

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 23rd October, 2013

*The Senate met at the Kenyatta International
Conference Centre at 2.30 p.m.*

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

PRAYERS

QUORUM CALL AT COMMENCEMENT OF SITTING

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

The Speaker (Hon. Ethuro): Order, hon. Senators. I am told that we have a quorum. We may, therefore, commence business.

COMMUNICATION FROM THE CHAIR

HON. SPEAKER'S ADDRESS AT THE OFFICIAL
OPENING OF THE PAN AFRICAN PARLIAMENT

The Speaker (Hon. Ethuro): Hon. Senators, I wish to make a brief Communication on the address I made at the official opening of the Third Ordinary Session of the Third Legislature of the Pan African Parliament on Monday, 21st September, 2013, upon invitation by the President of the Pan African Parliament, the hon. Bethel Amadi, MP.

Hon. Senators, I received an invitation to deliver a message of goodwill and solidarity in recognition of our Senate and in appreciation of the Senate's unique role in protecting devolution which is a key economic driver in many of the developing nations.

I felt greatly honoured and privileged to have joined the distinguished Assembly of the Pan African Parliament during the opening session of the auspicious occasion of the Third Ordinary Legislature of the Third Legislature of the Pan African Parliament which commenced on Monday, 21st October, 2013 and is scheduled to end on Friday, 1st November, 2013. This session is being held at the seat of the Pan African Parliament in Midrand, Johannesburg, in the rainbow nation of the Republic of South Africa.

I made the remarks conveying a message of goodwill and solidarity from you, hon. Senators, and through you from the people of Kenya to the President and the members of the Pan African Parliament.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Hon. Senators, the mandate and objectives of the Pan African Parliament as contained in the protocol to the Constitutive Act of the African Union (AU) are diverse. It covers implementation of the AU policies, human rights and democracy, good governance, transparency, accountability, integration of the African Continent, peace, security and stability, prosperity, co-operation and development, solidarity, common destiny and finally, to facilitate co-operation amongst the regional economic communities and the parliamentary fora.

Hon. Senators, I noted with appreciation that the President of the Pan African Parliament and the other invited speakers from the national and regional parliaments of Africa in their opening remarks, during the opening session, expressed their support for the resolution made by our Parliament on the International Criminal Court (ICC) cases and further condemned the recent terrorist attacks on the Westgate Mall.

Hon. Senators, conspicuously absent in the Pan African Parliament Assembly was the Kenyan delegation, which is yet to be constituted. I apologise for our collective failure as the Kenyan Parliament to send our nominees to the Pan African Parliament in good time. As you are aware, we are in consultation with the leadership of the National Assembly to finalise the nomination process in due course. Unfortunately, we will miss this particular session.

Hon. Senators, as the Senate is the House in charge of the Pan African Parliament affairs, on behalf of the two houses, we will continue with our collaborative efforts with the Pan African Parliament and other national and regional legislatures to fast-track the democratization process of the continent for the better welfare of the African citizenry and their endeavors. In particular, the Pan African Parliament's role in ensuring African unity captured in their mantra: "One Africa One Voice".

I thank you.

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

The Speaker (Hon. Ethuro): What is it, Sen. Hassan Omar Hassan?

Sen. Hassan: Mr. Speaker, Sir, following your Communication and a matter that you alluded to, we were conscious of the fact that Kenya was not represented at the Pan African Parliament Assembly. Whereas you have given us a commitment that you will conclude the matter in due course, we know that "due course" sometimes can be indefinite. It is important that this House asserts itself on this matter. I think the National Assembly has made a determination on this matter and has returned the names back with certain reservations on the names that have been nominated by the Senate. It is up to this Senate to assert itself on its nominees so that this process moves forward. What is left is not about a discussion, it is simply for the National Assembly to present its nominees so that we move forward.

Mr. Speaker, Sir, that is my contribution to your Communication.

The Speaker (Hon. Ethuro): Sen. Hassan, there were many things in that Communication. You just picked the negative one. Why can you not appreciate the other good ones too?

(Laughter)

Sen. Hassan: Mr. Speaker, Sir, in the Kenyan society, we silently acknowledge the good things. But I believe the Communication was quite instructive in terms of expression of solidarity. The Pan African Parliament did assert that they realized the role of the Senate in delivering devolution. Equally, they made an unequivocal condemnation of the acts of terror that besieged our country recently.

(Sen. Billow whispered something to Sen. Hassan)

Mr. Speaker, Sir, Sen. Billow is reminding me also of the pronouncements on the ICC. Therefore, it was a comprehensive Communication touching on some of the issues that affect us, as a country, at this point in time. This Senate has proclaimed itself on most of these matters. In fact, the Senate ought to ensure that the Westgate matter is investigated speedily, not through a process that is skewed or one that does not discharge of the fact, so that Kenyans can know the truth.

The Speaker (Hon. Ethuro): Order, Sen. Hassan! You have exceeded your brief. However, we appreciate your comments.

Sen. (Dr.) Machage: Mr. Speaker, Sir, as I congratulate and thank you for ably representing us in South Africa, would I be in order to request that you shed more light on what is happening between us and the National Assembly on matters of nomination of members of the Senate to the Pan African Legislative Assembly?

The Speaker (Hon. Ethuro): Sen. (Prof.) Lonyangapuo.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I join my colleagues in congratulating you for ably representing us in that forum at the Pan African Parliament. But in your Communication you mentioned that sadly, our representation will not be there for the rest of the session that has just began. You also said that issues of the Pan African Parliament fall directly under the Senate. That is to say then that we are the ones who can decide our representation as the Kenyan Parliament on issues of the Pan African Parliament. What is holding this Senate from deciding to move on to represent the Kenyan Parliament given that we are the ones who are supposed to make the decision on this?

The Speaker (Hon. Ethuro): Senator Boni Khalwale of Kakamega County.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, like my colleagues who have spoken before me, I want to congratulate you for your able representation of this Senate and the Republic of Kenya.

I have received positively, all the issues that your message has contained, on the ICC, the Westgate terror attack and the importance of this Senate for purposes of ensuring that development comes to Kenyans at a faster pace. Since that message is now a record of this House, and given the seriousness that the Assembly gave the organ of the Senate of the Republic of Kenya, I would also like it to go on record that I am personally disappointed about one thing. The AU seems to capture the issue of the ICC as only representing the interests of the accused. We would like the AU to also appreciate that, as much as they sympathise with the accused at the ICC, we have hundreds of Kenyans who are victims. It would have been nice if the Pan African Parliament also spoke to the issue of the plight of the victims.

The Speaker (Hon. Ethuro): I just want to respond to some of the issues raised by the hon. Senators.

First, it must be very clear to each and every one of us that a Communication from the Chair is not a basis for discussion or debate. But because of the issues that are arising from that particular Communication, I may need to clarify so that all of us can move together as a House. I will start with the issues raised by the Senator from Mombasa County, Sen. Hassan, which are related to the issues raised by Sen. (Dr.) Machage, the Senator for Migori County. They also closely related to the issues raised by Sen. (Prof.) Lonyangapuo from West Pokot County in the sense that as a House, on behalf of the two Houses, we are responsible for the affairs of the Pan African Parliament. There is also concern over the delay in submitting the names and thirdly the fact that, maybe, the names have been returned with some amendments.

My advice is that we will deal with that particular matter when it is properly communicated to me. I am yet to receive a message from the National Assembly on what happened there. It is within our Order Paper under the Order “Messages” where we will be able to deal with it when I deliver the outcome of that particular message. So, we will proceed along those lines.

I mentioned this so that it is obvious to us that we missed an opportunity. I was reminded by most of the members of the Pan African Parliament who seemed to appreciate the role of Kenya; they appreciated the role that previous members from Kenya had played within the Pan African Parliament. So, that recognition, as a legislature, is appreciated by other legislatures in Africa.

On the last question by Sen. (Dr.) Khalwale, of course I went to speak to the Pan African Parliament. I did not speak to the AU. I am afraid there is a difference between the two. It is like the way we oversight the Executive, they also oversight the AU. But I went there as a friend. I do not think it will be appropriate for us to interrogate the matter. Once we get our nominees to the Pan African Parliament, you can tell them to make that kind of representation. The strong argument is that the victims are not on trial. Some Kenyans are suspects. In terms of jurisprudence, everybody is assumed innocent until proven guilty. That is a very important point that needs to be made always.

Next Order.

PAPER LAID

REPORT OF THE ENERGY COMMITTEE ON VISIT TO THE REPUBLIC OF SOUTH KOREA

Sen. Moi: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the House today, Wednesday, 23rd October, 2013.

The Report of the Standing Committee on Energy, Roads and Transportation on the visit to the Republic of South Korea on nuclear energy co-operation, from 15th to 23rd June, 2013.

(Sen. Moi laid the document on the Table)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

NOTICE OF MOTION

The Speaker (Hon. Ethuro): Sen. Moi?

Sen. Moi: Yes!

The Speaker (Hon. Ethuro): Sen. Moi, I thought we were with you in the other Parliament. We do not say here “Yes”.

Sen. Moi: I know that, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): You may now proceed.

ADOPTION OF REPORT ON VISIT TO
THE REPUBLIC OF SOUTH KOREA

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

THAT, the Senate adopts the Report of the Standing Committee on Energy, Roads and Transportation on the visit to the Republic of South Korea, on nuclear energy co-operation, from 15th to 23rd June, 2013, laid on the Table of the House on Wednesday, 23rd October, 2013.

STATEMENTS

RAID BY CATTLE RUSTLERS AT APUKE
IN WEST POKOT COUNTY

Sen. Adan: Mr. Speaker, Sir, I beg to respond to the Statement that was sought by Sen. (Prof.) Lonyangapuo regarding a raid by a gang of cattle rustlers at Apuke in West Pokot County on the morning of 30th September, 2013 in which he alleged that four people were killed and over 70 head of cattle stolen. He specifically sought information on:-

- (a) details of cattle rustlers behind the raid;
- (b) concrete steps the Government has undertaken to ensure the stolen animals are recovered;
- (c) plans by the Government to compensate the families of the victims; and,
- (d) the measures the Government is putting in place to address cattle rustling along the West Pokot-Turkana County border.

The Speaker (Hon. Ethuro): Order, Sen. Adan! You were not here yesterday afternoon. But I am sure you must have followed the debate and noted what happened. You may wish to comment on that first.

Proceed.

Sen. Adan: Mr. Speaker, Sir, unfortunately, I was not in the House yesterday. I was away at The Hague. I came back last night.

Hon. Senators: *Ati wapi?*

Sen. Adan: Do not worry!

Secondly, the Chairman is also away. That is why we were unable to respond to issues raised in the House. I apologise for that.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir.

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

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, the House standard that was set by earlier parliaments was that parliamentary business takes precedence over any other business. Could she explain to the House, so that we get satisfied, before we accept her apology, how the matter of The Hague took precedence over parliamentary business of the Republic of Kenya?

(Applause)

The Speaker (Hon. Ethuro): Sen. Adan, can you respond to that?

Sen. Adan: Mr. Speaker, Sir, it is important to say that House business takes precedence over all the other matters. But if one of us is away, that does not mean the business of the House stops. Of course, there are representatives of the committee that were around. When I left, the Chair was in. Nevertheless, I am here to respond. I apologise for what happened yesterday.

The Speaker (Hon. Ethuro): Sen. (Dr.) Khalwale, you must thank the Senator because she has been very candid. Being the vice-chair, maybe she thought the Chair was there and as she has stated this, I am sure you have also had occasion to be absent from the Chamber. Indeed, only this morning, Sen. Orenge was engaging you to the extent that you could not even follow the proceedings while you were inside the Chamber.

Proceed, Sen. Adan.

Sen. Adan: Mr. Speaker, Sir, I also want to bring to the attention of the Committee that this Statement was received at the Senate yesterday. It is dated 22nd October, 2013. If I may proceed, I wish to state as follows:-

On 30th September, 2013 at about 4.00 a.m. an unknown number of cattle rustlers raided Apuke village in Alale Division, West Pokot County and stole about 600 herds of cattle and an unknown number of goats. During the raid, the Kenya Police reservists from the area engaged the raiders in a fierce exchange of gun fire leading to the killing of two raiders and a 15 year old Pokot herds-boy. The stolen animals were driven towards Napipa area in Loima Sub-county of Turkana.

Mr. Speaker, Sir, following the above incident, a contingent of police officers from Pokot North Sub-county and the GSU officers based at Leiya were dispatched to track and recover the animals. So far, ten herds of cattle have been recovered and efforts to recover the rest and arrest the raiders are ongoing.

In order to address the cattle rustling along the border of West Pokot and Turkana counties, the Government has intensified patrols in the area and held peace meetings between local leaders from the two communities to prevail upon them to cease such practices. Besides the deployment of security officers, the Government has also been working through the District Peace Committees (DPCs) which are engaging their counterparts in Turkana County to recover the stolen animals.

Mr. Speaker, Sir, on the issue of compensation, I wish to state that the Government has no provision for compensating victims of cattle rustling.

Thank you.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I want to thank the committee for their attempt to answer the questions that I had raised. This Statement was so urgent; I did not have to wait for almost a month later to get a response. In the Statement, they correctly said the raid took place on Monday, 30th September, 2013. But the answers are erroneous as follows:-

They said two raiders were killed. The opposite is true. Four people were killed who included the Pokot people of Apuke. No raider was killed. She needs to explain to us where the Statement of the Committee came from. There was also no boy who was killed. Seemingly, there is confusion. The answer they are giving relates to what took place recently in Ebilon. They are responding to issues of Ebilon yet I asked about Apuke.

Thirdly, they are also reporting that ten head of cattle have been recovered. I do not know whether the Committee is serious because there is no single animal that has been recovered be it goats, camels, donkeys or cows. Where did the Ministry get this information saying that ten cattle have been returned?

Mr. Speaker, Sir, I wish to seek this statement afresh; that correct answers are given. They have also said that there is no compensation for victims. Compensation could also mean people being given food. People were killed. At the moment, people do not have food. She says that the Government is not bothered, they cannot compensate. Even if you do not give a cow in return for a cow, they can say *pole* to our people and give them food, water or medication. The Committee has not attempted to respond to that.

Lastly, I together with my colleague, Sen. Munyes, wanted to visit that region and the same department claimed that it was not safe for us to go. They did not give us a helicopter. When we followed up this matter further, they said the helicopter is not serviced. One month later, the helicopter is still not serviced yet we needed to go and talk to the people and ask them to keep peace. I can confirm that the said officers have not gone to Turkana County to talk and see whether the animals can be recovered. Nothing has been done. It is the same scenario that played out last year when some goats were stolen from Turkana County. The same story they are giving me here is what was given last time, so it brings up a lot of questions whether there is anybody who is serious about the lives of Kenyans in the department that this Committee sought to get answers from. I want genuine answers sourced today.

The Speaker (Hon. Ethuro): Do you need more clarifications on that Statement? Proceed, Sen. (Prof.) Lesan.

Sen. (Prof.) Lesan: Thank you, Mr. Speaker, Sir. I would like to thank the Senator for the answer which she gave, but I would like to have further clarifications as to what the Cabinet Secretary (CS) meant by ‘tracking the animals.’ What systems did they use to track the animals in an area which is populated by a lot of other animals? I believe and I know that in this age of computers, it is possible to trace and track animals. I would like to know whether the Government can use a better system of tracking and tracing animals with the use of Information, Communication and Technology (ICT). We

know this system is available in many countries where animals in cattle rustling prone areas like this one can be tracked with Global Positioning System (GPS) and we can actually follow and track these animals and recover them, nine out of ten. Could the Vice-Chairperson tell us what method they used to track these animals?

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Sen. Musila.

Sen. Musila: Thank you, Mr. Speaker, Sir. I rise on the whole issue of security because of the complaint that the Senator for West Pokot has made here. Three weeks ago, I raised an issue about insecurity on the Kitui-Tana Counties border and you ordered---

The Speaker (Hon. Ethuro): Order, Sen. Musila! I will have to cut you short. Yesterday, we spent valuable time on that issue, including a reminder from Sen. (Dr.) Machage on Standing Order No.107 about being repetitive, and the Chair gave directions that the Committee will respond to all those outstanding Statements by tomorrow. So, I would request you to be patient until tomorrow.

Sen. Musila: I am much obliged, Mr. Speaker, Sir. I was just following your previous direction that my Statement be responded to on 17th, which was last week; and I did not come. So, I hope that this time round, that issue of security, which has been pending in my county, will be resolved.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Sen. Munyes.

Sen. Munyes: Mr. Speaker, Sir, I want to express my sympathy for the people of West Pokot, who were raided this time. This is an area where we have so many counter raids; with the Turkanas raiding the Pokots, and the Pokots raiding the Turkanas. I have always said that until we resolve the issue of land disputes amongst these two communities; as long as we do not know where the border is, we are not going to experience peace. Along that border, you will not know whether you are in West Pokot or in Turkana. In this particular area---

The Speaker (Hon. Ethuro): Order, Sen. Munyes! Are you responding on behalf of the Committee or are you interrogating---

Sen. Munyes: Mr. Speaker, Sir, I just want to build on it as I finish.

The Speaker (Hon. Ethuro): Phrase it in terms of a question.

Sen. Munyes: Mr. Speaker, Sir, we call this place Epuke, and the Pokots call it Apuke; you can see that confusion. Could the Government provide security around this area of Apuke or Epuke? Because there is a valley where the cows raided from Turkana or West Pokot go through into Turkana or West Pokot, can we deploy forces in this valley to stop further killings and loss of lives?

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Sen. Abdirahman.

The Acting Senate Minority Leader (Sen. Abdirahman): Mr. Speaker, Sir, there is no single story that I would call a success story from the police or, basically, from the regular force. Because many a times we hear that they are investigating or they are pursuing raiders; that they are doing this or that, which has not yielded fruit. I want to know from the Vice Chairperson of the Committee; conventional approaches have failed

with regard to handling this kind of a matter and in areas where people have tried community-driven approaches, cattle raids and constant conflicts seem to have come down. What efforts is the Government making to see to it that they are able to forge a partnership between communities and Government; and partnerships between communities themselves so that they use the traditional approach to resolve these conflicts in the future?

The Speaker (Hon. Ethuro): Let us hear Sen. Lesuuda while Sen. Leshore's microphone is being replaced.

Sen. Lesuuda: Thank you, Mr. Speaker, Sir. Apart from the peace committees and the continuous efforts that the Government has used in the past, are there any new ways that the Cabinet Secretary and his team are looking into to see to it that cattle raids can be curbed?

Secondly, on the issue of compensation, it is important to note that those cows that are stolen among the pastoralists are the only source of livelihood or mainstay of those people. So, it is not right to tell us that there is no mechanism for compensation, yet we know that it is the sole mandate of the Government to provide security for the people and the citizens of this country. So, we need to know what they mean by saying there is no mechanism for compensation and, also, whether they take responsibility for failing to provide security for the people of West Pokot and Turkana counties?

(Applause)

The Speaker (Hon. Ethuro): The second last one from Sen. Kerrow Billow.

Sen. Billow: Thank you, Mr. Speaker, Sir. Could the hon. Vice Chairperson explain why it is the police reservists who responded to the attacks and who, as she said, were involved in a heavy exchange of gunfire with the raiders and not the regular police force? This is important because the Kenya Police Reservists (KPR) are the people who volunteer to serve; they are not paid, they do not have adequate training and sometimes they do not even have good weapons. So, it is always a concern – and this is why recently we had this issue of their terms raised – so, could she kindly explain why it is the police reservists who were involved in that heavy exchange of gunfire and not a single security force of this country?

The Speaker (Hon. Ethuro): Sen. Leshore.

Sen. Leshore: Thank you, Mr. Speaker, Sir. First of all, I would like to send my condolences to the people who lost their lives in Pokot, Turkana and Samburu. This issue of cattle rustling is something which has been with us for the last 21 years now; and we have been talking to the Government and urging the Government to take a firm action against the cattle rustlers.

Mr. Speaker, Sir, we have lost lives; our economies have been destroyed by cattle rustling and I would like to urge this Committee to go back and urge the Government to come up with a solution that will end cattle rustling the same way they have defeated *Al Shabaab* in Somalia. Cattle rustling is within Kenya; it is within our communities; I would like the Committee to go back and come up with a comprehensive Statement of how cattle rustling should be eradicated for all.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): You used the long way, but you finally came to the issue.

Vice Chairperson of the Committee, respond.

Sen. Adan: Thank you, Mr. Speaker, Sir. I believe the issues raised by hon. Senators are pertinent issues, and I wish to respond as follows.

First, on the issue raised by Sen. (Prof.) Lonyangapuo, I believe the answer that we were given as a Committee is the right answer. If the Senator really feels that the answer we have given is inaccurate, then he can also assist us to have a resolution on this matter.

Mr. Speaker, Sir, the other point that was raised by Sen. (Prof.) Lesan on the issue of better tracking methods, of all the methods, what we have currently in this country is by using police officers who follow the cattle rustlers, and that is done on foot. So, if the Senator feels that he has better methods that the country can adopt in tracking animals, then it is an issue that we need to discuss with the relevant department in charge of security to deal with issues of cattle rustling in this country and I believe we will be able to have a discussion with the Minister. When I walked to the Minister's office this morning, we discussed the various pending Questions, and one of the Questions we discussed is Sen. Musila's. So, I had requested for further statements from the Minister, and I handed over that request from the Senate.

Then, Mr. Speaker, Sir, on the issue of Epuke and the other concerns raised by the other Senators, I have taken note and we will sit with the Minister in charge of internal security to address the concerns raised.

Thank you, Mr. Speaker, Sir.

(Sen. Billow stood up in his place)

The Speaker (Hon. Ethuro): What is it, Sen. Billow?

Sen. Billow: On a point of order, Mr. Speaker, Sir. You heard what the hon. Vice Chairperson said; in response to many of our clarifications that we had sought, she concluded that she will need to consult or refer back to the Minister. In response to the first two Questions; the one by Sen. (Prof.) Lonyangapuo, she said "if you think that your responses are better than what the Government of Kenya has---"

I think, Mr. Speaker, Sir, with all due respect, these Questions that we have raised in terms of clarifications have not been properly clarified by the hon. Vice-Chairperson. Would I be in order to request that the Vice-Chairperson goes and gets further facts and comprehensive answers that will satisfy the Members of this House? Because you cannot ask the Member of the House "If you think your idea is right, you go;" I think it is not appropriate. I think she needs to go back and do further research on that and come back with appropriate answers.

(Sen. Kanainza stood up in her place)

The Speaker (Hon. Ethuro): Sen. Kanainza.

Sen. Kanainza: On a point of order, Mr. Speaker, Sir. Is the hon. Vice-Chairperson in order to say that she will consult the Minister, yet we know that in the current Constitution, we do not have Ministers; we have Cabinet Secretaries.

(Applause)

The Speaker (Hon. Ethuro): Sen. Lesuuda.

Sen. Lesuuda: Mr. Speaker, Sir, I just wanted to point out that I think, as Committees, it is important that we interrogate the answers that we are given even at the Committee stage, because you get the answers from the Cabinet Secretaries. If you feel the answers are not comprehensive enough or they do not meet the standard or the esteem of the Senators in this House, you return them back until we get comprehensive and serious answers, especially when we are talking about lives of people being killed.

The Speaker (Hon. Ethuro): Sen. Leshore.

Sen. Leshore: Thank you very much, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): This should not be another round of debate; just one issue, Sen. Leshore.

(Laughter)

Sen. Leshore: I understand, Mr. Speaker, Sir.

Mr. Speaker, Sir, having seen and watched what happened at Westgate, the Minister was in a dilemma; he could not answer anything, he was answering the opposite--- Is the Vice-Chairperson justified to tell us that she is going back to the Minister? Why can she not go back to the National Security Committee of this country?

The Speaker (Hon. Ethuro): Sen. Wako.

Sen. Wako: On a point of order, Mr. Speaker, Sir. Issues of security are the most important matters we can discuss here because the whole purpose of the Government is to ensure that there is law, order and peace. This issue has been going on for quite some time. If it keeps going on, back and forth, come December, the situation will be the same.

Would I be in order to suggest that the Committee exercises the powers it has to summon the Cabinet Secretary, the Principal Secretary and members of the National Security Advisory Committee to appear before them and answer a series of these questions? I know that according to our rules of procedure, any Member who is interested – I know that there are Members who have been interested in this matter like Sen. Hargura, Sen. Adan and my dear friend – can all attend that committee sitting. That is the only way we can solve this matter. However, asking Sen. Adan to ask the Cabinet Secretary to come next Thursday would just be postponing the same story. That is my suggestion.

Sen. (Prof.) Lesan: Mr. Speaker, Sir, I would like to give an answer to the Vice-Chair who asked me if I knew anything that can help the Government deal with this issue.

The issue of cattle rustling is a security matter that has been going on for many years. I understand that we did not have the technology to solve the problem. This is a

problem that we can solve now; once and for all, because we have technology that has been tried. Many countries have been using the progan system. This is a system used in Mexico, South Africa and Australia. These are countries that move large amounts of animals across their territories and still manage to locate them at any time. If we were to use the system in this country, one out of ten stolen cows would be returned and we would get rid of this problem once and for all.

Sen. Adan: Thank you Mr. Speaker, Sir. I would like to thank hon. Senators who have contributed to this discussion in terms of the way forward in addressing security issues in this country.

I would like to say that a security issue is not something that can be corrected in a day. It is a process and we have a lot of problems in terms of insecurity in our country. We had a discussion this morning with a few Senators and agreed to call the relevant security agencies and to have a discussion about the security situation in our country. We agreed to discuss the concerns raised by various Senators. I would like to take this opportunity to thank hon. Senators and to reiterate that this is a sensitive issue. Security is not something one can play around with.

One of the things I want to address is whether I should be consulting the current Cabinet Secretary. Of course, he is the Minister in that docket right now. As to whether he is qualified or not, that is not something I can answer. However, my concern and that of the Committee is to summon him with regard to security issues that have been raised by Senators.

The mandate of the Committee is to ensure that security matters in this country are addressed. I will go back and summon him as well as other security agencies as we have done severally. We will then give concrete answers to the House.

The Speaker (Hon. Ethuro): Any timeframe?

Sen. Adan: Mr. Speaker, Sir, preferably, Tuesday next week.

The Speaker (Hon. Ethuro): Let us conclude this matter. We have spent 20 minutes on it. Vice-Chair, there was a matter that Sen. Musila wanted to raise regarding a Statement that was to be delivered on 17th, last week, which is yet to be delivered. This should be answered with the three questions that were raised yesterday.

Basically, all outstanding statements to the Committee – that was the directive – should be responded to by tomorrow, latest. So far, you have attempted to respond to one of them. However, you have more homework to do. We hope that you will respond to the remainder, including the one by Sen. Musila, tomorrow.

Sen. Adan: Thank you, Mr. Speaker, Sir. With regard to Sen. Musila, I had a discussion with the Minister and he wanted further clarification on the Statement we had earlier responded to. I have three more statements that I should respond to. However, the one of yesterday, the Cabinet Secretary promised to respond to it today. So, hopefully, we will have it ready tomorrow and deliver it.

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Speaker, Sir. As I had said earlier, the answer she has given is not the one I was looking for. I wanted to hear her say that she will bring a comprehensive answer regarding the Statement I sought and the facts. If she wants to bring any other business with regard to the matter, that is a different matter that took place elsewhere.

Sen. Lesuuda: On a point of order, Mr. Speaker, Sir. I want to go with what Sen. Wako said. As you can see, we are moving back and forth. It is important that we include some of the things they have promised us in the committees. However, I would like to make a formal request.

Some of us have concerns but are not Members of that Committee. When will they alert us so that we thrash out these issues and avoid taking a whole hour on matters that the Vice-Chairperson cannot address while on the Floor now?

The Speaker (Hon. Ethuro): I think the Vice-Chairperson has noted with appreciation the suggestion by Sen. Wako.

Therefore, I took it that when she said that she would summon the Cabinet Secretary and other relevant responsible security personnel, she meant that would be a committee meeting. She must invite all the interested Senators so that the issues are dealt with at the same sitting.

I think that is what the Vice-Chairperson meant and if not, she can take up the matter now.

I am also reminded that the schedule of the meeting is on the website. I think that the Committee should make a deliberate effort to inform the people who have contributed, at the very minimum, on when the sitting will be taking place. That is critical. Let me have an indication. How many would like to request for statements?

(Sen. Abdirahman raised his hand)

There is one there. How many do you have to respond to, Vice-Chairperson?

Sen. Adan: I have three.

The Speaker (Hon. Ethuro): Let us get the requests and then allow the Vice-Chairperson to proceed.

CLOSURE OF THE KENYA-SOMALIA BORDER

The Acting Senate Minority Leader (Sen. Abdirahman): Thank you, Mr. Speaker, Sir. I rise to seek a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations.

The Statement relates to the Kenya-Somalia border. In the Statement, I would like the Chairperson of the Committee to clarify whether the Kenya-Somalia border is closed and if so, when and how it was closed.

Secondly, he should state how foodstuffs such as sugar and electronic goods are smuggled into the border districts in connivance with representatives of the national Government and the Kenya Revenue Authority (KRA).

There exists a serious evasion of taxes that would have helped improve the lives of Kenyans. Thirdly, could he explain what steps the Government will take to ensure that this illegal practice ceases forthwith and create an enabling environment for genuine business to thrive and to protect the country's security and integrity?

The Speaker (Hon. Ethuro): Vice Chair, when will we have a response to that one? Since you have an opportunity, you can start with this one and move to the rest.

Sen. Adan: Thank you Mr. Speaker, Sir. The Statement sought by Sen. Abdirahman will be responded to by Thursday next week. I believe that he is agreeable to that.

MEASURES TO RESOLVE BOUNDARY DISPUTE
BETWEEN MERU AND ISIOLO COUNTIES

The other statement I would like to respond to – with all due respect, I did not write this Statement and Senators should not say that I am reading AOBs because that will be out of order – was sought by the Senator for Isiolo County. This one is about the measures that the Government has employed to resolve boundary disputes between the Meru and Isiolo counties. In particular, he alleges that on 17th September, 2013, four people were injured and two women raped within the disputed area. I wish to state as follows:

The Independent Boundaries and Electoral Commission (IEBC) is aware of the boundary dispute between the Meru and Isiolo counties. Further, the County Assembly of Isiolo has requested the Commission to avail information on the contentious boundaries.

The Speaker (Hon. Ethuro): Order! Who sought that statement?

Sen. Adan: This one was sought by Sen. (Dr.) Kuti.

The Speaker (Hon. Ethuro): Why can you not leave it for tomorrow?

(Statement deferred)

Sen. Adan: Mr. Speaker, Sir, the other Statement was sought by Sen. (Dr.) Agnes Zani.

The Speaker (Hon. Ethuro): She is not here too. Which is the next one?

WITHDRAWAL OF SECURITY OFFICERS
FROM MEMBERS OF PARLIAMENT

Sen. Adan: The other one was sought by Sen. (Prof.) Lonyangapuo. He requested a Statement regarding withdrawal of security officers - the AOB as he says - who were seconded from the Prison's Department to Parliament. The hon. Senator wanted to know whether---

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Speaker, Sir. Is the Senator, who is the Vice Chairperson of this important committee, in order to keep on referring to AOB? AOB meant any other business because she answered a question I had not asked. Anything besides what we have requested is an AOB. So, she should not repeat that.

She keeps on looking at me whenever she is mentioning it.

(Laughter)

The Speaker (Hon. Ethuro): Vice Chair, I think Sen. (Prof.) Lonyangapuo has a legitimate concern. I think the AOB reference was to the earlier Statement. This other Statement, you have not even started. So, he did not see it as an AOB.

Sen. Adan: Thank you, Mr. Speaker, Sir. I beg to continue. It is true that over the years, the Prisons Department has been seconding officers to provide protective security to VIPs and State officers, although this has not been a core mandate of the department. However, following the formulation of the Government policy on provision of protective security to VIPs and other State officers which came into effect on 1st July, 2013, the Prisons Department is not among the departments from which officers providing VIP protection are to be drawn. The provision of VIP security is the core mandate of the National Police Service. Consequently, the department has been gradually withdrawing officers from VIP Protection Services. In this regard, therefore, the Ministry does not intend to reverse the decision.

Thank you.

The Speaker (Hon. Ethuro): Sen. (Prof.) Lonyangapuo, you may now seek for clarification. It is only that the earlier Statement was taking a bit too long, so I was trying to manage time.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I want to thank my colleague for providing this answer to the Statement that I sought around 30th or 31st of July this year and it was so urgent because I woke up one morning and the security officer that had been attached to me for seven years was suddenly withdrawn without any explanation. I am now hearing for the first time that prison officers who were trained cannot provide VIP services yet the regular police, the Administration Police and the General Service Unit officers she is talking about are so direly needed to protect Kenyans as a result of the insecurity we are encountering like the Westgate Mall attack and the cattle rustling that I am talking about. The prison officers do not go outside to fight crime, they only protect those who are self contained or who have already been brought into the camp. I wish it would have been the other way round so that we can release these other officers to go and assist the people of Kenya to provide security.

The Speaker (Hon. Ethuro): What is the issue, Sen. (Prof.) Lonyangapuo?

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, the reasons she is giving are not clear as to why my security officer was withdrawn.

The Speaker (Hon. Ethuro): What is not clear?

Sen. (Prof.) Lonyangapuo: What is not clear is that the prison officers cannot work for---

Sen. Orengo: That is clear!

The Speaker (Hon. Ethuro): Any other intervention on that Statement?

Sen. Billow: Mr. Speaker, Sir, we have read in the media quite often that up to 7,000 security officers are attached to VIPs and so forth, and that quite a number of prison officers whose responsibility is to look after those who have been jailed are also among those, although there has been an attempt to try and get them back. But what is the official Government policy regarding who should provide security services to VIPs?

Sen. Orengo: On a point of order, Mr. Speaker, Sir. Is Sen. Billow in order to demand for an answer which has already been given? I think he is taking a lot of our time

unnecessarily. I think she explained that the core function of giving protection to State officers and VIPs is a function of the National Police Service, although there are some former detainees and prisoners who have some sentimental value with warders who they socialized with. So, if there are some of us here who like associating and socializing with warders like myself, then there is justification. But I think we are taking time unnecessarily, including myself.

The Speaker (Hon. Ethuro): Sen. Orengo, it is even worse, because on your own admission, maybe the others do not know they were taking our time but yours seems to be very deliberate and purposeful.

Sen. Leshore: On a point of order, Mr. Speaker, Sir. Is the Vice-Chair in order to mislead the Senate that the National Police Service is the only one mandated to give VIP protection while I am a victim because I have requested for escort by an Administration Police officer but they have turned my request down? Is she in order to say that?

Sen. Adan: Mr. Speaker, Sir, I believe the Administration Police officers are part of the National Police Service in this country. So, if it is a concern by an individual Senator, then we can be able to address it. But, basically, the policy of the Government is that those who are supposed to provide VIP security services are officers of the National Police Service and it is very clear from the Statement.

ILLEGAL LOGGING IN MAKUENI COUNTY

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I rise to request for a Statement from the Chairman of the Standing Committee on Agriculture, Land and Natural Resources regarding logging of trees at Kivale Forest in Mbooni, Eiwani Forest in Kaiti and Nzaui Forest in Makueni Constituency. In the Statement, the Chairperson should state the following:-

- (a) Names of persons logging at the said forest.
- (b) The number of trees so far cut by the said persons in each of the forests.
- (c) Whether there is any policy by the national Government on logging and selling of trees to individuals for commercial purposes.
- (d) Whether any environmental impact assessment has been done by the National Environment Authority (NEMA) before the said exercise was approved and carried out.

Mr. Speaker, Sir, it appears that there is a dispute between the county governments and the Kenya Forest Service as to whether or not the management of forests has been devolved to counties. Yesterday, there was a press report about a situation in Nandi. In my case in Makueni, all the Provincial Administration and police have stated clearly that the orders to log trees in this particular forest have come from Nairobi. Therefore, it has now become an issue because these people who are logging these forests are doing so, in my own view, with absolute impunity. In the case of Makueni, this is one of our best water catchment areas and yet it appears as if somebody is in a hurry to deforest the whole of Makueni before this function is devolved to the County Government of Makueni.

Thank you.

The Speaker (Hon. Ethuro): The Chairperson of the Standing Committee on Agriculture, Land and Natural Resources? Vice-Chairman or any other Member of the Committee! I know there are a number of Committee Members in the House; Sen. Melly, Sen. Lesuuda and Sen. Ong'era. They are all Members of the Committee and they are sitting pretty.

Sen. Melly: Mr. Speaker, Sir, since the Chairman is not here and the Vice-Chair is not here, I want to request that we give an answer by Thursday next week.

The Speaker (Hon. Ethuro): Tuesday next week!

Sen. Melly: Mr. Speaker, Sir, Thursday next week because we have a meeting on Tuesday in the morning. We can discuss it and then give an answer on Thursday next week.

The Speaker (Hon. Ethuro): We will hold you responsible on behalf of the Committee.

Next Order!

MOTIONS

ADOPTION OF REPORT OF DEVOLUTION/LEGAL AFFAIRS COMMITTEES ON JOINT COUNTY VISITS TO MOMBASA AND KILIFI

THAT, the Senate adopts the Report of the Sessional Committee on Devolved Government and the Standing Committee on Legal Affairs and Human Rights on their joint county visits to Mombasa and Kilifi counties laid on the Table of the House on Thursday, 10th October, 2013.

(Sen. Sang on 16.10.2013)

*(Resumption of Debate interrupted
on 16.10.2013)*

The Speaker (Hon. Ethuro): Hon. Senators, this is the Report of the Standing Committee on Legal Affairs and Human Rights and I am informed that the debate had been exhausted, so what is remaining really is to vote on the Report. Before I put the question on the Motion, I have to make sure that this is a matter affecting counties. I confirm that this is a matter affecting counties, so we will have to do the Roll Call Division. Secondly, I need to allow Sen. Wako to rise on his feet, but not yet now, because I am still on my feet.

Sen. Wako: Thank you, Mr. Speaker, Sir. I do agree that this is a Motion that touches on counties and looking around this House, we do not have the necessary quorum. Therefore, to vote now would be an exercise in futility. Could I, under Standing Order No.51, request that the matter be deferred, preferably, to next Wednesday because we are now developing a tradition which I think is right, that voting should always take

place on Wednesday afternoon? So, I prefer that we defer it to next Wednesday or any other time that the Speaker may deem fit.

The Speaker (Hon. Ethuro): To enlighten the House, if that is a great tradition for Wednesdays, why not this Wednesday?

Sen. Wako: I do not know what has happened today but there is actually no quorum. Last Wednesday, there was quorum and I remember we took votes on three Motions but somehow, today---

The Speaker (Hon. Ethuro): Okay. I will defer the voting to Wednesday next week. We have the quorum but what Sen. Wako wants is to lobby for more Members so that he is assured of victory.

(Putting of the Question on the Motion deferred)

ADOPTION OF REPORT ON VISIT TO LEVEL
FIVE HOSPITALS IN UASIN GISHU, ELGEYO
MARAKWET AND NANDI COUNTIES

THAT, the Senate adopts the Report of the Standing Committee on Health, Labour and Social Welfare on the visit to levels 4 and 5 hospitals in Uasin Gishu, Elgeyo-Marakwet and Nandi counties, laid on the Table of the Senate on Tuesday, 15th October, 2013.

(Sen. (Dr.) Kuti on 17.10.2013)

*(Resumption of Debate interrupted
on 17.10.2013)*

The Speaker (Hon. Ethuro): Again on that Motion, we had exhausted debate. So it is a matter of the roll call division. Let us proceed.

Again, this is a Motion affecting counties so we will have to take the roll call vote. Before I put the final vote, let me hear from the Chief Whip, who seems to have an interest in the matter.

Sen. Elachi: Mr. Speaker, Sir, I also want to request, pursuant to Standing Order No.53(3), that we defer the voting to next Wednesday, with your permission.

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

The Speaker (Hon. Ethuro): What is it, Sen. Zipporah Kittony?

Sen. Kittony: Mr. Speaker, Sir, now you are pronouncing my name properly.

The Speaker (Hon. Ethuro): I heard you in the morning, Senator.

Sen. Kittony: This concerns our Committee on Health, Labour and Social Welfare. I think we have the numbers and therefore I propose that we proceed.

The Speaker (Hon. Ethuro): Sen. Kittony, voting by delegations is not necessarily the total sum of the Senators present. It is a number of delegations qualified to vote on a matter affecting counties.

Sen. Kittony: Mr. Speaker, Sir---

The Speaker (Hon. Ethuro): I have expertise in that matter which you cannot contest. That is the job of the people in front of me. They have already determined that you do not have that requisite number.

Sen. Kittony: If you are referring to me, I have a vote for my county.

The Speaker (Hon. Ethuro): Which is? Because there have been occasions where you have attempted to migrate.

Sen. Kittony: Today, I am in Trans Nzoia.

The Speaker (Hon. Ethuro): By the way, Sen. Kittony, even that vote you say you have is being contested. I have not seen it and my clerks have advised me that they do not have proof you have it. You know what it means and do not try to get it through an SMS.

So, we will defer the Motion to next week.

(Putting of the Question on the Motion deferred)

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir.

I have heard Sen. Kittony allege that she is going to vote. As a matter of record, it should be clear that a nominated Senator can only vote in the county by delegation where she is a registered voter at the last election. Is she in order?

The Speaker (Hon. Ethuro): Sen. (Dr.) Khalwale, when Sen. Kittony said “for now” she has a vote, she was confirming that other times she does not have the vote. Secondly, the Chair has already ruled on that matter that even for now, she does not have the vote because the due process has not been met. So, let us not revisit a matter that has been concluded. She knows the rules, we know them and that is what we are here to enforce. I also do not want you to create the impression that they cannot vote. They can vote on designation by the head of delegation.

POINT OF ORDER

THE ROLL CALL DIVISION LIST SHOULD CONTAIN NAMES OF ALL MEMBERS OF A DELEGATION

Sen. Orengo: On a point of order, Mr. Speaker, Sir. On this same point about delegations, I was seeking your direction that whenever we are voting and the list is read out, what I have seen in black and white in terms of delegations, is that there are only 47 names in the list. I wonder whether it is not right to have a list of names with the Members of that delegation. Like in Siaya, it should not just be the name of the Senator for Siaya but there should be a list containing the names of that delegation so that the matter is beyond contention. When a particular delegation is called, it can determine whether the head of that delegation has made a determination as to whether or not they are going to vote in a certain way because it is not just a matter left to the head of the delegation. As a matter of record and to recognise the status and the position of the nominated Senators, I think there should be a list of delegations where they appear. I

know the Senator for Busia is not very enthusiastic about this but he knows that he is the only Member of that delegation.

Sen. Ong'era: On a point of order, Mr. Speaker, Sir. I rise to support Sen. Orengo, the leader of the delegation of Siaya. This is a matter that is very sensitive especially to us, nominated Senators. I wanted to propose, because we are not merely flower girls in this House, if this list could be tabled and since it is known to make voting easier in this House, the leaders of these delegations, should be “man enough” and gentle enough like the leader of my delegation from Kisii who has actually made me his vice leader of the delegation from Kisii County so that voting can take off instead of postponing issues because this is serious business. I really plead with my elected colleagues.

The Speaker (Hon. Ethuro): Order, Senators! Sen. Orengo raised the matter of the delegation list and Sen. Ong'era supported it by confirming that her head of delegation has made her the vice leader of the delegation and wondered why the rest are not “man enough” to act accordingly. I have not done sufficient research to know how many men are “man enough” because nobody so far has complained.

(Sen. Orengo consulted loudly)

Order, Sen. Orengo! It is just courteous that if the Chair felt that your contribution was important enough to respond to, especially when the Chair is on his feet, the minimum you can do to demonstrate appreciation is to listen and to fight all threat to your ability to concentrate especially from Sen. Wako.

First, I do not know which list you are referring to but the list before me, titled, The Republic of Kenya, the Senate, 11th Parliament, First Session, Division List and Delegations List, in this list all the delegations are listed. For example; Sen. Billow Adan Kerrow, Manderu County – one Member delegation; the Second delegation is Boy Juma Boy – Head of Delegation and others are Sen. (Dr) Zani Agnes Philomena. This is a two Member delegation from Kwale. As Sen. Wako used to say when he was the Attorney-General, “and so on and so forth”.

Regarding the issue of voting, I want to take you to Article 98(1)(a) which says;

“The Senate consists of 47 Members each elected by the registered voters of the counties, each county constituting a single member constituency.”

I want you to underline the words, “a single member constituency”. This is the most important thing. Section (b), (c), (d) provide for other Members to the Senate. In terms of decisions of the Senate, it is provided for in Article 123 which says;

“On election, all the Members of the Senate who are registered as voters in a particular county shall collectively constitute a single delegation”

So, there is one elected and there is also one delegation, which agrees with your point of listing all Senators who are registered in a particular county as Members of that one delegation. It further says that for purposes of clause 4, which is about matters affecting counties, the Member elected under Article 98(1)(a) shall be the head of the delegation. So, I hope the head as confirmed by Sen. Ong'era is very clear, is the elected Senator. So, the question is: What happens to the rest like in the case of nominated

Senators? The operational phrase here is that each county delegation shall have one vote to be cast on behalf of the county by the head of the county delegation or, in the absence of the head of delegation, by another member of the delegation designated by the head of the delegation.

So, another Member of the delegation must be designated by the head of delegation. So, you may be present here, but if I have no instrument showing that, that power has been designated to you, in spite of all my sympathies, I will be unable and completely helpless in assisting you to vote. This is the Constitution and that is the way it is. The only small matter that I know Members have been grappling with is “b”. So, for either the head or designated person, it says:-

“The person who votes on behalf of a delegation shall determine whether or not to vote in support of or against the matter, after consulting the other members of the delegation.”

So, whoever will vote on behalf of the delegation, whether the head or any other Member of that delegation, must consult other Members of the delegation. Of course, for delegates like Billow Adan Kerrow, Haji Mohamed Yusuf, Hargura Godana, Hassan, Khaniri George, Kimani Wamatangi, Kindiki, Kuti---

An. hon. Senator: Kuti has a delegation!

The Speaker (Hon. Ethuro): Sen. Kuti has a delegation. There is also Turkana, Embu and Meru counties. Sen. Kiraitu will not have to bother with the niceties of consultations. The other counties are Busia, Nandi, Siaya and Nyamira. The respective Senators will sit pretty good and do not have to consult.

The question that follows, to which I do not have the answer now, is; what happens when the Members of the delegation do not agree whether or not to support? That is a matter that, at the appropriate time, I will be seeking your views and give my considered ruling on.

Thank you.

Sen. Orenge: Mr. Speaker, Sir, thank you for that clarification. But arising from what you have said and read from the list, I think that when the Clerk reads out the names in a multiple membership delegations, like Nairobi, once the name of the head of that delegation is read out and is found to be absent, the names of the other Members of the delegation are not read. This is because if they are read, then they can indicate whether or not there have been consultations and they have an instrument that allows them to vote, after being designated by the head of delegation. I think that it is a matter which we do not need to take a lot of time on. But I think that in Housekeeping and keeping precedence very clear, this is an important point to know in these early days; so that it is not enough for the Clerk to read the name of the head of delegation and if he is not there, then it is assumed that there is no presence of that delegation in the Chamber.

The Speaker (Hon. Ethuro): Sen. Orenge, I think that, that is a good suggestion which will be looked into on its own merit, but the practice or what we have been able to do and my reading of that Constitution is that it is very clear that there is a head of delegation. In all things, we always start from the head. Now, in the absence of the head, the head would have designated somebody. The process of designation would have been brought to the attention of the Chair. In most cases, when we call out that particular

county, and because the head would be absent, the one who is designated will always rise, and we have always acknowledged them. I do not think that it is really necessary to call out all the names. But I agree with you that it is a matter that we need to see how it develops. But that is my preliminary understanding now and until otherwise, that is what we will follow.

Sen. (Dr.) Kuti: Thank you, Mr. Speaker, Sir, for that clarification. The issue that I would like to seek further clarification on is if, for example, there are only two Members in that delegation and the head of that delegation designates. Is this designation for just one voting or can there be a designation as a Standing Order, to alternate when the head is not there all the time, instead of writing “every voting time?”

Mr. Speaker, Sir, the other thing is that in case of a multiple membership delegation, is it possible to have a list, which is a Standing Order list, that anyone of those then can vote? That becomes now a standing arrangement and only at that time, the Member could just walk to the Clerk-at-the-Table and say: “I am the one who is present to vote.” So, I think that this issue needs a bit of clarification.

The Speaker (Hon. Ethuro): Those are the gray areas that we need to consider in the future. Those are good suggestions, Sen. Kuti.

Sen. Mohamud: Mr. Speaker, Sir, I just want to confirm whether the record has changed. This is because if I heard you right, you said that Wajir County has only the elected Senator, while I am also from the same county.

The Speaker (Hon. Ethuro): You are right; my apologies. The Wajir delegation is a two-member delegation, the Head being Hassan Abdirahman Ali and I guess that the automatic vice-chair, to borrow from Sen. Ong’era, is Sen. Mohamud Halima Abdille.

Let us conclude, Sen. Leshore!

Sen. Leshore: Mr. Speaker, Sir, thank you very much for your clarification. I think that I am gentleman and fatherly enough to tell the House that whenever I am absent, I designate Sen. Naisula Lesuuda to be my alternate head.

Thank you, Mr. Speaker, Sir.

(Laughter)

The Speaker (Hon. Ethuro): While we appreciate your own intervention, designation must be done formerly in writing to the Speaker. It is not done on the Floor. Next Order!

BILL

Second Reading

THE COUNTY GOVERNMENTS PUBLIC FINANCE MANAGEMENT TRANSITION (AMENDMENT) BILL, 2013

Sen. Billow: Mr. Speaker, Sir, it is the request of the Committee on Finance, Commerce and Economic Affairs that the debate on the Second Reading of this Bill be

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

deferred until next week. The reasons are that the Members had an opportunity yesterday to look at the Bill, but there are pertinent issues for which we have sought further clarifications. This is because the essence of this Bill is to make amendments to the County Governments Public Financial Management Transition Act, 2013. The Act which was set to end on 30th September looked at transitional issues of the counties. To be very specific, it looked at the establishment and functions of the county treasuries, transitional county budget and transitional revenue raising measures. It was all about that period before the county governments prepared their budgets and put in their staff and the team that runs the treasury and so forth. So, there are questions, in view of that, whether or not we require to make these amendments. Since we have deliberations on it tomorrow, if we decide to debate it, we can do it next week. But we request a deferment of this Bill.

(Bill deferred)

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. It is very strange that Sen. Kerrow, who is a very experienced parliamentarian in this county, can make such a request. This is because the reason that he is canvassing will be very well addressed when the Bill comes here for Third Reading. To refuse us to go ahead with the Second Reading, because they want to go and tidy up on amendments, is to assume that this is the final time that the Bill is going to be read. That is going to be considered during the Third Reading and so, the Chair and the Committee should not hold back the House. We should go ahead and debate the Bill during the Second Reading and then, during the Third Reading, they can make whatever amendments that they want. That is the tradition of this House.

Sen. Billow: Mr. Speaker, Sir, the hon. Senator twists words. I did not say, at anytime, that we are taking time to review the proposed amendments. We know about the Third Reading and all that, but what we said is that there are technical issues around this Bill that the Committee is looking at and it is in the interest of the House that we be given more time until Tuesday next week, because those technical issues are pertinent.

POINT OF ORDER

DELAY IN PROCESSING OF BILLS BY COMMITTEES

Sen. Orenge: Mr. Speaker, Sir, I think that the Committee systems are important, particularly in processing work for debate in the House. Of course, they have other responsibilities, but that should not be used to curtail the freedom of individual Members to bring a Bill before the House and persuade us that, indeed, there is merit in that Bill. This is because at this rate, then it would mean that individual Members will have to persuade the Committees before any Bill can come for Second Reading. I think that these are issues that can be dealt with during the debate.

In any case, I think that this request should have come from the Member who was moving the Bill. He can tell the House that probably they are in discussion with the Committee. I am saying this because Sen. (Dr.) Khalwale had a very good Bill, but the

Committee sat on it for so long and then, we found a similar Bill now coming in the National Assembly. It was moving a lot faster than the Bill that we brought before the House. So, while I sympathize with the issues that Sen. Billow is bringing, unless he can put those technical issues before us and persuade us, I think that it would be wrong for a Bill, which is before the House and is the property of the Plenary, to be taken from us without proper reasons being given.

Sen. Musila: Mr. Speaker, Sir. I wish to seek clarification in view of the matter raised by Sen. Orengo. The Bill is signed by one, Sen. Peter Mositet, who designates himself as Vice-Chairperson. Now, do I understand that this Bill did not originate from the Committee? Or did it originate from the hon. Member in his private capacity, or in his capacity as the Vice-Chairperson? Could we get clarification from the Chairperson of the Standing Committee on whether this is the Committee's work or is it an individual's work so that we can know? In the first place, Sen. Mositet is not around to move it.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Order, Senators! This is a simple matter that we need to dispose of. Let me start from the last contributor. Sen. Musila, you said that the Bill is authored by Sen. Mositet, who has signed himself as the Vice-Chairperson. He cannot be a Vice-Chairperson of himself; so, he is the Vice-Chairperson of a Committee and, so, the Bill is a Committee Bill. That is why the Chair has all the powers to move it, to ask for a deferment and all those requests he is making to the House. So, I hope that sorts out that particular issue.

On the issue raised by Sen. Orengo on whether, while appreciating the work of the Committees, he can really proceed without giving us the reasons which, to some extent, is what Sen. (Dr.) Khalwale was asking - although Sen. (Dr.) Khalwale also raised another more fundamental matter, in my view, and which is that you can actually proceed with the Second Reading of the Bill. The Committee can work on the Bill while it is still being debated and we have always - in respect of the Committee, which is our Committee - allowed the Third stage duly at the convenience of the Committee. Now, there are two issues here; one, the Standing Orders allow the Committee to remain with the Bill since the First Reading for 30 good days. The First Reading of this Bill was on 15th of October; today is the 23rd of October, so I am a bit sympathetic to the request, as the Chair, for deferment.

The only reason I allowed it to be brought to the Floor is because the Chair is also fully aware of the sentiments of the Senate. Last week, I think we debated at length why the Bills are being delayed - was it last week or last Tuesday? I would have been disappointed last week - and I think Tuesday also by the Senate Majority Leader - if Sen. (Dr.) Khalwale did not rise to the occasion as he has done today to inquire from the Chairperson why the Bill was being deferred. So, having satisfied that, at least, I have been faithful to the sentiments of the Senate, and you have heard the Chairperson of the Committee; and given that, really, as latitude has not gone beyond the mandate, the reason why this Bill - and I think the Committee is alive to that fact - needs to come in good time is because the other Bill actually expired by 30th September. So, all of us have a duty to ensure that there is no lacuna in law.

So, under the circumstances, I have allowed the Committee to defer this Bill and it will appear on the Order Paper on Tuesday for the Second Reading; and we will not entertain more deferments. The Committee is also aware that because it is their own Motion, they need to make sure that this law comes into force immediately. So, all parties should work very quickly to ensure that this matter is concluded soonest. So, for the debate, it will be on Tuesday next week.

Thank you.

Yes, Sen. Orengo?

Sen. Orengo: Mr. Speaker, Sir, while agreeing with the ruling of the Chair, the matter that is still hanging---

(A Senator consulted with the Speaker)

Mr. Speaker, Sir, if I could have your ear.

The Chair of the Committee has not disclosed to the House whether the Bill is coming from the Committee, because if it was coming from the Committee, then it should not be hard to say that they need more time. But if it is from the individual Member, who happens to be the Vice-Chairperson of the Committee, then there is every reason why the matter should go back to the Committee. But if it is a matter coming from the Committee itself, then I am wondering why they would want the matter to go back to the Committee.

Mr. Speaker, Sir, I know you have ruled on the matter, but I think Sen. Musila was whispering to me that the Chair himself has said that this Bill does not belong to the Committee. So, I want to know whether you have a hand in it.

The Speaker (Hon. Ethuro): Sen. Orengo, I think you are now treading on extremely dangerous grounds. Why would you think the Chairperson of the Committee would give you better information than what the Chair has given you? If you were here throughout the afternoon session, you will recall that Sen. Mositet himself approached the Chair – and you are not privy to those discussions; it is only the Chair that is privy to those discussions. So, I would even have ruled on my own, like last time, since the Bill was coming for First Reading prematurely and I had to invoke the Standing Orders to defer it by another day. I had been approached on the same issue, but I said because I knew the Senate had pronounced itself and I felt it is important for all of us to share that. I think let us not push too hard---

Sen. Orengo: Then you should have stopped me in my tracks---

(Sen. Orengo spoke off record)

I did not know where you were heading to except when you started concentrating on looking at the Chairperson, contrary to our Standing Orders.

(Laughter)

Mr. Speaker, Sir, I apologize.

The Speaker (Hon. Ethuro): So, let us proceed.

Next Order!

Order, hon. Senators! The next Motion is indicated as if it is a continuation; it is not. We expected that we would begin discussing it in the morning; we did not reach it. So, it is being moved afresh.

Proceed, Chairperson of the Standing Committee on Education, Information and Technology!

MOTION

ADOPTION OF REPORT ON VISITS TO LAIKIPIA, NYERI AND KIRINYAGA COUNTIES

Sen. Mohamud: Thank you, Mr. Speaker, Sir. I beg to move the following Motion:-

THAT, the Senate adopts the report of the Standing Committee on Education, Information and Technology on the visits to Nyeri, Laikipia and Kirinyaga counties laid on the Table of the House on Thursday, 17th October, 2013.

Mr. Speaker, Sir, the mandate of the Committee is to consider all matters related to education, training, technology, engineering, information, broadcasting and Information, Communication and Technology (ICT) issues. As that is our role, we did various visits to the counties and the first three counties that we visited were the counties of Nyeri, Laikipia and Kirinyaga. As a Committee, we coined a word for our visit: "County Oversight, Networking and Engagement (CONE). Our objectives were to favorably see the county priorities in the areas of polytechnics, Early Childhood Development (ECD), the issue of handcrafts and all the other issues which have been devolved under the Fourth Schedule of the Constitution.

Our visits were meant to build networks, which is to work together and be the linkage between the Senate and the county governments since we are the protector of the devolved functions. The other role is to assess the progress made in infrastructural development by various counties; to see the preparedness of each county in order to gauge whether they are ready to take on the devolved function of education and ICT.

In the first county that we visited, Kirinyaga, the good part that we saw was that, in fact, Kirinyaga was the best county in the Kenya Certificate of Primary Education (KCPE) for the last three years; and I think that was maintained through the co-operation which is there within the community itself. Also, the County Department of Education in Kirinyaga aims at overseeing the institutional improvement of girl-child care centres as well as continued training of child care centres. The County Department of Education also offers four programmes in that county, including ECD, homecraft, polytechnics and also day care centres. The county also has a plan to establish modern youth polytechnics which are fully fledged polytechnics which even have ICT.

In the appendix – I think everybody has a copy of this report – the report indicates the enrolment rates of each county, the number of both public and private ECDs

available, the population of the schools, the ratio of boys and girls, and the rest. I think the report itself is very clear and it is explaining a lot. Also, the challenges that we met are that most of the educational institutions we visited in the counties lack the required facilities for the physically challenged persons because in our systems, we are not even caring for the disabled persons. For example, we could see an assembly ground which was not even friendly to those who are physically challenged. They normally use wheelchairs and they cannot even assemble there. I think access for the physically challenged should be put into consideration during development of these assemblies.

Also, on the conversion and upgrading of technical training colleges to universities, the communities believe that technical institutions are the best since that is where most of the middle level ability students and those who have not qualified for universities attend training. In fact, most of them are saying that the conversion is really a challenge. There is also drug and substance abuse, especially in the county of Nyeri, where the Ministry of Education was saying that most of the boys were dropping out of school because when they reach Form One, they usually opt for other things like riding of *boda bodas* so that they can get money to buy drugs.

We appreciate the differences that exist between various counties. For instance, where I come from, girls are the ones who have been dropping out of school due to early marriages. In other counties, boys are dropping out of school and leaving girls in school. These girls continue to perform well.

Among the many recommendations of the Committee, one important one is that; the county governments should invest in school feeding programmes. With regard to our area of interest, Early Childhood Education (ECD), you cannot expect a child of less than six years to be in school throughout the day without having a meal during break time. That is a big challenge. We have been recommending that school feeding programmes be incorporated in the school systems.

Each county should have its own branding of polytechnics. The words “village polytechnic” do not sound good. At the end of the day, nobody wants to associate themselves with village issues. The Committee recommends that polytechnics should be branded.

There should also be specialisation. You should not expect the same technical institution that is in Mombasa to be in Wajir. We need to have varieties. An area like Mombasa should have a polytechnic to train on marine related issues like boat making, repairing and development of maritime items. Each county should develop their own things.

The Committee also recommended that County governments should have a clear framework for mainstreaming the need for the physically challenged in the education sector reforms. This is an important element of the integrated education system and a critical pillar for education to succeed.

During our visits, we had forum with governors, education experts in counties, District Education Officers (DEOs) and the county executive members in charge of education. To some extent, the county executive officers in charge of education were deliberating on the challenges that existed there. The three counties enrolment is indicated in the appendix. It is shown there. We have recommended that certain counties

should co-operate with the national Government to enhance the recruitment of ECD teachers.

In fact, there have been rumours that there was a misunderstanding between the national Government and the county governments because the county executives in charge of education have already recruited ECD teachers. However, the Teachers Service Commission (TSC) wants to standardise the recruitment of EDC teachers. Most of the executives argued that the ECD was devolved a long time ago. They said that the ECD schools used to be run by parents. Parents used to pay school fees and that is how children used to be maintained.

With those few remarks, I beg to move and request Sen. (Prof.) Lesan to second me and add other things that I may have left.

Sen. (Prof.) Lesan: Thank you, Mr. Speaker, Sir. I rise to second the adoption of this report by the Education, Information and Technology Committee of the Senate.

I would like to support this report and urge Senators to also support it. This report has factual and hands-on information resulting from various visits we had in various counties.

There are three areas that we concentrated on in our visits. These are the areas of ECD, polytechnics and ICT. In the area of ECD, we visited various institutions and found issues that we thought we could raise and look into so as to harmonise the system throughout the country. The first thing we did in terms of ECD was to check the various titles being used for Early Childhood Education (ECE) programmes. There were some institutions being referred to as nursery schools, pre-primary schools and in some places, *shule za chekechea*. The title for these schools has not been agreed upon. It is one area that should be looked into so that it is rectified.

Secondly, the issue of staffing of ECD centres is very crucial. Most ECD centres we visited were poorly staffed. Most of the staff that was available said they were poorly paid. In fact, we found institutions where teachers in ECDs were offering services free of charge. They were very demotivated as they gave services to the ECD schools.

The other issue we observed is that the physical facilities or the infrastructure was very poor. This was even poorer in public schools as opposed to private institutions that we visited that offered ECD. We then made certain recommendations that are contained in this report, so as to improve and harmonise ECD learning in this country.

We also had several visits to polytechnics. We saw many things in the polytechnics. One of the striking things that we saw, which was also reported by almost every county that we visited, was that in the past few years, the growth of polytechnics has been diminishing. This has been a consequence of the growth of universities that have turned some of the good polytechnics into universities. This has had a tremendous impact in the growth of middle level skilled manpower because the institutions were closed and converted into universities. It was, indeed, a worrisome thing to see that these institutions were converted into institutions offering other skills which could otherwise be offered elsewhere.

The other thing we saw was that there was a complete lack of curriculum in almost all the polytechnics that we visited. The curriculum was not harmonised. It was not organized in a manner that an individual would qualify with a credible diploma.

There was also lack of diversity because most polytechnics offered similar courses. It was thought that some polytechnics should offer different courses by simply diversifying the curriculum that had been provided.

There was definitely lack of qualified teaching staff, except in one institution in Nyeri where we found the head of the institution with a Masters Degree. We thought this was excellent. In fact, this was manifested by the programmes and the projects that were being run in that institution. This, indeed, showed that this was an individual who was qualified to run that institution. This is an observation that we did not make in the other polytechnics that we saw.

The last thing we were looking at when we went out was in the area of the ICT. Information Communication and Technology as you are aware, is the backbone of our development and mode of communication in the times to come. We thought that this is one of the facilities that should be available in the 47 counties of this country. I am happy to note that there has been tremendous development in the laying down of the fibre optic cables which to a very large extent have reached most counties, except for the last mile. The last connection is to various offices and that is what is remaining for us to get the infrastructure of the ICT in all the counties.

We noticed that there were some counties that were making some effort to connect to the last mile. It was unfortunate that there were some counties that were charging contractors to lay down cables. This became a handicap in the laying down of the cables. Of course, we deliberated on that and gave valuable advice to the counties so that they connect themselves with the ICT infrastructure which we thought was one of the things that would be useful in terms of managing the counties and enabling counties to attain capacity. ICT is the only answer. We are very glad to report that there has been tremendous development in terms of ICT in most counties that we visited.

We have made certain recommendations in this report, which as I said are hands on. They are factual because we went to the ground, solicited and found information. Therefore, this is useful information.

I, therefore, support very strongly that the report by the Education, Information and Technology Committee be adopted by the Senate.

(Question proposed)

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

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

Sen. Musila: Thank you, Mr. Deputy Speaker, Sir. I stand to support this Motion. In doing so, I will start by congratulating the Committee on Education, Information and Technology for making these tours to the counties. Indeed, this is what we have been encouraging. Instead of committees going out of the country and benchmarking out there, we want them to go round our country and see the real problems that exist in our educational sector.

Let me go on record in appreciating the system our committees are using, in visiting counties and seeing for themselves the problems that we have.

I want to associate myself with the sentiments expressed by the Committee as far as the development of ECD is concerned. This is what is lacking particularly in a number of counties where as of now; this education has been left to parents. They deal with it to the extent they can manage. That is why we have disparities in the education systems in Kenya. That is why after the Kenya Certificate of Secondary Education (KCSE) examinations results are announced, some schools perform very well whilst others perform very poorly. This is the foundation of education. If you look round, those districts, as they were, where parents developed ECDs and paid teachers well always perform well. The foundation has been laid firmly and the schools have performed very well. We are now in the devolved system of government and counties have funds to pay teachers well. We should see an improvement in these institutions.

The issue of the physically challenged children was mentioned. This is one area which we have neglected. Many of these children are at home, not because they do not want to go to school, but because there are no facilities that can assist them to learn without difficulties.

I support the recommendation that every school must ensure that it facilitates children with disabilities to access education.

Mr. Deputy Speaker, Sir, the way we knew it, village polytechnics are the reason we managed to get the artisans that we have today. That is why we had been promoting polytechnics like the Nairobi Polytechnic which had been the backbone of supplying this country with persons with technical skills. There was also the Mombasa Polytechnic, the Kisumu Polytechnic and the Eldoret Polytechnic. The mistake we are making or we have made already is to convert these into universities. Therefore, we need to go back to the drawing board and restart these polytechnics, so that we will have artisans and people who can look at our buildings and so on. So, the curricular ought to be changed in order to make sure that these polytechnics are there because any country that does not have technical people; the middle level personnel to carry out the development of the nation forward, cannot succeed.

During the last few weeks, I have been raising the issue of KCSE certificates. Unfortunately, the Committee appears not to have managed to look into this issue critically yet it is one of the very critical issues facing our education today. Yesterday, Form Four students started doing their examinations after 12 years of education. What is happening is that those students from poor families, after doing 12 years of education pass and believe me, they pass very well and then their certificates are held by heads of schools. These students cannot access education. Therefore, we, as a nation, pretend to be looking after the poor of this nation. I think we are being very unfair to these students.

Mr. Deputy Speaker, Sir, I want to thank the previous Government because in 2006, as you are aware, we passed a Motion. The Government agreed to release all the certificates that were held by institutions up to 2006. This was done. It relieved parents and students. Those who had been unable to get employment managed to get employment because they had documents to prove that they had gone to school. But from 2007 to date, heads of schools are keeping certificates of poor students. There is no one who

would go to school for 12 years, do an examination and refuse to take the certificate to enable them go and look for a job if they were able. But because of poverty, they are not able.

Last year, as you are aware, the National Assembly of which I was a Member, passed the Kenya National Examinations Council (Amendment) Bill which outlawed the withholding of certificates by anybody or by any institution. Today, as I speak, we are still arguing with the Cabinet Secretary for Education who is saying that he cannot release those certificates and yet there is a law to that effect. If President Kibaki ordered the release of certificates in 2006, by a mere Motion of the National Assembly, why can this Government not release those certificates because there is a law? I think the Standing Committee on Education, Information and Technology should investigate this issue and ensure that those certificates are released forthwith in order to be able to get those students off to work.

Mr. Deputy Speaker, Sir, on the same note, although this is not covered in this report, you will notice that the number of teachers in secondary schools varies from district to district. We have schools in this Republic going up to Form Four, but with only one teacher employed by the TSC. At the end of the examinations, you will hear the Cabinet Secretary for Education clustering all these schools together and announcing the top schools. How do you expect a school with one teacher to compete with schools which are fully staffed? Is this fair? This is happening to schools particularly in the remote areas; that is, areas considered hardship areas. This is where you have this practice. Again, as we all know, it is Government policy to uplift the standards of those areas to come closer to the other parts of the Republic.

I am asking the Committee to go further and look at the staffing levels of primary and secondary schools because there are some areas which are overstaffed. They have more teachers than they need while we have others with very few teachers. There was a Government policy to try to equalize or to try to staff all the schools equally with teachers, so that the standard of education can be fairly close in all the districts. I am appealing to the Committee, yes, they have addressed the issue of ICT, early childhood education and polytechnics. However, I would like to recommend that they go further and address the issue of staffing levels in all schools for both primary and secondary in the whole Republic. They should also go further and inquire into details as to why the Ministry of Education is illegally withholding certificates of students who have already finished their examinations.

Mr. Deputy Speaker, Sir, I want to commend the Committee because they have started something that has been lacking by going around the counties. If they go this way, I am sure we will get very far and even make the House familiar with the issues surrounding education in this Republic.

I commend the Committee and support their Report.

Sen. Ongoro: Thank you, Mr. Deputy Speaker, Sir. I rise to support the adoption of this Committee Report. Even though I have not had adequate time, I have perused through it. I have seen that they did a good job by visiting the counties. Their research was quite intensive and extensive. They have come up with very good recommendations.

Mr. Deputy Speaker, Sir, early childhood education is really the foundation to education. But unfortunately, many times we do not give this stage of learning the importance that it deserves. Like in a building foundation, you can only construct a building to the extent of the strength of the foundation. The kind of foundation that we give to our children determines how far they go. I fully support that we should develop a universal curriculum for early childhood education. If you take the case of Nairobi alone, if you go to Mathare, Korogocho, Kibera and consider what the children are being taught in Baby Class and Nursery School; if you compare that content with what a child in Lavington, Muthaiga and the other upmarket areas are learning, you will be so surprised. We cannot expect these two children coming from these kinds of backgrounds who are going to transit to primary school and sit the same examination, but having had completely different foundations in education to perform at par. I support that we should develop the Kenya Institute of Curriculum Development which should come up with a universal curriculum for early childhood education so that all our children can be exposed to the same content at the same time.

I also support the Committee's recommendation that we should sustain the School Feeding programmes. I had occasion to represent a constituency that had informal settlements. At that stage, I can tell you that for some children, the only reason they wake up in the morning and go to school, is because they will have a plate of *githeri* at lunch time. For them, they create this mental picture of school in relation to filling their stomachs. We had an experience when donors withdrew their support for this School Feeding Programme, the school attendance dropped sharply by 50 per cent. So, in some places, it is so crucial. Just as crucial as whatever else they are going to learn. It should be the responsibility of the county governments to ensure when and if there is need, this is sustained at all times. It should not just be sustained, for the sake of it. As much as possible, they should ensure that what these children are being fed on is a balanced diet which has been prepared in a hygienic manner.

Mr. Deputy Speaker, Sir, I also support the need for infrastructure development in schools. It really goes without saying that this is one of the key components of education. You cannot compare the performance of a child who learns under a tree in cold weather when it is raining or in the hot sun, with somebody who learns in the comfort of a classroom. So, infrastructure development should be prioritized even as the national Government works closely with the county governments to give other support items like what the Jubilee Coalition Government offered in the past. I am on record as having stated that it was not a very good idea only to the extent that it was coming at a time when infrastructure had not been developed to a uniform level that would sustain the use of ICT and computers. By and large, it is important. The global village is becoming a computerized nation. Any child who is not introduced to this technology at an early age will be left behind in many aspects. I support that, but with infrastructure development.

It is really pathetic when you go to certain schools and you are talking to the principal or the administrator who cannot even express himself properly, let alone you interrogating them on issues concerning that institution or even the content of the curriculum or other aspects of education. It is critical. It must become mandatory that early childhood education is like feeding yourself. If you are careful, you cannot just

allow anybody to feed you anything at any time. So, we cannot sit pretty and think that we are having a good education system if we allow just about anybody who has a piece of land or who has a building to collect our children and then purport to be educating them even when the content is questionable. That brings us to the crucial issue of the education levels, training and qualifications of the people who are in charge of such institutions.

Mr. Deputy Speaker, Sir, when I was growing up, there was something called in-service training where teachers who wanted to further their education or upgrade their skills were given free training by the Government. I am not really sure that this has been sustained. If not so, then it should be reintroduced so that during holidays, teachers who would want to upgrade their skills would be given that opportunity.

Having said that, I take issue with the fact that the Committee has not made recommendations to ensure the list of teachers in any institution should be balanced ethnically. In my opinion, it does not make sense if we are training children who are three or four years up to seven years. In the past, we have seen all of them coming from one ethnic group, speaking the same language, being trained in the same language. We expect that, at some stage in life, these citizens will appreciate people coming from other regions of this country. It would be in order if it was a policy that at that early stage, a child coming from the same ethnic background and if they go to school and meet another Kenyan coming from a different region, ethnic group or a different cultural background, he will start appreciating people from other regions. That is not the case really. While that has been sustained in secondary schools, it is not the case with nursery schools and institutions of early learning. It is my opinion that if we adopted that as a policy and as a recommendation, it would do us good as a nation.

Mr. Deputy Speaker, Sir, there is something else that has emerged in the recent past where you find many of our polytechnics and middle level colleges, being transformed into either constituent colleges of universities or being transformed into something else. In effect, we are actually wiping out middle level colleges. This is a trend that is not doing this country and its economy any good. We should sustain these middle level colleges and consider that different counties have different needs. Therefore, these colleges should have tailor-made curriculum that gives maximum input and output to the host county. If it is an agricultural county, it should have more of its course tailor-made towards that. If it is a county that is industrial or a cosmopolitan county like Nairobi, we should have middle level colleges that are commensurate with the population and what is more specific to that area, thus enabling them to get more skills oscillating towards that.

I have now taken note that Committees are bringing reports. This is a good trend. However, I do not know how it will be helpful. We have 47 counties. This report has been given after a visit to three counties. In my opinion, it is not representative enough. Unless we interrogate reports after a visit to every three counties, I am just wondering how long that will take. If you look at the counties that were visited, most of their problems are universal. You can relate very well from one county to the other. I would be of the opinion that it would be more justifiable if we visited a county from the east, west, north and one from a cosmopolitan place like Nairobi. When we have visited like 15 or 20 counties out of 47, then you can say it is representative enough. Even in terms of data

collection, you should have visited some of the most populated counties, sparsely populated counties, counties which host migrant communities, counties which have special needs like Nairobi, Mombasa, Kisumu, Nakuru and so on.

After visiting 20 counties out of 47 or at least 15, then you can compile a report that can be representative of the Kenyan situation. But if you visit three counties from one region, then you compile a report; the report is very good, but then you will have to be visiting clusters of counties from time to time. After 20 such reports, then we can come up with one master report on education. This is from Kirinyaga, Nyeri and Laikipia counties. In my opinion, they represent a specific region where certain problems are prevalent. So, you do not know what a county like Garissa is going through. We do not know about counties which host very many people like Mombasa and Nairobi counties. Otherwise, it is a good trend, but I feel that before a report is submitted to the House, a Committee ought to have visited at least 20 counties.

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

Sen. Lesuuda: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this very important Motion and also to congratulate the Committee on Education, Information and Technology on their field visits to Kirinyaga, Nyeri and Laikipia counties.

I would just like to pick up from where Sen. Ongoro left. Her contribution has been very insightful and also on the part of where she says that it would be important that we get a report on more than ten counties. I also note that this is phase two report meaning that they had tabled another report. I gather from Sen. Halima that they are going for another visit. There is some importance in what Sen. Ongoro has said where if it is a larger sample it would be easier for us to pick on a number of issues from different counties around the country. It is also important to sometimes get some contrasts of these counties in the report other than just telling us what is just in Kirinyaga or Laikipia, so that we can compare with other counties.

It is important to note that education is quite important. It is a foundation to the well-being of our counties and our nation. I know that we have made several strides as a country, especially since 2003 after the introduction of free primary education. For many of us we thought it could not be implemented or cannot happen, but it did. This is an indication of the reflection of the resilience of the people of Kenya and the leadership that was ready to deliver. We are the first in the region to do so. I think we are the pace setters. I am actually happy when I see us making such steps in education in this country.

There are some issues that are commendable in this report like starting to issue sanitary towels as part of free primary education. I know that this is something that the Ministry of Education has been doing. It is something that is being emulated by other African countries. Of course, we could do better than this. This is the third year that the Ministry has been giving free sanitary pads to primary schools. However, it is important to review and evaluate the progress. When we go around the counties, we hear that some schools have not been receiving these items. In some schools, you find teachers selling them. So, it is important for the Ministry of Education to actually review and evaluate this noble activity to make sure that it is reaching schools and students.

They should also think about what happens during the school holidays because they only give out nine packets of sanitary towels. However, these last three months are very critical. They will be sitting for their national examinations and yet they do not have the sanitary towels. We need to evaluate and review some of the policies in place.

It is important to note that we, as a country, have very good policies. For example, we have a policy which says that every child who has attained the age of enrolling in a school, must be in school. We must ask ourselves whether some of these good policies are implemented in our counties. Who is supposed to implement ECD programmes which fall directly under counties? Where I come from and in other pastoralist communities, many children who have attained the age of enrolling in schools do not go to school. This early childhood education is key because it sets the basis for the children as they go to primary school. Many children who get very good training at an early age do very well in primary and secondary schools. I urge county governments to implement the policy of compulsory education so that many children enroll in schools. They should work with education officers, children officers and others in the county to see to it that this policy is fully implemented. We should make sure that the good policies we pass here are implemented at the county level.

I also plead with all the stakeholders in the education sector to sit together and implement this policy. I know that some counties are already employing ECD teachers. This should be replicated in all other counties. It is important that the issue is looked into so that we avoid conflict among stakeholders. We all know that education is the right of every child in this country. We must strive to make sure that all children in our counties access education.

We need to introduce mobile schools among the pastoralist communities. We know that pastoralists move from one area to another in search of pastures and water. When the family moves in search of pasture and water, many children drop out of school. So, it is important that we have mobile schools among the pastoralist communities so that their children continue with their studies as their parents look after their animals. This is something that can be replicated in the health sector and other important services to ensure that these communities are not left behind in getting these important services.

Mr. Deputy Speaker, Sir, it is also important to note that the other Senators who have spoken before me mentioned about the very needy students in our counties. I commend our Government because we have also put in place various measures to ensure that these children are actually in school. We know that we have bursaries through the Constituencies Development Fund (CDF) and also now through the county governments, but it is important also for our leadership, who actually disburse and manage these funds, to know that time is of the essence. We are getting so many children now who have to sit for their exams. They are telling us: "I do not have school fees and my cheque was written and it is at the CDF office."

We create a lot of unnecessary anxiety among those children who should be settling down right now to sit for their examinations. So, it is important for the leaders who take care of such funds to ensure that they provide for the needy students, so that they can spend enough time in school and concentrate on their studies.

Mr. Deputy Speaker, Sir, there are also other important Acts that we have in this country which also emphasize issues to do with education. There are some practices which are very retrogressive, especially amongst the pastoralist communities. For example, we have the Female Genital Mutilation (FGM). Many young girls will undergo FGM in December. By January, there will be no girl-children in schools because they will have been married off. I have also noted in schools that there are so many girls in Class One. But by the time they get to Class Four, the number will have dropped significantly. By the time they get to Class Eight, we will have only two girls sitting for exams. This is very unfortunate, especially given that we have a law in place. Our only problem with that law is implementation.

Sometimes we generate laws to improve the wellbeing of some communities which for a very long time were not given the necessary attention by successive governments. However, these laws have never been implemented to benefit those communities. There are various things that needed to happen before some of those laws are implemented. For example, a board has to be established to operationalise those laws. But nothing has happened since some of these laws were passed. Of course, we have heard that financing is one of the key issues, but I think that if we were committed to passing some of these laws and policies, then we should be able to put in place mechanisms to implement and operationalise them.

Mr. Deputy Speaker, Sir, when we talk about developing our counties such as Kirinyaga, Nyeri and Laikipia, peace is fundamental. We cannot talk of taking our children to school when there is no peace in our counties. That is something that cuts across all the reports that we are getting here from counties. It is important to ensure that we maintain peace in our counties as well as in the whole country. Without peace, our development plans will remain a pipe dream. It really breaks my heart that right now children of Baragoi are sitting for national examinations just like other children who have enjoyed peace and security in other parts of the country. They are wondering why they cannot do their examinations in a peaceful environment. Some of them have already left school and are so demoralized. Last year, Samburu County was number one in the Kenya Certificate of Secondary Education (KCSE) examinations. I wonder how they were able to achieve this, especially given the unsecure environment. This is something that we really need to think about both at the county and national level.

Mr. Deputy Speaker, Sir, looking at the appendix of this Report, there are a number of interesting intrigues which should really be interrogated. When you talk about type of institution, number of institutions, enrolment and also the grand total, you can tell the disparity. For example, when you look at Kirinyaga County, the university colleges there are 35. When you go to Laikipia County, there are no public colleges. This speaks volumes about our counties. If we had a public college in Laikipia, it would not only serve the members of Laikipia County, but also students from surrounding counties. They would study there and interact with the people of Laikipia.

Of late, we have noted that wherever there is a university college, the infrastructure is improved. Some of these institutions have a ripple effect on the development of that area. I urge the county governments to establish institutions of higher

learning in their respective counties. They should also improve the polytechnics that are in their counties, so that they can even attract people from other counties.

Mr. Deputy Speaker, Sir, finally, there is the issue of teaching institutions, especially the ECD, where we teach and train our children at a very early age about nationhood and patriotism. It is something that we should take as challenge to all of us. This is the only way we can secure aspirations of our children from a very young age. I believe they can understand issues of patriotism and love of their counties and country at a very early age. Even as they grow up and aim to become very great leaders of our country, the foundation and basis that we form, at that lowest level, when these children are very young, is important.

Mr. Deputy Speaker, Sir, I really hope and pray that these recommendations will be taken quite seriously by the relevant Ministries. The Committees also still have a chance to interrogate these reports, probably, by summoning the relevant officials, especially for the things that we are doing for the first time because of the Constitution. For example, there is the issue of ECD. I hope these recommendations will be implemented.

Mr. Deputy Speaker, Sir, I beg to support and congratulate the Committee.

Sen. Ong'era: Mr. Deputy Speaker, Sir, I rise to support this Report of the Committee on Education, Information and Technology.

Mr. Deputy Speaker, Sir, first, I would like to commend the Committee for being the first one in this Senate to make county visits. Indeed, the activities of this Committee have challenged many of us, hon. Senators, because they have really traversed the country. We keep on seeing the good work that they are doing.

Mr. Deputy Speaker, Sir, there are two issues that I would like to discuss. First, unless we have a policy framework on how we are going to manage ECD and education programmes in all the 47 counties, we will not have given our children a sound foundation. Therefore, I expected in the Committee's Report that they would have given us a way forward on what they would be proposing on what would be a sound policy. I would urge the Committee to further go and look at this report, so that they can come up with clear policies. In this policy, I would expect to see issues, especially on how our teachers can be trained well. In this country, you will only find that the teachers who are well trained are in private schools in Nairobi, like Riara Primary School. But you will find that a school in Baragoi and Samburu, which my sister, Sen. Lesuuda is very passionate about, is not even considered in the training of these teachers. You will find that in counties like Kisii, in a school in Bobasi called Rigoma, for example, we do not even have teachers who are trained to bring up our children in nurseries.

It is essential that we have nurseries throughout our counties. I would expect that in this policy, perhaps, we would have children being trained in three levels of the ECD training, that is, intermediate, reception classes and then nursery. But you will find that in the rural areas many of our children just go to nursery. We forget that there are actually three levels of ECD training before a child goes to Standard One. Therefore, such a policy would be very important and uniform throughout the 47 counties. Hence, the question of marginalization in counties like Samburu, West Pokot, Kisii and Nyamira would be things of the past.

(Loud consultations)

Mr. Deputy Speaker, Sir, I need protection from the Members of the House.

The Deputy Speaker (Sen. Kembi-Gitura): What are they doing?

Sen. Ong'era: Mr. Deputy Speaker, Sir, the hon. Senators are making me actually laugh.

The Deputy Speaker (Sen. Kembi-Gitura): Order! You must not make the Senator laugh when she is making a serious contribution.

Is that the Senate Majority Leader?

Sen. Ong'era: I think so, Mr. Deputy Speaker, Sir. He is always fond of attacking me.

The Deputy Speaker (Sen. Kembi-Gitura): The Senate Majority Leader, you are asked to keep order.

Sen. Ong'era: Thank you, Mr. Deputy Speaker, Sir.

The second issue has been a point that every leader in this country has been very passionate about. It is the current trend or they think it is in vogue to translate, transfer or change every middle level polytechnic into a university. This kind of habit that has cropped up, so that we have so many universities mushrooming everywhere in the counties, is something that must be stopped. It is good to have universities, but again, it is more important to have many middle level colleges. If you look at the number of universities that have been established from polytechnics, you will find that they are many. They have gone with the facilities that were in those polytechnics. Therefore, we do not have middle level colleges that we can use to train our teachers who are leaving secondary schools. This is one of the key issues which, perhaps, could be in this policy, so that we can help the counties to develop a sound framework for ECD education.

Mr. Deputy Speaker, Sir, I am clearly very sad, for example, with regard to Kisii County, where the present Kisii University College was developed from the Kisii Teachers College. Although we are very happy to have a university in Kisii, we have lost a college which was training middle level teachers. Therefore, we do not have any college in Kisii County which can actually train teachers to set up a foundation for ECD learners. I would wish that we could pass, by way of a resolution in this House, to have in every county a college for ECD education. Such a college would go a long way in providing more facilities for training our teachers. Also we, as a Senate, would have set up a resolution that goes a long way in supporting the counties. We must ensure that we have many teachers who are professionally trained to educate our children.

Finally, Mr. Deputy Speaker, Sir, I am very saddened to see that there is a lot of child labour in Nyeri County. Many of our children have gone to the flower farms and are not actually going to school. I would have expected to see that the Committee would have made another recommendation that outlaws the use of child labour. We know that it is illegal. I hope that the governors in their administrations in all the counties will ensure that there is no child who is being restrained from attending school. They should not be left to take care of cattle, goats or any other animals. We should not use them on our farms.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

The Deputy Speaker (Sen. Kembi-Gitura): The Senate Leader of the Majority.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you, Mr. Deputy Speaker, Sir. I almost asked for protection because my sister, Sen. Ong'era, was trying to commit the same crime which she accused me of committing.

Mr. Deputy Speaker, Sir, I rise to commend the Senate Committee on Education, Information, Communication and Technology (ICT) under the chairmanship of Sen. Mutahi Kagwe and the Vice Chairperson who is here. We are very happy with the work they have done. I have heard it from everybody, even outside this Chamber, that they think that one of the things that the Senate can do differently is to be available out there. Traditionally, Parliament has been seen to be a Nairobi House, doing things in Nairobi. When ordinary Kenyans see Senators spending a week out there at the grassroots, interacting with the public and communicating what they are doing from there, they feel very proud. They think that this is a new way of doing things.

I really want to commend this Committee and urge the rest of the Committees to demonstrate that the Senate is the House of devolution; it is the people's House. If we have incidents of insecurity, for example, it would be interesting to see the Senate's Committee on National Security and Foreign Relations in Maralal, Garissa, Mandera, if insecurity incidents happen there. That way, we will connect more with the people we represent in this House. Therefore, this is an example to be emulated by the other Committees.

Mr. Deputy Speaker, Sir, this report is well written and simple enough to understand. It reminds me of a discussion we had earlier on in the Rules and Business Committee. We were asking ourselves: What are the standards of Committee reports? Are there guidelines on what a Committee report should look like? In terms of size, we have had all manner of reports. Some come up with 200 paged reports, others 50 and so on. In our view, going forward, the secretariat, which is the office of the Clerk, should provide practice notes to our Committees where we have a standard way of reporting by Committees. In my view, a report should be short and direct. The recommendations should be extremely practical and highly identifiable.

Mr. Deputy Speaker, Sir, Early Childhood Development (ECD) is an important component of our education system. For a long time, this is an area which has been neglected. Perhaps the challenges we are facing as a nation today in the education sector stem from the fact that we have not made effort or taken adequate interest in developing children during their formative years. I am aware that in other countries, they invest a lot of time and resources in the first ten years of a child's life because after that, it is extremely difficult to inculcate new values. But whatever you can instill in a child in the first ten years of their life is permanent. That is why I am told that, for example, the oriental countries of Japan, Malaysia and even China are very strong societies. The ethical foundation of the population is extremely strong and, so, they are able to deal with things like the fight against corruption easily because of those values. The issues to do with corruption are fought from very early stages.

I am saying this because I have seen one of the recommendations of this Committee, which I fully support; this is on the issue of having a standardized curriculum

for early childhood education. But what are we going to teach these children? Is it what I have seen in urban centres and other places, where some of the Senators are parents? I have seen children as young as four or five years learning very sophisticated things. I do not think that is the way to go. For some of the countries that have made a lot of progress in terms of an education system that has a value system ingrained in it, they make sure that the first five years of primary school, including pre-primary, are actually used to inculcate a value system that is consistent with national values and nationhood as opposed to teaching small children complex mathematical problems and how to tackle scientific issues when they are six years old. I thought this curriculum, therefore, would be simple enough so that the children can have all the time in the world to play, but also learn very basic things that are missing in our society today. That is why you see people are even saying, for example, that things like ethnicity and violence that we see in this country are because we have been unable to change people's attitudes and appreciation of human life and diversity. The stage to do these things, in my view, is during early childhood as opposed to later on in life.

Mr. Deputy Speaker, Sir, the issue of disparity has also been raised by the previous speakers that I have been fortunate to listen to. The fact is that we do not have criteria which assure that each county has adequate facilities for children to access early childhood education. I am aware, for example, that in Tharaka Nithi County, which I represent in this House, in certain areas we have fairly enough centres; but not in other areas. I will give an example of the lower part of Tharaka North District or sub-county, the lower part of Chuka and Igamba Ng'ombe Constituency where you hardly find enough centres. Therefore, going forward, the issue of disparities is something that should be built into any policy of our counties ECD system.

The other thing I want to comment on, Mr. Deputy Speaker, Sir, is in connection with how much time should be spent in early childhood education, because I also think we take our children to school very early for no reason. Right now, children are spending three years in school – I know Sen. Ongera has spoken to that just now – I think those three years are wasted. We take our children to school very early, they spend a whole three years in school when I think, maybe, one-and-a-half years of singing, playing and learning the national anthem and the colours of our flag are enough for preparing for future education. Something must be wrong.

At the moment, if you get a university student or even a university graduate and ask them to tell you the second line of the second stanza of the National Anthem of Kenya, they will not tell you! In fact, most of us here in this Senate only know the first stanza of our National Anthem. That is a problem. The education system is the surest way of inculcating a value system that can help us build a stronger society. During the Moi regime, there were efforts towards building patriotism in the country. However, this went overboard and included pledging loyalty to individuals as opposed to pledging loyalty to the country and our nation. The issue of how much time you spend in ECD is important because this provides a very good framework for our children.

The last point I want to make is in connection with legislative proposals. This report does not provide any legislative intervention. At least, I have not seen any. Probably I am wrong. However, I have not seen any legislative proposals. It should be the

practice of our committees that every time they go out there, to remember our entry point as Senate, as Parliament, which is in law making. Therefore, tell us, for example, owing to the gaps you have identified, among other things, what legal interventions should be introduced so that these reports are carried over by individual Senators or by offices like my office or by the same committees and translated into legislative proposals.

The more laws we make, the more relevant we remain as a Senate. I say this emphasizing that there is a trend towards adoption of numerous reports and Motions which have no force in law. When we are audited, as a Senate, the most relevant contribution we will be judged on is how many laws we will have passed and how they impact on people's lives. Going forward, I hope that this committee will take up this issue and help us develop legislation. I have seen a proposal, at the Lower House, on ECD. I am surprised, given that the ECD is already a devolved function. That legislation should have come from the Upper House as opposed to the Lower House.

With those many remarks, I support and commend this committee for the report.

Sen. Omondi: Thank you, Mr. Deputy Speaker, Sir. I stand to support and make some contributions towards this Motion.

I request the committee, as it goes round the counties, to consider the issue of Education Assessment and Rehabilitation Centres (EARC). That is where children are assessed and referred. This one caters especially for children with disabilities.

The EARCs have been dying. Right now, we have two active EARCs around the country. If they are dying, then how will we promote the assessment of children before they are placed into schools?

It is through EARCs that we can assess and determine the capacity of a child to join nursery school. If the child has a disability, the parents are advised at what age the child is supposed to join school and what type of school.

I would also like to point out that something is in a mess with regard to ECDs because everybody is coming up with schools along corridors, market places and all these are called nursery schools. These schools are not controlled and I do not know whether they appear in the records of the Ministry of Education even at the district level. This is something we should put into consideration. There are many mushrooming schools in the name of nursery schools. At the end of the day, they cannot really differentiate how many stages a child should undergo during the ECD before joining primary school. A child may even join nursery school for one year and then taken to class one.

We have schools where children go through one class in one term. In the following term, they are moved to the next class. I happen to be a board member of one of the District Education Boards (DEB) in my district. We were trying to do a follow up to see how that curriculum is carried out in one of the schools. That became a problem because some people had an interest in the school. We could not visit the school and identify why children were learning in one class per term.

I support the Motion because it is important. I request the committee, when it goes round, to also consider the issue of children with disabilities. Retaining these children in schools is a problem. As much as we are trying to push for inclusion in ordinary schools, the infrastructure in most of these schools is not friendly to children with disabilities. Therefore, we cannot achieve the inclusion we want.

There is something that interferes with the education of our children. These are the support funds. The CDF, Ministry of Education and Non-Governmental Organisations (NGOs) pay towards this education, but the principal send away children because at the end of the day, there is no clear communication between the parents and the principal of the school. There should be a clear channel of communication so that a parent knows that a certain percentage of the fees have been paid by the Ministry of Education or by the CDF and the balance that is supposed to be cleared by the parent is this much. However, you will find parents paying school fees, the Ministry of Education pays for the same child and the CDF also pays.

I would like to say that with regard to special schools in our country, their performance is poor. However, this is not noticed. The District Education Offices (DEO) is not putting this into consideration to find out why these schools are performing poorly. When you do a follow up, you are told that it is obvious; this is a special school. Where is it written that a special school must be the last one in terms of performance during national examinations?

I rest my case and support the Motion.

Sen. Murungi: Mr. Deputy Speaker, Sir, I want to thank you for giving me the opportunity to contribute to this very important Motion. First, allow me to most sincerely and warmly congratulate our Committee on Education and Information Communication led by the very able Chairman, Sen. Kagwe, who has pioneered the work of Committees in this House by touring the country, listening to the voices on the ground and identifying gaps on what the mandate of this Senate should be.

It is the mandate of all the county governments in the Republic to support and promote ECD. I want to take this opportunity to thank the Governor of Meru and his Government for pledging and providing funds during this financial year to construct one ECD class in all the primary schools in Meru County. I also want to thank them for starting a process of recruitment of over 1,000 ECD teachers in all the pre-primary education institutions within the Meru County. I believe going forward, we will be able to enhance and strengthen the foundations of our education, not only in Meru County, but also in other counties in the country.

Mr. Deputy Speaker, Sir, the only request we are making of them is - and I hope they are listening - because there have been pre-primary schools already in existence, instead of building new schools, they can also strengthen the schools that exist. Instead of hiring completely new teachers, we can retrain the teachers who are there and who have been surviving on meager salaries and allowances. This is because these teachers have shown commitment to the children to continue what they have been doing, but with more skills and better working environments.

This Report has really thrown a spotlight on ECD and education in this country. One of the gaps which have been clearly identified is lack of standards, policy and legislation in this critical area of our society. Although most neglected, this is the most important pillar in our education system. We have been talking about standardizing early education. The Senate Majority Leader talked about us taking our children to school too early. Sometimes one would understand that our society is patterned on industrial economy where people have to wake up very early to go to work and come back in the

evening. I believe many parents are stranded. They do not know what to do with children when they are away.

So, the focus is really not on what the children are learning in these schools, but the fact that there is somebody to babysit and look after the children when the fathers and mothers are working. I think, socially, that is the greatest function being served by nursery schools. In disagreeing with the Senate Majority Leader, I think it is better for the children to grow up together than for them to grow up isolated and bored in different homes. If we can bring them together so that they learn how to sing together, to talk faster and to communicate, that is a very good thing for this society.

Mr. Deputy Speaker, Sir, there is a school we really have to commend, called Mathari Kindergarten where my children and the children of Sen. Orengo and other people went to school. When we were a bit younger we went there and confronted the headmistress and asked her why she was wasting time of the children because immediately you dropped them, there was an amount of sand at the school. Before you turned your car, these children who were so clean by the time they were being taken to school, were already rolling out there in the sand. They were so dirty and we never found them studying anything. We just found them there playing in the sand, running around and all that.

So, we went and asked the principal, a very great lady called Mrs. Desanjo, why she was wasting our children's time and she gave us a lecture which I have never forgotten. She told us that the children were learning more by playing there in the sand and running around, getting to know each other than being in class. She told us that life is not just a game of numbers and letters, but is much more complex. That, indeed, it is not the number ones in school or the very fast who really make it in life; those book worms who become number one in school are sometimes losers in life. That life is about learning how to take the ball from the other one and passing it on to others. It is a game of winning and losing. Therefore, children must learn from a very early age how to hustle, how to win, how to lose and handle their emotions of losing the ball or being knocked down by others.

The Senate Majority Leader is also saying that children should also learn how to win and lose elections. This is part of it. You have to internalize emotions from a very early stage because life is not all about happiness, it is also about sadness and proper training should equip children on how to be happy when it is time to be happy and how to manage sorrow and grief when that time comes. So, this is what early education is all about. But she said: "Do not worry, all these children will go to the schools you want, but they only need one term. Once they know how to connect colours, the letters and the numbers, they will pick the rest very quickly. True to form, they did. The children I am talking about now are people with Masters Degrees. So, I really take my hat off to that lady because she understood what she was doing. The focus on building character and a positive culture in our children is missing in many of our institutions.

Mr. Deputy Speaker, Sir, right now, it is true we are supporting the laptop project and all that, but these are just gadgets which are keeping our children very busy. For example, take computer games and mobile games; you will even find three year old or two year old children have taken off with your phone and they are playing games which

you did not know were there in the first place. But life cannot also just be about gadgets and how to handle them. Life is also about values; what do you apply those gadgets for? You could be a brilliant Scientist like Openheimer and apply your brains in developing atomic bombs to come and finish our society. So, we have to balance our education so that some time is spend on building character and values in our children.

Mr. Deputy Speaker, Sir, even as we talk about standardization, I would like to differ a little. The children from Meru have to learn Kimeru in pre-primary. The old days when we could spend our evenings listening to stories from grandmothers are gone. Our children are being taught stories from televisions. They are learning about American issues like Cinderella, Halloween and so on. These are meaningless things in our society. We have to introduce our own language and culture to our children at a very early age. I am usually embarrassed to meet children who cannot greet their grandmothers when they visit them and yet they bear Kimeru names. They are just Meru by name.

So, we should use this opportunity that has been given to the county government to build on some admirable things in our society. I feel very painful when I hear that there are some two Kikuyu boys who were marrying each other in London. These are people who went to school, but because they did not have proper foundation in culture, they discovered that they can marry each other because *wazungus* are doing so. We should not support such moral and cultural decadence under the name of modernization. I think time has come for us to focus more on the curriculum and even as they learn other things, let them learn our own languages and culture.

Mr. Deputy Speaker, Sir, the issue of cost does not arise because the elite are paying through their nose for nothing. Nursery schools are more expensive than universities in this country. The more “white” it looks, the more expensive it becomes. Why should an African pay so much for “whiteness” so that his children can speak English through the nose and start laughing at Kiraitu Murungi because he speaks English in a Kimeru accent? When I meet Italians, we communicate although they speak English in an Italian accent. The French speak with a French accent. Why should I be ashamed of speaking English in a Kimeru accent? I have never claimed to be anything else other than a Meru who has learnt English as a second language. For our children to speak with an accent of the Queen’s English, we are paying more money than what a PhD student is paying in our universities. Do we not have better use of our money?

Mr. Deputy Speaker, Sir, the media and the television stations are the primary teachers of our children. We should look at the content of our media programmes. When I spent some time in the United States of America, there were programmes for teaching children to read, write and sing along in an American system. Our televisions here have no programme for children although we now have *Muga* FM, *Musyi* FM and so on. I think time has come for us to insist on some content of our broadcasting houses, especially on Saturday morning when children are not going to school so that they can listen to other children singing and so on.

I think this Committee has broken new ground. It is for us as Senators to discuss a policy paper here. I would urge the Committee to go and consult a little more with experts and bring to this House a Sessional Paper on early childhood development and education for us to debate. After that, they should introduce legislation which will

quantify the recommendations in this report and some thoughts like those from the Senate Majority Leader. This should be translated into law for other Kenyans to follow and improve the children of this country.

With those few remarks, I beg to support.

(Sen. Chelule moved to the Dispatch Box)

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Chelule! Where are you going? Do you have a point of order or something?

Sen. Chelule: I would like to contribute.

The Deputy Speaker (Sen. Kembi-Gitura): I have not called you out. You cannot just stand and start walking! The rules do not allow it. The Speaker must notice you, then call you.

Sen. Liza Chelule.

Sen. Chelule: Mr. Deputy Speaker, Sir, I am sorry. I thought since I was the only one standing, I could proceed.

I want to support this Motion and add some few points. I want to talk about this report. Every time a Committee makes an arrangement to visit counties, I think it should be representing the 47 counties. I would suggest that any time any Committee plans to do county visits, they should plan in such a way that they start by ear-marking which counties they should visit. For example, they should visit the best and the worst counties so that when they come up with a report, it is universal and represents the issues affecting the 47 counties. So, it is my humble request that anytime we do county visits, we come up with a report that will represent all the 47 counties.

I want to speak about these meetings. In this report, it is showing the Committee met the governor and the executive officers alone. I would suggest that every time there is a county visit, especially if it is about education, they should also make arrangements to meet the District Education Officers (DEOs) because that is where they can get the real report from the grassroots level.

There is the issue of certificates. There are so many children who are suffering at home just because they cannot get their certificates due to non-clearance of school fees. Such an issue should come out in this report. Yesterday, there was a young girl who was denied the opportunity to sit for her examination just because she has not cleared her school fees. We would not like to have such an issue in future. A student should not be denied a right to get his or her certificates due to school fees. It would be good for a student to get his or her certificate because it is a right. So, such things should be coming out very clearly in such a report.

I want to support what Sen. Murungi said about integrating social culture in the curriculum so that our children will grow up knowing what is valued in our community. They should grow up knowing what is good and what is not good in our community. So, social culture is very important in the curriculum. We all know that there is free education and I expected to hear about the positive and negative impacts of the free education programme.

We all know that there are some negative impacts of free education and also there are positive impacts. This will enable the Senate to come up with ways of addressing those issues. I also expected them to capture the issue of early pregnancies and early marriages because it is very rampant. We all know that young girls have left schools and are going round in many towns doing nothing. Some have been married off while others are taking care of children and yet they are under age. We would like to know about such issues in the report so that we come up with modalities of addressing them.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Abdille, are you going to reply?

Sen. Mohamud: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Proceed!

Sen. Mohamud: Mr. Deputy Speaker, Sir, I would like to thank all those Senators who supported the Report.

Mr. Deputy Speaker, Sir, I would like to remind Sen. Omondi that the needs of the physically challenged are considered in recommendation No.12 on page 10. As a Committee, we are planning to visit all the 47 counties. So far we have visited 13 counties and it is our plan that we visit 20 counties before we break for our recess. We were scheduled to visit Uasin Gishu, Elgeyo-Marakwet, Trans Nzoia and West Pokot counties this coming weekend, but we rescheduled the visits to next week because we are supposed to attend a forum with the Transition Authority (TA) this week. By visiting these counties we will find out and appreciate the similarities and differences.

As a Committee, we will put into consideration all the recommendations which have been made by the various Senators. I also want to report that we had a forum with all the 47 executive committee members in charge of education and Information Communication Technology (ICT), representatives from the Ministry of Education, the Ministry of Information, Communication and Technology and the TA. We also had a forum with the members of the county assemblies in charge of education and ICT from all the 47 counties. The reason we are doing this is just to appreciate their perspective. This will help us develop the policies. We are aware that there is a Bill before the National Assembly that is supposed to be discussed in this House. I want to confirm and assure the House that we are doing what we are supposed to do, as a Committee, and that Bill will come to this House. We are also planning to amend the Basic Education Act. There is also the issue of the Kenya Certificate of Secondary Education (KCSE) certificates, which we are handling together with the Ministry concerned. When the Chair was making his statement, he requested for more time and, as a Committee, we will report back to the House as soon as we get the answers.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to move and request, under Standing Order No.53 (3), that the putting of the Question be deferred to a time that may be convenient next week.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you very much, Senator. I think that you have done the correct thing. Although I have not made a ruling, I am satisfied that this is a Motion to do with the counties, under Standing Order No.69. Quite obviously, we do not have a threshold to vote on it, because we have to vote by delegations. So, we shall do the voting tomorrow, Thursday 24th October, 2013, after 2.30

p.m. Even though the Standing Order also requires that we give the time, we cannot be very sure of the time that this will happen, but the voting time will be done anytime tomorrow after 2.30 p.m.

(Putting of the question on the Motion deferred)

ADJOURNMENT

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, there being no other business for this afternoon, this House stands adjourned until tomorrow, Thursday 24th October, 2013, at 2.30 p.m.

The Senate rose at 6.15 p.m.