

**PARLIAMENT OF KENYA****THE SENATE****THE HANSARD****Tuesday, 28<sup>th</sup> March, 2017**

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

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

**PRAYER****COMMUNICATION FROM THE CHAIR****VISITING DELEGATION OF STAFF FROM  
MERU COUNTY ASSEMBLY**

**The Speaker** (Hon. Ethuro): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting staff from Meru county assembly.

The staffers are here on a five-day attachment programme at the Senate. I request each member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

1. Mr. Batista Muriuki,
2. Mr. Erick Mwenda,
3. Ms. Emily Kendi
4. Ms. Mary Gatwiri
5. Mr. Seth Mubichi

All the staff members are clerk assistants. On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.

**MESSAGES FROM THE NATIONAL ASSEMBLY****APPROVAL OF THE PUBLIC PRIVATE PARTNERSHIPS  
(AMENDMENT) BILL AND THE PUBLIC FINANCE  
MANAGEMENT (AMENDMENT) BILL**

**The Speaker** (Hon. Ethuro): Hon. Senators, I have a message from the National Assembly on the approval of the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 25 of 2016) and the Public Finance Management (Amendment) Bill (National Assembly Bill No. 4 of 2015)-

Hon. Senators, I wish to report to the Senate that, pursuant to Standing Order 40 (3) and (5), I received the following Message from the Speaker of the National Assembly, on 17<sup>th</sup> March, 2017, regarding the passage, by the National Assembly, of the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 25 of 2016) and the Public Finance Management (Amendment) Bill (National Assembly Bill No. 4 of 2015)-

“PURSUANT to the provisions of standing orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 25 of 2016) was published *vide* the Kenya Gazette Supplement No. 96 of 24<sup>th</sup> June, 2016, to amend the Public Private Partnership Act, 2013, by making provisions to recognize county governments as distinct contracting authorities for public-private partnership projects;

AND WHEREAS, the Public Finance Management (Amendment) Bill (National Assembly Bill No. 4 of 2015) was published *vide* the Kenya Gazette Supplement No. 15 of 12<sup>th</sup> February, 2015 to amend the Public Finance Management Act, 2012;

FURTHER WHEREAS, the National Assembly considered and passed the said Bills with amendments in the form attached hereto on February 16, 2017 and February 21, 2017 respectively;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders, I hereby refer the two Bills to the Senate for consideration”.

Hon. Senators, this Message was received at a time when the Senate was on recess and pursuant to standing order 40 (5), I transmitted the Message to every Senator, *vide* letter Ref. SEN/L&P/MSG.2017 (04) dated 21<sup>st</sup> March, 2017.

Pursuant to Standing Order No. 148 which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No. 129, I direct that the Bill be listed for First Reading, tomorrow, Wednesday 29<sup>th</sup> March, 2017.

I thank you.

**Sen. Wako:** Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today,---

**The Speaker** (Hon. Ethuro): Order, Sen. Wako! We are on Order No.4, petitions; not papers.

**Sen. Wako:** Mr. Speaker, Sir, I beg to lay the following papers on the Table of the Senate today:-

The Independent Electoral and Boundaries Commission (IEBC) report on the status of diaspora voter registration and voting.

The Independent Electoral and Boundaries Commission (IEBC) policy on voter registration and voting for citizens residing outside Kenya (diaspora).

The Independent Electoral and Boundaries Commission (IEBC) annual report for the period 2014-2015.

*(Sen. Wako laid the documents on the Table)*

Mr. Speaker, Sir, I also beg to present the following petitions to the Senate today:-

Petition by Mr. Wachira Kariuki Musa on unfair and unconstitutional treatment by the Institute of the Certified Public Accountants of Kenya (ICPAK)

Petition by Mr. Jeremiah Kioni on the boundary between Nyandarua and Laikipia Counties.

Petition by the Institute for Social Accountability on public participation on matters before the Senate.

Petition by Maj. (Rtd.) Joel Kiprono Rop concerning the implementation of the one third gender rule pursuant to Article 81(b) of the Constitution.

Petition by Hon. Margaret W. Kiiru, MCA and resident of Nakuru County on the alleged establishment of a municipal court, Court No.6 by the Nakuru County Government.

Petition on the alleged corruption and wastage of public funds by Nandi County government.

Petition by Dr. Evans Kidero, Governor of Nairobi City County, concerning payment due to Nairobi City County on account of a parcel of land in Embakasi allocated to the Department of Defence.

I thank you.

*(Sen. Wako laid the papers of the Table of the Senate)*

**The Speaker** (Hon. Ethuro): The Chairperson, Committee on Legal and Human Rights, and the Senator for Busia County has performed a strange act. That explains the confusion that was encountered earlier. He had both papers and petitions. He should have started from the bottom with the petitions. Instead, he decided to start with the papers at the top which should be in the next order. However, we will indulge him for now. However, that means the Standing Order 227 applies for the petitions.

Sen. Wako, for orderly transaction of business, please read the Petitions that you have and then I will allow you to lay the Papers on Table of the Senate later when I call the next order. This is because other Members also have Papers to lay on the table.

## PETITIONS

### REPORT ON PETITION: UNFAIR AND UNCONSTITUTIONAL TREATMENT BY ICPAK

**Sen. Wako:** Mr. Speaker, Sir, I have a petition by Mr. Wachira Kariuki Musa on Unfair and Unconstitutional Treatment by the Institute of Certified Public Accountants of Kenya (ICPAK) which I would like to lay on the Table.

**The Speaker** (Sen. Ethuro): Order, Sen. Wako! Do you have those petitions with you?

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

**The Speaker** (Sen. Ethuro): After reading one, table it.

**Sen. Wako:** Mr. Speaker, Sir, they are all bound together.

**The Speaker** (Sen. Ethuro): Tabling does not mean literary handing it over to the Clerks- at-the Table.

**Sen. Wako:** Mr. Speaker, Sir, I table the report dated 2<sup>nd</sup> March, 2017 which was sent to Clerk and duly approved by the hon. Speaker on 7<sup>th</sup> March 2017.

Here it is.

**The Speaker** (Sen. Ethuro): Table it.

**Sen. Wako:** Mr. Speaker, Sir, I want to make it easier for the Clerks.

**The Speaker** (Sen. Ethuro): Order, Senator! You are not going to introduce new procedures this late in the day.

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

REPORT ON PETITION: BOUNDARY DISPUTE BETWEEN  
LAIKIPIA AND NYANDARUA COUNTIES

**Sen. Wako:** Mr. Speaker, Sir, the second Petition is by Hon. Jeremiah Kioni on the boundary dispute between Laikipia and Nyandarua counties which was sent to the Clerk on 2<sup>nd</sup> March 2017 and duly approved by the Speaker on 7<sup>th</sup> March 2017.

I table it.

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

REPORT ON PETITION: PUBLIC PARTICIPATION ON  
MATTERS BEFORE THE SENATE

Mr. Speaker, Sir, the third Petition is by the Institute of Social Accountability on Public Participation on Matters before the Senate which was sent to the Clerk on 2<sup>nd</sup> March 2017 and duly approved by the Speaker on 7<sup>th</sup> March 2017.

I hereby table it on behalf of the Committee which considered these very weighty matters touching on the issue of public participation. There is a Bill which is coming and I hope it will be given due priority.

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

REPORT ON PETITION: IMPLEMENTATION OF ONE THIRD  
GENDER RULE PURSUANT TO ARTICLE 8 (1)(B)  
OF THE CONSTITUTION

Mr. Speaker, Sir, the fourth Petition is by Major (Rtd.) Kiprono Rop concerning the implementation of the One Third Gender Rule pursuant to Article 8 (1)(b) of the Constitution. It was sent by my Committee to the Clerk who sent it to the Speaker on 2<sup>nd</sup> March and was duly approved on 7<sup>th</sup> March 2017.

Mr. Speaker, Sir, I do hope that the matters which touch on amendments of the Constitution will be given due priority, particularly in the next Parliament after elections. As we all know, we had a number of initiatives---

**The Speaker** (Sen. Ethuro): Order, Senator!

**Sen. Wako:** Mr. Speaker, Sir, I table it.

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

REPORT ON PETITION: ALLEGED ESTABLISHMENT OF  
MUNICIPAL COURT BY NAKURU COUNTY GOVERNMENT

Mr. Speaker, Sir, the fifth Petition is by Hon. Margaret W. Kiiru, Member of County Assembly (MCA) and a resident of Nakuru County on the alleged establishment of a Municipal Court by the Nakuru County Government. It was sent to the Clerk's office by my Committee after consideration on 2<sup>nd</sup> March 2017 and approved by the Speaker on 7<sup>th</sup> March 2017.

I hereby table the same.

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

REPORT ON PETITION: ALLEGED CORRUPTION AND  
WASTAGE OF PUBLIC FUNDS BY NANDI  
COUNTY GOVERNMENT

Mr. Speaker, Sir, the sixth petition is on the alleged corruption and wastage of public funds by the Nandi County Government duly considered by my Committee. It was sent to the Clerk who sent it to the Speaker on 2<sup>nd</sup> March 2017 and duly approved by the Speaker very efficiently on 7<sup>th</sup> March 2017.

I hereby table the same.

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

REPORT ON PETITION: PAYMENT DUE TO THE NCC  
ON ACCOUNT OF A PARCEL OF LAND IN  
EMBAKASI ALLOCATED TO THE DOD

Mr. Speaker, Sir, the seventh petition is by Dr. Evans Kidero, Governor of Nairobi City County, concerning payment due to the Nairobi City County on account of a parcel of land in Embakasi allocated to the Department of Defence. This was duly considered by the Committee and sent to the Clerk on 16<sup>th</sup> March 2017 and duly approved by the Speaker on that very day on 28<sup>th</sup> March 2017.

I hereby lay the document.

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

Thank you very much for the correction on the procedure to be followed.

**The Speaker** (Sen. Ethuro): Hon. Members, you will appreciate that this House has been concerned about delayed Petitions and we should thank the Chairperson, Legal Affairs and Human Rights Committee for making use of the recess to conclude most of

the Petitions before them. However, I suppose the recess might have also been too long to the extent that he forgot some procedures.

**Sen. Khaniri:** Thank you, Mr. Speaker, Sir. I rise on behalf of the Committee on Land and Natural Resources of the Senate to table two petitions and a report.

The first one---

**The Speaker** (Sen. Ethuro): Order, Sen. Khaniri. I thought you were going to help your elder brother Sen. Wako. This is petition time. So, deal with the two Petitions and the next order you can do the report.

**Sen. Khaniri:** Thank you, Mr. Speaker, Sir. I stand guided. I will table the two petitions first before I table the reports.

REPORT ON PETITION: THE EXACT LOCATION  
OF CHANGARA

I wish to table the reports to the two Petitions:-

Report on the Petition made to the Senate by the residents of Changara Location on the exact location of Changara.

REPORT ON PETITION: LEASING OF GAME RESERVES  
BY ISIOLO COUNTY EXECUTIVE

Report on the Petition made to the Senate by the residents of Isiolo County on the leasing of the Buffalo Springs and Shaba Game Reserves by the Isiolo County Executive

Thank you. I table.

*(Sen. Khaniri laid the documents on the Table)*

**PAPERS LAID**

ANNUAL REPORT OF THE NPSC FOR 2015/2016

**Sen. Adan:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 28<sup>th</sup> March, 2017:

Annual Report of the National Police Service Commission for the Year 2015/2016

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

ANNUAL REPORT OF THE TSC FOR 2015/2016

**Sen. Karaba:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday 28<sup>th</sup> March 2017:-

The Teachers Service Commission Annual Report for the Period 2015/2016

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

## ANNUAL REPORT OF THE NLC FOR 2015/2016

**Sen. Khaniri:** Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Tuesday 28<sup>th</sup> March, 2017:-

The National Land Commission Annual Report for the Period 2015/2016

REPORT ON CITES COP 17 CONVENTION  
HELD IN JOHANNESBURG, RSA

Report on the Convention on International Trade in Endangered Species of World Fauna and Flora (CITES), COP 17, that took place in Johannesburg, Republic of South Africa (RSA) from 24<sup>th</sup> September to 5<sup>th</sup> October, 2016.

*(Sen. Khaniri laid the documents on the Table)*

**The Speaker** (Hon. Ethuro): Proceed, Sen. Wako. We are on Order No.5; Papers.

REPORT OF THE IEBC ON THE STATUS OF  
DIASPORA VOTER REGISTRATION AND VOTING

**Sen. Wako:** Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Tuesday 28<sup>th</sup> March, 2017:

The Independent Electoral and Boundaries Commission (IEBC) Report on the Status of Diaspora Voter Registration and Voting.

THE IEBC POLICY ON VOTER REGISTRATION AND  
VOTING FOR CITIZENS RESIDING OUTSIDE KENYA

The Independent Electoral and Boundaries Commission (IEBC) Policy on Voter Registration and Voting for Citizens Residing Outside Kenya

THE ANNUAL REPORT OF THE IEBC FOR 2014/2015

The Independent Electoral and Boundaries Commission (IEBC) Annual Report for the period 2014/2015

*(Sen. Wako laid the documents on the Table)*

**The Speaker** (Hon. Ethuro): Proceed, Sen. Elachi.

*(Sen. Elachi stood up in her place)*

Sen. Elachi, which order are you standing on?

*(Sen. Elachi spoke off record)*

You lay Papers on the Table, not on your desk!

**Sen. Elachi:** Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Tuesday 28<sup>th</sup> March, 2017:-

THE STATE OF THE NATION ADDRESS DELIVERED BY  
H.E. THE PRESIDENT ON 15TH MARCH, 2017

The State of the Nation Address Delivered on Wednesday, 15th March, 2017 during the Special Sitting of Parliament

THE 4TH ANNUAL REPORT (2016) ON REALIZATION OF  
NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE

The 4th Annual Report (2016) To Parliament on Measures Taken and Progress Achieved In the Realization of National Values and Principles of Governance.

THE 4TH ANNUAL REPORT ON FULFILMENT OF  
INTERNATIONAL OBLIGATIONS

The 4th Annual Report to Parliament on Progress Made in Fulfilling the International Obligations of the Republic of Kenya.

THE 4TH ANNUAL REPORT ON STATE OF  
NATIONAL SECURITY

The 4th Annual Report to Parliament on the State of National Security by the President.

*(Sen. Elachi laid the documents on the Table)*

**The Speaker** (Hon. Ethuro): Next order!

**NOTICE OF MOTION**

THANKS FOR THE PRESIDENTIAL ADDRESS

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

THAT, pursuant to the provisions of Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President delivered on Wednesday, 15th March, 2017 and further notes the following Reports submitted by the President in fulfillment of the provisions of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the House on Tuesday, 28th March, 2017-



- a) Report on measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- b) Report on Progress made in Fulfillment of the International Obligations of the Republic; and,
- c) The Fourth Annual Report to Parliament on the State of National Security.

**The Speaker** (Hon. Ethuro): Next order!

### STATEMENTS

**The Speaker** (Hon. Ethuro): Order, hon. Members. We are on page 251 on your order Paper; Statements to be requested. Sen. Ong'era and Sen. (Prof.) Lesan are not there.

#### MISSING BVR KITS ALLEGEDLY STOLEN FROM MANDERA BY AL SHABAB TERROR GROUP

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

*(Statements deferred)*

**The Speaker** (Hon. Ethuro): Proceed, Sen. Khaniri.

#### KILLING OF MR. DISMAS MAHIGI MASITSA

**Sen. Khaniri:** Mr. 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 National Security and Foreign Relations concerning the killing of an Administration Police Officer. The deceased, Mr. Dismas Mahigi Masitsa, who was attached to the Speaker of the National Assembly, was allegedly shot dead by a colleague. The incident occurred on 11<sup>th</sup> February, 2017 at hon. Justin Muturi's residence while the officer was on duty. In the statement the Chairperson should:

(1) Explain the circumstances that led to the shooting and the action taken against the culprit to ensure that justice is served to the bereaved family.

(2) The measures undertaken by the Government to compensate the family and provide details of the process of compensation, the amount to be given to the family and the date for making the compensation.

(3) Provide a report on the number of police officers who have been killed or injured by colleagues from January, 2016 to date.

(4) Explain the measures taken by the Government to find cause and cure for the increased cases of police turning guns on fellow police officers and relatives.

**The Speaker** (Hon. Ethuro): Where is the Chairperson of the Committee on National Security and Foreign Relations?

Order, hon. Members. The Chairperson laid a Paper.

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

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. If it may help the House, I had come to listen to a statement from the same Senator but she has just apologised because she has a flight to catch. She has left to fly out of the country.

**The Senate Minority Leader (Sen. Wetangula):** Mr. Speaker, Sir, I am a Member of the Committee. We will notify the Chairman, Sen. Haji, so that he can bring the statement in two weeks' time.

**The Speaker (Hon. Ethuro):** It is so ordered. It will be issued in two weeks' time. Proceed, Sen. Ndiema.

#### DISTRIBUTION OF SUBSIDIZED FERTILIZER TO FARMERS

**Sen. Ndiema:** Mr. 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 Agriculture, Livestock and Fisheries. Since the planting season in most parts of the country has begun, what arrangements has the Government undertaken to ensure that subsidized fertilizer has been procured and distributed to farmers? In the response, the following details should be provided.

(1) Quantities and type of fertilizer procured for this season and last year.

(2) The quantities of each type of fertilizer distributed to each county this season and last year.

(3) Quantities of fertilizer distributed to Agricultural Development Corporation (ADC) through Kenya Seed Company this season and last year.

(4) What are the reasons for the variances, if any?

**Sen. (Prof.) Lonyangapuo:** On a point of order, Mr. Speaker, Sir.

**The Speaker (Hon. Ethuro):** What is it, Sen. (Prof.) Lonyangapuo?

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, I know that the Senator for Trans Nzoia County has asked for a detailed statement regarding---

**The Speaker (Hon. Ethuro):** Order, Senator! We heard the Statement.

**Sen. (Prof.) Lonyangapuo:** Yes, Mr. Speaker, Sir. Further to what he has asked, I want to know whether the Government---

**The Speaker (Hon. Ethuro):** Order! Sen. (Prof.) Lonyangapuo, do you want to add to what he has said?

**Sen. (Prof.) Lonyangapuo:** Yes, Mr. Speaker, Sir.

**The Speaker (Hon. Ethuro):** Then go ahead and ride on it.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, we need the fertilizer to be supplied in the shortest time possible. The rains started yesterday.

**Sen. Karaba:** Mr. Speaker, Sir, you will agree with me that the question on fertilizer has been raised here more than five times this year. There is need to find out if the Cabinet Secretary (CS) for Agriculture gets to know what we are thinking about him. This is a very serious issue.

**The Senate Minority Leader (Sen. Wetangula):** Mr. Speaker, Sir, the Chairperson should bring this statement because it is very urgent. I have heard the West Pokot County Senator say that the rain started yesterday, but I would like to tell him that it started two weeks ago. People are busy planting crops, especially the breadbasket areas---

**The Speaker** (Hon. Ethuro): Order, Sen. Wetangula! It depends on where you are referring to.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I am talking of the breadbasket areas where cereals are grown such as Trans Nzoia, Uasin Gishu, Nandi, Nakuru, Bungoma and Kakamega counties and other counties in the former Nyanza Province.

As I ride on this statement sought by the hon. Senator, I want the Chairperson to tell the House and the country the following:-

(1) The distribution of the fertilizer and the competition between the county governments and the national Government is hurting the agriculture sector in this country. Agriculture is a devolved function. We will want the Chairperson to explain why the national Government is still tightly holding onto procurement and purported distribution because we know that it is carrying out unsatisfactory distribution of subsidized fertilizer. Is the national Government tightly holding on to this procurement and distribution because of commissions and kickbacks in the procurement process of this fertilizer?

(2) Is there a particular policy in the manner, criteria and qualifications in the distribution of this fertilizer? We find some governors in the counties using the distribution of this fertilizer as a campaign tool when it is a public resource. They are simply sending their cohorts to give fertilizer to those who agree to vote for them when the elections come and deny those who they perceive or know do not support their political agenda. What is the criteria and who qualifies to get subsidized and free fertilizer?

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. Allow me to ride on this question that is very important.

The national Government is in charge of policy. Could the Chairperson tell us whether the national Government is aware that also a similar initiative is being carried out by governors? In Kakamega, Bungoma and Trans Nzoia counties, there were instances where the subsidized fertilizer that was given last year was strange because the crop performance for that year was poor. We would like to know if there is any policy that the governors follow from the Government before they bring in these fertilizers.

Is the Government aware that in the process of distributing fertilizer, governors hire helicopters to hop from one shopping centre to another announcing that fertilizer worth of Kshs100,000 will be available next week? It is a pity that they spend Kshs 1million on one helicopter. Could he tell us the source of these millions of shillings that are being spent on hiring the helicopters? In fact, for the lack of a better word, these governors have become salesmen.

**The Speaker** (Hon. Ethuro): Could we hear from the Chairperson of the Committee on Agriculture, Livestock and Fisheries?

**Sen. Madzayo:** Thank you, Mr. Speaker, Sir. I will hold brief for the Chairperson of the Committee on Agriculture, Livestock and Fisheries. Given the number of questions that have been asked by the Hon. Senators, I think two weeks will suffice for us to come up with an adequate response to this effect. I believe the rain will still be there and the land is not moving.

**The Speaker** (Hon. Ethuro): It is so directed; in two weeks' time.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. I rise to raise a request for two Statements.

FATAL SHOOTING OF MR. EDISON NATEMBEA NANDORI

The first one is under Standing Order 45(2)(b). I wish to demand for a Statement from the Chairperson of the Committee on National Security and Foreign Relations on the fatal shooting of Mr. Edison Natembea Nandori on 18<sup>th</sup> March, 2017, at Naivas Area, Komarock Ward, Nairobi County. The late Mr. Edison Natembea Nandori was the Ford-Kenya party aspirant for Komarock Ward in Nairobi County.

Could the Chairperson clarify the following:-

(1) What were the circumstances under which he was shot?

(2) If the police is seized of this matter, what is the status of investigations? As the leadership of Ford-Kenya, we demand that they be thorough, expeditious and just.

(3) Is the police aware that at the time of being shot, Mr. Edison Natembea Nandori was in the same car with, amongst others, a Mr. Victor Waiswa and Mr. Hillary Waiswa?

(4) Why has the police not arrested the above two for questioning and/or recording of statements? We demand that they be treated as suspects.

**The Speaker** (Hon. Ethuro): Could we hear from the Chairperson of the Committee on National Security and Foreign Relations?

If he is not around, could we hear from Sen. Wetangula who had volunteered before? It is the same Committee that he is holding brief.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I will advise the Chairperson to bring a Statement within the next two weeks.

However, I also want to ride on the Statement. I want to demand that over and above the information sought by the distinguished Senator for Kakamega County, we want to hear from the Chairperson regarding insecurity in this country.

People are being gunned down in broad daylight and property is being destroyed in Baringo, West Pokot, Samburu, Nairobi and everywhere and Jubilee keeps telling us that they are in control. We want to know what the Government is doing to provide adequate security for each and every citizen of this country, so that people can go about doing their businesses without fear of being molested by muggers, thugs and criminals.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. I have another statement---

**The Speaker** (Hon. Ethuro): Order Senator! We need to dispose this one. Do you not want to know when the first one should come?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I have no objection with two weeks.

**The Speaker** (Hon. Ethuro): It is so ordered.

LOUD MUSIC IN LIONS EYE HOSPITAL AND CONSTRUCTION  
OF TEMPLE AND AUDITORIUM IN LORESHO

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I have another statement to seek. I rise under Standing Order No.45(2)(b) to seek for a statement on pollution by way of playing loud music in Loresho's Lions Eye Hospital and the upcoming construction of a temple

and auditorium in Loresho residence from the Chairman of the Committee on Land and Natural Resources. The Chairman should state the following:-

(1) Is Lions Eye Hospital licensed to play loud music in the hospital, up to and including at night to the detriment of the patients and residents of Loresho surrounding the hospital, contrary to the regulations on noise pollution by the National Environment Management Authority (NEMA)?

(2) What is the Government doing to stop this health hazard that is a threat and an inconvenience to:-

(a) The patients at the hospital; and,

(b) Residents of Loresho?

(3) What is the Government doing to ensure that the patients including the legendary footballer Joe Kadenge who were previously admitted at the hospital are compensated?

(4) What is the identity of the religious group that intends to construct a temple and an auditorium in the residential area?

(5) Could the Chairman table all documents that authorised and licensed the construction of the above?

(6) Is the Government aware that the new facilities of the intended construction include a parking for over 450 vehicles and that the development will cause a serious strain on, amongst others, the sewerage system far surpassing the capacity that serves the current Loresho residents and if so, could the Chairman table a separate plan showing the expansion of the sewerage system and other social amenities in Loresho residential area?

(7) Could the Chairman, through the Cabinet Secretary (CS), order the stoppage of playing of loud music and construction of the temple and auditorium until investigations on this matter are concluded?

Mr. Speaker, Sir, I thank you.

**Sen. Elachi:** Mr. Speaker, Sir, I just want to ride on what my Senator has said. Regarding the issue of pollution, I would also like the Chairman to explain to the House and Kenyans why Space Lounge in Kilimani makes noise to the whole community. The people there have even complained but to date the place is still open and they still play loud music.

**Sen. Ndiema:** Mr. Speaker, Sir, I am also riding on that as well. It is not only noise pollution but the indiscriminate felling of trees which are planted along the roads in Nairobi by people or business people putting up billboards. What is the Ministry doing to ensure that trees are not replaced by billboards?

**The Speaker** (Hon. Ethuro): Let us hear from the Vice Chair of the Committee on Land and Natural Resources.

**Sen. Khaniri:** Mr. Speaker, Sir, on behalf of the Committee on Land and Natural Resources, I request for two weeks for us to be able to issue the requested statement.

**Sen. (Dr.) Khalwale:** On a point of order.

**The Speaker** (Hon. Ethuro): What is it Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, clarity is a very important thing in this House. Did I hear Sen. Khaniri say on behalf of the Committee? Could he clarify whether he is the Chairman? It is very important for the people of Vihiga because a commitment was made in this House that when he was de-whipped from the County Public Accounts

and Investments Committee (CPAIC), he was to become the Chairman of the Committee on Land and Natural Resources?

**Sen. Khaniri:** Mr. Speaker, Sir, as far as I know, I am the Vice Chair of this particular Committee and I do not know of any meeting where I was elected Chairman. Therefore, I stood in my capacity as the Vice Chair of the Committee.

**The Speaker** (Hon. Ethuro): Order, Vice Chairman. Now that you have confirmed it, I think the matter raised by Sen. (Dr.) Khalwale and supported by two other Senators is quite grave especially when you talk about noise pollution in a hospital. I direct that you bring a response within one week.

**Sen. Khaniri:** Mr. Speaker, Sir, I had requested for two weeks. I will endeavour to bring the statement within a week. However, knowing how the systems work, I request that we be given up to next week so that we have a whole week to do the communications with the relevant authorities in the Executive.

**The Speaker** (Hon. Ethuro): I would rather you make the attempt in the first week then from there you can explain to the House your frustrations and seek for more time, if need be. In the statement, the Member sought that the construction should stop until investigations are completed. So, if you allow two weeks they might complete the construction. That is what informed my directive on one week.

**Sen. Khaniri:** Mr. Speaker, Sir, most obliged. We will swing into action right away.

**The Speaker** (Hon. Ethuro): Those are the statements to be requested. Now we need to get to statements to be issued. We will begin by Statement (a).

#### THE CONDITIONAL ALLOCATION TO COUNTIES FOR MEDICAL EQUIPMENT

**The Speaker** (Hon. Ethuro): There was consensus between the two parties. Therefore, the Statement has been deferred to Tuesday next week.

*(Statement deferred)*

#### STATUS OF KENYAN MILITARY FORCES IN SOMALIA

**The Speaker** (Hon. Ethuro): Sen. (Dr.) Khalwale.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I am ready to receive the answer.

**The Speaker** (Hon. Ethuro): Order, Members; that is actually not for Sen. (Dr.) Khalwale. It was directed to the Committee on National Security and Foreign Relations.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, the Vice Chair has spoken to me. She has confirmed that she has the answer but requested that she be allowed to issue it next week since she is travelling. She was catching a flight. So, I have concurred that I will take the answer next week.

**The Speaker** (Hon. Ethuro): Order, Members. Why did you not just pursue the route of Sen. Wetangula because they discussed and approached the Chair so that instead of calling out, I would just have deferred to the time you had agreed? That is better use of our time.

So, that is deferred to next week Tuesday.

*(Statement deferred)*

DELAY BY TSC TO PROMOTE TEACHERS  
IN ISIOLO COUNTY

**Sen. Karaba:** Mr. Speaker, Sir, on the same footing, it is like these questions are revolving on the Vice-Chair of the Committee on National Security and Foreign Relations who had also asked for this Statement to be issued today. I have reliably learnt that she is not in the Chambers. We can do it on Tuesday next week.

**The Speaker** (Hon. Ethuro): Yes, Sen. Karaba?

**Sen. Karaba:** Mr. Speaker, Sir, I had indicated to you earlier that the concerned Senator had left the Chamber.

**The Speaker** (Hon. Ethuro): When did you indicate that to me?

**Sen. Karaba:** Mr. Speaker, Sir, I can do it when she comes back or if you allow me, I can issue it next week.

*(Statement deferred)*

**The Speaker** (Hon. Ethuro): Let us do it on Tuesday, next week. That is the end of Statements hour. We should now proceed to the next order. Order No. 8.

**MOTION**

THANKS FOR THE PRESIDENTIAL ADDRESS

**Sen. Elachi:** Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, pursuant to the provisions of Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President delivered on Wednesday, 15th March, 2017 and further notes the following Reports submitted by the President in fulfilment of the provisions of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the House on Tuesday, 28<sup>th</sup> March, 2017-

(a) Report on measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;

(b) Report on Progress made in fulfilment of the International Obligations of the Republic; and,

(c) The Fourth Annual Report to Parliament on the State of National Security.

Mr. Speaker, Sir, I thank the President and do appreciate that through his duties and obligations to the country he brings to Parliament this Address so that we can look at the progress of the country. We are able to critique and to appreciate the work that he has done.

The President presented his address and outlined his achievements. The most critical agenda as a country as we move ahead is that we need to ask ourselves if, indeed,

we wish to see our country move forward. Cohesion is very critical not just for the President but for the whole country.

The President clearly outlined that within his promises that he gave the country, he has been able to demonstrate that he has delivered what is in his manifesto.

He went on and assured Kenyans that while we appreciate devolution, which is our critical agenda in the Senate, implementation has not been smooth and we have seen the county economies grow.

The biggest challenge that he talked about is corruption which I know is both at the National and county level. In the Senate we have seen many petitions come in. We have witnessed our County Public Accounts and Investments Committee (CPAIC) engage with governors to look at the challenges we face as we implement devolution.

Mr. Speaker, Sir, while we know that our country with the pillar of devolution will go far, the biggest challenge of all is ethnicity that we also see in our counties. We should ensure that we have that interrelation. This was the last address of the President in the four years that he has been there.

We experienced the biggest challenge of strikes especially the doctors' strike. While we appreciate that the national Government is doing its bit, we also have to safeguard devolution because we are the guards.

Even as we see the doctors and the governors exchange words about who will pay who, I hope the Senate will stand in to ensure the doctors are paid since that was the agreement. I always say that consistency is very important. Whether good or bad because we agreed that the doctors have to be paid, I think it is time they were paid. We need to stand with them as Senate.

Mr. Speaker, Sir, the President went on and talked about our engagement in international obligations and more importantly that of working in partnership with Somalia. He also talked about the challenges we faced with Al Shabaab and the large scale of attacks that we have seen as a country. For us Kenyans, we reached a point of desperation when we felt that we had been hit hard. We stand strong as we celebrate our soldiers. The President also reiterated that we must stand with our soldiers to ensure that peace comes to Somalia.

We want to celebrate and congratulate the President of Somalia who all of us know is a Kenyan Somali since he has lived in Kenya for a while and most of the time he campaigned when he was in Kenya. We believe that if Kenya stands with Somalia, we will stand again and one day celebrate that they went through all these challenges for 25 years but now have moved on.

We celebrate President Mohammed for his peaceful election and we also know that Kenya is a pillar which will ensure that they grow. We know very well that Kenyans will have to assist Somalia in building the different institutions that they have. They also have regional blocks and I believe they work like the Senate. We need to help them. I am hoping the Senate of Kenya will assist the Members of the Somalia Parliament to build their country.

In fulfilling our international obligations to pursue security, we know that our sons and daughters will always be remembered. I believe the President stood with that and I hope as a country, we will also stand with that.

When you look at the different bilateral relations that we have had such as the one of South Sudan, it is our wish to see that country move on and that their future and



prosperity is built on the pillar of peace. I believe as a country we have given our President the biggest task in the history of our country. We have a President who was picked through a new dispensation of a Constitution and was supposed to lay down the foundation of 47 counties, ensure they stand, receive revenue and they move on to ensure we have good economic dynamics.

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

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

Madam Temporary Speaker, the President also talked about insecurity. Insecurity is one of the things that is hurting Kenyans as well as Members of Parliament both in the National Assembly and the Senate. It is time we also asked ourselves whether we are the perpetrators of the violence where our people die every day within our counties. When you look at what happened in Laikipia and Baringo counties, I pray to God that one day, as leaders, we shall ask ourselves serious questions. For instance, when you sit in Parliament and Kenyans are dying because of your name, what will be the legacy of our children that we bring up? Let us pray to God that we shall never carry the curse of the people that we lead because of the things that we did as leaders.

When you look at cattle rustling, poaching and the flow of illegal arms and light weapons and the problem of marauding bandits in Laikipia, it is time we question ourselves. Recently, I saw in Nairobi that young people can just wake up and go to destroy and take over your house because the lease is over. We appreciate as Kenyans that when the leases are over, they will be turned back to our county governments. Kenyans must not suffer or be displaced because the lease is over. Parliament must look at this and come up with a law regarding leases. We have to ensure that no Kenyan suffers in the hands of a fellow Kenyan because of greed of taking over their land no matter how small it is. This is the reason why we have the Bill of Rights that takes care of every Kenyan to have a home.

Madam Temporary Speaker, we also need to look at what the President said on drugs and human trafficking. As women in this country, there are things that are happening and we need to pray to God to help our children. In Nairobi, today, you will be saddened because young people are now helpless because of alcoholism. I know that indeed if women take over, they will change what young people are thinking today and restore their lives because that is a generation that we need.

The President talked about his continued and spirited campaign in ensuring we eradicate drugs. As he does that, we are praying that he will also look in Nairobi where we have flourishing clubs all over in residential areas where our children are. Some families have wished to sell their homes because they cannot stand what is happening. Therefore, as we speak of this we need to ask ourselves where we are headed as a country. I know and believe as women, we can help our country.

Madam Temporary Speaker, the President gave us an assurance of how we are managing our debts and how we use our resources. What came out strongly is that from the Executive, the Judiciary and the Legislature, it is time for those who receive salaries that are beyond the reach of Kenyans to follow the recommendations of the Sarah Serem report. It is my prayer and hope that the next Parliament will appreciate that we need

most of the money for development. They could also ensure other Kenyans are employed in sharing what we have.

I also want to thank the President that since Independence we have more electricity connections. We thank him for that achievement. It is an achievement that today we have 220,000 elderly aged Kenyans who receive a monthly stipend for their own use.

I also want to thank him for his aggressive road construction programme where today 1,950 kilometres of new roads have been completed and others are still ongoing. However, I would want to urge him to look at the western region roads especially within the Kakamega County. I remember it is in this Senate where I am the one who first brought the Motion of the National Youth Service. At that time, we felt as a Senate that if this programme will change lives of young people, then it will have helped young people to come up with different jobs. I want to thank the President for picking it up and ensuring that today, we are moving in the right direction. When we look at the people in Kibera, they have changed. What we see today is indeed a change that many would have wished to see many years ago. So, we have to thank him.

Madam Temporary Speaker, most of the leaders that we have today especially in the Senate are part of a process of building our country. Today, they have an opportunity to ensure that there is a gain and a new foundation that will take our country to another level for the next 50 years as they leave. Our biggest achievement as Senate and what we need to ensure it continues is devolution. It will be there from now to the next generation of our children regardless of the challenges because with devolution, Kenyans are now able to see their resources.

However, the most important thing as we move on is to ask ourselves whereas Kenyans are celebrating devolution, we must also fight the vice of corruption at the national and the county level. It is our duty to ensure that.

Madam Temporary Speaker, the President talked about the Standard Gauge Railway (SGR). We have witnessed progress. The railroad has reached Nairobi. Soon we will see the first train leave Nairobi for Mombasa and vice versa. Regardless of all the challenges we have faced, we celebrate that.

We also recognise the progress made in the automotive sector of our technical and vocational training. Over the last 10 years, we lost nearly all of our polytechnics. It was felt that everyone ought to go to the university but we have realised that technical skills are important. Therefore, we are back at it. We wish to see young people appreciating this. I hope young people are being trained by the Railway Training Institute (RTI). If they are not doing so, who will provide services in the SGR? Young Kenyans should be eager to go for training in the RTI since they may get employment when the SGR starts its operations. We must encourage them to do so.

I will give an example. Nowadays finding plumbers is difficult because young people shy away from undertaking technical courses. The Kenya Defence Forces (KDF) has been looking for plumbers but it has been difficult to get even a few of them. People ignored these courses not knowing that it can provide a career. We have many high rise buildings in Kileleshwa, Kilimani but finding a plumber will take a while. We need them, more so due to real estate development in our country.

I thank the Republic of Germany for supporting us in the vocational training institutes. I also thank the Republic of Ireland; they are in Kitui offering their support.

Similar thanks go to the Republic of Korea. They are funding the Kenya Advanced Institute of Technology to do their first anchor tenant of Konza Techno City.

In addition, I thank the President because during this time, Kenya was visited by many Presidents of the world. This opened Kenya for different engagements in the international scene.

We also need to look at the security sector. As much as we talk of insecurity within our borders and neighbouring countries - I plead with the Inspector General of Police that the police should appreciate that the days of writing statements and committing a person to prison are gone. It is good to do your investigations and ensure that they are clear; that, when one goes to prison, it is certain that he or she is guilty as charged.

Madam Temporary Speaker, on corruption, the journey has been on a rocky path. We celebrate that we have 90 special prosecutors of economic crime as the President said. The Chief Justice has established a special anticorruption and economic crimes unit. The courts can also help us to ensure that we get the statistics. Kenyans will appreciate it. While the story is rosy, Kenyans are interested in figures. The number of cases in the anticorruption court should be clear and those who have gone to prison should be enumerated. Every Kenyan would wish to see this happen.

I thank the President for the freezing of assets and the recovery agency that has been set up to ensure that we recover stolen resources. Having done that, Kenyans would also like to know the amount of resources that have been recovered and which departments they have been placed in. This will provide evidence of change from corruption to a better course.

Moreover, we thank the President for Huduma Centres. Kenyans are able to get vital services online via e-citizen, iTax and the registry. Digitizing these platforms has reduced Kenyans' frustrations in accessing these services. Many Kenyans apply for these services online, for instance passports. Kenya is doing better than her neighbours. We thank God for that.

Madam Temporary Speaker, as a country, our wage bill is unsustainable. Parliament takes only 2 or 3 per cent. It is time we realign ourselves from the top so that we can calm the industrial strikes. They are a result of how we handle ourselves. We need to look at the plight of teachers, nurses, clinical officers and doctors. We have many civil servants. We need to create an environment where the private sector employs many people so that the Government can manage its debt and get rid of unsustainable strikes now and then.

Madam Temporary Speaker, as I finalise, I thank the President. We hope and believe that as we move on, key people who need to be taken care of in their professions; policemen, prison warders and KDF are catered for. They have protected our lives. We need to look after their welfare. Apart from the health cover, we also need to think about their housing so that they are not compromised.

Finally, I want to thank the women of this country because in the last 50 years of Independence, we have achieved a lot.

It is my sincere hope that this year we will conduct a peaceful election. We also hope that the Elections Offences Act will be implemented to the letter by all actors so that we have a peaceful and credible election. I trust the Director of Public Prosecution (DPP)

will do his work so that we all ensure that our fragile democracy does not slide into the 2007 situation when many people died and others were displaced because of politics.

As much we are in campaign mood, I urge all of us to respect each other because our country will not cease to function after elections. This is because Kenyans and foreign investors will continue investing in various sectors in our country. We must remind ourselves that this country is ours even as we approach the polls.

With those few remarks, I beg to move and ask Sen. (Prof.) Lonyangapuo to second.

**Sen. (Prof.) Lonyangapuo:** Thank you, Madam Temporary Speaker. I rise to second this Motion.

I appreciate the speech that was delivered by His Excellency the President to the nation in the National Assembly Chamber a few days ago. In the State of the Nation Address, he highlighted the developments and achievements of the Jubilee Government in the last four years.

Articles 10, 132 and 240 of our Constitution allow the President to address the nation once every year or at any time in the course of the year as he may find it fit. He is expected to talk about national security, measures taken and the progress achieved in realization of national values that we have had since we became a nation.

As mentioned by the Mover of the Motion, the key thing that he talked of was the devolved system of governance that has been witnessed for the last four years. Although it is at the initial stages, the Constitution talks about sharable revenue being at a minimum 15 per cent. Our economy is strong and it is growing. The President said that it has risen from 15 per cent to 34 per cent. We need to appreciate this. However, the last audited accounts were done three or four years ago. We need to make it current for us to make sure that the funding that goes to the county governments is used appropriately for the percentage to go up. Our economy grows every year, thus, the percentage should also grow.

He talked about the conditional grants. However, I feel these grants should be increased. The Government needs to work with development partners to see to it that as many counties as possible get these conditional grants for health, roads, water and many more. This will help avoid a situation where we only look at the sharable revenue.

He also talked of the transfer of funds. He said that the transfer of funds must be timely. It was great for the President to mention it. This is because in reality, the National Treasury delays a lot in disbursement of these funds to counties. They must follow the directives of the head of State. As I speak, it is sad that some counties have not received their monies for the last two or three months. The latest disbursement was done at the end of January. It is a challenge for governors to run their counties if they do not receive money on time. Therefore, since he has told Kenyans what has been happening in the past, I urge the relevant government agencies to make sure counties are not starved of funds.

We heard of some of the development his Government has achieved in the last four years. He gave an example of Wajir County which has now few kilometres of tarmacked road for the first time since Independence. We have heard and read in newspapers of various development projects implemented by Jubilee Government since they took over. So many things have been done by this Government. Whether they are going to last or not, it is another thing. Each county is initiating development projects. This is good for the country.

The President also talked about building new stadia in the country. He singled out Uasin Gishu and Narok counties. In the Jubilee Manifesto, a lot of stadia were to be built. I do not know whether they can still be built in the next four months remaining before we go for elections. It is key that the implementers of the Government agenda read between the lines. Whoever was in charge of this, such as the Cabinet Secretary and the Principal Secretary, need to internalize and budget for some of the issues that Kenyans voted for. This is because these things will be required at the time of the presentation or marking of the score card at the end of the five years. We were expecting one of the stadia be built in West Pokot County, but we are yet to see it.

I want to give credit to the Kenyan team of athletics for their sterling performance in Uganda. Two of the top three girls come from my county. I want to congratulate Cheptai and Aprot for what they did. If we had a stadium in my county, more talent would have been tapped.

The President went to Turkana County and launched something that we have all been yearning for, the Government driven livestock insurance and compensation programme. West Pokot County and other counties that keep livestock are waiting for that programme. I wish this programme could be fast-tracked and rolled out across the counties that keep livestock, particularly now that we are experiencing drought and other challenges in the North Rift.

The President also talked about what the national Government has done in regard to the provision of street lights and power to many households. Street lights have been provided in county headquarters and to 36 other towns. Although we appreciate what the Head of State has done at national Government, there is a lot of misunderstanding on the ground. Some governors are running around claiming that they are the ones funding these projects. They want to use them as their campaigning tools and get re-elected.

The Ministry of Energy should inform Kenyans that these initiatives belong to them and not county governments. This will help avoid situations where people are cheated by the governor that he has spent money on something that was not done by the county. Eventually, they end up benefiting for no reason from institutions like the World Bank.

There are roads and footpaths that have been done in Kitale and Uasin Gishu. The governor there is running around asking for all votes because of the footpaths yet they were done by the national Government and also as a result of grants that have been given by the World Bank. It is good that these things need to be mentioned but we need to mention and assign duty and credit where it is due.

Madam Temporary Speaker, the Head of State also talked about what happened in 2011 when we sent our people and army to go and safeguard Somalia in order to destabilize and make sure that the enemy that had come to bring destruction to our motherland is neutralized. It is true they have been there for long. However, as much as our army is in the middle and the interior of Somalia, we need to safeguard our boundaries.

Some people say we should build a wall while others say we should put a live wire but we need to see how we can ensure our army have a station along the border. We need to have watchtowers and so on and so forth because we will not be permanently in Somalia. We may be there for 10, 15, 20 or 30 years but a time will come when we will need to make sure that our borders are seriously secured all the time.

Madam Temporary Speaker, other nations are doing this by working closely with the African Union Mission in Somalia (AMISOM) and it is great that that is happening. The President elaborated by showing steps we have taken as a nation to make sure that we work with other international communities and Africans to make sure that peace prevails.

The Head of State also talked about internal intercommunity conflicts and criminal acts including cattle rustling and poaching. He also talked about the inflow of illegal small arms and light weapons, how to deal with marauding bandits operating across the border and how to deal with terrorists committing transnational crimes. It was important to mention that but we should also find a way of dealing with light weapons. If they come from the border, what steps have we taken as a nation to stop and close the entry points of the illegal small arms and light weapons? I would like to know the steps that have been taken because the havoc we are witnessing in the north rift and parts of Kenya is because of the infiltration of small arms from South Sudan, Ethiopia and Somalia. Somehow Uganda has managed to seal her borders.

You have heard of young people carrying guns purporting to protect themselves. If we progressively close our borders, that will be a thing of the past. You can have disarmament but as long as you have a porous border, they can still come. So, the relevant Ministry needs to fine-tune what the Head of State talked about here. Now that we know where they come from, we should see how that can be sealed and eradicated to a position where we have zero coming in.

I liked the data that the Head of State gave. He said that in 2013 when Jubilee Government took power, the ratio of policemen to Kenyans was 1 to 800. By January this year, that ratio reduced from 1 policeman to 380 Kenyans. I am told that is better than the United Nations ratio which is 1 to 450. As the number reduces and becomes manageable, why is the human behaviour of hooliganism and all the problems we have stated here increasing with the increase in the number of police?

As we increase the number, we need to have specialised officers dealing with bad manners. I wish we had policemen trained to deal with cattle rustling. We should also have those specifically trained to deal with eradication of terrorism and bandits. Although the ratio is good, from the officers we have, how many among them can deal with some of the malpractices that we see around? It is remarkable that we have come this far but we need to see how that can be dealt with.

Madam Temporary Speaker, the Head of State talked about some kind of banditry in parts of the north rift. For your information, counties in the north rift include Trans Nzoia, West Pokot, Uasin Gishu, Elgeyo-Marakwet, Turkana, Baringo, Laikipia and Samburu. Some kind of banditry attacks in Baringo, some parts of Laikipia, along Kerio Valley, along the border of West Pokot and Elgeyo-Marakwet have been increasing because of these problems here.

In his remark No.49, the President said that: "I appreciate that the drought we are currently experiencing has adversely impacted a significant portion of our population, moreso our pastoralist communities whose livestock lack pasture and water". He was very candid and right. This is the genesis of all that you people have been watching on television, listening to on the radio and reading in the newspapers. It has become a monster to the extent that people have started killing one another. I wish the Government concentrated on seeing how to mitigate drought and shortage of food for animals and

human beings before it explodes to become a bad situation leading to war where people start fighting.

Some are even saying that politicians from affected areas should stop incitement. I have been a politician for the past four years but previously I was a civil servant. I think we are blaming the wrong people. When something bad happens, a politician takes the blame. We need to see how we can deal with an issue head-on rather than blaming people.

When a politician asks why something is happening, instead of responding, we start saying politicians are covering it. We should not do that at all but find another way of dealing with it. In so doing, we need to come up with strategies that make sense. We have reformed warriors and pastors, why do we not use them? The President talked about that in detail but we need to see how that can be done. Again, we need to appreciate that we can only deal with this when we work together.

Madam Temporary Speaker, lastly, the President talked about our education and health sectors and I appreciate changes that are taking place. Some of us are from the academia but sometimes the way we deal with some of these things is not good. The other day I was watching how headmasters of Alliance Boys and Maseno High School were being manhandled. We concentrate on a small problem and make it a big thing. Although we want to bring changes, we should not kill the baby as we---

Madam Temporary Speaker, I second.

*(Question proposed)*

**Sen. Karaba:** Madam Temporary Speaker, I have read this speech keenly and have found it very interesting and fulfilling to the very many promises that the Government had proposed when we had the first speech as enshrined in the Constitution in 2013.

This speech is giving Kenyans hope and spells doom on those who are doubting Thomases because a lot has been said to have been done and completed by His Excellency the President. It is important to note that we have engaged quite a lot in our country. A lot has been achieved particularly with devolution which has been taken to the counties. We have seen a lot of development taking place in the counties as compared to what was there before.

I have also travelled quite a lot in this country with my Committee on Education and what we see and gather to compare with the past is that there has been tremendous improvement in infrastructure, health and in education. It is, therefore, important to note that such speeches once given will add value to most of what we know because we can see and compare with the past. This can even leave most of us wondering whether the future President should continue doing this as they self-appraise the Government.

Madam Temporary Speaker, what is most interesting I noted was that the president was able to appreciate that the current drought experienced in Kenya had adverse impact and had contributed to a lot of suffering to most Kenyans which is true.

In the Speech, he told us that we were going to get a lot of assistance and aid from countries such as China, India, Korea and Israel. According to my assessment and knowledge, China, for example, with a population of about 1.388 billion is able to feed itself, which to me is a wonder in modern history. A country feeding itself and can export

what they grow is due to its very hardworking population and we should also borrow ideas of how these people are sustained.

To feed a country such as China requires a miracle. Instead of us feeding China with its population of 1.388 billion, it is that country feeding a country with a population of 43 million which is a very great contrast that should be addressed by all of us and not the President alone. In this case, I would urge Kenyans to heed and attend to more agricultural arable farms so that we grow the relevant crops where there is opportunity cost. In areas where we can afford to grow maize, let the maize grow. Where we can afford to keep fish, let there be fishing and if we can optimise these activities, I am sure we are even going to be exporters of the same commodities to otherwise lesser countries in the world.

It is also true to note that Kenya has transformed quite a lot particularly in the provision of hydropower. We have seen quite a lot in northern Kenya where wind power has gained a lot of currency. It is true that Kenya will very soon become an exporter of the same.

This can lead to great transformation of infrastructure and can support manufacturing at all levels which can start from the establishment of cottage industries like the ones associated with India as a sub-continent. These industries will further create jobs and raise the gross domestic product (GDP) for our country.

It is, therefore, going to begin industrial revolution which is what we need to have. When we have power distributed to all parts of the country, it is this power which will be used as a factor of production and most Kenyans will use it to either set up industries or use it domestically and so forth. This is the beginning of an industrialised country.

Madam Temporary Speaker, as the speech continued a lot of promises seem to have been kept. I am one of those people who are wondering what will happen with the Standard Gauge Railway (SGR). It is true that it has started where the main railway did in 1894 before colonial Kenya was established.

With the "White Highlands" already recognized in Kenya, the railway line which was constructed from Mombasa to Nanyuki and Kisumu is now being replaced by one new one. We are seeing a change from the medium railway to Standard Gauge Railway which means the locomotives can be transferred to other countries and we can also use other locomotives to fit in our rails.

It is true because we have seen in the newspapers what is happening from Mombasa and we have been told that by June 2017, those who will be lucky will have a ride from Nairobi to Mombasa. This is true and it is happening. However, we need to ask ourselves what will happen to the railway network which was there before.

Madam Temporary Speaker, according to me, the current railway line from Nairobi to Nanyuki is a big waste. The old railway line from Mombasa to Kisumu and other related railway lines have been neglected or uprooted by criminals. We need to look into the neglected railway lines because they are a big investment that is going to waste. We need to find out whether they can be recycled to make other by-products.

It is important to also note that with the promise of 10,000 kilometers of road, we have achieved to 1,950 kilometers of road which is short of 50 to make 2,000 kilometers of road. That is real. For example, in Kirinyaga, we have seen a great development of our infrastructure from Kutus-Kirinyaga-Kiamutugu, tarmacking has started from Njegas all



the way to Kamuiru and Kagumo. They are part of the 1,950 kilometers of new roads. Once these roads are completed, they will open the development of such areas which would have otherwise been landlocked without potential for development. A great impact will be created by the roads once they are completed.

Madam Temporary Speaker, this is one of the greatest infrastructural benefits that any country can get, more so when we talk of development. You cannot talk of development minus the roads. We have seen great development in the country and we therefore cannot talk of development minus the roads. This is therefore a great development that has been seen in the country. We therefore salute the President for this great effort.

In 2013, we were informed that most of the county headquarters would be connected to fiber optic cables and that has come to pass. This has even made it possible for most of the county headquarters to teleconference with either the Senate or the National Assembly. When that happens, we can claim a great standard of development compared to our neighbours.

Madam Temporary Speaker, power has been connected to most schools and other institutions. It is good to note that most primary and secondary schools have been connected to power. Students are therefore able to study for more hours than before and are comfortable in their studies. Students are also able to use power in subjects such as Physics, Chemistry, Metalwork and many others. In other words, more students in Kenya can now afford to read and undertake most of the subjects that would require power.

**The Temporary Speaker** (Sen. Ongoro): Sen. Karaba, you have four minutes to conclude.

**Sen. Karaba:** Madam Temporary Speaker, I appreciate the four minutes. I will use it properly.

In interrogating the speech, it is important to note that it gives a lot of hope for even the years to come. This has made most Kenyans proud. We have also noted that Kenya has been a great country to neighbouring countries like Somalia. We have been able to contain the terrorism which would have otherwise come from the borders of Somalia. We therefore thank the AMISOM army for doing what we would have expected. This has earned us a lot of confidence from other countries in the world.

As a result of that, we have had quite a number of people visiting our country. The head of state for India, Israel, the United States of America (USA), South Korea and many other countries have visited Kenya. Similarly, we have reciprocated the visits. That is expressed by the number of appraisals we get from our infrastructure.

It is important to note that the results of Kenya Certificate of Primary Education (KCPE) and the Kenya Certificate of Secondary Education (KCSE) were for the first time supervised and marked with military precision. I thank the Cabinet Secretary of Education and the Government. That was one of the greatest corruption that we have had in Kenya because when we corrupt the minds of our young boys and girls in high schools, they will end up corrupted. That is a great exercise that should be practiced to heal our country.

I therefore thank the President for his wonderful speech and hope that others will emulate the spirit and the concern of the President.

**Sen. M. Kajwang:** Madam Temporary Speaker, when the President read his Speech, I put on my best behavior. I did not come with a whistle because I thought and

believed that the President was going to tell Kenyans something tangible and substantial about how the Jubilee Administration has realized the national values espoused in Article 10 of the Constitution. The Speech was in very good English. The President went to St. Mary's School, therefore, it is expected that his English is good. However, it is full of alternative facts. It is full of statements that cannot be verified.

Article 10 of the Constitution requires the President to talk to us and tell the nation to what extent his administration has achieved the realization of the national values which are clearly defined. There are many things that it talks about; patriotism, national unity, devolution, human dignity, equity, social justice, inclusiveness, human rights, non-discrimination and protection of the marginalized. However, the speech writer and other people in the 'house on the hill' focused on only one national value called sustainable development.

Madam Temporary Speaker, the President's speech was about development. Whether it was sustainable development or not, the greater effort and most of the words in the Speech addressed the value called sustainable development. I struggled to see how this Speech talked about realization of the value called national unity, patriotism, rule of law or democracy.

I would like to focus on a few aspects of the President's Speech so that we can deal with the alternative facts and give Kenyans a real account of things and a real state of the nation. In hailing some of the progress that the nation has made, the President talked about the momentous transition that the Judiciary has made. I would have believed that particular statement and that he meant those words until he went to Kisii County and told the nation that the Kisii nation should be proud and happy that the Jubilee Government gave them a Chief Justice. At that point, I started to wonder whether the Chief Justice is appointed by the President and the Jubilee administration or that is an independent office upon which someone is appointed on the basis of merit by the Judicial Service Commission (JSC).

Madam Temporary Speaker, this is an alternative fact that the President and the Jubilee administration believe in the transition of the Judiciary. They still believe that the Judiciary is to be controlled and that the head of the Judiciary should owe allegiance to the Presidency for their position. I would like to encourage the Chief Justice not to be seen or painted as a Kisii candidate. I would like the Chief Justice to come out and refute the reckless statements that the President made while in Kisii that Chief Justice David Maraga is a fruit of the Jubilee administration. The Judiciary must be given the space that it requires.

The President talked about the joy of a renewed Independent Electoral and Boundaries Commission (IEBC). However, the IEBC was not renewed through happy circumstances. Kenyans lost lives. At the very minimum, it would have been noble, patriotic and statesmanlike for the President to acknowledge the blood that was shed to get the IEBC that we have today. Unfortunately, we still see a conspiracy to defeat the will of the people. We are still seeing a narrative and situation where Kenyans are being told that peace is much more important than credible elections. We are being conditioned that even if the elections are stolen, Kenyans should make a decision to be peaceful because peace is the greater good. Peace is a good word and that is what we are told whenever we go to church. That is also what the colonialist told us. We would rather be peaceful than fight colonialists.

Madam Temporary Speaker, if we succumb to this narrative that elections can be bad and bogus and the people have a responsibility to maintain peace, a bad government can lead to the death of many citizens. Therefore, the President lauds the issue of renewal of IEBC as an achievement but all the activities and narrations indicate that this was another alternative fact.

The President talked about respect for independent constitutional bodies. He gave us as Parliament quite a lecture on why we must respect independent bodies. Speaking from the same mouth, you find that the Office of the Auditor-General which is an independent constitutional office is currently under siege. It is under siege in a scheme that you do not have to be a rocket scientist to know that it is a scheme that has been devised by the Jubilee administration. How do you tell Kenyans to respect independent bodies and offices yet your government sanctions the harassment and the hounding out of office of the independent bodies and office holders?

Madam Temporary Speaker, how do you explain the harassment that is being visited upon governors in certain parts of this country? The office of a governor is recognised in the Constitution. Whereas I agree with the President that we must respect independent bodies, he should walk the talk. We must allow the office of the Auditor General to operate without undue influence. We must allow governors who lead county governments in this country to move around freely in their respective jurisdictions. We must stop the idea of trying to invent a problem---

**Sen. Wangari:** On a point of order, Madam Temporary Speaker. Is Sen. Kajwang in order to mislead the country and the House that the Government is hell-bent on hounding constitutional office holders from office? Can he substantiate what he means by saying that the Government is harassing the Auditor-General's Office?

**The Temporary Speaker (Sen. Ongoro):** Sen. Kajwang is in the process of analyzing the President's speech. I believe that he has not yet concluded. I believe that in the course of his analysis, he is going to make certain clarifications.

Proceed, Sen. M. Kajwang.

**Sen. M. Kajwang:** Madam Temporary Speaker, that is rightly observed. Perhaps at the conclusion of my analysis of the President's Speech, it will come clear to my dear colleague, Sen. Wangari, why we believe that there is a conspiracy to defeat the will of the people and frustrate independent bodies.

Madam Temporary Speaker, we have heard governors being called names that if it was in Parliament it would be un-parliamentary. We are not asking for too much from the Head of State. We are asking him to---

**Sen. Wangari:** On a point of order Madam Temporary Speaker. We are a House of record. When we put Statements that we cannot support or substantiate on this Floor, I do not think it would be fair to this House. I would still like to get a clarification on how the Government has interfered with the office of the Auditor-General because as much as I am aware, the one petition that is before the National Assembly has been brought by a person – one private Member.

**The Temporary Speaker (Sen. Ongoro):** Order! You were on a point of order.

**Sen. Wangari:** Sen. Madam Temporary Speaker, can we get clarification from Sen. M. Kajwang on what he meant?

**The Temporary Speaker (Sen. Ongoro):** I still want to maintain that the Senator is still making his contribution and is yet to conclude. In case he concludes without

convincing us that he has put on the table enough facts to substantiate, then I will make a ruling.

Senator, proceed as you bear that in mind.

**Sen. M. Kajwang:** Thank you, Madam Temporary Speaker. I believe that the Government of Kenya resides at State House or the Head of the Government of Kenya resides at State House. It is on public record that when the Auditor-General went to State House for an anti-corruption summit he received tongue lashing that indicated that the Executive was not happy with his activities. Allow me just to look at other aspects of the President's Speech so that this point comes out clearly.

We must stop this harassment of governors. Even if you do not like them, you must find a way of living with them. We must stop this habit of trying to invent mistakes and crimes on the part of governors. We must stop this habit of belittling and insulting governors who head governments that are recognized by the Constitution. That is why when the Head of State talks about devolution and the commitment of his Government to support devolution, we wonder whether this is the real fact or an alternative fact.

The Senate has discussed the transfer of functions between the National Government and the county governments extensively. We have agreed irrespective of political formations or political affiliations, there is still a lot that needs to be done to see to it that counties get the functions that have been assigned to them under the Fourth Schedule. Why must we still continue holding billions of shillings within the Ministry of Health, Ministry of Agriculture and Ministry of Water for functions that have already been devolved?

It is not enough for the Government to say that we have paid more than 15 per cent of the minimum. In fact, if 15 per cent was the maximum and the Government has given 34 per cent, then we would clap. However, we are talking of the minimum threshold. Again, this House has looked at this matter and the reference to the last audited accounts ensures that counties do not get the real share that they need to undertake their functions.

Madam Temporary Speaker, the President talked about our gallant soldiers who are in Somalia. I have got no doubt that the boys and girls who are in Somalia are doing a great job, but we just need a return home formula. That behooves us to do so because part of the national values are patriotism, national unity, *etcetera*. I believe under that there would be a provision that would allow us to interrogate when our boys are coming back home.

Then again, this ratio that we have been given on police to citizen ratio and we are being told that it is above the United Nations (UN) benchmark. That sounds very good but we need to start seeing results. The loss of life in Baringo is as important as the loss of life in Westgate. So, in as much as we are not being killed in urban areas, Kenyans continue to be killed in far flung parts of this country. We must demand for results for this kind of investment. We must also ask ourselves, what are the most important ratios? Is it the police to citizen ratio or doctor to patient ratio? Is it the teacher to pupil ratio? Should we not be talking about an important matrix like unemployment or child mortality? Should we be talking about an important matrix like what is the ratio of Member of Parliament to citizens?

**The Temporary Speaker (Sen. Ongoro):** You have five minutes to conclude.

**Sen. M. Kajwang:** Thank you, Madam Temporary Speaker. This was real selective utilization of numbers to try to justify and to show that the Government is doing something right.

**Sen. (Prof.) Lesan:** On a point of order, Madam Temporary Speaker. It was your ruling that the Senator who is speaking was going to clarify a point that was raised by Sen. Wangari. He should be able to elaborate and tell us how the Government is interfering with the Auditor-General's office. That should come before the end but he has only 15 seconds to do that. It was your ruling that he was going to do that at the end of this.

**The Temporary Speaker (Sen. Ongoro):** Order, Senator. I am aware and I was also listening keenly. I said he had five minutes. In about one or two minutes somebody is able to make a clarification. Since he still has four minutes, I believe he is going to revisit that point.

**Sen. M. Kajwang:** Thank you, Madam Temporary Speaker. We must point out the alternative facts in the President's Speech. He talks of roads, thousands of kilometers of roads enough to take us from Nairobi to Rome. I sit in the Committee on Roads and Transport and I know the Roads Annuity Programme collapsed. We as Parliamentarians cannot condone an alternative fact that we built thousands of kilometers when we know that the most that has been done is to advertise some of these roads and even the tenders have not been awarded. If you are going to measure progress based on the number of notices that have been put out, then I think that would be another alternative fact to this nation.

The President says every county headquarter has been connected to fiber optic, yet we still hear governors complaining about intermittent access to the Integrated Financial Management System (IFMIS). Someone is not telling us the truth somewhere. That is another alternative fact. The Managed Equipment Scheme which we have been proudly talking about, yes, the results have been good. However, there is opacity around it; that the contract surrounding this particular project cannot be availed even to the institution called Parliament for scrutiny. The greatest legacy that we have gotten from the Jubilee Administration, from my assessment and from my reading of the President's Speech is corruption.

In the Standard Gauge Railway (SGR), yes, we shall ride a train in June but we have never fully addressed the weight of corruption surrounding it. Regarding the Managed Equipment Scheme, we will only be settled when we are able to see the contract. With regard to the National Youth Service, the President talks of small challenges. We know that that challenge is as big as billions of shillings in a sack.

Madam Temporary Speaker, the things the President did not talk about were the most important. If you look at this Speech, agriculture is mentioned only once in an economy that relies on agriculture. There was no mention of the Galana-Kulalu irrigation scheme of one million acres. There was no mention of the five stadiums. We are being told of initiatives that are being undertaken by counties and yet the Government promised five stadia. There is no mention of national healing, Internally Displaced Persons (IDPs) or issues of restorative justice. A fund was set up two years ago and we have not been told what has happened.

In this discussion on the wage bill, what Jubilee must tell us and tell this nation is that in the unlikely event that they are re-elected into office, are they going to carry out

massive retrenchment in the Civil Service because this is what the former Cabinet Secretary for Devolution and National Planning, Ms. Anne Waiguru, started. There was a Capacity Assessment and Rationalization of the Public Service (CARPS) Programme.

What we must tell the nation is that a re-elected Jubilee Government is a Government that will retrench the Civil Service. I do not think that we need to retrench, we just need to deal with corruption and wastage and duplication in the Public Service. If I was a teacher, and I was once a teacher, this being the last Speech of the Jubilee administration, I would say that; fine, there are things they have done and there are many things they have not done. I would give them 30 out of 100 per cent. Under Matiang'i rules, 30 out of 100 probably would take you to a village polytechnic, it will not renew your term as the President of the Republic of Kenya.

The final point on the issue of the Office of the Auditor General; it was at the State House Summit that the Head of State rubbished the efforts of the Auditor-General to get to the depth of the Eurobond matter. I do not need to substantiate further than that on the issue of interference with the Office of the Auditor General.

**Sen. (Prof.) Lesan:** Madam Temporary Speaker, first, I commend the President for turning up at the National Assembly Chamber for his constitutional duty and giving an address on the State of the Nation. The President raised a number of issues. Given the time allocated and his wisdom, he addressed several issues. Definitely, it is not exhaustive but he touched on many issues during his tenure in office.

First, he mentioned about the Independent Electoral and Boundaries Commission (IEBC). It is important that he commented on this. The whole country is focused on the forthcoming elections and ensuring that the country remains safe and secure after 8<sup>th</sup> August, 2017. He assured the country that the IEBC will deliver a credible election to ensure that the country remains peaceful.

Madam Temporary Speaker, it is important that every party or individual supports the IEBC. The Judiciary should carry out its functions in a manner that will allow this independent commission to follow due process and deliver credible elections. The President requested every party to support the IEBC. We will face a monumental task. It has significant influence in the country.

In addition, the President said he was proud about what we have done regarding devolution. I am sure this House joins the President in saying we are proud for having delivered the promise of devolving services and setting up devolved units as premised in our Constitution.

There are only a few challenges in devolution. The duration was short; it was only three years that all the functions and assets would be devolved to the county governments. It is unfortunate that four or five years down the line, we are yet to deliver some assets and liabilities of various counties. Some of these assets are important in the success and running of the counties. Therefore, it is important that these assets and liabilities are dealt with and the matter concluded so that counties can carry out their functions.

There has been a persistent complaint. The President also mentioned that the transfer of funds to the counties is a challenge. Of course, we all know that this is real. Counties are complaining that they are getting their share of the monies but, unfortunately, they do not get it on time. The challenge is that availability of funds is dependent on how much the Kenya Revenue Authority (KRA) collects from the

population. We urge the KRA to use an efficient system and widen the tax base without necessarily increasing taxation so that we can have sufficient funds at every quarter to be delivered to the counties. That way, we will support our counties to be successful. That is the desire of the President and the Senate.

Madam Temporary Speaker, we also faced the problem of terrorism. The President could not complete his speech without mentioning it. This country has made enormous sacrifices by sending its young men and equipment to Somalia to forestall some of those attacks that would have been subjected to citizens of this country. We have succeeded in Somalia. We have supported formation of a Government in Somalia. This week, the President of the independent Republic of Somalia visited this country. This is evidence that the Government of Kenya's support has yielded results. It is important that we do not prematurely withdraw our forces from Somalia. Sometimes this has happened and we have lost all the gains that we have had before.

Despite the very high cost in terms of equipment and personnel that we are losing in maintaining a Government in Somalia or making sure that there is no continuous flow of terrorists to this country, we would still urge our Government to maintain our forces in Somalia. They should continue to do the credible job that they are doing. They are doing a wonderful job at a very high cost that we are paying but we are very happy with the peace that we have in this country; free of any terrorist attack for a whole year. This is commendable.

Madam Temporary Speaker, we know the harm drugs have caused, especially on our youth. This is an international problem. I am happy that this Government, under the current President, has taken decisive action to deal with this menace. Last year, a whole boat of drug merchandise was blown up in the Indian Ocean. This was a clear demonstration by this Government that this menace must come to an end. I urge the Government to deal with drug barons who continue to spoil the youths with drugs.

Perhaps the law should be changed to make it firmer to ensure that these barons do not enjoy the benefits accruing from these criminal acts. Therefore, we should enact a law to confiscate assets or properties that have been attained as a result of trading in illicit drugs. It is commendable that this Government is showing signs that it will do something. It is already doing so. Parliament should support this Government in its effort to eliminate this menace.

Madam Temporary Speaker, our primary and secondary schools have, within the last three or four years got electricity. We have been able to carry out another project; supply of tablets. Many schools do not have reading materials. This is despite the fact that we set aside close to Kshs11 billion to buy reading materials. I do not think what I am witnessing in many schools is the cost effectiveness of this money in supplying schools with reading materials.

The Kenya Literature Bureau (KLB) which is a Government funded institution is mandated to produce reading materials. It is underutilized and when it is utilized, it produces books for export to neighbouring countries like Rwanda, South Sudan and so on and yet in our schools, the ratio of a book to the number of pupils is still very low. It is important that we look at how best we can use Kshs11 billion to supply our schools with reading materials.

It looks very simple. However, we need to ensure that all the funds that we allocate to schools are used to buy books from a Government institution. For example,

they can buy books directly from the Kenya Literature Bureau. In fact, it has the capacity to produce all books for every subject throughout the country. We can end up stocking our school and home libraries with text books and exercise books. I am sure that this will change the reading culture in this country. I am happy that the Ministry of Education, Science and Technology is looking at this. I am in support. This is one thing that will give us value for the money.

We will face challenges with those entrepreneurs who feel that the Kenya Literature Bureau (KLB) will be encroaching on their market. If we can supply tablets to schools without anybody interfering with the free market, we can as well supply books to schools in this country from the facilities that we have. The KLB is one of them and it has the capacity to do so. For sure we do not need to change any law to do so.

**The Temporary Speaker** (Sen. Ongoro): Sen. (Prof.) Lesan, you have four minutes.

**Sen. (Prof.) Lesan:** Madam Temporary Speaker, as I conclude, I do appreciate what the President said about supply of equipment to hospitals in this country. As a medical doctor, this equipment is useful irrespective of how they got into the hospitals. This equipment is very useful for it is used for initial diagnosis of the biggest problem that this country is facing in terms of health such as cancer which is ravaging our population. It does not matter whether it is malignant or benign.

I am concerned that the industrial action that was taken by the personnel at the Ministry of Health took far too long to be resolved. This should never happen again. I want to urge the governors who handle the devolved function of health to take care of their full mandate. It is their responsibility to deal with the personnel, handle them, give them the necessary incentives, negotiate with them, talk to them, train them and make sure that they deliver services to the country without necessarily taking an industrial action. I know that this is possible. We know the usefulness of saving lives in this country and these are the personnel who are going to help us.

It is also important to remind the governors for I know that a lot of them think that anybody in a white coat walking around in the corridors of a hospital is a doctor. This is not true. It is very important for us to start to invest in specialist personnel who can offer the services at the highest level possible, using the equipment that has been given to hospitals.

Training is one of the key things that the governors should focus on in conjunction with the Ministry of Devolution. This is the only way they can do capacity building for their personnel in this country. They should recognize that there are personnel in this country who can do these things for us. All they require is support in terms of training, incentives and a good working environment.

In his speech, the President, highlighted what his Government has achieved in the last four years that it has been in existence. Some of the things are visible. In my county, we are not talking about constructing a tarmac road. This is because we already have a total of 76 kilometres of tarmacked road which was done a year ago. I am sure projects like this will be done in many counties.

The process of procuring for a road construction is not a one day event. It is a long process. This Government has been doing so and sooner rather than later, many roads will be constructed across the country. There are many roads which have been done



by this Government. We should give credit where it is due. This is one of the areas where we should give credit to this Government.

With those few remarks, I support the Motion because the President gave a commendable speech to the nation.

**Sen. Madzayo:** Asante sana, Bi. Spika wa Muda, kwa kunipa nafasi hii ili nichangia hotuba ya Rais ya tarehe 15-03-2017 katika Bunge la Kitaifa.

Hotuba hii ilikusudiwa kuinua matumaini ya Wakenya katika maisha yao ya kila siku. Hii ilikuwa hotuba ya mwisho ya mhe. Rais kama Rais wa Jamhuri ya Kenya katika kipindi hiki cha miaka tano. Hata hivyo, Ni hotuba ambayo ilididimisha matumaini ya Wakenya wote.

Wakati huu tunazungumzia juu ya ujenzi wa reli *the Standard Gauge Railway* (SGR). Tunameambiwa kuwa reli hii inatoka Mombasa hadi Nairobi na kisha itafika Naivasha na baadaye itafika Bungoma. Hata hivyo, mhe. Rais hakusema ukweli katika hotuba yake kuhusu gharama ya ujenzi huu wa reli hi ya SGR. Reli hii inajengwa kwa gharama ya juu sana. Ujenzi wake utakuwa maradufu bei iliyokusudio hapo awali. Mwanzo wake tuliambiwa itagharimu Kshs390 billioni. Kuna pesa nyingi ambazo zimekwenda katika mifuko ya watu binafsi. Ni hatua gani mhe. Rais amewachukulia watu hao ambao wamejitajirisha na ujenzi wa reli hii?

Aya ya kumi ya hotuba yake inasema ya kwamba demokrasia yetu imenawiri sana. Ukweili ni kwamba demokrasia katika nchi hii imezoroteka. Mhe. Rais mstaafu Bw. Mwai Kibaki alituambia yote yawezekana katika demokrasia. Tuliona mwananchi akiweza kupiga kelele barabarani, kuhubiri madukani, kufanya biashara na kuwa na maandamano ya kila aina. Haya yote yalifanyika katika uongozi wake na hakuweza kukasirika.

Hivi sasa ni kama tumerudi katika enzi ya miaka ya 1992 wakati wanasiasa wetu washupavu walikimbilia nchi za kigeni kwa usalama wao. Kwa mfano, Sen. (Prof.) Anyang'-Nyong'o na wengine walihamia nchi zingine kwa sababu ya kuogopa kushikwa na polisi na kutiwa mbaroni.

Mhe. Rais alisema katika demokrasia yetu kila mtu ana uhuru wa kufanya lolote analolitaka. Lakini jambo la kushangaza ni kuwa wakati wanasiasa wanapozunguka hapa na pale, wakati wa uongozi huu wa Jubilee, tunaona hali ni tofauti kabisa. Mimi nikiwa mmoja wa wale watu waliokuwa wakizunguka huko Pwani tukienda kusalimia ndugu zetu wa Mpeketoni katika Kaunti ya Lamu tulipigwa mawe na tukarushiwa maembe na magari yetu yakaharibika vibaya sana. Ilibidi tukimbilie usalama wetu. Mkutano haukufanyika siku hiyo. Je, hii ndio demokrasia mhe. Rais alizungumzia katika hotuba yake katika Bunge la Kitaifa?

Tuliona demokrasia imepotea, hasa katika upande wa Kinango wakati wanasiasa wengine huko Pwani walikuwa katika harakati zao za kukutana na wafuasi wao. Wakati helikopta ilitaka kutua chini, Gavana Hassan Ali Joho namwenzake Amason Jeffah Kingi, Gavana wa Kilifi, hawakukubaliwa kushuka chini ambapo mkutano uliandaliwa. Mambo yaliyotendeka huko Lamu na kwingineko ni kinyume kabisa ya hotuba ya mhe. Rais katika Bunge la Kitaifa hapo tarehe 15-03-2017.

Kumekuwa na changamoto tofauti tofauti. Katiba yetu ya Kenya inasema ya kwamba mkenya ana haki ya kufanya biashara na kujiendeleza kimaisha na huwezi kumzuia mkenya kupata mapato yake katika utendakazi wake ama kujikimu kimaisha. Hata hivyo, katika Serikali ya Jubilee, wafanyabiashara wengi ambao hawawezi kuunga

mkono Serikali akiwemo Hassan Ali Joho wanafuatwa na maafisa wa *Kenya Revenue Authority (KRA)*. Simsemi Joho kama gavana bali kama mfanyabiashara. Juzi aliandikiwa barua na KRA na huo ni ukiukaji wa Katiba ambayo Rais mwenyewe katika hotuba yake alisisitiza. Alisema kwamba Katiba ndio inafuatiliwa na sheria zake ndio muhimu katika nchi yetu.

Vile vile, Rais katika hotuba yake alisema kuwa kila mtu ana uhuru katika Kenya. Hata hivyo, akiwa pwani hasa alipokuwa amekwenda kufungua miradi fulani, Rais alitumia matamshi ambayo yalileta taharuki. Hivi sasa watu wa pwani hawajui kwamba kutatendeka nini tena. Alisema kuwa yeye kama Rais wa Jamhuri ya Kenya atamnyorosha. Alitumia msembo huo kwa mwanasiasa. Huo ni ukiukaji wa hotuba aliyotoa ndani ya Bunge. Kuambia mkenya mwingine kuwa utamnyorosha ni kumtishia maisha. Ukisema hivyo kisha kutokee kitu fulani, watu watajua kuwa vile ulivyosema na nia yako ilikuwa kumnyorosha mtu yule.

Sasa hivi, maafisa wengi wanaenda kila mahali. Kuna maafisa wa *KRA* wanaofanya uchunguzi na kisha tunaambiwa maafisa wa *Kenya National Examination Council (KNEC)* watachunguza vyeti. Kumekuwa na mahojiano mengi na sasa hata hawezi kufanya kazi yake ya ugavana kisawasawa. Sisi tunasema kuwa viungo tofauti tofauti ambavyo viko chini ya Katiba vinafanya kazi yake vikiwa huru. Haviko chini kuonyeshwa njia na Ofisi ya Rais ama Mawaziri wake.

Vile vile katika hotuba yake, Rais alisema ya kwamba tulichukua hatua ya kihistoria mwaka 2011. Hiyo ilikuwa hatua ya kupeleka vijana wetu wa jeshi kuingia Somalia. Kulingana na Rais, tulichukua hatua hiyo kwa sababu nchi yetu ilikuwa katika hali ya hatari. Tulipeleka vijana wetu huko kuanzia mwaka 2011 hadi sasa mwaka 2017. Hususan hiyo ni miaka saba tukiwa ndani ya Somalia. Je, tumetengeneza makaburi mangapi ya vijana wetu wanaorudishwa nyumbani wakiwa ndani ya maplastiki meusi? Je, ni wanawake wangapi walioachwa wajane katika nchi yetu ya Kenya? Kuna lazima gani ya sisi kuendelea kuwa Somalia zaidi ya miaka saba? Je, tunafikiria kuwa hatutengenezi chuki ikiwa majeshi yetu yako ndani ya Somalia?

Wimbo wetu wa Taifa unazungumzia nchi tunayoipenda na kuwa tutazidi kuilinda. Tutailinda nchi yetu tukiwa ndani wala si nje. Tunamtaka Rais atuambie ni lini majeshi yetu yataanza kurudi nyumbani. Si jambo jema kuendelea kutengeneza makaburi kwa sababu watoto wetu wako katika nchi ya wenyewe. Kama Al-Shabaab wako huko na wanataka kuendelea kumalizana, waache waendele na maisha yao. Juzi wametengeneza serikali yao na wako na rais, mawaziri na wakuu wa majeshi na polisi. Majeshi yao yanafanya nini ikiwa majeshi yetu yako huko? Ni kitu gani kinaweka majeshi yetu katika nchi ya Somalia? Hilo ni swali ambalo Wakenya wanataka kujua.

Rais vile vile katika hotuba yake alitaja kwamba kuna miradi tofauti tofauti ambayo alikuwa amekwenda kufungua ikiwemo ile ya Kilifi. Katika Kaunti ya Kilifi kuna kituo cha utamaduni. Rais ni mtu mkubwa sana kwenda kufungua miradi midogo midogo ambayo hata mingine si ya Serikali yake. Je, huo ni ungwana? Alienda kufungua kituo cha utamaduni kule Chonyi kilichojengwa na Kaunti ya Kilifi. Gavana alitaka kwenda kufungua lakini akakatazwa kuwa Rais ndiye angefungua. Mwishowe ilikuwa ushindani na hatimaye ikabainika wazi kuwa kituo hicho cha utamaduni kilitengenezwa na Kaunti ya Kilifi. Hiyo ndio ilimfanya Rais kutoenda kukifungua.

Vile vile Rais alitaka kwenda kufungua feri ambayo imekuwa kwa miaka 40. Ni feri kongwe ambayo haifai na inasaki katikati ya bahari raia wakiwa ndani. Je, hiyo ni

haki? Ikiwa Rais anataka kufungua mradi, anafaa kufungua mradi wa kisawasawa ambao watu wa pwani watafurahia. Anafaa kufungua mradi wa kisawasawa ambao watu wa Kilifi wanajua umefanywa na Serikali ya kitaifa.

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

**Sen. Madzayo:** Mwisho---

**The Temporary Speaker** (Sen. Ongoro): Sen. Wangari is on a point of order. Senator, please take your seat.

*(Sen. Madzayo satint his place)*

**Sen. Wangari:** Madam Temporary Speaker, is Sen. Madzayo in order to belittle or gag the President on which projects he can open in this country?

**The Temporary Speaker** (Sen. Ongoro): Senator, proceed and make that clarification.

**Sen. Madzayo:** Bi. Spika wa Muda, asante kwa kunisaidia. Ninaelewa uchungu wa dadangu lakini ni sawa.

Mwisho ningependa kutaja mambo ya Galana-Kulalu. Rais pia aliutaja mradi huo katika hotuba yake. Jambo la kusikitisha ni kwamba watu walioandikwa kazi pale si wa Kilifi wala Tana River. Tunajiuliza faida ya ule mradi ni nini. Hatimaye wale walio andikwa pale---

**The Temporary Speaker** (Sen. Ongoro): I use my discretion to give you two minutes, taken by that intervention, to conclude.

**Sen. Madzayo:** Asante Bi. Spika wa muda. Katika ule mradi ambao umekuja pale, licha ya kile chakula chote kilicho toka pale, tumekuwa na njaa sana ndani ya Kaunti ya Kilifi ambapo watu na mifugo wamekufa, na hakuna njia yoyote tumeona Serikali ikitoa chakula cha kutoka Galana-Kulalu kwa watu wa Kaunti ya Kilifi. Chakula hiki kilicho tengenezwa katika ekari million ambayo Serikali ilisemai inataka kuchukua kilienda wapi? Hilo ni swali tunamuuliza Rais.

**The Temporary Speaker** (Sen. Ongoro): Thank you, Senator.

**Sen. Wangari:** Madam Temporary Speaker, I also rise to join in noting the Speech by the President. This is his last one at least until election and the next Parliament, and he has done that consistently in accordance with Articles 10, 132 and 240 of the Constitution as required.

The one thing that I noted and I will outline just a few things is the commitment to national values. I think the President was very clear on cohesion and the building of a democratic nation. He also outlined the commitment of the Government to devolution which is the one that unites this country, regardless of one's political party, region, age bracket and gender. Kenyans unanimously agree that the best thing that has happened under this Constitution is devolution.

The President and the Government have consistently supported devolution in terms of ensuring that the monies that are supposed to go the counties actually do. There have been complaints in terms of time and we have addressed that in this Senate. However, the issue of audited accounts was raised by one Senator and I would like to address the issue.

It is not the work of the President to ensure that the audited accounts are actually up to date. It is the work of the Public Accounts and Investments Committee of the

National Assembly which is chaired by one Hon. Gumbo who is a Member of the Orange Democratic Movement (ODM) and we cannot consistently keep blaming the President for what is our responsibility. We must do it in accordance with the Constitution.

Regardless of that, monies and the percentages have continuously grown over the last three years and I am hoping that as we have proposed in this Division of Revenue Bill, the monies will still be increasing. I hope we get the concurrence as it is supposed to be with the National Assembly.

Concerning agriculture, of course, it was alluded to, and one flagship project that I note for this Jubilee Government is that of subsidized fertilizer. When you buy in the shops, you will get one bag of 50 Kilogramme Di-ammonium phosphate (DAP) or 23-23 fertilizer going for Kshs.3,600 but the Government has set aside over Kshs.3billion to help farmers access subsidized fertiliser across the country regardless of whether you voted for this Government or whether the county government is even led by a Jubilee member. That does not matter in any part of this country.

We had a petition here that was brought by one Gedion Keter regarding distribution of fertilizer. I know we have had problems. In my constituency in Gilgil, I petitioned for some two centres for fertiliser in Kiptangwanyi and Gitare from the Cabinet Secretary (CS) and it happened. I am hoping that we can take up that Petition; that the way we use primary school as polling stations, we can similarly use distribution centres so close to the people that they do not have to go long distances to access this fertilizer. This is because it is there and it is meant to help. I hope it can be delivered on time.

Madam Temporary Speaker, concerning the development agenda, I think the one thing that the President and his team has done is construction of roads. Even if a road does not get to where I am and I see people of Moyale benefiting, they are also Kenyans.

People who use to take three days on the road and even giving birth there are now taking seven hours to reach a Government institution to deliver babies. We must note that it is progress. It is, of course, not optimum or the best because the coverage is not 100 per cent but something has been done.

When we speak of infrastructure, it really affects everything else because even as we speak of free maternity which is also a flagship project of this Government, you cannot have that if the roads are still not in good condition. However, there is a direct correlation of the infrastructure and the number of child deaths per live births that has gone down consistently from 2013 to date. We are hoping that we will consistently be able to get a child in Lamu having the same chance of survival as a child in Kiambu or Nakuru and able to reach their fifth birthday.

Madam Temporary Speaker, I also noted the President had a few regrets and rightfully and the one thing was the issue of wage bill which I hope we are able to address comprehensively. I know the Public Service had done some rationalization but it is still far from being achieved until we are able to get there and breach the gap between the lowest and the highest paid member in Public Service. That will also need the support of Parliament as we are supposed to do because that report has to be brought to Parliament which I hope can do its work as mandated by the Constitution.

The one thing the President noted about the work that had been given to this Eleventh Parliament was the issue of the implementation of the Constitution. He, in fact, lauded us and noted that in his term, he has been able to assent to 136 laws. I think it is

regrettable that the Senate has suffered big time in this legislative process. Out of these 136 laws, so many of our Bills have either been taken up by Members of the National Assembly and republished or are being sat on. We do not even know because they do not even get to the Order Paper.

We have over 30 laws that are pending before the National Assembly. We have consistently behaved like the big brother and we always give priority to the Bills that come from the National Assembly but we have had to struggle. I remember being one of the beneficiaries whose Bill has been assented to by the President. It took almost two years of lobbying in the National Assembly to get that on the Order Paper. I do not think we have been treated right in this legislative process and out of these 136 laws, I can assure you that ours are not as many; not because we are not working but because we have been frustrated along the process and trampled upon by the National Assembly.

I hope that in the Twelfth Parliament, we will get people who will behave better so that whenever you have a responsibility, whether you are sitting in the National Assembly, the Senate, the Speakers seat or any public service position, you know that you are holding it in trust for the Kenyan public and for the people that delegated that power from Article 1 and 2 of the Constitution.

The other regret that I thought the President would personally talk to which we as Parliament have failed to do, is the enactment of the laws that are meant to implement the 'not more than two thirds gender rule'. I think it is one thing that we have failed as Parliament and it is regrettable that we will go to the Twelfth Parliament having not found a mechanism and a legal framework to ensure that it has been done.

Madam Temporary Speaker, during this public address, I laud our Members of the Coalition for Reforms and Democracy (CORD) for behaving very well this time just like they should have done the other time. There were no whistles and I think Sen. M. Kajwang has already confirmed that he did not carry one. However, I think going forward, we will be able to see and listen to what the President has to say. In any case, we always have a chance to come and debate and critique and criticize what has been said by the President. Generally, I think the President alluded to very important issues such as the war against drugs.

Madam Temporary Speaker, the drug war is another war that the President touched. The cooperation of the national Government even with the international enforcers against drug trafficking is necessary. We must be able to crack down on the barons and not just the peddlers because that is where the problem is. When there is no source we will have no peddlers. Drugs have destroyed families, homes and societies. Therefore, we must speak very strongly and laud the President for making that an agenda of his Government and making sure that he leads from the front.

On the issue of connectivity, I want to correct Sen. M. Kajwang. The President never said that each headquarter is connected to fiber optic. In fact, if you read the Speech very well it says clearly that it was only 50 per cent connectivity of the headquarters. Therefore, it is still work in progress. So, we cannot mislead the House that he said the coverage is 100 per cent. It is work in progress and that is commendable.

Madam Temporary Speaker, on the issue of the report of State of National Security, the President took up leadership when we were in a very delicate and hard situation in terms of across border fights that were spilling over to this country. There was the issue of terrorism with Al-Shabaab and Al-Qaeda all over the world. The

country has done very well generally in ensuring that we have reduced these terrorist attacks. We stood up to honour the fallen soldiers who have lost their lives. I hope that even as Parliament, we can put in place a better framework to ensure faster compensation and recognition of the families that have been left by their loved ones. Further, let them live comfortable lives because their loved ones died making sure that we live and sleep peacefully.

Madam Temporary Speaker, the other issue that the President addressed is unemployment. I am in agreement with him that the one threat to this nation is not even terrorist attacks; it is actually the millions of unemployed Kenyan youths. I hope that the Government can get a way of solving that as soon as possible before it gets out of hand.

The issue of bandits was addressed by the President. I want to state here clearly that we must stand very firm against politicians who incite violence. When I look at kids who are lying on cold floors in Baringo County because they have been displaced and their mothers have been killed, I do not know what kind of society we are bringing up. We need to be very decisive even at the level of political parties. If you have been associated with violence and loss of life, you must not hold public office. We must say it from the roof top that investigations must be done thoroughly. We cannot keep killing children because of our narrow personal interests.

I want to support and hope that the remaining bit of the Jubilee Government and in the months ahead of us, we can see fast tracking of the delivery of services in terms of infrastructural development and ensuring that the connectivity to primary schools of electricity now spills over to homes. We have doubled the number of persons who have been connected to electricity for the last 50 years. I hope that we can make that a priority also so that by the time we go to elections we will be able to look back and say that we have done a good job.

I hope also, as the President said, that violence during this electioneering will be shunned. Those of us who are women going for political offices, we have also petitioned the Inspector General (IG) of Police. I want to state on the floor of this House that we must be given proper security because of the intimidations and threats that we are receiving every day. Let the campaigns be peaceful and let everyone be given space to sell their idea and their ideologies and to ask for a position; whichever position without threats, violence or mudslinging.

Mr. Temporary Speaker, Sir, I thank you and I note.

**Sen. (Prof.) Anyang'-Nyong'o:** Thank you, Madam Temporary Speaker for giving me this opportunity to contribute to the President's Speech. Before I do so, I would like to appeal to the security organs to protect Sen. Wangari to become the first woman Member of Parliament (MP) for Gilgil because she will be a very good MP. She is very articulate and the people of Gilgil will definitely benefit.

Having said that, I would like to say something about the economy. One of the things that the President did not address is why we have such a terrible state of the economy under his watch. The issue of the wage bill only becomes a menace and a problem when the economy is not growing. When you have a mediocre economy, you will have a mediocre state of the Nation Address as we saw. If you have a growing economy you will not have a problem with the wage bill because people in the civil service will resign to go and open a business. The private sector will be there to give

them good salaries to work as we saw under the National Rainbow Coalition (NARC) Government and the coalition government.

In the NARC Government, we never had any problem with the wage bill. One of the things that we did as a policy was to reduce the tax rate and broaden the tax base; that meant that a lot of people opened business. This time today, businesses are closing, the private sector is retrenching people and a lot of people are joining the unemployment lines because of a poor economy. Why is our economy poor? One is because of bad economic policies by this government. Secondly, there is no planning. You cannot have an economy without planning. Mwalimu Julius Nyerere once said, *“to plan is to choose.”*

Madam Temporary Speaker, this Government does not know how to put good money to good use. One example is the Galana-Kulalu Irrigation Scheme project. Why do you have to put billions of shillings in a project that is not going to work? The second thing is corruption. Why do you have to pay almost three times building the Standard Gauge Railway from Mombasa to Nairobi? If you look at the amount of money we pay per kilometer in building that railway, it is way above the international standard. Tanzania is going to build their railway for about US\$3 million per kilometer. We are using US\$8.5 million per kilometer. What kind of economics is that? It is because of corruption.

When you have that level of corruption and not putting good money to good use, you will have a constricting economy and you will cry about wage bill. Therefore, you cannot solve the problem of unemployment when you are crying about the wage bill because the economy is not growing. Since you are having a mediocre economy, you end up having a mediocre State of the Nation Address.

*[The Temporary Speaker (Sen. Ongoro) left the Chair]*

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

Mr. Temporary Speaker, Sir, why are we sliding back to the Nyayo years? We miss the NARC Government. We miss the Coalition Government. We miss former President Mwai Kibaki and the former Prime Minister, Hon. Raila Odinga. I remember when I was the Minister for Planning and National Development, this country was rated the happiest nation on earth. There was no problem with arresting a policeman who was corrupt. Today, we are beginning to criminalize free speech.

Further, you find the National Assembly being proud of trying to pass a law which will put people in jail for five years for so called hate speech. The standard of judging what amounts to hate speech depends on who is saying so. If my dear friend, Sen. Wamatangi, goes to Kiambu and makes a speech which somebody feels that it is against him, because it is time to get their seat, the next day he may be declared to have uttered hate speech and the burden of proof is on you.

During the NARC years, I do not think somebody would have thought of such a law. Former President Kibaki never complained at all, I do not remember of anybody abusing him and there were all kinds of people speaking all kinds of things. He said, *“No, it is a free country unless they break the law, there is nothing I am going to say.”* When a whole President breaks down on a platform with a governor twice; once in

Turkana and then in Mombasa, actually uttering what according to this law would be hate speech, what kind of world are we living in? So, we must examine where we are going

First, let us have a government which plans. It is completely travesty building a nation to combine the Ministry of Planning and all kind of things. What you end up doing is because in planning there is no rent seeking. People will pay attention to devolution and you will hear a lot about Kaburus – I do not know what the name was – carrying bags of money in sacks but nobody talks about planning

I have not heard of a conference in this country over the last four years in which anybody talked about planning for development. If you do not plan, you will not choose properly; and if you do not choose, you will not develop.

Mr. Temporary Speaker, Sir, at the same time I was surprised when this Government more or less abolished the National Economic and Social Council (NESC). It is a very good advisory body to the Government. That is the body which helped us build *Vision 2030*. It is not there now. We do not hear even about the *Vision 2030* Committee that was then headed by a very brilliant young man. Nobody hears about the office called the Rapid Results Initiative (RRI) Committee in the Kenyatta International Convention Centre (KICC). People there are frustrated. They are doing nothing.

You cannot have a nation like this where development is based on guess work and pronouncing edicts every now and again by either the President or his deputy; and where Cabinet Secretaries do not know what their responsibilities are except populism.

So, it is wanting for somebody to tell me that there was a Presidential State of the Nation Address and begin crowning him with all kinds of laudable praises yet the core of that speech should have been the economy soundly stated and explained, corruption and dealing effectively with that menace to this nation. This speech left a lot to be desired.

Mr. Temporary Speaker, Sir, let us talk about education. I went to Alliance High School; I got a full scholarship from what was called the District Education Board (DEB). It fully managed primary and intermediate schooling. Primary schooling was from Standard One to Four. Intermediate schooling was Standard Five to Eight. In those days, schooling was schooling. The national Government only managed secondary education but there were some which were under the DEB in colonial times to the early years of independence. They managed education very well.

Today, the national Government prides itself in running education but where is this education taking us to? How efficient is it run? It is completely mismanaged. I know that people are praising Dr. Matiang'i for putting it in order but you cannot have a system dependent on one person. You must have a system, not a personality. We may be very happy about this populist thing that Dr. Matiang'i is doing; in one or two years, you will look for substance and it will not be there.

We have a serious crisis in our education system. If the Kenya National Examinations Council (KNEC) can give somebody a certificate for all these years and, suddenly, wake up one day and say, those certificates are nonsense, there must be something wrong. "Something is rotten in the state of Denmark."

We are back to the Nyayo years where a Government body could be used for political purposes and when you refused to be used for political purposes, you are chided. That is the problem with the Auditor General. He has refused to be used for political purposes. So, he is chided. This one is typical of the Nyayo era. No wonder these were



Nyayo children; the two are heading this nation today. We are going back to the Nyayo years.

This reminds me of a fascist regime. When a fascist regime comes in, everybody tries to comply with it or please it. One of these days, it will reach your doorsteps. That is when you remember that you should have woken up at the beginning when this fascist regime was at its dawn. You may remember that poem:

*“First they came...”*

*First they came for the Socialists, and I did not speak out—*

*Because I was not a Socialist.*

*Then they came for the Trade Unionists, and I did not speak out—*

*Because I was not a Trade Unionist.*

*Then they came for the Jews, and I did not speak out—*

*Because I was not a Jew.*

*Then they came for me—and there was no one left to speak for me”*

“So, they first went to the Auditor General and I kept quiet. They went for Joho and I kept quiet. Now they are coming for me.” It will be too late.

Mr. Temporary Speaker, Sir, it is very important that we dispassionately look at what is rotten in this nation as Kenyans, not as members of political parties; call a spade a spade. This kind of blindness in looking at what is wrong with this country will sink us. The President’s Speech was a good Public Relations (PR) Speech. I do not deny that. He sang songs. That is good. He entertained the Members of Parliament (MPs). That is good PR. However, beyond that, we must look for substance.

When we are complaining about the rise of the wage bill, it does not just rise. It is in relation to something. It is in relation to the state of the economy. If the economy is contracting, the wage bill will be a menace. If the economy is growing, the wage bill will not be a menace because people in the public sector will definitely be attracted by the private sector. That is a phenomenon everywhere in the world. It was a phenomenon under the NARC Government.

I was the Minister for Planning and National Development. I saw it. We were advised by the NESC to do something with focus into the future and have *Vision 2030* with projects that will create jobs. Where are those projects today? The SGR was supposed to have been finished this year. That is what we had envisioned. It is not. It is ending in Nairobi at double the cost when the country is indebted with Eurobond. The Auditor General asked where was this money used. He was not told. He looked at the Government projects, they were not there. He was told some money was put in a New York Bank. He was going see it and the President did not like it. These are facts!

We have now Kshs3 trillion in debts. When this Government took over, we had only Kshs1 trillion in debts. This is serious. We should not gloss over this. Why are we in debt? If we are in debt for good reasons, sure, but if we are in for running projects which are overpriced, there is something wrong. The economist, Mr. David Ndiu has been writing volumes of papers on this in *The Nation*. He is not a member of any political party. He is a professional. He can advise you whether and when you want it but please let us pay attention to him. Let us not rubbish these things on a partisan basis. These are facts. Facts are stubborn. They do not run away. We will end our time as Senators but these facts will remain. We shall have to deal with them. I will deal with them in Kisumu County where these facts remain stubborn.

Again, we have had four years of rogue governors who do not have good examples to emulate at the national level. They are copying the national level in the worst way possible because they are spoilt kids. The national Government just tries to please them at the Summit. The national Government should sit them down and tell them, “The way you are running counties is wrong.” That is the responsibility of the national Government. The Constitution says that the national Government has the responsibility to build capacity in counties. Sen. Wamatangi will tell you this. That is a law.

Building capacity means you make people capable of doing the job they are doing. Those governors who have not been capable of doing the job they ought to do should be told so. I commend the governor for Wajir for establishing a system where one can track water. He has built 360 bore holes in record time. Wajir is the only county in North Eastern region which during this drought, animals did not die as much as they died elsewhere.

**The Senate Minority Leader** (Sen. Wetangula): Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to make a few comments about this speech that fell short of anybody’s expectation, except for a few sycophants.

At paragraph 144, the President said this:-

“We must always remember that the calling of leadership is to serve, not to become rich through serving.”

I hope his deputy was listening to him as he said these words. This is because we have a cabal around the President, which includes members of his family, who are not serving, but are becoming rich through serving.

The President made a very good public relations speech. In a public relations speech, you become totally impervious to facts, truth and how your audience receives it. All you do is play like an actor. The President did put on a good act on that day. I could have given him an Oscar Award. However, everything he said apart from addressing the two Speakers and Members of Parliament, were all laced with exaggerations, falsehoods and outright untruths. They were statements that could only make sense to an audience that does not live in this country.

You saw an editorial the other day in one of the respected newspapers in this country, *The Standard*, asking and decrying the number of times the President is churning out false figures. They were asking: Who is misleading the President? You saw the President in Mombasa standing up in public and alleging that the County of Mombasa has received disbursements of Kshs40 billion since devolution. If he even cared to ask Sen. Wamatangi, who is his Senator, he would have told him exactly how much money this House has approved to go to the County of Mombasa. It is Kshs23 billion. Who told the President that Mombasa County had received Kshs40 billion from the National Government? Somebody somewhere is not doing his job. I do not think the President just picks these figures.

President Kibaki used to pay a lot of attention to figures, numbers and details. You would never hear him go out and read a speech that is not true. Some people used to underestimate Mzee Kibaki. You would give him a speech. After going through it, he would underline some things and ask you where you picked those figures from. He would tell you what he knew was different just for you to find out that he was right and you were wrong.

The other day you saw the newspapers carrying headlines that even the so called electricity connection to homes and schools that they have been churning out are false. The President is being told that he is doing so well when he is not. In fact, the court jesters around the President are behaving like those Roman fools who went to the king and found him stark naked. They started clapping and telling him how beautiful his suit was until a little boy came and shouted that the king was naked. That is when everybody realized that they were actually fools. There are people in this country who are derailing the destiny of our nation.

Regarding security, the President gave out some figures. I have checked with the police. Those figures are also false. He said that we now have more policemen in ratio to the population than the United Nation (UN) recommended numbers. They are false. I have checked with the police and they have told me that those numbers are not true. So, who gave them to the President? If our numbers are higher than the UN ratio, why are we having problems in Laikipia, Kapedo, Baringo, Samburu, West Pokot and Turkana---

**The Temporary Speaker** (Sen. Mositet): There is an intervention by Sen. Chiaba and I cannot see him in the House. Who is using his card?

**The Senate Minority Leader** (Sen. Wetangula): Sen. Chiaba, is not in this House.

**The Temporary Speaker** (Sen. Mositet): It is reflecting that Sen. Chiaba is the one who is intervening.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, this is what I am talking about. Everybody is trying to be what they are not. That is the problem of this country.

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

**The Temporary Speaker** (Sen. Mositet): What is your point of order, Sen. Wamatangi?

**Sen. Wamatangi**: Mr. Temporary Speaker, Sir, I was restraining myself from interfering with the flow of thoughts of the Senate Minority Leader as he makes his contribution. This being a House of records and a House of precedence, it made a ruling that information or a collection of newspaper cuttings does not form the basis to inform this House on either making a decision or determination or even putting on record what has been said.

If the Hon. Senator is, indeed, keen on disputing and terming as false any part of that speech, it is only right and logical that he offers the alternative when he says that the numbers that were pronounced in regard to the police were false. What he would be doing in honour of the House and the rules and procedures which he knows very well, is to table an alternative and say his source of information. He should tell us that the President said that we have this number of police officers, but these are actually the ones that we have.

He cannot mislead the House and the nation by saying things that he does not know or believe in. It is speculation.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, the problem with trying to defend the indefensible is that you end up nowhere.

**The Temporary Speaker** (Sen. Mositet): Order, Sen. Wetangula. Sen. Wamatangi says that if you are disputing the figures, then you need to table the figures that you have got from the right authority or institutions.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, there is absolutely no requirement in law or fact that when I say that what you have said is incorrect, I table something different. There is no requirement in any debate anywhere. I have said that I have even checked with the police. I keep my source of information privileged. They have told me the figures of the police ratio to the population are false. If they were true, why are we having so many serious security challenges everywhere? Why is my distinguished colleague, Sen. G.G. Kariuki's county under siege which is not from serious criminals, but herders carrying G3s rifle and the police cannot handle them?

An editorial in an authoritative newspaper is authority anywhere. I have said that the newspapers have decried, I did not say that they are an authority for my argument. I even cited the Senator himself that he is the Senator of the President and he owes him a duty to tell him facts as we do them here. The President cannot say Mombasa County received Kshs40 billion when they have received Kshs23 billion.

**The Temporary Speaker (Sen. Mositet):** Sen. Wamatangi.

**Sen. Wamatangi:** Mr. Temporary Speaker, Sir, I do not want to take the House into a seesaw of argument between myself and the Senator. But I believe no matter the position of the Senator in this House, he also owes faith and allegiance to the rules of the House. He cannot pretend to ignore them when he is making a contribution but when it is convenient when another Senator is on the Floor, then it becomes a binding rule. It is not secret in this House that this House does not rely on information collected from television sets or newspapers. That ruling is in our records.

Mr. Temporary Speaker, Sir, the Senator cannot also run away from the fact that if he is making a statement of fact in his contribution, because he is disputing a position that was stated by the President in the State of the Nation Address, then he should offer what he is calling an alternative. Saying that he is declaring what was said as false, then he must tell the truth and that truth can also be challenged but he cannot proffer himself to be the authority that determines what is false and it becomes false without anything to determine it is false. It is not procedural.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, to debate the speech of the President is not to agree with the President unless we are missing the point. The President makes a speech which he wrongly thinks to be policy and we come here to critic that statement.

**Sen. Elachi:** On a point of order.

**The Temporary Speaker** (Sen. Mositet): Order, Sen. Wetangula. Let us hear the point of order from Sen. Elachi.

**Sen. Elachi:** Mr. Temporary Speaker, Sir. Is the Senate Minority Leader in order to tell Kenyans that the security crisis we are facing in Laikipia is because the police cannot do anything? We know very well that it is we politicians who went and incited those young boys to go and take land because they have decided that the lease is over. Are we in order as a House of records to tell Kenyans that it is the police who have decided that they cannot manage that yet we know it is we who have pushed the young people to go and do what they are doing?

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I will never condone a criminal act in my life as a lawyer, a legislator and a leader. Anybody who invades private property where people have got titles and possession commits crime. If there is any politician who has incited people to invade other people's

property, they are committing criminal offences and they must be dealt with. That is the law and we cannot compromise that because tomorrow it will be your homestead that somebody will walk in and say; you are not good enough to live here or, you come from the wrong community, can you move out! We cannot allow that in this country.

Mr. Temporary Speaker, Sir, kindly restrain my colleagues to allow me critic the President's speech because that is what we are supposed to do. We are not supposed to come here and praise the speech. In fact, in the usage, precedence and the manner of debate in the House, when you debate the President's speech you speak on anything and everything. Sen. Wamatangi is misguidedly trying to jibe at me that I must point out which paragraph and facts I have to dispute. I do not have to.

**The Temporary Speaker** (Sen. Mositet): Sen. Wetangula, the Senate Minority Leader, I will refer you to Standing Order No.94 on responsibility for statement of fact. It states that:-

“(1) A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.

(2) If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegation instantly, the Speaker shall require that such Senator substantiates the allegation not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order No. 110(*Disorderly conduct*) unless the Senator withdraws the allegation and gives a suitable apology, if the Speaker so requires.”

You are disputing what the Head of State had said about the ratio of the police and he was addressing the nation. So, it is a serious issue and you need to substantiate. That is exactly what Sen. Wamatangi was asking. If you feel you need time, you can request and the Chair can---

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I am not requesting no time. I said that the President said our police population ratio is higher than that recommended by the UN. I said that statement was incorrect. I have even checked with the police and they have told me it is not true. What is there for me to substantiate?

**Sen. (Dr.) G.G. Kariuki:** On a point of order.

**The Temporary Speaker** (Sen. Mositet): What is your point of order Sen. (Dr.) G.G Kariuki?

**Sen. (Dr.) G.G Kariuki:** Mr. Temporary Speaker, Sir, statements which are based on hearsay, a newspaper or individual policeman will tell you this figure was not correct. He should not imply that the President said a lie to the nation. It is important for my friend there to accept that it is a mistake to witch-hunt for any information in his head thinking he will offload it here.

So, my friend should accept that the one who gave him the information as a police officer lied. If there is any, we will ask him to tell us the name, where he works and what he does. That is why we are supposed to give information based on what we know.

**Sen. Elachi:** On a point of order.

**The Temporary Speaker** (Sen. Mositet): Sen. Elachi, is it on the same?

**Sen. Elachi:** Yes Mr. Temporary Speaker, Sir. It is a serious allegation and my leader – because he is going to be the next President of this country – should know the numbers of security forces correctly. When he says that the President lied about the ratio

of police officers to Kenyans, then it is important that he tells Kenyans what our ratio is today so that Kenyans do not get confused. The young people who are employed are very many. Again we will start interrogating budgets and wondering who the ghost workers are. It is an issue that we need to substantiate by true facts.

**The Temporary Speaker** (Sen. Mositet): Sen. Wetangula, I think you have the Floor to substantiate. Let me remind you that why we debate on the President's speech is because it is a very serious speech. He makes a speech to address the nation within Parliament. So, if you do not have facts, I can give you time up to tomorrow so that you can let us know where you got the figures.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I do not want to be engaged in unhelpful polemics. I am carrying out a critic of the President's speech. Unless we want to curtail free Speech even in this House, then I am afraid we are killing even the institution that is the bastion of freedom in the country. I have said and I want to repeat for avoidance of doubt. The President said the police population ratio is higher than the one recommended by the United Nations (UN) I said I have checked and I have been told by a senior police officer, I do not have to name here because he will be dismissed immediately, that the figure is incorrect. It ends there and I do not see any problem. I am disputing the President's facts. I have the right to do so. I am a leader of the Opposition and I am carrying out a critique of what he said. I have a duty to do that.

Mr. Temporary Speaker, Sir, if you sat where I sit, you would be saying exactly what I am saying. If you sat where I sit, you would not be coming here and saying: "This sounded like Shakespeare treatise---

**Sen. Elachi:** On a point of order, Mr. Temporary Speaker, Sir. While I agree with the Senate Minority Leader that the policeman who gave him information will be sacked, that is a public office and I believe the Inspector General(IG) should now give the figures. The Senate Minority Leader cannot tell the country that we will not get the figures right since he has the right figures that we cannot get it from the IG.

We need to substantiate those figures and facts. We will get it without having the policeman who gave him information being named. This is a very serious security issue.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, the President also addressed the issue of devolution. On that---

**The Temporary Speaker** (Sen. Mositet): Order, Sen. wetangula. There is another point of order from Sen. Wamatangi.

**Sen. Wamatangi:** Mr. Temporary Speaker, Sir, with your indulgence, I want to remind the Chair that you have a cardinal duty to also protect the dignity of this House. We cannot say that the rules only apply to some people. It is not right when Sen. Wetangula being a leader of this House and knowing what the rules are, feels very comfortable to continue to challenge a fact and an issue that is provided for in the Standing Orders of this House.

In his contribution he has clearly ---

**The Temporary Speaker** (Sen. Mositet): Order, Sen. Wamatangi.

**Sen. Wamatangi:** In his contribution, he has clearly declared that it is a falsehood. Can he withdraw or substantiate---

**The Temporary Speaker** (Sen. Mositet): Order, Sen. Wamatangi. While I appreciate when you are trying to guide the Chair, I had not allowed Sen. wetangula to continue. He was still trying to substantiate. It is a very serious issue---

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I do not know what is exciting this Senator for Kiambu. Ask him how many policemen are there in Kenya and he does not even know. I do not know what he is disputing---

**The Temporary Speaker** (Sen. Mositet): Order, Sen. wetangula. Do not be emotional. I am not trying to curtail your debate.

**The Senate Minority Leader** (Sen. Wetangula): Free speech, free speech Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Mositet): It is not an issue of free speech. It was a read speech---

**The Senate Minority Leader** (Sen. Wetangula): I am a leader of the opposition--

**The Temporary Speaker** (Sen. Mositet): Do you have a copy? If you cannot substantiate, just withdraw or you be given time to tomorrow. I am very fair to you. There are only two ways: either you withdraw or---

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, can this Senator from Kiambu tell me how many policemen there are in Kenya? He is disputing something he is not even grounded on. He does not know.

I am afraid I said the figure the President gave was incorrect, Sen. Anyang-Nyong'o has spoken here on similar lines and nobody challenged him. The Chair did not ask him to substantiate anything. If you want to single out the Senator for Bungoma and leader of minority and Presidential candidate for harassment and curtailment in his speech, so be it.

Mr. Temporary Speaker, Sir, as Julius Caesar in Shakespeare play says: "I am here to bury him; not to praise him." I am here to critique the Speech of the President and I have already lost 15 minutes, courtesy of the Senator for Kiambu who is behaving as if he is being electrocuted. Every time I say something he jumps up. Can you allow me to proceed with the many points I have as you can see?

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

**The Temporary Speaker** (Sen. Mositet): Sen. Wetangula, the Senate Minority Leader in the House, I just asked you to either ask for more time so that you can substantiate or withdraw and apologise.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, there is nothing to withdraw---

**The Temporary Speaker** (Sen. Mositet): Do not be emotional.

**The Senate Minority Leader** (Sen. Wetangula): There is nothing to apologise about. If you want the exact numbers I will bring them tomorrow.

**The Temporary Speaker** (Sen. Mositet): So tomorrow at 2.30 p.m.

**The Senate Minority Leader** (Sen. Wetangula): As I said, If we have---

**The Temporary Speaker** (Sen. Mositet): Order Sen. Wetangula. I am going to give you time so that tomorrow you can bring the figures.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, it is so easy and I will shame this Kiambu man tomorrow.

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

**The Temporary Speaker** (Sen. Mositet): You cannot refer to your colleague Senator as, “This Kiambu man.”

**The Senate Minority Leader** (Sen. Wetangula): The distinguished Senator for Kiambu whose claim to fame is distributing water tanks.

**The Temporary Speaker** (Sen. Mositet): Can you withdraw what you referred him as---

**The Senate Minority Leader** (Sen. Wetangula): I withdraw. He is not “This man from Kiambu” but the distinguished Senator for Kiambu. My own good friend Sen. Kimani Wamatangi; a very close friend of mine. I have great respect for him.

**Sen. Wamatangi:** On a point of order, Mr. Temporary Speaker, Sir. I will continue to hold my cool and good sense in the discussion. However, is it in order that the Senate Minority Leader would be referring to me as jittery; behaving as thou I am being electrocuted every time he mentions certain issues. I do not know whether that is an apology or just a pass over to say that he will shame this man from Kiambu.

The Senate Leader of Minority needs to remind himself - I say this with a lot of humility - that I am one of the few Senators who was elected to this House by more than half a million voters from Kiambu to represent their interests the way he represents the people of Bungoma. When we come to this House, the single distinction between the Senate and even the National Assembly is that this is a House of equalization that stands for egalitarianism. When we come here we are equal. He cannot therefore---

**The Temporary Speaker** (Sen. Mositet): Order, Sen. Wetangula. Who allowed you to go to the ---

**Sen. Wamatangi:** Mr. Temporary Speaker, Sir, he cannot look down upon us just because we as Senators have again elected him into the position of Senate Minority Leader. Do we allow him to use the position to talk down on us, ridicule and call us names? He needs to realize that he is not the Senate Minority Leader of only the group that sits on this side; the Opposition.

He cannot use that kind of language on Members. If you want us to behave as though we are electrocuted, then we can change tune and tone and behave that way. However, for the time being I am still going to remain as civil as I am supposed to be but he must respect the rules of the House and the Senators.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I had already expressed my great respect for the distinguished Senator who is my very good friend and with whom we share a lot of things including coffee, tea, alcohol and other things.

The President talked about public---

**Sen. Wamatangi:** On a point of order Mr. Temporary Speaker, Sir, the record of this House is very important. For the record, I do not consume alcohol. I am a fervent Christian who desists from consuming alcohol. Therefore, when the Senate Minority Leader says that we share a lot of things including alcohol, he is not being truthful. The last time I sipped alcohol was more than a decade ago.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I said “we share” but I never said you drink. Can I carry on?

Mr. Temporary Speaker, Sir, the President talked about public debt. If you watched that Speech, the President said that our public debt is not unmanageable, that we are still within reason. The President never cared to tell us where he found the public debt



and where he has taken it to. Former President Kibaki left this country with a public debt of Kshs875 billion. In three-and-a-half years, the Jubilee regime has pushed the public debt to Kshs3.8 trillion. If that is not alarming, I do not know what you would call it. Yet the President stands to say that the debt is not unmanageable. The country is not moving. The economy is stagnated.

The growth figures are only a figment of the imagination of certain people in Jubilee Government. You say that the economy is growing, but look at the rate of unemployment on the streets, the soaring crime, and collapse of agriculture that gives the highest level of employment in the country. Mumias Sugar Company has collapsed and Nzoia Sugar Company is collapsing. The tea, coffee and rice industries are struggling. There is nowhere that you can talk of bounty, then you come to tell us that the economy is growing. It is digging holes to fill holes.

Mr. Temporary Speaker, Sir, look at the cost of the standard gauge railway. I feel very sorry for this country. Ethiopia, our neighboring country, with a more difficult terrain than any part of Kenya, a standard gauge railway line from Djibouti to Addis cost them slightly under \$3 million per kilometre. Our standard gauge railway costs \$8.5 million per kilometers from Mombasa to Nairobi. *'Hata kama mnataka kutetea jameni, be patriotic.*

I know that you want to say that I should speak in English continuously, but that is a quote and it is allowed under the Standing Orders.

**Sen. Elachi:** On a point of order, Mr. Temporary Speaker, Sir. Is the Senate Minority Leader in order to bring the issue of standard gauge railway up when we know that the standard gauge railway of Kenya and the standard gauge railway of Ethiopia have a very big difference? Our standard gauge railway line is of a higher quality than Ethiopia's. It is wrong to compare the terrain of Ethiopia and Kenya yet we know that we have had to take care of our wildlife and that is why it is more expensive.

It is generally wrong to tell Kenyans on the Floor of this House that our gauge is the same standard as that of Ethiopian knowing very well that the Ethiopian standard gauge railway is of a lower grade.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I really sympathize with my sister. Chair, you are an engineer; and you know you know that a standard gauge railway line is a standard gauge railway line whether it is in Russia, China, USA or any other country as opposed to what we have in the old Rift Valley Railway Line. The standard gauge railway is universal.

I was the Minister in charge of Foreign Affairs when we were negotiating on Lamu Port-South Sudan-Ethiopia-Transport (LAPSET) to have a railway line from Lamu to Moyale and Moyale to Addis. Show me the different definitions of standard gauge whether it is a higher, middle of lower standard gauge. Standard gauge railway line is a standard gauge railway line.

Mr. Temporary Speaker, Sir, Ethiopia has constructed a SGR line from Djibouti to Addis Ababa at a cost of slightly under US\$3 million. We have constructed from Mombasa to Nairobi at a cost of US\$8.5 million per kilometre. You do not need rocket science to know that this is wrong. You can protect and justify because you are seated in a seat of confidence or a seat of largess. However, you and I, our children and grandchildren will pay for this money. It is as simple as that. The amount of money –

you are a distinguished Engineer you know this – we have put on the SGR line from Mombasa to Nairobi would have done a SGR line from Mombasa to Malaba.

We are now coming up with an even more bizarre arrangement to extend the SGR line and stop in Naivasha. Honestly, I have no problem with Naivasha. However, the products of Naivasha do not need a railway line to carry flowers. We can take money and build an international runway in Naivasha for planes carrying flowers to Amsterdam and Dubai; not even to takeoff from Jomo Kenyatta International Airport (JKIA), but to take off from Naivasha straight to Amsterdam and Dubai.

Mr. Temporary Speaker, Sir, what we are doing is to, in a crafty and malicious manner, destroy the economy of Mombasa – I do not know if Gov. Joho has anything to do with this – by making sure all Container Freight Stations (CFSs), all godowns and clearing and forwarding companies move out of Mombasa. What will be left of Mombasa? Docking and taking out containers on to the railway straight to Naivasha. We have not even asked in whose real estate the dry port in Naivasha is going to be built. Again, we do not need rocket science to know. This is wrong. It is unconstitutional and immoral to use your public office for personal enrichment or to enrich your family, cohorts or people hanging around you.

This gentleman Sen. G. G. Kariuki, his son is my Architect. You cannot tell he is a son of man who was a strong and powerful Minister for Security during the President Moi days. He has struggled his way as a professional to be what he is because he was a man who observed public morality. Today, children of rich people are behaving in a manner that I cannot even describe. They do not work or do anything and the only language they tell you is they make money – deals. *“Iko ka deal hapa.”* That is what they talk about everywhere. What country are we building?

**Sen. Elachi:** On a point of order, Mr. Temporary Speaker, Sir. I have listened to the Senate Minority Leader and I think some of his allegations are not true. In Ethiopia, the Government does not pay for the land. It only allocates itself land to do their SGR line. In our country, we have to pay for land. That accounts for the cost of constructing a railway line in both countries..

Having said that, is he in order to say it is the sons of the rich who concentrate on deals? The truth of the matter is that it is the politicians who solicit for deals. So, it is both sides. That is why I have always said when we talk about corruption let us not forget. For example, in Nairobi County who makes the deals? Is it the rich or the children of Gov. Kidero and the rest? So, when you are talking about corruption, remember politicians are the ones making the deals. He must know how cutting deals is done in this country. Is he in order?

**The Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, in this country and you can bear me witness, if you look at this country all the wealthy men in the late President Kenyatta’s Government were public servants. They have generated wealth and hoarded it; I do not want to use strong words. Now it is their children who are in authority. Where are the children of the poor man in Laikipia or your uncle in Kakamega going to go? Do not defend the indefensible. People like Sen. Karaba will come here, sit, talk themselves horse, retire and go back home. The rich people are sitting in offices with their coats on the back of their chairs and cutting deals from morning to evening – *“kakitu, ka-deal.”*

Public debt must be managed. You are not going to have public debt managed if you are going to borrow left, right and centre. Former President Mzee Mwai Kibaki had Vision 2030 that defined our development agenda. Do you hear anybody mentioning Vision 2030 anymore? We are just jumping from village to village launching roads, schools, toilets and virtually everything.

**Sen. Elachi:** Mr. Temporary Speaker, Sir, on a point of order. Is the Senate Minority Leader in order to allege that the Jubilee Government has abandoned Vision 2030, knowing very well they have been complaining that we have been concentrating on projects which they started while serving in the Grand Coalition Government? In fact, the Jubilee Government is focused and committed to Vision 2030. Are you in order to tell Kenyans that what we are doing are not your projects but other things?

**The Senate Minority Leader (Sen. Wetangula):** We did not launch toilets, roads to people's homes and 30 year old ferries which is a devolved function. We did not do the crazy things we are seeing being done. *Mzee* Kibaki acted decently and statesmanly.

**The Temporary Speaker (Sen. Mositet):** Order, Sen. Wetangula! As usual, you have 30 minutes. You are left with 13 minutes. So, if you want to continue ---

**The Senate Minority Leader (Sen. Wetangula):** And the interruptions?

**The Temporary Speaker (Sen. Mositet):** If you want to continue, tomorrow you will be given an extra 13 minutes.

#### ADJOURNMENT

**The Temporary Speaker (Sen. Mositet):** Hon. Senators, it is now 6:30 p.m., time to interrupt the business of the House. The Senate stands adjourned until tomorrow, Wednesday 29<sup>th</sup> March, 2017, at 2.30 p.m.

The Senate rose at 6:30 p.m.