs and Human Rights is seized of the matter as committed by the Chair and that we shall have stakeholders coming to present concrete ideas on how all of us can slay this dragon of corruption.

Madam Temporary Speaker, I beg to move.

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, this Motion does not affect counties. Therefore, we shall not have a division.

*(Question put and agreed to)*

## ADJOURNMENT

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, it is now 6.30 p.m., time to interrupt the business of the Senate. The House, therefore, stands adjourned until Tuesday 5<sup>th</sup> June, 2018, at 2.30 p.m.

The Senate rose at 6.30 p.m.