

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 27<sup>th</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

### MESSAGE FROM THE NATIONAL ASSEMBLY

#### APPROVAL OF MEMBERS TO THE PARLIAMENTARY SERVICE COMMISSION

**The Speaker** (Hon. Lusaka): Hon. Senators, I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I received the following Message from the Speaker of the National Assembly, on 22<sup>nd</sup> February, 2018, regarding the approval, by the National Assembly, of Members to the Parliamentary Service Commission-

“PURSUANT to the provisions of Standing Orders 41 (1) of the National Assembly Standing Orders, I hereby transmit a Message to the Senate that, in accordance with the provisions of Article 127 (2) of the Constitution, by a resolution passed on Thursday, 22<sup>nd</sup> February, 2018, the National Assembly approved the appointment of the following Members to the Parliamentary Service Commission-

- (a) *under sub-section (c)(i) -*
  - (i) The Hon. Naomi Shabaan, EGH, MP.
  - (ii) The Hon. Adan Keynan, CBS, MP.
  - (iii) Sen. the Hon. Beth Mugo, EGH, MP.
  - (iv) Sen. the Hon. Aaron Cheruiyot, MP.
- (b) *under sub-section (c)(ii) -*
  - (i) The Hon. Ben Momanyi, MP.
  - (ii) The Hon. Aisha Jumwa, MP.
  - (iii) Sen. the Hon. George Khaniri, MGH, MP.

NOW THEREFORE, in accordance with the said provisions of the Standing Orders, I hereby convey the aforementioned resolution of the National Assembly and invite the Senate to also consider the Members for appointment to the Parliamentary Service Commission.”

Hon. Senators, the Parliamentary Service Commission is a critical Commission in providing a conducive working environment for Members and staff of Parliament. Thus Members of the Commission need to be in place and settle down to business quickly. It is on this basis that I have directed the Senate Majority Leader, at the appropriate time, to give a Notice of Motion on the approval of Members to serve in the Commission. Further, and as guided by the Senate Business Committee, I direct that once Notice is given, the Motion be disposed of as indicated in the Supplementary Order Paper.

I thank you.

### PAPER LAID

#### REPORT ON THE 2018 BUDGET POLICY STATEMENT

**Sen. Mwaure:** Mr. Speaker, Sir, I beg to lay the following Report on the Table of the Senate, today, Tuesday, 27<sup>th</sup> February 2018:-

Report of the Standing Committee on Finance and Budget on the 2018 Budget Policy Statement.

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

### NOTICES OF MOTIONS

#### ADOPTION OF REPORT ON THE 2018 BUDGET POLICY STATEMENT

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

THAT, pursuant to Section 25(7) of the Public Finance Management Act and Standing Order 174(7) of the Senate, this House adopts the Report of the Standing Committee on Finance and Budget on the 2018 Budget Policy Statement, laid on the Table of the Senate on Tuesday, 27<sup>th</sup> February, 2018.

#### APPOINTMENT OF MEMBERS TO THE PARLIAMENTARY SERVICE COMMISSION

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

THAT, pursuant to the provisions of Article 127(2) of the Constitution, the Senate approves the appointment of the following Members to the Parliamentary Service Commission-

*Under sub-section (c) (i) -*

- (1) The Hon. Naomi Shabaan, EGH, M.P.
- (2) The Hon. Adan Keynan, CBS, M.P.
- (3) Sen. Beth Mugo, EGH, M.P.

(4) Sen. Aaron Cheruiyot, M.P. With no additional title.

*Under sub-section (c) (ii) -*

(1) The Hon. Ben Momanyi, M.P.

(2) The Hon. Aisha Jumwa, M.P.

(3) Sen. George Khaniri, MGH, M.P.

## STATEMENTS

### PUBLICATION AND DISTRIBUTION OF BOOKS AND EDUCATIONAL MATERIALS TO PUBLIC SCHOOLS

**Sen. (Dr.) Milgo:** Mr. Speaker, Sir, pursuant to Standing Order No. 46 (2)(b) I stand to seek a statement from the Chairperson of the Standing Committee on Education regarding the publication and distribution of books and other educational materials to public primary and secondary schools.

**The Speaker** (Hon. Lusaka): What is your point of order, the Senate Majority Leader?

*(Interruption of Statement)*

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I did not mean to interrupt the hon. Senator. However, there is something that I should have raised immediately after the Notices of Motion. You need to communicate from your Chair because many people confuse two things in this House. One, the Standing Orders allow the Whip of a political party to pick any other Senator to vote in a committee election on behalf of any other Senator that they choose. However, that is not to be confused with a vote by delegation; meaning that in a delegation of Nairobi City County that is comprised by about seven people, the elected Senator can delegate any other person to vote on their behalf on Motions and Bills in this House.

The problem is that because Members only went through the elections of committees and another person was designated, there is a confusion that you can designate anybody in this House to vote on your behalf.

Mr. Speaker, Sir, that communication must be made for the purpose of clarity, particularly to the new Senators.

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

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I am raising this issue in my capacity as the Senate Majority Leader because Senators on both sides have been approaching me saying, "If there is a vote, I have left Senator so-and-so to vote on my behalf" yet that Senator is from another county. It is important that this is brought to your attention and the attention of the House so that proper communication is conveyed.

**The Speaker** (Hon. Lusaka): Please, proceed, Sen. (Dr.) Milgo.

*(Resumption of Statement)*

**Sen. (Dr.) Milgo:** 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 Education regarding the publication and distribution of books and other educational materials to public primary and secondary schools. In the Statement, the Chairperson should:

(1) Explain the process of application and distribution of books and other educational materials to public primary and secondary schools under the Free Basic Education Programme.

(2) Explain the roles of the following institutions in the publication and distribution of books and other educational materials

(a) The Kenya Literature Bureau (KLB);

(b) The Kenya Institute of Education (KIE);

(c) The Kenya Schools Equipment Scheme(KSES);

(d) The Jomo Kenyatta Foundation (JKF); and

(e) The Heads of Public Primary and Secondary Schools (HPPSS)

(3) State the total budgetary allocation to the free basic education programme since 2003 and indicate the corresponding budgetary allocation to KLB, KIE, KSES, JKF and all public schools from application to distribution of books and other educational materials.

(4) State the books and other learning materials to pupils' ratio since the commencement of the free basic education programme.

(5) Explain how the curriculum development links to the publication and distribution of books and other educational materials to public schools, especially on the frequency of changes to the curriculum development.

(6) Lastly, explain the initiatives and strategies the Ministry of Education is pursuing to integrate Information, Communication and Technology (ICT) in the publication and distribution of books and other education materials to public schools.

Thank you.

**Sen. Seneta:** Mr. Speaker, Sir, on behalf of the Membership of the Standing Committee on Education, I undertake to give a comprehensive answer in two weeks.

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

**Sen. (Dr.) Milgo:** Mr. Speaker, Sir, it is okay. I have one more Statement.

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

**Sen. (Dr.) Milgo:** Thank you, Mr. Speaker, Sir. Pursuant to Standing Order 46 (2) (b), I rise to seek a Statement from the Chairperson, Standing Committee on Education, on registration of schools and inadequate school facilities in primary and secondary schools in the country.

In the Statement, the Chairperson should:-

(a) State the criteria used to approve primary and secondary schools for registration and operation.

(b) Explain why some schools have been in operation without the requisite approval for registration and operation.

- (c) Explain the measures that the Government has put in place to ensure that pupils or students who are learning in such registered schools---

**The Speaker** (Hon. Lusaka): Order Senator. Seemingly, we do not have the Statement with us. So, approach the Chair so that we can sort it out and I will allow you to proceed.

**Sen. (Dr.) Milgo:** Thank you, Mr. Speaker, Sir. I am advised.

STATUS OF WOMEN AND GIRLS HELD IN PRISONS  
AND REMAND FACILITIES IN KENYA

**Sen. Kwamboka:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 46 (2) (b) to seek a Statement from the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, regarding the status of women and girls held in prisons and remand facilities in Kenya.

In the Statement, the Chairperson should:-

(1) Provide the statistics on women and girls held in prisons and remand facilities countrywide.

(2) State the capacity of these facilities *vis-à-vis* the number of women and girls held or detained therein.

(3) State the number of trained personnel manning these facilities and whether they are sufficient to guarantee the safety and security of the detainees.

(4) Explain what the Government is doing to ensure women and children who are held in custody or imprisoned enjoy the rights and fundamental freedoms in line with Article 51 of the Constitution of Kenya.

(5) Outline the measures that have been put in place to ensure the safety and security of women and girls held in correctional facilities.

Thank you.

**The Speaker** (Hon. Lusaka): The Chairperson, National Security, Defence and Foreign Relations.

**Sen. Haji:** Thank you, Mr. Speaker, Sir. Since this question is heavy; involving all the prison facilities in the country, I will require four weeks to respond to it.

**Sen. Kwamboka:** Mr. Speaker, Sir, it is okay.

AUCTIONING OF CATTLE OF KENYAN HERDERS BY  
THE TANZANIAN GOVERNMENT

**Sen. Pareno:** 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 National Security, Defence and Foreign Relations, regarding the auctioning of the 1,325 heads of cattle belonging to the Kenyans herders, by the Tanzanian Government.

In the Statement, the Chairperson should:-

(1) Explain why the Government of Tanzania in October 2017, arrested Kenyan herders and seized over 1,325 heads of cattle along the Kenya/Tanzania border.

(2) Explain why, despite various treaties made at diplomatic level to have the Tanzanian Government release the cattle, the Tanzanian Government officials proceeded to auction the cattle in Tanzania.

(3) Explain what measures the Government of Kenya has taken to address the seizure and auctioning of the animals and the arrest of Kenyan herders to ensure that this does not happen again.

(4) Indicate what compensation will be given to the 23 families of the herders whose livestock was seized, noting that livestock farming is their sole source of livelihood.

(5) Explain what the Government is doing to address the strange relationship between Kenya and Tanzania in the context of the East African Community Treaty, noting the several hostile acts that have recently been undertaken by the Tanzanian Government officials against Kenyans.

Thank you.

**Sen. Haji:** Mr. Speaker, Sir, we are all aware that besides the cattle, there are chickens and eggs which were destroyed in Tanzania. However, the good news is that His Excellency the President Uhuru Kenyatta and President John Magufuli met in Kamplala and there was an indication that the two Ministers of Foreign Affairs would be dealing with this issue.

So, in view of that, we will try in three weeks' time to give the Statements required.

**Sen. Pareno:** Mr. Speaker, Sir, I did not hear within what period the issue is going to be addressed. We need to be precise.

**Sen. Haji:** Mr. Speaker, Sir, I said that we will try within three weeks.

**Sen. Pareno:** Mr. Speaker, Sir, that is reasonable considering the magnitude of the matter that we are handling. Since it involves two partner states, we can wait for three weeks and get proper handling of the situation.

It is also important to note that all the animals that were sold left these families without any livelihood whatsoever. In fact, we are informed that the children have dropped out of school because of lack of school fees and, therefore, we need to know how we are going to address this. The three weeks would be sufficient for us to address it properly.

#### COMPENSATION TO PERSONS DISPLACED BY THE SGR PROJECT

**Sen. Faki:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 46 (2) (b) to seek a Statement from the Chairperson of the Standing Committee on Land, Environment and Natural Resources, regarding compensation to persons displaced from their land to pave way for the construction of the Standard Gauge Railway (SGR).

In the Statement, the Chairperson should state:-

(1) The number of people displaced by the SGR in Sectors zero to 20 in Mombasa County.

(2) The number of people who have been compensated so far indicating how much each of them has received.

(3) When the remaining people affected would be compensated, considering the fact that the law requires full and prompt compensation.

(4) Why the police attached to Miritini SGR Station Terminal have been harassing innocent members of the public who are doing business and earning an honest living outside the terminal.

Thank you.

**Sen. Mwangi:** Thank you, Mr. Speaker, Sir. This Statement is important to have been brought before this House. However, I will respond to the Statement in two weeks' time as I need to seek answers from the involved Ministries. It is true that these people need to be compensated.

**The Speaker** (Hon. Lusaka): Is that okay with you?

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

#### PROVISION OF WATER SERVICES TO KITENGELA TOWNSHIP AND ITS ENVIRONS

**Sen. Seneta:** Mr. Speaker, Sir, pursuant to Standing Order No. 46(2)(b), I rise to seek a Statement from the Committee on Lands, Environment and Natural Resources on the provision of water services to Kitengela Township and its environs. In the Statement, the Chairperson should:-

(1) State whether the Government is aware that Kitengela Township and its environs are hit by water shortages? This shortage has rendered living in Kitengela and its environs unbearable, given that water plays a key role in the nation's economy as a resource for consumption, energy generation, agricultural development, industrial growth, livestock and tourism, among many other uses.

(2) State which water and sewerage company is mandated to provide water services to Kitengela and its environs; confirm whether this company provides water directly or through intermediaries; and, who the intermediaries are?

(3) Explain why the Export Processing Zone Authority (EPZA) is the company that sells water to the residents of Kitengela and its environs?

(4) Outline the measures that the Government has put in place to ensure that adequate clean water is provided to the residents of Kitengela and its environs?

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Could we hear from the Chairperson of the Committee on Lands, Environment and Natural Resources?

**Sen. Mwangi:** Mr. Speaker, Sir, this is another important Statement being sought. Kitengela is a dry area and it requires to be served with adequate supply of water. However, I cannot answer the question right now because I will need to consult the relevant ministry; the Ministry of Water and Irrigation. We should give an answer in two weeks.

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

**Sen. Seneta:** That is okay, Mr. Speaker, Sir.

Thank you.

**The Speaker** (Hon. Lusaka): Proceed with the next Statement.

CLIMATE CHANGE AND ITS EFFECTS ON  
PASTORALISTS AND LIVESTOCK

**Sen. Seneta:** Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No. 46(2)(b), I rise to seek a Statement from the Chairperson of the Committee on Agriculture, Livestock and Fisheries on climate change and its effects on pastoralists and livestock. In the Statement, the Chairperson should:-

(1) State whether the Government is aware that as a result of global climate change, a chronic drought situation has developed that has constantly led to lack of water for both household and livestock use? This has diminished livestock pasture, productivity, led to inadequate human food, loss of livestock, hence loss of livelihood for the pastoral community.

(2) Explain why the Government stopped the livestock offtake program that enabled buying of animals during periods of drought by the Kenya Meat Commission (KMC) and whether there are plans to reinstate and upscale the program?

(3) Explain why the Government has not taken any policy measures to permanently address the problem of lack of pasture, including but not limited to providing seeds, grass and other inputs; planning and harvesting equipment in addition to enhancing capacity building on pasture production and conservation in the Arid and Semi-Arid Lands (ASAL) counties?

(4) State whether the Government could, in the short run, consider providing funds to livestock farmers to restock after the drought as a mitigation measure?

(5) Explain what the Government research institutions like the Kenya Agricultural and Livestock Research Organisation (KALRO) are doing, as part of their mandate to come up with innovative ways of improving feed availability throughout the year, especially during the dry season and coming up with well suited fodder for the different production systems?

(6) Explain what the Government and its agencies like the National Drought Management Authority (NDMA) – which is mandated to establish mechanisms to ensure that drought does not result in emergencies and that the impact of climate change are sufficiently mitigated if done – have done to redeem the situation?

(7) Explain why the Government has constantly focused on intervention measures during disasters – which are usually expensive and unsustainable – instead of enhancing community capacity towards preparedness, which can provide a long term solution to the effects of drought?

(8) Lastly, explain why the Government cannot facilitate the ASAL counties, especially on strategic livestock food reserves in order to promote livestock food security in these counties, like is the case with the strategic human food reserves?

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Could we hear from the Chairperson of the Committee on Agriculture, Livestock and Fisheries? If he is not there, could we hear from the Deputy Chairperson?

**Sen. Lelegwe:** Thank you, Mr. Speaker, Sir. On behalf of the Committee on Agriculture, Livestock and Fisheries and my Chairperson, I undertake to give the response to the Statement by Sen. Seneta in the next three weeks.

**The Speaker** (Hon. Lusaka): Is that okay?

**Sen. Seneta:** Mr. Speaker, Sir, looking at the situation of our people from the affected counties, this is an urgent matter that needs both short and long term strategies. I, therefore, expect the Committee to undertake this as urgently as possible for us to get ways of assisting our people.

**The Speaker** (Hon. Lusaka): Senator, I thought that you are a Member from one of the affected counties and, thus, you will seize that opportunity to expedite an answer for your people to be saved from the drought? So, can you give an answer that will be acceptable?

**Sen. Lelegwe:** Thank you, Mr. Speaker, Sir. I appreciate the Statement by Sen. Seneta. We undertake to do all that is possible to respond to the issues contained in the Statement in the next two weeks.

**The Speaker** (Hon. Lusaka): Is two weeks okay?

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

ALLEGED DISCOVERY OF GAS IN KIPETO  
VILLAGE IN KAJIADO COUNTY

**Sen. Mpaayei:** Mr. Speaker, Sir, pursuant to Standing Order No. 46(2)(b), I rise to seek a Statement from the Chairperson of the Committee on Energy regarding the alleged discovery of gas in Kipeto Village, Keekonyokie ward in Kajiado West Constituency, Kajiado County. In the statement, the Chairperson should:-

(1) State the type of gas that was discovered in Kipeto Village, Keekonyokie ward in Kajiado West Constituency, Kajiado County in 2017?

(2) Explain the measures that the Government took upon the report being made of the discovery of the gas; and,

(3) Table a report on the findings on the preliminary examination on the gas.

Thank you, Mr. Speaker, Sir.

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

**Sen. (Eng.) Maina:** Thank you, Mr. Speaker, Sir. The request is well appreciated. This gas was discovered recently. I undertake to contact the Ministry of Energy and Petroleum and come back with an answer within a fortnight.

**The Speaker** (Hon. Lusaka): Sen. Mpaayei, is that okay?

*(Sen. Mpaayei spoke off-record)*

You are not on record.

**Sen. Mpaayei:** That is okay, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Yes, Sen. Cherargei.

#### ONGOING RECRUITMENT EXERCISE BY KDF

**Sen. Cherargei:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 46 (2) (b) to seek a statement from the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations regarding the ongoing recruitment by the Kenya Defence Forces (KDF).

In the Statement, the Chairperson should:-

(1) Explain the recruitment policy by the KDF in the ongoing recruitment exercise, indicating the criteria used to identify eligible recruits in various recruitment centres.

(2) Explain why youth from various wards were turned away from recruitment centres because their identity cards indicated that they hail from different wards from the centres where the process was taking place and especially in the following two incidences:

(a) why the youths from Chemelil/Chemase Ward, in Tinderet Sub-County were turned away from Maraba recruitment centre because their identity cards indicated Aldai Division in Aldai Sub-County, Nandi County.

(b) why youths from Kapsimotwa Ward in Tinderet Sub-County were also turned away from Maraba recruitment centre because their identity cards indicated Nandi Hills Ward in Nandi Hills Sub-County, Nandi County.

(3) State whether the KDF is considering reforming this discriminatory practice in their recruitment process.

Thank you, Mr. Speaker, Sir.

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

**Sen. Haji:** Thank you, Mr. Speaker, Sir. As far as the requirements in the recruitment are concerned, they are all over the newspapers. On the question of the youths being turned away from many stations or two stations, I will attempt to give the answer to the statement in a week's time.

**The Speaker** (Hon. Lusaka): Is that okay?

**Sen. Cherargei:** Yes, Mr. Speaker, Sir.

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

Since she is not here, we will defer her request for a statement.

Yes, Sen. Mwaruma.

**Sen. Mwaruma:** Thank you, Mr. Speaker, Sir. Before I request for this statement, I would like indicate that I wanted to ride on Sen. Faki's Statement, but when placed a request you did not give me that opportunity.

**The Speaker** (Hon. Lusaka): Sen. Mwaruma, it is already late.

**Sen. Mwaruma:** Okay, Mr. Speaker, Sir. I will request a statement because the issue of compensation by the Standard Gauge Railway (SGR) also concerns Taita-Taveta County.

RELOCATION OF ELEPHANTS FROM LAIKIPIA TO  
TSAVO NATIONAL PARK

**Sen. Mwaruma:** Mr. Speaker, Sir, I rise pursuant to Standing Order 46 (2) (b) to seek a statement from the Chairperson of the Standing Committee on Tourism, Trade and Industrialisation on the relocation of 21 elephants from Laikipia to Tsavo National Park by the Kenya Wildlife Services (KWS).

In the statement, the Chairperson should:-

(a) state the current population of elephants in Tsavo National Park, the capacity of the park and explain whether the park has the capacity to sustain more elephants;

(b) explain the rationale behind the ongoing relocation of excess elephants to Tsavo National Park wherever there is overpopulation in other areas, for instance, in 2011, there was relocation of elephants from Mwaluganje in Kwale and now from Solio Ranch in Laikipia County;

(c) explain the measures the Government has put in place to mitigate the effects of human-wildlife conflict in Taita Taveta given that KWS and the Government are still overpopulating the Tsavo National Park;

(d) table the total value of claims, their nature and the compensation awarded to residents of Taita-Taveta over the last five years due to death, injury of persons and destruction of property and crops by wild animals;

(e) explain if the Government plans to relocate any elephants from Tsavo National Park in Taita-Taveta County to other national parks and game reserves given that Tsavo National Park in Taita-Taveta County is already overpopulated.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Chairperson, Standing Committee on Tourism, Trade and Industrialisation.

**Sen. Kibiru:** Mr. Speaker, Sir, we undertake to give an answer in two weeks' time.

**The Speaker** (Hon. Lusaka): Is that okay?

**Sen. Mwaruma:** Mr. Speaker, Sir, two weeks is too long a time, given that the process will begin anytime and already, the people of Taita-Taveta County feel that this is a systematic way by the establishment to continue marginalising them. I wanted to request for this statement last week, but I did not get that opportunity. If I can get the statement on Tuesday, I will be happy.

As a request, I would want the Chairperson to write to the Cabinet Secretary, Ministry of Tourism to halt that process until public participation has taken place. This is because the CS was in Laikipia and talked to the people there. He massaged their egos and pampered them by saying that now that there is human-wildlife conflict, they can relocate the elephants to Taita-Taveta County without having public participation with the people of Taita Taveta County. I expect to get some response by Tuesday.

**The Speaker** (Hon. Lusaka): Yes, Chairperson.

**Sen. Kibiru:** Mr. Speaker, Sir, luckily the Senator for Taita-Taveta County is a Member of the Committee. If he says that we should work within one week, then I would

request that all Members of the Committee commit to work hard and see to it that we give an answer on Tuesday.

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

Proceed, Sen. Outa.

ALLEGED KILLING OF DEMONSTRATORS  
IN AHERO TOWN, KISUMU COUNTY

**Sen. Outa:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 46 (2) (b) to seek a statement from the Chairperson of the Standing Committee on National Security, Defence and Foreign Relation on the killing of innocent demonstrators in Ahero Town, in Kisumu County, on Tuesday, 6<sup>th</sup> February, 2018.

In the statement, the Chairperson should:-

(1) State the National Police Service policy and legal framework regulating the use of force by police and explain why police officers resorted to unjustifiable extrajudicial killing of innocent demonstrators in Ahero Town, Kisumu County;

(2) State the number of casualties indicating the number of persons dead and those that were injured in Ahero Town during the incident.

(3) State the measures taken by the Independent Policing Oversight Authority (IPOA) to ensure justice is served to the victims of police brutality.

**The Speaker** (Hon. Lusaka): Chairperson, National Security, Defence and Foreign Relations.

**Sen. Haji:** Thank you, Mr. Speaker, Sir. I will endeavour to answer it in a week's time.

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

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

CONSTRUCTION OF APARTMENT BLOCK ON THE  
NAIROBI RIVER BANK ALONG RIVERSIDE

**Sen. Haji:** Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No.46 (2)(b), I rise to seek a Statement from the Chairperson, Standing Committee on Land, Environment and Natural Resources on the construction of a 15 storey apartment block on the Nairobi River Bank along Riverside.

In the statement, the Chairperson should:-

(1) State the law regulating construction of buildings and explain the process followed before approval is granted to commence construction of buildings in Nairobi, particularly in Riverside Estate.

(2) State whether an environmental impact assessment was carried out and table approval of the development projects from all relevant agencies.

(3) State whether the Government will stop the project and take action to restore the environment and protect the residents of the area from environmental pollution.

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

**The Speaker** (Hon. Lusaka): What is your point of order, Senate Majority Leader?

**The Senate Majority Leader** (Sen. Murkomen): I am not a fan of riding on statements, but allow me to ride on this one.

We have a major problem in Nairobi with regard to construction of buildings. I would like to ask the Committee, as they look into these questions, to give assurance to all investors in Nairobi, particularly those who are investing in homes that their investments are safe. There is a long term policy in Nairobi County in so far as residential areas and the type of houses allowed in a particular area, so that someone does not invest in an expensive house, say Kshs100 million with a swimming pool and then next door, someone erects a five or ten storey building that renders his investment useless.

Mr. Speaker, Sir, since we have a new Governor in Nairobi County, I suggest this question should not be answered by the Ministry that deals with policy, but we direct it to Nairobi County Government which deals with implementation, gives permits and licences for conversion of properties from residential to commercial.

My concern is that the Committee should not just look at the environmental impact assessment, but look further in the question of settling the whole idea about planning, even if it requires incorporating another Committee to assist them. This Committee is the same one involved with land and planning matters.

The Committee, therefore, instead of writing to the Cabinet Secretary in charge of policy matters, it should invite the Cabinet Secretary in charge of Devolution and Planning, the Governor of Nairobi and all departments concerned with planning and give assurance to investors and people living in Nairobi that their homes and property are safe and within the law.

**Sen. Haji:** Mr. Speaker, Sir, with your permission, I would like to table the architectural drawing of the building and all the contacts to make it easy for the committee that will be investigating this matter.

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

**Sen. Mwangi:** Mr. Speaker, Sir, I will give an answer in two weeks' time. I will include answers to the questions asked by the Senate Majority Leader.

There is town planning department within the County Government of Nairobi. In the old days, in places like Karen, one could not be allowed to build a house in less than five acres of land. It came down to two and a half acres and later on, to one acre. In many areas, today, it has gone down further to half an acre.

These are questions that should be dealt with although in most areas in Nairobi, the town planning department within the county government does not allow building of houses within a small area that has not been allowed by the planning department.

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

**The Speaker** (Hon. Lusaka): Sen. Outa, what is your intervention?

**Sen. Outa:** Mr. Speaker, Sir, I might be hearing something else, but I find it really hard to follow the proceedings in the House because of the noise from outside. In future, if there will be these kind of events across the road, will there be a way that they can control the noise because as we sit here, instead of listening to the proceedings, I am dancing?

*(Laughter)*

**The Speaker** (Hon. Lusaka): Unless you are dancing while sitting down.

**Sen. Outa:** Mr. Speaker, Sir, there are a number of ways of dancing.

**The Speaker** (Hon. Lusaka): We acknowledge the inconvenience, but this is due to the World Cup. I am sure that it will not happen until after four years. Let us accept it for now.

ALLEGED MURDER OF MS. MARY NATEMBEA  
BY HER HUSBAND

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me the opportunity.

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 murder of Ms. Mary Natembea, allegedly by her husband, on 14<sup>th</sup> February, 2018. In the statement, the Chairperson should:-

(1) Explain the circumstances surrounding the murder of Ms. Mary Natembea who was expectant and allegedly killed by her husband on 14<sup>th</sup> February, 2018 at their home in Lumakanda Ward, Lugari Constituency, Kakamega County, in violation of Article 26 (1) and (3) of the Constitution.

(2) Explain the efforts the Government has put in place to ensure that the murderer is apprehended and charged accordingly.

(3) Explain the measure that the Government has put in place to deal with the rising cases of Gender Based Violence (GBV) in Kenya that have resulted in deaths and maiming of persons, especially women, over the last few months.

(4) Explain the measures that the Government has put in place to ensure that the interests of children who belong to such families that are faced with GBV are taken care of as per Article 53(2) of the Constitution, including, but not limited to, provisions of psychological, counseling and basic needs.

Thank you, Mr. Speaker, Sir.

**Sen. Haji:** Mr. Speaker, Sir, I will respond to it in two weeks' time. It is the same office which I expect to give us the answers.

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Musuruve, is two weeks okay with you?

**Sen. (Dr.) Musuruve:** That is okay, Mr. Speaker, Sir, if a thorough investigation will be done concerning Ms. Mary Natembea for justice to prevail.

INVASION BY ILLEGAL SETTLERS/ILLEGAL  
SUB-DIVISION OF KARLO LAND

**Sen. Mwaruma:** Thank you, Mr. Speaker, Sir. I stand pursuant to Standing Order No.46(2)(b) to seek a statement from the Chairperson, Standing Committee on Lands, Environment and Natural Resources on the invasion by illegal settlers and illegal sub-division of the Kenya Agricultural and Livestock Research Organisation (KARLO) land.

In the Statement, the Chairperson should:

(1) Give the total acreage of the KARLO land in Bachuma in Taita-Taveta County.

(2) State whether KARLO has a title deed for the land in Bachuma and all other lands owned by KARLO in Kenya.

(3) Explain the Government policy on registration, issuance of title deeds to land held by Government agencies and the process of transferring such land to individuals.

(4) Explain why Kwale County Government allegedly hired a private surveyor to subdivide the Bachuma KARLO land.

(5) Table a list of beneficiaries of the land after it was subdivided.

(6) State the measures that the Government will take to restore the land at Bachuma to KARLO.

**The Speaker** (Hon. Lusaka): The Chairperson of the Standing Committee on Land, Environment and Natural Resources, please, respond.

**Sen. Mwangi:** Mr. Speaker, Sir, it is a bit unfortunate that the questioner is a Member of the Committee. He and other Members will work on this matter and give a report in three weeks because he knows how the Committee is placed in terms of the business that we have.

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

**Sen. Mwaruma:** Mr. Speaker, Sir, most obliged.

DIVISION OF REVENUE OBTAINED FROM MINING  
IN TAITA-TAVETA COUNTY

**Sen. Mwaruma:** Thank you, Mr. Speaker, Sir. I stand pursuant to Standing Order No.46(2)(b), to seek a Statement from the Chairperson of the Committee on Land, Environment and Natural Resources on the Division of Revenue obtained from mining in Taita Taveta County, between Taita-Taveta County and the national Government.

In the Statement, the Chairperson should:

(1) State the economic value of the minerals that are found in Taita-Taveta County, indicating the total income from mining activities in the county for the last three years.

(2) State whether the income received from mining in Taita-Taveta County is directed to the national exchequer as required by the Mining Act.

(3) Indicate whether the ratio of income between the national and county government and the community, complies with Section 183(5) of the mining Act.

I thank you.

**The Speaker** (Hon. Lusaka): The Chairperson of the Standing Committee on Land, Environment and Natural Resources, please, respond.

**Sen. Mwangi**: Mr. Speaker, Sir, we will investigate this matter. The questioner, Sen. Mwaruma, is a very active Member of our Committee. Him, other Members of the Committee and I will go into the matter, since mining is under the purview of the Committee and we should be able to come back to this House and give an answer in four weeks.

**The Speaker** (Hon. Lusaka): Sen. Mwaruma, what do you say?

**Sen. Mwaruma**: Mr. Speaker, Sir, it is okay.

LICENSING OF LIQUOR AND CO-ORDINATION  
OF LIQUOR RELATED LAWS

**Sen. Seneta**: Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No.46(2)(b), I rise to seek a Statement from the Chairperson of the Committee on Tourism, Trade and Industrialisation on licensing of liquor and co-ordination of liquor related laws in the country.

In the Statement, the Chairperson, should:

(1) State the requirement that must be satisfied before a trader is issued with a liquor trading licence.

(2) Explain the process of liquor licensing, indicating the role of various state or county organs involved in the process.

(3) Explain the respective roles and the coordination mechanism required of the county and national organs involved in the enforcement of liquor related laws and regulations

(4) State various taxes or levies imposed on traders involved in liquor trading in Kajiado County.

(5) Explain why liquor traders in Kajiado County are being subjected to harassment and extortion by police officers, County Inspectorate and County Public Health officers in the quest of inspection and enforcement.

Thank you.

**The Speaker** (Hon. Lusaka): Where is the Chairperson of the Committee on Tourism, Trade and Industrialisation? Is the Vice Chairperson here?

*(Sen. Kibiru stood)*

**An. hon. Sen.:** The Chairperson is here.

**The Speaker** (Hon. Lusaka): I am not sure whether you heard the question.

*(Laughter)*

Yes, Chairperson, respond.

**Sen. Kibiru:** Mr. Speaker, Sir, likewise, we would want to promise that we will give an answer in three weeks. I was listening to music. Like my friend said, I was dancing a bit. So, we will give an answer in three weeks' time.

**The Speaker (Hon. Lusaka):** Is that okay?

**Sen. Seneta:** Mr. Speaker, Sir, we want to appreciate that there is a very big number of liquor entrepreneurs in this country. The suffering that is there in our counties because of this confusion of the liquor licensing; on who to charge which license is very big and we are losing in the economy because of the confusion. So, three weeks is a very long time to me. Two weeks could do me a favour.

**The Speaker (Hon. Lusaka):** Sen. Kibiru, respond.

**Sen. Kibiru:** Mr. Speaker, Sir, yes. Two weeks' time.

**The Speaker (Hon. Lusaka):** Okay; two weeks. It is so directed.

#### THE KILLING OF LIVESTOCK IN RATIA, LAIKIPIA COUNTY

Hon. Senators, let us get a response from the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations in relationship to killing of livestock in Ratia, Laikipia North Constituency, asked by Sen. Olekina.

I do not know whether you want to answer in his absence or it is courteous ---

**Sen. Haji:** Mr. Speaker, Sir, I think we better wait for him.

**The Speaker (Hon. Lusaka):** I direct that it be issued next time.

*(Statement deferred)*

Next Order.

#### BILL

*(Second Reading)*

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

*(Sen. Murkomen on 21.02.2018)*

*(Resumption of debate interrupted on 22.2.2017)*

*(Division)*

Hon. Senators, on the request of the Chief Whip from the Majority side, I wish to defer the Order to tomorrow.

Next order.

*(Bill deferred)*

**MOTION**APPOINTMENT OF MEMBERS TO THE  
PARLIAMENTARY SERVICE COMMISSION

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I wish to move the following Motion:-

THAT, pursuant to the provisions of Article 127(2) of the Constitution, the Senate approves the appointment of the following Members to the Parliamentary Service Commission (PSC) -

*Under sub-section (c) (i) -*

- (1) The Hon. Naomi Shabaan, EGH, M.P.
- (2) The Hon. Adan Keynan, CBS, M.P.
- (3) Sen. Beth Mugo, EGH, M.P.
- (4) Sen. Aaron Cheruiyot, M.P. With no additional title.

*Under sub-section (c) (ii) -*

- (1) The Hon. Ben Momanyi, M.P.
- (2) The Hon. Aisha Jumwa, M.P.
- (3) Sen. George Khaniri, MGH, M.P.

Mr. Speaker, Sir, this is a very important Motion that approves Members who are going to serve Parliament for five years. This is an additional responsibility to Members who are already constitutional office holders to hold another constitutional office in order to represent the interests of Members of Parliament in that Commission and particularly, the two Houses of Parliament.

These seven names of ladies and gentlemen have gone through rigorous vetting and interview by the people of Kenya. Many of them who are in this list, if not all of them, are serving a second term and above. Some of them, like Sen. Mugo, have been Ministers which is an equivalent of Cabinet Secretaries under the new Constitution.

I think Sen. Khaniri wanted to be sure that I will say that he has been an Assistant Minister since he was in his twenties. We have also a person like Hon. Adan Keynan who is a veteran of the Parliamentary Service Commission (PSC). We have a new person who has not held any Cabinet position, like Sen. Aaron Cheruiyot. This is a young person who has been promoted very fast by the people of this country.

Just the other day, I used to see Sen. Cheruiyot roam around Parliament. He used to look for opportunities to speak in political functions. He would ask me if there was an opportunity for the youth to speak. It is amazing how in less than three years, God has elevated him from roaming around the streets of Parliament Road to a powerful Commission as a Parliamentary Commissioner. I am getting the benefit to say this now because once we approve his name, I do not think I will have a chance to say much because of the powers he will be wielding as far as the welfare of the Senate Majority Leader and others in this House is concerned.

However, be it as it may, all these people from both sides of the political divide have a responsibility beyond being Jubilee Party or National Super Alliance (NASA) Members.

We have issues and particularly, as this House. I hope by approving these names, and this will really excite Sen. George Khaniri who was worried that I might bring an amendment midway.

*(Laughter)*

I am saying this because those who are going to serve in the PSC have an onerous task beyond their political parties. Some came through Wiper Democratic Movement (WDM), Amani National Congress (ANC), Jubilee Party, and others through the Orange Democratic Movement (ODM). That is not what is important at the moment. What is extremely important is for them to rise to the occasion and understand the challenges that Parliament is going through.

Mr. Speaker, Sir, more often than not, many people think that the only reason why they are going to sit there is to look into our salaries. However, there is a greater duty to ensure that the constitutional responsibilities of Parliament as a House, whether as a Member of the National Assembly or a Senator in person, are discharged in the best interest of the people of Kenya. When they are there, it is not just our welfare but the welfare of the institution of Parliament itself to ensure that it is functioning. This is the place where, when Kenyans bring their petitions, there is enough capacity in both Houses to process those petitions. When a Member would like a certain legislation to be passed by Parliament, there are mechanisms provided for in Article 118 and 119 of the Constitution and they are well facilitated to ensure that the interests of the people of Kenya are served.

These commissioners must restore the confidence of both Houses on the functionality of the PSC. They must show respect on the desired requirement that the Senate performs its functions just like the National Assembly must perform its functions. It is important to note that the Constitution allowed the Chairman of the Commission to be the Speaker of the National Assembly. However, it also recognised that the Clerk of the Senate will be the Chief Executive Officer. There was a reason to that; so that there is a balanced relationship and consideration of all interests.

I have no doubt that the tradition already established will ensure as the Speaker of the National Assembly is the Chair, the Vice Chair will be a Member of this House. That will ensure that the respect of the institutional relationship between the National Assembly and the Senate goes on.

Mr. Speaker, Sir, I have heard rumours but I do not want to confirm rumours in the Senate because the Senate is a House of record. I hope the stories we hear from people that the Senate will be given less money because we are 67 Members remains a rumour. It is the responsibility of Sen. George Khaniri, Sen. Aaron Cheruiyot, and Sen. Beth Mugo to ensure that they make a case in the PSC for the respect of the institution of Parliament and the respect of the institutions and Committees of the Senate to have their resources to perform their functions.

We have also had the opportunity to discuss the matter of facilitating Senators to carry out their oversight functions through an Oversight Fund. Again, I hope by ensuring

that we pass these names, the PSC will expedite the process of budgeting to ensure those resources are provided for. People need to wake up to the reality.

Sen. Orenge told me something here, on the Floor of the House just before we went on recess last year. I think we were debating the election laws. He insisted that any law that we were going to pass, we must appreciate that one day it might be us who it can be applied against in either side of the House as parliamentarians.

I want our Members in the National Assembly and the Members who are going to be in the PSC, to know that it might actually be them who will be in this House five years down the line. Some of us might be somewhere better than what they think in terms of allocation and transfer of resources.

They must not behave like Sen. Outa, Sen. Sakaja, Sen. (Eng.) Mahamud, Sen. Mwaura, and others who, a few months ago, did not really know that they were going to be in this House. They must act as though they will be leaving the National Assembly to come to the Senate.

The guiding principle should be to make all constitutional offices in the country to function; whether it is the Senate, the National Assembly, the Judiciary or the Executive. Let us be dispassionate about our political differences. If you do not agree with your Senator, it has nothing to do with the institution of the Senate. If you do not agree with your Governor, it does not have anything to do with the institution of county governments.

Mr. Speaker, Sir, that is why many politicians sitting in this House were Senators who do not even agree with their governors. They were not even elected in the same political parties with their governors, but they are standing firm in the Senate championing for resources to be devolved. There must be separation of our day to day political differences with individuals and the institution of governance called county government.

This is the guiding principle that must guide those who are in the National Assembly. This is so that, tomorrow, when they are here, like Sen. Nyamunga, they will say that they are glad to have supported devolution in the Lower House and they now support the Senate. I was just mentioning names of Senators and Members, among others, who were previously in the National Assembly. That should be the guiding principle. Maybe the next Speaker of the National Assembly would have been a Senator. Who ever knew that the former Governor of Bungoma would now be the Senate Speaker?

You have been appointed to perform this function here today because God has given you that opportunity; so you must serve diligently but with the interest of facilitating devolution. I am emphasising on this so that our colleagues in the National Assembly can free themselves from this idea that it is all about the National Assembly versus the Senate; no, it is about institutional capacity.

Mr. Speaker, Sir, on staff welfare, it is time the Parliamentary Service Commission (PSC) sits down and ensures that all the staff are taken care of. There are those who have never been promoted for almost ten years, while there are others who have served for only three years and they have been promoted. We must free the PSC from the day to day political behaviours of a normal politician where one just goes to look after people from their community, party or region and facilitates their welfare. The

PSC Commissioners must go there and behave like patriots who care for the welfare of our staff, no matter where they come from or their tribe. They should only look at the competence of the staff, promoting those who deserve and confirming others so that we do not have so many staff who are casuals for five or ten years. Let everybody be served with justice.

Mr. Speaker, Sir, I am saying this with all due respect. This is because I get staff from all over the country, even from Kisumu, coming to my office to say that they have been working for over ten years without promotion and asking whether there is a way I could help them. Some are even from Elgeyo Marakwet, where I come from, or even from Mombasa. So, you, the PSC should go, sit down and look at a fair system of promotion that will ensure that the welfare of all our staff is taken care of. They should also ensure that there are no extra-legal considerations that will make it impossible for them to be protected, as required by the Constitution.

Mr. Speaker, Sir I would have said a lot of things, but I want every Senator to also have a moment to say something about this issue. I totally support the nomination of these Members. There was a little uproar about one of the proposed names, linking it to issues of decorum, behaviour and so on, and so forth. I emphasize here that as these men and women are going to be Commissioners, they must also conduct themselves in a manner that befits that position out there. Previous behaviours where one sees a Commissioner and a Member of a House – although that behaviour never takes place in the Senate, whether you are a commissioner or not---- This behavior where a Member can pour water on the Speaker or the Deputy Speaker must stop.

Mr. Speaker, Sir, the appearance of Commissioner Sen. Cheruiyot and Sen. Khaniri must be viewed in the same way in the public. This is so that when they speak as members of different political parties in their political rallies, they must always remember the extra responsibility for which they are called Commissioners. They should carry out the interest and welfare of Members across the political divide. They must measure their words and say things with utmost moderation. This is to ensure that we do not have a situation where the Commission will be brought into disrepute as a result of our other political gymnastics that may take place outside this House.

Mr. Speaker, Sir, I beg to move this Motion. Considering that I do not see the Senate Minority Leader or his Deputy, I give the honour to the highest ranking political leader on the other side at the moment for the time being – and I hope permanently – Sen. Were to second this Motion.

**Sen. Were:** Thank you Mr. Speaker, Sir, for giving me this opportunity to second this Motion on the appointment of Members to the PSC. The Members so nominated here for appointment are a good mix. We have the young and the not so young; I do not want to call them old because we are all going to get old. But we have the young people and the experienced people in this group. That mix will give us a good representation to the PSC.

Mr. Speaker, Sir, I urge these Members to become good listeners. Let them listen to the needs of the Members they represent so that when they go to discuss issues, they actually represent the needs of Members. They should act as our representatives, the way

trade unions work, by being there to look after the interest of Members. They should also protect the interests of the Members they represent.

With those few remarks I beg to second the Motion.

*(Question Proposed)*

**Sen. Nyamunga:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to support the Motion on the PSC leadership. I take this opportunity to support the names of the Members who have been given this opportunity. I hope that after this Motion is passed, they are going to be sworn in as PSC Commissioners.

Mr. Speaker, Sir, I just have reservations when I hear that this is a very important Commission and some of the nominees were just loiterers. So, I do not know whether that is going to translate in what we are looking forward to seeing in this Commission. I hope that this Commission is going to bring a lot of sanity in the way Parliament is being run. When I joined the Eleventh Parliament, I was a bit disappointed by the standards, because to me this is an arm of government just like the Presidency and the Judiciary.

I expected sterling performance in how things are run, but I was very disappointed to the extent that now I am part and parcel of it. I do not know if it is improving or not, but I hope that the new Commissioners are going to bring new blood into the running of the affairs of Parliament. It should be run properly and show a lot of excellence in every aspect because it is a very important arm of the government.

Mr. Speaker, Sir, I would like to urge the new Commissioners to do their work with a lot of diligence. They should be broad based in the way they carry out the activities of the House. They should look at all of us irrespective of the political affiliations. They should have the interest of all of us, particularly the Members. People talk a lot about the salaries for the Members of Parliament. But looking at salaries is part of a devolved fund, if I am not wrong. This is because nobody enjoys this money in this House because it comes and goes. So, it should not be a big issue.

The same public making noises about the salaries of Members of Parliament are the same ones who are at the forefront, looking for assistance here and there. Yes, we are going to give assistance, but we cannot, at the same time, be paupers running up and down looking for money. Right now I believe so many Members are suffering. Without the mileage allowance, it has become very difficult for most of us to survive in this House.

I believe that the new Commissioners will look into the issue of mileage allowance and the salaries. I have never heard of any place where salaries go downwards. They either remain constant or the general rule is that they should move upwards because of the inflation that has hit Kenya badly.

Mr. Speaker, Sir, I would like to support the nominees. It is a good mix. We may have wanted other people to be included but, unfortunately, they are not on the list. This is a very selfless walk because as a Commissioner you will serve everybody. There was a lot of push and pull about the names of the nominees and people attached a lot of it to benefits to the Members. It is not about the benefits, but the service you give to colleagues, this honourable House and the general public. I hope that the nominees will

raise the standards and make sure that we are put where we belong. The standard of running this House is most important.

Mr. Speaker, Sir, I support the nominees and thank you for giving me the opportunity.

**The Speaker** (Hon. Lusaka): Yes, Sen. Poghisio.

**Sen. Poghisio:** Mr. Speaker, Sir, I rise to support the Motion and congratulate in advance those whose names we have been given. The Commission stands for something very important. Since it is anchored in the Constitution, it means that it is an institution that must stand the test of time and embody the dignity of the House.

The hon. Members expect these Commissioners to stand firm for them and the institution of Parliament. I had the privilege of being in the very first Parliamentary Service Commission; that was about 1998/1999. At that time, we mostly served on voluntary basis; we did not have the perks that go with the Commission these days. Nonetheless, the attitude that time was that Parliament was being taken for a ride and parliamentarians were treated as an extension of the beggars on the street. Sometimes parliamentarians were denied rights and privileges. They did not have the right salaries.

*(Loud consultations)*

Mr. Speaker, Sir, protect me from the Members who are consulting loudly.

**The Speaker** (Hon. Lusaka): Hon. Members, let us consult in low tones. I know that some of you will soon be Commissioners, but you need to consult in low tones.

Sen. Poghisio, please, proceed.

**Sen. Poghisio:** Mr. Speaker, Sir, they are still asking for my vote. I support the Motion and hope that the Commissioners will think more about the Membership and the institute of Parliament than themselves. That has been the issue. Some of the Commissioners go there and think more about themselves than the rest of us. Let them be selfless; I wish them well.

Mr. Speaker, Sir, I support.

**The Speaker** (Hon. Lusaka): Yes, Sen. Madzayo.

**Sen. Madzayo:** Asante, Bw. Spika. Kwanza ningependa kutoa kongole zangu kwa wale ambao wameweza kuchaguliwa katika taasisi hii ya Bunge. Taasisi hii ni kiungo muhimu sana kwa Seneti na hata Bunge la Kitaifa. Kwa hivyo, nawaunga mkono wote walioweza kuchaguliwa.

Wale waliopendekezwa ni watu ambao nimeweza kufanya kazi kwa karibu sana, kwa mfano ndugu yangu, Sen. George Khaniri, ambaye anafanya mazungumzo upande ule na mdogo wangu, Sen. Aaron. Sen. George Khaniri ni mwalimu wa sheria za hapa Bungeni. Kwa hivyo, najua kwamba atapeleka akili hiyo katika taasisi hii ya bunge.

Vile vile mdogo wangu, ambaye naelewana naye sana, Sen. Aaron, ana uwezo, nguvu, akili na maarifa ya kuweza kuendesha kazi katika taasisi hii ya Bunge. Vile vile, Sen. Beth ni dada ambaye namheshimu sana. Ni mkakamavu sana katika upande wa siasa. Najua kwamba alitekeleza jukumu hili hapo awali na ataendelea kulifanya. Nakutakia kila la heri, dada yangu.

La muhimu ni kuona ya kwamba kwa mara ya kwanza katika historia ya taifa hili mhashimiwa wetu mmoja kutoka eneo la Pwani, haswa zaidi Kilifi, dada yetu Mhe. Aisha Jumwa, ameweza kupendekezwa kuhudumu katika taasisi hii ya Bunge. Hii inafanyika kwa mara ya kwanza kuanzia mwaka wa 1963. Tuna imani kwamba Mhe. Aisha atatekeleza jukumu hili vizuri.

Bw. Spika, hata hivyo ningependa kusema kwamba sio kila kitu kinaenda sawa katika tume hii ya Bunge. Kuna mambo fulani ambayo tume inayoondoka haikufanya. Kwa mfano malipo ya *mileage* iliondolewa, ingawa tumesikia ya kwamba huenda yakarejeshwa. Vitu vingine vilikuwa vimeondolewa. Kwa hiyo, wale ambao tunawachagua hivi sasa wanafaa kututetea zaidi.

Wa muhimu zaidi pia ni wafanyakazi wa hapa ndani ya Bunge. Sisi kama viongozi tunapata lawama. Tunambiwa mambo kadhaa kuwahusu wafanyakazi. Kama alivyosema Kiongozi wa Wengi, Sen. Murkomen, hawa wafanyakazi wanafanya kazi ngumu sana. Kwa mfano, Mbunge akiongea kitu ambacho hakifai, Bw spika husema atolewe nje. Kumtoa mbunge ndani ya Bunge sio rahisi hivyo. Kwa hiyo wafanyakazi wa Bunge wakikufuata na kukuambia utoke, utatoka. Kwa hivyo, kazi zao ni ngumu sana, hasa kuhakikisha kwamba hakuna upande unaopendelewa.

Kwa muda wote ambao wamekuwa wakifanya kazi hapa ndani ya Bunge, maafisa wetu wa *Serjeant-At-Arms* hawana muungano wa kutetea haki zao au *trade union*. Maafisa wa *Serjeant-At-Arms* na wale wa *Hansard* wamekuwa wakijipata katika hali ya sintofahamu. Wafanyakazi wengine wa Bunge wako na directorates lakini wale watu wa *Serjeant-At-Arms* na *Hansard* hawana *directorates*. *We will let them to manage their own affairs because they know themselves better. They know who is competent and who is not.* Wao wenyewe watajua la kufanya.

Bw. Spika, kuhusu swala la kupandishwa vyeo na kuajiriwa kazi kwa watu kutoka maeneo tofauti tofauti ya Jamhuri yetu ya Kenya, siwezi kusema mengi. Hii ni kwa sababu nimekuwa na ufahamu mwingi kwa muda nimekuwa hapa. Nimekuwa katika Bunge la Kumi na Moja na sasa katika Bunge hili la Kumi na Mbili. Ni maoni yangu kuwa tunapogawa nafasi za kazi, tuhakikishe kuwa makabila yote 43 yanaakilishwa katika tume ya Bunge letu la Kenya. Wakati huu, mambo sivyo. Hapa tuna Sen. Aaron Cheruiyot, Sen. George Khaniri, dada yangu, Sen. Beth Mugo, Mhe. Aisha Jumwa na wengine ambao sina uzoefu wa karibu nao. Itakuwa vyema kwao ikiwa wakati wa kuaajiri wafanyakazi hapa Bungeni watahakikisha taifa nzima limeakilishwa. Kazi yao itakuwa rahisi wakifanya hivyo.

Mwisho ni kwamba, pesa za Seneti na pesa za Bunge la Kitaifa zimekuwa zikitofautiana. Ni wajibu wao waliopendekezwa hapa kuona ya kwamba tofauti hizi zimepungua kwa sababu sisi sote tuko sawa. Pesa zetu ambazo zinapelekwa katika Bunge la Kitaifa, hazifai kubadilishwa kwa senti moja. .

**The Speaker** (Hon. Lusaka): Sen. Mwangi Paul Githiomi, you have the Floor.

**Sen. Mwangi:** Thank you, Mr. Speaker, Sir. I arise to support this Motion and urge the Senate to approve the list of the Senators proposed here to be commissioners in the PSC because they are capable.

Looking at the list of those proposed, I see the name of Hon. Naomi Shaban who has been a Minister in this country for a long time. Hon. Keynan served as a

commissioner in the last Parliament. Sen. Beth Mugo has been a Member of Parliament and a Minister for a long time. Sen Aaron Cheruiyot is a very active Senator and I do not want to say that he is young although he is of the same age with my children.

*(Laughter)*

I am talking of individuals of high integrity. They should be approved to serve as commissioners in the PSC. I support them because they will serve the welfare of the Members of this House and the National Assembly.

The Senate has been disadvantaged. The Constitution gives us oversight responsibilities, but mileage given out is calculated up to the home of the Senator. How does a Senator go around the whole county? Therefore, those who will be approved as commissioners must mind the plight of the Senators in this House. They must know they are going to work on behalf of the Senate for the benefit of the Senators. I wish they would serve for half a term and seek re-election. This is because if they do not serve us well, we get them out of the PSC.

A Senator is the most disadvantaged person in politics. A Member of the County Assembly (MCA) has some money to do his work. County Each Woman Representatives has Kshs7 million per constituency per year to do her work. The Members of the National Assembly have over Kshs100 million per year to do their work whereas a Senator has nothing; no money at all. One of our duties is representation of the populace. However, we have a lot of problems serving them. The populace challenges us that a Member of the National Assembly can give them bursaries while we cannot give them the same? You become so embarrassed.

The only thing that a Senator will get is his salary. Hon. Senators receive funds to sustain themselves in their duties as spelt out by the Constitution. The former Senators in the PSC in the last Parliament did not serve Senators who were there then. That is why we have this problem. These individuals proposed here should take their work seriously because they will be commissioners to us Senators and Members of the National Assembly. They must take into consideration the welfare of the Senators. They should be able to talk on their behalf the same way we talk on behalf of our electorate who elected us to this House.

When you talk of the office of the Senator I see a different issue. I see a Senator who should have serious professionals in his county like an engineer with his staff in that office to oversee construction works going on in the county. He should have an accountant who will be able to get details of expenditure from the county government offices by devising his own ways of getting those figures so that he can prepare the Senator to debate effectively in this House. We need to see an economist in that office who will be able to foresee the projects in the county. We should deal with this issue of the Senators' office in terms of: What should be in the office? Which professionals should serve there? What are they supposed to do? How are they supposed to prepare the Senator so that when he comes to this House, he is able to debate the events in the county competently?

We are expecting that those who will be approved today will ensure that we have well-furnished offices to be able to oversee the activities of governors. A governor is given Kshs5 billion or Kshs8 billion. As a Senator, I am expected to ensure that money is spent properly by inspecting projects. I am also expected to assist the electorate understand what is going on in the country yet I am not facilitated to do so. How do I go to Ndaragwa and other places and the salary I get is not even enough for me?

Mr. Speaker, Sir, we should take this Senate seriously. Nobody is going to promote us if we cannot promote ourselves through the commissioners that we will approve today. Nobody will talk on our behalf. After all, we are politicians and we are expected to work. The Senate must facilitate us to do our work. As it is today, never should anybody lie to this Senate that a Senator is able to oversight a governor. They have no facilities to do so. We would like our commissioners, both from the National Assembly and the Senate, to take their work seriously and ensure that they empower this Senate.

Mr. Speaker, Sir, we are naked. We cannot do anything yet we are supposed to oversight governors. It is a big dream for anybody here to think that you can oversight a governor who has Kshs5 billion yet you have nothing and you cannot even fuel your vehicle to go and oversight.

So, we shall approve this list as it is. We pray to God that these commissioners will take their work seriously because if they do not, we will pray that whichever Senate that will be there does not approve them again. That is what I have to contribute for now.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to congratulate my colleagues who were elected as commissioners. I am happy with the balancing of gender because the ratio is three to four, which I think is a good representation as opposed to if we only had one. I am happy for the three ladies who are Hon. Beth Mugo, Hon. Naomi Shaban and Hon. Aisha Jumwa and I believe that they will represent us effectively.

I am also happy that we have been interacting with these colleagues of ours before they became commissioners and they know the issues we have and where the shoe pinches most. I am certain that they still have those memorable experiences we have had together and they will represent us effectively. I know that they will also remember that the issues that affect them are the same issues that affect us and we are banking on them to represent us. I hope they will also look into the issue of our packages as Senators.

I would like to say before this House that the issue that the Senator has just talked about concerning embarrassment out there is real and not a joke. I once had an opportunity to visit Persons with Disabilities (PWDs) back in the county. I was sponsored by the Senate to go and see what was happening in the field. I was embarrassed because the women representative came and said what she was going to contribute towards the project and the people were very happy. As a PWDs representative, I could only buy them two sacks of feeds.

The women representative went ahead and said that she was going to buy drinks for all the people on one side and asked me to buy drinks for people on the other side. I was so embarrassed because I did not even have money to buy the drinks. I had to look for a way of doing public relations, just to show the people that we were together. I had to

remind them that I bought the feeds because I had budgeted for that. Again, the women representative went ahead to say the things she was going to do for the county. I was almost tempted to promise them what I will do but I realised that I have no money at all.

The commissioners should remember to represent us. They should ensure that we have a sufficient kitty so that we can move. This is a platform for us to get elected but we cannot be elected without money. If we get enough money for oversight, that will help us move from being nominated to being elected.

My three sisters know very well how difficult it is for a woman to get an elective position. The Constitution has created a chance for us to be nominated and we want many women to be in this Parliament. However, we would like to have the nominated women move up the scale from being nominated to getting to elective positions, so that we leave room for other women. If we do that, we will have good representation in the House.

I believe that these commissioners will represent us well and that they will be impartial in executing their mandate. I also believe that they will practice fairness as they represent the two Houses; the National Assembly and the Senate. As they carry out their mandate, they should also remember that the Senate is the “Upper House” but we have a shortfall of many things. I need not to mention things that we fall short of because they are part of us and they know them.

I believe that the commissioners will leave a legacy so that what the Twelfth Parliament did is remembered. Despite the shortcomings, it should be clear that we had issues of mileage and nominated Senators’ kitty which were addressed.

I second this Motion and believe that the commissioners will carry our thoughts into their offices and we shall be far better than we are. They should hold office and execute their mandate according to the Constitution and also be impartial in their undertakings.

I thank you.

**Sen. Gona:** Asante Bw. Spika kwa nafasi hii. Naunga mkono tume iliyoteuliwa na ninafurahi kwamba kwa mara ya kwanza sisi pia tumezawadiwa. Ni kama kila siku unaenda shuleni kuzawadi watoto wa wengine lakini mtoto wako hafanyi vizuri. Nina furaha kwa sababu ya majina yaliyoletwa hapa, hasa jina la Mheshimiwa Beth Mugo. Yeye na mimi tuliteuliwa.

Kuna shida nyingi sana ambazo wabunge walioteuliwa hupitia katika mabunge haya. Mara nyingi tunaonekana kama hatustahili ama tulikuja hapa kwa bahati mbaya. Mimi kama Seneta si tofauti na mwenzangu aliyechaguliwa kwa sababu majukumu ni yale yale na shida ninazopata ni zile zile. Mwananchi wa kawaida hajui kwamba mimi niliteuliwa ama nilichaguliwa. Yeye anajua kwamba mimi ni Seneta. Mimi pia hupata jumbe za kutafutia watu kazi na mambo mengine.

Ninamsihi Mheshimiwa Beth Mugo, kwa vile yeye ndiye tunayemtegemea, ahakikishe sisi wenzake hatuteseki. Nimesikia kwamba kuna pesa za kwenda mashinani kuhakikisha pesa zinazopelekwa kule zinatumiwa vizuri. Nasikia fununu kwamba sisi pia tutapewa pesa hizo. Kwa hivyo namsihi awe mstari wa mbele kututetea ili sote tupate.

Nashukuru pia kwa sababu kuna wanawake watatu na hivyo si vibaya. Zaidi ya hayo, kuna wafanyakazi ambao wataandikwa. Wakati watakakuwa wakifanya hivyo pia waangalie kina mama wenzetu. Bunge linafaa kuwa na sura ya Kenya. Shinda

wanazopata ndizo hizo tunazopata kama vile watu kutaka kuandikwa kazi. Wakati watakapokuwa wakiandika watu kazi, hata sisi pia watupe nafasi hata kama ni mbilimbili au tatutatu. Tutashukuru kwa chochote kile tutakachopata.

Asante Bw. Spika.

**Sen. Shiyonga:** Thank you, Mr. Speaker, Sir. I rise to support this Motion on the nomination of the Members of the Parliamentary Service Commission (PSC). My colleagues have already spoken on the mandate that our nominated commissioners are going to undertake. However, my opinion is that the nominees should look into the welfare of our staff and especially the catering staff. When being served by our catering staff, I normally look at their uniform and it does not please me at all. The staff needs to be decent when serving us and therefore need to be considered when it comes to their uniforms.

Therefore, as the nominees to the PSC, take care of them as they are your sisters and children. They need to look smart and neat when serving us. Furthermore, if you look at the female staff, their uniforms are very short and have faded. Once you are appointed, please, take care of these ladies.

Sen. Mugo, you are our ambassador as nominated Senators, so kindly look at our welfare. Standing here as a nominated Senator, it cannot go unchallenged looking at my mandate here.

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Hon. Members, let us consult in low tones so that we follow the debate.

**Sen. Shiyonga:** Thank you, Mr. Speaker, Sir. We look forward to seeing Sen. Cheruiyot being the best Senator and commissioner. We are going to vote for him and therefore, if he could hear what I am going to send him to do there, then it can be well placed. In addition, I want Sen. Cheruiyot to be attentive.

Mr. Speaker, Sir, looking at the security of our offices, it is very relaxed especially where some of us are hosted at the Red Cross Building. You cannot differentiate between a common mwananchi who is passing by and Members of Parliament as everyone is coming in and going out. So, as nominees to the PSC, kindly look into our security because it is relaxed and you cannot differentiate between a Member of Parliament, staff or *mwananchi* who is visiting a Member. Therefore, once you take up your position, our security should be paramount.

Lastly, we are requesting the nominees to serve and go beyond the call of being commissioners. This is going beyond sitting in the offices but serving as the call calls for you.

I rise to support.

**Sen. Seneta:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to also contribute to this important Motion. I congratulate the nominees to the PSC in advance. We have worked with some of them in the last Parliament, for example, Hon. Shaban, Hon. Keynan and Hon. Jumwa who was a Woman Representative by then. We have a lot of faith in them as they have expertise in different fields. Therefore, we want to believe

that when appointed, they will serve the interests of the Members of Parliament and Staff of this important institution.

One of the issues I would urge them to look into is the issue of employment in the PSC. They should look into the issue of equality since we have different counties. Whenever people are employed to the PSC, some counties have never been given a chance. So, I would request them to give all Kenyans an opportunity in this institution and take all counties into account. For example, if Nairobi City County is given slots, they should give slots equally to other counties because all Kenyans need to be recognised and given an equal opportunity to serve.

Mr. Speaker, Sir, on the issue of equipping our staff, my colleagues have contributed to this. The staff need to be given not only material equipment but also capacity. We have a problem with parking in our offices and many of us who have offices around Red Cross Building do not have parking space. Also, staffs need to be given proper information and capacity on how to handle Members of Parliament.

On the issue of salaries for Members, the nominated commissioners need to make *mwananchi* understand what we earn. There is a misconception among our citizenry through social media and newspapers that we earn huge salaries which is not true. This is as a result of misinformation. Therefore, the media should give the right information whenever there is an increment or some allowances for Members. There should be proper communication on what exactly Members of Parliament earn in terms of allowances and mileage.

I understand that there are counties where Members do not earn mileage, but this is not reported on in the social media. For example, Members from Nairobi City County and Kajiado County do not get mileage allowance, but most people think every Member is being given. So, information needs to be well communicated for people to understand.

Another issue that the PSC needs to understand in terms of our welfare is communication. We need to understand what is supposed to be done at what time through our offices. Further, the PSC should look into the welfare of our offices in our counties. Members who have offices in their counties need to be given human resource that have certain expertise and who would help them in service delivery.

Otherwise, we congratulate the nominated Commissioners and wish them all the best. We know the Members who have been nominated to the PSC have expertise and we shall look upon them to improve this important institution.

**Sen. (Rev.) Waqo:** Thank you, Mr. Speaker, Sir. I stand to support the Motion on appointment of Members to the PSC and especially those who are known to us like Sen. Mugo and Sen. Cheruiyot who are Members of this House. We also know that they are respectable, qualified and committed to the welfare of this House. On the same note, I also want to support the others but would not want to go into details of mentioning their names. We have received their nomination and, therefore, request them that after they are appointed on our behalf, they should represent us and also look at our welfare.

When we came and were taken for the one-day induction, I felt that everything was okay and that the services were good. I also felt that we are all equal and were being treated equally, but six months down the line, one realizes that, that it is not the case. For some of us, we were struggling to identify an office just the other day. It is just the other

day we were told that we will get equipment, such as computers and other office equipment that we need in the course of this month. Therefore, these Commissioners whom we are supporting, are going there on our behalf.

Those of us who are already here may have gone through those experiences which are not pleasing, but they should be our ambassadors. The nominated and elected Senators should be given equal opportunity and should be treated equally. There are many reasons as to why I am saying that. Members are not equally treated. They are not given the same opportunity yet when we sit here, we all carry the same title or honour.

The other issue that I want to request the Commissioners to work on is with regard to mileage and all the other things that we have been talking about, especially for the nominated Senators. It is unfortunate that when one sometimes discusses these things, they are told that the elected Senators are given the opportunity but the nominated senators are not supposed to get it. This came from one of us, which is very unfortunate. Whereas information is power, we request the Commissioners not to divide us. I have said that even before.

The other issue is with regard to staff who work here. A grown up is aware that people have different challenges and problems. There are those staff members in the Senate and National Assembly who are celebrating because they have progressed in their positions and their earnings. However, we have those who are not happy and they feel that they have not been given the same opportunity and attention. My prayer and request to the team is that they should look at the welfare of our staff. They should look at how they can be motivated. We should build their capacity for them to be equal with others so as not to feel intimidated in any way if they get the opportunity to visit other countries.

The other issue of concern is with regard to staff that we came with. Many of us came with staff who were already professionals. These people were already qualified for different jobs and may have even been working elsewhere. However, when these people join Parliament, they are not given medical allowance and other benefits and yet they will be working for us or with us for the next five years and they also have families.

There are other things that I do not want to mention because I believe our commissioners will be there on our behalf. The welfare of the people who support us should be taken care of. If they are not taken care of, they may engage in other activities and give us about 20 per cent of their time and not be effective.

The commissioners should be there on our behalf because they are the mediators between us and the higher authority. We therefore, request them to help us. They should not let us demand for our rights by probably going to court or seeking appointments with other authority for our issues to be sorted.

The other thing is their integrity and leadership. We have chosen them or we are supporting their nomination because we have a lot of faith in them. When they get there, they must make sure that they do not become bosses because commissioners are feared. Instead, let us get the opportunity to interact with them. They should allow us to reach them whatever time we need them for us to tell them our concerns.

With those few remarks, I beg to support the Motion.

**Sen. Faki:** Ahsante Bw. Spika kwa kunipa fursa hii kuchangia Hoja ya kuchaguliwa kwa makamishna wapya wa Tume ya Huduma za Bunge.

Kwanza, ningependa kuchukua fursa hii kuwapa kongole Sen.Mugo, Sen. Sen. Khaniri na Sen. Cheruiyot kwa kufaulu kuchaguliwa kama makamishna. Vile vile, nawapa pongezi Waheshimiwa Shabaan, Keynan, Momanyi na Aisha Jumwa kwa kuteuliwa kwao.

Nimefurahi kwamba Tume hii ni mchanganyiko wa vijana na wazee. Tuna wale ambao walikuwa Mawaziri kama vile Mhe.Shabaan na Sen. Mugo. Mhe.Keynan ni *veteran* wa mambo ya Bunge na pia Sen. Khaniri ambaye amehudumu katika Bunge kwa muda mrefu.

Jambo ambalo ningependa kuwasisitizia n ikwamba tumewapa fursa hii kututumikia sisi, maseneta na wabunge. Sio kwamba wanaujuzi zaidi au wao ni bora kutuliko, ila tumewapa fursa hii kututumikia kwa sababu ni dhamana ambayo tumewapa kuhakikisha kwamba masilahi ya wabunge na masilahi ya maseneta yanaangaliwa kikamilifu wakati tunahudumu katika Bunge hili.

Tumeshuhudia kudhorora kwa huduma zinazopewa wabunge kama vile *mileage*, na hata huduma za *dining* zimedhorora. Ninatumaini kwamba Tume hii ambayo tumechagua leo itaingilia mambo haya na kuona kwamba yote yanafanywa kwa njia sawa sawa.

Kazi ya Seneta sio kazi rahisi. Juzi tulimuona Sen. (Prof.) Kindiki akishuka kwenye *chopper* yake, alivua nguo na akaingia kujenga *nursery school* kwa niaba ya watu wake wa Tharaka Nithi. Kazi ya Seneta sio rahisi bali ni kazi ngumu. Kuna wakati unahitajika kuingia mitaani kufanya kazi ambayo hungeweza kufanya kama ungekuwa umebaki katika zile *profession* zetu.

Mimi ni wakili kama Sen. (Prof.) Kindiki. Haingekuwa rahisi kwangu mimi ama Sen. (Prof.) Kindiki kuingia mahali na kuvua shati, kukunja suruali ndefu ili akanyage udongo ndiposa atandike nyumba kujenga shule kwa watu wake. Kwa hivyo, ni lazima tupate mishahara ya kisawa sawa na pia tupate *mileage* na mengine ambayo wenzangu wameweza kuyazungumzia wakati walikuwa wakichangia.

Jambo ambalo ningependa kusahihisha ni kwamba Mhe. Shabaan pia nimjumbe anaye toka sehemu za pwani. Kwa hivyo, wale walitangulia kusema kwamba ni mara ya kwanza mtu wapwani kupata fursa hii, sio hivyo. Mhe. Shabaan pia anatoka pwani lakini kwa sasa, tumepata mtu kutoka ile pwani ya chini. Kuna pwani ya juu upande wa Taita na Kwale, lakini sasa tumepata pwani ya chini ambayo ni bora zaidi karibu na ndugu zetu wa Lamu kwa akina Mhe. Loititip.

Vile vile, tungependa wafanyikazi wahii Tume ya bunge wawe na sura ya Kenya na sio sura ya mahali pamoja. Inafaa kuwe pia na Waturkana ndiposa Seneta wa Turkana aweze kuzungumza nao ili ajue habari za kwao. Wamaasai pia wanafaa kuwepo. Inafaa kuwe n amtu mmoja au wawili kutoka Elgeyo-Marakwet kule kwa Sen. Murkomen na hata wakutoka Lamu ambaye atatayarisha chai ya saa kumi na mahamri na mambo kama hayo.

Kwa hivyo, hatungependa Tume hii iajiri watu kutoka katika kaunti ya Nairobi peke yake. Tungependa iajiri watu kutoka katika sehemu zote za Kenya kwa sababu tunawakilisha watu kutoka katika sehemu hizi zote katika Bunge hili la Seneti na pia la Kitaifa.

Kwa kumalizia, ningependa kuwatakia waheshimiwa wote waliochaguliwa katika nyadhifa hizi kila la heri. Nawaomba wachukue fursa hii kututumikia kwa muda huu wa miaka mitano ili Maseneta wapate huduma za kisawasawa zinazostahili hadhi yao.

Asante sana mheshimiwa Spika.

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

**Sen. (Eng.) Hargura:** Thank you, Mr. Speaker, Sir. I would like to join fellow Senators in congratulating our colleagues who have been appointed to the Parliamentary Service Commission (PSC). They have already been approved by the National Assembly and it is now our duty to do the same.

I would like, from the onset, to support the Motion. The PSC is a creation of the Constitution of Kenya. One of its main responsibilities is to provide services and facilities to ensure efficient and effective functioning of Parliament, which is made up of the two Houses. In the last Parliament, the Senate felt like it was not getting the same services from the PSC. It reached a point where we even contemplated having a Senate Service Commission and the National Assembly Service Commission.

Mr. Speaker, Sir, if you look at the representation in the PSC, we are disadvantaged as the Senate. This is because we have three Members while the National Assembly has four Members, in addition to their Speaker, as the Chairman. So, anything which will be intended to serve only the interests of the Senate will be difficult to pass through that Commission. For example, if you look at the facilitation we get, having in mind that a Senator represents at least two or even up to 12 constituencies in some counties, the office facilitation and the salary we get is the same as that of a Member of the National Assembly. That is not proper facilitation and, therefore, Members who are going to that Commission will have to look at that.

During the Eleventh Parliament, we even tried to get oversight money so that we can perform our responsibilities, but we could not get it. Every time this occurs we realise that it is because we are being disadvantaged by our numbers in the PSC, as much as these numbers are there in the Constitution. But having gone through the first Senate, this Constitution is not cast in stone and we have to look at how to amend it so that we can have equal representation.

We would like a case where even the Chair of the PSC is alternated; but as it is now, the Speaker of the Senate is nowhere in the PSC. There must be some way he can alternate with the Speaker of the National Assembly as the Chairperson of the PSC so that our issues can be brought out clearly. But as it is right now, we are always at the mercy of the Members of the National Assembly because of their numbers and the fact that the Chairperson of the PSC is their Speaker.

Mr. Speaker, Sir, the experience we had in the last Senate is that, if an issue is in the interest of the Senators only, then we cannot get it through the Commission. We only get interests which are for all the Members of Parliament. But when it comes to something which we are asking for, as Senators; for instance, when we say that we should get more office money and facilitation since we are representing a wider area, it does not go through.

When it also comes to salaries, you get the same amount as somebody representing only one constituency, yet you are representing 12 constituencies.

Obviously, that Senator is very disadvantaged and he cannot perform the way a Member of the National Assembly is performing. That is why we hear Members saying that when they go out to the public, they feel very much demeaned because they cannot do what the other Members are doing. This is because you are using the same amount of facilitation to cover a wider area.

So, Mr. Speaker, Sir, I would like to join my colleagues in congratulating the Members who have been proposed to join the PSC. But let them go to that Commission knowing that, as a Senate, we need them to work more so that we can, at least, get commensurate facilitation with what we are doing. Otherwise, we will just be at the mercy of the National Assembly and what we will get will not be equal to what the Members of National Assembly get.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Lastly, Sen. Cherargei.

**Sen. Cherargei:** Thank you, Mr. Speaker, Sir. I rise to support this Motion. I want to agree with most of the sentiments that my colleagues have expressed. The Senators who have been nominated to the PSC are my neighbours down there; that is, Sen. Khaniri, Sen. Cheruiyot and Sen. Mugo. I am happy because you can see the blend of people with experience and the young.

More so, we are happy for Sen. Cheruiyot because if you look at the National Assembly and even this House, most of us are youthful and there are particular demands that young people have which are very unique. With the input of Sen. Cheruiyot, we will fast-track some of those issues. I know that some of the people here have finished giving birth, but some of us have just started giving birth.

*(Applause)*

So, we hope that with the input of Sen. Cheruiyot and other youthful Commissioners, we will give more children to this country, who will ensure that we transform the agenda.

Mr. Speaker, Sir, any Senator in this country, with the exception of the Deputy Speaker, Sen. (Prof.) Kindiki – who went to that school to ensure that the classroom was built – shows you that Senators do not have anything else except their blood, sweat and energy to give back to their constituents back in the counties. Therefore, it is high time, as the Senate, that we must sit and allow ourselves, through the PSC Commissioners we are approving today, to be restructured to reflect what the Senate is supposed to be.

We are tigers on paper but when it comes to doing our roles, we cannot even oversight the governors. A governor is given up to Kshs12 billion, but a Senator is using his or her car and salary to do the oversight role, yet he is representing 6 to 12 constituencies. So, as Senators, we must agree and ensure that we bring respect to the Senate. This will ensure that even as we go back to oversight the counties, we do not use public rallies, funerals or harambees to do the oversight work.

We should be given the necessary infrastructure and support professionals so that we do our work efficiently. We do not need to attend birthday parties and start overlooking the governors at that level. I have trust, belief, faith and confidence in the

PSC Commissioners we are going to approve today; that they will deliver to the best of our interest.

Finally, Mr. Speaker, Sir, there is a problem in this country. The media has been the biggest lynch mob against Members of Parliament, be it Members of the National Assembly or Senators. They have already accused us of increasing our salaries. I wish to urge my colleagues, Commissioners Sen. Cheruiyot, Sen. Khaniri and Sen. Mugo, to ensure that if there is anything to do with finances; be it allowances, emoluments or salaries, the only rightful body to communicate about that is the PSC, which is a creation of the Constitution.

This will ensure that we do not have this confusion where these other bodies are busy saying that Members of Parliament have increased their salaries or allowances or any kind of facilitation that we are getting. This will help us have a clear channel where some of these issues are communicated. Therefore, I want to wish our Commissioners all the best. Go and serve us with dedication.

Mr. Speaker, Sir, with your indulgence, I almost forgot to say this; that the office of the Members of County Assembly (MCAs) is better than our offices. I am sorry to say this; but for us to even get a printer or a seat in the offices that we have been given, one can wait for up to six months or one year. I am temporarily handicapped yet I had to struggle to get a seat. The ball is now on Sen. Aaron, Sen. Khaniri and Sen. Beth Mugo to ensure that as Senators, we reflect the status and stature that is provided for Senators, as my brother, Sen. Faki, has said.

I support.

**The Speaker** (Hon. Lusaka): Lastly, Sen. Mahamud.

**Sen. (Eng.) Mahamud:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Motion. First of all, I would like to congratulate our colleagues who have been nominated to the Parliamentary Service Commission (PSC). These are well known persons of integrity. In fact, I have worked with all of them; that is, hon. Naomi Shabaan, hon. Adan Keynan, hon. Beth Mugo, hon. Aaron Cheruiyot, who is now my new friend, Hon. Momanyi, hon. Aisha Jumwa and hon. Khaniri. Since this is my third term in Parliament, I have worked with them and know that they are people of integrity.

They are being nominated to the PSC, which is established under Chapter 15 of the Constitution. The work of PSC, among others, is to protect the sovereignty of the people. In fact, Parliament is a representation of the people. The Senate represents counties and the people of Kenya. To protect that, we must make sure that Parliament functions as required.

The Constitution establishes two Houses of Parliament; the Senate and the National Assembly. These are Houses of equal status. None is junior or superior to the other between the National Assembly and the Senate. It is important then that their functions are facilitated properly and in equal terms.

Mr. Speaker, Sir, I happen to have been in the National Assembly in the last two terms. I did not participate in any Motion or business that demeaned the Senate. Given our experience, we understand that actually the Senate is a very important House and it must be properly facilitated.

This Commission is supposed to make Parliament to function. For it to function, the membership must be properly facilitated. In fact, if you look at the national budget, the National Assembly has its own vote head, while the Senate is under the Parliamentary Service Commission. It is a unit within the Parliamentary Service Commission. It is time we separated the two to have a vote head that is equal to that of the National Assembly, so that the joint services under the Parliamentary Service Commission can be budgeted for separately from the Senate.

Mr. Speaker, Sir, it is true that commissions are of equal status. The Parliamentary Service Commission is not less important than other independent commissions in Kenya. It supports the membership and staff of both Houses, so that they function properly. For them to function properly, they must be properly facilitated in terms of salaries and welfare.

In regards to the Senate, some Senators, for example, the Senator for Nairobi County represent 17 constituencies. The majority of us have six constituencies. Even when office facilities were provided way back, they were usurped by our colleagues in the National Assembly. Ideally, they have offices in the constituencies under the National Government Constituencies Development Fund (NG-CDF). Going forward, it is important to facilitate and support those offices better so that we can do our job.

Mr. Speaker, Sir, there is talk about *per capita*. In the Committee on Finance and Budget, we have proposed, in the Budget Policy Statement (BPS), some funding for the Senate, including oversight money and other things that need to up-scale the Vote 2041 which we have now. Those who have been nominated to serve in the Parliamentary Service Commission should work for the Senate, so that it functions properly and performs its role effectively.

We do not want to be a junior House to the National Assembly. The Constitution gives us equal powers and more than that, we cover a wider area, our numbers notwithstanding. There is a reason there are 67 Senators and 349 Members of the National Assembly. All over the world, the Senate or the Upper House has fewer Members than the House of Representatives. Therefore, it is not an accident that in Kenya the Senators are fewer than the Members the National Assembly. Being few does not mean that we do less work than them.

With those few remarks, I support and wish my colleagues the best. I know that they can do the job.

**The Speaker** (Hon. Lusaka): Senate Majority Leader, can you reply?

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I want to thank hon. Senators for the very kind words. I want to thank Sen. Cheruyiot who has been consistently sitting here, Sen. Beth Mugo and Sen. Khaniri who has stepped out briefly. I believe that they have taken notes in so far as the issues raised by the Members are concerned. We are their constituents; they will represent us in the Commission. They will also represent the interests of parliamentarians and the country.

I want to emphasize that the wellbeing and functioning of the Senate and Parliament is for the good of the country. The responsibility of the Parliamentary Service Commission is to ensure that we have a functioning Parliament. We need to have staff that are happy, respected by the Members, but also respect the Members. I spoke earlier

and said that we must protect the welfare of our staff. The Senator for Kilifi, the Rt. Justice Madzayo said that to be a Serjeant-At-Arms is such a big job because getting an elected Member of Parliament (MP) out of the House is not easy, considering the powers he or she might wield against them out there. The Member may end up rising to the position of Chair of the Parliamentary Service Commission. So, it is a hard job for them to do.

As he said, I hope that all our staff, including our Serjeant-At-Arms, Assistant Clerks and staff working in all departments will be remunerated well, protected and given the chance to serve. However, at the same time, we expect maximum respect and commitment to duty from the staff. There was a Member of Parliament who complained about staff in the last Parliament. When he approached some staff one of them said: "What is this one telling us? We have been here for 20 years, seen many come and many go." I hope that such an attitude will not be found among our staff. They must realise that if we come here and go, we could come back in a more dangerous form.

**The Speaker** (Hon. Lusaka): Senate Majority Leader, I hope that is not a threat.

*(Laughter)*

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, it is not a threat. You may think that since someone has not been re-elected, he has lost everything, only to realize one week later that he has been appointed to be your boss at the Parliamentary Service Commission, either as a non-elected Commissioner or the Speaker of the National Assembly, who is the Chair of Parliamentary Service Commission. Those kinds of things happen in life. A Member may have lost elections, but he or she becomes the chairman of the school that your children attend. There are many things that can happen in life. People must be careful how they treat others. They must do it for humanity because it is important. These things of welfare and relationships are important because you never know what can happen in life.

I wish Sen. Cheruiyot, Sen. Mugo and Sen. Khaniri the very best as they discharge their duties. The Chairperson of the Committee on Finance and Budget has made it clear that the Budget Policy Statement is capturing the resources that we need so that we avoid what Sen. Cherargei said about the Deputy Speaker. He is lucky the Deputy Speaker was not sitting there. He was discussing the Deputy Speaker in his capacity as the Senator for Tharaka Nithi County. To be very fair, you can see how we get caricatured when we give our services and our resources to our constituents.

Mr. Speaker, Sir, I have gone with the Deputy Speaker to his place. I know the level of his generosity in building schools in Tharaka Nithi County, Elgeyo-Marakwet and Embu counties. We have literally gone almost everywhere in the country with Sen. (Prof.) Kindiki. He is one man I can never fault. If you see him removing his trousers, wearing shorts and ensuring that you build even if it was ---

*(Laughter)*

**The Speaker** (Hon. Lusaka): Order! What do you mean by the Senator removing his trousers? You need to clarify.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, how else would he have been having trousers one minute and a short the next? There must have been a transition in the middle. By the time a professor who taught a person like me did that, it was an act of humility. When I called him, he told me he wanted to do something temporary as permanent structures will be done in the next six or seven months.

However, you find a person whose only usefulness in social media is to type and castigate the work of Prof. Kindiki and yet the bundles he is using are donated by a politician somewhere; you feel pity for him. His only business in social media is to caricature and make fun of politicians. Those are people who have never even built – forget about mad thatched houses – even a latrine in their villages. They have never donated anything to anybody.

These people in elected offices are making the greatest sacrifice. That sacrifice is generosity of the heart because when we see our constituents suffering, we do not want them to suffer. That is why facilitation of the office of a Member of Parliament (MP) must be such that they can serve their constituents with confidence, focus, determination and with the necessary facilitation that makes the office of the MP honourable as the name suggests.

With so many remarks, I beg to move.

**The Speaker** (Hon. Lusaka): Hon. Senators, Standing Order No.73(1) requires that I rule on whether a matter affects or does not affect counties whenever the Senate is to vote on any matter or any Bill. In this case, I now rule that this matter does not affect counties. This said, I now put the question.

*(Question put and agreed to)*

Next Order!

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

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

## **BILL**

### *Second Reading*

#### THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO.11 OF 2017)

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I had consulted with the Speaker and requested that the debate on the Bill be postponed, maybe, up to Thursday. Tomorrow, the committee is doing public participation.

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Considering the interest generated by the Bill on the question of deputy governors, we want to listen to the views of those stakeholders before we proceed with the Bill.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): So, ordered.

*(Bill deferred)*

Next Order!

## MOTION

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

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

THAT, this House adopts Sessional Paper No.2 of 2016, on the National Slum Upgrading and Prevention Policy, laid on the Table of the House on Tuesday, 10<sup>th</sup> October, 2017.

Mr. Deputy Speaker, Sir, it has been a tradition in this country where normally, legislations are put in place before policy. I think policy should come first because it forms the basis of actually coming up with the legislation. What has been happening is that most of the Ministries come up with legislation and then go back to formulate policy. However, it is better practice for most of the policies to be developed first before the legislation.

The issue of urban slum has been a very serious problem in this country and many other developing countries. You will find that these slums come up as a result of, for example, historically as a result of issues of insecurities, clannism and other socio-economic factors. That is why people come together and overcrowd in a place. I believe that there are so many international treaties and conventions on the issues of urban areas that need to be adopted for the purpose of ensuring we have proper and well planned cities.

In this country, we have a Constitution that clearly upholds the rights of citizens in terms of socio-economic factors. Again, in terms of the right to housing which is a big problem, especially in slum areas. Having said that, this particular policy addresses those concerns and it will be a form of policy that we make sure that we have taken care of the issues that affect slums in our country.

Mr. Deputy Speaker, Sir, there are several attempts that have been made by the Government, especially in terms of improving slums in this country. In Nairobi County, for example, we have Mathare and Kibera slums. Most of these areas have been characterized by a lot of problems. Several attempts have been made by the Government and also other stakeholders to ensure that these people live a decent life. For example, there was the issue of low cost housing that the Government came up with. Unfortunately, it has not been progressed well because of so many challenges.

The issues of lighting the slums especially by the Adopt-A-Light initiative which is owned by hon. Esther Passaris has assisted to reduce incidences of insecurity. People

living in slums face many challenges, especially the issue of insecurity because of congestion and the poverty levels in those areas.

Mr. Deputy Speaker, Sir, I know very well that the people living in slums live together as families. They integrate and share whatever little they have. Because of the poverty levels, the crime rate is very high. I believe as a citizen and as a country, we need to deal with those issues. That is why we have come up with this particular Policy to address all these issues.

There are several challenges that this Policy is addressing. There is the issue of insecurity that is affecting our country. This Policy has several objectives that we need to look at in terms of ensuring the citizens in our country are provided and accorded the rights to several aspects that affect their lives.

The Policy provides the legal framework where the slum upgrading should take place, empower households living in slums facilities, secure communities and stakeholder's participation, transparency and accountability. For example, the criminals living in those areas should be held accountable. This is something good that we need to put in place. We need to provide the legal and institutional framework to guide coordinated and accountable implementation of slum upgrading.

Unless we have those structures in place, slums in our country are going to face a lot of problems. The strategies expected out of this Policy are to provide a dignified livelihood for slum-dwellers in our country, inclusive and integrated human settlements where they have proper life, holistic and consistent slum upgrading programmes and secure tenure for slums and empowerment participation of all the actors in our country. Even the land tenure within the slums is not secure. A very good example is Kibera slums where you will find that the people living there have been there historically but they do not own those parcels of land because of the land tenure system that needs to be considered. I believe this Policy will address those factors.

Mr. Deputy Speaker, Sir, there are several issues that this Policy addresses in our country, more specifically security and safety issues which are major problems in slums. People living and working in slums are exposed to various adverse security and safety issues that range from violence, rape, floods, among others. The drainage systems in those slums are not properly provided for. If we have this Policy in place, it can assist the people living in those slums so that the Government can plan properly and put drainage systems in place. Sometimes, most of those slums are flooded and the people get sick as a result of poor drainage.

There are so many crimes which take place in slums. If we look back at what happened in the post-election violence, most of the affected areas are slums where the women and young girls were raped. There are a lot of issues this Policy is addressing. There is lack of neighborhood and residents' associations to advocate for improved living conditions. There is need to increase police patrols responding to population size and settlement. We have to come up with a mechanism where we can say a certain number of people should live in a particular slum. If we do not control this, then it means that people will keep on moving from rural areas to settle in urban areas while looking for jobs.

There is need to encourage the formation of slum neighborhood associations. We must have good neighborhoods within the slums and urban areas where people can live

properly together. For example, the people who are neighboring Kibera or Mathare slums always live in fear. How can we establish a system where we can have a good relationship between the people living in slum areas and other areas?

I have already talked about the land tenure systems which needs to be corrected. Even the houses they live in are not secure. Some of them do not even have title deeds. They do not own anything. We need to secure all that to make sure that people living in slums take care of their interests and rights.

There is competing land rights in slum areas. There are tenants, structure owners, and the land title deeds holders. You will find that there are so many people competing over so many interests. How can we ensure that, as a country, we take care of the interests of all these people? These are the issues being addressed by this Policy.

The informal settlements are mostly located in fragile environmental areas which are prone to flooding and pollution from industries. This creates threat to security and safety of the residents. There is poor planning and inadequate implementation mechanism to protect environmentally-fragile protected areas in those slums. Most of the slums in this country are where the environment is very poor, and they are not properly managed. This policy will address all these factors.

As per this Policy, the Government will undertake and suitably analyse to relocate slum dwellers in fragile areas to alternative settlements. When you have a slum where people have overcrowded and there is a lot of challenge, there must be a mechanism in place to relocate a certain number of people so that the slum population can be manageable. I believe this Policy is addressing all these factors.

There is also poor planning and development management where a lot of issues happen within those areas. There is ineffective development control mechanism and lack of capacity to prepare and implement plans. This has contributed to mushrooming of many unplanned settlements.

I believe that if we do not have proper mechanism and planning in place, then there are so many slums that are going to mushroom. In most of the counties or even in our cities, if we do not have a plan where we say; this is an urban area and this is where we should have a slum or industries; we are going to face a lot of challenges. I believe this is really important for us to consider.

Mr. Deputy Speaker, Sir, the problem of urban slum development has been affected because there is no political goodwill. The leadership and politicians are not interested in developing slum areas. They will just consider what is important to urban areas. Even for development in the country, people look at areas like Kileleshwa, Lavington and the rest, but forget about the slums. However, when it comes to politics, the first focus will be slums because that is where they are going to get their votes. We need to stop this particular behavior. We need to consider all our citizens and improve their lives.

There is the issue of shelter and housing. Most of the houses in those slums lack water, sanitation, lighting, and adequate ventilation. The people there live miserable lives which is sometimes dangerous. The use of standard building materials require frequent maintenance of the structures. In Kibera slums, you will find that people are building their houses using mud and timber. We need to control some of the materials that are

going to be used to come up with those structures in those slums. This is very important because if we do not do that, there is going to be a very serious problem.

The first slum upgrading initiatives have failed to deliver adequate housing prototypes in terms of affordability, design, location, accessibility and livelihood. This is because if one puts up very expensive housing, most of the people will not afford it because they are poor. It is important for the Government to come up with a proper mechanism for affordable housing.

The other day we were in in the US with the Committee on Monitoring and Evaluation, and the US Government has a housing scheme mechanism where people are provided with loans and are able to afford better houses in their country that are not very expensive. We must, therefore, come up with a mechanism where we shall have affordable houses where there is lighting, water and ventilation, so that they live a proper life.

On issues of infrastructure, one will find very poor roads in those slums. How can one improve those houses and infrastructure so that the people living in the slum areas can access their houses? Roads in slum areas are miserable, muddy and have not been worked on for a very long time. I believe that if we approve this policy, it will improve the lives of people there.

This policy will also address the high cost of access to basic services such as electricity, water and inadequate socio-physical facilities such as schools, markets, day-care centres, social and health centres. One will find that these facilities are not improved. Due to overcrowding, one will sometimes find that the schools do not have playgrounds for children and even markets are not available.

I think, clearly, the policy is addressing all the facilities that need to be put in place. Due to overcrowding, small dispensaries that are available are unable to take care of the ever-increasing population. This requires a lot of planning. There is also unavailability of space for physical planning and social infrastructure. Once you have a slum in place, then it means that you will be unable to improve the infrastructure. It is important for us to address all those factors. There is also lack of proper management and maintenance of infrastructure in slum areas which is not being taken care of. If we come up with this policy, it will be able to address all those issues.

Mr. Deputy Speaker, Sir, I believe this is a very straightforward Motion. The policy should be put in place because we have lived as a country for many years and our slums are not in good condition. It is very important for us to come up with proper structures in place in terms of planning, security and housing because, constitutionally, those people who are living in those areas have a big problem.

Once we pass this Motion, we can bring together various stakeholders and allocate money in the Budget to make sure that we have done the right thing. There are also donors, civil society and private sector who have come together to see how we can help people in the slums in this country. There is also the issue of sales and rental for upgraded housing. Those small things need to be put in place. On fundraising and housing, we can as leaders do fundraising and be able to improve the lives of people living in slums.

I do not want to dwell so much on these. I believe the Paper is a very straightforward document and we should be able to have it passed as quickly as possible so that we can improve the lives of citizens who are living in those areas because they equally have rights.

I beg to move and request Sen. Were to second.

I thank you.

**Sen. Were:** Thank you Mr. Deputy Speaker, Sir, I rise to second the Motion. This policy will be important to assist people in the slums where most politicians actually go to get their votes. The policy is enticing because we will upgrade what is there and prevent further mushrooming of these slums.

The policy will also help deal with slums not just in big cities like Nairobi, Mombasa and Kisumu. We have noticed that these slums are not just coming up because of rural-urban migration but are also coming up in satellite towns like Kakamega, Busia and other small towns.

This will go a long way in helping the slums that exist and prevent the mushrooming of others. It will also help improve security in the slums. We know that some criminals commit crimes elsewhere and go to hide in those slums because they are not easily accessible by security agencies. Therefore, even roads and other infrastructure will be built in those slums once the policy and the necessary legislative framework are put in place, to assist in slum upgrading.

The policy also talks about land ownership in those slums. The slum dwellers are very much prone to abuse and extortion by the so-called absentee landlords. Therefore, once that tenure is also well defined in the policy and the subsequent laws, we will see an improvement and some form of pride amongst slum dwellers.

We have so many slums that we are even proud that they have become tourist attractions, which a very unfortunate fact.

With those few remarks, I second.

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

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order Sen. (Eng.) Mahamud.

*(Question Proposed)*

**Sen. (Eng.) Mahamud:** Thank you Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion---

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

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

**Sen. (Eng.) Mahamud:** Madam Temporary Speaker, slums are a main feature of our towns today. In fact, slums and the informal settlements are not a new phenomenon but historically have been there over the years in many cities. However, we need to see how we can upgrade the ones that exist and prevent the mushrooming of others.

Today in Kenya, I think 60 per cent of our urban dwellers live in slums. If you look at a City like Nairobi, slums are a main feature. This policy is, therefore, coming at the right time. I think the drafters have done a good job by first of all trying to find out the objectives of this policy; to recognize and integrate slums into the urban fabric so that the people who live in slums have facilities that other urban dwellers have.

You can hardly move within the slums because there is no infrastructure like roads, electricity or flowing water. Even when you want to provide those facilities, it becomes very difficult. Attempts have been made in our country to bring some order into these slums like Mathare and Kibera. Successive governments have also embarked on slum upgrading. I remember when the National Rainbow Coalition (NARC) Government came to power, a lot of work was done to upgrade the slums in Kibera. However, some people are so used to slums and do not want to move out. This is because there is also very lucrative business in slums.

Madam Temporary Speaker, the objectives are set in this policy document, which has various chapters. There is a chapter dealing with policy formulation and what needs to be done in terms of processing objectives to be achieved. It also addresses the slum question by providing a background on slums, where they emerge and what needs to be done. The policy framework also tries to publish some legal framework so that you know that after this policy document, we can also put some law in place to control the growth of slums and prevent the upcoming ones.

Madam Temporary Speaker, slum dwellers contribute a lot to the economy of any place they live in. If you look at Nairobi today, slum dwellers living in areas like Mathare and Kibera are the ones who are working in our industries and contributing greatly to the economy. That fact must be recognised and this policy does exactly that. It is very important that we take steps to ensure that the living conditions in those slums are humane; that basic infrastructure is available, mobility is possible, there is access to health facilities and water so that the large population of people living there is not at risk.

Madam Temporary Speaker, once the policy is passed, we expect the State Department of Housing and Urban Development in the Ministry of Transport, Infrastructure, Housing and Urban Development to draft the law. We appeal to our people that when we have slum upgrading, they must accept it. I know that there are some programmes which are being done in Kibera and which sometimes get frustrated. Many are the times when we, in Kenya, start something and then, suddenly, there is a change of department or the guy in charge; something goes wrong and it is abandoned. But a lot of thoughts have gone into this over the years and we now have the draft policy in place. Let us pass it so that when the legal framework is brought up, we can see to it that it is properly done.

Madam Temporary Speaker, we should also borrow from best experiences because it is not only in Kenya where we have slums. Slums are features of all major urban areas. So, we should benchmark and see how we can deal with this issue. It is not only us who have slums; slums are everywhere. But we, in Kenya, must face this issue head on because rural to urban migration is on the increase. Many years back when we were young, towns like Thika and Eldoret were actually booming and people were going

there. But everybody is now coming to Nairobi. We must, therefore, find a way of holding people back by trying to create activities there.

Madam Temporary Speaker, with those few remarks, I beg to support.

**The Temporary Speaker** (Sen. (Prof.) Kamar): The Senate Minority Leader.

**The Senate Minority Leader** (Sen. Wetangula): Thank you, Madam Temporary Speaker, for giving me an opportunity to contribute to this Sessional Paper. In the Ninth Parliament we, more or less, passed an identical Paper. But by that time, it was not called slum upgrading; it was called the National Housing Policy Paper. It was brought by the then Minister for Roads and Housing, the Right Hon. Raila Amollo Odinga. I do not know whether the distinguished Senator was in Parliament then; were you his Permanent Secretary? I believe he had a contribution to that paper and I expected to hear more from him on this paper.

Madam Temporary Speaker, in this day and age, it is scandalous for us to be bringing a paper to this House or any House of Parliament to talk about slum upgrading. A slum is a slum and has no other name. You cannot upgrade a slum; it is a slum, period! It is like talking about a 'good' thief. Countries world over are talking about slum elimination and doing away with slums.

How do you upgrade a slum? It remains a slum; congested, with no facilities, no security and no water. Even when these facilities are there, they are controlled by criminal slum lords who sell goods and services to people at unaffordable prices. These slums have no roads, and if they are available, they are muddy and nobody can walk on them when it rains. Of course, you will remember the notorious 'flying' toilets in the slums like Mathare and Kibera.

Madam Temporary Speaker, I agree with the distinguished Senator from Mandera that almost all our urban centres – over 60 to 70% of the urban dwellers – are in the informal settlements called slums, where they are living lives poorer than their compatriots in the villages. A herdsman in Mandera lives a much better life than some of our compatriots in the congested slums of our towns. What is even more worrying is not the talk of upgrading; it is the inability by our development structures, legal frameworks and policies to prevent the growth of new slums. Everywhere you turn or go, there are little mushrooming towns.

Madam Temporary Speaker, if you drive down west, where you and I come from – start from Kangemi, limuru, uplands, Kinale, Soko Mjinga, Kinungi, down to Naivasha, Gilgil, Kikopey all the way to Burnt Forest – there is no planning. Anybody can just come and build anything. You will find that somebody has built a magnificent building, but next to it is something different; and vice versa. This slum phenomenon must be traced back to our land tenure system. Until and unless we have a proper change in our land tenure system that can give people security of the land they reside over, we will continue having these problems.

There is a big town on the southern flanks of Nairobi, called Ongata Rongai; it is a total slum. You go on and you will find another town called Kiserian; another slum. When you move on to Isinya, it is another slum and yet we have examples to learn from. I would advise those who wrote this paper to visit a country that we keep quoting – a country that was poorer than us at our independence – called Malaysia. Today there is not

a single slum in Malaysia. When I was reading and hearing about it, I thought it was academic. I have been to Malaysia many times as a Minister, Senator and Member of Parliament for Commonwealth meetings and so on. Everybody in Malaysia is decently housed. They live in houses that have water, electricity and all other facilities, including internet.

This is not difficult for us to achieve. The amount of money that has been gobbled up in the name of slum upgrading in this country could have eliminated all the slums. You remember the programme in Kibera and Highrise Estate where I think my distinguished brother, Sen. (Eng.) Mahamud, was a Permanent Secretary when they started. The programme was meant to develop high-rise structures and allocate them to people who live in squalor, so that they can lead decent lives.

Studies have been done. The entire Kibera slum today can be condensed into less than 30 acres and the rest will be super real estate that can be used for other things. What they should do - and they did it in Malaysia - is that if you own a series of squalid structures that you have rented to people, and you collect so many little rents every month, you enter in to an agreement with the local or the national Government. If you earn, say, Kshs200,000 from your informal structures and the State builds a proper condominium on that parcel of land, you will have the first pick. If you want the ground floor or penthouse, there will be enough for you and your family to rent out and recover the lost rent on the land where you were squatting. The rest is allocated to other nationals who do not have houses.

We can condense the whole of Kibera. Kibera is not a slum because it is in a bad neighbourhood. It is next to very upmarket neighbourhoods like Kilimani, Lavington, and Langata estates. It sits on a hill and most rich people want to live on the hills. If you go to Kampala you will see the seven hills. In fact, they are now 15. We can do this and change the lives of Kenyans. The amount of money being pilfered by elites can change the lives of Kenyans. Our planners should be the first to be taken to Uhuru Park and shot for not doing their job. Why do we have departments of planning in every set up and yet, nobody follows any plan?

Today in this country, anybody with a parcel of land that touches on a road wakes up in morning and puts up a shop, *nyama choma* joint, bar or car wash. As soon as he puts it up, a kilometer away from any other settlement, he starts putting pressure on the leadership that he needs electricity, water, paved road and security, yet it is so easy to provide all these amenities where there is organised and planned settlement.

In Nairobi, we had an opportunity as the town started growing – in East-lands. In the 1970s there was a conscious programme and plan to give way and show how planning should be done. That is why - I do not know if you came to the University of Nairobi before or after me - we had Buruburu phases 1, 2, 3, 4 and 5 as settlements that were not high-end, slums and could accommodate the new emerging middle class. Straight from the university, you could afford rent in Buruburu Estate.

The Commonwealth Development Corporation then moved in and developed Umoja 1 and Umoja 2. If you go to Umoja today it is a sorry sight. What was a good decent bungalow development, people have now built structures that look like they are “on-your-marks” ready to take off. Some look like shoots, others like chimneys and

watchtowers. The whole development that was meant to be decent has been distorted. As they do so, nobody is planning to give additional facilities. Water tanks that were meant to house and supply water to, probably, 500 households are now under pressure to provide water to 3,000 to 4,000 households. Then, crime set in. Security is run by criminal gangs and so is water. Everything is run by a mafia type of structure.

Madam Temporary Speaker, I can assure you and this house that this Sessional Paper on National Slum Upgrading and Prevention Policy, that is parroting what was in the National Housing Policy that my distinguished colleague had a hand in preparing, and I want to suggest that it should be appended to this to see the parallels and how far we have gone since that National Housing Policy Paper--- The end of this Paper will be when you will say: "Will as many as of that opinion say 'Aye.' Everybody will say 'Aye,' and that will be the end of it. Nobody will look at or bother about it again. It is a ritual.

The Council of County Governors (CoG) of Kenya has embarked on a dangerous path. I am reliably informed that in one of their meetings, they have decided to halt slum growth. You do not halt slum growth by making a decision, minute it and keep it away. You halt slum growth by action. We hear that street families and hawkers are being removed. It is one thing to remove the street families, but where are you taking them to? Are you removing them from town centres and dumping them on the periphery to create new informal settlements and, therefore, digging holes to fill holes; or are you taking street families from the streets and giving them proper planned settlements with facilities?

Madam Temporary Speaker, as I speak on this slum issue, I am particularly very disappointed with some young Governor in your county called Gov. Mandago. Two years ago, this Governor, in a blatant disregard of the Constitution and the law, on the right of every Kenyan to reside anywhere and everywhere in this country, he selectively rounded up children whom he identified as Luhyas, put them in trucks and went to dump them in Busia. It is common knowledge.

I even personally called him and told him that what he was doing was wrong, dangerous and unhelpful to this country. The same governor was at it again the past two weeks. He rounded up a new crop of children in Eldoret whom he identified as Luhyas and went and dumped them in Kitale. Then he rounded up hawkers whom he identified as Luhyas and went and dumped them in Kitale.

I was in Kitale on Thursday last week and everybody was up in arms. The people that Mandago dumped in Kitale are now putting pressure on the governor to allocate them stalls and give them security. Where is the rule of law in this country? A person like that does not deserve to hold public office. He is violating the same Constitution he swore to defend, protect and uphold when taking oath of office and the Constitution he swore to defend provides for protection of every Kenyan regardless of their station in life. Everyone has a right to live anywhere and everywhere that they choose to live.

Today, anyone of our Members here can choose to live where they were born or settle in Loiyangalani, Lodwar or anywhere. You can even go and settle in Bungoma and we will give you security and everything. You cannot solve the problems of congestion in

towns by being narrow-mindedly tribal and acting in a manner that is inconsistent with any expectation of you as a leader.

We will bring a Motion in this House to discuss the events of Eldoret Town and the behaviour of the governor whom – I take a bit of responsibility – we as the NASA campaigned for that young man to become a governor. He had been rejected and “Buzeki” was beating him hands down. Now he is turning on our people. I am not saying “our people” because they are Luhyas; but everybody in this country are our people. Whether Maasai, Somali, Luhya, Luo, Kikuyu, Kisii, name it, everybody has a right in this country.

Back to the debate, to do the so-called slum upgrading, you need phenomenal sums of money. Apart from polemics in this paper, there is hardly any costing. What would be the cost of eradicating Kibera and giving people a decent life and what would be the cost of eradication Mathare and giving the people of Mathare a new life? Nobody expects that we can eliminate slums overnight or in one single term.

The Chinese say “a journey of a thousand kilometres starts with one step” and if we are determined, we can get there. I would have expected this paper to tell us if we were to allocate 10 or 15 per cent of our GDP on slum elimination and control any growth of new slums, in 10 years there would be no slums in Kenya and that would be admirable. Otherwise, we will continue to glorify efforts that add up to nothing. Everywhere you go, there is a Kambi Somali, Kisumu Ndogo and what have you. All these are but acronyms for slums.

Madam Temporary Speaker, I used to go to northern Kenya in my formative years to defend my clients. Recently, during campaigns, when we flew over northern Kenya for various rallies, there were sprawling slums in Mandera, Garissa and Marsabit. We have reached a stage we also need to have planned cities like the plan for Konza City that was supposed to be developed as an ICT centre to replicate the Silicon Valley in the US or Chennai in India. It is now but a bad dream because it is located in the wrong place of this country; it is not located in a place which is user-friendly to the Jubilee regime.

They also found a willing accomplice in a character called Alfred Mutua who put up with spending public funds on Machakos Mega City. That is nothing but all fraud. Nobody holds him to account as to how much money he used. The President should be embarrassed to have been duped by Alfred Mutua to go and launch a fictitious and non-existent city called Machakos. Today, Konza is dead and the purpose for which Machakos City was launched was to kill Konza. So they succeeded and there is no Machakos city. So, there is deception in every direction. At the end of the day, we stand up and give very fictitious and fraudulent growth figures.

I am waiting to see my friend Henry Rotich come to Parliament soon, carrying the proverbial briefcase full of fake growth figures telling us how high we grew, how inflation has been arrested and how this and that has been done but we want answers to serious questions. Where is the first step to eliminating slums?

We stand collectively indicted for the continuing growth of Mukuru Kayaba, Mukuru kwa Njenga, Kangemi and other slums. The reason is because of criminal landlords. It has started in Nairobi that every two weeks there is a fire. Those fires are not

accidents and I can assure you of that. We can even take a Bible and swear. Those fires are acts of arson committed by landlords who do not even own the land.

In the old days, I used to act for some crude landlord and I stopped out of morality. If you were a tenant of the fellow and you defaulted in paying rent, he could not take you to the Rent Tribunal for adjudication. What the fellow would do is to wait for you to go to work. By the time you came back in the evening, you would find your house with no doors and windows. He would put sacks of sand in the toilet shanks and you would have no choice but to leave. One day I took courage and reported him to the police. I told them that I act for a client who is a criminal and I want him dealt with.

Madam Temporary Speaker, the fires that we have witnessed in Kibera, and recently at a place called Kijiji are acts of arson. The fellows who own those slum houses want to increase rent. They are very clever in their calculations. They argue that if they burn those houses, the tenants will leave; then they will build better structures and double or triple the rent. If you go to those places now, you will find construction is going on. Whenever such fire incidences occur, the “big” people run there carrying blankets and packets of *unga* yet people cannot live on the blankets or packets of *unga*. We must have a blue print on how to deal with informal settlements.

I come from a county called Bungoma. Bungoma Town is 80 per cent a slum. It is not for any mistake of my people for places like Mandizini and Mashambani where people pile on each other. I have asked my new governor to consciously find a way – even if people were to live in poor neighborhoods, at least pave their roads, give them water and street lighting.

I do not know who amongst us is in the Committee on Finance and Budget and was in Mombasa for a meeting with the Commission on Revenue Allocation (CRA). This kind of mental block has to change. You cannot believe that CRA thinks that there are no marginalized places or poor people in Nairobi because if you go to Kibera, people have no power, but there is power in Lavington which is not too far. How can they be so naïve in analyzing situations? The question is: Can they afford to access power or not? The issue is not on how far the power is. The power pole can be outside my shanti, but I can never afford it.

Madam Temporary Speaker, I have said it here before and would like to repeat; that in my opinion, Nairobi County hosts the largest number of poor Kenyans in this country more than any other county. Right from the extreme end of Eastlands where people live on the brink of the sewer plant in Dandora all the way to Mutu-ini in Kikuyu where the poorest of the poor are. A survey carried out by the United Nations Development Programme (UNDP) two years ago showed that 70 per cent of the residents in Nairobi County can barely afford a meal a day.

The other day I was embarrassed to see Members of Parliament (MPs) complaining that the food they eat is not good yet there are people who do not eat at all. There are people who would eat anything. The MPs should be talking about how to eliminate abject poverty among the people they represent. Not to tell us that we are given chicken that does not taste like chicken, soup that does not look like soup and so on and so forth. We need a Marshall Plan. The Senate has a mandate to protect counties and their

governments. We need to engage both the national and county Governments and make them consciously budget for the elimination of slums and provision of decent housing.

There is a new vocabulary that I am hearing now which is called “Regeneration and Renewal of Estates”. I have heard of Kariokor bachelors, Jamhuri and a few others. Those houses need regeneration and renewal, no doubt. But that money should be put where our number one priority is and it is not to upgrade Karikor flats. Our number one priority is to remove the squalor in Mathare.

Madam Temporary Speaker, in the previous year, a building collapsed in Mathare and we went there to condole with the victims. First, it had been built on a river bank. That is why it collapsed because there were no standards. The foundation was hanging on loose soil of the river and so as the river eroded the basement, the building tilted. What was even frightening is that this was a twelve storied building that had been constructed using barbed wire as metals for holding the structure; barbed wire, *ile seng’enge ya ng’ombe*. That is what the contractor had used instead of Y10, Y12 or Y16; barbed wire to hold a structure together.

The law requires that before you construct even a kiosk in any urban area, you must have a building plan and Bills of Quantities (BQs) which you must submit to the local authority; they must approve and they must be routinely checked as you construct. So, how did such a thing happen? We lost tens of twenties of people in that human induced accident. Examples are legion and we can go on and on.

I am sure the problems which we are describing in Nairobi City County are the same problems which you can describe in Kericho County, Kisii County and Nyalenda in Kisumu County. So, nowhere is better than anywhere. It is the whole country that is an eyesore, that is sick and that needs healing. It is not going to be healed if our focus is on mega programmes and projects whose interest is fiduciary and does not improve the lives of people.

I want to urge that a new paradigm shift be encouraged and embraced so that Kenyans are not born in squalor, they live in squalor, they get sick in squalor, they die in squalor, the rich get richer and obscenely richer. Every time, there is a problem, they run there to display their obscene wealth as philanthropists. We do not want philanthropy. We want positive action to make Kenyans live lives worth their living.

Madam Temporary Speaker, I want to end by urging the Government side not to bring to us these flawed papers that you want to upgrade a slum. After upgrading, what do you call it? A rose is a rose by any name; it is the smell that matters.

Thank you.

**Sen. Cherargei:** Thank you, Madam Temporary Speaker. I rise to support the Motion on the Adoption of Sessional Paper No. 2 of 2016 on the National Slum Upgrading and Prevention Policy.

Our Constitution provides that we should have access to a clean healthy environment, water, right to social amenities like education and recreation facilities. I want to agree with most of my colleagues that there is always a slum springing up everywhere and anywhere in this country, even in our counties.

Going forward, this can form a basis that will allow some of us to ensure that our county headquarters, townships and centres that have specific growth must have

regulations. The problem that we have in this country is with regard to the regulatory bodies that are to ensure that we meet the standards of housing, construction and many other issues.

This policy is very important because it will address the issues of land ownership in our slum areas. One of the major reasons as to why we have slum areas in this country is because we do not have proper ownership of land, land invasions and squatters. This is predominant in local areas and reserves where land is not owned by the people living there, thus you will still find shanties in those areas.

When you go deeper, you find that land ownership is not there, hence one of the key issues that we will address is to ensure that we have proper land tenure. We should also ensure that there is clean water. I hope that our governors and the county governments will put that in place. Most of the people who live in shanties or slums also have a right to access social amenities, security, clean water, lighting and many others.

This Paper is timely and important for it can form a strong basis to ensure that we address the issues of sprawling and upgrading the slums. One of President Uhuru Kenyatta's and Jubilee administration's action plans is affordable housing. This is one of the subset of ensuring that we provide proper housing even in slum areas. They have the vision but there are so many challenges in our towns such as the issue of hawkers.

It is very interesting that the Senate Minority Leader has pointed out the issue of hawkers. Hawkers are not only in Eldoret town because I happen to be the neighbor of Uashin Gishu County. They are also there in Nairobi City County and there is an operation to remove hawkers from the Central Business District (CBD). We have to agree that the governors have the mandate, provided by the by-laws set out by the counties, to remove the hawkers from the CBD.

Therefore, you cannot give priority to a hawker and forget somebody who has a shop and has paid for a permit. For some of us who are familiar with what happened in Eldoret, we know that Governor Mandago is removing criminals from the town. I say this because I know that some people are casting aspersions and rumor-mongering.

Madam Temporary Speaker, you are the Senator of that area and you will remember that about three years ago, around two students of Eldoret polytechnic were attacked and killed yet these are the same people that we are calling hawkers or street families. I have never seen street families that kill, steal or maim.

As we speak, Eldoret town, which is more of an educational centre, has buried a dozen children being killed by the so called 'Christian hawkers' or 'Christian street families.' Therefore, we will support any move by our counties, especially Uasin Gishu County, to clean it of the criminals who are prowling our streets. This is because some of us have practised there and have also stayed there; and I know what happens in that town. Therefore, let us stop---

Madam Temporary Speaker, I have never seen anybody complaining when Governor Mike Sonko is cleaning the Central Business District (CBD) and the streets of Nairobi. The same is true for Kiambu and also across our county Headquarters up to Kisumu. I have never seen anybody complaining that hawkers are being mistreated. Why is it that when it comes to Uasin Gishu County or Governor Mandago doing his work of

ensuring the town is clean, it is orderly, that the law and the regulations are being followed---

Finally, Madam Temporary Speaker, on the hawkers menace, because these things are enjoined, it is good you are the Senator of that county. You will remember that three weeks ago when the police, county *askaris* and the county inspection units went to look into those issues, some of those hawkers along *sokoni* were found with serious and dangerous paraphernalia. These included knives and many other weapons which were used to maim and steal from the law abiding citizens.

Therefore, I do not support what the Senate Minority Leader has said, because that is just casting aspersions. We do not support any forceful eviction of street families. But going forward, we must agree with the process of cleaning the towns and removing criminals off our streets.

Madam Temporary Speaker, I think this is part of the challenges that we are facing across our county townships, cities and many other areas. Going forward, just as the President has said, amongst others, on the issue of having affordable housing and healthcare, we want to see to it that those slum areas are also served with good facilities such as health facilities. I know that health is a devolved function and it is one of the big four agenda of the President.

Therefore, we hope that our governors will not only develop good facilities in some areas and leave out slums. As my colleagues have said here, the only places you will see people taking selfies to display their generosity and the only places you will see politicians making their first stop to look for votes are normally in slums areas.

Therefore, I want to urge leaders, especially the governors who come from regions that have slums, that their first stop apart from during the electioneering period, should also be in these slums to ensure that we have affordable healthcare there. It is timely that we are having this National Slum Upgrading and Prevention Policy. Looking into the future, I hope and pray that this is the basis and bedrock of ensuring that our towns have an orderly and proper organisational structure in terms of zoning in our areas.

I saw complaints in some of the media houses about the zoning which had been done in some of these estates or regions, even here in Karen, be it for industrial areas or real estates. For example, people in Karen are complaining about the upcoming high-rise buildings which have not been approved by the Residents Association.

Finally, going forward, what is important in terms of handling some of these issues is to ensure that we do public participation so that our people understand. What is also important is to agree that some of these slums are being run by criminal gangs. But we agree that the police must also ensure that they provide security because we do not want to see our slums being run by criminal gangs.

I know it is the challenge that we have, but the security agencies in this country must also work extra hard to ensure that the security that somebody enjoys in Lavington is the same as the one enjoyed by one in Kibera, Kangemi, Mukuru kwa Njenga, Eldoret or even in Kisumu. This is to ensure that we do not allow these criminal gangs to thrive. We hope that the same way Dr. Matiangi ensured that the Ministry of Education, Science and technology was up and running, now that he is in the Ministry of Interior and

Coordination of National Government, some of these insecurity issues will be handled properly.

Therefore, I want to urge my colleagues to support this Motion because it is a good starting point. Let us support it to ensure that our counties develop. It is good that some of us, especially those who still have small towns that are coming up, adopt this policy as early as now. This will ensure that we prevent a further catastrophe of having sprawling slums, which will make it hard to provide affordable living as envisaged by Articles 42 and 43 of the Constitution of Kenya.

Madam Temporary Speaker, I beg to support.

Thank you.

**The Temporary Speaker** (Sen.) (Prof.) Kamar): Sen. Pareno Judith Ramaita.

**Sen. Pareno:** Thank you, Madam Temporary Speaker, for giving me this opportunity. I wish to support this Sessional Paper with a rider. The Senate Minority Leader said that we want to eliminate the slums and not upgrade them. However, my thinking is that we should start with upgrading and move on to elimination. That would be progress towards developing our country.

Madam Temporary Speaker, I am a bit worried because the problem is not just about upgrading the slums. We must have a holistic approach to the slums that we have in this country. For example, I had a discussion with a gentleman who was a slum dweller and was doing some gardening in an estate. At that time, the Government was upgrading Kibera Slums. I asked him what his view was on the upgrading programme because we were all excited at that time with the slum upgrading programme. He told me that he cannot upgrade and live in a house worth Kshs6,000 when he is sleeping hungry. He thought that it would be better if he is given that house, so that he can rent it out and move deeper into the slums to live in a house that is worth Kshs1,500.

This is a deeper problem that we have as a country; it is not just upgrading *per se*. It is about jobs, resources, education and empowering the people in the slum areas. If we do not empower them, we will still continue with the cycle of the Government upgrading houses and people move on to live in other slums and rent out the houses that are given to them through upgrading programmes.

Madam Temporary Speaker, this issue needs a holistic approach. I have looked at the proposed policy. It comes out with clear objectives on how we can uplift the standards of these people. It comes out with ways of improving the economics of the country to empower them, so that we can upgrade and eliminate the slums.

The other issue is about the land tenure, which most Senators have talked about. In the slum areas people build houses, but do not have legal ownership. If we could develop some land tenure system and create ownership of the parcels of land that these people have lived on over the years, we might empower them to have collateral because they will have titles to the parcels of land. They will improve their livelihoods by using the title deeds as collateral to take loans.

Madam Temporary Speaker, looking at this policy that we are to approve I see an acknowledgement that previous initiatives have been undertaken. One of the bottlenecks in those previous undertakings is that we had instances of corruption and, therefore, we were not able to conclude the programmes that we had---

**The Temporary Speaker** (Sen.) Prof.) Kamar): Order, hon. Pareno. You are left with 15 minutes, which you will utilize tomorrow when we resume debate on this Motion.

### ADJOURNMENT

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, it is now 6.30 p.m., time to adjourn the House.

The Senate, therefore, stands adjourned until tomorrow, Wednesday, 28<sup>th</sup> February, 2018, at 2.30 p.m.

The Senate rose at 6.30 p.m.