

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 8<sup>th</sup> May, 2018

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

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

WELCOME TO HON. SENATORS TO THE  
SECOND PART OF THE SECOND SESSION

**The Speaker** (Hon. Lusaka): Hon. Senators, it is my pleasure to welcome you back from the recess on this first day of the second part of the Second Session. This part will take us up to mid-June, 2018. It is my sincere hope that you had a pleasant recess and had opportunity to engage with constituents in your respective counties.

Hon. Senators, before we went on recess, the Senate conducted a substantial amount of business in line with its mandate as provided in the Constitution. We managed to publish a total of 21 Bills, passed 4 Bills and negatived 1. As we resume sittings, let us all be aware that our in-tray is full as the following business is still pending:-

- (1) 2 Bills are at Committee State;
- (2) 12 Bills are at Second Reading Stage;
- (3) 2 Bills are due for First Reading; and,
- (4) 9 Petitions are before committees.

It is my sincere hope that the same zeal and dedication that you have shown in handling business before the Senate will be exhibited as we seek to fully exercise our role as the overseer of the devolved system of governance.

Hon. Senators, over the recess period, two critical events took place in the Calendar of the Senate. These were the Senate Leadership Forum held in Nakuru County between 4<sup>th</sup> to 7<sup>th</sup> April, 2018 and the 5<sup>th</sup> Devolution Conference held in Kakamega County between 23<sup>rd</sup> and 27<sup>th</sup> April, 2018. You will agree with me that these two events offered the Senate an opportunity to articulate pertinent issues in the discourse on devolution and participate in charting a way forward to address emerging challenges.

I take this opportunity to thank honourable Senators who actively participated in these two events and made invaluable contribution to their success.

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Hon. Senators, in conclusion, I would like to wish you all the best as you continue to discharge your mandate. I thank you.

### PETITION

#### ALLEGED DETERIORATING HEALTHCARE SERVICES IN WEST POKOT COUNTY

**The Speaker** (Hon. Lusaka): Hon. Senators, pursuant to Standing Order Nos. 220(1)(a) and 224(2)(b), I hereby report to the Senate that a petition has been submitted, through the Clerk, by forty-eight (48) residents of West Pokot County, concerning alleged deteriorating healthcare services in the county. As you are aware, Article 119(1) of the Constitution provides that, “Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.”

In the Petition, the petitioners have outlined the following issues, which they state have compromised the quality of healthcare services offered to residents of West Pokot County:-

(a) That, there has been rampant theft of key healthcare instruments and equipment at Kapenguria County Referral Hospital, the latest being that of an ultra-sound machine, without adequate measures being put in place to address the matter;

(b) That, the Deputy Governor of the county also serves as the County Executive Committee Member in charge of Health, which the petitioners state has denied the healthcare department the attention it requires;

(c) That, the recruitment of healthcare workers in the county has been carried out on the basis of political affiliations and not on merit or competency, thus compromising the quality of services offered; and,

(d) That, there has been undue harassment, as well as irregular transfers and demotions of healthcare staff in the county deemed to be loyal to the previous county governor.

The petitioners, therefore, pray that the Senate investigates this matter and makes appropriate recommendations thereon. Among the proposals made by the petitioners are for the Senate to direct that a forensic audit be carried out on the medical equipment acquired by the county and its current status, as well as a human resource audit and job evaluation of all healthcare workers in the county.

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. Seneta:** Mr. Speaker, Sir, thank you for giving me a chance to speak on this important petition. However, before I speak on it, I want to take this opportunity to welcome my colleagues back. I hope that this House will take seriously the business that we have heard is in our tray, so that we achieve more than what we achieved before we went on recess.

On this Petition, I want to congratulate the petitioners from West Pokot who thought about the health of their county. We need to empower more of our counties to

raise concerns whenever there is such an issue that touches on the health of our people. It is true that many of our counties are procuring medicine and equipment that do not meet the standards of medication that our people need. Therefore, I want to urge the Committee to not only look at the issue of the petitioners from West Pokot, but also all the counties so as to make sure that facilities procured for our health centres meet the standards required.

Those facilities should not only meet the standards, but also be used by trained personnel. We need to know if the personnel who are being employed in our counties are able to attend to the common *mwananchi* in our counties. We need to have experienced personnel in our counties. We also need to see people being employed on merit and not tribal lines or ethnic backgrounds for our people to get good services.

We recently experienced a scenario at the Kenyatta National Hospital where a patient was operated on without proper identity or diagnosis. We need to look into this matter. This Petition is important because it will not only help that county, but all counties because health is a very important aspect in our people's lives.

We need to know the medicine that our people are getting from the hospitals. Some of them are saying that if they go to a health clinic today, they will be given a note asking them to buy medicine from different chemists in town. We need to know the quantity and quality of medicine that is there and the facilities that are being procured.

Thank you for giving me chance to contribute on this.

**Sen. Dullo:** Thank you, Mr. Speaker, Sir. Sen. Seneta has addressed a lot of pertinent issues that affect many counties. I want to join her in congratulating West Pokot for coming up with such a Petition.

Health is a pertinent issue and a matter that affects the whole country. All the issues raised regarding human resource, security of equipment and poor health care services, where people cannot even get panadol or paracetamol in those hospitals, affect most of the counties. Cases where staffs are hired based on political alignment are happening in most counties. We need to look at how staff are recruited in most of those counties.

A lot of money is spent by the Government in making sure that people get proper service delivery, especially on matters health. This is because health is an important component and a fundamental right where all Kenyans are supposed to be safe. Unfortunately, what is happening in most counties is a challenging aspect. We have not moved from where we were five years ago despite the Government pumping in a lot of money.

This Petition is timely and I hope that its report and findings will enlighten us in terms of certain areas that we need to tighten as a Senate, to make sure that Kenyans get service delivery. One of the things that we need to do as a Senate is to make sure that the formulation of policies and standards is left with the National Government. If we leave the setting of standards of healthcare services to the counties, then we are killing that particular service delivery. This was even discussed in the 11<sup>th</sup> Parliament. It is a critical matter that this Senate should look into and see if we can get a legislation to control the standards that are kept by most of those hospitals.

I support the Petition.

**Sen. Kihika:** Thank you, Mr. Speaker, Sir. I also join my colleagues in congratulating the residents of West Pokot for bringing this very important Petition. I believe that the health of our people is one of the very important things in this nation.

Since health has been devolved to the county governments, bringing this Petition is something admirable, and the Petitioners should be congratulated for the timely move. This is because they are pointing out the issues that have been befalling the health sector in the counties. From what the Petitioners have brought forward, these issues are not only being experienced in West Pokot, but across the country. We have seen a lot of health facilities being built across the counties but without the human resource. We could have the doctors, but no medication despite the billions that have been given to the counties towards health. This has to be looked into.

We have also had issues to do with the security of the equipment in these health facilities. We are all aware of how much the counties are paying for the leased equipment and the amount of money spent when buying the equipment. We, therefore, cannot have the equipment lying around without security. That is important and it is a matter that needs to be looked into.

Finally, we have the issue of harassment of workers in these health facilities across the counties. We have seen cases where new governors come into office and tend not to treat the human resource that was left by the previous administration properly. This is something that should not happen because it leads to very low morale and lack of good services to the people across the counties.

This is a timely Petition and we look forward to hear what the Committee will bring forth.

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. Before I make my contribution on this matter, I would like to welcome you and my colleagues back. I hope that this session will support devolution.

I would like to make several comments on this Petition. I am very impressed by the action taken by the citizens of West Pokot. I hope that with the Public Participation Bill that is coming and the spirit of public participation, other counties will follow suit.

As I stand here, I have received a lot of pictures from my own county - Narok County - where citizens are complaining about the deteriorating healthcare facilities. It is imperative for the county assemblies to also take note of that because those citizens who petition the Senate could have actually even started by petitioning the county assembly which is locally based where they are.

Mr. Speaker, Sir, I hope that the Committee which will look at this Petition will get an opportunity not only to visit the healthcare facilities in West Pokot County, but also in all the 47 counties. This will encourage more citizens and the County Executive Committee (CEC) Members in charge of health to do their work effectively.

Mr. Speaker, Sir, I am surprised that in this case, the Deputy Governor of West Pokot is also the CEC in charge of health. By virtue of him serving in such a big position, he should have put it as a priority to ensure the healthcare facilities in West Pokot County are up to standards. I am, therefore, very surprised.

In the last session, we complained about deputy governors not having any portfolio and just sitting idle. This is why the governor of that particular county has gone

an extra mile to ensure that healthcare – which is one of the most important things in this country and in human life – is actually handled by his deputy. There is no excuse as to why the healthcare facilities should be deteriorating or why they lack medicine. With the amount of money which is being appropriated for healthcare facilities, this is embarrassing. This Senate should take that Petition seriously and ensure that, while visiting that county, whatever they learn from there, they compare with all the other counties.

I know that there is a lot which was portrayed during the Devolution Conference. For instance, I was so impressed with the healthcare facility in Kakamega County. The Committee looking at this matter should actually recommend that the Deputy Governor of West Pokot should, first of all, go and benchmark in Kakamega County to see what Governor Oparanya has done by setting up a good healthcare facility. These are basic needs which are enshrined in the Constitution.

Therefore, through such Petitions, I would like to urge all Kenyans out there to be active and I commend those citizens for bringing this Petition. These are the kind of Petitions that we should take very seriously. I know that there is always debate about the other Petitions. For instance, I remember the Petition on Marijuana, when the distinguished Senator from Meru said that it has no place in this House. However, on this particular Petition, I would even volunteer myself to pay for a flight to take the Deputy Governor to Kakamega County for him to see what Governor Oparanya has done.

Mr. Speaker, Sir, there is no reason why Kenyans should now go to hospital and lack medicine. I know that healthcare is one of the Big Four Agenda. We are not getting any younger and if we are unable to get proper medical facilities now, by the time we are in our 60s or 70s, we will just be dying! The deteriorating of healthcare facilities and lack of basic medicine like pain killers contribute to our health deteriorating further. If someone is taken to hospital and they cannot even get the basic medicine they need to survive, we should not be spending billions of shillings to lease equipment for dialysis yet when that equipment comes, patients are not attended to.

Mr. Speaker, Sir, I thank the citizens of West Pokot for having realised that the Senate is, indeed, there to defend devolution. Healthcare is a devolved function and I want to encourage the citizens of Narok to Petition this Senate so that we can pursue that. With the amount of money that we are putting into these hospitals, it is embarrassing that we are here talking about hospitals lacking medicine. I am really appalled.

Thank you, Mr. Speaker, Sir.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I take this opportunity to thank the residents of West Pokot County for bringing this Petition before the Senate. Indeed, the people of Kitui County and, perhaps, Kenyans across the 47 counties experience the same pain that the residents of West Pokot County experience as far as health matters are concerned.

Concerning this Petition, I request the relevant Committee to extend the scrutiny to all the 47 counties in the country. It is very appalling when you pay a visit to health facilities anywhere in this country. This is because you will find health facilities labelled as 'Level 4' hospitals, but when you get in there, it is a pity the kind of facilities and treatment that are offered there.

There is also the issue of personnel, which has been raised in this Petition. The problem is not only the quality of health providers in our counties in terms of their qualifications but, most importantly, the issue of ethics. It is common knowledge that in most counties, you will find doctors who are on full term employment in public hospitals running clinics in towns right next to where they work. You will also find pharmacists and technicians running chemists and private laboratories in towns adjacent to where they work. It is important to extend this scrutiny to all these areas, fix what is wrong with our healthcare and make sure the people of this country – not only that of West Pokot County – get the medical attention that they deserve.

Thank you, Mr. Speaker, Sir. I beg to support.

**Sen. (Prof.) Onger:** Thank you, Mr. Speaker, Sir. I want to add my voice in welcoming back the Senate and congratulating the residents of West Pokot County for bringing up this Petition to this House. Health is a devolved function and is fundamental to the survival of a nation. Unless health is taken care of in a judicious manner that will help the citizens appreciate the services being offered to them, it can become a disaster. Right now, we are going through the ravages of storm waters and the heavy rains pouring down and as a health professional, I am fully aware that this is the time when people get communicable diseases.

This is particularly so for the infectious diseases, which set in, in any given community where there is heavy flooding and where sewage and other items are mixed together with the normal drinking water. This can even happen when our children are walking in any of the streets going to school, to town or other places in a rural setting like in West Pokot. Therefore, we must make a very clear distinction between what is curative medicine and what is preventive and promotive medicine. I am saying so because the management of these elements will help both the county and the national Governments to appreciate the level of health management systems in our county governments.

The devolution conference on healthcare delivery facilities was very instructive. Therefore, I wish that this Petition will be a fore-runner of many other Petitions that will come from the counties. This will then allow us to spend more time and give more input so as to help our counties to appreciate the enormity of health issues, particularly as it relates to their own citizens within the counties.

Mr. Speaker, Sir, I plead that the relevant committee moves with speed to address this issue. We will be quite happy to share experiences in these types of committees so that they can come up with recommendations which will have a lasting solution to the healthcare systems in our counties.

Thank you, Mr. Speaker, Sir.

**Sen. M. Kajwang':** Thank you, Mr. Speaker, Sir. Allow me to also welcome you and other Members back from the recess. It has been reported that we have been on a five week holiday; it has not been a holiday. You mentioned some of the events that we have been involved in, not to forget that committees have also been working actively.

This Petition from West Pokot County comes from a county where the Governor was a Member of this House. He was a steadfast defender of devolution and very articulate when it came to shortcomings of county governments and how they could be bridged. What I increasingly see with many of the petitions is that – yes, every Kenyan

has a right to petition this Assembly – there seems to be a failure on the part of county assemblies. You are on record, and I know you have been widely quoted in the media as challenging county assemblies to do their job of representation, oversight and legislation. I feel that a number of the issues raised in the Petition could have been dealt with at the primary oversight level, which is at the County Assembly. Be that as it may, I believe that the relevant committee shall do justice to this Petition.

Mr. Speaker, Sir, there is a citation that some items have been stolen from the County. You do not need the Senate to intervene in this. Go to the police and make sure that the theft is reported and investigated. However, the more complex issue and which maybe could be the first one for this Senate, is that you have a Deputy Governor who also doubles as the County Executive Committee (CEC) member for health. This could help in what the Deputy President talked about; the idleness and the devilish ideas that go into the heads of deputy governors whenever they are idle.

However, when you give the deputy governor a substantive position, for example, to be in charge of health, the following question arises. If they fail to perform in that docket, how do you impeach the deputy governor? You can impeach a CEC, but a deputy governor is tied to the hip with the Governor. This will be interesting and we are waiting to see the recommendations that the Committee will raise.

Finally, Mr. Speaker, Sir, the petitioners have requested for a forensic audit. In the past, certain committees have requested for forensic audits from the Auditor-General and they have always cited limitation of funds. This Senate cannot carry out a forensic audit. It is time for us to figure out how we will establish an office of legislative audit that will give us the freedom and space to carry out performance and value based audits on demand. The law only obliges the Attorney-General to carry out financial audits.

Mr. Speaker, Sir, I beg to support the Petition.

**Sen. Nyamunga:** Thank you, Mr. Speaker, Sir. Although mine is not on the petition, I was just waiting to make a statement after the Petition. It is just in anticipation.

The Speaker (Hon. Lusaka): Okay.

Proceed, Sen. (Dr.) Musuruve.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to add my voice to this Petition. I commend the residents of West Pokot County for this Petition. Health is a basic need that we cannot ignore. If the residents have an issue, the Governor needs to realise that there is an issue that needs to be addressed. While at the Devolution Conference, health came out very strongly as one of the Big Four Agenda items. Therefore, we cannot afford not to listen to this Petition.

Mr. Speaker, Sir, I support Sen. Olekina, who observed that the Governor of Kakamega County, H.E Oparanya, is doing a commendable job. I insist that all governors should do what Governor Oparanya is doing because we need deliverables in the health sector. For us to have deliverables, governors need to be sensitive, especially to the issues of the health of their residents. If the health sector is ailing, all sectors in this country will ail as well. We cannot have a productive nation if citizens are not healthy. I, therefore, thank the petitioners and I suggest that the Governor should know that it is well meaning for this Petition to be brought to the Senate. This is because governors will be sensitive to the issues of their people and address them.

Mr. Speaker, Sir, I remember vividly that during the Devolution Conference, the health sector segment was well attended because it is a pertinent issue for all the people of this country. Devolution should reach all the citizens of this country, including the people of West Pokot County, who need to see the beauty of devolution. The beauty of devolution will be seen when there is a healthy nation and when all citizens are comfortable.

Mr. Speaker, Sir, I want to cite what is happening in Kakamega County. There was a time when women would give birth and they and their infants would die in the process. However, the Governor started a project to address the needs of expectant mothers. He took the initiative to ensure that pregnant women are well taken care of. Even after they give birth, some shopping is done for them and they are even given some money to encourage them, because women and infants are vulnerable at that time.

Mr. Speaker, Sir, I support this Petition so that something is done. I also support that it goes to the relevant Committee for it to look at it from a sober point of view so that we can address the issues that are going on in West Pokot.

Thank you, Mr. Speaker, Sir, for the opportunity.

**Sen. Omogeni:** Thank you, Mr. Speaker, Sir. I thank the Almighty God who took care of us as we traversed our counties during the vacation. I am happy to see that our Senators are back healthy and ready to work.

Mr. Speaker, Sir, let me begin by commending the people of West Pokot County, who are enjoying the fruits of the new Constitution of Kenya 2010. I hope that residents from other counties across the country will know the benefits that this Constitution accords to the people of Kenya. I know people who served in the 1970s to early 1990s never had an opportunity of having a citizen that is aware and well informed of their rights.

Just imagine what is before us today; this is a Petition by the people of West Pokot and it represents the residents of each ward from West Pokot, invoking their constitutional right under Article 119 of the Constitution to petition the Senate. I commend those residents, and I am happy that the people of Kenya are now well informed of their rights and they are ready to hold their county governments accountable.

Having said that, let me state that this Petition gives the Senate an opportunity to demonstrate to the country and the people of Kenya that, indeed, we have teeth and we can bite. The issues that are raised in this petition are quite serious. These residents have raised issues of theft of hospital equipment and instruments.

They are raising a very serious concern that a deputy governor has been appointed to be the County Executive Committee (CEC) member in charge of health. They are raising an issue of harassment, irregular and malicious transfers and demotion of health staff. Luckily, I serve in the Senate Committee on Health and I want to assure this House that we will be seized of this Petition. We will do justice to it to ensure that we fully investigate and report to the House on the serious allegations that have been brought forth.

However, I think our governors need to understand that if there was a devolved docket that is key to the citizens of this country, it is health. I would hope and believe that each governor will pay due attention to all matters dealing with health.



We have seen an agitation, including from Members of the National Assembly, saying that health should be removed from the mandate of county governments and taken back to the national Government. I do not think that is a debate that the Senate would wish to entertain. However, we need to put the governors into full accountability for all their actions and ensure that they put the health of their citizens at the fore. This is because without the people, we would all not be here because they are the ones who vote for us.

Mr. Speaker, Sir, I conclude by saying that in any occasion that the House is called upon to investigate such a matter, we should take it very seriously so that we can encourage people from other counties to seek assistance from the Senate when the need arises.

Mr. Speaker, Sir, I beg to support.

**The Speaker** (Hon. Lusaka): Let us finally have Sen. Khaniri.

**Sen. Khaniri:** Mr. Speaker, Sir, I thank you. I was not in when you presented this Petition and was not going to make a comment until I listened to Sen. M. Kajwang'. He made a contribution to the effect that maybe this Petition does not merit being one; that maybe it qualifies to be a police case or something of the sort.

Mr. Speaker, Sir, I state categorically that, first of all, I hail and commend the patriotic residents of West Pokot, who have petitioned this House on this matter. Health is a fundamental right as provided for in our Constitution. It is very clear in Chapter Four that health is one of the fundamental rights that Kenyans must enjoy courtesy of our Constitution, 2010. Being a devolved function, it is directly under us, as the Senate, being the custodian of devolution, to ensure that Kenyans enjoy this fundamental right.

We cannot sit back and see Kenyans suffering and not enjoying the rights that are provided for them without doing anything. I agree fully with the Senior Counsel, Sen. Omogeni, who said that this Petition presents us with an opportunity to demonstrate that, indeed, the Senate cares about the people that we represent in the counties. We are ready and willing to address issues that they bring to this House.

Mr. Speaker, Sir, the allegations being made here are very serious and grave. I hope the Senate Committee on Health – I hope this Petition will be committed to this Committee – will look into these allegations very seriously. This is because the prayers are that we investigate the matter and make appropriate recommendations thereon, which is very valid. We, therefore, thank them for bringing this Petition. We assure these residents that we will be seized of this matter and make sure that they get justice.

Mr. Speaker, Sir, Standing Order 226(2) is very clear; that once the matter is committed to a Committee, the Committee will have sixty days. This is one of those petitions that I plead with the Senate Committee on Health to ensure that they restrict themselves to the limitation period of sixty days. This is so that we have this report in the sixty days and ensure that we respond to this Petition in time.

I thank you.

**The Speaker** (Hon. Lusaka): Honourable Senators, pursuant to Standing Order No 226(1), the Petition stands Committed to the Senate Committee on Health. In terms of Standing Order No 226(2), the Committee is required, in not more than 60 days from the

time of reading the prayer, to respond to the petitioners by way of a report addressed to the petitioners and laid on the Table of the Senate.

I thank you.

Next Order.

### PAPERS LAID

**Sen. Dullo:** Thank you Mr. Speaker, Sir. I beg to lay the following Papers on the Table of the Senate today, Tuesday 8<sup>th</sup> May, 2018:

#### STATE OF THE NATION ADDRESS BY H.E. THE PRESIDENT

The State of the Nation Address by H.E. the President delivered on Wednesday 2<sup>nd</sup> May, 2018, at a joint sitting of Parliament.

#### ANNUAL REPORT ON REALIZATION OF NATIONAL VALUES

The first Annual Report on the measures taken and the progress achieved in the realization of the national values.

#### ANNUAL REPORT ON FULFILLMENT OF INTERNATIONAL OBLIGATIONS

The First Annual Report on Progress Made on the Fulfillment of the International Obligations of the Republic.

#### ANNUAL REPORT ON THE STATE OF SECURITY

The First Annual Report on State of Security.

#### THIRD ANNUAL REPORT (2014/2015) OF THE OFFICE OF DPP

The Third Annual Report (2014/2015) of the Office of the Director of Public Prosecutions.

#### FOURTH ANNUAL REPORT (2015/2016) OF THE DPP

The Fourth Annual (2015/2016) of the Office of the Director of Public Prosecutions.

#### NTSA REGULATIONS ON OPERATION OF COMMERCIAL VEHICLES

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The National Transport and Safety Authority Operation of Commercial Vehicles Regulations 2018.

KNBS REPORT ON WOMEN AND MEN IN KENYA 2017

The Kenya National Bureau of Statistics Report on Women and Men in Kenya Facts and Figures, 2017.

KNBS BASIC REPORT ON THE 2015/2016 KIHBS

Report of the Kenya National Bureau of Statistics on the 2015/2016 Kenya Integrated Household Budget Survey basic Report.

KNBS REPORT OF STATISTICS 2017 STATISTICAL ABSTRACT

Report of the Kenya National Bureau of Statistics 2017 Statistical Abstract.

KNBS LABOUR FORCE REPORT ON 2015/2016 KIHS

Report of the Kenya National Bureau of Statistics on the 2015/2016 Kenya Integrated Household Survey Labour Force Basic Report.

REPORT ON THE FINANCIAL STATEMENT OF NAIROBI  
CITY COUNTY ASSEMBLY CAR LOAN SCHEME FOR  
THE YEAR ENDED 30 JUNE, 2017

Report of the Auditor General on the financial statement of the Nairobi City County Assembly County Service Board Car Loan Scheme Fund for the year ended 30<sup>th</sup> June 2017.

REPORT ON THE FINANCIAL STATEMENT OF NAIROBI  
CITY COUNTY ASSEMBLY MORTGAGE SCHEME  
FOR THE YEAR ENDED 30 JUNE, 2017

Report of the Auditor General on the financial statement of the Nairobi City County Assembly County Service Board Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2017.

REPORT ON THE FINANCIAL STATEMENT OF MACHAKOS  
COUNTY ASSEMBLY HOUSING SCHEME  
FOR THE YEAR ENDED 30 JUNE, 2017

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Report of the Auditor General on the Financial Statement of the Machakos County Assembly Housing Scheme Fund for the year ended 30<sup>th</sup> June, 2017.

REPORT ON THE FINANCIAL STATEMENT OF BUNGOMA  
COUNTY ASSEMBLY CAR LOAN AND MORTGAGE  
SCHEME FOR THE YEAR ENDED 30 JUNE, 2017

Report of the Auditor General on the Financial Statement of the County Assembly of Bungoma Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2017.

REPORT ON THE FINANCIAL STATEMENT OF NCWSC LTD  
FOR THE YEAR ENDED 30 JUNE, 2017

Report of the Auditor General on the Financial Statement of the Nairobi City Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2017.

Thank you, Mr. Speaker, Sir.

*(Sen. Dullo laid the Papers on The Table)*

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

## NOTICES OF MOTIONS

### THANKS FOR THE PRESIDENTIAL ADDRESS

**Sen. Dullo:** Mr. Speaker, Sir, I beg to give notice of the following Motion:

THAT, pursuant to Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of H. E. the President delivered on Wednesday, 2nd May, 2018 and further that the Senate notes the following Reports submitted by H.E. the President in fulfillment of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the House on Tuesday, 8th May, 2018-

(i) Report on the Measures Taken and the Progress Achieved in the Realization of National Values;

(ii) Report on Progress made in Fulfillment of the International Obligations of the Republic; and

(iii) Report on the State of Security.

### STANDARD POLICY REGULATION FOR CONSTRUCTION AND MAINTENANCE OF RURAL ACCESS ROADS

**Sen. Kasanga:** Mr. Speaker, Sir, I beg to give notice of the following Motion:

AWARE that infrastructure development and specifically, construction of roads is a key pillar of Kenya's vision 2030 whose

objective is to spur movement of people and goods, promote trade and economic activities, encourage development and attract investments;

NOTING that there is a very strong correlation between a country's economic development and the quality of its road network;

CONCERNED that Government's efforts to expand the roads infrastructure are mainly focused on the urban and peri-urban areas of the country, thus leaving rural areas with dilapidated or no access roads;

FURTHER CONCERNED that fifty five years since independence and over five years after institutionalization of devolution, the Country's roads infrastructure is to a large extent still underdeveloped with only slightly above 9,000 kilometres of the about 178,000 kilometres of roads paved;

COGNISANT that, Part Two of the Fourth Schedule to the Constitution of Kenya (2010) mandates County Governments to manage county transport, including; roads, street lighting, traffic and parking, amongst other county public transport matters;

DEEPLY CONCERNED that, County Governments are continuously prioritizing routine maintenance works over sustainable and durable road quality works due to budgetary constraints;

NOW THEREFORE the Senate calls upon the Ministry of Transport, Infrastructure, Housing and Urban Development to develop and adopt standard policy regulations prescribing modern, eco-friendly and inexpensive technologies to be applied across the 47 counties for construction, upgrading and maintenance of rural access roads in order to ensure durability and sustainability of the access roads and also to reduce maintenance expenses.

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

## STATEMENTS

### INCESSANT INSECURITY IN ADC NDABIBI FARM, NAIVASHA

**Sen. Haji:** Thank you very much, Mr. Speaker, Sir. This statement was requested by the Chief Whip. We had discussed about it. She raised a concern about Ndabibi Farm in Naivasha whereby quite a number of people have lost their lives and others have been injured because of two groups who are claiming ownership of the land; but some progress is being made now. The land is now subdivided to the people. We have agreed with my Committee, the Committee on National Security, Defence and Foreign Relations, that we will at an opportune moment, visit Ndabibi Farm to see the progress.

**The Speaker** (Hon. Lusaka): Where is Sen. Kihika?

## ALLEGED ABUSE OF HUMAN RIGHTS OF PWDs

Where is the Chairperson of Standing Committee on National Cohesion, Equal Opportunities and Regional Integration?

*(Statement deferred)*

DELAY IN HANDING OVER OF THE  
LAKE BASIN MALL TO LBDA

Let us have the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations.

*(Statement deferred)*

Where is the Chairperson of the Standing Committee on Roads and Transportation?

STATUS OF THE PHYSICAL DEVELOPMENT PLAN FOR SOUTH C  
ESTATE IN NAIROBI CITY COUNTY

**Sen. Wamatangi:** Mr. Speaker, Sir, the statement sought is ready.

I have quite a number of statements, looking at today's Order Paper. I have received all of them this afternoon. I have consulted with various Senators who had sought most of the statements from my Committee. They had not had an opportunity to look at them. Therefore, we agreed that we share with them the statements, and then, we can issue them tomorrow. They would have taken cognizance and gone through the statements.

CONSTRUCTION OF BRIDGES IN VARIOUS  
AREAS OF ISIOLO COUNTYCOLLAPSE AND CUT-OFF OF A SECTION OF  
NAROK-MAI MAHIU ROAD

## DELAY IN UPGRADING THE LAMU–GARSEN ROAD

*(Statements deferred)*

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

**Sen. M. Kajwang':** Mr. Speaker, Sir, you have previously ruled on statements. There are many statements on the Order Paper, almost 30. You have previously said that when the Member requesting for a statement is not present and the statement is ready, then the matter is either dropped or read in the House.

I seek your indulgence on statement (c), the one that was raised by Sen. Fredrick Outa who is out of the country on official business. I beg your indulgence so that if that earlier ruling was to apply, this is held until Sen. Outa comes back to the country.

**The Speaker** (Hon. Lusaka): The Chairman is also not here. We will handle it when he is back.

Proceed, Chairperson of Standing Committee on National Security, Defence and Foreign Relations.

AUCTIONING OF CATTLE OF KENYAN HERDERS BY THE  
TANZANIAN GOVERNMENT

**Sen. Haji:** Mr. Speaker, Sir, I have the statement but unfortunately the Senator who asked the question says he is not ready. He has taken a copy to read. So ---

**The Speaker** (Hon. Lusaka): We defer it?

**Sen. Haji:** It is okay, Mr. Speaker, Sir.

*(Statement deferred)*

LOANS OWED TO AFC BY FARMERS IN KAJIADO COUNTY

**The Speaker** (Hon. Lusaka): Where is the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries?

*(Statement deferred)*

Let us have the Chairperson of the Standing Committee on Information, Communication and Technology.

SHUTDOWN OF THREE PRIVATELY OWNED  
TELEVISION STATIONS

**Sen. Halake:** Thank you, Mr. Speaker, Sir. We have a response. Unfortunately we just gave it to Sen. Wetangula not too long ago. It was because I had a bit of challenge finding --- I have sent it to your email, Sen. Wetangula. Even if you received it, if you wish I could read it out

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

**Sen. Halake:** Mr. Speaker, Sir, on Wednesday 14<sup>th</sup>, February, 2018, Sen. Wetangula requested for a statement from the Chairperson of the Standing Committee on Information, Communication and Technology regarding the shutdown of the three privately owned television networks. In the statement he had sought to be given answers as to the reasons that led to the Government decision to shut down the three privately owned television stations; whether the Chairman was aware that the action of shutting down the television stations led to business losses to the affected companies and decreased investor confidence in our country; whether he is aware that the shutdown was

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a violation of constitutional provisions, particularly articles 34 and 35 and whether or not the Government would compensate the said television networks stated. Also, he asked us to state clearly what offences they had committed.

Mr. Speaker, Sir, it is noteworthy that the Committee was seized of this matter, in exercise of our oversight role as a Committee, even before the statement was requested. Indeed, at its second sitting on 8<sup>th</sup> February, 2018, the Committee interrogated the matter and had resolved to pursue the issue with the Cabinet Secretary in order to adequately respond to the Statement.

In order to adequately respond to the statement, our committee invited the Cabinet Secretary (CS) in charge of Information Communication and Technology (ICT) to appear before us on 15<sup>th</sup> February and also on 19<sup>th</sup> February this year. The CS failed to appear on the two occasions, a matter that was well covered by the mainstream media.

Further, the committee formally wrote to the CS in a letter dated 22<sup>nd</sup> February, 2018, seeking a written explanation on the issues that were raised. Again, the CS did not adequately respond to the issues and only responded by saying that the matter was best handled by the Ministry of Interior and Coordination of National Government. This is an explanation that the committee felt was not satisfactory.

The Committee further invited the CS a third time to appear before it on Tuesday, 6<sup>th</sup> March 2018.

**The Speaker** (Hon. Lusaka): I can see an intervention by Sen. (Eng.) Maina.

**Sen. (Eng.) Maina:** Mr. Speaker, Sir, this question came before the “handshake”. I think what we are dwelling on are events that had happened before the handshake. The handshake is a new dawn which calls for us not to go back to old wounds which may not reflect well on the important agenda of unifying Kenya.

I feel that if we dwell on this subject we will be dwelling on old wounds. If we can remember, in his address to this Parliament, he dwelt much on the unity that we should focus on. He said that we should forgive and forget what has happened. I think this is one of the incidences that we went through and you saw the kind of demonstrations. If anything, this should be handled by the committee where Sen. Haji is a Member.

I thank you.

**Sen. Were:** On a point of order, Mr. Speaker, Sir. I think it is important that we listen to that statement. I know we have forgiven each other and apologised to each other and moved on. However, for the sake of prosperity and moving forward, it is important that we listen to the answers to these questions in order to deal with the future.

**The Speaker** (Hon. Lusaka): Okay, I direct that we listen to the statement but if there are any discussions, they should be done with the handshake in mind. Proceed Senator.

**Sen. Halake:** Thank you Mr. Speaker, Sir. The committee further invited the CS to appear before it on Tuesday, 6<sup>th</sup> March, 2018 and he appeared. At the sitting, the CS presented that he could not respond to the issues of television shut down as there was a civil case before the courts and that would amount to a *subjudice*. He further responded to the issue on account that it was a decision of the National Security Council.



Our committee was not satisfied with this explanation but at the same time had to oblige given the mention of the *subjudice*. It was resolved that the Chairman seeks guidance from your Office on this matter to enable the committee to discharge its mandate effectively.

Mr. Speaker, Sir, as you may be aware, on a later date on 6<sup>th</sup> March, the Chairperson wrote seeking guidance. We were to discuss and see the way forward on this matter.

I want to state that I do not have a satisfactory answer; at least with regards to what the hon. Senator asked. However, let me assure the hon. Senator of Bungoma that my committee will not rest until we get whatever answers that we can get. That said, given the *subjudice* mention and the handshake that the Senator has alerted us about, we will await the outcome of some of the court processes. We have done this to show the hon. Senator that as a committee, we have done everything possible to ensure that Kenyans' and parliamentarians' questions are answered.

I thank you.

**Sen. Wetangula:** Mr. Speaker, Sir, from the explanation from the Vice Chair of the committee, you can see that all she has given us is a history and a litany of the committee's inability to get any information on the matter and I thank her for acknowledging that she does not have a satisfactory answer.

The questions that I raised in this statement are pertinent and they cannot be wished away, washed or swept under the carpet on the basis of the handshake because some of the issues that occurred leading to this statement are criminal acts. For example, confining the editors in the studios of Nation Media Group overnight under false imprisonment is not a matter that has any relationship with the handshake. It is excessive behaviour by the police that needs to be dealt with.

Shutting down televisions stations is a matter that goes far beyond any comprehension in terms of freedom of the media, the right to inform, the right to disseminate information and, above all, the confidence of private investment because you lose money when your institutions such as televisions stations are, arbitrarily and without an explanation, closed down.

You can see the charade that the committee went through, with the CS only eventually coming to say the matter is *subjudice* without giving details. The rules of this House are; a matter being in court is not enough to injunct this House or any committee. It has to be directly related to and directly affecting the process of inquiry.

I want to agree with the distinguished Senator that we give her time to bring more information, so that we interrogate this matter further, not because it is going to open old boxes but because it is going to seal the possibility of a repeat state of impunity in the future, that nobody can simply wake up and shut down stations and start telling us that it is another Ministry or so and so should be asked. There is collective responsibility in Government and we cannot allow ping pong in dealing with matters of such a grave nature.

I suggest that you give us another date. The distinguished Senator did not ask how long she wishes to have so that she comes with a satisfactory answer for interrogation.

**The Speaker** (Hon. Lusaka): How long do you want?

**Sen. Halake:** Mr. Speaker, Sir, I do not know. This is something that started in February and we are in May. If the hon. Senator is willing to wait, the better, but I will wait as long as it takes to provide an answer.

**The Speaker** (Hon. Lusaka): I will allow you at least two weeks to bring us a satisfactory answer.

Hon. Senators, I have a communication to make.

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM SOY SECONDARY SCHOOL, ELGEYO-MARAKWET COUNTY

**The Speaker** (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Soy Secondary School in Elgeyo-Marakwet County. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf wish them a fruitful visit.

I thank you.

*(Applause)*

Next Order!

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

#### CONTINGENCY PLANS TO MITIGATE ADVERSE EFFECTS OF HEAVY DOWNPOUR ON INFRASTRUCTURE

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

**Sen. Sakaja:** Thank you Mr. Speaker, Sir. I want to seek you indulgence. There is a Statement that I had asked for that affects all of us. It was on the state of drainage and the roads in Nairobi City County. It is not scheduled, and as you can see, the rains are ravaging through the country at this point. I will ask that you direct that it is, at least, issued tomorrow or latest Thursday for us to know what is happening within the city. There are some schools where we have had to evacuate in parts of the city. We want to understand what is happening between the National Government and the county government in dealing with the issue of our roads and drainage in Nairobi City County.

**The Speaker** (Hon. Lusaka): Secretariat, let us schedule it for tomorrow.

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

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

#### COAL EXPLORATION AT MUI BASIN, KITUI COUNTY

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I stand to also make a similar request. There is a Statement that I had sought on the status of the exploration of coal in

Mui Basin which has been listed but I want to make a request that you consider prioritizing that Statement for tomorrow. This is because the Ministry has moved very fast. Things are happening on the ground and there is serious acrimony as far as exploration of coal is concerned in Kitui.

**The Speaker** (Hon. Lusaka): We can also have that tomorrow.

## MOTION

### THANKS FOR THE PRESIDENTIAL ADDRESS

**Sen. Dullo:** Thank you Mr. Speaker, Sir. I wish to move:-

THAT, pursuant to Standing Order 24 (6), the thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President delivered on Wednesday, 2nd May, 2018 and further the Senate notes the following Reports submitted by H.E. the President in fulfillment of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the House on Tuesday, 8th May, 2018-

(i) Report on the measures taken and the progress achieved in the realization of national values;

(ii) Report on progress made in fulfillment of the international obligations of the Republic; and

(iii) Report on the state of security.

I wish to take this opportunity to move this particular Motion pursuant to Article 132(1)(c) which requires the President to report, once every year in the address to the nation, of all the measures taken and progress achieved in realization of the national values under Article 10. He is also to provide a report on the progress made in fulfilling the international obligations of the Republic of Kenya.

The Address of 2<sup>nd</sup> May, 2018, at the Joint Sitting of the Senate and the National Assembly was the first of its kind because it was the first Address by His Excellency after his re-election. What was covered in the Address of the President was a tribute to Hon. Kenneth Matiba who was a patriot of this country who contributed a lot to its Constitution. I believe that the House, led by you, visited the family and condoled with them. I wish to take this opportunity to thank the Senate for that and to pray that the Almighty rests his soul in peace.

In his Address, His Excellency the President mentioned the work of the 11<sup>th</sup> Parliament that facilitated the implementation and came up with operationalization of the Constitution. I believe that the last Senate did that by putting legislation in place at the county levels and the national level. A lot has been done though there are some gaps and loopholes in terms of the legislations that are already in place. I believe that relevant committees will look at those legislations and ensure that they effectively address the concerns.

I will ask this House to support the President by ensuring that we protect the interests of devolution in this country. Part of our role and the major mandate of the Senate is to ensure that devolution works. Having come up with the Constitution and

legislation, our work is the oversight role where we have to make sure that counties are operating properly within provided legislation.

The President noted the issue of finances and resources where certain individuals have corrupted their ways and ensured that the money that is meant for certain programmes has ended up in their pockets. In his Address, the President encouraged the Office of Director of Public Prosecutions and the Judiciary to make sure that corrupt people are held responsible. In the Address, he mentioned that assets to the tune of Kshs500 million were recovered internationally and several proceedings are taking place in terms of preservation and protection of the assets which are valued at almost Kshs6 billion.

That is a lot of money if we seriously protect the interest of this country. I will request the Senate to join the President in making sure that we follow the procedures in terms of oversight and pin down those who are corrupt in this country. We cannot allow this to continue when Kenyans are suffering wherever they are.

In his Address, H.E the president mentioned that corruption is embedded in all the counties. As a Senate, we are allocating a lot of money to counties and it has now increased from what was there before. Recently, an amount of Kshs372 billion was approved for disbursement to the counties during the financial year 2018/2019. This is way above the 15 per cent that is normally required.

Secondly, there is Kshs9.6 billion for the management of equipment and services which was provided for within the same budget. There is also Kshs5.2 billion for free maternity and Kshs900 million for user fees. If we are serious, this Senate should make sure that the money that is spent, and we approve as a Senate, should help Kenyans so that they do not continue suffering.

A good example is the petition that we have just received. The money still goes to the counties. How can we ensure as a Senate that county governments deliver services to our people? How can we improve service delivery? Some of the hospitals have many challenges. They do not have drugs, service delivery is very poor and staff issues are a headache day in, day out. We have various committees that need to look at all these and ensure that whatever is provided for is utilized properly.

There should have also been auditing of all the equipment, especially when the second regime of governors took over. We should have had an audit of all the equipment that were left by the previous governors. I think that this is not taken seriously in most counties. This House needs to do a lot to make sure that we have taken care of the interests of our people in terms of service delivery.

There was a statement made by His Excellency the President in terms of Kenyans being resilient to their economy. Our Gross Domestic Product (GDP) has grown to 4.9 per cent through tourism earnings despite our challenges. We had a lot of problems during elections and thereafter, the results were disputed. Despite all that, we have clearly showed that we are able, as a country, to be resilient in terms of our economy. As a country, we can do a lot to make sure that we improve our GDP from 4.9 per cent to 10 per cent.

The President mentioned the issues of creation of jobs, general prosperity and the fight against poverty. I believe that these are issues that we still need to work on. Most of

the graduates are jobless, yet they passed with good grades. Most of them have completed Form Four, gone to tertiary and diploma colleges but, unfortunately, they are unemployed. This is something that we need to take seriously as a country and as the Senate. We should make sure that counties are able to provide formal or informal employment, so that Kenyans can help themselves and prevent our youth from ending up abusing drugs and alcohol. As the Senate, we should make sure that counties are able to do that.

Mr. Speaker, Sir, again, there was the aspect of the informal sector where the first phase of the Standard Gauge Railway (SGR) is already in place. As the President mentioned, 7,000 passengers have used the Madaraka Express. The second phase of the SGR, from Naivasha to Malaba, is taking place. This is development that we should appreciate as a country. We should make sure that Kenyans get good transport, employment and their businesses are going on. By completing the second phase of the SGR – Naivasha to Malaba - we will cut transport expenses and congestion from Busia to Nairobi will be reduced. This is something we should nurture as a country, so that we can progress and ensure that we move forward. We should not just criticize ourselves but also be positive to make sure that we support development in our country.

Mr. Speaker, Sir, the President also addressed the issue of the Terminal 2 at the Jomo Kenyatta International Airport (JKIA). The JKIA is now a big and beautiful airport compared to airports in other counties that have already developed. It has all the facilities and is spacious. This has helped to improve a lot especially in terms of employment and tourism attraction. With many terminals, it is easier for tourists to invest and this benefits Kenya.

The Last Mile Connectivity has ensured that many homes are connected to electricity. This has improved from 27 per cent to 71 per cent. We need to improve on this to make sure that Kenyans are connected to electricity wherever they are. As a country and the Senate, we should ensure that resources are available to increase electricity connection, especially in compliance with the laptop project that is already in place. Some schools in some counties are unable to take up the computer programmes because of lack of electricity. We should improve on this and allocate money to areas where there is a gap. Connection to electricity will improve security, create employment and improve development, amongst other things. The Senate should assist and ensure that we improve connectivity from 71 per cent to 100 per cent after four years.

The Government has a target of constructing 10,000 kilometres of new roads, of which 3,000 kilometres have already been done and 5,000 kilometres are under construction. A good example given by His Excellency the President is the Isiolo-Moyale Road. I use that road frequently. What was there before was unbelievable. We used to take five to six hours on the road or even sleep on the road when it rained. There was also the issue of insecurity. Nowadays, people leave Nairobi to attend to their business in Moyale and come back to Nairobi on the same day. This is a mega improvement.

Mr. Speaker, Sir, if we support the Government in completing the remaining kilometres, we will develop our country and ensure that our people are safe and access whatever they want. If you travel this country far and wide, you will see a lot of

constructions that are going on, especially on the road. However, we should not allocate a lot of money to the counties if it is not used properly.

You will find that sometimes a lot of monies are allocated for certain projects or for construction of certain roads but, unfortunately, one or two years down the line, shoddy work is done. How do we make sure that the money allocated for particular roads is properly utilised? We have a Senate Committee that looks into whatever is allocated to counties and ensures that they account for all allocations to roads and that they are constructed to the required standards.

Mr. Speaker, Sir, His Excellency the President also highlighted the Big Four Agenda, which includes medical care, skilled jobs, manufacturing and affordable housing. All these issues are pertinent to us. I request the Senate to come up with legislations to assist the President and the Government in implementing the Big Four Agenda, because they are key issues that affect our lives and development of our country. We need to make sure that we have adequate legislations to manage the Big Four Agenda.

Housing is also another factor that the President mentioned and reiterated in his Speech. There is nothing an ordinary Kenyan requires more than a roof over their head and a job. Manufacturing provides jobs and delivers service to Kenyans. The President challenged us leaders to lead and provide services to Kenyans. These are important issues that we need to address.

Again, he talked about security which is key to development. There are a lot of insecurity concerns in this country. Yesterday, we saw what happened in Somalia. In as much as the attacks in our country have reduced, that does not mean we should sleep and watch. We need to secure our country. We should also ensure our borders are secured to make sure that Kenyans are safe wherever they are

I strongly believe the county governments and national Government should work together to ensure security in counties. The Government has made sure that regional commissioners and chief security officers in counties are working together to secure our counties. I am a member of the Committee on National Security, Defence and Foreign Relations. It is a pity that some security committees and the governors do not work as a team. They do not see eye to eye with each other. The issues of security must be addressed. What is important is for all of us to see service delivery; it is not about who is senior and junior.

Security is a serious concern that was addressed by His Excellency the President when he delivered his speech to Parliament. It is also important for the Senate to make sure that counties are able to work with the national Government representatives on the ground. During county visits, we found out that some former provincial administrators do not have a budget yet county governments have a lot of money. How can they collaborate when they do not have resources? How can they do interventions in terms of security when they do not have resources? They are unable to work together with the county governments and ensure they take care of insecurity within their areas of jurisdiction.

Mr. Speaker, Sir, the issue of borders was clearly highlighted by His Excellency the President. These are the borders between Somalia, Sudan and South Sudan. We, as the Senate and a country, need to have a working relationship with our neighbours to

secure our borders and ensure there is security in our countries. This country has contributed a lot to the peace of South Sudan, Somalia and Ethiopia. Recently when there were skirmishes in Ethiopia, almost one million Ethiopians crossed over to Moyale, seeking for essential services. If we do not have a good working relationship or neighbourliness, then we cannot assist each other. The President highlighted this very well.

We need to support his Government in ensuring that our borders are secure and that we work with our neighbours, for us to address security issues in our countries. This is because if Ethiopia, Somalia and South Sudan have issues of insecurity, I do not think we will progress well. This is one area that we need to focus on because I know there is a Committee that looks at international obligations and how to implement them. The Committee is also required to come up with legislation to domesticate the same. We have to look at those issues broadly. We have various committees dealing with the same issues.

The East African Community (EAC) is also another area His Excellency the President talked about in his speech. There was a time that we had issues with our brothers from the other side, but I think this has been resolved because we all need each other, especially the EAC. Those issues have been sorted out and we are able to work together as a country and ensure that we are good brothers and sisters who are neighbours and can share whatever we can in terms of business and also development.

Mr. Speaker, Sir, the President also mentioned the handshake in his address, which was very timely. I believe that this should not be blown out of proportion. It is taking different dimensions. The President congratulated the former Prime Minister, Hon. Raila Odinga, for accepting to extend the handshake. That was very important because it brought down the tension. I believe that everyone in the country and the Senate – at the moment – was happy and up with joy. Therefore, this should not be blown out of proportion and then drop what we have already achieved.

I know we have issues with our brothers in the National Assembly, but the same spirit should reign. However, politics aside, the President reiterated that the unity of this country is paramount. Without unity, we cannot forge forward, develop our country and have peace and good neighbours.

Finally, the issue of God-fearing citizens has helped this country and should not be taken for granted.

I beg to move and request Sen. (Prof.) Ongeru to second this Motion.

**Sen. (Prof.) Ongeru:** Thank you, Mr. Speaker, Sir. I rise to second the State of the Nation Address which was done last week. The President has shown Kenyans which way we should go. When you paraphrase and read through his speech, you see that he dwelt mainly on the issues of the economy of this nation and how it should be propelled to a higher level in order to assist Kenyans to live profitably and peacefully within the borders of Kenya.

It was a major message that was pronounced in the precincts of the National Assembly, where all of us sat together and listened very patiently. In fact, he gave a chronology of how the devolution process has taken place. He went to greater depth than Sen. Dullo has already enumerated on division of revenue between the national

Government and county governments. I know the Senate would have been happier and much more comfortable if the Division of Revenue Bill of 2018 would have settled for more resources rather than the Kshs372 billion.

We are fully aware of the constraints of the economy and the resource envelope that is available to us this particular year. I can trace what the President actually did here is to give us a challenge. The Chairman of the County Committee on County Public Accounts and Investment is here. He is fully aware that the Division of Revenue Bill is based on the audited accounts of 2013/2014. It behooves us to update those accounts so that the next round that the President gives another Presidential Address, we will be talking of a much higher figure than what we have here.

We all know that counties need more resources to articulate their programmes more clearly in order to address the needs of the people, like what we saw today of the request from the West Pokot County petitioners. That is where we have a problem. The President was able to highlight these elements; that although the resources in the envelope have been given at the highest level ever since before, it could be more if we were only able to update our audited accounts, so that we can pass them in this office without any difficulty.

*[The Speaker hon. Lusaka left the Chair]*

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

The President also dwelt on the issue of unity of Kenyans. We have spent far too much time bickering, warring, and talking very unpleasant words against and to each other. We should develop a culture of peace, love and unity which is the language of our Constitution and forefathers. Peace and unity which is the language of our National Anthem reminds Kenyans that we should be able to put aside our individual differences and work together as Kenyans. That does not mean that we cannot disagree. We will definitely do so on the areas that we feel - that when it comes to matters of representation - we are not being fair to one area or the other.

However, in the overall, it should be done within the ambit of peace, unity and tranquility. Let peace prevail in our land which is one of our assets.

I should have mentioned during the Division of Revenue Bill that some of these resources that have gone to hospital equipment, Kshs9.6billion and also the Kshs5billion for free maternity, we really need to change the dynamics of how the money is being utilised within the county level. It is within the mandate of this Senate that as we apply ourselves, we should be in a position to deal with this matter more eloquently and without any problem.

The issues of fraud and whistleblowers must be worrying the President. Sometimes, we casually treat our whistle blowers as if they are talking rubbish. It has now been anchored within the law. They are now protected, which is one way of managing our national and county affairs. It will help us to be more accountable, transparent and accessible either for answering or developing the policy framework. He quite clearly put that out for our consumption.



As the august House and the Senate, we need to support these sentiments because they go to the fundamental value of what I call “family values”. As if he was aware of what he was talking about- and he was- the next paragraphs dwelt on family values. What have we taught our children? It was a sad experience the other day to see part of our population literally frog marching another Kenyan in public. Will we call these normal or abnormal family values? What do the children learn from us in our homes? Do they learn the culture of honesty and sincerity? Do they learn the culture of being tolerant with one another or they learn intolerance and how to throw words that can compel those families or the children there to do something which is criminal?

We should meditate upon these issues; that governance issues stem from the family. For us to have good governance, we should be in a position to articulate our issues quite more clearly without much ado. I guess that was a very fundamental thing that he mentioned.

Mr. Deputy Speaker, Sir, yes, our Gross Domestic Product (GDP) is at 4.9 per cent. We are doing slightly better than other African countries and the World Bank benchmark is 3.6 per cent. Before 2007, our GDP was at 7 per cent. We must look at this economy on the basis of what we are doing as Kenyans to go back to the previous glory where our economy was performing at 7 per cent. Is there something amiss? That was what the message of the President was all about. He is telling us that, yes, we are performing much better than other surrounding economies, but we could do better. What is the missing link for us to perform well in our economy? I dare hazard a guess that one of those issues has something to do with our national unity and how we want to conduct our businesses.

Mr. Deputy Speaker, Sir, I need not go into other major issues. However, I want to raise a question at this stage. The President has flagged off four major areas of interest that if we are able to jumpstart the economy, they will provide reasonable jobs, some level of comfort for our citizenry. These areas include manufacturing, infrastructure including housing, health care and its ramifications and the other areas that I have not been able to clearly spell out.

I know we have borrowed but it would have been nicer for the President to tell us what our public debt is today and how we want to manage it. He should have told us that we will get opportunity to interrogate that issue when the Budget Estimates are presented to the House, so that we do not live above our means. If it means trimming certain areas of our expenditure, we should do so to avoid mortgaging our future generations into that kind of living.

When I was the ambassador for The United Nations Human Settlements Programme (*UN-Habitat*), I spent a lot of time on the New Urban Agenda. One of the most important elements in the agenda is housing and the informal settlements. Most towns and cities, if we are not careful, are going to grow as slums instead of new opportunities and challenges for our future. Those of us who are in charge of the county governments have a responsibility to see what level of towns and places we are going to bring up.

I see that time has not been very kind on my side because I must talk about the “handshake”. For me and for the rest of the Kenyans, it is a God sent “handshake”. I fully

support it, and I have already put this message to the people I represent and they fully support it. Why? The temperatures went from high to ground zero. What else does a nation need other than that tranquility and soberness that we can now be able to debate this matter without any acrimony? For me, it is the way forward

Let us not read too much into it. It has nothing to do with succession. It has everything to do with how we Kenyans must conduct ourselves, how we must behave in order to be able to address the Big Four agenda and how we must handle ourselves to be able to deal with the most sensitive issues that have bedeviled this nation for so long.

I stand in the path of that peaceful co-existence. That is what it is all about. It has nothing to do with 2022 succession debate. When that time comes, we will obviously give our observations and proposals. Let us not spend negative energies on this succession debate. Let us not try and prophesize as to who is who or who is where? Let us put our energies and efforts on what will happen if this Big Four agenda is put on the table and we work together as Kenyans. Can we make a difference? That is the way I and most of us look at it. We look forward to a very brilliant future.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to second.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. (Prof.) Ongeru. You said that time was not kind on you. It is you who was not kind on time.

Very well. Order Senators.

*(Question proposed)*

**Sen. Farhiya:** Mr. Speaker, Sir, I thank you for giving me an opportunity to contribute to this Motion. I also wish to welcome you and other Senators for this Session.

One of the things that spoke to my heart is the President's apology. That was humbling. His statement was healing and unifying. Our President has made history again. First, he accepted a court verdict that nullified his election. He made history. He is the first sitting President whose election was nullified and he accepted. That is also humbling.

The other thing that I found humbling about him and His Excellency the Right Hon. Raila Odinga is the handshake. As Sen. (Prof.) Ongeru and the Senate Majority Leader has commented, that also brought the political temperatures of this country down. That has a very high consequence in terms of the economy and the development of this country.

In the same strength, if the President of this country has apologised, the rest should follow suit, for example, the Cabinet Secretary for Interior and Coordination of National Government. Some people lost their lives. Also, some pockets of police brutality have been reported. I urge the Cabinet Secretary for Interior and Coordination of National Government to apologise on behalf of the police.

In addition, some times, we politicians, when we take the microphone we say very hurtful things with drastic consequences, including, destabilizing communities. If you have said anything hurtful, please also apologise. The worst thing I said to hon. Raila Odinga was, "let him go home." When you want your presidential candidate to win, you want the other party to go home. I also apologise for that.

The other thing that went to my heart is the President's foresight in terms of his Big Four agenda. In 2015, I went to South Korea. I was told that in 1963 South Korea got US\$ 10,000 from Kenya. Can you imagine that in 1963 they were poorer than us? Look at where South Korea is now. They even have 40 kilometres of tarmacked road across the sea. In Kenya, Likoni Channel is just two kilometres. Up to now, we do not even have a bridge to cross over. So, the President's dream for the Big Four agenda is valid. All Kenyans should endeavor to fulfill this dream.

In terms of the Gross Domestic Product (GDP), today, South Korea is 20 times higher than Kenya's. Therefore, the President has greater dreams for this country. The Big Four agenda speak of that. I ask politicians to stop derailing the President's dream through discussions about 2022. It is too early to discuss 2022. We have not even finished our first year in Parliament. Let us allow people who need to work for this country to do so, so that the Big Four agenda can be realised.

In the Devolution Conference, we discussed about the Big Four enablers. I will discuss two disablers of the Big Four agenda. One of them is security threat; terrorism along our borders. I thank the President for talking about Somalia and for working with her in terms of keeping peace there so that we have better security in Kenya.

The other one is what I would call financial terrorism. It has much more destabilizing effect. This is fraud and corruption. If the money that is set aside to do great things that the President talked about is taken to other channels, then achievement of the Big Four agenda will remain a dream. I know for a fact that since our President took over, he has been fighting corruption. I also support Sen. (Prof.) Ongeru on protection of whistle blowers and other strategies that the Government has put in place to ensure that they are protected.

Another interesting thing in the Presidential Address is that we should avoid negative ethnicity. That has a dividing impact and instability. The economy is about perception. If we have political instability, the economy will never thrive.

Regarding negative ethnicity, when we speak as leaders, let us do so positively so that our economy can improve and the youth of this country can look up to us as role models. They will follow our good examples.

I also commend the President for reminding leaders that they represent everybody and not only those that elected them. This also goes to governors. There are some areas in Wajir County where I come from that had been marginalised. I am sure that there are also other areas that have been marginalised like Turkana and all that. They need to develop everywhere equally and should not leave out areas where people never supported them in the spirit of forgiveness that the President talked about.

I also commend the President for 3,000 kilometres of roads. Where I come from, there are two county headquarters which up to now do not have roads that lead to there. Right now, there is no proper road network in my county Wajir because there are no tarmacked roads and because of the rain and floods, right now they are cut off.

I urge the President to ask the State Department for Infrastructure to ensure that those roads are completed so that the economy of Wajir and Mandera counties spur like the rest of Kenya.

I thank you for giving me this opportunity.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you Senator. We will now have Sen. Olekina.

**Sen. Olekina:** Mr. Deputy Speaker, Sir, thank you for giving me an opportunity to comment on the speech by His Excellency the President of the Republic of Kenya. From the outset, I want to congratulate the President for recognising the late Kenneth Matiba for having given his life for patriotism. This is something that I hope that this country and particularly the President's administration will go out and look for all the people who go through pain and give a lot for the sake of this country called Kenya. I know that there are people who fought for this country that were never recognised. I know that there are Maasais out there who also fought hard for the sake of this country but are never recognised.

The President took time to seek for forgiveness because it was evident that certain administrations hurt the late Hon. Kenneth Matiba. I would call it "the President's first address to Parliament" because you will remember that during the first address, some of us were "resisting." This time round we sat there and listened to the President.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order Senator! Just say that was your first attendance.

**Sen. Olekina:** That was my first attendance, Mr. Deputy Speaker, Sir. I am sure I will be speaking on behalf of some of us who are not here.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Anything else is controversial.

**Sen. Olekina:** Mr. Deputy Speaker, Sir, that notwithstanding, I want to move to the contents of the President's speech. I want to talk about his comment on the achievements of the Eleventh Parliament. I congratulate him for having mentioned that the Eleventh Parliament was tasked to implement the new constitutional dispensation. The question is whether the Eleventh Parliament fully implemented the Constitution. I know we still have challenges and I hope that this Senate will take things seriously in terms of ensuring that we fight for devolution.

During the transitioning period, many counties did not declare all their assets and liabilities. I know that this function has now been passed over to the Intergovernmental Relations Technical Committee. Even though that was a task given to the Eleventh Parliament, I hope that this Senate will keep the counties on their toes to ensure that all counties account for their assets and liabilities.

I now want to move to the other part of the President's speech. He talked about the support that his Government has given devolution. It is true and I agree with him that devolution is no longer a baby. Since then, devolution has grown and for lack of a better word, it is now a "teenager" or an "adult." This Senate should now push for more resources to go to the counties.

The President also spoke about corruption. Everyone in this country will admit that corruption is a cancer which is tearing us apart. Being very open and honest, it is a cancer that I doubt we will ever find a cure for. The President said that he is ready to fully act on corruption.

I will be very happy to see the President punishing people because there are a lot of the "untouchables." A lot of things happen and recently we saw in the news hooligans attacking someone who is the head of a business community. That is corruption!

Corruption is not only taking the money but also using your authority to destroy the freedom of others.

I hope that the new legislation that we are coming up will help Kenyans to participate fully in the issue of fighting corruption. I have a Bill which I hope will be coming soon for the First Reading. It is a county oversight Bill that calls for the people on the ground to be part of the budget-making process for them to understand how their money is utilised on a daily basis. Corruption will not be solved by His Excellency the President. This is a responsibility for all of us as legislators and Kenyans. We should say “no” to corruption because we want to have a better life.

I was actually baffled to hear a statement by the President which I will not keep quiet about because I want the President to explain. The President talked about Kshs2 billion having been disbursed to 11 counties as Equalisation Fund. I am from Narok and there is not a penny from the Equalisation Fund that has been sent to Narok.

I remember clearly and I think it was two weeks ago when the Bill was signed. Then, how can it be that Kshs2 billion was disbursed yet that money is not in Narok County? I do not know whether the person who wrote the speech wrote that in anticipation that the money will be dispensed. I want to challenge and encourage that the President should take note of the issue of money having been disbursed to counties. If money was dispensed, Narok County is among the 11 counties but why is it that those counties do not have that money?

I know that during the Devolution Conference, we talked about *Huduma Mashinani*. I encourage that this administration encourages Kenyans to take the opportunity to register for the National Hospital Insurance Fund (NHIF) and all legislators should help Kenyans. Earlier on we were talking about a petition by residents of West Pokot County concerning dilapidated health facilities. It is important for the people of West Pokot and the legislators from that area, including the Senator, to ensure that all citizens of that county are registered in order to afford healthcare if the issue of *Huduma Mashinani* is, indeed, there.

The other issue that I want to comment on is the issue of using public funds or resources. Most of us travel and when I recently travelled to Australia and in a subsequent meeting with the High Commissioner, I was impressed and learnt quite a lot. I learnt that accountability is key to development and success. In Australia if you are given a bottle of wine, the first thing that you need to find out is how much it costs. If it costs more than AU\$200, you have to pay back the Government of Australia AU\$100 because as a public figure, you are only supposed to be gifted up to AU\$100.

When the President says that those days when people could enjoy public funds and not account for them is gone, if he really means what he said, then it should start from us; the legislators. We should take responsibility. When we travel abroad on official duties and are given gifts, they should not be our personal gifts. I know that there is a law of that nature that exists. The gift belongs to the people of Kenya because when we travel there, we use taxpayers’ money.

On the issue of the economy, I want to congratulate Kenyans because despite our differences, we have such a resilient economy. It is highly commendable to have grown at a rate of 4.9 per cent. I want to encourage us to create a better environment for our

economy. We should not only be looking at Nairobi, instead, every county should now be looking at ways of attracting more investments.

On the issue of the Big Four Agenda, I reiterate the issue of healthcare, being equally informed by the Petition that was presented to this House on the state of our healthcare facilities. If citizens are to know that they can actually petition this Senate on issues of service delivery, we may have a second problem. The first problem that we have is the Statements. The second issue that we will have when citizens recognize their rights and then begin to petition this House will be Petitions.

Healthcare is a fundamental right and I congratulate the President for recognizing that and putting it as one of his key agendas in transforming this nation. At the age of 70 years - I hope God gives me those years – I should be able to go to my local hospital in Narok. I want the people of Narok to recognize the time that I am here.

I want to encourage us not to only react to that Petition. It behooves us to go and visit our healthcare facilities. The people of Narok sent me pictures today of a dilapidated healthcare facility with no medicine. I think they probably heard about this Petition. The only way we can support the President with his Big Four Agenda is by going to our rural areas. I thank the President for recognizing the important role that Senators play by ensuring that there is a budget for our oversight duty in the current Budget.

The other issue on the Big Four Agenda which I hope to have enough time to comment on is on the issue of housing. It is imperative to plan before any houses are built and ensure that there is adequate water and schools. We do not want a situation where we have millions of houses mushrooming in this country where a few people benefit for developing them but we totally ignore the other services which are critical. If you go to some suburbs in Nairobi, you can find a beautiful house but seldom does it have water or electricity. This is because we concentrate many developments in one area.

I want to encourage young Kenyans, now that we talk about unemployment, which is one of the things that Sen. Dullo spoke about, it behooves us to go out and educate youths in our counties who are graduating on how to register companies. We do not want a situation where this Government is going to achieve one of its main key agenda, which is housing, by importing labour from outside. We have got a lot of quarries here and natural resources. It is now up to us and this Government to ensure that at least 60 per cent of those jobs or tenders in housing are given to companies belonging to people with disabilities or the youth.

My time is running out and I wish I had more time. I want to comment on the handshake. I have to admit that Kenyans suffer from two things, that is selective amnesia and gullibility. I want to be on record as having said that we will forgive but we will not forget. I hope that with this handshake, the families of those people who lost their loved ones will be compensated fully. I hope that the father of Samantha Pendo, a six months old baby who was killed, will be given an opportunity to get justice; and that the President and the Rt. Hon. former Prime Minister, Raila Amolo Odinga, will go there and apologise.

I also hope that we have learnt as Kenyans. Let us take this handshake opportunity to not only say that we should forget but we should also learn from our mistakes. Let us not continue being gullible. I hope the team that was set up is not only

going to be a team of retired eminent personalities but it is also going to include the youth. I hope that they will be given an opportunity to be heard and to talk about the problems that we have in this country. We cannot run away from the problems that we have.

Finally, I thank the President for recognizing the work that the men and women in uniform of this country do for us. It will be wrong not to mention and send my condolences to the families of the nine soldiers; the people who gave their life and time to safeguard us. They have given me the freedom to move. I hope that we will give those soldiers state funerals and recognition. By so doing, I hope that we will not only improve their remuneration or welfare, but we will also recognize the effort they have put in and reward them for what they have done. That done, the young people growing up who will be given an opportunity to serve this country outside; to defend us, will do so knowing that the country recognizes their efforts.

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

**Sen. Kihika:** Thank you, Mr. Deputy Speaker, Sir for giving me this opportunity to stand here and contribute to the Motion on the State of the Nation Address by His Excellency the President.

Having listened to the President's speech last week, there are a few issues I picked out that I thought to be important as we move forward to his next term. We, as the Senate, are very concerned and involved in making sure that devolution works. The President was able to give us his score card. In so doing, we know his administration has been very supportive of devolution and has made a huge commitment to making sure that devolution works.

We have seen that by the increased resource allocation since 2013. We know that the Constitution only requires a 15 per cent threshold, but the President's administration has gone far and above that. In 2013/2014 Financial Year, Kshs210 billion was allocated to the counties and now in 2017/2018 Financial Year we have a sum of Kshs327 billion allocated to the counties which is a great increase. It is about 56 per cent in five years. That shows a lot of commitment to making sure devolution works. It will only work once more resources are devolved to counties.

We have also seen very successful Huduma Centres across the country. This has been helpful to many Kenyans in our counties. It offers registration services right at the counties. The process of getting national identification cards has been streamlined. Kenyans are able to get them fast. In the past, it would take a long time for a Kenyan to be issued with it.

With the advent of these centres across the country, there has also been an increase in improved National Social Security Fund (NSSF) and National Hospital Insurance Fund (NHIF) services which also fits in the President's speech on the Big Four Agenda; one of them being health. We obviously keep urging, as he did, that our people on the ground sign up for NHIF because the hospital bills have become very exorbitant.

I am sure that every politician inside or outside this House would know that, since we have had to do a lot of fundraisers to cater for medical services of some of our people when they are hospitalized. We have also raised funds to assist their kin and kith who

have lost their beloved ones to pay hospital bills so that they are allowed to collect bodies for burial.

Therefore, NHIF is critical and a big help to Kenyans. I urge that we all make sure that our people sign up for those services. I also urge the county governments to pool their resources and help the people who are unable to afford Kshs500 per month, so that they access the healthcare services. This has been successful in some of the counties. This is critical and will go a long way in the collaboration between the national Government and the county governments in making sure that the Big Four Agenda, specifically for the healthcare, becomes accessible and affordable to everybody in the country.

Mr. Deputy Speaker, Sir, the President also spoke a lot on the integrity of leaders. We, in this House, and the other House, are happier to know that there is more in place to make sure the misuse of public resources will go down. As we campaigned and continued with offering services to the people, we have heard that corruption is a big problem in this country. People do not get their monies' worth because of the amount of corruption involved. I believe, just as the President said, that we must lead from the front on this. We must also help him by making sure that we put in place the legal tools that are necessary to fight the war on corruption.

I was impressed to hear the amount of recovered assets that had been ill gotten from public resources as well as the many civil proceedings that are pending in courts. This will make sure that those illegally obtained public assets are recovered and people involved prosecuted. I was particularly happy to hear the President encouraging us in the Government as well as those in the private sector to report timely on graft in the country. However, we need also to protect the whistle blowers. We have not paid too much attention to that part of whistle blowers.

In many places, everybody knows who is involved in graft. However, they are afraid to report them because of the repercussions. If we are able and have the will to protect the whistle blowers, then it will be easier for people to come forward to report on graft. I am sure a lot is happening right in plain sight. However, the whistle blowers are intimidated and scared for their lives; that is why they cannot come forward and report on graft. It was important for the President to have pointed it out, so that we, leaders, pass the necessary laws that will protect the whistle blowers.

I was also quite impressed to know how resilient this country is. Having come from a year where we had, not only one general election, but two presidential elections which almost threw this country to total instability, but its Gross Domestic Product (GDP) grew by 4.9 per cent. To me, that is impressive and speaks a lot to the kind of a country that we have. A country that is able to survive that instability and its economy grew by such impressive margin.

I was impressed to hear that with our 4.9 per cent GDP, the real GDP of the world is 3.6 per cent while that of the sub-Saharan African countries is at 2.6 per cent. So, we are almost double the 2.6 per cent. There is room for growth and we can do better.

We have heard from Sen. (Prof.) Ongeru that back or prior to 2007 we were growing at 7 per cent. If we grew by 4.9 per cent in a year when there were many negative things going on in this country, I am sure we can do better. I hope and believe



that we, as leaders, shall be in the forefront of making sure that we have a more stable environment in the coming years, so that our GDP can grow faster than the 4.9 per cent.

I was also quite impressed to hear that our tourism sector grew by 20 per cent in 2017 despite the two elections. This is a good indicator that there is a lot of confidence in the Republic of Kenya. I hope and pray to see more patriotism in our people moving forward. We hear a lot about the negative of the county, but we can also see that even outsiders have a lot of confidence in this country. I hope that we become more patriotic, lead from the front and make this country a destination for everybody in terms of tourism. This is the only way we can ensure our GDP grows.

As he gave his speech in Parliament last week and like he has outlined in many other forums, the President was clear on the Big Four Agenda. It is clear that it is not just something that he is throwing out there, but the presentation of his scorecard. We are aware of how much his administration has invested in infrastructure which is really necessary in a country that wants to grow. For example, we have the Standard Gauge Railway (SGR). The famous Madaraka Express has transported more than 700,000 passengers from Nairobi to Mombasa. since last year, 2017. It has also ferried a lot of cargo from Mombasa.

There is also the Terminal 2A at Jomo Kenyatta International Airport (JKIA). It has transformed Kenya into a wonderfully progressive country. We have all read in the newspapers that Kenya will soon be having direct flights to the United States of America (USA) from Nairobi which is a testament to what this infrastructure growth has done. It will lead to the creation of jobs to our youth and the prosperity of everybody in the country.

Mr. Deputy Speaker, Sir, the President talked about the Last Mile Connectivity Project and he was impressed by the kind of work that he put in the last administration. When we talk about the connectivity to households, going from 27 per cent in 2013 to over 71 per cent in 2017, I think that is remarkable. That is about three times within five years. Clearly, there is a lot of work going on despite what we may think or say from a negative perspective.

The President also stated that he promised 10,000 kilometres of tarmacked road. A total of 3,000 kilometres have already been completed and 5,000 kilometres are in progress. I believe that he will be able to achieve the 10,000 kilometres of tarmacked road within the next five years. We can see how much that translates into opening up this country, so that farmers are able to get their produce to the market. We know that a lot of it gets spoilt when there is no access or the country is not opened up to the markets. We have heard the Senate Deputy Majority Leader, who comes from Isiolo County, saying how the highway that has been done has opened up the area. They can now get to Nairobi within hours versus two days previously. So, this goes a long way in making sure that we have a very progressive and developing country.

From the healthcare part of his Big Four Agenda, he talked a lot about how much his administration increased healthcare facilities from 9,000 in 2013 to over 11,000. That is a big jump and it shows the amount of investment that his administration is making towards access to quality and affordable healthcare to all the people of this country. With

that, we are happy to see that the infant mortality rate has gone down from 52 per 1,000 live births to now about 39 per 1,000 live births.

The President also stated that the number of mothers on Anti-Retroviral (ARV) medication, for those who are attending antenatal clinics, has increased to 94 per cent. That is incredible and it has led to a very sharp fall in the transmission of HIV virus from mother to child. These are some of the very incredible healthcare achievements that we have seen with this administration.

Mr. Deputy Speaker, Sir, of concern though is the drop in immunization from 90 to 70 per cent. I am not sure what is going on, but I think as legislators and leaders, we may want to look into that and try to figure out why we have a decrease in the percentage of immunization. This is a terrible thing because that could lead to a myriad of health problems for our population. It is imperative that we find out what the issue is and what we can do to bring it back up.

Others have talked a lot about food security and affordable housing. Since my time is up, I will also comment on the African Continental Free Trade Agreement (ACFTA) that the President talked about. He challenged us to make sure that we ratify this agreement without delay. As one of the people who pride themselves in being Pan-African, it is imperative that we do this so that as a continent, we can open up Africa and trade between African countries. That way, we can avoid being exploited by the First World countries and getting a raw deal or the short end of the bargain. I believe it is time, during our generation, to see trade between African countries where we are able to support each other.

Thank you, Mr. Deputy Speaker, Sir.

**Sen. Shiyonga:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the Motion on the Floor about the Presidential Address on Wednesday, 2<sup>nd</sup> May, 2018.

I applaud our President for coming up with this Speech that touched the lives of Kenyans, including leaders and the communities at the grassroots. The President touched on so many issues that affect Kenyans and the progress that Kenyans and different arms of Government have made. He made some statements on the issue of housing. I am totally impressed with the Big Four Agendas of the President, housing being one of them. The President wants to see every Kenyan having a decent home or roof over his head. It is one of the best dreams that every leader would want to embrace if they love their nation and citizens.

I urge fellow Senators to dream big like our President. It is very impressive to see our President working towards the improvement of the housing sector. Kenya has some of some of the biggest slums in Africa. We, therefore, need to support the President by coming up with the policies and systems that can work towards fulfilling the Big Four Agenda, housing being one of them.

The President, in his Speech, touched on devolution. He said that in the spirit of upholding devolution, his administration has initiated the *Huduma Mashinani* Programme. In this Programme, there is registration of persons and the National Hospital Insurance Fund (NHIF) and National Social Security Fund (NSSF). All those services will be accessible to our citizens. I think that is one of the initiatives that all Kenyans

need to embrace. As Senators, we need to be champions of enrolment into NHIF. I wish to reiterate that every day, week and month we have citizens asking for assistance to settle hospital bills. It is our role to embrace enrolment to the NHIF. We should encourage most citizens, if not all, to register with this fund. This way, we can offset some of the bills without having to conduct *harambees*.

Mr. Deputy Speaker, Sir, the President also asked the Judiciary to remain focused and uphold its highest standards and integrity. It is very important for this arm of the Government to remain focused and know its mandate. The Judiciary, as an arm of Government, needs to uphold its standards and conduct. In the recent past, we have seen the Judiciary somehow being compromised. However, I feel like the President from his speech was asking the Judiciary to look back at its mandate and why it is one of the arms that the Government relies on to deliver. It is on this note that the President asked the Judiciary to uphold its integrity and make sure its role is not interfered with.

Mr. Deputy Speaker, Sir, lastly, I would wish to applaud the President on the issue of peace, especially when it comes to security. In most cases, insecurity interferes with our economy. Many counties have been destabilized economically by cases of insecurity. We need to embrace peace and security in this country. Security is one of sectors that need to be equipped and financed because it is in dire need. Many counties in the former North Eastern and the Coast provinces have suffered instability yet they contribute a lot to the economy of this country.

Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute on this. I rest my case. Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. Let us have Sen. Mugo.

**Sen. Mugo:** Thank you, Mr. Deputy Speaker, Sir, for the opportunity to add my voice on this Presidential exposé of the State of the Nation which is well articulated, and, of course, delivered.

I congratulate the President for the well thought out Big Four Agenda. The Big Four Agenda is definitely the foundation to changing this country in terms of making it industrialised so that it will offer jobs, have food on the table for each of its citizens, give affordable health care and dignity to its citizens.

It is true as Sen. Fahriya said; that Kenya was at par with some tiger countries or even better several in the early the 1970s. In fact, Singapore and South Korea were at the same level with us, but today, they are much ahead of us. We should ask ourselves why we were left so behind.

We may want only to blame the administration. Yes, at some stage, it was to blame. At the beginning, we were at par, but then slackened somewhere. However, the time has come for us to take off again. I would like the citizenry of this country to know that the President can only do so much. The administration can pay the policies and give the enabling environment. However, it is we, Kenyans, to decide what we want for our country.

I was very distressed, for example, to hear that Ndaka-ini Dam was only a quarter full with all the rain and that Nairobi will soon experience water rationing. It was even on the British Broadcasting Corporation (BBC) that some people interfered with the flow of water into the dam, so that the cartels can sell water in Nairobi. If that is the mentality of

us Kenyans, no matter what the administration or the government does or says, is our country really going to change?

I want to believe that if we all Kenyans decided today that we want our country to grow, we would fully support the Big Four Agenda. We will not be that selfish any more, loving money more than our people and country. I believe our country will change. We will achieve what the President is dreaming with this Big Four Agenda.

Not every Kenyan can go and close the water from entering the dam. I hope that those who are responsible, who take care of the dam will be arrested and answer some questions. This is because we all know that lack of water in the city is one way of spreading diseases and slowing down the economy. Our people will stop production and spend all their time to look for clean water.

Mr. Deputy Speaker, Sir, the President may be well meaning. However, to really actualise change in our country, we citizens have to support him up. We need to decide that it is what we want and adopt the Big Four Agenda. I would appeal to all of us, as leaders, to take the Big Four Agenda seriously and preach it to our people. Our people need to understand it; what it exactly means and the role of each of us. Health, For example, is very close to my heart. This is because without it, a people cannot advance, work, production will go down, children will not go to school and the country could come to a standstill. However, with universal health care, the country can leap ten times in development.

We commend the Government. We note that figures and facilities rose tremendously in the health sector and the number of mothers helped to deliver in hospitals rose. When the level five hospitals come near to the people, it is also the United Nations (UN) leverage. This is because when people trek for miles to look for clinics, and then there will not be production. They will also wait until they are very sick before seeking treatment.

We commend the government, but also appeal to those who are charged with medicines and other facilities which are supposed to be given at the hospitals that they should also do their bit. We appeal to our health workers to have it in mind they also have a role to support health. This applies especially to those who take medicines to private clinics. Those medicines do not reach the intended beneficiaries.

As leaders, it is also our responsibility in our counties to make sure that the medicines are used the way they should be. Even as we see to it that the health workers are paid their salaries, they should also do fair work so that there is no hue and cry from our citizens.

We commend the National Hospital Insurance Fund (NHIF) but we also appeal to them to find implementation ways which do not keep the patients waiting. I have one big appeal. As we know, cancer does not wait. The biggest cry right now is cancer. In almost every home, family or village one is affected or infected. We lost one of our own. Unfortunately, I was away but I heard about it. We have many Members who are also suffering. Members are able to look for medical assistance but we have so many other people who do not have hope. They cannot look for help.

We would have asked the NHIF whether there is a way they could start treatment as soon as a patient is diagnosed with cancer. They should do so even as the policy

matures. Most people take the insurance when they have been diagnosed. That is a big problem. Even those who offer us hope get involved in this area through foundations. Many patients come to me to ask how they can get NHIF cover for them to start treatment. It can be done. Once the patient has bought that insurance, it will mature soon or later.

As leaders and Government, we should focus more on cancer. I believe that many people would not die if this is done. They would live if this is discovered early enough. As much as we need treatment, we need education, information and awareness so that many people are screened long before the cancer starts spreading in the body so that they have a chance of being cured.

I heard the Deputy President saying that there will be machines in every county. That is a step in the right direction, but I urge that we develop more facilities for information and education so that we can reduce cancer. There are many other Non-Communicable Diseases (NCDs) which also need a lot of attention. However, as a nation we should focus on cancer which has become an epidemic. I think it should even be declared a disaster.

We also have the housing programme. Apart from giving that citizen dignity, having a decent roof over every citizen also gives him or her security. Having clean water will reduce disease. As we look into housing, we should also look into all that goes with it; water, roads, schools, hospital *et cetera*.

As citizens, we must know that the Government cannot do it alone. We are the ones to take charge. The Government is committed. They have shown us the way. Let us now, as the governors, Members of County Assemblies (MCAs), Members of Parliament, church leaders and all other leaders educate our citizens to adopt the Big Four agenda. That way, I believe it will not have been in vain.

Youth unemployment is a problem all over. It is not just in Kenya. We can do much better if we all start focusing on our youth and develop more polytechnics so that our young people can be trained to do some “hard” work, not just white collar jobs. I heard in the news that we have shortage of people to fix water infrastructure, electricity and all the technical areas yet we are lamenting that the youth have no jobs.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Senator, you have one minute.

**Sen. Mugo:** Mr. Deputy Speaker, Sir, I was coming to an end. I thank everybody. We all appreciate these four areas of development. We are all now speaking in one voice because of the handshake which we witnessed. I am sure development will be much faster. We will achieve all these goals.

Mr. Deputy Speaker, Sir, with those remarks, I beg to support and commend the President.

**Sen. (Prof.) Kamar:** Mr. Deputy Speaker, Sir, I thank you for the opportunity. I rise to congratulate His Excellency the President for a well-researched presentation that he gave us in the House. The President did a thorough analysis of the past; where we have come from and pointed to where we are going in the next five years. The past has had its challenges as outlined in the speech of His Excellency the President but there is a lot of hope in the future.

The President outlined the changes that have taken place since the onset of devolution, which are strongly related and supported; for example, the change of the funding that was introduced through devolution, which as Senators we must know that our role is to protect counties. He noted the rise from Kshs210 billion to Kshs327 billion at the moment and the in fact, the new Financial Year's figure of Kshs372 billion.

As he noted that, he pointed out that the Kshs2 billion has been released for Equalisation Fund. The national as well as the county governments have done their part. As the oversight team, we need to start looking at the impact of the billions that have been released, from the Kshs210 billion to the current Kshs372 billion. This is extremely important because just as any company has an internal audit, the Senate remains the internal audit for the county governments. We must ensure that the funding that is released to the county governments is utilised well, to the satisfaction and benefit of all.

Mr. Deputy Speaker, Sir, the Equalisation Fund needs interrogation by this House. A lot has been mentioned in other presentations, even during statements time, on the issue of the Equalisation Fund. How the boundaries were delineated needs to be interrogated by this House. We need to look at boundaries, particularly those bordering locations and sub locations to areas that are enjoying the Equalisation Fund. I say this because in Uasin Gishu County, we have one location that is extremely rural and was actually once classified as a hardship area.

I keep asking myself the difference between locations and sub-locations that receive the Equalisation Fund in relation to those that were previously known as hardship areas. We need to interrogate this soberly and ensure that all marginalised areas are taken care of.

The President also talked about a number of other issues and I was happy with his reconciliatory tone throughout his presentation. This is important for us as Senators because former Senators and governors do not want to remember the past five years. That was a period of acrimony which created a lot of division even within counties yet we know that any funds that go to the counties is money that all of us should be enjoying and discussing. So, the reconciliatory tone was extremely important and I think it was good that we extended the handshakes amongst ourselves.

I urge Senators to go further and extend the handshakes to governors and ensure that the nation enjoys the fruits of having elected leaders. Leadership is important for us and we must move forward to ensure that any resources given to our counties are enjoyed to the full by the population.

We also need to have some time, like we did in Kakamega, to understand that oversight is not an evil activity but ensuring that our resources are well used. Those resources do not belong to a governor, a senator or any Member of Parliament (MP) but they belong to all of us. We should utilise them properly because the way they are used will dictate how our performance will be rated. It should be all of us and not just one arm of Government.

In one of the nice reconciliatory tones, the Head of State reminded us that teachers, parents and all of us as leaders must learn to inculcate values in our children and this is very important. We need to look at our curricula right from the Early Childhood Development Education (ECDE) which is a devolved function. We need to know the

values that Kenya has and values that we impart in our children, so that as they grow, we can identify who a Kenyan child is at any time because of the values inculcated in them at a very early age. I thought that was a nice line in his speech and it should not go unnoticed. National values are very important for any group.

At the continental level, he talked about the African Continental Free Trade Area which I strongly support. I was a Member of the East African Legislative Assembly (EALA). East Africa is larger than Kenya and we imposed customs union but better still having a continental free trade area is important for us.

Mr. Deputy Speaker, Sir, you are aware that I am a Member of the African, Caribbean & Pacific-European Union (ACP-EU) representing this Senate. In fact, when heads of states met in Kigali to announce the declaration, we were in Brussels and discussed the African, Caribbean & Pacific-European Union Relations on Trade. I must say that we are extremely delighted and excited as the African delegation that there is a step towards Africa being opened up.

This is very important for us as a nation because there will be free movement of people and goods. This is what we need because for a very long time, Africa has been--- I do not want to call it a dumping ground but it has been a consumer continent. It consumed everything that came from everywhere without necessarily exporting as much as it was importing. So, this will generate inter-state competition and it will open up the continent for growth. That was a good thing that our President participated in and he is among the champions for this. We need to pass the law to ratify it soon.

The last but one is the Big Four Agenda that His Excellency the President is spearheading. I congratulate him for the Four Agendas because they are the foundation of growth of any nation. Health has been explored by my sister Sen. Mugo and I will not touch on that.

I want to talk about food security because I come from Uasin Gishu which is one of the grain baskets of the nation. Food security is important. It is a shame that 50 years after Independence, we are still talking about food. We should be self-sufficient by now. We have been conscious ever that 20 per cent of Kenya is productive and fertile and 80 per cent is Arid and Semi-Arid Land (ASAL). What we have not had is special focus on ASALs because we have not had an agenda of making the areas productive. I like the agenda that the President has on this, that we need to convert some of the ASALs to be productive.

Better still, we need to help the farmers in productive areas because if you look at the living standards of farmers in Uasin Gishu and Trans Nzoia, you will realise that this is another group of people that enjoy what they are doing because the production costs are high and what they get is very little. That still puts us at risk as far as food security is concerned. It is very important that we start analysing and look back to see where we came from as a nation.

There were days when crop production losses caused by any natural calamity were compensated. We need to relook at that and determine how we can compensate somebody who has committed himself to plant, plough and harvest for the sake of our food security. I say this because I have seen farmers who have remained paupers while they grow food for this country.

Finally, there is one thing I felt was lacking in the speech. This is a roadmap for the two-thirds gender rule and I urge the President to come out strongly on this one. I say this because you can see which gender is in the House now. Despite the fact that we are only 29.7 per cent, you will realise that 90 per cent of the contributions we have had in this House are from one gender. The President should know that this House is full of committed ladies and this country is full of committed women and any quarter of the nation as per the Constitution must have the 30 per cent women, be it Cabinet Secretaries, Principal Secretaries or members of boards.

The minimum number should be adhered to because you can attest that even in this House you have the commitment of women always going past 6.30 p.m. and it is not just today. You have seen for yourself today the numbers that we have in this Chamber.

It is important that a nation cannot be driven by one gender but by both genders. I would like to encourage the President that the one paragraph that I was looking for is missing and he should declare for us very soon. He could do so on Madaraka Day which is on 1<sup>st</sup> June, 2018, for us to know what the road map of getting the two-third gender rule is.

With those remarks, I thank you and I support.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. (Prof.) Kamar. We have heard you. Could we hear from Sen. (Dr.) Musuruve in spite of what Sen. (Prof.) Kamar has just said.

**Sen. (Dr.) Musuruve:** Thank you very much, Mr. Deputy Speaker, Sir, for the opportunity that you have accorded me to add my voice to this debate. Thank you, Sen. (Prof.) Kamar, for your observation on the gender issue. I am sure that all Kenyans and the President have heard. I am certain that he will do something about it.

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

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

I commend the President for the Address that he gave, which was an all-round speech. He touched on political, social and economic issues. I also thank him because his Address was all inclusive. He addressed all kinds of people: men, women, the marginalised and people with disabilities, albeit narrowly. I remember the President's Address as if I heard it two hours ago. It is still memorable.

One thing that came out so strongly in his Address is the issue of forgiveness. That was a very humbling statement that should never go unnoticed. It is biblical that when kings or leaders humble themselves and ask their followers to ask for forgiveness, the whole nation is healed and God forgives them. It happened in the Bible times when Jonah was asked to go and deliver a message of doom but when the king heard of that, he asked all his people to put on sack clothes and repent and when they did that, God changed His mind.

That presidential statement gives us favour before God for it carries so much. Our nation will be healed and I can see prosperity. It was also very humbling when the President came out to state that he and Hon. Raila Amolo Odinga had decided to put



aside their political differences, forget about themselves and rather think about the people of this country. The two leaders decided to put aside their own issues for the purposes of this country. The President said that they felt that the nation is bigger than them. Kenya is bigger than all of us. Those statements were so strong that we cannot forget them as Kenyans.

I was very impressed when the President reminded us that devolution is not a baby any more. I can remember all these as it was said one or two hours ago. We keep talking about devolution but the President told us that devolution is not a baby and we have to grow above devolution. He said that devolution is supposed to be a tool to be used to deliver to Kenyans. He was very clear in his Address. When one gives birth to a baby, we say that they have a bouncing baby but the baby begins to crawl, walk and then he becomes a child. When the baby becomes a child, he will begin working for you and one will send him here and there.

The inference that I am making is based on the Presidential Address. Devolution is now a child, thus it is a tool for us, leaders, to use to benefit the people of this Republic. It is constitutional to demand services delivered to our people. That is the beauty of devolution. When services are taken to the ground, everyone will enjoy the beauty of devolution, and everyone will have a stake in this nation. I want to commend the President for saying that we have to go above talking of devolution; instead, we have to use it as a tool that will help us get mileage and serve the people of Kenya. The President encouraged all the leaders to embrace commitment and a desire to serve the people of this country and that means something to us, leaders.

When it comes to leadership, let us be servant leaders. Let us be there to serve the people of this Republic because they are looking at us to see what we are doing as leaders. They are banking on us. We are their eyes and we have to go by what the President told us; serve with commitment because we are servants.

From the Presidential Address, it was very clear that we have to be together to fight corruption. We will not go far as a country in our fight against corruption if we are not united. It is a menace that we have to get rid of. This has to start with us, leaders. It will be possible for us to champion the fight against corruption the moment when we will declare that Kenya is a corruption free country. It was clear in the President's Address that we have to win the trust of our people. We cannot win the trust of our people if we are corrupt.

It is important that we become sincere, honest and selfless for people to trust us. When people trust in us, then we can build the bridges. The President talked of building bridges many times. We cannot build bridges if people do not trust us. The President clearly talked of building bridges because he knows and we know very well that if you burn a bridge and you want to cross over, you may want to go back and use the same bridge that you have already burnt. So, the President has called on us to ensure that we build the bridges and do not burn them. As leaders, we have a duty to do that for the sake of the citizens of this country.

When we embrace what the President told us, there is going to be peace and unity. The President said that it was not possible for us to embrace peace last year because of what was happening in the country. That is why the two leaders, the Rt. (Hon.) Raila

Amolo Odinga and the President decided to have a handshake. The climax of the handshake should be peace. When there is peace, there will be security in our country. When there is peace, there is going to be prosperity, and we will walk the same journey.

The President clearly said that there is nothing wrong for a politician to be criticized. He reminded us that we need to up our politics. We need to critic positively so that we help the citizens of this country. We can differ for the purpose of helping this nation and ensuring that we offer the best services to our people.

Madam Temporary Speaker, from the President's Speech, it is his desire and intention that no one is left behind. I am sure that he will increase the number of women leaders. We are still waiting for the President to do something about the two-thirds gender rule. I am sure that he will do something about it because it was part of his Speech.

I still feel that there is need for the President to do something about Persons with Disabilities (PWDs). I believe that PWDs should not be left behind even as the President ups the number of women.

The President's desire is to leave a positive legacy which is enshrined in the Big Four Agenda which has health as a priority. Health is a basic need. If the nation is not productive, the whole sector is affected.

Madam Temporary Speaker, even as we talk about issues of health, we should also talk about the issues of cancer, just like Sen. Beth Mugo has said. As a cancer survivor, it is important for this nation to invest in training oncologists who can help remedy this situation. We should not only talk about equipment, but we need to invest in expertise in this area so that we heal our country.

Most of the time, cancer survivors are not given an opportunity to be productive. There needs to be a way to help cancer survivors and their families to overcome the psychological impact of being cancer survivors or of losing a loved one through cancer. I still feel that there is a lot that needs to be done in this area. It should not just be about disbursing money that does not help the people.

I commend the President for talking about the issue of housing which is a basic need; everyone needs a roof over their heads. This issue makes me think of the people in the slums of Kibera. This is a good area to invest in because it will ensure that our people are housed and no one is left behind. The President's Big Four Agenda should be an area which will create employment for the people of this Republic. The contracts should go to the people of Kenya, especially the women and PWDs in order to help them uplift their living standards and become economically empowered.

Madam Temporary Speaker, Sustainable Development Goals (SDGs) cannot be realized if we leave behind people with disabilities and women because they are part of the economy and they can also contribute positively to the country. They should not be a burden. They can also help the country economically.

Madam Temporary Speaker, I believe that whatever we have said about the President's Speech will reach him so that he acts on it. We were happy about the sentiments and the thoughts he has for this country. Let those thoughts help us as a people of this country. Let the money that is disbursed help the vulnerable so that no one is left behind.

With those few remarks, I thank you, for the opportunity.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Sen. (Dr.) Musuruve. Proceed, Sen. Mary Yiane Seneta.

**Sen. Seneta:** Thank you, Madam Temporary Speaker, for giving me a chance to add my voice to the Speech made by His Excellency, the President in the State of the Nation Address. The ideas in the Speech were excellent, unifying and gave hope. The President touched on many areas but only a few of them are of great concern and if addressed well, will go a long way in helping him to leave a better legacy.

The President assured Kenyans of his support for devolution. He also discussed the challenges that were faced in the beginning of his term which was also the start of devolution. We were implementing a new Constitution which started in his first term as the President. He also talked about how much funds have been invested in devolution and how much needs to be invested. This will go a long way in enhancing development in all the 47 counties. The Constitution has clearly put the framework for allocating money to the counties unlike before where money used to be allocated through the Central Government. This time round, counties get equal resources. Therefore, all the 47 counties will be developed.

The President also touched a lot on unity. He promised to unite Kenyans especially after a long divisive campaigning period and electioneering year that has divided Kenyans along tribal and party lines. Therefore, he urged Kenyans to come together and forgive each other in the spirit of the 'handshake'. This was great. I urge all leaders, both in the county governments and in the national Government to unify Kenyans through the 'handshake'.

The President also talked about corruption and assured Kenyans of his commitment in fighting the vice. Corruption has denied Kenyans development in many areas. Kenyans are losing millions of money through this vice. Therefore, the assurance of the President was encouraging. For it come to reality, all leaders from all levels and all Kenyans should join hands with the President in fighting corruption. Corruption is not only about stealing money; it is also about denying Kenyans the little service they need. Today, many Kenyans do not get timely services.

You go to a hospital and Kenyans are lining up for services. In the universities placements, students are not given that priority and in our institutions, you are attended to according to who knows you better. This vice needs to be fought hard by everyone. I congratulate the President for saying that he will not condone anybody who will loot this country's property even in terms of justice.

Mr. Temporary Speaker, Sir, the other thing that impressed me in the President's Speech is his Big Four Agenda. He talked of housing, health, food security and manufacturing. Looking at these four agendas, if they are well addressed, I think the issues which are facing this country like unemployment will be addressed. When we talk of manufacturing, instead of importing many products, we shall be able to manufacture our own and buy them cheaply because we shall use our raw materials and also employ our youth in those manufacturing industries and plants. I think we should sit down with the Executive and with the help of Legislators, both in the National Assembly and the Senate, implement his agenda, especially the manufacturing one.

We have a very rich country in terms of raw materials. In counties that are in Arid and Semi-Arid Lands (ASAL), many animals of pastoralist communities die every day but they have nowhere to sell the skins. The leather industry died a long time ago. We are, therefore, forced to import leather products whereas we can comfortably buy the raw materials – hides and skins – from our pastoralist communities and make very nice leather jackets and other products. We have a very rich country with so many minerals but we import almost everything. It is high time the President sat down with governors and had every county start a manufacturing company of a certain type. Counties should be encouraged to start these manufacturing plants so that they employ our youth.

The President also talked of housing which is also important and we can have a population that can comfortably afford shelter and go to work in time. Here in Nairobi City in the morning, people who live as far as Kitengela, Thika, Kajiado and Ngong spend a lot of time on the road. They have gone to those areas to look for houses which are not even affordable to everybody. If you cannot afford a nice house today in Nairobi City, you have to spend a lot of money on cheaper housing in the slums or even very far from town. In the end, you would not have saved yourself time and money. Therefore, housing is a bright idea but we need to think about it for it to be of help to our country. That way, we will even employ our youth in the sector and earn counties money from the rent.

Mr. Temporary Speaker, Sir, we cannot achieve the Big Four Agenda without skilled labour. I expected the President to talk about our academic or learning institutions. Talk of technical skills and north eastern counties, including Kajiado and Narok, do not have nice village polytechnics with skilled people who can build houses that we are talking about. One of my colleagues here just talked about unskilled human resource who cannot even address a simple mechanical problem in a vehicle. So, as we talk of housing and manufacturing, we need to also talk about developing polytechnics and technical colleges in counties.

We are talking about food but in counties, agricultural courses are not taught in youth polytechnics which have so much population. We do not have these skilled personnel who can teach the community how to implement agricultural knowledge that can translate to food production. We need to address the issue of skilled labour as well as the quality of education in our institutions. We have a big problem in the universities. First and second year university students say that they have never been taught by a professor in those universities. Therefore, we are getting half-baked students. We are also not concentrating on who is teaching in our vocational training colleges. We have a human resource that is well trained and can train the skilled labour so that we do not import the famous Chinese labourers to work in the Standard Gauge Railway (SGR) and housing projects. We need to employ our own who can also work well.

Another great agenda is food security. We need to encourage our counties to look into how they can be food secure. Some counties were affected by drought. How will we address food security in another few months after the rains? Are we putting in place measures to enable them also produce food? There are counties that can only rear animals for beef. Could we also look at how we can encourage them and look for a market for them and make them productive? This way, we will not be in a situation where we are

only comfortable for two months during the rainy season and in the next six months, we start talking about declaring drought a national disaster. We need to prepare ourselves as a country.

The President's Speech was very impressive and gives hope to Kenyans, if he could only go back and help those who are implementing his programmes. As the leaders of this country and the Senate, we need also to look into checks and balances since we are giving money to our counties. Is this money helping us even to enable the President achieve his Big Four Agenda? Is the money going to perform the right functions as per the---

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

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. Let us have Sen. Cherargei.

**Sen. Cherargei:** Thank you, Madam Temporary Speaker, for this opportunity. I join my colleagues in thanking the President for the wonderful State of the Nation Address. I agree with most of what my colleagues have said regarding what the President mentioned. All of us agree that this is the first time, after the 'handshake' that he was addressing the nation from the platform of unity, development and focus, especially on the Big Four Agenda.

I thank the President because he highlighted some of the key achievements over the last five years and laid down the basis for his legacy, going forward. There are many things that my colleagues and the President raised, which I support. On the issue of infrastructure, my own county has benefited from the 10,000 kilometre road network. Recently, we were in Kakamega and we could tell the importance of infrastructure. It spurs economic development at the lowest level as much as one can go. That is the way to go.

Secondly, I applaud the President on the issue of the Last Mile Connectivity. This is because when some of us were very young - although we are still young- electricity was a privilege. Electricity was only accessible by the wealthy. However, now even the ordinary *mwananchi* can access it. I think it is in line with the socioeconomic rights that have been provided for within our Constitution. Every Kenyan now regardless of their status and where they live can access electricity.

I know that we may be having challenges regarding the billing of electricity and the tokens, but I hope that the Ministry of Energy will remain focused and steadfast. This is because some of the bills we got from the beginning of this year have been very astronomical, without proper explanation. We should not burden the people at the lowest level, because most Kenyans are living on below a Dollar a day. Therefore, as much as we applaud the President for this wonderful issue of Last Mile Connectivity - I know most counties are going to benefit - the billing system at the Kenya Power Company should be relooked at, so that we do consumer protection and guard against exploitation of customers that get electricity.

We cannot over-emphasise the issue of infrastructure. You and I come from the same region of the North Rift and we are excited that the President mentioned about the

extension of the Standard Gauge Railway (SGR) from here to Naivasha. He also indicated that he is in talks to ensure that in future the SGR will move from Naivasha towards Malaba border. I hope and pray that it will pass through our counties, Kisumu and western Kenya. This will open up the western part of Kenya in terms of opportunities and connection to the ports. Our region is very important in terms of business opportunities since we neighbour Uganda. The President said that we are opening to the East African market. Going forward, those are some of the key issues that we would like to see.

Madam Temporary Speaker, the third point that the President raised was about the utilisation of key issues. Going forward, we need to digitise most of the key documents that we need. This is because nowadays to get a job in this country one needs a certificate of good conduct, passport and even a birth certificate. The problem we are facing - and I think it was a question in this House – concerns birth certificates. In my county, half of students are still struggling to get birth certificates, so that they can register for the national examinations.

It is my prayer that, as part of the Government's agenda, we should ensure that we digitise some of the vital documents, so that going forward we ensure that they are--- I want to applaud the President and follow up on the speech that he made during the 5<sup>th</sup> Annual Devolution Conference in Kakamega. He invited the county governments, through the Intergovernmental Relations Committee, to also open part of their service delivery within Huduma Centres. It will be exciting to look at that.

The fourth point is on the issue of devolution. We cannot belabour the point because we have seen that it has changed lives in our villages, wards, constituencies and counties. During the 5<sup>th</sup> Annual Devolution Conference I liked the candid discussion that the Senators and governors had. As you said, oversight should not be viewed in the eyes of being evil or undermining anybody; it is part of our role as the Senate.

It is impressive that the Jubilee administration is the first Government to ensure that devolution has grown through leaps and bounds. I applaud the President because from 2013 to now, there has been a steady increase in the allocation of funds that go to our counties. In as much as we want to increase allocations to our counties, we also request the county governments to account, in the same manner, speed and expectation of getting allocations.

Although the President did not capture it, as a follow up to his speech during the 5<sup>th</sup> Annual Devolution Conference in Kakamega County, he said that we now have Kshs50 billion through the Kenya Devolution Support Programme. It is important that it be shared among all counties. This will support devolution. I know that some people are proposing a three-tier structure in some discussions. However, I think that devolution should go down to the village level, but not up to the regional level.

Madam Temporary Speaker, I want to applaud the President on the Big Four Agenda. The “handshake” was very important, although some of us have expressed reservations about it. We need the “handshake” only for purposes of unity, development and peace in this country, and not beyond what we are seeing on the sidelines.

The Big Four Agenda is very important because it will set the basis and foundation for the legacy of the President. Going forward, we hope to see that. I applaud

the President for not engaging himself on the discussion about a referendum. If we start discussing a referendum it will no longer be the Big Four Agenda, but the 'Big Five.'

If we go for a referendum at this time, it will distract the implementation of the Big Four Agenda of the President. The President knows very well that we need an ample and conducive environment, so that going forward we can have a discussion on the Big Four Agenda. These include housing and affordable universal health care.

I also call upon counties - especially where we come from - that even as the national Government moves forward, through the Intergovernmental Relations Committee, they should be very supportive. This is to ensure that the Big Four Agenda is a success.

The Big Four Agenda we are discussing is touches the life of the ordinary Kenyan. This is because it concerns universal healthcare and accessibility to the National Hospital Insurance Fund (NHIF). I applaud the Government because Ksh4.2 billion has now been allocated to ensure NHIF coverage for students at the secondary school level, which is very impressive.

Madam Temporary Speaker, I agree with Sen. Mugo who talked about cancer and many other diseases that have continued to affect our citizens. Therefore, making health care affordable is very important. The Deputy President, while speaking in Baringo South Constituency, during the burial of the late, *Mhe.* Grace Kipchoim, insisted that all counties will get the cancer screening centres. That is the biggest problem that we are facing in this country. I hope that it will benefit our citizenry.

Madam Temporary Speaker, on the issue of the handshake, we welcome it but as I had said, we have reservations on the same. On the technical committee, we request H.E. the President to also give young people a voice because most people affected during electioneering period who were either misused or abused are the young people. So, we need their input so that by the time the technical report on the handshake is out, the agenda, aspirations and posterity for the future of this country must be captured within the contexts of the young people. We expect the President to look into it.

Finally, in the interest of time, I thank the President on the issue of security even as we mourn our fallen heroes from the Kenya Defence Forces (KDF) who unfortunately died the other day in Dhobley, Somalia. We send our condolences to the family. We celebrate them as heroes. Security is very important for the growth of our economy and regional economy. Therefore, going forward, I applaud the President for ensuring security is guaranteed.

Madam Temporary Speaker, I beg to support and applaud the President for this speech.

**Sen. (Dr.) Milgo:** Madam Temporary Speaker, I thank you for giving me this opportunity to add my voice to this Motion. The President's Speech was well researched and thought out. First of all, he started by reminding all the legislators that they are representatives of the people in this House. Therefore, we have a role to play.

Secondly, one very special thing that the President mentioned was the fact that devolution is succeeding. In the just concluded Devolution Conference in Kakamega, there were people who were still doubting that devolution has succeeded, but the funding that has gone to the counties is a pointer that devolution is growing from strength to

strength as years go by. At this point, we ought to encourage our governors to ensure that all the funding that goes to counties is put to good use so that our people get value for the money received.

Recently, I visited Australia. It was interesting. I met a number of people who admired what we do in our country. They said, “Do you come from Kenya, a country with one of the most progressive Constitutions?” I realised that this Constitution that gave birth to devolution should be cherished. For that particular reason, we in the Senate are supposed to oversight devolution to ensure that it surely succeeds.

In line with this, there was the issue of Huduma Centres. In the President’s Speech during the Devolution Conference, he mentioned that even the county governments should use those centres to showcase some of the things that are there. They should also encourage the youths to apply for jobs there.

We have to realise that just before Huduma Centres were put up, it was a nightmare obtaining just a simple National Identification Card (ID). Everybody had to come to Nairobi to obtain a KRA PIN or a certificate to do some small business. I am sure Huduma Centres will go a long way in ensuring that even shops are provided for our youth, and therefore, services are provided in the most efficient ways.

In the same note, I wish to also encourage the governors to make use of these very special centres so that all our youths will be informed of any job vacancies in the counties. Also, if there is any other form of advertisement, they ought to go to those particular Huduma Centres.

Another very special message that was passed by the President was the issue of following up on stolen funds or rather goods that were obtained through illegal means. He sent a message to all and sundry that it is no longer business as usual in Kenya. Corruption has discouraged investors and brought down institutions in this country. At times, we would have very good ideas on paper and even money is allocated but then at the end of it all, we are only told that there was money allocated, for example, for this road or institution but then there is nothing to show for it.

Once again, recently when I was in Australia, I realised that people in that country would really want to contribute something to their country; even the very old people said that at the end of the year, they must ask themselves what they have done for their country. As Sen. Olekina said, nobody in that country wants to take something beyond what belongs to them. In this case, if we embrace this direction even in our small ways as leaders, we will get there. We will realise in due course that it will spur the economy because everybody would want to come to a country where there is integrity and where one is not asked to pay for free services.

I also challenge each and every institution to ensure that they have made the best use of management information systems so that we can net those people who all the time want to use graft or encourage corruption in their institutions.

Another important point in the President’s Speech is health. It has been mentioned at length by my colleagues but I would like to say that healthy people will lead to healthy economies. We cannot talk about a healthy economy in this country without having healthy people. In the past, it used to be a nightmare obtaining ARVs. When ARVs were



made affordable, we now have a lot of people even living healthy lives despite the fact that they are HIV positive.

We should also emphasize the issue of cancer. In our villages what is killing people mostly is cancer. I do not want to overemphasize. My colleagues have already mentioned that we ought to train qualified people and deploy them to Level Five Hospitals so that people go for screening. Through this, cancer will be diagnosed early enough and people can live longer.

In addition, today we were informed that there is a county with many health challenges. It is quite absurd that our President is already having health as one of the Big Four agenda yet there are some health centres where people cannot get even get a painkiller like Panadol. This should be taken as a serious matter so that the culprits are brought to book.

### ADJOURNMENT

**The Temporary Speaker** (Sen. (Prof.) Kamar): Order, hon. Senators. Sen. (Dr.) Milgo, you have a balance of seven minutes when we resume. On the priority line will be Sen. Lokorio Petronilla Were, followed by Sen. Wario Golich Juma.

Hon. Senators, having concluded the business of the day, it is now time to adjourn the House. The Senate therefore, stands adjourned until Wednesday, 9<sup>th</sup> May, 2018 at 2.30 p.m.

The Senate rose at 6.30 p.m.