

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 9<sup>th</sup> July, 2019

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

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MILIMANI PRIMARY  
SCHOOL, NAIROBI CITY COUNTY

**The Speaker** (Hon. Lusaka): Hon. Senators, I have a communication to make. I would like to acknowledge the presence in the Public Gallery this afternoon of visiting teachers and students from Milimani Primary School, Nairobi City County.

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

Thank you.

**Sen. Sakaja:** Thank you, Mr. Speaker, Sir. On behalf of my colleagues, allow me to join you in welcoming the visiting students and teachers from Milimani Primary School. I am their Senator, and I have known that school for a long time. I used to have many friends in Milimani Primary School when I was young.

I want to encourage them to keep their dreams alive and they should remember to work hard. I was a head boy in my primary school. Recently, one of my former teachers showed me an article that I wrote in the school magazine. In it, I wrote about the work of a Member of Parliament and my desire of being a Member of Parliament. I became a Member of Parliament 15 years after writing that article. Therefore, they should know that their dreams are valid. They can dream of being doctors, pilots, engineers, or anything else. At this age, the world is their oyster and they should keep their hopes alive. I hope to visit them soon.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir. Allow me to condone with you for losing a member of your staff. On behalf of persons living with disabilities in this country and my family, I would like to say, *'pole sana'*. Losing an industrious member of staff is not easy. I am sure that God will give you strength to go through this. We will continue praying for you.

I join you in welcoming the students from Milimani Primary School. It is good for young children like them to come to the House and see what happens here. Leaders are born and leadership is also acquired. I know that some of these children are innate leaders. I am sure that they will pick a leaf from us which will help them become superb leaders. Some of these children will acquire leadership skills by looking at how we debate in the House. Mentoring young children is good and they learn from examples. We should inspire and mentor them.

It is good for girls at this age to see that women can also engage on national issues and that will inspire them to be leaders in the near future.

**The Speaker** (Hon. Lusaka): Next Order.

### PAPERS LAID

#### REPORT OF THE SENATE DELEGATION TO THE 63<sup>RD</sup> COMMISSION ON THE STATUS OF WOMEN

**Sen. Sakaja:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 9<sup>th</sup> July, 2019-

Report of the Senate delegation to the 63<sup>rd</sup> Commission on the Status of Women (63<sup>rd</sup> CSW) that was held in the United Nations at the United Nations Headquarters in New York, USA, from 11<sup>th</sup> to the 22<sup>nd</sup> March, 2019.

Thank you.

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

**The Speaker** (Hon. Lusaka): Could we hear from the Chairperson of the Committee on County Public Accounts and Investments (CPAIC), Sen. M. Kajwang'. If he is not there, can we hear from the Senate Majority Leader?

#### REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTY AGENCIES/FUNDS

**Sen. Sakaja:** Mr. Speaker, Sir, on behalf of the Senate Majority Leader, I beg to lay the following Papers on the Table of the Senate today, Tuesday, 9<sup>th</sup> July, 2019:

Report of the Auditor-General on the Financial Statements of Nyeri County Enterprise Development Fund for the year ended 30<sup>th</sup> June, 2018;

Report of the Auditor-General on the Financial Statements of Nyamira County Education Support Fund for the year ended 30<sup>th</sup> June, 2018;

Report of the Auditor-General on the Financial Statements of Uasin Gishu County Education Revolving Fund for the year ended 30<sup>th</sup> June, 2018;

Report of the Auditor-General on the Financial Statements of West Pokot County Car Loan and Mortgage Members Scheme for the year ended 30<sup>th</sup> June, 2018;

Report of the Auditor-General on the Financial Statements of Murang'a County Assembly Car and Mortgage Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2015;

Report of the Auditor-General on the Financial Statements of Murang'a County Assembly Car and Mortgage Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2016;

Report of the Auditor-General on the Financial Statements of Murang'a County Assembly Car and Mortgage Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2017; and, Report of the Auditor-General on the Financial Statements of Murang'a County Assembly Car and Mortgage Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2018.

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

**The Speaker** (Hon. Lusaka): Next Order.

### NOTICES OF MOTIONS

#### NOTING OF REPORT OF SENATE DELEGATION TO THE 63<sup>RD</sup> COMMISSION ON THE STATUS OF WOMEN

**Sen. Sakaja:** Mr. Speaker, Sir, I wish to give notice of the following Motion-

THAT, the Senate notes the Report of the Senate Delegation to the 63<sup>rd</sup> Commission on the Status of Women (CSW63) held in the United Nations Headquarters, New York, USA, from 11<sup>th</sup> to 22<sup>nd</sup> March, 2019, laid on the Table of the Senate on Tuesday, 9<sup>th</sup> July, 2019.

#### FREE ADMINISTRATION OF SNAKE BITES ANTI-VENOM IN PUBLIC HEALTH FACILITIES

**The Speaker** (Hon. Lusaka): Sen. Kwamboka is not in the House. The Notice of Motion is, therefore, deferred.

*(Notice of Motion deferred)*

Next Order.

### STATEMENTS

**The Speaker** (Hon. Lusaka): Proceed, Sen. Nyamunga.

#### ELECTION OF SEN. ABSHIRO HALAKE, MP, AS THE CHAIRPERSON OF CMD-KENYA

**Sen. Nyamunga:** Mr. Speaker, Sir, I rise pursuant to Standing Order No. (47(1), to make a Statement on a matter of national concern, namely, a congratulatory message to our colleague, Sen. Halake, following her election as the Chairperson of the Centre for Multi-Party Democracy in Kenya (CMD-Kenya). This is a step in the right direction, particularly, taking into consideration the fact that this country is yet to meet the constitutional threshold with regard to gender parity.

The election of Sen. Halake should set the pace for greater things to happen in the legislature of this country. This is because CMD-Kenya is a political parties-based

membership organisation established in March, 2004. Its mandate is to enhance multiparty democracy and strengthen institutional capacity of political parties in Kenya through policy influence and capacity building. This is critical especially in a country such as Kenya, where the Executive more often than not influences what happens in Parliament.

Mr. Speaker, Sir, in the spirit of the “handshake”, the organisation provides a platform for political parties, political actors and policy makers to engage in dialogue and cooperate in strengthening multi-party democracy. CMD-Kenya works closely with political parties, political actors, strategic partners and key stakeholders in promoting social justice, political governance best practices and respect for human rights and fundamental freedoms.

Mr. Speaker, Sir, considering that Parliament is yet to pass the two-thirds gender rule Bill, CMD-Kenya is supposed to work with political parties in order to increase the level of women participation in electoral process, through elections, nominations as well as general acquisition of leadership positions in political parties and in the public sphere.

I hope that Sen. Halake will work to enhance the capacity of political parties in policy formulation and collaboration as important drivers of development of a new generation of politics and multi-party democratic practice in Kenya, based on issues, dialogue and non-violence.

Mr. Speaker, Sir, we need stronger political parties and insist on party fidelity. I would urge that Sen. Abshiro makes it her priority to engage and include the youth in matters affecting this country. By increasing meaningful and constructive involvement of young people in party politics as well as youth participation in decision making at all levels of political governance, we shall inculcate in this country a practice of all-inclusive governance.

I give my hearty congratulations, once more, to Sen. Abshiro. Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Since I see a lot of interest, those I will give an opportunity to, please, try to keep your comments brief, before I declare the minutes you will use.

Proceed, Sen. Sakaja.

**Sen. Sakaja:** Mr. Speaker, Sir, I will keep it short and sweet. First of all, I give my hearty congratulations to Sen. Abshiro Halake. She is a trailblazer and the first woman to Chair the Centre for Multiparty Democracy-Kenya (CMD-Kenya) since its inception in 2004. That is one thing for which I must start by congratulating her.

As I alluded when I was laying the Report on Commission on the Status of Women, I am a big advocate of “He-for-She”. We, as the main Members in this House, must advocate for “He” supporting “She.” The biggest advocates for women empowerment in this House must be the male Senators, because they are our mothers, sisters and daughters.

More importantly, I was a Member of CMD-Kenya. It is an extremely important organisation. Many year ago, when I was the party leader of The National Alliance (TNA) before it was swallowed, we worked very closely with CMD-Kenya. The programmes such as intra-party dialogue, youth empowerment, women programmes and party strengthening are so important at a time in our democracy where we need strong political institutions.

Mr. Speaker, Sir, I am, therefore, confident that this time of our history coincides with the first election of a woman chairperson. She is also able, competent, and equal to the task. We look forward to CMD-Kenya working better and closely with our youth and women.

I would just like to add a note because many of these organisations when they work with the women sometimes neglect the younger women. When we talk about youth, we find that it is mainly the males. The young women between the age of 18 and 35 years many times have been neglected when it comes to getting their space in the political circles. Since Sen. Halake is young both in age and at heart, I hope she will make sure that the young women of Kenya are in the front and centre of the political dialogue of this country.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): They are saying that they are always young.

Proceed, Sen. Were.

**Sen. Were:** Thank you, Mr. Speaker, Sir, for this opportunity to contribute to the Statement by Sen. Nyamunga, on congratulating Sen. Abshiro Halake on her election as the Chairperson of CMD-Kenya.

It is worth noting that CMD-Kenya is a non-partisan organisation established in 2004; a few years after the advent of multi-partyism. That is after the first election that the Nation Rainbow Coalition (NARC) won, after so many years of rule by the Kenya African Nation Union (KANU). That put forward the first step to bringing political parties together to always think together and do the right thing in the interest of Kenya. It was premised on the dream we used to call the “NARC Dream” that somehow got lost on the way. We hope that with Sen. Abshiro Halake at the helm, with all her motherly instincts, we shall get back to the path on which CMD-Kenya was established.

Mr. Speaker, Sir, I note that it was an election amongst political parties. It was not an easy thing to get. There are just 60 members from whom she had to campaign. This shows that women are able, if given an opportunity. We thank Sen. Halake for putting herself forward to prove that all the efforts of women like Sen. Mugo, Prof. Julia Ojiambo and hon. Phoebe Asiyo are beginning to bear fruit. I urge this House to continue encouraging more women activities so that we continue to enjoy the fruits that we have received through the election of Sen. Halake.

Let me say a little bit about these elections. They are gruesome and tiring. Like all political elections, you are never sure it is done until it is done. To the last hour of the election, she went through it all and came out triumphant.

I heartily congratulate her. I also urge this House to support her. As our colleague, we will support her. It is not easy, but we have your back. You will do it in God’s name.

**Sen. (Rev.) Waqo:** Thank you, Mr. Speaker, Sir, for allowing me to support this important Statement by Sen. Nyamunga. I thank her for reading it on our behalf.

I congratulate Sen. Halake for the position that she has acquired on our behalf. We are proud of her and she have always been very active and focused on what she does. We have a lot of faith in her. I am sure she will use that position to serve this society.

We are proud of Sen. Halake. We know she will promote, especially women and the youth. We have observed and seen her good leadership skills with a lot of integrity. Again, she is well experienced, strong lady and very committed to what she wants to do.

Personally, I have a lot of faith in her. As she serves us, as the Chairperson of CMD-Kenya, I wish her God's blessings. She should also remember the marginalised people, especially those of us who come from northern part of Kenya. As she remembers the entire nation, she should also remember us very well. May God bless her.

I support the Statement.

**The Speaker** (Hon. Lusaka): Now, I will allow three minutes each because there is a lot of interest.

**Sen. Ochillo-Ayacko:** Thank you, Mr. Speaker, Sir, for allowing me to join my colleagues in congratulating Sen. Halake.

The Senator has done exemplarily well considering the fact that on the face of it, people may think that she comes from a marginalised community and gender. She has ascended, walked that path and she is now our celebrity.

I congratulate her on her election. I hope that in her tenure, she will ensure that parties, as institutions instrumental in deepening democracy, will have funding and will be run in a sustainable manner.

I pray that she will cement the place of women in this society as achievers and as people who serve society without doing things that negate our progress.

I congratulate our sister.

**Sen. Farhiya:** Thank you, Mr. Speaker, Sir, for allowing me to congratulate Sen. Halake. We have always said that this is the House of wisdom and it has been proven. One of our own is the Chairperson of CMD-Kenya.

Secondly, this lady has succeeded in whatever field she has taken. She was the Deputy Secretary-General of the Kenya Red Cross Society (KRCS). She has also been recognised as the best performing nominated Senator in this House in a very short time. She is also an Executive Member of the Kenya African National Union (KANU).

I expect this House to pass critical Bills in terms of the politics of this country that will make a difference now that one of us is in that seat. Let us pass the two thirds gender Bill. The other House has failed so many times to do so. Let us get it right in this House this time around.

The other Bill that we need to pass in this House is in terms of having credible elections. Yes, our elections have been credible, but there are always some questions that people will raise every time we conduct elections in this country. There has been a lot of litigation. Let us identify where the weaknesses are and address them accordingly.

Mr. Speaker, Sir, since political parties recognized her ability and put her in the right position, I hope and pray that the people of Isiolo County will also follow suit and make her the next Member of Parliament (MP) in her constituency. We already have a competent Senator.

*(Laughter)*

**Sen. Wambua:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to also join my colleagues in congratulating Sen. Halake for being elected the Chairperson of the CMD-Kenya.

I was thinking that maybe in the spirit and the principle of "he for she", Sen. Nyamunga would have allowed me to read the Statement. Now that she has read it, I congratulate her for reading it on our behalf.

I have had opportunity to work with Sen. Halake as the Vice Chairperson of the Committee on Information Communication Technology (ICT), where she has done a fantastic job. She will chair a forum that deals with political parties. I hear colleagues here putting emphasis on youth and women. There are also men in the political arena.

Mr. Speaker, Sir, I urge my colleague and Vice Chairperson that when she goes to the CMD-Kenya, she looks at enhancing, strengthening, deepening and widening democracy in all political parties and across all gender.

With those few remarks, congratulations to Sen. Halake. We are behind her to make sure that she delivers on the mandate of her office.

**Sen. Poghiso:** Thank you, Mr. Speaker, Sir. I join you, the House and Sen. Nyamunga in congratulating my good friend, Sen. Halake. She was also my choice for that position.

I would like to encourage Sen. Halake that the overwhelming support from this House will carry her through. These are politicians and Members of different parties. I speak for those who might not catch your eye so that Sen. Halake knows that the support and congratulations are coming from all over; they will carry her through.

Sen. Halake is a gifted and relational person. I am sure that she will succeed in making sure that the CMD-Kenya makes it, during her tenure, to be one of the best organisations. Therefore, I ask that she continues to be humble and strong, as she has been, and keep the eye on the ball. I encourage and congratulate her.

I thank Sen. Nyamunga for bringing the Statement.

**Sen. Faki:** Asante, Bw. Spika, kwa kunipa fursa hii kuunga mkono Arifa ya Sen. Nyamunga kumpongeza Sen. Halake kwa kuteuliwa kama Mwenyekiti wa Taasisi ya Demokrasia ya Vyama Vingi katika nchi yetu ya Kenya.

Bw. Spika, naungana na Sen. Nyamunga kumpongeza kwa moyo wangu wote Sen. Halake kwa kuchaguliwa kwake. Ni jambo la kutia moyo kwamba ni mara ya kwanza kwa Sen. Halake kuteuliwa kama Seneta na kuchaguliwa kama Mwenyekiti wa Taasisi ya Demokrasia ya Vyama Vingi nchini Kenya.

Bw. Spika, nimefuatilia kwa karibu utendakazi wa Sen. Halake na ninaona ya kwamba anatosha kuendesha Taasisi ile wakati huu ambapo siasa ya vyama vingi katika nchi hii bado ina msukosuko. Vyama vingi ni vyama vya kibinafsi ambapo mtu mmoja ndiye anaamua maamuzi yote ya chama wakati wanachama wenyewe hawana fursa yote ya maamuzi.

Bw. Spika, ningependa kuchukua fursa hii kueleza kwamba bado demokrasia kamili haijakamilika hapa nchini. Hii ni kwa sababu watu wengi bado wanagadamizwa katika haki zao za kibinafsi na kibinadamu. Juzi kule Murang'a, wanafunzi kadhaa walifukuzwa shule kwa sababu walikuwa wamevaa *hijab*. Nina furaha kwamba aliyechaguliwa kuendesha mambo ya Taasisi ya CMD ni Sen. Halake ambaye anavaa *hijab* wakati wote anapokuwa Bungeni na nje.

**Sen. Dullo:** Mr. Speaker, Sir, first, I take this opportunity to thank Sen. Nyamunga for bringing this Statement.

Second, I am a proud Senator because my sister from the same county has been given this position. This clearly means that I am more privileged than anybody else in this House. Third, there is no corruption.

(Laughter)

If you do not know Sen. Halake---

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

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Wambua?

**Sen. Wambua:** Mr. Speaker, Sir, I thought the position of the Chairperson for CMD-Kenya is a national position. That is why I stood and congratulated Sen. Halake. However, I have heard that it could be limited to Isiolo County. Could you clarify this?

*(Laughter)*

**Sen. Dullo:** Mr. Speaker, Sir, the Senator for Kitui did not hear me well. I said that I am proud of her because she comes from my county. That does not mean that the position she holds is not national.

Third, for those who do not know Sen. Halake, from her great grandfathers, she is from a family that has been in leadership position. This clearly means that---

*(Loud consultations)*

It is not a laughing matter. It is the truth. If you want to get the record, I will show you. That clearly means that she is up to the task. For us, pastoralists, we are happy that she was able to fight for this position. She will serve as the first pastoralist, Muslim woman from Isiolo County. Name it!

Mr. Speaker, Sir, fourth, throughout, she has been in top leadership positions in the country. This clearly means that the sky is the limit.

I take this opportunity to tell Sen. Halake that we have a lot of amendments and issues that she will handle especially on matters that discriminate women at the political party level.

Finally, we are happy as the people of Isiolo County for having two strong women who have been given leadership positions in this country, including myself.

*(Laughter)*

To the people of Isiolo County and the country at large, women here we come! We will claim our position.

**The Speaker** (Hon. Lusaka): Somebody said that if you make a complicated trumpet and nobody is blowing it, you blow it yourself.

*(Laughter)*

**Sen. Shiyonga:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to support Sen. Nyamunga's Statement on Sen. Halake's election.

We were sworn together with Sen. Halake in the Senate. However, the strides that she is making, not only in the Senate but the country at large, are admirable. That is why the world has seen the flowers in her basket and awarded her what she deserves. I congratulate her.



Mr. Speaker, Sir, when women are considered in such a position, we feel like we have a meaning, an impact and stand for our people.

The CMD-Kenya is a forum that brings all people together. Therefore, the Chairperson is equivalent to a Cabinet Secretary (CS) or a senior person in the Government. Therefore, as Sen. Halake continues with this, I urge her as a woman Senator, to go far and beyond. The sky should not be her limit. Let God lead her in her ways so that when we see her, we see ourselves in her.

**The Speaker** (Hon. Lusaka): We are running out of time. So, I will give Sen. Halake a chance to say something.

**Sen. Halake:** Thank you, Mr. Speaker, Sir. You should have let them go on until evening. I would like to thank all my colleagues especially Sen. Nyamunga for bringing this Statement. I know you have been wanting to do this. I did not realise just how big this position was. I have looked around and I could see that everybody wanted to say something. I will definitely make you proud.

I know the mandate of the CMD-Kenya because that is an area that I am good at. Its mandate is to strengthen institutions, make our institutions sustainable and ensure that our political parties claim their position as the enablers, deepeners and wideners of democracy. I will work with the team to make sure that happens. More importantly, I will do this because of the support I have got.

I know everybody here is supportive. The women and the young people have been raring to go for this. I know there are a lot of expectations. I promise to do my best to make sure that we deliver for you. I am looking forward to have a CMD that is right for this country because we have the capacity, commitment and the will to do it. More importantly, we have the right people to work with. I know all of you will support me and with God, everything is possible.

As Sen. Were has said, it was very grueling and I did not realise how fluid the elections were. I thank all the political parties for supporting me. I have been having meetings after meetings since the day I was elected because partners are offering support and I promise not to let this House down. I will make sure that the gaps that we have are filled. If the political parties get it right on the two-thirds gender rule, perhaps we may not need legislation. For some of our parties, once you have a party ticket, you have the seat already. So, I will make sure that we are fair and just. I will ensure that the institution works for all of us and all the political parties.

Mr. Speaker, Sir, I know many of my colleagues supported me through the process and asked members of their parties to vote for me. I thank them for that. I will do my best not to let them down. Definitely, I will bring my scorecard to Members here a few months down the line to show that their confidence was not in vain.

I thank you.

**The Speaker** (Hon. Lusaka): Since she is the first one in that region, there is a lot of pressure. I will allow the Senators for Wajir and Mandera counties and somebody representing Persons with Disabilities (PwDs) to say something. Please be brief because most of the things have been said.

**Sen. (Dr.) Ali:** I thank you, Mr. Speaker, Sir, for allowing me to speak after your directive. I am grateful for that. I think Sen. Halake has had enough hearty congratulations but I also congratulate her. As everybody has said, the sky is the limit. I would just like her to know that the CMD-Kenya used to do many good things for MPs.

They used to invite MPs and let them know what they are supposed to do. Of late, those things are not happening. When you talk of political parties, the people who matter are the elected. If they do not know what they are doing, then there is a problem. Therefore, she should involve MPs of both Houses.

Secondly, she has talked about everything else. I urge her not to marginalise the men. The train is running and women are on top of it but men are dragging behind. She should therefore bring us on board, so that we support her in whatever way we can.

I thank you.

**Sen. (Eng.) Mahamud:** Thank you, Mr. Speaker, Sir, for giving me a chance to contribute to this Statement brought by Sen. Nyamunga.

I join the rest in congratulating Sen. Halake for being elected the Chairperson of the CMD. The mandate of the CMD is to strengthen multiparty democracy in Kenya and also to build the capacity of institutions and political parties. By being elected the Chairperson of the CMD, it is clear that Sen. Halake is a go-getter.

In this country, over the years, a lot of emphasis has been on multiparty democracy. Unfortunately, there is a lot of clawing back. We are worried because we used to have capacity building for institutions and parties but it seems that died thereafter.

I urge the Chairperson of the CMD-Kenya to ensure that political parties are strengthened through capacity building, so that multiparty democracy which was fought for many years in this country, contributes to development in this country.

Once, again, I congratulate and wish her all the best.

**The Speaker** (Hon. Lusaka): Next is Sen. (Dr.) Musuruve. Please, keep it short.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I support Sen. Nyamunga for bringing this Statement. I congratulate Sen. Halake because she is my friend and we have worked together. There is something about her personality that makes me feel that she has what it takes to do the job. One thing I know about Sen. Halake is that she is impartial in her dealings and objective in whatever she does. Whenever she wants to do something, she usually focuses and never rests until she gets what she wants.

I also know that she is sincere in what she does because she is honest. Now that she has been elected the Chairperson of the CMD-Kenya, it will be a plus for women living with disabilities when it comes to their participation in politics and leadership.

Women are not considered in many political parties. With Sen. Halake being the Chairperson of the CMD-Kenya, I know there will be capacity building for political parties to ensure the 5 per cent representation enshrined in the Constitution is realised, so that women with disabilities have a stronger voice not only in this House but in all political affairs.

I thank you.

**The Speaker** (Hon. Lusaka): There is an organisation whose Members will feel aggrieved if they do not congratulate her. I will allow the Chairperson of Kenya Women Senators Association (KEWOSA) to take the Floor.

**Sen. Seneta:** Thank you, Mr. Speaker, Sir, for giving me a chance to support this Statement that was brought by my sister, Sen. Nyamunga.

On my own behalf and on behalf of all Members of the KEWOSA, we congratulate our sister Sen. Halake for being elected the Chairperson of the CMD-Kenya.

We have a lot of confidence in her and wish her all the best. As women, we know that she is up to the task and will ensure that political parties are strengthened.

As women of this country, we look up to her to make sure that our political parties are strengthened in terms of how they perform their duties. For us, women, in politics, we know that there have been problems in terms of vying for elective seats. Having one of our own, we pray to God and hope that more space will be created for women.

**The Speaker** (Hon. Lusaka): This House also has the privilege of having the President of Women Parliamentarians under the umbrella of the Inter-Parliamentary Union (IPU). It will be unfair not to give her an opportunity to congratulate her colleague who joins her in the ranks.

**Sen. Kihika:** Mr. Speaker, Sir, I also rise to support the Statement by Sen. Nyamunga.

I congratulate our colleague, Sen. Halake Abshiro, for pulling such an amazing fete. As a woman legislator, I get really excited every time we wrestle a seat from the men because it adds one more to our side. It seems like a zero-sum game.

Anyway, I am sure that she will do a---

**The Speaker** (Hon. Lusaka): Sen. Sakaja, what is your point of order?

**Sen. Sakaja:** Mr. Speaker, Sir, when I spoke earlier, I said we do “he” for “she”. It is not a competition. Is Sen. Kihika in order to say the seat was “wrestled” from men while at the time Sen. Halake was vying, the seat was vacant? We are not competing amongst genders. In fact, if anything, we want to give more seats in this House, even of chairmanship of committees to women. So, let us not make it a competition because that is where you start losing out the support from the men you have.

**Sen. Kihika:** Mr. Speaker, Sir, it is not actually a competition but you also do not give, we take. We are very proud and happy to have your support. I know that Sen. Sakaja is a patron with the women but, it is really difficult for a woman to get such a seat. Since we are a political House, it is also very difficult for women to get political seats.

When we have such seats like the one Sen. Halake has, it will go a long way in helping women as they come up in the political process or system. It cannot be underscored when you look at the chairmen who have held that seat before Sen. Halake. It is quite obvious that it is not an easy task to win that seat. So, that is why I cannot stop congratulating and overstating how much we are proud of her, but she is also up to the task. We have seen her doing many other things and we are sure and know for a fact that she will deliver and also move the agenda for the Centre for Multi-Party Democracy forward. Congratulations to Sen. Abshiro Halake.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Hon. Senators, as your Speaker, I also want to congratulate Sen. Halake for this very well-deserved election win. From where I sit, I think the choice is right, and I know she has the capacity to deliver the mandate that has been given to her. We have no doubt that any of you who gets a position, apart from just being yourself, you represent this House. We hope that she will represent the House well wherever she is. Congratulations and I wish her well.

Let us move to the next Statement by Sen. Outa.

DELAYED HAND-OVER OF LBDA MALL  
IN KISUMU COUNTY

**Sen. Outa:** Mr. Speaker, Sir, pursuant to Standing Order No. 48(1), I rise to seek a Statement from the Standing Committee on Devolved Government and Intergovernmental Relations concerning the delayed hand-over of the Lake Basin Development Authority (LBDA) Mall, situated along the Kisumu-Kakamega Highway in Kisumu County.

In the Statement, the committee should-

(1) Explain the circumstances that have made it difficult for the Lake Basin Mall to be handed over to the Lake Basin Development Authority (LBDA) and, by extension, the residents of Kisumu County.

(2) State whether there has been any interrogation of the Report of the Auditor-General on the project dated 24<sup>th</sup> January, 2017 and, if so, table the findings of such interrogation.

(3) Confirm the validity of the reports of the State Department of Public Works and the Attorney-General on the project dated 19<sup>th</sup> August, 2016 and 31<sup>st</sup> January, 2017, respectively; and

(4) State when the committee will invite the concerned parties in the dispute, if any, to shed light on the reasons for the delay in the handing over of the Lake Basin Mall.

Mr. Speaker, Sir, this matter is urgent because this Mall was completed two years back and since then, the residents of the county have not really benefited from it. The Mall was given a clean bill of health by the State Department for Public Works, the Attorney-General, and the Auditor-General. Now we have seen another attempt to try and deny the residents of Kisumu a chance to get jobs at the Mall since it has never been handed over due to some disputes.

Therefore, if there is corruption that has crippled the LBDA, we want us to fight corruption inclusively. We do not want to be---

**The Speaker** (Hon. Lusaka): Continue.

**Sen. Outa:** Mr. Speaker, Sir, I would like to know why the committee that is concerned with investigating this matter is being selective in inviting some of the members for interrogation while the other members who have participated before, especially the former Chairman and Cabinet-Secretary have not been included in the interrogation. It appears the Committee selectively invited the members to be interrogated. Our concern as Kisumu residents is that we want this Mall to be handed over.

We have seen that other projects that were taken over by the Government never took off, but this one was completed and subsequently the Lake Basin Mall got the opinion they had sought from the Auditor-General. They got a clean bill of health. Why is it that up to date that the Mall has never benefited the residents?

Mr. Speaker, Sir, I have another Statement.

**The Speaker** (Hon. Lusaka): You may proceed.

OWNERSHIP STATUS OF KACHOK DUMPSITE  
IN KISUMU COUNTY

**Sen. Outa:** Mr. Speaker, Sir, pursuant to Standing Order No. 48 (1), I rise to seek a Statement from the Standing Committee on Devolved Government and Intergovernmental Relations regarding the ownership of the land on which Kachok Dumpsite in Kisumu County sits.

In the Statement, the Committee should explain-

(1) Why the County Government of Kisumu is using public resources to remove waste from the dumpsite which is on private land, which resources would otherwise be used to render services to the residents of the county; and,

(2) the cost incurred by the County Government of Kisumu so far to remove waste from the Kachok Dumpsite, and indicate how much has been set aside for similar activities in the 2019/2020 Financial Year.

Thank you, Mr. Speaker, Sir.

*(Interruption of debate on statement)*

**COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION FROM KERWA  
SECONDARY SCHOOL, KIAMBU COUNTY

**The Speaker** (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kerwa Secondary School, Kiambu County.

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

*(Resumption of debate on Statement)*

Thank you.

**Sen. Nyamunga:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I would like to add one or two things on the first Statement that has been made by my colleague, Sen. Outa, concerning the Lake Basin Mall. In the last Parliament, the Mall was ready and so many issues were raised. I was serving then in the Committee on Finance and Budget. We had an opportunity to visit the Mall and inspect it.

Mr. Speaker, Sir, the Mall was 100 per cent, if not 99 per cent, complete. There was nothing holding the contractor from handing over the Mall to the LBDA so that it could be utilized. I am currently serving in the Committee on Devolved Government and Intergovernmental Relations and we are just waiting for this Statement to be brought to the Committee so that we make sure that this Mall is handed over to the LBDA so that it can benefit the people of Kisumu.

This is the only Mall or project that we can count from the LBDA ever since it was established. It is the first proper and major project that we can lay our hands on. Delaying

it any further for whatever reasons, is not the concern of the people of Kisumu or anybody else. We will dig and find why it is taking so long and why the Government is clinging to this. If it is a problem with the contractor, that should be sorted out.

The more we continue clinging to this property without handing it over to the LBDA, the more it is deteriorating. If you put up a building and leave it for several years without utilizing it, definitely, it starts deteriorating. We want to bring an end to this. I want to thank my Senator for bringing the matter again to be discussed so that we can find a way forward.

Thank you, Mr. Speaker, Sir.

**The Senate Minority Leader** (Sen. Orengo): Thank you, Mr. Speaker, Sir. I also want to join the distinguished Senator for Kisumu County in addressing the matter on the mall in Kisumu. This was our flagship project for the Lake Basin Development Authority. It is a shame that the Government can commit so much money through a regional body yet the project does not get to fruition. It is important for this matter to be closed. We can deal with the administrative or other questions involved.

We will be cutting loses by handing over the project to the authority because the building is more or less complete even as we try to resolve other issues. A time will come when we will end up spending more money to make the mall functioning. I join the Senator for Kisumu to demand that Statement be dealt with as quickly as possible.

Moving Kachok Dumpsite from the city centre is long overdue. It was a flagship project for the County Government of Kisumu and it has been long in resolution. We were told that the dumpsite would be moved one year after elections, and it is now two years.

The Chairperson of the Committee on Devolution and Intergovernmental Relations, we have two critical issues relating to Kisumu County. The Presidents of the Democratic Republic of the Congo (DRC), Tanzania and Uganda will be in Kisumu in August and it will be an eyesore for them to see the dumpsite particularly at this time when we are trying to make Kisumu attractive and a business hub in the Lake Region.

**The Speaker** (Hon. Lusaka): Sen. Kinyua, the Chairperson of the Committee on Devolution and Intergovernmental Relations, when do you intend to provide the answers?

**Sen. Kinyua:** Mr. Speaker, Sir, concerning the mall, I will provide the answers in two weeks' time and the answer on the dumpsite will be ready in four weeks.

**The Speaker** (Hon. Lusaka): Is that okay, Sen. Outa?

**Sen. Outa:** That is okay, Mr. Speaker, Sir. I expect the Chairperson to move with speed and I hope that he will invite witnesses in order for us to conclude this matter once and for all. This is a great mall in Kisumu and we want it to start benefitting Kisumu County.

**The Speaker** (Hon. Lusaka): Next Statement should be from Sen. Kibiru. We will hear from Sen. Malalah.

STATE OF AFFAIRS IN KAKAMEGA COUNTY  
PUBLIC HOSPITALS

**Sen. Malalah:** Thank you, Mr. Speaker, Sir. I stand to issue a Statement pursuant to Standing Order No. 47(1).

I rise to make a Statement concerning the state of affairs of public hospitals in Kakamega County.

I wish to share with you and this House that I have been doing a factfinding circuit of all public health facilities within Kakamega County. Yesterday, 8<sup>th</sup> July, 2019, I concluded the foresaid random visits at Malava Sub-County Hospital. I wish to register that the general situation of the hospitals is deplorable, despicable and agonising to speak of the least. The pain witnessed by citizens seeking healthcare services is harrowing and excruciating.

The maternity wings in most of these hospitals are clearly overwhelmed. In Malava Sub-County Hospital, the wing has only 22 beds which forces expectant mothers to share beds. Two expectant mothers in that hospitals share a single bed. Expectant mothers are as fragile as the process of giving life. They move around, dance in pain, stretch and behave in uncontrollable ways during labour. The least that a hospital should do to them is to provide a conducive environment to reduce the pain and not aggravate the same pain. If that is happening with such two women on one bed, the result can only be catastrophic.

In Malava Level 4 Hospital, mothers coming straight from the delivery rooms are ushered into a packed wing and they have to sleep on the floor with their new born babies. Some of those floors are unwashed and unsterilized, posing a direct health hazard to the mothers and new born babies. It is saddening that this is how we are admitting the next generation into our country.

Makunga Rural Health Demonstration Centre, which is on the border of Mumias East and Navakholo, lacks clean linen for the patients and those that are available are worn out. Patients are forced to buy non-pharmaceuticals and pharmaceuticals from external pharmacies. Diabetics clinics are conducted in the offices and not in wards and patients have to wait from 8.00 a.m. to 5.00 p.m. to be attended to.

At Matungu Hospital, I noted that the hospital does not have adequate medicine to even treat the prevalent diseases. Moreover, the hospital, as in the case of Malava and Makunga hospitals, is forcing all patients visiting the hospital to buy non-pharmaceuticals from outside suppliers due to non-supply of the same by the County Government. The County Government last procured non-pharmaceuticals for hospitals in October, 2018.

I held a meeting with the hospital management together with doctors, nurses, clinical officers and the community health workers and a number of issues were identified. These problems cut across all health facilities in Kakamega County. They include-

(1) Money paid by the National Hospital Insurance Fund (NHIF) to the County Government as claims by patients treated is not being released to the hospitals. The money is taken in as general revenue for the county.

(2) The County Government does not release money allocated to health facilities in good time. Last year, health facilities received imprest for only eight months instead of the required 12 months.

(3) The conditional grant of Kshs427 million disbursed to Kakamega County Level 5 Hospital has been diverted to other uses. Only Kshs67 million has been put to proper use. The rest is used in other county activities.

Kakamega County General Hospital had 47 doctors in 2017. In 2019, as I speak right now, we only have 15 doctors, and six are threatening to resign because of job

group stagnation even after pursuing their Masters degrees in various areas of specialization.

Mr. Speaker, Sir, the community health workers are not consistently paid, while the nurses and doctors have been denied study leave, hence creating a very demoralized workforce.

I also gathered that the Kakamega County Executive Committee (CEC) Member in charge of health has a very poor working relationship with the chief officer and other staffers in the docket, making it difficult to resolve this stalemate.

Mr. Speaker, Sir, since healthcare is a devolved function and very integral area to our citizens' wellbeing, I urge the Committee on Health to take interest in the health affairs of Kakamega County and consider paying a visit to the county to delve more into these issues in order to come up with a workable way of improving services rendered to the people of Kakamega County and recommend some policy options on issues affecting the health sector in Kenya.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. Shiyonga. Please, keep it brief.

**Sen. Shiyonga:** Mr. Speaker, Sir, I will keep it brief. I stand to support the Statement by Sen. Malalah.

It is absurd that even when health is devolved, we are still experiencing these challenges. I will speak about Kakamega County, where I come from, have grown up and received services from.

Mr. Speaker, Sir, there are deplorable conditions in health facilities, especially Malava Sub-County Hospital, where I was. As the Senate, our work is to prevent, protect and pass legislation. If you look at the state in which Malava Sub-County Hospital and others that my colleague has mentioned, you cannot dare to take your patient there.

I have tried to find out from the county executive what they can do better for our citizens. Health is devolved and we want our people to be treated within the county or sub-counties. Much has been done through even the "Oparanya Care." We cannot say that the governor is not doing a lot. Probably, the challenge lies with the Cabinet. It lies with the executive in the particular sub-counties.

Mr. Speaker, Sir, I cannot say that I know everything that is happening in those sub-counties, but people need to pull up their socks. If you go to Malava Sub-County Hospital, patients share beds. We have women who have shared beds after giving birth. Why should a woman who has given birth share a bed with another person when she even has wounds? The Kakamega County executive needs to pull up its socks because we want facilities that are excellent. We are here pushing for more money to go to the counties and want to see work being done. We do not want people to divert money health services to other things.

The Kakamega health section needs to work, otherwise, we will be on their case.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): I can see a lot of interest and we have another urgent Statement to be made. So, I will allow only three minutes to those I will give an opportunity.

**Sen. Were:** Thank you, Mr. Speaker, Sir. I would like to thank Sen. Malalah for this Statement. He is also a Member of my party, and as he was moving round those



hospitals, as members of a political party, we were with him. We observed how he went around and so, it is not hearsay.

**The Speaker** (Hon. Lusaka): Is that a political statement you are bringing here?

**Sen. Were:** Mr. Speaker, Sir, it is not. My point is that it is not hearsay. He has actually visited these hospitals and established the facts he has presented.

Mr. Speaker, Sir, as this Statement goes to the Committee on Health, it is worth for us to find out whether the national Government, through the Ministry of Health, is sending these funds to the counties in time, so that they are able to meet their obligations. Once it comes to us, we will establish these facts and advise accordingly.

I support the Statement, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Chairperson of the Committee on Health, Sen. (Dr.) Mbito.

**Sen. (Dr.) Mbito:** Thank you, Mr. Speaker, Sir. Let me start by thanking my colleague, Sen. Malalah, for bringing this very important Statement.

*(An hon. Senator spoke off record)*

**The Speaker** (Hon. Lusaka): Okay. I will give you one minute each, so that we can move.

Chairperson, I will give you an opportunity.

**Sen. Omanga:** Thank you, Mr. Speaker, Sir. I rise to support the Statement by Sen. Malalah. Health issues are not confined to Kakamega County alone, but across the 47 counties.

Mr. Speaker, Sir, I am saddened by the remarks of the Nominated Senator from Kakamega, trying to defend the Governor in this House. The buck stops with the Governor. There is no way we will start talking about the executive of counties in the Senate and not talk about the Governor. The buck stops with the Governor. That shows that maybe Senators have started going to bed – I do not mean literary - with our governors.

*(Laughter)*

That is why we are coming here to defend governors. With that, we will kill devolution.

**The Speaker** (Hon. Lusaka): Sen. Shiyonga, what is your point of intervention?

**Sen. Shiyonga:** Mr. Speaker, Sir, is it in order for my fellow Nominated Senator from Nairobi City County to say that I have defended the Governor of Kakamega? Did you hear what I said? I said that Gov. Oparanya has come up with ‘Oparanya Care.’ As much as he is doing his work, there are people in the executive who are letting him down.

**Sen. Omanga:** Mr. Speaker, Sir, I will still insist that the buck stops with the Governor. If he has his personal foundation, those are meant to deal with his people, but we are talking about the devolved health function, which we all understand as Senators and are here to protect.

**The Speaker** (Hon. Lusaka): Sen. Ochillo-Ayacko, what is your point of intervention?

**Sen. Ochillo-Ayacko:** Thank you, Mr. Speaker, Sir. I hate interrupting my two sisters as they fight over the Governor of Kakamega or any governor.

*(Laughter)*

Mr. Speaker, Sir, however, if we look at our constitutional responsibility---

**The Speaker** (Hon. Lusaka): Sen. Sakaja, what is your point of order? I can see a lot of points of order.

**Sen. Sakaja:** Mr. Speaker, Sir, mine is very quick. I hear what Sen. Omanga has said very strongly about Nominated Members or anybody supporting the governors. I just pray that she will remember her statement when I bring the Statement on Nairobi City County soon.

**The Speaker** (Hon. Lusaka): Sen. Pareno, what is your point of intervention?

**Sen. Pareno:** Mr. Speaker, Sir, mine is a point of order as to whether it is in order for Sen. Ochillo-Ayacko to say that the Nominated Senators are fighting over the Governor, when they are just debating.

**Sen. Ochillo-Ayacko:** Mr. Speaker, Sir, I had not even made the point of order.

Our function under Article 96 of the Constitution is very clear that we defend counties. Perhaps part of this problem is as a result of the money that the National Assembly is taking away. Part of it could be as a result of general lack of interest by governors.

Would I be in order to ask Sen. Omanga to also put on record the fact that counties are underfunded, so that we do not just blame governors, but also understand the situations in which they operate?

**Sen. Omanga:** Yes, Chair. That is true. The counties and---

**The Speaker** (Hon. Lusaka): Order! It is "Mr. Speaker." I think that explains that you have not been around for a long time.

*(Laughter)*

You have even forgotten your Speaker.

**Sen. Omanga:** Mr. Speaker, Sir, it is because I have been busy with the Committee work. As you know, 80 per cent of Parliament work is done through committees. That is why maybe I am used to my Chair.

Mr. Speaker, Sir, we had a CPAIC meeting this morning. As you know, this is the most powerful Committee of this House and it sits almost every day. I am sorry, but I am with my Chairperson.

Mr. Speaker, Sir, it is a fact that the health function is always underfunded. We find that year in, year out, the Ministry of Health is allocated more money despite the fact that health function is fully devolved. I urge the Senate Committee on Health to have a conversation with the national Government on health issues and push for more resources to be devolved to counties.

I assure my good Senator for Nairobi City County that I am with him in strengthening devolution in this country. We will defend and oversight Nairobi City County together.

I support.

*(Applause)*

**Sen. Malalah:** On a point of information, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): What is your point of information, Sen. Malalah? I do not know whether she wants to be informed. Do you want to be informed?

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

**Sen. Malalah:** Mr. Speaker, Sir, I would like to inform Sen. Omanga and the entire Senate that we cannot shield ourselves behind the narrative of county governments being underfunded. I have stated in the Statement very clearly that Kakamega County was given a conditional grant of Kshs427 million.

However, they only spent Kshs67 million on Kakamega County General Hospital. The rest was diverted to other county activities. Counties cannot lament that they are being underfunded when they did not utilise appropriately the money they received from the national Government.

**The Speaker** (Hon. Lusaka): Proceed, Chairperson Senate Committee on Health.

**Sen. (Dr.) Mbito:** Thank you, Mr. Speaker, Sir. I thank my colleague Sen. Malalah for bringing this very important Statement. I assure him the Senate Committee on Health will deliberate on this matter because it is not unique to Kakamega County. It is an issue that has become rampant in all counties. We are having a situation where health services have deteriorated in many counties.

We, as a Committee might not be able to reach each county, but I am very happy that my colleague Sen. Malalah has brought up this issue. I assure him that the issues are even worse in my own County of Trans Nzoia.

The issues you have raised such as money being diverted is a matter, I do not know how Senate will be able to be assisted in putting the governors to task. This is because we have a situation where we are not able to question them. When we ask them how the funds are being diverted, we do not get proper answers from them. Those are the issues we will want to look at as a Committee---

**The Speaker** (Hon. Lusaka): Chairperson, what you are saying is what you are supposed to recommend as a Committee.

**Sen. (Dr.) Mbito:** Mr. Speaker, Sir, we will look into this matter and make sure we make recommendations to be adopted by the House.

**Sen. Sakaja:** On a point of information, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): What is your point to information?

**Sen. Sakaja:** Thank you, Mr. Speaker, Sir. I just want to inform the Chair of the Senate Committee on Health. I would have done this formally, but it came up today in my Committee on Labour and Social Welfare. A lot of issues coming from Sen. Malalah are in many of our counties. We have seen workers being fired in Kirinyaga County. There are issues in Laikipia County *et cetera*. These are labour related issues.

Due to the huge task that is with the Senate Committee on Health, we are going to at least help them on the labour aspect so that they can focus on the services issue.

If we do it jointly, we fear the normal predicament of quorum. However, it is open for us. We are willing to do it jointly or separately because we want to look at all the Collective Bargaining Agreements (CBAS) in our counties.

Our doctors, nurses and casual labourers are not being treated well. That is the crux of the problem within our counties. As a Committee, I want to inform the

Chairperson of the Senate Committee on Health that we resolved that today. Sen. Cherargei was there. We shall walk side by side on this matter.

**The Speaker** (Hon. Lusaka): Okay, I think the Chair has heard.

Next Statement is from Sen. Khaniri.

TRIBUTE TO THE LATE JOE KADENGE,  
LEGENDARY KENYAN FOOTBALLER

**Sen. Khaniri:** I thank you, Mr. Speaker, Sir, for this opportunity. I rise pursuant to Standing Order No. 47(1) to make a Statement on an issue of topical concern, namely: The death of the late legendary Kenyan footballer, Joe Kadenge.

I take this earliest opportunity to send my heartfelt condolences on my behalf, my family and the great people of Vihiga County. Death has robbed us of a great man. As the Senator of the county, I promise to stand with the family, relatives and friends as we give *mzee* a befitting sendoff.

Mr. Speaker, Sir, growing up, the catch phrase *Kadenge na Mpira* was edged on our mind in both football commentary and in our playing grounds. To this date, there has never been another greater footballer in Kenya than Joe Kadenge.

Born in 1935 in Vihiga County, Kadenge has graced the football pitch and news for more than six decades both as an active player, coach and advisor. He played from the colonial to independent Kenya. Kadenge played for Maragoli United Football Club the current AFC Leopards, North Nyanza combined, among others.

During his time, he also played for the national team. He was a great forward midfielder who ensured the Harambee Stars were a formidable force in East Africa.

The House will recall that while visiting the late Kadenge, His Excellency the President directed that he be awarded a token of appreciation, provided with medical care and enrolled to the National Hospital Insurance Fund (NHIF). This was a very good gesture. However, it neither offers a sustainable nor practical solution to the challenges facing all former sports personalities primarily because it is not practical for the President to visit all of them and extend this kind gesture.

Mr. Speaker, Sir, the unfortunate demise of this football legend offers us an opportunity to ponder on among others two main issues: One, the management and treatment of our sports personalities both in their active years when flying our flag high and in retirement.

The efforts being made by this House in the County Hall of Fame Bill 2019 are commendable. However, we need to go further by providing clear guidelines on the retirement contribution for current players and Government support to the famous sportsmen and women.

This support should include financial assistance, medical cover and even State honours and commendations from exceptional contributions. This will be a better way to honour our sports heroes and heroines while they are still alive. Today, if one asks any ordinary Kenyan his or her opinion on how the Government has treated its former sports persons, the resounding answer will be, “neglected and forgotten.” To most sports persons, sporting is the only employment they will or have ever had. The Government should provide a retirement plan.

Mr. Speaker, Sir, the second important aspect that the life and times of Kadenge taught us is the importance of nurturing sports at the local level. Kadenge, amongst other sports persons in Kenya, discovered their talents in the local teams. Kenya is a country of great sports persons, but the Government has continually failed to promote and nurture this immense talent. Counties should be encouraged to invest in sports.

For instance, Vihiga County established Vihiga County United Club in 2014 which played in both 2017/2018 and 2018/2019 seasons of the Kenya Premier League. Some of the players from this team have already attracted international attention from clubs in Africa. From this team also, Harambee Stars has identified talent. Moving forward, we should have inter-county national games in all sports disciplines.

Mr. Speaker, Sir, Joe Kadenge is a true icon in Kenya and deserves a befitting recognition. His immense contribution in the football fraternity is well documented not only in Kenya but also Africa and the world at large. It should go without saying that his name should be immortalized by naming a national stadium after him.

Mr. Speaker, Sir, I have just come from the house of Joe Kadenge and I wish to share with the House and the country at large the programmes and events that will precede the burial which will be on Saturday, 20<sup>th</sup> July, 2019.

First, we will have a funds drive on Tuesday, 16<sup>th</sup> July, 2019 at Charter Hall. On Wednesday, 17<sup>th</sup> July, 2019, we will have a service at the Friends International Centre (FIC), Ngong' Road. On Thursday, the body will be flown from Nairobi City County to Bukhundu Stadium and we call upon Kenyans in Bukhundu or that region to turn up in large numbers to receive this hero, where there will be viewing before the body is taken to his home in Vihiga County. We will then have the final burial ceremony on 20<sup>th</sup> July, 2019.

Thank you.

**The Speaker** (Hon. Lusaka): Hon. Senators, since this was a national hero, I would ask that we rise and observe a minute of silence.

*(Hon. Senators stood up in their places and observed a minute of silence)*

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, Sir, I thank the distinguished Senator for Vihiga County for coming up with this Statement at a time when we are remembering a great icon, footballer and Kenyan.

In fact, when I think of great footballers in Kenya, there is nobody who had all round skills like Kadenge. If he were playing in Europe today - although I do not support Barcelona - his skills would have easily put him in the first 11 of Barcelona. When I think of the greatest team ever assembled in all time; the Brazilian team that played in Mexico in 1970 with Pele, Jorginho and Ravelino; looking at the skills that those players showed at that time, Kadenge would have easily surpassed the skills of those great Brazilians.

Mr. Speaker, Sir, this icon, who, for more than a decade, was the name that every football lover praised and wanted to see in action. At this time when we try to remember him, it would be incumbent upon the Kenya Government - as Sen. Khaniri has suggested - that one of the national stadiums, not in Kakamega County because that would be making him a regional icon, be named after Kadenge. Since there are so many stadia with

the name Nyayo, I think Nyayo Stadium should become Kadenge Stadium and the Kasarani Stadium can be left with Moi.

*(Laughter)*

That is just a suggestion because I cannot think of any suitable national stadium that can be named after Kadenge.

Having said that, we need to have some kind of programme where we can train our young people who want to emulate Kadenge to belong to the best in the world in football. I saw the women from the United States of America (USA) who have won the Women's World Cup four times in a row and they have done that because a lot of resources were put into the women's team in USA. They have surpassed the great nations in football.

Mr. Speaker, Sir, in Kenya, we have shown that we have the football talent but we are not putting enough resources in order to support the footballers and football, generally. At this time when we want to remember Kadenge, it is a time when we should try to find out a more effective way of making Kenya great in the world of football. This is because football is a big industry and also something that is admired all over the world.

It was shameful that in this region, our teams, Uganda and Tanzania, have been bundled out from the Africa Cup of Nations (AFCON). In fact, the other day, President Magufuli was very remorseful wondering how a team coming from a nation of four million people can defeat Tanzania. I must say that there is something wrong in the region and that is why people like Kadenge come and go. It is because we do not give enough resources and inspiration to the game of football.

However, Kadenge will live forever in the minds of the people of this country. I know there were great footballers like Ali Kadjo, Oronge and in the 1980s, we also produced great footballers. However, I think the skills are being put to waste because not enough resources are being given to football. The other day, Kariobangi Sharks - Sen. Sakaja was there - a team which is not very well known, took on the great Everton and won. I saw Everton had their best. If I ask you who were playing in Kariobangi Sharks, probably it is only Sen. Cheruiyot and Sen. Sakaja who can tell me a name. People are not thinking about Kenyan football.

Mr. Speaker, Sir, let us have a record of the Statement that Sen. Khaniri has made today. When we go to lay to rest our great footballer, Kadenge, the proceedings of this House should be offered to the family to show that on this day, we appreciated Joe Kadenge.

Let his soul rest in eternal peace.

**Sen. Wetangula:** Thank you, Mr. Speaker, Sir. I also thank the distinguished Senator for Vihiga for bringing this Statement and the Chair for giving the honour of a minute of silence to the legendary Kadenge.

If Kadenge lived and played in the current situation, he would not be any different from Cristiano Ronaldo, Neymar, Messi, Thierry Henry and all those great players. When we were growing up like the Statement indicated, any good dribbler on a football pitch was called a Kadenge. Kadenge became a household name in the football of this region. In fact, when he died, I heard his death announced on the British Broadcasting Corporation (BBC), Radio Tanzania, Radio Rwanda and many other media houses.

As we mourn Joe Kadenge - like those who have spoken before me have said - I think this country has neglected our heroes and heroines particularly in the sports sector too much. There is a young man from Nandi County called Henry Rono, who in 1978 or 1979 broke four world records in three weeks. I am told he ended up washing cars in USA and living the life of a pauper. Kadenge brought a name to the football of this country.

Mr. Speaker, Sir, great football announcers like the late Steven Kikumu, Salim Mohammed, Leonard Mambo Mbotela and others made Kadenge become a household name. Leonard Mambo Mbotela said that those people who are crying that Mr. Kadenge is dead and that he was a hero are shedding crocodile tears, and I agree with him. When we see our heroes live the way Mr. Kadenge lived, in a City Council house in Mariakani waiting for benefactors to come and assist him, it is very bad.

Mr. Kadenge, from the hero he was, at one time was a taxi driver on the streets of Nairobi. I remember in my formative years as a lawyer, giving him *pro bono* services when he had a case with Coca Cola Company, which we prosecuted from him. Eventually, Coca Cola Company offered to settle the matter with him away from the lawyers.

Giving medals to our heroes is good, but not good enough. I do not know if any of you has read a book by Ferdinand Oyono called *The Old Man and the Medal*, where a man called Meka is given a national medal, retires and goes to the village. Every morning he wears the medal to walk around the village to see if anybody recognizes him, and nobody did. The medal ended up being useless.

Mr. Speaker, Sir, "Nyayo" is not a name of anybody but just a slogan. Therefore, we can urge the Government to change the name of Nyayo National Stadium from the stadium bearing a name of a slogan to a real name of a real hero. That will be something very positive.

(Applause)

It is not demeaning to our retired President. He is already named after almost everything. There is Moi International Sports Centre - Kasarani, Moi Stadium Kisumu, Moi International Airport, Mombasa, all the Moi Girls Schools in Kenya, Nyayo buses; name it. At least, let us take Nyayo National Stadium and call it 'Joe Kadenge International Stadium.' It will be something to behold.

Mr. Speaker, Sir, we have been told the manner in which *mzee* Kadenge has passed on; living in squalor. To this extent, we do not know if the Government will meet the funeral bills of *mzee* Kadenge. I want to urge the House that in our usual generosity of a check-off system, Sen. Khaniri, the Senator for Vihiga, prepares a pro forma and we each make a token contribution of at least Kshs20,000 to the family of *mzee* Kadenge. This will help the family send off this great hero.

(Applause)

Last but not least, the manner in which *mzee* Kadenge died and the state he was in and the situation he lived in, must be a wakeup call to this country. My distinguished nephew here, who is the Chairperson of the Committee on Labour and Social Welfare

should draft a Bill and bring it here on how to honour heroes. This will obligate the Government; that when you are a hero you are not supposed to live on the benevolence and generosity of any individual. You live on an entitlement as of right; that you brought fame to this country and deserve to be treated well.

Thank you.

**The Speaker** (Hon. Lusaka): Sen. Ochillo-Ayacko what is your intervention?

**Sen. Ochillo-Oyacko:** On a point of order, Mr. Speaker, Sir. I heard Sen. Wetangula refer to somebody else as his distinguished nephew. I am yet to be persuaded that such a person is a Member of this Senate. Would I be in order to seek clarification from Sen. Wetangula? Nevertheless, if you allow me---

*(Laughter)*

**The Speaker** (Hon. Lusaka): Your intervention was what you have said. You are still listed to talk and will get an opportunity.

Sen. Wetangula.

**Sen. Wetangula:** Mr. Speaker, Sir, Sen. Sakaja is a distinguished Senator for Nairobi City County and also my distinguished nephew.

**The Speaker** (Hon. Lusaka): Sen. Dullo.

**Sen. Dullo:** Mr. Speaker, Sir, I wish to take this opportunity to condole with the family of the late *mzee* Kadenge who is a hero in this country. It is really unfortunate for us a country that we always mourn or appreciate our heroes when they are gone. This has been a tradition in this country.

As a country, we must do something for these people because they have sacrificed their lives and contributed a lot to the economy of this country. Unfortunately, we are in the 21<sup>st</sup> Century and yet, our heroes are dying poor.

We have a lot of money even in terms of budget allocation to the counties. Today, we could actually nurture talent among the youth even at the county level, but nothing is being done. The youth end up drinking alcohol, getting into drugs, when money is being sent to the counties. We need to do something about it. As Sen. Wetangula has proposed, we have The County Hall of Fame Bill. At the amendment stage, we can introduce something that will help our heroes.

Mr. Speaker, Sir, we need to do something about our elderly and youth who will be our heroes tomorrow. Unless we do that, then we do not respect our heroes in this country. Something needs to be done as quickly as possible so that we can help those who are coming up.

In terms of honouring them, renaming Nyayo National Stadium to 'Joe Kadenge Stadium' does not help, and I am sorry to say that. Yes, we will remember his name that he was once a hero in this country. However, look at the family that he has left behind. There are children and widows. How can we help them as a country? Those are the questions that we need to ask ourselves as citizens and leaders of this country.

I support this Statement.

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

*[The Temporary Speaker (Sen. Pareno) in the Chair]*



**Sen. Sakaja:** Thank you, Madam Temporary Speaker, for this opportunity. Just to join Sen. Khaniri in his Statement that he has made, on my own behalf and that of the people of Nairobi, where the family of Kadenge has lived for years in Mariakani; the Abaluhya Football Club (AFC) Leopards, where I am the patron, we pass to the family of Joe Kadenge the most sincere condolences. We have lost a great man; the golden boy of Kenyan football, who was the best footballer of all time.

Those who are football enthusiasts can tell you that for a country that has produced J.J. Masiga, Josephat 'Controller' Murila, Wilberforce Mulamba, Austin Oduor, the Marigas and the Wanyamas still, even to date, none comes close to what Joseph Kadenge was in this country. Even growing up in Nairobi City, years after he had played for Kenya; Maragoli and later AFC Leopards, we always used to sing '*Kadenge na mpira, shoot, goal!*'

That was the song when we were growing up in Nairobi in the 1980s. So, he has left an indelible mark in our country's football and sports.

Madam Temporary Speaker, I was also privileged as a young boy to meet him for the first time because of his friendship with my father who was then the Treasurer of Kenya Football Federation (KFF) and at that time supporting AFC Leopards. We developed a family friendship and every so often we would interact and meet him in Nairobi.

Madam Temporary Speaker, Joe Kadenge has left such a serious vacuum. He has left a mark that no one will ever take away. That is why I disagree with Sen. Dullo who said that naming a stadium is not enough. It means a lot for us. It immortalizes Joe Kadenge, the best footballer this country has had.

Madam Temporary Speaker, in the Northern Ireland, at the capital, Belfast, you land at an airport called George Best Belfast City Airport. George Best was not a political leader as much as he was the best footballer that came out of Northern Ireland. They have not just named a stadium; their international airport in Belfast is named George Best.

The national Government should change the name. As my distinguished uncle, Sen. Wetangula, said, Nyayo is not anyone's name; it is a description and slogan. So, Moi International Sports Centre in Kasarani will remain. However, let us have Nyayo Stadium renamed Joe Kadenge International Stadium. If the national Government is not willing to do it, we will make sure that we name City Stadium, Joe Kadenge Stadium because it is under the Nairobi County Government.

Madam Temporary Speaker, people have said that it is not nice to give flowers to people when they cannot smell them. Towards the last few years, Joe Kadenge has received flowers. He has not been abandoned. I thank President Uhuru Kenyatta for visiting and giving him Kshs2 million and a National Hospital Insurance Fund (NHIF) card. Of course, more can be done but he has been seen to.

I thank the Deputy President who went there yesterday and other leaders who visited. However, before that, the Rt. Hon. former Prime Minister, Raila Odinga has stood with Joe Kadenge more than anybody else, in all fairness. He has stood with Joe Kadenge and his family through thick and thin. There are many times when we would be called upon as patrons of AFC Leopards and him as patron of Gor Mahia to go for a match and the Rt. hon. Raila Odinga would ask for Joe Kadenge. We would have to make space for Joe Kadenge.

In the historic last clash of *Mashemeji* in Nakuru, we landed in the middle of the pitch with Joe Kadenge and hon. Raila Odinga, who has maintained a friendship that is beyond politics. It is because of the love of the man and football. So, I must appreciate him for having stood with him and making sure that he did not receive flowers when he cannot smell them.

Madam Temporary Speaker, additionally, through that, we were able to follow up on his medical process and issues. I thank the Chairperson of NHIF, madam Waitherero. He got the card but there were always challenges. I would speak to Rodgers from the family and he would tell me that they are in the hospital but some amount is not cleared. I would make one call to Mr. Osoro and madam Waitherero in NHIF and they would swiftly move into action. They would say that the subscriptions were not made on time but because he is a hero, they need to do something.

It feels bad that it needed leaders to go out of their way to provide for our heroes. However, I must acknowledge those who played a part in this specific case of our hero, Joe Kadenge.

Madam Temporary Speaker, this morning, I had a meeting with my new chair of AFC Leopards, Mr. Dan Shikanda. In addition to the activities that the Senator for Vihiga has given us, we are taking our boys to camp in Mumias and on Friday 19<sup>th</sup>, July, 2019, we will have a football match in Vihiga between AFC Leopards and the combined teams from Vihiga County in honour and commemoration of Joe Kadenge. Later, we will have AFC Leopards *wazee* meeting up with *wazees* from Vihiga. I hope that Sen. Khaniri will be in that squad from Vihiga County as the AFC Leopards *wazee* and Vihiga *wazees* play to honour this great man who has left a huge mark.

Madam Temporary Speaker, finally, I take the challenge that I have been given by Sen. Wetangula. We are planning, as a Committee, to sit down with the Ministry of Sports at the end of August at a retreat in Kitale. I hope that he can come as well to give some ideas. This is because Kitale is close to him as well. We want to have time with the federations, players and the Ministry, especially now that we have a Sports Fund that runs into billions.

For us, it was unfortunate that the money is proposed to go to the Universal Health Care (UHC). Health is important, however, if we work on sports, academies, footballs, basketball and rugby from the lowest level and bring back a healthy lifestyle, it will prevent some of these things that we are talking about in terms of health.

Madam Temporary Speaker, beyond that, how we take care of our heroes, anybody who has won a medal, won a jersey for this country or has been flagged off by the flag of this country representing Kenya out there, speaks volumes about our heritage as a country. After that retreat, I take the challenge to bring legislation.

Go well, Joe Kadenge and rest in peace. The legend has only slept.

**Sen. Olekina:** Thank you, Madam Temporary Speaker. On behalf of the people of Narok, the young boys who I grew up with, who used to hear *Kadenge na mpira*, I sent my condolences to the family and to the people of the football nation.

I am not a big football fan, however, when I was growing up, I used to hear people say; *Kadenge na mpira*, which made me develop an interest in that sport. As we stand here, I recently read in the newspapers what a gentleman called Abbas Mohammed, who used to play soccer, lamented. He said that over the last seven years, this Government said that it will support the heroes, but until now, they have received

nothing. Immediately after the death of Kadenge, you will hear people come out saying he was a great man and we should do something. Why do we have to keep on repeating history?

Madam Temporary Speaker, it is necessary for us to come up with a resolution in this House. The approach which Sen. Sakaja wants to take in coming up with a Bill will ensure that this is not repeated on a daily basis. There is no point in remembering people who are dead, yet we cannot do anything for them when they are alive. Remember that all of us will be alive for a very short time, but dead for a long time that we cannot measure.

I urge the Government and all leaders in county governments to take this opportunity and invest in sports and in our heroes. It is sad that even when runners are representing the country around the world and carrying the flag of Kenya so high, it is the only time we can say that a particular person has broken the world record. Joe Kadenge did this thing for Kenya, but when he was ailing, no one gave a hoot about him.

Therefore, I thank Sen. Khaniri for bringing this Statement. I encourage all leaders, particularly from where most of our talented youth come from, for example, in Western Kenya, in terms of soccer, Narok County, Kericho, Nandi and Elgeyo-Marakwet counties in terms of young boys who are breaking world records in athletics. We should start to practice what we preach and not wait until these people are dead. We should make sure that we build these academies and support their families so that we do not hear what Abbas Mohammed said that seven years ago, the Government said that we will be taken care of. However, until now, we have not received anything. It is sad. I hope that somebody out there is listening and will act on it.

**Sen. Cheruiyot:** Thank you, Madam Temporary Speaker. I want to join the rest of my colleagues in eulogizing and celebrating this great Kenyan. At my age I would be lying if I said that I watched Joe Kadenge play. I have heard of him. I had the opportunity to know him through his family. I played soccer with his last born son called Oscar Kadenge. He is just as good as his father. Yesterday I had an opportunity together with our Speaker and other leaders to visit the family and condole them during this moment of grief.

It was at that particular time that I reflected upon these speeches that we continue to give each and every time we lose Kenyans that are worth recognition. We go there and espouse how great they were. How we feel as a county we should have done better for them. It occurred to me that if we are not careful to recognize those that have made great contributions in this country at the time when they were alive; even us who imagine that we have made any contributions worth recognizing in this country, nobody will recognize us in our old age.

I want to challenge you my brother Sen. Khaniri. You are a record setter in terms of your legislative work. You have set records in terms of the longest serving consecutive Member of Parliament. However, if you do not rectify this bad habit that we have as a people of not celebrating our heroes when they are alive, during your older years when you will be 70 or 80 old, people on the streets of Vihiga County will be saying; look at that old man called George Khaniri. I know it is not about to be any time soon. They will say he used to speak a lot of English in Parliament, now he is suffering.

People will not remember all the things that you have done for them. As a people, we must cultivate within us, the habit of celebrating Kenyans when they do good. Perhaps it can even be a good deterrence against all the vices that we continue to struggle

with as a society. When people do good we need to celebrate them. It has been observed that it is not necessarily the greatness of the action that you have done, but what it meant to you personally. For example, a junior accountant, the gentleman called Mr. Munyakei from Narok County who blew the whistle on the Goldenberg Scandal. To me, he remains to be a hero. However, we never celebrate such little acts of mercy.

Whatever a Kenyan gives as their contribution into making this country great, we should recognize and celebrate these efforts. Especially when you consider the contributions of Joe Kadenge to what our football now is. I agree with the rest of my colleagues who are now proposing that we rename Nyayo Stadium to Joe Kadenge Stadium. The modern trend is to name a particular stand after a person. This is because people are beginning to realize that soon you may run short of enough space in an entire stadium.

If you go to Old Trafford, many of the legends that have played in that stadium have a stand named after them. Perhaps if it becomes too long a shot to get Nyayo Stadium renamed after Joe Kadenge then let us at least be granted a stand. This is so that we can always remember the good memories that he gave to the people of Kenya.

We should also seek to have our contribution as leaders. We are legislatures in this House. We want to recognize the efforts that are being made by various county governments. For example, I know Vihiga County where Joe Kadenge comes from has made serious contributions into having a football team funded by the county government. The same can be said of Kakamega County.

I know Kisumu has Kisumu All Stars recently promoted to the Premier League now having moved upwards from the National Super League. This is fully funded by a county government. I urge the rest of our county governments to consider this as a way of creating employment opportunities to many of our young people. The beauty about football is all it takes among thousands of people is just one person to get it right and play at the highest level. He will change a complete society.

If you go to Côte d'Ivoire and see the hospital that Didier Drogba, a celebrated footballer has built for his countrymen, it is an eye opener. People from the entire West African region go to that hospital for open heart surgery. All it takes is just one particular person, you push him forward and he will change an entire society. If you go to Senegal, what Sadio Mané has done in the village that brought him up, is worth celebrating. He has built an institution that--- not any NGO, even the UN can put that amount of money that he has put into that institution.

I urge our county governments to consider investing in sports so that we do not just have to celebrate men and women who have made their contribution after they are long gone. On that note, I have made a note in my diary that this weekend when I am in Kericho, I will find time to visit Wilson Kiprugut, the first Kenyan to win an Olympic medal. It has been a long time since I saw him. Yes, he is called Wilson Kiprugut Chuma. He won the Olympic medal in 1964 and 1968.

I do not know how he is doing. It would be so embarrassing of me to wait until such a time as this to celebrate him for the kind of contributions he made to our country. Let us try in our own small way as leaders to recognize these Kenyans.

With those very many remarks I celebrate Joe Kadenge.

**Sen. Ochillo-Ayako:** Thank you, Madam Temporary Speaker, for giving me an opportunity to join my colleagues in eulogizing and celebrating the life of Joe Kadenge.

Joe Kadenge is known to everybody who loves this country, particularly in sports excursions. In 1958, 1959 and 1960, Joe Kadenge was part of the team that brought honour to this country by winning the equivalent of the East African Challenge Cup that we have currently been failing to win. This is a testimony that Joe Kadenge in his time was the greatest player we had.

He took this nation to great heights in terms of good football representation. We stand here today as a nation recollecting the good memories that Joe Kadenge brought to this country. It is sad that we are celebrating the past. We have not done much. We, as a nation, more often than not forget our heroes. We more often celebrate them only when they die.

I think there are two things that the passing on of Joe Kadenge tells us. One, we must make sure that our footballers and sports people benefit from the skill that they offer to a nation like ours. I want to challenge all of us, including myself to come up with a way of ensuring that there are returns for sports people in this country. People who excel in this area should not be forgotten, only to be remembered when they die.

Secondly, I propose that as we try and look for a national stadium to name Joe Kadenge after, we should proceed with speed and name the League that is about to be played the Joe Kadenge Cup so that we keep on. That would be a quick standing point that would not occasion unnecessary expenditure or barriers as we work on how to get the stadium or an institution to be named for Joe Kadenge.

I know that many of my colleagues want to contribute so I want to conclude by saying that it is good to recognize our heroes. It is important to start where we should have started with Joe Kadenge and do something in memory of this great Kenyan.

**Sen. Cherargei:** Thank you, Madam Temporary Speaker. As my colleagues have said, on behalf of the great people of Nandi where we are the source of champions and home of sportsmen, we condole with the people of Vihiga County who are our neighbours on the passing on of the legend and football Maverick, Joe Kadenge. We wish the family well. The people of Vihiga County have our support as neighbours. We will do what we can to ensure the sendoff of our hero is done appropriately.

In Nandi County, most of the revenue comes from the sports people. I have heard Sen. Wetangula talking about Henry Rono, Mike Boit and Kipchoge Keino who are our distinguished sons and many others that brought glory to this country. Those are among the few sons and daughters that have done very well from Nandi County. Most of our revenue comes from sports activities. We pride ourselves on our athletes. We are not so much into football, but when it comes to athletics we are dominant.

I agree with colleagues that we must come up with legislative proposals that will ensure people like Joe Kadenge, Victor Wanyama, Kipchoge Keino, Conseslus Kipruto, Lorna Kiplagat and Janeth Jepkosgei who is nicknamed "Eldoret Express" among many other sportsmen and women are taken care of because they will remain in the books of history.

We had the County Hall of Fame Bill that was brought to this House which I think should have passed. We need to partner with the counties when it comes to honouring our sportspersons such that when you go to, for example, Vihiga County Headquarters, you should find statues of men and women that have brought glory to this country because of doing well in sports.

Thirdly, Madam Temporary Speaker, as we discuss the passing on of a football legend, we are under siege in the entire north and part of South Rift, because there are many unfair legislative proposals targeting our athletes. For example, if Conseslus Kipruto wins 3,000 metres steeplechase in a Diamond League, he is taxed in the host country but still he has to pay taxes to the Government of Kenya. We should find a way of giving incentives to our sportsmen and women.

Like it happened in Russia, this country is facing doping scandals in athletics. Some of the people who coach our young men and women in athletics are not even accredited. Athletics Kenya (AK) must come out strongly to protect our young people because most of those caught in the doping scandals claim that the coaches and agents mislead them to use some of the drugs. Some of them think that they are good for them only to be penalised by the World Anti-Doping Agency (WADA).

We must come up with a proper regime that will protect our sportsmen and women, especially the athletes from the punitive tax measures. We must have a way of knowing the agents and coaches that are accredited and how races are organised both locally and outside the country, so that we protect our athletes.

The Government of Kenya, through bodies such as the Anti-Doping Agency of Kenya (ADAK), Athletics Kenya (AK), the Football Kenya Federation (FKF) and other sports associations must assist our young people who are doing well in sports, to know how to invest. The challenge is that when sportspersons do well and get a lot of money, they spent it carelessly such that they go back to poverty when they retire. It is time we encouraged the Government, through relevant Ministries, to encourage sporting associations to advise sportspersons on the issues of investment, so that they do not end up poor after retiring from sports.

Finally, we need to rename some stadia in remembrance of Joe Kadenge and other sports personalities who have brought glory and honour to this country. There are proposals to rename Nyayo National Stadium, Joe Kadenge Stadium. However, my friend Governor Ottichilo should consider constructing an ultramodern stadium and naming it after Joe Kadenge, so that his neighbours from Nandi County can go and run and play football in the stadium.

I thank you.

**Sen. Shiyonga:** Thank you, Madam Temporary Speaker, for giving me this opportunity to support the Statement raised by Sen. Khaniri concerning the legendary footballer called Joe Kadenge. It is sad for me to stand here and talk about an icon that Kenya has lost.

As my colleagues have said, when I first heard about Joe Kadenge, I thought it was a plate or something like that but I was told it is a person. Those days we only used to have one media house called the Voice of Kenya (VoK). Whenever Joe Kadenge's name was mentioned, everybody kept quiet. Others played while others sang. As children at that time, we used to sing *Kadenge na mpira*. That was an eloquent chorus that everyone in Kenya enjoyed to hear.

As we celebrate the icon, I would like us to know that we have Conjestina Achieng who is languishing in poverty but nobody is thinking about her. She has brought glory to this country and made women proud but nobody talks about her. She is languishing in poverty and has been nicknamed "mad woman". How I pray that the Government of Kenya gets interested in knowing the lives our legends live. In as much as

many people assisted him, Joe Kadenge died very poor and while struggling. How can we allow such a person to die in that state? It is bad that we have forgotten our heroes.

My colleagues have proposed that Nyayo National Stadium be renamed Joe Kadenge Stadium. I propose Moi International Sports Centre, Kasarani be renamed Joe Kadenge *na Mpira* Stadium because Moi International Sports Centre, Kasarani has become *kisirani*. That is because we lose many matches there. It is only one match that was played the other day that we won. According to me, it is Moi International Sports Centre, Kasarani that should be renamed Joe Kadenge Stadium.

Colleagues here have talked about sportspersons like footballers, athletes, boxers like Conjestina Achieng and many others that I do not have to mention. We need to come up with legislation because sports and culture are now devolved. We need to come up with legislation to assist our people, so that when they die, their families are taken care of. We should not only celebrate them in death but also celebrate what they did.

I know many people will attend the burial and talk the way we are doing here. However, what have we left for Joe Kadenge's family? Let us think about it. We need to appreciate our own.

I thank Sen. Khaniri for bringing the Statement. I appreciate that I got an opportunity to talk about Joe Kadenge.

**Sen. (Dr.) Musuruve:** Thank you, Madam Temporary Speaker, for giving me this opportunity to support the Statement. I thank Sen. Khaniri for coming up with this Statement. When I think of my childhood, I become nostalgic. I remember the times when we used to talk about Joe Kadenge.

Sometimes I would walk with my brothers and sisters from Gisambai Village in Vihiga County to visit our aunt who lived in Kidinye. On the way, we would be shown the house of Joe Kadenge because he was and he is still a celebrity. I thank the Senator for Vihiga County for coming up with this Statement because we must celebrate our heroes.

I remember when I was a lecturer at Jomo Kenyatta University of Agriculture and Technology (JKUAT), I would interact with Anzira Kadenge and we would really talk. JKUAT was clinging on Anzira because they were using him to promote sports in JKUAT. That family was talented with sportsmen and it is just something that was in them. Wherever they went, that name really sold because they were talented in football. We must remember that it is a family that has done us proud as a Nation.

Joe Kadenge has done us proud as a Nation and a number of Senators have also agreed that he brought medals, favour and glory to the Nation. It is something that we must always remember. I am happy because the Senator for Vihiga has not left the House yet. I would like the people of Vihiga to know that the whole Nation is taking pride in Joe Kadenge.

There is need to have a statue of Joe Kadenge in Vihiga County. It should be in the county Hall of Fame where the people from Vihiga County can see his figure and say, this is the famous Joe Kadenge who was here many years ago. I want to thank the President for taking the initiative to ensure that when Joe Kadenge was sick, he got some medication. The support that the President gave him cannot be ignored.

In as much as I thank the President for what he did, there is need to have a sustainable form of appreciation for our heroes in this country. When our heroes die, all the good they did, dies with them and this should not be the case. We should remember

them for what they did and it is unfortunate that our heroes die miserably. Someone like Joe Kadenge who brought glory to this country would be swimming in millions if he was in Europe. But he died miserably and that should not be the case.

The family, children and descendants of Joe Kadenge are supposed to be happy and benefiting from the hard work of their ancestor. The benefits should spill over to this generation and the next generation.

I also support the proposal that we honour him by renaming Nyayo Stadium to Joe Kadenge Stadium. Renaming the stadium is not enough; we should go a notch higher and ensure that his descendants are not dying in poverty. As a country we will be saying, this is Joe Kadenge Stadium and we take pride in it, but this should bring out some beauty in terms of royalty.

There is need for some royalty to go the Joe Kadenge family so that it can be a lesson, mentorship issue or source of inspiration for our young people who are growing up. They will be looking at how the country has treated Joe Kadenge and will want to work very hard so that they are also recognized.

There is need for us to remember our people who bring us glory. It is unfortunate that we remember people who have worked so hard in this country just when they are dead. When they are alive, we never seem to recognize them. It is as if we are blind but the minute they are not with us anymore, we remember the good work they did for this Nation; we talk about it, it goes in the Media; but that should not be the case.

When people do well, let us recognize them and it should also spill over into the counties. People who have worked hard in the counties should be remembered by such counties so that they become mentors and inspirers of the county they come from.

Madam Temporary Speaker, I support Sen. Khaniri and thank him for coming up with this Statement on Joe Kadenge.

Thank you.

**Sen. Faki:** Asante Bi. Spika wa Muda, kwa kunipa fursa hii kuchangia Taarifa ya taanzia kutoka kwa Seneta wa Vihiga kuhusiana na Marehemu Joe Kadenge.

Kwanza ningependa kuchukua fursa hii kwa niaba yangu binafsi na kwa niaba ya watu wa Kaunti ya Mombasa kupeleka rambi rambi zetu kwa familia, ndugu, jamaa na marafiki wa mwendazake Kadenge kutokana na kifo chake hapo juzi.

Joe Kadenge alikuwa mchezaji mpira mzuri, shupavu na vile vile aliiletea sifa nyingi nchi yetu ya Kenya. Kule Mombasa tuliweza kumtuza, ijapokuwa kwa uchache, mwendazake Kadenge na jina la barabara; ile barabara kuu inaoenda mpaka Stadium imeitwa jina lake 'Joe Kadenge Street'. Kama tungekuwa na uwezo wa kufanya zaidi ya hapo, tungeweza kufanya.

Kifo cha Kadenge, kinatupa nafasi ya kutafakari kama Taifa, ni mambo gani ambayo tunaeza kufanya katika nchi yetu ya Kenya ili kuhakikisha kwamba, mchezo inaweza kutiliwa maanani na vijana wetu ili wajiepushe na madhara ya madawa ya kulevya, itikadi kali na matatizo mengine ya jamii.

Tukianza hapa katika Senate, utapata kwamba mambo ya michezo yamelumbukizwa pamoja kwa Kamati ya *Labour, social relations*, utamaduni, michezo, na mambo ya jinsia ambayo kwa hakika sio sawa. Ukiangalia mambo ya vijana, michezo na jinsia katika kila Kaunti, kila jambo inashughulikiwa na wizara kamili. Kwa hivyo hapa katika Bunge, tunapolumbukiza haya mambo yote pamoja inakua kwamba hatupati fursa kamili ya kutafakari mambo ya vijana na mambo ya michezo kwa ufasaha zaidi. Hii



ni kwa sababu Kamati ya Labour inashughulikia mambo mengi kiasi ambacho haipati fursa ya kuweza kuangalia miradi gani wanaeza kusukuma hapa katika Bunge la Senate kuhakikisha kwamba vijana wanangaliwa Zaidi.

Bi. Spika wa Muda, katika nchi yetu ya Kenya, kuwa mwanamchezo shupavu ni kwa juhudi yako mwenyewe. Hakuna taasisi yoyote ambayo inashughulikia kuwapea vijana fursa ya kuinua vipaji vyao vya michezo ili kuhakikisha ya kwamba michezo inakuwa katika kila eneo.

Juzi, nilikuwa ninaangalia mchezo wa Tennis kule Wimbledon. Dada wa miaka 15 aliweza kumtoa Venus Williams katika raundi ya kwanza katika Tennis. Je, wasichana wetu hapa wanacheza michezo gani?

Tukiangalia kila michezo, hivi sasa ni taaluma. Hii ni kwa sababu kila mchezo una wafadhili ambao wanasaidia kuhakikisha kwamba wanamichezo wanapata fedha na michezo hiyo inaendelea bora.

Ukiangalia mchezo ambao unapendwa sana nchini Kenya, mchezo wa kandanda, hakuna shule za kandanda za Serikali ambazo tunawezapeleka vijana wetu. Mwaka wa 2013, Serikali ya Jubilee ilitoa ahadi kwamba itajenga stadium nane lakini mpaka leo hata moja haijajengwa. Je, wako kweli na nia ya kujenga michezo katika nchi yetu ya Kenya?

Tukitafakari kifo cha Joe Kadenge, ningependa kusema kwamba jana tuliweza kumzika aliyekuwa *referee* maarufu ambaye alikuwa anaitwa Chiapo Ali Chiapo ambaye alikuwa *referee* wa kimataifa wa FIFA miaka 30 iliyopita. Tuliweza kumzika jana. Mwingine ambaye tuko na yeye Mombasa ni Mzee Ali Kaja ambaye pia alikuwa mchezaji. Aliwahi kucheza mpira kwa timu ya taifa la Kenya pamoja na marehemu Joe Kadenge. Kwa hivyo tunapozungumzia kifo cha Joe Kadenge, tuzingatia kwamba kwa sasa kuna haja ya serikali kutilia mikazo zaidi maswala ya michezo kwa sababu michezo ndiyo inasaidia kukuza vipaji vya vijana wetu.

Michezo kama riadha inapatia Kenya pesa nyingi kutokana na ushindi ambao huwa tunapata. Wanamichezo wengi wanapata shida kwa sababu hawajakuwa *mentored*. Hao hufikiria ya kwamba watazidi kupata pesa wanapozidi kukimbia na hiyo ndiyo huwafanya wajimalize kimchezo. Mbali na kujenga taasisi za michezo, kuna haja ya kuwekeza wataalam ambao watawasaidia wanamichezo ili tuweze kukuza taaluma zao kwa njia ambayo inakubalika kimataifa.

Kuna haja sisi kama maseneta kuzingatia maswala ya michezo. Hii ni kwa sababu michezo inasaidia kupunguza maradhi, *stress* za kikazi na pia inatuwezesha kufanya kazi bila ya matatizo.

**Sen. Halake:** Thank you, Madam Temporary Speaker. I also rise to celebrate and mourn our national hero, Mr. Joe Kadenge. May his soul rest in peace. I also want to congratulate my friend, Sen. Khaniri, for bringing this Statement which will allow us to give him the prominence that he deserves. I do not want to repeat what has been said.

We need to introspect on how we treat our heroes. We should not look at it from the Government's perspective but we should look at it as individuals. In many parts of the world, people do not depend on the Government to provide everything.

As Kenyans, what have we done to celebrate our heroes? I am glad that we have all recognised and celebrated our hero, Joe Kadenge, but we need to think of how we support each other. It is true that the Government needs to do something about the things

that we complain about but we should not forget that the Government takes cue from its people.

The Government would have probably been jolted into doing something if we were supportive as a people. I am glad that this House is going to do something to him albeit posthumously by ensuring that his name is remembered and sending him off in the dignity and style that he deserves. However, we need to relook at ourselves as Kenyans. The Government is a creation of ourselves, hence we should not expect so much from it.

We will support all the initiatives shared by Sen. Khaniri and we look forward to giving Joe Kadenge a good send off. As we do that, we should not forget that there are others who have not left us. There are heroes amongst us having the same challenges and living in squalor.

As the Senate, can we not do things posthumously? Can we do them now? Can we identify them and get to know what is happening to them? Let us do something for the living. We must identify ways of supporting each other. We should not just be a people who are out to mourn. If we continue like this, we might look hypocritical.

Sen. Khaniri, I know that you have the interest of our sportsmen and women at heart. Most of the sportsmen and women come from western Kenya and the Rift Valley. Let us help them now rather than when they have died. Thank you for bringing this to our attention. We celebrate our hero. We wish his family well and we will walk with them in this journey as we lay him to rest.

**Sen. (Rev.) Waqo:** Thank you, Madam Temporary Speaker, for allowing me to add my voice to this very important Statement. I also want to thank Sen. Khaniri for bringing the Statement about the Late Joe Kadenge. Many of us have talked of how we heard about him when we were growing up. We were all proud of his performance and what he did for this nation. However, it is unfortunate that we are all praising him right now, yet the entire nation neglected him and his family.

We were all happy when the President visited Kadenge, though I do not know if that visit made any difference to his family and his life because he was sick and suffering at that time. He has now gone to be with the Lord and we can only urge our Government to honour all the people who have made this country proud. Kenyans were always proud of his performance and he was well known. He was a hero, a star, a golden man and many called him the finest footballer. It must have taken a lot of effort for people to say that about him. As we eulogise and celebrate the life of Joe Kadenge, we must remember that we have a lot to do.

Joe Kadenge's burial will cost Kshs5 million but my question goes beyond that. I am thinking of the family that he has left behind and the people who have suffered with him. The family must have faced financial difficulties when he was sick and in hospital. Therefore, they need counselling and they need this nation to stand with them at this particular time. We have to show our appreciation by walking with the family of Joe Kadenge.

Hon. Senators have talked of people who have served this nation faithfully. There are others who died while serving this country yet their families are suffering. I know that some Kenya Defence Forces (KDF) members died while others disappeared and their family members do not know if they are still alive or dead. As a country, we have not given those people any attention. To make matters worse, some of them left behind

children who are going to school and young families. As a Senate, we should ask the Government to give attention to the heroes who died while serving this nation.

We also have police officers who died while serving our people and nation. We should give them attention. We have the *Mashujaa* Day that normally comes on 20<sup>th</sup> October, every year. Maybe the best thing that this country can do is to identify the heroes in every county and celebrate them. Even if they are not with us, we can celebrate their lives, since their family members are there.

Many heroes have died while serving this nation. They have shown a lot of patriotism, but we, as Kenyans, have not shown any gratitude or appreciated them for what they have done. It is my prayer that we will stand together with the family of the late Joe Kadenge and give them all the moral support they need and walk with them at this time. It is also my prayer that in future, Kenya will take seriously those people who have served this nation and given their best.

With those few remarks, I send my special condolences to the entire family and relatives. On behalf my County of Marsabit, and my own behalf, I mourn with the family and the nation at this time.

I beg to support.

**Sen. Were:** Thank you, Madam Temporary Speaker. I join my colleagues in expressing my condolences to the family of the late Joe Kadenge. I thank Sen. Khaniri for bringing this Statement to the House.

I visited the family on Sunday together with the party leader of Amani National Congress (ANC). The family had fond memories of the late Joe Kadenge. We visited them not only as Kenyans, but also a political party that has the majority in Vihiga County, where the champion hailed from.

The late Joe Kadenge brought glory and honour to Kenya. As much as people are talking about the Kshs5 million budget for his funeral, that is the least we can do, as Kenyans, to send him off in pomp and colour. I even suspect that the amount could be more; and that this is a modest budget.

I also join my colleagues in expressing the need to have the county hall of fame, which is already a Bill before this House. This is so that such individuals can be recognised and immortalised by those of us who are patriots and have enjoyed the services they have given to this country. We need to award and recognize these champions beyond the medals they receive. Let Joe Kadenge be the first one that we recognize by renaming some of the stadia we have. We should not target just the Moi or Nyayo stadia, but any other that we have, and give him that recognition.

Madam Temporary Speaker, with those many remarks, I beg to support. May his soul rest in peace.

**The Temporary Speaker** (Sen. Pareno): I think we have done justice to celebrating this hero. We have taken much time, and I guess it was worth his life. May his soul rest in peace.

I now ask that we move to the next Order.

**BILLS***Second Reading*THE KENYA MEDICAL SUPPLIES AUTHORITY  
(AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)*(Sen. Seneta on 18.6.2019)**(Resumption of Debate interrupted on 2.07.19)*

**The Temporary Speaker** (Sen. Pareno): I call upon the Mover to reply.

**Sen. Seneta:** Thank you, Madam Temporary Speaker. I beg to reply. I thank all Members who have contributed to this very important Bill. I wish to thank the following contributors, who enriched the discussion on this Bill:- the Secunder of the Bill, Sen. Wetangula; Sen. Were, Sen. (Eng.) Hargura, Sen. (Dr.) Musuruve, Sen. Cherargei, Sen. Sakaja, Sen. Halake, Sen. Ochillo-Ayacko, Sen. Omogeni, Sen. (Dr.) Ali, Sen. (Prof.) Onger, Sen. Farhiya, Sen. Shiyonga, Sen. (Dr.) Milgo, and others.

Madam Temporary Speaker, I assure the Members who contributed to this Bill and noted several issues that I have taken note and that I welcome amendments. This will ensure that we enrich the procurement and medical supplies to our counties.

My colleagues have noted that the Kenya Medical Supplies Authority (KEMSA), in consultation with the counties, should identify needs for supplies for many health facilities in each county. This is meant to avoid oversupply and overstretching of the small county health budgets. KEMSA should always make sure that they identify the needs, as per the counties and the health facilities, so that they do not just procure medical supplies. One Senator also noted that there should be a clause in the amendment on penalties for any persons who flout the procurement regulations. This refers to flouting regulations in terms of the quality of drugs procured, payment delays, or even the supplies that are not delivered.

Madam Temporary Speaker, there is also a comment and recommendation that KEMSA should be alive to the emerging illnesses in the country, such as cancer, kidney problems and mental health cases. In the procurement process and manufacturing, they should also be alive to the drugs needed in these cases.

The other comment from a colleagues is that KEMSA, in consultation with counties and the Pharmacy and Poisons Board, should make sure that they look at the standards of drugs in manufacturing, and also in terms of delivery. This will ensure that we avoid the situation we see today, of expired drugs in our counties and those that are not of good standards.

Madam Temporary Speaker, there is also a recommendation that the Kenya Medical Supplies Authority (Amendment) Act should also be aligned to the Pharmacy and Poisons Board Act. This is so that both of them can strengthen procurement and supplies of standard drugs to counties. This Bill was meant to align the KEMSA Bill to the new Constitution to make sure that KEMSA is serving counties.

I, therefore, beg to reply.

Before I sit down, pursuant to Standing Order 61(3), I request that you defer the putting of the question to a later date because of quorum.

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, I rule that this is a matter, which concerns counties, cannot proceed for a vote at this moment. Therefore, the matter is deferred to tomorrow.

*(Putting of the question on the Bill deferred)*

Next Order.

Hon. Senators, I have been informed that we cannot proceed with Order numbers 9, 10 and 11 today. Therefore, I direct that they be put on tomorrow's Order Paper.

*Second Reading*

THE COUNTY HALL OF FAME BILL  
(SENATE BILLS NO.39 OF 2018)

*(Bill deferred)*

*Second Reading*

THE PERSONS WITH DISABILITIES  
(AMENDMENT) BILL (SENATE BILLS NO.1 OF 2019)

*(Bill deferred)*

*Second Reading*

THE CONSTITUTION OF KENYA (AMENDMENT)  
BILL (SENATE BILLS NO.2 OF 2019)

*(Bill deferred)*

Next Order. Proceed, Sen. (Dr.) Zani.

*Second Reading*

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT)  
BILL (SENATE BILLS NO.3 OF 2019)

**Sen. (Dr.) Zani:** Thank you, Madam Temporary Speaker. I beg to move:

THAT, the Public Finance Management (Amendment) Bill (Senate Bills No.3 of 2019) be read a Second Time.

Madam Temporary Speaker, Article 202 of the Constitution is very clear about the resources available to counties and the national level. For a long time, we know that development, especially within counties, has been hinged on the revenue coming. We

have had the debate over time when we do the Division of Revenue Bill and, indeed, division within counties. Many counties feel that the allocation they have been given within counties is insufficient for development.

From the various discussions that have taken place, we know that the development agenda in many counties has suffered tremendously. Part of the reason has to do with many other things, including accountability, corruption, the number of human resources and the attendant huge wage bill. However, the counties' agenda still remains. All counties have a County Integrated Development Plan (CIDP) that is hinged on development.

We are now getting to a point also where counties have a chance to sort of compare themselves with other counties relatively in order to evaluate themselves in terms of how well they have done. The basis of that will be on social and economic development, which is what devolution was meant to be. Devolution was meant to ensure that development trickles down from the county to wards and villages. Everybody can feel that their health, economic and other concerns are taken care of. This is critical.

Madam Temporary Speaker, Article 202 specifies the two revenues for resources that are meant to be going to counties. They are the equitable share and the county revenue, which most recently we are referring to as own-source revenue. In Article 209(3) of the Constitution, we have a notion of taxes that can be imposed within counties; for example, property rates, entertainment taxes and any other tax that is authorised to be imposed by an Act of Parliament. Already with this structure in place, what has been put into place clearly is a County Executive Committee (CEC) Member for Finance who is meant to come up with an appropriate system for collection of revenue within the county. This includes either this sort of revenue that is already put into the Constitution or any other.

More recently in the Senate, we have been urging counties to come up with new and innovative ways of generating more resources for themselves. Consequently, we have the County Tourism Bill, for example, that is urging counties to look at sites that are very important within their counties and try to collect income from that. We similarly passed the Natural Resources Benefits Sharing Bill, which was meant to help counties collect and account for resources so that they can use them.

Various counties have systems that are used to collect revenue. In some counties, there are about 11 revenue collection systems. There is no clear mechanism on how revenue is generated within the county, which is what this Bill seeks to address. It seeks to come up with a mechanism that is as uniform as is possible within the counties. That mechanism needs to be transparent, efficient and be created in liaison with the Kenya Revenue Authority (KRA), the Commission on Revenue Allocation (CRA), and the national Treasury. At the end of the day, we need a reliable revenue collection system within the counties. This county revenue collection system will now be mirrored within the various specific counties. That way, each county can cascade, if they so wish, some aspects of that system that is in place.

Once this is done, Madam Temporary Speaker, it will help us to move, once and for all, and have a system that will help us to collect revenue across all counties in a very efficient manner. This is the county revenue collection system that Clause 160(a) advocates for its introduction. It is meant to be a consultative system. We know that we have the IFMIS, which has been there for a while now. However, we know that even with

the IFMIS, we have not really been able to tap, within the county level, how resources are coming in. It has actually been used more so for the national system in terms of the equitable share that goes back to counties.

Madam Temporary Speaker, each county is grappling in terms of county revenue collection system. We had a forum together with Members of the County Assemblies (MCAs) in Kisumu County. At the same time, we held our stakeholder meeting and conference, where there was a very important session on technology. The technological system can be put into place that can enable counties to collect their revenue. That technological system has no pattern to it so far. This is something that MCAs and CECs must sit, begin to think and project how that system can come about. It is a collaborative effort. Therefore, once we have the micro system in place, then counties can feed into it. They can try to adjust it here and there, where necessary, to suit specific needs of counties because all counties are not the same. There will be some sort of uniformity. This is key.

Madam Temporary Speaker, this Bill is an amendment to the Public Finance Management (PFM) Act.

It clearly states in Section 160 that:-

“The county executive committee member for finance may authorize the Kenya Revenue Authority or appoint a collection agent to be collector of county government’s revenue for the purposes of this part on such terms and conditions as may be agreed in writing according to the regulations.”

After that, we go to Section 161, and in between, there is a big step that has been jumped that is now putting into place the mechanism for doing exactly that. Therefore, the amendment is an addition of three specific clauses after Section 160 of the Public Finance Management Act; these are Clauses 160A, 160B and 160 C.

Madam Temporary Speaker, Clause 160A, talks about how to get the county government revenue collection system on board, what it should do and how to do it. Clause 160B puts into place an important reporting mechanism of the system and its usage; and how the revenues have been collected. That information can be shared with the Senate, the CEC Member in charge of Finance, the Commission on Revenue Allocation (CRA) and the national Treasury. This is to ensure that everybody knows about this report.

Madam Temporary Speaker, Clause 160B, recommends a system where the report can be shared at the county assembly, so that what is happening in term of resources can be clear. On top of that, we can have a mechanism, which is the next step, so that when people are talking about the County Integrated Development Plan (CIDP), development, resources, looking at conditional and non-conditional grants and what has been left over; and how it can be funded, then counties can quickly turn back into their own mechanisms and input ways or means of collecting these funds. Clause 160C is in line with Article 255(3) of the Constitution, which is a penalty Clause.

Madam Temporary Speaker, I want to go systematically into the amendments and what they portend. The first amendment is 160A(1), which states that:-

“Every County Treasury shall, in consultations with the national Treasury and the Kenya Revenue Authority, design, develop and implement a county revenue collection system.

We have already begun to engage with various stakeholders, and some amendments have been proposed and they will be discussed later. For example, one of the organisations that is key in this process is the CRA, the Council of Governors (CoGs) and the Controller of Budget.

What sort of system should we have? This is addressed in Clause 150A(2) which states that:-

“The County Executive Committee Member for finance shall ensure that the county revenue collection system under subsection is adapted to a better bigger system-

(a) is transparent, efficient, effective and verifiable;

(b) is simple and easy to use;

(c) is properly managed and controlled to ensure accountability;

(d) is adequately secure to prevent any fraud, losses or any other violations’

(e) respects and promote the distinctiveness of national Government and the county governments; and,

(f) is separately accounted for and reported on.

Once this is put into place and the system is adequate and useful, it will be easy to see what the revenue streams are. For example, if they are from taxes or specific revenue streams which are new within the counties. Whatever the money source is, counties will be able to account for it. They will also separately account for and report for resources that are coming from the county *vis a vis* what comes from the national Government and the national Treasury, which is key.

Madam Temporary Speaker, as I said earlier on, the national Treasury and the KRA may assist the county treasury to develop these technical capacities for this particular system to be put into place. So, we want it to be as consultative and uniformed as possible. It should address all the current issues that we have raised.

Madam Temporary Speaker, this is a short amendment Bill which addresses this specific component. It consists of three amendments in terms of addition for these clauses. Clause 160B is the reporting machinery. Clause 160 (B)(2) states that-

“The County Treasury shall submit copies of the bi-annual statement and an annual report to the Senate and the national Treasury and the Commission on Revenue Allocation.”

Before that has happened, each of the county treasuries will also submit reports that are key to the county assembly. Therefore, the different tiers for reporting are the county assembly followed by other organs, for example, the Senate, the national Treasury and the CRA. In preparing these reports, they will make sure that both the financial and non-financial performance of the county revenue collection system are put in place so that if there are any gaps or problems that have been observed, they talk about it moving forward to improve this particular system.

Madam Temporary Speaker, the last amendment is Clause 160C. Once the CEC has put this provision into place, and this is made into an Act, there are provisions that are borrowed from Article 225(3). According to the Constitution, stoppage of the share revenue transfer to counties can be done in case the county treasury fails to adhere to these three specific provisions in developing and implementing this particular county revenue system. We have put that Clause as a penalty clause to ensure that counties proceed to adopt a system for revenue collection within their counties. They need to



report the status of the county revenue collection and performance to the organs that we have already put into place.

Madam Temporary Speaker, this is already a provision in the Constitution. So it is not a punitive measure as such. It is part of our constitutional expectation. We have taken it from the Constitution and put it into this Bill to try as much as possible to ensure that the provisions for this particular Bill are adhered to. Right now, the own-source revenue is becoming the way to go. There might be other Bills on the way in terms of own-source revenue and a broader perspective of this. All put together, this simple process of amending this specific provision at Section 160 and expanding it to A, B and C gives us a good platform to begin addressing the issue of collection of own-source revenue within the counties.

With those remarks, Madam Temporary Speaker, I beg to move and request, Sen. Cherargei to second.

**Sen. Cherargei:** Thank you, Madam Temporary Speaker. From the outset, I congratulate Sen. (Dr.) Zani for this wonderful amendment. It is about time. I entirely agree that as devolution grows, there are so many laws that we will come up with to ensure that we become effective and efficient so that devolution works for all Kenyans. We agree that as we go along, the Constitution gave us the structure and the design. Therefore, it is up to us to ensure that we put in place the necessary legislative proposals to ensure that we move forward.

Madam Temporary Speaker, I agree that own-source revenue has been one of the biggest challenges among counties. You find that some counties are either collecting money manually and some of them have systems that are exposed or prone to cyber-attacks; while others are prone to manipulation or fraud. Therefore, it is important to have a national legislation that will ensure that county assemblies have legislative guidance as they collect their own-source revenue. This is because they are the main people who come up with the laws that are used in the county governments.

Madam Temporary Speaker, when you look at Chapter 12 on the principles of finance, one of the key issues that has been captured is to ensure that the money has been used in an open, transparent and prudent way.

As custodians and protectors of devolution, we have an obligation to protect the interests of counties by ensuring that revenues raised locally by counties are used for intended purposes. We have an issue with the division of revenue, and the Senate has not changed its position. We still insist that more money from sharable revenue is allocated to the people in the 47 county governments. Members of the National Assembly insist that counties should get Kshs310 billion but we, as the Senate, want counties to get Kshs327 billion from the sharable revenue. No one is talking about conditional grants or own-source revenue.

Before the previous elections, there was a decrease in own-source revenues of most counties, which could have been caused by many factors. As I have said, some of the counties have many systems being used to collect revenue. They have duplicated systems of revenue collection which are not tamper-proof, just like the IFMIS. Nowadays you can buy software anywhere on the streets, just like candies. Some counties acquire systems without knowing whether they are tamper-proof or not.

Therefore, Madam Temporary Speaker, these amendments are important. I hope that the collaboration between the county governments, the national Treasury and the

KRA will enhance maximum revenue collection in counties. If revenues are collected well, it will allow counties to run properly and provide services to many people in this country.

There is a proposal to have Clause 160B, which is about reporting on county revenue collection and performance. The county assemblies should be proactive in order to ensure that they play their primary oversight role, which is critical.

When you look at reports of the Institute of Certified Public Accountants of Kenya (ICPAK), you will realise that from the Financial Year 2013/2014, counties raised around Kshs30 billion. By the FY2015/2016, counties had raised around Kshs37 billion. However, when you look FY2017/2018, there was a significant drop in terms of own-source revenues collected. For example, Nandi County, raised own source revenue of over Kshs245 million in the FY 2016/2017. However, during the FY2017/2018, it fell by over Kshs47 million, which is around 19 per cent. There could be many factors leading to that, such as duplicated systems. Sometimes when you go to the counties, they tell you that the systems are down, and after some time, they tell you that they have procured other systems. I think they are learning from others because even the IFMIS faces challenges.

Madam Temporary Speaker, if you look at reports by the Auditor-General, you will see that there are many problems facing the IFMIS, which was in place before devolution. We have had cases of password theft and cyber-attacks, yet the IFMIS is a system used by the national Treasury for making payments. Therefore, counties should know that even the IFMIS faces challenges. I am told that sometimes the IFMIS is opened at 2.00 a.m. and is closed at 3.00 a.m.

The Constitution states clearly the functions of the Auditor-General. These amendments will ensure we have an oversight mechanism in place. Just like in the Public Audit Act, the Auditor-General will have powers to audit any individual in charge of public funds. That will hinder people who may put charges for slaughtering chicken. I remember during the first phase of devolution after the promulgation of the Constitution, some counties proposed to put charges on slaughtering chicken. Others proposed to tax the dead plus the spirits; while others proposed to impose taxes on weddings. In short, there were proposals to levy taxes on many weird things. However, when we have a legislative framework, it will assist counties not to be confused.

Fourthly, Sen. Malalah mentioned about conditional grants. We agreed that there are many challenges in terms of workforce in health docket across the 47 counties. There are some challenges that counties face; for instance, they think that buying drugs worth Kshs100 or 200 million is too much. The PFM Act clearly states that you cannot reallocate funds meant for specific things. We must, therefore, ensure that counties do what is required. We should pass this Bill to ensure that we put mechanisms in place.

I agree that revenue collection should be done transparently, efficiently and effectively; and the systems should be verifiable. We should have provisions for punishing counties that do not put in place revenue collection systems so that we seal loopholes. There should be a proper way of ensuring that people who work in the county treasury---

Madam Temporary Speaker, there is a court ruling about many issues taking place in the counties. The Senate must find a way of ensuring that we raise audit queries on conditional grants and own-source revenues. For example, Nandi County fell short of its

revenue target by Kshs47 million, which is around 19 per cent. Therefore, the Nandi County Executive should appear before the Senate and tell us what went wrong. We should know whether it was because of the systems, or if it was because of fraud. They should also tell us whether the business people migrated, if the number of cows declined or land rates were not collected in time. It could also be that the people managing the systems were not responsible.

In the Bible, Jesus said that you should give Caesar what belongs to him. Therefore, the people must pay taxes. There are two things that people are sure of in life; paying taxes and death. We must, therefore, not play with taxes. Nobody should mess with collection of taxes, especially in the counties, which are received through levies and payment for permits.

We should also protect the *boda boda* operators and *mama mboga*, so that county governments do not charge them the way they want. We cannot allow increase of taxes to business people in the counties because we want to encourage the growth of Small and Medium Enterprises (SMEs). Therefore, county executives, who are headed by governors, should not increase taxes depending on the number of cows in order to generate more revenue.

The county has so many cows now, so we want to increase tax. The governors make such decisions just because they have seen so many cows, and they think that they can use them as a way of increasing their revenues. The governors must not be given a blank cheque. They should not be allowed to increase levies on *mama mboga*, *boda boda* operators and Persons with Disability (PwD). Those people should actually be given special preference. Therefore, raising taxes should never be retrogressive. It should be fair, equitable and transparent.

Madam Temporary Speaker, I hope that counties are taking note. I urge my colleagues to fast track the amendments for the counties to settle down and realign themselves with the proposals that have been proposed in the Public Finance Management (Amendment) Bill (Senate Bills No. 3 of 2019).

*(Question Proposed)*

**Sen. Ochillo-Ayacko:** Thank you, Madam Temporary Speaker, for giving me an opportunity to make my remarks on these proposed amendments. I congratulate my sister, Sen. (Dr.) Zani, who is also my party member; she is doing a wonderful job.

**The Temporary Speaker** (Sen. Pareno): She is not just a party member; she has another title. She is the Deputy Secretary-General.

**Sen. Ochillo-Ayacko:** Thank you, Madam Temporary Speaker. She is my Deputy Secretary-General. Today, we appreciate women of character and performance. We earlier appreciated our very own, Sen. Halake, on her election as the Chairperson of the Centre for Multiparty Democracy in Kenya (CMD). CMD is in safe hands, because it is being led by women. Men are a bit reckless, jingoistic and quarrelsome; but I do not see that in women. I hope that multi-partyism will be nurtured under the able leadership of our dear sister. I am sure that the envious House, the National Assembly, might have wanted that seat, but it did not go to them by the grace of God. The Members of the National Assembly are very quarrelsome and abusive, yet leadership is not about abusing

other people; it is about persuading people and solving problems. You cannot do that by chest thumping and abusing others.

On our behalf, Sen. (Dr.) Zani has appreciated the importance of regulating the collection of revenue. In fact, all nations have been built on the basis of revenue and not donations or *Harambee*. A nation that is able to efficiently collect sufficient revenues and account for it will prosper. When the NARC Government came to the fore during the tenure of President Mwai Kibaki, this country used to realise a revenue collection of about Kshs144 billion. The country was facing difficulties at that time because the International Monetary Fund (IMF) and the World Bank (WB) had refused to give us money. We had been made to believe that our development depended on borrowing from the IMF and the WB, and that we could not sustain our own development.

However, President Kibaki embarked on ensuring that the KRA became efficient in the collection of revenue. The KRA expanded the revenue net and minimised seepage, pilferage and looting of revenue. That helped the revenue collection to astronomically increase from the paltry Kshs140 billion to nearly what it is today. When the current administration took over, they found a very healthy national Treasury and a good kitty. That is the basis upon which they used to borrow money from China.

It is the basis upon which infrastructure such as the Thika Super Highway and other forms of infrastructure were built. They were built from own-generated revenues at the national level, and not from what was borrowed. That good design and philosophy must take root in the counties. That is why I am happy to be associated with this proposed amendment, as proposed by Sen. (Dr.) Zani. I believe that our 47 county governments have a lot to learn from what the KRA and the national Treasury have been doing.

Madam Temporary Speaker, the national Treasury has been around for nearly 50 years, while the county governments are just setting up. Therefore, there is no need to reinvent the wheel. It is always good and wise to learn from those who have travelled a similar journey. When you do that, you get to know where they made mistakes, and where they are doing well; which makes travelling easy. This amendment will ensure that county governments have a system of revenue collection that is similar to the one that is there nationally.

It is true that we do have shortcomings at the national level. I recently read somewhere that revenue collection at the national level is dominated by one ethnic group, and I hope that we will not import such bad behaviours to the counties. We must recognize and appreciate diversity of gender, religion, culture and age in order for us to have a revenue collection system that is reflective of our diversity. It should not be dominated by people from a particular sector as opposed to having everybody represented in that area.

Madam Temporary Speaker, I agree in totality that the county governments must have a revenue collection system. That system must be efficient, impervious or impenetrable to people who are hell bent on carrying out fraudulent activities, or people who want to steal from the public when collecting revenue. The stability of county governments and the sustainability of devolution should be founded on own-source revenue. We will have sustainable counties if our devolved units are able to collect sufficient revenue, look after it and deploy it properly for the public intent. Countries that have federal systems, like the United States of America (USA) have own-source revenue

as their mainstay. What is shared from the national Treasury is a bonus and surplus that assists in meeting needs that own-source revenue does not help to generate.

We should take a leap into the direction proposed by Sen. (Dr.) Zani by ensuring that devolution is founded upon own-source revenue. We have already seen the vitriolic language that is being employed by the ‘money house,’ the National Assembly, who feel that the county governments should not be funded. That is tragic and sad.

What makes it even sadder is the fact that county governments are unable to generate own-source revenue so that they can stand on their feet and fund themselves. This proposition is important. If they can generate as much revenue as they require and use it well, then the desperation and dependency on revenue from the national quarters will be minimized. Consequently, the national quarters will come to supplement matters that are important and crosscutting in counties, and which run from one county to another.

Madam Temporary Speaker, it is important that we have the systems in place and that we use them to anchor devolution. These systems should be made a heritage to people who will come after us and to Kenyans who voted overwhelmingly for the enactment and promulgation of the Constitution in 2010.

Madam Temporary Speaker, when we look, for instance, specifically at my county of Migori, it has always been very famous for the wrong reasons. Part of that fame is not just restricted to those wrong activities, but also for encroaching into areas of achieving own-source revenue targets. We have never achieved the targets that we have set for ourselves in Migori for our own-source revenue. However, we know that the tax collectors in Migori County are themselves pocketing a lot of this money. I know them by name and history, and I can see that they are building Malls and one storey buildings for themselves. They are buying new vehicles as if there is a competition for buying them. They are lining their pockets at the expense of the public out there.

Therefore, Madam Temporary Speaker, I hope that these amendments will put in place a system that will protect the public from the Zakayos of the present moment, particularly in a place like Migori and other places in Kenya. This should be done to protect the public from people who are supposed to be trustees of public revenue and authority.

Madam Temporary Speaker, the promise, in these proposed amendments, to ensure that revenue is collected and protected; and to provide the right to withhold the sharable equitable revenue from the National Treasury if the county is not implementing a revenue collection system, is welcome. The national Treasury and national Government have a standard way of doing it, having done it for many years. It is, therefore, important to bring all counties on board by having a mechanism or system to which they all will be compelled to measure up to. That would be important because, in my view, if they do not measure up to that system, it would be important to withhold the revenue that they take for granted and which they think should just be taken there and used to do things that are not important.

Madam Temporary Speaker, the residents in those counties are humble Kenyans. If you go to a place like Nyatike, you will find that there is plenty of fish, but there is not road network financed by the counties for transporting the fish from the lake to its market in the interior of that county. You will find that there is plenty of gold in Nyatike, Kuria, Rongo or Awendo in Migori County, but there no road networks and infrastructure to

ensure that all these natural resources that God has given to us, in his kindness, reach the market so that our people can get money locally.

Madam Temporary Speaker, you will find that in those same counties, there are no services that can spur development. You will only find opportunists who look for every opportunity, particularly an unregulated atmosphere or environment, to line their pockets, make themselves rich and hire characters called *Sangwenyas* to pursue and harass their opponents. They do not serve the public.

This proposed Amendment, in my opinion, is the right step taking us to the right direction. I believe that a few more amendments should also be brought on board so that we can strengthen public finance management in counties. This will ensure that systems are in place, management has clear procedures and service delivery becomes attainable in a controlled, transparent and accountable environment. This will ensure that devolution becomes rewarding to our people.

With those very many remarks, I once more pat Sen. (Dr.) Zani on the back and tell her, this is wonderful. May we all agree with her.

Thank you, Madam Temporary Speaker.

**Sen. (Dr.) Musuruve:** Madam Temporary Speaker, I thank you, for giving me an opportunity to air my thoughts concerning this amendment. I commend Sen. (Dr.) Zani for coming up with these amendments. It is well thought out, especially given that, as a Senate, whatever happens in the counties is our interest. This is because we are here for the sake of counties, to ensure that we represent them and that everything that goes on there is okay for the purpose of delivering to *wananchi*.

Madam Temporary Speaker, it is clear that counties have two ways of getting revenue, as stipulated in Article 202. They can get revenue from the equitable share, or look for their own ways of getting of getting resources. Therefore, there is need to have a legal framework of ensuring that even if counties are getting monies using their own sources, it is done in such a way that it is transparent, acceptable and is in such a way that the county will benefit.

There is need for collaborative efforts of the national Government and county governments to ensure that revenues goes to the counties. This is because when revenue goes to the counties and works for them then that is the essence of devolution because there will be efficient service delivery for Kenyans.

Madam Temporary Speaker, I concur with Sen. (Dr.) Zani's thoughts that collection of revenue must be transparent, efficient, effective and verifiable. We are talking of transparency; we find that different counties have devised different ways of getting revenue. In some counties, you will find that anything you do, the county government will ensure that you are paying taxes. It is okay to pay taxes, because there is also a sub-article in Article 209 of the Constitution that allows both the National and county Governments to collect taxes.

Are they reaching the KRA? Are these taxes going back to the nation so that they eventually serve the nation? There is need for transparency in the manner in which these taxes are collected.

Madam Temporary Speaker, I also agree with the clause that says that there is need for technical capacity from the national Treasury and the KRA in counties. Personnel in counties should know how to collect and account for taxes. They should also be transparent and accountable in the collection of taxes. If this knowledge is not there,

taxmen will do what the Senator for Migori County has said; that some of the tax collectors have put up storeyed buildings and are competing to buy vehicles. If there is capacity building for the tax collectors in the counties, they will know that they are answerable, and the taxes they collect are supposed to help the county governments.

Some development which is supposed to have been done by some county governments has not been done. An example is the building of Early Childhood Development (ECD) classrooms, which have not been set up in some places. There is the case that the Senator for Kakamega County was talking about, where in some health centres, patients share beds while others lie on the floor. Mark you, this is in a county that collects revenue and where people are keen in serving and delivering to Kenyans. That should not arise, because the money collected can be used for that purpose. County governments are allowed to devise strategies of ensuring that they add to their revenue collection.

Madam Temporary Speaker, I also support the collaboration of the county treasuries, the KRA and the national Treasury on the revenue collecting system. There is need for a collaborated effort which will ensure accountability and that the books are okay. Anyone looking at the work will see where the resources came from, and what has been done with them. The Bill is just seeking to ensure that there is transparency in the money collected from the counties such that even when the county government is reporting, it can report on money that has been used and that which has not been used.

Therefore, it is a good thing that everyone is aware of what is happening in the county. Even the revenue collection should be a simple procedure such that anyone looking at how the revenue has been collected can understand. It should not be abstract; that you cannot even understand how the revenue was collected and utilized. If it is simple and accountable, everyone will be happy about the revenue collection and utilization.

Madam Temporary Speaker, I also agree with what Sen (Dr.) Zani is proposing in this amendment, that the reports should be tabled before the county assembly. That way, the county assembly will be aware of the revenue that has been collected and how it has been utilized. If the county assembly is involved, then we will have empowered it. It will be possible for oversight to be done in a transparent way. Therefore, there will be no need for the governors to come and answer before the Senate on how they used the money.

I also support what the Bill states, that the biannual statements should also be presented to the Senate. The Senate is involved in allocating resources to the counties. If the Senate is aware of how counties are utilizing their money, what developments are going on there, and how the monies collected by counties have been utilized, it will not have a problem at all. However, the Senate can have a problem if it is not aware of what is happening in the counties; how much was been collected and how the money has been utilized.

Madam Temporary Speaker, I support this amendment. In fact, it should take effect as soon as it has been accepted. It should be operational for the purpose of accountability and ensuring that we are delivering services and deliverables to counties. We have to defend counties and devolution. We are mandated to do that, as the Senate.

Madam Temporary Speaker, I beg to support this amendment.

**Sen. Halake:** Thank you, Madam Temporary Speaker. I rise to support the Amendment Bill by Sen. (Dr.) Zani. I congratulate her because this is a very timely

amendment to the Public Finance Management Act (PFM). It is simply because devolution is not just about the political and administrative aspect, but also the decentralisation of the fiscal or financial as well.

Over time, we have seen a decline in own-revenue collection by counties, and we do not know the exact cause; we could easily speak of many things. I know that the Ethics and Anti-Corruption Commission (EACC) singled out the revenue system as a conduit for corruption. Once again, we are not saying that, that is the only reason that these revenues are declining. However, I was quickly checking how own-source revenue with counties was doing since 2013/2014. For instance, in that financial year, it was 11.7 per cent of the total county revenue. In FY2014/2015, it went to 11.1 per cent, and then reduced to 10.2 per cent in 2015. It was 8.8 per cent in FY2016/2017 and 8.4 per cent in 2017/2018. I do not know the cause for this, but I think the amendments that Sen. (Dr.) Zani is proposing will go a long way in ensuring that counties are not just becoming net receivers of the shared revenue but also, as a government, they are collecting and administering taxes for service provision of the respective counties.

Mr. Temporary Speaker, Sir, what I like about this proposed amendment is the collaboration between the national Treasury, county treasuries as well as the CRA to make sure that county revenue collection--- Actually, generation of revenue is also something that we should look at. Therefore, Sen. (Dr.) Zani, as you go back to the amendments, perhaps you should look at something on generation of revenue. Sometimes we have seen counties falling back into a very comfortable situation, where they just wait for the national Treasury to send the money. When they get the money, then there is no incentive, opportunity or reason to collect own-source revenue.

Another issue is the staffing of revenue collection systems. We have seen situations where the revenue collection points are manned by casual workers. I do not know if this is by design or just lack of staffing. I do not understand how such an important activity of the county, to raise its own revenue, is not even manned by county staff. In many counties, you will find casual workers collecting money from the different places in the county. Therefore, the issue of making sure that the right personnel are assigned that duty is also important. This is because in the past, we have seen the irregular use of IFMIS, where unauthorised people get credentials. Once again, we are seeing a lot of this in the own-source revenue collection systems, where the right people are not collecting these taxes. As my colleagues have said, these taxes then end up in the wrong hands. But, again, we are seeing a link to corrupt practices when the right people are not taking care of the taxes.

Madam Temporary Speaker, the tax collection incentives and opportunities for other things is very high in own-source revenue collection points.

The fact that this amendment proposes a performance-based revenue collection system, where if a county does not collect revenue within two years of the passing of these amendments, then there will be sanctions and consequences for not achieving the target. As we speak, counties are setting such low targets and not achieving them as well. Setting the low target is meant to subvert the idea that they need to work hard to achieve it. At the same time, the low targets have not been met.

Madam Temporary Speaker, since 2016, only two counties have consistently met their targets. In 2018 only four counties had achieved the targets. When we look at the targets of those counties, they were so minimal and you are left to wonder whether those



counties are setting such low targets so that they do not have to work too hard. I like the fact that in this Bill, Sen. (Dr.) Zani has proposed a performance-based system that will then make sure that if counties do meet their targets, they do not receive their share of revenue from the national Treasury. That way, we now have reasons for counties to work hard on their own-source revenues.

As it has been said, the way to be sustainable is to have counties be a government. Governments are not departments that receive money from the headquarters; therefore, they should generate money and get taxes. Article 209 has given counties the ability to do just that. It is, therefore, about time for counties to step up and become real governments that collect taxes. They should then use those taxes to serve their people wisely, and not wait as if they are departments of some multinationals who wait for the headquarters to send them money.

I am happy that this Bill by Sen. (Dr.) Zani will see to it that there will be a performance-based financing on what is generated. Therefore, that will ensure that we manage the risk of counties grounding to a standstill, as they do now. The minute no money is coming forth, the counties come to a standstill. What happened to them getting their own resources and using it for the buffer times when there are delays?

Madam Temporary Speaker, many of our colleagues are waiting, and time is not on our side. I support this Bill and congratulate Sen. (Dr.) Zani for always looking at what would really strengthen and deepen devolution. This is precisely what will do that by making our counties more sustainable.

**Sen. Seneta:** Thank you, Madam Temporary Speaker, for giving me this chance to add my voice to this important Bill by my sister, Sen. (Dr.) Zani. From the outset, I congratulate her for having thought about revenue collection in our counties.

When you go round our counties today, there is quite a big room for tax collection. A number of buildings and different facilities that attract tax have come up. However, from the budget that was read recently for the FY2019/2020, many county governments have not met their targets of revenue collection. This is not the reality on the ground; the reality on the ground is that citizens are paying their taxes.

Today, a person with a permit to do a small business has to pay every month, while those with stalls have to pay every day. There are no effective and efficient systems being used by county treasuries so that we know how much is collected every day. Many of revenue collectors get rich, build big houses and run big businesses because of the revenue they collect, which cannot be accounted for. Therefore, I support these amendments, which will help county treasuries to collaborate with the KRA and the national Treasury to come up with a well-designed system that can show how much is collected per day. Therefore, these amendments, as proposed by Sen. (Dr.) Zani, are crucial because that is the way to go. There is a lot of money being collected in this country. However, the money does not reach county treasuries to help in the implementation of county governments projects. Therefore these amendments are important.

If this Bill is passed, it will enable the CEC in charge of finance to put in place a system that is simple to manage and control. With such a system in place, the CEC will easily prevent any kind of fraud or losses. The system will assist counties to meet their revenue targets in terms of what they collect. It will also bring both the national and county treasuries, as well as the KRA together, so that what counties collect is known.

In the Constitution, counties are supposed to collect revenue which is supposed to assist in service delivery. I am sure that with a system in place, counties will budget for the money they collect and do some developments with it.

Madam Temporary Speaker, with a system in place---

**The Temporary Speaker** (Sen. Pareno): Order, Sen. Seneta. You will have a balance of 13 minutes when the Bill appears next on the Order Paper.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow, Wednesday 10<sup>th</sup> July, 2019, at 2.30 p.m.

The Senate rose at 6.30 p.m.