

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 25th June, 2014

*The Senate met at the County Hall,
Parliament Buildings at 2.30 p.m.*

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

PRAYERS

COMMUNICATION FROM THE CHAIR

BURIAL OF THE LATE GEN. (RTD.) JACKSON
KIMEU MULINGE

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I have a short, off the cuff communication to make. As you are all aware, last week, we paid tribute to the late Gen. Jackson Kimeu Mulinge. He will be buried this Saturday. The details of his burial are well with you. Remember he was a colleague; he was not just a General. He was a Member of Parliament and, therefore, he is a departed colleague. If any of you would like to sign the condolence book, it is outside at the foyer of this Floor.

Thank you.

Next Order! Is there any Member giving a Notice of Motion? Sen. (Dr.) Khalwale is not here. Let us move on.

STATEMENT

NON-ACCREDITATION OF THE TECHNICAL
UNIVERSITY OF MOMBASA BY THE
ENGINEERS BOARD OF KENYA

Sen. Karaba: Mr. Deputy Speaker, Sir, I wish to inform the House that it is not possible to have the Statement today because it has not been signed by the Principal Secretary and the Cabinet Secretary. They are both in Mombasa attending to official functions. They have promised me that the Statement will be signed in the course of the day, so that tomorrow, it can be released.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Sen. Karaba. I notice that Sen. (Eng.) Muruiki is not here. I think tomorrow will be okay although he had expressed urgency in the matter.

Any further statements? If there are no further Statements, let us move on to the next Order.

POINT OF ORDER

KAMUKUNJI TO DISCUSS ADMINISTRATIVE SUPPORT TO HON. SENATORS

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

The Deputy Speaker (Sen. Kembi-Gitura): Is it on the issue of the next Order?

Sen. Kagwe: No, Mr. Deputy Speaker, Sir. I wish to seek your guidance on a number of things. First, it regards the operations of the Senate and Senators, as such. I would propose that we have a *Kamukunji* to discuss a number of things regarding Senators. If you look at the operations of this Senate as we sit today, you will notice that the microphones are not working. For some time, we have been talking about moving the sittings of the Senate from here to the Old Chamber at the Main Parliament Buildings. We do not know what the state of affairs is as far as that particular movement is concerned.

Mr. Deputy Speaker, Sir, I do not know about most of the Senators, but I am also aware that there have been complaints from a number of Senators about the level of support they are getting with regard to their operations at the constituency level. We know that Senators are getting about Kshs200,000 for operations and salaries in the counties and some Kshs35,000 for rental of offices. It is becoming impossible for Senators to be able to operate with the allowances that they are getting. Even getting a decent Personal Assistant (PA) is becoming a problem. Therefore, I wonder whether you can give us guidance on this and if we should have a separate *Kamukunji* to discuss this matter. There is a level at which we can operate so desperately that it becomes impossible to execute our responsibilities. Therefore, I am simply seeking guidance from you on how we should operate, going forward.

Thank you, Mr. Deputy Speaker, Sir.

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

The Deputy Speaker (Sen. Kembi-Gitura): Yes, Sen. Haji, is your point of order on something else?

Sen. Haji: Mr. Deputy Speaker, Sir, I rise to agree with my colleague particularly when it comes to facilitation. We are now in offices where we do not have telephones to operate. We are forced to use cell phones which sometimes are cumbersome because if you do not get the person, you cannot leave a proper message and he or she understands that it is you who is looking for him or her.

Secondly, you will recall that in the first *Kamukunji* meeting we held in the Old Chamber when the question of office allocation was being discussed, I personally made an appeal. I said that I would have preferred to be given an office on the second floor, if it

was available. Instead of second floor, I was given an office on the seventh floor. It looks like some favours are being given to others and others are not being considered. It is very unfair. I gave the reason why I wanted to be on the second floor. I do not want to speak about it here, and you know it. I talked about my condition. If the lift is not working, I am expected to walk to the seventh floor. These are some of the things that we need to sit and address.

Thank you.

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

The Deputy Speaker (Sen. Kembi-Gitura): Is it on the same issue, Sen. (Dr.) Machage?

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, mine is on the same issue. When you call for the *Kamukunji* which I assume you will accept the request, we also plead that the Members or representatives of the Parliamentary Service Commission (PSC), all the three Members, be available to answer a few questions directly.

COMMUNICATION FROM THE CHAIR

KAMUKUNJI TO DISCUSS ADMINISTRATIVE SUPPORT TO HON. SENATORS

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Senators. Sen. Kagwe, this was kind of an ambush. I had no indication that this issue would come up. Normally, we do not discuss issues of a *Kamukunji* or the issues that you have raised in an open House, when we are in the glare of everybody in the republic.

Having said that, let me make this short communication. I know for sure that we had another meeting of the Rules and Business Committee. We still expect to move our sittings to the Old Chamber at the Main Parliament Buildings on Tuesday, 1st July, 2014. I can give that as a certainty that we shall be moving because the chamber is now ready for our use. I believe that tomorrow, all things being equal, is the last day that we shall sit here and then move to the other chamber.

It is interesting that you have raised these issues because they also came up in the Rules and Business Committee. These are issues of office allocation and a *Kamukunji* with the Parliamentary Service Commission (PSC). That is work in progress. It is only that the date has not been given. We expect that, that meeting will be held sooner than later, maybe as soon as next week. That is the issue that has been raised by Sen. (Dr.) Machage.

On the issue that has been raised by Sen. Haji about office allocation, I want to believe that these are issues again, we will be able to discuss at the *Kamukunji* when it is convened sometime next week.

As you are aware, the Speaker is not in station. It is important that as we have that *Kamukunji*, he is there so that I, as the Senator for Murang'a County, am able to raise the issues that I would like to raise. These are issues I may not be able to raise in the capacity that I am in at the moment. These are matters and works in progress. I am grateful that

Sen. Kagwe has raised these matters although by way of an ambush. Yes, they are matters that we have discussed and we will deal with next week.

Hon. Senators, I hope that is satisfactory for now. Shall we move on to the next Order?

BILL

Second Reading

THE COUNTY GOVERNMENTS (AMENDMENT) (No.2) BILL, 2014

(Sen. Wangari on 15.4.2014)

(Resumption of Debate interrupted on 19.6.2014)

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, we are supposed to proceed to a division on this Bill. The matter came up yesterday. Since I cannot see the Senate Majority Leader neither can I see the Whip and the other officers, I do not know how we will proceed on this issue. Does any Member have any instructions on the issue?

Sen. Elachi, we are on Order No.8. I do not see Sen. Martha Wangari in the House nor the Senate Majority Leader. I do know what the position on this Bill is. Are we going to Division?

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I am privy to information that Sen. Wangari is away on official duty in the Middle East. I did second this Bill when it was being moved. I would like to plead with the Chair that the voting is deferred and put together with the other Bills that are coming up. On a particular day, all Members will be informed that it will be a voting day, so that we do not lose important Bills because of lack of quorum. That is my plea.

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

Sen. (Dr.) Machage: On personal conviction, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): What part of the Standing Orders are you referring to, Sen. (Dr.) Machage? You cannot just say that we defer the matter.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I would not say that it is under Standing Order No.54(3) as a personal message. But if it can fit, then it will be alright. I can read it if you want. Do I continue?

The Deputy Speaker (Sen. Kembi-Gitura): Go on. This is very important for the HANSARD

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, Standing Order No.54 (3) says:-

“Despite paragraph (2), the Speaker may, on request of a Senator, defer the putting of the question to the following day in which case the Speaker shall thereupon nominate a time at which the question shall be put.”

The Deputy Speaker (Sen. Kembi-Gitura): But today is the following day of yesterday.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, but today also has tomorrow.

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): So you are suggesting that it can go to *infinitem*.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, that is at the discretion of the Speaker as put in Standing Order No.1.

The Deputy Speaker (Sen. Kembi-Gitura): Standing Order No.1 only applies when there is no specific provision.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, guide the House. I know you have the ability.

The Deputy Speaker (Sen. Kembi-Gitura): Well, it is a difficult situation because Sen. Martha Wangari is not here. I am happy that Sen. (Dr.) Machage, you have said that you have personal knowledge of where Sen. Wangari is. Yesterday, we did not have that knowledge and I used my discretion to defer the division to today. But now that you have stood and you seconded the Bill and you say you have that knowledge, it is good to know that.

Sen. Elachi, would you like to make a contribution to this? Should we defer the division to tomorrow or to a day when Sen. Wangari will be here?

Sen. Elachi: Mr. Deputy Speaker, Sir, I also want to thank Sen. (Dr.) Machage but I also wish to request that you guide us. Let the division be deferred until when the Mover of the Bill is back.

The Deputy Speaker (Sen. Kembi-Gitura): I do not know whether that will be the following day if we follow the rules. But in this instance, I will have to use my discretion. Although the Bill is the property of the House, once it is moved and seconded, it is reasonable and fair, because it is a Bill personal to Sen. Wangari, that we defer the division up to the time that she will be here. So, that we have a definite date, may I propose that we go to division on this Bill on Wednesday, 2nd July, 2014 at 2.30 p.m. Is that okay?

Sen. Elachi: Mr. Deputy Speaker, Sir, since I know she will not be there, I beg that you defer the division until 7th July, 2014. She will be back on 6th July, 2014.

The Deputy Speaker (Sen. Kembi-Gitura): What day is Wednesday?

Sen. Elachi: Mr. Deputy Speaker, Sir, 9th July 2014.

The Deputy Speaker (Sen. Kembi-Gitura): We shall have the division on 9th July, 2014. It is so ordered.

(Voting on the Bill deferred)

Next Order!

MOTION**TRANSFORMATION OF NAIROBI INSPECTORATE
DEPARTMENT INTO A MODERN METROPOLITAN
SECURITY AGENCY**

THAT, aware that pursuant to Article 6(2) of the Constitution, the National and County levels of government are distinct and interdependent and that they conduct their mutual relations on the basis of consultation and cooperation; recognizing that the respective functions and powers of National and County Governments are provided for in Article 186 and the Fourth Schedule of the Constitution, and that under paragraphs 6 and 7 of Part 1 of the Fourth Schedule, national security is a function of the national government; further recognizing that Article 187 of the Constitution provides for the transfer of functions and powers from one level of government to the other; cognizant that Nairobi City is the main gateway to Kenya; concerned, however, that the threat of terrorism continues to be a major challenge to Nairobi City and the country at large which adversely affects Kenya's image internationally and hampers investment; recognizing that Article 247 of the Constitution allows for establishment of police formations to supplement the National Police Service; the Senate urges the National Government to:

a) enter into agreements with the County Government of Nairobi with a view to transforming its City Inspectorate Department into a modern Metropolitan Security Agency capable of detecting and combating criminal activities; and,

b) initiate legislation to provide for a legal framework for the complementary roles of the proposed Nairobi Metropolitan Security Agency to supplement the role of National Security Agencies in Nairobi and its environs.

(Sen. (Prof.) Kindiki on 18.6.2014)

(Resumption of Debate interrupted on 18.6.2014)

The Deputy Speaker (Sen. Kembi-Gitura): This is a Motion by Sen. (Prof.) Kindiki. He is supposed to reply, but I cannot see him.

Sen. Elachi: Mr. Deputy Speaker, Sir, through your request, I wish to reply on behalf of the Mover. He is still at State House, but I believe he is on his way coming back.

The Deputy Speaker (Sen. Kembi-Gitura): Are you duly instructed to reply?

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

The Deputy Speaker (Sen. Kembi-Gitura): You know, for a Motion, there does not have to be a reply. But if you had instructions---

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

Hon. Senators, if you could bear with me for just for a minute. The Order Paper is clearly written that it is for the Mover to reply. Sen. Elachi, you contributed to the Motion, did you not?

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

The Deputy Speaker (Sen. Kembi-Gitura): On what basis then would you reply? You have already contributed once.

Sen. Elachi: Mr. Deputy Speaker, Sir, I wanted to propose somebody to reply on behalf of Sen. (Prof.) Kindiki.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Elachi, first, you have contributed to the Motion. Secondly, if you refer to Standing Order No.86(3), it states clearly that:-

“The Mover of a substantive Motion may surrender all or part of his or her right to reply to another Senator or Senators nominated by him or her who has not already spoken to such Motion.”

Therefore, you cannot possibly reply. But having said that, like I said, a Motion does not have to be replied to. The Mover does not need to reply. If he is not here, the Motion does not die. All it does is that there was no reply to the Motion, then it goes to division. I think that is the legal position but you cannot reply to the Motion because you already contributed.

Sen. Murkomen: On a point of order, Mr. Deputy Speaker, Sir. With your grace and favour, may I request that we defer this Motion and move on to the next business? The reason I am requesting for this is because considering the weighty nature of this Motion; it is a Motion that has profound implication on what is happening currently in the country on matters security. It is good to continue picking the brain of the Mover a little bit. Although the law says the Mover does not have to reply, but it would be nicer if he was here to wrap it up.

The Deputy Speaker (Sen. Kembi-Gitura): What are you asking me to defer? Is it the voting or the whole item as listed on Order No.9?

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

The Deputy Speaker (Sen. Kembi-Gitura): Again, what are you basing this on?

Sen. Murkomen: Mr. Deputy Speaker, Sir, with your leave, allow me to pick the Standing Order. It is Standing Order No.99.

The Deputy Speaker (Sen. Kembi-Gitura): Can you read it?

Sen. Murkomen: Mr. Deputy Speaker, Sir, it states:-

“A Senator who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move “**That the debate be now adjourned**” or, in Committee of the Whole “**That, the Chairperson do report progress**”.

Mr. Deputy Speaker, Sir, with proper interpretation, it falls within that Standing Order. With your permission – you know you are very powerful through Standing Order No.1.

The Deputy Speaker (Sen. Kembi-Gitura): Coaxing will not help you!

Sen. Murkomen: Where there are gaps---

The Deputy Speaker (Sen. Kembi-Gitura): I know that, but the gaps are only there if they are not written. That is the truth.

Sen. Musila: On a point of order, Mr. Deputy Speaker, Sir. It must go on record that the other side of the House is not very serious in the manner in which they are carrying out the business of this House. We have just postponed the voting of an important Bill, Bill No.2 of 2014 because one of them is not in the House. Again, another Motion by the Senate Majority Leader is to be postponed; two important businesses in a row from the Government side.

It is important for the House to take note that the other side of the House, which is supposed to be in Government, is not serious in the manner in which they are conducting the business of the Senate.

Sen. Murkomen: On a point of order, Mr. Deputy Speaker, Sir. Correct me if I am wrong, but I do not think Sen. Musila is in order to generalize on whichever side a Member is sitting. Even if you count the number of Senators who are in the House now, this side has more.

Secondly, and most importantly, is that a Motion is moved by Member notwithstanding which side of the House they are sitting. No other Senator will take responsibility for a mistake made by a Senator who was moving a Motion on his or her capacity. It is not a Government Motion, it is an individual Motion.

Sen. Musila: On a point of order, Mr. Deputy Speaker, Sir. You have heard what Sen. Murkomen, who I respect a lot has said. This Order Paper was prepared. It is upon the Senate Majority Leader and the Whip to ensure that those people that are supposed to do business in this House are there. On our side, whenever anything is put on the Order Paper, we make sure that those who are supposed to carry out that business are present. We cannot understand why the other side of the House is taking this side for granted. We must be serious in the manner in which we conduct the business of this House.

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

The Deputy Speaker (Sen. Kembi-Gitura): Is the point of order on the same thing?

(Sen. Kittony walked towards the microphone)

Order, Sen. Kittony! You cannot stand on a point of order and then start walking towards the microphone. I have not even allowed you. You can now give your point of order. I will give you the special dispensation but you cannot just stand in your place and start walking.

Sen. Kittony: Mr. Deputy Speaker, Sir, I would like to defend ourselves. We are in the House and are very serious with our business. Sen. Musila should not generalize because we are very serious Senators and we take the business of the House very seriously. So, if it is an individual, let him name him or her, not all of us.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Sen. Kittony. The only thing I would like to say is that it is good and courteous that when you have a Motion,

you indicate to the Office of the Speaker. I am saying that I have listened to all of you and I have heard what Sen. Musila said but I dare say that it is only good and courteous that if you have a Motion and you are not there to move it, second it or reply to it, the Speaker's office should be notified. It is also courteous that when you have a Bill to be voted upon, the House is seized of that fact so that we do not rely on a Senator, like Sen. (Dr.) Machage has done. If he was not here, it would have been very difficult. So, I think for the future and for the record, it is imperative that this information is given to the Speaker's office or to the Clerk's office so that we are proceeding from a position of knowledge and strength.

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

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

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, my point of order is on the same line of ruling that you are doing. My understanding is that all travelling of Members of this House is approved by your office. Therefore, is it not true that the Speaker's office was aware that these Members were out of the country?

The Deputy Speaker (Sen. Kembi-Gitura): I do not know. I have no knowledge. Not everybody gives notice that they have gone.

Sen. (Dr.) Machage: Will I, therefore, be in order to request that you order the Clerk's office to always inform you which Members are out and when?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Machage, let us not go to the administration because you have no capacity to deal with matters of administration of the Senate. Let us just agree that you inform me and that is very important.

Now, Sen. Murkomen, you were making application. Go on.

Sen. Murkomen: Mr. Deputy Speaker, Sir, in other countries, you would be called Your Excellency but in the House, you are the hon. Speaker. I was making this request that considering the weighty nature of this Motion, we postpone Order No.9 and move to the next Order so that we can properly prosecute this issue in due course. That is what I was doing then.

The Deputy Speaker (Sen. Kembi-Gitura): Yes, I wanted you to finish what you were doing so that we can move to the next Order.

Sen. Murkomen: Mr. Deputy Speaker, Sir, I still insist that considering that even if the Majority Leader is here, you are on record to say that there are Senate things he did not do right. I think it should just be left like that and we move to the next Order.

The Deputy Speaker (Sen. Kembi-Gitura): I agree with you, Sen. Murkomen. The only thing is that under Standing Order No.99 that you referred to, and this is for the record, you have to move and be seconded so that we can move to the next Order. Having said that, I notice that the Leader of Majority is here and we are still on Order No.9. So, can you call Order No.9 again?

MOTIONS

TRANSFORMATION OF NAIROBI INSPECTORATE
DEPARTMENT INTO MODERN A METROPOLITAN
SECURITY AGENCY

THAT, aware that pursuant to Article 6(2) of the Constitution, the National and County levels of government are distinct and interdependent and that they conduct their mutual relations on the basis of consultation and cooperation; recognizing that the respective functions and powers of National and County Governments are provided for in Article 186 and the Fourth Schedule of the Constitution, and that under paragraphs 6 and 7 of Part 1 of the Fourth Schedule, national security is a function of the national government; further recognizing that Article 187 of the Constitution provides for the transfer of functions and powers from one level of government to the other; cognizant that Nairobi city is the main gateway to Kenya; concerned, however that the threat of terrorism continues to be a major challenge to Nairobi city and the country at large which adversely affects Kenya's image internationally and hampers investment; recognizing that Article 247 of the Constitution allows for establishment of police formations to supplement the National Police Service; the Senate urges the National Government to:

(a) enter into agreements with the County Government of Nairobi with a view to transforming its City Inspectorate Department into a modern Metropolitan Security Agency capable of detecting and combating criminal activities; and,

(b) initiate legislation to provide for a legal framework for the complementary roles of the proposed Nairobi Metropolitan Security Agency to supplement the role of National Security Agencies in Nairobi and its environs.

(Sen. (Prof.) Kindiki on 18.6.2014)

(Resumption of Debate interrupted on 18.6.2014)

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, I first want to apologize for coming into this Chamber late. I had already requested the Majority Whip to convey my apology and this should not be seen as any disrespect or neglect of my work in this House. As I have said many times, I am very conscious of my obligations and I have the deepest respect for the process and business of this House.

Having said that, I beg to reply.

The Deputy Speaker (Sen. Kembi-Gitura): Is that it? Now it is official. We can now go to division.

Sen. (Prof.) Kindiki, we are going to division on your Motion.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Sorry, Mr. Deputy Speaker, Sir. I have consulted further and I have also looked at the numbers we have. So, I am requesting under Standing No.54(3) if you can direct that the vote on this Motion be deferred to the following day. I seek your indulgence.

The Deputy Speaker (Sen. Kembi-Gitura): It is quite obvious you do not have a threshold to conduct the vote. So, again, we are going to vote on this Motion, tomorrow, Thursday, 26th June, 2014, after 2.30 p.m.

(Vote on Motion deferred)

Next Order!

CONSTRUCTION OF BOARDING SCHOOLS
IN ARID AND SEMI ARID AREAS

THAT, aware that 80 per cent of Kenya's land comprises arid and semi-arid areas; further aware that nearly 30 per cent of the 47 counties are inhabited by pastoralists who live in arid and semi-arid areas; concerned that these pastoralists are marginalized and face a myriad of socio-economic and physical constraints that make it difficult for their children to access education; appreciating that Article 56(b) of the Constitution of Kenya obligates the state to take affirmative action measures to ensure marginalized groups are provided with special opportunities in educational and economic fields; the Senate urges the National Government to construct boarding facilities in at least three established schools in every ward in arid and semi-arid areas as a means of facilitating nomadic children to access education.

(Sen. Mohamud on 18.6.2014)

(Resumption of Debate interrupted on 18.6.2014)

The Deputy Speaker (Sen. Kembi-Gitura): This is resumption of a Motion of Sen. Halima Abdille and it has a balance of one hour and 45 minutes.

Sen. Karaba: Mr. Deputy Speaker, Sir, thank you very much for allowing me to contribute to this Motion. According to me, this Motion it is very important and that is what we have been talking about all through, that is, marginalization. It is very important to note that many parts of Kenya, the way the Motion states, arid lands comprise of 80 per cent which could even be more going by the rate at which deforestation is taking place in Kenya. It is also important to note that in such areas, there are people living there. There are nomadic pastoralists who keep on moving from one place to another in such of water and pasture not because of their fault but because of nature. Environmental problems facing such areas are so much such that they cannot do anything else apart from doing what they do, that is, moving from one place to another. That is the state in which they live. So, we cannot therefore complain about what they do. They have to bear with that kind of environmental problems and hazards.

Mr. Deputy Speaker, Sir, I have been to some places like Nigeria where the Fulani pastoralists who undergo the same problems as in Kenya, the Government of

Nigeria has taken over to try to protect these pastoralists by providing mobile schools. They also take care of the movements scientifically such that when they are moving to the north in pursuit of water, the areas that they live behind are taken care of by the Government until such time when they come back. This is something that the Government of Nigeria has done to support the Fulanis who move from the northern part of Nigeria into the interior of Mali and Mauritania. So, this can happen and it has happened elsewhere. I do not see the reason why it cannot happen if we can sit down and plan.

Mr. Deputy Speaker, Sir, we also realized that there is a lot of ignorance in Kenya. We have to really understand that when a problem like that arises, it is not the fault of these people. It is the fault of the environment and they happen to live there. So, the Government and other systems should take care of its citizens in all areas. There is a lot of insecurity, we have witnessed people killing one another especially in the last two weeks. That is what is likely to happen if the Government does not take care of her people. It is my view that the Government should support them. At one time when I was a teacher and also the chairman of the heads association, I was able to support some of the heads from north eastern in a trip they were going to undertake in South Africa. We had to pay for some heads from that region because they could not afford. We had to treat them like other heads in Kenya. For that matter, I realized that people should be conscious of one another's living to a point where they can support one another. They have to make sure that the education system enjoyed in other regions of the country is also enjoyed in that area. These are arid and semi-arid areas which comprises 80 per cent of the country. If we are going to make use of this vast area, then we should make sure that the children born there are given an education system akin to that which is available in the rest of the country. That is what the Motion is talking about.

The Motion is asking us, as the Senate and also the Government, to make sure that the education facilities provided in the rest of the Republic are also provided to the people who live in these areas because it is not their fault. So, the Motion is relevant and quite in order. For us to make sure that these people enjoy the facilities like the rest, it is in order that boarding schools are established and the Government steps in full gear so that they are provided with feeding programmes. When they are free, their parents should also be allowed to go and see them. Even if they move out, the Government should be able to provide facilities to enable them access their parents who might be in distress looking for water and pasture.

Therefore, the Motion is very relevant and this is something we have lived with for the last 50 years. Since we are going to next 50 years to make a century, it is important that the Government through the Senate thinks about how they are going to make these people be seen to be part of the Republic. The only way the Government can do that is by providing what is important and that is education. Since education is the only way they can access the freedom to other institutions, it is better to make sure that the education system is in conformity with the rest of the Republic.

Mr. Deputy Speaker, Sir, I really support that we provide boarding facilities to the needy children who live in this part of the world. It is also important to note that I have taught some of these children in eastern region. I realized that when they are

exposed to good facilities, they even do better than those others. So, it is important that we give them a quota or a system where we can accommodate most of them. I am happy to note that some of the people I have taught are here and they came from these areas. When they came to the school where I was teaching, they found that facilities were better than what was there before. If we can explore this through a quota system and have more of them in boarding facilities, I am sure we can forge ahead for them.

With those few remarks, I beg to support.

Sen. Musila: Mr. Deputy Speaker, Sir, I want to thank the Mover of this Motion, Sen. Halima Abdille. This is not the first Motion of its kind. During my 15 years in the National Assembly, I have gone through a series of Motions of this nature where movers call upon the Government to provide educational facilities to marginalized areas of this country. After we have gone through this Motion, the Government will take this matter seriously. It is now 51 years since Independence and I am sorry to say that we are still talking about the same thing. We have some marginalized areas of our Republic where people do not have facilities. We are talking about arid areas mainly North Eastern Province and northern part of Rift Valley and Eastern Province.

Mr. Deputy Speaker, Sir, yesterday when we were prosecuting the Motion of Adjournment, issues of insecurity were cited and education was also given as one of the reasons which lacks in certain communities. That is why we keep on having certain practices which we should not have at this age and time, particularly cattle rustling. If the communities we were talking about yesterday had been given much education as every other area of this Republic, some of those practices would not be there. I am sure we would not be talking about cattle rustling in northern Kenya or people burning others in their houses for very flimsy excuses and so on.

Mr. Deputy Speaker, Sir, it is time that our country takes the issue of marginalization very seriously not only in education but in other sectors including infrastructure, education and so on. We should bring the inhabitants of this great Republic at par in terms of education and in terms of all facilities. I want to support very strongly that these areas which have been neglected in the past and because of the arid nature of the areas involving the practice of moving from one place to another, it is not possible for children to access education when they are not boarding. Usually they go to school but when they move, they have to interrupt their education. I know that the Government has tried to do something in the past but the boarding schools that they built are not adequate. You will find one or two schools in a county and it is not enough because the population has also increased.

Therefore, it is important that the Government makes sure that we have adequate boarding, secondary and primary schools in arid and semi-arid areas so that children can study effectively. As Sen. Karaba has indicated, those children are just as clever as others and it has been demonstrated when they have been given chances in national schools like Alliance High School. They have done very well just like others. Therefore, it is unfair for us to keep some sections of the population with fewer facilities and expect that they will move along with others. In fact, I dare say that the insecurity that we have in this country is as a result of unequal education opportunities in our county. Therefore, this Motion is very valid and I would like to urge that this time round, the Government should

not keep the resolution we are going to pass in the shelves. They should be implemented. I urge the Committee on Implementation to make sure that this Motion is implemented because I think it is key to a lot of things which lack in this country.

Mr. Deputy Speaker, Sir, the other day, this House – I want to seek the indulgence of the House to be repetitive – passed a Motion on issuance of certificates to secondary school graduates. I do not know how far we have gone on this issue, but three days ago, there was a documentary of a young man who had achieved grade “A” several years ago but could not go to university because he lacked a certificate. He therefore had to resort to being employed as a herdsman. I think we saw that and I am happy to say that Sen. Murkomen was one of those who came to the rescue of this boy and made some donation so that he could pay the fee balances, among others. He paid the fees balance, was given the certificate and has joined the university. Now that is just one child. I want to tell you that we have about 500,000 children of that nature. Is Sen. Murkomen able to pay for these children?

Sen. Haji: On a point of information, Mr. Deputy Speaker, Sir.

Sen. Musila: Mr. Deputy Speaker, Sir, I agree to get that information.

Sen. Haji: Mr. Deputy Speaker, Sir, I agree with what Sen. Musila is saying because today at 10.00 a.m., a girl came to see me in my office because she cannot get her certificate for failure to pay Kshs30,000 and I had to give her that money.

Sen. Musila: Mr. Deputy Speaker, Sir, I applaud Sen. Haji and others who have been able to pay for these children who are so many. The only solution – I am surprised that the Government is being magnanimous; they have already said that from next year, there will be no examination fee and increased the tuition fees from Kshs1,300 to Kshs1,500 per student, but it is omitting this very important aspect where children finish school and languish at home in poverty and the Government is not pronouncing itself to this problem. I would like to ask the Senate Majority Leader, with all the power that he has---

The Senate Minority Leader (Sen. Wetangula): Which power? He does not have any!

Sen. Musila: I respect him very much and he should ensure that he meets His Excellency the President. I am sure if the President is informed of this problem, he is going to oblige. Therefore, whether he has power or not, I want to appeal to my friend and neighbor, Sen. Kindiki, the Senate Majority Leader, to make it a point and visit the President and inform him of this matter and ensure that all certificates that have been held since 2006 are released.

Sen. Murkomen: On a point of information, Mr. Deputy Speaker, Sir.

Sen. Musila: I accept the information.

Sen. Murkomen: Mr. Deputy Speaker, Sir, indeed the Senate Majority Leader has power, but I wanted to say that my understanding of the Government paying the examination fee is actually to delink the certificate from the school so that once the certificate is not the property of the school, you are able to get your certificate because you have paid for the examination. That is the intention. If it is not, then we should make it clearer. When I asked somebody who works with the institution, they said that the objective here is to delink just like the way people do in KNEC examinations and other

examinations. It does not matter where you are studying, once you pay for your certificate, you just go and pick it.

Sen. Musila: Mr. Deputy Speaker, Sir, I appreciate that information but Sen. Murkomen is talking about tomorrow, and I am talking about yesterday and now. These certificates are being held, they are of no use to anyone; neither to the school nor to the Government. This is just denying our children opportunities.

I urge that the Government builds boarding schools in arid and semi-arid areas. The Government should also move with speed and release the certificates because they will go a long way in alleviating poverty in this country.

I beg to support.

Sen. Kagwe: Thank you very much, Mr. Deputy Speaker, Sir, for this opportunity. From the outset, I wish to start by supporting Sen. Musila and say that during my tenure as the Chairman of the Education Committee, I pursued this matter through the Ministry of Education and they promised that they will do something about it, but so far, nothing has happened. I would urge that in the same vein, that action be taken on this matter because you will recall that Sen. Musila moved a Motion in the Ninth Parliament which actually became law and therefore, it is against the law to withhold the certificates for children.

Having said that, I also rise to support this Motion by Sen. Mohamud and say that equal opportunity in education is paramount for equality in the country. That is why in passing the devolution aspect in Schedule Four, we allow that the ECDs are going to be taken care of by the county governments, but secondary schools and primary schools are still in the hands of the national Government. Therefore, I would urge two things in supporting this Motion; first, the county governments should start by building boarding facilities at the lower levels. We know that we have got an Equalization Fund and a fund for ECDs and we would urge that the Senators from the semi-arid and arid areas urge their Governors to immediately start investing in ECDs and also in polytechnics. We hear that Governors want to build primary schools, secondary schools and so on. It makes no sense to say that you want to build a primary or secondary school which is the work of the national Government and you have not built any ECDs which is your responsibility. So, long before you go into seeking responsibility that belongs to other levels of Government, let the Governors and the CECs responsible for education invest in ECDs and polytechnics.

The contributions that have been made in this House makes it very clear that the purpose of education is not just to bury the youth in an information overload; the purpose of education is to foster creativity and widen the thinking of individuals so that education can impact not only on peace or education itself, but also change in culture so that they can inform dynamism in our thinking.

Mr. Deputy Speaker, Sir, I would, for example, like to imagine that cultural activities such as Female Genital Mutilation which is widely practiced in some of these areas would be reduced dramatically and in the same manner as we would be changing the societies so that we stop the aspects that stop the education of our children, particularly the education of girls. I would like to imagine that in thinking through the support of semi-arid and arid areas, it is not just a question of infrastructure, schools are

great, stone houses are great, boarding facilities are fantastic but we must appreciate that what we are ultimately talking about is a mental thing and not an infrastructure thing. Infrastructure is simply a means to an end and not an end in itself. As we seek to change the societies and build classrooms in all these areas, we should remember that the content which is going to be taught in those boarding facilities is what is going to change the society. It is the quality of teachers we are going to provide in those teaching facilities that is going to determine how well those children are going to perform. We have seen situations where we have built fantastic classrooms but children have continued to do badly. This is because the quality and standard of the teachers is a key aspect in terms of improving our education standards. We have seen what we might consider as a cycle of low standards; you take somebody to a school that is of low standard and that individual becomes a teacher in the same school and the vicious cycle of standards that will never improve continues. We have situations where even the teaching of English Language is a problem. If you look at some of the papers that are being written by university students, you will be horrified to see the level of English that is being written in those papers.

Mr. Deputy Speaker, as we address the matter of infrastructure, we should address the quality of the teachers in those areas. When you have a vicious cycle like we do, where the teachers are taught badly and, therefore, they teach badly, a cycle like this is only destroyed by two things; either we inject new thinking, new interactive methods of teaching and the use of technology. We will be able to lip frog so that the schools in semi-arid and arid areas can actually embrace technology and become better schools than even those from the other areas. I am informed by those who know the Bible better than me such as Sen. Lesuada that in the book of Mathew, it says that those who are behind will go to the front and those who are in the front will go behind. Therefore, we would like to imagine that if we use technology, do not go the old thinking and go through the same process that the other went through, it is possible for us to lip frog these schools and make them better schools, better facilitated than even other areas. We should re-emphasize that we are not just talking about the construction of a class room, we should emphasize change in the cultural aspect and thinking. It is by doing so that we are able to reduce issues of tribal conflicts because educated, endowed people are very unlikely to be engaging themselves in those kinds of areas.

It is important that those people also get opportunities in employment. We have situations, for example, in Turkana area where people are saying that the oil fields that are being constructed there are not employing enough people from those areas. There is a catch 22 situation here; whereas the oil companies wish to employ people from that area, they are not getting the engineers that they would like to employ from those areas. It is very unlikely that whatever we say and do here, it is very unlikely that an oil company is going to employ a herdsman in place of an engineer. It is simply not going to happen. Therefore, what we should be addressing is not the symptom of the problem, but the problem itself and the solution to the problem. The preventive rather than the preventive measures that we should take is to ensure that education is facilitated and enforced. We know that free education especially at the primary level is not voluntary and we should ensure that when we say that education is compulsory, it must be seen to be compulsory. The Government must ensure that it is compulsory.

Mr. Deputy Speaker, Sir, when we say that FGM is prohibited and is against the law, it must be seen to be so. Where we are hearing that FGM is taking place and there is a chief there, he should be sacked and a woman chief appointed, because she could understand better, aspects of FGM.

The Senate Minority Leader (Sen. Wetangula): What of the women in Kajiado?

Sen. Kagwe: Mr. Deputy Speaker, Sir, can I be protected by the Senate Minority Leader? I will not respond to him specifically on Kajiado, but I do know that it is a practice that is going on in many parts of this country and one that we as a Senate must fight to ensure that it does not continue.

I support this Motion with all the energy that I can and hope that the Government takes measures to ensure that what Sen. Mohamud has proposed is implemented.

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, Sen. Wetangula should wait for his time to speak. I want from the outset to congratulate Sen. Mohamud for pointing out this at this time. As a country, having enacted the new Constitution four years ago, everybody must have basic human rights as stipulated in Cap.4 of our new Constitution. Allow me to read Article 53 (1) (b) which states:-

“Every child has the right to free and compulsory basic education”

This applies to every child in Kenya including the areas that the Mover has stated. Article 54 (1) (b) states:-

“A person with any disability is entitled to access educational institution and facilities for persons with disabilities that are integrated into the society to the extent compatible with the interests of the persons”.

We also have the same people in the areas that the Mover has stated.

Mr. Deputy Speaker, Sir, I will proceed to Article 55 (a) about the youth. It states:-

“The State, shall take measures including affirmative action programmes to ensure that the youth access relevant education and training”

The areas that the Senator has mentioned are supposed to benefit. Finally, we have areas that we call marginalized which resemble these ones that have been mentioned in Article 56. They are called minorities and marginalized groups. It says:-

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

(b) are provided special opportunities in education and economic fields”.

I want to say that the new Constitution has categorically recognized and taken into account some of the areas that we somehow forgot for almost 50 years now, like West Pokot and other counties that are in the pastoralist region. I do not know whether it was deliberate, but time has now come when we need to see how the national Government, given that primary and secondary education all fall under it Schedule Four of this Constitution, that in order to mitigate and make sure that some of these issues are addressed and that every child is taken care of, that boarding facilities are available for children of pastoralists. Some people do not know who pastoralists are. In fact, these are people who move from one place to another looking for pasture with their mobile wealth, that is, animals.

Mr. Deputy Speaker, Sir, I support this Motion which seeks to ensure that at least three or more established schools are built in every ward. We can even go down to every location and sub-location. We want a place where children can stay and learn. There are inter-clan fights as a result of cattle rustling or scramble for resources in these areas. This happens when people do not have anything to eat. Lack of education makes some communities in these areas to continue with tradition practices that do not make sense today.

Mr. Deputy Speaker, Sir, some young men are lost in cattle rustling, but that is not out of their choice. In some of the communities which practice the culture of cattle rustling, it is survival for the fittest. People steal to eat. So, if we can contain these young men in one place at a very early age and provide them with teachers and teaching facilities, we can change the generation of the next five or ten years.

Mr. Deputy Speaker, Sir, if you look at the number of teachers in some counties it is quite appalling. In West Pokot County, for example, we only have 2,300 primary school teachers out of the 4,500 teachers that we require. That means we have a shortfall of about 48 per cent. If you visit a school along the border of West Pokot and Turkana counties, you will find one teacher teaching Class One to Class Six. How do we expect them to compete with the other Kenyan children in the other counties that are a bit developed? We passed the Constitution that says every child must be given equal opportunity in education. They must access education facilities throughout the country.

Mr. Deputy Speaker, Sir, the previous speaker talked about oil discovery in Turkana County. Many more mineral discoveries are going to take place in some of the counties, particularly in the pastoralists regions. In West Pokot County, for example, we have a lot of oil and gold which is yet to be discovered. If we must now reach those areas we need to lift the locals by building many schools for them. In the years to come, people with education will be able to get jobs. I had the privilege of visiting some counties in Central Kenya. I was the chief guest during the district education day. I found that some secondary schools were closed. This could, probably, be everybody there is educated or students there have opted for distance learning because of the internet connectivity. After completing primary school education, some children do not even go to secondly school. I wished that some of those buildings could be taken to some schools in West Pokot where there are no physical structures at all.

Mr. Deputy Speaker, Sir, we have brilliant people in some of these counties. If we can take them to school, we will end up with engineers, lawyers and researchers. I will be bringing a Motion about enhancing research in this country. I want to state here categorically that the destiny of Kenya's economy lies now in some of these marginalized regions. We have a lot of natural resources that are yet to be discovered in these regions. I am told that we have a lot of water in the North Rift, particularly in Turkana County. How can we make use of it if our people remain illiterate or semi-illiterate? It is time we made the affirmative action in our Constitution a reality.

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

The Senate Minority Leader (Sen. Wetangula): Thank you, Mr. Deputy Speaker, Sir. I laud Sen. Halima for bringing this Motion, which is in line with the aspirations and, in fact, mandatory provisions of the Constitution.

Mr. Deputy Speaker, Sir, education is the right of every child. This right must be given by the State. I hope that after this Motion, Sen. Halima will proceed to look at the Education Act and see whether she can engineer some amendment to it, so that this spirit can be incorporated in the law and make it mandatory for the Government to act.

Mr. Deputy Speaker, Sir, as I support the Motion, I want us to broaden our thinking. We have Kenyans living in the marginalized areas. Some of these areas are marginalized by the climatic conditions while others are marginalized by successive neglect by previous governments in this country. We also have people who live in what looks like well-endowed areas, but are equally marginalized. I have mentioned to Sen. Murkomen, to see if he can find a meeting ground with Sen. Halima, to amend and broaden this Motion to cover certain areas that I want to mention.

Mr. Deputy Speaker, Sir, I visited an area in Kiambu called Ruthigiti, which is somewhere behind Kikuyu Town. It is close to Ndeiya. This area is more marginalized than any other area that I know of, because I have been everywhere in this country. It is worse than parts of Mandera, Garissa and many places that we call marginalized, yet when we talk about areas that are marginalized we forget that a place like Ruthigiti is also marginalized. Nairobi is supposed to be the nerve centre of everything, but if you just take time and go to Kibera, Mathare, Soweto, Mukuru kwa Njenga and Mukuru Kayaba, you will see how millions of Kenyans are marginalized. In fact, literary in every county in this country, whether Laikipia or Kericho, behind that opulence of endless stretches of tea plantations, there are people who live destitute lives. Even here in Nairobi when you go to places like Runda or Karen where the rich of the rich live, next you will find a horrible slum which Charles Dickens described in one of his books, that in every affluent area there is a slum next to it, to provide them with labour and crime.

Mr. Deputy Speaker, Sir, I want to encourage Sen. Halima to pay attention to all these issues. Marginalized children are not defined by the physical areas where they come from, but the circumstances under which they live. You will find this literary in every village, including Murang'a, Bungoma, Elgeyo-Marakwet and even in areas that we constantly talk about as being favoured. They have their own destitute marginalized people that require help. To this end then, I support the very noble idea.

Mr. Deputy Speaker, Sir, it has been proven that in many situations, children from poor neighbourhoods who end up in boarding schools perform very well. A child in Kibera has a nightmare of security, water, food, the environment itself, noise pollution and everything. If a boarding school was provided for a child from that neighbourhood to go to school, where there is a free meal, decent classroom and uniform, that child will end up being an excellent student and a successful person. So, we should look at the whole country and say that, of course, with affirmative action maybe areas with traditional neglect, like what Sen. (Prof.) Lonyangapuo has been talking about. If you visit West Pokot and have quite a casual look at the terrain, you cannot imagine that it is a marginalized area. But we also know that during colonial days, West Pokot was a closed district. The successive regimes from Independence maintained West Pokot as a closed district, where the Government would simply close off the district and set in the Army and police to beat people at will, rape women, do all sorts of things and then go back to their bases.

Mr. Deputy Speaker, Sir, when we talk of marginalization we must also look at people who have suffered historical disadvantages and injustices. So, with these kinds of facilities available, I have no doubt whatsoever that we will be correcting an imbalance that has been visited on the children of this country. But more important, we will actually be enforcing the constitutional provisions that require that every child has a right to education.

Mr. Deputy Speaker, Sir, I agree with Sen. Kagwe when he talked about “compulsory must be compulsory and have attendant sanctions and penalties for those who do not do it.” If you go to the coffee farms of Kiambu, you will find children instead of being in school, busy plucking coffee. In a situation like that, even the owner of the coffee farm should be penalized and prosecuted. One, for employing child labour, two, for luring children out of school and three, for destroying a future generation. I would want to see this kind of draconian measures taken because they will help in shaping the future of our country. I do not quite agree with Sen. Kagwe, that people who are educated are unlikely to make mistakes. In fact, the most pernicious, vicious and worst criminals who have visited untold hardship on humanity have been very well educated people. For example, Hitler was a university graduate. Napoleon Bonaparte was also a university graduate. There is also Milosevic of Yugoslavia and Radovan Karadzic who was a medical doctor. All these people have gone to school properly. However, they ended up plunging the country into chaos, the way the Jubilee Government is trying to do to our country.

Mr. Deputy Speaker, the leadership of the Jubilee Government is educated, but look at what they are doing to Kenyans. Do you imagine that an educated leader can practice tribalism the way that we are seeing in this country?

Hon. Senator: Where?

The Senate Minority Leader (Mr. Wetangula): It is happening. You provoked me; I will give you in the same measure.

Sen. Murkomen: On a point of order, Mr. Deputy Speaker, Sir. Did you see the Senate Minority Leader having an altercation with one Member of the House without coming through you, and pointing fingers? Is that really in order?

The Deputy Speaker (Sen. Kembi-Gitura): It is very much out of order! If you look at the HANSARD I have ruled on that many times, but sometimes, I just let you. It is totally out of order!

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, if you have watched Italians speak, they speak figuratively. That is what I was doing. I was speaking like an Italian, but Sen. Murkomen apprehended and thought that I was pointing at somebody. I was, in fact, making my point figuratively.

(Laughter)

Mr. Deputy Speaker, Sir, if you will allow me to continue, I want this Senate, as the custodian, protector and defender of counties, to be encouraged that, in fact, part of what Sen. Halima is asking can actually be started at the county level. If we go and address our county assemblies, like I sometimes do, and encourage them to legislate also

on issues such as these, perhaps, even three schools will be too many. The national Government can put up two or three schools and the county governments can also put up one boarding school in every ward and maintain it. In this country, you will find in a facility, as important as what we are trying to put up, the daughters of Sen. Keter, Sen. (Prof.) Lonyangapuo, Sen. Boy Juma Boy and the son of Sen. ole Ntutu. It is the rich who then become the poor and start claiming off everything that was never meant for them. So, what are lacking in this country? We lack morality.

Mr. Deputy Speaker, Sir, people in positions of influence and authority need to realize and understand that it is immoral for those who are able to pay their way to queue for subsidies meant for those who cannot pay. This happens all over. If you go to the villages, you will find that the chiefs' children are the ones enjoying bursaries. The former councillors give bursaries to their children and brother's children. Many of them write to the Members of Parliament and say that those children are destitute, yet they know that they are writing false statements. They end up benefiting from what is meant for the poor. During the Moi days of *maziwa ya watoto*, you would find a teacher going home carrying a carton of milk meant for children. What we lack is public morality in this country. I think that we need to inculcate in each one of us and know that you will not be a lesser person by grabbing what belongs to your neighbour. That is why we have people in this country who own tracts of land that they do not even know the size of their acreages. When you ask them how they acquired them and what they do with them, they cannot tell you. But they are busy continuously and primitively acquiring more and more. That is immorality in public life.

Mr. Deputy Speaker, Sir, you know of people who go to public offices just to sit there and work for themselves, instead of working for the public. That is lack of public morality. That is what we should be fighting in this country.

Mr. Deputy Speaker, Sir, once again, I laud Sen. Halima and I am proud that she has brought this kind of Motion. I hope that we will broaden it to cover the areas that nobody remembers, but are there; marginalized with the poor of the poor, but living next to very rich neighbourhoods who do not care about them.

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

Sen. (Dr.) Machage: Bw. Naibu Spika, namshukuru sana Sen. Halima kwa Hoja aliyoiteta katika Bunge hili. Kuna mengi ya uchungu ambayo wakati mwingine ni magumu kuyataja na kuyazungumza hapa. Wakati mwingine ukizifikiria zile sehemu zilizosahaulika tangu siku za ukoloni mpaka sasa, badala ya kulia utaangua kicheko, kwa sababu si jambo ambalo halijajulikana na Serikali wala kudhihirika. Nafikiri hili ni jambo ambalo limetendwa kwa nia ya kuua utu wa Wakenya wengine nchini. Wakati umefika ambapo sisi, hasa wale tunaotoka sehemu hizi ambazo sasa wameziita "*marginalized*" kwa kimombo, kwenda kotini. Tutaenda kotini tukidai riba kwa dhulma ambayo tumetendewa na Serikali hizo zote mpaka leo. Tumenyimwa haki zetu za kiutu. Sasa hivi ukiwasikia wenzangu wakisema "Oh! Msifikirie ni nyinyi peke yenu; hata wale ambao wameshapewa nafasi, ukienda kwao pia wako na maskini ambao wamesahaulika." Hii ni kusudi Hoja kama hii ikipita, chochote kile kitakachopatikana, tena wakichukue wapeleke huko kwao. Huu ni ukoloni mambo leo. Hii ni desturi ambayo imeimarishwa ili

kuhakikisha kwamba wenzetu nchini Kenya wanaotoka sehemu fulani wamelaaniwa kuwa vijakazi kuwahudumia wengine nchini kwa sababu ya kunyimwa haki zao.

Sen. Halima, yualia akinukuu kipengele cha Katiba cha 56 ambacho kweli chatupa haki kuangalia kwa undani ili tupewe haki zetu za kielimu na kiuchumi. Maneno hayo yameandikwa katika Katiba na ameyanukuu kikamilifu. Hili hata si jambo la kulia; macho yangeangazwa Kenya nzima kuona kwamba jamii za hapa na kule zilizonyimwa hizi haki tangu zama hizo wanapewa haki zao. Wakati huu, ukitaka kuona kwa gazeti wakitangaza mambo ya ajira, wanajiuliza ni wangapi watatoka katika sehemu yangu kuja kupata ajira hizo. Lakini mimi nauliza ni wangapi watatoka katika sehemu za Kisomali, Wapokot, Waturkana, na kadhalika, kuja kupata ajira hizo? Wale watakaofaulu kupata kazi hizo zilizotangazwa katika gazeti leo ni walewale waliotoka sehemu ambazo zimemwagiwa na kutunukiwa bahati ya kupata kila kitu nchini. Sisi wengine tunaambiwa: “Hakuna kazi” kwa sababu hauna kisomo cha kutosha. Lakini wewe haukupewa nafasi ya kusoma na ukanyimwa haki zako. Shule iko wapi?

Mambo haya yanafanyika miaka 50 baada ya Uhuru. Sen. (Dr.) Machage asimama hapa na kulia juu ya mambo haya ni aibu. Hapa tunaambiwa shule tatu za mabweni zitajengwa katika kila kata. Lakini kama zitajengwa hakuna walimu wa kutosha, vifaa vya elimu, umeme na maji. Huko watadai tumewapa shule lakini hamutaki kwenda katika hizo shule hizo. Hayo ni magofu yasio na kitu lakini mnasema ni shule. Shule gani hizo? Katika sehemu zingine, utapata ya kwamba tabu zao ni kwamba wako na walimu waliotumwa kwenda huko kupita kiasi wanachokihitaji. Mwenzangu amesema kwamba kuna sehemu moja huko Pokot ambako kuna mwalimu mmoja kwa madarasa sita. Kwangu, utapata kwamba hakuna mwalimu isipokuwa yule aliyeajiriwa na wazazi katika madarasa yote manane. Shule hiyo yaitwa shule, ilhali mitihani ya kitaifa ikitolewa, shule hiyo inapewa mtihani sawa na watahiniwa wa Nairobi na Mombasa. Halafu wanawauliza maswali juu ya uwanja wa gofu. Je, uwanja wa gofu una upana na urefu upi? Mwanafunzi wa sehemu hizi hawajahi kuuona uwanja huo. Utaambiwa kuwa huo ndio mtihani, na lazima uupite ndio uende shule ya upili au vyo viko. Juzi niliona wamejaribu wakasema wamepunguza nukta moja ikiwa wewe ni msichana. Na ukiwa kijana, ujue una nukta moja zaidi, lakini wamesahau kwamba katika hizi sehemu zilizoathirika na ambazo hazina vifaa kabisa, mwanafunzi aliyepata gredi ya “C+” anamzidi kiakili yule aliyepata gredi ya “A” katika hizo sehemu zingine. Mwanafunzi huu asipofaulu anaitwa mjinga na analaaniwa na hatajiunga na chuoni kikuu. Labda atakuwa mnyapala au mpishi akiwa na bahati siku zijazo. Asipokuwa na babati, pengine atarudi kijijini, achomwe na miiba akichunga mifugo, awe mwezi na misho wake apigwe marisasi. Hiyo ndio laana ya kutoka mahali wanapoita *marginalized* kwa Kiingereza sanifu. Hizi ni sehemu zilizonyimwa haki na utu. Kwa hivyo, tusije hapa kutoa machozi ya mamba hapa na huko tunawakandamiza wenzetu. Ukienda Muthaiga, utapata kuna vijiji. Humo vijijini, ni akina nani utawapata huko? Utawapata Wamaasai, Wakuria na wale ambao hawakupata haki zao kielimu. Hawa ndio utakaowapata huko vijijini wakitoa huduma kwa watu wa Muthaiga, Karen na kadhalika. Hao ndio wazalendo wa nchi hii. Twaambiwa “wananchi wa Kenya, unganeni pamoja ili tujenge taifa.” Taifa gani? Ingawa Katiba imetoa nafasi kuangalia hujuma hizi za haki za kibinadamu, yalioandikwa si elimu tu, bali ni lazima mtoto apate elimu ya juu na yenye maana.

Bw. Naibu Spika, hata wanapopanga mipango ya bajeti ya mwaka huu, utaona mipango ya gharama ya utumishi wa Serikali yamesomwa na tumeletewa bajeti hiyo hapa juzi juzi, lakini hatukuona ni kipi kilichotengewa zile sehemu ambazo zilisahaulika. Mungu si Athumani, amefungua hizi sehemu zingine na sasa zimepata madini, mafuta na kadhalika. Sasa twawasikia wakisema “Oh, sasa sisi twaja kuchimba mafuta;” lakini sasa mtaachwa na haki gani? Hata kupata mtu kuajiriwa sehemu hizo ni nadra kwa sababu watu wengi hawajasoma. Huo ndio ukweli ulioko nchini. Huo ndio ukweli wa Serikali zote zilizopita. Sijui kama hii Serikali ya Jubilee pia itamaliza kipindi chake na huo ukweli. Hizi ni laana zisizokuwa na maana kwa jamii, wazalendo na wananchi Wakenya kwa kunyimwa haki hizi.

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

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

Bw. Spika wa Muda, Hoja hii inaomba shule tatu za mabweni katika kila kata. Hili si ombi kubwa, tunaweza kulitekeleza. Hizo ni pesa chache sana. Serikali ingejitolea, ikaona kwamba kweli, hili ombi ni la haki. Isiwe kwamba ni jambo tu la kuongea katika Bunge hili halafu ripoti hii inaenda kuwekwa pamoja na stakabadhi zingine. Tumeongea kuhusu mambo haya katika Bunge la Nane, la Tisa, la 10 na sasa pia katika Bunge la 11.

Bw. Spika wa Muda, naunga mkono.

The Temporary Speaker (Sen. Murkomen): Sen. Kuti.

Sen. (Dr.) Kuti: Thank you, Mr. Temporary Speaker, Sir. I beg to support this very important Motion by Sen. Halima. But I would like to speak about what exactly is going on, on the ground, as much as we also seek support from the national Government.

Mr. Temporary Speaker, Sir, my 10 years or so experience leading this Arid and Semi-Arid Lands (ASALS) constituency has shown me that marginalization is sometimes actually inflicted by other forces or influences, and it impacts on education negatively. One of the experiences that I would like to share here today is the impact of relief food on education. When I joined Parliament as a Member for Isiolo North Constituency in 2003, there were several large villages where the relief food was distributed. These large villages had a school and a Mosque. Over time, you realize that these large villages split because an old man or someone who has influence in the village is maybe competing with another old man. So, they split the village to form another village a kilometer or two away from that big village. This new small village will demand for a school and a Mosque. They will demand for the appointment of an assistant chief or a chief in order to attract aid as a new registered centre for relief food.

Then you will realize that after another two or so years, the same village has again grown big maybe due to immigration of people who lose animals due to drought. Eventually, the two villages transform into four villages. You will still need four small schools. They will be very poorly equipped and staffed. So, because it is the same teachers, if that initial large village had four teachers, now each of those four schools will be left with one teacher. In any case, the teacher deployment in those areas is much

skewed because of people not wanting to go to the remote parts. Most teachers want to remain concentrated mainly in the cities or in the headquarters like Isiolo Town.

The result of this is the split of even the small resources, for example, teaching materials, building of the schools, *et cetera*. So, the Constituencies Development Fund (CDF) or the funds that assist to build and to enrich these schools is spread so thin among these new interests in new centres based only on relief food. With this, therefore, you will find quality of education being very much affected.

Mr. Temporary Speaker, Sir, as much as we are pushing for these boarding schools, which is a very good idea and I support it, we also need to ensure children from these small villages get quality education. I have spoken to Sen. Haji and Sen. (Prof.) Lonyangapuo about this experience which is everywhere among the so-called ASALS. Actually, the whole underlying reason for this split of these villages is nothing, but relief food. This tendency has now constrained the education sector as the schools now have fewer teachers, they are poorly equipped and, therefore, the results are very poor year in, year out. So, the leaders need to come together to also address this challenge.

Mr. Temporary Speaker, Sir, the issue of teacher deployment that I had mentioned also affects education in these areas because no teacher would like to spend their time in those very remote areas. So, even if they are ASAL areas, you will find even in those marginalized areas, there are even further marginalized areas. This is because if somebody is posted to Garissa, Isiolo or Wajir Town, most teachers would work their way out either through bribing or through pushing their Member of Parliament (MP), Senators or leaders. They will resist going to those very interior areas.

You will find those results that come so poorly are actually from those further marginalized areas that are not having teachers because a lot of teachers would not wish to go there, even if they are from the area. But the policy has since changed some times back, where teachers from those districts are posted to their districts so as to serve in those remote areas. The fact is that many of them would resist going to those smaller villages or the areas where there is no electricity and water. The water has to be brought by donkeys. Therefore, there is even further marginalization in these marginalized areas. So, the more reason these boarding schools need to be in place.

For these small centres, my idea would be to let the villages to go on the way they want. However, the demand for schools should be restricted such that they are put together so that several villages are served by one boarding school. Right now, every small village will push their MP to bring the CDF so that schools or a Mosque can be built there. They would like also to see an assistant chief recruited for them so that they get their share of relief food. This is a very critical area that even the education sector players need to look at very critically.

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

Sen. (Prof.) Lesan: Thank you, Mr. Temporary Speaker, Sir. First, I wish to thank my colleague, Sen. Halima, for bringing this Motion to the House. From the outset, I support this Motion. Mine is to suggest how this should be implemented because it is a clear fact that these schools are required in these marginalized areas in order to give an opportunity to children to go to school.

Mr. Temporary Speaker, Sir, the first thing that I would suggest is that these issues about building the schools should be addressed on a long term basis rather than on a short term basis. It has taken close to 50 years after Independence, but the same problem still persists. It is, therefore, important that this problem is approached in a multi-sectoral way. In my view, it is not only education that has to attempt this. However, you should also go in there with agricultural activities, adequate security and social programmes within these communities in order to establish a long term solutions for those areas. This is how it should be done. It is not only in education that you should look at, but you should look at all those other parameters that make the communities that are living in those areas nomadic. It is important that they settle in a place so that we can establish institutions.

Secondly, Mr. Temporary Speaker, Sir, we should also start to look at special conditions that should apply to these schools in geographically marginalized or sparsely populated areas. Some of the special conditions that you need to have in these schools are to have different term dates.

I went to a school in Eastern Province. I had a colleague who came from Isiolo. When the school closed, he never used to go home. I kept asking him why he was not going home. He told me that he did not know where his parents had moved to. If we will establish these schools, we would rather have the children stay in one place and the parents be given the opportunity to visit them. The term dates can be altered. Amendments can be done so that we have these special schools and term dates altered, so that these schools do not close. The parents could, probably, visit the children in the schools and actually retain them there.

One of the problems in these nomadic areas is that if you allow these children to go, even if they are in boarding schools, they are unlikely to come back to those schools again. It is important to make sure that we retain them in schools, otherwise, we will end up with infrastructure, but with no children. We need to look at how this will be done because we know there is a need for it. That is, perhaps, one of the ways to look at this issue.

Mr. Temporary Speaker, Sir, the other thing is the fact that when these schools are established, they should come up as a package. It is important that we know that the people from these migrant groups live in *manyattas*. We can develop schools that are surrounded by modern *manyattas*, not the ones we destroy at the end of every season. We can improve the *manyattas* and locate them, by physical planning, so that they are around the schools. Therefore, the parents are within the school itself. Obviously, security is important.

Cultural activities of the communities are also important. So, in this package of a boarding school, we could have a mosque or a church around the area so that these facilities are complete so that the children in these areas can go to school. It is important that there is a catchment area for children who are currently missing education because of the infrastructure that is not there. It is important that Sen. Halima has brought this Motion here. Not only do we ask that it be done, but we have to say exactly how it should be done. There is no doubt about the need to establish these schools. But how they should

be established, so that they can stay for a long time rather than for a short time should be considered so that all this is useful.

Mr. Temporary Speaker, Sir, with those remarks, I support this Motion. It is giving an opportunity for many children to come on board. Otherwise, these children would not have had the opportunity to get an education. I can assure the House that there are excellent children there; we can produce doctors and engineers from those areas.

Thank you.

Sen. Omondi: Thank you, Mr. Temporary Speaker, Sir, for allowing me to contribute to this important Motion. First, I want to thank Sen. Halima for having thought of this issue. It is something that needs everybody to come together to achieve.

The issue of having boarding schools reminds me of something we normally talk about, that of having special schools for children with disabilities. I have corrected myself by saying that if we have such boarding schools, this will allow integration of vulnerable children together with other children. This will improve the social well being of these children because they grow up interacting and understanding the challenges of each other.

I support this Motion because in 2011, I managed to visit Turkana County. It was difficult to move around because Turkana has a lot of sand everywhere. It was very difficult for me to move around on a wheel chair because it would sit in the sand. I asked myself: How are the people with disabilities and especially school going children managing because it would take time for them to access the learning institutions? If we have such facilities, I am 100 per cent sure that the admission and retention of vulnerable children in learning institutions will go up.

I also support this Motion because education is the key foundation for the well being of every Kenyan. As we embrace and have passion for this, it is an indication that we, as leaders, are building a strong foundation for our young Kenyans who in the future will be able, across the country, to compete well in the job market because each of them will be well catered for education wise. Children from these areas will be able to compete in the job market like other Kenyans from different areas.

Mr. Temporary Speaker, Sir, why should we rally behind this Motion of having boarding schools in the ASAL areas? I agree with Sen. Wetangula when he said that this Motion needs an amendment because when it comes to disability and vulnerable children, it does not matter where one comes from, the challenges are the same. In some of the institutions, the principals or headteachers sometimes quote some words that send away teachers teaching learners with disabilities or vulnerable groups because of separating special schools from other schools. As a result of difficulties of the vulnerable children, it reaches a time that the issue of mean score becomes a problem to retain such children because they have a lot of difficulty accessing education; the material that they need are also expensive. If we support this Motion and it is operationalised, we should ask the Government that if we have these boarding schools then they should have reasonable accommodation where the needs of the vulnerable are met based on their challenges.

Mr. Temporary Speaker, Sir, this Motion is important because it will improve the learning standards in each county now that we are operating in the context of counties. As we support this Motion, we want it to be such that each Kenyan will benefit from it. We

have young Kenyans who lost their parents and they are staying in homes on their own support. When they come from school in the evening, it becomes a problem for them to study.

With those remarks, I beg to support the Motion.

The Temporary Speaker (Sen. Murkomen): Sen. Lesuuda.

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

The Temporary Speaker (Sen. Murkomen): What is it Sen. Hassan?

Sen. Hassan: Mr. Temporary Speaker, Sir, my order comes on the basis that before you granted Sen. Lesuuda an opportunity to speak, she walked to your Chair and immediately she went back, my own reading of your body language, was that you struggled to accord her an opportunity. Yesterday we were warned by the Chair that Members must not canvas. Is she in order to have canvassed?

The Temporary Speaker (Sen. Murkomen): Order, Sen. Hassan! First of all, you are completely out of order. You have just arrived in the House and you even do not know how many times she tried to catch the Speaker's eye. In fact, for avoidance of doubt, Sen. Lesuuda was to come earlier, but I thought Sen. Omondi should come first because she had also waited for too long. So, I decided to balance. You cannot cast an aspersion on the Chair. You have to withdraw and apologize. You know that the Chair ruled yesterday that you cannot question the Chair.

Sen. Hassan: Mr. Temporary Speaker, Sir, after explaining to me eloquently how Sen. Lesuuda has struggled to get an opportunity to speak to this very important Motion, I find my comments barely rushed. Therefore, I withdraw and apologize to the Chair for the insinuations that I made on your person and the Chair.

The Temporary Speaker (Sen. Murkomen): Very well!

Proceed, Sen. Lesuuda.

Sen. Lesuuda: Mr. Temporary Speaker, Sir, thank you for this opportunity. I doubt whether the Senator of Mombasa actually knows what we are discussing this afternoon. Maybe he can acquaint himself with the Motion first.

Mr. Temporary Speaker, Sir, first of all, I would like to congratulate Sen. Halima for coming up with this very important Motion. This is an issue that we have discussed severally on issues to do with education, especially of children who come from areas which are considered marginalized for one reason or another. I also thank my colleagues who have contributed to this Motion because over time, as Senators, we have shown that we discuss all Motions giving them the weight they deserve, whether it touches on your county or not, we take them seriously.

We cannot belabour why this it is important to have boarding schools in these counties. As it was alluded to earlier, these counties also have heavy cultural issues which are retrogressive. If we have boarding schools for these children, we will be protecting them for a longer period rather than when they are at home exposed to these challenges. For example, the issues of earlier marriage and Female Genital Mutilation (FGM) for the girl child, the longer we keep them in school the better. If we feel that they are not safe at home, we can keep them in school for longer during holidays. They can be protected because we know it is a right for our children to access education and also to be protected from any harmful practices. This is one of our responsibilities as a state and as leaders.

Mr. Temporary Speaker, Sir, even for the boys I know that the issue of cattle rustling is a problem in these areas. The longer we keep the boys in school, for example, for the whole term so that they are not influenced by their colleagues or age-mates at home, then we will help them realize that these cultural practices do not have any benefit and should continue with their education.

Regarding drought, I know that right now in these areas there is intense drought and famine. Whenever there is famine families have to move. So, children are taken out of school so that they can go and herd the animals. We should secure them in boarding schools so that they can only come home during the holidays thus enabling them to access education without interruption because of other natural issues. That is why it is important that we look at the school feeding programmes in our schools. It is important that we have them because it is also an incentive to those parents, especially during drought. So, when children stay in school they will access food and other basic needs.

Regarding the issue of distance and vastness of the area, children have to walk for long distances and yet we know that security is an issue in those regions. We have wildlife in those areas and this endangers the lives of children going to school. You can imagine children going to school very early at 5.00 a.m. and elephants and other animals are on the road. We know we have lost many children through wildlife attacks, but if they could be in boarding schools, they would be safe. This insecurity situation leads to the children going to school much later at the age of 11 years when they now know the patterns of wildlife. When this happens, their education will not be at par with those of children from other areas.

Mr. Temporary Speaker, Sir, regarding the issue of conflicts, children are the most affected. When communities fight these children are mostly affected. We have seen them losing their lives during attacks. We have seen children bearing the greatest brunt of the conflict. It is important that we safeguard them by keeping them in schools. This is something which is doable. We had the Economic Stimulus Programme (ESP) where each region had a model school of certain standards. I think we can still do what Sen. Halima is urging the Government, which is that we just establish boarding schools.

We can start with two or three in key areas. The ones that are available are congested. Therefore, they should be expanded. So, I know that it is something which is doable and I think just the same way we have been insisting on the Level 5 hospitals, maybe this is something that we can also do. Education, health and shelter are the basics that the *mwanachi* really wants to get. So, as we also do Level 5 hospitals, this is something that we can also do. I know that will improve the quality of life and of education for our children.

Mr. Temporary Speaker, Sir, I would also like to echo what Sen. Musila has been saying and he is very passionate about; the issue of waiving the fees balances for those children who need to get their leaving certificates or certificates of higher education. Let me say that these areas are more affected; going through education is a struggle because of the challenges they face due to the type of livelihood and how they struggle to access education. It is important that those certificates are released to them so that they can pursue their education. Some of them really pass their exams and you might wonder how they manage to get “As” considering the circumstances that surround them. So, that we

do not leave out donors and well-wishers, I think most of the schools in my county which have boarding facilities were put up by Non-Government Organizations (NGOs) and well-wishers although this is a responsibility of the state and the leaders.

I agree that most teachers do not like teaching there. Most of them want to teach in urban areas. Therefore, we should also look at the issue of teachers. They have nowhere to stay in those schools. Why would you want to have teachers there? Housing is a big issue for our teachers. We want them to take care of these children and ensure that they learn, but we should make it lucrative for them to work in those hardship areas. Just as we are saying, it is difficult for the children, but it is also difficult for the teachers we are sending to teach there.

Mr. Temporary Speaker, Sir, I really support this Motion and I hope that the Implementation Committee will take it up. I want to see one more boarding school or one of the existing ones being expanded during my term here. We would say that we are proud as Senators to have deliberated on this Motion.

Thank you very much, Sen. Halima.

The Temporary Speaker (Sen. Murkomen): Sen. Hargura, you have two minutes. You better save the two minutes. The balance for the debate on the Motion was one hour and 45 minutes and so there are two minutes to go.

Sen. Hargura: Thank you, Mr. Temporary Speaker, Sir. I would like to thank my sister Sen. Mohamud for bringing up this Motion because this is actually a solution to a problem we have all known and have been trying to address. We are saying these issues because the Government has a responsibility. The literacy levels in this country are so varied. That is why the Government should put in place an affirmative action and build these schools because inequalities in education opportunities result in inequalities in social mobility. People in these areas are still lagging behind because they have not got what got the other Kenyans off. The route to abandoning the traditional lives and embracing the modern way of living is education.

For the pastoralists, this is very crucial because the change of their ways of life will depend on education. The way out of poverty will also depend on how educated they are and it also reduces conflicts. We are having conflicts in these areas because people have not gone to school. Those who have gone to school will develop along other social systems. They will join the job market and will not be there to engage in the conflicts that we are experiencing now. It is also a cause of economic diversification for these people.

These schools are necessary because for the pastoralist child, it makes a very big difference. We have gone through that system. When you leave school, you are supposed to join the family in looking after animals. You will not have time to study while the other child has time to study. The children from those areas do not have time to concentrate because they are affected by drought and insecurity while the boarding schools will insulate the children from all that and enable them to attain their potential. They will also enable those children to compete with others at secondary school level. Education opportunities are usually affected by poor infrastructure.

Thank you.

The Temporary Speaker (Sen. Murkomen): Sen. Mohamud, it is now your time to reply. If it is in your interest, you can take care of Sen. Gwendo, Sen. Bule and any other.

Sen. Mohamud: Thank you very much, Mr. Temporary Speaker, Sir. With due respect and the interest that Members have in this Motion, I would like to donate two minutes of my time to Sen. Ongoro, two minutes to Sen. Bule, two minutes to Sen. Gwendo and another two minutes to Sen. Omar. I will take the remaining two minutes, if that is okay with the Chair.

Sen. Ongoro: Thank you. Mr. Temporary Speaker, Sir, a lot has been said, but I just want to add my voice. It is said that education is the key that opens many doors. All the other social ills that we are handling in this region could be sorted out with just this one move. They include the eradication of poverty, insecurity and cattle rustling. If you engage these minds to know that there is something else apart from cattle. This would lead to improved sanitation, improved maternal and child care and inculcate the culture of saving.

Having said that, even as we support this Motion, we should urge the Government to put in place sustainable policy and institutional framework that will sustain the creation of these boarding facilities and improve the welfare of teachers in order to attract quality teachers in those regions and put adequate infrastructure in place to ensure that even as we construct the boarding schools, but they are sustained. We should also have sustained civic education so that the parents see the need to take their children to those institutions so that we do not have empty institutions. This will discourage early marriage and also give incentives to the parents. The other reason parents from these areas do not take their children to school is because of the labour that those children offer to their parents in terms of taking care of the cattle. This loss of labour should be adequately compensated.

Finally, before we do that, we must ensure that there is adequate security in those areas. We can put up the best facilities. However, without security, they could be run down or burnt down in a very short time.

With those few remarks, I support.

Sen. Bule: Thank you, Mr. Temporary Speaker, Sir. First and foremost, before I proceed with my contribution, I want to thank Sen. Mohamud for the timely Motion that she brought. This Motion actually touches me so much. I come from some of the marginalized communities which suffer more. So, this would be one way of eradicating problems in Kenya. We have problems where people are marginalized. The pastoralist communities are the most marginalized. This would be one way of eliminating problems from those communities.

Putting up boarding schools in every ward is a fantastic idea which can change the lives of many Kenyans. Where I come from, we have some locations where we do not even have a single school, let alone a boarding school. If we get modern boarding schools and equip them with modern facilities, the problems being faced in these areas will reduce. The Government should implement the Constitution that we voted for and implement this Motion if it is passed, so that we can ensure free and compulsory education for all in Kenya. This is the only way because there are children who cannot go

to school because of poverty. If those children are enrolled in boarding schools, but they will benefit a lot.

Thank you.

Sen. Gwendo: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to support this Motion. I will just start like Sen. Ongoro started; a lot has been said, but one thing for sure, if you want to bring changes in any community, education is the first weapon that anyone needs. It is time we gave the marginalized communities a supportive pillar to hold on to and to be able to catch up with the rest of the country considering that the Constitution provides them with the right to basic education. Normally people with ability will take their children to private schools and when they get to Standard Eight, they are removed from the private schools and registered in those same areas that are looking for facilitation. Those children then perform well and get the opportunity to go to national schools. Meanwhile we forget that if we empower the children from the marginalized areas, they will be able to compete with the children in private schools and also go to the national schools.

I support this Motion because I believe that if we facilitate the marginalized communities with the right facilities, for example, the boarding schools thus creating a conducive environment to learn. We will be moving not just these communities, but a county or a country towards the right direction. They will be able to compete with children from other areas. A child in Alliance Boys High School will be able to compete with a child in Mandera Boys High School, with no challenges.

Thank you.

The Temporary Speaker (Sen. Murkomen): Finally, Sen. Omar Hassan and bear in mind the remaining time.

Sen. Hassan: Mr. Temporary Speaker, Sir, first and foremost, I want to thank Sen. Halima for this Motion in its totality.

Mr. Temporary Speaker, Sir, I just want to raise one particular issue about promoting equality through education. You do recall during the civil rights movement of the United States, education was used as a very paramount avenue to promote equality. For us to be able to give our children in this country a fighting chance and any form of hope in the future, we need to ensure that we promote education and make it accessible to all. In fact, it is a constitutional requirement at this point in time. We also have the Millennium Development Goals (MDGs) of 215 among others which require that we make quality education accessible to every young child. This Motion sets the pace for the Senate to create equality of counties and people, through the provision of education.

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

Sen. Mohamud: Mr. Temporary Speaker, Sir, let me take this opportunity to sincerely thank my colleagues. I am sure that three quarters of the Senators have supported this Motion.

Mr. Temporary Speaker, Sir, those who have contributed have raised very important recommendations. I promise that we will consider all those recommendations when we seek to amend the Education Act. It is my hope that this very important Motion will see the light of day, so that it can be implemented.

Mr. Temporary Speaker, Sir, on this same Motion, I would like to request under Standing Order No.54 (3) that we postpone the putting of the Question to tomorrow.

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

The Temporary Speaker (Sen. Murkomen): Thank you, Sen. Halima. Your request is not granted because the Chair finds that this is not a Motion concerning counties. This is because the function that is supposed to be done under the Fourth Schedule of the Constitution is a function of the national Government. Therefore, we should just vote via simple majority.

I, therefore, wish to put the Question.

(Question put and agreed to)

PROVISION OF FIBRE OPTIC CONNECTIVITY
TO ALL PUBLIC HOSPITALS

Sen. (Prof.) Lesan: Mr. Temporary Speaker, Sir, I beg to move the following Motion:-

THAT, aware that Information, Communication and Technology (ICT) is a critical component in effective service delivery in all sectors of our economy; further aware that the fibre optic backbone (FOB) is already laid in most counties; appreciating that advanced medical equipment is now available in county medical institutions; acknowledging that medical diagnosis and care is critical and costly; concerned about the shortage of medical personnel trained in various specialties in the health sector; cognizant of the beneficial role of telemedicine in consultations irrespective of the physical location of consultants; the Senate urges the National Government to provide fibre optic connectivity to referral and level 4 and 5 public hospitals in all counties.

Mr. Temporary Speaker, Sir, we are all aware of the significant role that ICT plays in our daily lives and the lives of institutions. It has broken all the barriers of time and distance in our communities and societies where we live. It has proven itself as being very capable in a wide applicability in all sector of the economy, social life and all the other sectors in today's societies. So, ICT is so crucial and important that it should be incorporated in all other aspects of our lives.

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

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

Madam Temporary Speaker, since we devolved our Government functions in the new Constitution we have created units. Some of the units include hospitals in our counties. However, some of the counties lack in various aspects and it is difficult for them to operate. I want to refer, particularly to the lack of consultants, doctors and surgeons in literary all the county hospitals that we have in all the 47 counties in our

country. Therefore, it is important that we resort to ICT to try and address some of these problems. This is because the alternative of trying to provide for qualified consultants, surgeons and doctors is a very long-term activity. It will, probably, take about 15 years to produce one consultant in the medical field. It is, therefore, going to be almost impossible to provide all these hospitals in the county governments with the requisite consultants. We know that without this qualified personnel, definitely, the quality of health service offered in our county hospitals will be hampered significantly. It is, therefore, important that we resort to using what is current, applicable and useful.

Madam Temporary Speaker, at the moment, the health sector spends a lot of time ferrying patients from one hospital in one county to another hospital in another county. This, of course, is a very time consuming exercise, apart from the fact that it is expensive to move patients from one hospital to another. In fact, by moving patients from one hospital to another in the state in which they are, we are actually putting them to great risk, suffering and pain. It is, therefore, important that we look at other ways in which we can offer the same kind of treatment without inconveniencing the patients.

Madam Temporary Speaker, we are aware also that there are possibilities that epidemics can occur in the country. If we do not use the current ICT, where information moves very fast, it might be difficult to contain some of the epidemics in one area. If we have a cholera epidemic, for example, it is important that we confine it to a very small area so that we can contain it. This can only be done if we can move information quickly. This is the reason this Motion suggests or recommends that we look at Information, Communication and Technology (ICT) as one of the ways of tackling some of the pending problems that currently exist in our county hospitals.

Madam Temporary Speaker, I just want to speak to two things; one is the medical investigation equipment. In the hospitals which are operating at the moment nationally and in the counties, we have certain equipment that is being used. This equipment is very useful and can be used; it exists at the moment in the county hospitals. We have CT Scans, MRI and X-Ray. This is equipment that is available and easily attainable, unlike attaining a qualified consultant. It is easy to go into a shop and purchase this equipment. I am glad to say that some counties have the equipment at the moment. This is equipment which we can have easily and cheaply. One excellent thing about the equipment is that these days, it is coming with attachments that can be utilized for information transfer. That is the beauty about some of the equipment with attachments that can communicate with other equipment elsewhere; they can also transfer images.

This is one of the areas that we need to utilize quickly, so that we can expand the level of diagnosis and treatment that we can offer to our clients, even though we do not have enough consultants. With the equipment, it is very possible that one consultant can provide consulting services to numerous hospitals. One consultant can assist several clients or patients at one time while operating from only one hospital. This is courtesy of this technology that has come in as a result of the innovations that have gone on. So, that is one thing that we should look at and put into maximum use in our hospitals. The availability of specialized equipment can transfer information.

Secondly, Madam Temporary Speaker, the methods in which this information is transferred is through the Fibre Optic Cables (FOC). I want to say here that we are

fortunate in this country that there are close to 5,000 kilometers of FOC which have been laid. We are fortunate that there are four major servers that are serving the FOC in this country. We have the East African Marine System (TEAMS), Seacom, Easy and the Lion. Therefore, we have no restriction. Because of the availability of these servers here, the cost of using these facilities has significantly come down. Therefore, it is very opportune that this can be utilized to serve and improve the health services.

Thirdly, Madam Temporary Speaker, the FOC available is easily accessed by business people who have an interest in making some money out of it. It is also easily available to other calibres of people who find immediate use for it. The unfortunate thing is that these things will only be available in Government institutions by the action of the Government. This is the reason this Motion has been brought here. This Motion is really urging the Government to do the last mile lay down of the FOC so that these institutions can reach out in the usage of the equipment. As it is at the moment, the FOC is laid, but the last mile is missing. That last mile is between the termination of the FOC and the hospital receptions, wards and surgery theatres where it can be put into good use.

Madam Temporary Speaker, I need not belabour so much about the gains that we will have if we have the FOC in our institutions. First, the level and accuracy of diagnosis in this country will significantly go up because it will be a collective decision by several experts who are communicating using this system. Therefore, it is possible that the decisions that more consultants make by consulting each other through this system will give a better diagnosis for the patients that are being served.

Secondly, Madam Temporary Speaker, there is inordinately long time that elapses before a diagnosis is made. There is also a long time that elapses before a patient is managed. It is my conviction that with easy, faster and more reliable communication like that provided by the ICT system at the moment. It can significantly reduce the time in which a patient can be diagnosed, managed and treated. Therefore, this will be more efficient, reliable and, probably, save more lives than it is doing at the moment.

Thirdly, Madam Temporary Speaker, it is possible that we can actually start selling services to other areas which have the telecommunication systems, but which are lacking in personnel. We do know that with telemedicine, it is very possible for a consultant sitting somewhere in one capital city of a country and treat a patient in another country. We have this example in India. At the moment, the greatest revenue earner for the Indian sub-continent is medical tourism. This is a result of the usage of ICT in managing patients from all over the world by providing infrastructure and using the personnel that are sitting somewhere in New York, France and in all other parts of the country. Through the use of ICT, they have been able to manage patients situated in India. One of the frameworks they have put in place, of course, is the FOC.

I am sure that this can be done in this country which has invested so much money in education. We have a significant number of consultants who can actually offer consultancy services, not only to this country, but to other countries as well. If we were to do that with slight amendments to the regulations that govern the practice of medicine in this country, we can very easily be offering medical services and treatment, becoming an income earner for our nation through the use of telemedicine. This can only be done if we are using the ICT system.

Fourthly, Madam Temporary Speaker, it is very often that patients overstay in hospitals because they need to be managed by physicians who are there in hospitals and yet we know that it is possible that we can manage most of the patients when they are at their homes. If we had these systems where we can communicate with our clients, we can very easily manage some of these patients in their homes. This can only be done if we have efficient ICT communication systems with our clients.

Madam Temporary Speaker, it is also possible that with the ICT systems, we can build a huge database of our clients in the country, their ailments, the follow up and of all other matters that this database is going to be useful in several other ways. It will be the richest pool in which we can conduct medical research in our country because this information will be available. Similarly, this is information that we can use to combat and even improve the security of our country in terms of germ warfare, for example. If we had storage of this information in our database, we can offset or undertake some of those challenges that we have.

Lastly, Madam Temporary Speaker, if we have a database which is efficient with all the information on budget making for the health sector, for the hospitals and for the institutions offering medical health care in the country would be significantly improved and correct. In that figures will not only be guessed figures, but they will be reliable figures that are derived from factual information contained in the database. This can only be realized if we have an ICT system that can be stored reliably and be used.

Madam Temporary Speaker, it is with this in mind that I bring this Motion to the House and urge that Members of the Senate to support it so that we can access this very useful technology that is current and which is here with us and which does not require anything else for us to use. We are already trained in the handling of this information. We can handle the equipment which is there. I am sure this is one phase that is ready for utilization in this country. I, therefore, urge all the Senators in the House who would speak to this Motion to support it, so that we can continue to improve the offering of health services both at the national and at the county levels.

With that, Madam Temporary Speaker, I want to ask my colleague, Sen. (Prof.) Lonyangapuo, to second the Motion.

Thank you, Madam Temporary Speaker.

Sen. (Prof.) Lonyangapuo: Madam Temporary Speaker, as I rise to second this Motion, I want to thank my colleague Sen. (Prof.) Lesan who is a specialist in the field which the Motion is touching. The subject that we are discussing today is very important to the lives of the people of Kenya and to the world in general, noting that we have gone into counties. I remember not long ago in the previous session, we talked about a Motion where the Government was asked to see how it can establish at least a referral hospital in each of the former provinces. At the moment, we have about two only, that is, Kenyatta National Hospital (KNH) and Moi Teaching and Referral Hospital, Eldoret. We also said that we should at least have one Level 5 or Level 4 in every county, so that the people of Kenya can easily be attended to in their counties. Why did the Senate think so? It is because as we know, there is a saying which says where your health is, is where your heart is. If we, as a nation, are depending on the human resource of the people of Kenya, we have to look at their health seriously.

The Mover has mentioned about the power of Information and Communication Technology (ICT). Kenya has moved forward now that we have FOC backbone which is now closer to most of the counties. However, we need to take it to the nearest hospitals in the counties.

Madam Temporary Speaker, every county today has funds noting that in the Fifth Schedule of the Constitution, the function of health services has been devolved. Every governor and county government is struggling to build infrastructure and buy some equipment. What is lacking is the availability of specialists or consultants. These are people who can attend to people in a specialized manner. I remember last week we had a problem in my county at the Kapenguria County Hospital. We only have one doctor who cannot completely handle many accident cases. He had a lot of consultations with doctors in Kitale and Eldoret. However, because of lack of this connectivity, nothing much could be done. Consultation between specialists and other doctors was not possible.

It makes sense if we can pass this Motion and ask the Government to take it seriously that FOC should be connected to all Level 4 and Level 5 hospitals. It does not cost much. What is costly? Is it to put this in place or losing the lives of our people who are taxpayers? These are the people who put the Government in place.

Madam Temporary Speaker, the Mover talked about the latest technology; we have MRI x-ray, CT-scans and so on. Most of these can be done if there is availability of ICT. Due to technological advancement today consultancy by doctors abroad is possible and patients can be attended to. In Nairobi Hospital today consultancy is done as far as India and the United States of America (USA). Therefore we need a serious initiative to be put in place and a commitment by the national Government to provide the same. I know we have some challenges where the national Government has a pull and push with county governments.

Two weeks ago, I led a delegation from my county to the Cabinet Secretary for Health. They are saying that consultancy can only be sourced if you talk to the Ministry and Director of Health. This is a grey area where the national Government cannot run away from the responsibility that was there before although some of this has been devolved. The proper diagnosis can only be done by people who are trained. Many people have been misdiagnosed and given wrong treatment for lack of proper infrastructure. If we can put this connectivity in place, it would be easier to treat a patient even if the specialist is far. Most of the problems in the rural areas and, especially counties that are far away from the original headquarters of the provinces can easily be attended to. We cannot under-estimate the investment that can be put in the medical personnel.

As we move this we are also saying that the county governments need to set aside money to train some of their specialists. To get a consultant to be posted in Lodwar, Marsabit, Garissa or West Pokot then the counties need to invest in people and send them for specialized training for five or ten years. In the meantime, the solution lies in having fibre connectivity that is reliable, active and working in the facilities we have.

Madam Temporary Speaker, lastly, we need to improve on the state of some of these facilities like Level 4 and Level 5. Some of them were built many years ago and some equipment are outdated and need to be upgraded. Another issue coming up is that

now that salaries for medical doctors are being paid by the counties and some officers are transferrable from one county to another, I want to call upon the national Government to have a mechanism of how somebody can remain rather than moving from one place to another leading to some places lacking the right personnel.

I want to say that this Motion has come at the right time and like the previous speakers mentioned, we are asking the Implementation Committee to let us know the status of the Motions passed here previously so that we do not end up passing Motions which may not see the light of day.

With those few remarks, I beg to second.

(Question proposed)

Sen. Kajwang: Thank you, Madam Temporary Speaker. I saw the professor wondering why it should be me, but I would like to inform him that I was the only one on the other side. Secondly, I am humbled that this is a Motion which has been moved and seconded by professors and then the third professor wanted to speak. So, I needed to break that monotony.

I am aware that ICT is a critical component of effective service delivery in all sectors of the economy and not only in medicine. I will give you a small example. I was in Chicago, in the United States of America (USA) and I wanted to call home. I bought a card which I wanted to use in my hotel room because if you use the hotel line, it becomes too expensive. I bought a card for US\$10 and when I called Nairobi, I was told that I had 80 minutes to speak. I did not find the person I was calling at home. So, I called somebody else in London and I was told that I had 30 minutes to speak. That is the difference between calling Nairobi and calling London when you are in the USA. Then I did not find the person in London. So, I called New York and I was told that I had three hours to speak.

Madam Temporary Speaker, Sir, therefore, ICT can solve so many problems because communication is very expensive, especially for the third world that nobody wants to deal with us. In fact, you can have all the professors in the world wanting to consult for us, but at this cost, it is not even possible. Teleconferencing, E-learning and diagnosis become too expensive because we cannot just afford them. I think that is one of the major issues that are quiet, but I think the country should celebrate the former Government for connecting Kenya to the FOC. In fact, at that time when I was trying to speak, it was cheaper to speak to South Africa than to speak to Kenya because the cable went to the Cape of Good Hope and ended there.

The courage with which this country decided to connect from South Africa, irrespective of whether Mozambique or Tanzania were in or out and did it again from the Horn of Africa was something that has put us in another level that I think we should now utilize. We cannot spend so much money and even lay a cable from Mombasa to Nairobi and even lay it from Nairobi through Kisumu to Busia and not use it, because that is where we are now. If you try the telephone, it is too expensive and sometimes if you try other communication, it is so slow. The beauty with the FOC is that it is fast. It can also

communicate at the same time provide a lot of data which would, otherwise, not be available in the normal way in which we communicate now.

We have been talking of areas, especially those where we can get a lot of employment in this country and, one of those is in outsourcing. I have an example in which many companies in America want to outsource in Kenya and in many things. Sometimes if your bag gets lost in an airport as mine got lost in Montreal one time, when I was trying to find out where my bag was, I was speaking to somebody in India, when I was in Ottawa. I realized that that did not sound like a *Mzungu*. They told me that they were in Bombay. I was wondering how my bag could have gone to Bombay, but actually, it was outsourcing.

They have said that Kenya is good in outsourcing in one way. Our people here speak good English, that we do not have summer and winter and somehow we can do things at night, including accounting and offload it to America when they are working. We do it here during the day when they are sleeping and transfer it to them during the morning when we are sleeping ourselves. Kenya would have been a good place to do outsourcing, but they cannot outsource without this FOC networking because it is too expensive to communicate to Kenya. I am glad that the professor being a medical person has decided to narrow it down to medicine, but I know that it could do a lot more in outsourcing for business, E-learning and make it cheaper and could do just as good in telemedicine.

Madam Temporary Speaker, one of the Members of the County Assembly (MCA) in my county, the MCA for Karachuonyo, is a gig of ICT and he was trying to connect the Kendu Mission Hospital to the world so that when doctors do their operations in Kendu Mission Hospital, they can be assisted by professionals in America and India. I do not know whether he is successful, but he has been talking about it a lot. But without this FOC, it will be too expensive to do what he is trying to do.

I think the Government already spent a lot of money in connecting almost all counties, but as he says, they stalled at the last mile. I think that moving to Homa Bay Hospital just after reaching Homa Bay Town is shorter than a mile and connecting the Government offices, even the Governor's offices and many other Government facilities would be a benefit to this country and even to some schools and colleges. With proper ICT in this country, even the cattle rustling which we are talking about causing war in Baringo would be something of the past, because you can only steal if you can sell it and get money. But if ICT is properly used and chips are properly used, you would not steal because you would not have a market. Some of these things can be sorted out by ICT very easily.

Before my time expires, let me come to diagnosis one more time. In fact, diagnosis is the reason some of us die before their time. If you have malaria and it is diagnosed as something else, you are dead. This is because by the time the doctor realizes that it is malaria, you are already gone. This has happened in many ways because some diagnostic equipment is just not working properly or some consultants need to sit down at what we call teleconferencing and discuss what procedure they can use. Sometimes to put three consultants together in one room is very expensive because they are very busy and they are operating in many places. But if you can put them together to teleconference in a

few minutes, when one is sitting in London and another one is sitting in New York and another one is Nairobi and the patient is in India, they will solve big problems because of this. I think after spending so much money, I think the backbone is already there. The backbone is like a railway line and we have already built the railway line and now we must put the locomotives on the railway line so that we make use of it. Otherwise, it will make no meaning putting so much money.

Madam Temporary Speaker, there is another area which the professor has mentioned which is research. It would also support and people can exchange a lot of data and research would be cheaper and faster whether it is in agriculture, medicine or social sciences. Before I leave the Floor, I want to advise the county governments that we are not going to have enough consultants in this country any time soon unless we invest in them. I have told my own Governor, but I am not so sure whether he has taken me seriously, that we must put some endowment fund to take some young doctors or courses which would make them consultants in different fields.

I can tell you from where I am standing that there are very few doctors in neurology because I have had a problem of that nature near me. I know that it has been very expensive to get even a doctor who would advise us on neurology. Unless we invest in these young doctors from the University of Nairobi and all these other universities, whom if we took in our counties, maybe five per year and you train them in their areas of interest, I am telling you that every other year we will be getting professionals in this field and then you can bond them. You tell them that you are putting money on them, but they must work for you for five years before they go elsewhere. That way, they will, first of all, get the education, the experience and then they will move around. There will even be enough to exchange. Right now, there is not even enough to exchange. Governors are now buying professionals. The highest bidder gets the best consultant because they pay you a little more. This should not be allowed to happen.

I was informed just before I came here that Siaya is one of the counties that has done the last mile. They have done the last mile through a private data laying company and they are going to connect the hospitals and the Government institutions there, of course, at a fee per month. But the banks will also get connected because the banks love this because the information can move faster and cheaply. It is not a bad investment if you put it in this country. We urge the Government to do it, but if it is not doing it the private people are going to do it. This is because there are people in this field who would want to do just that and get this thing connected.

Madam Temporary Speaker, I beg to support.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you, Madam Temporary Speaker, thank you for giving me an opportunity to contribute to this Motion. This is a very good Motion, touching on public health, which is one of the big pillars that this economy and country can build on, if we want to see the country prospering.

Madam Temporary Speaker, I want to thank Prof. Lesan, who is a well known Professor of Medicine in this country - in fact, I am told that he is a Professor of Restorative Dentistry - for moving a Motion which is very good and well thought out. These are the kinds of things that we want to see where people's professional background

can make this House a House which passes laws that will help our key sectors in the economy to grow.

Madam Temporary Speaker, I also want to thank the seconder of the Motion, Sen. (Prof.) John Lonyangapuo, who is a professor of Applied Mathematics. He has actually done very well in an area that is not traditionally his. We hope that we can benefit this country through Motions like this. I cannot forget to thank Sen. Otieno Kajwang, a great lawyer and the only Member of the Minority in the House this afternoon. He has also made very useful comments.

Madam Temporary Speaker, as I have said, health is critical to the development of our nation. The use of telemedicine can help us solve a lot of the problems that we are facing in the health sector today. It can even cut costs in several ways. Telemedicine will not only help a doctor at Kenyatta National Hospital (KNH) to diagnose or even supervise a treatment at Voi Sub-County Hospital. Therefore, it will make it unnecessary for a patient all the way from Voi in Taita-Taveta to come to Nairobi, but it will also help a connection between Voi, Nairobi and New Delhi at the same time. This is because we have seen most of our patients coming to KNH. If they cannot get help there, they have to be flown to India which is one of the countries that have actually made a lot of strides in Medicine. So, if we connect our counties, I see a broader cost-cutting issue in the health sector, not only within our country, but also in the context of making patients be treated in their counties even under the supervision of international doctors and surgeons, where surgery is required.

Madam Temporary Speaker, telemedicine will also help in the teaching of Medicine. At the moment, besides having very few nurses and doctors, we also have few professors and teachers of Medicine. With the hemorrhage of people like Sen. (Prof.) Lesan into the Senate and hon. Dr. Nyikal in the Lower House, the situation is dire. In fact, formerly it was the specialized areas that Sen. Kajwang was talking about that were suffering, like Urology, Periodontology in Dentistry and some of the fine areas like expertise in heart diseases. But now even general Medicine is suffering. Therefore, now that we have universities teaching Medicine, some of which are outside Nairobi--- I even wonder how they are managing sensitive courses like Medicine, because I know that the few professors and senior lecturers in Medicine are in Nairobi. I know this because for many years I was a member of the University of Nairobi Senate and management boards.

I used to sit in the board as Dean of Law and know from the College of Health Sciences, the strain and burden which is there on qualified people in that college. It is very big even for an old university like University of Nairobi. Now I am told that we have the Kenya Methodist University which has a medical college, Maseno University which has some medical related course and other universities outside Nairobi that are offering health sciences.

Telemedicine, therefore, can help the few professors that are left in our universities to be able to service several universities without leaving Nairobi. The idea of lecturers teaching in Mombasa in the morning and then flying to Nairobi in the evening is also making us waste a lot of man hours.

If there is telemedicine, you just need an hour or two, you are in Nairobi and you address students at Meru Campus of Kenya Methodist University, and that is as good a

lecture as if you were actually in Meru Campus in person. So, this will really help in teaching of medicine and it will cut on costs, as I have said. If this is done, it will even help us on how we can use Information Communication Technology (ICT) to also help other sectors of the economy, such as the issue of security. Part of the problems we are having today in security is because we are using rudimental operational and command procedures for security related challenges. So, if we use ICT, you can have the Inspector-General of Police (IGP) running and operation in Mpeketoni from his office in Nairobi and commanding his troops on the ground. This is instead of waiting until the following day because maybe the message has come in the evening; he has to use a chopper; the chopper does not have the navigational capacity to fly at night and, so, you have to wait until the following morning. By the following morning, many people have lost their lives while the thugs and bandits have disappeared into the forests of Kismayu and out of the jurisdiction of Kenya.

So, Madam Temporary Speaker, if we use ICT, we can solve not just the health problems, but we can also help to solve security problems; we can also solve problems even in agriculture by providing extension services and farmer education services, which can be given by experienced people from headquarters; not just in Nairobi but even within counties. Counties are also big places and we do not have enough qualified and experienced people to be available to farmers all over.

So, Madam Temporary Speaker, through this Motion, I see an entry point for ICT as the next big driver for the economic progress and revival of our country. So, I wholly support this Motion. Time will fail me to say that, as a country, we do not have enough personnel, leave alone in counties, but also in major cities including Nairobi. So, I support this Motion wholeheartedly and, once more, I thank the Mover of this Motion and those who have spoken even before me.

Madam Temporary Speaker, I beg to support.

The Temporary Speaker (Sen. Ongoro): Senate Majority Chief Whip, Sen. Beatrice Elachi.

Sen. Elachi: Thank you, Madam Temporary Speaker. I also rise to support this Motion, first, by thanking the Mover of the Motion. I support this Motion knowing very well that, today, when we look at the new technologies that we have, especially within our hospitals, and the lack of facilities that we have been crying for, for many years that, indeed, if we can find connectivity, we will even manage to liaise one county to the other counties.

Madam Temporary Speaker, when we talk about technology today, I want to also thank the Vice Chancellor of Kenyatta University, Prof. Olive Mugenda, who has done a tremendous job. I think she has one of the best medical schools now, with the best facilities not just in East Africa, but in Central and Sub-Saharan Africa. But I know that the challenge we are facing now is even to have those who understand the technology of those machines and to work with it. Therefore, she has managed even to send some of the personnel to Boston, in the USA, to train so that they can come back home and now assist. If you look at the diseases we face today like cancer, this is one disease that, indeed, we need technology and personnel who will understand how to deal with these machines and technology.

Madam Temporary Speaker, just last year, this House passed a Motion urging county governments to come up with ways to ensure that everything they are dealing with – including even their accounting systems – that they must use the internet and modern technology, like the Integrated Financial Management Information System (IFMIS), and all that. That means that if we can move towards that direction, first, accountability and transparency will be achieved. When today you go to Gertrude’s Garden Children Hospital, for example, you will find that they now just use computers. You do not need to even ask a question when you go there because your name is already there. The system will show when last you were in the hospital and what disease you had. The doctor on the other side is also able to look at the same information as he or she attends to you.

We are, therefore, also urging that within the referral hospitals, we would wish to see a connectivity where if, indeed, I am a patient at Kenyatta National Hospital (KNH), they are able to connect with a hospital in Nyanza where we have the referral facility such that when I just go with my appointment card, my last treatment from KNH can be displayed in Nyanza. This happens in Namibia and the person who did it there is our brother from Kisii, who has managed the Government hospital there and it is doing so well. Today, I know that Nairobi Hospital is also trying; that if you go to any Nairobi Hospital branch outside the main hospital, you will get your information very clearly. But we are saying that we want to see this happening in our Government facilities.

Madam Temporary Speaker, three years ago, I remember that people were urging KNH to start. Now that we have counties; and we know that we passed the Division of Revenue Bill, we have requested to see if the Government will agree to give more money – the Kshs3.7 billion – for referral hospitals and now we are going with negotiations.

I just hope that the National Assembly will look at this country beyond just thinking about the money, but that it will look at what we really want for our referral hospitals. When we are requesting for this money, what did we have in mind? I believe we had in mind the sense of good service for Kenyans. For example, if any parent goes for treatment every day or every month at a clinic at the KNH, he or she is able to go back home in one of those referral hospitals and be treated there without having to spend a lot of money on transport and accommodation here in Nairobi. Some of these patients have to come to Nairobi, spend the night here, see the doctor and go back home again.

But if we can use the modern technology like the fibre optic cable which is running all over these counties, it means we have made the counties a village. Which means that even when a doctor is in another county with some challenges, he just needs to call his colleagues elsewhere and tell him: “I have a challenge with this patient, could you kindly assist?” and they can even do teleconferencing. We have doctors who come from the USA, Canada and even from London, and they normally work very closely with the Government hospitals. Today, indeed, we can communicate with those doctors and our lecturers using computers.

Therefore, we are talking about human life and we hope that one day in this country, some of those who sometimes object to some of the ideas that people bring in, they will see broadly that with some of these things, we must move with the times. That, today, when we hear that Kenyans have become tourists going to India, and it is because of the technology; that, indeed, when they arrive in India, the doctor will diagnose your

problem and treat you just in a few hours whereas you have been spending maybe three or four months in a hospital in Kenya just trying to find out what your problem is. But when you arrive in India, they pick you at the airport, straight to the doctor and in three to four hours, they are able to tell you that, indeed, this is what you are suffering from. They are saying if we have the best doctors but it is only that sometimes our welfare is a challenge and thus the personnel go for greener pastures. We need to go beyond that. We need to ensure that we give them the best.

I also want to send my condolences to the family of the young pharmacist who was buried the other day in Embu. When you see such a young doctor go down just because of insecurity, it means that in the case of Lamu if we have clear connectivity, *wananchi* would use a different method to send an alarm to the rest within the villages. They would convey information of the imminent threat and save lives. This is something that we are crying for. I hope that the governors will also look at it more critically. We have only pushed them on how to account to Treasury but we also need to push them on the issue of connectivity so that they can digitize systems for revenue collection. The Government has now moved ahead, we are using internet to ensure that tenders go through. So, if some parts of the country are not connected, it means that women and youth might not have an opportunity to participate in the tendering process. We have moved away from people just looking at newspapers but also embraced usage of the little gadgets we have.

Madam Temporary Speaker, this is a very good Motion. It is a Motion that the Senate should take seriously, and Senators should go to their counties and ask the governors to implement it. We have the National Hospital Insurance Fund (NHIF) cards and if we are connected, you will be treated anywhere. Even if you lose the NHIF card and hospitals are connected, they will just search it and every detail will be displayed.

Sen. (Prof.) Lesan has thought beyond and has done well for our country but it is now our duty to go and create more awareness to the governors. We need to tell the governors that if the counties have to move in the right direction, then they need to digitize their operations. This will ensure that everything is transparent and accountable. Digitization will ensure that we spend less and offer effective services. If this happens, nobody will lay blame on the governors because all information will be available on the net. When that happens, activities being undertaken by every department in the counties will be seen and all questions will be addressed. We should strive to move towards the direction of the western countries in terms of technology.

With those few remarks, I beg to support.

Sen. Njoroge: Madam Temporary Speaker, thank you for giving me this opportunity to contribute towards this Motion. As I support it, I wish to say that installation of fibre optic cable to Level 4 and Level 5 hospitals is a thing that would have been done like yesterday. I wish to say that in order for hospitals to be efficient, fibre connectivity is a matter of priority and should be implemented by the Government. As we talk now, hospitals have facilities which are well advanced but we lack fast communication. Therefore, I wish to request the Government to divert most of its resources by installing fibre optic cable so that hospitals can serve our citizens as fast as possible. It has been very difficult sometimes, because of the poor state of roads for

information to reach the people on ground. If we had this kind of communication, our work will be easier and we would save the lives of our citizens.

Madam Temporary Speaker, I therefore rest my case by asking the Government to move fast and move as the world is moving by installing this connectivity so that we can move forward like other countries.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Ongoro): I now call upon the Mover to reply.

Sen. (Prof.) Lesan: Thank you very much, Madam Temporary Speaker. First and foremost, I wish to take this opportunity to thank my colleague, Senators, who have contributed to this Motion. I am grateful that they have emphasized on some of the critical aspects of this Motion. I am very grateful to Sen. (Prof.) Lonyangapuo and the Senate Majority Leader who have made contributions. I will not also forget the Chief Whip and Sen. Njoroge. Sen. Kajwang but I am also grateful for his contribution.

The Temporary Speaker (Sen. Ongoro): Order, Senator. I can see Sen. Kajwang in the House.

Sen. (Prof.) Lesan: My apologies, I look at this side and could not see him. Thank you very much, Senator, for your contribution and in fact, you referred to some hospitals who are attempting to do this project. I am grateful to hear that some hospitals are trying to carry out this programme.

Madam Temporary Speaker, I do not want to repeat what has been said by my colleagues but I want to echo some of the things that have been mentioned particularly the cost of implementing Information, Communication and Technology (ICT) and its usage is high. Whereas I want to agree with that, I do not see anything higher in terms of cost than life itself. We can save his life, for whatever price. I would think that this is adequate enough to be able to spend than the cost. Misdiagnosis is a very expensive venture, and I think if we can spend some money to save misdiagnosis, then I think we would have spent that coin wisely. A few years ago, it was costing US\$7,500 to do an international connectivity. By the year 2011, it had come down to US\$650 to do international connectivity. I am sure by now, this cost has significantly come down and even the connectivity locally is even lower. I think this should be affordable to our institutions.

Madam Temporary Speaker, as I conclude, I would like to implore the Governors and those people who are responsible for building the infrastructure for medical purposes or delivery of health services in the county to invest in the training of medical personnel. This is a very important aspect because these personnel are the drivers of these tools. Unless we have well trained medical personnel on the ground, then it will be useless putting the ICT systems in place. It is very important that we continue, in the meantime as we develop this system to also continue training personnel. I mean personnel who are experts in their various fields. There is this belief in the counties that anybody who is wearing a white coat is a doctor.

I want us to move away from this. It is this denial of the fact that there is a whole lot of difference between anybody wearing a white coat and a recognized and a registered consultant in this country. We must be able to recognize that and go out of our way and train these personnel. It is only with this personnel that this country can offer the kind of

services that we want supported by ICT which we are here campaigning to have within our institutions.

I want to thank the Senators who have made their contributions, and urge you to pass this Motion – I believe we will endeavour to make sure that the Government implements and makes the last mile connectivity which I think is not very difficult because the backbone is already in place and we will be able to deliver services to our people and save lives. This is in essence what we are there for as public servants.

Thank you.

The Temporary Speaker (Sen. Ongoro): Hon. Senators, this Motion does not affect counties and I will, therefore, proceed to put the Question.

(Question put and agreed to)

Next Order!

RESTRUCTURING AND EXPANDING OF KURA MANDATE
TO COVER COUNTY HEADQUARTERS

The Temporary Speaker (Sen. Ongoro): Sen. Mositet happens not to be in the House. I make reference to Standing Order No.39 which sets out the order in which business shall be undertaken in the House. However, I make further reference to Standing Order No.39 (2) which states that:-

“Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the Senate direct”.

I hereby direct that we move on to the Motion on Order No.13 by Sen. (Prof.) Lonyangapuo for the convenience of the Senate.

(Motion deferred)

MEASURES TO DEVELOP RESEARCH IN KENYA

Sen. (Prof.) Lonyangapuo: Thank you, Madam Temporary Speaker. I rise to move:-

THAT, aware that research is a mystified domain which remains a preserve of selected Government agencies, academic institutions of higher learning and a few other organizations; concerned that even in the said institutions of learning, research is usually introduced at post-graduate level; further concerned that research has not been prioritized and very low funding is channeled towards it; the Senate calls upon the National Government to:-

(a) take deliberate measures to cascade research to lower levels of education right from early childhood education level;

(b) inculcate and institutionalize research by introducing it as a compulsory discipline at all levels of education;

(c) develop a clear policy and legal framework to guide the development and sustainability of research at all levels of education; and,

(d) increase funding for research by allocating at least 1 per cent of the National Budget to research.

Madam Temporary Speaker, as I move this Motion, I take note that this is a very important subject that we are introducing. Singapore managed to leap from Third World to First World and left us behind, as a result of putting in place the right steps. The right step for technology to thrive is to dwell on research.

Madam Temporary Speaker, we are not in class, but let me define research. It is a systematic investigative process, employed to increase or revise current knowledge, by discovering new facts. Research is divided into two general categories. The first category is basic research, which is inquiry that is aimed at increasing scientific knowledge. The second category is applied research, which is effort aimed at using basic research for solving problems or developing new processes, products or technologies. The terminology “research” in Kenya is not very new. Those of us who went to school have had to deal with research for as long as we can remember. Research in education and training in Kenya is not a new phenomenon. Over many years, our successive governments have undertaken various research processes that mainly sought to investigate the education system and so on. In order to attain this, the Government decided to form education committees to improve standards of education through research. It also came up with working parties, commissions and taskforces to look into the broad area of research.

Madam Temporary Speaker, since Independence, there are some research institutions that we have put in place. There are not less than 25 research institutions which are actually listed. We have institutions such as the Kenya Industrial Research Development Institute (KIRDI). Some of the products that we are consuming today were produced by them. In the 1930s, KIRDI came up with Kimbo that we normally consume and sold it to the industry. We also have the Kenya Medical Research Institute (KEMRI) that specializes in medical related fields. Some of the famous products that it came up with include KEMRON, Hepsal, HIV test kits and so on. I could list many of them, but let me just mention some of the institutions that we have. We have the Kenya Forestry Research Institute (KEFRI), Kenya Marine Research Institute, Kenya Sugar Research Foundation and International Centre of Insect Physiology and Ecology (ICIPE). Some of the very famous findings came as a result of the research work that was conducted by some of the famous researchers that have been in those institutions.

Madam Temporary Speaker, a list of the institutions that are found in Kenya is here, but very little is known about them. There is one called African Centre for Technology Studies. We also have the Institute of Meteorology Training and Research. Why can we not remember much about these institutions that we passed and there is a law that controls each of them? It is because there is a complete de-linkage between the education that we acquire at the nursery school level to high school and then university to

these institutions. There is lack of awareness of what is taking place in some of these institutions.

Lastly, some of these institutions have no funding at all, while others have very little money for salaries and so on.

Madam Temporary Speaker, if we really want to achieve what we have been singing about – Vision 2030 – and become a middle-income country, we have to put things right. One thing that needs to be put right is research. At every stage of our education system, we must have an inquisitive mind; and an inquisitive mind has to do with research. The best time to introduce research is when the learners are still young; this is the time you can build a culture that can sustain and move Kenya in the future.

Madam Temporary Speaker, research has not been given a lot of prominence in our institutions of basic education and it is actually seen as a preserve of institutions of higher learning. That is what we know; it is a preserve of the universities, and so on. Sometimes they even retain it strictly for the post-graduate level, when you go for the second or third degree. But sometimes it is only done in paperwork because they end up not doing much work.

Madam Temporary Speaker, if we have to come out, we need to see why we have not developed as a nation; and it is because of the weak research emphasis that we have put in research. We have not put adequate emphasis on research as required. Secondly, we have a big mismatch between the skills that we learn in school and what sometimes is given in the job market as found in the industries. There is a no link between what we are studying and what the consumer requires; the consumer in this case is the industry or the employer. It is for this reason that sometimes we end up getting a lot of students graduating and tarmacking in our counties and in the cities. For example, every day when you wake up in the morning and you are coming to do the business of the Senate, you see many of our youth being utilized as agents selling newspapers instead of going directly to link the skills they learned with the industries.

Madam Temporary Speaker, while Vision 2030 calls for technologically driven economy – that is how it is written in the paper – there is a lack of adequate funding to research for any economy to grow. This will make it a very huge task to achieve this vision. It is now four years since Vision 2030 was launched in July, 2008 and everybody was singing about Vision 2030. There was even a Vision 2030 Managing Director (MD) called Mugo Kibati – I do not know who the MD is now – but it just fizzled out recently and we do not know whether people are still singing about it.

There is another council called the National Economic and Social Council (NESC), which is trying to push the agenda for research in Kenya. While the industries are the consumers of the graduates that we produce from our educational system in Kenya, there is very little collaboration between the industry and the education sector. In Europe, when you are training human resources, you have to get the support from the industry. Sometimes even the syllabus is also tailor made by the people in the industry. But here in Kenya, we are just working on a syllabus and pumping a lot of knowledge without knowing whether it is linked to the market. Kenya suffers from a very high level of brain-drain. The few researchers and consultants we have disappeared from Kenya

because of poor remuneration. So, there is no research taking place and people who have the appetite to do research go to South Africa or to some other countries.

There is also another general inaccessibility of research materials in our institutions. The books we use were written long time ago. So we end up revisiting old books that were written many years ago for lack of funding. I recommend that we need to have dissemination of research findings through a department that has been established. Dissemination of information is very poor in this country. Sometimes universities come up with findings which are not related to what is happening on the ground.

We need to strengthen and introduce research in basic education, colleges and other institutions. We need to introduce critical, independent and investigative thinking in our country. I do not know if you have watched some television programmes from First World countries where they teach children things that are practical. We can also do the same through our curriculum. We should cascade research to the lowest possible position, integrate research and related disciplines at all levels of education and training on what is required in the industry.

Lastly, Madam Temporary Speaker, the Government should deliberately promote research through investment, creativity and also learning by discovering through participatory approaches. We have an institution on research and higher education where we were presenting a Motion on science, technology and innovation. Few findings have come out because little money has been channeled there. What other countries have done is that they allocate 2 per cent or 3 per cent of the Gross Domestic Product (GDP) to research. If we have to do the same in Kenya, we would be talking about a staggering Kshs160 billion as opposed to the Kshs400 million that is allocated. In fact, previously, it was only Kshs10 million for the whole country, then it moved to Kshs200 million and now, it is Kshs400 million.

Madam Temporary Speaker, right now, the Members of the County Assemblies (MCAs) are going to India, Israel and other countries to see how those countries have invested in research. What can you go and see in a desert that cannot be seen in the semi-desert places we have here? If only we can invest in research, some of the things we are wasting money would not arise. We need to align research to tackling development challenges through education as the avenue to enhance national values and cohesion. We have a lot of research that has not been discovered in our counties. We keep talking about ethnicity and cohesion. One factor that will bring a lot of cohesion including achievement of social, economic and political goals or vision is by investing in research. We need to expand the knowledge so that our researchers can have new technology based knowledge. We have just talked about having fibre network and if it goes to all our institutions or schools, it would be very easy for students to use the internet and learn.

Madam Temporary Speaker, we need to review all the previous Acts concerning science because they are obsolete. For example, the Scientific and Technology Act of 1980, Cap.250, needs to be revised. We also need to revise the National Museum of Kenya Act, Cap.216. We need to revise Books and Newspaper Act, Cap.11 and the Copyright Act, No.12 of 2001. All these need to be revised so that we align it to the desire---

The Senate Majority Leader (Sen. (Prof.) Kindiki): On a point of order, Madam Temporary Speaker. As you can see, I am at home with the subject matter in this Motion but I just wanted to inform the Mover that the Books and Newspapers Act has already been reviewed significantly but more importantly, it is Cap.111 and not Cap.11.

Sen. (Prof.) Lonyangapuo: Thank you very much. I thought I mentioned Cap.111 and not Cap.11.

I said that they need to be amended so that they capture research as a driver for what is presented inside. If we go that direction, we will get a clear policy that is specifically dedicated to driving this nation. Research is the engine behind which every developing country can anchor itself.

Lastly, I went to Singapore and I was very surprised the way their syllabus is taught in the nursery school. Every child is supposed to discover something. Somehow, they spent money on research and that is why they left Kenya behind. We were at the same level in 1967 but there is nothing that can stop us from moving to that level if we put things right.

Madam Temporary Speaker, I wish to end it at this point and call upon Sen. (Prof.) Lesan to second.

Sen. (Prof.) Lesan: Thank you, Madam Temporary Speaker. I rise to second the Motion. The Motion which has been moved is a very important one and very significant in its implications to our everyday lives and in the future. I would want to say that, unfortunately, this country has never placed research at the correct pedestal given the set up that we have in the country. This is exemplified by the level of funding that research gets in this country.

There is a lot of evidence to show that countries which carry out research and particularly relevant research and continue to use the outcomes of that relevant research, those countries have made significant progress. That progress is signified in the quality of life in those countries. I have an example of a little Island country called Japan. Japan invested in two important researchers of Toyota. They used the research findings to produce a gadget which is the phenomenon of the Japanese car, Toyota. This is a product of relevant research that has been applied and a product produced to better the lives of individuals.

Madam Temporary Speaker, in this country, we would have conducted research on very simple things to improve on them, patent them and use them. The *kiondo* is one such example. The *kiondo* is an innovation of this country, but we are aware of how it left this country, slightly improved by some other researchers who patented and registered it. It is now a carrier that is used worldwide in many places and the royalties emanating from that product do not come to our country for research purposes. This is because we do not attach a lot of importance to research and that is why we would let go of innovations that have started in our country.

This Motion is very important in that it is now calling upon us to recognize the significance of research. We need to understand that research is an expensive undertaking. That is the starting point about research. On the short-term, it is expensive but on the long-term, it is worth the while and the abilities that you spend. I think we should look at research differently in this country. The starting point of looking at

research differently is what is contested for by this Motion. We should look at research differently and inculcate research on ourselves right from the very beginning; the way we model our education and its structure and the tools we use in our education system. This should encourage our students to be innovative.

I am aware, for example, that in Japan, the tools that we use in nursery schools are ball bearings. These are the tools that are used by the children in the school. You can do anything with the ball bearings; you can arrange them in any order and form patterns. These are the kind of things that we want to inculcate in our education system so that our minds are jogged to begin to be innovative.

Madam Temporary Speaker, it is also important to make research a rewarding activity. That, therefore, calls upon us to re-look at legislation that is governing royalties and intellectual property rights so that there is some reward in research apart from just getting a promotion. At the moment, I am aware that in this country, you probably do research in order to publish and be promoted. Thereafter, the research is stored and never used again.

We have to come out of this and apply research in our own individual lives. There are many areas in which we can do this. There are things that are changing daily that we need to do research on. One of them is environmental change. There is so much that is happening in the environmental arena that unless we start to do research, we may become extinct very soon because we may not be able to understand how the environment is affecting our lives. This is a very important Motion that I would urge those who are going to speak to it, to look at it positively and consider the long-term benefits of conducting research and probably looking at research differently.

I beg to second the Motion.

The Temporary Speaker (Sen. Ongoro): You still have a balance of five minutes, but if you have concluded, this Motion still has two hours and 35 minutes when next it will be on the Order Paper.

ADJOURNMENT

The Temporary Speaker (Sen. Ongoro): Hon. Senators, it is now 6.30 p.m. and the Senate stands adjourned to tomorrow, Thursday, 26th June, 2014 at 2.30 p.m.

The Senate rose at 6.30 p.m.