

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

**Thursday, 22<sup>nd</sup> February, 2018**

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

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM WEST POKOT COUNTY ASSEMBLY

**The Speaker** (Hon. Lusaka): Hon Senators, I wish to acknowledge the presence, in the Speaker's Gallery this afternoon, of a delegation of Members of the Committee on Procedure and Business from West Pokot County Assembly.

The Members are on a one day visit to the Senate to benchmark on best practices in the management of affairs of the House. I request each member of the delegation to stand when called out, so that they may be acknowledged in the Senate tradition.

They are:-

- |                          |   |                                      |
|--------------------------|---|--------------------------------------|
| 1. Hon. Francis Losia    | - | Deputy Speaker                       |
| 2. Hon. Thomas Ngolesa   | - | Majority Leader                      |
| 3. Hon. Solomon Ang'elei | - | Member                               |
| 4. Hon. Nancy Chombir    | - | Member                               |
| 5. Hon. Benjamin Aruale  | - | Member                               |
| 6. Hon. Agneta Kelepto   | - | Member                               |
| 7. Hon. Josiah Yarakwang | - | Member                               |
| 8. Mr. Leonard Ngiroh    | - | Committee Clerk                      |
| 9. Ms. Rael Kiraa        | - | Personal Assistant to the<br>Speaker |

On behalf of the Senate, and on my own behalf, I welcome the delegation to the Senate and wish them well for the remainder of their stay.

I thank you.

*(Applause)*

Sen. Poghisi, please, proceed.

**Sen. Poghisi:** Mr. Speaker, Sir, I thank you for welcoming the delegation from the great County of West Pokot. I join you and the House in welcoming them to benchmark with us. I wish them success in their endeavors here as they learn. We are doing our best to make sure that the counties are protected and shepherded to success.

Thank you, Mr. Speaker, Sir.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, on behalf of the Senate, I would like to welcome the team from West Pokot County. These are my neighbour back home. For those of us who served in the last Parliament, we are very proud to note the trust and faith that the county governments have in this important Chamber, particularly when we perform our responsibility under the Constitution of protecting counties and their governments. Being an arm of Government we believe that West Pokot County Assembly has learnt something from you, the Senate Business Committee and the Senate itself.

We were glad to have the Speaker of West Pokot County Assembly sitting with us in the Senate Business Committee on Tuesday. I believe that they are doing a good job in West Pokot. The Governor of West Pokot County was a Member of this House in the last Parliament. He was a Member of the County Public Accounts and Investments Committee (CPAIC). I hope and believe that, unless something drastic happens, he will accept to be oversighted vigorously by the county assembly. I believe that he will give them the room and support to ensure that accountability becomes the norm in West Pokot County.

Mr. Speaker, Sir, let me also use this opportunity to thank the West Pokot leadership in their commitment and effort towards peace in Kerio Valley. The Speaker of West Pokot County Assembly came to my office yesterday and we had a discussion on how to take the issues of peace forward. I have discussed this with Gov. (Prof.) Lonyangapuo and the other three governors; that as much security is a function of the national Government, we rely on the county governments to focus on bringing together communities.

There is need to designate a department on peace building and cohesion in their counties that can tap in the structures of national Government, to facilitate good neighbourliness among communities living in Elgeyo-Marakwet, West Pokot, Baringo, Turkana and Samburu counties, so that cattle rustling and banditry become a thing of the past.

I thank you.

**Sen. Haji:** Mr. Speaker, Sir, I have a special attachment to the people of West Pokot for various reasons; they are pastoralists and marginalized people. I welcome and take this opportunity to advise, particularly, their county government led by Gov. (Prof.) Lonyangapuo. There is need to bring understanding, tranquility and good relationships with their neighbours, so that their children can go to school and benefit from the county government which has been given a lot of resources. I ask them to pass my regards and best wishes to their people.

Thank you, Mr. Speaker, Sir.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, may I also add my voice to your voice and those who have spoken ahead of me in welcoming my neighbours from West Pokot and laud them for the relative peace and calm that we have between West Pokot and Trans Nzoia. Incidents of insecurity are now part of our history.

I also have a close affinity with the Pokot, through the famed *Dini ya Msambwa*, which they espouse fully. As we welcome the delegation, I encourage them to be steadfast in being the first point of call on oversight; the primary oversight organ in the counties to embrace the doctrine of budget tracking, so that when budgets are laid out, you track to see how their implementation is being done. This ensures that you do not end up carrying out postmortems on frauds which would have otherwise been prevented.

Lastly, I salute the people of West Pokot for electing our former colleague, Gov. (Prof.) Lonyangapuo, who was a very active and valuable Member of this House; sitting in many committees and chairing sub-committees. He was always objective, particularly, when discussing matters of security that affect our people.

Thank you.

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, on behalf of the people of Makueni County and the Senate, I welcome the Members of West Pokot County Assembly. I have three things to say. First, your governor sat with us in the Committee on Finance and Budget. In that Committee we ensured all assemblies have autonomy; managing their own accounts. Previously, the accounts were signed by the executive. Your Governor, Prof. Lonyangapuo, was responsible for ensuring that you have independence.

Secondly, Gov. (Prof.) Longangapuo was also responsible for ensuring that you do not overspend by participating in the legislation on the recurrent expense; the ceilings. We are, therefore, asking you to help the good professor - your governor - to ensure that the things he did while he was here are achieved. Do not overspend. Make sure that you also oversight him well because he did a lot of things to ensure that counties that had gone on a spending spree were put in check.

Mr. Speaker, Sir, lastly, allow me to say that we count on the assemblies, everywhere in the country, to ensure that devolution succeeds. They have a mandate and now that they are here, I ask them to pick all the good habits that they find in the Senate to ensure that West Pokot County, which is one of the counties that we have protected in terms of marginalization, is amongst the top five counties in terms of good spending and managing money well. We welcome you again and await your views on the recurrent expenditures on West Pokot County. We are prepared to give you more funds not to go to Israel, but to make sure that you oversight the county government of West Pokot.

I thank you.

**Sen. Seneta:** Mr. Speaker, Sir, I thank you for giving me a chance. On behalf of the women Senators, I take this opportunity to welcome the delegation from West Pokot to the Senate. West Pokot County and Kajiado County, where I come from, have some similarities in terms of pastoralism and issues of girl-child education. Therefore, when they go back home, I encourage them to look into the issue of a gender-friendly budget.

They should also advocate for a budget that will go a long way in solving issues of education for girls and ensure women empowerment. I also encourage them to oversight the expenditure of the monies that go to West Pokot County, so that they do not

keep complaining of marginalization every other year. Now that more money is going to the devolved units, they need to make sure that it is well utilized for the benefit of the people of West Pokot County.

Once again, I welcome you to the Senate. We, as the Senate, shall help our counties whenever we can.

I thank you.

**The Speaker** (Hon. Lusaka): Sen. Samson Cherargei, you have the Floor.

**Sen. Cherargei:** Thank you, Mr. Speaker Sir. On behalf of many colleagues and the great people of Nandi County, I take this opportunity to welcome Members of the County Assembly (MCAs) from West Pokot. We and the great people of West Pokot have a special connection that dates back to history. They are well conversant with that.

As my colleagues have said, MCAs are a critical component of devolution. You are the people who will assist us in actualization of devolution. My humble request is; as you go back to your county, make sure what you have learned in the Senate will assist you to make sure devolution works for all the People of West Pokot and not just for a few. Ensure that you do your oversight role religiously so that our people can realise the gains of devolution.

Finally, learn as much as possible from Senate. Learning is an endless process. If there is any support that we will give to MCAs across all the county assemblies, we, as Senators, will be more than willing to do so, so that devolution works for all of us.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I also want to take this opportunity, on my behalf and on behalf of the people of Kitui County, to welcome the delegation from West Pokot. There is something that I usually say casually at the lounge; that the people of West Pokot at some point in the political history of this country, did the people of lower eastern proud. At some point, the National Chairman of Wiper democratic movement was none other than the Senator of West Pokot, hon. Sen. Samuel Poghisio. So, we thank you for that.

Secondly, I have a personal relationship with the people of West Pokot. I did my teaching practice at Kapenguria High School. I used to live at Kapenguria Town.

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

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

**Sen. Sakaja:** Thank you, Mr. Speaker Sir. I have been carefully listening to the good Senator from Kitui County. Is he in order to say that the people of West Pokot did the people of Ukambani a great favour by having one of their people, Sen. Poghisio as the Chairman of Wiper Democratic party? I thought that Wiper Democratic party is a parliamentary party that is national. Is the Senator confirming the fears that we have heard that Wiper is an Ukambani party?

*(Laughter)*

Meaning, the favour was done to the people of Ukambani so that we can strike it off from the list of parliamentary parties; or did the people of West Pokot do Kenyans as a whole a favour?

Kindly, you are confirming the fears that we have heard for a while.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. My good friend, the Senator for Nairobi County, Sen. Sakaja, I am sure he has heard what he wanted to hear. I want to confirm that the Wiper Democratic Movement Party is the third largest party in this country. It is a national party. What I meant is that at some point, the chairman of the party came from West Pokot. That was in regard to relationships. I do not want to belabour that point.

Hon. Sakaja will be best informed that Wiper Democratic Movement is the party that in all likelihood will be forming the next Government.

I welcome the MCAs from West Pokot. As my colleagues have said, I wish that you will continue to apply yourselves in defence of devolution. You know that one of the biggest responsibilities of the county assemblies is to defend devolution.

**Sen. (Prof.) Ekal:** Thank you, Mr. Speaker, Sir. I want to add my voice in welcoming the delegation from West Pokot to the Senate to learn some things and take them back to their Assembly in Kapenguria. Everybody has said how they have a relationship with West Pokot. They are our neighbours. To me, unlike hon. Wambua, I did not teach in Kapenguria high School, but Ortum High School. A lot of the leaders in Pokot today are my former students from Ortum High School. For example, the famous Professor Lonyangapuo was my student in the year 1982 at Ortum High School.

*(Applause)*

I want to welcome you to the Senate. The corridor between Pokot and Turkana is long, there have been conflicts between Turkana and Pokot. These conflicts have been there for a long time due to the belief that cattle belong to a certain community. There has been a lot of cattle rustling which is something that should have ended by now. There are so many people who have gone to school. Therefore, we cannot continue killing ourselves over emaciated cows. We should use our energy to do other things like development instead of running across borders with cattle that are emaciated.

As a county assembly, I would like to request you to be strong on the sense of good neighbourliness and peace. We want to live with the Pokot people in peace. We all understand that there is always a fence between good neighbours. One neighbour stays on one side of the fence and the other on the other side of the fence. In a situation where one neighbour wants to encroach in to another's compound, that becomes a problem.

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Order, hon. Members! Please, let us consult in low tones.

**Sen. (Prof.) Ekal:** Hon. Members, it will be nice if you listen because this is a big issue in the country now. The question of boundaries is an issue we need to address sooner than later. We need to listen to each other. This is the problem along our borders with the Pokots. As much as that is the case, I am hopeful that we will resolve this problem amicably and continue being good neighbours. In your Assembly, I would like

you to talk about good neighbourliness and keeping peace. You are welcome to the Senate. Learn something and continue preaching peace when you go back to Kapenguria.

**Sen. Olekina:** Thank you, Mr. Speaker Sir. On behalf of the people of Narok, the Maasai and the Ilchamus of Baringo, I want to welcome you to the Senate. I plead with you, my dear brothers and sisters, that it is a high time that we all lived in peace.

I visited the area in Mukutani and I realized that all the Ilchamus who originally lived peacefully with you are now living in the Internally Displaced Persons (IDP) camps. So, I would like to urge and beseech you that in your deliberations ---

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

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

**Sen. Cheruiyot:** Mr. Speaker Sir, my apologies, I would not have wished to interrupt the elaborate remarks of my good friend, Sen. Olekina. However, there is an emerging trend I am noticing which is bothering me. I am a good student of Sen. Khaniri who is a guru in parliamentary practice. Each time we make addresses in this House, it is done through the Chair. However, I have noticed that as Senators continue to make their address, some are gesticulating to the guests seating in the gallery while facing them. Is that in order?

I request that you give due guidance to the House on that matter.

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. I want to take this opportunity to welcome the delegation. In my tradition of the Maasai Community, you cannot be speaking to somebody if you are not looking at them. We welcome our guests here and it is good to give them the eye contact. I will address them through you.

*(Laughter)*

My concern is that this country is highly divided because we all retreat into our own tribal cocoons. Since we now have a devolved government system, it is a high time we try and embrace our neighbours.

Therefore, I would like to urge our brothers and sisters who are visiting to sit down and try and come up with a good peaceful resolution on how the Ilchamus can coexist with the Pokots. It is very sad when you visit an Internally Displaced Persons (IDP) camp and when you are there, two or three babies are born. Yes, it is a blessing but we are creating poor people. It is not that the country is not able to sustain them but because we like retreating into our own tribal cocoons. So, I would like to encourage our visiting MCAs from West Pokot to reach out to their neighbours in Baringo County and Turkana County to try and find ways that they can be able to coexist.

Mr. Speaker Sir, I also noted that the level of education in West Pokot, Baringo, Elgeyo Marakwet and Turkana counties is actually very low. So, I would like to encourage the visiting MCAs of West Pokot County Assembly to try and ensure that they invest heavily in early childhood education so that we can uplift the standard of living of our people. I once again welcome you to the Senate.

Thank you.

**The Speaker** (Hon. Lusaka): Hon. Senators, I note that quite a number of you would have wished to express the same. However, in the interest of time, those who have spoken have spoken on behalf of the Senate.

Next Order.

## PAPERS LAID

BUSINESS OF FOR THE WEEK COMMENCING  
TUESDAY, 27<sup>TH</sup> FEBRUARY, 2018

**The Senate Majority Leader** (Sen. Murkomen): Thank you, Mr. Speaker, Sir. I beg to lay on the Table of the House the Statement of the Senate Majority Leader on the business of the Senate for the week commencing on 27<sup>th</sup> February, 2018 pursuant to the provision of the Standing Order No.46 (2) (c).

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

ANNUAL REPORT OF THE TSC FOR FY 2016/2017

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir. I beg to the lay the following Paper on the Table of the Senate today, Thursday, 22<sup>nd</sup> February, 2018:-

The Annual Report for the Teachers Service Commission (TSC) for the Financial Year 2016/2017.

*(Sen. (Dr.) Musuruve laid the document on the Table)*

## STATEMENTS

CANCER SITUATION IN MARSABIT COUNTY

**Sen. (Rev.) Waqo:** Thank you, Mr. Speaker, Sir. Pursuant to Standing Order 46 (2) (b), I rise to seek a Statement from the Chairperson of the Standing Committee on Health regarding the cancer situation in Marsabit County.

In the Statement, the Chairperson should respond to the following concerns:-

- (a) How many cancer patients are there in Marsabit County currently?
- (b) How many deaths have occurred as a result of cancer in Marsabit County in the last five years?
- (c) What is the cause of the increased cancer cases in Marsabit County?
- (d) How many health facilities are equipped to deal with cancer patients in Marsabit County?
- (e) What measures has the national Government put in place to mitigate the increase in cancer cases in Marsabit County?
- (f) What measures have been put in place by the national Government and the county Government to support families affected by cancer?

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Thank you.

**Sen. (Dr.) Milgo:** Thank you, Mr. Speaker, Sir. I rise to ride on the Statement of Sen. (Rev.) Waqo because cancer is a number one killer disease in the whole world. I want to add that Kenya is a regional cancer corridor where it has been found that throat cancer is very prevalent. A research which was conducted in Tenwek Hospital, Bomet County and in Eldoret County established that these areas are leading in cervical cancer. This research found that the soil from these regions has a substance called selenium which is found in food and certain milk that is preferred by the community called *mursik*.

Therefore, when the Chairman responds to that particular Statement to state what tangible measures have been put in place to sensitize the people living in this particular area on the dangers of the *mursik* that is normally preferred? Also, what could be done about the food products that come from the soil there? Secondly, the Chairperson should also state whether there is any funding that has been put aside to assist, in this case reduce, issues of cancer in this particular regions.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for the opportunity you have accorded me to add my voice on this Statement and would like to ride on it. The issue of cancer needs to be addressed because it has become a national issue. As I stand to speak as a cancer survivor, I was diagnosed with cancer in 2013. I am still alive now and believe that I will live for many more years.

*(Applause)*

I want to ride on her Statement that it is important for intervention to be done to ensure that cancer survivors live productively. So, I plead that an investigation be done not only in the said area but countrywide. What is the Government doing to ensure that cancer survivors live a productive life like I am living now?

When I was diagnosed with cancer in 2013, were it not for Jomo Kenyatta University of Agriculture and Technology (JKUAT), where I was working, my friends and relatives, I would certainly be dead by now because it was very expensive. It made me lose my femur bone and part of my pelvis. I now have a hemipelvis prosthesis and femur prosthesis because JKUAT, my relatives and friends intervened at the right time. I sold a lot of my property to bring me to where I am right now.

The issue of the common man having cancer is an issue that needs to be addressed with a lot of seriousness. This is because most people who are diagnosed with cancer think that it is a death sentence whereas it is not, and I am a testimony. I had cancer in 2013 and I am now in Parliament. There is need to intervene.

There is also need to find out what is causing cancer in that area. Cancer can be as a result of lifestyle. It could also be hereditary. My own father died of prostate cancer in 2006. I could not get prostate cancer and you know why. Instead, I got the bone cancer that led to my disability. There is need to investigate because cancer is also a cause of disability.

**Sen. Dullo:** Mr. Speaker, Sir, I want to ask a question.

**The Speaker** (Hon. Lusaka): Sen. Dullo, you look unprepared.

**Sen. Dullo:** Sorry Mr. Speaker, Sir. I do not want to ride on that particular Statement. I have a Statement that I wanted to request.

**The Speaker** (Hon. Lusaka): That will come later.

**Sen. Sakaja:** Thank you Mr. Speaker, Sir. I also want to thank the good Sen. (Rev.) Waqo for requesting for this Statement. I do not think that any Member can overemphasize the impact of cancer.

As the Chairperson seeks for responses from the relevant authorities, he should also consider the issue of pollution of our rivers. It has been proven that there are certain carcinogenic effluents that are let out in a lot of our rivers. That is a high cause of cancer in many informal settlements. We have four main rivers. I would like them to ask what is being done on Ngong River which cuts through Kibera slums, Industrial Area, Mukuru kwa Njenga and Mukuru Kayaba. The kind of effluents that come into the river in these industrial areas are causing cancer.

One of the biggest pollutants of Nairobi River, I am ashamed to say, is my own *Alma Mater*; the University of Nairobi at Chiromo Campus. A lot of effluents from the School of Medicine goes straight into the river. It then goes down to Grogan where we have the mechanics, before it proceeds to Gikomba. There are many settlements along the river.

There is also Mathare River in Huruma and we know of Getathuru. We are seeing what is happening in Kirichwa River that Sen. Mutula Kilonzo Jnr. talked about. That is Kirichwa *kubwa* and Kirichwa *ndogo*. Can we also get a response from the Ministry charged with environment on what they are doing, together with the Ministry of Health, to ensure that we clean and regenerate these rivers? This is because pollution is a huge cause of cancer especially in the City of Nairobi.

**The Speaker** (Hon. Lusaka): For those who I will allow to talk, please go straight to the point for us to save on time.

**Sen. Farhiya:** Thank you Mr. Speaker, Sir. I also thank Sen. (Rev.) Waqo for bringing this Statement. I am also a victim of cancer in a way. My husband lost his uncle and brother because of brain cancer. Research needs to be extended to so many counties. Cancer is also rampant in northern Kenya.

They should try to establish if electronic devices are responsible for the brain tumors that many of our people are experiencing. If so, how can we educate them on the use of phones?

**Sen. Poghisio:** Thank you Mr. Speaker, Sir. Allow me to also ride on this Statement. Is there a connection between pastoralism and cancer, especially now that there is research on milk? We are very interested. As they move to do the research in Marsabit, can they sample some pastoralists' counties like West Pokot?

There are many facilities that claim to be centres of cancer treatment. They are called cancer centres of all sorts. Can they be audited in terms of the capacity regarding their claim to treat cancer? If they are not capable of treating cancer, they should not try and hoodwink people to think that they will find treatment there.

**The Speaker** (Hon. Lusaka): I have three more requests. I will give each of you one minute.

**Sen. (Prof.) Ekal:** Thank you Mr. Speaker, Sir. I will take less than one minute. My concern is with regard to cancer being all over the place. It is a new phenomenon. It never used to be there. Now you hear that it is in *Mursik*, our soil and even waters. What has happened? It seems like there is something new that has come in our environment that was not there before.

I am calling upon those who are doing research - as we start with Marsabit - to go further and check on the other communities or counties so as to know where the cancer is coming from. Nowadays, so many people in Turkana are reported to be suffering from cancer. I have a cousin who is lying in bed in my house waiting to die from cancer. This is because there was nothing they could do to save his life.

The question on research, equipping our hospitals and finding exactly where the--

**The Speaker** (Hon. Lusaka): Senator, your one minute is over. Since you were a teacher, you do appreciate.

**Sen. Wambua:** Thank you Mr. Speaker, Sir. I want to ride on the Statement by Sen. (Rev.) Waqo. Cancer has been declared the number one killer disease in this country and that story has been told in almost every health forum.

Could the Ministry indicate what percentage of the budget has been set aside for research, screening and treatment of cancer?

**Sen. Cheruiyot:** Thank you Mr. Speaker, Sir. The Commission of Revenue Allocation (CRA) in their requisitions to Government had requested the national Treasury to provide funds for the establishment of two regional cancer centres, but unfortunately, that request was turned down.

The question to the Cabinet Secretary is; what alternative strategies are they going to put in place given that patients, especially those from not well to do families continue to suffer?

Secondly, the Cabinet Secretary (CS) should tell us; given all these interventions that we have heard from people, why has cancer not been declared a national disaster so that it can get all the interventions that national disasters are given?

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Chairperson, Standing Committee on Health?

**Sen. (Dr.) Ali:** Thank you, Mr. Speaker, Sir. I get your point, Senators. The issue of cancer is all over the country and we know that it is a real disaster. This is because it is an issue not only concerning Marsabit County, but it is everywhere in this country. So, generally, we have to ask the CS to get facts from all the counties and also from the national data. Therefore, I ask that we be given a month to look into this issue because we need to solve the serious issues discussed here.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Are you okay Sen. (Rev.) Waqo?

**Sen. (Rev.) Waqo:** Thank you, Mr. Speaker, Sir. I want to thank the Chairperson. I was almost telling him that one month is too much, but because of the work that is involved and the many concerns that these hon. Members have raised, we can wait patiently. However, we will be happy if we get adequate answers within one month.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): One month is okay.  
Let us hear the next statement from Sen. Olekina.

USE OF EXCESSIVE FORCE/POLICE BRUTALITY DURING PEACEFUL  
DEMONSTRATION BY UON STUDENTS

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. This Statement had been requested earlier on, but because the Session ended, you directed that it be forwarded to the Standing Committee.

I rise, pursuant to Standing Order No. 46(2)(b), to seek a statement once again from the Chairperson of the Standing Committee on National Security, Defence and Foreign Relation regarding the use of excessive force and police brutality during the peaceful demonstrations and picketing in the country; and in particular, during the raid at the University of Nairobi on Thursday, 28<sup>th</sup> September, 2017.

In the statement, the Chairperson should:-

(a) Explain why the police raided the lecture halls and halls of residence of the University of Nairobi during the demonstrations by members of the public in the Central Business District of Nairobi on Thursday, 28<sup>th</sup> September, 2017.

(b) State who authorised the police to enter the university premises on the eventful day.

(c) State the number of police officers who entered the premises.

(d) State the number of students who died or were injured during the said raid.

(e) Confirm whether the Bill of Rights in the Constitution and in particular, the freedom from torture, cruel, inhuman and degrading treatment was violated by the police officers who undertook the raid at the university.

(f) Explain the action that will be taken, if any, against the police officers who will be found to have committed these heinous crimes.

(g) Table the results of the investigation the Government undertook to carry out on similar incidences in Kisumu and Mathare in Nairobi during the protests following the general elections of 2017 where lives and properties were lost.

(h) Explain the circumstances that led to the subsequent indefinite closure of the University of Nairobi on Tuesday, 3<sup>rd</sup> October, 2017.

Mr. Speaker, Sir, before I sit, I just want to reiterate on the request for that Statement because when we request statements in this House, it is because we want to find solutions to problems. If we let that matter go, we will never have a solution to police brutality in this country.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Chairperson, Standing Committee on National Security, Defence and Foreign Relation?

**Sen. Haji:** Mr. Speaker, Sir, I do not know whether part of this request has something to do with a similar Statement that was asked a day before yesterday by Sen. Chebeni on the university. If it has, it would then be duplication. I do not know whether the raid at the university can be answered together with the rest? I just want your guidance before I give my response on the time.

**The Speaker** (Hon. Lusaka): No, they do not look the same. So, they will require separate answers.

**Sen. Haji:** Fine.

Mr. Speaker, Sir, we will endeavour to get the statement answered on Thursday next week; God willing.

**The Speaker** (Hon. Lusaka): Sen. Olekina, is that okay? Seven days?

**Sen. Olekina:** Mr. Speaker, Sir, seven days is okay.

**The Speaker** (Hon. Lusaka): That is okay.

Proceed, Sen. Seneta.

**Sen. Seneta:** Mr. Speaker, Sir, I do not have a statement.

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

#### DELAYS IN PROCESSING OF BIRTH CERTIFICATES

**Sen. Charargei:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 46(2)(b) to seek a statement from the Chairperson of the Standing Committee on National Security, Defence and Foreign Relation regarding the registration of births in Kenya. In the statement, the Chairperson should:-

(a) Explain the cause of inordinate delay in the processing of birth certificates in the country leading to long queues in the offices of the registrar of births and especially in Nandi Hills and Kapsabet Registries.

(b) Explain the policy on issuance of birth certificates indicating the criteria used to process the birth certificates.

(c) Explain what the Government, through the Registrar of Births, is doing to make this process simple and efficient to enable parents comply within the timelines with the new policy by the Ministry of Education, Science and Technology to have all children in schools get the unique personal identification or identifier; something like that.

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): It is your statement; therefore, you cannot ask anybody else.

*(Laughter)*

**Sen. Charargei:** My apologies, Mr. Speaker, Sir. It should be the unique personal identifier. I got it correctly. So, those are the questions that I would like the Chairperson to address.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Yes, Sen. Mutula Kilonzo Jnr.

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, allow me to ask a supplementary question. In fact, I had sought a similar statement earlier, but I was told that my Chairman had a statement similar to mine.

*(A hon. Senator spoke off the record)*

**Sen. Mutula Kilonzo Jnr.:** No, no, no. It is because I have a supplementary question to his.

**The Speaker** (Hon. Lusaka): He is riding on Sen. Cherargei's question.

**Sen. Mutula Kilonzo Jnr.:** Yes; I am avoiding the word "riding". I do not want to ride on my Chairman.

*(Laughter)*

Mr. Speaker, Sir, in asking this question, I want to say that this matter is now a crisis. Women in Wote have slept on a cold floor for three nights looking for these birth certificates. So, it is a crisis. In the Statement, I would like to find out from the Chairperson:-

(a) Whether the national Government is considering making it compulsory for birth certificates to be issued to all children in Kenya in line with the provision of the new Constitution that citizenship is acquired at birth.

(b) Whether the national Government is considering issuing birth certificates for free in the same vein as national identity cards.

(c) Whether the national Government is considering collaboration with county governments to ensure birth certificates are issued at Ward level.

(d) Whether the national Government is considering a further extension to the issuance of birth certificates to all children in Kenya in line with the policy requests above.

Thank you, Mr. Speaker, Sir.

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

*(Sen. Dullo spoke off the record)*

**The Speaker** (Hon. Lusaka): You do not want to make a contribution? It is okay. Yes, Sen. Kajwang'?

**Sen. Kajwang':** Thank you, Mr. Speaker, Sir. I wanted to ride on that statement request, although Sen. Mutula Kilonzo Jnr. has captured many of the points that I wanted to raise. As the Chairperson prepares a response, it would be important that he also liaises with the Standing Committee on Education. This is because the situation we have right now is affecting many of us who are still giving birth and those of us whose children are still in school. We have children who are coming home for half term and there are some very strict requirements on some information that they must take back to school. It must be noted that not all births happen in hospital. Women are giving birth at home in a lot of areas in Kenya and they do not get the birth certificates on time.

So, my further query that the Committee should clarify or try to intervene is to make sure that in the education sector, parents and students have been given adequate time to provide these information. What measures will the Government take to ensure that there is no stampede?

**Sen. Sakaja:** Thank you, Mr. Speaker, Sir. This might be a bit weird, but when my Chairperson is here, I am just a Member and can also ask a question.

I have heard Senators' requests on registration *et cetera*. I envy these Senators because that might be the depth of their challenge. I want to ride on that Statement. In other counties, at least, there are babies to register; we are losing babies in my county. There is a recent case where a child was stolen in Kenyatta National Hospital (KNH) and so, there was no certificate to look for because the child was not there. That child was to be sold for Kshs7, 000.

Mr. Speaker, Sir, we have also had cases in Pumwani Maternity Hospital. Most of us from Nairobi were born in Pumwani Maternity Hospital. In fact, sometimes when I see someone who looks like me, I think they could be my twin.

*(Laughter)*

The same issues are experienced in Mama Lucy Hospital. Therefore, the issue of babies being stolen should be looked into. We might need more time to also address the security of our babies in hospitals even before they are registered.

**The Speaker** (Hon. Lusaka): Chairperson of the Committee on National Security Defense and Foreign Relations.

**Sen. Haji:** Thank you, Mr. Speaker, Sir. The original Statement sought an answer to the issue affecting the whole country. I am sure that in various places of this country, the problems are different. For us to get a comprehensive answer, I request to be given two weeks.

*(Sen. Kang'ata walked into the Chamber and passed in front of Sen. Haji while he was on his feet)*

**The Speaker** (Hon. Lusaka): Senator, is two weeks okay?

**Sen. Cherargei:** Mr. Speaker, Sir, two weeks is too long given the urgency of the matter. As you have heard, in Kapsabet and Nandi Hills parents are forced to walk long distances to the registries and even sleep on the queues. I would request the Chairperson of the Committee on National Security, Defense and Foreign Relations to look into this matter immediately.

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

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

**Sen. Khaniri:** Mr. Speaker, Sir, I want to bring to your attention the issue that I see happening quite often. Members are going against Standing Order No. 106 (2) which states that:-

“No Senators shall pass between the Chair and the Senator who is speaking or between the Chair and the Table except in so far as it is necessary for the purpose of administration of Oath and Affirmation of Office.”

Mr. Speaker, Sir, while Sen. Haji was on the Floor, the Senator for Murang'a, who is still on his feet, which is still offending our Standing Orders, passed between you and the Sen. Haji who was on his feet? Is he in order?

**The Speaker** (Hon. Lusaka): Hon. Senator, I have no eyes or ears. However, I want to urge Members to make an effort of reading the Standing Orders.

Proceed, Sen. Haji.

**Sen. Haji:** Mr. Speaker, Sir, we do not want to come back here to give shoddy answers. Two weeks will be good time to give answers to the whole country.

**Sen. Cherargei:** Mr. Speaker, Sir, I agree that two weeks might be necessary given the gravity of the issue. However, I wish that the Chairperson could give us a way forward within the next seven days with regard to the issue of extending the period of issuance of certificates, in compliance with the requirements by the Ministry of Education, Science and Technology, so that children do not miss the registration process.

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, the question of waiver of fees on birth certificates is something that the national Government ought to address very urgently. This is a matter concerning children. People are suffering and sleeping on cold floors. I am sure that next week, you can come with a policy decision on what ought to be done to resolve this crisis that is happening everywhere. We do not want our mothers in Wote to sleep on a cold floor.

**Sen. Haji:** Mr. Speaker, Sir, first, the deadline on the issue of certificates has been extended for one month. Therefore, I do not see the urgency. Secondly, to answer Sen. Mutula Kilonzo Jnr., these people have been suffering all this time. Therefore, two weeks will not make any difference. However, whichever way you order, I will attempt to get the answer.

*(Laughter)*

**The Speaker** (Hon. Lusaka): I order that you bring an answer in one week and provide the rest of the information in two weeks.

**Sen. Haji:** Much obliged, Mr. Speaker, Sir.

#### SEVERE DROUGHT IN ISIOLO COUNTY

**Sen. Dullo:** Mr. Speaker, Sir, pursuant to Standing Order No. 46 (2) (b), I rise to seek a Statement from the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations on the severe persistent drought in isiolo County that has led to severe malnutrition in children, children dropping out of school, loss of lives and livestock.

In the Statement, the Chairperson should:-

(1) State the amount of relief money available from the Emergency Fund to Isiolo County Government for famine and drought mitigation.

(2) Explain why despite the early warning on the current situation of drought in the country, the Government has not taken any measures, such as supplementing school relief food programme, providing relief for the affected persons, clean and adequate drinking water and a consistent livestock off-take programme and re-introducing the Arid and Semi arid lands (ASAL) Kenya Livestock Drought Programme to enable the pastoralists to deal with the problem.

(3) Explain why the large-scale crop farmers in Meru and Laikipia counties are allowed to block rivers upstream that run through Isiolo County, rendering the county dry with no water sources and explain the measures that shall be taken to stop the blockage.

(4) Explain the action the Government shall take to stop the persistent cases of daily cattle rustling in Isiolo County and the clashes that occur in Isiolo County and the neighbouring counties, as a result of the meagre pasture and water for animals.

(5) Explain the immediate measures the national Government and County Government of Isiolo will take to alleviate the situation.

(6) Explain why the Government has not paid the livestock owners whose animals were slaughtered way back before elections.

Thank you, Mr. Speaker, Sir.

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

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

**Sen. Sakaja:** Mr. Speaker, Sir, apart from the resultant effects on the issues that Sen. Dullo is asking about, the substantive matter of that statement lies with the Committee on Agriculture, Livestock and Fisheries or the Committee on Devolved Government and Intergovernmental Relations, but not the Committee on National Security, Defence and Foreign Relations.

**The Speaker** (Hon. Lusaka): Is that a point of order or point of information?

**Sen. Sakaja:** Mr. Speaker, Sir, it is a point of order because it is not in order to direct that Statement to the Committee on National Security, Defence and Foreign Relations, because we want to deal with the substantive issues like the causes of drought, livestock up-take *et cetera*. It will be in order to direct that Statement to the right Committee.

**The Speaker** (Hon. Lusaka): Sen. Dullo.

**Sen. Dullo:** Mr. Speaker, Sir, from the practice, we have been having similar cross cutting issues that are brought to the Committee. Part of the request that I have made is also touching on security. So, I do not see why the Vice-Chairperson is running away from answering the statement. Could he consult the relevant Department because that is one Government?

**Sen. Poghio:** Mr. Speaker, Sir, just to quickly ride on the statement sought. This is very urgent. This drought is not just in the area where the Senator for Isiolo County comes from, but has also affected other counties around the country. Livestock in those counties have suffered because of this prolonged drought. It has affected us in West Pokot County to the extent that we have moved our livestock to Uganda and other areas. Could the Chairperson expedite the statement so that we get relief from the Government?

**Sen. Haji:** Mr. Speaker, Sir, I am torn between agreeing with my Vice-Chairperson and consenting to the request of Sen. Dullo. I congratulate Hon. Wamalwa for being retained in the Cabinet. I was with him last week in Mombasa County. He told me about the seriousness of the drought in Isiolo. He was trying to inquire about Garissa County and other places. He told me he will visit those areas.

In view of that, we will direct the statement to the Cabinet Secretary (CS), Hon. Wamalwa. It will be up to him either to direct it to the CS for Interior and Co-ordination of National Government or answer it. I think we should get an answer by Thursday.

**The Speaker** (Hon. Lusaka): In fact, I was going to direct that the statement be directed to the Committee on Devolution and Intergovernmental Relations which cuts across to provide an answer.

Where is the Chairperson of the Committee on Devolution and Intergovernmental Relations?

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

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

**Sen. Lelegwe:** Mr. Speaker, Sir, let me ride on the statement requested by Sen. Dullo. As you remember last week on Thursday, you gave a ruling that within 48 hours, the Department of Interior intervenes on saving the starving communities of Suiyian in Samburu County. Up to now, nothing has been done. There is no interim report that has been tabled in this House to show us what interventions the Government has taken on these starving communities.

Secondly, on the statement requested by Sen. Dullo, we have seen in the media that there are several counties that are suffering from the effects of this severe drought. However, some of them are not included in the list of Government of counties where it will intervene and solve the problem. These are Samburu, Kajiado and other counties. I want the Chairperson when issuing statement to include them in that list.

**Sen. Wario:** Thank you, Mr. Speaker, Sir. I also come from a county which is mostly hit by the drought. That is Tana River County. I suffer and feel the same with the Sen. Dullo. On behalf of the Committee on Devolved Government and Intergovernmental Relations, I would like to give the following undertaking: I will consult the relevant Ministry and give a substantive answer as soon as possible. I will do so in two weeks' time.

**Sen. Dullo:** On a point of order, Mr. Speaker, Sir. I can see the Committee on National Security, Defence and Foreign Relations is running away from this statement. Last Friday, herds of cattle were taken from Isiolo County and one person was killed.

Secondly, we lose lives every week as a result of drought. These are matters that concern the two departments. Could the two Committees work together and come up with a proper answer?

**The Speaker** (Hon. Lusaka): That is why I had directed it to the Committee on Devolution and Intergovernmental Relations because it cuts across. Let us incorporate the Committee on National Security, Defence and Foreign Relations. We want an answer in one week. Two weeks is too long, especially when it involves deaths. Therefore, Chairperson, go out of your way to make sure that you provide us with the state of the drought in the country in one week's time.

#### IMPLEMENTATION OF THE TWO-THIRDS GENDER RULE IN COUNTIES

**Sen. (Dr.) Milgo:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.46(2)(b), to seek a statement from the Chairperson of the Committee on National Cohesion, Equal Opportunities and Regional Integration, regarding the implementation of the two-thirds gender rule in all counties.

In the statement, the Chairperson should:

(1) Provide a comparative ratio of the women and men appointed as members of the County Executive Committees (CECs) and as Chief Officers (COs) in all the counties;

(2) Provide a comparative ratio of men and women, chairpersons of all County Public Service Boards;

(3) State the affirmative action measures that have been put in place by the county governments to promote the inclusion of women candidates for senior positions; and,

(4) Highlight what the Government of Kenya is doing to ensure adherence to the two-thirds gender principle in all key sectors of the national and county Governments.

**Sen. Seneta:** Thank you, Mr. Speaker, Sir. I want to ride on Sen. Milgo's statement on the issue of employment. We were really excited on the creation of devolved units. That is, county governments. This is because we knew ---

*(Sen. Were entered the Chamber and took her seat without bowing to the Chair)*

*(Loud consultations)*

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

**Sen. Seneta:** Mr. Speaker, Sir, protect me.

**Sen. Poghio:** On a point of order, Mr. Speaker, Sir. Some of the things that Sen. Khaniri raised about people being out of order have been very prophetic. This time, I think the Speaker had ears and eyes to see two things. While the Member was on her feet, there was a Member between you and the Member and also just crossing between the table. She knows how to get to the other side of any House. So, just for you to make sure that we can follow our own rules laid down in our Standing Orders.

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

Hon. Senator, could you do the right thing?

**Sen. Mutula Kilonzo Jr.:** Mr. Speaker, Sir, you did not mention who.

**The Speaker** (Hon. Lusaka): Sen. Were.

We may need another induction.

*(Sen. Were walked to the Bar, bowed to the Chair and took her seat)*

Sen. Seneta, proceed.

**Sen. Seneta:** Thank you, Mr. Speaker, Sir. I was riding on Sen. Milgo's Statement on the issue of county governments employment; on the ratio of men to women. We were very excited when the new Constitution came in place that gave a very strong gain in terms of employment. That is equality in terms of employment.

The Committee also needs to get clarification on employment from the Ministry concerned not only in the county boards as was indicated in the statement, but also the ratio of men to women employment in our counties in terms of the executives and all the boards that are required for all the ministries in the counties. Every employment that is going to take place should take note of the two thirds principle.

Also, there is an issue of discrimination in employment in our countries. It is not only the issue of men and women, but also the issue of tribes. Today, every county employs only its people or one tribe from that county. It is an issue that the ministries concerned should make sure that they adhere to the Employment Act No.11 of 2007. They should make sure that there is no discrimination of other tribes in all counties.

As Senators, we need to make sure that all our counties adhere to the Employment Act No.11 of 2007. If it is Makeni County, which is my neighbour, Kitui, Nairobi, Kiambu and Murang'a counties; they must make sure they have employed all tribes so that we do not encourage the employment of only one tribe in certain counties. Every Kenyan has a right to employment in any place.

Thank you.

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

*(Sen. (Rev.) Waqo spoke off record)*

**Sen. (Rev.) Waqo:** Mr. Speaker, Sir, the issues that have been raised are quite touching. I understand where the honourable Members are coming from. Because of that, we will give it all the necessary attention and give the response in the next two weeks.

Thank you.

**The Speaker** (Hon. Lusaka): Is that okay, Sen. (Dr.) Milgo?

**Sen. (Dr.) Milgo:** That is okay, Mr. Speaker, Sir.

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

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

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, while I respect the right of Members to ride on statements, it is becoming too much. Sometimes it distorts the initial intention of the Senator who had framed to ask a question to specifically address an issue of his constituents. When we visited the French and British parliaments, questions are specific to the interests of constituency that the representative was asking here. If you allow endless riding, the initial purpose of that question losses meaning.

Going forward, I want you to develop a policy on this issue of riding. First, the Senate is going to be only dealing with statements for almost the whole afternoon. Secondly, it is going to distort the intention of the representative: Someone who sat down and thought through an issue on behalf of his constituents and the other one who just came to ride are not the same. You need to think about it.

**The Speaker** (Hon. Lusaka): Maybe the riding is the only opportunity for some Members to say something, but we will limit that. I have noted.  
Proceed, Sen. Farhiya.

## INSECURITY IN WAJIR COUNTY

**Sen. Farhiya:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to seek a statement on insecurity in Wajir County. Pursuant to Standing Order 46 2 (b), I rise to seek a statement from the Chairperson of the Standing Committee on National Security, Defense and Foreign Relations regarding constant clashes and terror attacks in Wajir County that have derailed the development in the county. In the statement, the Chairperson should:-

(1) State the number of clashes that have occurred in Wajir County over the last one year;

(2) State the locations where they took place;

(3) explain the factors that triggered the clan clashes – whether terrorists are involved in any way;

(4) Table a list of persons who have died and or were injured as a result of the clan clashes and the recent terrorist attack that occurred in Qarsa Primary School in Wajir East Constituency;

(5) State the sources of arms to the clan militia and explain the government policy on ownership of guns and what the government is doing to ensure that arms are not being held by unlicensed holders;

(6) State the names and the number of persons who have been apprehended over the crimes and the status of their prosecution; and;

(7) Explain the measures the government will put in place to end the clashes that have escalated in the last one month and terror attacks in North Eastern Kenya, specifically, Wajir County.

Thank you.

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

**Sen. (Dr.) Ali:** Mr. Speaker, Sir, I wish to thank Sen. Farhiya for bringing that statement. On behalf of the people of Wajir County, I wish to send my condolences to the teachers who were killed at Qarsa Primary School recently. The incidents of the clan clashes have been there on and off for some time. I think the national Government should act properly. Our problem is not mainly cattle rustling, but clan clashes which have led to loss of many lives.

The entire Ministry of Internal Security and Coordination of National Government should act. Recently, we asked the Minister. He was supposed to visit Wajir but changed to the Kerio Valley where there are also problems of the same nature. I ask the ministry concerned to make sure that the *safari* of the Minister and the team to the region is done urgently. Thank you.

**The Speaker** (Hon. Lusaka): Proceed, the Chairperson of Committee on National Security, Defence and Foreign Relations.

**Sen. Haji:** Mr. Speaker, Sir, since this is fresh in the mind of everybody, hopefully we will try to answer it by Thursday next week.

**The Speaker** (Hon. Lusaka): Is that okay, Sen. Farhiya and Sen. (Dr.) Ali?

**Sen. Farhiya:** That is okay, Mr. Speaker, Sir. I thank the Chairperson for that commitment.

**The Speaker** (Hon. Lusaka): Okay. We proceed to statements to be issued. The Chairperson of the Committee on National Security, Defence and Foreign Relations, there was a statement requested by Sen. Khaniri.

SHOOTING OF RESIDENTS IN LUANDA  
MARKET, VIHIGA COUNTY

**Sen. Haji:** Mr. Speaker, Sir, I want my brother Sen. Khaniri to bear with me. This statement is due. In fact, we have been in touch with Harambee House. They are saying the Officer Commanding Police Station (OCS) is being blamed for what has happened, it will be wrong for us to expect him to give us the true picture. Therefore, they are going to send a team of investigators to investigate the matter and report back to us. Maybe, latest by next Thursday, we shall try.

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

**Sen. Khaniri:** Mr. Speaker, Sir, yes, the Chairperson has consulted me on this matter. I fully agree with him that they cannot get the answers we want from the Officer Commanding Police Station (OCS) who is supposed to have committed these acts.

I agree with him and thank him for the initiative of sending investigators from Nairobi. However, my concern is still there that this is a matter that needs speedy intervention and a reply so that justice is not only done, but seen to be done to these victims. I agree that Thursday next week is okay.

**The Speaker** (Sen. Lusaka): Thank you so much, Sen. Khaniri. What is your intervention Sen. Mwaruma?

**Sen. Mwaruma:** Mr. Speaker, Sir, I had requested for a Statement but along the way, I cannot get it. I do not know what happened.

**The Speaker** (Sen. Lusaka): It is not anywhere with us so we can check with the Secretariat. In the meantime, let us hear from the Chairperson, Senate Committee on Finance and Budget.

DELAY IN RELEASE OF FUNDS TO COUNTY GOVERNMENTS  
FOR THE FY 2017/2018

**Sen. (Eng.) Mahamud:** Mr. Speaker, Sir, I beg the indulgence of the House. We have not been able to complete this Statement. In fact, I have discussed with Sen. Khaniri that we will try to avail the comprehensive Statement on Thursday next week.

**Sen. Khaniri:** Mr. Speaker, Sir, I confirm that we had a discussion with the Chairperson, Senate Committee on Finance and Budget.

However, you and I know that the first and foremost responsibility of this House is to protect the interests of the counties and their governments. This is a very serious matter affecting, I think, all the counties. They have not received all their funds for the Financial Year 2017/2018.

My County, for example, has only received Kshs1.6billion which is going towards Recurrent Budget; just paying salaries and running the county and no single cent for development.

It is a matter that we must address very urgently because that is in the Constitution and is our first and foremost responsibility as a House. I, therefore, want to urge you to insist that this answer must be brought next week without any further delay.

**The Speaker** (Sen. Lusaka): I am sure the Chairperson, Senate Committee on Finance and Budget understands the urgency since he comes from a county. Please endeavour to ensure we get a response by Thursday next week.

Thank you. Let us have the Senate Majority leader.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY 27<sup>TH</sup> FEBRUARY, 2018

**The Senate Majority leader** (Sen. Murkomen): Mr. Speaker, Sir, pursuant to Standing Order No. 43(2) (c), I hereby issue a Statement on the business for the week commencing Tuesday 27<sup>th</sup> February, 2018.

The Senate Business Committee will meet on Tuesday, 27<sup>th</sup> February, 2018 to schedule the business of the Senate for that week. Subject to the directions of the meeting, the Senate will continue with its consideration of business that will not be concluded in today's Order Paper.

On Wednesday, 28<sup>th</sup> February, 2018, the Senate will proceed to consider business that will not have been concluded in Tuesday's Order Paper and any other business scheduled by the Senate Business Committee.

Hon. Senators, the following Bills are due for Second Reading, although after what happened yesterday, I will have consideration to it:

- (1) The Food Security Bill (Senate Bills No. 12 of 2017).
- (2) The Assumption of Office of the County Governor Bill (Senate Bills No. 1 of 2018)
- (3) The County Government Bill (Senate Bills No. 11 of 2017)
- (4) The County Government (Amendment) No.2 (Senate Bills No. 7 of 2017)
- (5) The National Flag Emblems and Names (Amendment) Bill (Senate Bills No. 8 of 2017)
- (6) County Boundaries Bill (Senate Bills No. 6 of 2017)

I take this opportunity to remind Hon. Senators of the need to be vigilant as to the business appearing on the Order Paper and urge them to be available effectively, discharge our mandate in the consideration of these Bills and other Motions.

I also urge respective Committees to expedite public participation on the aforementioned Bills and present reports to the House within the stipulated time in order to facilitate seamless voting during Division. I would like to request heads of County Delegations who have not filled their proxy forms to do so and designate Members of their Delegation to vote on their behalf in their absence.

Mr. Speaker, Sir, it necessitates me because this is my time to issue this Statement. Sadly, yesterday, something that has never happened in five years of my sitting

here happened, where a Bill failed in the Senate during the Second Reading. It shocked me. I was a little bit indisposed so I was not here. That changes completely the future engagements on matters in this House.

For the five years we were in this House during the last Parliament, we agreed that because of the bipartisan nature of this House, and to facilitate Members to introduce Bills and succeed to prosecute them until they reach a good a stage, all Bills in the Second Reading - as a matter of principle and practice - should be passed. That gives Members a chance to canvass in the Committee Stage and bring amendments if they do not agree.

During the debate on the Irrigation Bill (Senate Bills No. 5 of 2017) I was here. All the Members I know who spoke to this Bill from the minority side spoke in support just like me who was moving the Bill, although I had certain concerns that I said ought to have been addressed at the Committee Stage. Sadly, there was an ambush during the voting. I was particularly shocked because I was in this House when Sen. Mutula Kilonzo Jnr., Sen. Wambua and the Sen. for Turkana all spoke in support of the Bill. I have looked at the Division list for that Bill and I am extremely shocked that it was badly defeated by Senators.

Let me explain why that is serious: Mr. Speaker, Sir, you were there when I argued to the Executive that it is not right for Bills to only start in the National Assembly. His Excellency the President agreed to give me the Bill and said it was the beginning of a new engagement where Senate would also be introducing Bills. It was a success for us.

Even at the Senate Business Committee, the Senate Minority Leader agreed that we were making strides in the right direction where the Senate, just like the National Assembly, as envisaged in the Constitution, would have a chance to also introduce Bills.

The reason we wanted to go bipartisan was because we recognise the fact that if what happened yesterday is to happen in this House, no single Bill introduced by the Senate minority side would ever succeed. We, the Senate majority side are more than prepared to pass the Bills we want to. Anyone who did what they did yesterday, thinking that they were going to embarrass us will now know that they made the biggest mistake. I will never blame---

**Sen. Mutula Kilonzo Jnr.:** On a Point of Order, Mr. Speaker, Sir.

**The Speaker** (Sen. Lusaka): What is your Point of Order, Sen. Mutula Kilonzo Jnr.?

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, you cannot allow the Majority Leader to lecture us like this. Voting is a right of every Member. If he wants us to undress one another we can do so, but it is not necessary. We have had both sides losing Bills here. It is not the first time. However, there some matters that we ought to discuss off camera. If the majority side proposes to go this way, we are only going to diminish the stature of this House. This is because people are watching what we are doing.

If he decides that we are going to split this House into two, it is not to the benefit of anybody. Nobody owns a Bill and if it fails in this House, it concerns counties and not Makeni County.

Mr. Speaker, Sir, could you please redirect the statements being made by the Majority Side because the last statement he has made is a threat. We will not be

threatened by the Senate Majority Leader. We will not allow him to threaten us; he did not elect us.

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Order! Order, Hon. Members! Order!

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, everything I spoke is a response to a point of order. Everything raised in my Statement can be backed by evidence. The Senator who has just spoken is completely out of order because---

**Sen. Mutula Kilonzo Jnr.:** On a point of order, Mr. Speaker, Sir.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, Sen. Mutula Kilonzo Jnr. cannot raise a point of order when I am responding to a point of order. He is a master of contradiction because the Hansard proves me right; that he supported the Bill. If there is a person and a group of people who are actually demeaning the Senate; who are bringing the reputation of the Senate down and dividing it, it is those who attempted to defeat this Bill yesterday.

Mr. Speaker, Sir, people want us to blame the Minority Side to say, 'you see the Bill did not go through'. But as I said earlier, there is no single Bill which failed in the Second Reading in the last five years. Even where there were murmurs in the House and a Bill almost got lost in the Second Reading, we always caucused, allowed that Bill to go through Second Reading and came back to the Committee Stage. There, we either defeated the Bill if we thought that it never accommodated the concerns of our counties or we allowed it to pass if it accommodated those concerns.

So, Mr. Speaker, Sir, without going into too many stories, we are ready to pass the Bills based on the majority-minority side. From today going forward, we are prepared as we go to the next Division. I do not want to say much, I just want to lay my Statement on the Table. Let us proceed in the manner in which we started yesterday.

Thank you, Mr. Speaker, Sir.

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

*(Loud consultations)*

**Hon. Senators:** Point of Order! Point of Order!

**The Speaker** (Hon. Lusaka): Order! Order Members! The Majority Leader has made his point and you have also responded. So, in the interest of time, let us proceed.

Next order.

**BILLS***Second Reading*THE URBAN AREAS AND CITIES (AMENDMENT) BILL  
(SENATE BILLS NO.4 OF 2017)*(Sen. Murkomen on 20.2.2018)**(Resumption of Debate interrupted on 21.2.2018)*

**The Speaker** (Hon. Lusaka): Hon. Senators, since we are going to a division, I direct that the bell be rang for five minutes.

*(The Division Bell was rung)*

Order, Hon. Senators! Order! Order! I now direct that the doors be locked and the bars be drawn.

*(The doors were closed and the Bars drawn)*

Hon. Senators, I will now put the Question, which is, that the Urban Areas and Cities (Amendment) Bill (Senate Bill No.4 of 2017) be now read a Second Time.

You can now log in. Are we now ready? Can we have the screens on?

*(There was a technical hitch)**(The Speaker (Hon. Lusaka) consulted the Clerk-at-the-Table)*

Hon. Members, we have a problem with our system. Chairman of the Standing Committee on Information Technology, you need to improve on this. You have to take this matter seriously.

We shall, therefore, vote manually. I will ask that we get a teller for the “Ayes” and another one for “Noes.” Please, can we have the tellers?

Clerk, please, call out the Senators’ names as they vote.

*(The Senators proceeded to vote by Roll Call)***DIVISION**

## ROLL CALL VOTING

*(Question, that the Urban Areas and Cities (Amendment)  
Bill (Senate Bills No. 4 of 2017) be now read a Second Time,*

*put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen.(Prof.) Ekal, Turkana County; Sen. Haji, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen.(Prof.) Kindiki, Tharaka Nithi County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Langat, Bomet County; Sen. Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Faki, Mombasa County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. Ongeru, Kisii County; Sen. Outa, Kisumu County; Sen. Poghisiu, West Pokot County; Sen. Sakaja, Nairobi County; Sen. Wamatangi, Kiambu County and Sen. Wario, Tana River County.

**NOES:** Nil.

**The Speaker** (Hon. Lusaka): Hon. Senators, the result of the Division is as follows:-

**AYES:** 32

**NOES:** 0

**ABSTENTIONS:** 0

The "Ayes" have it.

*(Question carried by 32 votes to 0)*

*(The Bill was accordingly read  
the Second Time and committed to a  
Committee of the Whole tomorrow)*

*(The Bars were withdrawn and doors opened)*

**Sen. (Prof.) Ongeru:** On a point of order, Mr. Speaker, Sir. I am happy that we have unanimously voted for this Bill in the Second Reading stage. However, my experience in parliamentary affairs has taught me that when there is a sticky issue that involves both sides of the House, the best way out to cool down tempers is for the Chair to call for a *Kamukunji* meeting. I request this so that we all move with one voice and one accord to run a few housekeeping issues that need to be looked into. Hon. Members with serious doubts on a Bill can make an appropriate amendment in that meeting. In that way, it will help this House to move forward.

**The Speaker** (Hon. Lusaka): Members, I want to agree with what Sen. (Prof.) Ongeru has said. We should organize for a *kamukunji* because as we sit here, we all represent counties. We must put our counties and their governments first before anything else. That is your mandate under Article 96 and we must adhere to that. I am directing the

Secretariat to organize for a *kamukunji* for us to discuss other matters that will come up, going forward.

Next Order!

*Second Reading*

THE WAREHOUSE RECEIPTS SYSTEM BILL  
(SENATE BILLS NO. 10 OF 2017)

*(Sen. Dullo on 21.2.2018)*

*(Resumption of Debate interrupted on 21.2.2018)*

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I was on the Floor at the rise of the House. I want to continue contributing to the Warehouse Receipts System Bill.

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

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

Madam Temporary Deputy Speaker, I wish the Senate Majority Leader who moves Bills sits in the House to hear what Members say. That will help him bring informed amendments when it comes to the Committee stage. His extremely mobile behavior is going to create a lot of problems in this House. Whenever Sen. (Prof.) Kindiki moved any Bill, he sat here throughout the debate of the Bill. He listened to Members and was able to liaise with committees to bring amendments.

*Mukianza hii mchezo ya kukimbia kama vijana, tutaangusha kila kitu hapa.*

*(Loud consultations)*

I know you want to complain about the language. It is a quote.

**Sen. Seneta:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. (Prof.) Kamar): What is your point of order, Sen. Seneta?

**Sen. Seneta:** Madam Temporary Speaker, this is a House of rules and order. Is it in order for the Senate Minority Leader to speak in two languages before he ends his speech?

**The Senate Minority Leader** (Sen. Wetangula): Madam Temporary Speaker, I was responding. I thought I had the right of response---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Wetangula, please, take your sit. You did not have to respond to the obvious. We all heard you. You spoke in two languages. You are a senior Member here. Many of these Members are supposed to be learning from you. If you mix things, you are going to mix the young ones who have just

come to this House. You are out of order. Please do not repeat and do not respond to Members. You must always address the Chair.

**The Senate Minority Leader** (Sen. Wetangula): I did not mix languages. Language is very dynamic. When speaking in English, you can use a quote from a different language then go ahead and explain what it means. That is what I was about to do. I can speak in English then say *wewe ni mjinga wamwisho*. I will then go ahead and explain what *mjinga wamwisho* means. It is allowed in the procedures of Parliament. However, if I swung off and started my debate on a different language---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Wetangula, please, do not insist on misleading the new comers. You are a senior Member of this House.

**The Senate Minority Leader** (Sen. Wetangula): Madam Temporary Speaker, this Bill on warehousing is a good idea crafted badly. Warehousing is a very important component of commodity exchange, commodity trading and support for farmers and other people. However, from the way this Bill is drafted, it is not very clear how it is going to help the farmer or the small business people.

What happens in comparable jurisdictions is that if you get a big commodity exchange market as big as Chwele Market in Bungoma or Karatina in Nyeri, you warehouse things for traders. They pay for the services and you also help them to market them. The Bill is generally talking about warehousing and creating a structure that is going to be a parastatal. We are moving away from this parastatal business. We are just creating new layers of public expenditure that are not helpful. Be that as it may, I hope the Mover of the Bill will bring appropriate amendments for us to deal with this.

The commodities that are supposed to be warehoused after the passage of this Bill are matters devolved. They are produce such as cereal maize, rice, bananas, sweet potatoes, Irish potatoes and so on. The council being set up is so heavy at the top and so lean at the devolved representation. The council consists of a Permanent Secretary for Agriculture and Finance, one nominee of the Council of Governors, Director-General of Agriculture, Food and Fisheries Authority at the national level, a person nominated by the Financial Sectors Regulators Forum, one person nominated by Kenya Farmers Association which is neither here nor there. There is also someone from East African Grain Council which is also neither here nor there. We also have someone from Consumer Federation of Kenya which is a Non-Governmental Organisation that works with the Government and so on.

At Clause 3(4), there is not any description of educational standards for the people who will sit on this council. It just says that persons who have:-

‘relevant experience, expertise, qualification and experience in the agricultural sector and any other relevant sector’.

My milkman for the last 20 years qualifies to sit on this council despite the fact that he probably does not have the appropriate skills to read, write and analyse any documentation that comes before him. To the very least, we know that some of our good farmers are not very well educated. We should give some level of education even if it is form four.

We do not want to create structures where people come in as voting machines where they are hurried by the Chief Executive Officer and the Chairperson to earn their

allowances and go home yet things are being done badly. People are educated in this country. If you want to go to our smallest communities such as El Molo and the latest Makonde, you will still get university graduates and Form Four leavers with good knowledge that can help this country move forward. When you leave it the way it is, abuses come in during appointments.

You saw the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development, one Macharia, appointing a board in Nairobi of three people from his ethnic community the other day as if there are no other ethnic communities in Kenya. It is a board of three people and all the three are from his ethnic community and backyard. Where are the Pokots, Turkanas, Njemps and Maasais? This kind of arrogant behavior and impunity is what we are fighting by bringing good laws with proper insulation.

**Sen. Kang'ata:** On a point of order Madam Temporary Speaker.

**The Temporary Speaker** (Sen. (Prof.) Kamar): What is your point of order?

**Sen. Kang'ata:** Thank you, Madam Temporary Speaker.

First, allow me to disclose my interest. The honourable Cabinet Secretary (CS) in charge of roads is from my county, that is, Murang'a County. So, to that extent, I wish to declare that.

Secondly, is it in order for the Senate Minority Leader to discuss a CS who is not present with us here? We need a substantive Motion so that he is able to reply to the issues that have been raised against him. I would urge you to make a finding that the Senate Minority Leader is out of order by casting negative aspersions on a person who cannot have the opportunity to appear before us here and make his submission. Most crucial, the Senate Minority Leader ought to have come up with a document of evidence to support what he is saying.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Order, Senator! You have made your point. There is a point of order from Sen. Olekina.

**Sen. Olekina:** On a point of order, Madam Temporary Speaker. I am a little bit concerned that when the distinguished Senator rose, he did not point---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Olekina, if you are responding to his point of order---

**Sen. Olekina:** Madam Temporary Speaker, I am actually pointing out the fact that he should have told us the point of order he was raising.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Are you giving information?

**Sen. Olekina:** Yes, Madam Temporary Speaker. It is a point of information.

**The Temporary Speaker** (Sen. (Prof.) Kamar): If you want to give information you strictly give information, but you are not the one to rule whether he is out of order or not. I am here for that job.

**Sen. Olekina:** Thank you, Madam Temporary Speaker. I will be guided by you.

Standing Order No. 87 (1) says:

“Any Senator may raise a point of order at any time during the speech of another Senator stating that the Senator raises a point of order and the Senator shall be required to indicate the Standing Order upon which the point of order is based.”

So, I just wanted the---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Members, please take your seats. Sen. Kang'ata, take your seat. Sen. Wetangula was not discussing the CS; he made reference. You can make reference as long as there is no discussion. He is aware that if he has to make a discussion, then he needs to raise it substantively.

For Sen. Olekina, I have the same Standing Orders so we are safe in the House. I would have alerted him, but he was okay to raise the point of order except he diverted from his point of order. That is why I was saying Sen. Wetangula actually made a reference; he did not discuss.

**The Senate Minority Leader** (Sen. Wetangula): Thank you, Madam Temporary Speaker, for trying to defend the indefensible. You could see even from the body language the distinguished Senator was not even confident that he was challenging me because he knew I was speaking facts.

This country must have taken the path of probity and honesty. The only reason why the distinguished Senator of Murang'a County was defending the CS is because he is from his community. I am sure he would have cared less if that CS was a Pokot, a Turkana or a Maasai.

Madam Temporary Speaker, the education qualification of the people who will sit in this Council matters. I hope whoever is taking notes for the Senate Majority Leader who has taken his leave will bring amendments to that effect. We also want to see, under Clause 4 of the Bill, the functions of the Council better defined. This is because it is not enough when you just say that they will establish and maintain a Warehouse Receipt System that contributes towards structured trading of agricultural commodities.

Madam Temporary Speaker, this is a very good idea. In the olden days, for those of us who are of our age like you and the distinguished Senator for West Pokot, there was the Agricultural Finance Corporation (AFC), the Kenya Farmers Association (KFA) and the National Cereals and Produce Board (NCPB). You could go to the AFC and get a credit note, go to the KFA and collect fertilizers, seeds and other things, go plant your maize, deliver the produce to the NCPB who will then pay AFC.

Then AFC will net out what they gave you and give you your money. The farmers operated in a stress-free environment until we fell into a World Bank trap called free market economy where everybody is left to the Almighty and the middlemen that ravage us.

So, if we want to do this to the farmers, this Council, which is completely lacking, for example, can ensure that if there is a bumper maize harvest in West Pokot where a lot of maize is grown, the farmers can warehouse their maize there and the records are furnished to the National Disaster Management or other similar bodies.

If maize is required in Kitui, you simply move the cereal there for consumption by the population. Those attendant details are lacking in this Bill and there is no provision that rules will properly be structured to govern this. The Bill that the Council will establish a central registry for the management of warehouse receipt transactions. This is good because farmers and whoever is keeping their goods in the warehouses must be properly documented.

Though what is lacking is how you determine how much is levied from farmers when they take their produce to the warehouse, like my good friend from West Pokot. It

is not defined. We do not want a situation where, if you come to the sugar belt where I come from, even a farmer who has not gone to school knows something called DR. You plant your sugarcane, weed the farm, re-weed it, harvest and deliver them. When a farmer goes for payment he or she is given a piece of paper written DR, meaning you have nothing to go home with. The DR stands for 'debit' the opposite of CR which stands for 'credit'. So, you go there after looking after your sugarcane farm for three years – it ought to be two years but sometimes it goes up to 36 months – then you are given a DR and told to go home.

Madam Temporary Speaker, when we are at home, farmers come to us every other day and tell us that they delivered their sugarcane and got a DR. This is very sad. All these things have been happening because of poor management systems. You find that people who are not even farmers are the richest from farming by short-changing farmers on the weights of their farm produce such as tea, maize, sugarcane *et cetera*. Any laws we pass must seal all these loopholes.

Another issue is on the prescribed fees and other charges payable for the examination, inspection, issuance and renewal of registration on licence of the Act. Again, do we want to go private or public? This is because I would have expected that, perhaps, this regulation would help and obligate counties, particularly those where cereals and serious trading is done to operate these warehouses to cut down on costs. When you bring in private investors, they are profit driven and they do not quite care about helping the farmers. But if it is the units of devolution, they will be able to help the farmers.

The power of the Council is to administer and control assets of the Council in a manner or for such purposes as best, to promote the interest for which the Council is established. Again, this council is not there to own property; it is there for management and preservation of cereals. You will be pushing them into the situation where they are now; competing to buy property.

It is like what the National Social Security Fund (NSSF) did. In some yesteryears, the NSSF instead of holding the money for pensioners, they were buying lands everywhere. Now we have people on the streets who retired six, seven or ten years back and they cannot get their pensions. They were not buying land because they needed it. They were buying land because they were holding private interests.

The moment you allow these councils to start buying property left, right and center, they forget their core business. What are we setting them up to do? We are not setting them up to buy land or to own streets; their core business is to help the farmer. This is what it should be. This provision should be re-looked at and recast to reflect the philosophy for which we will legislate.

Madam Temporary Speaker, Clause 8 deals with the Chief Executive Officer (CEO) of this Council. The issue of education that I have just talked about also ought to be refined. Clause 8(3) states that:-

“A person is qualified for appointment as the Chief Executive Officer of the Council if such a person-

- (a) holds a degree from a recognized university in Kenya;
- (b) has relevant experience in management; and

(c) meets the requirements of Chapter Six of the Constitution.”

The CEO shall serve for three years, which is renewable. First of all, we must define the quality of education and the degree we are talking about. Somebody will turn up with a degree in religious studies and pretend that he can manage and run warehouses. Others will turn up with degrees from River Road. They are not like you and I, who swotted and slogged through education to get merited qualifications.

Madam Temporary Speaker, I was amused during the last elections when one of our candidates stood up and she appeared to have got a PhD before she got a bachelors degree. Obviously, it was from River Road. She persistently argued that she was very well qualified. I have never known of any jurisdiction – and Sen. (Prof.) Ongeru here can tell us – where one can acquire PhD before they get a bachelors degree other than forgeries. I am sure you know who I am talking about.

So, I want to urge that the degree or diploma that we are talking about is properly defined. If we are dealing with agriculture, produce, preservation of cereals and so on, somebody with a bias in agriculture is more likely to be useful than any degree holder. I remember there was a friend of mine I schooled with and when I met him after six years, he told me that he was then a reverend. I met him again after three years and he said he told me that he was now a doctor. Degrees are not acquired that way. So, we need that clarification.

Madam Temporary Speaker, an organization like this also needs longevity in management and continuity. A three years contract for the CEO as stipulated in Clause 8(4) is too short. By the time he or she learns the ropes of running the organisation, the time is up. Sometimes, he or she will work at the vagaries of the members of the board. So, I would suggest that we provide for five years, renewable once. Then, we will have, at least, somebody who can do a good job and build capacity for others to come after them. With three years, in the first 12 months, someone is settling in office. By the time they start working the second year, they are looking over their shoulder to see who should come to take over from them in the following year.

Madam Temporary Speaker, Clause 19 states that:-

“There is established a warehouse Receipt Appeals Committee which shall hear and determine appeals relating to administration of justice-

- (a) refusal to grant licence;
- (b) the imposition of any conditions and licence;
- (c) revocation, suspension or variation of a licence;
- (d) a decision of a warehouse inspector;
- (e) any other decision of the council under this Act.

Again, the Chair of this Appeals Tribunal should be clearly defined to be a lawyer who is fit to be a judge. This is because the administration of justice is a complex matter that will require people with knowledge in law so that the tribunal can dispense justice.

Madam Temporary Speaker, as I come to a conclusion, I want to urge the Mover of the Bill to subject this Bill to public participation and scrutiny. He should also bring it to the Senate *kamukunji* or, at least, at the Committee level so that Members can give input properly. It is not quite clear what we are trying to establish and its benefit to the

agricultural and trade sectors. If we want warehousing to be in the private enterprise arena, let us say so. If we want it to be a public enterprise, let us say so.

We should make sure that we are not setting up an organ that will fleece consumers and users of the facility. We have to ensure that it will assist in helping those who deal in cereals and other commodities, make it easier for them to move their wares from one part of the country to the other.

As I conclude, there is something that, as the Senate, we need to address. Today, there was a screaming headline that this country is staring at a famine. We are staring at a famine because of a total miss-match of interests, lack of planning and focus. As we say that we are staring at a famine, Sen. (Prof.) Ongeru here can tell you that in his county, in my county and those western counties that are well watered with rain, food is rotting by the road side. These include bananas, potatoes, beans, oranges and many more. We have developed a dangerous national psyche of making Kenya believe that when there is a slight shortage of maize, then there is no food in the country; yet we have a lot of root crops, legumes and fruits.

Madam Temporary Speaker, when you drive along Kisii County, sometimes even stopping at a bus stop is difficult because you will run over food. Why is the Government not buying food from those areas and moving it to areas in Narok, Kajiado and Kitui, where there is a shortage of food so that Kenyans can be fed? You will at times find that in areas like Kisii, Bungoma and counties in Nyanza, we do not have enough cattle for meat, whereas cows are dying in Maasai land. Why can the Government not buy and relocate them from farmers at an appropriate time and take them to areas where there is dense population so that food can be passed across the country?

When they start writing those screaming headlines, they are choreographed for profiteers. There is probably a ship from Mexico hanging off the Island of Pemba that will be docking any time with maize because a newspaper 'screamed' with a headline that there is a looming shortage of food. We must change this because farmers in Kitale and in Uasin Gishu, where you represent, are still holding maize in their granaries. Why can we not go and offer them the Kshs4,500 that we are offering a farmer in Mexico when we are offering our own farmers Kshs2,300 or Kshs2,400?

That is why, Madam Temporary Speaker, if a law like this was properly done, we will then save your farmers, my farmers and everybody's farmers the danger, the cost and the nightmare of storing food after production. This is because post-harvest losses to the farmers run up to 60-70 per cent. If we can control that by coordinating and keeping properly documented warehousing with records to the farmer and no losses, it even becomes easier for the farmer to simply walk into National Produce and Cereal Board (NPCB), pledge credit, take fertilizer and seeds; and plant knowing very well there is an off-take awaiting the production.

With those qualified remarks, I support the Bill, subject to far-reaching discussions and amendments, so that we pass a law that is good for posterity and this country and will help this country move forward.

Thank you, Madam Temporary Speaker.

**Sen. Olekina:** Thank you, Madam Temporary Speaker, for the opportunity to comment on this important Bill, which I support. I have looked at the Bill and from the

outset, it looks very good. The intended purpose to help small-scale farmers find a good place to store their produce looks very good. It will also help us to maintain the quality of the produce.

However, I am concerned about certain elements of the Bill. Every Bill that we bring to this House ought to benefit counties in a way. I have looked at the majority of the Bills which are being introduced, and in my view, although they are sponsored by the national Government, they seem to take away things that we ought to be devolving. Warehouse receipt systems all over the world are designed to better the farmers.

Last year I had an opportunity to travel to Brazil and was particularly impressed with the kind of warehousing receipt system that they have. They have incorporated cooperatives where farmers of a particular region come together and set up a warehousing system. They have a fantastic receipt system. I have taken time to look at comparative legislations and seen that in Brazil they have a two-pronged approach to warehousing receipting. As a farmer you take your produce and are given a receipt for all your goods. However, they also engage farmers in coming together as a cooperative, so that they can market their produce.

Madam Temporary Speaker, I would have been very happy if this Bill would have taken the interest of counties into consideration. In my view, creating a central registry which is managed by a council that sits somewhere here in Nairobi County will not take the interest of the farmers in Narok County into heart. I would have loved to see certain things brought and changed in this Bill. I would have loved to see the County Executive Committee (CEC) member for agriculture playing a big role in the proposed council.

When I look at the membership of the council, one thing that really bothers me is that there will be one member who will be appointed by the Council of Governors (CoG). The rest of the composition includes the Principal Secretary (PS) in charge of Agriculture, Livestock and Fisheries, PS for Finance and then, the Cabinet Secretary (CS) appoints the Chief Executive Officer (CEO).

In my view, for this Bill to be effective and be able to help farmers on the ground, the role of the CEO in a warehousing receipting system is not really that relevant, yet we have CECs in charge of agriculture. I think the drafters of this Bill should really consider changing to make sure that the CECs in charge of agriculture in all the 47 counties play the executive role or appoint people to be their executive members, to observe the day-to-day running of the warehousing.

In my view, when we develop these registries, having 47 registries would help a farmer in Narok County much better than having a central system, where the CEO in charge of that registry sits here in Nairobi. If we had the CEC on the ground, it would be easy for him to advise the council on the needs of the local farmers.

The only thing I like about the Bill is the legal framework. It is imperative because that will not only give confidence to the farmers, but also to the lenders; that these warehouses are protected. We must also consider various different things. If as a farmer I grow wheat in Narok County and take it to the warehouse and get my receipt, what happens tomorrow in the event of a *force majeure*? What happens tomorrow in the event that all the produce is destroyed? I think the drafters of this Bill ought to consider emphasizing on the issue of insuring the commodities. Just making sure that you can

store your commodities there and sell them at a later stage, does not guarantee that these commodities will survive.

I have looked at two different elements in this Bill, which I would like to refer to. One that I will focus heavily on is the point as to why we are here as Senators. We are here to protect the interests of counties. I want to see a Bill that will not be controlled from a central point. Anything that comes out should help the local people. In my view, the composition of this council must consider the local farmers. There are so many people who have been put here.

However, if you put people, for instance, who have to decide whether or not to give you the license and they are in Makueni County, yet you are applying for a license in Narok County and they decide that you cannot get, they are not taking your interest at heart. I would like to see a few changes in terms of the composition of these council members. I will repeat that I do not see the need to have a CEO who is given three years. We already have people on the ground.

Let me also emphasize the issue of the security and also the ability for these farmers to use their produce ---

*(Loud consultations)*

Madam Temporary Speaker, I get confused when I hear Members talking because then I want to hear what they are saying. So, I request the Senators to just---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Members, please, consult in low tones.

**Sen. Olekina:** Madam Temporary Speaker, there is no doubt that the overall agricultural sector will benefit immensely with this warehousing. However, what will help farmers of Narok County is when they can be assisted to find better markets for the produce stored in those warehouses. This will help them have confidence in their agricultural activities.

When they store their produce in those warehouses and are issued with receipts, they can use the same to access credit facilities. They can talk confidently about the value of their produce in warehouses. In the event those produce are damaged by floods which we get every year in Narok County, for example, the insurance company will compensate them. That aspect is lacking in this Bill.

I believe some amendments will be introduced at the Committee stage. For example, I would be proposing Clause 8 of the Bill be deleted and replaced with the County Executive Committee Member (CECM) in charge of agriculture or be given an opportunity to nominate somebody to represent him.

The other issue I have with this Bill is that we, as a country, are moving away from the system of parastatals. I do not see the reason as to why we should be creating another big parastatal which will borrow money and also charge for its services. In my view, Clause 11(d) should be removed from this Bill. Our institutions should be self-sustaining. Allowing a parastatal to borrow money will create a lot of problems for it. The revenues and fees they collect from the services they render, once it is devolved into the 47 counties, can really help them have a good warehousing system.

I am also concerned with the registration, licensing and inspection of warehouses. I support the idea of standardization of these warehouses in 47 counties. However, the licensing should be given to the CECMs in charge of agriculture. Warehouses should be based on the needs of a particular county. There is no point of us having a big warehousing system in Narok County to store mangoes because we do not produce mangoes. That element ought to be removed.

I do not want to take a lot of time because I will be proposing some amendments at the Committee stage. However, I would like to emphasise on the need for these warehousing systems to have a legal framework which will take care of the locals' needs. Yesterday, the Senate Minority Leader talked about the issue of fish farming. In some areas, people will opt to do fish farming because it will be supported. You may invest a lot of money in a very hot and cold areas and end up losing your resources. The needs of that particular area ought to be taken into consideration before you start any project.

To conclude, I want to emphasize on a two-pronged approach. We can look at other legislations from other countries, for example, Brazil which has a similar system. Emphasize on cooperatives coming together to own these warehouses and move away from this element of control. The national Government ought to allow devolution to take root and encourage private-public partnerships. We want to see local people owning some of these warehouses. With a lot of stringent bureaucracy, it becomes very difficult. Maybe, you will find that most of these warehouses will not be owned by the local people and they will not benefit from them.

I support this Bill with some amendments so that these warehouses will incorporate participation of local community. I do not have a problem with the Ministry of Agriculture, Livestock and Fisheries oversighting it, but the day to day running of these warehousing should be left to the county governments. It is sad that when you look at this composition, like I said earlier on, there is only one person appointed by the Council of Governors (CoG). We have 47 counties in this country. We ought to have 47 representatives because what is produced in Isiolo County is not what we produce in Narok County. Every one's interests will be taken into consideration.

Madam Temporary Speaker, with those few remarks, I support this Bill.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Proceed, Sen. (Eng.) Hargura.

**Sen. (Eng.) Hargura:** Thank you, Madam Temporary Speaker. I would like to join my colleagues in supporting the Warehouse Receipts System Bill, 2017. Agricultural produce are perishable goods. A lot of effort and investment go into production of these goods. If there is no proper storage then the farmer will be the one to lose. The consumers will have less in terms of choice. For some time now, we have been losing agricultural produce due to poor storage and bad weather.

The available storage has been mainly the one by the National Cereals and Produce Board (NCPB). If we can have this system of warehouses which according to need have been cropping up in the required areas, but there is no legislation to regularize it; which affects the produce by the farmer. There is no such legislation to make sure the produce is safe then he or she will be the one to lose. This legislation goes a long way in, first, providing proper storage. These warehouses have to be inspected and approved by

this council. At the end of the day, the farmer will have a better place to keep the produce.

The Bill talks of management of these warehouses. I support having a council at the national level because it will coordinate this information. It will standardise the quality of these warehouses in terms of the services they provide. It will be easy to share information. You will know which warehouse in which county holds what produce. Without that coordination then we will not know where to get what.

I will also support what Sen. Olekina said that it is good if we have the management decentralized; Let us have the central one, but also decentralize it. That is where the County Executive Committee Members (CECMs) come in. The council will coordinate these county levels, maybe, boards and the information will be shared. One will easily know where to source what produce. That will avoid wastage which normally occurs. There are normally a lot of harvests and wastage in the grain baskets of this country. In the dry parts of this country, you hear there is drought. If this information is available, somebody on the other side will know where to get what produce and will purchase and store at the other end where it will be useful.

There are issues here which we need to look at and I hope some of them have been covered. First, there is the issue of the safety of the goods. Once a farmer has stored his or her produce in a warehouse, it should be the responsibility of the warehouse operator to make sure they are safe in terms of quality against any deterioration or even have then insured against any eventuality like fire so that the farmer does not lose the produce. There is also that aspect of insurance which we need to look at.

The quality of the produce will increase because if you have to deliver your produce to a warehouse and not your own storage then you must meet a particular quality. That way the farmers will endeavour to make sure that they plant the right kind of crops and using the right kind of seeds so that they can be acceptable in that storage. I expect that to increase the quality of the farm produce. At least, that will have assisted the Kenyan farmer or producer of whatever agricultural produce. It will make that information available, especially with this era of new information technology.

One could easily know what is stored in which warehouse without having to travel or even to go to the Warehouse Receipt System Council. I am sure along the way somebody will develop software where you can easily know where to get what. That way, it will improve marketing and even increase production. As we know, one of the “Big Four Agenda” is about increased food production and value addition which will all be achieved if we first secure the produce and store it properly.

I support.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Let us have Sen. Mary Yiane.

**Sen. Seneta:** Thank You, Madam Temporary Speaker, for giving me a chance to also add my voice to this very important Bill. I am also aware of the situation we are now in Kenya due to the long dry spell. As a country, we need to think of ways of ensuring that we are food secure.

Looking at this Bill, it has created a situation for a farmer from whatever part of the country to be able to have a secure space to keep his produce. Many times, our

farmers may, after a bumper harvest, lack space to be able to keep their produce and they incur a lot of losses because some of this produce is perishable.

I also see this Warehouse Receipt System giving the Ministry a framework of having a data of our producers. The Ministry or the country can know from the warehouses, how many farmers have a certain product and in which warehouse. That will be able to bring out the number of farmers, maybe, who have produced bananas or processed meat and milk. They can be tracked from whatever corner of the country and one can easily tell how many have a certain product in which warehouse. It will also enable the country to keep stock of what we have.

The Senate Minority Leader has just said that today, when we do not have maize in Kajiado County or there is a shortage of food in Makueni County, we just generalise that we do not have food, yet, we have quite a number of farmers with a lot maize in Kitale and others selling bananas along the way in Kisii, but we do not have such as kind of stock. I think this warehousing system will be able to give us a proper stock on what we have.

I want to believe that maybe in every county we shall have a number of farmers having their produce well-labelled that they have this number of bananas or packaged meat and milk. We can therefore take stock of what we have so that we do not just say we have no food in the country while there are some areas that have food but only lack market.

I also see in the Bill a creation of record for our producers. Whoever will be having a product will be able to have a record, which is why I have liked the concept of a receipt. Whoever is producing potatoes maybe from our Narok County will be able to know that they have that receipt with this record of potatoes, the warehouse and date. Therefore, producers will know the exact quantity of the produce in the county unlike where we have just farmers like me - I am a farmer - just producing but cannot even know exactly what they have produced per year. For example, I shall know the number of litres of milk or sacks of maize I have sold in a particular year. However, with this receipt a certain farmer will be able to keep a record of his own produce.

Another aspect that I see in the Bill which interests me quite a lot is a situation where a certain farmer can easily get market for his produce. This is because these warehouses will contain information of those farmers we may not know from the rural area, who may be having a particular produce which one needs. Today, if I get to know that there is a warehouse with French beans which I need, I will not be going everywhere to the field or to a certain county to look for them.

I will particularly go to a certain warehouse where I can access the records of the Warehouse Receipt System Council. I will also know the number of bags of French beans which I have an interest in buying. Therefore, people who need a particular produce will be able to access it easily unlike now when one just guesses. Therefore, they will go directly to a particular county and trace the farmer from whichever corner.

Having said all that, this Bill also has a number of shortcomings. I concur with my colleagues that it needs to be amended. One, having in mind that agriculture is a devolved function; we need to now devolve any other organ or institution we want to create.

Looking at the Warehouse Receipt System Council, it is as if we are creating a central organ that will be able to coordinate all other warehouses. I think this formation of the Warehouse Receipt System Council should be given to counties. It should have a component of the 47 Warehouse Receipt System Councils which will be able to work, coordinate or regulate their own counties.

Another shortcoming in the Bill is the formation of markets. What we do not have today in Kenya is a good market for our produce. If these warehouses could link farmers with markets, we could be saying that one will come and deposit their produce with an assurance of getting market.

I saw in the other part of the Bill that you can even deposit processed and packaged produce in these warehouses, but where is the market? It states that they will deliver your produce to you when you get market. Why do they not try and market this produce for you? That is exactly what we need as a country. We need to get to know that we have farmers who have deposited their produce in a certain warehouse in, for example, Narok, Kajiado, Laikipia, Kisii counties and they can access a certain market.

If you have, for example, processed your meat, packaged it and deposited it in a certain warehouse, why is the so-called Council not trying to get a market for you to sell your produce? Why does it have to lie in that warehouse until you get the market for yourself?

This Bill has very good intentions for the farmers of this country, but it must have the component of the warehouse. In addition to this, I was looking at the formation of another council. We have a National Cereal Boards, why do we have to create more organs instead of first empowering what we already have? Maybe what we need to look into is what the National Cereal Boards lacks, what we have to do to empower them and add them duties. Consequently, they can do similar work of this council and maybe create these councils in the county.

What we need to do as a House is to look at the way we can help the Ministry or the originator of the Bill to make sure that it has taken note of devolution. Subsequently, we should encourage devolution instead of creating more national bodies.

I, therefore, support this Bill but it needs amendments.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, I do not see any other speaker wishing to speak, so may I, therefore, invite the mover to respond.

**Sen. Dullo:** Madam Temporary Speaker, I wish to respond to the Warehouse Receipts System Bill (Senate Bills No. 10 of 2017). I thank all the Members who have made contributions towards this particular Bill.

The suggestions and concerns addressed by various speakers concerning the Bill will at some point enrich the Bill.

Secondly, this will be automatically addressed at the Committee Stage. The small-scale farmers have something to smile about once this particular Bill has gone through since a lot of issues that affect them have been addressed individually. They will develop the farmer, the economy of the country and improve the market. Once there are structures in place, the market will automatically improve.

In the Bill, there is the provision for collateral, especially on their produce. Instead of farmers waiting too long to recoup the benefits of the produce they have made,

they have an opportunity to get loans and improve on their lives. There is also a provision where farmers are actually protected against court orders like garnishee, so that they are not attached. In this way, we are helping the small-scale farmers in this country.

Finally, the legal framework is something they have been lacking for a long time. Once we have the legal framework in place then they can use the Warehouse Receipt System properly without their rights being violated. Members, kindly vote in support of this Bill because it will help us to develop ourselves, the counties and the country at large.

I beg to respond.

Madam Temporary Speaker, Pursuant to Standing Order No. (55) (3) I request the putting of the question be deferred to a later date.

Thank you.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon, Senators, the request having been put forward, which I do agree with, I would like to defer the vote on this Bill to Tuesday, 27<sup>th</sup> February, 2018.

*(Putting of the Question on the Bill Deferred)*

Next Order.

### MOTIONS

#### ADOPTION OF SESSIONAL PAPER NO.2 OF 2016 ON THE NATIONAL SLUM UPGRADING AND PREVENTION POLICY

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, we have had consultations on this Motion and we have agreed to defer this Order to Tuesday 27<sup>th</sup> February, 2018.

*(Motion deferred)*

#### ADOPTION OF REPORT OF THE 8TH ORDINARY SESSION OF FP-ICGLR

**The Temporary Speaker** (Sen. (Prof.) Kamar): Yes, Sen. Poghisio.

**Sen. Poghisio:** Thank you very much, Madam Temporary Speaker.

I beg to move:-

THAT, this House adopts the Report of the 8th Ordinary Session of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR), held on 5<sup>th</sup> – 7<sup>th</sup> December, 2017, in the Central African Republic, laid on the Table of the House on Tuesday, 20<sup>th</sup> February, 2018.

The Eighth Ordinary Session of the Plenary Assembly of the Forum of Parliaments of Member States of the FP-ICGLR took place on the 7<sup>th</sup> December, 2017.

The Assembly was preceded by the Executive Committee meeting and the Conference of Speakers that took place on the 5<sup>th</sup> and 6<sup>th</sup> December 2017.

The opening ceremony of the plenary took place in the City of Bangui in the Central Africa Republic, National Assembly and was officially opened by the President of the Central Africa Republic, while all other meetings took place at the Leger Hotel, Bangui, Central Africa Republic.

Madam Temporary Speaker, the Kenyan delegation to this meeting comprised of the following:-

1. Sen. Samuel Poghiso, EGH,MP, Leader of Delegation.
2. Sen. (Dr.) Alice Milgo, MP.
3. Mrs. Serah Kioko, Director, Legislative and Procedural Services.
4. Ms. Caroline Kinyua, Senior Clerk Assistant, Delegation Secretary.

It is important for me to note that the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR) is a regional body comprised of 12 countries within our region. They focus mostly on issues that affect member states. Among the key issues that were debated included political security and the humanitarian situation in this region.

The electoral observer mission reports of member states which conducted elections in the year 2017 – and Kenya was one of them – were also discussed. They also looked at the fight against corruption in the member states. However, on this particular occasion, the meeting was dealing with the election or appointment of a new secretary general. The plenary, therefore, adopted the Bangui Declaration.

Madam Temporary Speaker, the delegation, as usual, is very grateful to the Speaker of the Senate for appointing it and allowing it to attend the meeting. We are also grateful to the Office of the Clerk of the Senate for providing logistical and technical support.

The 8th Ordinary Session of the FP-ICGLR, is mostly focused on security and also on democratic principles. One of the issues that came up is how the countries or the states would maintain high democratic principles, hold elections regularly and, at the same time, stay within the rule of law.

The FP-ICGLR has a few objectives that I will mention for the purpose of informing the House. One, it provides a platform for the exchange of experiences. I must say that Kenya offers a lot of these experiences to the other nations. Two, to reinforce the capacity building of Members of this forum and the staff of parliaments of the member states of the FP-ICGLR in the fields of legislation, control of governmental action and representation of the people of this region.

More importantly, one of the objectives is to support the efforts of governments in the prevention and resolution of conflicts and to contribute to the consolidation of peace processes and to national reconciliation. You will remember that even the host country, the Central African Republic, is a country that is going through a lot of turmoil. The region around us is also in turmoil. There is a need for Kenya and Kenya's experience to help through these matters, being the country that has, for the most part, withstood the test of time. Kenya needs to be part of the center of the deliberations of this region

because most of the member states in the region have just come out of war and conflict situations and we feel that we needed to play a great role as a nation.

Madam Temporary Speaker, the other objective is to promote democracy, good governance and respect for human rights. Those are very important for regions just coming out of conflict. I cannot read all of the objectives because they are going to be in the report, but let me just highlight the organs that run this forum. They are as follows; there is the plenary assembly which was meeting at that time. It meets once every year in December and rotates in the 12 countries.

Then there is the Executive Committee, of which I am privileged to be a member. Then, there are other Committees to which Members of this House and the National Assembly can belong. Then, of course, we have the general secretariat. This particularly meeting for which this Report is about was held under very difficult situations. That just goes to tell us that there are countries which are difficult to travel to. For example, we were holed up in one hotel for long. You cannot travel freely within some of these countries, but that is our duty. I can assure you that the Kenyan Parliament is held in very high esteem because of the experiences we offer in that conference.

The President of the Central Africa Republic was very much part of the meeting; at least the opening session of the meeting. We had the Speaker of the National Assembly, who is called "The President of the National Assembly," who was also very active. He was the chair and president of the meeting.

One of the contentious issues in this Report, as you will find, is the election or appointment of the Secretary General. This Report goes to tell us what happened during that time in the process of trying to get a new Secretary General. The general secretariat is run by a Secretary General, who is appointed on a three-year contract, which is renewable only once. The last holder of that office was from Rwanda. So, it was becoming necessary to replace the Secretary General.

There were many candidates whose names were presented. But, after we sorted out those shortlisted, we came up with a shortlist of two; one from the Central Africa Republic and the other from Uganda. It was a big challenge because no one wanted to give way to the other. It was resolved that this matter be put into the agenda of the Executive Committee in the next meeting, so that the Executive Committee can go through the candidatures and come up with recommendations.

It is very important for this House to note that following this Report and subsequent to this, it was then possible for this Executive Committee to come up with the solution. I am happy to report that subject to the confirmation by the meeting of Speakers, the next Secretary General will come from Uganda. But that is, again, subject to that confirmation.

All these things will be in the Report; I just wanted to highlight them. I also want to show that our own election of 2017 was of much interest to the region. You will read in the Report that we were able to explain the issues around our election.

You will also get to know that the Report offers the synopsis of what went on in the Rwanda election of 2017, which was happening about the same time as ours, only that ours was much more pronounced. This ICGLR forum was able to observe both elections.

We have asked that these partner nations or member nations comply with the financial requirements of this organisation. We will find ourselves in the list of those who are yet to pay. One of the purposes of this presentation is so that Members can read this Report and ensure that our Parliament complies with the subscriptions that are due. We will also encourage that we pay fully, so that we are not indebted to this organisation or to many of the organisations that we represent or attend in the region.

In conclusion, the delegation of the 8<sup>th</sup> Ordinary Session of the Plenary Assembly of the Forum of Parliaments of Member States of International Conference on the Great Lakes Region (ICGLR) would like to thank you and, especially the Senate because this is domiciled in our Senate, for listening and reading this report.

We would request you to adopt this particular report and to be sure that we push for Members who attend functions and conferences on behalf of the Senate to come back with reports that can be adopted for action in the House. With that in view, I would like to seek concurrence of the House and ask the Members to adopt it.

I do move and ask my colleague, Sen. (Dr.) Milgo, to second.

**Sen. (Dr.) Milgo:** Thank you, Madam Temporary Speaker. I rise to support this Motion because the ICGLR is a forum that champions peace in the region. That is the reason why currently we are enjoying some fair stability.

Secondly, I noted that this forum also plays a role in harmonizing legal statutes that in this case bind the member states to uphold peace and avoid conflicts. In addition, it is through this forum that member States seek assistance from bodies such as the United Nations (UN), the African Union (AU) and others that assist in the maintenance of peace.

Finally, another crucial issue is that this forum brings together the Great Lakes states and in the process there is harmony in these countries. This will ensure that there is a network where the citizens of these great nations can exchange not only business ideas, but also be able to conduct trade. By so doing, it will provide a large base of economic input in our states.

Madam Temporary Speaker, based on this, I second.

Thank you.

*(Question Proposed)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): The Floor is now open for any Member who wishes to contribute.

**Sen. Pareno:** Thank you, Madam Temporary Speaker. This is not a contribution, but I seek direction from you. We have not been able to get copies of this report when the Member was presenting. If this could be deferred, so that we have a chance to look at the report, then we will make meaningful contribution.

Additionally, if such a report was to be laid in future, it would be proper for us to get advance copies for purposes of preparing to contribute meaningful to the report. I have noticed that in most of the proceedings we have been following, we do not get copies of what is before the House. This also applies to the Bills. You have to get it from

the Clerks when it is being discussed. We request that in future we be supplied with copies of what is in the Order Paper as this will help us to do meaningful contribution.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Sen. Pareno, but I want to confirm that the Paper was laid on 20<sup>th</sup> February, 2018. It was circulated on the same day. Is there any other Member who would want to contribute?

Sen. Pareno, for the request that you had made to defer, I will ask you to move to the Desk for you to make your request in a procedural manner.

*(Sen. Pareno approached the Clerks-at-the-Table)*

**Sen. Pareno:** Thank you, Madam Temporary Speaker. Pursuant to Standing Order No. 99 I beg to move that debate on this matter be adjourned.

*(Question proposed)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): I see that nobody wants to debate it.

*(Question put and agreed to)*

*(Debate on the Motion adjourned)*

Next Order.

## MOTION

### ADOPTION OF REPORT OF THE WOMEN POLITICAL LEADERS ANNUAL GLOBAL SUMMIT

**Sen. (Dr.) Milgo:** Madam Temporary Speaker, I beg to move the following Motion:-

THAT, pursuant to Standing Order No. 49, this House resolves that the Senate adopts the Report of the Senate Delegation to the Women Political Leaders Annual Global Summit, held in Reykjavik, Iceland, from 28<sup>th</sup> to 30<sup>th</sup> November, 2017, laid on the Table of the Senate on Wednesday, 14th February, 2018.

Madam Temporary Speaker, from the onset, I want to really thank the Speaker and the Clerk for facilitating me and the delegation that went along with me. I was the leader of the delegation. I was accompanied by Sen. Kasanga and Sen. Gona. We thank the Speaker for according us this great opportunity to attend such a great summit.

The Women Political Leaders Global Summit is a network of female politicians whose mission is actually to increase the number and influence of women in political leadership positions. The women that gathered in that particular forum included Heads of

States and Governments, Cabinet Ministers, parliamentarians, mayors and other experts both in academia as well as business and civil society.

I want to say that the women political leaders believe that progress happens by convening women who have the drive and influence to really create positive change.

Madam Temporary Speaker, this 2017 Annual Global Summit was held to champion equality between women and men. The theme of the Summit was; “We Can Do it.” Actually, Iceland has been on the top of things for the last eight years. This country has remained number one in the world for ensuring that the gender gap index has been closed and to really demonstrate to us that, they chaired the issue of gender equality and while the meeting progressed, they elected a lady Prime Minister.

**Sen. Mwangi:** On a point of order Madam Temporary Speaker.

**The Temporary Speaker** (Sen. (Prof.) Kamar): You have a point of order?

**Sen. Mwangi:** Yes. Madam Temporary Speaker. I want to bring to your knowledge that there is no quorum in the House.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Clerks, can you ascertain that.

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

It is confirmed that there is no quorum. So, may I ask the Serjeant-at-Arms to ring the Quorum Bell for ten minutes.

*(The Quorum Bell was rung)*

### ADJOURNMENT

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, there being no requisite quorum, and the time now being 6.18 p.m., it is now time to adjourn the House.

The Senate, therefore, stands adjourned until Tuesday, 27<sup>th</sup> February, 2018 at 2.30 p.m.

The Senate rose at 6.18 p.m.