

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Tuesday, 14<sup>th</sup> February, 2017

*Eleventh Parliament - Fifth Session - First Sitting*

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

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

#### PRAYER

#### COMMUNICATIONS FROM THE CHAIR

WELCOME TO HON. SENATORS TO  
THE FIFTH SESSION OF THE 11<sup>TH</sup> PARLIAMENT

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I wish to welcome you back to the Senate for the Fifth Session, which is the last session of the 11<sup>th</sup> Parliament. As I issue this communication, I recall the words of the Speaker during the First Sitting of the Senate on 28<sup>th</sup> March, 2013 during which he stated that the tasks and responsibilities ahead of us were enormous and challenging and required exceptional commitment, focus, harmony and unity of purpose in the performance of our constitutional mandate.

I am happy to note that you have demonstrated commitment and focus in the execution of our core mandate of spearheading the implementation of devolution which is the backbone of the Constitution of Kenya 2010. I once again urge you to remain committed and focused during this last Session of the 11<sup>th</sup> Parliament as we together continue to accomplish what Kenyans expect of us to do as their representatives. In this regard, please take note that we have urgent outstanding business relating to Bills in various stages and Committee reports which need our urgent and immediate action. I am sure that you will continue to avail yourselves for this purpose.

Please, note that the Senate Rules and Business Committee (RBC) shall convene tomorrow, Wednesday, 15<sup>th</sup> February, 2017 at noon to priorities Senate business including the appointment of Members of the Sessional Committees. I thank you and wish you a fruitful Fifth and last Session.

DEMISE OF SEN. BOY JUMA BOY, SENATOR  
FOR KWALE COUNTY

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, it was with profound shock and sadness that I learnt of the untimely death of our friend, colleague and brother, the distinguished Senator for Kwale County, Sen. Boy Juma Boy, on Sunday, 12<sup>th</sup> February, 2017.

In line with the Islamic faith funeral rites, his remains were laid to rest yesterday, 13<sup>th</sup> February, 2017, at this home in Vanga, Kwale County. I note with appreciation that some of you, Hon. Colleagues, I note with appreciation that some of you made time and travelled to Vanga to give our colleague a befitting send off. I had the honour and privilege to represent the Senate at the funeral. I would also like to thank all Senators for standing with the Late Sen. Boy Juma Boy's family in various forms including prayers.

Hon. Senators, Sen. Boy Juma Boy was first elected as a Member of Parliament (MP) in 1983 at the age of 24 and served as the MP for Matuga Constituency for three uninterrupted terms from 1983 to 1997. Having joined politics as a successor to his late father, who was the then MP for Matuga, he became the youngest MP at the time. He rose through the party ranks to become Chief Whip in Parliament in recognition of his distinguished service and loyalty to the ruling party, KANU.

The Late Sen. Boy Juma Boy was elected as the Senator for Kwale County during the General Elections held on 4<sup>th</sup> March, 2013 following the reintroduction of a bicameral parliament in our country. While serving as Senator for Kwale County, he actively represented and accomplished great milestones through articulating and fighting for the rights of his constituents and the entire Kenyan citizenry.

The Late Sen. Boy Juma Boy was passionate about his county. This is evident in the way he championed the spirit of devolution while ensuring that funds allocated to the county were used to deliver services to the people. He was an articulate Member of our Senate Committees, namely; the Standing Committee on Information and Technology, Committee on Lands and Natural Resources, Joint Committee on Broadcasting and Library and the County Monitoring and Evaluation Committee.

His dedication to his roles as a Committee Member and Senator enabled him to make significant contributions to the working and operations of these committees. On the Floor of the Senate, the Late Sen. Boy Juma Boy made passionate and witty contributions on debates in and out of the House that were usually filled with humor but geared towards achieving improved service and wellbeing of his electorate. This won him profound admiration and respect by all the people across the political divide, old and young, educated and uneducated as well as his fellow leaders.

Hon. Senators, you may recall the Senate deliberations on the Mining Bill 2015, just recently during which the Late Senator offered invaluable contribution and great insight to ensure that Kwale residents would also benefit from the value of huge deposits of rare earth minerals in the county. The Late Sen. Boy Juma Boy will no doubt be remembered and missed by all of us for his Kiswahili Sanifu on the Floor of the Senate. I am certain that we can all attest to the fact that he had immense oratory skills and mastery of the Kiswahili language.

Hon. Senators, the Late Sen. Boy Juma Boy was always ready and willing to work in a bipartisan manner with his colleagues on matters of public good and national interest while remaining loyal to his party and coalition. We all thank God for the gift of Sen. Boy Juma Boy's life and pray that He will grant the family and friends of the late Senator and the great people of Kwale County comfort during this very difficult time.

May the soul of our late colleague, Sen. Boy Juma Boy, rest in eternal peace. I thank you and request that we all rise for a minute of silence in honor of our departed colleague.

*(Senators rose in their places for a minute of silence in memory of the Late Boy Juma Boy)*

#### TRIBUTE TO THE LATE SEN. BOY JUMA BOY

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, in memory of our late brother, I shall allow time for Hon. Members to eulogize our late colleague. In that regard, I will allow any Senator who wishes to raise voice on this issue to do so. I thank those of us who went to Kwale yesterday led by the Senate Minority Leader. We gave our eulogies and words of comfort to the family.

I know that this might interest virtually everybody in the House, I shall initially allow five minutes to any Senator who wants to say anything. If it will take too long, I will review it downwards. The screen is already full. Let us start with the Senate Majority Leader.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, first and foremost, I welcome colleagues back to the final Session of this term and thank God that most of us are back, except our brother. I take this opportunity to express my sincere condolence to the family and friends of our late brother, Sen. Boy Juma Boy. I would also like to express my condolences to the people of Kwale County---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Senator. I will grant you as the Senate Majority Leader 10 minutes as well as the Senate Minority Leader. I will allow everybody else five minutes.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, Sen. Boy Juma Boy was not just a leader for the people of Kwale but was well known across the county. As you have said in your communication, he is a long serving parliamentarian. As a parliamentarian, he made immeasurable contributions to the development of our democracy in this country by serving as the MP for Matuga, formerly Kwale Central Constituency for three consecutive terms, which in Kenyan politics is no mean task.

The people of Kwale must have had a lot of faith and confidence in the work that he did for them as their MP during that time. As fate would have it, his service was interrupted for a while and he continued living among his people even when he was not elected for approximately 15 years, only for him to bounce back to represent the entire county. That demonstrates that despite his long absence from politics for a period of 15

years, our late brother continued to work with his people and for his people and did not run away from them simply because he had lost the election.

Mr. Deputy Speaker, Sir, we are remembering a brother, friend, colleague and leader who was very committed to the welfare of his people. I remember that since 2013, there are many times that our late brother contributed in this House. Everyone is agreeable that he had good command of language and was very creative. He would deliver his contribution with a lot of persuasion; passion and emphatic thrust that made him stand out. Every time that Sen. Boy Juma Boy was on the Floor, we would all listen because he would make sure that he drew our attention to what he was saying.

I had a lot of personal conversations with the late Senator notwithstanding that he came from the minority side. He was a very friendly person and colleagues on this side can attest to the fact that Sen. Boy Juma Boy did not have enmity or unnecessary grievance with those of us sitting on this side of the House. He was a good and friendly man, always reaching out. That notwithstanding, he remained very committed to the ideals of his party, ODM and his coalition, CORD. This is a good example for all of us, the fact that you are a national leader does not mean that you abandon the ideals you stand for in terms of party affiliation. He was able to balance loyalty to his party and his coalition and on the other hand loyalty to our nation and the need to reach out to the rest of Kenyans because we are one country united by the borders of our land.

We are mourning a nationalist, a defender of the rights of his people and a man who was friendly to all of us. I had a lot of personal conversations with him and I got to understand that every time the interests of the people of Kwale were at stake, he was always uncomfortable. He would always communicate what his discomfort was until the matter got addressed.

Mr. Deputy Speaker, Sir, allow me to say we are all sorry but there is very little we can do. It is only God who gives us life. We do not know how long any of us would live. We can only appreciate the good moments that we spent with our brother. Finally, so that other colleagues can also eulogize our brother, I thank you for leading the delegation from this House as the Deputy Speaker. I also thank the colleagues who also sacrificed their time in spite of the short notice to travel to Vanga; including the Minority Leader, Sen. (Dr.) Khalwale, Sen. Omar, Sen. (Dr.) Zani and others who went there.

I want it also to go on record that we appreciate that the funeral came very abruptly but we respect it because it is in accordance with the faith which our brother subscribed to. So, the fact that many Senators did not attend should be understood in that light. He died on Sunday and he had to be buried on Monday. Therefore, many of us who were out there campaigning for voter registration and our re-election were unable to attend.

However, I assure the people of Kenya and the people of Kwale that we stand with them during this time of grief. We stand with this country and the ideals for which our brother lived all the years that he lived in this world. May God rest the soul of hon. Boy Juma Boy in eternal peace.

**The Senate Minority Leader** (Sen. Wetangula): Bw. Naibu Spika, asante sana kwa kunipa nafasi ili niweze kutoa wasifu wa ndugu yetu, marehemu Sen. Boy Juma Boy. Kwanza kabisa, nakushukuru na Karani wa Bunge hili kwa kutuwezesha sote

kwenda Vanga jana kuhudhuria mazishi ya ndugu yetu. Mimi na Sen. Kisasa, Sen. (Dr.) Zani, Sen. (Dr.) Khalwale, Sen. Hassan Omar, Sen. Madzayo na Sen. Adan tulienda pamoja. Tuliona vile mwenzetu mwenzetu alikuwa anapendwa na watu wake. Kulikuwa na halaiki ya watu waliokuwa na majonzi. Walisema ya kwamba wamempoteza Kiongozi shupavu.

Nilimjua ndugu yetu, marehemu Sen. Boy Juma Boy, 1993 wakati tulikutana Bungeni. Wakati huo ndugu yangu Sen. Kiraitu alikuwa ameingia Bungeni safari ya kwanza.

*(An hon. Senator spoke off record)*

Tunaongea juu ya kifo cha mwenzetu, sio kicheko. Tulikuwa tunamfurahia. Alikuwa Kiranja wetu. Alikuwa anajulikana sana akisimama kutoa hoja ya nidhamu; hata kama Spika hakutaka kumpa nafasi, ilimbidi ampe nafasi kwa sababu ya sauti na ufasaha alioutumia kwa kutoa hoja zake.

Marehemu Sen. Boy Juma Boy alikirithi kiti cha babake, Marehemu Mzee Juma Boy, ambaye alijulikana sana nchini Kenya kama Kiongozi wa wafanyi kazi. Alitembea Kenya mzima kutetea wafanyi kazi katika viwanda vya miwa, karatasi na kwingine. Marehemu Sen. Boy Juma Boy alipokuwa hapa Bungeni alikuwa Mtetezi wa wanyonge kila wakati. Hakuwa mtu wa kusema maneno mengi lakini yale aliyoyasema kwa uchache yalikuwa ya kujenga nchi yetu, kuwatetea watu na kuleta haki na usawa kwa wananchi wa Kenya.

Kama kiongozi wa upande wangu katika Seneti hii, naweza kusema kwa furaha ya kwamba marehemu Sen. Boy Juma Boy alikuwa mwadilifu, aliwajibika vilivyo na alikuwa Seneta mwaminifu kwa chama chake, mrengo wetu na Seneti kama vile ndugu yake amesema. Alitenda kazi kwa ufasaha na ushujaa kwa kila kamati aliyoteuliwa kutumikia. Nakumbuka wakati tulimpa nafasi kuketi katika kamati iliyokuwa inachunguza mienendo ya Naibu Gavana wa Machakos, akija kuniuliza na kunieleza vile mambo yalikuwa yanakwenda na msimamo tuliyokusudia kuchukua. Hakuwa mtu wa kujifanyia mwenyewe mambo yanayohusu Seneti hasa mrengo wetu. Mara nyingi alikuwa anakuja kuniuliza, “*Boss*, hapa kura tunapiga namna gani?” Ukimwambia msimamo wa mrengo wetu ni huu anasema, “mimi nilikuwa na maoni tofauti, *boss*, lakini vile wewe umesema, basi sisi tutapiga kura hivyo.” Hiyo ndiyo maana ya demokrasia ya Bunge. Kuna mambo mengi ambayo unaweza kuja Bunge ukiwa na msimamo wako mkali; msimamo ambao pengine una faida kwako kibinafsi lakini lazima ufuate yale mrengo wako na chama chako kimesema. Marehemu Sen. Boy Juma Boy alikuwa mwadilifu kwa mambo hayo. Aliwajibika vilivyo. Sisi sote tulimheshimu, tulimpenda na kumfurahia.

Bw. Naibu Spika, tukiwa Vanga, wewe pia ulijionea ya kwamba marehemu Sen. Boy Juma Boy hakubahatisha mrengo wa siasa aliyokuwa. Watu wake walisema kinaga ubaga ya kwamba walifurahia, walikupenda kule alikuwa na watabaki kule alikokuwa. Hayo ndiyo mienendo ya kiongozi ambaye analinda na kuongoza watu wake vilivyo. Nakumbuka wakati wa uchaguzi uliopita, nilikuwa nimeteuliwa na mrengo wetu kwenda kampeni katika kaunti za mkoa wa Pwani. Tulienda kutoka kituo hadi kituo, eneo bunge hadi eneo bunge na marehemu Sen. Boy Juma Boy; popote tulipoenda, watu walimfuhia,

walimjua, walimshangilia na walimahidi ya kwamba angechaguliwa kama Seneta wa Kwale.

Alikuwa anabishana na ndugu yetu, Bw. Mwakwere ambaye alikuwa waziri na alikuwa na hela kumliki. Bw. Mwakwere alikuwa na *name recognition* wakati huo kwa sababu marehemu Sen. Boy Juma Boy alikuwa nje ya Bunge kwa karibu miaka kumi na mitano. Lakini kwa sababu aliyoifanya marehemu babake na yeye pia alipokuwa Bungeni, wananchi wa Kwale walimtunukia nafasi na heshima ya kuwa Seneta wa kwanza wa Kwale katika muhula huu wa pili wa Bunge hili la Seneti.

Bw. Naibu Spika, nikimalizia ili wenzangu pia wachangie, ningekuwa mwandashi Shaaban bin Robert aliyeandika kitabu kinachoitwa, *Wasifu wa Sid bin Saad*; alisema, “Sidi ni mwana mrembo aliyeumbwa akaumbika.”

Boy Juma Boy alikuwa mtu aliyeumbwa akaumbika. Endapo angetembea kwa hatua zake, ungetambua kuwa ni mtu wa heshima.

Shaaban Robert alisema kuwa sura ya Sidi ni kama almasi. Boy Juma Boy pia alikuwa mtu wa kupendeza kweli kweli. Shaaban Robert pia alisema kuwa Sidi alipoongea, sauti yake ilitoka kama kinanda. Boy Juma Boy pia alipoongea hapa, hata wale wenye tabia mbovu ya kupigia wenzao kelele katika Bunge walinyamaza na kumsikiliza.

Tumempoteza Juma Boy Juma kwa wakati ambao tunaelekea kwenye uchaguzi. Sisi kama mrembo wa the National Super Alliance (NASA) tulikuwa tunamtegemea Boy Juma Boy kwa Kiswahili chache cha machachari na ufasaha wake kama mmoja wetu ambaye tungetembea naye Kenya mzima kueleza Wakenya kwa nini tunahitaji mabadiliko na kwa nini NASA ndio jawabu ya shida za Kenya. Mungu alimpenda kutuliko na ndio sababu alimwita.

Jumatano iliyopita, tulikuwa kwa mkutano na tukaambiwa kuwa Boy Juma Boy anaogua na amelazwa katika Hospitali ya Aga Khan. Tuliwatuma Sen. Orengo na Sen. Muthama huko ili kuona kulikuwa na shida gani. Waliporudi, walituambia kuwa alikuwa na shida lakini alikuwa ametolewa chumba cha wagonjwa mahututi na sasa alikuwa amepolekwa katika wadi. Walituambia kuwa alikuwa anaongea, anacheka na amefurahi na waliona hakuna shida.

Bw. Naibu Spika, tulipigwa na bumbuazi siku ya Jumapili tuliposikia ya kwamba mwenzetu hayuko tena. Tunaomba Mola amweke mahali pema peponi. Tunaomba wale ambao walimjua kama sisi sote hapa tuige mfano wake wa utetezi bila mapendeleo, kuzungumza manemo bila kuogopa na kupenda nchi yetu vile inatakikana kwa Wakenya wenye nia njema. Asante sana.

**Sen. (Eng.) Muriuki:** Mr. Deputy Speaker, Sir, I take this opportunity to join you and my colleagues in the House to express my sincere condolences and, moreso, those from my people in Nyandarua County. We all know the late Boy Juma Boy came to Parliament as it was said by the speakers before way back in early 1980s. Although some Kenyans like thinking that the Senate is a House of old people, we are not short of people who were born well after our late colleague was actually serving in Parliament.

Mr. Deputy Speaker, Sir, despite the big break he had from the first few terms, when he came to the Senate, whether you liked it or not, you would not fail to notice the presence of Sen. Boy Juma Boy in the House, canteen or the Lounge.

First of all, it was virtually impossible to quarrel with out late colleague, Boy Juma Boy. Sometimes when we quarreled between parties, he only needed to bring one idiom in his Kiswahili and everybody would laugh and that was the end of it.

We all know that in the world, we human beings like working in committees but God does not have a committee. When one of us leaves, we just have to accept that, but there is no doubt that it is a big loss to this House, the people of Matuga Constituency and the people of Kwale County which he was representing. I also have no doubt that it is also a loss even to the Coalition for Reforms and Democracy (CORD) fraternity where he belonged and Kenya at large.

Mr. Deputy Speaker, Sir, with those few words, I join my colleagues to express our condolences to the family, colleagues and friends and the people of Kwale County which he represented. I thank you.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, thank you very much for giving me this opportunity to join my colleagues in expressing our deepest sympathy to the family of Boy Juma Boy, the people of Kwale and colleague brothers and sisters to a departed Senator. It will be said and we shall not be tired of repeating that we have lost a very polished, humorous and committed Senator.

Death is like a thief; it steals at the most unexpected hour. That was a surprise and a deep disappointment to those who are left behind. I do not think that anybody could have imagined that as we left this Senate not too long ago to go on recess, we could come back less in number by one.

In just a few days before we came back, as Sen. Wetangula has said so clearly, unexpectedly, we lost Boy Juma Boy. I have known Boy Juma Boy since the Seventh Parliament in 1993 when I entered as a Member of Parliament (MP) for Kisumu Rural Constituency and he was already a distinguished MP for Matuga Constituency and also Chief Whip for KANU.

I remember one day a KANU Minister was speaking. I felt it did not make much sense what he was trying to explain and I rose on a point of order. I asked the Speaker whether that Minister had a medulla oblongata. Boy Juma Boy was very amused and asked the Speaker if I could explain what I meant. From then on, we have called each other "medulla". Any time he met me, he could say; how are you "Medulla." I answered; "Medulla" I am okay. That was vintage Boy Juma Boy; a very humorous, friendly and accommodating of all kinds of views and, definitely, an excellent debater.

Mr. Deputy Speaker, Sir, I remember when we were campaigning in Kwale as the Orange Democratic Movement (ODM) for Boy Juma Boy, going to poor villages deep inside the county; Boy Juma Boy would mix so comfortably and easily with the common people. Quite often he would sit down, taking off his shoes, drink local drinks with them and invite us to do the same. That was perhaps one of the most deep and meaningful campaigns I have carried out in my life as a politician.

The only other place I felt like that was in Tharaka-Nithi, an equally very poor county where Joe Nyaga and I campaigned in 2007, deep in the villages where poor people believe that the future should be better by better governance welcomed us with open arms. It behooves us as Members of the Senate, as we go to the election, that that spirit that Boy Juma Boy had of commitment to the ordinary Kenyan to make his life

better should be our mission commitment; that the lives of ordinary Kenyans should be better and the political competitions should be meaningful but not just for getting to positions and that what we brought under the new Constitution as devolution should happen.

Indeed, Boy Juma Boy represented a county as we do. Article 96 of the Constitution commits us as Senators to serve, promote and defend the interest of the counties and we should do that sincerely and with sincere commitment to our Constitution. That would be the best memory of Boy Juma Boy. When his epitaph is finally written, let it be said that “here lies a gentleman, a committed politician, a man who in his time did not waiver at all to serve the common Kenyan.”

May his soul rest in eternal peace.

**Sen. (Prof.) Lesan:** Mr. Deputy Speaker, Sir, I also take this opportunity to join my colleagues in mourning our departed colleague. I got to know the late Senator for Kwale County when we were elected to the Senate. Being the tall man that he was, whenever we would talk, I would look up at him. Within me, I always looked up to him for advice as we discussed various issues. He was of great value.

I take this opportunity, on behalf of myself and the constituents of Bomet County, in mourning the departed Senator. I also join the constituents of Kwale County in mourning this very eloquent and articulate Senator.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I rise to extend my heartfelt condolences to the family and friends of our departed brother, Boy Juma Boy. I take this opportunity to thank the people of Kwale County and specifically the people of Vanga, for the warm send off that we gave our departed brother yesterday.

I also use this opportunity to speak to the Governor of Kwale County, in particular, and in general to all governors. If anybody wanted to know whether this country needed devolution then they needed to be at that funeral yesterday to see levels of inequality in this country when you saw the low human development indices in Kwale County namely; low life expectancy, low levels of education and low per capita income. It behooves the governors and especially the Governor of Kwale County, to stop grandiose ideas of buying expensive cars for themselves, members of staff and so on. They should focus on projects that will address the three indices for human development.

Mr. Deputy Speaker, Sir, I thank you because you led us there yesterday. As you saw, Kenyans are wonderful people. Maybe, you need to be a Miji Kenda to really appreciate life. Sen. Boy Juma Boy’s home was right in Vanga, the beautiful fishing town. He was living right in the village with the people unlike the modern leader who, for example, is born in Homa Bay County and lives in Kisumu County. I have nobody in mind. This became a real issue in some of the audit queries of the Auditor-General when we found, for example, that the Governor of Homa County actually lives in Kisumu and commutes to go and work for the people of Homa Bay County. How I wish Boy Juma Boy had been a governor because he was living with the people and feeling their problems.

As they say, we must now accept. Sen. Boy Juma Boy is dead. Long live Boy Juma Boy.

Thank you, Mr. Deputy Speaker, Sir.



**Sen. Cheruiyot:** Mr. Deputy Speaker, Sir, I also join my colleagues in paying tribute to our departed colleague, Sen. Boy Juma Boy. I have known him for a few months but in his departure I felt like I have lost a great friend because I had the rare opportunity of serving with him in the Information and Communication Committee. Last year, in November, together with our Committee Chairperson and Sen. Mutula Kilonzo Jnr., we travelled with him to Tokyo and had an extremely interesting time. Little did we know then that, that would be among the last of times that we shared together.

In paying tribute to him, I want to point out one hallmark of his life that I will live with for a long time. This is the fact that as a leader, despite the realities of our politics, he was one of the people who had friends from across the political divide. He did not despise one based on one's political persuasion. On many occasions we would meet and joke together in the lounge and in this House. I had a particular liking because there is a particular phrase that I heard from him say in his hallmark Kiswahili. One afternoon while contributing to debate he compared a situation to a plastic snake that only scares but never bites. Since then we kept referring to each other as plastic snakes.

I will miss our dear friend. Sorry to the people of Kwale County and Kenyans in general for losing such a great leader.

Thank you, Mr. Deputy Speaker, Sir.

**Sen. Okong'o:** Thank you, Mr. Deputy Speaker, Sir, for allowing me this opportunity to mourn with the people of Kwale County and my colleagues in this Senate. Sen. Boy Juma Boy was a nationalist, a selfless man and a true friend. I had the opportunity to mingle and seek advice from this great man who Kenya has lost. He is one of the Senators who I had an opportunity to, over five times, visit with in Nyamria County to speak on our oversight role.

Mr. Deputy Speaker, Sir, Sen. Boy Juma Boy had skills of a parliamentarian. I remember that about ten months ago, when democratically I trounced my good friend Sen. (Dr.) Khalwale and I was excited, I met Sen. Boy Juma Boy and he asked me: "Did you speak with the god fathers of the party?" I told him: "No, it is a democracy and I have won." He told me: "Hold your horses." Within 24 hours I had been de whipped by the so-called "owners of parties".

Sen. Boy Juma Boy was a selfless man. He stood for his people and for Kenya. May the Lord rest his soul in eternal peace.

**Sen. Leshore:** Mr. Deputy Speaker, Sir, allow me to join you and my colleagues who have said a lot of beautiful words about the late Sen. Boy Juma Boy. Before I condole him, three weeks ago I used to fear death until when we were mourning one priest told us: "Stop mourning. Thank God for the life he has given to this man until the age of 72. It is God who knew when he was born and it is Him who knew when he would take him away. Stop mourning and start celebrating his life." I would like to inform my colleagues that we should thank God for having given Sen. Boy Juma Boy a beautiful and celebrated life.

In 1993, during our Seventh Parliament, the late Boy Juma Boy was our Chief Whip in the Kenya Africa National Union (KANU). Most of us were members of KANU, including Sen. Wetangula who does not want me to talk about KANU. He is talking about the National Super Alliance (NASA). Then, Boy Juma Boy spotted me and told

me: "In the absence of J.J. Falana, you will be my Deputy Whip." I became his loyal and dedicated servant. After finishing the Seventh Parliament, I took over as the Chief Whip of KANU. He is a man who coached me to become what I was in the Seventh Parliament. To date, I took him as a good friend. At one time our children were studying together. Almost every other weekend, when we would visit our children, when he was not there, I would take all our children together.

He was a dear friend and colleague. When my colleagues talk about him being a nationalist, Boy Juma Boy never looked back fighting for Kenyans. He fought for all Kenyans; whether poor or rich. He stood by them when they had problems. He stood with Kenyans when they were clamouring for change to multipartism.

Hon. Senators, Boy Juma Boy was a nationalist who never minced his words. With his charisma he never looked back. He was always there for the people of Kwale and Kenya as a whole.

My God grant him eternal peace.

**Sen. (Dr.) Machage:** Asante Bw. Naibu Spika. Natoa rambi rambi zangu kwa jamii na marafiki wakiwemo wanasiasa wote kwa sababu ya marehemu Boy Juma Boy aliye tuacha hivi juzi. Kwa masikitiko makubwa ningekuwa wakuandika tenzi ya wasifu wa maisha yake, kila mtu angeota machozi kwa sababu alikuwa rafiki wa kila mtu na mcheshi. Sidhani kwamba kuna yeyote hapa ambaye hangependa kuhudhuria mazishi ya marehemu kwa sababu kila Seneta alikuwa rafiiki yake. Alikuwa akiketi hapa karibu nami na siku zote tulikuwa tukitaniana. Yeye ameshauandika ukurasa wake kwa kitabu kikuu.

Tumepoteza Wabunge watatu tangu kuanzishwa kwa hii Seneti kwa mda huo mfupi. Inafaa tukumbuke kwamba sisi sote hapa tuna maisha mafupi na kwamba tutaishia kwa makaburi tu ila siku yetu ya kiamani Mungu pekee anayejua.

Ni kudra ya Mungu kwamba uishi kwa siku hizo ambazo amekupa. Nina hakika watu wa Kwale wamempoteza kiongozi mzuri. Hivyo ndivyo Mungu alivyo taka na hatuna budi sisi kuwaombea jamii yake iliyobaki waingiwe na furaha na kusahau kabisa majonzi kwa sababu hivyo ndivyo ilivyo andikwa na hivyo ndivyo ilivyo kwa binadamu.

Asante.

**Sen. Kagwe:** Thank you Mr. Deputy Speaker, Sir, for giving me this opportunity to mourn with my brothers and sisters, a great man who lived amongst us. On behalf of my family and on behalf of the people of Nyeri County, I want to extend our condolences to the family of the late Sen. Boy Juma Boy as well as the people of Kwale in general.

Mr. Deputy Speaker, Sir, Boy Juma Boy served in the Committee of Information and Communications Technology which I Chair. In our Committee we set up a project where we visit each other's homes. In so doing, we actually went to Vanga to visit Boy Juma Boy in his home. It is one of the things I will always feel good about especially because I was not able to travel to Kwale in the short time that was arranged. Having been to his home and sitting with his people, we visited nursery schools and other schools, the humility which Boy Juma Boy operated and the love that he had for the Kwale people was so evident. They say that you cannot lead without love, but more importantly you cannot leave a legacy without love. Clearly, Boy Juma Boy had love for his people and they loved him. That is one of the greatest legacies one can leave behind.

Mr. Deputy Speaker, Sir, the late Boy Juma Boy and I have traveled to many parts of the world, and indeed, I looked forward to travelling with him and sharing the evenings and meals with him. Like Sen. Cheruiyot has alluded, we spent a little bit of time with him in Tokyo in the Committee on ICT visit. I think those of us who visited with him that time will recall how jovial he was throughout the visit. For me when I remember the baritone voice that he had always calling out: “Chairman, Chairman, where are we heading to?” I will miss Sen. Boy Juma Boy. I will miss his advice and that look that he always had; as if he was thinking: “I know something that you do not know”.

In those home visitations; to Sen. (Dr.) Lesan, to Kisumu and my own home in Nyeri County, one of the things that come to my mind as we mourn our friend, as he leaves us, is that we truly do not inherit the earth from our ancestors, we are simply keeping it in custody for our children. It is evident that we are all heading towards the same journey and sometimes – this came to mind when I heard that Sen. Boy Juma Boy is no more – you really wonder what this is all about. I shared it with my friend, Sen. Mutula Kilonzo Jnr. I called him and I said: “What is all this about”. All these earthly things that we are looking for, it is vanity.

One of the things that come to mind even as we mourn our friend is that, simplicity and humility are perhaps the greatest characteristics that we can have. That humility and love for our people are perhaps some of the traits we should learn and borrow from the late Sen. Boy Juma Boy. We will miss him and his guidance. As he sits out there, I know he is telling those who are there with him: “Sikizeni kwa makini”. In his beautiful Swahili.

May the Lord rest his soul in eternal peace.

**Sen. Sijeny:** Mr. Deputy Speaker, Sir, I also wish to convey my heartfelt condolences to the family of the late Sen. Boy Juma Boy. It came as a shock when one of my sons who reside in Langata called me. He had gone to the village. He called and said; I have heard there is one Senator who has died. Then, I asked him, “What do you mean?” he said, but at least, it is not you because I am talking to you. He said that word was just going round that one Senator had died. I thought it was a joke.

Since I was in the village where there is was no mobile network coverage, I finally went to a place with mobile network coverage and learnt that it was the late Sen. Boy Juma Boy. I could not believe it. It is very sad. However, that is life. As the saying goes, “the Lord is the one who gives and he takes.” He only gives us opportunities to live and do the best we can do. He did that to the late Sen. Boy Juma Boy.

The family was blessed with a very humble man. I learned humility from him. He was very humble. He had no issues even though by the time he was coming to Parliament, he had a name, the Boy family. When some of us were joining as fresh legislators, I remember his input during the Committee on Delegated Legislation where, as the Vice Chair, it was basically a very new Committee; most of us were fresh but he would give us his input. Whenever you called for a meeting, you were always guaranteed that you would get him. He would always attend the meeting without any much ado. When you needed quorum or any intervention, he was always there.

Just recently, he shocked me by reminding me that the first time he saw me was way back in 1992. I looked at him and said, “Hallo, are you telling me the truth?” He

said, "Yeah, you were a very slim girl." You were a very slim girl. That was the language he used. I told him, "but I am still slim." He said, "No." he joked about it and he reminded me that I had come to this Parliament to pay a courtesy call on one of our leaders way back in 1992. I remembered that day and he reminded me even what I was wearing as a young lawyer. I said, "Wow, you have such a good memory and you are very quiet with all these things."

Recently, when I had the opportunity of going out with him to Khartoum in Sudan, I was there with Sen. Mshenga and I was very scared. I think there is violence in Sudan but he assured us that all is well and we did not have to fear anything. Being a staunch Muslim, I just discovered that he was very prayerful. When it was time for prayers, he would go to pray. He loved his family. He was always in communication with the family. He did whatever he did bearing in mind that he has a good family.

May the good Lord rest his soul in eternal peace.

**Sen. (Prof.) Lonyangapuo:** Mr. Deputy Speaker, Sir, on behalf of the people of West Pokot and my own behalf, I join my colleagues in remembering our colleague who passed on and condole with the people of the great County of Kwale, and in particular, the family of the late Sen. Boy Juma Boy; our very own who stood, represented and defended devolution with us.

As they say, death comes but no one knows when. Those of us who are alive can only remember the good that one has done and encourage ourselves to emulate and stand for the great virtues one had.

I know the grief the people of Kwale have. We stand with them at this time of sorrow. We pray that God will give them a leader who will fit in the shoes of the late Sen. Boy Juma Boy. It is a tough time but there is nothing we can do. We will continue from where he left.

I wish his family and his neighbours God's comfort. May God rest his soul in eternal peace.

**Sen. Obure:** Mr. Deputy Speaker, Sir, I thank you for giving me the opportunity to mourn our friend, the late Sen. Boy Juma Boy. First of all, I thank you and those Senators who managed to travel to Kwale to represent all of us at the funeral.

On behalf of the citizens of Kisii County and myself ---

*(Sen. Sang entered the Chamber without bowing)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Sang, I know that I am not supposed to see certain things but I am sure you know where the bar is. You need to respect the rules of the House.

*(Sen. Sang walked to the Bar and bowed to the Chair)*

**Sen. Obure:** Mr. Deputy Speaker, Sir, on behalf of the people of Kisii County and myself, I convey our condolences to his family and the people of Kwale whom he represented effectively with commitment and dedication. It is my prayer that the almighty God extends his grace to his entire family for comfort and courage.

I served with our departed brother in the National Assembly during the period, 1983 to 1992. I found him always warm and charming in his relationship with colleagues and friends. The departed friend will be remembered for a long time for the contributions he made during debates in the National Assembly and this Senate. His contributions were stimulating, eloquent, informative and very candid.

Mr. Deputy Speaker, Sir, I had the opportunity to serve with him in the Senate Committee on Land and Natural Resources. I found him extremely passionate about land matters, and especially, to the extent that they affected the people of Kwale and other less privileged people in other parts of the country. We will all miss the late Sen. Boy Juma Boy and the great qualities he possessed.

**Sen. Murungi:** Mr. Deputy Speaker, Sir, I thank you for giving me this opportunity to express my sincere condolences to the family, friends, colleagues of the late Sen. Boy Juma Boy and the people of Kwale.

I had the privilege of knowing the late Sen. Boy Juma Boy when both of us were Members of Parliament (MPs) in 1992. Those were very difficult times, when there was the “Chinese” war between the ruling party then, which was KANU and us in the Opposition.

*(Several Senators consulted while standing)*

Mr. Deputy Speaker, Sir, could you protect me from all the Senators who are consulting while standing?

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, hon Senators! Today is our first day and there must be a lot of views to be exchanged but could you do it in low tones, please, and respect the speaker who is on Floor at any one time.

*(Sen. Mutula Kilonzo Jnr. consulted loudly)*

Order, Sen. Mutula Kilonzo Jnr.!

**Sen. Murungi:** Mr. Deputy Speaker, Sir, I was talking about the privilege of serving with the late Sen. Boy Juma Boy as MPs in 1992 when he was the Chief Whip of KANU. He made life very difficult when we were in the Opposition. However, over time, I came to know him with Sen. Leshore here. We became friends. We were able then, to negotiate the Inter-Parties Parliamentary Group (IPPG) reforms between KANU and us in the Opposition largely because of the system, the friendships that we had created across the party lines.

In the Senate, it has also been my privilege to serve in the Senate monitoring Committee with the late Sen. Boy Juma Boy and others. The late Sen. Boy Juma Boy had been committed to the empowerment of this Senate through establishment of that monitoring and evaluation fund.

If there was a Member of the Committee who had offered to go and speak to Members of the Opposition in the National Assembly so that that Fund can succeed, it was Boy Juma Boy. Even as we were going on recess, he stopped in the corridors to ask me what we would do so that our colleagues in the National Assembly unlock the Fund

for us. So, it is unfortunate that we have lost such a committed Member of the Committee even as we are about to meet this week with the MPs from the National Assembly to see how we can progress the discussions on the Fund.

Mr. Deputy Speaker, Sir, the death of Boy Juma Boy is a reminder to all of us that life is not permanent. Even as politicians from the opposite sides of this House, we should not be stressing each other. As leaders, we should build bridges and friendships and address common issues which affect both the Opposition and the Government.

Mr. Deputy Speaker, Sir, I think it is Sen. (Prof.) Lesan who referred to Boy Juma Boy as a very tall person. Leadership does not matter how tall you are and neither does it matter how short one is. Indeed, the physical features do not play a great part in leadership in modern times. It is in the Old Stone Age leadership where one became a leader purely because of physical size. Nowadays, leadership comes from the heart---

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

**The Deputy Speaker** (Sen. Kembi-Gitura): I will give you one more minute because I remember you were interrupted.

**Sen. Murungi:** Thank you Mr. Deputy Speaker, Sir. Leadership is what is in your heart for serving people, friendship and magnanimity. Sen. Boy Juma Boy was a great leader because he had a large heart which accommodated all of us and the people and he also meant well not only for the people of Kwale but also the people of this country.

I thank you.

**Sen. Ndiema:** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to mourn our dear friend. I do this on my own behalf and on behalf of the people of Trans Nzoia. We express our deep condolences to the family of the late Juma Boy Juma.

I knew the Senator whom we are eulogizing today when I was a public servant. He was an MP and for that matter, the Chief Whip. His relation to those of us in the public service was excellent and he was very cooperative. He was a passionate representative of his people. He championed the rights of the people of Kwale and indeed all Kenyans.

I was privileged to serve with him in the Committee on Land and Natural Resources and he passionately pursued the issues relating to sharing of resources or income from national resources including mining. He never shied away from making decisions. He took informed decisions which I personally benefited from because he sat behind me. Whenever there was any sticking issue that I needed to consult, he was always ready to give me his opinion and fortunately he was always right.

Mr. Deputy Speaker, Sir, Boy Juma Boy was a passionate contributor to the debates in this House. He put his views in a rather peculiar way that even when we were seriously engaging, we laughed it off. Nevertheless, he influenced many of us in the direction that he thought we should proceed.

So, in memory of this great leader from Kwale, I think it will be right for us, in whatever we do, to ensure that whatever he lived for, particularly in terms of sharing of resources, the proceeds of natural resources are shared equitably to the people in the areas where those resources are found.

May God rest his soul in eternal peace.

**Sen. Sang:** Mr. Deputy Speaker, Sir, I join my colleagues in passing my heartfelt condolences and those of my county to the family, friends and the people of Kwale.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. The Jubilee Party has been losing MPs at a very high rate to the CORD Coalition. Could you give him an opportunity to confirm that he has finally also taken the big leap and joined the Government in waiting?

**The Deputy Speaker** (Sen. Kembi-Gitura): Order! Sen. (Dr.) Khalwale! You may not realise it, but we are dealing with a very solemn issue. This is not time to deal with matters that are not of importance to what we are doing.

Proceed, Senator.

**Sen. Sang:** Thank you, Mr. Deputy Speaker, Sir. I have had the opportunity to work with the late Boy Juma Boy in the Committee on Delegated Legislation and I want to confirm what my colleagues have stated here; that he was a very committed Member of the Committee and he made very valuable contributions. Above all, I remember when I sponsored the “Sang Bill” in this House, he was one of the greatest supporters of the Bill. That means that he was a leader who stood for inclusivity in terms of proper management of our counties.

The late Boy Juma Boy was a humorous person. I remember many times that we joked with him. I told him that his name is Boy Juma Boy and asked him whether we can convert it to “Man Juma Man”. He was one person who entertained humour. He engaged all of us in this House. Quite a number of us are young and quite a number of us in this House are elderly but the late Boy Juma Boy had time for everybody. We shared jokes across the board. Therefore, this is one leader that we have lost.

He has left a legacy of fighting for the voiceless and fighting for equality and equity in distribution of resources in this country. The best tribute that we can give to him as a House is to ensure that we have a very strong Senate that speaks for devolution. We need to have devolution strengthened in this country so that we create a society and a Kenya that is equal and reduce the current extreme inequality in this country.

Mr. Deputy Speaker, Sir, I therefore wish to pass my condolences, those of my family and those of the people of Nandi to the family, friends and the people of Kwale.

I thank you.

**Sen. (Dr.) Zani:** Mr. Deputy Speaker, Sir, when I joined the Senate as a nominated Senator in March, 2013, I did not know of the kind of relationship I would have with the elected Senator of Kwale County. I knew Sen. Boy Juma Boy was the elected Senator. Different dynamics happen even as different delegations prepare for voting. In certain counties there would be long discussions or disagreements about how the vote should be taken.

We had a flawless relationship as Members coming from the same county. It made it easy to represent issues from Kwale County. We did that in agreement. Anytime Sen. Boy Juma Boy was in the Chamber, he would vote. When he was not in, I would vote. From the beginning he made it very clear that any moment when I am there and he was not, I should confidently vote on behalf of Kwale County.

It felt like having an older brother and a mentor within the Senate. It felt like having somebody from the same county, a tribesman, if you allow. He was always ready to give a lending ear and a guiding comment.

I worked with Sen. Boy Juma Boy in two committees. The first was the Ad Hoc Committee for the Natural Resources Benefits Sharing Bill. We shared a lot about specific issues especially those affecting Kwale County. There was also the issue of revenue allocation. As we went across various counties meeting communities, he always had a narrative about the rich bourgeoisie class and how they do not take account of the poor in Kenya. He would describe them as people with fat stomachs who take away everything and leave nothing for the poor. That imagery was real. It made various communities feel in sync with what he was talking about. Issues of rights, benefits, privileges and sharing were very dear to his heart.

The other committee that I served with Sen. Boy Juma Boy was on the monitoring fund. His sense of focus, determination and bravery in addressing issues always came through. Many times, when we were in a situation where we had to make a decision, he would take a particular direction and he did it with a force that made it easier and guided the rest of the committee in understanding the direction to take.

Mr. Deputy Speaker, Sir, Sen. Boy Juma Boy was a humble man. You would find him in Kwale County coming from a salon car, walking and mingling with people at any one time. He spoke and had good relations with his relatives and friends like we saw with the team that went to Vanga during the funeral. There was a sense of harmony and understanding. That is what he was always brought out whenever he was; harmony, understanding, focus and pursuit of specific objectives in an environment of respect where everybody would be listened to. He would be heard but he would also allow others to be heard. He also found a way to make up where things had not happened as would have been expected. He was quick to forgive and keep it light and happy.

Sen. Boy Juma Boy, as he lived in his life, died with a smile on his face. That marked the epitome of the sort of man he was.

Rest in peace, Sen. Boy Juma Boy.

**Sen. Kisasa:** Asante Bw. Naibu Spika kwa kunipa fursa hii. Marehemu Boy Juma Boy alikuwa akiniita “Sister Du”. Tukiwa hapa Seneti, kisima chetu ni kimoja kwa sababu ni wakati wa kiangazi. Kama ulivyo jionea jana, Sen. Boy Juma Boy alikuwa maji mafuu na mvuvi kafu.

Ya malishoni haya letwi mjini. Lakini tungeyaleta hapa leo pasinge kalika. Tuna roho ya simanzi kuombolozze kaka yangu “Brother Du” Boy Juma Boy kwa huzuni.

Bahati huwa ina tuangaza lakini huwa haitupi ahadi. Ingekuwa ina fanya hivyo tunge kuwa naye Boy Juma Boy. Tunafaa tujue kuishi vyema kama hapa Seneti. Kijiti kimoja hakijengi nyumba. Jana niliskia vizuri nilivyo ona wenzangu katika Seneti wakija kuomboleza na familia ya Boy Juma Boy.

Bwana Naibu Spika, linalo mpata peku na ungo pia litampata pia. Sote tunafaa tuishi vyema. Kifo hakina simanzi, huruma ama mazoea. Kinapo mpata mtoto mdogo huwa tuna sema heri ingekuwa mzee. Akiwa baru baru tuna sema heri angekuwa mtoto mdogo. Akiwa mzee tunasema heri ingekuwa mtu baru baru.

Naomba Mwenyezi Mungu aiweke pema peponi roho yake kaka yangu.



*(Sen. Abdirahman's phone rang)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Sen. Abdirahman. That phone has rung for the third time. Put it on silent or you might force me to censure you because you should have put it on silent mode when it rang the first time.

Proceed, Sen. Mutula Kilonzo Jnr.

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, I wish to present my condolences and that of my family to the family of the late Boy Juma Boy. As the Vice Chairperson of the Committee on Information and Communication, I had the privilege of spending time with Boy Juma Boy during our last trip to Tokyo, Japan, together with Sen. Kagwe and Sen. Cheruiyot. I managed to send pictures of those lovely moments we shared with him.

Sen. Boy Juma Boy, in his wisdom and humility, did not show any of us, who came long after he was elected, that he was senior. As the Vice Chairperson of the Committee and being many years younger than him, he treated me as if I was his equal. This is something that a lot of us must emulate. His humor was second to none.

When I learnt of his death on the WhatsApp platform, it reminded me of the discussions I had with Sen. Kagwe of what King Solomon said in the Book of Ecclesiastes: "It is all vanity; it is like chasing after the wind." Whatever we do here, we must do it honestly because it is all vanity. In this Senate, even if we are in our last term, the bulk of this side, the minority side, will never be the same without Sen. Boy Juma Boy. As we eulogise and respect the customs of burying our brother, we never had an opportunity to condole with his family or his friends. All I have are memories of pictures from Sen. (Dr.) Zani of his body being transported in a plane. Again, that is vanity and that is the end.

I pass my condolences. I pray that his soul may rest in peace.

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

Proceed, Sen. Kittony.

**Sen. Kittony:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to pay tribute to my special son. I also want to take this opportunity to sincerely thank you for representing us at the funeral service.

Kenya has lost a great leader, the Senate has lost a great debater; very eloquent, full of humour, a great man, supporting devolution. The people of Kwale have lost a great legislator and a family has lost a father. We will miss him greatly. I served with Boy Juma Boy in the Eighth Parliament in those days of KANU and he truly was a humble man.

I know he appreciated me as a mother and I will miss his humility and love. I ask God to keep his family together and provide every need that they expect to get. I know it is not easy to replace him as the head of the home and we pray the Almighty God to keep his family together. I truly pay tribute to this great son of Kenya.

May God place his soul in eternal peace.

**Sen. Musila:** Thank you, Mr. Speaker, Sir. I join my colleagues in passing my condolences and those of the people of the County of Kitui to the family and the people

of Kwale County on the passing on of this great this son. Boy Juma Boy, like his father, the late Juma Boy, was a great leader and a man of the people. The late Boy Juma Boy was loved by all Senators here irrespective of which side of the House one sat. This was a man of very rare qualities and had a sense of humour when debating in this Chamber, often expressing very beautiful Swahili language that made all of us laugh and in most cases went with the side the debate was taking.

This was a special but simple man. He loved his people so dearly that whenever we debated anything, he was mindful of the people of Kwale who he represented. Whether we were debating about revenue sharing, land matters and more so when we were debating issues concerning mining which is going on in Kwale. The late Boy Juma Boy was passionate and always mindful of the rights of the people of Kwale. We can say many things about this great son of Kenya, but suffice it to say that the late Sen. Boy Juma Boy will be missed by all of us in this House, the people of Kwale who elected him and many Kenyans.

Mr. Deputy Speaker, Sir, let me take this opportunity to pray to God to comfort the family and give the people of Kwale another representative with the same qualities of the late Boy Juma Boy.

**Sen. Wangari:** Asante Bw. Naibu Spika. Naungana na wenzangu kutuma rambi rambi zangu kwa mwenda zake na familia yake Boy Juma Boy na watu wa Kwale. Vile vile nina kushukuru wewe, Bw. Naibu Spika, kwa kuongoza wale walioweza kufika kule Kwale.

Kama kifo kingekuwa na rufaa, nina fikiri wale mawakili walioko kwenye Seneti hii wange wasilisha hiyo kesi mara moja. Kama tungepewa wakati wa kusema vile tungetaka, tungekata rufaa. Niliulizwa kuhusu ungonjwa wa mwendazake Boy Juma Boy na Sen. Madzayo siku ya Ijumaa na ni kamuarifu kwamba nita muona jana nikirudi Nairobi. Sikujuwa haingewezekana. Kama ningejua ningerudi hiyo Ijumaa niweze kumuona kabla atuache.

Bw. Naibu Spika wa Muda nikipumbuka Sen. Boy Juma Boy, nina kumbuka ufasha wake wa lugha. Nilimjua kwa muda mfupi lakini alinipa ule ukakamavu wa kuweza kutumia lugha ya Kiswahili hapa Bungeni. Hata yale matumizi ya mbinu za lugha, nafikiri hakuna mtu ambaye aliweza kuitumia kuliko hayati Boy Juma Boy. Mambo yakutumia sadfa, methali na utohozi, sidhani kama kuna mtu ambaye angefunza Sen. Boy Juma Boy. Kila siku tutamtamani kwa hili Jumba na kuomba Mungu aweze kuirehemu roho yake na, vile vile, aweze kufariji familia yake ambayo imeachwa.

Nina tumaini kwamba yale maadili aliyo yafunza watu; kama mimi alinifunza kuishi nje ya Bunge. Alinieleza kwamba Sen. Wangari ujue ya kwamba siku moja unaweza kuwa nje ya Bunge, kwa hivyo inafaa uishi maisha yakawaida na kutojigamba. Alikuwa anatumia simu ya “MulikaMwizi”, na ungemuuliza anangekujibu: “Makubwa ni ya nini?” Akija hapa Bungeni, hakuwa na gari kubwa na ninafikiri alitunfunza mengi na Mungu ailaze rohoyake mahali pema peponi.

Asante.

**Sen. Mwakulegwa:** Nina kushukuru Bw. Naibu Spika kwa kuenda kuhudhuria kwa niaba yetu, mazishi ya ndugu yetu Boy Juma Boy. Kwa niaba yangu na familia yangu na watu wa Kaunti ya Taita Taveta, ningependa kutuma rambi rambi kwa familia

ya mwenda zake, jamaa na marafiki wake katika Kaunti ya Kwale kwa kumpoteza Seneta wao.

Nilikuwa na bahati kuenda kumtembelea kwa hospitali mara mbili wakati wa mwisho ikiwa Jumatatu wiki iliyopita kule Mombasa, nikamuona, tukasamilimiana na tukazungumza. Alikuwa na matumaini makubwa kwamba atapona na atarudi katika Seneti lakini mapenzi ya Mwenyezi Mungu, alichukua roho yake. Ninamshukuru mwenyezi Mungu kwa kutupa Boy Juma Boy, tukajuana naye na tukafanya kazi naye katika Seneti hii.

Bw. Naibu Spika, vile Sen. Boy Juma Boy amesifiwa na wengi, ni wachache sana walio kuwa na tabia kama ya Boy Juma Boy. Alikuwa anahisi maslahi ya wengine kuliko yake. Alikuwa tayari kukusaidia ukiwa na shida. Nakumubuka akihudhuria kila mikutano. Kama Seneta wa kamati za Seneti hakukosa mikutano. Akikosa mkutano ilikuwa ni wazi kwamba hayuko mjini. Alikuwa ni mtu wa kutegemea katika Kaunti ya Kwale. Kazi yake itakumbukwa kwa siku nyingi haswa kazi aliyofanya katika ugatuzi na kusaidia Kaunti ya Kwale kutekeleza majukumu yao kwa wenyeji wa Kaunti ya Kwale. Katika Seneti, tunamkumbuka Boy Juma Boy kama mtu mcheshi aliyependa wenzake na mwenye kusema ukweli na hata kama hungekuwa huipendi, angekuambia ukweli.

Kwa hivyo sisi kama Maseneta tutamkumbuka ndugu marehemu Sen. Boy Juma Boy kwa ucheshi, upendo na urafiki wake. Lakini Mwenyezi Mungu alimpenda zaidi ndiyo akachukua roho yake. Tunamwomba aiweke mahali pema panapostahili.

**Sen. Elachi:** Asante Bw. Naibu Spika. Kwanza nakushukuru na wale wote waliokwenda kule Vanga kutuwakilisha kumsindikiza ndugu yetu marehemu Sen. Boy Juma Boy kwa safari yake ya mwisho.

Pia natuma rambi rambi zangu kwa familia yake, hasa mama na watoto. Nawaambia ya kwamba safari hii ni ya kila mtu. Sisi kama Maseneta tumwombe Mungu kwa sababu huyu ni ndugu wetu wa tatu aliyetuacha kwenda katika maisha ya mbinguni.

Lakini ya muhimu ni kukumbuka yale marehemu Sen. Boy Juma Boy alisimamia na yale aliyopigania kwa watu wake wa Kwale. Tunawaambia ndugu, dada na mama wetu kule Kwale kwamba tuko pamoja nao kwa msiba huu. Tunajua kwamba matunda yale marehemu Sen. Boy Juma Boy angependa kuona yatatekelezwa. Tunaomba serikali ya kaunti ikumbuke yale maswala alikuwa anapigania na iwasaidie watu wa Kwale ili wawezi kuona mabadiliko aliyotaka marehemu Sen. Boy Juma Boy.

Mwisho kabisa, sisi tujiulize; sisi tutakumbukwa vipi tunapo mkumbuka marehemu Sen. Boy Juma Boy. Kwa hayo machache, Bw. Naibu Spika, tunamwomba Mwenyezi Mungu ailaze roho ya marehemu Sen. Boy Juma Boy mahali pema peponi.

**Sen. Wako:** Mr. Deputy Speaker, Sir, I thank you for giving me this opportunity to convey my condolences and those of Busia County for the untimely death of our beloved Senator.

First, I knew our late beloved Senator when I was the Attorney General. He was the Chief Whip in the National Assembly. He was a man that the Government relied on to deliver on any issue that may have been controversial to ensure that it got the right vote. I remember that on many occasions when he may not have been there, the Leader of Government Business and his deputy would go into a panic and ensure that he comes to ensure that the Bill or measures that we had presented in Parliament go through.

I am indebted to him. He contributed to my election as the Senator for Busia County. During the elections he came and spent two days traversing the entire county, addressing gatherings. I did not speak. When he spoke with his Kiswahili, it was done. Mine was just to wave and people would clap but I relied on him very much for his oratory skills in Kiswahili to endear me to the people of Busia. I owe him.

In this House, I noticed that the late Senator was much interested in the issue of ensuring that the county governments generate their income to meet the social and economic goals.

Mr. Deputy Speaker, Sir, if one looks at the HANSARD, one will read the late Sen. Boy Juma Boy contributing very passionately when this House was discussing the resolution to determine the basis for allocating among counties, the share of the national revenue that is allocated to the county governments. He opposed what had been recommended on the basis that rationale would not benefit the poor counties such as Kwale and others.

I was with him in the ad hoc Committee which was ably chaired by Sen. (Dr.) Zani on the equitable sharing of the benefits of natural resources. The first decision we made as a Committee was to go to Kwale to visit the mining industry. We visited the base titanium and other areas where mining is taking place. We saw the deplorable state in which the miners were living. That really touched him.

I could also see that the people also really loved him. He was not one to shout too much; just a look, a pat on a constituent's back and so on. Everybody just appreciated their Senator. I was very impressed.

Mr. Deputy Speaker, Sir, the last time we worked together was on the Joint Committee of the Legal Affairs and Human Rights and the one on Information Communications Technology (ICT) of which he was a Member, when we considered the issues of the amendments to the electoral laws. It was a very tough time. We were working under pressure. One of the persons that gave me comfort in the morning, afternoon, evening and late night, and encouraged me as the Chair was none other than Sen. Boy Juma Boy.

As a party stalwart, he was very much concerned that we should all the time explain what we are doing to our party leadership so that we get the proper directions. I really appreciated him on that.

**The Deputy Speaker** (Sen. Kembu-Gitura): Your time is up, Senator. Do you need to be given one minute?

*(Sen. Wako spoke off record)*

It is alright. Thank you, Sen. Wako.

Proceed, Sen. Chelule.

**Sen. Chelule:** Mr. Deputy Speaker, Sir, I thank you for giving me this opportunity to express my sincere condolences to the family of our late brother, Sen. Boy Juma Boy. For sure, our late brother, Sen. Boy Juma Boy was such a committed servant. We worked together in the Committee on Land and Natural Resources. He was a

committed servant of his people. He was very passionate on issues of water and land. He was interested in matters of community interest. We have lost a great friend and servant.

I remember the last time we visited him in Aga Khan Hospital in Mombasa. We found him sitting with his mother and other relatives. He was jovial and expected to come out of hospital soon. He was so excited. He even told me that he did not have any opponent in Kwale. I know that Kwale people will miss this great servant.

If there was anything bad, the late Sen. Boy Juma Boy would not use offensive language against anybody. We will miss a great servant of this country. It is my prayer that God will take care and be with the family; children, wife and mother. Their family was close.

I take this opportunity to convey my sincere condolences on behalf of my family, Nakuru County and the Committee on Land and Natural Resources because my Chairman is not around. We pray to God that may his soul rest in peace.

**Sen. Madzayo:** Asante sana Bw. Naibu Spika. Mimi pia nataka kuomboleza na Maseneta wenzangu kifo cha ndugu yetu Boy Juma Boy. Kifo chache ni cha watu wa Kijiji cha Rasini, watu wa Kwale, watu wa pwani na Wakenya wote. Ndugu yetu marehemu Boy Juma Boy alikuwa na sisi hapa kama Seneta.

Nataka kuwatolea mshangao kwamba watu wawili waliopendana katika hili Bunge walikuwa marehemu Boy Juma Boy na marehemu Otieno Kajwang. Cha kushangaza ni kuwa wote walikuwa wanaketi kona moja. Mwenyezi Mungu ana mipangilio yake. Sasa hivi, marehemu ndugu yetu amekwenda kukutana na mwenzake marehemu Otieno Kajwang. Najua Mwenyezi Mungu amerehemu roho zao.

Bw. Naibu Spika, mengi yamesemwa juu ya marehemu Boy Juma Boy. Wamesema kuwa alikuwa mcheshi si ndani tu ya Bunge bali hata nje. Mimi ni mmojawapo wa wale watu waliokuwa karibu sana naye hasa akiwa anachangia mjadala hapa ndani ya Bunge uliohusika na mambo ya Kwale. Ndugu yangu Boy Juma Boy alikuwa mkakamavu zaidi. Alikuwa mtu aliyetaka kuona kwamba vile alivyosema ndivyo watu wa Kwale wangesema wakiwa pamoja hapa.

Alikuwa mtaalamu wa lugha ya Kiswahili. Sisi sote tukiwa hapa ndani ya Bunge, tulikuwa tunafurahi alipokuwa akiongea. Ijapokuwa mimi natoka pwani, yeye alikuwa ananishinda kwa utalamu wa kuongea lugha ya Kiswahili. Alikuwa na mifano tofauti tofauti. Natumai tunakumbuka mfano wake wa simba na tumbiri. Mpaka leo najaribu kutafakari nini alichokuwa analenga ndugu yangu Boy Juma Boy. Alisema kuwa tumbiri alikuwa amepanda juu ya mchongoma. Alikuwa amedungwa na miiba na damu ilikuwa inatoka. Alipoangalia chini, alimwona simba akilamba ulimi wake huku amefurahi. Simba alimwuliza; “unaona nini huko mbele?” Tumbiri alimjibu kuwa mbele hakukuwa na neno wala shida lakini shida ilikuwa pale chini. Kwa hivyo, ni vyema tutafakari mifano kama hiyo; kwamba kuna leo na kesho.

La ziada zaidi ni kwamba juu, kama miezi mitatu iliyopita, ndugu yangu alinialika nyumbani kwake Vanga ili niongee na watu wake na kuwaeleza kinagaubaga kazi za Seneti. Nilishikana naye tukaenda pamoja mpaka Vanga kisha tukafululiza hadi Kijiji cha Rasini ambako mji wa marehemu Mzee Juma Boy uko. Tulifanya mkutano wa kufana sana. Sikujua kuwa nitarudi huko baada ya miezi miwili kwenda kumzika ndugu yangu katika kaburi---

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

**The Deputy Speaker** (Sen. Kembi-Gitura): I will grant you one minute.

**Sen. Madzayo:** Asante Bw. Naibu Spika. Kwa kumalizia, kwa wajane wake watatu, mama mzazi, ndugu zangu Issa, Nduiri, Mwanasiti na ndugu zangu wengine wote wadogo ambao siwezi kuwataja majina, naomba Mola aiweke roho ya marehemu mahali pema peponi.

**Sen. Chiaba:** Bw. Naibu Spika, asante kunipa fursa hii kuungana na wenzangu hapa kutoa rambirambi zetu za dhati kuhusu kifo ambacho kimetunyang'anya ndugu yetu tuliyemtegemea kwa mambo mengi sana. Nilibahatika kuwa naye katika Bunge la Taifa kwa miaka 10 na nilimtambua sana kama kiongozi wa kitaifa. Vile vile, nilifurahi mimi na yeye tulipokuja hapa katika Bunge la Seneti.

Nakumbuka tumesafiri naye mara nyingi sana. La muhimu ni kwamba tulisafiri pamoja kwenda katika miji mitakatifu ya Mecca na Medina. Yeye alikuwa mtu aliyekuwa na imani kubwa kuweza kutekeleza wajibu wake kama Muislamu.

Nilipata fursa ya kumtembelea marehemu siku ya Ijumaa iliyopita katika hospitali ya Aga Khan. Alifurahi aliponiona kisha tukafanya maombi. Nilimwomba apone haraka iwezekanavyo.

Ya Mungu ni mengi na Jumapili alienda zake. Mwenyezi Mungu aiweke roho yake peponi. Ndugu zetu wote waliobakia wakiwemo watu wa Kwale, watu wa pwani na Wakenya kwa jumla, Mungu awape subira na imani.

**Sen. Abdirahman:** Mr. Deputy Speaker, Sir, I join my colleagues in condoling with the bereaved family at this difficult time. I was in Wajir when I learned about the death of our colleague, the late Boy Juma Boy. I particularly want to thank the team led by you who attended the burial. I was not lucky enough to join you because of the distance between Wajir and Kwale.

I have learnt, just like a number of my colleagues although I had heard about him before I came to Parliament, that the late Juma Boy was a great man. He was a man with good interpersonal relations and we will really miss him in this House. It is both a biblical and quranic teaching that every soul shall test death and it is inevitable. So, we must all accept it the way it is and pray for him that the Almighty God rewards him.

Thank you very much.

**The Deputy Speaker** (Sen. Kembi-Gitura): Finally Sen. M. Kajwang.

**Sen. M. Kajwang:** Mr. Deputy Speaker, Sir, I wish to join my colleagues in eulogizing and conveying my condolences following the death of the late Boy Juma Boy. I also thank you for representing us ably in Vanga despite the very short notice. It is not that death ever gives any notice.

Death has had a very bountiful harvest in this House. If you look at MPs we have lost since the last election, they are five; three of them from the Senate and two from the National Assembly. Even during the recess, we had further loses. We buried the mother to Sen. Cheruiyot, the mother to Sen. Khaniri and I traveled all the way to Homa Bay to join Sen. Gwendu in burying her mother-in-law.

Mr. Deputy Speaker, Sir, this corner where I sit is beginning to get a little spooky because the seat on which I sit is the seat that my late brother Gerald Otieno Kajwang sat on. Just next to it is the seat where the late Boy Juma Boy sat on. I have been wondering whether I should relocate, but as a Christian, I know that death has been defeated and so I shall not relocate.

Mr. Deputy Speaker, Sir, on behalf of the people of Homa Bay, I wish to convey their condolences. Sen. Boy Juma Boy joined us in Homa Bay in November, 2016 when we were celebrating the second anniversary of the death of the late Sen. Gerald Otieno Kajwang.

I have listened to most speakers and it appears that the late Boy Juma Boy had visited virtually every other county. Earlier on, when Members of the National Assembly started their session today, they started with a eulogy on Boy Juma Boy. Many of the Members of the National Assembly also confessed that Boy Juma Boy had visited them and campaigned for them. So, that is the kind of person that we are talking about. He was capable of travelling 1,000 kilometres from Kwale to Homa Bay to join a colleague, not a senior party leader but the junior-most Senator in the House.

He was a man who did not have divisions or look at issues of age or seniority. In fact, if anything, I am the one who was supposed to be visiting him before he visited me. He was loved by all.

For the two years I have been in this Senate, I have sat dutifully next to Sen. Boy Juma Boy. Beyond the formal learning of the Standing Orders, he taught me a lot about Parliament. He had capacity for mischief. There was a lot of mischief that we would make behind here. As a Senator was on the floor, he would tell me one or two cheeky things about Senators. Thanks to him, I know quite a little bit more about my colleagues, more than the Press or what is out there in the public domain.

I was with Sen. Boy Juma Boy before I became a Senator in 2013 in Uganda when we went to witness his daughter take the Hippocratic Oath. My brother was also taking the Oath.

As a Parliament, Sen. Boy Juma Boy's daughter is a doctor in the public health sector. The best way of mourning and eulogizing the late Senator would be for us to rise to the occasion and resolve the health crisis that is going to its 73<sup>rd</sup> day. I wish to salute and hail the Chairperson of the Committee on Health for the steps he has taken so far. I hope we will go further and have a resolution to this.

Considering that the late Senator joined Parliament in 1983, he was not corrupt. We have seen people who have joined Parliament barely four years ago and the speed at which they get rich is supersonic, to say the least. One day I asked him: "Sen. Boy Juma Boy, we are going to elections and the IEBC has said we can spend up to Kshs200 million in campaigns. How much have you set aside? He told me: "My brother, I do not even have Kshs1 million." However, he was confident that if he saw the day of the election, he was going to win.

May we reflect upon the scriptures and literature and remember *Leo Tolstoy* in his seminal work when he asked how much land a man needs, it does not matter whether you loot the whole world, on that final day, the amount of land you need is six feet wide and six feet deep.

May his soul rest in peace.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Senators. That brings us to the end of the debate of eulogizing our departed colleague. I dare say the contributions were very befitting of our late colleague, Sen. Boy Juma Boy.

Let us move on to the next Order.

### NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 33

#### ONGOING INDUSTRIAL STRIKES BY DOCTORS AND UNIVERSITY LECTURERS

**Sen. (Dr.) Zani:** On a point of order, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.33 to seek leave to move for the adjournment of the Senate to discuss a definite matter of urgent national importance. This concerns the ongoing lecturers and doctors strikes. I request the support of Senators.

*(Several Senators stood up in their places)*

We have more than five Senators on their feet.

**The Deputy Speaker** (Sen. Kembi-Gitura): Do you have more than five Senators or are they just five? There is a difference.

**Sen. (Dr.) Zani:** Sen. Omondi also indicated her support. She could not stand.

**The Deputy Speaker** (Sen. Kembi-Gitura): You have the numbers.

Hon. Senators, that is a matter of definite national importance. I will allow time for this. We have a formal Motion coming up shortly. As you are all aware, we had no other business apart from the upcoming Motion. After it is over, I will allow the Motion for Adjournment up to end of the sitting of the House at 6.30 p.m. or earlier or if it ends earlier. It is so ordered.

Let us move on to the next Order.

### NOTICE OF MOTION

#### APPROVAL OF MEMBERS OF THE SENATE BUSINESS COMMITTEE

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, pursuant to Standing Order No.1786(1), the Senate approves the following Members to be Members of the Senate Business Committee:-

1. Sen. David Ekwee Ethuro – Speaker of the Senate – Chairperson
2. Sen. (Prof.) Kithure Kindiki – Senate Majority Leader
3. Sen. Moses Masika Wetangula – Senate Minority Leader
4. Sen. Beatrice Elachi – Senate Majority Whip
5. Sen. Johnson Nduya Muthama – Senate Minority Whip

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6. Sen. Onesmus Kipchumba Murkomen
7. Sen. Beth Mugo
8. Sen. Kiraitu Murungi
9. Sen. (Prof.) Lonyangapuo
10. Sen. James Orengo
11. Sen. Janet Ong'era
12. Sen. (Dr.) Zani

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

*[The Temporary Speaker (Sen. (Dr.) Machage) took the Chair]*

**The Temporary Speaker** (Sen. (Dr.) Machage): Let us move on to the next Order.

## MOTION

### APPROVAL OF MEMBERS OF THE SENATE BUSINESS COMMITTEE

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

THAT, pursuant to Standing Order No.1786 (1), the Senate approves the following Members to be Members of the Senate Business Committee:-

1. Sen. David Ekwee Ethuro – Speaker of the Senate – Chairperson
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6. Sen. Onesmus Kipchumba Murkomen
7. Sen. Beth Mugo
8. Sen. Kiraitu Murungi
9. Sen. (Prof.) Lonyangapuo
10. Sen. James Orengo
11. Sen. Janet Ong'era
12. Sen. (Dr.) Zani

Mr. Temporary Speaker, Sir, as the Chair has already communicated a few minutes ago, there cannot be any business for the new Session until the Senate Business Committee (SBC) is in place.

For that reason, I want to take this opportunity to appreciate the work done by the SBC in the last four sessions. We have not made any changes to the membership of the SBC because, first, we believe that the Members have done a good job and, secondly; we also believe that given that we have approximately four months left to the end of the term of this Senate, it may not be prudent to change the Membership. Thirdly is to say that this

Committee has been balanced in terms of membership with other committees which hopefully also we may not have to change much, given that we do not have a lot of time left.

Mr. Temporary Speaker, Sir, I do not want to speak too much on this Motion. I just want to request my colleagues to support it so that we pass it, so that the SBC can sit down and plan the agenda for tomorrow as soon as possible. With those few remarks, I beg to move and request Sen. (Dr.) Khalwale to second this Motion.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I rise to second this procedural Motion which is critical to the smooth running of this House. I want to encourage Members of this Committee that experience in other parliaments has been that this is usually the most critical stage because you might run into challenges of quorum because Members will be busy either trying to retain their seats or go for other seats and, therefore, people who have been lucky enough to be named to this Committee, you better demonstrate yourselves because we want to leave a stamp of authority and integrity on the first Senate of the Republic of Kenya.

I second.

*(Question proposed)*

**Sen. (Eng.) Muriuki:** Thank you Mr. Deputy Speaker, Sir, for giving me the chance. I rise to support this Motion and in doing so, let me say that I have been among Senators who felt in the previous years that it is a good idea to have different Members of the Senate serving in different committees, more so the Senate Business Committee. However, last year, as you recall, the wisdom of the House and the leadership and the parties was that they retain the same Members due to experience and perhaps it would be more expedient to the business of the House.

Now, I think we have a different reason for retaining the same because we have a very short time to go and if we start disrupting Members who are more familiar with the procedures and so on, perhaps we will not be doing us any favour. In the same vein, I would like to urge the leadership of the Majority and the Minority to also retain Members who are in the various Committees because at this time, we have, to the best of my estimation, maybe three months of active business in this House.

Other than that proposal, I beg to support.

**Sen. Omondi:** Thank you Mr. Temporary Speaker, Sir, for allowing me to make my contribution to this Motion. I support this Motion because the list of Members who have been proposed here have shown leadership and the capacity to make sure that the House runs smoothly. I do not have any doubt about them but I rest assured that the same spirit is going to take us through the rest of the Eleventh Parliament period.

I would like to request these Members to ensure that they continue displaying effectiveness. I would like to inform them that we have Motions and Bills that cannot continue pending until the Eleventh Parliament comes to an end. They should help us to ensure that we pass them into laws that are going to help this country.

I support.

**Sen. Wangari:** Thank you, Mr. Temporary Speaker, Sir. I join my colleagues in noting the importance of this Committee to ensure the smooth running of the last Session of the Eleventh Parliament.

I still echo my reservations for last year and the year before that. I still think that in future we should be able to have reshuffles in the various Committees in order to give all Members a chance to serve. In terms of continuity and institutional memory, we have the specific offices that are already listed here; the Speaker, the Senate Majority Leader, the Senate Minority Leader, the Senate Majority Whip and the Senate Minority Whip. These are the Senators who should give other Members a chance to serve in this Committee. We should also consider persons with disabilities.

Whereas I have no doubt in the capabilities of the specific Senators named here, it would be a good learning process if we encompassed that idea of changing the Membership so that we give them a chance to learn and to be able to create even more that can be able to fit and lead this Committee into the future. Nevertheless, I look forward to this Session and the faster we pass this Motion the faster we are able to commence business.

**Sen. (Dr.) Zani:** Mr. Temporary Speaker, Sir, let me first start by thanking the Committee for the work that they have done. I remember when we started off, we used to talk about lack of enough business to be transacted by this House. Right now, we have a lot of business and I think the Senate has made a mark in this country. This Committee meets weekly to ensure that the Senate is running and that Motions, Bills and other matters of discussion come up in a systematic way.

Given the time, we agree that the Membership of the Committee should be maintained so that we do not have any disruptions. Picking up from Sen. Wangari and Sen. Omondi, maybe in the future we should have projected combinations done in advance so that when there is change in one committee it is quickly configured to how the other committees will change so that it does not make it a difficult thing for committees to change Membership.

I support this Motion so that we can get to transact the business of this House in this Session.

**Sen. (Prof.) Lonyangapuo:** Thank you Mr. Temporary Speaker, Sir. I want to join my colleagues in supporting this Motion which has been tabled by the Senate Majority Leader proposing the composition of the Senate Business Committee. As rightly noted by the other speakers, the old Membership has been retained.

Mr. Temporary Speaker, Sir, it is good to bring to the attention of the House that this Business Committee is a very unique Committee. This is the only Committee that is permanently stationed here. They do not go out for benchmarking. Another revelation is that it does not have an allowance. There is nothing here.

So, it is a Committee that is committed to setting the business of the House. So, it is good to bring this to the attention of the Members. As was planned at the beginning of this Parliament, most of the Members are the leaders from the two sides of the House. For that reason, it is also good to carry it forward. Since we did not change the composition along the way, it may be essential that we move.

We ask that they continue to scrutinize the business of the House the way they have always done. I do not want to add more, as you can see the Speaker is the Chair of this Committee. We have done our work quite well. I do not know how a similar Committee in the “Lower” House transacts its business. However, this one has done tremendous work. We wish them well as we move to this last Session of the 11<sup>th</sup> Parliament.

**The Temporary Speaker** (Sen. (Dr.) Machage): Since I see no more interest in contribution, I will therefore, put the question. This is not a county Motion.

*(Question put and agreed to)*

Very well, earlier Sen. (Dr.) Zani had requested the Speaker that she moves a Motion on matters that are urgent to this country.

Proceed, Sen. (Dr.) Zani.

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 33**

#### **ONGOING INDUSTRIAL STRIKES BY DOCTORS AND UNIVERSITY LECTURERS**

**Sen. (Dr.) Zani:** Mr. Temporary Speaker, Sir, I beg to move that the Senate do now adjourn to discuss two strikes that have been prominent in this country. Even before these strikes blew out of proportion, as they have now, especially the doctors strike, where now the doctors have been jailed for a month, there were already simmering signs that something was going wrong in both sectors.

**The Temporary Speaker** (Sen. (Dr.) Machage): Hon. Senator, you have 10 minutes.

**Sen. (Dr.) Zani:** Mr. Temporary Speaker, Sir, there was something going wrong in both sectors. In the health and education sectors there was a Collective Bargaining Agreement (CBA). What one would have expected is that something like a CBA is a thing that various employees get into. It is an agreement about specific things; payment, conditions of work, allowance and probable expansion of work in terms of occupations that are there.

A CBA conducts and holds quite a lot. That is very critical. The expectation is always that once a CBA agreement has been entered, each part of those who have bargained for it; the Government and the employees must have it end up with an agreement that will lead to some understanding.

Sometimes the CBA will not end up with exactly the same terms but somewhere along the line, there will be a level of negotiation, entry and discussions to ensure that work is not interrupted. We have had an interruption in two sectors. That is almost completely unacceptable. 50 years after Independence, we have lectures and doctors on strike.

Mr. Temporary Speaker, Sir, the misery and injury that has been caused is clear. In the medical sector, patients have lost their lives because there are no facilities for them to be attended to. In the education sector, we have students who have been forced to be out of class. This especially is happening in a set-up where the programmes for the university are very tight.

Lecturing is one of the noble professions and maybe not one of the most highly paying. Most of the lecturers who have devoted themselves to this profession will work long hours trying to ensure that they impart knowledge. For a long time, the salaries for lecturers and members of staff at the university have been very low. For example, a lecturer earns about Kshs99,802 compared to other sectors where immediately after training, people start earning even up about Kshs400,000. We should not forget that these are the people who impart knowledge.

Then, we have a situation where professors earn just up to about Kshs200,000. So, the CBA in terms of specifications on what they had asked for was quite realistic. This was about a pay rise. For example, we have a lecturer who was earning about Kshs99,000 go up to earning about Kshs350,000 and for a professor who earns about Kshs200,000 to move up to about Kshs1.5 million per month. The basis of the disagreement was the CBA that was signed in 2012. This is the 2013-2017 CBA.

What also is in contention is that this CBA expires in five months' time. That is why it becomes a weighty matter. In terms of engagement, the lecturers are trying to present that point and position so that this is done. It has to be done before the end of this Parliament. Otherwise, it will not be factored in the budgetary allocation. That is very important.

Various meetings have taken place between the university unions and the Inter-Public University Council Consultative Forum (IPUCCF). Discussions have been going on but no clear direction has been given. An offer of Kshs10 billion has been made to the lecturers. This was offered so that they could call off the strike. However, that agreement of whether this has been accepted or not has not been made.

Mr. Temporary Speaker, Sir, apart from the monetary aspect, there were other aspects of the bargaining agreement which are very critical. In terms of the work, that is done in terms of the conditions that are there. This has not been addressed. So, as we speak the strike is full blown. That CBA agreement has not been adhered to. We have a problem in that sector. Lecturers are not in class.

The other one for the doctors' strike is on a CBA. This was signed in 2013 but it has not been implemented. Apart from the monetary aspects, there were key aspects about this agreement that were very critical, for example; to bolster the Kenyan system of health and that would be good. They were to set aside funds for medical research and that will be very critical, there was to be a sense of having money put in to ensure ongoing training takes place and they were to ensure that they address issues of equipment shortages.

Mr. Temporary Speaker, Sir, over time, what we have seen is a to and from movement between the doctors, the Cabinet Secretary and the Principal Secretary in the Health docket. It is unfortunate that the to and fro movement has ended up worsening the situation. We have seen something we have never seen in this country where doctors

have been threatened and put in jail. We have seen situations where there seems to be a complete disjoint even in the way the progression for the Collective Bargaining Agreement (CBA) should have taken place.

For example, in January, seven counties withheld December salaries of more than 300 striking doctors despite an offer that was given in terms of breaking it down according to the CBA. That was not done properly and that means that even the amount that has been offered of about 40 per cent pay rise has not been interpreted. That was done on 4<sup>th</sup> January.

On 6<sup>th</sup> January, doctors met and discussed the pay deal but again there was a rejection. By 10<sup>th</sup> January, doctors were warming up to a legal battle which has blown up. We have had dismissals that were meant to have been done by 23<sup>rd</sup> January for about 4,000 workers. On 24<sup>th</sup> January, through the union, again mediation took place. The Labour Relations Court and the Ministry of Health have also come in to try and discuss this. However, on 25<sup>th</sup> January, there was a fresh bid to end the doctors' strike but those talks have collapsed. Now we have a situation where we have a scene that has been very unusual in this sector. We have seen doctors in white coats moving up and down, trying to ask for their rights.

Mr. Temporary Speaker, Sir, this is an issue that would have easily been put to rest by having the various sectors sit down to find an amicable solution. I know that the Senate Committee on Health has made arbitration on this matter. Even as late as today, the Committee on Health addressed this.

I remember comments that you, Mr. Temporary Speaker, and Sen. (Prof.) Lesan have made. However, we need to find a way of ensuring that all sectors are brought to the table to solve this once and for all.

We have a situation that is even worse because the strike has gone on to even include the private hospitals. So, for the next 48 hours, anybody who will fall sick in this country will have nowhere to go. This is an urgent matter of national importance. It is about the lives of Kenyans across the country. Two important issues that are very key are health and education and they need to be addressed very urgently.

Mr. Temporary Speaker, Sir, I beg to move. I request Sen. (Dr.) Khalwale to second.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I rise to strongly support this very important Motion for Adjournment. I want to draw our attention to the youth who are now very good on social media. Two days ago, I tweeted on my twitter account. I said; happening only in Kenya where doctors are jailed as the looters of National Youth Service (NYS), Eurobond, Standard Gauge Railway (SGR), Ministry of Health funds *et cetera* walk scot-free on our streets. As we speak now, my twitter account has been visited by 26,177 Kenyans and the number is growing. This is an indicator that this is a matter of grave national importance.

Be that as it may, may I remind the few misguided---

**Sen. Muthama:** On a point of order, Mr. Temporary Speaker, Sir. Will I be in order to inform the Chair that Sen. Murkomen, being one of the leaders of this House, has walked in and has been standing even when the other Member is contributing? It is very clear that when one Member is contributing, there is no other Member who should be

standing. To make it worse, Sen. Murkomen is also holding his telephone to the face of everybody. He has forgotten that he is not in his private office.

I need to be guided on that. As a leader in this House, is he supposed to be doing what he is doing?

**Sen. Sang:** On a point of order, Mr. Temporary Speaker, Sir. Still on the same point of order raised by Sen. Muthama, is he in order to give a false impression that it is wrong for a Member of this House to stand and consult then sit down when he is not standing between the Speaker and the person contributing?

Mr. Temporary Speaker, Sir, Sen. Murkomen was just consulting between us and the Senator seated behind us and then he sat down. Is he in order to give misleading information?

**Sen. Omondi:** On a point of order, Mr. Temporary Speaker, Sir. Is Sen. Sang in order to give a false impression when all of us have seen Sen. Murkomen standing in the middle here holding his mobile phone?

**Sen. Murkomen:** Mr. Temporary Speaker, Sir, I acknowledge that I was standing, but to create an impression that I was holding a phone is different.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! That is for me to rule. What is not in order?

**Sen. Murkomen:** Mr. Temporary Speaker, Sir, I was responding to the point of order directed---

**The Temporary Speaker** (Sen. (Dr.) Machage): No, it is for me to rule. Just have a seat.

*(Laughter)*

*(Sen. Murkomen sat at his place)*

Very well.

*(Sen. Wako stood up in his place while the  
Temporary Speaker (Sen. (Dr.) Machage) was on his feet)*

Sen. Wako, can you freeze?

*(Sen. Wako sat down in his place)*

Indeed, when Sen. Murkomen came in, you realised that I cautioned him. Sen. Sang, just to remind you, maybe the holiday was too long, may you be informed that in your own Standing Orders and since you are in the Speakers Panel, two Members cannot be on their feet at the same time. It is also true you cannot do whatever you are doing between the Speaker and the Member on his feet.

So, those two cardinal rules must be observed but there is nowhere in our Standing Orders where we are barred from holding our mobile phones. Maybe we are going to review the Standing Orders and include that but to my knowledge and for the

many years that I have been a legislator, I do not think there is anywhere in the Standing Orders that you are barred from holding your phone which you could be referring to. Of course, by practice, it is not acceptable. As a practice and commonsense, you should not receive a phone while you are in the Chamber as a gesture of civilization. Otherwise I have laid this matter to rest. Everybody has been informed on what the rules of this House are.

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

**The Temporary Speaker** (Sen. Murkomen): If it is on the same matter, I will rule you out of order. Let the matter rest.

**Sen. Murkomen:** It is on something else.

Am I in order, Mr. Temporary Speaker, Sir, to congratulate you for the wise ruling? I also wish that you become the Deputy Speaker of the National Assembly in the next Parliament now that I have heard you might be interested in serving in the lower House.

*(Laughter)*

**Sen. (Prof.) Lonyangapuo:** On a point of order, Mr. Temporary Speaker, Sir. Is Sen. Murkomen in order to almost belittle our Speaker, who is seated in the Chair by talking about another House where we are not currently Members? He may have heard rumors but, is it in order for him to bring up issues that are not relevant to this House?

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! If you want to discuss the Speaker, then you must come up with a Special Motion. That is a closed chapter.

**Sen. Sang:** On a point of order, Mr. Temporary Speaker, Sir. Mine is on a different note. Is Sen. Murkomen in order to selectively wish well only one Member of this House when we know that Sen. (Dr.) Khalwale is the incoming governor, he has not wished him well. On the other hand, Sen. Godliver Omondi is an incoming Member of the County Assembly (MCA), he has not wished her well. Sen. (Prof.) Lonyangapuo is the incoming governor and he has not been wished well. Sen. Cheruiyot is the incoming Senator, but he has not been wished well. I have also not been wished well as the incoming Governor of Nandi County. Why is the Member selectively wishing well some Members and ignoring others?

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Murkomen is quite in order to express his views, thoughts and what he thinks is more important than everything else.

Sen. (Dr.) Khalwale, I see you are on your feet.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I hope the Clerk-at-the-Table was holding my time.

I want to remind Kenyans that as we go through this very painful and fatal moment in our history as a nation, I have gone through the history of the speeches of His Excellency President Uhuru. I have found that he made the following pledge to Kenyans and I quote:-

“We are committed to growing our economy by double digits, create one million jobs annually and create a 24 hours economy. Doctors and healthcare workers will be properly paid. No woman will pay for



maternity care. No Kenyan will travel abroad for medical treatment. Our teachers will be paid and our policemen will all live in modern houses. Strikes end with President Kibaki Government *na yule jamaa wa vitendawili*. We will pay workers because they are the backbone of our economy. We sign a contract with the Kenyan people to transform and secure property for all Kenyans. This is our bond.”

Mr. Temporary Speaker, Sir, sorry I have a correction. Those are the words delivered on 3<sup>rd</sup> March, 2013 at the launch of Jubilee and read by Deputy President William Ruto.

**Sen. Murkomen:** On a point of order, Mr. Temporary Speaker, Sir. On 3<sup>rd</sup> March, 2013, we did not have the Jubilee Party. That was on a Sunday, one day to elections. Be that as it may, can Sen. (Dr.) Khalwale substantiate that the statement he has provided, that the source and the content are correct. He should provide evidence that, that is exactly what the President said.

**The Temporary Speaker** (Sen. (Dr.) Machage): First, you should have risen on a point of information because what you did was to inform Sen. (Dr.) Khalwale. That can still fall as a point of order only that you did not execute it properly. You should have said: “Is he in order to mislead the House?” I do not remember hearing Sen. (Dr.) Khalwale say: “open quote and end of quote.” Sen. (Dr.) Khalwale did you?

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, you heard me well. At the end I said these were the words of William Ruto said on 3<sup>rd</sup> February, 2013. I want to continue as follows---

**The Temporary Speaker** (Sen. (Dr.) Khalwale): Order. A point of order has been raised. As the Chair, I have to play my role. You have been challenged to prove that, that is actually the right document. Do you have a copy of the same? Is it an extract from the speech?

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, this is an electronic record of that particular speech. Fortunately the extract has an indication of the date. It also indicates the function at which the speech was made.

**The Temporary Speaker** (Sen. (Dr.) Khalwale): Who was the author of the speech?

**Sen. (Dr.) Khalwale:** It is authored by William Ruto and spoken on 3<sup>rd</sup> February, 2013 at the launch of the Jubilee Coalition. I stand by my word on everything I have said above.

**The Temporary Speaker** (Sen. (Dr.) Khalwale): Order. Sen. Murkomen’s demand may be difficult to execute. However, the Standing Orders provide a window for production of a complete extract as a substantiation in the next 48 hours. As it is, if I have to execute the order of Sen. Murkomen then I will accept that, that is not the correct quotation because it is not signed. From your statement you have said you extracted it from a speech given by William Ruto, I order that you table, just as a way of substantiating what Sen. Murkomen has so demanded, the full text signed as proof. Do so tomorrow.

I rule that you continue.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Temporary Speaker, Sir. I am so guided. However, may be the record should also capture that Murkomen has not at any time asked for substantiation.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order. Say Sen. Murkomen.

**Sen. (Dr.) Khalwale:** Sen. Kipchumba Murkomen, the Senator for Elgeyo Marakwet County.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very good. Proceed.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, these are very serious issues. Maybe that is why there was wisdom in some constitutions where we borrowed some ideas, where they specified that Senators must be of a specific age. However, I do not want to go there.

Mr. Temporary Speaker, Sir, on the strength of this Floor of the House, I want to demand of the Jubilee Government, to demand of the President to govern this country and govern it properly. He has an opportunity in so doing by releasing our doctors now. If the President is looking for people to jail, he has enough of them.

**Sen. Murkomen:** On a point of order, Mr. Temporary Speaker, Sir. Is it in order for Sen. (Dr.) Khalwale to insinuate and to actually expressly say that the President sentenced anybody when we know that neither did the President do it nor does he have any power under the Constitution to sentence any Kenyan?

**The Temporary Speaker** (Sen. (Dr.) Machage): That is why I wanted to hear the subsequent remarks that were to follow that. In the Holy Bible, there is a chapter somewhere in the Synoptic gospels where it says: "Take my cross and follow me". What some people in this country do is literally to go and cut a big tree, build a cross to a scale that nobody knows and carry it everywhere; some hanging it on the necks and some carrying it on the shoulders while forgetting that that was just a sentence out of a speech.

That is exactly what this House is trying to do and I will not allow it. Sometimes it is good to listen to a legislator, give a little space and get what it means. We have what we call satirical and figurative expressions in English.

**Sen. Muthama:** On a point of order, Mr. Temporary Speaker, Sir. I do believe that Sen. Murkomen is out of order because the President is on record---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Muthama. Apparently, today I am the Speaker and I make those decisions; whether somebody is in order or out of order. So, you are out of order.

The only guidance I want to give to Sen. (Dr.) Khalwale and you know your Standing Orders very well, be careful not to introduce a speech on the person of the President without a substantive Motion. Just be careful.

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

**Sen. Muthama:** On a point of order, Mr. Temporary Speaker, Sir. Sen. Murkomen is denying the obvious; the President and his Deputy were in the news the other day saying that they were going to jail drug traffickers. Did that mean that it was the President who was going to jail them or it is his Government that is going to jail them? It is a fact that the President talked about jailing people although he is not the one who is going to sit on the Bench. He is a lawyer and he knows better.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Let me rule on that. I do not want those exchanges.

Sen. Muthama, what may appear obvious to you is not obvious to everybody and common sense has never been common at all.

*(Laughter)*

**Sen. Murkomen:** On a point of order, Mr. Temporary Speaker, Sir. I had acceded to your ruling but you have made it worse, in my opinion.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order. You do not challenge the Speaker's ruling.

**Sen. Murkomen:** Mr. Temporary Speaker, Sir, as a lawyer, I think Sen. Muthama is out of order to confuse cases which are introduced---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Can you execute your point of order properly because when you land on my seat, I can hit you.

**Sen. Murkomen:** Mr. Temporary Speaker, Sir, is Sen. Muthama in order to confuse cases which are introduced by investigation ordered by the Government of any other body or the the police where the DPP takes up the matter and charges somebody in court with cases where the judge acts to a motto as a result to contempt of court, like in the case of the strike? In the latter you can say that the President has no power but in the former, the President has a role to perform as part of the executive.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order. Let me say this; Sen. Murkomen is a lawyer.

**Sen. (Dr.) Khalwale:** A bad lawyer.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order. Sen. Murkomen is a lawyer while Sen. Muthama is an entrepreneur. I do not expect him to be interpreting your jargon. Let us proceed.

**Sen. (Dr.) Khalwale:** Thank you Mr. Temporary Speaker, Sir, for your ruling. I want to emphasize to the public who Sen. Murkomen is struggling to ensure that they do not hear me. The Constitution demands that I be heard especially on the Floor of this House. The same public has heard and has seen the President free petty offenders under this Constitution. The same public is aware of Article 133 that gives the President power to look at a sentence like the one that was meted out yesterday, to either suspend it conditionally or unconditionally or cancel it altogether so long as he refers the case to a special committee led by the Attorney-General, created under Article 133.

Kenyans are aware that in this particular regard, the Director of Public Prosecutions can actually pick that file of Justice Wasilwa, put it before another judge and request that judge to review the ruling so that doctors can be released today. If the President wants to govern the Republic of Kenya, he can weigh all those options by either talking to the DPP, doing it himself, talking to that Attorney-General or without talking, freeing them the way he has freed petty offenders in the past.

Mr. Temporary Speaker, Sir, this matter is so critical. I have a daughter of mine who has just finished Form Four and she aspires to be a doctor of medicine because she is qualified. She asked me: "Dad, why are they jailing Dr. Korir?" You are sending a

wrong message to some of the top brains in this country; that it is wrong for you to pursue a career in medicine. It is better for you to pursue a career in beauty so that you are a salonist, because it is only under Jubilee where a salonist is today a multi-billionaire and a former chicken seller is today a multi-billionaire. When you ask that chicken seller and the salonist how they made those billions, they will not tell you.

**Sen. (Prof.) Lonyangapuo:** On a point of order, Mr. Temporary Speaker, Sir. Is Sen. (Dr.) Khalwale in order to generalize and want to belittle the profession of beauticians; the people who work in salons? If he knows any individual, he should quote their names so that he does not malign this noble profession where people have invested their money?

**The Temporary Speaker** (Sen. (Dr.) Machage): To my knowledge, I do not think he had that intention unless he proves it.

**Sen. (Dr.) Khalwale:** Thank you Mr. Temporary Speaker, Sir. I do not know why you are not my substantive Speaker. You get it so well. As we put the country on notice of the fact that it is President Uhuru Kenyatta to blame, I want it to be forever clear that this blame must be apportioned appropriately. There is blame on the national Government but there is even greater blame on the Council of Governors (CoG). Health, for God's sake is a function under the new Constitution which is fully devolved! I therefore ask; how and why I would want to be a Governor who sits in my office paying out money for entertainment and hospitality bills and not spend that money on giving doctors a better pay so that health is functional in my county.

I salute the Governors of Bomet and Kiambu counties, Gov. Rutto and Gov. Kabogo respectively. They are the two governors where services are functional. Why can the other Governors not borrow a leaf from the two governors? Other useless Governors have been saying that "I went to the university and attained a degree in management and that is why I am a governor". Who told them that we got them elected to be managers? We elected them to be governors. The job of a governor is to govern. You have to ensure that the systems below you are working. They are supposed to allow the professionals, doctors, engineers, agriculturalist and all others, to work. It is very painful.

Mr. Temporary Speaker, Sir, in six months' time when the CORD/NASA Government takes over, we are going to make sure that the standard is rated so high---

**The Temporary Speaker** (Sen. (Dr.) Machage): You have two minutes.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Temporary Speaker, Sir, there is also need for us as Parliament to address the long-term solution to this. It has now become evident that we must amend the Constitution through parliamentary initiative which can take a mere one week. Through that initiative, we can create the Health Workers Service Commission that will manage matters of employment, transfer, promotion and salary increment of health workers. The balance of events; provision of drugs, construction and maintenance of institutions and payment of casual workers in those institutions be the responsibilities of the governors.

If we do not do that, the health docket is going to grind to a halt unless and until we put in a provision that all governors must be competent in medicine. Should that be the case, the people of Kakamega County will not have any complaint because I have run

the greater Kakamega as a Medical Officer of Health (MOH). I have also done extensive medical practice---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Sen. (Dr.) Khalwale, I do not think the Floor of this House is appropriate for your campaign gimmicks. You were doing well. Can you conclude properly?

**Sen. (Dr.) Khalwale:** Thank you, Mr. Temporary Speaker, Sir. As I conclude, I would like to state that the governors can run but they cannot hide. We are going to catch up with them. The governors and Principal Secretary for Health, Dr. Muraguri, are the ones supposed to be arraigned in court; not our doctors. They should be arraigned in court and charged with crimes against humanity because the patients who have died over all these weeks that they have allowed the doctors not to be on duty are dying because of diseases that are treatable. Dr. Muraguri is criminal number one.

I also challenge the Cabinet Secretary (CS), Dr. Mailu, to resign now because he is not fit to be a CS in modern day Kenya. The same standards must apply to the President of Kenya. He must resign because he is unable to run this country.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Sen. (Dr.) Khalwale, your time is up.

*(Question proposed)*

Please, proceed, Sen. Muthama.

**Sen. Muthama:** Bw. Spika wa Muda, ninashukuru. Ningependa kujua tunachangia kwa muda gani.

**The Temporary Speaker** (Sen. (Dr.) Machage): Una dakika tano.

**Sen. Muthama:** Bw. Spika wa Muda, Hoja hii ina maana sana. Ningeomba muda uongezwe.

Kutoka tunyakuwe Uhuru wetu, nchi hii haijawahi kukumbwa na matatizo kama yanayotukumba sasa. Serikali ya hayati Mzee Kenyatta haikuwa na migomo ya madaktari. Serikali ya Rais Moi, ingawa ilikuwa na shida nyingi, haikuwa na migomo ya madaktari. Serikali ya Rais Kibaki, pia haikuwa na migomo ya madaktari. Lakin leo, kuna mgomo wa madaktari.

Bw. Spika wa Muda, unavyotuona sisi hapa tukiwa tumevalia tai na suti, tunakanyaga zulia nyekundu na tuna maji ya kunywa mbele yetu. Watoto na wajukuu wetu wakiwa wagonjwa, wataenda hospitalini. Nimesima hapa kuzungumza juu ya mwananchi wa kawaida. Leo, Rais Kenyatta akiwa mgonjwa, hataenda hospitalini. Madaktari wataenda kwake nyumbani kumuhudumia. Pia mke wake na watoto wake wakiwa wagonjwa, hawataenda hospitali, madaktari wataenda nyumbani kuwahudhumia. Akina mama wanaojifungua wanahisi uchungu sana na watoto wao wanakufa kwa sababu wanakosa usaidizi wa madaktari. Wengine wanakufa kutokana na majeraha wanaposubiri kulazwa hospitalini. Nchi yetu imekosa mwelekeo.

Bw. Spika wa Muda, wewe kama daktari unajua ni pesa ngapi Serikali ya Rais Uhuru Kenyatta ilitumia kumfanyia kampeini Amina Abdalla ili ateuliwe kama Mwenyekiti wa Muungano wa Afrika (AU). Mambo haya yanafanyika---

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**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Muthama! We are guided by our Standing Orders not to discuss a Member of Parliament either in this House or the National Assembly without a substantive Motion.

**Sen. Muthama:** Bw. Spika wa Muda, nimegusia bidii Serikali yetu iliyofanya kuhakikisha mmoja wetu ameteuliwa katika nyadhifa ya juu katika Muungano wa Afrika (AU) huku maskini madaktari wetu wakilia na kuomba kuongezewa mishahara.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Muthama! Do you mean Hon. Amina Abdalla, the Member of Parliament (MP)?

**Sen. Muthama:** Bw. Spika wa Muda, nazungumzia Amina Abdalla aliyekuwa anawania kiti cha Mwenyekiti wa AU.

**The Temporary Speaker** (Sen. (Dr.) Machage): Use the right name; Amb. Amina Mohammed.

**Sen. Muthama:** Bw. Spika wa Muda, wagonjwa, watoto na akina mama wanaumia. Serikali hii imetumia pesa za Eurobond halafu wanatuambia kuwa hakuna pesa ya kulipa madaktari. Tunafanya bidii kupunguza idadi ya Wakenya. Tunatumika sisi kama viongozi waliochaguliwa kuwahimiza na kuzingatia kazi ambazo zinaweza kuinua maisha ya Wakenya.

Bila kusitasita, Rais Kenyatta ameshindwa kuongoza nchi yetu. Ikiwa madaktari wamegoma na Rais anaonyeshwa kwenye vyombo vya habari akicheza densi na vitoto akiwa katika shughuli za kuomba kura, maskini anakufa kwa kukosa msaada kutoka wa Serikali. Huyu Rais ana kazi gani kuongoza taifa ya watu wenye akili kama Kenya? Kusema kweli, yeyote anawezakuongoza ikiwa Rais Kenyatta bado ni Rais wa Kenya. Hii ingekuwa nchi nyingine---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Muthama! Resume your seat. Standing Order No.90 says:-

“Contents of Speeches

(1) Neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the Senate shall be referred to adversely, except upon a specific substantive Motion of which at least three days’ notice has been given”

I know that the subject we are discussing is emotive. I have the duty to defend our Standing Orders. I have given several warnings on this. If it is repeated, I will invoke Standing Order No.110 on any of you.

**Sen. Muthama:** Bw. Spika wa Muda, ninakubaliana na uamuzi wako lakini ninazungumzia ofisi---

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, on a point of information.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. (Dr.) Khalwale, who do you want to inform?

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I want to inform Sen. Muthama.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Muthama, do you want to be informed?

**Sen. Muthama:** Yes, Mr. Temporary Speaker, Sir.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, thank you for allowing me to inform Sen. Muthama. What he is driving at is the need for the Chief Executive of the country ---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. (Dr.) Khalwale!

Are you trying to elucidate, elaborate or expand on the speech of Sen. Muthama? That is not information. We do not have a Standing Order on elucidation.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I introduced it wrongly. Let me bring it up properly. The President is expected, while in office, to ensure that in accordance with the oath of office which he took to uphold and preserve the Constitution, he must ensure that in so doing, the right to life is upheld. He is supposed to ensure that those doctors are there so that the lives that are being lost are preserved.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well, but I think Sen. Muthama already knows that. Are you sure you do not know that?

Continue, Sen. Muthama.

**Sen. Muthama:** Bw. Spika wa Muda, mazungumzo yangu yanakwenda sambamba na maneno uliyoyasema na pia yale Sen. (Dr.) Khalwale aliyesema. Nakodolea macho na kuinyooshea kidole ofisi iliyo na mamlaka; ofisi ya Rais wa nchi ya Kenya.

Mambo yakifika njia panda tulipo, nalihakikishia Bunge hili na Wakenya kwamba niko tayari kulipa bei yoyote hata kama ni kufungwa jela, maisha au lolote lakini nizungumze ukweli. Ikiwa daktari hawafanyi kazi na waziri na katibu hawana nguvu, ni nani mwingine nitakayemuuliza atuambie shida ya madaktari ni gani, kama sio Rais. Kama yuko katika ile ofisi na hawezi kuulizwa swali, basi Kenya iko katika hali mbaya, hata hatujui tuko wapi. Ni jukumu la Rais kuona kwamba madaktari wameshughulikiwa. Walishuhudia Magavana wakilazimishwa kununua mitambo ya Kshs38 billion huko wakiwa hawana mshahara.

Pia juzi, wizara hiyo imehusishwa na kashfa ambapo ilipoteza kiasi kikubwa cha pesa ilhali madaktari hawana pesa. Wakenya wana haki kupata haki yao. Mheshimiwa Uhuru Kenyatta, waambie Wakenya watatibiwa namna gani na mgomo wa madaktari utaisha lini? Bila hayo hatunyamazi, tutazungumza hadi nchi na mbingu ishikane.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well.

Proceed, Sen. (Prof.) Lonyangapuo.

**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, I laud Sen. (Dr.) Zani for introducing this adjournment Motion as a result of the acute and urgent need to discuss the matter at hand; the lecturers and doctors strike. It is a pity that 74 days have gone by with doctors out of work. The people who need their services have not been attended to all along. These are many days compared to the number of lives at stake. It makes us look like a country that is not very serious. We cannot address the matters at hand.

The leadership of the country, the President and his Deputy are out mobilizing voters to register. At the same time, the leaders of the Opposition led by the former Prime

Minister are also camping in the field mobilizing voters to register. I do not know when our priorities went wrong to this extent.

Mr. Temporary Speaker, Sir, you are an authority in this field, and you know that most of the people who require medical attention are the elderly who are voters. These are faithful and honest voters unlike the young ones ---

**The Temporary Speaker** (Sen. (Dr.) Machage): What is it, Sen. Omondi?

**Sen. Omondi:** On a point of order, Mr. Temporary Speaker, Sir. Is Sen. (Prof.) Lonyangapuo in order to include the former Prime Minister in the issue of the ongoing doctors' strike? He knows very well that the former Prime Minister is not the President of the Republic of Kenya and has no power to work on the solution to end the doctors' strike. It is the ruling party, the Jubilee Government, under the President, Uhuru Kenyatta that is supposed to address this. Is he in order?

**The Temporary Speaker** (Sen. (Dr.) Machage): He is quite in order because it depends on the context of his speech. I find nothing disorderly in the way he executed and mentioned the former Prime Minister. If he moves out of rail, I will derail him instead.

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

**Sen. (Dr.) Zani:** Is Sen. (Prof.) Lonyangapuo in order to allude that it is only the Opposition who are hunting for voters and forgetting to take care of the health sector? We know that both sides of the coalition have been out on voter registration drives. The Jubilee Government, especially, should have been in the forefront because they have the mandate to ensure that they get a solution to the problem of the strikes.

**The Temporary Speaker** (Sen. (Dr.) Machage): The onus and responsibility of running the Government rests on the party in power in this country. So, Sen. (Prof.) Lonyangapuo is quite out of order in that context.

**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, my colleagues, my sisters in particular, did not pay attention. I started by saying that it is a pity that the top leadership of this country is in the villages looking for votes and ignoring the problems we have at hand. I started by mentioning the President and his deputy, and then, came to the former Prime Minister who is also the leader of Opposition which is the team that is supposed to be keeping the Government on its toes.

**The Temporary Speaker** (Sen. (Dr.) Machage): I have already made a ruling on that. You do not have to repeat the speech. You do not have to, these are Senators. They have good memory. Continue!

**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, I expected the Opposition to be in the streets forcing this Government to behave and deal with the current problems affecting Kenyans.

**The Temporary Speaker** (Sen. (Dr.) Machage): What is it, Sen. Omondi?

**Sen. Omondi:** On a point of order, Mr. Temporary Speaker, Sir. Is Sen. (Prof.) Lonyangapuo in order to demonstrate that in this country, the only language that the Jubilee Government can understand is demonstration? Is it in order for him to---

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Omondi, we do not know whether KANU has been "naswad". Keep your peace and wait.

Sen. (Prof.) Lonyangapuo, continue.



**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, who does not know that you have to speak and shout at some of the issues that we have at hand? The other time, you saw the removal of the old leader---

**The Temporary Speaker** (Sen. (Dr.) Machage): Trade carefully. I will not allow you to incite the country using the Floor of the House.

**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, which is better? Is it to allow Kenyans to die when the same leaders are very busy in the villages looking for votes? It is a very absurd agenda when we are supposed to be dealing with the doctors.

Like I said, I watched the clip of Atwoli saying how the strike has been mismanaged. He said that there is a problem in Afya House and the President needs to crack the whip. What does it cost if nothing is moving? You need to reshuffle the officers or remove them. If you watch Cable News Network (CNN) or British Broadcasting Corporation (BBC), you will see that when a problem affects some of the nations, officers in charge step aside or they are removed from office.

As Kenyans, there are things that we are entertaining but they are not good. Lecturers have been absent from duty for nearly one and a half months. There are over 30 public universities in the entire nation but nobody is teaching students there. My former colleagues are paid peanuts.

It is a pity if you look at what MCAs and new employees in the devolved governments are paid compared to what lecturers are being paid. It is a pity that nobody is paying attention. If students are out of class, what is happening that we cannot sit down to negotiate or even talk? There is even more drama because nobody has sat with leaders of the unions.

We have the Cabinet Secretary of Education. Late last year, we saw how Dr. Matiang'i exhibited vigour and momentum in making sure that examinations were done properly but we and the entire people of Jogoo House have not seen him sitting down with lecturers, university councils and chancellors to see that the issue is resolved. This is where the Jubilee Government needs to pay attention to some of these details because it is not good for any nation to have students loitering in the streets when they are supposed to be in class. Some students were supposed to finish school in April this year but now they will not. The reason is because nobody---

*(Sen. (Prof.) Lonyangapuo's microphone went off)*

**The Temporary Speaker** (Sen. (Dr.) Machage): You have one more minute and please conclude.

**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, it is not time to point fingers but time to give solutions and soberly view ourselves as Kenyans, including the Opposition. They need to come up with tangible engagement with the leaders of the unions; whether doctors or lecturers. That way, things will move.

Drought is now causing havoc everywhere but we are not seeing that happening because nobody is talking about it. This is the time that this House and the entire nation need to pay attention. Kenya is not going anywhere. We need to pay attention and look at problems that affect all of us for the sake of the common good.

I support.

**Sen. Wako:** Mr. Temporary Speaker, Sir, thank you very much for giving me an opportunity to speak on this very important Motion. I wish to thank Sen. (Dr.) Zani for having brought it to this House.

Mr. Temporary Speaker, Sir, it is a pity that at this point in time when we should be focused on having a peaceful election and so on, we are inundated by a number of industrial actions on the part of very important professionals in this country. It reminds me that maybe somewhere, the lesson that a stitch in time saves nine has not been learnt. I am quite sure that had this matter been focused upon as soon as the Jubilee Government came to power, by now we would not be having these wildcat strikes. But because there was some overlook for not paying due attention to these serious issues which were being raised by doctors and university lecturers, they have been left to the last possible moment.

Mr. Temporary Speaker, Sir, soon after Independence, we had wildcat strikes in this country. The then Minister for Labour, Hon. Thomas Joseph Mboya, one of the best trade unionists that Kenya and even Africa has ever had, came up with an industrial machinery for settling disputes. In fact, out of that, the Industrial Court was born.

During the time of the Industrial Court, we rarely had these types of many strikes at the same time. In fact, the Industrial Court became one of the best known industrial courts in Africa and in the world and many people came from all over the world to see how our Industrial Court was functioning.

The Industrial Court was established under an Act of Parliament. So, when the new Constitution was promulgated, Article 162(a) stated that Parliament will enact a legislation on how these courts will function. Indeed, Parliament lived up to its responsibility and enacted the Employment and Labour Relations Act of 2011.

Section 3 of that Act is very clear that the principal objective of the Act is to enable the Court to facilitate a just, expeditious, efficient and proportionate resolution of disputes. One has to ask oneself whether the order that was made to commit the leaders of the medical union to prison for contempt of court was an order that would facilitate a just conclusion to the dispute, expeditiously assist in settling the dispute, efficiently promote the settlement of the dispute or whether it was an order that one can say was a proportionate resolution of the dispute. The word “proportionate” is good.

I laud Justice Wasilwa for having given the various opportunities for the parties to resolve this dispute. Where I fault her is that as a court, you cannot impose on one side of the dispute this draconian order of “you will be jailed for contempt of court” and leave the other side scott-free, not having the same measure of the draconian order. It would promote one side to take a very lax attitude towards sitting down and promoting this industrial dispute. In fact, my reading of the situation from where I sit, that is exactly what has happened.

**The Temporary Speaker** (Sen. (Dr.) Machage): You have one minute to conclude.

**Sen. Wako:** This is a very important issue and we are few here.

**The Temporary Speaker** (Sen. (Dr.) Machage): You have only one minute. That is the order.

**Sen. Wako:** Mr. Temporary Speaker, Sir, is it a proportionate order?

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Wako. Conclude your remarks.

**Sen. Wako:** Mr. Temporary Speaker, Sir, there was evidence that the settlement of the dispute by the COTU Secretary General had made quite some progress. I heard the Chairperson of the Kenya National Human Rights and Equality Commission (KNHREC), who was a co-chair of the mediation process saying, on the CBA they had already agreed on many issues. It was just a few that remained to be done. That was said before the industrial court. What they should have done is to give some more opportunities for the few remaining things to be resolved. If they are not resolved, at least, the progress report would be---

**The Temporary Speaker** (Sen. (Dr.) Machage): I add you one more minute.

**Sen. Wako:** Thank you. As I result of that, I feel that, that order was unnecessary.

I would like to appeal to the President. Although he has powers under Section 133(1)(b) of the Constitution to postpone the carrying out of a punishment, but normally one waits for the court process to be exhausted before the President can step in.

My final appeal is to the Court of Appeal which is hearing an appeal tomorrow to suspend these orders of committal. The field is open and the remaining issues need to be resolved so that doctors resume work to ensure that the lives of the people are not endangered by lack of medical attention.

Thank you, Mr. Temporary Speaker, Sir, for giving me two more minutes to speak.

**Sen. Omondi:** Thank you, Mr. Temporary Speaker, Sir, for granting me this chance to add my voice to this Motion. I appreciate Sen. (Dr.) Zani for moving this Motion.

As a Member of the Committee on Health, I note that the health sector is devolved. However, the Ministry of Health has failed the country. I also join Sen. (Dr.) Khalwale in calling that the Cabinet Secretary and the Principal Secretary should resign because Kenyans are dying. They should step aside to allow a dialogue that will bring this matter to an end.

The Jubilee Government has failed to give health services to its people. As earlier stated by other Senators, how can you register a sick nation when calling upon Kenyans to register as voters? Many Kenyans are suffering on empty stomachs. This is a striking nation. There is no reason for the Jubilee Government to be in office when it is not able to resolve matters of such concern.

We are urging Kenyans to register as voters yet we have forgotten about their health. How can somebody register as a voter when a relative or a family member is sick and there is no hope when that person will get health services?

Education, health and security are very important. Without education, for example, we will not have qualified doctors. Without doctors, we cannot have healthy Kenyans. When we do not have healthy Kenyans, security matters are compromised. Everyone must be healthy to support the economy of the country. It is high time that the President used his office to release the doctors so that they resume work and allow Kenyans to get their constitutional right to good health services.

It is a shame because the world is watching what is happening---

(Sen. Wetangula stood up in his place)

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Wetangula. Although Sen. Omondi is seated, in my opinion she is standing. So, you cannot continue standing.

Proceed, Sen. Omondi.

**Sen. Omondi:** Mr. Temporary Speaker, Sir, I was saying that the world is watching what is happening in Kenya. It is shameful that we can ignore the health of our people and professionals who are asking for their rights in terms of salaries. Workers in many sectors are on strike. The issue of the CBA must be harmonized and the cry of Kenyans be heard.

On the issue of standards of living, the lives of many Kenyans are in danger because of the ongoing drought situation. There is no water and food for many. Will we allow Kenyans to continue suffering? We are remaining with six months to go to elections. I urge Kenyans that this is the right time for them to use their vote to vote out the Government that cannot serve them.

I support.

**Sen. Madzayo:** Asante sana, Bw. Spika wa Muda. Naunga mkono Hoja hii. Ningependa kuzungumza kuhusu mgomo wa madaktari, wewe ukiwa mmoja wa madaktari shupavu humu nchini. Katika historia Kenya, ni mara ya kwanza mimi kushuhudia madaktari wakigoma siku zisipopungua 75. Ni aibu ya hali ya juu kwamba wananchi wanaweza kukosa kutibiwa na wengine wakafa bila Serikali yao kuwalia.

Nchi isiyo angalia maslahi na afya ya wananchi imekosa mwelekeo. Nasema hivi kwa sababu ya uzembe kama huu. Unapata ya kwamba madaktari wanadai haki yao. Huwa wanalipwa mishahara duni ilhali kazi wanayo ifanya ni ngumu sana.

Kuna umuhimu wa kuweza kuangalia ama kuchunguza ni kwa sababu gani madaktari wetu wamechukua hatua hiyo. Mimi mwenyewe nilikuwa Judge wa hiyo korti, lakini cha kushangaza ni kwamba daktari ni mtu ambaye amesoma kwa miaka mingi na anaelewa anacho kifanya. Kufunga daktari sio kufunga ugonjwa. Ukimfunga daktari, ule ugonjwa unaendelea kutapakaa kwa mwili wa binadamu. Ukimuachilia daktari, ndio anaweza kutibu. Daktari amengonga hodi na ni lazima tufungue mlango na tuulize ni kwa nini madaktari wetu wamegoma.

Jambo la kusikititisha ni kwamba katika korti yetu ya wafanyakazi wameanza kuangalia zaidi, *the law of evidence and the Criminal Procedure Code* katika lugha ya kiingereza. Tunasema kwamba, katika mambo ya wafanyakazi inafaa kuwe na uhusiano mwema kati ya tajiri na muajiriwa wake hivi kwamba wanaweza kukaa chini na wakaongea. Zamani nikiwa jaji tulikuwa tuna mwita tajiri na yule mfanyikazi na wote wana kuwa sawa mbele ya korti na inakuwa ni lazima wasikizazane na waandikishe masikizano yao katika korti. Hapa kuwa na ushindano kama uliopo hivi sasa.

Hata ninashangaa kuona kwamba hakuna mbinu zozote zina tumiwa kumuita yule tajiri an muajiriwa ili waweze kuongea. Hilo ni jambo la kusikitisha, hususan ukiangalia zaidi, Bw. Atwoli aliongea habari ya Katibu Mtenda kazi, Bw. Muraguri; kwamba alikosa kuenda katika mazungumzo, na Bw. Mailu akamtetea kwamba mtu mmoja

hawezi kufanya mazungumzo yasiendeleo. Lakini ujue kwamba huyu ni Katibu Mtendakazi wa Wizara ya Afya. Kwa hivyo, ni jukumu lake yeye kukaa katika yale mazungumzo kuhakikisha ya kwamba yale matakwa ya madaktari yame sikizwa vilivyo, hususan mishahara yao na matakwa mengine.

Ni lazima Bw. Mailu na Bw. Muraguri waelewe ya kwamba Kenya ina bahati kuwa na Bw. Atwoli ambaye ana tambulika katika dunia nzima kwa kutetea haki za wanfanya kazi. Ni mtu aliye na taaluma na hawezi kuongea uwongo. Inafaa wamsikize. Ninaambiwa kwamba nabii hana heshima kwao lakini kwa heshima ya wananchi wa Taifa la Kenya, nina waomba Bw. Muraguri na Bw. Mailu wamsikize ili kusitisha huu mgomo.

Bw. Spika wa Muda, tumesema kwamba mambo kuhusu afya ya shughulikiwe katika serikali za kaunti. Hiyo ndiyo tulipitisha na tukasema kwamba kitengo cha afya Kibaki katika serikali za kaunti. Hivi sasa, tunaona Serikali kuu iki walazimisha kuandika mikataba tofauti tofauti ili wachukue vifaa katika hospitali. Ni kama hii Serikali ya Jubilee haitaki kuacha kitengo cha afya kwenye mikono ya magavana kwa sababu wao ndio wanajua hali ilivyo mashinani. Waswahili husema kwamba anaye vaa kiatu ndiye anayejua vile kinavyouma.

**Sen. Njoroge:** Asante Bw. Spika wa Muda kwa kunipa nafasi hii ili ni weze kujiunga na wenzangu kujadili Hoja hii.

Nikiunga hii Hoja mkono, ningependa kusema kwamba ni jambo la kusikitisha kuona kwamba leo hii madaktari wamegoma na hawawezi kutekeleza wajibu wao wa kutibu wagonjwa katika hii nchi ya Kenya. Pia ni jambo la kusikitisha kwamba madaktari wamefungwa gereza kwa sababu ya kutotii sharia ya korti. Hili ni jambo ambalo Wakenya wanafaa waelewe kwamba kuna sheria katika nchi hii. Mara nyingi tumeona watu wakipuzilia mbali maagizo ya korti na kufanya mambo kivyao.

Bw. Spika wa Muda, itakumbukwa kwamba hivi juzi nilikuwa na shida baada ya kampuni ambayo nilikuwa nikihusika nayo kufanya biashara kupuuza maagizo ya korti na kunishambulia kazini mwangu kule Naivasha. Wakati niliona Mkurugenzi Mkuu wa Vivo Energy, Polycarp akinishambulia, nikakumbuka yale ambayo madaktari wanapitia kwa kupuuza maagizo ya korti. Mkurugenzi huyu hakukatazwa na korti kuja mahali nilipo kuwa ninafanyia kazini. Kwa hivyo, ninaushahidi kwamba watu wamekuwa wakipuzilia mbali maagizo ya korti na ninafikiria ni vizuri Wakenya waelewe kwamba ni lazima sheria izingatiwe na kila mtu bila kufikiria kwamba kuna yeyote anayeweza kuwa juu ya sheria.

Huu mgomo wa madaktari umeingiliwa na wanasiasa na kufanya huu mgomo kuendelea kwa muda mrefu zaidi. Siasa inapoingizwa kwa jambo fulani, ni lazima patokee shida. Ni jukumu la Serikali kuhakikisha ya kwamba Sheria inadumishwa hata kama watu wanajaribu kuingiza siasa katika maisha ya wanadamu.

Ninaunga Hoja hii mkono nikisema kwamba nilazima wakenya watii maagizo ya korti kwa sababu korti ziko na zitakuweko na ni lazima tufuate maagizo yao. Asante.

**Sen. Mositet:** Bw. Spika wa Muda, naunga mkono Hoja hii inayozungumzia jambo muhimu katika taifa hili. Nijambo la aibu sana kuona madaktari wetu wamegomana; wananchi wana matatizo mengi. Madaktari wana hitaji mishahara yao iongezwe na vile vile vifaa vya matibabu pia viboreshwe ili kuzuia vifo vya wagonjwa hospitalini.

Ingekuwa vyema kama Serikal ingejitokeza na kuzungumzia jambo hilo. Sio vyema kununua mashine na kupeleka kwenye hospitali. Vifaa vinavyo pelekwa hospitali lazima viwe vya Kisasa na ni lazima kuwekwe mikakati ili hospitali hizo ziweze kuwahudumia wagonjwa.

Bw. Spika wa Muda, katika nchi zingine zilizo endelea, huduma kwenye hospitali zao ni za hali ya juu sana. Nchi kama ya Uingereza, viongozi wao hupata huduma za matibabu katika hospitali za serikali. Kwa hivyo, madaktari wanapotaka sekta ya afya iboreshwe, wana zungumzia jambo njema. Korti zetu hazina huruma wanapo wahukumu madaktari. Korti zimeingilia mambo yote na Tume Huru ya Uchaguzi (IEBC) haiwezi kufanya kazi kwa amani. Majaji hawaoni Wakenya na kwa hivyo wanafaa kuona kuwa kila chama sasa kina angazia uchaguzi. Hata watoto wa Kenya wanajua kuwa kuna uchaguzi.

Leo ndiyo siku ya mwisho ya wananchi kujisajili kupiga kura. Sina uhakika kama Tume ya IEBC imeongeza muda huo lakini korti zetu hazifanyi haki. Madaktari wanafungwa jela na hilo sio jambo njema. Wakati wa mwisho wa Wakenya wanao pigania haki zao kufungwa ilikuwa wakati wa 'multi-partism' na wakati wa kupigania Uhuru wa Kenya. Madaktari wanapigania uhuru wa Wakenya kwa kutaka sekta ya afya iboreshwe.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I join my colleagues Sen. (Dr.) Zani and others who have spoken before me in voicing concern over the doctors' continuing strike that has now been joined by lecturers of public universities. We are living in a country where the Government of the day has demonstrated how uncaring they are. The doctors have been on strike for almost three months now. We have had a conspiracy of silence from the Government of the day, absolute silence. Instead, they have taken public resources, military planes, they are flying from one corner of the country to the other, purporting to launch projects that will never see the light of the day. The cost of running around the country every day and corruption in this country would make the demands of the doctors a pittance.

The amount of money stolen on the Standard Gauge Railway (SGR), Eurobond, National Youth Service (NYS), the amount of money misapplied through dubious procurement process, inflated pricing, both at the national and county levels would be more than enough to pay the doctors and the lecturers. We live in a country where as the Former Chief Justice, Dr. Willy Mutunga said, "We are running a bandit economy" We are in an economy where every Kenyan is so happy making money. No Kenyan is proud of earning money. The people who look after our lives, the doctors, when they ask for an increment which the Government committed itself to, never mind that the Collective Bargain Agreement (CBA) was signed by one, Mr. Mark Bor, the former Principal Secretary (PS) in the Kibaki-Raila Government.

Mr. Temporary Speaker, Sir, the most important thing is that governments have perpetual succession. Therefore, one PS signing a document binds successive PSs in the same Ministry. We are told that there is a PS in the Ministry of Health who is untouchable, extremely arrogant and has no time to even sit with the doctors and listen to them and has no time to sit with his own CS because he comes from the royal family and community. This kind of callous arrogance has to be checked in our country.

You and my dear brother from West Pokot County were with me in the last Government. You may remember that the Government at the time passed through Cabinet an elevation of 23 hospitals to referral status so that these hospitals could then be put at the management level of the national Government. Looking around, there is theft of funds and mismanagement all over. How do you explain as a doctor that 95 per cent of health services are devolved, through this House, we give Kshs389billion to go to devolution which is to be shared between 47 counties? Even if each county put 10 per cent of its revenue in health, it will be under Kshs40 billion for health countrywide. However, looking at the budget that was passed in the National Assembly last year, the Ministry of Health was given Kshs110 billion to deal with policy and five referral hospitals out of which only two can properly be called serious active hospitals.

Mr. Temporary Speaker, Sir, why are we neglecting health yet it is the foundation of the nation? A healthy nation is a working nation. A healthy nation is a running nation. A healthy nation is a productive nation. A healthy nation will be a rich nation. However, instead of sitting with doctors to address their plight, we are sending them to jail. The Judiciary is an arm of Government. The doctors did not take themselves to court, somebody did. Whether it is the county government through CoG or the national Government through “whoever”---. Under Article Six of the Constitution, these two governments work collaboratively. They consult and work together. When it comes to a matter such as one of the doctors, we do not expect anything less than the President calling the CoG or the Governors’ Summit to address the issue even if it means freezing the expenditure on some of these extravagant programmes and projects.

I beg to support the Motion.

### ADJOURNMENT

**The Temporary Speaker** (Sen. (Dr.)Machage): Hon. Senators, it is now time to adjourn the Senate. The Senate stands adjourned until tomorrow, Wednesday 15<sup>th</sup> February, 2017, at 2.30 p.m.

The House rose at 6.30 p.m.