

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 5th November, 2015

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

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

PETITIONS

CHALLENGES FACING HEALTH SERVICES IN UASIN GISHU COUNTY

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I have two petitions to make. The first is a Petition to the Senate by the Uasin Gishu County Branch of the Kenya National Union of Nurses (KNUN) concerning challenges facing the health services sector in the county.

Hon. Senators, pursuant to Standing Order No.220(1)(a) and 225(2)(b), I hereby report to the Senate that a Petition has been submitted, through the Clerk, by the Uasin Gishu County Branch of the Kenya National Union of Nurses (KNUN) concerning alleged challenges facing the health services sector in Uasin Gishu County.

In their Petition, the petitioners detail a number of challenges which they state have adversely affected the health services sector in the county among them:-

(a) That there is an acute shortage of nurses in the county, resulting in patients receiving insufficient medical care and attention;

(b) That there is an acute shortage of drugs and essential equipment in health facilities in the county;

(c) That the promotion of health professionals in the county has been frozen, contrary to the schemes of service for staff in the health services sector;

(d) That the health services staff are remunerated poorly, and that the salaries and allowances are regularly paid late, thus affecting staff morale;

(e) That the county has been procuring drugs and other medical supplies at inflated prices, a factor which has been blamed on corruption.

(f) That the County Executive has been allocating and spending funds allegedly on purchase of anti-malarial and family planning commodities, which are supplied to the county for free by the Global Fund; and,

(g) That the County Executive has failed to recognise the rights of nurses employed by the county to join and belong to a labour union of their choice.

The petitioners, therefore, pray that the Senate undertakes an investigation into the matters raised in the Petition and recommends appropriate action thereon.

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

Sen. Mutula Kilonzo Jnr., are you on a point of order?

Sen. Mutula Kilonzo Jnr.: No, Mr. Deputy Speaker, Sir. I want to speak to the issue.

The Deputy Speaker (Sen. Kembi-Gitura): Then press the correct button.

Briefly; Sen. Omar Hassan.

Sen. Hassan: Mr. Deputy Speaker, Sir, the fundamental issue that arises from this Petition is the fact that we should urge the Committee on Health to take a comprehensive audit of the devolution of the healthcare sector. It is wrong for us to shut ourselves to the fact that something is not right somewhere in the manner in which we are devolving healthcare in this country.

In a way, I hear a chorus of discontent in Mombasa, Uasin Gishu, Lamu and several other counties. I do not think there is any particular person to blame for it. We need to have a comprehensive audit, look at some of these issues that have been highlighted in the Petition broadly and also recommend legislative and other structural reforms to ensure there is seamless transition of health services from the point of national Government to county governments. I personally believe that returning healthcare to the national Government is not negotiable. Health remains one of the most important devolved functions, but we need to look into the intricacies of how to devolve it in a manner that will bring order to the sector and ensure that there is no discontent.

Mr. Deputy Speaker, Sir, I also wish to highlight that you might realise that we are sitting in here today for the Senate Minority Leader. So, there is no vacuum in the CORD coalition. Should there be any matter that Sen. (Prof.) Lesan or any of you want to address to this coalition, we are here with my deputy, willing to respond.

(Laughter)

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, I am happy that the County of Uasin Gishu, through the KNUN has thought it wise to petition the Senate. This is a country of contradictions where we think we can buy pianos and other things that are not useful and ignore healthcare. We must say so because out of the total budget, the national Government only set aside 4 per cent for healthcare yet we are aware that under the Millenium Development Goals, our health budget should be at 15 per cent. As we deliberate on this Petition, I am disappointed that I cannot talk for other Members of the Committee except Sen. (Prof.) Lesan. We must also insist that counties must allocate 15 per cent while we are pushing the national Government to go to the 15 per cent.

As Sen. Hassan has pointed, the Committee on Health should do an audit because these complaints are everywhere. When did the healthcare of this country become a peripheral issue? Is it because the people who can afford can get healthcare?

The Committee on Health is aware that its counterpart committee in the National Assembly has suggested that this function should revert to the national Government. We,

as the Senate, are soon going to embarrass ourselves. So, my contribution to this is that other than Uasin Gishu County, we must invite the CEC members in charge of health in other counties.

We are aware that the Committee on Finance, Commerce and Budget is investigating Kisumu County on the allocations to Jaramogi Odinga Hospital. I hope in your directions, we can do this as quickly as possible. I am aware that, in fact, the unions and many other organizations concerned with healthcare are, in fact, considering that this function ought to go back to the national Government. That will be one of the failures of this Senate.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you Senator, but you have taken a little longer.

Sen. Haji: Mr. Deputy Speaker, Sir, politics aside, the fact remains that there is a very serious problem with the health sector in the country. If you read the newspapers and watch television, it is not only Uasin Gishu; there are many counties where nurses are complaining. They are either going on strike or on go slows as a result of lack of proper management of their affairs. We did not have this problem when the health sector was being run by the central Government. Although I am not suggesting--- However, there is need for the Senate to look into this problem and see what is ailing the sector. The Senate needs to know the causes of poor services in our hospitals and also the differences between the central Government and the Governors. These issues should be addressed one way or the other.

Sen. Wangari: Mr. Deputy Speaker, Sir, I also want to join my colleagues in noting the importance of this Petition and also add my voice to say that, that issue is not only in Uasin Gishu County. We are doing very badly if we compare ourselves, as Sen. Mutula Kilonzo Jnr., has said, with the Abuja Declaration. We are not treating this issue with the importance that it deserves. We have had many complaints especially with the workers' unions, doctors and nurses. We have not come up with a solution.

I want to join my colleagues in asking that from your direction, the Committee on Health does an in-depth analysis of the issues bedeviling this sector. The issue of diversion of funds that are going to Level 4 and Level 5 hospitals by the counties must also be investigated. When some money is given for a certain hospital, does it go there or do we have some county governments taking the money elsewhere? Even with the Committee on Labour and Social Welfare, we have had these issues coming to the fore.

The other issue is on the narrative which has been created. As we look at the issues, we also need to do a thorough analysis of the unions. I am not saying that the unions are not doing what they are supposed to do, but we need to know whether there is a deliberate effort to portray the health sector as not working; to be able to fuel that narrative that has been advanced by the National Assembly that we need this function to go back to the national Government.

Sen. Okong'o: Mr. Speaker, Sir, I take this opportunity to commend the Kenya Union of Nurses, Uasin Gishu branch, for seeking answers from this honourable House. Some of them have been running from one hospital to another. Doctors have been fighting for their rights for a long time in this country. We have raised issues to do with

Human Resource Management. There is no convergence zone in the laws of Kenya whereby nurses can raise their grievances.

The fiefdoms created in terms of governance have become a big obstacle for the realization of medical care in this country. A few days ago, a Kenyan stayed in an ambulance for 18 hours without medical attention until he died. Yesterday, a pregnant woman died with a fetus in the womb in Kakamega General Hospital after seeking for medical attention for more than 12 hours.

I think our systems or we, as individuals, have failed. We need to address these issues immediately in this country. I concur with Sen. Hassan that this Senate should do an audit around the country to see what is bedeviling this sector. So, it is important for the relevant committee of the Senate to cure this situation before it gets out of hand.

I beg to support.

Sen. Leshore: Mr. Speaker, Sir, I support the Petition. I also support the recommendation that the Standing Committee on Health to carry out proper audit of the entire health sector in our counties. We have a saying that it is the owner of the shoe who knows where it pinches.

I support the Senate when we say that we should strengthen county governments so that they can perform their role better. I am one person who knows the work of the nurses. When I was in the hospital for one year, were it not for the nurses and doctors, I would have not been in this House.

(Applause)

I fully support that noble function carried out by our nurses and doctors. We must come outright as a Senate to strengthen the county governments so that they can perform that noble service.

Sen. Sijeny: Mr. Speaker, Sir, I also wish to congratulate the petitioners. If these are the real relevant caregivers, it shows they are concerned about their area of specialty, especially the health of *mwananchi*, “*Wanjiku*”.

The issue of losing lives cannot be prevented in the name of fighting for supremacy, that is who should be in-charge of what. Let all the parties concerned, whether it is the national or the county governments ensure that the lives of Kenyans are protected and all resources are provided for adequately. We cannot afford to be losing people. Losing women and their unborn children is very sad. I hope this matter will be investigated to the letter.

Sen. Keter: Mr. Speaker, Sir, I join my colleagues in supporting that petition by the Union of Nurses from Uasin Gishu County. The issues they have raised cut across all the 47 counties. I come for Kericho County. Those issues also affect my county. Issues of lack of medicine and payments have been causing strikes in most of the counties.

This sector is very crucial as it deals with lives. It deals with people. At times, people go for medication in hospitals, health centres or dispensaries and lack medicines or find doctors and nurses on strike. The committee must really investigate.

To the nurses and doctors, this sector cannot be reverted to the national Government. It must remain in the county Government. Those issues must be

streamlined. May be in one way or another, it is a calculated move to cause all these problems for the sake of an outcry that this sector is being mismanaged by the county governments and should be managed by the national Government. We say: No, this sector must remain there. We must support the doctors and nurses in their noble duty.

What should remain with the national Government is in terms of policy. That is for training purposes. For uniformity, we call upon the Standing Committee on Health to ensure that it stays in the national Government. Doctors who are pursuing their post-graduate and PhDs specialization areas can be taken by the national Government. However, the day today activities must remain within the counties. So, I call upon the team to do a thorough job so that the case can be rested, once and for all.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I agree with that Petition. However, I request the Committee to which this matter will be marked, during their investigation, not to lose sight of the fact that the answer obviously lies somewhere. It lies in the Constitution. The way we structured the function of health, it was an oversight in the sense that, it cuts across the 47 counties.

Most governors led by Manderu and Elgeyo-Marakwet have done very well in terms of infrastructure development of the facilities. However, in all counties, they have failed to manage human resource. I, therefore, challenge the Committee to strongly come out and recommend that we align the Constitution in such a way that we create a Health Workers' Commission akin to the Teacher's Service Commission that will cater for the training, promotion, transfer, posting, salaries, discipline and what have you. That is where the problem is.

My second comment is that some of the governors have completely misunderstood Appropriation-in-Aid (A-in-A) that you find in health facilities. The A-in-A is raised and banked into an account that is controlled by the governor. He does not release those funds back to the institution, as it applies in A-in-A. The national Government should not delay releasing funds to counties. This is because the doctors and nurses think that they are the only ones not being paid, when actually most civil servants in all the counties cannot be paid because the national Government is not releasing money on time.

Finally, I want to send my condolences to the husband, family and friends of Mama Elizabeth Akala, who was kept at the maternity hospital in Kakamega for 14 hours---

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Khalwale! You know the way we proceed. If you want to send condolences, ask me and I will allow you time. But right now we are discussing a specific issue of a Petition. That is the way we shall proceed. If you request for specific time, I will give you. If you want to request a Statement on that issue, I will allow you. Let us do things procedurally.

Sen. (Dr.) Khalwale: Thank you for inviting me. It happens that this girl was selling petrol to all of us in Kakamega for over 15 years.

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

Sen. Lesan.

Sen. (Prof.) Lesan: Mr. Deputy Speaker, Sir, thank you for giving me the opportunity to also air views on this Petition. First, I want to thank the nurses from Uasin

Gishu for opening a window for us, Members of the Committee on Health, to look at this issue. This issue is widespread in the country and, therefore merits to be looked into.

There is no doubt that the devolution of health services in the country has made some significant contribution in terms of service to the people. We know that there were challenges before the new Constitution and we now face new challenges of implementation. There is no reason, of course, to revert health services to the national Government, because we hear good stories. I believe that all the challenges that we are facing can be addressed.

As a Member of the Committee on Health, I want to assure this House that we will look at this Petition---

The Deputy Speaker (Sen. Kembi-Gitura): It has not been referred to you yet. You are pre-empting.

Sen. (Prof.) Lesan: Mr. Deputy Speaker, Sir, I was just mentioning that the Committee will address the issues that have been raised once the Petition is referred to it.

Thank you.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Lesan, it has not been referred to any Committee yet.

Sen. Kanainza.

Sen. Kanainza: Mr. Deputy Speaker, Sir, I also rise to appreciate the Petition that has been brought by the nurses and health officers from Uasin Gishu. It is high time that the Committee on Health looks into matters concerning health in a broad and comprehensive way. When the Committee eventually brings a report to the House, we shall debate it and solve some of the issues that keep arising.

There are many cases of patients dying in hospitals. I even sought a Statement regarding such an incident and I am still waiting for the final answer from the Committee. In the news today I heard that we have lost another woman who was in the process of giving birth. It is important that the Committee addresses these matters comprehensively.

Since health care is a devolved function, it is important that the national Government and the Ministry of Health invest properly. Governments in developed countries invest about 45 per cent of their budgets in health, whereas our Government allocates a very small percentage. We also need to invest in research so that we can have a healthy country. Equally, enough funds should be allocated to the county governments not only in as far as the health function is concerned, but also other functions. These monies should be sent to the counties at the right time. More often than not, we have delays in the release of funds. That is why doctors and other civil servants demonstrate or engage in go-slows.

I support the Petition.

Sen. Murkomen: Mr. Deputy Speaker, Sir, I would like to thank the petitioners for taking their time to bring to this House such very important matters relating to health. There is something unique taking place in this country. The citizens of this nation believe that the Senate will help them resolve serious matters that are bedeviling their counties. As a House, we take every petition that comes from the members of the public seriously.

I am even aware that some petitions will come from my county. It is important that these issues are canvassed so that we can find the true position. We have acted in the

past in a very sober manner. I know that there are also people who are riding on the challenges that counties are facing, related to health, to propose that the health function needs to be reversed to the national Government.

I agree entirely with what Sen. Keter said that; Kenyans must live with the position that the health function is devolved. This includes staff and everything. What we should be discussing as the people of Kenya is how to give better resources and ensure transparent management of the health function. I sympathize with the health workers on one thing; that devolution found most of them where they were working. For example, some had been transferred to serve in Mombasa for five years and others in Migori. They were used to a system for 50 years that was flexible in terms of transfer. You could move from one area of the country to another.

Mr. Deputy Speaker, Sir, the biggest challenge that health workers are facing today is the inflexibility of the existing system in the devolved governments, where you cannot freely criss cross from Kakamega County to Vihiga County or Elgeyo-Marakwet County to Uasin Gishu County even if the two counties border each other. Going forward, I suggest that we need to work together with the Council of Governors and all the stakeholders to provide a policy framework that will ensure that the health workers' concerns, in terms of mobility and uniformity of ranking across the country, are addressed. For example, if somebody is in Job Group P, it should be Job Group P everywhere and earning the same salary, except for allowances that are commensurate to the area they were working from.

Governors need to have an understanding and agreement that will make it possible for them even to swap staff. For instance, if a doctor is in Tana River and would wish to move to, perhaps, Busia or Siaya County, in order to be closer to his parents who are ailing or for other reasons, there should be flexibility. We need to find a legal policy framework that is flexible for the doctors to solve the problems they are facing without having the discussion of reverting the health function to the national government.

I sympathize with Sen. Khalwale's comment that we have to form a commission or national institution that will bring together all the health workers. Although that sounds good, we cannot do that in the current constitutional structure. As it is, there is independence of every county in terms of its resources and staff. We cannot amalgamate and release all the staff to a national commission, like the Teachers Service Commission (TSC). This is because the bus left the health workers the time we promulgated the Constitution. However, if they wish to amend the Constitution, that is actually a right that exists for every other Kenyan.

Sen. Hassan: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Sen. Murkomen to go into the merits and demerits of a proposal by Sen. Khalwale that is not an active matter on the Floor?

Sen. Murkomen: Mr. Deputy Speaker, Sir, I was just commenting on it because it is an important issue.

Sen. Haji: On a point of order, Mr. Deputy Speaker, Sir. Following Sen. Hassan's statement that there is no vacuum in the leadership of CORD, was there a coup against the Deputy Minority Leader, Sen. Abdirahman? Could he clarify?

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

The Deputy Speaker (Sen. Kembi-Gitura): Is it on something that Sen. Murkomen has said?

Sen. (Dr.) Khalwale: Is Sen. Haji in order to imagine that there is a vacuum in the leadership of CORD, when he knows very well that the able Senator for Wajir is here, leading us and we have not complained? The only mishap is that the Senate Minority Leader, Sen. Wetangula is where his equals are. He has taken his seat in Dar-es-Salaam, next to President Uhuru, to congratulate President Magufuli. What is the big deal?

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

Sen. (Dr.) Khalwale: Is he in order to mislead the House that we have a vacuum?

The Deputy Speaker (Sen. Kembi-Gitura): We will end that issue now. All of you are out of order on that specific issue.

Kindly conclude, Sen. Murkomen.

Sen. Murkomen: Mr. Deputy Speaker, Sir, in conclusion, I want to assure the petitioners, as a Member of this House, that we will act impartially and look at the facts. The Committee that will be given this responsibility will also return to the House with a verdict. This House will then make an informed decision that is devoid of any kind of favouritism to anybody. The same applies to the county governments. We will not victimize anybody unheard or take every statement for the truth, except when we have proved that, that is the position.

Sen. Khalwale talked about Elgeyo-Marakwet. Elgeyo-Marakwet is trying when it comes to health infrastructure, unlike many other counties that I have visited. What is remaining is how to manage the infrastructure, give the necessary medicine and get the doctors and nurses to man these institutions. We do not want to have buildings without medicine and human resource to dispense the required services.

I welcome and recognize this Petition.

Sen. Ndiema: Thank you Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Petition. The nursing profession and, indeed, all workers in the health sector in the counties are facing challenges. This House has a duty and responsibility to address those challenges.

This House will recall that I brought a Motion to give the health function a national approach. While health is a devolved function, the human resource element particularly in respect to professionals like doctors, clinical officers and nurses needs to retain some national outlook for the purpose of ensuring uniform training standards, transferability and effective implementation of schemes of service so that their welfare is protected. We know that in this country, there are regions which are hardship areas, while some regions are better off. It will be condemning these officers when they are posted to those hardship areas to remain there perpetually until they retire. It will not be feasible at all.

I would agree with Sen. Murkomen that we need to discuss and ensure that they are transferable whenever necessary. I also disagree with him when he says that in the Constitution, you cannot perform that function under the national level. Article 187 of the Constitution provides that, if a function can best be performed by the other level of government, the two levels of government can reach an agreement in a way that the one

which performs better can perform. In this case, the counties can reach an agreement with the national Government, so that administration of staff remains a national function.

As we talk now, nurses are operating under difficult situations with no protective equipment. They are overworked because of understaffing in most of the hospitals. I am surprised that in some counties including mine, Trans-Nzoia County, those staff that were employed under the Economic stimulus Programme (ESP) in the last two or three years, I congratulate the counties that have taken this staff on board. But my county has not employed them and yet there is shortage and need for staff. I call upon those counties which have not done so including mine to immediately engage the services of these personnel on permanent basis.

With those few remarks, I want to say that this Petition is timely and we should look at it positively.

The Deputy Speaker (Sen. Kembi Gitura): Hon. Senators, pursuant to Standing Order No.227 (1) this Petition stands committed to the relevant Standing Committee on Health. I noted a number of issues raised in the Petition fall under the mandate of the Standing Committee on Labour and Social Welfare and; given our growing tradition of considering such matters, I direct that the two committees consider the Petition jointly, with the Standing Committee of health taking the lead.

In terms of studying Standing Order No.227 (2):-

“The Committees will be required in not more than 60 days from the time of reading this prayer, to respond to the petition by way of a report addressed to the petitioner and laid on the Table of this Senate”.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STAFF FROM THE PARLIAMENT OF MOZAMBIQUE

I have a brief Communication to make.

Hon. Senators, I wish to recognize the presence of the members of staff from the Parliament of Mozambique who are here on brief visits to the Center for Parliamentary Studies and Training (CPST) and the Human Resources Department of the Kenyan Parliament, to learn and share experiences. They are seated at the Speaker's Gallery.

As you all know, the tradition of receiving and welcoming visitors to Parliament is a long tradition which we shall endeavor and continue upholding. I request each member of the delegation to stand when called out so that they can be acknowledged in the usual Senate tradition. If I miss to pronounce the names, I be forgiven.

The officers are:

1. Raquel Taela - Director Human Resources and leader of delegation.
2. Acacio Beleza - Director of CPST, Mozambique, and;
3. Inocencio Fainda - Technical member of CPST of Mozambique. On behalf of the Senate and on my own behalf, I extend a warm welcome to the staff from the Mozambique Parliament.

(Applause)

Sen. Hassan: Mr. Deputy Speaker, Sir, I just want to join hands in welcoming our Indian Ocean neighbours, the Mozambican delegation that is here. You do realise that even in Mozambique, the Speaker uses quite substantive Kiswahili. The Mozambicans will realize that we also have substantial Mozambicans who live in Kwale County, who unfortunately at this point in time, have been regarded as stateless. I believe as we move forward, we need to look at the practical ways to either deport them back to Mozambique or integrate them into the Kenyan society.

Feel free because this is a country that is friendly to you and feel the heritage that blows from the Indian Ocean through Mombasa. I am the Senator of Mombasa County so I am probably the closest to you when it comes to transportation by boat.

Thank you.

(Laughter)

The Deputy Speaker (Sen. Kembi Gitura): Senators, I want to request you to be as brief as Sen. Hassan.

Sen. Murkomen: Mr. Deputy Speaker, Sir, in my capacity as a Member of the Pan-African Parliament and as the leader of the Kenyan delegation to the Pan-African Parliament, I would like to welcome the delegation from Mozambique and tell them that they are welcome.

This is your sister Parliament and House. As a team from Kenya, we enjoy good interaction with your team and leadership in the Pan-African Parliament. I believe the African integration will be achieved if the legislators and the people integrate more than just looking at the executive meeting in short meetings. We are very happy to have you here. We look forward to the day we will also visit your country so that we can benchmark like what you have done today.

Thank you.

Sen. Kittony: Mr. Speaker, Sir, allow me to join you in welcoming the delegation of members of staff from the Parliament of Mozambique and to tell them to feel at home and enjoy the City in the Sun and Kenya at large. When they go back, they should take our greetings to their country.

Thank you.

Sen. (Dr.) Khalwale: Thank you Mr. Deputy Speaker, Sir. I would like to welcome our visitors and request them to take our greetings to the people of Mozambique because when we had problems in this country, in the 2007/2008 post-election violence, their gracious daughter, Graca, the wife of the late Samora Machel and Mandela; and the wife of the people of South Africa came and supported us and we found a solution. This is why we are the most democratic and stable Republic in Africa.

Thank you.

Sen. Leshore: Thank you, Mr. Deputy Speaker, Sir. I would like to join you and my other colleagues to welcome the delegation from Mozambique. On behalf of CPST, Hon. Bett Mugo and I, as Board Members, we welcome the delegation and we shall

encourage them to tell the Mozambicans and other South African delegations to come and enjoy the services we offer at our CPST.

Thank you.

The Deputy Speaker (Sen. Kembi Gitura): Thank you very much, Senators. I hope they have felt welcome and their visit will be a learning curve for the mutual benefit of our two countries.

PETITION

TAXATION OF ALLOWANCES AND BENEFITS PAID TO STAFF AND MEMBERS OF VIHIGA COUNTY ASSEMBLY

Hon. Senators, I have another Petition to present before you. A Petition to the Senate by Hon. Daniel Chitwa, Speaker of the Vihiga County Assembly concerning taxation of allowances and other benefits paid to staff and Members of the County Assembly.

Hon. Senators, pursuant to Standing Order No. 221 (a) and 225 (2) (b), I hereby report to the Senate that a Petition has been submitted through the Clerk by Hon. Daniel C. Chitwa, Speaker of the Vihiga County Assembly concerning taxation of allowances and other benefits paid to Members and staff of the county assembly.

In his Petition, the Petitioner brings to the attention of the Senate the following:-

(a) That in June 2015, the county assembly received a demand from the Kenya Revenue Authority (KRA) for payment of tax arrears for the years 2013 to 2015 on allowances and other benefits paid to members and staff of the assembly.

(b) The county assembly is engaging the KRA to reach settlement on the matter.

(c) That in the meantime, the KRA has proceeded to order the freezing of the bank accounts of the said county assembly and this has hampered the county assembly from discharging its constitutional mandate.

(d) That the actions of the KRA in demanding taxes on payment of allowances are not applied uniformly across the counties and are unduly targeted at county assemblies from the western region of Kenya.

(e) The petitioner, therefore, prays that the Senate investigates these issues and comes up with appropriate recommendations thereon.

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

I allowed a lot of time and leeway to all of you in the first Petition regarding nurses because of the weighty issues that were there. This is a specific issue on taxation of allowances in a county assembly and if you want to comment on this issue, I will allow each Member not more than two minutes.

Sen. Khaniri: Mr. Deputy Speaker, Sir, I hail the Speaker of Vihiga County Assembly for presenting this matter on behalf of his Members of the county assembly. I do not want to go to the merits and demerits of the Petition but the County Assembly of Vihiga and their Speaker have constantly made use of this House in matters that arise in the assembly. They have so far brought three Petitions to this House. They have also

brought three delegations to visit this House. That shows how the assembly is attached to this Senate.

Mr. Deputy Speaker, Sir, on the issue of taxation, we will leave that to the Committee to investigate and see the merits and demerits. Freezing of an account of a county assembly is what I am totally opposed to because the county assembly has a constitutional mandate to perform to the people of Vihiga County. Freezing their account is denying the people of Vihiga County the right to get services from the county assembly.

As you refer this Petition to the relevant Committee - I am aware the Standing Orders gives the Committee 60 days to report back - given the circumstances that the County Assembly of Vihiga is facing, they have frozen accounts, I urge the relevant Committee to try and do this in less than the 60 days provided for so that the matter can be resolved.

Thank you.

Sen. Haji: Mr. Deputy Speaker, Sir, it is unimaginable that KRA will treat counties selectively yet we all pay taxes. Secondly, is it our mandate really to intervene in matters of taxation? If we do that, every Kenyan who is required to pay tax will petition this House.

Thank you.

The Deputy Speaker (Sen. Kembi-Gitura): It is interesting how this Petition has generated a lot of interest.

Sen. Hassan: Mr. Deputy Speaker, Sir, as much as I have issues with regard to the harsh sanctions imposed by KRA, the matter of paying tax is not negotiable in this Senate. I do not doubt your wisdom and I concur with your decisions. We should not have allowed this Petition in the first place. It is frivolous and it appears to circumvent an obligation.

The Deputy Speaker (Sen. Kembi-Gitura): Order! You must withdraw that and apologise.

Sen. Hassan: Mr. Deputy Speaker, Sir, I withdraw and apologise.

The Deputy Speaker (Sen. Kembi-Gitura): This Petition has gone through the motions and, the Constitution provides that every Petition must be heard. As long as it is in the correct form and well before the Senate, the House must make a finding.

Sen. Hassan: Mr. Deputy Speaker, Sir, I request the Committee to make a finding at a preliminary level that this Petition should not be before the Senate. Members of Vihiga County Assembly need to pay their taxes. Everybody's allowances and benefits are taxed and it is a common application in this country. We cannot try and circumvent an obligation using this House. In the meantime, we need to see how best we can ensure funds belonging to Vihiga County Assembly are made available for service delivery.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Hassan, if the Petition had not come before the House, you would not have had the opportunity to stand up and say that everybody must pay tax. So, you cannot say it is frivolous or vexatious.

Sen. Hassan: Mr. Deputy Speaker, Sir, I thank the Speaker of the County Assembly of Vihiga for giving me the opportunity to tell him to pay his taxes.

Sen. Keter: Thank you, Mr. Deputy Speaker, Sir. As much as the Petition is in order, taxes must be paid. When an action is done against a taxpayer, like how KRA is acting on Vihiga County Assembly, it cannot be said it is selective because other counties are not paying taxes and that it is a western region issue. The issue is to justify why or why not they should pay tax. Therefore, I urge the Members of the County Assembly of Vihiga County that there are other avenues to be explored. They can sit with KRA and sort out the issue about the closure of their account. As they negotiate on how to pay, the account will not be paralysed. If we have a Senate Committee to mediate on that, we shall be going too low. Therefore, we should not accept it.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, does anybody have a contrary view of what has been said? There are so many requests and if you are all going to stand up and say people must pay taxes; that the KRA should not be too harsh, it is on HANSARD.

(Laughter)

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I am seriously disturbed by the content of this Petition. If you have noticed, I am not attempting to speak. A revelation that there has been freezing of accounts in Vihiga County is a serious constitutional issue. Under Article 225 (3) of Part VI of the Constitution it provides that:-

“Legislation under clause (2) may authorise the Cabinet Secretary responsible for finance to stop the transfer of funds to a state organ or any other public entity”

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I invite Sen. Hassan to---

The Deputy Speaker (Sen. Kembi-Gitura): Order! I am the one who gave you permission to speak. Address me and ignore them.

Sen. (Dr.) Khalwale: That being the case, it therefore, means that whoever froze those accounts has taken an action that is contrary to the provision of the Constitution. We would like it to be clear that it is only this Senate and the National Assembly that can make a decision on the movement of funds in accounts.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Senator. I will allow you since you have the right.

Sen. Mutula Kilonzo Jnr., you have two minutes.

Sen. Haji: On a point of order, Mr. Deputy Speaker, Sir. Could Sen. (Dr.) Khalwale clarify whether it is the county money or individual accounts that have been frozen? I know that the Kenya Revenue Authority (KRA) officers have powers, under the Act, to freeze individual bank accounts if they feel that somebody has not paid his or her taxes. That has nothing to do with the Constitution.

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

Under 2(c) of the Petition, the speaker says that:-

“In the meantime, the KRA has proceeded to order the freezing of bank accounts of the said county assembly. This has hampered the County Assembly from discharging its constitutional mandate.”

Therefore, without pre-empting this Petition – that is the point I was making – all of you seem to take the view that taxes have to be paid. That is what I have heard so far. However, I have heard Sen. Keter and Sen. Hassan say that the freezing of the Assembly's account may appear to be too harsh. Sen. Haji, I hope that answers your question.

Sen. Murkomen, what is your point of order?

Sen. Murkomen: Mr. Deputy Speaker, Sir, is it in order for Sen. (Dr.) Khalwale to deliberately mislead the House by importing his own provisions to Article 225 of the Constitution, and confusing the intention of transfer of funds to counties and the freezing of an account where funds have already been transferred? Is it in order for Sen. (Dr.) Khalwale---

The Deputy Speaker (Sen. Kembi-Gitura): I think Sen. (Dr.) Khalwale abandoned that argument. He started reading it and then stopped.

Article 225(3) talks about transfer of funds; what we did once as the Senate, if you recall. There were some counties that had not adhered to rules of procedure of the Senate.

Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, there is a serious fundamental issue that has come out of this Petition. That is the portion we must address. The taxes you pay on your allowances are personal to you. Therefore, if there are 67 or whatever number of Members of County Assembly (MCAs) who have not paid their taxes, the freeze should be on their personal accounts and not the accounts of the assembly; that is how it works. Payment of taxes is personal.

If the Accounting Officer of the county assembly of Makueni or Vihiga does not remit taxes, then you should deal with the assembly. If he or she has not deducted taxes, you deal with the assembly. However, if the MCAs have refused to pay taxes and it has not been deducted, you freeze their accounts.

Mr. Deputy Speaker, Sir, therefore, there is a fundamental issue as to whether the KRA can use the county assembly as a collecting agent of taxes of individual MCAs whose taxes are due. That is wrong because the interest due on unlevied or unpaid taxes should be remitted by the respective MCAs.

However, there is a fundamental point that will arise here. Maybe, the Vihiga County Assembly has also exposed itself because if you do not pay taxes, you can be charged in court. Therefore, the Committee will also have to determine whether the accounting officer for Vihiga County has committed an offence.

Thank you.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Murkomen, you have two minutes.

Sen. Murkomen: Mr. Deputy Speaker, Sir, my take on this issue is that Kenyans have a right to bring every petition they want to bring here. It is only under the advice of the Committee of the House on how to proceed with certain issues. I encourage the Committee to look at the Petition. If it happens that those issues should be thrashed out by Vihiga County Assembly and the KRA officers, then they should, as Sen. Khaniri said, get back to the Senate within a week so that they expedite the process. For example,

they could report that from their observation they do not need to delve into the details as to why the accounts were frozen because there is a procedure for the County Assembly to sit with the Treasury and thrash out the issues.

I disagree with those who say that all petitions should not come to this House, because the ability to sieve and appreciate the constitutionality and the challenges that are therein is in this House. The citizens out there depend on this House to tell them that at this level they should have gone to the Commission on Administrative Justice or the Kenya Human Rights Commission (KHRC) and they did not need to come to the Senate. It is this House that can advise a petitioner on the direction to take.

Mr. Deputy Speaker, Sir, finally, the KRA Act - I cannot remember the Section now - requires employers to perform the responsibility of remitting taxes. None of us sitting here receives the money due to our accounts, so that you sit down and start deducting your taxes. It is the responsibility of the Parliamentary Service Commission (PSC) to do so. It is possible – I am not saying that is the position – that, perhaps a county assembly, Vihiga for that matter, refused to deduct taxes on allowances or salaries and so on. Therefore, the KRA should take that responsibility for the interest of the country.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you. That is the advice that will come from the Committee once it has sat. That is why I am of the view that we should not protract this issue.

Sen. Kanainza: On a point of order, Mr. Deputy Speaker, Sir. I just want to correct Sen. Murkomen. The money being collected is not for the good of the Government because we know what is happening at the moment.

(Laughter)

Sen. Abdirahman: Mr. Deputy Speaker, Sir, I join my colleagues in saying that Vihiga County Assembly is making good use of this House because this is where people, county governments or county assemblies should seek advice and support when need arises.

With regard to the merits and demerits of the Petition, we leave that to the Committee that will deal with it. However, I just want to make one statement. What we are seeing from the ground today is an indicator to the fact that a number of county assemblies and even county governments may not have understood certain responsibilities which they have to undertake, including statutory deductions such as the National Hospital Insurance Fund (NHIF). It is very important to check across the board whether our county assemblies are abiding by this. There is a clear indication that there is need to capacity-build county assemblies and county governments in general.

With regard to payment of taxes, colleagues have spoken to it. It is a must and this is something that has to be done. However, we need to take note of the gaps in county assemblies at this stage and in the future.

Thank you.

Sen. Ndiema: Mr. Deputy Speaker, Sir, first, I thank Vihiga County Assembly for using this House. Secondly, taxes have to be paid. However, what seems to be coming out is that officers in county assemblies do not seem to know what their responsibilities

are. It is possible that some officers did not do what is required by law; that is, to deduct taxes. That emphasizes the need for civic education. Counties are young institutions that need to be enabled, educated and trained. How much has the Kenya Revenue Authority (KRA) done to educate taxpayers in the county and especially county assemblies and county governments in general, so that they can adequately comply with the taxation laws?

Sen. Hargura: Mr. Deputy Speaker, Sir, I would like to congratulate the county assembly for bringing the issue to the attention of this House because it might look obvious but it is not. Maybe this thing could be going on in other counties. It is good if it is handled at the Senate level so that whatever the outcome of the Petition, it will be of use across the country. Once we receive this kind of petition, we have to always give it due attention instead of just dismissing it at face value.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, pursuant to Standing Order No. 227(1), the Petition stands committed to the relevant Standing Committee on Finance, Commerce and Budget.

In terms of Standing Order 227(2), the Committee will be required, in not more than 60 days from the time of reading this prayer, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

Shall we go to the next item on the Order Paper?

PAPERS LAID

CPAIC REPORT ON THE INQUIRY INTO THE FINANCIAL OPERATIONS OF HOMA BAY COUNTY

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I beg to lay the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Homa Bay County for the FY 2013/2014.

If this Report of the Committee is adopted by this House, it will then result into action on our findings.

(Sen. (Dr.) Khalwale laid the document of the Table)

REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL OPERATIONS OF VARIOUS COUNTY GOVERNMENTS

I also wish to lay the following Papers on the Table of the House:-

Report of the Auditor-General (AG) on the Financial Statement of Narok County Government for the sixteen (16) months period ended 30th June, 2014;

Report of the Auditor-General (AG) on the Financial Statement of Kericho County Government for the sixteen (16) months period ended 30th June, 2014;

Report of the Auditor-General (AG) on the Financial Statement of Kilifi County Government for the sixteen (16) months period ended 30 June, 2014;

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Report of the Auditor-General (AG) on the Financial Statement of Lamu County Government for the sixteen (16) months period ended 30 June, 2014;

Report of the Auditor-General (AG) on the Financial Statement of Laikipia County Government for the sixteen (16) months period ended 30 June, 2014;

Report of the Auditor-General (AG) on the Financial Statement of Kirinyaga County Government for the sixteen (16) months period ended 30 June, 2014.

(Sen. (Dr.) Khalwale laid the documents on the Table)

STATEMENTS

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, there are a few statements to be made.

KILLING OF MR. ELIUD WACHIRA GACHOKI

I know Sen. Karaba is out of the country. Sen. Haji, do you have the Statement ready in any case?

Sen. Haji: Mr. Deputy Speaker, Sir, yes, I have the Statement.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba is out of the country. Shall we defer it to Tuesday?

Sen. Haji: Mr. Deputy Speaker, Sir, fine.

(Statement deferred)

THE GOVERNMENT'S PREPAREDNESS IN MITIGATING EFFECTS OF THE IMPENDING *EL NINO* RAINS

The Deputy Speaker (Sen. Kembi-Gitura): The Senate Majority Leader is not here, neither is Sen. Nabwala. So, let us defer it to next Tuesday.

(Statement deferred)

STATUS AND PERFORMANCE OF THE LEATHER INDUSTRY IN KENYA

The Deputy Speaker (Sen. Kembi-Gitura): The Standing Committee on Finance, Commerce and Budget is to respond to Sen. Elachi's request for a Statement.

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, I have the response. However, I must confess that I have just been given this Statement by our assistants here. So, I am unable to summarise it unless you allow – which you rarely do – me to read it.

The Deputy Speaker (Sen. Kembi-Gitura): How long is it?

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, it is single spaced and five pages.

The Deputy Speaker (Sen. Kembi-Gitura): When did you get it?

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, I got it at 3.00 p.m. when I had just walked in.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Elachi, do you have a copy?

Sen. Elachi: Mr. Deputy Speaker, Sir, no.

The Deputy Speaker (Sen. Kembi-Gitura): So, you would like some time, right? Would you like it to be deferred to tomorrow so that you can read and understand it?

Sen. Elachi: Mr. Deputy Speaker, Sir, yes.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you. Sen. Mutula Kilonzo Jnr., would you like to issue it tomorrow or Tuesday?

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, we are sitting tomorrow. If she wants, I can read it tomorrow or Tuesday.

The Deputy Speaker (Sen. Kembi-Gitura): Having said that, when a Statement is that long, on single space and five pages, I think it would be good practice to try and summarise it.

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, true.

The Deputy Speaker (Sen. Kembi-Gitura): In the meantime, any Member who would like to read it in its full text can get it at the Dispatch Box.

It is so directed.

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, Tuesday next week.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you.

(Statement deferred)

ESCALATING BANK INTEREST RATES

The Deputy Speaker (Sen. Kembi-Gitura): The Standing Committee on Finance, Commerce and Budget, do you have a response for Sen. Kagwe?

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, I think the response had been produced in the Committee, but the Chairperson is not here. Could you, please, if you allow again---

The Deputy Speaker (Sen. Kembi-Gitura): Which Chairperson is not here?

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, the Chairperson of the Committee on Finance, Commerce and Budget. I remember we had discussed it at length in our Committee. I propose that if you could again, indulge us until next Tuesday. Sen. Kagwe is not in the House, anyway.

The Deputy Speaker (Sen. Kembi-Gitura): Very well. Tuesday!

(Statement deferred)

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I was expected to have brought a Statement in response to a requisition from the Senator of Narok County.

The Deputy Speaker (Sen. Kembi-Gitura): We have not reached there. You are not even on the list, so, if you could wait for a while, we will finish with the listed ones and then come to you.

MANAGEMENT OF REVENUE COLLECTED
FROM MAASAI MARA GAME RESERVE

Now, the Standing Committee on Finance, Commerce and Budget, do you have a response for Sen. Leshore?

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, I must confess that we had a problem with this Statement because all our efforts to get the Statements have not been responded to. Again, all our efforts to summon the persons in charge – KWS – through the Ministry have also not been successful. We had resolved to summon the Cabinet Secretary (CS) in charge but we have not done so. If you could allow, in the next meeting, those summons will be issued to the relevant Ministry. This Statement is more than six months old on the Order Paper.

Sen. Leshore: Mr. Deputy Speaker, Sir, I would like to correct Sen. Mutula Kilonzo Jnr. KWS is not involved in this issue. It is the county government which is involved. I think we would rather direct it to the Ministry of Devolution or the National Treasury.

Sen. Abdirahman: On a point of order, Mr. Deputy Speaker, Sir. You have heard my brother, Sen. Mutula Kilonzo Jnr., saying that the Statement has taken six months to get from the relevant line Ministry. The practice of this House is that it ordinarily takes just two weeks.

It is not very frequent but we have had respective colleagues complaining of lack of good responses or none at times from Cabinet Secretaries (CSs) and we have resorted to inviting the Cabinet Secretaries (CSs) to a larger meeting finally, to probe and get these out of them.

Maybe, it would require your direction. We have the capacity through the committees to summon these people, but at times, it does not happen. Could you give some very strong direction so that Cabinet Secretaries (CSs) can become more effective? The various Chairpersons are really suffering. We seek your guidance on this. We know there is a provision but we would want it to strongly come from the Chair.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Abdirahman, I have referred to Article 125 on very many occasions, particularly last week and even last week, but one. In this case, I will leave it to the Chairpersons of the Committees, Sen. Mutula Kilonzo Jnr., but if they have problems and they want us to help them use Article 125, they are welcome. However, from where I am seated, it will be difficult for me to make a specific order on each occasion. The Chairperson of each Committee knows that there is Article 125 of the Constitution which they can use when and if necessary.

Sen. Haji, do you have a point of order?

Sen. Haji: Yes, Mr. Deputy Speaker, Sir. While I quite agree with you, but I just want to float an idea that has worked very well in the National Assembly. After the Speaker summoned all the Cabinet Secretaries, together with the Majority and Minority

leaders, they agreed that the Cabinet Secretaries will be appearing on a particular day, either Wednesday or any other day. Could we also make an attempt to do so if you find it possible?

The Deputy Speaker (Sen. Kembi-Gitura): Yes, that will be very helpful, but of course, we also have the problem that sometimes when we invite the Cabinet Secretaries, as in your specific case this week, they sometimes do not show up. You explained very well that you understood the reasons. So, there are all those constraints, but I reckon that we must continue making every effort and when we find that there is indolence on the part of a Cabinet Secretary or other government officers then we use Article 125 of the Constitution. That is my direction on that issue.

Sen. Keter, proceed with your statement.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 10TH NOVEMBER, 2015

Sen. Keter: Mr. Deputy Speaker, I wish to issue a statement on the business of the Senate for the following week, commencing Tuesday, 10th November, 2015.

Hon. Senators, pursuant to provisions of Standing Order No.45, this is to present the Senate business for the coming week.

On Tuesday, 10th November, 2015, the Rules and Business Committee (RBC) will meet at midday to schedule business of the Senate for the week. Subject to further directions by the RBC, the Senate will continue with the business that will not be concluded this week focusing on debate on Bills at the Second Reading stage and Committee of the Whole.

In addition, the following Bills will be scheduled for Second Reading and Committee of the Whole:-

(a) Bills for Second Reading

(i) The Kenya National Examinations Council (Amendment) Bill (Senate Bill No.7 of 2015).

(ii) The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No.8 of 2015).

(iii) Division on the County Governments Disaster Management Bill (Senate Bill No.40 of 2014).

(iv) Division on the Office of the County Attorney Bill (Senate Bill No.37 of 2014).

(b) Bills for Committee of the Whole.

(i) The Presidential Memoranda on the Public Procurement and Asset Disposal Bill and the Public Audit Bill.

(ii) The Public Appointments (County Assembly Approval) Bill (Senate Bill No.20 of 2014).

(iii) The County Early Childhood Education Bill (Senate Bill No.32 of 2014).

(iv) The Climate Change Bill (National Assembly Bill No.1 of 2014)

On Wednesday, 11th November, 2015, the Senate will continue with the business not concluded during Tuesday's sitting and any other business scheduled by the RBC.

On Thursday, 12th November, 2015, the Senate will deliberate on pending Motions and any other business scheduled by the RBC.

Let me take this opportunity to thank all Senators for their continued support and, to once again, appeal to you to make yourselves available to dispose of pending business before the Senate, especially Bills at the Committee of the Whole.

I hereby lay the statement on the Table.

(Sen. Keter laid the document on the Table)

COMMUNICATION FROM THE CHAIR

SPECIAL SITTING OF THE SENATE TO CONSIDER THE REPORT OF THE SPECIAL COMMITTEE ON THE PROPOSED REMOVAL FROM OFFICE OF THE GOVERNOR FOR MURANG'A COUNTY

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I have a communication to make on a Special Sitting of the Senate to consider the report of the Special Committee on the Proposed Removal from Office of the Governor for Murang'a County.

Hon. Senators, as you may be aware, or as you may recall, yesterday Wednesday, 4th November, 2015, I issued a communication to the effect that I had appointed Saturday, 7th November, 2015 as a date for a Special Sitting of the Senate to consider the report of the Special Committee on the proposed removal from Office of the Governor for Murang'a County. After my communication, several of you canvassed the matter from the Floor and urged me to re-consider the decision to have the Special Sitting on Saturday, 7th November, 2015. I undertook to consult with the Senate Majority and Minority Leaders and give a way forward, pursuant to the said canvassing that was in the House.

Hon. Senators, I have consulted and taken your views into consideration. I, therefore, wish to inform you that pursuant to Standing Order No.29(1) on further request of the Senate Majority Leader and with the support of the requisite number of Senators, I have appointed Friday, 6th November, 2015, as a day for the making of a Special Sitting of the Senate. The sitting shall be held in the Senate Chamber, Main Parliament Buildings, Nairobi, commencing at 3.00 p.m. to allow the Special Committee to finish its work.

The business to be transacted at the sitting shall be consideration of the report of the Special Committee on the Proposed Removal from office of the Governor for Murang'a County. In accordance with Standing Order No.29(5), this shall be the only business on that day, and thereafter, the Senate shall adjourn to the next sitting day as per the approved calendar.

Gazette Notice No.8228 dated 4th November, 2015, has been revoked and a new Gazette Notice on the matter has been issued. I urge all the hon. Senators to attend the Special Sitting of the Senate.

In the meantime, hon. Senators, all Committee meetings and other engagements of the Senate scheduled for tomorrow afternoon are hereby cancelled.

Thank you.

(Applause)

What is it, Sen. Keter? I hope you are not trying to tell me to take it back to Saturday because then, I will be in total shock.

Sen. Keter: Mr. Deputy Speaker, Sir, I thank you for that ruling, which means you have considered all our views which we placed before you yesterday. In your ruling, you only mentioned that you have suspended all Committee meetings. There are other Committees which will go out of Nairobi. Will they be affected? Owing to the importance of the business, I thought in your communication, you should have said all the Committees whether they are within Nairobi or outside, should cancel their business.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you very much, Sen. Keter. The only thing I cannot do is to recall those who maybe overseas already, but all local Committee meetings and all travel scheduled for tomorrow are hereby cancelled. That is the point I was making. That will be the position so that if, for instance, you had a meeting in Naivasha or Mombasa tomorrow afternoon, you can plan to go on Saturday. There will be no meeting of the Senate Committees anywhere tomorrow afternoon.

Proceed, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir, before you call for the next order, I was expected to give a response---

The Deputy Speaker (Sen. Kembi-Gitura): Sorry, Senator, are you still on statements?

Sen. (Dr.) Khalwale: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): I will give you a chance. I am sorry I overlooked it because I had promised you.

Proceed, Sen. Mutula Kilonzo Jnr. Is it on a different thing?

Sen. Mutula Kilonzo Jnr.: No, Mr. Deputy Speaker, Sir, it is on your direction. Thank you for reviewing your earlier ruling and, therefore, setting precedent. I am pleased that you are seated there.

Mr. Deputy Speaker, Sir, I know I had spoken to you about this before and you have challenged me. However, if we do not have the requisite number tomorrow, it will be extremely futile to sit here the whole afternoon. I urge you to use your good office to ensure that we have the requisite numbers tomorrow.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Mutula Kilonzo Jnr., we can only do our best. I have done a communication and I hope that you will be here and everybody else. All I can say is that I have issued a communication and I want to believe that the office of the Speaker and that of the Clerk will do everything possible to ensure that all Senators are informed. That closes the issue.

Sen. (Dr.) Khalwale, I will go back on the Order Paper to indulge you.

(Resumption of Statements)

MANAGEMENT OF REVENUE COLLECTED FROM
MAASAI MARA GAME RESERVE

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. I was expected to bring a Statement in response to a request by the Senator for Narok on the affairs of collection of revenue at the Maasai Mara Triangle. I have made very serious head wins to the extent that the public can start thinking that our Committee is not up to it. I thought I should use this point of order to clarify that we have exhausted the three invitations that we gave the governor. We have further offered him an opportunity to host us for purposes of clearing the matters that were raised, but he has declined. We have today issued summons with the attendant consequences.

Mr. Deputy Speaker, Sir, the reason why I chose to make this statement is because refusal by governors to appear before our Committee attracted a court process that was decided in our favour. We would like the country to know that the Governor of Narok is defying this Senate and the ruling of the court. He has been joined in those bad manners by the Governor of Kakamega. We have summoned both of them.

I thank you. I ask and request Sen. Ntutu to be patient. We hope the governor will honour the summons.

Sen. Abdirahman: On a point of order, Mr. Deputy Speaker, Sir. We do not want to look helpless as the Senate. Committees have time and again been told to use their power. With due respect to Sen. (Dr.) Khalwale, I want him to hear this, please, use your power to compel them to attend. If they do not attend, there is recourse. You should be able to use this opportunity.

Sen. Hassan: Mr. Deputy Speaker, Sir, Sen. (Dr.) Khalwale has said that the Committee has summoned them severally and they have continued to defy the invitations of the Senate. I thought if it was summons, I was going to suggest that we now direct that they be arrested.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Sen. (Dr.) Khalwale. Sen. Ntutu, do you want to contribute to this issue?

Sen. Ntutu: Thank you very much, Mr. Deputy Speaker, Sir. May I also take this opportunity to thank the Chairman Sen. (Dr.) Khalwale for being honest to the House because I know how slippery the Governor of Narok is? I want to congratulate him because “flying briefcases” from Narok have not landed on his hands. So, I will be patient up to next week because the people of Narok are still eager to get the answer.

Sen. Keter: On a point of order, Mr. Deputy Speaker, Sir. I do not know whether you heard my friend and neighbour, Senator from Narok talking about “flying briefcases”.

The Deputy Speaker (Sen. Kembi-Gitura): Did you use the term “flying brief cases”?

Sen. Ntutu: Mr. Deputy Speaker, Sir that is common knowledge. Many people know what I mean by that.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Ntutu! It may be common knowledge, but we are a House of record. I must confess this is the first time I

have heard about “flying briefcases”. May be, you might want to let the House know, because that is the issue that Sen. Keter has raised with you. Sen. Keter challenged you, but you said it is common knowledge. I do not know how common it is.

Sen. Ntutu: Mr. Deputy Speaker, Sir, if my good friend wants to know about these “flying briefcases”, those are the briefcases that have caused havoc in Narok County. We are aware of the helicopters ferrying money from Narok to some quarters.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Ntutu! The issue that is the subject matter is a pretty serious issue and I know it has gone on for some time and Sen. (Dr.) Khalwale has been gracious enough to share with us his problems or constraints on the issue. We will not allow you or anybody else at this stage in this House to say anything that might appear to impute improper motive on anybody.

I know you have not mentioned any names, but when you talk about “flying briefcases” and then cap it up with money, it implies that these briefcases are flying with money or something like that. I now start to understand what you are saying, but it is a statement that I will not allow to hold because it will not be right for this House to accept unless you can substantiate it. However, the problem with that substantiation is that you might be putting yourself in a trap where you must do it by way of a substantive Motion. So, I am also cautioning you to be careful with how you tread on this issue.

Sen. Ntutu: Mr. Deputy Speaker, Sir, let me withdraw for now until I get the answer so that I can defend what I am talking about.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Sen. Ntutu. Sen (Dr.) Khalwale, do you have any timelines on this issue?

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. My mind is very clear that on Tuesday after next week, I will have something to say because the summons will compel him to appear before us seven days from today which is on Friday next week. We have scheduled a sitting for that and, thereafter, I will be able to bring a report on Tuesday after next week.

The Deputy Speaker (Sen. Kembi-Gitura): Your Committee has made a resolution to issue summons?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, they have already been issued today.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Ntutu, you will have to be satisfied with that for now and then we shall wait for what will come from the Committee then we can canvas these issues further.

Next Order!

BILLS

First Reading

THE CONSTITUTION OF KENYA (AMENDMENT) (No.2)
BILL (NATIONAL ASSEMBLY BILL NO.26 OF 2013)

(Order for the First Reading read –

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Read the First Time and ordered to be referred to the Legal Affairs and Human Rights Committee)

Sen. Keter: On a point of order, Mr. Deputy Speaker, Sir. I thought we were still on Statements. I have a Statement which I had promised to deliver in the House today. I am sorry, if I am late.

The Deputy Speaker (Sen. Kembi-Gitura): We finished Statements a long time ago. Yours was a last one.

Sen. Keter: No. It was under “c.”

The Deputy Speaker (Sen. Kembi-Gitura): You issued a Statement on the Business of the House. We deferred Statement (c) because neither you nor Sen. Nabwala was here.

Sen. Keter: I was around. I just stepped out---

The Deputy Speaker (Sen. Kembi-Gitura): Since you were not on your seat, we deferred it to Tuesday, next week.

Is there anybody else who had a Statement? I think that was the last one.

Next Order!

First Reading

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

*(Order for the First Reading read-
Read the First Time and ordered to be referred
to the Agriculture, Livestock and Fisheries Committee)*

MOTIONS

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I will have to re-organize the Order Paper. Since, Sen. Murungi is not here to move his Motion, I will defer it.

ESTABLISHMENT OF A TASKFORCE TO SURVEY AND FIX BEACONS FOR ALL COUNTY BOUNDARIES

GIVEN the clear provisions of Article 6 (1) and the First Schedule which establishes the 47 counties of the Republic of Kenya;

CONSIDERING the clear provisions of the Districts and Provinces Act (Cap 105 A) of 1992 which specifically delineates the geographical boundaries of each county;

NOTING the provisions of Article 188 of the Constitution, which clearly state that the boundaries of a county may be altered only by a resolution of an

Independent Commission set up for that purpose by Parliament and with the support of at least two-thirds members of the National Assembly and two-thirds of the county delegations in the Senate;

FURTHER NOTING that the boundaries in counties have not been surveyed and no beacons have been fixed;

CONCERNED that failure by the National Government to mark and fix the county boundaries has led to endless and sometimes violent conflicts, in which innocent Kenyans have been killed and their property destroyed, and is generally perpetuating poverty and underdevelopment in counties;

THIS HOUSE urges the Office of the President and the Ministry of Land, Housing and Urban Development to urgently establish a Task Force to survey, mark and fix beacons for all the county boundaries and to submit a report of the said Task Force to this House on or before 31st March, 2016.

(Motion deferred)

COMMENDATION TO SEN. HAROLD KIPCHUMBA FOR
BEING THE 2015 UNITED NATIONS PERSON OF THE
YEAR AND FOR HIS EFFORTS IN SUPPORT OF MASS
IMMUNIZATION CAMPAIGNS IN KENYA

Sen. (Prof.) Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I beg to move the following Motion;-

THAT, COGNIZANT that Mr. Harold Kipchumba, a former Senator in the Parliament of Kenya, has been instrumental in engaging public support for mass immunization campaign aimed at eradicating and eliminating diseases such as polio and tetanus as well as the introduction of new vaccines into the Kenya Expanded Programme of Immunizations Services (EPI);

AWARE that Sen. Kipchumba has, through dialogue and media appeal, persuaded communities and groups that were, by reason of their religious and cultural beliefs or practices, initially opposed to polio as well as other EPI vaccines immunization, to embrace the practice;

ACKNOWLEDGING that Sen. Kipchumba's unwavering advocacy and lobbying to various stakeholders, both at national and county government levels, was instrumental in helping to achieve 93 per cent polio immunization coverage of children under 5 years of age during the August, 2015 polio campaign;

NOTING that Sen. Kipchumba has become the face of vaccine-preventable disease eradication and elimination efforts in Kenya and has identified 15 polio survivors as immunization champions and enlisted their support to take his message "Immunization is not a choice, it is a right" throughout the country;

FURTHER AWARE that both the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) Kenya Country offices nominated Sen. Kipchumba for the 2015 United Nations Person of the Year Award in recognition of his efforts cited herein and he was subsequently named for the award;

NOW THEREFORE, the Senate heartily congratulates Sen. Harold K. Kipchumba for being the 2015 United Nations (UN) Person of the Year and records its commendation for his efforts in the public support for mass immunization campaigns in the country.

Mr. Deputy Speaker, Sir, Sen. Kipchumba has done this Senate and country a lot of good. He makes us proud for his determination, not only to stand up for the right of people with disability, but also to ensure that a disease that brings about disability, that is polio, is eradicated from the face of the earth. My late brother-in-law, G. Z. Owiti was struck by polio as a young person, lived with the disability and passed on.

A former United States (US) President was a polio victim; he presided over the US as a President for two or three terms and did a wonderful job. He knew that disability is not inability. That is one of the reasons when the Constitution of Kenya was enacted, it was felt important to ensure that the rights of human beings are extended as far as possible; that those with disabilities should be represented in the National Assembly, the Senate and the county assemblies. In this House, my friend from Nakuru, Sen. Njoroge, represents people with disabilities with ability in this House. Likewise, our dear sister, Sen. Omondi, is also in this House with the same responsibility and ability that they have discharged with distinguished honour.

When Sen. Kipchumba left us due to a legal procedure that we must respect even if we find it difficult to live with, he has continued under very difficult circumstances to stay the course. Unfortunately, while he was doing that, his son was caught in an accident and up to now he is yet to recover. This honour comes at a time when Sen. Kipchumba needed it most, not only to feel that the world cares for what he does in this country, but to lift Kenya to the pedestal of those nations that always have a “first” somewhere on the face of the earth almost every other month. This does us proud.

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

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

Diseases like polio come as a result of one major cause, which is poverty. The first goal among 17 goals under the Sustainable Development Goals (SDGs) that were enacted recently by the United Nations (UN) is eradication of poverty. Therefore, by eradicating poverty, we will eradicate a major source of disability. For example, in poor areas, slums and sectors of urban areas, expectant women must have proper nutrition, but because of poverty they cannot have it. We always assume that vegetables are a cheap source of nutrition that everybody should have. Unfortunately, in poor neighbourhoods like Kibera or Mathare, women cannot have access to that kind of food. Therefore, they miss eating vegetables like kales (*sukuma wiki*) and this has adverse effects on the health of their children. Quite often, these children are born with a disease called hydrocephalus, which is swelling of the head and it is a great disability to children. From my experience in medical services, this is one of the biggest problems we have in Nairobi because of poverty.

Therefore, when disability is fought and struggled against by gallant gentlemen, like Sen. Kipchumba, and that recognition is extended to us through him by a United Nations (UN) organization, particularly WHO and UNICEF, we, as a House, must congratulate them. We must put it in our record that this is something that is important in what we do as defenders and promoters of the interests of counties where our people live and also make sure that the budgetary allocation in our nation is properly done to tackle not only poverty, but also health.

Mr. Temporary Speaker, Sir, I would like to speak about immunization in a little Republic called Cuba, where before a child is born, he is vaccinated seven times against the diseases that he is likely to encounter when he is born. In other words, the baby leaves the mother's womb fortified and strengthened against the vagaries of the earth. That is one of the reasons Cuba has recorded such a high score in terms of health. Cuba stands out as a leading country in health delivery and care.

I remember when I was a Minister in charge of Medical Services; I attended a conference in Cuba. That conference was attended by many health professionals and decision makers. About 2,500 people gathered in Cuba for that conference. Out of that number, 800 came from the United States of America (USA) at a time when the USA still had an embargo on Cuba. That is the extent to which the USA recognized Cuba's leading role in health and the need for other countries to learn from Cuba.

Now that the relationship between Cuba and the USA has improved, I am quite sure that Cuba will get the necessary resources and equipment that it needs to advance its health care capability. We, in Kenya, will collaborate with Cuba in the area of vaccines to improve our health care system. What is also special about Cuba is that they use sugar which is one of their major products creatively. The seven vaccines that the Cubans use to vaccinate their babies with before they are born are all derived from one product called sugar. We have plenty of sugar in this country. If only we could industrialize sugar or use it as a basis for industrialization, we shall go a long way in improving our health services, particularly in the area of immunization.

Mr. Temporary Speaker, Sir, during colonial times and maybe even 20 years after colonialism, this country was leading in immunization in Africa. Unfortunately, we have since ceded the leading position to other countries because of insufficient investment in health services and research. We have many capable scientists in this country. I believe that if they had access to proper research facilities, we have the ability and the capability to develop the kind of vaccines that I am talking about in Cuba. One of our leading institutions, the Kenya Medical Research Institute (KEMRI), has recently been embroiled in the now becoming Kenyan abnormal disease; mismanagement and corruption, which has compromised its relationship with development partners. I have been involved in discourse between KEMRI and its branches and outlets in Kisumu where they have an extremely important institution. I know that KEMRI also has other institutions in the Coast doing research, particularly in the area of Malaria, HIV/AIDS and other infectious diseases like Tuberculosis (TB).

Mr. Temporary Speaker, KEMRI has a foundation to expand in other areas of medical research. The last thing that we need is for KEMRI to catch the now common Kenyan flu; corruption and mismanagement. We do not want the name or the dignity of

our nation to forever be besmirched by this disease called corruption and mismanagement. It deters development; reduces our standing in international environment for business and other economic interactions. It adversely affects scientific development, discovery and innovation which are needed in the area of health care development.

Mr. Temporary Speaker, in this regard, the journey that Sen. Kipchumba has just started, not only to use 15 polio survivors as immunization champions and enlist their support to take this message across the world, that immunization is not a choice, but a right. This, perhaps, is a journey that should lead our dear friend, Sen. Harold Kipchumba to the Nobel Prize for the fight against polio and the championing of immunization globally. I equate the 15 polio survivors to the 12 disciples of Jesus Christ who started a journey 2,000 years ago. As I stand here, almost every corner of the world has heard the message of the 12 disciples led by Jesus Christ in the little country called Palestine; they have carried a message that millions believe in and which has changed their lives.

We want the 15 polio survivors, led by Sen. Harold Kipchumba to carry the message under the auspices of UNICEF and WHO, to be heard in every corner of the world, so that 2,000 years from today, as we sit or lie calmly somewhere in our graves, waiting to hear the message eternally, we shall definitely lie there in testimony that a man called, Harold Kipchumba, passed through this House under circumstances that he did not like and that although at that time he bore a crown of thorns, he now bears a crown of glory which I think that this House and every person of disability is proud of; a glory which I think that in very developing country, from Bangladesh to Nepal to Ghana to Cote d'Ivoire and to Columbia; that this message will be heard. Immunization is not a choice, but a right and it will be practiced through government policies that will promote and defend immunization and will give people with disabilities the ability to preach that message and lead a life worth living.

Mr. Temporary Speaker, the worst thing any nation can do is to despise, ignore and downgrade those with disabilities. At one point, I was happy and grateful enough to meet a community of people in this country called "people living with albinism." We had a family with a lady living with albinism across where we live in New Runda. The young beautiful lady was called CK. When my daughter, Lupita, was doing a movie for her graduate work on a general theme of those who are underclass in the nation, it occurred to us, we have never really understood what it means to live with disability. In her conversation with CK, we realized that there is a big community in this county living with disability who are despised, ignored and under classed. That conversation led to a very important documentary which she called; "In My Genes." This is because we found out that disability is not a curse, but is as a result of the genes that some people are born with.

That documentary called "In My Genes," led me to work with the people with Albinism. One of them was Hon. Isaac Mwaura who I started mentoring and is now a Member of Parliament in the National Assembly of the Republic of Kenya. That shows that we cannot despise, ignore and under class those with disabilities. They have the ability to rise up to the highest level of performance in our nation. There are many children born with Polio who would not like their sisters or brothers to be born with Polio

and would like immunization to be done very early in their lives so that they do not live as despised, ignored and under classed people because they have a gene that causes them to be Albinos.

That is the same with the people who have polio. They do not have Polio because they were somehow a special creation, but because when they were born, they needed that immunization to defend themselves against the disease. Those children need to defend themselves against the dangers that they find on earth. Those dangers can only be guarded against through vaccination. As Sen. Kipchumba receives this honour from the United Nations, let me add that he has already been approached by an American university to be given an honorary doctorate in recognition of his service for people living with disability.

(Applause)

The Temporary Speaker (Sen. Murkomen): Sen. (Prof.) Anyang'-Nyong'o, I did not want to interrupt because I am enjoying the debate. However, you should also add that it is "Sen. Harold Kipchumba". This is because many people will direct the credit to another Kipchumba in the House.

(Laughter)

Sen. (Prof.) Anyang' Nyong'o: Okay, fine! I emphasize that a Senator sitting in the Chair is not the one that I am talking about. However, I know I shall get another occasion to speak equally positively about him in another forum on another issue.

Mr. Temporary Speaker, Sir, I ask my friend, Sen. Njoroge, to second this Motion because the wearer of the shoes knows best where the shoe hurts.

I beg to move.

Sen. Njoroge: Mr. Temporary Speaker, Sir, I stand to second the Motion. I thank Sen. (Prof.) Anyang'-Nyong'o because it is in very rare cases we get elite members of the public and Members of Parliament to recognise our input. This shows how committed he is towards matters regarding persons with disability. I, therefore, would not hesitate to commend him for his recognition of some efforts made by individuals with disability.

I would like to congratulate Sen. Harold Kipchumba for the good initiative he took to help Kenyans in fighting this vice, polio. If his parents and mine, worked on this when we were young, the story would be very different. However, those years, the campaign against Polio was not given any attention. We ended up having a permanent physical disability. We have grown through a lot of hardship.

This was a good effort from Sen. Kipchumba, especially his unwavering advocacy and lobbying to various stakeholders. This has resulted to both UNICEF and WHO awarding him. That is very encouraging. With this kind of effort, I ask parents all over the country to support this initiative so that they play a role in preventing any damage occurring to children who are born without any disability.

He should also thank me wherever he is. If he would have been in this House, he would not have been given any award. Since I came to this House, I have never been given any award.

(Laughter)

To this regard, I did him an honour as a good friend. He is a very good friend of mine. There was a gap when Sen. Kipchumba was here. I would not have performed better than he has. He needs to invite others on board so that they can move together. I hope when I retire from politics, I shall join him. He has done a lot, not only for Kenya, but also for other countries. This is the kind of spirit we need in the world so that we can save our people.

I second.

(Question proposed)

Sen. Kagwe: Mr. Speaker, Sir, I rise to congratulate the Mover of this Motion, Sen. (Prof.) Anyang' Nyong'o, otherwise known as "my teacher" for recognizing this very important achievement by Sen. Harold K. Kipchumba. I also congratulate very heartily Sen. Harold K. Kipchumba for his achievement. This nation is not known or rather famous for recognizing its heroes. Today, the pride that we take in this House is that we are now debating to congratulate and recognize a hero of this nation in the name of Sen. Harold K. Kipchumba.

Looking at this Motion, a number of things arise in our minds, the first one is what I have mentioned about; heroism in our nation. When Sen. Harold K. Kipchumba, first came to this House, we noticed immediately his intellect, passion and drive particularly for those who are challenged and those who did not have a voice in the House. Thanks to our Constitution, those persons with disabilities are now well represented, not only in the Senate, but in all other representative Houses across the country both in the national Government as well as the county governments. It is a big achievement for Kenya. Not many Constitutions of nations across the world, including the so-called advanced nations, have taken the recognition, and the recognition level that Kenya has done.

Mr. Speaker, Sir, we are a nation that critiques ourselves beyond recognition. However, for once, it is good for Kenya to recognize that there are some things we have done that are good. One of them being that our Constitution recognizes and places importance to those like Sen. Harold K. Kipchumba, who would be, otherwise, relegated because of their disabilities. Disability is not inability as ably been demonstrated, not only by those who represent that category of persons in this House and elsewhere, but indeed, across the country.

In Nyeri County, for example, Mukurweini Constituency, we have a school called the Rev. Muhoro School for the Deaf which has students from all over our nation. It is a special place. When you visit that school, you will really accept and acknowledge that being physically challenged is not a matter that can relegate a human being to the dustbin.

You will see children performing in music festivals by way of sign language because they cannot speak. Thinking of what would have happened without that school, then you can see as a nation how many people we have failed because of certain challenges that they might have.

When you think about other heroes that we have in our nation, whom we do not really recognize--- For instance, in the Olympics, we have so many people who bring gold medals to our nation although they are physically challenged. In America, Sweden or other places, people will run to them wanting to get photographs and so on.

Mr. Speaker Sir, it is time for us to rise up and place the Kipchumba's and athletes that we have to where they belong. We should learn to look at our heroes not in the prism of ethnicity, but in the achievement prism. Then at some point and place in time, then we can look at it as Kenyans and say we are proud of Sen. Harold K. Kipchumba, as well as to be Kenyans because one of us has made a great achievement.

Mr. Speaker Sir, we have to appreciate, in view of acknowledging and being aware of, as stated in the Motion; for religious and cultural reasons, there are those who refuse their children, members of their families to go and visit a doctor or to go to hospital. It is a right of a child to go and see a doctor. It should never be accepted that because of religious beliefs or cultural practices, you will refuse a child from seeing a doctor. If an adult does not want to see a doctor, that is their problem and they should be permitted to do so because they are adults. To refuse a child to see a doctor as a result of unknown cultural or religious beliefs is an abuse to the child, and the Government has a responsibility to force the situation and ensure that the child is taken to hospital.

Therefore, the fact that this practice exists is an abuse to the system, rights of the child and must not be allowed to continue because there are those people who have got genes in them, just like the Mover of the Motion said, but is protected in advance and it is possible that they will grow up without polio rather than grow up with polio, had they visited doctors in advance. So, Cultural and religious beliefs must be of positive impact in our society. Practices, whether cultural or religious, that impact negatively in our society, particularly to children must not be allowed to persist in a modern nation, as we are in today.

There is a question of medicine and health that arises out of this Motion. We are all aware that there are those who would have been able, and would have not been disabled had they been properly diagnosed, properly treated when they went to hospital. Therefore, the issue of medicine and health is one that we must raise; and those in this House who are doctors and have been in the medical field should help the House to make laws that will ensure that we take up the training and exposure for our doctors as a national concern. It would be nice to hear of exchange programmes between our doctors in Kenyatta hospital and other big hospitals in a country like India. This will help us to know that our doctors are being globally exposed and trained.

We have heard of horrific stories where persons are improperly diagnosed or misdiagnosed and then live with disabilities in their whole life time. A case in point; when I visited India with Sen (Dr.) Machage, we witnessed a situation where a lady had her leg amputated here in Kenya, because of some diagnosed condition only to reach India and be told by the doctors there, that she did not have to lose her leg. When you

hear of situations like those, that person is now physically challenged going forward; something which should not have happened, had she been properly diagnosed.

Mr. Speaker, Sir therefore, the question of medical practices in our nation is also one that we ought to question ourselves about. Part of the problem is that corruption has permeated society to the extent that even in hospitals, some nurses and doctors want to be bribed before they treat patients. There is need for a paradigm shift in our country in order to start redrafting our conscience and what we believe in. The relationship between ourselves, a consumer and a producer, a doctor and a patient, a teacher and a student are things we must begin to question as a country so that we can reboot ourselves. We should start afresh so that accusations and counter-accusations that we see in our political class can diminish.

Mr. Temporary Speaker, Sir, in our visit to Thailand with Sen. Njoroge last year, we proposed that Kenya - since we have two Senators who represent the persons with disabilities - hosts for the first time the global meeting for Members of Parliament with disabilities. The conference will bring the world to focus on the fact that a disabled person can be a leader. The leadership as demonstrated by Harold Kipchumba - I am not proposing Chair, that you have not exhibited any leadership at all - does not necessarily have to be the elected Members. They are those in the House and the ones outside.

I dare say that most of the really able leaders who are impacting our society need not be in any House of Parliament or any other recognised position. They are out there struggling. What former Sen. Kipchumba did when he left this House, was more impactful than what he did while in this House.

Mr. Temporary Speaker, Sir, the idea of Sen. Njoroge, who is supposed to lead this activity, to assemble Members representing persons with disabilities in Nairobi, is the one that this Senate and the country will support. We have promises from the United Nations and other institutions that can support this. It is something we would like to see our nation do. This will not only make Kenya recognised, but also create awareness in our nation. The children sidelined by others can take their rightful place in the society. As we congratulate Harold Kipchumba, let us focus on the wider issues that this Motion raises. We look at the wider picture and congratulate Kipchumba.

Mr. Temporary Speaker, Sir, Sen. Harold Kipchumba is a man who is fighting for those who have not been vaccinated and those unimmunized. The question that he should pose to all Kenyans, particularly those in leadership is what we are fighting for. Are you fighting to make another shilling for yourself? Are you fighting to make another million through corruption or are you fighting to make a difference, as Sen. Harold Kipchumba has done?

With those few remarks, I support.

Sen. Kittony: Thank you, Mr. Temporary Speaker, Sir. I support this Motion and I congratulate the Mover, Sen. (Prof.) Anyang'-Nyong'o for finding it fit to bring this Motion for deliberation this afternoon. I am particularly happy having known Kipchumba from his background because, like him, I come from Baringo District. I know him right from his home and I know he is still a fighter. If he were somebody else, he would have been reluctant, though he is disabled and unable.

However, the courage that he got from the Almighty God has taken him to this great recognition by the UNICEF as a hero for fighting for those who need help. I join the Mover of the Motion to congratulate Sen. Harold Kipchumba for this great award. If some of us did not recognise what Sen. Harold Kipchumba did, the UNICEF has done. God has also done it for him. He is a man who has lobbied and worked hard. In many occasions, he does not give up. It is unfortunate that we lost him in this House through means that some of us did not understand.

He was a good debater, but unfortunately, those who nominated him denied him the chance. I wish we still had him in this House. However, that is what we call the selfishness of greed. Wherever Kipchumba is---

The Temporary Speaker (Sen. Murkomen): What is it, Sen. (Dr.) Khalwale? Be careful.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I thought the Speaker makes a determination whether, indeed, the Senator is in order to say that those who nominated him are responsible for his removal. The correct record is that he was nominated, but lost through a court process. The Senator can easily send the wrong message to members of the public. It is the court that removed him. Is she in order?

The Temporary Speaker (Sen. Murkomen): Sen. Kittony what do you have? Be very careful also.

Sen. Kittony: Mr. Temporary Speaker, Sir, I know it was a court process, but those who nominated him should have helped him to continue being a Member of this House. I am sorry, it was a slip of the tongue.

The Temporary Speaker (Sen. Murkomen): The Member, who replaced him, sits next to you and has made generous comments about former Sen. Kipchumba. He even went further to tell the House that in retrospect, Kipchumba should thank him because had he sat in this House, he would be like him, with no award.

Sen. Kanainza: Mr. Temporary Speaker, Sir, may I inform Sen. Kittony that Sen. Njoroge had already confirmed that he is the one who played a role in the removal of former Sen. Kipchumba.

The Temporary Speaker (Sen. Murkomen): Sen. Kanainza, I do not know if he said he played a role, but in his statement, he said he played a positive role in ensuring that he goes outside and gets his ward.

Sen. Kittony: Mr. Temporary Speaker, Sir, I said in spite of all these, he is still a hard working person. I engage with him on many occasions. We come from the same home area. He means well. I have commended the Mover of this Motion because if he was not recognised by his party, God through the UNICEF has awarded him, which we now celebrate. I join the Mover and the other Members that we miss him in the Senate. I must say that because for the short spell that he was here, he proved that he had ability. Wherever he is, I know he is the pride of his family and this country and a challenge to those of us who do not consider such kind of people. Disability is not inability. Therefore, we should also recognise others for their contribution.

On many occasions I have talked with him, he has always said: "I wish people knew what I have gone through. I wish all mothers of Kenya would take their children for vaccination." He is a very good teacher and campaigner. He is involved in campaigning

against those who do not take their children for vaccination. His campaign for people to take their children for vaccination would have made our work, as the Committee on Health, easy.

Mr. Temporary Speaker, Sir, with those few remarks, I congratulate former Senator Harold Kipchumba for the effort. I also wish him the very best in his endeavours as he continues to champion and lobby for the eradication of Polio in this country.

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

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I would like to congratulate Sen. (Prof.) Anyang'-Nyong'o for bringing this matter before this nation. I want to use this opportunity to congratulate my friend and brother, former Senator Harold Kipchumba, who I continue to miss in this House. I also congratulate his mother, Mama Ruth Kobilu, aged 85 years, who walked with him in the critical five years of life, when every mother experiences great pain to see a child whom she knew would run like other children stuck in her laps. I also extend the same congratulations to Mzee Kimuge Komen aged 88, the father of Kipchumba Murkomen, for the same reason like the mother. You know, a Kalenjin---

The Temporary Speaker (Sen. Murkomen): Sen. (Dr.) Khalwale, as I told you, you need to be very careful. You said "Kipchumba Murkomen."

Sen. (Dr.) Khalwale: I am Sorry, Mr. Temporary Speaker, Sir. It is Harold Kipchumba. This is because I love you for the good reason. The only reason my love is measured on you is because of your association with a Government that is incapable of leading the country.

The Temporary Speaker (Sen. Murkomen): Order! Sen. (Dr.) Khalwale, do you know that I am sitting on the Speaker's Chair? Are you trying to challenge the Speaker? The Speaker cannot associate himself with any side of the House. You can give any partisan position when I am out of this Chair.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I am so guided.

Indeed, Sen. Harold Kipchumba who is just over 50 years old, and, therefore, in my generation in terms of age, is a great man. I have never seen such a confident person who lives with disability. For Kenyans who might not know who we are talking about, we are talking about a man who is very handsome with a fantastic set of teeth. I am not surprised that in spite of having a disability, he attracted his beautiful and wonderful wife leading to the current sons he has. I thank all members of his family and congratulate them.

Mr. Temporary Speaker, Sir, I also congratulate the change movement of Kenya. I knew Sen. Kipchumba many years ago when we were championing for change and reform in this country. He has stayed the course and I have every reason to congratulate Sen. (Prof.) Anyang'-Nyong'o's party; the Orange Democratic Movement (ODM), because it identified the need for him to be brought to the national platform, here in the Senate.

Mr. Temporary Speaker, Sir, Mr. Kipchumba was also spotted by the Ministry of Health. I congratulate the Director of Medical Services, Mr. Muraguri, who presided over the decision that gave Mr. Harold Kipchumba the status of a Goodwill Immunisation

Ambassador in this country. It was because of that recognition that he came on the front line and led from the front during the vaccination process.

Mr. Temporary Speaker, Sir, to have become Kenya's 2015 United Nations (UN) Person of the Year, it can only be comparable to what Prof. Wangari Maathai started doing. This is how Prof. Wangari Maathai started and she lived to have given us the honour of bringing the Nobel Peace Prize to this country.

Mr. Temporary Speaker, Sir, being a doctor, I want it to come from me that what Mr. Kipchumba was doing was such a big fight. When the wild polio virus came up in Dadaab Refugee Camp in northern Kenya and the Ministry declared that there should be mass vaccination, there was a lot of confusion, not just from illiterate people, but even from sections of the clergy, who put fear into mothers to the extent that mothers were confused and did not know whether or not to release their children for vaccination. His famous photographs in newspapers and television and booming voice on the radio managed to bring the success rate to 93 per cent. I truly congratulate him.

Mr. Temporary Speaker, Sir, it is at a time like this that I have the opportunity to urge all mothers to realise that until your child has received the following vaccines, you are not out of the woods. Mothers must ensure that all their children get vaccination against a lethal cough called Whooping Cough, Diphtheria, Tetanus, Measles, Poliomyelitis, Tuberculosis and Hepatitis B. I also want to remind husbands that they must ensure that their wives, while pregnant, are given vaccination just like children. It is extremely dangerous if they are not vaccinated.

I, therefore, urge all pregnant Kenyan women to consider that because I am one of the pro-life doctors and pro-life politicians who are against abortion and advocate for big families with many children. I do not advocate for the jokes of rich people; having two children only because of fear that children will finish their money through food.

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

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I did not mention anybody.

Sen. Okong'o: On a point of order, Mr. Temporary Speaker, Sir. Is my friend, Sen. (Dr.) Khalwale, in order to allude that people with two children are jokers?

The Temporary Speaker (Sen. Murkomen): Sen. (Dr.) Khalwale, I am sure you will be truthful because we have the HANSARD. Did you say that people with two children are jokers?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I actually said "unlike those jokers" and qualified it by saying "I am a pro-life doctor and pro-life politician who believes that every child must be given an opportunity to live in this world and that every egg carried in the ovary of a beautiful African woman must give forth to a child." I apologise if I have offended anybody.

Mr. Temporary Speaker, Sir, I was addressing the importance of immunization amongst our pregnant mothers. It is so serious because sometimes – Sen. Mshenga is here and she knows these things better than me – it is very frustrating after a mother has given birth to a bouncing baby only to realise that the child developed tetanus because the mother was never vaccinated. We urge all mothers to go for tetanus toxoid and Vitamins A vaccinations.

Mr. Temporary Speaker, Sir, the church sometimes misinterprets vaccination. Let me now address the clergy of Kenya. There are specific occasions when we do not allow a child or a pregnant mother to be vaccinated, for good reasons. Therefore, if in the process of a medical practitioner making a mistake and administering a vaccine, to those situations where we do not allow and then a member of the clergy witnesses or is informed of one such incident, they should not quickly conclude that vaccination is bad.

Let me share with them that there are specific contraindications for vaccination. If a child receives the first dose, the results could be in a reaction. Most of those children react to the vaccine because of the protein component within the vaccine. So, if they are allergic to that protein component – just like a child would be allergic to eggs or fish – then it is a warning that a subsequent vaccine can actually kill the child. So, doctors are there and they then take pre-emptive measures to ensure that the contraindication is maintained.

Secondly, because we live in difficult times, we now have a critical population of people whose immunity is poor or low. For example, it becomes very dangerous for children who are living with cancer of the blood called leukemia. It also becomes very dangerous for children who are living with HIV/AIDS. Again, these are the children that we do not allow vaccination. We do not disallow all the vaccination, but only the live vaccine. There are two types of vaccines – live and attenuated.

Mr. Temporary Speaker, Sir, let me conclude by addressing the governments of Africa. Many of the children who die in spite of having been given the above vaccines which I have spoken to; it is because their parents are poor. There are many other optional vaccines which are not available for free. They are only available at a fee of Kshs10 to Kshs25 a dose at Nairobi or Gertrude's Children's Hospital and so on. The rich can afford it. We urge all African governments to make all vaccines mandatory and the optional ones available. What do I mean? We have vaccines for illnesses like meningitis, but it is optional. If it was made mandatory and free, then the death threat to little children who die in the rural areas because of meningitis, can be cut by more than 75 per cent. Similarly, diarrhoeal and respiratory tract infections have many vaccines. All of you here and the middle class can afford. I urge them that those optional vaccines that are expensive are good; as soon as the child is born. When anticipating a birth, take an early cheap insurance that will take care of all those optional vaccines.

Finally, a vaccine is also a very dangerous thing in this manner; it is supposed to observe a strict cold chain from the time it is produced in the laboratory, stored by the dealers, sold, taken to the hospital and the time that the child is vaccinated. The Government must ensure that all dispensaries have either power and a fridge or gas to power fridges. What then happens in the rural areas and sadly, is that mothers go for vaccination when there have been power outages such that the vaccines have already lost their potency. The mothers do not know this and nurses do not know what to tell the mothers and just hope that the vaccine has not lost its potency because of power outages.

It is up to the Government to make sure that the cold chain is maintained. What is more is that we must have enough fridges. It is not a luxury. It is more important to buy a fridge, than an Intensive Care Unit (ICU) bed in a district hospital. When you give the hospital one fridge, the matron puts the vaccines and other medications used for other

cases in the same fridge. I came across a case in my practice where a similar mistake had been made, where the nurse ---

The Temporary Speaker (Sen. Murkomen): I am giving you one minute to conclude that story.

(Sen. (Dr.) Khalwale microphone went off)

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, the nurse went to the fridge and instead of picking the polio vaccine, she picked an anesthetic drug that sends patients to sleep. So, the nurse – they are very fast – injected 10 children: *Pap! Pap! Pap!* By good luck, I was in the hospital at that time. Suddenly, there was a scream from the MCH clinic that children had stopped breathing. In the confusion, I did not know what was going on, but the first thing I did was to put the children on oxygen and asked the nurse: “Could you give me the vial that you gave these children?” I wanted to look at the expiry dates only to discover that she had given the children an anesthetic drug and so, the children had been paralyzed, ready for operation. We then managed to reverse the anesthesia, but lost five children in the process. These are things that are practical and serious.

I support.

The Temporary Speaker (Sen. Murkomen): We will have our time to bring a Motion to celebrate you.

(Laughter)

Sen. Lesuuda: Thank you, Mr. Temporary Speaker, Sir. I know speaking after Sen. (Dr.) Khalwale, a medical practitioner, is not very easy. First, I would like to commend Sen. (Prof.) Anyang'-Nyong'o for bringing this very important Motion before this House. I also congratulate Sen. Harold Kipchumba who was one of us in this House for the exemplary work that he has done and continues to do until he has been recognised as the 2015 UN Kenya Person of the Year.

I would like to thank Sen. Mutahi Kagwe for what he said, that it is not very often that we celebrate the work that Kenyans do while they are still alive or here at home. We celebrate them much later after they are long gone and most of them are celebrated outside the country. So, this is a very important Motion.

Mr. Temporary Speaker, Sir, it is important to look at the issues surrounding the reason why Mr. Harold Kipchumba was given this award. I would also like to commend him. After he left this House, he did not wallow in self-pity but he went out for a cause that has changed lives. Those children who have been vaccinated will be forever grateful to their parents for heeding the call and also to him for raising awareness about vaccination.

Mr. Temporary Speaker, Sir, Mr. Kipchumba turned the situation when he was outside this House. The world gave him lemon and he made lemonade out of it. He has made a great impact in our country. We celebrate him.

There are also other Kenyans who have continued to do enormous work. I do not know whether it is a coincidence; they are all working towards issues of children. For example, our First Lady, Margaret Kenyatta, who is the United Nations Person of the Year, is addressing issues of maternal health. We also have a lady from my county, Ms. Josephine Kulea, who is raising awareness on early marriages which is also an issue on children. It is a good thing, as a country, if we can invest and focus on the generations to come, to ensure that we have a healthy society, a society that gives children equal rights, both girls and boys. We should also ensure that we let Kenyans know that disability is not inability.

I thank Kenyans for voting for this Constitution. For the first time, there is something we pride ourselves in. In the National Assembly and the Senate, we have people who sit in this House – something that has not happened before, specifically and targeted that we have persons living with disabilities who are also represented in this House. That is why even Mr. Harold Kipchumba was in this House. They have continued to show they are good debaters in what they discuss in this House through the Motions that they bring. Even across the world, it is something that Parliament and Kenya in general is celebrated.

Mr. Temporary Speaker, Sir, the issues that have been raised in this Motion are pertinent. First, it is important for us to thank those who saw the ability in Mr. Harold Kipchumba, the Ministry of Health for appointing him to be their goodwill ambassador. I am challenged since the Ministry of Health also made me the ambassador on trachoma; this is a wake-up call for me to do a little bit more because beyond the responsibilities that we have, there are other things that we can do for this country to make sure, just as somebody had asked; what is it that we do beyond the work that we are mandated to do? With the positions and the platforms that we have, how do we use them to create awareness? How do we use them to ensure that we leave a legacy in this world beyond the debates, Bills and everything else that we do? How do we directly impact on our communities to ensure that there are better lives for Kenyans and humanity in general?

Secondly, I would like to raise an issue about the whole aspect of getting this information out to the public. For those of us who were brought up by informed parents, and this information was easily available and accessible to them, issues of immunization do not even look like an issue because it is something which we know it is a right and that at a certain age or stage, a child is supposed to be immunized. However, we also definitely know that this message has not reached every part of this country. There are many parents and children who are suffering in the remote areas of our country because we have not reached out to them. Just as we must take the gospel to the unreached, this is a gospel that we must continue to get out. We should get creative ways of getting it to the intended people.

Mr. Temporary Speaker, Sir, I would like to commend those who run this campaign because achieving 93 per cent polio immunization just within a month is not an easy task, especially if we are considering it across the country. Every time you could hear them on radio stations; I am sure that they also used the local radio stations. We should continue spreading this message. It does not have to be just during a specific time;

that it is only in August. It has to be continuous. Information has to continually get to the people.

Mr. Temporary Speaker, Sir, even in the framing of this Motion, it is clear that we are dealing with deeply rooted issues; taking into consideration religion and culture. There are some communities which do not believe in this. Therefore, it will take a lot of effort to convince these communities, families or individuals that immunization is important.

We commend UNICEF and WHO for the work that they are doing. We have many at times in the Press and even among our communities seen that those who were not privileged to go through immunization so that they are healthy and able to go about their jobs just as everybody else, most of the time the parents and the communities then would want to shun these children and people from the community. We have seen them being locked up, chained and so on. It is my appeal to all of us to show that those people are useful in the society. There is nothing that we can do to change now but Sen. Harold Kipchumba has shown that: “Yes, I had polio, I am not bitter, still very capable of having my own family and running my own businesses of even sitting in this Chamber as a Senator.” This is something that we must continue to do so that our people reach their full potential despite their disabilities.

There are many other issues that people living with disabilities are going through that we also have to think about. We have to think about how we treat them, whether we make life easier or difficult for them or do we integrate them and live with them in our society as people who also have equal rights.

I do not want to say much but to congratulate and commend the many efforts that our professors and doctors are doing to ensure that we have medicine and vaccinations. We know that Kenya has always been a hub of research, for instance, the Kenya Medical Research Institute (KEMRI) has always been a place where a lot of good work has been done.

I also want to echo the sentiments of the Mover of the Motion who said that most of the great institutions that we have --- There is just something that corrupts us, as a people. We hope that those who work in these institutions will continue to uphold their integrity and the job they do because it is a very important and significant job, not just for us, as a country, but also putting us on the world map to be known that we have the best researchers, and that we are coming up with different vaccines. We know what we were able to do with malaria. I hope that we can continue to do it, so that we can take care of our children.

In conclusion, that is the only way that we can have a healthy and wealthy nation.

Sen. Kisasa: Asante, Bw. Spika wa Muda. Pia mimi najifunga kibwebwe niunge mkono mjadala huu. Shukrani zangu za dhiti kwa Sen. (Prof.) Anyang'-Nyong'o kwa sababu hii ni Hoja ambayo ni ya maana sana. Nataka pia kumpongeza ndugu yangu, Sen. Harold Kipchumba, kwa kupasua mbarika hii.

Bw. Spika wa Muda, aibu ya maiti aijuaye ni mwosha. Adhabu ya kaburi aijuaye ni maiti. Agunduaye ndwele ndiyo mganga. Sen. Harold amefanya jambo la maana sana.

Nampa pongezi tena ndugu Sen. (Prof.) Anyang'-Nyong'o kwa sababu tumezoea kupongeza watu ambao ni maiti au mamati. Saa hii mtu akifungua runinga, atauliza ni nani amekufa kwa sababu hatupeani sifa mpaka mtu awe amekufa.

Hii ni Hoja nzuri kwa sababu twapeana sisi wenyewe heko; tutakuwa mashujaa. Shujaa ni nani? Shujaa sio lazima apigane. Huyu Sen. Kipchumba pia ni shujaa kwa sababu ya ushujaa alioufanya.

Bwana Spika wa Muda, sio rahisi mtu awe kilema ili aweze kusema ni vipi alipata ulemavu huo. Mbarika hii imekuwa muhimu sana. Utaona ya kwamba bado itikadi zetu zinatuvuta nyuma. Watu wengi bado hawataki kukubali kwamba ugonjwa huu wa polio unaweza ukazuilika. Ukiangalia, yamesemwa mengi na Sen. (Dkt.) Khalwale. Mama mja mzito lazima apate chanjo ambayo itamsaidia. Mama anapojifungua, yule mtoto lazima apate chanjo zote. Unapodungwa na msumari, lazima pia uangalie matibabu yake ni gani. Serikali inafaa kutoa huduma hii pasipo kuwalipiza waathiriwa.

Bwana Spika wa Muda, kama Wakenya tumezoea kusifiana kama mtu amekufa. Ninataka kutokea leo tubadilike na tupeane sifa kochokocho kwa kila mtu ambaye anatenda mambo ya maana katika nchi yetu. Sio rahisi kwa wagonjwa wa kupooza kutoke nje. Kule kwetu, kuna watoto ambao hawajatoka hata nje.

Sen. Kipchumba alijitokeza kinagaubaga na akasema kwamba alikuwa ameathiriwa na ugonjwa wa kupooza. Pili, amesema kwamba tusijifiche watoto kwa nyumba kwa sababu ya ulemavu. Watoto wetu wengi wanafichwa kwa nyumba mpaka siku ya kufa kwao. Imekuwa ni aibu mtu kusema kuwa ana mtoto ambaye amelemaa. Kwa hivyo, utaona hii mbarika Kipchumba ameipasua sio mbarika rahisi kwa sababu amekuwa kielelezo, amekuwa mfano, amekuwa ni mtu ambaye anaeleza watu kwamba, hata kama umelemaa, maisha yanaweza kuendelea na yakawa mazuri kuliko vile yalivyokuwa.

Bwana Spika wa Muda, wengi wetu tumekuwa na huzuni sana kutoka aondoke kwa sababu kama hapo awali, nilivyosema ni kakaangu. Tulishindwa hata kujua tutamwambia jambo gani kwa sababu alikuwa ni mmoja wetu, kaka yetu na rafiki yetu katika Bunge hili la Seneti. Lakini leo, tunaona kwamba Mwenyezi Mungu amepa hadhi nyingine. Kama tunavyosema, mlango huu ukifungwa, Mwenyezi Mungu atakufungulia mlango mwingine.

Kwa hivyo, tunataka kumpa hongera kabisa kwa sababu kama ni mtu mwingine, tungesikia labda alijinyonga, tungesikia labda na yeye pia hatoki nje, lakini ametuonyesha mfano ambao watu wengi sana isingekuwa jambo rahisi kutoka na kuonekana tena kwenye runinga na kuwaelimisha wengine. Pia, si rahisi mtu mwingine kusema, usikanyage hapo pana msumari umenidunga. Wengi wetu tungenyamaza mwingine naye adungwe ili tumwambie pole.

Kwa hivyo, ana roho ambayo watu wengi hawana. Ninataka kuwaomba wale walemavu wote waige mfano wa Harrold Kipchumba wajitokeze ili tuishi kama Wakenya, ili nao pia watachukuliwa kama binadamu wale wengine.

Bwana Spika wa Muda, twahitaji utafiti zaidi kwa mahabara yetu ili kumaliza magonjwa kama ugonjwa wa polio ama kupooza. Tuangalie vifaa vyetu vyahifadhiwa vipi, kwa sababu tukiangalia zile chanjo, lazima ziwe zinahifadhiwa vizuri. Tumenunua ambulansi, je, tuna friji za kuhifadhi madawa hayo? Lazima tuangalie vitu ambavyo ni

muhimu zaidi. Tukiangalia friji tunaweza kusema ni chombo ambacho hakina maana. Kwa hivyo, labda tutaangalia ambulansi tu. Sasa lazima tuangalie vitu gani vidogo vidogo pale kwenye mahabara yetu ni muhimu zaidi na vitatusaidia zaidi. Lazima ugonjwa wa kupooza uwe ni ugonjwa ambao tutauchukulia kama umepitwa na wakati.

Bwana Spika wa Muda, tulikuwa kule Geneva kwenye mambo ya ulimwengu mzima kuangalia mambo ya hospitali, magonjwa na maradhi. Kuna nchi ambazo tayari zimekabiliana na ugonjwa huu wa kupooza na lazima tuwe tutaangalia mama mjamzito anapojifungua anahitaji kusaidiwa vipi. Isiwe kwamba mtoto anapooza kwa sababu ya magonjwa ambayo tunaweza kuzuia kama vile ugonjwa wa kupooza. Tunajua kwamba kuna ya Mwenyezi Mungu, lakini mpaka iwe ni ajali ambayo imebidi tulala, tutakuwa walemavu lakini tusilemae kwa sababu ya polio.

Tusilemae kwa sababu ya magonjwa ambayo tunaweza kuyazuia. Lazima tutahadhari kabla ya hatari. Mara nyingi utaona sisi kila siku twapelekana – Waingereza wenyewe wanasema “*postmortem*”. Haifai na tutakataa *postmortem*. Tunataka kila kitu kiwe kitafuata na kuenda vile inavyohitajiwa na hatutauona tena huu ugonjwa wa polio katika nchi yetu, isipokuwa kwa wale ambao tayari wamekomaa sana.

Bwana Spika wa Muda, twataka kila mzazi ambaye ana ugonjwa ule, na kila mzazi ambaye hakupata, awe anafanya bidii ili waasithiriwe na polio. Nimesema hapo awali tunataka utafiti zaidi kwa sababu tukiangalia kama kile kisa ambacho kilitokea kule upande wa Magharibi, watoto ambao walilemaa kutokana na chanjo ambayo walipewa, lazima tuwe waangalifu kama wauguzi, mimi nikiwa mmoja wao. Ni lazima tujiulize; je, ule ulemavu umetokana na ile chanjo? Je, ule ulemavu umetokana na mtu kutojua ni dawa gani atatumia kuwatibu wagonjwa wake?

Je, ile chanjo iliwekwa mahali ambapo panafaa? Tumesikia mifano ambayo imetolewa na wenzangu ambao wamenitangulia, Lazima tuangalie kwa sababu hivyo ni vitu vidogo lakini vinaweza kuharibu maisha ya mtu. Ni kitu ambacho kinaweza kumfanya mtu afikirie kwamba hafanani na wengine.

Ulemavu sio jambo rahisi kwa sababu utakuwa mgonjwa na wale wengine wataendelea na shughuli zao za kila siku. Utakuwa mgonjwa, lakini wenzako watacheza mpira na wewe huwezi kwa sababu mama hakukupeleka kwa wakati mwafaka kupata matibu dhidi ya polio.

Kwa hivyo, huu wote ni uangalifu. Nimesema tuwe waangalifu; mama akiwa mjamzito, tunataka pia kina baba wawe pale. Tukiwa wajawazito tubembelezwe ili tuende kwa hospitali kupata chanjo. Ninamwona Seneta Kanainza anapiga makofi. Ningetaka kumwambia kwamba ni lazima ubembelezwe na ukumbushwe kwa sababu huo ndio wakati ambapo twataka kukumbushwa. Tunataka kubembelezwa na kubebewa vipochi ambavyo havina pesa; ambavyo viko tumboni. Msingoje vipochi ambavyo vina pesa.

Bwana Spika wa Muda, utaona mama lazima alindwe. Tusaidieni kama kina mama. Tutafanyaje kupunguza ulemavu huu? Tunapoenda kujifungua, tunaomba wanaume pia wakae nasi pale. Kiuno muwe mtuangualia na sisi pia. Msitungojee tu nyumbani. Ukiangalia ulemavu huu, utagundua kwamba ugonjwa huu unaletwa na mambo mengi sana ambayo yanaweza kuzuiliwa. Kama nilivyosema hapo awali, lazima tujihathari kabla ya hatari, na unaona vile hatari ni nyingi. Pia, tuwe waangalifu barabarani. Sio polio tu ambayo inaleta ule ulemavu. Kama tunavyosema, “hujafa

haujaumbika” na chochote chaweza kutokea mpaka ushangae kama kweli huyu ni mimi, Sen. Mvita. Wakati huo umejikunja na kurudi mdogo kama futi mbili. Sio jambo jema.

Lazima tuangalie ni vitu gani, yule mtu mwingine anajipenda na ana uhai kama ulivyopewa wewe. Hakuna mmoja wetu ambaye ana nguvu ama anatakiwa na Mwenyezi Mungu kufupisha uhai wa mwenzake.

Bwana Spika wa Muda, jambo la tisa ni kwamba lazima tuwe waangalifu, lazima tupendane, lazima tutaangalia kama tunavyo vile vifaa, lazima kuwe na wauguzi mle hospitalini, lazima kama hivi sasa tumeenda kwenye mambo ya ugatuzi, hospitali zetu zahitaji nini? Kuna vitu vidogo kama friji ama jakuuzi ambavyo hatuna. Jambo la muhimu sana kwenye mambo ya polio ni kama tutaangalia ulemavu. Inafaa tuangalie kwamba zile chanjo zetu tumezinunua wapi? Je, tuwe waangalifu ili tujue tarehe ya chanjo hiyo ipo sawa. Hapo awali, mtu anatoa tu kwenye friji na anadunga. Mbona hajidungi yeye mwenyewe kama ni sawa? Lazima tupendane na tuwe waangalifu zaidi.

Shukrani, naunga mkono Hoja hii.

Sen. Kanainza: Mr. Temporary Speaker, Sir, thank you for giving me this opportunity. I will start by appreciating Sen. (Prof.) Anyang'-Nyong'o for showing how proud he is to be Kenyan. This is not the first time he is bringing such a Motion. I remember in the last Session, he also brought a Motion to appreciate our heroes in the country.

Former Sen. Kipchumba is a special person to us, as Members of the Senate. That is why we are giving him special recognition. We celebrate heroes in this country, and we celebrated a number of people on 20th October to mark the *Mashujaa* Day. I remember the contributions of Sen. Kipchumba while he was serving as a Senator for that short time. He was an intellectual and did his job in this House very well. We also appreciate that even after he left the Senate, he has continued to serve this country in a special way and for the good of the country.

He has instrumentally engaged the public in the immunization campaign. He has advocated and identified 15 polio survivors. Through this, he has encouraged all of us. If such a person can do such a thing, why can we not also emulate and do more because we have better ability than him? He was a Member of our party, and I believe he is still a member of ODM. We truly miss his contributions in the House, but at the same time, celebrate him because of the contribution he is making to this country. The United Nations Children's Fund (UNICEF) has recognized his work.

As Sen. (Prof.) Anyang'-Nyong'o was going through the Motion, I remembered a small Muslim boy who made a homemade clock which was suspected to be a bomb and he went with it to school. He was arrested but the President of the United States of America (USA) invited him to the White House, just to show his innovation. It is a challenge to our country and our county governments. Sometimes this year, there was a young boy from Kitale who came up with an innovation of a helicopter. What are we doing to ensure that our young innovators are encouraged and given the best facilitation, so that we keep on having people who can bring a difference and change in our country?

Mr. Temporary Speaker, Sir, immunization and vaccination touch on the Ministry of Health. We are aware that it is a devolved function. It is time that the national Government together with the county governments looked into the best practices in

health, so that we do not have such cases. As I said earlier on the petition, we should invest more in research so that we can enhance vaccination to prevent ourselves from avoidable disabilities due to polio or having complications because of wrong immunization or wrong medication for Tetanus.

In conclusion, I propose that as the Senate, we need to come up with an immunization law so that this issue is properly covered in law. By having a law on immunization, we shall ensure that our children get the right to immunization and vaccination. At the same time, it will encourage our parents and those who have certain religious beliefs that immunization is not good. We should put in place legislation requiring that for a child to be admitted to Class One, for example, she or he should have a vaccination certificate. This will ensure that all children between the ages of 1-5 are vaccinated, so that we do not have these problems.

Sen. Kipchumba was born a normal child, just like Sen. Njoroge. But because of this challenge, they suffered polio and that is why they have their current condition. Just as we are celebrating Sen. Kipchumba, let us think of having an immunization law, so that our children are granted the right they deserve. The UNICEF, a United Nations (UN) Agency and the WHO have done their bit by recognizing Sen. Kipchumba Harold - not Sen. Murkomen.

The Temporary Speaker (Sen. Murkomen): Order, Sen. Kanainza. Are you saying they did well to recognize him as opposed to me or that he is not the same person as Sen. Murkomen?

Sen. Kanainza: I almost said "Sen. Kipchumba Murkomen."

The UNICEF and WHO have recognized him and it is time we appreciated the usage of the vaccines that are produced by WHO and procured by UNICEF. They have proved to be safe and effective. The UNICEF has done its bit. It is time that the President of this country together with the Committee that recognizes heroes awarded Sen. Kipchumba with the Order of the Golden Warrior (OGW) because of the good work he has done. I believe that all of you concur with me---

Sen. Lesuuda: On a point of information, Mr. Temporary Speaker, Sir.

Sen. Kanainza: I accept to be informed.

Sen. Lesuuda: Mr. Temporary Speaker, Sir, I want to inform my sister that he does not need to get the Order of Golden Warrior; there are other higher commendations. We will be looking to see whether he will be among those who will be commended on 12th December.

Sen. Kanainza: Thank you, Sen. Lesuuda for informing me. That just confirms that the Government should consider giving Sen. Kipchumba the highest award in the country, which is the Order of the Golden Warrior. As Senators and Kenyans, let us live to make a difference in our country.

I support the Motion.

Sen. Melly: Mr. Temporary Speaker, Sir, as my colleagues have put it, I want to congratulate the Senator for Kisumu, Sen. (Prof.) Anyang'-Nyong'o, for bringing this wonderful Motion. From the outset, I want to congratulate Sen. Harold Kipchumba for being the 2015 United Nations (UN) Person of the Year. Such awards do not come as easy as we may think. Sen. Kipchumba is a champion of people living with disabilities.

He has truly proven that disability is not inability. Sen. Kipchumba who happened to be one of us at the beginning of this Senate, will forever be remembered for the sacrifice he has made not only for this country. I am sure the recognition that he was given by the UN is beyond this country. Therefore, he has done the best not only for this country, but for the rest of humanity in the world.

Sen. Kipchumba will be remembered forever for having been a champion in the fight against polio and having a society that is healthy and able to deliver on the agenda of this country.

My question to all of us, as elected leaders, and even those who are not elected, is: What will you be remembered for at a time when you will not be a Member of Parliament? What will you have done for this country? We need to appreciate Sen. Kipchumba. I wish him well as he continues to champion the rights of people living with disabilities and in the fight against polio.

Martin Luther King Jnr. once said that a person who has not discovered what to die for is not fit to live. Sen. Kipchumba has discovered what to die for. There is a member who said that that he achieved because he was no longer a Senator. However, according to me, you can achieve anything even as a Senator. I appreciate that he now has the time to work. He discovered that the best thing that he could offer this country irrespective of the challenge he has as a person living with disability, is to believe that he can take his dream further to have a country that is free from Polio and make progress.

Mr. Temporary Speaker, Sir, Sen. Kipchumba has done his best. As I said, there are a number of people living with disabilities. As I contribute to this Motion, I challenge them; the fact that they are disabled is not an excuse that they cannot make it in life. We have a number of cases of people living with disabilities not only in this county, but the world over who have made progress. There are great businessmen, doctors and leaders who are people living with disability. I challenge any person living with disability that they have what it takes to make life better for the rest of us. They can achieve in life. What they need to do is believe in themselves. They have the best example of none other than Sen. Kipchumba who happens to have been one of us here.

Mr. Temporary Speaker, Sir, there is a saying that a healthy population is a working population. If this country has to make progress, talk of the Millennium Development Goals (MDGs) and Vision 2030, all surround human capital or resource. Unless we have a healthy population, which is able to work every day and make sacrifices, we may not achieve all that we want. This is the reason for this great campaign against polio to ensure that children are born free of polio and have the strength and capacity to work to the best of their respective skills. In order to build this country, the only way is for us to join Sen. Kipchumba in the campaign against polio so that in the next few years, because I have a firm belief that we will have a country that is 100 per cent free from polio.

I am sure that Sen. Kipchumba did not work for the Ministry of Health before being nominated for the award. However, he did his best without any salary or being recognized. That is why, today, the Senate has a Motion to congratulate him for the good job that he did and the sacrifice he made which the world now has recognized; that there is somebody called Sen. Kipchumba. Where I come from, the Kalenjin Community, the

name Kipchumba is associated with great things. That is why we have a great and eloquent Senator for Elgeyo-Marakwet called Kipchumba. Now, we have Sen. Harold Kipchumba who is the champion for polio. A number of Senators have mentioned that. I agree with them that any Kipchumba in Kalenjin Community is a person who has made a difference and is recognized. That is why we have brought this Motion to congratulate former Sen. Harold Kipchumba for the good work that he has done for this country although he is no longer a Senator.

Mr. Temporary Speaker, Sir, I call upon every person whether physically challenged or not, that they can make a difference in life. There is nothing in this life that is not possible. The condition that you were born in is not a limitation to what you can achieve in life. Everybody has a dream and you can achieve it if you work hard for it. Sen. Kipchumba has done the best and as other Senators, including Sen. Kanainza have said, let me repeat that, it is our humble request to the Government to recognize Sen. Kipchumba and reward him for what he has done for this country. There are other people who have been recognized in a special way. If the Government can recognize the efforts of Sen. Kipchumba, we will have many other people like him coming up to ensure that this country is healthy and we have a population that is ready to work and deliver on behalf of this country.

There are a number of countries that have completely wiped out polio. It is possible for Kenya to be free from Polio and other disabilities. That will be a great reward to Sen. Kipchumba for the great work that he is doing. I believe one day and time, we will celebrate what he did by fighting polio when Kenya will be free from it.

Mr. Temporary Speaker, Sir, once again, I congratulate the Mover of the Motion, Sen. (Prof.) Anyang'-Nyong'o, from Kisumu. I believe that because of this discussion, we will make progress and see more people making sacrifices for the sake of this country.

I beg to support.

Sen. Okong'o: Mr. Temporary Speaker, Sir, from the outset, I would like to commend Sen. (Prof.) Anyang'-Nyong'o for bringing this Motion to commend a hero of not only this nation, but the world. There is a saying that when one door closes, God opens bigger doors. This is what happened to Sen. Harold Kipchumba who has had a passion for human rights activism for a long time. He has not only fought for people living with disabilities, but for the second liberation of this country. Many people know that Sen. Harold Kipchumba wanted change when he stood up against successive governments during the fight for the second liberation of this nation.

Mr. Temporary Speaker, Sir, Sen. Harold Kipchumba's recognition by the UNICEF is a great stride for this country. He stood for what was close to his heart. I saw him on television on several occasions, with a beaming smile while advocating for mass immunization for children who have a chance for immunization unlike him who never had the opportunities that we have today. There are families today who keep children who are disabled under the carpets. It is important, with the advent of the information we now have, that families, members of the public, Members of Parliament and all activists join the work which has been started and well done by Sen. Kipchumba as we commend him today.

Mr. Temporary Speaker, Sir, the National Government and county governments have not complied with the constitutional requirement that we make facilities accessible for those Kenyans who are living with disabilities. There has been piecemeal compliance with the Constitution in terms of those people who cannot access offices, classes and even public service vehicles. Almost 90-100 per cent of the public vehicles are not compliant with the less fortunate Kenyans who can only achieve other goals if they have access to various destinations in life.

County governments have not even complied with even a quarter of the requirements by the Constitution that people living with disabilities need to be given rightful share. It is high time, when we are congratulating this hero of Kenya, that we ask the national Government and county governments to wake up, so that we can endeavor to achieve what this hero has done.

Many households, I have seen in television through media which has done a good job in going to visit those families who feel that their children who are bedridden cannot be exposed to life and get assisted to live better life. We need special schools for those children who were not immunized and who suffered the maladies of disabilities. We need to give those living with disability opportunities to excel in music, art and sports, because that has been seen. Now that we can access the media all over the world, you see many people who are living with disabilities managing and doing well in activities. It is incumbent upon us to challenge ourselves as leaders.

For some of us who have shared closely with this hero, he is a man of wisdom and knowledge, humble, calm, straightforward and focused and fearless. That is why the United Nation Children's Fund (UNICEF) has recognized him as a hero. In this country, there is a strategy not to recognize people, whereas the whole world can see men and women of repute and wisdom.

Mr. Temporary Speaker Sir you realise that the late Prof. Wangari Maathai was only recognized by a Nobel prize, while we, Kenyans, never bothered to recognize her at all but that is a forgone chapter in history. It is incumbent upon us that as we move on to celebrate our Independence Day on December 12th - I know the HANSARD - those people who sit in the Jubilee Coalition and the Committee which proposes distinguished Kenyans to be given awards will just send this to the relevant committees to consider giving this gentleman an award he deserves. It is also incumbent upon us, as a House, to come up with a law in this House of the Hall of Fame for the counties; for men and women of repute and wisdom. Men who have courageously served this nation; there are many Kipchumbas in this country. It is only that we have not had an opportunity to honor them.

Mr. Temporary Speaker, Sir, I reiterate my congratulations to one Sen. (Prof.) Anyang'-Nyong'o. He is a man of wisdom and repute. He is a man who has done a lot in this country. It is important that we speak to him so that he gets to know that he has contributed immensely to this country for the last 50 years. He is among men and women who need to be recognised.

With those few remarks, I commend and support this Motion.

Sen. Elachi: Thank you, Mr. Temporary Speaker, Sir. I thank the Senator of Kisumu County. I also join my colleagues to thank the former Sen. Harold Kipchumba.

Mr. Temporary Speaker, Sir, during the 70s, this country went through a seriously rough time of trying to obtain a polio vaccine. I also thank Sen. (Prof.) Anyang'-Nyong'o because of the serious campaigns on polio and other vaccines while he was the Minister for Health. Today, as we speak, I thank Kipchumba because of the heated vigorous campaign around the country for the last one-and-half years. It has seen many parents understand the importance of polio vaccine. To date, you find in rallies, weddings, funerals and other social functions, that there are medical health workers going round making sure that every child below five years is vaccinated.

Mr. Temporary Speaker, Sir, we also thank the First Lady and many others who have done tremendous philanthropic work for this country. We thank those who have stood firm in other fields by safeguarding children, youth and women. It is time we recognised such people. In the United States of America (USA), during the breakfast prayer day, all the heroes and heroines are brought together to be commended. They are the ones who give speeches to the rest of the congregation. I wish one day in this country, we will ensure that those who bring in changes to lives of others are given an opportunity to give their story so that other people can emulate and join their cause.

Former Sen. Kipchumba wished that one day while in leadership, he will transform the lives of many people. Having left the Senate, he continued with his dream regardless of what he went through. Today, people look at him beyond what people would have imagined of him in the Senate.

I thank him for having stood firm in what he believed in. As a Senate, we have always prayed for him. We know he is doing a tremendous job for this country. Now that he is doing that job, it is much better because it makes him work across the board. It does not tie him into a political context where he has to do work because of Jubilee or Coalition for Reforms and Democracy (CORD). We thank him for having stood as a nationalist. He is doing the best for Kenyans.

Mr. Temporary Speaker, Sir, the United Nations (UN) has proposed that one of the Sustainable Development Goals (SDGs) is to ensure that maternal and reproductive health is sustained in the countries. We should not let our children suffer from Polio or any other disease which they can be immunized against.

Mr. Temporary Speaker, Sir, in the news this morning – I was just sharing with my colleague, Sen. Lesuuda – there was a clip about bats in Kisii County. There were about 40,000 of them that were perched on a tree---

(Laughter)

Please do not laugh because this is not a laughing matter. These bats could end up carrying Polio in a different way. It may not be the Polio, that we know, but any other disease that we do not know about or even Ebola. One of the persons who were interviewed under that tree said that – it was very interesting – recently, he was standing under the tree and a bat urinated on his head. I am sorry to say that. He went on to say that after that, there was a serious sore on his face. He has been going to hospital, but doctors are unable to treat the condition. The officer in charge of the environment, who is supposed to state whether or not the bats are a health hazard or could cause serious health

hazards to the community, said that he will ensure that they are preserved as a tourist attraction. I was very shocked and wondered whether this is happening in Kenya. The officer said that the bats can eat up to 10,000 mosquitoes in one night.

Sen. Okong'o: On a point of information, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Murkomen): Sen. Elachi, are you willing to be informed?

Sen. Elachi: Yes, Mr. Temporary Speaker, Sir. He is from Kisii.

Sen. Okong'o: Mr. Temporary Speaker, Sir, allow me to inform Sen. Elachi that scientific research shows that bats' faeces and urine have some components which can cause Ebola and many other diseases. The bats fly to Migori at night to look for food and come back to Kisii County during the day. That is the danger I wanted to inform the Senator about. I do not know whether that officer works with the county government or the national Government.

Thank you, Mr. Temporary Speaker, Sir.

Sen. Elachi: Mr. Temporary Speaker, Sir, we need to remind ourselves about the 1970s when Polio was a serious threat and we have managed to contain it. Experienced medical health officers must be taken to Kisii and find a way to deal with those bats. I agree with Sen. Okong'o that is a very dangerous issue. If we are not careful, we may be faced with a very serious disease outbreak in Kisii very soon. To make the matter worse, the county governments chased away experienced officers and employed quacks simply because they are from their counties. We shall face a very serious outbreak.

Sen. Okong'o: On a point of order, Mr. Temporary Speaker, Sir. Is Sen. Elachi in order to say that county governments chased away well trained doctors and kept quacks in their governments?

The Temporary Speaker (Sen. Murkomen): What do you have to say, Sen. Elachi?

Sen. Elachi: Mr. Temporary Speaker, Sir, let me rephrase what I said. I meant that counties released very senior officers who would have worked professionally for them and employed those from their counties. That is something that this Senate must look at to ensure that professionals are brought back.

Mr. Temporary Speaker, Sir, I am requesting the Ministry of Health to look at that issue. As we look at these others, we do not want to celebrate that we have finished what Mr. Harold Kipchumba has done for us and then find ourselves in another situation, where we will start --- We do not even know whether there are students carrying out research. I wish that we could start from that level and have students carry out research to find out the consequences of having such a colony of bats in a place.

As we celebrate this, let us urge many others to come in and support Mr. Harold Kipchumba. We want to see different campaigns rolled out. There is polio, tuberculosis, malaria and many other tropical diseases that affect this country. When, for example, the First Lady gives out those mobile clinics, we want to see the results. We want to hear people say that those mobile clinics have helped them. We also want to see data that shows that the number of maternal and infant deaths is on the downward trend.

Mr. Temporary Speaker, Sir, I know that the real data in polio indicates that we have reduced by far the number of those who are affected by polio. That is why Mr.

Harold Kipchumba won that award. He has made Kenya proud and we must celebrate him. We hope that in December, he will receive the highest award from the country and Government for the sector of health for having stood firm for the children who are five years and below. That is the age where many children face different challenges and many of them suffer polio and many other diseases.

As I support, let me salute Mr. Harold Kipchumba. In the Senate, we are, indeed, proud that you were one of us and you are still one of us because the title remains that you will always be a Senator. For once, let us move out. I hope that Sen. Njoroge and Sen. Omondi will support him in terms of ensuring the polio campaign and other campaigns for people living with disability are sustained. We even have albinos and many other forms of disabilities. I think they have a very critical job and that is why the Constitution gave them the opportunity to be in Parliament. I hope that they will take this chance and ensure that before they leave this House, they will ensure that we have passed critical Bills, not just in the Senate but also in the National Assembly to support people living with disability and ensure that their voices are heard.

Today, they cannot stand out there and say that they are still marginalized because they are now right inside the decision making organ. They must stand up and fight for their people. While we also stand and fight for them, they are the wearers of the shoe and understand better the pain that people with disability go through. However, we always believe that disability is not inability. Therefore, given an opportunity, we know they can also join the force to transform this country. As he moves on, we wish him well together with his son. I remember the last time he was leaving, his son was sick in hospital. I believe that that young man has since healed and moved on with his life.

With those few remarks, I beg to support.

The Temporary Speaker (Sen. Murkomen): There being no other contributors, I call upon the Mover, Sen. (Prof.) Anyang'-Nyong'o to reply.

Sen. (Prof.) Anyang'-Nyong'o: Mr. Temporary Speaker, Sir, I would like to commend all the Senators who have paid great tribute to our colleague, Sen. Harold Kipchumba. When I spoke earlier, I did mention that one of the great American Presidents was disabled but was a great achiever. In fact, he is one of the longest serving Presidents of the United States of America (USA). I did not mention his name; he is Franklin Delano Roosevelt, who was President from 1933 to 1945. It is then that the Americans realised that good people can be presidents forever democratically and introduced the term limits.

Mr. Temporary Speaker, Sir, because we are honouring Mr. Harold Kipchumba, I would like to give some quotes from Franklin Delano Roosevelt which actually describe Mr. Harold Kipchumba very well. They describe the vision and commitment of great achievers like him. Franklin Delano Roosevelt once said: "The only thing we have to fear is fear itself."

Sen. Harold Kipchumba has not feared anything with his disability. Secondly, he also said that: "The test of our progress is not whether we add more to the abundance of those who have much. It is whether we provide enough for those who have little."

Mr. Temporary Speaker, Sir, the fight against polio and the focus on fellow persons with disability are those who have little. If, indeed, our fight for vaccination of

babies who have not come to this world and have nothing, we will really add a lot to their lives when they come to this world.

Thirdly, Franklin Delano Roosevelt also said: “Happiness lies in the joy of achievement and the thrill of creative effort.” Obviously, when Sen. Kipchumba came up with this idea of campaigning around the country and getting 15 ambassadors to fight for vaccination against polio, it was something creative. He copied it from nowhere. That is where his success comes from.

Finally, Franklin Delano Roosevelt also said again at one time, that: “There is a mysterious cycle in human events. To some generations much is given, of other generations, much is expected. This generation of Americans has a rendezvous with destiny.”

Let me also add, quoting from Franklin Delano Roosevelt that this generation of Kenyans has a rendezvous with destiny. In other words, the challenges of our time will only be appreciated by the future if we make the future different for our children and our children’s children.

Mr. Temporary Speaker, Sir, as I speak about my friend, Mr. Harold Kipchumba, I remember that when I was a child, my elder brother who was 18 months older than me, the late Prof. Aggrey Nyong’o, suffered from polio. He was treated using traditional medicine. I remember him lying in bed and the medical doctor who was a traditional healer came and made some cuts on his legs and put some medicine there. For months, he was wailing in bed but finally, he emerged and conquered polio. Therefore, we should give respect to traditional healing and medicine.

In many societies, including the Chinese, they have institutionalized traditional medicine. I remember going to India, once you get your prescription, you have a choice, either to go to the pharmacy where you will get prescription for modern medicine or go to another pharmacy just next to it where you get prescription for traditional medicine. Therefore, rather than think less of our traditional healers – I tried very much when I was Minister to make sure that we institutionalize traditional medicine. I hope we shall continue with that initiative.

Mr. Temporary Speaker, let me just conclude. Sen. Elachi has just said and as my dear friend, Sen. Lesuuda, said earlier on, let us also commend the efforts the Government has been making towards vaccination and particularly in this campaign against polio. I think we should really - as the ambassador for trachoma, Sen. Lesuuda said, this ambassadorial position should not be taken just as sinecures; they are a sense of bestowing responsibility on our people to make sure that they succeed in creating proper health services in our nation.

I beg to commend, I hope that this honour we have bestowed on our friend, Harold Kipchumba, will deeply be appreciated by the world of nations.

The Temporary Speaker (Sen. Murkomen): Thank you. I have enjoyed your contribution and the contribution of everybody else. I was wishing to be part of those who would have contributed but now, I am the Speaker.

(Question put and agreed to)

ADJOURNMENT

Hon. Senators, it is now time to interrupt the business of the Senate. The Senate stands adjourned until tomorrow, Friday 6th November, 2015, at 3.00 p.m.

The Senate rose at 6.30 p.m.