

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Wednesday, 4th October, 2023****Afternoon Sitting**

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

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

PRAYER**DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING**

The Speaker (Hon. Kingi): Clerk, do we have quorum?

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

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Serjeant-at-Arms, I am informed that we have quorum now. Kindly stop the Bell.
Clerk, proceed to call the first Order, please.

COMMUNICATIONS FROM THE CHAIR

The Speaker (Hon. Kingi): Hon. Senators, I have two Communications to make.

**CONSIDERED RULING ON PRESENCE OF
SEN. GLORIA ORWOBA IN THE CHAMBER**

The Speaker (Hon. Kingi): I made some directive yesterday to the extent that I was to deliver a ruling on the matter touching on the presence of Sen. Orwoba in this Plenary. Instead, the ruling will be delivered tomorrow at 2.30 p.m.

VISITING DELEGATION FROM
KISUMU COUNTY ASSEMBLY

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, a visiting delegation from Kisumu County Assembly. The delegation comprises six Members and five officers of the Committee on Public Accounts and Investments who are on a benchmarking visit with their counterparts in the Senate.

Hon. Senators, I request each member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

1. Hon. Ken Ouko - Chairperson
2. Hon. Geoffrey Warindu - Vice-Chairperson
3. Hon. James Omollo
4. Hon. Reuben Rakwach
5. Hon. Nancy Matara
6. Hon. James Were
7. Mr. Augustine Ochieng'
8. Mr. Chrispine Oguta
9. Mr. Patrick Okoyo
10. Mr. Naboth Odero
11. Ms. Faith Judith

On behalf of the Senate and my own behalf, I extend a warm welcome and wish them a fruitful visit.

VISITING DELEGATION FROM
ZETECH UNIVERSITY

The Speaker (Hon. Kingi): Equally, I would like to acknowledge the presence in the Public Gallery this afternoon, a visiting delegation from Zetech University Students Association (ZUSA) Congress. The delegation comprises 22 students who are in the Senate for a one-day visit.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

(Applause)

I will allow Sen. (Dr.) Khalwale, under one minute, to welcome the delegation from Kisumu County Assembly. Sen. Wambua will welcome the delegation from Zetech University under one minute.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir, for that privilege. It is a fact that I am the Senator for Kakamega County, but a good neighbour of Kisumu County.

I take this opportunity to welcome our visitors. I wish to inform them that your Senator, Sen. (Prof.) Tom Ojienda Odhiambo, SC, is a vibrant Member in this House. He is a go-getter, not just in this House, but even outside. He normally does many experiments, including going to State House and agreeing with me on many things. So,

you should know that he is compliant with the Government and, therefore, you will access development in Kisumu County faster.

Sen. Wambua: Mr. Speaker, Sir, the duty you have given me is to welcome the visiting students from Zetech University. I will try to avoid the temptation to respond to what Sen. (Dr.) Khalwale has said.

To the students from Zetech University, I take this opportunity on behalf of the leadership of the Senate, to welcome you to the Chamber. Take the time to learn the good things you see in this Chamber and aspire that one day, you will be in this Chamber as students from universities sit in the Public Gallery to watch you debate.

Mr. Speaker, Sir, with those few remarks, I welcome the students and the delegation from Kisumu. They should ignore what the Senator for Kakamega has said. Their Senator is on the way here. I spoke to him a few minutes ago and he is doing a good job in the House. I will leave the visitors and the Senator for Kakamega to him.

The Speaker (Hon. Kingi): Next order.

PETITIONS

PETITION ON CHANGARA WATER PAN IN BUSIA COUNTY

Sen. Okiya Omtatah's Petition is deferred.

(Petition deferred)

PETITION ON ELECTORAL LAWS AMENDMENTS FOR NOMINATED MCAS

The Speaker (Hon. Kingi): Hon. Members, I do have a Petition to present.

I hereby report to the Senate that a Petition has been submitted through the Clerk by Mr. Laban Omusundi, a resident of Nakuru County concerning the enactment of a clause in the electoral laws that will make sure that all nominated Members of County Assembly (MCAs) are voters and residents of their respective counties.

As you are aware, under Article 119(1) of the Constitution:

“Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

Hon. Senators, the salient issues raised in the Petition are as follows:

(1) That there has been a public outcry on the matter of nominations of Members of the County Assemblies;

(2) That some of the nominated MCAs are serving in counties they are not registered voters and, therefore, unaware of the challenges and needs in those specific counties. An example is where a person who participated in politics in Kiambu is nominated in Turkana, Nairobi, Kericho, Nakuru, Kakamega, Muranga or Kajiado county assemblies;

(3) This practice continues to deny the indigenous people who are the voters and who meet all requirements to be given nomination opportunities to serve the people effectively.

(Applause)

The petitioner, therefore, prays that the Senate intervenes on this matter with a view to enacting a clause in electoral laws that will make sure that all nominated MCAs are registered voters and residents of their respective counties that they are nominated into reflecting ethnic communities in those respective counties.

(Applause)

Hon. Senators, pursuant to Standing Order No. 237, I shall now allow comments, observations or clarifications in relation to this Petition for not more than 20 minutes. The Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. This is an interesting Petition. As someone who has served in the nomination process in the largest political party in the Republic, the United Democratic Alliance (UDA), which boasts of a majority of about 800 MCAs, I know what this Petition is talking about. It is a fight we have had over time.

I am a bit lost because the petitioner wants to guide the House to believe that the only way you can identify with needs of a particular county is by being a resident. These needs are not defined because there are needs that can be served by elected leaders and others by nominated leaders who represent certain special interests. To the best of my knowledge, these interests are not limited to a particular locality.

Mr. Speaker, Sir, I would not wish to discourage the petitioner or the Committee that will look into this, but I am willing to be convinced that you have to come from a particular locality to understand the special needs of the people in that county because that is what the nominated MCAs do.

Mr. Speaker, Sir, I do not know which Committee will handle this Petition because that is up to them to determine. However, I hope they will equally resolve that and give life to our constitutional provision on nomination to county assemblies, especially with regard to giving clarity on the three categories, Persons with Disabilities (PWDs), youth and marginalized communities.

In the last three county assemblies, the Independent Electoral and Boundaries Commission (IEBC) on their own motion decided to lump two categories together and leave out one group. Such that if you go to all our 47 county assemblies, you will find that either there is a marginalized person and a youth without a PWD or a PWD and a marginalized person without a youth. That continues to expose most of us even to demonstrations.

Mr. Speaker, Sir, I have been a victim of this provision of the Constitution many times in my county because each time nominations are done, they look at the Senator or any person perceived to be close to the powers that be and they imagine that you have a hand in it, yet it is the IEBC. I hope our Committee can guide us so that we make the necessary amendments and give life to these Articles of the Constitution without necessarily being limited to that Petition alone.

If they can address this and guide the House to resolve those two issues, then we will have done justice to our county assemblies.

The Speaker (Hon. Kingi): Sen. Dullo.

Sen. Dullo: Thank you, Mr. Speaker, Sir. I support this Petition. As far as voting in the Assembly is concerned, this is a matter that also affects the Senate where delegations are the only ones allowed to vote. Even in the assemblies, it is the ward representatives who vote on the matters that affect the wards.

Secondly, the matter on nominations needs to be addressed. It is unfair to those who are residents of those counties. You cannot transport someone from Kisumu to become an MCA in Isiolo County yet we have many voters who can be appointed to those positions. This is an anomaly that must be corrected considering we have situations where people have moved to court and protested the swearing in at those county assemblies.

This is a good Petition and we must deal with it. It is unfair for any political party to transport an MCA from one county to the other.

The Speaker (Hon. Kingi): Sen. Wafula.

Sen. Wafula: Asante, Bw. Spika. Hili swala tunalojadili ni tatanishi kwa sababu ni mojawapo ya mbinu za kikoloni. Mbinu gandamizi na za kukanyagia wapiga kura husika nafasi ya kuwakilishwa katika Mabunge ya kaunti na ya kitaifa.

Kamati ambayo utaipaa majukumu haya ya kuchunguza na kuleta ripoti, itakusonesha sana. Hii ni kwa sababu kuna vyama vya kisiasa ambamo wanasiasa walikuwa wanapiga debe, wakiuza sera za mageuzi na uhusishaji wananchi, lakini wakati wa uteuzi, watu hawa walishangaa.

Waswahili husema asiyeamini ya Musa, huyaona ya Firauni. Walioteuliwa kwa makaunti mbalimbali Kenya hii ni watalii wa kisiasa. Ni wafyonzaji wa nafasi za kisiasa. Ni watu ambao nitasema ni kupe wa kiasa. Wanafyonza jasho na jitihada za wapiga kura katika kaunti husika.

Bw. Spika, viongozi hawa wa kisiasa ni kama mafarisayo, hata wengine wako hapa na wanatuahidi mabadiliko, lakini katika kaunti wanazotoka wananchi wanashangaa. kuna tume ya majadiliano ambayo inaendelea sasa na mimi ninaomba kwamba jambo hili lijadiliwe na tuweke sheria mapema.

The Speaker (Hon. Kingi): Sen. Cheruiyot, hoja lako la nidhamu ni nini?

The Senate Majority Leader (Sen. Cheruiyot): Utaniwia radhi Bw. Spika. Haikuwa ni nia yangu kumkatiza mwenzangu, rafiki yangu Seneta wa Bungoma wakati ambapo anatoa mchango wake hasa katika lugha ya Kiswahili. Alikuwa anajieleza vizuri na nilikuwa na furahia.

Hata hivyo, kuna tabia ambayo yeye ameanza kuzoea na ninaona akiwachiliwa kuendelea nayo, atazidi. Wakati tulikuwa hapa mchana kabla ya sisi kuchukua likizo ili kupata chakula cha mchana, alizungumza na kusema hapa ndani kuna watu wabaya. Hawa watu wanafanya hivi na vile. Nimemsikiza tena akizungumza sasa. Amezungumza akasema kuna mafarisayo na kisha akasema wako hapa ndani. Nafikiri sio vizuri yeye kuruhusiwa kuelekezea kidole cha lawama watu ambao hawataji kwa majina.

Kwa kweli ninajua mimi sio mmoja wao lakini kwa sababu ya hawa marafiki zangu, ndugu zangu Maseneta, ningependa kujua hawa ni akina nani. Kwa sababu akiwachiwa fursa hii ya kueleza na kuwalimbikizia lawama wenzake bila kusema ni akina nani haswa, nafikiri sio vizuri.

Ni vyema awaeleze kwamba akisema hapa anamaanisha wapi. Ni hapa bungeni, Kenya, Barani Afrika ama dunia kote? Ni vizuri tuelewe.

Asante, Bw. Spika.

The Speaker (Hon. Kingi): Sen. Wafula, ni kweli kwamba ile hoja ya nidhamu ambayo imepeanwa na Seneta wa Kericho inastahili. Kwa hivyo, nitakusihi unapozungumza, mwanzo ufafanue wale wabaya na mafarisayo ambao wako hapa ni akina nani haswa.

Pengine ikiwa wale mafarisayo na wabaya hawako, basi itabidi uondoshe matamshi hayo katika kumbukumbu.

Sen. Wafula: Asante, Bw. Spika. Naomba hisani na msamaha kwa yeyote ambaye nimemdhuru kwa matamshi yangu. Ni jambo la kisiasa ambalo nadhani nitalijadili wakati mwafaka lakini kwa sasa naondoa sentensi hiyo.

Nikimalizia ni kwamba, mjadala huu natarajia kwamba utachukua mwelekeo mwafaka ambao utawapa Wakenya katika pembe mbalimbali nafasi za kuwakilishwa na wenzao ambao wanawajua, wanawaelewa, wamepiga kampeni nao na wana mwelekeo mmoja wa kisiasa.

Haya yote ni ili Kenya kisiasa na kidemokrasia iwe ni nchi ambayo unavuna kile ulichopanda na sio kwamba unatuzwa kwa uzembe ama kutuzwa kwa kuwa na falsafa ya fisi ambaye anatarajia kuvuna ama kupambana na mkono ambao hauanguki kihalali lakini kunyakua kwa lazima.

Bw. Spika, naomba kwamba kutoka sasa kwenda mbele, vyama vya kisiasa vizingatie demokrasia na wale ambao Seneta wa wengi alisema, walemavu, wanawake na wazee, vile vile wapewe nafasi na vyama vya kisiasa na kuchaguliwa kama wakilishi wa Mabunge ya kaunti na kitaifa.

Ukiangalia awamu tatu zilizopita, mfumo wa 2013 wanawake walikuwa wengi. Ukija mwaka wa 2017, kukakuwa na mchanganyiko na walemavu.

Kwa sasa, pia kunatofauti. Lazima ieleweke vizuri. Wale ambao watateuliwa ni mfumo upi na wale ambao chama kinachagua wapewe nafasi sio tume ya uchaguzi kuamulia vyama vya kisiasa ni nani ambaye watumchagua.

The Speaker (Hon. Kingi): Proceed, Sen. Wambua.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I want to begin by really congratulating the hon. Senator for bringing this Petition. I wish there was sufficient time to actually debate this matter.

I have listened to a contribution by my colleague Sen. Cheruiyot. Yes, he has made reference to the biggest political party. It should also be appreciated that, in fact, the big political parties are the biggest violators when it comes to nominations, especially the nomination of MCAs.

It should concern all of us that the interest that nominated Members are specially elected to represent in counties, those interests are available and abundant in every county.

There are women in every county and ward. So, there should be sufficient number of women for gender top up in nominations in every county. There are people with disability in every country and ward. So, people should be nominated from there to represent the interests that are abundant in those areas.

Mr. Speaker, Sir, I support that Petition and I want to request that the Committee to which it will be forwarded, on the day that they are sitting, they should invite all Senators to make a contribution so that we expose the Pharisees that Sen. Wafula is making reference to.

It will surprise many of us to find out that the bigger the party, the greater the violation.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. From the onset, I want to support the sentiments of my colleagues who have contributed before me. I think as a country we must agree that there is a Kiswahili saying that says “*Mbuzi anakula kwa urefu wa kamba yake.*”

Mr. Speaker, Sir, allow me with the indulgence of the Standing Orders. Why should you take somebody from Nairobi to nominate him in Garissa, Mandera, Nandi or Kericho county assemblies? We must be honest with ourselves. The biggest problem we see is in our county assemblies. It is not even in these other positions that we are talking about. Therefore, as parties, we must also be disciplined.

I am a Member of the largest political party in Kenya and across Africa. Therefore, we should be careful because we have taken nominations as tokenism as opposed to competence and ability of our many MCAs.

I have met people who sacrifice a lot for the party, but they did not get those nominations. I know in your former life, you used to be a party leader of a political party called Pamoja Alliance of Africa.

So, we must learn and we have a sitting political party leader, my brother Sen. Governor of Mandera. As people who aspire to own or manage political parties, we should avoid this issue of tokenism. Your face value, how you walk, look like, talk and smile should be at the back stage because this is not a beauty contest. It is about the ability and competence.

Mr. Speaker, Sir, as one of the greatest champions of the MCAs in this House, I want to assure you because I engage with MCAs most of the time. When we rectify these issues including the welfare of MCAs and other issues, we shall make our county assemblies to be bastions of representation, legislation, oversight, making plans and budget-making programmes within the county executive.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Mungatana.

Sen. Mungatana, MGH: Bw. Spika, asante kwa kunipa nafasi ili nitoe maoni yangu kwa ufupi kuhusu hii Ardhihali ambayo iko mbele yetu.

Bw. Spika, pengine shida iliyoko wakati huu ni kwamba sheria ya tume ya uchaguzi ya IEBC inasema kuwa wale watakapewa nafasi za kuteuliwa katika jimbo gatuzi ama Bunge kuu, wanajiandikisha mapema kabla ya watu kupiga kura.

Unapata wakati watu wanaenda kupiga kura, watu wazuri na wanasiasa ambao wamekomaa wanashindwa kwa bahati mbaya. Inakuwa hawawezi kuregeshwa kwa orodha ambayo iliandikwa na maafisa wa IEBC. Mtu wa siasa ambaye amejitolea kwa chama anakosa nafasi ilhali mwingine kwa sababu ya pesa ama kujuana na wakuu wa chama kile anapewa nafasi. Ardhihali hii inafaa kuungwa mkono kwa njia zote. Itakapopelekwa kwa kamati husika, waambie waangalie ile sheria ya IEBC. Inafaa kubadilishwa na turudie ile sheria ya zamani.

Tungojee uchaguzi umalizike ili tutafute watu wetu wa chama na ambao hawakufaulu wawepewe zile nafasi ili watusaidie. Pia wanafaa kuweka ghadhabu na faini kali kwa wakuu wa chama wanaochukua pesa na kuendeleza ufnisadi.

Wanabadilisha majina na kuweka ya wale wasio katika kaunti na kuwapitisha kuwa wawakilishi wadi kule nyumbani.

Sitataja jina la kaunti lakini kuna kaunti jirani ya Tana River ambako Orange Democratic Movement (ODM) walileleta wawakilishi wadi kutoka nje. Watu walikasirika katika kaunti ya Kilifi na hawakutaka kuwaapisha wale watu. Ikawa ni shida. Lazima tuiangalie hii ardhihali na kuiunga mkono. Tunataka watu kutoka nyumbani wapewe nafasi hizi.

Kwa hayo mengi, lazima tuiangalie sheria na tuiunge mkono hii ardhilhali kabisa, ili haki ifanyike kwa waniasia wanaotoka kwa magatuzi yetu.

The Speaker (Hon. Kingi): Proceed, Sen. Osotsi.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. This is a very valid Petition in which the election law needs to be amended to allow only voters of a particular county to be nominated to the county assembly. That should not stop at the voters, they should also be a resident of that particular county.

Whereas I support this, political parties use nomination as a reward for those who have worked for the parties. I encourage Kenyans to belong, participate and work for their political parties. We have scenarios where political parties get fewer slots of nomination yet they have so many people to reward. That is why they end up nominating people who are not from those counties.

I encourage Kenyans wherever they are, kindly do not start to identify with a party during an election period only. Start participating in the political party process before and after the election so that you earn that nomination. You will not earn a nomination by virtue of being a resident or voter in an area. You must actively participate in the running and working of the party in order to earn it.

Mr. Speaker, Sir, even as we talk of amending the law, it is important for us as Parliament to start thinking of the reforms we want to make in the electoral legislation as early as now. This will stop the idea of hurriedly amending election laws just towards the election. We need to start this early. I am happy that the bipartisan dialogue is engaging in this process to identify which areas of the law we need to amend. One area I recommend is the issue of allocation of nomination slots. We have left this to IEBC.

The formula that was used to allocate slots to political parties is administrative. It is not in law. We need to put it into law so that we are very clear on the formula used to award slots to UDA. I know of a party that only got two slots and ended up getting two nominations in the county yet another got 10 slots, but had three nominations.

As we talk about this, let us also talk about the formula of allocating slots to political parties so that the formula is fair to all.

I support.

The Speaker (Hon. Kingi): Proceed Sen. Tobiko.

Sen. Tobiko: Thank you, Mr. Speaker, Sir. I rise to support this petition. We have seen a lot of things happening in political parties. As Sen. Wambua said, it is very interesting when you find the bigger political parties nominating people from different areas in other counties. Kajiado County because of its proximity to Nairobi City County has every Tom, Dick and Harry dumped there. It is not fair.

There were people in Kajiado County who supported political parties - I mean it is across the board in all political parties. They bring somebody from Mandera County to be nominated in Kajiado County. Everybody wants their girlfriends, wives or whoever to

be nominated in Kajiado County, because it is easy for them to operate in Nairobi City County and go to Kajiado County and back. They do not know the issues affecting the people of Kajiado County.

There are people who campaigned for these political parties. They know the issues that affect the local people and they toiled for the political parties in Kajiado and in all other counties. Every person should benefit from where they campaigned. Where they worked is where they should get their slots. Those who campaigned for political parties in Kajiado County should be nominated by those parties in the county.

Kajiado County has become one of the most affected counties in this country. Those who campaigned for the parties are not considered yet there are very pertinent local issues that should be addressed in those county assemblies. These people do not know. They shall be here in Nairobi City County attending conferences not knowing what is affecting the people in Kajiado County as far as drought and other challenges are concerned.

I support.

The Speaker (Hon. Kingi): Proceed, Sen. Ogola.

Sen. Ogola: Thank you, Mr. Speaker, Sir. I rise to support the Petition about the nomination of MCAs from the voters of those wards and the residents of the respective counties. Assemblies and Parliaments are about representation. You represent the needs that you are closer to and have a lot of knowledge of.

Last week we were in Turkana County for the Senate Mashinani. Some of us got a face-to-face experience of the challenges that are in Turkana County. If I came to the Senate to represent Turkana County honestly, I would be talking about issues I know nothing of. It is until I was in Turkana County – over 50 years since I was born – that I learnt of the challenges they have. Devolution was incepted so that issues are sorted close to the people. County Assemblies legislate over local issues because they are in touch with the people.

I support this Petition because there has to be equity in services that are given. Why would I be taken from Homa Bay County and represent Kilifi County. When I speak on the Floor of the Senate, I only bring issues and Statements of concerns from Homa Bay County where I come from. I only argue on issues that affect the people of Homa Bay County because I am alive to them. I am a resident of the county and know the challenges. This is the reason why I rise to talk about them.

The men and women nominated at the county assemblies must be residents of the respective counties. Then they will execute the issues raised. If nomination to county assemblies is left open, then we will leave it to the likes of Sen. Cheruiyot to decide. He has demonstrated that he was at the table that decided his party's nominations. We are now aware of the loopholes. He has shown, that if we leave this duty to people in his position, we will get names of people nominated to county assemblies from all over. They will be names of people of their own interest, but not people with the interest of wards and counties, at hand.

I support this Petition with the whole of my body because if you want to talk about rewards in each ward, then you need to reward everybody that supported the party in each county. You cannot tell us that the only people whom you can reward are particular people found elsewhere, but not from the locals in counties.

The Assemblies are a devolved structure of representation of people, who are in those counties and not from elsewhere.

I support.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. This Petition which I support is a wakeup call and food for thought. A wake up call to the extent that we realize the need to amend the Constitution and make it more user friendly. When affirmative action was introduced in the Constitution, it was supposed to serve the principle of inclusivity and equal access to opportunities. With the benefit of hindsight, this has not been the case. This spirit only benefits party leaders directly or by default, their names are used to reward people purely on the basis of other considerations; shamelessly, including people nominating relatives, girlfriends and others selling out nominations.

In a place like Kakamega County, there are two MCAs who have been nominated from a neighbouring county. In the pretext that they come from community 'x' which is a minority in Kakamega County. What stops that political party from nominating people from that community that is a minority in Kakamega, but of people who live and come from Kakamega County and vote in the county.

I had the opportunity to be here in the 11th Parliament and a case arose where some leader had assisted a youth to be nominated. The youth was forced to surrender some of the perks to the fellow who assisted him to be nominated.

In conclusion, it begs the question – in view of all the abusive things Members are speaking to, do we need nominations? Even if we need it, can we create enough chances to meet the demand? The people who deserve to be nominated are many. If you are floating only 800 chances for nominations, you are not responding to the eight million Kenyans who deserve to be nominated. We have to bite the bullet and say, “to hell with nominations, let men and women compete to become elected.”

I have close friends in this House who are nominated. I am not saying this with their names on my mind. In fact, my immediate neighbour, Sen. Nyamu can kick me on the side if she thought that I am having her in mind. We want to make Kenya better.

I am a father of a number of girls. I teach them every day that just like they beat boys in class, if your time comes to replace or copy me in politics go and beat men. There is a famous lady here, Sen. Tabitha Keroche, she beat great men in Nakuru County.

This is what we want to teach our children. We want to teach them to compete. I know Sen. Ogola wants to kill me, but this is it. Nominations are being abused from left, right to centre.

I support.

The Speaker (Hon. Kingi): Sen. Madzayo, proceed.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Ningependa kuunga mkono Ardhihali hii ambayo iko mbele ya Bunge la Seneti. Tumekuwa tukitumia nafasi ya wale wanaopendelewa na vyama vyao kuteuliwa vibaya. La kwanza, inajulikana bayana kuwa wanaochaguliwa huwa ni wapenzi na marafiki wa wale wanaowateua. Ambao huwa ni viongozi wa vile vyama ambazo zinafaa kuteua.

Wateuliwa wa kupendelewa wanafuata ule mkondo wa ule aliyewateua. Mara nyingi tunajipata kwenye njia panda kwa sababu ya wale ambao wanateuliwa. Ardhihali hii ni kuhusu wanaoteuliwa kwenye mabunge ya kaunti zilizoko mashinani.

Uteuzi kwenye kaunti ama hapa Bungeni umetumika vibaya. Ndugu yangu Sen. Mungatana ametaja kuwa Kaunti ya Kilifi ilikuwa mojawapo ya wale waliolalamika, sijui aliambiwa na nani na alijuaje. Sikuweza kupinga hilo kwa sababu ilikuwa ni kweli. Wakati huu, 2022, mambo ya kuteuwa namna hiyo yalikoma. Hii ni kwa sababu tuliweza kurekebisha na wale walioteuliwa ni wakaaji na watu wa chama cha ndani ya Orange Democratic Movement (ODM)

Bw. Spika, vile vile, ikiwa itawezekana, Kamati ambayo itachunguza hii, iweze kuja na *recommendation* ama kusahihisha kabisa ya kwamba sheria mwafaka inaweza kutengenezwa ili kuona ya kwamba mambo haya ya watu kupendelea jamaa zao yatafika mwisho.

Ukiwa utateuliwa, basi uteuliwe ikiwa wewe ni mkaaji wa ile kaunti ambayo unatoka ama sehemu ile ambayo wewe unafanyia kazi ama unajihusisha na chama katika ile kaunti ambayo utataka kuteuliwa. Sio kutoka katika Kaunti moja uende nyingine kunyanyasa wale watu wanaoketi katika ile kaunti yao.

Kwa hivyo, tabia kama hii ikome. Tuone ya kwamba watu wote walio kwenye vyama vyao watatendewa haki kulingana na uteuzi wa wale wanaopendelewa na vyama vyao.

The Speaker (Hon. Kingi): Sen. Munyi Mundigi, you may have the Floor.

Sen. Munyi Mundigi: Asante Bw. Spika. Naunga mkono mambo ya vile vyama vitakuwa vikiteuwa watu. Ni mambo mengi sana yanafaa kuangaliwa. Seneti na *Members of County Assembly (MCA)* ni watu wa kuangalia vile pesa inafanya kazi mashinani.

Kama ni mambo ya kupewa viti baada ya watu kuchaguliwa, naunga mkono iangaliwe vizuri. Hii ni kwa sababu, tumeona mambo mengi sana. Tunaweza kulaumu *nomination* ya *MCA* ilhali hata kwa *Senate* tumeona mambo mengi.

Ni mambo mengi sana yanafaa yaangaliwe. Kwa mfano, mtu amekaa kwa chama kwa muda gani, alikuwa amegombea kiti ama alikuwa anafanya kampeni. Pia, kwa *Senate*, watu wakichaguliwa lazima tuangalie. Hii ni kwa sababu, kama tunaangalia mambo ya pesa, hata kwa kaunti ni mambo ya pesa.

Ili sisi tuheshimike, inapaswa tujue huyu ni mtu wa aina gani. Hata iwe kwamba mtu yule amefanya kampeni na amechaguliwa, aangaliwe kwa mda wa miaka tatu ili kujua kama ako na akili timamu.

Tumeona watu wengine hata kwa *Senate* wakiwa na madharau. Unapata hata *Senate* inaaibika. Kwa hivyo, vile *Senate* inavyoaibika, ndivyo *MCA*s wanaaibika. Hii ni kwa sababu mtu anateuliwa kwa sababu zisizoeleweka; sijui ni mnono, ni mfupi au ako namna gani. Hayo yote lazima yakome.

Hata hapa kwenye Seneti, tumeona inagawanyika kwa sababu ya kitu kimoja. Utapata kuna mtu hawezi kuheshimu wafanyikazi au mfanyikazi hawezi kuheshimu Seneta aliyechaguliwa.

Naunga mkono lakini mambo mengi yaangaliwe. Pia, kabla mtu kuteuliwa, apelekwe hospitali achunguzwe kama anatumia dawa za kulevya.

(Laughter)

The Speaker (Hon. Kingi): Sen. Wakili Sigei, you may have the Floor.

Sen. Wakili Sigei: I thank you, Mr. Speaker, Sir. Allow me to support the Petition that has been filed this afternoon before the House.

Why nomination in the first place? The question is very important. I take a cue from Sen. Osotsi when he affirms the fact that besides the requirement of the law to ensure that there is the two-thirds gender rule, like in the county assembly top-up and also in the Senate. We need to go beyond that and appreciate the fact that nomination also is a tool for reward to members who have worked and supported the party.

There is the need to make sure that such people who are nominated indeed would support the party even within the areas where they come from. In the case of the county assembly nominees, they must be people who come from within the county, so that they advance the interest of the people coming from that particular country.

Mr. Speaker, Sir, of course, we are aware that we have a team that is required to represent Persons with Disabilities (PWDs), the minorities or even the gender top-up in the essence of those who are nominated in the county assemblies. Do they represent those interests if they do not come from within those counties or wards? The answer is no.

Therefore, it is most likely a high time to relook at the law and say, if we are after appreciating those who have supported the party, then we revert to the law as it were, so that those who lose in the course of nomination can now get to be rewarded.

If we want to be very objective in the nomination, then political parties are encouraged to ensure that the nominees or the people who they put in the list that goes to the Independent and Electoral Boundaries Commission (IEBC) are people who are of substance and will serve the purpose of their nomination.

As the Justice, Legal affairs and Human Rights Committee, we are going to have a high-level meeting with stakeholders. One of the issues laid out to discuss in that meeting is proposals towards reforms in the law, including the IEBC and the nomination process. This is so that the players in the field of the political space can also air their views, including the views that this Petition is seeking to advance before this House.

I look forward to the Committee that you will have committed this Petition to, inviting Members of this House, so that their views can be fully captured. Appropriate recommendations will then be made towards amending the law where necessary or appropriate reforms are done to both political parties as well as the IEBC.

I support.

The Speaker (Hon. Kingi): Sen. Tabitha Keroche, you may have the Floor.

Sen. Tabitha Keroche: Thank you, Mr. Speaker, Sir. I rise to also support this Petition. I know that Sen. (Dr.) Khalwale praised me for having fought with men in Nakuru County and emerged as the only Kenya Kwanza woman Senator in this House. I think I need applause for that.

(Applause)

However, Sen. Munyi Mundigi's comments on nominated Senators were too harsh. As he is talking about that, there is no level playing ground when it comes to the political competition. That is why you will see less women in the Senate, the county assemblies and the National Assembly.

As we are supporting the Petition, what we should be really worried about is the level playing ground. This is so that everybody can fight for their own to come to this House. Left the way it is, I think we will always have few women. It will also be very rare to see the special cases such as the PWDs in this House.

On that nomination, I concur with the majority of us who are saying that it should be relooked at. This is because I know in some counties such as where I come from, all the MCAs were nominated by one person. I heard people complain. Immediately after they go to that county assembly, they will rarely talk about the issues that are affecting the county. Coming even to the nominated Senators at the Senate or in the National Assembly, it is the same.

How will they be chosen? They must be people who will come and talk on national issues and not a nominated Senator from Nakuru County talking of only Nakuru County. They should be people nominated to talk on the national issues. They should be leaders and not followers. When we get those coming to this House, they make a difference and then they could be allowed to vote. If they have no vote, it means they are here as stooges. So, let us review that Petition so that everybody who is nominated plays their role to ensure that this country moves to the next level.

The Speaker (Hon. Kingi): Proceed, Sen. Chimera.

Sen. Chimera: Thank you, Mr. Speaker, Sir, for this opportunity to contribute. May the record reflect that I am in support of this Petition.

For your information, I happen to have served in the National Election Board of the ruling party. I am pretty much aware of and involved in the process that leads to the nomination of Members to various county assemblies, the Senate and the National Assembly.

Mr. Speaker, Sir, it is a concern that we have political parties that do not necessarily align with the dictates of what it means to nominate people to the county assemblies, Senate and National Assembly. I have no issues with the quality of leaders who came to the Senate and the National Assembly. My colleague, Sen. Mundigi, might be wrong by insisting on having some of us go through psychological tests or a psychiatrist.

It is unfortunate that these are words from my colleague Senator, but I know he has his own reasons. Otherwise, I strongly believe that the people we sent to this Senate are of sound mind and are doing their duty as required by the Constitution and the Standing Orders. As a party, we stand by that list.

Let me speak to the issue of political parties that nominate people who do not come from those localities, especially in our county assemblies. If you have ever worked in a political setup where there are many diverse competing interests, you nominate people who have been involved actively in the politics of the day and of that party.

Mr. Speaker, Sir, let us balance and have a thin line between those we sent to our county assemblies and those who have worked for and truly believe in the manifesto of that particular political party.

In some areas like Kwale County, where I come from, I am sad to say that I have personally been involved in a number of Petitions before the High Court in Mombasa. There was a ruling from the High Court in Mombasa that threw out about five Members of County Assemblies (MCAs) on the account that they are not people from Kwale County.

I might disagree with that ruling, but to some extent, it has the merit that it deserves. I am sorry to say this because the leader of the United Democratic Movement (UDM) is sitting with me here, as my colleague Senator. However, political parties gave us people from Mandera and Wajir to come and serve in the County Assembly of Kwale.

I shudder to imagine what someone from North Eastern knows about Kwale County. What issues would someone from a place like Kilifi, serving in Kwale County, articulate in that assembly? What issues affecting the livelihood of the people of Kwale would he be willing to advance, support and caucus?

Mr. Speaker, Sir, it is time we bring sanity to how we nominate our members to the county assemblies. It is time that nominations become purely an issue of balancing between the local politics of the day and the competence that is required.

Finally, I am a Member of the Committee that, perhaps, this Petition will come to. I am ready and willing to support my Chair, Sen. Sigei. I call upon many stakeholders to come out strongly. Let us argue, discuss and engage in a positive and serious discourse on how we nominate Members to our county assemblies.

We cannot afford to play politics with our county assemblies. If you all agree with me, county assemblies are the tier ones when it comes to matters of oversight. You cannot nominate girlfriends, people you know, cronies or relatives of those who run the political party. It is time we get serious people to the county assemblies so that their legislative work can be felt.

The Speaker (Hon. Kingi): What is your point of order, Sen. Mandago?

Sen. Mandago: Mr. Speaker, Sir, my point of order is on Standing Order No.105. I would like Sen. Chimera to tell this House how a girlfriend definition in politics comes in. There is a tendency that when people arrive in this House, they begin to accuse other women of being girlfriends and so forth, but during campaigns, the services of those girlfriends are highly sought. Can Sen. Chimera substantiate the statement?

Sen. Chimera: I wonder what services are highly sought during campaigns. Otherwise, these girlfriends I am referring to are synonymous with the fact that they are girls, who are friends to those who matter in the party. Nothing else.

In conclusion, we would be more than willing to have robust discussions with various stakeholders, so that we can streamline how we conduct nominations. This way, we will get value for our nomination, for the money and the political party.

Mr. Speaker, Sir, I beg to support.

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No.238 (1), the Petition is hereby committed to the Standing Committee on Justice, Legal Affairs and Human Rights for its consideration.

In terms of Standing Order No.38 (2), the Committee is required in not more than 60 calendar days from the time of this prayer, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

*(The Petition was committed to the Standing Committee on
Justice, Legal Affairs and Human Rights)*

Next Order.

PAPERS LAIDANNUAL REPORTS OF VARIOUS
GOVERNMENT AGENCIES

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I beg to lay the following Papers on the Table of the Senate, today 4th October, 2023-

Annual Report of the Public Service Commission (PSC) for Financial Year 2022/2023.

Annual Report of the National Cohesion and Integration Commission (NCIC) for Financial Year 2021/2022.

Office of the Controller of Budget (CoB) annual county government's budget implementation review report for the Financial Year 2022/2023.

(Sen. (Dr.) Khalwale laid the documents on the Table)

The Speaker (Hon. Kingi): Is the Chairperson of the Committee on Delegated Legislation or any Member of the Committee here?

Next Order!

QUESTIONS AND STATEMENTS**STATEMENTS**

The Speaker (Hon. Kingi): Statement pursuant to Standing Order No.52(1). Proceed, Sen. Nyamu.

BREAST CANCER AWARENESS MONTH
AND THE STATE OF CANCER IN KENYA

Sen. Nyamu: Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of general topical concern regarding the world's breast cancer awareness month, the state of cancer disease in Kenya and the challenges facing victims of this dangerous disease.

Mr. Speaker, Sir, the month of October is a very important month in the global calendar of health and wellness. This is because it is the month dedicated to sensitizing and creating awareness about breast and other classes of cancer. The month marks the start of a global campaign to increase knowledge and support for people affected by the disease.

Mr. Speaker, Sir, allow me to share some shocking statistics about the state of cancer in Kenya, as released by the National Cancer Institute of Kenya (NCIK) in February, 2023. Statistics show that 70 per cent of cancers are diagnosed at advanced stages. Two-thirds of the diagnosed victims succumb to the disease. Only 23 per cent of all cancer patients in the country have access to cancer management and treatment services. On average, the country records 47,887 new cases annually with 32,587 deaths annually. This translates to 89 deaths every single day.

No doubt, this is a great menace and a disaster to our nation; and if you are not infected, then you are definitely affected. None of us can claim to be safe or immune as the disease is not a respecter of any person, gender, race, tribe, age or even status in the society.

Despite the huge investment in the health sector every year, the low number of oncologists in Kenya continues to derail the war against cancer. Records from the Kenya Medical Practitioners database indicate that we have only about 100 oncologists in Kenya. They are expected to serve more than 50 million Kenyans. This translates to oncologist to patient ratio of 1:500,000.

This state of affairs is not only quite alarming, but has also put immense pressure on the few available public health facilities, leading to so much interruption of treatment and long waiting periods of patients. The situation is further exacerbated by the low intake of the National Hospital Insurance Fund (NHIF) cover, where only about 25 per cent of eligible Kenyans have actively taken up the cover. It is also observed that other private covers have been frustrating cancer patients and declining to pay their bills, as per the insurance contracts and this only makes bad situation worse.

As we commemorate World Breast Cancer Awareness month, I urge every Kenyan, starting with my colleagues in this House, to be champions of the war against cancer by ensuring that we get screened early enough and understand that cancer does not have to kill you. Let us all embrace the popular mantra, 'your health is your best wealth.'

Allow me to inform my fellow Senators that during this month of October, my team at Karen Nyamu Foundation and I have partnered with Path Care Kenya Limited to conduct a medical camp, to offer free cervical cancer screening and treatment in Nairobi City County. I urge all women of Nairobi City County to come out in large numbers and take advantage of this golden opportunity.

As I conclude, there is great need to come up with specific legislation to address the myriad of challenges facing cancer patients in Kenya. As such, I will be sponsoring a Motion in this House to address among other issues the financial challenges experienced by cancer patients with the view to increase allocations towards the purchase of modern cancer equipment, training more oncologists and revisiting the National Action Plan on Cancer.

I urge my colleagues to support me through the Motion when that time comes.

Thank you.

The Speaker (Hon. Kingi): Sen. Lomenen, proceed.

EFFECTS OF CLIMATE CHANGE IN TURKANA COUNTY AND THE MITIGATION STRATEGIES

Sen. Lomenen: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52 (1) to make a Statement on a matter of county-wide and general topical concern, namely, The effects of Climate Change and the Mitigation Strategies in Turkana County.

I wish to draw the attention of the Senate to the severe impact of climate change that has befallen the Turkana community. Climate change is the extreme weather patterns and has inflicted profound suffering upon our people, the majority of whom rely on pastoralism for their livelihoods. It has caused loss of lives due to devastating floods,

decimated our livestock through famine and drought, and brought about numerous other hardships.

Turkana County, situated in an arid and semi-arid region, relies heavily on agriculture as its primary source of livelihood. Agriculture sustains 74 per cent of our households and provides employment for 45 per cent of the population. According to the Kenya County Climate Risk Profile Series, the majority of our farmers practice pastoralism. Those along the banks of River Kerio and Turkwel engage in rain-fed and irrigated agriculture.

However, this dependency on agriculture makes our community particularly vulnerable to the adverse impact of climate change and variability. The effects of climate change in Turkana County manifests as unpredictable rainfall patterns, extreme rainfall events, frequent and prolonged dry weather and rising daytime temperatures.

Consequently, the County has experienced droughts, flies and intense rainfall as observed hazards. These hazards pose a growing threat to our agriculture sector. Drought and high temperatures in particular, constitute significant dangers to Turkana County. They result in pasture loss, livestock starvation, depletion of water sources and conflicts among pastoralists fighting for dwindling resources.

In contrast, the heavy rains experienced in Mt. Elgon and West Pokot regions along with the intense rainfall over the short periods, leads to floods. However, Turkana County's ability to adapt to climate change has been hampered by inadequate resources and poor coordination among various institutions.

Mr. Speaker, Sir, to address these challenges and mitigate the effects of climate change, I call upon the Senate Standing Committee on Agriculture, Livestock and Fisheries to engage the National Government and consider the following recommendations to address the climate change adversity facing Turkana County:

(1) Mobilise resources and allocate sufficient funding to support climate change adaptation and mitigation programmes, as well as support the dedicated Climate Change Directorate office in Turkana County to facilitate collaboration among relevant Ministries and agencies in implementing climate resilient projects.

(2) To allocate funds for comprehensive climate change research to better understand the situation and tailor solutions to Turkana county unique challenges and also invest in educational initiatives that raise awareness about climate change impact and adaptation strategies among local communities and stakeholders.

(3) Empower meteorological agencies to strengthen early detection and warning systems, provide timely climate-based advisories to residents and establish climate resilient disaster preparedness and response teams to mitigate the impacts of extreme weather effects.

(4) Increase funding for agriculture extension services, promote dissemination of climate smart farming practices and support capacity building initiatives for extension workers, to empower them with the latest knowledge on climate resilient agriculture.

(5) To invest in critical infrastructure, such as water storage facilities, for example, water dams and pans, education systems and improved livestock husbandry to enhance the county's resilience to the climate change and also develop climate resilient feeder roads and transportation networks to facilitate the movement of agriculture products and reduce post-harvest losses.

(6) Facilitate the establishment of livestock and crop insurance schemes that provide safety nets for farmers during climate related losses and collaborate with financial institutions to offer affordable loans and credit facilities to farmers for climate-smart agriculture practices and support community led afforestation and deforestation initiatives that help sequester carbon, prevent soil erosion, enhance ecosystem resilience, and further engage local communities in tree planting campaigns and provide incentives for sustainable forests management.

Mr. Speaker, Sir, in conclusion, Turkana County is at the forefront of climate change challenges and our proposed mitigation strategies must be met with comprehensive support and actions from the national Government and our valued partners. Together we can combat the destructive impacts of climate change, secure a sustainable future for Turkana County and ensure the well-being of our community and generations to come.

I thank you.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I have two Statements. The first one is pursuant to Standing Order No. 53(1), seeking a Statement from the Standing Committee on Labour and Social Welfare regarding---

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, we are still on statements pursuant to Standing Order No.52.

TEMPORARY SUSPENSION OF UASIN GISHU
COUNTY ASSEMBLY BY THE HIGH COURT

Sen. (Dr.) Khalwale: I beg your pardon, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 52(1) to make a Statement on a matter of national importance and general topical concern, namely, the temporary suspension by the High Court in Eldoret of all the official sittings, meetings and deliberations by Members of Uasin Gishu County Assembly, pending the hearing and determination of a Petition challenging the composition of the County Assembly.

The suspension arose from the filing of a Petition in the High Court by a civil society activist, challenging the composition of the County Assembly, specifically, that the Assembly lacks the adequate representation of women and marginalized groups, following the revocation by the courts of the nomination of nine United Democratic Alliance (UDA) party Members of the County Assembly (MCAs).

Mr. Speaker, Sir, it is imperative that we take note of these developments and their potential impact on our democratic process. The suspension raises critical questions about the state of our democratic institutions and the need for adherence to the rule of law. It is incumbent upon us, as representatives of the people, to closely monitor and address this matter, to ensure that the rights of our constituents are protected.

County assemblies are an integral part of our democratic governance system and play a crucial role in representing the interests of the people. They are fundamental institutions through which the voices and concerns of the residents of Uasin Gishu County are heard, debated and addressed.

While appreciating that the Judiciary plays a vital role in ensuring the rule of law and must be allowed to fulfil its constitutional mandate and responsibilities, allow me to quote Section 7A(1) and (2) and Section 14(2) of the County Governments Act-

“Section 7A. County Assemblies to be duly constituted at the first sitting-

(1) A county assembly shall not be fully and duly constituted for the first sitting after a general election unless all the members provided for under paragraphs (b) and (c) of Article 177(1) of the Constitution have been duly nominated and their names published in the Gazette.

(2) Sub-section (1) shall not apply where the nomination of a member of a county assembly under paragraphs (b) and (c) of Article 177(1) of the Constitution is the subject of a court order stopping or otherwise pending the nomination of the member.

Section 14. Procedure and committees of the county assembly provides:

(1) The county assembly proceedings are valid despite -

(a) there being a vacancy in its membership at the particular time; or

(b) the presence or participation at the particular time of a person not entitled to be present at, or to participate in, the proceedings of the county assembly.”

Mr. Speaker, Sir, I beg to argue that by dint of Section 7A(2) and Section 14 of the County Governments Act, the County Assembly is duly constituted and that such a suspension unnecessarily disrupts the normal functioning of the County Assembly, hinders the legislative process and ultimately affects the delivery of services to the people of Uasin Gishu County.

The Speaker (Hon. Kingi): What is your point of order, Sen. Mwaruma?

Sen. Mwaruma: Mr. Speaker, Sir, I seek your indulgence because Sen. (Dr.) Khalwale is talking about the suspension of the operations of an assembly by the courts. If the matter is live in the court and he brings it here, does it not flout the *sub judice* rule? He is discussing the substance of the case in court and we need your guidance.

I thank you.

The Speaker (Hon. Kingi): Sen. Mwaruma, under Standing Order No.103(4), a Senator alleging that a matter is *sub judice* shall provide evidence to show that paragraphs two and three are applicable. It means that you must prove that if it is criminal or civil case, and if it is active, arrangements for hearing have been made, it is set down for trial and that the proceedings are very much alive.

Therefore, rising on a point of order alleging *sub judice* means that you have to go beyond that allegation and prove that the matter is active, has been set for hearing and, therefore, cannot be a matter of discussion here. That is the requirement under Standing Order No. 103(4). He who alleges, proves.

You are the one who alleged *sub judice* and you are called upon under this Standing Order to lay evidence to that effect.

Sen. Mwaruma: Mr. Speaker, Sir, I might not be a learned friend, but I am well-educated. When Sen. (Dr.) Khalwale said that the courts suspended the operations of the court until the matter is heard and determined, that means that the matter is live in court.

Therefore, I do not know any other understanding than the fact that this matter is live in court from his submissions.

I thank you.

The Speaker (Hon. Kingi): The standards of proof is as contained under Standing Order No.103(4). Saying that there is an order pending hearing and determination of a

case does not meet the requirement of Standing Order No. 103(4) and that is why, that particular standard of proof was given in our Standing Orders to avoid the kind of general statements that this matter is active in court. You must go beyond that Statement, in fact, to some extent, table pleadings indicating that indeed this matter is active, it has been set for hearing and that judgement has not been pronounced, yet which evidence we do not have at the moment.

Therefore, from where I sit, I may have difficulty in appreciating that this matter is indeed *sub judice* and rule that the Senator is out of order. So, in the absence of that evidence, I will allow the Senator to conclude his Statement.

Sen. (Dr.) Khalwale: I thank you, Mr. Speaker, Sir, for your indulgence. This is a matter of grave national importance. This action hinders the legislative process and ultimately affects the delivery of services to the people of Uasin Gishu County.

In any case, the High Court in Eldoret ought to have restrained itself from issuing interim orders that may be prejudicial. Even when the final determination of the case is made and such orders later found to have been unjust or unwarranted, there would be no way to recoup whatever will have been lost.

Mr. Speaker, Sir, I, therefore, call for the vacation of the court orders and subsequent speedy resolution of this matter. I implore on all of us to pay close attention to the developments in Uasin Gishu County Assembly and engage in a constructive dialogue to safeguard county assemblies from such actions in future.

I thank you.

The Speaker (Hon. Kingi): Let us move to Statements pursuant to Standing Order No. 53 (1).

The Statement for Sen. James Murango is dropped.

MISMANAGEMENT OF FARMERS' COOPERATIVE
SOCIETIES IN TURKANA COUNTY

(Statement dropped)

Sen. Chesang: Thank you, Mr. Speaker, Sir. I have two Statements to read.

DISTRIBUTION OF MAIZE DRYERS TO FARMERS

Sen. Chesang: I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock Fisheries regarding the distribution of maize dryers to farmers to avert post-harvest losses.

In the Statement, the Committee should:

(1) Outline measures put in place by the Government to avail maize dryers to support farmers during the harvest season, particularly in light of the impending *El-Nino* rains.

(2) Indicate the minimum price of a bag of maize during the harvest season, taking into account the rise in input costs due to global economic changes.

(3) Confirm if the Ministry of Agriculture and Livestock Development in collaboration with the National Cereals and Produce Board will avail dryers to farmers as a matter of emergency and at Government cost.

(4) Disclose the number of operational dryers currently at National Cereals Produce Board (NCPB) and indicate their distribution across the maize producing regions.

(5) Clarify whether the Government has procured new dryers and if so, indicate the proposed distribution schedule and expected timelines for their installation.

Can I proceed with my second question?

The Speaker (Hon. Kingi): Proceed to the second Statement.

SUBSIDIZATION OF FARM INPUTS BY THE GOVERNMENT

Sen. Chesang: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No. 53 (1), to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on subsidization of farm inputs by the Government of Kenya.

In the Statement, the Committee should-

(1) Spell out plans by the Government, if any, to subsidize farm inputs, including seeds and pesticides, during the upcoming planting season, specifying the applicable rates for the same.

(2) Clarify whether the Government plans to subsidize top-dressing fertilizer further during the upcoming planting season.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Murgor.

SAFEGUARDING STABILITY OF THE AGRICULTURAL SECTOR

Sen. Murgor: Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53 (1), to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the safeguarding of stability of agriculture sector.

In the Statement, the Committee should:

(1) Disclose plans, if any, by the Government to purchase agricultural produce from farmers who have expedited harvest in fear of the impending *El-nino* rains and lack the means to safely store produce.

(2) Clarify if the Government plans to offer support to farmers to ensure they can effectively handle and store their agricultural produce to safeguard national food security in times of scarcity.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Ogola.

Sen. Mwaruma, are you holding brief for Sen. Ogola?

Sen. Mwaruma: Yes, Mr. Speaker, Sir. She has requested me to hold brief for her because she is attending to other exigencies.

The Speaker (Hon. Kingi): Proceed.

PROMOTION OF LGBTQ AGENDA IN
KAKUMA REFUGEE CAMP

Sen. Mwaruma: Thank you, Mr. Speaker, Sir, for giving me the opportunity request this Statement on behalf of Sen. Ogola.

I rise pursuant to Standing Order No. 53 (1), to seek a Statement from the Standing Committee on Labour and Social Welfare, regarding the promotion of LGBTQ agenda within Kakuma Refugee Camp in Turkana County.

In the Statement, the Committee should:

(1) Explain the reasons for the extensive support and promotion of lesbian, gay, bisexual, transgender and queer, LGBTQ agenda within Kakuma Refugee Camp in Turkana County, disclosing the primary promoters of the agenda within the camp.

(2) Outline measures put in place to curb the escalation of the LGBTQ agenda in the camp and its environs.

Signed by Sen. Ogola, Nominated Senator.

I thank you.

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

[The Temporary Speaker (Sen. Abdul Haji) in the Chair]

The Temporary Speaker (Sen. Abdul Haji): Proceed, Sen. Lomenen.

STATUS OF CONSTRUCTION OF THE
LODWAR COURT BUILDING

Sen. Lomenen: Thank you, Mr. Temporary Speaker, Sir. I rise, pursuant to Standing Order No. 53 (1), to seek a Statement from the Standing Committee on Roads, Transportation and Housing on the status of construction of the Lodwar Court Building in Turkana County.

In the Statement, the Committee should:

(1) Provide an update on the status of construction of the Lodwar Court Building, stating reasons for the prolonged delay in completing the project and the expected timeline for completion.

(2) Indicate financial or logistical challenges faced, if any, contributing to the project's stagnation, highlighting strategies in place to address the challenges and expedite the project's completion.

(3) State actions taken by the Government to enhance effective operation of the judiciary and ensure that the residents of Turkana County have access to justice in a timely and efficient manner.

Mr. Temporary Speaker, Sir, the second statement.

ARSON ATTACKS ON SCHOOLS IN TURKANA COUNTY

I rise pursuant to Standing Order No. 53(1), to seek a Statement from the Standing Committee of Education regarding the Government's response to the burning of schools in Turkana County by suspected armed bandits from Baringo and West Pokot Counties.

In the Statement the Committee should:

(1) Provide an update on the action taken by the Government to bring to book the individuals responsible for the burning of schools in Turkana County including Lomelo, Lapeito, Nakuse and Locat schools.

(2) Explain how the Government intends to permanently address the fear and insecurity that has forced students and teachers to vacate the affected schools depriving them of their rights to education and a safe learning environment.

(3) State plans, if any, by the Government to rehabilitate and construct the burned schools to minimize the disruption of education for the affected children.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Proceed, Sen. (Dr.) Khalwale.

HOSTING OF THE 2027 AFRICA CUP OF NATIONS

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. I rise, pursuant to Standing Order No. 53 (1), to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the hosting of the 2027 Africa Cup of Nations (AFCON) by Kenya, Uganda, and Tanzania.

In the Statement, the Committee should:

(1) Confirm if Kenya, Uganda and Tanzania will jointly host the 2027 Africa Cup of Nations (AFCON).

(2) State the criteria to be used by the Government to earmark stadia in Kenya where the games will take place, listing all stadia to be considered.

(3) Indicate whether Bukhungu and Jomo Kenyatta International stadiums in Kakamega and Kisumu counties respectively, will be given priority, considering their centrality within the East African Community (EAC) and the large number of fans of soccer residing in the two counties and the fact that the two communities from the two regions are the major contributors of soccer players in Kenya.

(4) Inform the Senate of the proposed budget allocation for the improvement of existing facilities in Kenya to meet the set AFCON standards.

(5) Spell out soccer development strategies that the Government intends to implement, so as to enhance the capacity of Harambee Stars, Kenya Premier League football teams and football academies, to boost the chances of Kenya winning the AFCON.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Proceed, Sen. Wafula.

COURT RULING AGAINST THE MANAGEMENT OF
ST. JOSEPH'S LUMBOKA PRIMARY SCHOOL

Sen. Wafula: Thank you, Mr. Temporary Speaker, Sir. I rise, pursuant to Standing Order No.53 (1), to seek a Statement from the Standing Committee on Education regarding a court ruling against the management of St. Joseph's Lumboka Primary School in Bungoma County.

In the Statement, the Committee should:

(1) Explain the circumstances that led to the filing of the court case involving St. Joseph's Lumboka Primary School in Bungoma County and a former employee of the school, where the school was fined Kshs493,930 in 2022.

(2) State actions taken by the Ministry of Education to address the regular arrest and release of the Head Teacher of the said school as a result of the school not paying the imposed fine, explaining how and when the fine will be settled.

(3) Outline measures put in place by the Ministry to ensure effective resolution of labour-related grievances in public schools to avert future legal disputes.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Hon. Members, because of time, I shall give four Senators to respond to the Statements for three minutes each.

Proceed Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir, for the chance to say thank you. I know there are many Statements, but allow me to react to only one or two, to allow my colleagues to contribute.

I thank the Senator for Trans Nzoia County, Sen. Chesang, for bringing the issue of distribution of maize dryers to farmers across the North Rift.

As you are aware, we are experiencing a bumper harvest courtesy of the subsidized fertilizer that President William Ruto and his Government have provided. For the first time in many years, we are buying 50 Kilograms (Kg) of fertilizer for Kshs2,500. We used to buy it at Kshs7,500. We are projecting to harvest 60 million bags of maize across the country. As El Nino approaches, we are trying to harvest our maize. We ask the Government to quickly process and ensure each and every county, especially the North Rift, the breadbasket of the country, receives maize dryers.

We cannot dry our maize in the sun as we harvest. We will be forced to put them in stores. We are harvesting early before they dry because of the El-Nino rains. It is good that we are given dryers, so that they do not go bad due to aflatoxins. Aflatoxins cause food poisoning, which is dangerous for Kenyans.

Secondly, I ask the Government and farmers who have complained about this--- They need to know the price. The price of 90Kg of maize is Kshs3800. We need to cut it down from 90Kg to 50Kg because all the cereals are 50Kg. We request the Government that the minimum 50Kg bags of maize should have a price range of Kshs5,000 to Kshs7,000, so that we can get value for the work done in the farms.

Finally, on the issue of harvesting. Many people are wondering why we are requesting maize dryers to prevent post-harvest losses in the country. Sometimes we have milk, which causes milk-clot in the country. We have a lot of potato harvesting and even mung bean harvesting from Kitui and other counties. I propose that as a country we must revive a robust strategic grain reserve, so that we can store excess maize, mung

beans, potatoes and milk. We must have a strategic grain reserve, so that when we experience the longest drought, like we have in the last few years, we can ensure that Kenyans do not hunger.

It is painful and sad to see any Kenyan losing their life because of hunger. As we harvest maize in the North Rift and across the country, the Government through strategic grain reserve, needs to also have the National Cereals and Produce Board (NCPB) open their stores and ensure farmers deliver the harvested maize.

For that indulgence, I thank you and congratulate all Senators who have processed their Statements today.

The Temporary Speaker (Sen. Abdul Haji): Proceed, Sen. Mungatana.

Sen. Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir. Very quickly, there is a Statement that was placed before the House by the Sen. (Dr.) Khalwale. The Statement resonates with me because it concerns the suspension of operations in Uasin Gishu County Assembly via a court order.

As Senators, our primary duty is set out in Article 98 of the Constitution. We are the protectors of all county assemblies and their governments. It is surprising and concerning that a court can sit and order the suspension of operations of a county assembly on the basis that the composition is not okay. This is a ridiculous order, which we must call for what it is.

The courts are independent organs, as is Parliament and the Executive. However, we work in complementarity. When courts start issuing orders such as this, maybe it is time for Parliament to disregard the orders and show them contempt. This is the contempt they are showing us as the representatives of the people.

Today it will be Uasin Gishu County Assembly and tomorrow it will be Tana River County Assembly. County assemblies make decisions on behalf of an entire county. We have voted to pass additional monies to counties, which have to be put through the process of appropriation by the county assemblies. Many things will stop because of a court order.

How can a court order injunct the work of elected representatives? Of all the Statements that have been made in this House, that Statement must concern all of us. The Committee that is dealing with the Statement must take it as a priority. We should be called to convert this House to a Committee of the Whole to discuss that matter. We cannot have courts behaving like this against elected representatives of the people.

I beg that the Statement be prioritized. Before we sit, the court should vacate those orders because the orders cannot be implemented. What will happen to the people of Uasin Gishu? The Senate must come out very---

(Sen. Mungatana's microphone was switched off)

The Temporary Speaker (Sen. Abdul Haji): Senator---

(Sen. Madzayo spoke off record)

What is your point of order? If it is a Statement, I will give you an opportunity. Sen. Mandago, proceed.

Sen. Mandago: Thank you, Mr. Temporary Speaker, Sir. I wish to comment on the Statement by Sen. Chesang on the issue of maize, dryers and prices of maize.

As the Committee considers this Statement, we would like it to get proper information from the Ministry of Agriculture and Livestock Development on the price farmers should expect to sell their maize. As we speak, maize has been harvested in parts of Uasin Gishu, Bungoma and Trans Nzoia counties. However, because of the rains farmers are experiencing difficulties in drying their maize. We cannot have Government resources that are lying idle like the dryers at the National Cereals and Produce Board (NCPB) while farmers are suffering. We expect the Committee to take the Ministry to task on why they cannot dry maize for farmers.

Secondly, maize prices have dropped and traders are taking advantage of farmers because of the rains we are having. As we speak today, a bag of maize is worth between Kshs3,800 to Kshs3,900. If this is not addressed, then the benefit that was passed to farmers through the subsidized fertilizer will be lost to traders and millers who are not keen to ensure farmers rise from poverty.

I expect the Ministry to set a price. We recommend that the price of a 90 kilogramme bag of maize sells at Kshs5,000 to compensate for the rising cost of fuel and the cost of living that has gone up. The Ministry must open the NCPB and establish the strategic grain reserves.

We cannot be a nation which in the last four months we were suffering of acute hunger, now when we expect 60 million bags and there is reluctance to take advantage and move the maize into the strategic food reserve. It is clear that we want to go into a spree of asking for importation. We shall be benefiting traders time in and out. I beg the Committee to seriously consider that Statement.

The Temporary Speaker (Sen. Abdul Haji): Sen. Mwaruma, you have the Floor.

Sen. Mwaruma: Asante, Bw. Spika wa Muda kwa nafasi uliyonipa kuchangia kwenye Kauli ambazo zimesomwa na Maseneta tofauti.

Ya kwanza ni Kauli ya Sen. Ogola ambayo aliuliza Kamati ya Leba na Ustawi wa Jamii kuhusu yanayotukia Kakuma *Ranch*. Wananchi wanahamasishwa kuendeleza usagaji na ushoga. Ni jambo la kutamausha kusikia kwamba kuna watu nchini kwenye *refugee camp* ambao wanashawishi wakenya kufanya ushoga. Kamati hii yafaa ifanye kazi nzuri kwa sababu swala la ushoga ni la kipepo. Korti zetu hazijasaidia kutatua hili swala kwani wamepitisha *rulings* ambazo zinasema kuwa ni haki ya mashoga na wasagaji kuwa na vyama vya ushirika.

Ya pili ni Kauli ambayo imetolewa na Sen. (Dr.) Khalwale, kuhusu viwanja vitakavyo tumiwa wakati wa Africa Cup of Nations(AFCON), 2027. Lazima kuwe na uwazi wa mbinu na vigezo ambazo zitatumika kuangalia viwanja vitakavyo tumika, kama kuna manufaa yoyote kama vile *sports tourism*, wakenya wote wafaidike.

Nimeona kwenye vyombo vya habari kuwa kuna kiwanja kitakachojengwa kitakachokuwa na uwezo wa kuwa na viti 60,000. Kiwanja kitajengwa wapi? Nikisikia masuala ya viwanja mimi hucheka kwa kuwa serikali ya Jubilee wakati walikuwa wakiuza sera walisema kutakuwa na viwanja vya kimataifa katika kila Kaunti, lakini hii ilikuwa mbinu ya kupata kura. Kufikia leo Kaunti ya Taita Taveta haina uwanja wa kitaifa wala wa kimataifa.

Kauli iliyosomwa kuhusu mavuno ama *post harvest prices* – ni jambo la kuhuzunisha kwamba tumekuwa na njaa, shida ya mfumuko wa bei na hivi sasa

wakulima wamepata mazao lakini wanauza mazao haya kwa bei ya hasara. Ni jambo la kuudhi kama serikali haiwezi kujiandaa.

Walisema kuwa wataenda Zambia kulima mahindi na kuleta Kenya kukabiliana na mfumuko wa bei. Hivi sasa wakulima wamevuna na hakuna mbinu wala mpangilio wa kununua chakula kutoka kwa wakulima. Serikali yetu lazima ijizatiti ili waweze kulisha wananchi.

The Temporary Speaker (Sen. Abdul Haji): Thank you. Hon. Senators, we had agreed that we will have four Senators, who have already contributed to the Statements. I will add four more Senators, after which I will not take more requests.

Sen. Veronicah Maina will speak first, Sen. (Dr.) Oburu will follow and we will complete with the Senate Minority Leader and the Senate Majority Whip. A minute, please.

(Sen. Okiya Omtatah spoke off record)

Sen. Okiya Omtatah, I apologise. I saw your name alongside that of Sen. Shakilla Abdalla who was out at the time. I thought you put the request at the same time with Sen. Shakilla Abdalla.

Let us redo the list. We will have the four speakers, however, Sen. Okiya Omtatah will speak first from the Minority Side followed by Sen. Veronicah Maina from the Majority Side in that order, and then the two leaders. We will have to add more speakers then. Let us follow the list and finish with all the speakers. Is that in order? Do we allow everybody to speak?

Okay, Sen. Okiya Omtatah, you have the Floor.

Sen. Okiya Omtatah: Mr. Temporary Speaker, Sir, Veronica is a very beautiful name in the Catholic faith. She is the woman who had the presence of mind to wipe the face of Christ when he was going to be crucified. Veronica is a very important name.

Mr. Temporary Speaker, Sir, the matter of football is very important just like Lingala music. You remember when Franco Luambo used to come to this country, there is even a time he went to Mumias. People broke the gates, sold all their chickens in their compounds to go and see Luambo Makiadi.

When we chose where to locate these stadia, let us be awake to the fact that there are some areas where football is virtually a religion and it will get full following. Those areas need to be rewarded with a tournament like this.

The most prominent Kenyan football player Mr. Wanyama, comes from Busia. He is putting up a stadium at a place called Mungatsi. Maybe the Government should do a partnership and that Kshs60 million be given to Wanyama to complete that stadium so that we have a world class stadium in Busia. It can also host the Africa Cup of Nations (AFCON). Uganda is equally football fanatical. People will cross the border on foot to come and watch when it is in Busia. I request that we put the stadium in Busia.

Secondly, homosexuality is a religion and it is being pushed in a way that we have to be very careful about. Therefore, that Statement about homosexuality in our refugee camps being promoted is equally important. It should be given the priority of place.

On the question of schools, I think the Ministry should step in when schools get into a situation like this and not leave it to the individual head teachers who have no other resources. The institution should be bailed out.

I wish to deviate a bit to the question of court orders. Yesterday, something began in this House, which should never happen in a democratic society. Court orders must be obeyed not on their merit, but simply because they are court orders.

Anybody dissatisfied with a court order should go to court and seek to vary them or set them aside. We cannot disobey court orders. Parliament is not supreme. We are a creation of the Constitution. The High Court has the power to determine whether what we are doing is constitutional or not. Let us move away from the question of ---

(Sen. Okiya Omtatah's microphone went off)

The Temporary Speaker (Abdul Haji): Sen. Veronica Maina, you are on the screen.

Sen. Veronica Maina: Yes, I am next. Mr. Temporary Speaker, Sir, thank you for this opportunity. I want to comment on the Statement brought to this House by Sen. Chesang on the distribution of maize dryers to farmers.

A few weeks ago, I brought a Statement on the Floor of this House seeking to know how prepared we were from the county governments right up to the national Government on how we would manage the bumper harvest especially, the grain. Unfortunately, though agriculture is a devolved function, we have not seen any report tabled to this House by the Standing Committee on Agriculture, Livestock and Fisheries regarding the questions that I raised in that Statement.

There is a big problem in that because, at the point when I brought that Statement to this House and it was committed to the Standing Committee on Agriculture, Livestock and Fisheries, there was no mention of *El Nino* rains then. Unfortunately, a few weeks later, which is now, the nation has moved into the preparation for the impending *El Nino* rains.

Do we have a problem on how governance is carried out in Kenya? Yes. We need to have a change and take the law more seriously than we are doing. First of all, at the county level, when the Constitution devolves agriculture to the county governments, does that send any message or signal to a county Government what they should be doing about agriculture?

It is high time we started to hold respective county Governments responsible for anything that goes wrong in functions that are fully devolved to them. I am saying this because, when I see a Statement by our colleague Sen. Chesang talking about the Government outlining measures on how maize dryers are being availed to the farmers, we need those measures to be outlined, not just by the mention of the word "government", it should be outlined by the county governments.

County Governments must now take responsibility for food security within their regions. At a particular time, the Senate will have to hold specific county governments responsible for any harvest that comes from within their county, which suffers post-harvest losses. This is because, it is not that God has not blessed the nation of Kenya. Indeed, when we look at the bumper harvest that is coming in, only to have Kenyans complaining after a few months that they have no food, I think we are mismanaging different aspects and devolved functions that have gone to county governments. It should be the pride of every county government to see that they have reserves and stores---

(Sen. Veronica Maina's microphone went off)

The Temporary Speaker (Abdul Haji): Thank you, Senator. Sen. (Dr.) Oburu, you may have the Floor.

Sen. (Dr.) Oburu: Thank you, Mr. Temporary Speaker, Sir. My comments regard the Statement sought by the Senator for Trans Nzoia County, Sen. Chesang, regarding the maize dryers.

Mr. Temporary Speaker, Sir, you remember, when the fertilisers subsidy programme was introduced, some of us expressed concern that subsidising fertiliser alone will not lower the price of food in this country. We said this because farming is a process. It involves many things including fertiliser, land preparation, harvesting and post-harvest losses.

When we only subsidise fertiliser and the fuel prices went to the roof, this means that the cost of land preparation went up. When the cost of land preparation went up, the farmers cannot sell their maize cheaply. I have heard our colleagues saying that the price of maize should not be less than Kshs5,000. If the price of maize will not be less than Kshs5,000, it means, food prices will not go down.

Mr. Temporary Speaker, sir, the only thing which the Government should do is to accept to subsidise consumption. This is so that the Government buys from the National Cereals and Produce Board (NCPB) stores at that high price, which the farmers are rightfully demanding and then sell it a little cheaply to the millers. The millers can then sell *unga* at a cheaper price to the consumers.

If we do not do that, there is no way we are going to reduce the price of food. Farmers will not sell their produce cheaply because they did not produce it cheaply. If they did not produce it cheaply, how can they sell it cheaply? If they do not sell it cheaply, how is the price of *unga* going to go down? This is a dilemma which the Government must resolve. They must go back on their word. They must subsidise food and consumption so that the *wananchi* can benefit from the subsidised fertilizer.

In future, we also have to go to the subsidy of the fuel prices so that farmers can produce food cheaply.

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

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Proceed, Sen. Munyi Mundigi.

Sen. Munyi Mundigi: Asante Bw. Spika wa Muda. Naunga mkono Sen. Chesang. Mimi ni Naibu Mwenyekiti wa Kamati ya Kilimo.

Ningeomba mambo ya mbegu za kupanda iangaliwe. Kwa mfano, hakuna mbegu katika sehemu ya Mt. Kenya. Kwa hivyo, Kenya Seed Company Limited ichunguze ni nini inafanyika. Tunataka bei ya unga irudi chini. Sasa tunangoja mvua. Tumepokea *fertilizer* kwa bei ya chini vijijini lakini shida ni kuwa hakuna mbegu za kupanda kama vile mahindi na mimea ingine. Naomba Serikali iangalie kunavyoendelea kwa sababu mvua iko karibu kunyesha.

Pili, naunga mkono Sen. Nyamu kuhusiana na ugonjwa wa saratani. Tunajua kuwa ugonjwa huu hautambui maskini au tajiri. Naomba uchunguzi ufanywe ili ugonjwa huu upate dawa. Hospitali pia zipewe nguvu ili mtu akifa au kugonjeka kusiwe na *bill*

kwa familia. Hii ni kwa sababu familia nyingi zimekuwa maskini kwa sababu ya ugonjwa huu.

Naunga mkono Taarifa iliyoletwa na Sen. Nyamu.

The Temporary Speaker (Sen. Abdul Haji): Proceed, Majority Whip.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I would like to congratulate Sen. Mwaruma for the Statement he made on behalf of Sen. Ogola.

On this business of homosexuality, people must know that for that reason alone, we can go and close Kakuma Camp. There is no single African community that promotes homosexuality. In fact, in all African communities, there are only two sexes; a man and a woman.

What is more, is that our Constitution, in Article 45(1) and (2), states that-

“(1) The family is a natural and fundamental unit of society and the necessary basis for social order, and shall enjoy the recognition and protection of the state

“(2) Every adult has the right to marry a person of the opposite sex, based on free consent of the parties”

We are not going to be belittled simply because we are not as rich as those people who robbed our African wealth to become richer than us. In fact, people of Ikolomani, Kakamega, Nyatike in Migori and Ghana are at war.

When you go to the House of Lords, you see a 20-feet high throne on which the King sits, made of pure gold that was mined from Ikolomani, Ghana and Nyatike. They owe us the riches they speak to have. I, therefore, wish to condemn that practice in Kakuma and appeal to the Head of State, who has no time for homosexuality, to ensure that order is brought in Kakuma.

Mr. Temporary Speaker, Sir, finally, I would like to comment on the Statement by Sen. Chesang about the cost of maize. It does not matter what the Government will do. All we are asking for as representatives of the farmers of Lugari and Likuyani in Kakamega, Bungoma, Trans Nzoia and Uasin Gishu is that whatever price maize is going to be sold by the farmers should guarantee them minimum return on their investment.

I have heard the Senator of Siaya speak about subsidies. This thing can be worked out. It is possible for all our farmers to be helped to sell their maize to the National Cereals and Produce Board (NCPB) and be given a guarantee of minimum return. What the Government does ---

(Sen. (Dr.) Khalwale microphone went off)

The Temporary Speaker (Sen. Abdul Haji): Thank you.

Proceed, Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Temporary Speaker, Sir. I congratulate Sen. Chesang on this Statement of maize dryers.

I am bothered and disturbed. Why do Government officials who are put in office and maintained by taxpayers lose their minds the minute they are in the position of administration?

When the Government gave out fertilizer subsidies, no Cabinet Secretary, Principal Secretary (PS), Chief Administrative Secretary (CAS), or principal administrative secretary, who are paid huge amounts of money, sat down to plan about the dryers?

Why do we have to wait until now when farmers are struggling with their crops and harvesting maize that is not even fully ripe because they do not want it to be destroyed by rains? It is unfortunate.

As legislatures, we must continue to keep our Government officials in check because that is our work. This is just like the issue of killings in Sondu that has bothered me today. From my home to Sondu is hardly 10 to 15 kilometres. I know that town very well. The people that live there have lived peacefully for decades, if not centuries.

I am greatly disappointed that in the last few months, as authorities continue to watch, the situation has deteriorated. It first began with boundary disputes and people are supposed to pay revenue to Kisumu or Kericho. However, the issue has completely degenerated.

Today, you would hear that people have been killed on the Kericho side. The following day there is a counter raid on the Kisumu side yet we just sit here as if nothing is happening. I sympathize with those people. I did not sleep last night because of the many calls and messages from older people who were asking me “young man, what is happening?”

Mr. Speaker, Sir, I expect that the Cabinet Secretary, Prof. Kindiki, will call us, as leaders from that region. I cannot be defeated to talk to those people if you take me, Sen. (Prof.) Ojienda, my friend, Hon. Aduma together with leaders from Kericho side to speak to our people and ask them ---

Hold my time, Mr. Temporary Speaker, Sir. Somebody is making it worse by cracking a joke as I take water. The point is, I do not think it is beyond Prof. Kindiki to call us, as leaders, the way I see him do when he goes Pokot and Garissa. I am disappointed with my good friend Prof. Kindiki. The last time he went there, there was no involvement of the local leaders. Why do you go and address security officers who have already failed at their work?

I want to first of all call for the transfer of all officers that are serving there from both sides, be they Luos or Kalenjins. This is because it is clear that they are unable to sustain the security situation in that part of the country. Let us have competent people who will help us identify the criminal elements that are making the situation worse. I know for a fact that 99 per cent of the locals in that community love each other, intermarry and do business. Who are these criminals that are setting up Sondu on fire?

Is it not possible for ---

(Sen. Cheruiyot's microphone went off)

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator.

Sen. Gataya Mo Fire, you are a bit late in putting your request, but I will allow you to speak.

Sen. Gataya Mo Fire: Thank you, Mr. Temporary Speaker, Sir. I am concerned by the Statement made by the Senator for Trans-Nzoia, Sen. Chesang’.

I am shocked that having suffered, as a country, because of lack of food, there are some Government agents that are irresponsible. It is very disturbing that we have agents in the Ministry of Agriculture, Livestock, Fisheries and Cooperatives or any who have not seen it relevant to make sure that we have dryers that can assist farmers in drying their food.

This *El Nino* alert came a long time ago. The Government and everyone have been notified that *El Nino* will be coming. We know that farmers are likely to incur losses in spite of the country having just come from a very severe drought. This House should take serious measures to ensure that concerned people who have not taken precautions to mitigate this are held accountable.

The issue of homosexuality and lesbianism was also brought to this House. As a country, we must make ourselves clear that this is an element of serious immorality, which we are not supposed to allow. I would request the concerned Committee in this House to make sure that they visit to get the facts about this illegality. As a House, we need to make sure that we put everything in order.

Mr. Temporary Speaker, Sir, I support the two statements.

The Temporary Speaker (Sen. Abdul Haji): Next Order.

BILL

Second Reading

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (NATIONAL ASSEMBLY BILLS NO.23 OF 2023)

(Sen. (Dr.) Khalwale on 3.10.2023)

*(Resumption of debate interrupted on
4.10.2023 – Morning Sitting)*

The Temporary Speaker (Sen. Abdul Haji): I call upon Sen. Osotsi to continue with his contribution. He had a balance of eight minutes.

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir. I started contributing to this Bill in the Morning. While contributing to it, I was talking about mineral royalties. I was concerned that there were no clear criteria in the allocation of these royalties. You find one region got close to Kshs2.5 billion and the Western region where I come from, got Kshs16,000. Bungoma, Busia and Vihiga counties got zero while Kakamega got Kshs16,000.

This is happening and yet in our region, we see people prospecting and mining gold. We are concerned with the criteria that were used. The Bill is not very clear on that. This confirms the fears expressed by Sen. Mandago, that some of the people in charge of these Ministries could be allocating huge resources to their regions. We need to have clear a criteria, so that we have an equitable share of these resources.

Even if the reason is that these counties have not exploited the mining, how will they do so without financial support? For example, if you give us money, which we have been pushing for, we will be able to mine huge volumes of granite in Kakamega and Vihiga counties. This is an issue that the Committee needs to look at.

When we see Coast region getting Kshs2.5 billion and we know that the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs comes from there; and we see other regions not getting anything closer to Kshs20,000, then we get worried.

I also talked about the industrial parks. It is a brilliant idea. As such, I support it because it will provide us with opportunities to add value addition for our products. However, I disagree with the process that this project is being undertaken.

In my County, we have been allocated nothing yet the Cabinet Secretary for Trade and Industry is coming this Friday to launch. So, what is he going to launch? There has never been adequate public participation, no engagement of local leaders on issues like location and there has not been involvement of the county assembly.

Therefore, we are telling the said Cabinet Secretary, Hon. Kuria, yes, what he is doing is good, if it is properly implemented. However, why the hurry? Why are governors being pushed and even spending money from the county budget to launch projects that will not take off immediately?

We also need an explanation on why only 18 counties got this money. The rest of the counties did not get anything, yet the Cabinet Secretary is moving around launching projects even in counties that did not get this money. He has done the launch in Kakamega, Laikipia, Narok and Kajiado counties, in spite of no allocations.

Mr. Temporary Speaker, Sir, if you lead into pending bills---

Sen. Mandago: On a point of information, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Sen. Osotsi, would you like to be informed by Sen. Mandago?

Sen. Osotsi: Sen. Mandago is my friend. He is also a seasoned politician and former Governor. Let him inform me.

Sen. Mandago: Thank you, Mr. Temporary Speaker, Sir, and Sen. Osotsi for indulging me. I just wanted to let the distinguished Senator for Vihiga County know that the industrial parks are a joint venture between the county and the national Government.

Counties, in their budget-making process, already allocated Kshs250 million and they are the ones responsible for procuring. The national Government will then send funds as conditional grants. That is why the money for the industrial parks is part of the additional allocation we were processing. That is why the respective Cabinet Secretary is launching so that the processes can begin because we all know that contractors will not consume the money at the same time.

Thank you Sen. Osotsi for indulging me to inform you.

The Temporary Speaker (Sen. Abdul Haji): Sen. Osotsi, proceed.

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir. What the good Senator has said is what we all know. It is in the public domain. However, I was referring to this Bill where only 18 counties have been allocated the KShs250 million. Again, most of these county assemblies have not budgeted for this money. So, my concern is why would a project be launched when many things are still not done? I fully support this programme. I am just saying that let it be done systematically and in the right manner. Let the project not be started and then we end up with pending bills. These are the things that create pending bills.

One of the things that I wanted to see in this Bill is grants or allocation towards the Affordable Housing Programme. You know housing is a devolved function and not a national Government function. So, if the national Government wants to do housing, let it do it through the counties and finance it through this programme that we are discussing now. However, there is nothing in it. Maybe they will bring it in the Supplementary Budget. I do not want to criticise before I see the Supplementary Budget. However, in

most of the places where the Affordable Housing Programme was launched, the tractors were taken away, contractors left the site and there is nothing happening.

In my own county, the President launched the Affordable Housing Programme. The following day, all the equipment was taken away. Nothing is happening. Now, I thought that I would see the allocation in this Bill, but there is nothing. We need clarity as to how this programme will be financed. If it will be financed directly from the national Government, that is against this Bill that we are discussing today.

(Sen. Osotsi's microphone was switched off)

The Temporary Speaker (Sen. Abdul Haji): Sen. Wafula?

Sen. Wafula: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to contribute to the County Governments Additional Allocations Bill (National Assembly Bills No.23 of 2023).

Mr. Temporary Speaker, Sir, I appreciate that for the first time we have figures that are coming down to the counties that we represent and that these monies have been clustered to where they are going to. This one is part of oversight, legislation and representation to the people that we represent who are aware of how much is coming and allocated to what. However, we are going to demand a breakdown of these monies, per item and per activity.

Three weeks ago, I was on the ground in Bungoma to check on the status of medical supplies. Those with carnal minds and who do not understand that the work of a Senator is oversight, told us that our work is to allow money to come, sit back in our rotating chairs waiting to do post-mortem on failing county governments. The money for aggregation industrial parks that the county is giving is Kshs250 million and the national Government is giving Kshs250 million.

The bottom line is that this is a devolved function and those activities must be championed by the county government. It means that the tenders given must be tendered by the county government. These mega projects must be done by the great people of the specific county government. We cannot have mega projects being stage mentioned from the centre in Nairobi at the expense of potential contractors or tender people who can exactly execute these programmes.

Mr. Temporary Speaker, Sir, I will rally colleague Senators that as much as we support the Government in ensuring that the industrial parks are done, the people working in our counties should be given these opportunities. In Bungoma, the money for fertilizer is about Kshs242,962,800. These are monies that we must be able to follow to every farmer, the way the Government gives people registered this fertilizer. We must know how many bags are being procured by the county government, how many farmers have gotten this fertilizer, where they are and what amount of produce these people are getting.

Let us not find ourselves trying to pump money into a bottomless pit and yet, we cannot account for that money we are pumping to the grassroots. That means that the executive members in every country through the advice of the governor must always give back to the county assemblies on the outcome of the monies that we give, whether there is improvement, where the shortfall is and ensure that this works.

Mr. Temporary Speaker, Sir, I am seeing in Bungoma Kshs335,809,000 for livestock chain supply. This is a drop in the ocean, but we appreciate. Monies that have

been broken to various sectors in this Bill must be accountable and they should be ready to see us in every ministry and department. The Controller of Budget (CoB) as well as the Office of the Auditor-General (OAG) must supply this honourable House with every detail of the monies that are being consumed.

Let us not be a House of post-mortem, but let us be a House that does budget tracking by the use of Government institutions that have been mandated to execute this work. Let us not wait for Sen. Osotsi and Sen. M. Kajwang' to be giving us reports and yet we are the sole overseers of our counties.

Mr. Temporary Speaker, Sir, I have seen monies for leasing of medical facilities. I come from Bungoma, Sen. Okiya Omtatah from Busia and my great miracle Senator is here. We are paying large amounts of money for this leased equipment in our counties. Time is up and we have to call a spade a spade. Are we sure whether these facilities or equipment we are paying money for are on the ground, are being used by our people and there is return for money?

If not, I then request this House to instruct and advise Sen. Mandago that we revisit this wardrobe of skeletons. You can imagine this amount and yet the facilities are not on the ground. These monies can equip our facilities with CT Scans and other medical equipment that our people travel for from Bungoma to Eldoret, Kenyatta National Hospital (KNH), and Kisumu and yet we are not seeing these facilities being used.

Mr. Temporary Speaker, Sir, I am going to consult my people on the ground. If these monies are being paid for things that are not there, I will come back to this Floor of the House and initiate a process that we must recover the monies that are being galloped by projects that cannot be accounted for. We are seeing monies from the national Government as grants but I say here that we are opening a new chapter; and our people must be ready to see their Senators follow every coin, at every corner it shall be, in order to ensure that at the end of our five-years' work, we can stand and gallantly say that we worked for the people, and that we gave to Caesar what belongs to Caesar and to God what belongs to God.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Sen. Mwaruma.

Sen. Mwaruma: Thank you, Mr. Speaker, Sir, for this opportunity to contribute to this important Bill. This is the best way of dispensing with county additional allocations because previously, conditional grants were appropriated through the National Assembly.

Today, we can track these monies through this Bill. For example, my County has money from development partners totalling to Kshs1.3 billion. We also have money for conditional allocations to county governments from mineral royalties totalling Kshs51.7 million, cash that was not there in the past. We would like to laud the Ministry of Petroleum and Mining for making it possible for counties to share mineral royalties because previously, we had been told that it was not possible to share these royalties because regulations were not there then. I am happy that the current Cabinet Secretary has made it possible for us to benefit from these resources.

Mr. Temporary Speaker, Sir, we also have grants from the national Government totalling to Kshs110,638,298 and we also have leasing medical equipment totalling to

Kshs124,723,404.30. We have money for conditional grants for provision of fertilizer subsidies totalling Kshs43.4 million.

The problem of these conditional grants, just like in the problems of shareable revenue, is not the taking of the money to counties, but it is how to oversight this money. If you look at the money for leasing medical equipment totalling Kshs124 million for Taita Taveta and this is not the first time my County is getting money for Managed Equipment Scheme (MES), my County is still low on provision of healthcare. We do not have even a single Intensive Care Unit (ICU) despite the fact that we have been getting MES.

Mr. Temporary Speaker, Sir, the problem has been oversight. Where does this money sink to? The Senate is only expected to wait for the CoB's and OAG's reports for us to find out where the Auditor-General finds fault. However, if at all we will get the money for oversight, then we would be able to go down and lay our own infrastructure to make sure that we oversight this money.

Mr. Temporary Speaker, Sir, if you look at this money, for example, Kshs21 million for livestock value chain support project, this is very little money. Taita Taveta is endowed with a lot of land, about 1.4 million acres available for ranching for the rangelands. If you give us Kshs21 million only for value addition for livestock, this is a paltry sum, but it is a good beginning. Perhaps, it is something that we can begin with.

If I look at the Exploratory Data Analysis (EDA) or the World Bank grants meant to increase market participation and value addition for targeted farmers totalling to Kshs255 million, this is quite an amount of money for my county.

Nonetheless, again the problem is the wastage that happens in the county for lack of proper oversight. I have been experiencing for the last six years a lot of loss of these funds because when they are appropriated and they go to implement the ward projects, the ward administrators that is the MCAs, connive with the suppliers and supply air.

I was told of a story where these grants were used to supply farmyard manure. For each lorry that was supplying, it was divided into three and counted as one. So, if you supply 50 lorries of farmyard manure, they were being counted as 150 because it is times three. So, you must place adequate infrastructure to oversight the way these funds are used.

I would like to say that the problem is the MCAs because the structure is not okay to oversight the county assembly and they have been crying that they want to be made autonomous.

So, when the county executive is implementing the projects, but then there are no reports coming to the county assembly in good time, for example, the Public Finance Management Act (PFMA) stipulates that, "every three months there should be reports from the county executive to the county assembly."

When these reports are not given to the county assembly, there is nothing much that is done to the county executive. However, when the county assembly, sometimes tries to impeach on the strength of lack of those reports, then at the Senate level we would talk about threshold.

Mr. Temporary Speaker, Sir, I heard the Controller of Budget (CoB) also lamenting that this issue is not only prevalent in the county assemblies, it is also there in the other Ministries, departments and agencies. So, I do not know how we can amend the PFMA, so that we criminalize this issue of not supplying documents in good time.

Mr. Temporary Speaker, Sir, if the Senate Oversight Fund comes to fruition, I think we should set a structure so that when the executive of the counties gives documents or the quarterly reports to the county assembly and they give the copies to the office of the CoB, then, some of those reports are brought to the Senate for scrutiny.

We can have adequate staff to look at those documents, so that we can deal with that oversight in real time, other than waiting for the money to be stolen, then wait for the Auditor-General's report to come and do post-mortem for somebody who died a long time ago.

I am happy that we are taking this money to the counties. However, it is disheartening to note that most of this money will go to waste. As Sen. Wafula has clearly stated, we are taking a lot of money in terms of the MES money. However, if you look at our hospitals or the state of our medicare, it is still in deplorable condition. For instance, in my County of Taita/Taveta, we do not even a CT scan and the basic materials of pharmaceuticals to make sure that our people are able to access quality medicare.

So, what we do, we go to the neighbouring counties of Makueni that is Makindu and Mombasa where we take all our revenue there. Then some of our people go to Tanzania, that is Moshi Kilimanjaro Christian Medical Centre (KCMC).

If this money is well used and with the passage of the FIF law that we passed the other time, I can assure you that if the leased medical equipment scheme is well used, then our hospitals can be used as a source of revenue that will then make sure that our people get quality health services.

Mr. Temporary Speaker, Sir, I am very happy today as a Senator that we were able to benefit from royalties from the minerals at an amount that is about in the excess of Kshs51 million. However, I know if we were to be serious as the people of Taita Taveta, we should have earned much more money than this Kshs51 million.

There are people who have become billionaires because of mining in Taita Taveta County both at the ranches and in the national park. If we had a good mechanism of ensuring that we have the royalties paid, then we would have had adequate money in terms of mineral royalties.

The money that is captured here and I might not be very far from the truth, is the money from the iron ore because the good thing with iron ore is that before you get the export licence, you should have already paid the royalties to Government. Nevertheless, the expensive minerals that are being extracted from Taita Taveta are the green garnet, the rubies of this world where people are getting billions. However, because of their nature, they are very small and you can put them in the pockets and smuggle them out of the county to Nairobi, Sri Lanka and to the rest of the world.

Therefore, we are not able to get revenue. Perhaps, if we have a better way of making sure that we can line up the people who are mining and taking part in the mineral business, then I think we can get more royalties than what we got in this Bill.

Mr. Temporary Speaker, Sir, there are so many illegal miners within Taita Taveta. We have raised these issues with the Cabinet Secretary and Principal Secretary (PS). The other time I talked to the PS Mining, he went and stopped the illegal mining activities. This is because there are people who pose as artisanal miners. There are women's groups taking part in small scale artisanal mining. However, behind them, there are very rich people who are using heavy tractors and machinery under the guise that they are mining

as artisanal miners. I was surprised I do not know from which quarter, somebody allowed them to continue mining.

We have brought the Cabinet Secretary for mining here, Hon. Salim Mvurya. His people went down and then there is a person there who is complicit and, who is eating with the illegal miners.

As I talk now, I am told there are some people who are still smuggling the minerals out of the county. What is the role of the County Commissioner, Deputy Chief Constable (DCC) and the Directorate of Criminal Investigation (DCI)? When I say this, I am told that I am bitter.

I have to be harsh because we are dealing with finite resources. These resources are supposed to assist our people and we are supposed to even have some sort of refund; so that, if the minerals get finished, then we can also go to the sovereign fund and help our people. We must keep agitating and keep up the war on illegal mining in Taita Taveta County. We must tell the Ministry and the Government to make sure that they streamline mining.

The other issue that is making us not extract minerals is the moratorium that was put in place by the Government. We have followed through with the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs. He has told us that it is not within his domain to lift the moratorium and it was placed by the National Security Advisory Council because then---

Sen. Mandago: On a point of information, Mr. Temporary Speaker.

The Temporary Speaker (Sen. Abdul Haji): Sen. Mwaruma, would you like to be informed by Sen. Mandago

Sen. Mwaruma: Yes, by my friend, Senator Mandago, anytime. Thank you, Mr. Temporary Speaker, Sir.

Sen. Mandago: Thank you, Sen. Mwaruma, for allowing me to inform you. In the last sitting of the Cabinet, they directed the Cabinet Secretary to partially lift that moratorium. As it is now, it is partially lifted except for industrial mining which is deemed strategic for natural resources and other issues. I thought you should know that bit.

Sen. Mwaruma: Thank you, Mr. Temporary Speaker, Sir. That is very refreshing news.

Mining for us is almost what we rely on, to create wealth. If it is lifted, I would be extremely happy because our people can go back to mining and raise revenue for the Government. We can get more money in terms of grants that come from minerals.

Since we have started getting royalties from minerals, we are also awaiting royalties from the vast land that is hosting the Tsavo conservation area. We are not getting anything yet Section 76 of the Wildlife Management Act, 2013 stipulates that 5 percent of the money that is raised from the conservation area should go to the community surrounding Tsavo. That has not been forthcoming.

I am happy that when the President came to Taita-Taveta County for prayers, he made an edict that 50 percent of what is collected from the Tsavo conservation area should go to Taita/Taveta County. I came to the Senate and requested for a Statement. The Cabinet Secretary brought a response. It is very sad to note that in her response, she stated that we even collect less than what is available to run the Tsavo conservation area.

What we are crying for, since we bear the highest brand of harm together with the loss of lives and livelihoods by the wild animals, is a way of sharing what is collected with our county. If we borrow money to supplement the running of the Tsavo conservation area, it should include that which can go to mitigate the human-wildlife conflict. When I hear people say that we are getting fertilisers so that we can produce more, for me, it does not make sense. Even if we get the fertiliser and farm, we cannot harvest because when you are almost harvesting the elephants come and eat all the crops.

The idea of subsidized fertilisers to aid in bringing down the cost of living is a jargon we do not understand. More refreshing is that very soon, we are going to benefit in terms of royalties from carbon credits. We harvest a lot of carbon credit from the 1.4 million acres. If the legislation that we passed here is operationalised, we are going to benefit a lot from its royalties. Much as we are talking of the money going to counties, our concern has been the money left at the national Government. It is not benefitting us.

In 2020, we started a project in Taita-Taveta County which I was given by former President Uhuru Kenyatta, worth Kshs2.2 billion. A road from Mubura, Mugange, Wundanyi and Mtoa Magoti. Up to today, it has only been given Kshs89 million. In this financial year, only Kshs 98 million has been allocated to it, yet the year of completion is next year, September 2024. You wonder, if other counties are getting a lot of money, why can we not get enough money to complete one project in four years costing Kshs2.2 billion from 2020 to 2023?

We should come up with a framework to see how revenue left at the national Government is equitably shared so that some counties that have no shares or few people bringing votes into the President's basket are given the opportunity to benefit from the national cake.

I submit.

The Temporary Speaker (Sen. Abdul Haji): Sen. Okiya Omtatah proceed.

Sen. Okiya Omtatah: Thank you, Mr. Temporary Speaker, Sir. First of all, this Chamber needs some air conditioning. Some of us are very uncomfortable putting on neckties and we are not used to it in this environment. You need to do something about the air conditioning.

The question of subsidies in this country needs to be rationalised. We have countries that are very heavy on subsidies but the Government does not involve itself in handling the product. The Government uses vouchers which are then redeemed at stores.

The mess we get in issues of fertiliser as I was seeing in my county where the fertilizer was brought to Malaba, to get to Osieko, you have to pass through Busia and then Siaya by road. It makes no sense for somebody to travel all those kilometers to get fertiliser. These subsidy programmes should borrow a leaf from countries like India, which have very heavy subsidy programmes but use a voucher system. You can go to a regular store with a voucher and buy fertiliser which is discounted. The fellow who gets the voucher redeems it from the government in a very tidy manner.

Secondly, this money that is being added to the other money given to counties through the Bill would not be happening if we paid particular attention to the Commission on Revenue Allocation Act, 2011. There is a definition there for revenue that blocks counties from accessing the revenue they are entitled to. We do not access revenue made by state corporations. That is national revenue.

I urge this House to look at the Commission on Revenue Allocation Act, 2011 and define revenue to mean all taxes imposed by the national Government under Article 209 of the Constitution and any other revenue including investment income that may be authorised by an Act of Parliament but excludes revenue referred to under Article 209(4). That is okay because it is county revenue.

There is no basis for excluding revenue under Article 206(1)(a) and (b) of the Constitution which is made by various parastatals from the totality of the revenue to be shared. We need to look at that in order for us to have a bigger cake to be shared and our counties will be entitled to slightly more revenue than they are getting.

The issue of leasing medical equipment is a tragedy. It is something that should have been stopped like yesterday. I have even gone around my county and found that this equipment can hardly be traced. It interferes with the capacity of counties to procure what they require. They procure and the money is used for leasing these equipment which they had no hand in acquiring. We need to free counties. If this money is given to counties, let them procure what they require on the ground.

On the question of minerals, I am very saddened that Busia County has received zero allocation in revenues yet we are one of the biggest sources of magnetic iron ore that is lying idle in Samia hills. We also have gold being mined irregularly in areas like Bumutiru. The Cabinet Secretary for Interior and National Administration went there because there were major problems that have emerged with the haphazard mining of minerals. We expected that the Cabinet Secretary, having gone to the ground and seen the challenges, would have allocated resources to construct a police station to police the operations. However, nothing is being allocated. There should be an allocation not just to the miners, but to people who are not mining to build their capacity.

My brother, the Senator for Taita/Taveta County, is happy that he has received some revenue from royalties paid on iron ore exported. I do not know whether he is aware that in the Finance Act 2023, where there is a tax imposed on iron ore which is more than that of the world market price for iron ore. I do not know where you are going to export your iron ore to. The revenue might not be coming in the next financial year.

In as much as we support this Bill as it is a step in the right direction, let us invest sometime in what revenues we should be sharing. Secondly, let us get the revenues to be shared equitably. This is an idea the Senate had but has not followed.

One of the objects of devolution is to ensure equitable development of this country. The revenue that remains with the national Government requires supervision by the Senate to ensure that the counties are getting equitable attention so that revenues do not go to where politicians think they can get more votes or got more votes than in other areas. The object of devolution that brings us the question or the idea of equitable development must be given the attention it requires.

As a Senate, we need to look at the institution that is the National Treasury. Under Article 225(1), Parliament was allowed to establish the National Treasury and it did so through the Public Finance Management Act. However, the National Treasury establishment is an appendage or is part and parcel of the national executive. It is not an independent body that can ensure counties get the attention they require.

The other day, you heard the President say that his administration was the first to channel funds to counties within the time he stated. However, this is not the work of the national Government but of an independent National Treasury. Nyamira County should

deal with the National Treasury the way the national Government deals with it. However, when National Treasury is put under the Cabinet Secretary for Finance, the Principal Secretary and other appointees of the national Government, then it ceases being the National Treasury anticipated in the Constitution.

Chapter 12 of the Constitution sought to cure the ills and mischief of the absolute control on public finances by the national Government. This is why you have the offices of the Auditor General and the Controller of Budget being made autonomous. The National Treasury anticipated under this Chapter was supposed to be autonomous but the old order survived.

Now we have a National Treasury that is part and parcel of the national Government. This gives counties problems in accessing revenue. As a Senate, we need to interrogate and audit the architecture and framework under which the National Treasury has been established. This is to make sure that it is aligned to the Constitution, so that the 48 administrative units we have in this country; that is, the national Government and the 47 county governments, have an autonomous National Treasury that addresses their needs and none of the governments is superintending it over others.

Right now, a big problem we have with the county finances ---

The Temporary Speaker (Sen. Abdul Haji): Sen. Okiya Omtatah, would you like to be informed by Sen. Wambua?

Sen. Okiya Omtatah: Sen. Wambua is a bishop. He can speak with authority. I will let him speak with authority.

Sen. Wambua: Thank you Mr. Temporary Speaker, Sir. I thank my brother Sen. Okiya Omtatah. The issue you are raising on the conflict between the National Treasury and the Ministry of Finance is the genesis of the problems of funding to county governments. Alive to this challenge, I have drafted a Bill to which I will need your input. We must separate the National Treasury from the Ministry of Finance, so that it feeds both the national Government and the county governments. You cannot have a situation where the Ministry of Finance and the National Treasury are the same institution and are expected to serve both levels of Government equally or equitably.

Sen. Okiya Omtatah, this is work in progress. I hope this House will support the move.

I thank you.

Sen. Okiya Omtatah: Thank you, Mr. Temporary Speaker, Sir. You can see the bishop has spoken with authority. I am happy that there is work ongoing in that direction. Sen. Wambua, borrow the expertise of some of the most brilliant minds in this country in terms of the structure of the devolution and Chapter 12 of the Constitution, for example, Dr. Mutakha Kangu who has done a lot of work on the Constitution. He could benefit the Bill if you approach him. That is a Bill that is long overdue.

If we do not separate the National Treasury from the Ministry of Finance, devolution will go nowhere. This is the elephant in the room. Once we do that, we will have the 47 administrative units approach the National Treasury and be served independent of each other. However, as long as the national Government thinks that it is the financier of counties, then counties will go nowhere.

This is why I found the statement by the President – welcome as it was – on release of revenue to counties made because of absence of a framework. There should be a framework whereby revenues are disbursed to counties without the goodwill of an

individual. We thank the President for the goodwill he expressed and the political action he took to make sure money was released in the time it was. However, if the National Treasury was separate from the Ministry of Finance and was autonomous, it would have been doing it without the prompting of the Head of State who would be left to do more serious work that he is supposed to do for this country.

I support the direction we are going where a Bill on additional revenue is brought to the Senate and does not end up as a question to the National Assembly. However, going forward, the use of the equitable share that remains in the national Government must be validated by the Senate. The Senate is charged with ensuring there is equitable development of this country. The Senate must check, correct and state circumstances where counties in certain regions are getting the lion share of revenue. The idea that it is only the National Assembly that should supervise the revenue that remains with the national Government is not anchored in the Constitution of Kenya. That one goes against the principles of devolution. Senators are custodians of devolution and the cardinal issues of devolution to ensure equitable development of the country.

The national Government does not have its own territory but carries out its projects within counties. The Senate then must supervise how that money is used to ensure that the country is equitably developed.

With those few remarks, I support.

A few minutes ago, I noticed that one region was fully represented in this House. We had a Senator from Vihiga, Bungoma, Kakamega and Busia counties. The entire western region was fully represented in this House.

This is to show that as a heavily marginalised area with extreme potential, we take matters of public finances seriously. We are in a region where all the factories have failed. The “bullfighter” can confirm to me that we have no fully functioning factory in the western region.

When these small allocations come in, we would like to see facilitation to the potential we have in the area. For Busia, I would like to see facilitation for mining. I want to see the Samia Hills being mined and the iron ore being turned into wealth, and the gold in Bumutiru being mined and given to us.

It is a very sad situation whereby because of the very primitive equipment being used, I am told we take out about 20 per cent of the gold on site. Then, lorries come from Tanzania to carry away the soil and take them for further smelting. I am told, 75 to 80 per cent of the gold is in that soil.

When somebody comes and buys a lorry of soil for Kshs30,000, there must be something in that soil. Why can we not be allocated money to be able to get the equipment to do all the processing or the extraction of the gold on site within the Republic of Kenya? Instead, we wait to only extract a small bit using very crude methods, washing gold using naked hands and we are using mercury. We are anticipating an explosion of cancer in Bumutiru in a very short time.

We needed to be allocated money to modernise the mining in Bumutiru and the other areas of Busia and knock out the Tanzanians who are coming to carry away our gold at a throwaway price.

Thank you, very much.

The Temporary Speaker (Abdul Haji): Sen. Veronica Maina, you may have the Floor.

Sen. Veronica Maina: Mr. Temporary Speaker, Sir, thank you for this opportunity to contribute to this important debate on the County Governments Additional Allocations Bill.

This Bill forms the basis of a good law in the making because it appears to be a redesign of the funding model for the counties and allocates additional funding to the county budgets. It is an assuring legislation because, ideally, it should give a lot of comfort to the funding and development partners. It is also a framework for accountability for any funding sources that are given to the counties.

Mr. Temporary Speaker, Sir, I have looked at the provisions of this Bill. In Clause 3 of this Bill, I see an open clause which talks about one of the objects being; “to provide for additional allocations from proceeds of loans and grants from development partners”

I do not know the extent of the loans and grants provided for here but I see an opportunity for the proposer of this Bill to make sure that the clause is not open-ended, and that it is subjected to other relevant laws in Kenya that then limits the loans and grants that are sent to whatever level of government, including, the county Governments. That is so that it does not open the brackets and the percentages of the amounts of loans or grants. Grants are not limited but the loans need to be conditioned to the set limits that are spelt out under the relevant laws in Kenya.

I believe this is a Bill that is long overdue. While it provides for many functions in the county, I believe it is one that now forms a basis for establishing a better mechanism to monitor and oversight on how these funds are spent. Since this sends additional allocations to the counties, there is always the risk in our county governments of these funds being misused.

I am looking at some of the funding being sent to the building of the county headquarters. We have several counties where the headquarters have not been completed 13 years since the commencement of devolution concept in Kenya. The question is: Why have these headquarters not been completed? What goes wrong and what is the end date for the completion?

With such a Bill, one of the limits it should set now, because it is not year one after devolution commenced in Kenya, is an end date for all the counties to complete their county headquarters. This is so that, we do not have additional funds being allocated for construction and completion of county headquarters. When we visit, we still find that those headquarters are not completed.

A case in point is Turkana County where we have just come from. We looked at the Turkana County Government offices. They were small semi-permanent cubicles. The question one asks themselves is why has it taken these many years for those headquarters to be completed? We could see a very impressive structure being constructed but it has not been utilised by the Turkana people for the many years it has not been completed.

My proposal is that, even as funding is allocated to the county headquarters named in the Schedule in this Bill, we should always have an end date for their completion. If they are not completed within the period that is set after that allocation is done, then there should be financial penalties accruing to the delays.

It should be just akin to building contracts where if a construction is not completed within the time spelt out in that contract. If it is the contractor who has delayed and funding has been provided, then, they pay penalties which are quantified in terms of money.

I believe if we have to encourage counties to be more expedient in their management of resources, then we should be including sanctions within such Bills so that any county government that fails to comply with that model, then starts to lose the funding. People will then understand whether the people managing those counties are qualified or not, or they are just not able to deliver the projects that are needed by the people.

I have also looked at the Schedule attached to the Bill that shows how the Kshs5 billion on fertiliser has been disbursed to the various counties. I have noted that some counties, maybe those that are agricultural based, have benefited a lot from the subsidy. I have also noted that some of the counties did not benefit much because maybe, they did not appropriate this benefit that was accruing to the counties.

It therefore means, if this Bill is utilised properly by the counties, they will be able to assess their performance in various aspects. For instance, in agriculture, using this matrix that is set out here in this Schedule, a county is able to say that it received this much in agriculture and its produce is this much. We can tell whether there is return on investment.

All counties should be gauged against what they have benefited from through this County Governments Additional Allocations Bill. This Bill should have a monitoring matrix that helps us to see whether when funding is directed to counties, it eventually benefits the people who are residents in that county.

Mr. Temporary Speaker, Sir, regarding the court fines, I have noted that in some of the counties including Murang'a and many others, there is no allocation for the court fines that have been collected. For instance, I have seen that Nyandarua, Nyamira, Trans-Nzoia, Vihiga and West Pokot counties have little allocated under court fines. It is only 1,650.20. I believe it is quoted in shillings. The schedule does not show whether the quote of the figures is in millions. Mandera is Kshs1,028.

Unless there is a problem with the Schedule, it then means that nobody was fined in that county. So, no amount has been allocated. There is a need to check whether that is the accurate position or not.

When I look at page 588, the Second Schedule in that Bill, the allocation for mineral royalties, for instance, for Garissa is Kshs844,691.51. The same allocation is put against the court fines. Does it mean that the royalties were equal to the fines or is there a typo?

The same goes for Kajiado, Kshs660, 242,991.11 allocated against the mineral royalties and the court fines. That is repeated for Kilifi, Kisii, Kwale, Nandi, Samburu and Siaya counties.

I believe there was a typo or replication of the figures between the mineral royalties and the court fines. That would then need to be amended so that we can have an accurate statement of the figures that are being sent in that direction.

Mr. Temporary Speaker, Sir, regarding the royalties that are being earned from the mining, the figures that are quoted here are an understatement.

If you look at some of the gemstones and the special minerals that are being sold worldwide, Kshs600, 000 or Kshs1 million is very little in terms of a country or county budget. It therefore means that we have not harnessed the full value of the resources that are within our country. Maybe, it is because of the environment that we have been in where even mining licences were frozen. They have not been issued. The Cabinet

Secretary for Mining, Blue Economy and Maritime Affairs, our friend, Hon. Salim Mvurya, has been to this House and confirmed that they are not issuing mining licences anymore until they are ready to issue them.

We urge the Ministry to open up this area because these resources are ready for harnessing. Although the licences are not being issued, we still have illegal miners who are taking advantage of the minerals and the environment that we are in. They are still trading on those minerals behind the Government's back.

We need to put that area under control. The only way to do it is to bring back the licensing. That way, the Government will understand who is mining the minerals, where, what royalties are being given to the county government and what is the benefit to the Kenyan people. We should take advantage of the mining resources in the different counties. For example, we were told that there is gold in Turkana. We did not know that there was gold in Turkana. There are many resources within Turkana County and maybe in many other counties. Those resources are in existence. So, why should we not open up this field so that the nation can earn royalties from this mining? This will reduce the loans and borrowings that the nation has to do to meet the budget gaps.

I urge the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs to ensure that this area is sorted out once and for all. To learn from our neighbour Tanzania, they have taken a step in mining and are doing value addition in mining. In fact, I was shocked when I went to Dar-es-Salaam a while ago. They have a whole street where they sell fully refined gold chains and rings. They have taken advantage. They are not just refining and mining the special minerals and stones but also making sure they are crafted into final products which are being sold within the Republic of Tanzania. That means they are taking the full benefit of value addition on those resources.

Mr. Temporary Speaker, Sir, once again, I have noted the industrial parks. Every county has been given a grant of Kshs250 million by the national Government to match with a similar amount in order to put into place the aggregation and industrial parks within the county.

This is a great opportunity. Instead of counties crying throughout that young people do not have jobs, they need to implement the aggregation and industrial parks. This should be an opportunity to create many jobs. Within a short while, we could be speaking of tens of thousands of young people getting jobs within these aggregation parks. This will add value to the products that are being received in Kenya.

With that, I support the enactment of this Bill into law. I urge the proposer of this Bill to consider introducing amendments to refine what is not properly drafted. For instance, indicating specific amounts of money within the clauses of the Bill.

We have Clause 6(m) specifically talking about the county climate change resilience grant set out in column "n" of the Third Schedule. It specifically indicates the amount of that grant as Kshs6,187,500,000 financed by proceeds from a World Bank loan. Such a figure should not be read within the Bill itself. It should either be in a schedule. The amount should be stated to be agreed upon, borrowed or such other amount as may be determined from time to time so that we have good draftsmanship on the provisions and the clauses of the Bill.

I support the Bill that is before this House.

The Temporary Speaker (Sen. Abdul Haji): Proceed, Sen. Wakili Sigei.

Sen. Wakili Sigei: Thank you very much, Mr. Temporary Speaker, Sir, for granting me the opportunity to also contribute to this very important and significant piece of legislation.

We are discussing the means by which our county governments are given additional funding over and above the resources which have already been shared in the allocations that this House also passed three months ago.

The aim of this legislation is to give supplementary funds from development partners and additional conditional grants from the national Government. It is one of those legislations that we should pride ourselves as a House. It ensures that our county governments are financed in order for them to serve the people at the county level. It also ensures that service delivery to the people is not hindered by the non-release of funds from the national Government.

Mr. Temporary Speaker, Sir, I am aware that the additional amount that this particular legislation will give to the county governments is a whopping Kshs56 billion. The Kshs56 billion on top of Kshs385 billion takes us to a great amount of Kshs445 billion. Once disbursed, county governments will have no reason not to serve the people who elected them into office.

Mr. Temporary Speaker, Sir, under Article 189 of the Constitution, there is cooperation between the national Government and the county government. This legislation confirms the Government of the day supports devolution. This is evident in the additional revenue coming from conditional allocations and the national Government's conditional grants.

Clauses 1 to 5 are general clauses that break down the sources of funds. It starts from the grants from various development partners including the World Bank and others. There is also a provision of the amount that each development partner is giving. This confirms the source of the funds.

Clause 8 is an important provision in the Bill. It gives the County Treasury an obligation under the provision of the Public Finance Management (PFM) Act to report to this House. This will ensure that the Senate oversees prudent use of the devolved resources. This will be achieved through reporting.

Under Clause 8(b), the County Treasury is required to provide an actual expenditure by the county allocations made under the provision of the various schedules in this Bill. Therefore, I urge this House to ensure that this provision is enforced to the letter. That way, the Senate will have an opportunity to ensure the resources are not abused and, therefore, services meant for the people are provided.

Under Clause (8)(d), the County Treasury is required to explain any material problem in the expenditure allocations made under this Act; or compliance with any conditions of allocations set out in the Inter-Governmental Agreement. This is another way of ensuring that the resources, however much or little, are accounted for. In case of any challenge or problem that the county government faces in utilizing the resources fully, it should be written in the report that comes to this House.

If this House ensures that this legislation is fully enforced, then the amounts that will be shared by the national Government to the county governments will be properly utilized for the benefit of the people we represent. Ours is to oversight monies to county governments.

The schedules that have particularised the various allocations are key. This is because it gives each allocation an expected outcome. For example, the First Schedule provides for conditional allocation. It has listed a specific amount of the grants from the national Government under column one. Under Column C, there are conditional grants for leasing medical equipment.

Mr. Temporary Speaker, Sir, several Senators have spoken about this issue. We are also aware that this issue has previously been litigated in various courts. It is a sad reality that we are still allocating resources to the tune of Kshs124 million, which some counties are saying that the equipment that we have been paying for has never been delivered. It is high time the House dealt with this issue by ensuring that it only releases money for equipment that was supplied.

Column E provides conditional grants for the provision of the fertilizer subsidy programme. This is a boost to the programme of the Kenya Kwanza Government to ensure increased production from farmers. Consequently, the cost of living will be lowered.

Previously in this House, we have talked about the cost of maize through a Statement that was presented by the Senator for Trans Nzoia County. This is a product of this subsidy programme that the Government has pushed to subsidise production instead of consumption.

I note that under this Schedule, Bomet County Government is getting an additional Kshs131 million for the subsidy of the fertilizer programme. Under the same column, the entire amount that the county government is going to receive in addition to what it received, is Kshs256,407,000. We expect this amount to go into providing services to the people. As earlier commented by Senators, county governments have no reason not to deliver.

(Sen. Wambua gestured to Sen. Wakili Sigei)

Mr. Temporary Speaker, Sir, I notice Sen. Wambua notifying me of something. I believe it is about the allocated time. As such, I will try to run through the next two schedules so that Senators get time to contribute.

The Third Schedule provides conditional allocations for proceeds of loans or grants from development partners for the Financial Year 2023/2024. This is one of the areas that we beseech county governments. Currently, we are releasing these funds in lumpsum. Consequently, there is a likelihood of collusion between donors and county government officials who abuse public resources through pilferage. However, in future, the sponsor of the Bill should ensure that we tie the release of the funds to a particular programme to deter county governments from diverting the resources to other programmes that were not a priority.

In this programme, Bomet County Government is getting a whopping Kshs362 million. This will go to primary health care in the devolved government. This is evidence of collaboration between county governments and the national Government. Despite the fact that health services are devolved, there are areas in which collaboration is necessary. An example is the Community Health Promoters Programme that was launched by the President last week. They will be supplied with equipment and paid a stipend which the

county government is also expected to match. This will create job opportunities and ensure the promoters do not work for free for the locals.

Mr. Temporary Speaker, Sir, I believe that in the end, the 100,000 Community Health Promoters will be direct beneficiaries of this programme. As such, we would have fulfilled the promise to create job opportunities for the people of Kenya.

In the Fourth Schedule, the national Government is enhancing expenditures on devolved functions which are converted to additional conditional grants to county governments. This will happen in the financial year 2023/2024. I am happy that Bomet County Government is getting an additional Kshs57,294,000. In total, this Bill gives an additional Kshs782 million to Bomet County. As such, services that would not have been provided, will now be funded to ensure the people are well served.

Mr. Temporary Speaker, Sir, the annexures provided in this Bill give a detailed breakdown of how county governments, county treasuries and relevant officers within the county government are expected to ensure that this resource is appropriately utilized for the people of a particular county. I look forward to ensuring that when these resources are released from the national Government to county coffers, our county governments will serve people and utilize resources so that service delivery to the people can be felt at the county level.

This is a crucial Bill and I appreciate the Majority Whip for fast tracking because of the importance it has for this House and the county governments who represent a majority of Kenyans. I thank you, Mr. Temporary Speaker, Sir, and I support the Bill and for this opportunity. I also hope that Sen. Wambua can say something for the remaining minutes.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Sen. Wambua.

Sen. Wambua: I thank you, Mr. Speaker, Sir, for this opportunity to also add my voice to the County Governments Additional Allocation Bill, 2023. I also thank my friend and brother, Sen. Wakili Sigei for yielding some time for me to contribute. It is a good day that the Senate is discussing additional allocations to county governments because under Article 96 of the Constitution, the Senate and individual Members of the Senate are required to oversight funds that are generated nationally and allocated to our counties.

Whereas I support this Bill, there is need for cleaning it up because words have meaning. I am almost offended when we talk about the national Government allocating money to county governments when the true wording would be, allocation of resources of revenues to county governments, which resources have been collected nationally. It is the Treasury that is supposed to be allocating money to both the national Government and the county governments.

Mr. Temporary Speaker, Sir, there would be need to reword this Bill so that someday, many years to come, when the great-grandchildren of the Senator for Kakamega, Sen. (Dr.) Khalwale are seated in the House reviewing a Bill that their grandfather passed, they will not be wondering what the problem was with their grandfather and whether he read that Bill properly. Cleaning this Bill up will be important.

On particulars of the Bill, I will only touch on three items because I do not have a lot of time. The first one is the First Schedule – additional funds for the construction of county headquarters. We must get to a point where we draw the line. I have been in this

House for the last six years and every year, there is a conversation about money being allocated for the completion of construction of county headquarters. Those county headquarters are, actually, five; that is Isiolo, Lamu, Nyandarua, Tana River and Tharaka-Nithi. They are five.

Mr. Temporary Speaker, Sir, when we went to Turkana, last week for Senate Mashinani, the whole world was shocked at the level of incompleteness of county government projects.

One of those projects was the county headquarters. I will propose that this should be the last time that this item appears in the Additional Allocations Bill and should mark the beginning of a serious audit on the use of this money for the construction of these county headquarters.

This year alone, a whopping Kshs454 million is being allocated for this function. We cannot be constructing five county headquarters for seven years. There must be something very wrong with what we are doing. Even the value of money seven years ago today, it is a very different value. We must get serious and deal with that matter once and for all.

The second issue in that I want to talk about is still on the First Schedule, on the matter of the conditional grant for leasing of medical equipment, another elephant in the room.

Mr. Temporary Speaker, Sir, it will be remembered that in the last Senate, we had set a special *Ad Hoc* Committee in which I sat and we went around this country to inspect the equipment under this programme.

We went outside this country specifically in the Netherlands to visit the source of this equipment. To our surprise, some equipment were still lying at the producer's manufactures stores in the Netherlands but counties were being given conditional grants to continue paying for that equipment.

This was despite the fact that in the deal itself, it is stated that we can only pay for this equipment when it maintains an uptime of more than 85 per cent. Consequently, even when the machines have not been connected, the machines are not serving anyone, we are still paying for these machines.

When you look at that schedule, every county is being allocated Kshs124,723,404.30 for this programme.

Mr. Temporary Speaker, Sir, I will be moving this House in the fullness of time, to perhaps consider setting up a special committee to do an audit of this leasing of medical equipment. This will be to ascertain that all the equipment that we are paying for is in the country, it is set up in our hospitals and it is serving our people. Otherwise, we are just digging a hole where we are throwing our money and there is absolutely zero value for money.

Mr. Temporary Speaker, Sir, seeing as it were that my time is almost gone, I wanted to speak about the last issue, which is in the Second Schedule and it relates to funds from courts and minerals royalties.

Mr. Temporary Speaker, Sir, if I had time and I do not, I would have gone into the details of that schedule. These schedules are not just here for us to appreciate numbers. They are also here for us to learn certain things about certain counties and ourselves.

The Temporary Speaker (Sen. Abdul Haji): Sen. Wambua, you will have a balance of 11 minutes when this debate resumes.

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow Thursday, 15th October, 2023 at 2.30 p.m.

The Senate rose at 6.30 p.m.