

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 13th September, 2018

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

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

PRAYER

PAPERS LAID

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTY AGENCIES

Sen. Olekina: Madam Temporary Speaker, killing innocent people is always a wrong thing to do. Yesterday, I came back from burying Mr. Kapolondo Olepere, a young man who was attacked by haters when he was taking care of his cows. Recently, Ms. Sharon was killed, yet there is nothing that we are doing. It is wrong. There is no faith, tradition or religion that condones killing. When we have a government that does not take action, there is no solution that we will get.

We are Members who have been entrusted by our society to defend life and protect everyone. It does not matter what we say here. The more we continue taking and spreading hate, the more the killings will continue.

Sen. (Dr.) Langat: Thank you, Madam Temporary Speaker, for giving me this chance to say a word of condolence to the two families who have lost their loved ones through very inhuman activities.

In every society, including the one that I come from, killing an expectant mother is a demonstration of the worst kind of inhumanity. That is beyond the normal thinking and it is a concern for all of us. It happened to Ms. Sharon and we do not know whom it will happen to tomorrow. We also have daughters and if we distance ourselves from such activities in our society---

(Sen. (Dr.) Langat's microphone went off)

The Temporary Speaker (Sen. Pareno): Order Senators. I think that we are interested in what the Senate Majority Leader is canvassing in the House. Kindly, let us consult in low tones.

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, kindly ask the Senator of Narok County to reduce his nomadic movements, especially when in the Chamber.

Sen. Olekina: What is wrong with that?

The Senate Majority Leader (Sen. Murkomen): We need to have that critical conversation. If there is an area that this Senate must take seriously in their responsibility, then it is health, agriculture and water for they are highly devolved and they are also things that concern the common *mwana* across the country.

I urge the Committee on Health to invite us for a breakfast meeting or a *kamukunji* where we will have a conversation with the Cabinet Secretary of the Ministry of Health and the Chairperson of the Council of Governors on matters of health. Let us be apprised of what is happening in the counties. We heard that Makueni County was launching a Universal Healthcare Programme and Kajiado County, where you come from, Madam Temporary Speaker, was doing something on Universal Healthcare Program and Insurance, though I did not see you buy a goat.

They have a programme where a family can donate a goat and the money can then go towards good health for their families. We need to be apprised of these kinds of programmes for us to know the accountability mechanism inbuilt for us to have a mechanism of oversighting in the counties.

I do not want to say much. It was just about approval of Sen. Outa as a Member of this Committee. It is a very straightforward Motion and I think that it may not require the many stories that I have said. We can say them in any other Motion. I want to invite the Senate Minority Whip to second this important Motion. In any case, it came from him and we want to hear that the Minority Side is comfortable with the approval of Sen. Outa to serve in the Committee on Health.

The Temporary Speaker (Sen. Pareno): I now call upon the Senate Minority Whip to second.

Sen. Mutula Kilonzo Jnr.: Madam Temporary Speaker, I rise to second the Motion that Sen. Outa, who represents, Kisumu County to serve in the Committee on Health. I must disclose that he had declared the intention to serve in the Committee. At the time our colleague, the late Ben Oluoch, passed on, I had attempted to negotiate for him to swap with Sen. Outa because of his experience in the Health Committee of the National Assembly. So, he comes with a lot of experience.

I am glad that this Motion is on the Floor and I can see the Senate Majority Leader is on his feet but I do not know whether the Chairman is here. In the discussions we had at the Senate Business Committee (SBC), one of the functions that are fully devolved is health. I do not think we are doing justice to the Committee because we are not doing enough.

I was pleasantly surprised and possibly not happy when I saw Members of the National Assembly going round hospitals in Thika, Eldoret, Kisumu and Eldoret giving the nod on medical leasing equipment. Why would we abandon our own cause?

This afternoon, the Chairman of the Committee on Finance and Budget has tabled the cash disbursement schedule and Senators need to look at it. Every county is

Therefore, I want to plead with my colleagues that they should for sure give the nod of approval to Hon. Samuel Chepkong'a. If he gets approved, it will be a great addition to us, as a team, because of his wide experience, first, as a manager and also as a

legislator. This position fell vacant after one of the former Commissioners, none other than my good friend who is here with us, Sen. (Dr.) Ali, vacated this position to go and contest and successfully so, as the Senator for Wajir. He also served with distinction as a Commissioner.

As a Member of the Parliamentary Service Commission, this Motion is of great importance to me, because I get a chance to listen to my colleagues and hear the kind of pleadings that they feel need to be provided for them as legislators. I have heard the passionate pleas that have been raised by Sen. Isaac Mwaura on behalf of Nominated Members of Parliament. I want to plead with my colleagues who were elected that a nomination is a special election as well. Therefore, we should on all occasions try to treat our nominated colleagues with the respect that they deserve.

On many occasions, not in this particular Parliament, but previous Parliaments, whenever there was anything in terms of facilitation that was extended to the elected members, Members were always apprehensive when the same was passed on to nominated Members. I do not think that is right, I think they too have a purpose for which they exist and at all times we should always strive to see that we bring equality even inside the walls of Parliament.

Madam Temporary Speaker, with those many remarks, I support.

Sen. Olekina: Madam Temporary Speaker, I rise to support the nomination of the hon. Samuel Kiprono Chepkong'a as a Member of the Parliamentary Service Commission. From the outset, I wish to say that I know hon. Chepkong'a. I have debated him in other forums and found him to be a man who is highly knowledgeable. He understands what a legislator needs and what he does.

From his background, I am very happy to stand here and support him. When he served as a Member of Parliament, he sponsored six Bills. Among those Bills were-

- (1) The Matrimonial Property Bill.
- (2) The Marriage Bill.
- (3) The Election Campaign Finance Bill.
- (4) The Truth, Justice and Reconciliation (Amendment) Bill.
- (5) The Protection Against Domestic Violence Bill 2013.

Looking at what he has done in terms of sponsoring those legislations, it shows that he is the man, who the sixth President of the United States, Quincy John, had in mind when he said that if your actions inspire others to dream more, learn more, do more and become more, you are a leader. The challenge to him now is to look at the work we do, as Senators. I am from a different school of thought that believes that the Constitution is very clear and fully empowers a Senator to be able to use his ability to defend or to help this country.

Article 96 of the Constitution is very clear that the Senate represents the counties and serves to protect the interest of the counties and their governments. When we talk about oversight, particularly now that we are looking at having a Fund that will be controlled by the Parliamentary Service Commission, having someone who understands the importance of a family or society which is accountable will help us.

Many a time, you find commissioners who go there with the interest of lining their pockets. I dare say that as Parliament, it is important that the commissioners we have are people who respect the fiduciary duty that they have. They must support this Senate.

It is quite often that we hear people talking about the role of the National Assembly commissioners versus the role of the Senate commissioners whereby the position of the Senate is not fully defined. I hope that the Committee on Labour and Social Welfare, as presented by Sen. Sakaja, took Hon. Chepkong'a through all the challenges that this Senate has fought to get to where it is.

With that, given that he is a leader, the challenge remains to him. As Winston Churchill said, the price of greatness is responsibility. He is now responsible for ensuring that we take governors to task. The only way we can do so is by ensuring that a Senator who represents hundreds of thousands of people--- Like in my case, I have six constituencies. In the case of Sen. Sakaja, he has got about 17 constituencies. I have taken upon myself to set up my own six offices in Narok County. In most cases I pay the staff from my own pocket to ensure that I am felt by people in every corner of Narok County.

I should not use my money to do oversight because I am elected by the people. This Constitution gives me power to ensure that I defend the interests of counties. The only way we can achieve that is by having a legal mind in the Commission who can ensure that the Senator is fully facilitated to do oversight. We are not interested in getting money or having things. We just want to be facilitated so that we come up with new legislations to ensure that those men and women who serve in the county governments as governors are not people who, yesterday, were living in apartments but today most of them own a lot of properties in Karen. They own hundreds of acres of land all over, particularly in Kajiado and other places.

We have got to take these people to task. The only way we can do that is tasking the people that we send to the Parliamentary Service Commission to represent us. We hope that the Commissioners that we have from this House will team up with Hon. Chepkong'a to ensure that we fully fight and protect devolution.

With those few remarks, Madam Temporary Speaker, I fully support the nomination of Hon. Chepkong'a to serve as a Member of the Commission.

Sen. (Dr.) Ali: Madam Temporary Speaker, I stand to support the appointment of Hon. Chepkong'a to replace me in the Commission where I served for three years before resigning to vie as the Senator for Wajir and I was successfully elected. I have been a Commissioner for some time and I know what Commissioners can do and what they cannot do. There are a lot of problems.

Hon. Chepkong'a is somebody who I know very well. He is my age mate and we were college mates. We travelled with him one time during President Moi's time to the United States of America (USA) and the United Kingdom (UK) when university students used to benefit from Mzee Moi's trips. He is somebody I have known since 1987 to date. When my name was forwarded to be a Member of the Commission under Article 127(2)(d), he was one of the Members of Parliament on the forefront who supported my candidature to become a Commissioner.