

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 2nd July, 2015

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

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

PRAYERS

STATEMENTS

CRITERIA USED IN ALLOCATION OF UWEZO FUND IN THE 47 COUNTIES

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, we will start with those people who have requested for statements.

Sen. Bule: On a point of order, Mr. Deputy Speaker, Sir. Pursuant to the provisions of Standing Order No.45(2)(b), I rise to seek a statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget regarding Uwezo Fund.

(1) In the statement, the Chairperson should state how much money was allocated to the Uwezo Fund in the financial years 2013/2014 and 2014/2015;

(2) explain the criteria used to share the money by the counties;

(3) how much money was received by Tana River County in the past two financial years;

(4) explain the extent to which the Fund has benefited the residents of Tana River County as per constituency by name, national identity number and the location from which they come from; and,

(5) provide a list of Uwezo Fund projects in each constituency in the county.

I also want to seek another statement pursuant to----

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senator Bule! Do one thing at a time.

Sen. Bule: That was with regard to Uwezo Fund.

Sen. Billow: Mr. Deputy Speaker, Sir, I rise to give a statement that was requested by Sen. Gwendu.

The Deputy Speaker (Sen. Kembi-Gitura): No, no! The statement sought by Sen. Bule was directed to your Committee. He is asking about Uwezo Fund. When will you give him an answer?

Sen. Ndiema: Mr. Speaker, Sir, before he responds, I also want to ride on it. First, I want to thank him for bringing this very important question before this House.

The Deputy Speaker (Sen. Kembi-Gitura): Just a minute, Sen. Ndiema.

Sen. Billow Kerrow, do you have a copy of the statement sought by Sen. Ndiema? Could the Clerks-at-the-Table furnish you with a copy so that you follow up the request? In the meantime, pick it up and look at it.

Sen. Ndiema: Mr. Deputy Speaker, Sir, since most counties will be interested, including Trans Nzoia County, I would like to request something similar to this statement. Therefore, Would I be in order to ride on it and request it be expanded to cover all counties?

Sen. Muthama: On a point of order, Mr. Deputy Speaker, Sir. This is just a rider. The statement being sought by Sen. Bule is very important. In fact, it has issues in all counties. I would like Machakos County to be considered along the same aspect when a statement is issued.

Sen. Kanainza: On a point of order, Mr. Deputy Speaker, Sir. The Chairperson of the Committee should tell us how many youth of this Republic have benefited from Uwezo Fund. We all know that the Kshs6 billion was meant for young people although it has been shared amongst the youth, women and people living with disability.

The Deputy Speaker (Sen. Kembi-Gitura): You are asking the Chairman of the Committee a very difficult question. The statement sought reads:

(1) How much money was allocated? An answer to that can be found and it can be given nationally and not only to cover the counties of three Senators who have intervened to ride on Sen. Bule's request. Therefore, an answer to the first part of the question is possible.

In the second part, he should explain the criterion that has been used to share the money by county. It is important that the Chairman gives this by counties.

(3) He should state how much money was received by Tana River County in the past two financial years. That could be amended to read all 47 counties.

(4) He should explain the extent to which the Fund has benefited the residents of Tana River County. This is what the Chairman will find a bit complex.

(5) State who the beneficiaries of the Fund are in Tana River County as per constituency by name, national identification number and the location from which they come.

That may be a bit complicated. However, without pre-empting it, Sen. Billow Kerrow, how do you propose to go about it?

Sen. Billow: Mr. Deputy Speaker, Sir, the statement sought is good. However, I advise the House that the *Uwezo* Fund is a statutory Fund provided for in law. There are regulations which were passed by this House which Members can access to, which explains the criteria for the disbursement. The criterion is set out in the regulations of the

Fund which were approved by Parliament. The annual allocations are also in the annual estimates which are available and Members can look at them.

Mr. Deputy Speaker, Sir, for Items (c), (d) and (f) on how much money per county, this is information that we can provide. However, the extent to which the Fund has benefitted the residents, we would require a study to determine the impact of utilization of the Fund. Based on the Fund's regulations, we can explain the purpose for which individual projects are being funded under the *Uwezo* Fund.

Item (d) can be properly explained in (e). Once you give the list of beneficiaries, the groups which accessed the money in the respective constituencies in Tana River, that would explain. From there, we can now go on to the counties to find out from the respective Committees of the *Uwezo* Fund who the actual members are by name, location and village. The general figures of how many of those groups have been given per constituency can be availed. That includes Items (c) and (f).

The Deputy Speaker (Sen. Kembi-Gitura): How long do you want for you to give a response?

Sen. Billow: Mr. Deputy Speaker, Sir, I would request two weeks because I will have to write to the Ministry and also interrogate it in our Committee.

The Deputy Speaker (Sen. Kembi-Gitura): You have heard the interventions from the Senators who want to ride on it. I would like you to include their requests in your statement.

Sen. Billow: Mr. Deputy Speaker, Sir, yes, the clerks could expand to include all of them, particularly on Item (d) which talks about how much money for each county instead of only Tana River County.

The Deputy Speaker (Sen. Kembi-Gitura): It is now up to you to look at the HANSARD. My direction is that you read what Sen. Ndiema has said and include it.

So, two weeks from today.

UTILISATION OF CDF IN TANA RIVER COUNTY DURING THE 2012/2013 FINANCIAL YEAR

Sen. Bule: Mr. Deputy Speaker, Sir, pursuant to the provisions of Standing Order No.45(2)(b), I rise to seek a Statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget regarding the Constituencies Development Fund (CDF). In the Statement, the Chairperson should highlight the following:

- (1) What was the balance of money earmarked for CDF projects in Tana River County for the Financial Year 2012/2013 as at March 2013?
- (2) How many projects were completed by March 2013 and what was their cost?
- (3) How many projects were incomplete by March 2013?
- (4) How much money has been allocated to CDF per constituency in the entire Tana River County for financial years 2013/2014 and 2014/2015?
- (5) How much of the money has been used for development projects?
- (6) How much of the money has been used for bursaries?

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- (7) Who are the beneficiaries in each constituency by name, location and ethnic community and what criterion is used to allocate the bursary?
- (8) How much money has been allocated to the Constituency Development Fund for the Financial Year 2015/2016?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Billow, as you give us a date on when you will respond to the Statement, I approve this statement with a bit of reservation because he is now asking about CDF and how it was used. It is not my wish that we should be seen to deal with issues that are not within our mandate. You can tell us how you propose to go about it and when you can give the answer.

Sen. Billow: Mr. Deputy Speaker, Sir, it is a matter touching on development of this nation and funds that are voted by Parliament. This House had an opportunity to discuss in the Budget Policy Statement funds that are earmarked for CDF among other national projects. We will look at it and get the information that the Member wants.

With your indulgence, I would also like to advise the Member that some of these things he is asking for are actually available from the CDF Board office. They have a website where much of the information on CDF of each constituency is uploaded regularly. For example, how much money is allocated each year is in the estimates. You can also get it from that website. You can also get information on how much they have used, how many projects are ongoing and how many are complete.

We will respond as requested. In the meantime, I urge him to also seek some of the information that we will provide in the next two weeks, the same Thursday that we will be responding to his other statement.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Bule, are you satisfied?

Sen. Bule: Mr. Deputy Speaker, Sir, I am satisfied although I urge the Chairperson that this issue of pouring money to the Constituencies and not finding it is our task as Senators ---

The Deputy Speaker (Sen. Kembi-Gitura): Order! I did not ask you to go on a tangent and bring in new issues. I just asked if you are satisfied that you will get the answer in two weeks' time, having been informed and correctly so, that three quarters of the information you have sought can be found on the CDF website. That is important information that you have been given by the Chairperson. If you check, you may find exactly how much went to your county, constituency by constituency, in terms of CDF for what projects and what is being done about it. Since the Chairperson has said he will give you an answer in two weeks' time, so be it.

Those were the only statements that were being sought today.

Sen. Billow, did you want to issue or seek a statement?

Let us start with the statement that you wanted to issue

Sen. Billow: Mr. Deputy Speaker, Sir, I rise to make a statement pursuant to Standing Order No.45(2) regarding the county government budget ceilings on recurrent expenditures.

My Committee this morning met and felt that there is a lot of misleading information that is being issued in the media the last couple of days by the Council of

Governors (CoG) and the Commission on Revenue Allocation (CRA). Therefore, we have---

The Deputy Speaker (Sen. Kembi-Gitura): Are you proceeding under Standing Order No.45 (2) (b) or 2 (a)?

MISREPRESENTATION OF THE SENATE BY THE COG
ON THE COUNTY ALLOCATIONS BILL

Sen. Billow: Mr. Deputy Speaker, Sir, I am proceeding under Standing Order No.45(2)(a).

This House will recall that last week we passed the County Allocation of Revenue Bill. In that Bill, there was an annex on the amount of budgetary allocation to the county assemblies, which is always referred to as budget ceilings. In fact, it is an allocation for the 47 county assemblies.

The Public Financial Management Act (PFMA), Section 107 (2)(a), as amended by the County Allocation of Revenue Act 2014 provides that pursuant to Articles 201 and 216 of the Constitution, the CRA shall recommend to the Senate the budgetary ceilings on the recurrent expenditures of each level of the county governments and so they submitted to us a ceiling allocating approximately Kshs25 billion to the 47 county governments for their Recurrent Expenditure for 2015/2016.

Consequently, the Committee received representations from the public, including the County Assemblies Forum (CAF), representing the 47 county assemblies. Based on those reviews, the Committee recommended to this House an increase in the allocation for 34 counties that requested additional money because they felt that the amounts allocated by the CRA in their recommendation was not adequate to finance the entire Recurrent Expenditure of the county assemblies.

Mr. Deputy Speaker, Sir, you will recall that last year county assemblies had serious difficulties. In fact, they brought Motions to this House, including an attendance by representatives of the Speakers of the 47 counties. Many of the county assemblies were literally grinding to a halt because of lack of finances.

This year, we asked the CRA to critically examine the expenditure structure of the county assemblies and give them adequate money so that they can carry out their mandate of oversight, representation and legislation effectively in the county assemblies. They went through that process and came up with that figure. On the basis of the needs and requests by the county assemblies, we felt to adjust that figure for 47 counties to bring the total figure to Kshs27 billion.

Mr. Deputy Speaker, Sir, a sum of Kshs47 billion allocated to 47 counties for their entire Recurrent Expenditure, including the salaries of all the employees, MCAs, the entire travel expenses and all their overheads; operations and maintenance of the 47 counties. This hon. House passed those amendments. We want to make it clear to the public that, indeed, that Kshs27 billion for the entire second arm of government in the counties known as the county assemblies for the entire Financial Year 2015/2016. Out of

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Kshs287 billion allocated to the county governments, Kshs27 billion will be spend by county assemblies. It is important that this issue is put into proper context.

Mr. Deputy Speaker, Sir, the additional Kshs2.5 billion will come from the recurrent expenditures of the county executives. It does not come out of the development. This is where the county governors are misleading the public. Out of the Kshs287 billion that is being given to the county governments, only Kshs27 billion will go to the county assemblies. The remaining Kshs260 billion will go to recurrent expenditures of the county executives.

As I speak, there is no ceiling, limit or control on the county executive on how much money they actually spend on their travel, motor vehicles and fuel. Some of the budgets that have been submitted to the Controller of Budget, you will find that recurrent expenditures represent as much as 60 per cent of their budget. In fact, very few of them have development expenditures of 40 per cent. The majority have development expenditures of between 20 to 30 per cent.

Mr. Deputy Speaker, Sir, the same CoG who are complaining why we are giving Kshs2.5 billion to the county assemblies are completely oblivious of the fact that in their backyard they are spending nearly Kshs200 billion on recurrent expenditures. Again, these are the same inefficiencies and wastages that the Auditor-General has been talking about in his report every year. They do not want us to empower and build the capacity of the county assemblies, so that they can effectively oversight. In fact, in the wisdom of this House, we are giving adequate money to the county assemblies to be able to carry out their mandate effectively and address most of the problems bedeviling them.

Every day we are getting petitions in this House from members of the public complaining about wastage, looting and misuse of funds in counties. It is a pity that the CoG cannot see the log in their eye. They want to complain about the peck in the eyes of the poor little fellows whom we are giving money.

Mr. Deputy Speaker, Sir, I want to make it very clear that we are not touching development money. The fact that the county governments had not finalized their budgets making process at the time we passed this Bill, we are asking them to adjust their expenditures accordingly and provide for this money. It is not a lot of money. In fact, the adjustments range from Kshs50 million, Kshs30 million and Kshs20 million, respectively, on the county assemblies expenditure in the counties. We want county assemblies to have adequate resources to operate effectively. That is the message. We want them to have the resources to legislate effectively.

Mr. Deputy Speaker, Sir, for example, Meru County where the Chairman of the CoG comes from, the county assembly petitioned our Committee through the Senator of Meru who delivered that paper. They made it very clear that the cost of drafting legislation alone by that assembly was running into tens of millions of Kenya shillings because they had to hire the services of draftsmen and other experts to draft legislation. A lot of legislations that they wanted to draft were pending because they did not have enough money. They asked for some money to cover these costs.

Mr. Deputy Speaker, Sir, the CRA has completely failed in their mandate. We told them that instead of sitting with the county assemblies and telling them that this is

the structured way of determining the costing or the expenditure of the county assembly, it should be in a structured way so that every county assembly knows, for example, that insurance has been provided for, drafting expenses, *et cetera*. What they simply do is determine the salaries and allowances of employees and then put a mark up to cover operations and maintenance. That did not help the situation because different assemblies have got different needs and capacities. Therefore, you cannot say that you will allocate the same amount of money as they argued for Marsabit and Turkana counties. Although the area may be the same, you will find that in terms of population and the other logistical requirements of that county, the population alone is three times the population of Marsabit. The size of the assembly itself is almost three times more.

There are a lot of other factors they did not look at and they have not prepared a properly structure template for determining the expenditure types and the standard expenditure provisions for each assembly. So, they actually did a very shoddy job. In fact, we had to look at those figures and adjust them. This Senate has the mandate in the PFMA after receiving recommendations from CRA or any other body to determine how much money should be allocated. That is exactly what we did.

That is the exercise of the powers provided for in the Public Financial Management Act, Section 107, as amended in the County Allocation of Revenue Act last year. We exercised our mandate to adjust and increase the allocation for the county assemblies. We do not need the mandate or authority from the CRA as they alleged today in the media that we should have sought its permission. That is on the contrary. In fact, the CRA is supposed to advise this House before the House makes its decision. That is what we have done.

Mr. Deputy Speaker, Sir, the public needs to be rest assured that the capacity that we are building for the assemblies is in the interest of the residents of the counties. We want to see assemblies effectively auditing and holding the county governments to account. However, county governors do not want that audit. That is why they do not want more money to be given to the county assemblies.

Lastly, Mr. Deputy Speaker, Sir, the Constitution and the Inter-governmental Relations Act are very clear. If there is a dispute between these institutions, there are effective dispute resolution mechanisms. Unfortunately, what is happening is a situation where the CoG goes to court on every flimsy excuse, including this one. They will go to court to stop this House from legislating; enacting County Allocation of Revenue Bill to give assemblies more money.

Mr. Deputy Speaker, Sir, two weeks ago, the CoG went to court to stop the Senate from discussing the petition that was submitted to this House. It is becoming too much. Every time, it does not go through institutions and mechanisms provided for in the Constitution that require consultation, negotiations and arbitration. That is what the Constitution says. Instead, it goes to court. We want to make it very clear. My Committee has decided that effective from now, we will surcharge any county government, including the CoG, that will go to court. We will surcharge them if they go to court without going through the laid down procedures provided for in the Intergovernmental Relations Act. We will hold individual governors and any of the institutions responsible and surcharge

them. We will ask the Auditor-General to give effect to that whenever we will decide on the matter in the future.

Thank you very much, Mr. Deputy Speaker, Sir. That is the statement I wanted to make.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you very much, Sen. Billow, for that very important statement. I allowed you a lot of time because I appreciate the importance of the statement that you have issued. I am saying that because I can see that there are a few Senators who want to make interventions. I want them to be brief. That is the whole purpose of saying what I am saying. I want the interventions to be brief because Sen. Billow has been very clear on the issue.

Sen. Obure: Mr. Deputy Speaker, Sir, I thank Sen. Billow for the clarification and for being very exhaustive in the way he has explained it.

Mr. Deputy Speaker, Sir, this Senate is receiving very negative publicity as a result of this decision. Despite the very good explanation by the Chairman, I am not quite sure that the general public out there will get precisely what the Senate's position is. I was wondering if you could direct from your position that the Communications Department of the Senate takes up this matter and makes sure that the Chairman's exposition receives as much coverage as possible so that we are understood. It should be known that we are doing legitimate work as enshrined in Constitution and that all that we are interested in, as an institution, is to ensure that there is accountability for resources given to the counties and that we want the county assemblies to exercise their oversight roles effectively.

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, allow me to support the statement by my Chairman. If I am unkind to any person, it is because this matter has been given the wrong coverage.

Mr. Deputy Speaker, Sir, I happened to chair one of the meetings regarding this issue. I was extremely disappointed by the CRA. There appears to be a common trend and consistency by the CRA. In fact, in our Committee on Finance, Commerce and Budget, we thought that, maybe, it is time we went the Indian way where a commission of this nature sits once every five years. The commission makes recommendations on finance, then, it is appointed afresh. That should be the case because the CRA, through Mr. Cheserem, has let this country down.

Mr. Deputy Speaker, Sir, there are three instances; on the revenue sharing formula, Senators rejected the formula because the CRA did not consult the Senate.

Concerning the division of revenue, the CRA agreed, with an organisation called Intergovernmental Budget and Economic Council (IBEC), without consulting Senators.

On the county budgets, particularly county assembly budgets, I want to highlight the mistake they did. They lumped counties together. An assembly that has got 80 Members of County Assembly (MCAs) and another one like Nairobi County Assembly with 124 MCAs were treated the same. How fair is that yet they are supposed to have a detailed account?

Mr. Deputy Speaker, Sir, the request that we received in our Committee was to the tune of Kshs4.6 billion for 34 counties only. Without even consulting this Committee,

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the Chairman held a press conference to castigate and cast aspersions on Senators. It is a pity because he was present when these deliberations were going on and sent MCAs back to the drawing board for more than three times. He must be condemned under all circumstances. He must be told that he is not the 48th governor in this Republic. He ceased to be a Governor of Central Bank of Kenya a long time ago. He must also be told that under the Constitution, he is supposed to come up with recommendations, not only of financing of county budgets, but also proposals of financial management.

Mr. Deputy Speaker, Sir, we have not received any proposals in this Senate through the CRA on the misuse of funds by county governments, particularly governors. Therefore, we would like to tell him that we are watching him carefully. When he continues going out there to cast aspersions on Senators, particularly our Committee, we will bring a Motion to discuss his conduct as the Chairman of that body.

In my view, it is time we made it a one-time commission like the commission that sits in the Republic of India. In India, that commission sits for one year and makes recommendations. That is the end of it.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Machage, are you seeking the Floor on this? I remind you to press the correct button.

Go on, you have the Floor.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, certain small privileges are important at a certain age.

The conduct of the Chairman of the CRA, Mr. Cheserem, is below what we expect out of a person of that kind of experience and respect in this country; especially taking note of the problems that county assemblies have had in the last few months. For example, Migori County has its assembly nearly totally grounded, especially because of the mischief of the governor controlling funds. Thanks to this House because we are reviewing the law that regulates how money will be handled at that level. It is an important opportunity to tell his and his cohorts that their role is advisory; totally advisory to this Senate. The decision is for the Senate and not them. However, I blame the Executive for having planted horns on the Cheserem Commission and IBEC. Let me remind them that they have are wax horns and not strong horns. We will uproot all of them with the powers of this House.

Migori County now has an extra Kshs74 million for the county assembly. I think that it will go a long way to try and alleviate the problem that, that county has had at that level.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you very much, Senators. A lot of issues have arisen out of this statement by the Chairman of the relevant Committee, Sen. Billow. I know that Sen. Obure has asked me to make a finding regarding the publicization of the statement. I would request that the Clerk's office, in liaison with the Chairman of the Committee, sees how best this can be brought to the public domain---

(Sen. Mutula Kilonzo Jnr. consulted)

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loudly with Sen. (Dr.) Khalwale)

Order, Sen. (Dr.) Khalwale! Just before you came in, there was a lot of peace and tranquility in the House. Since you came in, things appear to have changed. I do not intend to throw you out, but you may have to sit in your usual place.

The point I was making is that this is a very important position for us, as the Senate. I would request that Sen. Billow in liaison with the Clerk's Office or the Speaker's Office sees how best we can publicize. The importance of it, in my very strong opinion, is because if you refer to Article 216 of the Constitution, read against Article 96(3) of the Constitution the role of the Commission on Revenue Allocation (CRA) is very clearly defined. Article 216(1) and (2) says that the CRA shall make recommendations, but if you look at Article 96 (3), it says that the Senate determines. Further Article 216(5) provides that the CRA shall submit its recommendations to the Senate and the National Assembly, national Executive and the others.

My understanding is that the CRA can only recommend. Therefore, it should not be seen in the public domain as telling the Senate what to do or what not to do. Reading the Constitution properly, it is quite clear that the Commission might very well be exceeding its mandate in making the statements that it is making in the public domain.

Sen. Billow, I would like you to pursue that issue and maybe see how best you can have it publicized, so that the public can understand where the Senate is coming from in making the recommendations or determinations that it has made regarding the further funding of the county assemblies. This will enable the county assemblies attain the mandate that they have under the Constitution. That will be my summing up of the situation.

(Applause)

Sen. Ndiema: On a point of order, Mr. Deputy Speaker, Sir. I want to seek further direction.

The Deputy Speaker (Sen. Kembi-Gitura): I will not allow you for the simple reason that I opened the Floor and gave everybody who wanted to speak a chance before I wound up the issue. I have wound it up in the best of my ability.

Sen. Ndiema: I wanted to enrich it, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): The situation is reasonably enriched at the moment. There is always the danger of closing and reopening matters. We cannot do business like that. There will be another time when you will get that opportunity. We must move on.

Sen. Haji, I hope it is not on this issue.

Sen. Haji: Mr. Deputy Speaker, Sir, I requested to contribute to this before you made the decision. I do not know whether my request was displayed on your screen.

The Deputy Speaker (Sen. Kembi-Gitura): You heard me asking everybody whether they wanted to contribute. My screen has two windows. One window is for somebody who wants to contribute to a debate. The second one is for interventions.

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Since I have the privilege of also sitting where you sit, I know that the buttons also provide for interventions and contributions. So, if you want to intervene on a point of order, press the button written “intervention” and I shall call you out. But when you do it on “requests”, then, of course, that gives me a problem.

Sen. Haji: Mr. Deputy Speaker, Sir, I quite agree with you. I pressed the intervention button. So, it is my own mistake. I am sorry.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you very much. I admire your honesty.

Sen. Haji: Mr. Deputy Speaker, Sir, you have said whatever I wanted to say; that we should publicize the issue through all media houses, including vernacular stations.

The Deputy Speaker (Sen. Kembi-Gitura): What I would propose, because of the importance of it, is that we may need to buy space, so that it is not edited. We want to be able to tell the nation exactly what it is that we are saying about the role of the Senate *vis-à-vis* the role of the a CRA, whose work is to recommend to the Senate what needs to be done for devolution to work. That is the point I was making on this issue.

Sen. Kanainza, what is your point of order?

Sen. Kanainza: Mr. Deputy Speaker, Sir, I want to make a recommendation.

The Deputy Speaker (Sen. Kembi-Gitura): On what?

Sen. Kanainza: That the Committee should invite the Chairman of the CRA.

The Deputy Speaker (Sen. Kembi-Gitura): It is too late. That is finished.

There are two statements to be issued; one by the Senate Majority Leader. Before the Senate Majority Leader issues his Statement, Sen. Billow has a statement to issue at the request of Sen. Gwendo.

IMPLEMENTATION STATUS OF THE REPORT OF THE PRESIDENTIAL TASKFORCE ON PARASTATAL REFORMS

Sen. Billow: Mr. Deputy Speaker, Sir, Sen. Gwendo sought the Statement on Thursday, 20th November, 2014, but I will respond. The statement is on the amalgamation of the Kenya Tourism Board (KTB), Export Promotion Council (EPC), Kenya Investments Authority (KIA) and Brand Kenya Board (BKB) into one agency.

First, hon. Senator wanted to know why the amalgamation has not been done, since the report by the Presidential Taskforce on Parastatal Reforms that recommended the amalgamation of the four agencies into one was presented to the President on 12th November, 2013. It is true that the taskforce recommended the merging of the KTB, EPC, BKB and KIA into one entity known as Kenya Investments and Marketing Agency (KIMA). KIMA will be responsible for marketing Kenya as a destination for tourism and investment, in addition to promoting Kenyan products in the regional market. The process is being handled by the Presidential Taskforce on Parastatal Reforms and is not yet complete.

The second part of her request was on whether the Ministry is aware that the failure to amalgamate has disrupted the operations of the Kenya Tourism Development Corporation (KTDC), because the board of management has not been in operation. The

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Ministry is not aware that the operation of the KTDC, which is currently known as the Tourism Finance Corporation (TFC), is disrupted because of the board of management has not been in operation. This is because the TFC is a different entity and it is operating, although they have been experiencing some challenges, which arose from the slow operationalization of the Tourism Act of 2011.

The challenge relates to a clause in the Act on the appointment of the board of directors. The parastatal could not, therefore, disburse loans or approve loan disbursements. However, it has been carrying out its other operations, including repayments from past disbursements. This is a matter that is pending before the National Assembly for the amendment of that Act.

On when the amalgamation process will be expedited, after the recommendations of the task force were submitted to Parliament, that matter has yet to be deliberated on and appropriate legislations enacted.

Lastly, on the clarification whether eligible investors who are interested in hotel development could access development loans while the amalgamation process is awaited; the Ministry is in the process of constituting a board of management after which the disbursement of loans to investors by the corporation will commence. At this stage, I am not able to say when exactly the board will be put in place. However, there is a process to put up a board in place very soon.

The Deputy Speaker (Sen. Kembi-Gitura): Proceed, Sen. Gwendo. Please, just seek a clarification.

Sen. Gwendo: Mr. Deputy Speaker, Sir, in regard to what Sen. Billow has brought to the House, it is good he has mentioned that this agency is supposed to be responsible for promoting Kenyan products in the regional market.

Kenya is known for sports, tourism and other good things which we cannot promote if we do not develop the hotel industry. These loans are supposed to be available for investors who would like to develop the hotel industry. Currently, these loans are not available due to the fact that the board is not in place.

I sought this Statement in November, 2014 yet until now investors cannot get these loans. Could the Chairman state whether there is a specific time that investors will get these loans? We cannot say that investors are unable to do things that will promote our country as a tourism destination while we cannot support our investment.

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

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

The Deputy Speaker (Sen. Kembi-Gitura): Please, do it briefly.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, in the Budget, billions of shillings has been set aside for marketing brand Kenya as a preferred tourist destination. Could the Chairman explain whether this delayed amalgamation will in any way affect the expenditure of these billions of shillings for marketing Kenya? If the amalgamation is a problem to the marketing, who is controlling and spending those billions of shillings?

Sen. Okong'o: Mr. Deputy Speaker, Sir, on the same note, I would like the Chairman to clarify on the contracts given to some companies and individuals in America to market Kenya. Where did they emanate from, if this board is not in place?

(Applause)

The Deputy Speaker (Sen. Kembi-Gitura): That is a complete different question which you may need to seek a Statement on.

Sen. Billow, you may respond.

Sen. Billow: Mr. Deputy Speaker, Sir, on the clarification sought by Sen. Gwendo, it is true that there has been a delay. When the Presidential Task Force submitted this to Parliament, the process of actualizing all those recommendations has taken very long. It involves making appropriate legislation. However, because of that delay, the President has decided to go ahead and appoint boards of directors to various State corporations so that they can continue with their work. This process of amalgamations or restructuring of the parastatals is taking too long because of the legal requirements.

Last month, over 300 directors were appointed to various boards. I am aware that in the next few weeks, there will be other appointments to the remaining boards. This will, probably, be one of them where the board structure will be complete.

However, in this year's Budget, the Government has provided Kshs6 billion to finance marketing of tourism externally. The financing of tourism is not only being done through the Kenya Tourism Development Corporation (KTDC). It is also done through the Kenya Tourism Board (KTB) and several other players who are actually spending that money to go and market and brand this country outside in the relevant tourist destinations in Europe and other countries. That is what they normally do and whatever has been budgeted for will be spent through them.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you. That brings us to the end. Proceed, Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 7TH JULY, 2015

The Senate Majority Leader (Sen. (Prof. Kindiki): Mr. Deputy Speaker, Sir, I rise under Standing Order No.45 to issue the Statement of the Business of the Senate for the week commencing Tuesday, 7th July, 2015.

On Tuesday, we shall have the usual Rules and Business Committee (RBC) meeting at 12 noon to schedule the business of the week. Subject to that meeting, the Senate is expected to continue with the business which will not be concluded in today's Order Paper, including the various Bills which are going through Second Reading and Committee of the Whole, including the following Bills:

(1) The National Government Coordination (Amendment) Bill (Senate Bill No. 30 of 2014).

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- (2)Parliamentary Service (Amendment) Bill (Senate Bill No. 21 of 2014).
(3)The Drought Management Authority Bill (National Assembly Bill No. 42 of 2013).
(4)The County Early Childhood Education Bill (Senate Bill No. 32 of 2014) and;
(5)The Public Appointments (County Assembly Approval Bill) (Senate Bill No. 20 of 2014).

On Wednesday, 8th July, 2015, the Senate will continue with the business which will not be concluded on Tuesday as may be scheduled by the RBC.

On Thursday, 9th July, 2015, the Senate is expected to debate the various Bills that are at the Second Reading stage as well as other Motions and business that will be scheduled by the RBC.

Mr. Deputy Speaker, Sir, before I sit down, I thank the hon. Senators for the good work done this week. We have concluded Second Reading debate on two important Bills; the County Early Childhood Education Bill (Senate Bill No. 32 of 2014) and the Public Appointments (County Assembly Approval Bill (Senate Bill No. 20 of 2014).

Finally, I appeal to hon. Senators to continue attending, considering that we have a number of Bills that we expect to introduce for Second Reading and Committee of the Whole, next week.

Mr. Deputy Speaker, Sir, I thank you and I now lay this Statement on the Table of the Senate.

(Sen. (Prof.) Kindiki laid the document on the Table)

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Senate Leader of Majority.

Sen. Kittony, I will allow you to give your Notice of Motion.

NOTICE OF MOTION

MEASURES TO MITIGATE TRAFFIC CONGESTION IN NAIROBI METROPOLITAN

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

THAT, aware that traffic congestion in Nairobi metropolitan region is increasingly becoming worse, leading to increased costs, longer travel times, constrained economic productivity and adverse health and environmental externalities; concerned that the economic cost of the congestion is estimated to be over Kshs1 billion annually on account of wasted man-hours and wasted fuel due to vehicle queuing; appreciating the Government's effort in mitigating the problem by expanding infrastructure and initiating other interventions such as installation of traffic lights in the Central Business District, the Senate now calls upon

the Government to consider formulating additional policy interventions and mitigate the problem by:-

(1) Enacting legislation to allow only high capacity public transport to operate in the city; and,

(2) Creating regulations to:-

(a) require all deliveries to business premises to be done at night;

(b) require construction on roads that are in use to be done at night;

and,

(c) reroute heavy commercial vehicle to use the by-passes that have already been done.

Thank you.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you very much, Senator. That brings us to the end of Statements and Notice of Motion.

Next Order.

BILL

Second Reading

THE FOOD SECURITY BILL (SENATE BILL NO.23 OF 2014)

(Sen. Elachi on 30.6.2015)

(Resumption of Debate interrupted on 1.7.2015)

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, this is coming for Division. Do we have the numbers?

(The Deputy Speaker consulted the Clerks-at-the-Table)

Hon. Senators, we are going to Division and the Bell will be rung for five minutes.

(The Division Bell was rung)

DIVISION

ELECTRONIC VOTING

(Question, that the Food Security Bill (Senate Bill No. 23 of 2014) be now read a Second Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Bule, Tana River County; Sen. Chelule, Nakuru County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. G.G Kariuki, Laikipia County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kisasa, Kilifi County; Sen. Kivuti, Embu County; Sen.(Dr.) Machage, Migori County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Muthama, Machakos County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen.Okong'o, Nyamira County; Sen.Wamatangi, Kiambu County; and Sen.Wetangula, Bungoma County.

(Sen. Wetangula walked towards his seat)

The Deputy Speaker (Sen. Kembi-Gitura): Order! Sen. Wetangula. Normally when the Speaker is on his feet, you are supposed to freeze not to walk towards your seat. Those are the established rules of the House. As a senior Senator, I am sure you know them.

Hon. Senators, the results of the Division are as follows:-

AYES: 26

NOES: Nil

ABSENTIONS: Nil

(Question carried by 26 votes to 0)

The Deputy Speaker (Sen. Kembi-Gitura): You may now draw the Bars and open the Doors.

(The Bars were drawn and the doors opened)

Next Order.

BILL

Second Reading

(THE COUNTY HALL OF FAME BILL (SENATE BILL NO.33 OF 2014))

(Sen. Sang on 1.7.2015)

(Resumption of Debate interrupted on 1.7.2015)

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The Deputy Speaker (Sen. Kembi-Gitura): I note that Sen. Sang has a balance of 45 minutes, but he is not in the House. The Bill has not been seconded or moved. Therefore, I will drop it from the Order Paper and that will have its own consequences.

(Bill deferred)

MOTIONS

RE-INTRODUCTION OF UNTRAINED TEACHER PROGRAMME IN NORTH EASTERN REGION

AWARE that the country in general and north eastern region, in particular, currently faces an acute shortage of teachers;

NOTING that the problem in schools in North Eastern region counties has been exacerbated by the recent refusal by teachers to report to their duty stations in the region;

CONCERNED that, the National Government has no plans to overturn the current freeze on regular recruitment of teachers; the Senate calls upon the National Government to immediately reintroduce the Untrained Teacher (UT) Programme as well as in-service training for untrained teachers in the north eastern region as a measure to bridge the shortage of teachers in the region.

(Sen. Abdirahman 25.6.2015)

(Resumption of Debate interrupted on 25.6.2015)

The Deputy Speaker (Sen. Kembi-Gitura): The Motion had been moved by Sen. Abdirahman, seconded by Sen. (Prof.) Lonyangapuo and the Question had already been proposed. Therefore, the Floor is now open.

Please, proceed Sen. Sijeny.

Sen. Sijeny: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I wish to support and commend the Mover. I know that having been a teacher and an educationist before, he is concerned about the standard of education of not only his voters, but all Kenyans. This is a very good and urgent move that will, not only help solve the unemployment problem, but also an issue which if left for a long time will be a danger to not only that region and the country, but the entire continent.

I support this Motion and urge the national Government to go ahead and immediately introduce the untrained teacher programme, as well as in-service training for the untrained teachers in the northern region. This can be done on contractual basis. Once the Government is able to deal the major issue of insecurity within the region, then the education system can go on as usual. The untrained teachers will not be left idle as they

could still help by providing other services like tuition amongst others. This will help not only the weak students, but those who shall have lost in many ways.

Mr. Deputy Speaker, Sir, leaving these young Kenyans without education because of emergency situations, which is certainly beyond their control, is very dangerous. This is because they will obviously become very idle and can be tempted to join the bad boys and more recently, the bad girls. This is a risk which we cannot tolerate by us, as leaders and parents. We cannot allow children to be attracted to terrorism, prostitution, drug abuse and alcoholism. We have seen what alcoholism has done to the men; both young and old. This is a generation that we must protect with all our powers.

The major advantage of this programme is that it is not very expensive. If you go for untrained teachers, they will not demand a lot of money as other trained teachers. We know they are equally experienced and can impart knowledge to our children in those schools.

I remember sometime last year or the year before, I was approached by so many women from Isiolo and other parts of the north eastern region who had sons that had once served in the army and were well trained in handling arms. For one reason or another, there was a time that the Government had trained them as far as in the United States of America (USA), but they had quit the service. So, they were so idle and needed jobs, but they could not be absorbed or get any jobs.

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

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

Mr. Temporary Speaker, Sir, the employment of untrained teachers will solve some of these issues of unemployment among the youth who are highly competent. Some of them are graduates, but have just never been trained as teachers. Simple programmes can be introduced which can enable them to perform the duties required. We have to move on together as a nation. We cannot allow other regions to be left behind, yet the syllabus is being completed in other places. Some children get scholarships and move to other levels while others are stuck. We know how both the national and county Governments have made it possible for the children to achieve their education. For example, if you have free medical care and food programmes, you are able to entice children or young people to attend school and remain there.

With those few remarks, I beg to support.

Sen. Kittony: Thank you, Mr. Temporary Speaker, Sir, for giving a chance to add my voice to this Motion. Education is compulsory for every Kenyan. I feel sorry for the north eastern region for what has befallen them. However, if young people are not engaged in education, and are left to be idle, they will be subject to many things. Knowing that the north eastern region borders other countries, if these young people are not engaged, they can be lured to be very dangerous people in our nation.

Mr. Temporary Speaker, Sir, since charity begins at home, I would propose that the people of north eastern region should be given a chance to employ their own

untrained persons. These untrained teachers will help the young generation to access education and be engaged. This is because if they are left without education, they will be exposed to very bad things that will ruin their lives forever. When people are growing up, there are so many temptations in life. Education is the key to any good society and paramount to a good life. So, I strongly agree that the young people should be given chance to teach as untrained persons in their own areas.

It is a pity that we lost so many trained teachers, even from my own county, who volunteered to go and teach in that region. The other day, we buried two young teachers from my county who taught in the north eastern region of Kenya. I support this Motion and urge that the young untrained teachers in that locality be given a chance to teach. I am sure we will get young people there to offer the services and save the situation that may befall these young people in that region.

I beg to support.

The Temporary Speaker (Sen. (Dr.) Machage): Please, proceed Sen. Muthama.

Sen. Muthama: Bw. Spika wa Muda, ninashukuru sana kwa nafasi hii ili nichangie Hoja hii ambayo ni ya maana sana. Matukio au vituko haviishi katika taifa letu. Kutoka mwaka wa 1963 tuliponyakua Uhuru, majukumu fulani yalipewa kipaumbele. Haya ni elimu, maji na umasikini. Jinsi tulivyo sasa ni dhahiri kwamba taifa hili linarudi nyuma. Kamwe hatuendi mbele.

Ukigusia mambo ya elimu ni shida tupu. Walimu hawatoshi na wale walioko wanadai malipo zaidi. Waziri mhusika ameweka miguu katikati; hatembezi wala hasimami. Zaidi ya hayo, swala la ukosefu wa usalama linajitokeza; linawavuta na kuwatoa walimu wachache kutoka sehemu ambazo wanahitajika sana. Tume ya kuwaajiri Walimu nchini ndio ya kwanza kusema, “Ondokeni!”

Bw. Spika wa Muda, niliangalia juzi wakati walimu walipokuwa wakiajiriwa. Niliona Serikali ya Jubilee ikitapatapa na kujidai kwamba inaajiri walimu zaidi, ilhali tunajua kwamba nafasi za walimu ambazo tunahitaji kujaza ni 87,749. Serikali ya Jubilee imetangaza kwamba itaajiri walimu 5,000 peke yake, wala haifikirii miaka miwili, 10 au 20 ijayo. Makadirio ni kwamba ukiajiri walimu 5,000 kila mwaka, itachukua takriban miaka 16a ndipo tutimize idadi ya walimu 87,749 inayohitajika. Hiyo Serikali ambayo inaajiri walimu kiasi hicho, inatumia Kshs24 bilioni kununua vipakatalishi vya watoto wa darasa la kwanza. Sasa unashindwa kuelewa kama hii nchi ina viongozi ambao wanapanga mambo hayo. Ni nani anahitaji profesa kumwambia hizi hesabu zinaenda nyuma?

Kando na hayo, kuna Kshs17 bilioni zingine ambazo zinatakiwa kutumika mwaka huu kugharamia usimamizi wa madarasa ambayo hayana watoto. Kisha tunasema tunamaliza umasikini katika taifa letu. Tumeongea nje na ndani ya Bunge na hata katika Bunge lililopita. Viongozi wa taifa hili waache ubwanyenye na kujitajirisha.

Bw. Spika wa Muda, tuko katika njia panda. Serikali ya leo haiangalii uekezaji kwa niaba ya Wakenya lakini inaangalia kandarasi na biashara. Katika ujenzi wa reli ambapo kuna pesa nyingi, wana Jubilee wote wanakimbia bila viatu wakiwa na kalamu mikononi kuenda kuweka sahihi kwa kandarasi ya kutoa marupurupu. Ukijitokeza na useme tunataka shule za watoto wetu zijengwe na walimu waajiriwe, hawataki.

Ninamuunga mkono ndugu yangu, Sen. Abdirahman. Hata hivyo, ninataka ajue ya kwamba sio tu kwamba hatuna walimu waliohitimu; wapo. Hivi leo tukiandika walimu, utaenda katika kila kaunti na utakuta watoto wetu wamebeba stakabadhi na wanalia machozi wakitaka kuandikwa kazi. Wanachoambiwa ni kwamba hakuna pesa za kuwalipa kisha wanarudi nyumbani. Shule hazina walimu lakini watoto wetu waliohitimu kwa ualimu wanarudi nyumbani. Hivi sasa ndugu yangu anataka hata tuandike wale ambao hawajahitimu ualimu. Kwa sababu gani? Tunaona hao ndio wanaweza kufanya kazi kwa sababu wataona ni kama bahati imewaangukia. Kama hawajahitimu na wapewe hiyo kazi, wataona ni rahisi kuingia na kufanya ile kazi.

Bw. Spika wa Muda, ikiwa Serikali ya Jubilee haitaweka pesa katika elimu, ujambazi hautapungua. Niliona jana mhe. Rais alienda nyumbani kwake na kujaribu kutilia mkazo kwamba watoto waache kunywa pombe haramu. Nilimwona mhe. Mhe. Rais akitabasamu na kuongea vizuri akisema kwamba pombe hiyo ni haramu na ivunjwe jamii. Baada ya kuzungumza hayo yote, aliwapa hao vijana aliohutubia mwelekeo na tegemeo gani kwamba kama hawatakunywa hiyo pombe na kulala hoi, akili zao zitakuwa katika hali ya kufikiria na hawatapata nafasi ya kunywa pombe? Tumesahau kwamba wanaokunywa pombe hiyo hawanywi kwa hiari yao bali ni kwa kutaka kukandamiza na kuondoa mawazo ambayo yanawaelekeza kufanya mambo machafu. Tunapofanya mikutano kama ya jana, kazi yetu ni kulaumu kwamba hii inauzwa na haifai, tunataka muache pombe na muwe vijana wazuri. Unamwambia mtu ambaye ana mke na ana njaa na shida aache kunywa pombe na akifika nyumbani, mke anamwuliza chakula na watoto pia wako hapo, halafu akili yake inatakiwa kuwa timamu? Mhe. Rais aangalie kitakachotoa mambo haya na kuwawezesha vijana hawa kuendelea na maisha ya kawaida.

Nikimalizia, ninasema kwamba pesa ziende kwa wananchi ili tutekeleze majukumu ambayo yatasaidia watoto wetu. Viongozi wa nchi hii wametajirika vya kutosha. Ninaona tunaelekea kiwango ambacho mhe. Rais atatoroka nchi hii, na aende katika nchi ya nje kama Mobutu, ndio adhabu ipatikane hapa. Bila hayo ---

The Temporary Speaker (Sen. (Dr.) Machage): Order! You are going against the Standing Orders. Can you recant your statement? President Moi is a former Head of State of this country and he is a Kenyan citizen.

Sen. Muthama: Bw. Spika wa Muda, ningetaka kurudia yale nilikuwa ninasema; mpaka siku mhe. Rais aliyeko madarakani iwe ni sasa ama siku zijazo aandamwe na wananchi na wamlazimishe afanye yale wanayoyataka. Inafaa aingiliwe vilivyo hadi anyanyue mbio. Hivyo atakuwa ameweka rekodi ya kusema kwamba kama hutendi yale matendo yanayofaa, Wakenya hawatakupatia nafasi. Labda nimejielezea kwa lugha ngumu kidogo, lakini hivyo ndivyo nilivyomaanisha.

Inafaa Wakenya walalamike wazi wazi na kukataa kutendewa maovu. Ni dhahiri kwamba mhe. Rais wa kwanza wa Taifa letu la Kenya ndiye aliyemiliki mashamba makubwa zaidi. Mhe. Rais wa pili ndiye anayemfuata, na mhe. Rais wa tatu anawafuata. Huyu wa nne anakalia yale mashamba ya babake. Hatusemi kwamba ni mwananchi wa kawaida ndiye anayetenda vitendo hivi; ni wale walioko kwenye mamlaka. Ndio maana ninasema kwamba viongozi katika nchi hii wametajirika vya kutosha. Hivi sasa

wamekula ile nyama iliyonona na wamebakisha mifupa. Ingefaa wawaachie Wakenya watafune ile mifupa na hata kama hawapati nyama ndani yake, angalau inatoa maji ambayo wanaweza kumeza na kuendelea na maisha yao.

Sen. Elachi: On a point of order, Mr. Temporary Speaker, Sir. With all due respect to Sen. Muthama, we are trying to look at a solution on how we shall get untrained teachers to ensure that normalcy returns in educational institutions in the north eastern part of Kenya. Is he in order to bring in other issues which when anybody will read in the media, they will not know what we were doing?

Sen. Muthama: Bw. Naibu Spika---

The Temporary Speaker (Sen. (Dr.) Machage: Hold on. Sen. Elachi, what is it that is not in order?

Sen. Elachi: Mr. Temporary Speaker, Sir, he is talking about land issues and the presidency and yet we are talking about very serious issues. Today, Kenyans may listen to him and forget what we are really trying to achieve. We are dealing with a specific issue. Is he in order to derail our line of thought?

The Temporary Speaker (Sen. (Dr.) Machage): There is a religion in this country where they read one quote from the Bible: "Take up my cross and follow me". What they do is to get a huge wooden cross and walk with it. What they forget to do is to look at the context in which that phrase was given. While listening to Sen. Muthama contributing, you should look at the context; where has that phrase been proved? My understanding is that the hon. Senator is complaining about wastage of resources.

However, Sen. Elachi is not totally out of order and so I caution you that I will soon hit you for contravening Standing Order No.90. For now I forgive you.

Proceed!

Sen. Muthama: Bw. Naibu Spika wa Muda, kuna chanzo cha kila tatizo. Tatizo halitokei bila sababu. Hivi leo shida ya nchi yetu ni uharibifu wa mali ya Wakenya na mpangilio mbaya ambao pesa zinachukuliwa na kuwekwa pahali itatoa marupurupu.

Tunapongea juu ya matatizo haya, hatuwezi kukosa kusema kwamba chanzo cha matatizo haya ni uongozi mbaya. Ni nani anayebeba msalaba wa kutoa uongozi mwema na kujaza pengo la mahitaji ya Wakenya? Ni sisi viongozi. Watu wasikubaliwe kufanya wanavyotaka katika nchi hii bila kushtumiwa. Hatuwezi kusingizia kuwa Hoja hii ni juu ya waalimu, kwa hivyo tusingee mambo mengine ila tu kumshtumu Bw. Sosion, kwa sababu anatetea maslahi ya waalimu kulipwa mishahara mizuri ilhali hatutaji wale wanaoiba pesa hizo. Tunataka kusimama katika uongozi dhahiri na uliyo wazi. Chanzo cha mambo haya ni kwa sababu tumekuwa na uongozi mbaya. Tunaweka pesa mahali ambapo hapafai.

Bw. Naibu Spika wa Muda, anakotoka Sen. Abdirahman---

The Temporary Speaker (Sen. (Dr.) Machage: Your time is up, but I will give you two more minutes.

Sen. Muthama: Bw. Naibu Spika wa Muda, anakotoka Sen. Abdirahman ni sehemu ambayo watu wanamudu maisha kwa ugumu sana. Hivi tunapongea hapa Bungeni – ningetaka Sen. Elachi afahamu haya – ni kwamba waalimu wametoroka pale kwa sababu hakuna usalama na chama cha walimu kimewaambia wanachama wake

waondoke kule. Hivi sasa, waalimu wametoka kule na watoto wako nyumbani. Sababu iliyowaelekeza kuondoka haikuwa usalama peke yake, ila pia, walikuwa wanaishi kwa mazingira magumu sana. Walitaka nyongeza ili waweze kuendelea kufanya kazi mahali pale, lakini jibu la Serikali kuu ilikuwa ni kwamba hakuna pesa ya kugharamia yale maisha waliotaka. Chanzo cha shida hii ni nini? Ni wizi wa mali ya umma. Tunaiba mashamba na hata ng'ombe. Mungu aibariki Kenya.

Ninaunga mkono.

Sen. Elachi: Mr. Temporary Speaker, Sir, first, I want to thank the Mover of the Motion. This is a Motion that seeks to unlock the challenges that we are facing in the education sector in the north eastern part of Kenya. It is a Motion that is very emotional and we should not play around with it.

It is not easy for us to convince our brothers and sisters from other regions to go back to north eastern and continue working because of fear. If we give them the strength through this Motion by recruiting untrained teachers, students in north eastern will sit for their mock examinations like any other student in this country.

Mr. Temporary Speaker, Sir, we also need to look at the issue of extremism. It does not just affect the youth who come from north eastern, but this is happening all over. This is a problem which is affecting the youth and we must address it. When the teachers wanted to go back, the KNUT came out very strongly and told them not to go back unless their security was assured.

We forgot that even in Mandera, we had challenges, but we still have our brothers from other regions working there. The moment the KNUT started that campaign, all teachers left. They left because they thought that the more Sossion campaigned, the more they will be given the money and yet this was a big lie. This is an issue that the Senate must address. If possible the Committee on Education should summon Sossion and ask him a few of these questions.

The Temporary Speaker (Sen. (Dr.) Machage: Maybe you should comment on Sossion a bit sparingly because, first, he is not here to defend himself. Secondly, I do not know whether you are sure that he is the one who started the whole problem. Which came first; is it the hen or the egg? Be careful.

Sen. Elachi: Mr. Temporary Speaker, Sir, now that I should not talk about him, let me talk about the KNUT in general. The KNUT came out very well in both the electronic and print media. Having said that, today we are looking at finding a solution.

I urge fellow brothers and sisters from north eastern who are well educated to come forward and assist their own brothers and sisters to ensure that they also perform well in their education.

Mr. Temporary Speaker, Sir, this is a very unique issue. It is an issue that as much as we want to come in and ventilate about it, we should also know that we have a challenge of terrorism. That is why there is fear. We know that terrorists want to intimidate and cause fear so that people can run away.

Since the security docket was allocated more money in the budget, we want to see change in the region as we move to the new financial year which has begun this July. I also urge Members of Parliament (MPs) to use the Constituencies Development Fund

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(CDF) money to bring change. I saw in the newspaper that Mandera East Constituency will receive Kshs220 million. I would wish that they focus and prioritise matters education. They should ensure that there are boarding schools where students will feel safe. A few teachers should also be housed in those schools. There is no need of a scenario where everyone fights to own a school yet facilities are not standard. We should make schools a “heaven” for children.

Mr. Temporary Speaker, Sir, I would wish that leaders look at the issue differently. We should explore other ways of safeguarding education of our children. The Constitution is very clear that everyone has a right to education. Anyone can go to court when that right is denied. You will remember that during the era of former President Kibaki, more than 10 years ago, we had free primary education. That meant that many children in the former North Eastern Province had an opportunity to go to school. We never focused on that even when there was the CDF. That was not only in the north eastern region but the whole Arid and Semi-Arid Lands (ASALs). We can agree on something, as a Senate, and ensure that the Government does it right. In the ASALs, untrained teachers should be given an opportunity to teach in those areas. That includes Turkana, Pokot and Samburu where there is cattle rustling and fighting. Those who suffer are women and children.

You will find that most schools have been closed down not only in the north eastern region but also in the north rift region. However, you will heard that MPs are building other schools in their constituencies. When you go to Baringo – the Senator for Kisii County can attest to that because he was with us in the Cohesion team – schools have been closed down. We need to ask ourselves – as we allocate more resources – about how to ensure prioritisation of education in the ASALs. We should ensure that prioritisation is done differently from how it is done in other regions.

We know that we have a challenge of teachers. However, we can use teachers from those regions. Those teachers should be given incentives to motivate them to teach. It should not be like what happened in Turkana where Administration Police (AP) officers walked into classrooms with guns, put them down and started teaching. The Senator for Wajir County is asking us to ensure that there is a conducive environment for children in a very harsh environment. If that is the case, they will appreciate that they can go to school and change their lives through education. That is the only thing that any child believes in; that when you have education, whether from a rich or poor family, you can afford a meal. That is the most important thing about this Motion.

If we do not address the issues affecting the north eastern region; terrorism, extremism and the rest, they will continue to persist. First of all, there should be a place where minds and attitudes of people can be changed. If there are no classrooms or any place where people can sit and discuss, then, we will face greater challenges than what we have at the moment.

The other day, there was a big security meeting where the same issues and the challenges that the youth face were discussed. We know that the youth are the majority forming about 70 per cent of the Kenyan population. Most of them are very productive. If

we do not improve their conditions, we will face the same insecurity we are facing 10 years to come whether we like it or not.

The central and other regions have not addressed the issue of alcoholism. That is another form of radicalisation although in a different way. If we do not do anything, we will lose the youth. Even when we address the issue of cattle rustling but the youth are not focused, they want to transform themselves or feel the helplessness, do you expect them to take a different direction? Therefore, I plead with the Teachers Service Commission (TSC), the Cabinet Secretary (CS) and the Ministry Education that when we pass this Motion, let it not be like what happened to a Motion by the Senator for Migori County about alcoholism. They should implement it.

Alcoholism was, and still is, a disaster in this country but the Government did nothing. It is claimed that the Minister concerned was addressing the issues raised yet nothing substantial was happening. We have woken up and are in a different spree. I do not know whether we have made it a disaster. We now want to handle it in a different manner.

The late hon. Michuki used to say that you should have a proper action or strategy when dealing with some of the very sensitive issues. Instead of managing the issues, the same people will sabotage each other just the same way they have sabotaged education in the north eastern region. When you go to the Ministry of Education, you will find games being played. One person could propose something while another one opposes it. Another one could feel that they need to see how they could make money out of that issue. They will create issues out of something so that they can benefit themselves.

Mr. Temporary Speaker, Sir, the saddest thing about our country is the way we turn everything round. At one point, a game must be played and it has to have some incentive for another person. That is where we are completely losing the social fabric of our country. Even the values are gone. That is why when we see our brothers in the north eastern region not going to school – as long as that is not your region – you will not care. The same thing will happen when you see the youth drinking and becoming very helpless because you will not feel it.

Mr. Temporary Speaker, Sir, I am talking like a Kenyan who feels frustrated, not about the Government or any other person, but as a Member of the “bus.” As a political party, we feel frustrated sometimes about certain issues as the Government does in as much as we support it. There are some ideologies I would not want to believe in. We still experience ideologies of discrimination 50 years after Independence. We should give a positive response now that we have a Senate and county governments. The Government should allow county governments to assist in some areas like education. If that happens, we will solve some of the problems that we face as a country.

Therefore, Mr. Temporary Speaker, Sir, as I support this Motion, we must look at the issues of extremism, radicalisation, drug and substance abuse and all other ills in a very strict manner. I believe that there are men and women of wisdom in this Senate who have worked for this country. They will be disappointed that 10 years to come, a country may disintegrate and there may be no country to be referred to.

It is normal to play politics. However, at one point, we should stand firm without looking at parties in this Senate and say that our country is going to the dogs and we need to save it.

With those few remarks, Mr. Temporary Speaker, Sir, I beg to support.

The Temporary Speaker (Sen. (Dr.) Machage): Indeed, Sen. Elachi, I hope that they were listening to you, especially, the Jubilee Government. Indeed, this House has passed very important Motions including the Motion concerning matters of drug and substance abuse that made the President nearly cry yesterday in the State House. This Senate warned about that. Now, we are talking about education of children of the former North Eastern Province. Are they listening?

Sen. Obure: Thank you very much, Mr. Temporary Speaker, Sir. I appreciate your remarks.

Let me start my contribution by thanking my leader, Sen. Abdirahman, for moving this Motion, which brings into focus the predicament facing learning institutions and particularly children in the three counties of North Eastern Kenya. This Motion tells a very sad story; that in some parts of this country, children cannot access education because of security challenges. The provisions of our Constitution, more specifically Chapter 4, Articles 43 and 53, are categorical on the rights of children. Children have a right to free and compulsory basic education. Nobody can take away this right, regardless of the circumstances. On the contrary, all of us are obligated by the Constitution to do everything possible to ensure that children everywhere in this Republic enjoy that fundamental right.

Mr. Temporary Speaker, Sir, we all know that the country has a shortage of up to 87,000 teachers. We also know that the three counties of North Eastern Kenya share the greatest number of this teacher shortage. In the case of the three counties, the situation is made worse than saying that many of the teachers who were manning schools in that region actually came from outside that region. Many of those teachers from outside North Eastern took this decision not to report back to their stations of duty because of the security challenges in the region. These very unfortunate developments have led to the closure of schools and other learning institutions in that region.

We, as a country, must now urgently consider the adverse implications of the closure of schools in the three counties of north eastern region and, indeed, the other counties which the last speaker mentioned. We need to consider the implications for the individual children now and in the future. We also need to consider implications for their families and the community of the region as a whole and the impact that this closure of schools is going to have on the social and economic development of the region in the long-term, taking into consideration that we have had complaints from the three counties in the north eastern region about historical marginalization. I fear that there is a huge potential that this closure could aggravate this marginalization. I do not think we need that at this moment when we are implementing devolution.

Mr. Temporary Speaker, Sir, more importantly, what message are we sending out by closing schools in the three counties of north eastern region? What are we saying to our people? Are we saying that we have given up and have surrendered because of

security threats? What message are we sending out to the world, particularly on the war on terror? I do not know whether we really understand the implications of this for ourselves and our friends everywhere in the world. A situation in which children cannot access education in any part of our country is absolutely not acceptable. It is for this reason that I feel strongly that we, as a country, should be prepared to take extraordinary measures to deal with the situation in north eastern region, including affirmative action in order to accommodate the unique situation in the three counties.

Some of the measures have been proposed in this Motion. For example, I would strongly urge that the current freeze on the recruitment of teachers be lifted on an urgent basis, particularly in the three counties of north eastern region. This will ensure that the schools reopen and the teachers provide teaching and instruction to children in those counties. We know that there are school leavers in those three counties; young people who have left schools recently. Many of us, including Senators in this House, have gone through the hands of untrained teachers. There is no reason at this particular moment, considering the crisis that we face in north eastern region, we should not allow that region to recruit young people to man those schools, so that learning and instruction can continue, even as we wait for the trained teachers to be recruited later on.

Mr. Temporary Speaker, Sir, we have been told of proposals by the Teachers Service Commission (TSC) to recruit retired teachers. Nowadays people retire at 60 years. Therefore, by the time most teachers retire, they will have taught for between 30 to 35 years. By the time they are 60 years old, they are tired. I do not know whether really those are the kind of teachers we need at this particular moment when we have the option of recruiting young people, although they may not be trained. We should introduce a crash programme for in-service training for these teachers, so that over the holiday period, they will go to appropriate institutions and acquire the skills and instructions on how to become teachers. I believe that in this matter, we should be able to get teachers in these schools to sustain learning and instructions in those institutions.

We also need to take extraordinary measures for schools in North Eastern to enhance security. I believe that the national Government has the capacity to do that with a focus on enhancing security surveillance in institutions in the North Eastern region. The Government should give confidence to the people, so that learning and instruction can resume in those institutions. This is a very important Motion which deserves the backing and support of everyone of us in this Senate. I think that we should take this opportunity to urge the national Government to consider this as a matter of grave national importance for this nation. It should take appropriate measures to ensure that learning resumes in the three counties in the north eastern region.

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

Sen. Nabwala: Mr. Temporary Speaker, Sir, I also like to add my voice to this important Motion which has been brought to the Floor of this House by Sen. Abdirahman. It acknowledges that the north eastern region and other counties are faced with challenges of acute teacher shortage following what happened recently when one of the schools was attacked by Al Shabaab. We lost the lives of our children.

The Motion asks the national Government to immediately reintroduce the untrained teacher programme as well as in-service training for untrained teachers in the north eastern region as a measure to bridge the shortage of teachers.

I agree with the Mover of the Motion because Article 56 of the Constitution addresses the issue of minorities and marginalised groups. It states:

“The State shall put in place affirmative action programmes designed to ensure that minorities and marginalised groups—

(b) are provided special opportunities in educational and economic fields;”

Mr. Temporary Speaker, Sir, this Motion is rightly before the House. I support the Motion. As I speak, many of our children of school going age cannot access education since the teachers left the north eastern counties due to insecurity.

I welcome this Motion because we cannot watch helplessly as the education crumbles in some counties. For instance, sometimes back in Turkana, chiefs had volunteered to teach children in schools. In the Arid and Semi-Arid Lands (ASALs) areas, we have volunteers who have signed up to teach and ensure that students continue with their education.

If the untrained teacher programme is introduced, we shall have Form Four or Form Six graduates who live within the affected regions opting to join this programme. Therefore, challenges of teachers who are foreigners in the ASALs will be addressed because we shall have the locals teaching in the regions where their children are affected. This Motion is very good. We cannot leave the education sector to go down like that. It is a blow to Kenya’s performance on our Millennium Development Goal (MDG) No. 2 which seeks to achieve Universal Primary Education by 2015.

The national Government needs to take strong measures so that the estimated 2,000 teachers who have fled the area are replaced by the untrained teachers who will be reintroduced in this programme to fill that vacuum left by the trained teachers.

ASALs are hardship areas. If you are paying a teacher the same amount as one who teaches in Nairobi, that is not fair. Teachers in those areas should be paid more so that they can be motivated. If there is no motivation, performance will decline.

The health sector has also been affected because of insecurity. Many doctors and nurses have opted to go back home or seek greener pastures elsewhere because they do not enjoy that incentive. For instance, if a police station is attacked, how safe is the common person? That is one thing we need to ask ourselves. Sometimes we have seen our own policemen being disarmed by Al Shabaab. Are Al Shabaab clever than our trained forces? The forces have been trained so that---

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

Sen. Ndiema: Mr. Temporary Speaker, Sir, I do not know whether you heard the hon. Senator saying that our own policemen were disarmed by Al Shabaab. Could she cite a situation where that has happened or withdraw? As far as I am concerned, nothing like that has happened.

An hon. Senator: It is true!

The Temporary Speaker (Sen. (Dr.) Machage): Order! Let me dispose of that. Sen. Ndiema, do you live in Kenya?

An hon. Senator: He does not!

The Temporary Speaker (Sen. (Dr.) Machage): Proceed, Sen. Nabwala.

(Laughter)

Sen. Nabwala: Mr. Temporary Speaker, Sir, this is common knowledge. This has been in the media, for instance, in Mombasa. So, I do not have to cite the instances unless, it is his deliberate move to derail me.

I, therefore, support the objective of the Motion by calling upon the national Government to re-introduce the untrained teacher programme as well as in-service training for untrained teachers in the north eastern region as a measure to bridge the shortage of teachers. The programme was there before and it worked well. We should embrace it and urge the national Government to implement it. We should not sit back and watch our children go astray. For example, if they are not in class, what else could they be doing? They will be involved in other activities that are harmful to them, particularly drugs. Since they live in an area which is prone to radicalisation, they may be easily radicalised. Drugs and alcohol is found everywhere in this country. We condemn alcohol and drugs because we know how much damage it does to our children.

I beg to support.

Sen. Ndiema: Mr. Temporary Speaker, Sir, I thank you for giving me this opportunity to support this Motion which seeks to address issues which are central in our Constitution.

Article 43(f) of the Constitution guarantees a right to education for every citizen. Since it is the responsibility of the Government to provide education in all parts of Kenya, including the north eastern counties, it behooves upon them to ensure that at all times, there are teachers. Without teachers, we cannot talk about education.

It is unfortunate that this situation has arisen. I firmly believe that teachers at all levels, teaching in any particular county should reflect the face of Kenya for the purpose of national cohesion and unity. However, in a situation like this, because of emergencies, perhaps, it is right. It is considered that the youth in those counties who have the necessary qualifications are employed to provide education. I would wish that this is a temporary while the key issues are addressed. The problem here is not lack of trained teachers, but it is a question of security.

If we recruit the untrained teachers through an advertisement, perhaps, citizens from other counties will apply. There are youth, from all over Kenya, who will say that even if it is in North Eastern Kenya, they are ready to go. They have a right to seek employment there as untrained teachers once those opportunities arise.

The solution rests in ensuring that there is security. That as it may, because of the current situation, it appears as if majority of the teachers in these counties consists of persons from outside the county. That, perhaps, points to historical injustices or inequalities. This means that among the trained teachers, we do not have a good number who are trained from those counties. Their quota was not considered and this is the time that the Government should come up with a policy regarding all counties. The policy

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should indicate what percentage of teachers should come from each county so that when such situations occur, education is not disrupted.

These may not be the only counties that have problems. Tomorrow, another county may experience similar problems. What do we do? We shall be setting precedence. You heard my colleague, Sen. Mukiite, talk about Turkana. Turkana has teachers, some of whom do not hail from that county. When there is insecurity in Turkana, Pokot or Samburu, the teachers tend to go away.

Closer to my county of Trans Nzoia, in Mount Elgon, Bungoma County, we have had the same problems. During the Post-Election Violence (PEV), there were some disturbances in form of clashes and teachers had to leave.

Sen. Nabwala: On a point of order, Mr. Temporary Speaker, Sir. Sen. Ndiema has referred to an incident I quoted regarding chiefs teaching in a school in Turkana. That was also on the media. I sought a statement on this Floor. I do not know where he just got his information from. Is he in order to mislead this House?

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Nabwala Mukite. You cannot control people's opinions. That was his opinion. That is how he looks at the world.

Continue, Sen. Ndiema.

Sen. (Dr.) Khalwale: On a point of order, Mr. Temporary Speaker, Sir. Did you notice that when Sen. Nabwala had the Floor, she was interrupted justifiably so by Sen. Ndiema? When Sen. Ndiema is on the Floor, she is also doing likewise.

Are they in order to drag their 2017 competition for the Senator for Trans Nzoia to the debates of this House?

The Temporary Speaker (Sen. (Dr.) Machage): Indeed, I have noticed that. What I did not know was that they intend to compete in the 2017 General Election. Be that as it may be, keep your affairs out of this House.

Continue, Sen. Ndiema.

Sen. Ndiema: Mr. Temporary Speaker, Sir, I am not privy to any information that I face competition from my colleague, Senator. As far as I am concerned, she appears not to be in competition at all. We are just playing our roles as Senators of the Republic of Kenya. We happen to come from Trans Nzoia and we complement each other. We do not always have to agree on each and every issue. I do not even think that I contradicted her. I quoted her. I said that as Sen. Mukiite had said, even chiefs had to teach in Turkana. I was agreeing that this issue can happen in Turkana since it has also happened in the north eastern region. I was coming closer home to talk about Mount Elgon where I said that some teachers had to leave the area due to clashes. Up to today, that constituency has not recovered from shortage of teachers. Whenever teachers are posted there, sometimes, some of them decline.

Mr. Temporary Speaker, Sir, with regard to teachers who have left those counties, the Ministry of Education has, at times, created the opinion that they have deserted duty and, that therefore, they are culpable and could be dismissed.

Every citizen is guaranteed by the Constitution of the right to life. It is the responsibility of the Government to make sure that the person gets the protection and is

facilitated to ensure that their life is not in danger. The situation in the north eastern counties is threatening. If this is threatening to security agencies, how about to individuals? People who labour to earn their living are feeling threatened. The threat expressed by teachers was well founded. Therefore, teachers who left should not be laid off just because others have taken their places.

I know that there is a big shortage of teachers in the country. Those who left should be deployed appropriately in other counties, not necessarily in their home counties, but where they feel safe. Some of them are traumatized. I remember those who lost their lives in incident concerning the bus that was coming from Mandera. We buried quite a number in my county. Those who survived are traumatized. Sending them back to those counties would be an injustice of the first order. I want to support this proposal.

This could also be happening elsewhere and the proposals here should be applied in all other counties. However, the permanent solution would be to ensure that there is equality in placement of students in teacher training colleges and in employment. When there are chaos in any county, there should be minimum disruption because teachers in those areas are working close to their homes. However, I also appreciate that there should be a mix of all Kenyans. Education has not been devolved and, therefore, Kenyans should be free to work across the country.

With those few remarks, I beg to support.

Sen. Kanainza: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to also add my voice to this Motion.

First of all, I want to appreciate Sen. Hassan Abdirahman for thinking about the people he represents. Education has been said to be the backbone of many economies both in our country and internationally. However, it is unfortunate that in our country Kenya, education has not been given the seriousness it deserves. Currently, we have over 90 schools in Wajir and Mandera counties that have been closed and children are not going to school because of the problem of insecurity.

We urge the national Government to immediately introduce the untrained teachers programme. This will try to deal with the gap. When children do not go to school to acquire knowledge, they also do not have the capacity to compete with other Kenyans and even with other citizens of different counties. We have heard of measures put into place to deal with this issue but much has not been done. We have had several massacres and in the first one teachers were killed. This has created fear in teachers who were teaching in that place. That is why the majority decided to leave the north eastern region to come and struggle in a different way. I heard my colleague speak about what the union is doing. I stand to protect the union because it is meant to protect the interest of teachers. It has done its best to say that the national Government should provide security to North Eastern region before they release teachers to that place.

Mr. Temporary Speaker, Sir, Article 43(f) of the Constitution talks about education for the young people. Article 55 also talks about youth education and training. It is important for the national Government to look into it and ensure that the affected people of north eastern get education. We appreciate that during President Kibaki's regime, free education was introduced. The intention was to ensure that many people get

education but the current Government has not taken enough measures because we have the Cabinet Secretary in charge of education and we also have policies that are supposed to be used to ensure that education has been fully implemented but very little is being done to ensure that this happens. The Government is watching as the education system of this country is deteriorating. Majority of us have also been untrained teachers after university. It will be good to take advantage of this programme as well as the in-service training of the untrained teachers, so that they come in handy to help with the situation as we wait for the national Government to deal with the issue.

As many have spoken, we would later on propose that education systems be fully devolved. I sit in the Committee on Education and we have been visiting different counties. The county governments have done a better job in running Early Childhood Development Education Programmes (ECDE). They are providing infrastructure which the national Government has not been able to provide. There are a lot of loopholes that need to be dealt with. The teachers are not well remunerated; they do not have the morale to teach because they do not get good salaries, yet they do a good job to the citizens of this country.

Another challenge is the lack of clear legal guidelines on the implementation of inclusive education and non-formal education programme. The Cabinet Secretary in charge of Education should up his game to ensure that this is done. At the same time, other areas have also been affected. There is a big population of people in class *vis-a-vis* the number of teachers. Recently, when the budget was being read, the Teacher Service Commission (TSC) was given very little money which is not enough to employ enough teachers.

As a country, we need to think on how to deal with the issue of insecurity. If this becomes the order of the day, things will not be better for us. There is a joke that has been on social media that the people who get a mean grade D, D minus and below are the ones recruited to join the Kenya Police Service (KPS), while Al Shabaab is recruiting university graduates. This is because we are not providing employment for the young people and they have resorted to do this kind of job. The Government is aware and they are doing very little to ensure that this has been dealt with.

Lastly, I want to appreciate Sen. Abdirahman for bringing this Motion. I believe the Senate will help to ensure that this Motion is passed so that we reintroduce the untrained teacher's programme that will also enable the disadvantaged children of north eastern region to access education.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, as I strongly support this Motion by my brother, Sen. Abdirahman, it is a pleasure to know that I am making this contribution when the benches in the Government side are "full". It shows how serious the Jubilee Government is taking the matters of north eastern region.

The Temporary Speaker (Sen. (Dr.) Machage): Hold on. Look at the benches on your side too. Are you not enacting the proverbial baboon story?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I love the way you remind me but it is because I do not have eyes at the back of my head. So I could only report on what I was seeing before me.

Mr. Temporary Speaker, Sir, on a serious note, I want us to face it and say that the children who are out of school today are children of the poor. The rich and the bourgeoisie of north eastern region know where their children are. Therefore, those poor parents in north eastern region of Kenya through their distinguished Senator have their only hope on this Senate. We must do everything possible to ensure that we push this Government, that seems to be so insensitive to the Bill of Rights, so that our children may go back to school.

Mr. Temporary Speaker, Sir, what a shame that children are out of school in a country where thousands of trained teachers remain unemployed? Those teachers are only waiting to be posted to north eastern region. What a shame that this is happening in a country that has exported thousands of teachers who are developing education elsewhere in the continent of Africa? Our teachers are in Botswana teaching children, same as in South Sudan. The teachers who are in Rwanda and Burundi are Kenyan nationals. We must not allow it. We must ask the Government to do the simple thing.

Mr. Temporary Speaker, Sir, because you are a doctor of medicine, you know the meaning of inaccurate diagnosis. The Government should make a proper diagnosis. In this case, the diagnosis is simple, which is that teachers have refused to go to north eastern because of insecurity. If the Government fixes security in north eastern region, all our teachers will flock back and serve the people there, as they do elsewhere in the country. Since the Jubilee Government is unable to make this diagnosis, let me refer them to Bill Clinton, one of the most distinguished American Presidents. When President Clinton was on his first term, as our President is today, he was asked, what it would take for him to be reelected. He replied “The economy, stupid.” He indeed fixed the economy and won a second term by a landslide.

Mr. Temporary Speaker, Sir, I advise the Jubilee Government that if they want to find out what it will take them to get a second term, it is “security, stupid.” We cannot talk of the Government when there is no security in the country. In the absence of security, it means that the Government is absent. This leads me to ask: Does the Government know that the north eastern region is part of Kenya? If it does, why should it be that when you want to talk, read or watch television footage about poverty, insecurity, illiteracy or famine, it must be reporting from the north eastern region?

Those of us who do not come from north eastern region, we are just as much pricked by this failure as the leaders from that region. As a doctor, you know that pus, also known as *usaha*; pus anywhere is pus everywhere. So, unless you incise the abscess, and get rid of the pus quickly, it spreads to the rest of the body and the patient dies. If we do not go there and incise that abscess, that is the reason for the insecurity, that insecurity, is spreading and the patient called Kenya will die.

Mr. Temporary Speaker, Sir, speaking on the issue of refusal by our teachers to go and take up their jobs, I beg the leadership from the north eastern region led by the able Senator to please be understanding. Those teachers are not doing that to punish the children, out of selfish reason or for purposes of proving a point that they do not come from there. They fear for their lives and they are justified. In the same Bill of Rights, just as we have the right to access to education, we also have the right to life. A normal

human being, a teacher, when confronted with the choice between the right of a child to education and the right to his or her life, they choose the latter. I urge the Jubilee Government not to blame our teachers. Kenyans should not blame teachers, accept the lie of blaming the head of teachers, *Mwalimu* Sossion, blame the refugees as the Jubilee Government is doing or blame this particular disaster on the lack of a wall between Kenya and Somalia; blame it all on Jubilee Government.

Mr. Temporary Speaker, Sir, I had the opportunity of talking to one of the most renowned Senators in Poland when I was there recently. Because he is the Chairperson of their Committee on Security and ICT, we talked at great length at dinner. He told me that the kind of challenges that we have here in Kenya cannot be tackled by walls, because they have the experience of the Berlin Wall. It can only be sorted out by what we call in modern times, smart borders.

The management of borders in the current world is done smart. It should concern the Senate that trained armed police officers, upon being posted to north eastern region, opt to resign. If they can opt to resign, what do you expect of a teacher who is armed with a biro, pencil and a piece of chalk? I demand that the teachers who have failed to report to their stations must have their security by way of job and be paid as the Government tries to figure out how to fix that problem.

I cannot end my comment on teachers without registering my solidarity with *Mwalimu* Sossion. I want to tell him Go! Go! Go! I find in him good company because when I also try to raise national issues sometimes, the heat is turned on me. You remember that when I raised the issue of the Karen land saga, it landed me in the High Court. You will also remember that because I raised the plight of the farmers of Mumias, I am in the High Court today. Mr. Sossion is in good company and Kenyans are watching. One day, even if we do not complete the journey, posterity will judge us well when people will be enjoying what we are fighting for.

Mr. Temporary Speaker, Sir, some people think that this is a joke, simply because many people do not like reading. I advise them to go and read the autobiography of President John Adams, who was the third President of the USA. Of all the things that he believed in and wrote, the greatest he said is that, his biggest fear was: "will posterity know how much his generation sacrificed for the freedoms that they would enjoy?" I hope that the sacrifices we are making today, Mr. Sossion included, posterity will remember that men and women fought for it.

My last point is on the issue of giving hope to the people of north eastern region. This is because they live under curfews and fear that walls are going to be put up and that means that the Kenyan Somalis cannot allow their goats and camels to graze across the border. If you were to bring such a joke in western region, we would kill you; that you put a wall between Kenya and Uganda. What would I do with my relatives who are just across River Lwakhakha on the other side of Uganda? They are just as Luhyas as we who are in Kenya. I believe that the Somalis of Kenya are just as Somalis as their relative on the other side. The Government should stop joking and give us security.

The hope that I give them is that, the fourth coming Government of the sons and daughters of the change movement in this country will build more schools in the north

eastern region after reopening those 90 schools, return our entire soldiers home from Somalia and deploy them along the border to provide extended security. Our Government will build housing estates around schools and ensure that teachers are transported to schools in buses escorted by armed security. We will not succumb to allow leaders of the north eastern region to come for this kind of intervention, which I support as a desperate measure.

Mr. Temporary Speaker, Sir, I conclude by commenting on the massacre of the children of Garissa University. The Kenya Universities and Colleges Central Placement Service (KUCCPS) must be fair. It was not purely by happenstance that the children, who were buried, were those of the poor. It means that the process of posting children to universities across the country by the KUCCPS, practices a system that deliberately identifies that children of the poor to land into colleges and other institutions that are in such challenging area. We want to---

The Temporary Speaker (Sen. (Dr.) Machage): Sen. (Dr.) Khalwale, that is a very serious allegation. However, nobody has challenged you and so, you can continue.

Sen. (Dr.) Khalwale: Thank you Mr. Temporary Speaker, Sir. I cry because I buried those children in Kakamega, Vihiga, Bungoma and Trans Nzoia counties. If I had the power, I would have gone elsewhere. When the children of the rich die, we quickly see adverts in the newspapers but out of 147 deaths, we rarely saw adverts in the papers. That suggests the social background of those children. In fact, if Kenyans would care to remember the television footages that came, you could see how desperate their homes were, even the central region where those children were going back to be buried. This matter must be looked at because we are the House of equity.

With those few remarks, I support.

Sen. Omondi: Thank you, Mr. Temporary Speaker, Sir, for allowing me to contribute to this very important Motion. I thank the Mover of the Motion, Sen. Abdirahman, who is a Member of our political party.

Indeed, it is so saddening that as a country, we are not taking education seriously. I urge the Jubilee Government to invest seriously in education. Education is the backbone and it reminds me the hardship that I face when lobbying for employment of persons with disability.

As the Constitution and the Disability Act provide, 5 per cent of job opportunities must be reserved for people with disability. Among the counties that face many challenges, are those in northern Kenya? It is not easy to get a person with disability who qualifies to compete in the job market. We are working hard to see that the future of this nation has equal education opportunities for all Kenyans so that each county has 5 per cent job reservation for persons with disability.

Mr. Temporary Speaker, Sir, I pose a challenge that if people without disability fear to stay in the north eastern region, what about a person with disability who may be living and working there? What about learners who are vulnerable? This reminds me of the need to have boarding schools for learners with disability in hardship areas like north eastern, so that we can guarantee protection and access to quality education.

On Tuesday this week, I was unable to attend the Senate proceedings because I was solving a problem in one of the schools in Nairobi County. We talk of mainstreaming disability in learning institutions but as a country, we are not providing facilities to cater for learners with disabilities. This school has a unit for the hearing impaired and it is because of lack of equal distribution of learning facilities that the hearing and the non-hearing fought physically. This is just one among many schools. What is the situation in north eastern? I have been getting requests to visit those areas but I have been unable to because of insecurity and accessibility. I cannot do my oversight role as far as disability is concerned.

Mr. Temporary Speaker, Sir, education is affected where there is insecurity. It is because of insecurity that education, just like business and development is affected in north eastern Kenya. It makes such counties not to develop together with other counties. This is a serious issue that, as legislators, we need to ensure that justice is done and that we give Kenyans from the north eastern region an opportunity to enjoy their constitutional rights. Denying other people their rights while protecting those of others cannot be allowed in this country. We cannot force teachers to sacrifice their lives to provide education as a right to learners in those schools. A teacher has a right to life and a learner has a right to education. It will be good if we provided an opportunity to both learners and teachers, whereby, security of teachers is guaranteed by the Government.

Mr. Temporary Speaker, Sir, failing to invest in education is like killing the nation and failing to plan for the future of the coming generation. As we do this, we are inviting problems. What we are facing right now could be one of the fruits that we are now reaping after failing to take equality seriously. Lack of equal opportunities and inequality in resource distribution can bring a lot of problems. If illiteracy will be part of the problem, then we will find it difficult to bring peace and rectify the mess that will have happened.

Article 54 on the rights of persons with disability provides that the State shall – using Disability Acts and other laws – ensure that a person with disability enjoys their rights. I am calling upon the Jubilee Government to give us data on how many learners with disability have been affected in the north eastern region. That will enable them to plan and provide quality education for them. In the end, we will be sure that they can compete in the job market with other people. They will have a say in policy making and development agenda in their counties. They will even be independent in their lives rather than depending on other people for handouts.

Mr. Temporary Speaker, Sir, we are wasting brains from this part of the country that would have benefitted the whole country. If the security of the north eastern part of Kenya is questionable, why is it taking too long for this mess to be rectified so that these Kenyans can be assured that the Government is doing something to protect them?

It is long overdue since the issue of insecurity was reported. We have relaxed as if there is nothing only to force teachers to go back where the working environment is not conducive and where their lives are in danger. Where a working environment is not conducive, the end result is that you cannot perform well. You are always under tension

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because you do not know when an attempt at your life will be made. If you go there when your life is at risk and failing to go is the same thing.

I want to support this Motion that something must be done to secure and protect the rights of people from north eastern where learners can get their right to education. The people of north eastern should develop their county when their security is guaranteed. At the end of five years, when we look at what devolution has achieved, we should not have counties that have not developed. Issues of insecurity in the north eastern region will make these counties not to develop and not to enjoy devolution.

It is very saddening and annoying that we can sit comfortable when in one part of our country parents are staying with their children in their homes. They do not go to school whereas in other parts of the country children are attending school. At the end of the year, they are supposed to all sit for the same examinations. What do you expect? What will be the end result? Will they be able to complete the syllabus? What is the Government going to do when time for examinations comes? Are these learners going to sit for the same examination or they will be given a private examination separate from others?

I want to emphasize that education is a right as per the Constitution of Kenya and everybody has a right to education. This is the responsibility of the Jubilee Coalition Government. Nobody else can ensure the implementation of the Constitution. It is the duty of the Government to protect the lives of its people.

With those many remarks, I support this Motion.

Sen. (Eng.) Muriuki: Thank you Mr. Temporary Speaker, Sir. I stand to support this Motion. Allow me to congratulate the Member who has come up with the Motion. There is very little we can give to our children more important than education. All these other things we have are all sideshows. In the modern world, the only thing which is worth enumerating to be given by either the parent or the Government is education.

The problem that we have in the north eastern region of this country – insecurity – is so big that I am not convinced that the Government is making every effort to ensure that education continues smoothly in that part of our country.

I would like to urge the Mover of the Motion not to assume that the teachers refused to go to north eastern. It simply became untenable when people come into a bus and they separate Muslims and non-Muslims and then they shoot the non-Muslims dead. If you survive from that kind of situation, to them be told to go back to a similar situation is very difficult. Kindly let me urge the Mover to see that those of us who are non-Muslims and one way or the other are required to go and work in that part of the country, we find it very difficult. Some solution must be found so that one can feel safe to be there. We do appreciate that it is probably not the ordinary citizens of that area who are engaged in these heinous acts, but I am aware of a number of teachers who were in Garissa around the time teachers were taken out of a bus and killed and the reason they survived was because they missed the bus. Otherwise had the bus not been full, they would have boarded the bus and would also have been killed.

Mr. Temporary Speaker, Sir, to this extent, I would also like to call upon the leaders in that part of the country to take part in helping the Government to get a solution

out of his very serious terrorism problem. I do not know how the leaders in that area are looking at it, but I am not convinced that the people there do not know those who are perpetrating these terrorist acts. Even if they do not know them by name, they know the young people who have disappeared. Recently, we were told that the leader of the terrorists who attacked Garissa University was a nephew of a chief. The way the story turned out is that that particular family had a history of association with Al Shabaab activities. Billions of money is being spent in every annual budget to fund our intelligence department.

To have terrorist attacks one after the other; Garissa bus, Mpeketoni, Garissa University, Wajir and in all of them the security intelligence appears to have had prior knowledge of the events, it looks like either the intelligence are not doing their job or maybe they are doing their job and the people who are supposed to act on it are not doing so. I would like to call upon the intelligence gatherers and those who are supposed to act on it to pull up their socks. Foreigners who are in the country like the British are not doing us any good. The British keep on issuing travel advisories to their citizens when we are crying and telling them that our coastal region is okay and that there might be a few problems but it is the same like in many countries in the world, only when one of their citizens turned up as a terrorist killing our citizens, did they find that the country is safe and they relaxed the travel advisories? They have now told their citizens to visit the coastal region. I would like to call upon them to agree that this is a worldwide problem; it is not just happening in Kenya. They should not scare their citizens and other citizens from coming into our country deliberately killing our tourism industry which is not forgivable.

Mr. Temporary Speaker, Sir, teachers who teach in the north eastern region refused to go back because they were scared. As I said, it became totally untenable. It is not only teachers but also many other personnel in the health sector and other Government departments. If you look at all homes in Nairobi and other towns away from the areas where Al-Shabaab and other terrorist groups are active, you will find that all of them are barricaded with gates, burglar-proofs and such kinds of things. Nobody attacks us. Maybe, the only people we are scared of are burglars. We are scared of people who may come and threaten to kill us because we are not Muslims. That is a total scare. The shortage of teachers will be experienced everywhere.

Mr. Temporary Speaker, Sir, the Government provides free primary education or purports to do so. In some areas, there is no free primary education. The Government provides free primary education by allocating about Kshs1,000 per child per year. The child, for example, may need a policeman or there should be a police station in every primary school so that there is safety for the teachers and pupils. That is, perhaps, what the Government should do. We should not pretend that primary education is free yet that is only applicable in areas where there is security. We should not continue to say that primary education is free in areas where there is no security.

I would like to call upon the Government, at this late hour, to see to it; whether to put a police station next to every primary school, house teachers in schools and ensure that there are police officers and, if need be, the army next to every primary and

secondary school. Perhaps, that is what we should do. After all, a good number of our army officers in the barracks are literally idle. With the kind of enemy we are facing, we do not know whether it should be a police, an army or a National Intelligence Service (NIS) officer's job so that we work to flush terrorists out. I urge the Government to hear the cry of Sen. Hassan, on behalf of his people, that we must have teachers in that area.

The prayer of the Mover of this Motion was that untrained teachers should be allowed to teach in those areas. We have a shortage of teachers everywhere in the country. There is a serious shortage of teachers even in areas where security is not a problem. Whether it is official or non-official, where I come from, untrained teachers are the order of the day. You may find that 15 teachers are needed in a school yet the Teachers Service Commission (TSC) has posted only 10 or 12 teachers. To cater for the deficit, parents get together and employ other teachers. That is unofficial but it already takes place. The Mover is saying that this is the real situation. We need teachers.

I would like to support one of the speakers who said that there are very many trained teachers who do not have jobs. We urge some of them to take up jobs in the north eastern region. However, that will require that there is either a police station or a police post well manned by police personnel to make sure that the teachers are safe. The vehicles that they use while going to or from work stations must also be escorted by properly armed police officers. When you know that there is a hole somewhere and you may fall into it, you do not throw yourself inside.

So, Mr. Temporary Speaker, Sir, Sen. Hassan is quite right on the issue of untrained teachers. If there are very many people who, maybe, Muslims in the region and, therefore, nobody will want to kill them, we should give them a chance if they have acquired education up to Form Four. Those who have trained in other fields but are not employed could teach lower classes. The ones with higher qualifications could teach secondary schools.

With those few remarks, Mr. Temporary Speaker, Sir, I strongly support this Motion. The Government should institutionalise untrained teachers programme starting off with the north eastern region. In due course, it should happen everywhere else in the country because shortage of teachers is universal.

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

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

I see no other Members interested in contributing. I, therefore, call upon the Mover to reply.

Sen. Abdirahman: Mr. Temporary Speaker, Sir, I stand to reply to the Motion about recruitment of untrained teachers and providing in-service training for the same. I would like to start off by thanking colleagues from both sides of the House for unanimously supporting the adoption of this Motion.

Mr. Temporary Speaker, Sir, education – as a number of them have rightly put – is a basic right. It is a right that cannot be denied by anyone. That is explicitly provided for in the Constitution of this country.

Mr. Temporary Speaker, Sir, I have listened keenly to the contributors to this Motion. All of them have raised pertinent issues that will serve us today and even tomorrow. When I say tomorrow, I mean posterity.

Mr. Temporary Speaker, Sir, it is true that there are serious security challenges that we face as a nation. North eastern region has specifically borne the brunt of the civil war in Somalia and the porous borders that have affected us. I want to, once again, sincerely speak from the bottom of my heart about how I much I feel. I know a number of innocent Kenyans including the last batch of students – the 147 Kenyans killed at the Garissa University College – have lost their lives. We feel that that was a very unfortunate incident. It is not the making of the Kenyan child who lives in the north eastern region. It is not the making of the Kenyan parent who lives in the north eastern region that we will have to find ourselves in this unfortunate circumstance.

Mr. Temporary Speaker, Sir, it is the responsibility of the national Government but not county governments to maintain security. That is why you have seen this afternoon very many fingers being pointed on the opposite side with regard to who man our security systems in this country.

Mr. Temporary Speaker, Sir, I also want to demystify the notion of a few of my colleagues that teachers have to be escorted to and from school. This was one of the recommendations. As we speak, we have quite a number of non-local teachers in Wajir, Mandera and Garissa. Just to tell you, in Wajir, as we speak, we have 125 non-local teachers present in primary schools. In secondary schools, we have 58 new non-local teachers. When I say non-local, I mean people who are not from the north eastern region. They are being escorted to and from school. They are both in public and private schools. Therefore, the idea of claiming that we escort teachers to and from school is not right. The Government must provide security and guarantee the security of the people. We should not talk about people being escorted to school in buses.

The curfew has been lifted and the situation is returning back to normalcy. I appreciate the number of colleagues who said that teachers ran away for fear of losing their lives. Now that security is being restored, it would be wise for those who ran away for fear of their lives to start thinking of going back. We, including my sister – I am very happy about Sen. Elachi who spoke very strongly – blame Mr. Sossion. This is because his words have actually exacerbated the situation. We know that there were security challenges, but as much as you want to advocate for the rights of the teacher, you have a responsibility to advocate for the rights of the child. When you say that teachers must leave *en masse*, I do not think that was a wise decision. That is why we are blaming Mr. Sossion.

Mr. Temporary Speaker, Sir, I note with appreciation the other comments that have come up this afternoon, including how Members of Parliament from our various constituencies should prioritize education and use the Constituencies Development Fund (CDF) money to equip schools and provide housing for teachers. This idea is welcome and important.

Mr. Temporary Speaker, Sir, I also picked up the idea of not limiting the recruitment of untrained teachers to the north eastern region. It should be extended to

other Arid and Semi-Arid Lands (ASALs) areas and any other area with staffing shortage. The staffing shortage nationally for both primary and secondary schools is close to 90,000. Therefore, it will be very important if this programme can be extended to ASAL areas, as proposed by my colleagues, and we agree with them.

Mr. Temporary Speaker, Sir, I also noted from the contributions how county governments should partner with the national Government in regard to matters that relate to education. We know that the county governments are tasked in terms of functions with the responsibility of ensuring that they offer or support Early Childhood Development education (ECD). But they can also partner with the national Government to ensure that primary or even secondary education is supported through the county governments. This is something they can do through an intergovernmental arrangement.

Mr. Temporary Speaker, Sir, a number of my colleagues have spoken about how dangerous it can be to leave students unattended or without teachers. It can lead to bad vices like drug abuse, alcoholism, extremism, terrorism, banditry and cattle rustling probably in areas like Turkana or Pokot. If the Government does not care for anything else, it should care for the fact that leaving these students without education can be harmful to this country even in the future.

A number of my colleagues have very eloquently – and I did this when I was moving this Motion – spoken about the constitutional provisions. I do not want to repeat them. The impact on social and economic development now and in the future is not something that we can underestimate. Therefore, it is important that we actually pass this Motion the way it is proposed.

The concerns of a number of my colleagues, having called this a very desperate moment for the people in the north eastern region and the proposal that we need to take extraordinary measures, are very important. I hope that the Ministry of Education can pick up this very quickly. We come from a region which has been marginalized for long, and it is not a secret. Sessional Paper No.10 of 1963 is well in record. I will not say that we are marginalized today, because successive governments, including the current one, have improved the status. I do not want to deny that the Government in the last 15 years has somehow changed the approach. But as most colleagues said, when you are doing affirmative action to remedy a very bad situation that has lasted for the last 40 to 50 years, then what we need is the marshalling of sufficient resources and deployment of sufficient human resource so that we are able to develop that region to be at par with the rest of the country.

Mr. Temporary Speaker, Sir, we were taught by both local and non-local untrained teachers in the early days and they performed as good as the trained ones. So, given the opportunity, this will definitely help. In fact, we are not only facing a shortage of teachers but have a crisis and an emergency in the north eastern region. Therefore, the recruitment of those teachers will, definitely, be a solution to our problem.

One of the Senators said that the Teachers Service Commission (TSC) is proposing the recruitment of retired teachers. This will not improve the situation. It is better to recruit young people who have energy and leave out those who are very tired, as much as we want to have that gap filled.

This is a Motion of national importance and it will be important if we give it the priority it deserves. I noted also with appreciation the fact that we have also to provide incentives for teachers from other regions who want to take up teaching jobs and be posted there. We have talked about improving the hardship allowance and maybe employing them at one or two grades higher than those who are posted to other areas.

I have heard about the non-formal education sector which does not have clear guidelines. Unemployment is a national problem. A number of the graduates, including the one who actually died in the very unfortunate incident in Garissa, are unemployed. We can employ those teachers and even other people who may have trained in other sectors as untrained teachers. All they need to do is a postgraduate diploma in education at Kenyatta University and they will be good to go. They will have the methodology to deal with students.

Mr. Temporary Speaker, Sir, I took note of colleagues saying that children from poor families in the north eastern region are most affected. It is true that those who have resources take their children to private schools or areas that are safer. So, the children from the poor population, which constitutes about 90 per cent of the residents, are not in schools today. So, it is important that we get quick Government action to address this.

The fact that we have exported teachers to Botswana, Rwanda, Sudan and Burundi has been mentioned. If we can export labour to foreign countries, why can we not use our own labour to address the shortage? The issue of improvement of access to boarding schools for learners with disabilities was raised by my sister, Sen. Omondi. This is a good proposal that we can pick.

Finally, issues like illiteracy and food insecurity are products of marginalization in the north eastern region. I call upon the national Government to address the issue of education. By addressing education, we will have built the capacity of those people to contribute to the coffers of this country.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to reply.

The Temporary Speaker (Sen. (Dr.) Machage): I have carefully looked at the Motion and it affects a very well defined region. It does not affect other areas of this country outside that region. It is, therefore, not a county Motion.

I will, therefore, put the Question.

(Question put and agreed to)

The Temporary Speaker (Sen. (Dr.) Machage): Next Order.

ADOPTION OF INTERIM REPORT OF THE CPAIC ON INQUIRY INTO COUNTY GOVERNMENTS'
ACCOUNTS FOR FINANCIAL YEAR 2012/2013

THAT, the Senate adopts the Interim report of the Senate Sessional Committee on County Public Accounts and Investments on the inquiry into County Government Accounts for the Financial Year 2012/2013- (1st January to 30th June, 2013).

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(Motion deferred)

ESTABLISHMENT OF NACC COUNTY OFFICES

THAT, cognizant that the core mandate of the National AIDS Control Council (NACC) is to develop strategies, policies and guidelines relevant to the prevention and control of HIV and AIDS in Kenya; noting that the operational structure of NACC has not been aligned to the Constitution of Kenya 2010; acknowledging the objects of devolution as set out under Article 174 of the Constitution; recognizing that under the Fourth Schedule, the health function has been devolved except for the health policy and referral hospitals; concerned that an estimated 1.2 million Kenyans are infected with HIV/AIDS and 100,000 are infected annually; recognizing the need to achieve an “*AIDS free society*” by stepping up the fight against the pandemic at the county level, the Senate urges the National Government to set up the National AIDS Control Council (NACC) County offices in all County Headquarters with the National Headquarters providing overall coordination and that the resources allocated for the fight against HIV/AIDS be disbursed and managed at the County level.

(Motion deferred)

The Temporary Speaker (Sen. (Dr.) Machage): Proceed, Sen. (Eng.) Muriuki. What is it, Sen. Abdirahman?

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

*(Sen. Abdirahman and Sen. (Eng.) Muriuki
stood up in their places)*

The Temporary Speaker (Sen. (Dr.) Machage): Sen. (Eng.) Muriuki, you have to sit down. The two of you cannot stand at the same time.

QUORUM

Sen. Abdirahman: On a point of order, Mr. Temporary Speaker, Sir. We seem not to have sufficient quorum to transact any further business.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Abdirahman, please, approach the Chair.

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Could the Clerk-at-the-Table approach the Chair, please? Let me know the number of Members in the House.

Very well, I take note of the report from the Clerk-at-the-Table that we do not have a quorum. Could the Division Bell be rung for five minutes?

(The Division Bell was rung)

Could you ring the Bell for a further five minutes?

ADJOURNMENT

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, after ringing the Division Bell for ten minutes, we are unable to raise quorum. That, therefore, marks the end of today's House business.

Hon. Senators, the House, therefore stands adjourned until Tuesday, 7th July, 2015 at 2.30 p.m.

The House rose at 6.15 p.m.