

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Tuesday, 23rd July, 2019**

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

[The Temporary Speaker (Sen. (Dr.) Lelegwe) in the Chair]

PRAYER**PETITION****REPORT ON PETITION: HEALTH SERVICES CONDITIONAL
GRANT TO UASIN GISHU COUNTY GOVERNMENT**

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, the Chairperson of the Committee on Health is not present. Therefore, the report on the petition is deferred to tomorrow.

(Report on the Petition deferred)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Next Order.

PAPERS LAID**REPORT ON THE 140TH ASSEMBLY
OF IPU AND RELATED MEETINGS**

Sen. Kihika: Mr. Temporary Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 23rd July 2019: -

Report of the Parliament of Kenya Delegation to the 140th Assembly of the Inter Parliamentary Union (IPU) and related meetings held in Doha, State of Qatar, from 6th to 10th April, 2019.

(Sen. Kihika laid the document on the Table)

REPORT ON THE CONTROL OF STRAY DOGS BILL
(SENATE BILLS NO. 4 OF 2019)

Sen. Ochillo-Ayacko: Mr. Temporary Speaker, Sir, on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 23rd July 2019: -

Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Control of Stray Dogs Bill (Senate Bills No. 4 of 2019).

(Sen. Ochillo-Ayacko laid the document on the Table)

REPORT ON THE DIVISION OF REVENUE BILL
(SENATE BILLS NO.13 OF 2019)

Sen. (Eng.) Mahamud: Mr. Temporary Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 23rd July, 2019: -

Report of the Standing Committee on Finance and Budget on the Division of Revenue Bill (Senate Bills No. 13 of 2019)

(Sen. (Eng.) Mahamud laid the document on the Table)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Next Order.

NOTICE OF MOTION

NOTING OF THE REPORTS ON THE 139TH AND 140TH
ASSEMBLY OF IPU AND RELATED MEETINGS

Sen. Kihika: Mr. Temporary Speaker, Sir, I beg to give notice of the following Motion today, Tuesday, 23rd July 2019: -

THAT, the Senate notes the reports of the Parliament of Kenya Delegation to the 139th Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 14th to 18th October, 2018, laid on the Table of the Senate on Thursday, 6th December, 2018, and the 140th Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Doha, State of Qatar from 6th to 10th April, 2019, laid on the Table of the Senate on Tuesday, 23rd July, 2019.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Next Order.

STATEMENTS

UJENZI WA MAKAO MAKUU YA IDARA YA UVUVI KATIKA
ENEOLA SOUTH C, NAIROBI

Sen. Faki: Bw. Spika wa Muda, nakushukuru kwa kunipa fursa hii. Kuambatana na kifungu cha 47(1) cha Kanuni za Bunge la Seneti, nimesimama kutoa taarifa hii

kuhusu mipango ya Serikali Kuu kujenga, kwa niaba ya kaunti tano za eneo la Pwani, makao makuu ya Idara ya Uvuvi katika eneo la South C, Jijini Nairobi.

Bw. Spika wa Muda, kama unavyojua uvuvi ni mmojawapo ya huduma ambazo zimegatuliwa kuligana na Katiba ya Nchi. Huduma hizi, hivyo basi, zinapaswa kutolewa na Serikali za Kaunti, na maswala yote kuhusu uvuvi kusimamiwa na serikali zizo hizo. Kama inavyojulikana uvuvi unapatikana zaidi maeneo ya Pwani, maeneo ya Ziwa Victoria na Ziwa Turkana.

Bw. Spika wa Muda, kuna mradi ambao unaitwa Kenya Marine Fisheries Social Economic Development Project ambao unasimamiwa na Kamati ya Blue Economy na Kenya Marine and Fisheries. Lengo na madhumuni ya mradi huu ni kuinua hali ya uchumi ya watu wa Pwani wanaohusika na uvuvi baharini, na pia kuboresha miundo msingi katika maeneo ya Pwani ili kuinua hali ya maisha ya wakazi wanaotegemea uvuvi baharini. Mradi huo unakusudiwa kufaidi kaunti tano, zikiwemo; Mombasa, Kwale, Kilifi, Tana River na Lamu. Mradi huo, unahusishwa na utafiti ambao utafanywa na taasisi ya “Kenya Marine and Fisheries”, ambayo, kama nilivyosema awali, makao yake yako Mombasa.

Bw. Spika wa muda, jambo la kusikitisha ni kwamba hivi majuzi, Wizara ya Kilimo na Uvuvi imetangaza zabuni ya ujenzi wa makao makuu ya idara ya uvuvi, yaani Uvuvi House hapa jijini Nairobi. Ujenzi wa mradi huu unafanywa chini ya usimamizi wa Wizara ya Ukulima na Uvuvi kupitia, Taasisi ya Kenya Marine and Fisheries Institute ambayo makao makuu yake yako Jijini Mombasa. Ufadhili wa mradi huu unatoka kwa Benki ya Dunia. Kuwekwa kwa makao makuu haya Nairobi itakuwa ni hujuma dhidi ya ugatuzi, kwani maswali ya uvuvi yamegatuliwa kikamilifu katika katiba. Serikali inapaswa kulinda maeneo ya kuvua samaki ili yasiingiliwe na wavuvi wa kimataifa.

Bw. Spika wa Muda, kaunti za Mombasa, Kwale, Kilifi, Tana River na Lamu zina ardhi ya kutosha kujenga makao makuu hayo na wala sio Nairobi kwani itakuwa shida kwa wavuvi wahusika kuja Nairobi kutafuta leseni na mambo mengineo. Hakuna sababu yoyote ya kujenga makao hayo Nairobi kwa sababu uvuvi unafanyika Mombasa na maeneo mengine yaliokusudiwa na Benki Kuu ya Dunia ambayo ni; Kwale, Kilifi, Mombasa, Lamu na Tana River.

Iwapo makao hayo yatajengwa Nairobi, itakuwa vigumu na gharama kuu kwa wavuvi kutoka, kwa mfano, Vanga, Kaunti ya Kwale, ama Kiunga- Kaunti ya Lamu, kusafiri hadi Nairobi ili wapate huduma katika ofisi za Uvuvi.

Bw. Spika wa Muda, ninaiomba kamati husika ya Seneti ichunguze jambo hili ili kuhakisha kwamba Makao hayo yanajengwa Pwani kama ilivyokusudiwa na kwamba, kwa vile ni swala la uvuvi hizi kaunti tano zihusishwe kikamilifu.

Asante sana, kwa kunipa fursa hii.

Sen Wario: Asante, Bw. Spika wa Muda, kwa kunipatia nafasi hii. Kama unavyoniona, nimesimama wima kama mlingoti, bila kuyumbayumba, ili kuunga mkono Taarifa iliyotolewa na Seneta wa Kaunti ya Mombasa, ya kwamba makao makuu ya uvuvi yajengwe huko Pwani.

Bw. Spika wa Muda, kama unavyojua, uvuvi hufanyika katika sehemu ya Bahari ya Hindi, huko katika Pwani ya Kenya hii, na pia katika maziwa makuu kama vile Ziwa Viktoria na Ziwa Turkana. Vile vile, uvuvi pia unafanyika katika mito mikuu, kama Mto Tana huko kwangu nyumbani.

Bw. Spika wa Muda, makao makuu ambayo yatajengwa katika mji wa Nairobi, huko South C, hakika yatanyima utenda kazi, hasa zile stakabadhi zinazohitajika na wavuvi katika sehemu ya Pwani. Hii ni kwa sababu Benki ya Dunia ilitoa pesa hizi na hasa ikaangazia Tana River, Mombasa, Kwale na pia Lamu. Sehemu hizo ziko na ardhi ya kutosha kujenga makao makuu na ofisi zitakozotumika kufanya kazi hiyo.

Kwa hivyo, Bw. Spika wa Muda, itakuwa dhuluma kubwa kwa watu kutoka Vanga huko mbali ya Pwani, hadi South C hapa Nairobi kuchukua vyeti vya uvuvi wa samaki. Wavuvi wa sehemu hizo ni masikini kabisa, na tukifanya hivyo basi tutawaongezea tena gharama ya kuja hadi Nairobi ili kupata stakabadhi muhimu za kuwawezesha kuvua samaki. Hivyo, hatutatawasaidia.

Bw. Spika wa Muda, sisi tunasema kwamba Kamati husika iangalie jambo hili. Sisi hatutakuja kulalamika wakati ofisi na makao makuu tayari yamejengwa. Saa hii, ambapo bado makao hayo hayajajengwa, na wanania kujenga, ndio tunataka Kamati husika iaangalie na waseme, “La sivyo; wacha tujenge huko Pwani ya Kenya.”

Bw. Spika wa Muda, kuna haja gani twende katika ugatuzi wa Kenya hii, wakati mambo muhimu ambayo yanafaa sehemu tofauti, kama vile Pwani, yanafanyika hapa Nairobi? Sisi tuko katika majimbo yaliyoko katika ugatuzi, na ni lazima tuyaweke mambo mahali yanafaa. Pahali panapofaa makao makuu haya ni Pwani ya Kenya. Kwa hivyo, naiomba Kamati husika iangalie maneno haya mapema ili makao hayo makuu yasijengwe hapa South C, Nairobi.

Bw. Spika wa Muda, mimi ninaishi huko South C, na nilipoangalia sehemu hiyo, niliona kuwa dunia imejaa kabisa na ujenzi unaendelea kila wakati huko. Hali kadhalika, kama ujenzi huo utafanyika katika uwanja wa Serikali, basi haina haja. Serikali inaweza kutenga uwanja huo kwa miradi mingine inayofaa Nairobi. Sisi tuko na ardhi ya kutosha ambapo makao hayo yanaweza kujengwa huko pwani.

Bw. Spika wa Muda, naunga mkono Taarifa iliyotolewa na Seneta wa Mombasa, Seneta Faki, ambaye ni rafiki yangu.

Asante sana, Bw. Spika wa Muda.

The Temporary Speaker (Hon. Lelegwe): Hon. Senators, for the convenience of the House, we shall proceed to Order No.8 and come back to Order No. 7 later.

BILL

Second Reading

THE DIVISION OF REVENUE BILL (SENATE BILLS NO. 13 OF 2019)

Sen. (Eng.) Mahamud: Mr. Temporary Speaker, Sir, I beg to move that The Division of Revenue Bill (Senate Bills No.13 of 2019), be now read a Second Time.

Mr. Temporary Speaker, Sir, this House will recall that the Division of Revenue Bill was earlier introduced in this House when it came from the National Assembly. We sent it back with amendments and, thereafter, they rejected our amendments. The Bill went to mediation, which failed. It is now over a month since the mediation failed. Because of the stalemate that was there, this House, in its own wisdom, decided to republish the Bill under the Senate heading.

Mr. Temporary Speaker, Sir, Article 218(1) of the Constitution provides that:-

“At least two months before the end of each financial year, there shall be introduced in Parliament—

(a) a Division of Revenue Bill, which shall divide revenue raised by the national Government among the national and county levels of government in accordance with this Constitution;”

So, according to Article 218(1), this Bill is properly before the House.

Mr. Temporary Speaker, Sir, Article 110 of the Constitution deals with Bills concerning county governments. It states: -

“a Bill concerning county government” means—

(1) In this Constitution, “a Bill concerning county government” means—

(c) a Bill referred to in Chapter Twelve affecting the finances of county governments.

Under Article 114(3) of the Constitution, which our friends in the other House like quoting, which refers to a money Bill; it states: -

In this Constitution, “a money Bill” means a Bill, other than a Bill specified in Article 218, that contains provisions dealing with—

(a) taxes;

(b) the imposition of charges on a public fund or the variation or repeal of any of those charges;

(c) the appropriation, receipt, custody, investment or issue of public money;

(d) the raising or guaranteeing of any loan or its repayment;

or

(e) matters incidental to any of those matters.

This House is, therefore, properly guided in terms of bringing this Bill, which is now is attempting to divide revenue between the two levels of Government. We have to reintroduce the Bill again using the same advice that we got from the constitutional Commission that is mandated under the law to advise Parliament on revenue allocation between the two levels of Government.

Mr. Temporary Speaker, Sir, the Bill proposes to divide revenue between the two levels of Government as we put in the schedule. The projected total ordinary revenue is Kshs1.87 trillion, and the Division of Revenue Act (DORA) 2018, and the County Allocation of Revenue Act (CARA) 2018, the funding to the county governments was Ksh314 billion. We have used that as a base and adjusted that figure for the three-year average inflation of 6.9 per cent. This will now translate to Kshs335.5 billion for county governments.

Mr. Temporary Speaker, Sir, if you look at the thinking in the national Treasury when they brought the original Bill, they purported to reduce this amount from Kshs314 billion to Kshs305 billion under the Supplementary Estimates in the last financial year. This was supposed to have been a reduction of Kshs9 billion, which is illegal because DORA and CARA were not amended. Therefore, our base is Kshs314 billion, and then the right figure is to actually move that forward, because services are not stagnant. We should allow for inflation so that we can take care of the cost that would have increased over time. The increase in the national Government allocation is 12 per cent. This one is only about 6.9 per cent. So, this is reasonable.

Mr. Temporary Speaker, Sir, I urge the Senate to quickly pass this Bill because there was an attempt last time by the National Assembly to pass the Appropriations Bill, which has been challenged by the Executive itself. We are aware that both levels of Government cannot proceed without the Division of Revenue Bill. Since we have the Bill, whether the other House introduces the Bill in that House and proceeds with it, which is within their right, it is also our right but no time, no Bill can pass without one House's concurrence. Let us pass our Bill and as soon as the message gets to the other House, we can deal with the matter thereafter.

However, this House must ensure that devolution is supported and not strangled. We do not claw back the successes that we have made so far in devolution by reducing funding to counties. The Budget this year is supposed to increase by about Kshs200 billion over and above what was there in the last financial year. Out of Kshs200 billion, we are saying Kshs21 billion be allocated to counties. I do not think it is asking for too much. It is important that we stand with this.

On the issue of equitable share, the argument that we compensate for sharable revenue by giving extra conditional grants does not hold. Article 202 of the Constitution states -

“(1) Revenue raised nationally shall be shared equitably among the national and county governments.

(2) County governments may be given additional allocations from the national government's share of the revenue, either conditionally or unconditionally.” That argument does not hold that because they are compensating county governments under the conditional grant. So that counties must be given their rightful share.

The question of wastage in counties is neither here nor there. It is true that there could be wastage at both levels of Government. That is an accountability matter and we are dealing with budget issues. The issue of accountability can be dealt with the laws that are there. We cannot, under the pretext of saving resources or stopping wastage, try to deny counties money. If we look at what the national Treasury and the National Assembly want to do to counties, I think the future is very oblique. They want to kill devolution and we should not allow that.

We must support this Constitution that is before us. Many Kenyans supported it because it devolved functions and resources to counties and brought Government closer to the people. We must support it.

Mr. Temporary Speaker, Sir, I do not need to belabor this matter. Members are familiar with this Bill. Initially, when we went to mediation, we even went down to about Kshs327 billion but now we are going back to the advice given to us by the Commission on Revenue Allocation (CRA). The other day, somebody tried to blame the CRA for all the confusion. CRA is a constitutionally mandated institution to advise Government on matters of--- It has the authority to advice. We need to go by that.

The argument today is that we are dealing with zero based budget. That means that you do not increase. It is not incremental but zero based. That argument is not correct. It is zero based, yes, but you must justify all the expenditure and figures that you put in Budget so that it makes sense. Whatever does not make sense, we do not want to accept it. We are Parliament, and the national Treasury does not make laws, but we do. I appeal to our sister House to be pragmatic and come out of it and realise that that they are Parliament and defenders of the Constitution but not defending an institution of

Government that wants to be rogue so that we know that they can just kick everybody around.

With those many remarks, I beg to move and ask Sen. Wetangula to second.

Sen. Wetangula: Thank you, Mr. Temporary Speaker, Sir. I beg to second the Bill ably moved by the Chairperson of our Committee.

We do not need to belabor this matter because it is a Bill that is coming in its original form like the Bill we debated and passed in this House. No variables have occurred. As a House, we have resoundingly stated that even as we do not feel that the recommendation by the CRA of Kshs335 billion is adequate for counties in a Budget of Kshs3.2 trillion, but we have accepted it because it is a Commission under the Constitution whose duty it is to advise on revenue allocation.

Mr. Temporary Speaker, Sir, the developments we have had between the two Houses on the previous Bills going to mediation and our colleagues coming to negotiate from a fixed position and then trying to play benevolence with the Senate, is something that this House must stand together and resist. We are not here to defend counties on the basis of tokens and goodwill from the leadership in the other House. We are here to defend counties on the basis of justice, equity and fairness.

As it is, even as a House, we have failed to discharge our responsibility in some way. I was telling my Chairperson that this House, and perhaps, the Committee that he chairs needs to do costing because we know the Constitution says resources must follow functions. We do costing of devolved functions like agriculture, water and health and how much money is retained at the headquarters. I did some calculations with support from some qualified accountant and counties are being shortchanged a whopping over Kshs700 billion every budget year. That is the kind of money that ought to be added to what we are talking about to go to counties to help them meet their constitutional commitments on agriculture, health, water and all other devolved functions like forestry and so on.

This being a Bill coming round two, so to speak – with the same content and our attitude, intention, direction, commitment and resolve the same – we need not spend too much on time on it. If we have sufficient numbers, we need to bring that to a speedy conclusion and vote on it so that we can tell the country that this Senate remains and will always remain the first and last line of defence for devolution. That is something that we shall say and pronounce ourselves on without any fear, favor or prejudice to anybody.

I beg to second this important Bill and urge Members that the reasons that made us to walk all the way to court to defend devolution, the status and stature of this House are the same reasons that we should unreservedly pass this Bill so that we can unlock the flow of resources to the counties.

Mr. Temporary Speaker, it is true that the ‘Lower House’ has reintroduced the Bill with some strange figures that we do not know where they have come from. We are keeping our fidelity to the recommendations of the Commission on Revenue Allocation (CRA). That is why our Bill has Kshs335 billion. Where is the scientific genesis for whatever figure that they have put in their Bill? Where have they gotten it from other than the arrogance of saying that they should give counties this little or this much? That is not how to run a country. We run a country on the basis of institutions whose decisions we must respect.

Mr. Temporary Speaker, Sir, Article 6 of the Constitution says that there are two levels of Government which work in corporation, collaboration, inter-dependence and are distinct. So, we must respect these parameters set out in our Constitution if we have to move to the future.

If this House was to surrender the position that we have taken on the Division of Revenue this year, we shall have no moral ground to stand on in future to challenge and dispute arbitrary allocations of figures and resources to the counties. We must engage and ask CRA, as the constitutionally mandated body, to cost functions that are still being held on tightly by the national Government yet they are devolved and many of them are discharged through devolved units. One wonders what basis the national Government would have to procure subsidized fertilizer, and why water programmes are run from the center. One wonders also why Kenya Medical Supplies Authority (KEMSA) is not devolved to serve units of devolution when over 90 per cent Kenyans live in the rural areas and are treated with support from KEMSA and other Government agencies that must be responsible to devolved units.

Mr. Temporary Speaker, Sir, I end by urging the House that this is a repeat Bill. If the whips can marshal everybody here, we should vote over it and move on to the next level.

I beg to second.

(Question proposed)

Sen. Sakaja: Thank you, Mr. Temporary Speaker, Sir. First of all, allow me to congratulate my namesake; Boris Johnson, for being elected the British Prime Minister in the Conservative Party. He was challenged today with 92,000 votes where Jeremy Hunt got around 46,000 votes.

On this Bill, nothing much needs to be said. This is something that we have gone through as a House. As we wait to vote on it, I want point out a few things. I sat in the Mediation Committee on this Bill together with distinguished Members led by the Chairperson of Committee on Finance and Budget.

There is a disturbing attitude that we encountered that we, sometimes fall prey into as the Senate, county governors, *et cetera*, that devolution is a favour being done for counties by the national Government must be debunked. I have heard it as part of the pleadings in court. The idea that the amount of revenue that is sent to county governments has come from the national Government is a fallacy. The Constitution is clear. Revenue raised nationally is divided, some part to the national Government and another to county governments. It is not that county governments are given money by the national Government. It is money that has been raised nationally that is divided.

In fact, in the division of revenue, the national Government is getting its share of what has been raised nationally. Therefore, it is impossible for any other aspect of the budget process to go on. We have heard Members asking us where the money that we want to increase will come from yet we have done the national budget. The national Government has no standing to do its own budget until it gets what has been raised nationally. So, it cannot do appropriation and the same applies to the counties. They cannot budget before they know how much they have from the division of revenue. That point should be made clear even as we relook at the Public Finance Management Act.

Mr. Temporary Speaker, as Sen. Wetangula has said, because of this attitude, there is the notion that counties and devolved units should not get additional resources because there is corruption in the counties. However, if you look at the entire allocation that goes to the counties, it is less or about 10 per cent of the national allocation. If there is corruption in the counties, what can we say about the national Government? The people in the dock today are officers of the national Government. We have a Cabinet Secretary (CS) and a Principal Secretary (PS). To say that we should not give counties money because there is corruption is cutting off our noses to spite our face. It is a self-defeatist argument.

Mr. Temporary Speaker, Sir, I congratulate Members for standing strong for devolution and marching to court so that it can pronounce itself on this constitutional matter. I was leading as the local Senator. We must stand firm and make sure that we protect our counties. The National Assembly is pulling out numbers from the air, for example, Kshs310 billion, Kshs314 billion or Kshs318 billion. We had gotten to Kshs 327 billion which was the last amount that counties got at Kshs314 billion plus 4 per cent cost inflation which makes it Kshs327 billion. We were being reasonable in the previous Bill. So, now we stick to Kshs335 billion that has been proposed by the CRA. We are sure that this time, leadership must prevail. They cannot get ahead while trying to get even. We shall reason with our colleagues when they are ready and bring a figure that is scientific, informed by the cost of devolution and that will strengthen our devolved units.

Thank you, Mr. Temporary Speaker, Sir. I see we have numbers.

Sen. Ochillo-Ayacko: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to speak.

(Loud consultations)

Mr. Temporary Speaker, Sir, can you protect me from---

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Senators. Proceed, Sen. Ochillo-Ayacko.

Sen. Ochillo-Ayacko: Thank you, Mr. Temporary Speaker, Sir. I know that nearly everything has been said about the importance of this Bill. I add my voice to what has been said. This is an important Bill whose success will free the Senate and counties. It will put this nation into the right constitutional implementation path. The Constitution requires that each level of Government is funded and that the funding is guaranteed. It is this House that guarantees the amplification of the voice of the counties---

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

The Temporary Speaker (Sen. (Dr.) Lelegwe): What is it, Sen. Khaniri?

Sen. Khaniri: Mr. Temporary Speaker, Sir, I am sorry I had to interrupt my good friend and namesake. The contents of this Bill are well known to all of us. We know what we are seeking for and we do not need to belabour the point. The figures that the Chairman has put on the Table are scientific and were given by a body mandated in the Constitution to advise on such matters.

Therefore, Mr. Temporary Speaker, Sir, I request you to call the Mover to reply, so that we conclude debate on this Bill. You should put the question.

(Question, that the mover be now called upon)

to reply, put and agreed to)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, I therefore call the Chairperson of the Standing Committee on Finance and Budget to reply.

Sen. (Eng.) Mahamud: Mr. Temporary Speaker, Sir, I beg to reply.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, this is a Bill that concerns counties. Therefore, we will go to Division.

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

(The Division Bell was rung)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, I order that the Bars be drawn and the doors closed.

(The Bars were drawn and the doors closed)

You may log in and start voting.

BILL

Second Reading

THE DIVISION OF REVENUE BILL
(SENATE BILLS NO. 13 OF 2019)

DIVISION

ELECTRONIC VOTING

(Question, that the Division of Revenue Bill (Senate Bills No.13 of 2019) be read a Second Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Khaniri, Vihiga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilenzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Onger, Kisii County; Sen. Outa, Kisumu County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County and Sen. Wetangula, Bungoma County

NOES: Nil

ABSTENSIONS: Nil.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, hon. Senators. These are the results of the Division:

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 30 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, hon. Senators. I now order that the Bars be drawn and the Doors be opened.

(The Bars were undrawn and the doors opened)

Next Order.

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Temporary Speaker (Sen. (Dr.) Lelegwe) left the Chair]

IN THE COMMITTEE

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

THE DIVISION OF REVENUE BILL
(SENATE BILLS NO. 13 OF 2019)

The Temporary Chairperson (Sen. Pareno): Hon. Senators, we are now in the Committee of the Whole on the Division of Revenue Bill (Senates Bill No.13 of 2019)

Clauses 3, 4 and 5, the Schedule, Clause 2, the Title and Clause 1

Sen. Dullo: Madam Temporary Chairperson, I beg to move-

THAT Clauses 3, 4 and 5, the Schedule, Clause 2, the Title and Clause 1 be part of the Bill.

(Question, that Clause 3, 4 and 5, the Schedule, Clause 2, the Title and Clause 1 be part of the Bill proposed)

The Temporary Chairperson (Sen. Pareno): We shall proceed to Division.

(The Division Bell was rung for two minutes)

I now order that the doors be locked and the Bars drawn.

(The doors were locked and the Bars drawn)

(Voting in progress)

The Temporary Chairperson (Sen. Pareno): Assisted voters; Sen. (Rev.) Waqo and Sen. (Dr.) Lelegwe, register your votes.

(Sen. (Rev.) Waqo and Sen. (Dr.) Lelegwe approached the Clerks-at-the-Table and registered their votes)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3, 4 and 5, The Schedule, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Dr.) Kabaka, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Onger, Kisii County; Sen. Outa, Kisumu County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, (Marsabit County); Sen. Wario, Tana River County and Sen. Wetangula, Bungoma County.

NOES: Nil

ABSTENSIONS: Nil.

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

AYES: 29

NOES: Nil.

ABSTENTIONS: Nil.

The "Ayes" have it.

(Question carried by 29 votes to nil)

The Temporary Chairperson (Sen. Pareno): I now call upon the Mover.

Sen. (Eng.) Mahamud: Madam Temporary Chairperson, I beg to move that the Committee of the Whole do report to the Senate its consideration of The Division of Revenue Bill (Senate Bills No. 13 of 2019) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Pareno): I now order that the Bars be withdrawn and the doors be opened.

(The Bars were undrawn and doors opened)

(The House resumed)

[The Temporary Speaker (Sen. (Dr.) Lelegwe in the Chair]

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Chairperson.

REPORT AND THIRD READING

THE DIVISION OF REVENUE BILL (SENATE BILLS NO. 13 OF 2019)

Sen. Pareno: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered The Division of Revenue Bill (Senate Bills No. 13 of 2019) and its approval thereof without amendments.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Mover?

Sen. (Eng.) Mahamud: Mr. Temporary Speaker, Sir, I beg to move that House do agree with the Committee in the said report, and request Sen. Maina to second.

Sen. (Eng.) Maina: I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Mover.

Sen. (Eng.) Mahamud: Mr. Temporary Speaker, Sir, I beg to move that the Division of Revenue Bill (Senate Bills No. 13 of 2019) be now read a Third Time. I ask Sen. Olekina to second.

Sen. Olekina: Mr. Temporary Speaker, Sir, I beg to second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Senators. I now order that the doors be closed and the bars be drawn.

(Doors were closed and the bars drawn)

Kindly proceed to vote electronically. Assisted voters, if any, approach the Table.

THIRD READING

DIVISION

ELECTRONIC VOTING

THE DIVISION OF REVENUE BILL
(SENATE BILLS NO. 13 OF 2019)

*(Question, that the Division of Revenue Bill (Senate Bills No. 13 of 2019)
be read a Third Time put, and the Senate proceeded to
vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. (Dr.) Kabaka, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County and Sen. Wetangula, Bungoma County

NOES: Nil

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, we now have the results. They are as follows:-

AYES: 29

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 29 to nil)

(The Bill was accordingly read the

Third Time and passed)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, I now order that the doors and the bars be open.

(The bars were undrawn and the doors opened)

Sen. Mutula Kilonzo Jnr. you may now proceed.

Sen. Mutula Kilonzo Jnr.: Mr. Temporary Speaker, Sir, this is an unusual request. Now that we are in session, due to the urgency of this matter, we would request that this Message be transmitted to the National Assembly by 4.30 p.m.

The Senate Majority Leader (Sen. Murkomen): Thank you, Mr. Temporary Speaker, Sir. Sen. Mutula Kilonzo Jnr. is telling me *ongeza* volume. For a pastoralist like you, that means something in Nairobi, but it may not mean something in Samburu. It means that if somebody likes something, he says, you continue saying the same.

First of all, I would like to congratulate our Budget Committee for moving expeditiously to publish this Bill and to carry out the necessary procedures that have ensured it has been introduced in this House.

I would like to thank the Senators for their enthusiasm in fighting for devolution. This Bill demonstrates our commitment as a Senate towards the support and proper resourcing of county governments. I hope that this Bill is transmitted as Sen. Mutula Kilonzo Jnr. said, by 4.30 p.m. to the National Assembly which is not very far from here. We will not waste a lot of time to transmit that Message.

I know the Speaker is in his office. The team that works with the Speaker are ready and prepared so that this Bill goes to the National Assembly today. If they have the same enthusiasm that we have shown in the Senate, we believe that tomorrow, by 4.30 p.m., the people of Kenya will see a new Division of Revenue Bill to be taken to the President by 5.00 p.m., so that the people of this country and counties can get their money.

Mr. Temporary Speaker, Sir, I know there are concerns out there, that maybe the National Assembly is thinking of another figure. I am praying that the Holy Spirit will visit the National Assembly and speak to the Members. Unlike Saul, turn their way from being Saul to Paul, so that this country can get the proper resourcing of county governments.

I would like to remind everybody in the nation, that there is no need to use an excuse that money will be stolen in the counties and, therefore, it must be little. Allegations of corruption are at both levels of Government. In fact, at the national level of Government, it is more serious because we are talking about a huge and bigger kitty. Let us disperse this money to various counties because it becomes easy to even oversight and monitor.

If you give one person Kshs10 and another one Kshs1,000, it is very easy to account for Kshs10 than Kshs1,000. Therefore, if we disperse this money across the country like we have done today, we will ensure that oversight and accountability will be easy for everybody and the country.

Mr. Temporary Speaker, Sir, I beg to support. I urge the orderlies in this Chamber at the moment to be leaving the Chamber, even as we continue congratulating

those who have done a good job because the papers must be prepared and be submitted to the National Assembly.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. I rise to support that this Message be transmitted. Today, we make history in this House as the true defenders of devolution. We want Kenyans to know that if the National Assembly delays in considering our Bill, they will be the ones denying them money. This is a House of reason---

I am quite happy to see the Clerk walking and getting ready to go and do what we have asked him to do. In fact, we should even escort him, so that we can show Kenyans that we mean business.

(Applause)

I would like to congratulate all my colleagues and thank you for standing up for devolution and Kenyans. When history will be written, this House and the 68 Members who make up this House, will have a big portion of the space of history in this country as having stood firm for devolution.

I support and thank you all for defending devolution.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order! Hon. Senators, we now proceed to Order No.7 on the Statement by Sen. Faki.

STATEMENTS

UJENZI WA MAKAO MAKUU YA IDARA YA UVUVI KATIKA
ENEOLA SOUTH C, NAIROBI

We deferred this Statement and promised to come back to it later. There could be Senators who would wish to make their comments on it. Before I give you time to make your comments, I have two communications to make.

(Interruption of debate on Statement)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM VARIOUS SCHOOLS

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from Kibicho and Kiwaiguru Primary Schools in Kiambu County.

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

I thank you.

Sen. Madzayo, you may now proceed.

(Resumption of debate on the Statement)

Sen. Madzayo: Asante, Bw. Spika wa Muda. Ningependa kutoa maneno yangu kuhusiana na hii taarifa ambayo imeletwa hapa na Sen. Faki. Waswahili wanasema kwamba, ukishangaa ya Musa, nenda feri kule Likoni ndio utaona maajabu.

Bw. Spika wa Muda, ni jambo la kusikitisha katika historia ya nchi kuona Wizara nzima ambayo ina wasomi, wanaweza kufikiria kujenga makao makuu ya uvuvi, mahali kama Nairobi, South C, ilhali kuna kaunti tano za eneo la pwani ambazo ziko katika ufuo wa bahari na uvuvi wetu unaendelea huko.

Sen. Cherargei: Hoja la nidhamu, Bw. Spika wa Muda. Singependa kumzuia rafiki yangu, Sen. Madzayo kuzungumza, lakini kuna methali ya Kiswahili ambayo inasema “Ukistaajabu ya Musa utaona ya Firauni.” Mimi nimesikia akisema “Ukishangaa ya Musa, utaona ya feri ya Likoni”. Sasa nimechanganyikiwa kidogo kwa sababu sijui kama methali hiyo umebadilishwa na wataalum wa lugha.

Sen. Madzayo: Asante, Bw. Spika wa Muda. Mhe. Cherargei, hawezi kuelewa misemo au methali yote ya watu wa Pwani. Kwa hivyo, mambo ya bahari ambayo kivukisho chake ni feri, pengine hicho Kiswahili kimempita na hakuelewa nilichomaanisha. Hata hivyo, ninamshukuru sana kwa kuongea Kiswahili sanifu.

Bw. Spika wa Muda, tunaona maajabu hivi sasa tunayahamisha makao makuu ya uvuvi kutoka pwani ambapo kuna bahari. Hakuna nchi yoyote katika ulimwengu ambayo imetenda kitendo kama hicho isipokuwa Kenya. Jambo la kusikitisha ni kwamba utaona watu ambao wamepewa nyadhifa kama hizo ndio wanafanya ufisadi wa hali ya juu zaidi. Ukitaka kunyanyasa watu wa Pwani, basi wewe chukua uvuvi ulete hapa Nairobi ambapo hakuna bahari wala Ziwa Victoria. Ndugu yangu Sen. Sakaja hawezi kuelewa kwa sababu anatoka Kaunti ya Nairobi Mjini. Lakini anajua ya kwamba hapa Kaunti ya Nairobi Mjini hakuna bahari wala ziwa kubwa kama Ziwa Victoria.

Bw. Spika wa Muda, tunapofikiria kujenga makao makuu ya uvuvi katika nchi hii, ni heri kufikiria maeneo ya pwani ambapo kuna bahari. Lakini utapaka kwamba mahali ambapo panatakiwa kutengenezwa huu mjengo, tayari kuna ofisi kuu ya fisheries. Kinachohitajika kuongezwa ni majengo zaidi ili watu wafaidike na shughuli za uvuvi.

Bw. Spika Wa Muda, nataka utafakari jambo hili. Wavuvi wanapata shida sana kusafiri kutoka Kaunti za Mombasa, Taita-Taveta, Kwale, Lamu na Tana River; kuja Kaunti ya Nairobi Mjini ambapo ndio makao makuu ya uvuvi. Vile vile watu wa Kaunti ya Kisumu kutoka upande za Nyanza wanalazimika kusafiri mpaka Nairobi Mjini kwa sababu ya uvuvi. Hiyo si haki. Ni haki ya watu wanaoishi katika zile kaunti tano za pwani wapewe nafasi yao ya kuwa na makao makuu ya uvuvi.

Sen. Cherargei: Asante, Bw. Spika Wa Muda, kwa nafasi hii. Ningependa kuunga mkono Arifa ya ndugu yangu, Seneta wa Kaunti ya Mombasa, Sen. Faki. Kama tulivyosema katika sheria ya maswala ya majani chai, kwamba makao makuu ya maswala ya majani chai yawe katika mji wa Kericho. Jambo hili linafaa kuzingatiwa pia kwa mambo ya uvuvi kwa sababu hatuoni ziwa katika Kaunti ya Nairobi Mjini. Lengo kuu la ugutuzi ni kupeleka mashinani huduma zote.

Ninamuunga mkono ndugu yangu, Sen. Faki. Ninafikiri hata sisi tunaotoka sehemu zinazopanda mahindi, tunataka pia maghala ya mahindi yawe katika mji wa Eldoret. Tukifanya hivyo, itasaidia kuleta uwiano mzuri, agenda kubwa, na azma na lengo nzuri la ugutuzi katika taifa la Kenya. Taasisi au vyombo vya Serikali au madola yanafaa kuhakikisha kwamba yamezingatia azimio ambalo Seneti inaweza kutoa

kulingana na hiyo arifa. Sisi kama kamati husika tunatarajia majibu sahihi ambayo yatasaidia kuendesha ugatuzi katika taifa letu la Kenya.

Asante, Bw. Spika wa Muda.

(Loud consultations)

Sen. Sakaja: Bw. Spika Wa Muda, wenzangu wananisihini nizumgumze Kiswahili. Hawajui ya kwamba mimi ni gwiji katika mambo ya Kiswahili sanifu na hata utohozi, ufafanuzi na falsafa za Kiswahili.

Mimi ni Seneta wa Kaunti ya Nairobi Mjini na ni kweli nimezaliwa mjini Nairobi. Wakati ambapo tulijaribu kuvua samaki, tulipata tu vyura wadogo au Tadpoles kwa Kiingereza, katika Mto Nairobi. Sen. Mutula Kilonzo Jnr. atakueleza ilikuwa hivyo katika Mto Kirichwa. Kwa kawaida, Seneta atasimama hapa kutetea jimbo lake kusema kwamba idara hii au taasisi fulani ibaki kwake. Lakini mimi kama Seneta wa Kaunti ya Nairobi Mjini, ninaienzi taifa letu, na pia ninaamini kwamba lazima tuwe na ugatuzi wa ukweli na haki.

Wale ambao walifikiria kwamba wataleta ofisi ya halmashauri ya mambo ya uvuvi mjini Nairobi, nafikiri wamepotea kabisa. Nitaomba kwamba wafikirie tena. Tuna majimbo ambayo yana uvuvi katika eneo la Pwani kama vile wenzangu walivyosema. Tuko na uvuvi katika majimbo ya eneo la Ziwa Victoria; Kisumu, Migori na Siaya. Pia uvuvi unatendeka katika Kaunti ya Turkana.

Kama kuna jambo ambalo lina umaarufu katika sehemu fulani kwa mfano, mambo ya kukuza majani chai, tuangalie majimbo ambayo yako katika maeneo ya majani chai. Kama ni mambo ya michezo kama vile mbio, tuangalie majimbo ya Nandi, West Pokot na Elgeyo-Marakwet.

Bw. Spika wa Muda, Hii taarifa iliyoombwa na ndugu yangu, Seneta wa Kaunti ya Mombasa, haifuatilizwi kwa Kamati ya Bunge la Seneti. Kwa hivyo, ningemwomba ailete kwa njia mbadala. Akifanya hivyo, kama ni jambo la Kamati ya Ukulima, Ufugaji na Uvuvi, wataweza kualika Waziri na Katibu Mkuu wa Wizara ya Ukulima na waseme kwa kinaga ubaga kile wanachojaribu kufanya. Asipofanya hivyo, itakuwa ni kama tu tumezungumza na tumepaka mafuta kwa mgongo wa chupa ama tumechezea mbuzi gita.

Asante, Bw. Spika wa Muda.

Sen. Ochillo-Ayacko: Thank you, Mr. Temporary Speaker, Sir.

(Laughter)

I will not use Kiswahili.

Mr. Temporary Speaker, Sir, this is a very important Statement. I am speaking here in three capacities; as Senator from Lake Victoria region in Migori County where we have a beautiful lake. We have neighbouring lakes. We are fisher people by practice and behaviour. We know how to live with fish and the fish also know how to live with us.

(Laughter)

I want to appreciate the importance of this Statement and congratulate my brothers, Sen. Faki and Sen. Madzayo. They want resources devolved to where an

activity is. The issue being debated here is about construction of a building. I do not think that the construction of a building is what we should be fighting over. In fact, Nairobi City County should just have a coordinating office and the Ministry.

However, we want to see both operational and substantive matters in the counties that are responsible for fishing. We want to see something important going on in Mombasa, Kilifi, Kwale, Tana River, Migori, Homa Bay, Kisumu, Busia and Turkana counties. This is because it is in those counties that fishing activities are major economic and cultural activities.

Mr. Temporary Speaker, Sir, hopefully, this matter will come before the Committee on Agriculture, Livestock and Fisheries, where Sen. Madzayo and I sit. We are going to do our best to ensure that we do not bring buildings here and forget about our fishing people and their activities. Fishing in those counties is adored as a meal and an activity that generates resources. It is respected by our people.

Thank you, Sen. Faki, for raising this important social and economic matter.

(Interruption of debate on Statement)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM CALVARY ACADEMY
SCHOOL, KAJIADO COUNTY

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, I have a Communication to make. I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers of Calvary Academy School from Kajiado County.

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

I thank you.

Proceed, Sen. Pareno.

(Resumption of debate on Statement)

Sen. Pareno: Asante, Bw. Spika wa Muda, kwa kunipa nafasi hii. Kabla sijachangia taarifa hii, ningependa kuwakaribisha wanafunzi kutoka shule ya Calvary kutoka Kaunti ya Kajiado. Mmekaribishwa sana katika Seneti yetu; tunawaombea msome vizuri na mfaulu kimaisha. Asante kwa kuchagua kuja kujifunza katika Seneti ya Kenya.

Bw. Spika wa Muda, namshukuru ndugu yangu, Sen. Faki, kwa kuleta taarifa hii kuhusu ujenzi wa ofisi za uvuvi za kitaifa. Nmeangalia taarifa ambayo ilikuwepo katika gazeti kuhusu kandarasi hiyo na imebainika kwamba kuna wafadhili, ambao ni Benki Kuu ya Dunia, waliojitokeza na kuamua kufadhili mradi huo wa uvuvi katika Kaunti ya Kwale, Mombasa, Kilifi, Tana River na Lamu. Itakuwa maajabu iwapo Benki Kuu ya Dunia itajitokeza kufadhili kaunti tano ama kufadhili uvuvi na kuinua maisha ya wavuvi katika kaunti hizo tano, halafu Serikali ya Kitaifa iamue kwamba pesa hizo ambazo ni za

wafadhili zitumike katika kujenga ofisi Nairobi. Kufanya hivyo, itakuwa ni kudhulumu wavuvi na haifai kabisa.

Bw. Spika wa Muda, ingawa Katiba yetu imesema kwamba mambo ya uvuvi yako katika ofisi za kitaifa, basi ingefaa wale wanaopenda kujenga ofisi hizi za kitaifa hapa Nairobi watumie bajeti yao kufanya hivyo badala ya kutumia pesa za ufadhili, ambazo malengo yake yalikuwa ni kuinua wavuvi katika kaunti hizo nilizozitaja hapo awali.

Bw. Spika wa Muda, nimeelezwa kwamba tayari kuna ofisi ya utafiti katika kaunti za Pwani. Kwa hivyo, pesa hizo zingefaa kutumika kuipa nguvu ofisi hiyo ya utafiti na kazi ya uvuvi katika Pwani. Hatusemi kwamba ni wanapwani tu ndio wanaweza kufanya uvuvi; tunajua kwamba wale walio katika Ziwa la Victoria pia wanafanya uvuvi. Lakini haifai kwa msaada ambao malengo yake yalikuwa ni kaunti za Pwani urudishwe na kupelekwa katika ofisi za Nairobi.

Bw. Spika wa Muda, tunalaani jambo hilo. Ningependa Kamati itakayoshughulikia jambo hilo ihakikishe kwamba pesa hizo za wafadhili zitumike kikamilifu na kwa njia ambayo walikuwa wameamua zitatumika.

Sen. Boy: Asante sana, Bw. Spika wa Muda, kwa kunipa fursa hii. Kwanza, natoa shukrani kubwa kwa Mhe. Sen. Faki kwa kuleta taarifa hii hapa. Kusema kweli, hili ni jambo la kusikitisha sana kwa sababu kama unavyojua, uvuvi nchini Kenya unafanyika sana katika upande wa Pwani, sehemu za Nyanza na Turkana.

Bw. Spika wa Muda, pia ni jambo la kusikitisha kuona kwamba makao makuu ya hizo ofisi yatajengwa hapa Nairobi. Kusema ukweli, ukiangalia wewe mwenyewe, jambo kama hili katika wakati kama huu, kama ni kweli hizo ofisi kujengwa, basi tuangalie Kilillahi na kihaki aidha zijengwe kwetu Pwani, katika sehemu za Turkana ama katika sehemu za Ziwa Victoria.

Nikiongezea, Bw. Spika wa Muda, hivi sasa kuna kiwanda kikubwa cha samaki kinachojengwa na watu kutoka China katika sehemu za Shimoni. Samaki wanavuliwa, wanawekwa kwenye *cold storage* na kusafirishwa kupelekwa nje ya nchi. Vile vile kuna miradi mingine inayoendelea sehemu za Shimoni, Mtwapa na Kilifi. I wapo wavuvi hawa kesho watakuwa na shida, watakimbia ofisi gani? Hakuna ofisi nyingine, isipokuwa karibu ni pale sehemu za pwani.

Bw. Spika wa Muda, naunga mkono taarifa iliyoletwa na Sen. Faki. Tunataka hii Kamati itakayohusika kuchunguza shida hii waangalie kabisa. Ilifikia vipi hadi uamuzi ukafanyika kwamba makao makuu yajengwe hapa Nairobi? Wanafaa waangalie kihaki kabisa, na watuonyeshe ilikuwa vipi Nairobi ikachaguliwa kama pahali patakapotengezwa makao hayo makuu.

Bw. Spika wa Muda, sitaki kusema mengi, lakini naunga mkono hii taarifa iliyoletwa na Sen. Faki. Wale waliopanga njama ya kupendekeza makao haya yawe Nairobi, basi wajue kwamba ukweli utajulikana.

Asante sana, Bw. Spika wa Muda.

[The Temporary Speaker (Sen. (Dr.) Lelegwe) left the Chair]

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

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators! I will allow two more Senators.

Proceed, Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Thank you, Mr. Deputy Speaker, Sir. *Watu wananiambia niongee Kiswahili, lakini---*

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. (Dr.) Ali! Umeambiwa na watu wapi?

Sen. (Dr.) Ali: Maseneta wenzangu wanasema niongee Kiswahili. Nataka kuwaambia kuwa naelewa Kiswahili sanifu kabisa.

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Bw. Naibu Spika, natakubaliana na Sen. Faki kwa sababu taarifa aliyoleta hapa ni wa maana kabisa. Ile tabu tuko nayo ni kuwa katika nchi hii, wakitaka kufanya kitu chochote, mahali pa kwanza wanapofikiria ni Nairobi. Nairobi imekuwa jangwa la ukuta. Kuna dunia nyingine iliyo na nafasi ya kutosha na wako na haki ya kuwa na makao makuu ya mradi wowote. Kama kila kitu kitafanywa hapa Nairobi, wale watu wengine wataenda wapi? Ni maajabu! Kwa mfano, wanasema mambo ya uvuvi yaletwe hapa Nairobi. Mambo ya wanyama wa pori yanataka kuletwa Nairobi. Kila kitu wakifikiria ni Nairobi. Hiyo haifai.

Badala ya watu kusukumana hapa na pale, nafikiri huko kwetu, iwapo maji ya Tana River yatapelekwa upande wa Wajir, basi tutakuwa na ziwa kubwa sana. Pengine hata hili jangwa la ukuta lipelekwe huko Wajir badala ya kuletwa Nairobi.

Bw. Naibu Spika, langu ni kumsaidia Sen. Faki, na kusema ukweli wa mambo ili Kamati husika iangalie maneno haya kwa makini. Tunataka Kamati hii imuite Waziri na wote wanaohusika ili kufafanua zaidi juu ya swala hili. Kama ni mambo ya kula na mengineyo, hata Mombasa na Kilifi mambo haya yanaweza kufanyika.

Bw. Naibu Spika, naunga mkono taarifa hii.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Mwaura, be brief.

Sen. Mwaura: Asante sana, Bw. Naibu Spika kwa kunipa nafasi hii kuchangia taarifa ambayo imeletwa na Sen. Faki. Ni muhimu kuhakikisha kwamba katika mwito wa ugatuzi tunagatua taasisi za kitaifa ambazo zinajiuzisha hususan na maswala ya kilimo. Ni jambo la kushangaza kwamba Nairobi hakuna samaki wengi. Iweje makao makuu ya hii taasisi yawe Nairobi?

Tuendeleo kugatua shughuli nyingi ili kuwe na uwakilishaji wa Serikali Kuu katika Kaunti ya Nairobi lakini tuanze kujenga miji mingine ili iweze kustawisha biashara na Wakenya waweze kwenda kule kwa sababu hapa Nairobi tunamsongamano mkubwa ambao unazuia uendeshaji wa shughuli za kiuchumi.

Bw. Naibu Spika, naunga mkono.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, for being brief. If you maintain that pace, I will allow a few more.

Proceed, Sen. Madzayo.

(Sen. Madzayo spoke off-record)

The Deputy Speaker (Sen. (Prof.) Kindiki): Give Sen. Madzayo the microphone.

Sen. Madzayo: Asante, Bw. Naibu Spika. Hapo awali, ulitueleza kwamba kuna watoto kutoka Kajiado County ambao mpaka sasa wako pale juu.

Nina kuunga mkono kwa kuwakaribisha kwa dhiti. Ninawapa kongole walimu na watoto ambao wako katika madarasa ya chini kwa kuja katika Bunge la Seneti ili wasikie, watafakari na waoene Maseneta pamoja na Spika na vile tunafanya mambo yetu. Wao ni viongozi wa siku za usoni.

Ninawapa changamoto ya kwamba hakuna lisilowezekana katika ndoto zao. Kama wanataka kuwa Maseneta siku moja, hiyo ndoto inawezekana. Kwa hivyo, wafanye bidii.

Nimeketi katikati ya Maseneta wanaotoka katika kaunti za uchungaji. Shule hii ni moja wa shule nyingi inatoka katika sehemu za uchungaji. Upade wa kushoto niko na dadangu Sen. Pareno na upande wa kulia niko na kakangu, Sen. Olekina.

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

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

Sen. Sakaja: Bw. Naibu Spika, imekuwa desturi kwamba tunapozungumza Kiswahili tunahimizana tuzungumze Kiswahili sanifu. Ndugu yangu ambaye siwezikumfunza Kiswahili hata kidogo, Seneta wa Kilifi, amesema ya kwamba wezake, Sen. Olekina na Sen. Pareno wanatoka kaunti za uchungaji.

Sen. Madzayo: Nimesema, wafugaji.

Sen. Sakaja: Amesema tena kwa mara ya pili ‘wachungaji’. Ukiangalia Nakala ya Bunge, utaona ya kwamba amesema ‘wachungaji’. Wachungaji ninavyowajua ni wale makasisi na wanaohubiri. Ni wachungaji au wafugaji? Lakini sijasema kaunti hizo hazina wachungaji.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order! Proceed, Sen. Madzayo.

Sen. Madzayo: Asante, Bw. Naibu Spika. Kuna tofauti ya watumishi wa Mungu na wafugaji au wachungaji. Nikizingatia mambo ya---

The Deputy Speaker (Sen. (Prof.) Kindiki): You have not answered Sen. Sakaja’s concerns.

Sen. Madzayo: Bw. Naibu Spika, amesema kwamba nimetumia neno ‘wachungaji’ ambalo hata ndani ya Biblia linamaanisha mtu anayetafuta kondoo aliyepotea na kumleta nyumbani.

Nimesema kwamba hawa ndugu zangu wanaishi katika sehemu ambapo wanafuga mifugo kama vile ndugu yangu Sen. (Dr.) Ali anafuga ngamia, hawa wanafuga ng'ombe ambao wanatupatia maziwa na bidhaa zingine. Ndio maana nilisema nimeketi katikati ya dadangu na kakangu ambao ni Maseneta wa nguvu kutoka maeneo ya Kajiado na Narok.

The Deputy Speaker (Sen. (Prof.) Kindiki): Conclude, Sen. Madzayo.

Sen. Madzayo: Bw. Naibu Spika, hawa hawakupata nafasi hii kwa urahisi. Walifanya bidii wakiwa watoto kama nyinyi katika sehemu za ufugaji. Kwa hivyo, nyinyi mnaweza kuwa kama wao.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Sakaja, ‘wafugaji’ are keepers of livestock. Wachungaji are herdsmen who go out there to take care of animals. ‘Wafugaji’ are people whose livelihood is derived from keeping livestock.

Proceed, Sen. Mutula Kilonzo Jnr. you are normally brief. I am sure that you will do it in a minute. I hope that it is not about the students because we have already welcomed them.

Sen. Mutula Kilonzo Jnr.: Asante, Bw. Naibu Spika. Ninataka kuzungumza kwa kifupi kuhusu taarifa ambayo imewasilishwa na Sen. Faki. Kitu ambacho amesahau kukiweka katika taarifa yake ni kama Bw. Mbotela angeuliza, je, ni ungwana kweli kwamba makao ambayo yatazingatia uvuvi yajengwe eneo la South B, mahali ambapo Seneta wa Nairobi anamiliki?

Sijaona jambo hili katika taarifa ambayo amewasilisha kama Serikali Kuu iliwaita Wakenya wanaotoka eneo la Pwani ili wapate mawaidha. Lakini, jambo hili lazima lizungumziwe.

Hatushangai kwa sababu jambo ambalo linafanya Wachina kuleta samaki Kenya ndilo swala unaloliona kwamba wavuvi wanaotoka katika sehemu za Nyanza, Mombasa na Pwani wametupiliwa mbali na kuwachwa nyuma kimaendeleo. Vitu ambavyo vinazungumziwa na wafadhili ni jambo ambalo linaweza kuleta ajira.

Ndugu yangu na kaka yangu ambaye Seneta wa Bugoma anamwita *distinguished nephew*, Sen. Sakaja amepitisha Mswada ambao ungepatia vijana kazi. Vijana wengi wa Mombasa wangepata kazi kama *headquarters* zingejengwa katika eneo la Pwani. Kwa hivyo, lazima jambo hili liangaliwe kwa kimakini kwa sababu linaweza kuleta mapato kwa Serikali ya Kaunti ya Mombasa na Serikali Kuu. Jambo hili lifutuliwe mbali.

Wakati mwingine, ukiangalia mambo yanayofanywa na Serikali ya Jubilee, utafikiria kuna mazingaumbwe Kenya.

The Deputy Speaker (Sen. (Prof.) Kindiki): Say what has not been said by other Senators.

Proceed, Sen. Zawadi. You have one minute.

Sen. Zawadi: Asante, Bw. Naibu Spika, kwa kunipa nafasi hii niweze kuzungumza kuhusu taarifa ambayo iko mbele yetu. Namshukuru Mhe. Sen. Faki.

(Sen. Mutula Kilonzo Jnr. consulted loudly)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Mutula Kilonzo Jnr.! Are you laughing at yourself or at Jubilee?

Proceed, Sen. Zawadi.

Sen. Zawadi: Asante, Bw. Naibu Spika. Nakubaliana na wezangu ambao wamezungumza mbeleni kwamba yale yanataka kufanyika ni unyanyapaa wa hali ya juu. Sisi watu wa Pwani, hasa Kilifi, Mombasa na Kwale ni Wakenya kama Wakenya wengine. Kwa hivyo, kama peas zimekuja kama zimetulenga, wachazitufikie.

Kama kitu ni kizuri, kinakuja Nairobi. Mtu wa Kilifi akitaka msaada, atatoka Mombasa, Kilifi au Tana River mpaka Nairobi. Hiyo si ungwana. Maana ya ugatuzi ni nini ikiwa watu watatoka kule mashinani na kuja Nairobi? Watu wa chini wanafaa kufaidika na kuinuka kiuchumi. Kama ni nyumba za kupangisha, wale watakua maofisini wataenda kupangisha nyumba hizo na biashara itasongea.

Ninaungana na wenzangu kwamba si haki zile ofisi zije Nairobi kwa sababu bahari iko Pwani. Ninauhakika watu kama wale wangepewe nafasi, wangepamisha bahari lakini Mwenyezi Mungu alipanga iwe kule. Wacha watu wa Pwani wafaidike na wale

matunda yao. Mwenyezi Mungu aliwaumba na kuwaweka kule, kwa hivyo, wacha wale matunda yao.

Sen. Olekina: Bw. Naibu Spika, shukrani kwa kunipa nafasi ili niweze kuchangia taarifa hii ya mipango ya Serikali Kuu kujenga kwa niaba ya kaunti tano. Sisi sote tunajua ya kwamba, kaunti hizi ni kaunti za uvuvi. Huu ni utendakazi ambao umegatuliwa.

Katika serikali ya ugatuzi, ni lazima sisi kama Seneti ya Kenya tujaribu kuhakikisha ya kwamba, majukumu ambayo yamegatuliwa yafaidi wale watu walio katika kaunti.

Tujenga makao haya hapa Nairobi ni madharau na upotuvu wa nidhamu na heshima kwa watu wa maeneo ya pwani. Mimi kama Seneta wa Kaunti ya Narok ninalipinga jambo hilo kabisa. Wakianza kuleta kila jukumu hapa Nairobi, kesho watasema kwamba ni lazima wajenge jumba kuu linaloshughulikia mambo kuhusu uuzaji na ununuzi wa nyama na ngano yote ambyo inatoka Narok hapa jijini.

Tukikubali hayo yatendeke, tutakua tunafungua njia ya kaunti zetu zote kunyanyaswa na kufanywa kuwa maskini. Jambo hili ni dhuluma---

The Deputy Speaker (Sen. (Prof.) Kindiki): You are making observations. We are not debating. It is a Statement. Just make observations.

Sen. Olekina: Bw. Naibu Spika, kitendo hicho ni kama kutoa nyama kwa mdomo. Sisi kama Maseneta ambao tumekuja katika Bunge hili ili tuweze kuwa kitu kimoja, tunaipinga.

Ningependa kwanza kuomba kwamba makao ya Waziri wa Kilimo, ufugaji na uvuvi yanastahili kuwa katika maeneo ya pwani. Hii ni kwa sababu jimbo la pwani linaweza kulisha Kenya yote kwa issue ya *samaki*.

Shukrani.

The Deputy Speaker (Sen. (Prof.) Kindiki): Kwa *issue* ya samaki! Order, Sen. Olekina. Good effort though.

One minute Sen. Shiyonga.

Sen. Shiyonga: Thank you---

Sen. Sakaja: Hoja ya Nidhamu, Bw. Naibu Spika.

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

Sen. Sakaja: Nw. Naibu Spika, samahani, singependa kumsimamisha dadangu Sen. Shiyonga, lakini nikiangalia ratiba ya Bunge leo, ninaona kwamba, bado tuna taarifa nyingi ambazo bado hatujafikia.

Kuna Taarifa mbili za Sen. (Dr.) Musuruve---

The Deputy Speaker (Sen. (Prof.) Kindiki): So, what is your point of order?

Sen. Sakaja: Bw. Naibu Spika ningeomba kwamba uamrishe tufupishe ama twende---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order! That is what I am doing. Sen. Sakaja, you are out of order.

Sen. Shiyonga, briefly.

Sen. Shiyonga: Thank you, Mr. Deputy Speaker, Sir, for saving me from that situation. I will not speak Swahili, but will speak English as usual.

I stand to support this Statement and I appreciate my colleague, the Senator of Mombasa for bringing it here. It is true that we are a devolved government and we need to embrace devolution. It is important that we embrace devolution. Embracing devolution

demands that we tell our partners globally, that Kenya has taken a lead in matters of devolution.

Mr. Deputy Speaker, Sir, we should embrace devolution by proposing the construction of the headquarters of the fisheries that have been earmarked for Nairobi to the coastal region. This is because this is where the fishing is done. We should also make adequate facilitation of the same.

Sen. (Dr.) Zani: Asante, Bw. Naibu Spika. Mimi ninataka kusimama kwa muda mfupi sana kuunga mkono taarifa hii ambayo imeletwa na Sen. Faki. Tumezungumzia hili jambo kwa muda mrefu. Ninataka kutoa changamoto moja kama viongozi wengi kila mahali wamesema si haki kujenga ofisi hii hapa Nairobi ilhali inaweza kujengwa Pwani.

Ni muhimu kama Wabunge wote watatuunga mkono jambo hili. Wale ambao ni wabunge kutoka pwani, wawe kifua mbele zaidi kuhakikisha kwamba jambo hili limeangaliwa vilivyo.

The Deputy Speaker (Sen. (Prof.) Kindiki): That is an important matter. It is very important because it amounts to taking the headquarters of a major devolved function outside the main area where the concerned source is found.

I would, therefore, exercise the discretion under Standing Order No.47 (iii) and direct the Standing Committee on Livestock, Agriculture and Fisheries to consider the matter. They should engage the Ministry at all levels, including the Cabinet Secretary and report back to this House in two weeks.

Very well Senators. We need to be really quick. We now go to Statements pursuant to Standing Order No.48 (i). Can we have Statement (a) by Sen. (Dr.) Musuruve.

INCREASED CASES OF ROAD TRAFFIC ACCIDENTS INVOLVING MOTORCYCLES (BODA BODA) ON KENYAN ROADS

Sen. (Dr.) Musuruve: Thank you, Mr. Deputy Speaker, Sir, for this opportunity. I rise, pursuant to Standing Order No.48 (i) to seek a Statement from the Standing Committee on Roads and Transportation concerning increased cases of road traffic accidents involving motorcycles on Kenyan roads in general, particularly along the Webuye-Eldoret highway where on 24th June 2019 more than seven people perished in an accident involving a motorcycle, *matatu* and a truck.

In the Statement, the Committee should-

(1) Explain measures put in place to curb increasing cases of traffic accidents, especially those relating to motorcycles. According to data from the National Transport and Safety Authority (NTSA) such accidents have increased by 17 per cent in the last one year and account for 19 per cent of road accident fatalities in the country during the same period.

(2) State the reasons for the increasing cases of motorcycle accidents despite the existence of the Traffic Act and Motorcycle Regulations aimed at addressing challenges in the *boda boda* transport sector.

(3) Indicate the progress made by the task force appointed by the Cabinet Secretary of Transport, Infrastructure, Housing, Urban Development and Public Works in November 2018 to develop new policies to oversee the day to day governance of the *boda boda* transport sector in the country.

(4) State what plans the Government has of ensuring that motorcycle transport operators are well trained, licensed and insured in order to promote road safety.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! you requested for a Statement. You cannot request and debate. We have heard what you want. We do not have much time.

Sen. Sakaja one minute. State your observations.

Sen. Sakaja: Mr. Deputy Speaker, Sir, very quickly. This is a very important Statement, especially for Nairobi and major parts of the country. This weekend I was in Kakamega, Vihiga and Kisumu counties. On my way back to Nairobi through Kitale, what I saw made me dismayed. As much as we care about these young people on *boda boda* and we want to support them in earning a living: this Committee should ask whether *boda boda* riders are above the law. Even as you go home from Parliament, you will see them crossing roundabouts whichever way they want. There is no rule on the road that they follow and the policemen just look at them. Yet, it is their own lives that they are endangering.

In as much as we are supporting them - I support them completely despite the harassment they get from the county government in Nairobi - they must be able to follow rules for their own good. The Committee should ask the Traffic Department whether the police have been told to turn a blind eye on road safety rules that are for the benefit of those *boda boda* operators; they do not follow lights, they do not listen you know--- Whichever side of the road they want to go, they go. It is for their own good.

Thank you for that Statement, Sen. (Dr.) Musuruve.

The Deputy Speaker Sen. (Prof.) Kindiki: Thank you very much, Sen. Sakaja.

Sen. (Dr.) Milgo one minute.

Sen. (Dr.) Milgo: Mr. Deputy Speaker, Sir, I also rise to support the Statement because we have issues with *boda boda* operators and that is a challenge. However, they provide employment to our youth who do not have jobs. It is one mode of transport that is cheap and people can access different terrains in this country using them.

The bone of contention is that the Committee should look into the issue of training *boda boda* riders. The reason they keep criss-crossing and causing a lot of accidents all the time is because of lack of training. A person can just get hold of a motorbike and start driving carrying more than the required number of passengers. That is a challenge.

The Deputy Speaker (Sen. (Prof.) Kindiki): Finally we will have Sen. (Rev.) Waqo. You have one minute.

Sen. (Rev.) Waqo: Mr. Deputy Speaker, Sir, I stand to support the Statement by Sen. (Dr.) Musuruve on increased cases of road traffic accidents involving *boda boda* operators on Kenyan roads. We all know what is happening, not only in the city, but also in our villages. That means we have a challenge of *boda boda* operators.

I support the Statement, so that we have rules and regulations that guide people. Some of the people who operate as *boda bodas* riders are underage. Only people who have attained the maturity age should be allowed to do so. Some of them carry three or even four passengers on a motorbike and that is dangerous.

The other thing is that they are also careless---

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senator, you are now debating. We have heard your additional observations.

Hon. Senators, I direct as follows. The concerned Committee should be seized of the matter. The Committee on Roads and Transportation to apply Standing Order No.48(3)(b), which gives the Committee discretion to invite the Senator who has raised the issue, the Cabinet Secretary and any other person and submit a report. It is so ordered.

Let us have Statement (b) to be requested by Sen. (Dr.) Musuruve. Please, do not debate your own request for statement.

RECOGNITION OF PERSONS LIVING WITH DISABILITIES
WHO HAVE BROUGHT HONOUR TO THE COUNTRY

Sen. (Dr.) Musuruve: Thank you, Mr. Deputy Speaker, Sir, for this opportunity to request for the Statement.

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.48(1), to seek a Statement from the Standing Committee on Labour and Social Welfare concerning the recognition of Persons with Disabilities (PwDs) in the country. In the Statement, the Committee should-

(1) Provide statistics on PwDs on whom national honours have been conferred in the past 10 years, indicating their respective areas of contribution.

(2) Explain measures put in place to ensure that appropriate recognition is accorded to PwDs who have rendered distinguished services to the nation, made notable national achievements in various fields and brought honour to our country.

(3) State measures put in place to ensure that there is a reserved quota for PwDs whenever national honours are being conferred.

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, I direct in the same manner. The Chairperson of the Committee on Labour and Social Welfare, who is Sen. Sakaja, kindly look at Standing Order No.48(3)(b) and apply it, exercising your discretions accordingly.

Let us have Sen. (Dr.) Milgo to request Statement (c).

INCORPORATION OF DRAMA AND OTHER CO-CURRICULAR
ACTIVITIES IN THE EDUCATION CURRICULUM

Sen. (Dr.) Milgo: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Education concerning incorporation of drama and other co-curricular in the education curriculum in the country. In the Statement, the Committee should-

(1) Explain steps taken by the national Government to incorporate drama and other co-curricular activities in the education curriculum in order to promote active learning in all education institutions in the country.

(2) State measures taken to conduct an audit of all the country's education policies with the view to addressing emerging trends in the sector where performing arts are becoming popular, including on the Competency Based Curriculum (CBC) that is being implemented by the Government.

(3) Explain measures taken by the Ministry of Education, Science and Technology to also review all subjects offered in the country's education curriculum with

a view to incorporating all the subjects that produce all-round individuals who will easily fit in the dynamic job market.

(4) State measures put in place to provide adequate education infrastructure and learning materials in all schools across the country, so as to ensure no student is disadvantaged in terms of knowledge acquisition and also in national examinations.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. (Dr.) Musuruve, you have two minutes.

Sen. (Dr.) Musuruve: Thank you, Mr. Deputy Speaker, Sir, for the opportunity. I commend Sen. (Dr.) Milgo for raising this Statement. It is through drama clubs that skills are passed to learners to enhance their communication competence. Some of the communication skills includes speaking and memorizing. These skills ensure that children are all-round and confident.

Drama can go a long way in ensuring that we have students who are confident in themselves and eventually become leaders in this country. It is through drama that talents of learners are nurtured. It is also through drama that learners play roles. For example, through drama, a student can play the role of a doctor, a mother or a leader. All these roles are important to children.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. (Dr.) Musuruve, you have been here long enough. Every time you are given a chance, you debate endlessly even when you are on a point of order. The Senate does not have infinite time. Parliament's time, just like the Judiciary's time, is limited and should be used sparingly.

Sen. (Rev.) Waqo: Mr. Deputy Speaker, Sir, I stand to support this important Statement by Sen. (Dr.) Milgo, which seeks to incorporate drama and other co-curricular activities in the education curriculum.

I support it because through this, our students will be guided and molded well. Nowadays, when our children get to teenage, they get lost in many things. If this is done, they will grow up well and guided in their speaking skills and that will build their confidence.

The Deputy Speaker (Sen. (Prof.) Kindiki): That is how it should go. Thank you very much.

The final Statement is from the Chairperson of the Committee on Labour and Social Welfare.

STATUS REPORT ON THE PAYMENT OF
INUA JAMII CASH TRANSFER

Sen. Sakaja: Mr. Deputy Speaker, Sir, pursuant to Standing Orders No.51(1)(a), I rise to make a Statement as the Chairperson of the Committee on Labour and Social Welfare regarding the Status Report on the Payment of Inua Jamii Cash Transfer Beneficiaries for March/April and May/June, 2019, as reported by the Ministry of Labour and Social Protection in their letter dated 25th June, 2019.

Mr. Deputy Speaker, Sir, many concerns have been raised by Members regarding this issue. Therefore, we sought a status report.

Mr. Deputy Speaker, Sir, the Inua Jamii Programme is implanted through three sub-programs namely: Older Persons Cash Transfer programme (OPCT), Orphans and Vulnerable Children (CT-OVC) and Persons Living with Severe Disability (PWSD).

The Ministry has launched a new cash transfer model that migrated the beneficiaries from a card-based system to an account base system administered through four banks that is; Cooperative Bank of Kenya, Equity Bank, Kenya Commercial Bank and Post Bank.

During Phase 1 (November, 2018 to March, 2019) and Phase 2 (April, 2019 to May, 2019), migrations the Ministry opened bank accounts for 1,070,238 beneficiaries part of 1,233,329 total registered.

The Ministry of Labour and Social Protection stated that the payment of the March/April, May/June 2019 payment cycle as outlined in the table below (which I will table) commenced on Thursday 27th June, 2019.

	Program	No. of Households	Payment	Totals
(a)	Older Persons Cash Transfer program (OPCT)	753,276	8,000	6,027,008,000
(b)	Orphans and Vulnerable Children (CT-OVC)	287,278	8,000	2,298,224,000
(c)	Persons Living with Severe Disabilities (PWSD).	29,584	8,000	236,672,000
	TOTAL	1,070,238		8,561,904,000

I hereby lay the document on the Table.

(Sen. Sakaja laid the document on the Table)

Mr. Deputy Speaker, Sir, the Committee is also aware of the Statement sought by Sen. (Dr.) Langat on the delay in Disbursement of the OPCT. We have invited Sen. (Dr.) Langat and all those who had questions around the labour and social welfare issues to attend our Committee meeting for the resolution of this.

Finally, we wish to inform the Senate that the Committee has invited the Cabinet Secretary (CS) Labour and Social Protection to come and respond comprehensively to the issues that are raised in that Statement together with other issues including;

- (a) Statement on registration of Persons with Disabilities by Sen. Khaniri.
- (b) Statement on implementation status of the Government set minimum wage guidelines by Sen. Khaniri;
- (c) Statement by Sen. Olekina on protection of Kenyan citizens who work in Saudi Arabia.

- (d) Statement by Sen. Mutula Kilonzo Jnr. On Uber and other digital hailing Apps operating in Kenya.
- (e) Petition presented by Sen. Kihika on behalf of residents of Nakuru on unlawful rounding up, detention, transfer and dumping of street children by the County Government of Nakuru.
- (f) Senate resolutions on payment of one-off honorarium and monthly pension to former councillors by Sen. Kinyua.

Mr. Deputy Speaker, Sir, we have extended an invitation to all the Senators above and to all those who might be interested in all these issues to our Committee meeting on Wednesday 24th July, 2019 in the County Hall, Mini Chamber from 10.00 a.m.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): I hope the Senators who had requested for those Statements will be available.

Sen. Sakaja: Mr. Speaker, Sir, they have also been alerted by my secretariat.

The Deputy Speaker (Sen. (Prof.) Kindiki): I just need to emphasize the need to take their own agenda seriously so that we save on the time we spend here.

That brings us to the end of that particular Order.

Hon. Senators, I will direct that Order No.15 and Order No.17 be deferred.

BILL

Second Reading

THE COUNTY TOURISM BILL
(SENATE BILLS NO.5 OF 2019)

(Bill deferred)

MOTION

STAFF RATIONALIZATION IN COUNTIES

THAT, AWARE THAT the Senate represents the counties, and serves to protect the interests of the counties and their governments;

FURTHER AWARE THAT, the launch of the Capacity Assessment and Rationalization of the Public Service (CARPS) Programme was launched by the Inter-Governmental Steering Committee (IGSC) on 14th July 2014 with the objective of transforming the Public Service for efficient and effective service delivery at both levels of Government;

NOTING THAT, the implementation timelines for the CARPS programme of two years specifically with regard to the capacity assessment, workload analysis and staff redeployment and transfers, are of paramount importance in the counties as the terms of all second term county Governors come to a close in 2022;

CONCERNED THAT, county governments are still engaged in uncontrolled hiring of staff in total violation of applicable laws, exposing a glaring imbalance between money spent on recurrent expenditure, versus budgets for development projects which are the essence of devolution;

CONCERNED FURTHER THAT, contrary to Section 15(2)(b) of the Public Finance Management (PFM) Act, in counties such as Nairobi, Machakos, Garissa, Kisumu, Wajir, Baringo, Narok, Nakuru and Nyamira, staff salaries consumed in excess of 75 per cent of total expenditure, over and above the set limit of 35 per cent as provided in Regulation 25 (1) of the Public Finance Management (County Governments) Regulations, 2015 during the Financial Year 2018/2019;

DEEPLY CONCERNED THAT, although Section 65 of the County Governments Act requires that more than 30 per cent of the vacancies at entry level be given to members of ethnic groups that are not dominant in their precincts, the 2016 Ethnic and Diversity audit launched by the National Cohesion and Integration Commission revealed that 68 per cent of counties have hired more than 70 per cent of their staff from one ethnic group;

NOW THEREFORE in exercise of its oversight function, the Senate resolves that the Public Service Commission (PSC), Intergovernmental Relations Technical Committee (IGTRC) and the Council of Governors provide a comprehensive report on-

1. The progress and implementation status of the Capacity Assessment and Rationalization of the Public Service (CARPS) Programme indicating the county governments that are compliant; and
2. The number of employees in each county government showing the amount spent as wage bill vis-à-vis recurrent expenditure budgeted for Financial Year 2018/2019 and submit these reports to the Senate within 60 days of this resolution.

(Motion deferred)

The Deputy Speaker (Sen. (Prof.) Kindiki): Let us go to Order No.10

BILL

Second Reading

THE NATIONAL MUSEUM AND HERITAGE (AMENDMENT)
BILL (SENATE BILLS NO.7 OF 2019)

(Sen. (Dr.) Milgo on 17.07.2019)

(Resumption of Debate Interrupted 17.7. 2019)

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, last time this matter was on the Floor for debate, Sen. (Dr.) Musuruve was seconding and she has a remainder of not more than 15 minutes to conclude her seconding.

Proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to second this Motion. If I can just continue from where I stopped, the issue of having national museums is very important for many reasons. Our culture is gradually becoming extinct. We find our youths not embracing our culture and some have forgotten the kind of things we, as Africans, valued.

A museum would be a very good way of ensuring that the youth are able to relate with our past and are able to have pride in our culture. This is because most of the time, the youth are glued to Western music. They even want to ape the Western appearance. They are forgetting the kind of music that we used to value as Africans in different cultures.

(Sen. Kibiru and Sen. Kang'ata held consultations)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order! Senator for Kirinyaga and Senator for Murang'a counties, we know there was an activity recently that put your counties together.

(Laughter)

Nevertheless, this is not the place to cement your social issues.

Proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Deputy Speaker, Sir. I was saying that we really need to value our traditions. One of the ways of valuing our traditions and ensuring that we pass on our traditions to our children and their children, is by having a museum. The museum will also showcase some of the traditional clothes that were worn. You will note that the youth nowadays do not value our traditional clothing.

When you meet a youth in the streets, you may not be able to tell whether it is a boy or a girl. You will find that the boy has pierced his ears and plaited braids. You will also find a girl having the appearance of a boy. There was an appearance which was prescribed by the African tradition.

Museums will be a good way of ensuring that we pass on our traditional values to our children and their children. Our traditional values are rich. People come from the Western countries and they want to view the Maasai life. Sometimes they even pay dearly just to see that traditional African appearance.

I support this issue of Museums. Some of our traditional trees and plants, were medicinal. For example, the Neem plant was used to treat diseases like Malaria, Gout and many other diseases. When we look back to our grandparents time, there were some diseases which were not there. Maybe these diseases were healed by some of this plants they were taking. *Mwarubaini*, or the Neem Plant was used to treat a number of diseases at the same time.

Our museums can be used as a form of research so that researchers can come to the museum to see the traditional plants that were valued and their uses. In the Luhyia

Community, the *Mukombero* root was used as an appetizer. I see it being sold on the streets when there is traffic jam.

These are some of the things that we need to reconnect with because they add value to research. I am supporting this Bill because the creation of museums will be a way of creating employment for our youth at the county level. One of the core agendas for us, Kenyans, is to ensure we create employment. If we have museums creating employment for our youths, being used as research bodies, it is a plus for each and every county.

I support this Bill by Sen. (Dr.) Milgo. I hope that my fellow Senators will also support this Bill so that it sees the light of the day.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): I will now propose the question.

(Question proposed)

Sen. Kasanga: Thank you, Mr. Deputy Speaker, Sir. I was still forming my thoughts as I was looking through the Bill. I thank and congratulate Sen. (Dr.) Milgo, for bringing this Bill.

Mr. Deputy Speaker, Sir, from a reading of the Bill, I can see that it seeks to give effect to the Fourth Schedule of the Constitution, on the distribution of functions between the national and county governments. Paragraph 25 of Part One of the Fourth Schedule assigns the responsibility of ancient and historical monuments of national importance to the national Government. It also assigns the responsibility of cultural activities, public entertainment and amenities to the county governments, which also include museums. I thank the Senator for making these amendments because it has not been done. It has been overlooked before, yet it is a very important cultural activity or cultural mark to our 47 counties.

Mr. Deputy Speaker, Sir, I imagine a situation where every county has a place they call their place for heritage, storing cultural artefacts or a place which tells the story of who they are, as a people. I imagine that being a place that, first, has an architectural impact. It can be a landmark or a park, the way Machakos has the People's Park. It can be the place where young people can express themselves and be reminded of what their culture was like. It can be a place where a people can identify with. This is a beautiful Bill and I truly do hope that it comes to see the light of day.

Mr. Deputy Speaker, Sir, every time we travel to a new country, one of the first things we do is to visit the museums because it gives you the history of the people. It gives that depth and breadth where you begin to understand those people. I can imagine if all our counties had such a thing, it would be a very beautiful thing. I have not gone through the whole Bill fully, but I appreciate it nonetheless, because we can see where it is going.

Mr. Deputy Speaker, Sir, in my conversations with young people, I have come to understand that a lot of them do not understand our Constitution and the mandates that counties have. When we say that our young people have no jobs, the first place of contact to go and complain is at the counties. Therefore, when you see a Bill like this one being put into effect, you can immediately see the potential it has for the young people.

When you see that it is the mandate of the county to provide, enhance and give the space for cultural activities and public entertainment as well as public amenities, then in an instance, you see potential. Our young people have to appreciate that gone are the days when we were just training doctors and people for white collar jobs. We are now going into talents. We are seeing more and more change in the society and the environment, as it is in the West, where we appreciate dance and music as part of careers.

It is these platforms at the counties that can provide these places for the young people to express themselves. If the space has been set up properly for them, it will provide them with an income. It is the mandate of county governments to give these spaces for the young people.

Mr. Deputy Speaker, Sir, as I speak, I would like to encourage the younger people to understand the roles that counties have to play for them. By devolving this function of museums, I am truly looking forward to seeing all these things in each county as unique as each county should be; and as unique as is every tribe in this country. Our youths can then begin to identify with these areas and places.

Mr. Deputy Speaker, Sir, I thank Sen. (Dr.) Milgo for this wonderful Bill, and I pray that it sees the light of day.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): You have really tried, Sen. Kasanga, despite your admission that you were not ready.

Proceed, Sen. (Rev.) Waqo.

Sen. (Rev.) Waqo: Thank you, Mr. Deputy Speaker, Sir, for allowing me to add my voice to this important Bill by Sen. (Dr.) Milgo. This is a very important Bill because it touches on our culture. Anything to do with our national museums and our culture is something that we should give a lot of attention.

Mr. Deputy Speaker, Sir, as we all know, museums are institutions that hold the artefacts and articles of the past. They contain actual, tangible objects or reconstruction of the past, which serves as sources of cultural and communal identity. That is basically why I said that this is a very important Bill. Immediately I went through it, I said that I must add my voice to it.

Mr. Deputy Speaker, Sir, in our world today, many of our young people have no idea of what our different cultures look like. Even for many of the people of our generation, you can clearly see that, most of the time, everyone is crying or yearning to see or participate in our cultures. This Bill will enhance that and will help us. Article 11(1) of the Constitution recognizes the cultures as the foundation of the nation, and as the cumulative civilization of the Kenyan people and nation. Article 11(3)(a) of the Constitution further provides that:-

“Parliament shall enact legislation to ensure that the communities receive compensation or royalties for the use of their cultures and cultural heritage.”

In most of our cultures, the things we used to do cannot be done today. If then we can do this, it will promote that.

Mr. Deputy Speaker, Sir, Paragraph 25 of the Fourth Schedule of the Constitution assigns the responsibility of ancient and historical monuments of national importance to the national Government. The Bill is suggesting that we get deeper into this and have what we call the county museums in all our counties, which will help us.

This is provided in the general function in Clause 6 of the Bill through the deletion of Section 5 of the Act and replacement thereof with the new Section.

The county museums are also required under the new section to consult with the Cabinet Secretary (CS) on the matter of cultural exchanges. This is very important. As I said, once we do this at the county levels, then all our cultures will have its place. Consequently, our young people and generations to come will have something that will remind them of the past, and our cultures as we know them, will not die. We all know that different cultures are not static, but dynamic.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support the Bill. It is my prayer that, one day, we will see the implementation of it.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you. I see no other request. I now call upon Sen. (Dr.) Milgo to reply.

Sen. (Dr.) Milgo: Thank you, Mr. Deputy Speaker, Sir. I thank the following Senators for contributing to this Bill; Sen. (Dr.) Musuruve, Sen. Kasanga and Sen. (Rev.) Waqo. I am sure that were it not for the fact that we have just passed a very contentious Bill, there would have been more Senators to contribute to this Bill.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! Are you saying that Senators passed a contentious Bill?

Sen. (Dr.) Milgo: I am sorry, Mr. Deputy Speaker, Sir. It is a very important Bill. I stand advised.

The Deputy Speaker (Sen. (Prof.) Kindiki): That is better. Proceed.

Sen. (Dr.) Milgo: Mr. Deputy Speaker, Sir, museums are very important because of the fact that apart from preserving culture, the most important thing is that they are centres for research and they also form the basis of employment. Nowadays, the major challenge in our country is unemployment. We can create employment through the museums. This will prevent many of the youths from going to the big cities in search of jobs. Museums will create employment to the youths as well as many other business opportunities.

Apart from that, museums play a very important role in enhancing cohesion and promoting peace. The coming together of various communities has been very elusive sometimes in our country, and at times, results to violence. However, if museums are devolved to the counties, people will learn and appreciate diversity in the various ideas that we can share and living together can be very easy.

With that, I beg to move.

The Deputy Speaker (Sen. (Prof.) Kindiki): You have now replied. Order, Senator! Take your seat.

(Sen. (Dr.) Milgo spoke off record)

Are you on a point of order? Ordinarily, you should be on a point of order. Otherwise, I will call for Division.

What is it, Sen. (Dr.) Milgo?

Sen. (Dr.) Milgo: Mr. Deputy Speaker, Sir, I request that you defer the putting of the question to a later date, pursuant to Standing Order No.61 (3), since we do not have the requisite number to vote .

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

(Putting of the question on the Bill deferred)

Next Order.

BILLS

Second Reading

THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 39 OF 2018)

The Deputy Speaker (Sen. (Prof.) Kindiki): Is the Senate Majority Leader not in the House?

The Bill is deferred.

(Bill deferred)

Next Order.

Second Reading

THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO.1 OF 2019)

The Deputy Speaker (Sen. (Prof.) Kindiki): Let us have Sen. Mwaura and Sen. Cheruiyot, severally and jointly.

Sen. Mwaura: Mr. Speaker, Sir, ---.

The Deputy Speaker (Sen. (Prof.) Kindiki): Are you ready?

Sen. Mwaura: No, I am not ready.

The Deputy Speaker (Sen. (Prof.) Kindiki): Why?

Sen. Mwaura: Mr. Deputy Speaker, Sir, I was ready for the Motion.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator. You cannot be ready selectively, unless you have a valid reason you cannot prosecute Order No.12.

Sen. Mwaura: Mr. Deputy Speaker, Sir, I have a valid reason. It is because my co-sponsor of the Bill is not in the House.

The Deputy Speaker (Sen. (Prof.) Kindiki): Why?

Sen. Mwaura: Mr. Deputy Speaker, Sir, it is because he is engaged in other businesses that are---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Mwaura. Are you trying to suggest that this business is not important?

Sen. Mwaura: Mr. Deputy Speaker, Sir, the business is important; it is just that it would be unfair to him if I prosecute the Bill in his absence.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order! Take your seat.

(Sen. Mwaura resumed his seat)

Sponsors of business in the House – I use that term in the parliamentary sense – must take their work seriously. You like pushing the Senate Business Committee (SBC) and the Senate to make sure that your business is in the Order Paper. If for whatever reason you cannot prosecute an item already prioritized in the Order Paper, you must exercise responsibility and inform the Speaker. Otherwise, we will not defer business left, right and centre for no reason.

Nevertheless, I direct that Order No.12 be deferred.

Next Order.

(Bill deferred)

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT)
BILL (SENATE BILLS NO. 2 OF 2019)

The Deputy Speaker (Sen. (Prof.) Kindiki): My directive that I have just given applies to all Senators, including the Senate Majority Leader.

Where is the Deputy Senate Majority Leader? Is there a representative of the Senate Majority Leader here?

I direct that the Senate Majority Leader be informed that we will not have his business appearing in the Order Paper and he just leaves this House. That applies to any other Senator for that matter; they leave the House without notice.

For now, I direct that the matter be deferred.

Next Order!

(Bill deferred)

Second Reading

THE CANCER PREVENTION AND CONTROL
(AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2019)

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. (Dr.) Ali was here earlier on and has disappeared. This is the last time I will entertain this kind of behaviour.

I direct that this Order be deferred.

(Bill deferred)

Next Order!

MOTIONADOPTION OF THE CPAIC FIDUCIARY RISK REPORT
ON AUDIT ISSUES FOR FYS 2012/13 TO 2015/16

THAT, the Senate adopts the Report of the Senate Sessional Committee on Public Accounts and Investments on the Fiduciary Risk Report on audit issues by County Governments for the Financial Years 2012/13 to 2015/16 laid on the Table of the Senate on Wednesday, 10th July, 2019.

The Deputy Speaker (Sen. (Prof.) Kindiki): Is Sen. M. Kajwang not here? Wherever he is, he must be warned that we will not entertain this in future. We will visit some consequences on absentee sponsors of business, who put pressure to be included in the Order Paper, and disappear without notice.

I direct that this particular item in the Order Paper be deferred.

(Motion Deferred)

Next Order!

MOTIONRENAMING OF MURANG'A UNIVERSITY OF TECHNOLOGY
TO KENNETH MATIBA UNIVERSITY OF TECHNOLOGY

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Mwaura, is it by design, default or both?

Sen. Mwaura: Mr. Deputy Speaker, Sir, it is by design.

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, Sen. Mwaura.

Sen. Mwaura: Mr. Deputy Speaker, Sir, I beg to move the following Motion-

THAT, AWARE THAT, Murang'a University of Technology (MUT) is a Chartered University established under Section 13 of the Universities Act, 2012, and is positioning itself to develop a distinctive profile as a progressive and international Technical University, growing its enrolment strategically;

FURTHER AWARE that the University is located in Murang'a County, the home County of the late politician Kenneth Njindo Matiba, who died a patriotic and political hero, with numerous achievements spanning four decades;

NOTING THAT, the late Matiba was a prolific industrialist in the hospitality and education sector, and an accomplished public servant having served as the first indigenous African Permanent Secretary for Education in 1963; Permanent Secretary for Commerce; Chairperson of the Kenya Football Federation from 1974-78; a Member of Parliament for Kiharu constituency; Cabinet Minister for Health; Culture & Social Services; and Transport & Communications;

FURTHER NOTING THAT, the late Matiba was part of the opposition alliance that led the liberation struggle for the restoration of multi-party democracy through the Forum for the Restoration of Democracy (FORD), later founding FORD –Asili under which he ran for presidency in 1992 general election;

COGNIZANT that under the Heroes Act, 2014, the state is obliged to confer recognition to the late statesman for his cardinal contributions to the political and economic growth of this country;

FURTHER COGNIZANT that other patriotic Kenyans like Jomo Kenyatta, Daniel arap Moi, Masinde Muliro, Dedan Kimathi and Jaramogi Oginga Odinga have been accorded such recognition;

NOW THEREFORE, the Senate urges the National Government in remembrance of Matiba's contribution to our Nation, to rename Murang'a University of Technology to Kenneth Matiba University of Technology.

Mr. Speaker, Sir, we are talking of a very distinguished Kenyan who served this august House for about three or so terms.

Hon. Kenneth Matiba was born on 1st June, 1932, in Mbiri - now Kiharu Constituency - in Murang'a County. He was a politician who was ahead of his time. He was very privileged to be in Alliance High School which was considered royalty in those days and even to date. He then proceeded to Makerere University to study for a Bachelor of Arts (BA) in Sociology and Geography. If you may recall, if one went to Makerere University, he or she must have been an extremely brilliant individual.

He started working as a high school teacher at Kangaru High School in Embu County. Until his death, Hon. Matiba was married to Edith Matiba, and together, they had five children. He died at the 'young' age of 85 years.

Hon. Kenneth Matiba is truly a trailblazer in the history of this Republic. This is because he was appointed as the first African Executive Secretary, the equivalent of a Principal Secretary (PS) in the Ministry of Education. You can see the connection here because he was already a teacher at Kangaru High School. Soon after that, in 1963, he was appointed Permanent Secretary (PS) for Commerce under Minister, Hon. Mwai Kibaki. He also worked together with the retired President, Daniel arap Moi.

Mr. Deputy Speaker, Sir, it is quite interesting to note that in 1968, Hon. Matiba left the Public Service for private entrepreneurship. This is a great step because most people would actually prefer to live off the privileges of Public Service rather than go it alone in private practice. He came back to public life in 1979 when he was able to floor the legendary Dr. Julius Gikonyo Kiano from Mbiri Constituency. This is someone who was in the first LEGCO having been elected in 1955. He served Mbiri Constituency from 1979 to 1988.

Interestingly, he resigned as Cabinet Minister because he disagreed with the KANU regime. Even then, he had already served in three ministerial portfolios, namely Transport and Communication, Health and Culture and Social Services

We all know for sure that in 1992 he ran for the general election and came a close second to His Excellency Daniel arap Moi. He was the Official Leader of the Opposition from 1992 to 1997. In this same period, he was the Member of Parliament for Kiharu Constituency. I am happy that a former Member for Kiharu Constituency, Sen. Kang'ata, is also here and will second this Motion.

Mr. Deputy Speaker, Sir, we need to look at Hon. Matiba from various facets. One of the key issues, as you saw in 1968, is that he was able to move from Public Service to private entrepreneurship. He was an astute businessman who invested heavily, as the first Kenyan, in the hotel industry. He also started the Hillcrest Group of Schools and the Alliance Group of Hotels. Some of the very well-known ones are Naromoru River Lodge, Jadini hotels and African Safaris. He also did flower farming and was the founder of Orchid Kenya Limited. By the age of 35, Hon. Matiba had employed over 300 people in his flower farm.

One of the things that is quite interesting about this gentleman is that while not serving as a Member of Parliament (MP), he was able to mobilise the people of Mbiru Constituency, now Kiharu Constituency, to buy a 12,000 acre farm in Laikipia County called Wangu Investment. On this farm, they grew wheat, barley and other crops, and it is still going strong. This is somebody who looked at how to empower his own people. Later on, he also invested as a major shareholder in Carbacid Investments, which has been selling carbon dioxide.

Interestingly, he was not a selfish man. While he was serving as the PS for Commerce, he is the one who introduced His Excellency Daniel arap Moi to business by having him start the Rift Valley Beer Distribution Company, which is one of the first companies that he owned. He rose to become the Managing Director of Kenya Breweries Ltd (KBL), where he ran a very successful football club in the league at that time. Hon. Matiba rose to become the first African Executive Chairman of the East African Breweries Limited (EABL).

Mr. Deputy Speaker, Sir, Hon. Matiba together with the late Hon. John Michuki and one other person, bought a plane from the United Kingdom (UK) to start a plane business, but were denied a license. It is, indeed, a phenomenon to see the contribution of this gentleman.

When it comes to education, Hon. Matiba negotiated with the UK Government when Russians wanted to take over the Templar Barracks in Kahawa. He negotiated with the UK Government for Templar Barracks to be converted from an Army barrack to Kenyatta Teachers College, which is currently Kenyatta University. This is a great achievement for the advancement of education in Kenya.

He also worked on the contract that created the Kenya Science Teachers College (KSTC), which is currently a constituent college of the University of Nairobi. Indeed, Hon. Matiba was also among the people who championed for the establishment of Murang'a Technical College, currently Murang'a University of Technology to be a technical college.

You can see that he was a man who loved education and went out of his way to ensure that the people were benefitting from his leadership, and he led by example. Indeed, the administration block in my former primary school, Thika School for the Blind, is sponsored by Hon. Matiba.

Mr. Deputy Speaker, Sir, Hon. Matiba was also a great sportsperson. When he was defeated in the football elections, he broke ranks and established the Kenya Football Federation (KFF) in 1974. It is during his leadership that Harambee Stars won the Council for East and Central Africa Football Associations (CECAFA) Senior Challenge Cup for the first time in the history of our football in the country. He sustained the KFF by financing it personally through occasional matches between Gor Mahia and AFC

Leopards and also booking all the stadia in the country to lock out competition. He was a very smart gentleman. This led to the late Mzee Jomo Kenyatta one day asking why those matches could not be held every other weekend.

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

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

When he was the Minister for Culture and Social Services, he started what was then known as Youth Olympic Centres (YOCs). With the help of the German Government, he brought in a German coach and many footballers such as Bobby Ogola, Sammy Taabu, Mohamed Abbas, Owino Kempes and others were trained. He was so influential to the point that when he quit football in 1979 to concentrate on politics, it forced some of the then famous footballers such as Allan Tigo to quit football in solidarity. It is also true to note that Hon. Matiba was once the captain of Bunge Football Club. Even in Parliament, he used to play for the team. Although sometimes they lost, at least he was doing this.

Madam Temporary Speaker, Hon. Matiba was also a mountaineer. He was the first Kenyan to lead five others to climb Mt. Everest, and were able to reach the Island Peak at 20,500 feet above the sea level. He also climbed the Himalayas Mountains. He has an autobiography whose title is 'Aiming High.' So, he always aimed high.

Interestingly, hon. Matiba also participated in the advancement of gender equality. As Minister for Culture and Social Services, he helped in the hosting of the Nairobi Women's Conference of 1985. This is a very famous conference that was a precursor to the Beijing Women's Conference of 1995.

One of the participants of the 1995 Nairobi Women's Conference was none other than Ellen Jonson Sirleaf, who later on became the first African female President; the former President of Liberia.

In his contribution to multiparty democracy and political pluralism, he is a man who had it all. He had wealth, money and the right connections. He had a remarkable and impeccable Curriculum Vitae (CV). However, due to the massive rigging of the 1988 *mlolongo* elections, aimed at suppressing the independence of Parliament, Hon. Kenneth Matiba was the first person to resign as Minister in Kenya African National Union (KANU). That was a bold move although he was a personal friend to the President.

In May, 1990, the following year, together with Charles Rubia, the former Mayor of Nairobi, he held a press conference to demand for multiparty democracy. These were the first people who stood strongly. They were detained for two years without trial at the Kamiti Maximum Prison because they had committed treason. While there he was denied medication. He fell sick and nobody attended to him. This led him to get a stroke that paralyzed half his body, and he became disabled eventually.

It is because of this struggle that Section 2A of the Constitution was repealed, to return Kenya into a multiparty democracy. Kenneth Matiba paid this heavy price through his health.

Soon after joining politics, there were disagreements within the FORD-Kenya party, which he formed together with Jaramogi Oginga Odinga and others. He went ahead to form the FORD Asili party together with Martin Shikuku, while Jaramogi

Oginga Odinga and Kijana Wamalwa were left in the FORD-Kenya outfit. So, there was FORD-Agip and FORD-Muthithi. FORD-Asili went ahead to become number two in the presidential elections, winning 31 parliamentary seats. At that time, Parliament had about 188 seats. Sen. (Prof.) Ongeru may correct me because he may have more information.

What is interesting is that Hon. Kenneth Matiba used over Kshs350 million of his personal fortune and put it into politics. His main concern was that even if he did so well, his family and many others in Kenya could not continue to live in a one-party dictatorship because their future was not secured. They started the *Saba Saba* riots, which is what created the multiparty democracy that we may take for granted.

He started a newspaper that we all read today '*The People Daily*'. At that time it was published weekly. It had a strong message of 'fair, frank and fearless.' It contributed immensely to the democratization of this country, free speech and human rights.

It is also through this that many of the journalists got an opportunity to be trained, and some of them, for example, David Bakari, are able to do that. I was also privileged in 2014 to be a columnist for *The People Daily* for about two years. Hon. Matiba was a believer in democracy. His mantra was 'Let the people decide. Forward ever, backward never.' He believed in *haki na ukweli*; truth and justice.

Eventually because of engaging in politics, Hon. Kenneth Matiba's business empire was destroyed. All the wealth that he had accumulated went to waste. He never died a rich man. In fact, the State had to compensate him. There is a case that is still pending of about Kshs504 million that he is supposed to be paid. He is a man who left his comfort for the sake of this country.

He is an inspiration for our generation. Thirty years on, it is easy to forget this man. That is why I stand here to urge this august House to resolve, just like we did for other great leaders. We know our history, and history is not destiny. If we do not know where we are coming from, we will not know where we are going. We have a culture of eulogizing people when they die, attending funerals in thousands and giving great speeches, but we soon forget them.

I ask this House, and by extension, His Excellency President Uhuru Kenyatta and Heroes Committee, to honour Kenneth Stanley Njindo Matiba by renaming Murang'a University of Science and Technology as Kenneth Matiba University of Technology.

Madam Temporary Speaker, I beg to move and ask my dear brother, Sen. Kangata, to second.

Sen. Kang'ata: Thank you, Madam Temporary Speaker. I rise to support the good Motion by my brother, Sen. Mwaura. I support it for several reasons. Allow me to confess that Hon. Kenneth Matiba originally comes from a village called Gathinja, which is also my own village. Therefore, I am proud of the son of Gathinja village, Kahuhia, Murang'a County.

Secondly, Hon. Kenneth Matiba was the inspiration behind my decision to join politics. I say so because I got interested in politics way back in 1990 when I was in Class Four. That is the time when Hon. Kenneth Matiba was arrested together with his friend Chalres Rubia. He was then taken to detention for almost nine months. When he came out, he was a sick person. He went to London, came back and vied to become the President of this country.

Madam Temporary Speaker, there are several reasons why Hon. Kenneth Matiba stands out *vis-a-vis* other people who fought for multiparty democracy. When he decided

to fight for multipartism, he was a fairly wealthy person. Most wealthy people rarely join politics. Therefore, when he decided to make a bold move and confront the KANU regime, many were shaken because there were few other people with such immense wealth who could dare President Moi and face him direct.

As a result of that, he lost most of his property in the struggle for the betterment of this country. He also lost his personal health. You all know that by the time he passed on, he was quite a sick person. Therefore, to me, that epitomizes several people in this world who have gone to that extent. We know people like Mahatma Gandhi in India, Malcom X, Martin Luther King in United States of America (USA), Marcus Garvey in Jamaica and several others who have done heroic things, and died fighting for humanity. To me, Hon. Kenneth Matiba reached that level. He risked it all to ensure that we move forward.

Madam Temporary Speaker, what Hon. Kenneth Matiba was fighting for can be deciphered into two things. One, he fought for multiparty democracy, which was realised. If you recall, when he called for a press conference on 3rd May, 1990 at Chester House, he demanded for multiparty democracy and peaceful assembly at Kamukunji in 7th July, 1990. He did it in a peaceful manner and was taken to detention. He did something just like what Jesus Christ did when he died for the people. That is why we love Hon. Kenneth Matiba.

Secondly, we like him because in 1997 he had the opportunity to vie to become the President of this country. However, he said 'no constitution, no elections'. He decided to get out of politics because President Moi refused to hold constitutional reforms before the elections. If you recall the events of 1997, some few Members of Parliament (MPs) agreed to form the Inter-Parties Parliamentary Group (IPPG) meeting that undertook piecemeal constitutional reforms, which were not helpful and did not address the fundamental problems of the country. In fact, I strongly believe that the Constitution of Kenya, 2010 is a product of the efforts of Hon. Kenneth Matiba in 1997.

Madam Temporary Speaker, the other reason we must celebrate Hon. Kenneth Matiba is because of his immense contribution in various spheres that he handled. You have been told of his contribution in sports. He was once an executive director of Kenya Football Federation (KFF). During that time, Gor Mahia became the regional champions. He managed KFF in a good manner and people still remember his good work as the executive director.

He was a major corporate titan. We all know that Hon. Kenneth Matiba was Chief Executive Officer (CEO) of Kenya Breweries Limited (KBL). At that time, KBL was the most profitable private company in this country. In fact, KBL was displaced just the other day by Safaricom. It was a profitable company for a long time and the seed was planted by none other than Hon. Kenneth Stanley Njindo Matiba. We also celebrate Hon. Kenneth Matiba because of the work he did in Public Service. He was the youngest Permanent Secretary to be employed by the Government of Kenya.

Madam Temporary Speaker, as we celebrate Hon. Kenneth Matiba, allow me to also celebrate the people of Murang'a. It is only in Murang'a where people like Kenneth Matiba could come from.

(Loud consultations)

That is true. Where were the other communities when Hon. Kenneth Matiba was fighting?

The Temporary Speaker (Sen. Pareno): Order, Sen. Kang'ata! We have a point of order by Sen. Ochillo-Ayacko.

Sen. Ochillo-Ayacko: On a point of order, Madam Temporary Speaker. I hate interrupting my learned friend, Sen. Kang'ata. However, we are trying to honour somebody we all revere. Is it in order for this young Senator, who probably did not walk in the footsteps of Hon. Matiba, to dilute and imply that other Kenyans are so bad that they cannot come from Murang'a? Would I be in order to request you to ask him to withdraw that and apologise, particularly to Members of this Senate? He should not deface this good Motion by the Senator, who is my good friend.

The Temporary Speaker (Sen. Pareno): Sen. Kang'ata, you may clarify that.

Sen. Kang'ata: Madam Temporary Speaker, if at all anyone understood it that I meant other Kenyans have not made any contribution, I apologise without any reservation. However, allow me to celebrate the people of Murang'a.

The first political party in this country was the Kenya African Union (KAU), which was formed in the late 1940s. The people who formed the first national political party came from a place called Kahuhia in Murang'a County and they were led by a person called J.C. The first African Mayor of Nairobi was called Charles Rubia, another great son from Murang'a County.

When it came to the fight for multipartism, many people were fearful to confront the Kenya African National Union (KANU) Government. The people of Murang'a, led by Stanley Njindo Matiba and Charles Rubia, another great man from Murang'a, fought strongly. Surely, we must celebrate the people of Murang'a. I do not know whether they drunk sweet waters from Aberdare Ranges, but there must be something.

The Temporary Speaker (Sen. Pareno): Sen. Kang'ata, you have the right to celebrate the people of Murang'a, but should not imply that other people should not be celebrated. You have the right to celebrate them, but do not imply that the rest do not merit any celebration.

Sen. (Dr.) Musuruve: On a point of order, Madam Temporary Speaker. I want to say impartially and objectively that we are looking at Hon. Kenneth Matiba's value to this nation. Therefore, we should not confine him to Murang'a. As much as the Senator is appreciating him for his national values, let it come out clearly--- I urge the Senator to---

The Temporary Speaker (Sen. Pareno): Sen. (Dr.) Musuruve, you were on a point of order. What is out of order from what Sen. Kang'ata said?

(Sen. (Dr.) Musuruve resumed her seat)

By sitting down without clarifying your point of order, it simply means that you are out of order.

Proceed, Sen. Kang'ata.

Sen. Kang'ata: Madam Temporary Speaker, I will not stop celebrating, and I am happy that the hero came from Murang'a. I urge other Kenyans and people from other parts of the world to emulate the selflessness of Hon. Kenneth Stanley Njindo Matiba. We also celebrate his good friend, Hon. Charles Rubia, who is now an old man. We are

aware that his case is pending before the High Court. I hope there will be a determination on that matter, so that he is compensated.

I also urge the State to release the funds which are currently still with the Government. A judgment was rendered by the High Court directing some monies to be paid to Hon. Kenneth Matiba. However, I have been informed that money has not been released partially, and not in totality. Therefore, I urge the Government to consider releasing that money.

Madam Temporary Speaker, I would also like to bring to the attention of this House the judgment that was rendered regarding Hon. Kenneth Matiba's case. There were several prayers. One of them was punitive and compensatory damages. The second one was general damages and the third one was loss of business. The main thing that the High Court ruled for him to be compensated was financial losses. The one concerning punitive or exemplary damages was not considered by the High Court.

There are many heroes across the country, but some of them have already left us. If at all they were to launch a case before the High Court, they should be considered in terms of payment of punitive damages. We have people like the late Jaramogi Oginga Odinga who is a hero. There are also others who fought against colonialism.

Personally, I am inspired by people like Mekatilili wa Menza, a heroine from the Coast who fought against colonialism. I also recall Koitalel arap Samoei of Nandi and Waiyaki wa Hinga. Such are the people we should celebrate in Kenya and teach our children about. I say so because our children are not taught about these heroes. They are only taught about people like Christopher Columbus and Mark Apollo. They are taught about conquerors from the West who came to conquer us, but no one is being taught about Waiyaki wa Hinga, Mekatilili wa Menza, Kenneth Matiba and Charles Rubia.

We need to teach children to know the people who made Kenya to be; the people who went out of their way to fight for a better country, fight against colonialists, imperialism and the dictatorship of President Moi. They paid with their dear lives by doing that. To me, this Motion seeks to celebrate a great legend. We should support all the others, so that their history does not get lost.

Finally, I want to say the following to the fraternity of the Murang'a University of Technology. I support this Motion because we only have one university in Murang'a called Murang'a University of Technology. Now that Hon. Kenneth Matiba is one of our greatest heroes, if we rename it, I know that name will never get lost, and some value will be added to students who will join it. We shall always remember Kenneth Matiba.

We wish his children and wife, Susan, good health. She should know that we felt the impact of her late husband strongly.

I beg to second.

The Temporary Speaker (Sen. Pareno): Hon. Senator, did you just say Susan? I thought it is supposed to be Edith?

Sen. Kang'ata: I apologise, Madam Temporary Speaker. It is Edith.

(Question proposed)

The Temporary Speaker (Sen. Pareno): Proceed, Sen. Ochillo-Ayacko.

Sen. Ochillo-Ayacko: Thank you, Madam Temporary Speaker, for giving me an opportunity to add accolades to this distinguished Kenyan. We are enjoying relative

tranquility in this country. We are a nation on the march, and I believe we are marching to Canaan and utopia. Currently, the “Handshake” is taking us there. We believe that this journey to Canaan was started by great people in this nation. Most of them have passed on, and we hope that they are resting happily with the Lord.

Madam Temporary Speaker, the gentleman we are discussing today, is the one in whose name a Motion to name a university after. The Motion has been brought by Sen. Mwaura, who is my very good friend and a good person. In my other life, when I had the power of the pen as an officer of the State, I was establishing an institution and Sen. Mwaura happened to have been a distinguished person. I got him nominated to that institution and he did not let me down. It appears that in his usual kindness and generosity, he has not forgotten other people who have made a mark in this nation and contributed to what we are enjoying presently.

If you look at our Constitution, you will find an Article that says Kenya shall be a multiparty state. Most of the Senators here today, save for Sen. (Prof.) Ongeru and perhaps other Members of Parliament I may not name, may not have served under Kenya African National Union (KANU) as a single party. Most Senators today would not even be in this House if we had a single party. If it was not for Hon. Matiba and other heroes, such as the late Hon. Jaramogi Oginga Odinga, the late Hon. Masinde Muliro and the late Hon. Martin Shikuku, we would not be eligible for election today.

I, personally, would have failed the loyalty test because I would, definitely, not have been loyal to KANU. I also had the fortune of serving in this Parliament when Moi was the President and found it difficult to agree with a few of the policies that were being espoused by KANU. That is not to mean that KANU was an entirely bad organization. If it was, it would not have brought forth such distinguished leaders like Sen. (Prof.) Ongeru. He served with people such as Hon. Matiba in the same KANU. He also served with Hon. Jaramogi Oginga Odinga, as a founder of KANU, and other distinguished persons. I believe that the dictates of that particular time necessitated the political philosophy that was being pursued then.

Madam Temporary Speaker, hon. Matiba must be cheered for having noticed that pluralism and diversity, in terms of ideas, was a notion that had gained currency; was momentous and had to be embedded in our Constitution. It is, therefore, important to acknowledge that his fight, resilience and voice gave this nation an opportunity to have diversity in leadership in a constitutional setting, and in this House. That is why we are here today.

Madam Temporary Speaker, if it was not for that, even you, as my party leader and official, would not have found your way to this House. We are happy that an opportunity has come before us to make proposals to immortalise the good work of hon. Matiba by naming Murang’a University of Technology as Kenneth Stanley Njindo Matiba University of Technology.

Madam Temporary Speaker, I also enjoy remote association with hon. Matiba, since he went to Alliance High School. He was in Smith House while I was in Francis House in the same school. Allow me, just as Sen. Kang’ata took pride in associating with hon. Matiba for coming from a place called Murang’a, to also say that he and I went to a school where the philosophy was “Strong to Serve.”

On that humble note, I agree that we should immortalise the name ‘Matiba.’ At that time when he went to school – which was before Independence – he was coming

from a community that was under siege from British terrorism. The British had invaded this country and every home in Central Kenya and other parts of Kenya was under subjugation. For somebody to have come from the hills of Murang'a and even thought of going to school – and a uniquely very good school formed by the Alliance of Churches – is an achievement that we should recognize and have a university named after that kind of person. Perhaps a section of the University should have a library that should record what this particular individual achieved.

It was difficult to avoid the influence of the absence of parents who, perhaps, had been chased away by the *Mau Mau* and the colonialists, go to school, proceed to Makerere University and offer oneself to serve this nation.

Madam Temporary Speaker, Hon. Matiba joined the Public Service when he was relatively young. Many Kenyans join Public Service when they are young, but he was among the few people who looked ahead and worked tirelessly on their career. He rose to the very top of Public Service at such a meteoric pace and short time. Unlike the tenure of young persons, like most of us today whose tenure is how quickly you get rich but how little you do, that is the behaviour of young persons who get into leadership.

Currently, young people celebrate people who refer to them by funny descriptions like 'hustlers' and others that I do not want to say here. I do not want Members to pick on what I say about this very nice person. If you look at the Public Service career of Hon. Matiba, you are unlikely to find a scandal. Most people who have risen to the top have their cupboards full of skeletons and issues that if you were to open, you would be asked not to discuss the dead.

We are happy that the Motion that has been brought by Sen. Mwaura and seconded by the Senator for Murang'a, Sen. Kang'ata. Not many of us are likely to come up with things that would describe Hon. Matiba in a scandalous way. If we were to put most leaders under public scrutiny today, there is not much that can be said about them except what they picked that did not belong to them or what they supported that was oppressive to the public. We are happy that this proposal is about immortalizing a person whose career in the Public Service was without blemish.

Madam Temporary Speaker, you will notice that Hon. Matiba – like many great leaders – was a person of sacrifice. He is a person who by his own right and through sheer hard luck, achieved a lot. He left the comfort of his success, the glamour of his wealth and connection and decided to go into the trenches to fight for space for those who could not get attention at that time.

Fighting in those days meant that you could get eliminated. There are people like Hon. Pio Gama Pinto, Hon. Thomas Joseph Mboya, Hon. Argwings Kodhek, Hon. Robert Ouko and others who disappeared in post-independence Kenya. I do not claim to know how and why they disappeared, but what is notoriously known out there is that they disappeared because some more powerful people did not like them.

Hon. Matiba left the comfort of his home and the resources he could access and decided to walk with the majority of Kenyans, so that the Constitution could change and we could have good governance. We remember his slogan; "Let the people decide". I remember it particularly because I was also actively involved in politics when he got detained. I am happy that people nowadays decide fairly and freely, but those who announce the people's decisions are the ones who steal the people's verdict.

Madam Temporary Speaker, Hon. Matiba did very well. I hope that those who support this Motion do not propose that his fame be confined to Murang'a County as a place. We want every Kenyan to appreciate this. We want Hon. Matiba's name and that university to open doors to Kenyans of all walks of life, Africans from all regions and faith and the world, so that history will record some of our own people who have done well. It will also record us positively, the same way we read about characters whose origin and struggles we do not know.

We read about Tippu Tip whose only fame is abducting Africans in Zanzibar and Mombasa, and taking them to some far land called Saudi Arabia. We read about Ludwig Kraft, but do not even know his mother's name or whether he came from some other Murang'a in Europe. We want to read about Hon. Matiba and our people. We also want our people to be read about and known. This is because when we appreciate our heroes, we are also inspired to act heroically and perhaps eventually become heroes, knowing that if you are heroic and proper in your conduct, you will also be remembered for eternity.

With those few remarks, I beg to support.

Sen. Halake: Thank you, Madam Temporary Speaker. I rise to support the Motion by Sen. Mwaura to rename Murang'a University of Technology (MUT) to Kenneth Matiba University of Technology (KMUT).

I am happy to be contributing to this. However, at a point, I got a bit sad and wished for a day when this country will have nationhood and not just a mentality of what village we come from. I am happy that the rest of the Senators are expressing the fact that the late Hon. Matiba does not just belong to Murang'a County, but a national and international leader, with a distinguished career in private sector and public service. He is recognised around the country and the globe. Therefore, we refuse to accept the definition that he is just from Murang'a County. He is a Kenyan hero whom we will all celebrate and ensure gets the recognition that he deserves.

As I sat here listening to Sen. Mwaura's highlights on the late Hon. Matiba's achievements, I could not help but be proud of just how much a single person has achieved as a leader. Remember, we are living in an era of leadership crisis in our country. I am happy that we have someone's journey that we can look up to and say that this country can and has produced good leaders in the past. Therefore, even today, good leadership is possible.

Madam Temporary Speaker, hon. Matiba excelled in political leadership. He can be accredited with multiparty democracy. He was a great industrialist not only in the hospitality sector, as we were told, but also in education, sports and vast areas. Again, it is remarkable that while he was a rich man, his wealth could be explained. It is not like today when we have these many super rich people, but if you look at where their wealth is coming from, you cannot point a finger on any sector, industry or anything that you can call wealth creation.

By celebrating and honouring Hon. Matiba, we will be going back to what we see in this country as a leadership crisis. We will also be pointing to our children that, yes, Kenya has and can produce good leaders, and there is such thing as hard work that creates wealth. The era of hustling – whatever that definition maybe – while it looks attractive and sexy, is one that is very saddening for our young people. In a country

where 70 per cent of the population is young, it is disturbing to watch and see that people can create wealth out of something called “hustling.”

Again, Madam Temporary Speaker, I am happy to be talking and contributing to this Motion simply because of the significance of the leadership journey that the late Hon. Matiba has travelled; and the hard work that he has shown in wealth creation. His was not just overnight wealth creation that looked like somebody just wagged a wand and wealth appeared.

Madam Temporary Speaker, leadership is about courage. I cannot think of anybody more courageous than the late hon. Kenneth Matiba. He had the courage to go against the grain. He is an original. He was able to stand against what was at the time something that people could not do. He stood up for multiparty democracy and the ethos of hard work. He made sure that his exceptional and distinguished achievements were not out of thin air, but from hard work and courage. He espoused his ideas and stood for what he thought was right. His legacy speaks for itself.

We have seen that he has influenced many sectors; from education, politics, sports and hospitality sector. Therefore, for that exceptional and distinguished achievement, we must support this Motion to honour him and immortalize his name by giving it an educational institution. This is more important than any other thing because education is the fountain of life.

Madam Temporary Speaker, there is a long Curriculum Vitae (CV) that Sen. Mwaura gave about him. However, I do not wish to go through all this. As a hero, his legacy speaks for itself. The 20th October, the day that we are supposed to honour our heroes is around the corner. It is strategic for this House to be discussing this Motion at this time, so that come 20th October, when we will be honouring our heroes, we will have already processed this Motion, celebrated and executed the change from ‘Murang’a University of Technology’ to ‘Kenneth Matiba University of Technology.’

Madam Temporary Speaker, with those few remarks, I stand to support and celebrate our national leader, the late hon. Kenneth Matiba.

Sen. Kasanga: Thank you, Madam Temporary Speaker, for giving me this opportunity. I start by thanking and congratulating Sen. Mwaura for bringing this Motion, and Sen. Kang’ata for seconding it.

Listening to their passionate submissions, I admit that I am one of those that Sen. Ochillo-Ayacko has mentioned that might not deeply understand because we did not experience this period in which the late hon. Kenneth Njindo Matiba lived. It was humbling listening to Sen. Mwaura. I realise that as young people, a lot has been lost, and we do not know our history. There is nowhere in any history lesson I learnt about what this great leader has done for Kenyans.

As rightly said by other Senators who have spoken before me, we live in this period of peace, where we express ourselves and the people decide. I did not know that he is the one who came up with that and have no idea what he went through.

To celebrate him, in as much as we are pushing for the Murang’a University of Technology be renamed, I feel like it is not enough. I wish for more after listening to these submissions today. I hope that Sen. Mwaura can push for a little bit more for this national leader. This is because his sacrifice cannot be understated.

Madam Temporary Speaker, I would want to say so much, but cannot because a lot has already been said. However, I celebrate the fact that he put so much into education.

To me, that is the first sign of a transformational leader. We have many leaders yet a whole lifetime could pass without them having left a mark somewhere. This is a leader who made mark after mark. He was a true transformational leader who wanted to empower the people that he led through education and employment in private practice.

I like the fact that he encouraged and empowered his constituents to buy 12,000 acres of land to make a livelihood out of. Many of our leaders do not want to empower people for fear that they will be done away with. That is not leadership.

I celebrate the great leader called Kenneth Matiba for his contribution to the youth sports. I also celebrate him for his contribution to empower women through women's conferences. I think those were the first steps towards gender parity in this country. We have to celebrate him for that. Most of us would not be here if it were not for his first stride.

As we honour him, let us also honour his family. I cannot imagine what his family went through for the sacrifices he made, and they stood by him. We knew it during his late life. When he was sickly, it is his family that was next to him. So, we should honour his family for the sacrifice. Honestly, I cannot imagine what the family went through.

I hope that this Motion will create an avenue of celebrating leaders. I feel terribly shortchanged by my education system for not having highlighted the leaders that we have. We are grappling with poor leadership as Sen. Halake has said. We have leaders who have no vision or feelings for the Kenyans they lead. That should not be the case. Here is an example of selfless leadership. This is somebody who was willing to empower the people around him. I sit in this House but do not know about this. That is not fair for Kenyans and the young people.

I congratulate Sen. Mwaura for bringing this Motion to light. I wish it is debated at some other forums and broadcasted on television, so that Kenyans hear us. He should find an avenue to use, so that this is highlighted even further.

I support this Motion.

Sen. (Prof.) Ongeri: Thank you, Madam Temporary Speaker, for giving me the opportunity to contribute to this important Motion by Sen. Mwaura. I can safely say that I had a lot of connection and interaction with the late hon. Kenneth Njindo Matiba during the early years of Independence, when some of us were struggling at the university.

When I flew back to Nairobi in 1960, in an inaugural flight from India where I did Medicine, the person I found as the Education Officer at Gill House, on Tom Mboya Street, was none other than Kenneth Njindo Matiba. At that time, we were still under the colonial. There was a lady called Anne Brotherton, who was the Senior Education Officer. She would tower over any African who seemed to look forward to a leadership position. Kenneth Matiba was there and earned his rightful position as early as 1960 in a colonial setting.

His being in Makerere University was a big inspiration for many others. Some of us went out because there were only few slots at Makerere University. We had to look for other scholarships to study outside the country, and we got them.

This is one man that I can say has pervaded history in the social, political and economic strata. That was my first encounter with Hon. Matiba.

The second encounter was when I came back and joined the social, political and economic life of this country. Hon. Kenneth Matiba was so deeply involved in the administration of football in this country to an extent that when he was the chairman of the Kenya Football Federation (KFF), I was also the vice chairman, and later on took over the chairmanship of the Kenya Athletics Association (KAA). The two of us put Kenya on the map to drive the agenda of our sports in this country.

Madam Temporary Speaker, in 1987 when he was the Minister for Culture and Social Services he was able to bring out the cream of competition when they came to participate in the All Africa Games which were held in Nairobi for the first time. The entire continent was here in Nairobi. I had the distinct pleasure when, towards the last three months of the organisation of these games, the late hon. Matiba invited me to take over the games as the director of the organisation of the those games. This is because the people who had been given the responsibility were not able to carry them out efficiently. I took over and I am glad that those games ended very well, and Kenya shone a great deal.

The interesting part of it is that come 1988, when he was still the Minister, I joined him in the Cabinet. At that time he was the Minister for Transport and Communication and I was in charge of education, technical training and applied technology. Again, we had a lot of interaction in this knowledge.

Madam Temporary Speaker, when technical training institutes were being set up - and they were seven of them in the country - Murang'a was one of them under the aegis of the late hon. Matiba. I also dare say that there are very many other distinguished Kenyans such as B. M. Gichaga. He is one man we should never forget that also contributed towards the elevation of education. After all, when you look at the background, they all seem to have gone to British American Tobacco (BAT), East Africa Breweries Limited (EABL) and performed very well for this nation.

It was refreshing to see the energy that was being put into the establishment of the technical training institutes as a forerunner for technology in this country. When you see technology having taken this leap, it is not because it came out of its own motion. It was because there were people who were interested in education and ensuring that education took a deep ground.

Madam Temporary Speaker, I remember the airlift, by the late hon. Tom Mboya, of most students who went to the United States of America (USA). These are Kenyans of great repute. Unfortunately, history has not been recorded so that our younger and the future generations can live through these events.

We are getting to the end of the day's activities, but I want to contribute further because there is so much I want to say about Hon. Matiba in the latter years, particularly in the area of politics.

The Temporary Speaker (Sen. Pareno): Order, Senators. Sen. (Prof.) Ongeru you will have a balance of nine minutes.

ADJOURNMENT

The Temporary Speaker (Sen. Pareno): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned to tomorrow, Wednesday, 24th July, 2019, at 2.30 p.m.

The Senate rose at 6.30 p.m.