

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 6th October, 2020

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

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

PRAYER

MESSAGE FROM THE NATIONAL ASSEMBLY

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

The Speaker (Hon. Lusaka): Hon. Senators, I wish to report to the Senate, that pursuant to Standing Order No. 41(3), I have received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly, of the Public Finance Management (Amendment) Bill (Senate Bills No. 3 of 2019).

Pursuant to the said Standing Order, I now report the Message-

THAT pursuant to provisions of Standing Order No.41(1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS the Public Finance Management (Amendment) Bill (Senate Bills No. 3 of 2019) was passed by the Senate on Wednesday 23rd October, 2019 with amendments and referred to the National Assembly for consideration;

AND WHEREAS the National Assembly passed the said Bill on Thursday 24th September, 2020 with further amendments attached herewith;

NOW THEREFORE in accordance with the provisions of Article 110 of the Constitution and Standing Order No.41 (1) and No.144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.

Hon. Senators, Article 112(1) (b) of the Constitution provides that if the House passes an ordinary Bill concerning counties and the second House passes the Bill in an amended form, it shall be referred to the originating House for recommendations.

In this regard, I direct the Standing Committee on Finance to deliberate on the National Assembly amendments and report to the Senate.

Further, pursuant to Standing Order No.159 (1) of the Senate Standing Orders, I direct that the National Assembly amendments to the Public Finance Management (Amendment) Bill (Senate Bills No. 3 of 2019) be circulated to all Senators.

I thank you.

PAPERS LAID

The Speaker (Hon. Lusaka): Proceed, Senate Majority Leader.

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, Tuesday 6th October, 2020-

THE KENYA LAW REFORM COMMISSION ANNUAL
REPORT FOR THE FY 2019/2020

THE IEBC ANNUAL REPORT FOR FY 2019/2020

(Sen. Poghio laid the documents on the Table)

NOTICE OF MOTION

ALTERATION OF THE SENATE CALENDAR

The Senate Majority Leader (Sen. Poghio): Mr. Speaker Sir, I beg to give notice of the following Motion-

THAT notwithstanding the resolutions of the Senate made on 27th February, 2020; approval of the Senate Calendar and on 15th September, 2020; alteration of the Senate Calendar, and pursuant to Standing Order No. 29(4), the Senate resolves to further alter its Calendar regular Sessions for the Fourth Session 2020 in report of Part Four to proceed on Recess starting on Friday, 9th October, 2020 until Monday, 2nd of November, 2020 and, thereafter, resume sittings on Tuesday, 3rd November, 2020 as set out under Part Five of the Calendar; and that the Senate Calendar; the regular Sessions for the Fourth Session, 2020, be altered accordingly.

STATEMENTS

The Speaker (Hon. Lusaka): Proceed, Sen. (Dr.) Mbiti).

PUBLIC PRIVATE PARTNERSHIPS TO SPUR
FUTURE DEVELOPMENT

Sen. (Dr.) Mbiti: Mr. Speaker, Sir, I rise pursuant to Standing Order No.41(1) of the Senate Standing Orders on an issue of general topical concern; the Public Private Partnerships (PPPs) to Spur Future Development.

Mr. Speaker, Sir, for Africa to not just to survive the current pandemic but thrive investment into digital infrastructure is inevitable. Much needed digital infrastructure and

resulting digital transformation will be an enabler of rapid development across the continent, positively impacting the most vulnerable communities.

While digital transformation is certainly not a new discussion, the COVID-19 pandemic has abruptly accelerated the need for digital adoption. There is urgent need to invest in connecting communities and improving service delivery to citizens throughout Africa. However, governments across Africa and, indeed, globally, have budgetary constraints that have been exacerbated by the current pandemic.

Mr. Speaker, Sir, with digitization requiring significant investments to modernize the Government sector and beyond, Public-Private Partnerships (PPPs) will play a critical role in accelerating digital transformation. Africa's recovery must be digitally driven. The digital economy is the recipe for job creation, spurring innovation, boosting economic growth and supporting long-term competitiveness in the global digital economy.

To unlock digital transformation, the public sector must be brought into the digital age, accelerating the rollout of digital identification, signatures and registries, as well as implementing digital friendly policies. But to positively impact inequality, citizens need access to the internet. There is more work to be done to create equal opportunities for everyone, including improving next generation connectivity, particularly for rural communities.

Mr. Speaker, Sir, the latest Ericsson Mobility Report indicates that mobile data traffic in Sub-Saharan Africa is estimated to grow by 12 times the current figures by the year 2025. Mobile broadband subscriptions are predicted to reach 72 per cent of mobile subscriptions, while Long-Term Evolution (LTE) subscriptions are set to triple, increasing from 90 million in 2019 to 270 million in 2025.

E-commerce has also been growing quickly. Online retailers in Nigeria, for example, have experienced a doubling of revenue each year since 2010. Despite this progress, most sectors of African societies and economies still lag behind the rest of the world in digitization.

Mr. Speaker, Sir, African governments have important roles to play in developing sound digital policies and stable harmonized regulatory environments that enable people and businesses to participate fully in the global digital economy. We should, therefore, strive to ensure that a proper framework is in place to enable us to have a proper digitization transformation in Kenya.

I thank you.

The Speaker (Hon. Lusaka): Sen. Olekina, kindly, proceed.

Sen. Olekina: Mr. Speaker, Sir, I thank you. I just want to make a few comments on the Statement read by Sen. (Dr.) Mbito.

Mr. Speaker, Sir, during this period of COVID-19, we have learnt a lot on the importance of the digital world; how we have been able to carry out affairs.

One of the things that interested me in the Statement by Sen. (Dr.) Mbito is generally on the Public Private Partnerships (PPPs). We have been carrying out those PPPs and the role has not been fully defined. It is now imperative for our county governments to try and look for companies that they can team up with to develop counties.

In this country, it is not only the issue of the digital world. When we talk about the digital world, most of the people who benefit are only people who live next to the 3G

or 4G network. However, the people who live in rural areas are not able to access this internet broadband.

Mr. Speaker, Sir, I support the Statement. I would like to request the Committee that deals with Information Communication Technology (ICT) to try to come with ways that we can create more jobs for our youth in rural areas using broadband internet.

In India, for example, most people speak good English. They work day and night for companies in the United States of America (USA) and create employment. This issue of the digital divide is something that we need to take to a different level.

Mr. Speaker, Sir, we know that there are venture capitalist companies that have got a lot of resources that can come in and create job opportunities. What is required here is a clear framework on how these companies that depend on the broadband network or the digital world can be able to work with our county governments to create these jobs. There is absolutely no reason all jobs should go to India, yet when you look at the time difference between Kenya and USA or the United Kingdom (UK), it is only about eight hours. Therefore, when those people are asleep, we can be working for them. Our youth can get jobs.

Mr. Speaker, Sir, there is a very interesting issue, which is coming up; that people in the West no longer have avenues to invest there. They are looking at this goldmine called Africa; this country called Kenya. This House should now develop different procedures and even legislations on how private individuals or international companies can come and partner with local counties to do projects like roads.

This is an area that I fully support Sen. (Dr.) Mbiti. I hope that we can start thinking and talking about how to utilize this digital platform to be able to leapfrog in terms of our development as a nation.

I thank you.

The Speaker (Hon. Lusaka): I will limit the riders because we have a lot of business if we are to go on recess. I will just allow Sen. Halake and then we go to the next Statement.

Sen. Halake: Thank you, Mr. Speaker, Sir, for giving me the opportunity. As the Vice-Chairperson of the Committee on ICT, I am taking note of what my colleagues are saying. I would like to congratulate Sen. (Dr.) Mbiti for alerting us to the importance of PPPs, especially with regard to digital economy.

There are very many challenges with regard to the issue of digitization and leaving certain counties behind. The country has the national digital blueprint, which is supposed to be the broad framework within which our developmental needs, partnerships and our initiatives are strategically supposed to be domiciled and from there, cascaded all the way to our counties.

Unfortunately, in the last week that we had a meeting with the Council of Governors (CoG) with regard to the digital economy, the awareness of the national digital blueprint, they seemed unaware of it. The Ministry needs to make sure that when it comes to ICT, they do not think that it is just a national issue but that counties should be involved.

On the other hand, there are so many other parameters such as power, for instance, that affects the digitalization of our economy. As the Committee on ICT, we are following up on these issues. The national addressing system is one that we dealt with

this morning in the Committee on ICT, to ensure that every place has both a digital and a physical address at which the digital economy and E-commerce can thrive.

Mr. Speaker, Sir, one of the things that I will bring a report to this House on is the issue around the national digital blueprint, which seems to disappear somewhere at the Ministry and not enough engagement with county governments. That said, the PPPs cannot be gainsaid with regard to digitization because certain counties, especially those that are not covered by the basic broadband for 2G Network.

When we go to 5G in other places, they are going to be left behind. The digital divide will be too much and will add on to some of the marginalization that we have been talking about.

I support and we will make sure that we look at the content of Sen. (Dr.) Mbiti's Statement and take action therein.

I thank you.

The Speaker (Hon. Lusaka): I do not see Sen. (Dr.) Milgo. I defer her Statement.

STRENGTHENING OF THE EDUCATION SECTOR IN KENYA

(Statement deferred)

Sen. (Dr.) Mwaura, kindly, present your Statement under Standing Order No. 48 (1).

OPERATIONALIZATION STATUS OF THE COUNSELLORS AND PSYCHOLOGISTS ACT, 2014

Sen. (Dr.) Mwaura: Bw. Spika, nasimama kutokana na Kanuni za Bunge Nambari 48(1) kuomba Kauli Rasmi kutoka kwa Kamati ya Kudumu ya Afya kuhusu utekelezaji wa sheria ya washauri na wanasaikolojia ya 2014.

Katika Kauli hiyo, Kamati inafaa kujibu na kuelezea-

Kwanza, kwa nini sheria hii ya washauri na wanasaikolojia ya 2014 haijawahi kutekelezwa.

Pili, kuelezea mikakati au hatua ambazo zimepigwa ili kuteua bodi ya washauri na wanasaikolojia na ni kina nani wanafaa kuteuliwa.

Tatu, kuelezea mikakati ambayo imewekwa kuhakikisha kwamba afya ya ubongo au akili na maswala yote husika yameweza kushughulikiwa pasipo na utekelezaji wa sheria hii.

The Speaker (Hon. Lusaka): I do not see any interest.

Next Statement by Sen. Wetangula.

GOVERNMENT SUPPORT TO MAIZE FARMERS IN THE WESTERN REGION

Sen. Wetangula: Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No.48 (1), I seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding Government support to maize farmers in the Western Belt of Kenya.

In the Statement, the Committee should-

(a) Outline the steps the Ministry of Agriculture, Livestock and Fisheries is taking to ensure that the National Cereals and Produce Board (NCPB) buys maize from farmers from the Western Belt that is due for harvest now.

(b) State the measures the National Cereals and Produce Board (NCPB) is taking to ensure that the maize farmers are supplied with farm inputs, fertilizers and the right seeds in view of the flooding of markets by many seed companies, particularly during the imminent planting season.

(c) Explain the measures the Government is putting in place to prevent over importation of maize and secure reasonable prices for local farmers.

Mr. Speaker, Sir, right now, right from Kehancha through Narok, Bomet, Kericho, Nyanza Counties, Nandi, Bungoma all the way to Trans Nzoia, West Pokot, Nakuru and Uasin Gishu, people are all harvesting maize.

The Strategic Food Reserve Fund that always supplied money to the National Cereals and Produce Board (NCPB) to buy maize has been disbanded and there is no plan as we speak of opening NCPB stores to buy maize from farmers.

We want to know what the Government is doing to cushion farmers from massive post-harvest losses because if the National Cereals and Produce Board (NCPB) stores are not open in all these areas, no farmer will be able to sell their produce to anybody other than middlemen who mop up the maize at throwaway prices, store it and sell it back to consumers at exorbitant prices when there is scarcity.

This is leaving the farmer to struggle on his own when, in fact, the Strategic Food Reserve Fund at the time it was degazetted, had an account balance of Kshs.18 billion credit. Where did this money go?

Sen. Khaniri: Thank you, Mr. Speaker, Sir, for the opportunity. The Statement sought by my elder brother, Sen. Wetangula, is extremely important particularly to those of us who come from the Western Belt. Western Kenya and Trans Nzoia County have the capacity to produce enough maize to feed this country throughout the year.

However, there are two reasons why that is not happening. The first one is what Sen. Wetangula is asking, which is the necessary support from Government in terms of farm inputs, fertilizer and seeds. The second issue is lack of market and the poor prices, which have also made the farmers get disillusioned and, therefore, they do not put in what they are supposed to put in.

Thirdly, is the cheap importation of maize from the neighboring countries. What the Cabinet Secretary for Agriculture, Livestock and Fisheries should assure this House when he brings the answer is that going forward, farmers should have guaranteed minimum returns on the inputs. If you plant, you must be able to get at least what you put in with a little profit on top.

It is only the Government that can do this by ensuring that National Cereals and Produce Board (NCPB) gives the right price to the farmers. We are looking forward to this Statement coming here and if necessary, we would want the Cabinet Secretary for Agriculture, Livestock and Fisheries to come in person so that he can respond to the concerns that we have.

Thank you.

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. This is an extremely important issue that Sen. Wetangula is raising about disproportionate distribution of resources in this country.

I have said this many times in this House, that we need to have a candid discussion on whether we need to live as a Republic or go separate ways with regard to how resources are distributed.

I said this in the debate on whether to approve the extension of the debt ceiling of the country; that there was an obvious intention by this current administration to deny certain regions resources. When it comes to borrowing we borrow as a country, but when it comes to distribution of the same resources, there is discrimination and it is skewed towards certain regions.

This has continued and we saw the same debacle when we had the formula that was brought before this House confirming my fears and now in the policies of the Ministry of Agriculture, Livestock and Fisheries.

Sen. Wetangula must be commended for continuously keeping a keen eye on the happenings in the Ministry of Agriculture, Livestock and Fisheries and always reminding this House that if we do not put out our voice for the farmers, then nobody else will speak out for them.

The other day, Sen. Wetangula reminded us about the Coffee Fund.

The Speaker (Hon. Lusaka): Sen. Kinyua, what is your intervention?

Sen. Kinyua: Mr. Speaker, Sir, I would hate to interrupt Sen. Cheruiyot. I am not getting him because he said resources have been taken to certain parts of this country.

Maybe he would have elaborated because I do not know which parts of this country he is talking about. If he would mention which parts of this country he is talking about, I would be happy to try and persuade and use the same language to get the resources to come to Laikipia County.

Sen. Wetangula: On a point of order, Mr. Speaker, Sir. Is Sen. Kinyua the only stranger in Jerusalem? Six months ago, we brought here a Statement that was uncontroverted; that the World Bank Coffee Development Fund brought to this country Kshs1.6 billion, which has been skewed and put in counties of Central Kenya exclusively alone when the western frontier right from Kericho, Vihiga, Kakamega, Kisii, Nyamira, Bungoma, Bomet and Trans Nzoia are frontiers for coffee growth and not a single cent was sent there?

Laikipia County may be on the outer ring of the onion, but the money was brought to one centre of the country.

The Speaker (Hon. Lusaka): Sen. Cheruiyot, continue.

Sen. Cheruiyot: Mr. Speaker, Sir, I hope that Sen. Kinyua is now well informed on that particular issue. I need to advise him not to provoke us any further because we shall reveal more damaging issues.

(Loud Consultations)

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

Sen. Halake: On a point of order, Mr. Speaker, Sir. Is the Senator for Kericho County in order to threaten and intimidate a Member of this august House?

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

Sen. (Eng.) Maina: On a point of order, Mr. Speaker, Sir. It is extremely unfortunate that this House, which stands for the national status can have somebody propagating sectionalism. I would like to state that the region where resources are

supposed to be skewed towards is suffering much more than other regions. Coffee has been destroyed in our regions and so the local farmers are not benefiting. The tea industry in Central Kenya is also collapsing---

The Speaker (Hon. Lusaka): What is your point of order?

Sen. (Eng.) Maina: Mr. Speaker, Sir, we should address the issue of policy on agriculture in this country which could help us tremendously in providing employment.

Whatever Sen. Cheruiyot has said cannot go on record unchallenged because it is not true. The statement that resources are skewed towards Central Kenya is false. I wish Sen. Wetangula could pay a visit to my county to witness the misery that the coffee farmers are facing.

The Speaker (Hon. Lusaka): Kindly proceed, Sen. Cheruiyot.

Sen. Cheruiyot: Mr. Speaker, Sir, while other regions have to contend with failing industries, the rest of the country has no industries to talk about. That is the difference that I was talking about.

(Applause)

A hon. Member: On a point of order, Mr. Speaker, Sir.

Sen. Cheruiyot: Mr. Speaker, Sir, my colleagues should allow me to speak because most of the points of order that they are raising are frivolous points of debate. If any Senator holds a contrary view, they can be allowed to speak later and explain their point of view to the country.

When we were debating the basis for the third revenue sharing formula, I said that a list of projects that this administration is currently undertaking should be tabled in the House.

Each and every citizen of this country is a tax payer. It is only proper and fair that a list of the projects being undertaken should be tabled before us so that we see whether what I am alleging to is true or not. If such evidence is produced before us and it is confirmed that there is proper distribution of resources and development in Kenya, I will issue an apology.

However, as things stand, I know the truth and that is why I agree with the Statement by Sen. Wetangula that the Committee on Agriculture, Livestock and Fisheries must first of all address themselves to this issue because this is not the first time that such a drastic decision has been taken.

I am on record in this House saying that President Kibaki in his wisdom began the fertilizer subsidy programme that saw the price of fertilizer go down in price from Kshs6,000 to Kshs2,500. It is so shameful that this administration has cancelled that programme because they believe citizens of the regions that Sen. Wetangula has mentioned do not deserve development.

We must call out these things because it is shameful and embarrassing for such things to be happening in the 21st Century to citizens who voted for this administration.

The Committee on Agriculture, Livestock and Fisheries must give us a proper response on what informed the decision by the Ministry of Agriculture, Livestock and Fisheries and how our farmers are going to get value for their crop because there are no less Kenyans than Kenyans from other regions.

I thank you.

The Speaker (Hon. Lusaka): Kindly proceed, Sen. Sakaja.

Sen. Sakaja: Mr. Speaker, Sir, the colleagues who have spoken before me have shown the extent to which this is an important Statement.

I thank Sen. Wetangula for bringing the concern of farmers to the Floor of the House. Some of us are farmers so we are interested in the issues affecting agriculture. There is a huge outcry in Trans Nzoia because most of the farmers at whatever scale feel that they have just been cashiers to the Government this year. There was a rumoured figure of Kshs2,500 that is to be offered but that does not even cut the cost or match what has been put in maize farming.

I wish the Chairperson of the Committee on Agriculture, Livestock and Fisheries was here because there is need for a very candid conversation around agriculture in the Western part of this country on the farming of maize and sugarcane.

I am sure Sen. Wetangula will agree that we cannot keep doing the same things, the same time all the time and expect different results. The biggest cause of poverty in Western Kenya today is the farming of maize and sugar cane. Very many of my neighbours in Trans Nzoia are moving away from maize farming to horticulture, coffee and macadamia farming which are not sustainable. There is a reason why that part of the country was focused on maize farming. That region has the endowment to give good yields.

If we are talking about the food security as part of the Big Four Agenda yet we cannot support the bread basket of this country, then we are talking at cross purposes. Those questions must be asked. I hope that the Chairperson of the Committee on Agriculture, Livestock and Fisheries will bring a proper response.

Agriculture is a devolved function and if the Senate does not talk about agriculture, no one will because no one else has the proper mandate to talk about it. Yesterday, I watched on the news as governors lamented that they have been ignored in the entire debacle around tea regulations, yet they are the ones implementing agriculture in the counties.

The Cabinet Secretary (CS) in the Ministry of Agriculture, Livestock and Fisheries, Hon. Munya, must be told that in dealing with that important docket, he requires the governors and the Senate because agriculture is a devolved function.

Mr. Speaker, Sir, we are getting into the season where middle men come with their trucks to Kitale Town so that when they see farmers who are unable to sell to the National Cereals and Produce Board, they go to them and buy maize at the price of Ksh1,000 per bag. Farmers end up selling to such middlemen at a throw away price because they are desperate.

Now that the Government has announced the re-opening of schools, parents who are farmers in Western Kenya who do not have money. They will have to sell their maize at throwaway prices. There is going to be a serious loophole where people are going to come to take their produce at very low prices.

We need to know the status of the Warehouse Receipt System Bill, 2018 that was passed such that the farmers can be assured that they can use the receipts of the deliveries they made to the NCPB as an instrument to take care of their families and the community.

I urge the Committee on Agriculture, Livestock and Fisheries while dealing with this issue to invite all Senators because many of us are interested in the issues of agriculture, particularly, on the issue of maize farming in this country.

I thank you.

The Speaker (Hon. Lusaka): Kindly proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, I thank you for giving me the opportunity to support the Statement by Sen. Wetangula. Maize is a staple food in Western Kenya as well as in other parts of the country. There is need to encourage our maize farmers because Kenya signed and ratified the Maputo Declaration that recommended 10 per cent of the national revenue to go to agriculture.

We have to look for ways and mechanisms of encouraging our farmers because many of them are diverting from the farming of maize and sugarcane due to low returns. Many farmers move from pillar to post wondering where to take their produce. Sometimes farmers plan but fail to get market value for their maize.

During this COVID-19 period, Kenyan farmers are suffering quietly not knowing what to do because county governments have not cushioned them in a way that they need to be. There is need to ensure that during the harvest time, Kenyan farmers are given priority so that their maize is bought by the Government.

The Committee that will pursue this issue should ensure that no maize is imported. We should prioritise our farmers. We have to buy Kenya, make Kenya and encourage Kenya.

There is a time there was a lot of maize in the stores and farmers did not know what to do with their maize. One year lapsed and the maize was rotting in the stores. This is a sorry state.

I believe that the Committee that will handle this Statement will do justice to our Kenyan farmers. We have a duty as a Senate to encourage them because this is one of the devolved functions. Protecting devolution is one of our core businesses in this Senate.

I support.

Sen. (Eng.) Maina: Mr. Speaker, Sir, first of all, I would like to say that I support the Statement by Sen. Wetangula. Kenya as a country needs to make a decision.

The other day, I was impressed that Zimbabwe was at the top in the whole world in terms of agriculture farming of crops such as maize, cotton and tobacco. Kenya was at the top in coffee, tea and dairy products. The issue of maize, which Sen. Wetangula has brought is sensitive because maize is our food. From the North Rift all the way to Narok, that is our grain basket.

Let me tell you a bit of history of this country and how Guaranteed Minimum Returns (GMR) began. When Kenya got Independence, one time there was no maize and people had to eat yellow maize. Some people rejected it because they felt that it was meant to be consumed by horses and pigs in America.

The then President *Mzee* Kenyatta summoned the then Rift Valley Provincial Commissioner (PC) and asked what the people needed to grow food in that region because that is where settlers were growing food. The then PC Mr. Isaiah Mathenge set up a committee that proposed establishment of GMR. The following year, Kenya had a bumper harvest.

In this country, we have silos, which were built by the 'Whiteman'. We have not added a single grain storage because most of them are empty. We should not have the idea where people say that there are areas that are favoured with resources because that is far from the truth.

Coffee used to be the main foreign exchange earner in this country. Tea was also a major foreign exchange earner. Now, both of them are on their knees. We should address matters. Let us not try to bend issues to do with the country. The issue of agriculture in this country should be addressed centrally. We are concerned as representatives of the people.

Pastoralists who sold their cattle to the Kenya Meat Commission (KMC) five years ago have never been paid. I am not a pastoralist but I am here to speak the truth about this country. Therefore, we should address matters.

A senior man like Sen. Wetangula should address the issue of agriculture from a holistic point of view. Kenya will be the country that we knew only when we retrace our steps.

In the USA, the debate between Nixon and John Kennedy in 1960 was based on agriculture. John Kennedy won the debate by supporting American farmers. Therefore, we need a holistic approach to support our farmers.

We need to know people who import bad fertiliser in this country. We need to know people who import maize when our farmers have bumper harvests and it cannot be bought. Those are the issues.

The issue is not that there is some area that money is taken to because that is not true. Money is used in all places in this country. The Standard Gauge Railway (SGR) is not a project for one section of this country. It is a project for the country and we know that is where some of the money has gone. Today we have Kisumu and Mombasa ports being built. Therefore, agriculture needs to be addressed.

Coffee, maize and wheat farmers need to be supported seriously. It is high time the GMR was reinstated in this country. It is high time that pastoralists were paid their money. That is when this country will be the Kenya that we want.

We should use agriculture to create employment for our youth. How can we create it when we import maize from Mexico?

I thank you.

The Speaker (Hon. Lusaka): I will only allow one Member from each side so that we progress. I am allowing those who have not spoken because we have people who always speak.

Sen. (Prof.) Ekal: Mr. Speaker, Sir, that is a wise decision because we just sit here and our electorate tell us that we do not talk in Parliament. It is also good to give us a chance.

(Sen. (Prof.) Ekal spoke off record)

The Speaker (Hon. Lusaka): The Senators are wondering which language you are using because they did not get what you said earlier. Just proceed.

Sen. (Prof.) Ekal: Mr. Speaker, Sir, other Members have spoken. *Abalayonga, isiani yong ngitunga ngiche mam nyilimori ngiche.*

(Laughter)

That is Kiturkana. It means: Some people speak often and others do not.

Sen. Halake: On a point of order, Mr. Speaker, Sir. Is my elder brother from Turkana in order to speak Kiturkana in this Chamber, a language that is not understood by some Members?

Sen. Were: Mr. Speaker, Sir, I would like to inform Sen. Halake that there are some things that cannot be translated or expressed properly in English but they come out better in mother tongue. Sen. (Prof.) Ekal has actually translated what he said. Therefore, he is not out of order.

The Speaker (Hon. Lusaka): Sen. (Prof.) Ekal, when you are given an opportunity, use it well. You may proceed.

Sen. (Prof.) Ekal: Mr. Speaker, Sir, hon. Members are just making it what it should not be because they are making it appear a big deal.

In as much as other Members have spoken about coffee, tea, maize and so on and so forth, I would like to speak on a different aspect of agriculture. While money is dumped in some special parts of the country, money should also be spread all over the country especially in the Arid and Semi-Arid Lands (ASALs).

In ASALs, we have places that are arable where we can grow food but those regions are food insecure. There is need to invest enough resources in those regions so that people can grow food and stop being over dependent on relief food from the Government.

Livestock rearing is part of agriculture. We should also adequately invest in this sector to take care of livestock in terms of buying medicine and keeping our animals healthy. This is because we lose many of our animals to diseases in these regions.

There are arable regions in Turkana County for agricultural activities. Therefore, I urge the Government to allocate adequate resources to those regions of our county so that our people can engage themselves in agricultural activities to produce enough food.

The Speaker (Hon. Lusaka): Finally, Sen. Murkomen.

Sen. Murkomen: Mr. Speaker, Sir, did you notice that despite the fact that the Senator for Turkana used his mother tongue at some point, I was wondering whether Sen. (Eng.) Maina understood the American English of a 'farmer'.

(Laughter)

Mr. Speaker, Sir, I appreciate Sen. Wetangula for bringing this important Statement. A week ago, the President of the Republic of Kenya together with some governors from the western part of the country, announced that National Cereals and Produce Board (NCPB) will be a warehouse.

That means that it will receive maize for the purpose of maize storage. When did the NCPB, which was primarily established to buy maize from farmers turn to be a warehouse where farmers are forced to pay to store their maize? When did the NCPB turn into a drier where farmers go and dry maize?

Like Sen. (Eng.) Maina said, our founding President, the second President and the third President knew why NCPB was established. There was a reason why this country decided that on the issue of maize and cereals, NCPB must buy them at a particular price because of the cost of production and strategic interest this nation has in terms of feeding its farmers.

When the Committee investigates this matter, which I hope is the Standing Committee on Agriculture, Livestock and Fisheries, where I sit, we will want to know from the Government when the Cabinet sat and changed this policy. Why did Parliament not get involved?

Secondly, I was shocked that the President was appealing to maize cartels and private interest groups to buy the maize at Kshs2,500. The Ministry of Agriculture, Livestock and Fisheries on orders of the President did an investigation as to how much it cost to produce one 90-kilogramme of maize. The experts from Egerton University, the University of Nairobi and Non-Governmental Organizations (NGO) returned a verdict that it cost Kshs2,800 to produce one bag of 90 kilogrammes of maize in Kenya.

Mr. Speaker, Sir, when we are talking about cushioning farmers, particularly at this time of COVID-19, first, the farmer must get something above the production cost of Kshs2,800. Those of us who come from maize growing regions have said that, for it to make sense, the Government must buy maize from them at Kshs3,500 per 90 kilogramme bag. The President appealing to cartels to buy it at Kshs2,500 is preposterous.

Since Independence, the Government of Kenya has been supplying fertilizer and farm inputs to farmers at a reasonable subsidized price. When did we reach a stage where the President of the Republic of Kenya in the presence of governors would be appealing to cartels to sell fertilizer and farm inputs at a reasonable price?

This is the problem we have in the country. Those of us who come from maize farming regions believe that this was a strategic attack on the farmers and producers who produce maize in that region.

Our people in Trans Nzoia, Uasin Gishu, Nakuru, Elgeyo-Marakwet, Nandi and Bungoma, which are the leading maize producer regions voted for the Jubilee administration. What specific hatred does this administration have with farmers of those regions? What did they do that it has become the only Government that stops buying maize from farmers and controls the prices of farm inputs?

I hope that the Senate will get to the bottom of this matter. We must take the Government to account. The President and most of the Government officials, including ordinary Kenyans, told us the failure in the farming sector was because Hon. Kiunjuri was the Cabinet Secretary.

We were given a new Cabinet Secretary who the last time he told us anything meaningful was about locusts. Where is the situation of tea, coffee and milk farmers now? I agree with Sen. (Eng.) Maina that the issue is not on maize farmers versus coffee farmers or tea farmers against milk farmers. It is about the agriculture sector that has been neglected. We need an honest conversation on how to restore it to ensure that our young people can get employed and that we have more factories.

We were told that, in the second term of President Uhuru Kenyatta, we will have a country that will be ahead in matters manufacturing. We believed that we will turn our farm produce and add value. However, this is a country that we do not produce anything by ourselves, not even condoms.

As a nation, we must rethink about our priorities; the agriculture sector and everything else so that we become capable of speaking and saying that, 'we defend the interests of the people of Kenya.'

With those few remarks, I support this Statement.

The Speaker (Hon. Lusaka): We will now go to the next Statement by the Senator for Nandi, Sen. Cherargei. Sen. Cherargei, I do not know why you are raising your hand; we are not in a classroom. Use the gadgets.

STATUS OF THE FIGHT AGAINST LOCUST INVASION IN KENYA

Sen. Cherargei: Thank you, Mr. Speaker, Sir. I wanted to comment on the maize issue, but unfortunately, you have the Committee, this is why I was trying to catch your eye. My Statement is on the same issue.

I rise pursuant to Standing Order No.48 (1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the status of the fight against locust invasion in Kenya. In the Statement---

The Speaker (Hon. Lusaka): Order! Those who had logged in your cards, please remove them so that I am able to know who wants to speak to this. I can see you are still listed. I do not know whether you still want to contribute to what Sen. Cherargei is seeking.

Sen. Cherargei: Mr. Speaker, in the Statement, the Committee should-

(1) Appraise the Senate on the current status of locust invasion in the country and provide respective detailed reports of all the affected counties.

(2) Explain how much money has been spent by the Government in the fight against locust invasion and indicate how much has been received from donors and other donations in aid of the fight.

(3) State the food security situation in the country and measures that the Ministry of Agriculture, Livestock, and Fisheries has put in place, if any, to ensure that the future locust invasions are dealt with, and the affected farmers will be compensated.

(4) Provide a comprehensive list of the suppliers that were contracted by the Ministry to supply the pesticides, aeroplanes and other equipment that were used to fight the locust invasion.

That is the Statement that I wanted to request.

Thank you.

The Speaker (Hon. Lusaka): Sen. (Dr. Langat.

Sen. (Dr.) Langat: Thank you, Mr. Speaker, Sir, for giving me this opportunity to support this Statement from Sen. Cherargei. When the Coronavirus Disease (COVID-19) came into existence, the issue of locusts was forgotten, but I am so sure that a lot of money was spent on it.

If this Statement from Sen. Cherargei is followed closely, it will really assist this country to uncover some issues, like the deals that people were engaged in when it comes to matters concerning this sector.

We used to hear a lot about locusts, but these days we do not hear about it. There is much that we would like to know about the money that was spent and the people who were engaged in the fight against these locusts. It is very important because it will enable this House to understand exactly how the money that had been put into fighting against locusts was used. Who knows; it could be another very huge scandal that is hiding behind COVID-19.

The Committee that will be in charge of this Statement should dig deep, so that we get to know where the money that was apportioned to fight locusts went.

I support this Statement.

The Speaker (Hon. Lusaka): Sen. Shiyonga.

Sen Shiyonga: Thank you, Mr. Speaker, Sir, for allowing me to support this Statement that has been brought by Sen. Cherargei. When I was still in the Committee on Agriculture, Livestock and Fisheries, we toured so many places in this Government. We went as far as---

(Loud consultations)

Sen. Shiyonga: Not really touring. Please, listen. It is good to listen.

The Speaker (Hon. Lusaka): They are saying that you said you toured this Government. Is it the Government that you toured or the country?

Sen. Shiyonga: Mr. Speaker, Sir, we went across this country to find out how the locusts were affecting our farmers. We went to Samburu, Meru, and other places in the country where the locusts had invaded.

There were very big programmes that were put in place. We had the flights that were initiated by the Kenya Wildlife Services. Those programmes were allocated money. We also had the National Youth Service (NYS) on the ground. As my colleagues are saying, we do not know where those programmes disappeared to when COVID-19 broke out.

That money might be somewhere and those programmes might have stopped. It is good for the Senator who brought this Statement to be told where the money went, why the programmes were stopped, and who is taking over, because the locusts are still here with us and are destroying our crops.

Once again, I support the Senator who brought this Statement. Let us find out where our money is and how it is being spent.

Thank you.

The Speaker (Hon. Lusaka): Sen. Linturi.

Sen. Linturi: Thank you, Mr. Speaker, Sir, for this opportunity. Allow me to thank Sen. Cherargei for requesting this Statement. One way or another, this reminds this Parliament of our great responsibility as a House to oversight the Government.

You will agree with me that when the locusts invaded this country, nobody was prepared for them; they came as an emergency. In most cases, many millionaires have been created in this country out of emergencies.

You remember the nature in which we had to deal with this locust outbreak. I am sure that most procurements within the Ministry of Agriculture, Livestock and Fisheries must have been emergency procurements. Seeing that they were emergency procurements, the right procurement procedures were probably not followed. For that matter, getting value for money could have been an issue.

Sen. Cherargei requesting for this Statement gives us an opportunity as a House to interrogate the processes that were followed, to get to know how much money was spent on locusts and how much money donors gave to this country. I think that it is really a noble idea at this moment.

Mr. Speaker, Sir, remember that the devastating effects of locusts in this country have to do with destruction of crops. Crops are food and we rely on them. One of the items of the Big Four Agenda of the Jubilee Government is food security. The locust invasion really destroyed crops in a number of counties in this country. The amount of

food that would have been produced within this period of time must have been interfered with.

The request for this Statement at a time like this will give us an opportunity to understand whether the country is really prepared to ensure that there is food security for the next couple of months. This will give us an opportunity to understand the level of preparedness of Government to deal with inadequacy in food provision.

You never know, we may be heading to a situation where we may lack food. You will then start hearing of people being given licenses to import food, without taking cognizance of the prices that our farmers are getting because of low food production. Some things that happen in this country are so strategic that you just wish them away.

I thank Sen. Cherargei for bringing this Statement. I await a situation where we will be able to hear exactly what transpired in the fight against locust invasion in this country.

The Speaker (Hon. Lusaka): Sen. Mutula Kilonzo Jnr.

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

The Speaker (Hon. Lusaka): Sen. Sakaja, what is your intervention?

Sen. Sakaja: Mr. Speaker, Sir, I wish to draw your attention and that of my colleagues to Standing Order No.96 (6). I listened to the Senator for Bomet as he gave his contribution and Sen. Linturi as he has just finished.

Standing Order No.96 (6) says:

“A Senator shall refer to another Senator by the title “Senator... (name of the Senator).”

The Senator for Bomet County repeatedly called Sen. Cherargei just ‘Cherargei.’ Sen. Linturi started well, but at the end, he said that he would like to thank Cherargei. There is no one here called Cherargei. There is Sen. Cherargei and Sen. Mutula Kilonzo Jnr. This was just to remind us, because that is what our Standing Orders say.

The Speaker (Hon. Lusaka): Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. I actually listened when the then Cabinet Secretary (CS) for Agriculture, Livestock and Fisheries made his presentation on the locust invasion.

The Statement by Sen. Cherargei is very apt, because we got donations in not only infrastructure, but also planes from the organizations that operate from Ethiopia. I cannot remember it now. We got money, we imported special---

(Sen. Wetangula spoke off record)

Yes, that one, in Addis Ababa. We also imported something from China to specifically deal with locusts. You remember that at some point, some locusts were hovering around, while others were retiring out there on trees in Meru; they were turning yellow.

There was a commitment from the Cabinet Secretary for Agriculture. What Sen. Linturi is saying is correct; that there was supposed to be subsidy and compensation for farmers who were affected by the locust invasion.

Otherwise, this Government is famous for looking into Mexico for supply of things we know, particularly maize, for purposes of staple food. That is something that

must be checked. Since this incident has not happened for the last 60 years, and when it happens next, possibly only Sen. Cherargei would be around, in his 90's at that time.

First, we must learn from what that outfit that Sen. Wetangula has just reminded me is doing in Addis Ababa, so that when this happens again, we will know what to do to prevent these locusts from becoming a menace in the near future.

Sen. (Dr.) Ali: Thank you, Mr. Speaker, Sir. I thank Sen. Cherargei for asking this question. The problem with Kenya is that people become multibillionaires out of pandemics and epidemics. When there is drought a lot of money is used, but nothing happens on the ground. When there is locust invasion, a lot of money is used and for several months you see planes flying all over doing nothing, and do not know what happens to that money.

When it comes to pandemic such as COVID-19, we are aware of the COVID-19 millionaires and billionaires. Now that the short rains are approaching, and as our Cabinet Secretary said before, the only locusts one could see were those ones that were about to die because they were yellow and 'pregnant.' If they were 'pregnant' as he put it, then they have 'given birth' and the eggs are about to hatch. Some of hatched and they will become millions. They will be everywhere in this country.

We want to know exactly what the Ministry of Agriculture and the Desert Locust Control based at Wilson Airport will do. We do not know what they do. Sometimes we were told that they were in Addis Ababa.

Mr. Speaker Sir, in northern Kenya and many parts of this country, including Ukambani, these locusts went everywhere and literally finished everything. We have not been told the effect it had. We know that in certain areas right now the livestock have no fodder. Animals are going to die because of the plants which have been eaten up by these locusts. We want the Cabinet Secretary to tell us exactly what he has in mind and what plans the Ministry has in the near future before the eggs hatch, and we have billions of locusts in this country.

Sen. Wako: Thank you Mr. Speaker, Sir, for giving me this opportunity to speak in this. I had not really wanted to speak on it, but felt I should if only to put my father's name on record.

My father, when the East Africa Community collapsed, was appointed to head the United Nations Agency that dealt with locusts in East, Central and Southern Africa. At that time, I remember they had very many planes. If there was any locust invasion anywhere, it was that organization that came in and helped the member states to fight it.

When my father was still the head of that agency, they build a hanger in nation States. There was a very big hanger that was at Wilson Airport with about four to six planes, which would come into play just if there was a locust innovation. It appears as if that arrangement never continued long after my father left. When I read the news about the Ministry of Agriculture now doing things and trying to get planes and what not, those were the type of duties that, that agency of the UN was doing automatically, with planes, pilots, pesticides and everything available.

When I enquired about it - and Sen. Wetangula here can confirm because he was the Minister for Foreign Affairs - it appears that long after my father left, that UN agency was converted into IGAD and the operation on locusts ceded to the Africa Union (AU) under the Commission of Agriculture. Everything was lost so that now the responsibility is on the member States.

When an answer is being given to this, I would like if possible for the Committee to go into the issue as to whether or not what was there before can be revived because it was very effective in assisting member states to fight locusts.

Locusts do not belong to Kenya or a country, but a region which is normally affected. It is best dealt with as a regional affair under the arrangements that used to be there before.

Thank you.

The Speaker (Hon. Lusaka): I think we have to move to the next Statements because of time.

We are now going to Standing Order No. 51(1). I call upon Sen. (Dr.) Zani.

WORLD TEACHERS' DAY, 2020

Sen. (Dr.) Zani: Mr. Speaker Sir, I wish to make a Statement by the Chairperson of the Standing Committee on Education to commemorate the World Teachers' Day, 2020.

Yesterday, you might have noticed that there was a lot of excitement both in the mainstream media and in the social media because it was the International Teachers' Day. It is a day broadly celebrated right across the world.

Mr. Speaker, Sir, for all of us, Senators, there is a teacher who has impacted on our lives. Indeed, many teachers have impacted on our lives in different ways. The fact that the world was honouring them, we felt that as the Committee on Education, it is important to bring this to the fore and just look at the work they have done in this country.

We have just gone through dealing with a pandemic and seen that teachers have had to be very innovative, creative and alert. They went into virtual training to ensure they could bring to the fore the deliverables that are key.

Every year, this day reminds us of the critical role played by the teachers, who continue to be unsung heroes in this society. The genesis of this day was because of the anniversary of the adoption of the 1966 International Labour Organization (ILO) and United Nations Educational Scientific and Cultural Organization (UNESCO). This commemoration helps us to continue focusing on the rights and responsibilities of the teacher, standard of the initial preparation, further education that is so critical, recruitment, employment, teaching and learning conditions.

Recently, our Committee had a chance to interact with the Teachers' Service Commission (TSC). We got information that was a little bit disturbing because they are only able to get a budget, which is a quarter of what they need. They get a budget of Kshs2.5billion annually, and what they need is about Kshs10 billion, if they are to recruit the 20,000 teachers that are needed, especially when we are looking at teacher to pupil ratio, which is very key in the delivery and quality education. They informed us that, that recruitment now stands at about 5,000 teachers, and is really a budget issue.

As we expand and have gone through this pandemic, we have seen the importance of putting in place deliverables and helping teachers to do their work. The issue that they should be well prepared and interact with communities, and do very well, is put into the fore.

Many issues need resources. These resources for example are going to bring what we look for; small class sizes, learning aids and materials, early childhood programmes and more competitive teacher compensation. All these are associated with students' outcomes. This becomes critical right from Early Childhood Development Education (ECDE) through tertiary and polytechnics.

The Standing Committee on Education will continuously engage with the Committee on Finance and Budget to ensure that sufficient resources have been allocated to the Teachers Service Commission (TSC), to enable the Commission recruit sufficient numbers of teachers that are required.

On behalf of the Standing Committee on Education or we, as a Committee, thank all the teachers and trainers in the country for caring about the greater good, for the efforts, the dedication, and the sacrifice that they have put.

Indeed, Mr. Speaker, Sir, you will recall that when we were going through the pandemic, many families realized and began to lay a lot of wait on wanting their children to be coached by teachers. They realized the amount of work that is required from them. Their role continues to change lives and communities and help us to bring closer to realizing the Sustainable Development Goal on Education.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Wetangula, kindly, proceed.

Sen. Wetangula: Thank you, Mr. Speaker, Sir, for the opportunity to salute the Statement by Sen. (Dr.) Zani. The United Nations International Children's Emergency Fund (UNICEF) aptly described teachers as social engineers, whether it is astronaut, an engineer, a lawyer like myself, a doctor or whoever, they have all been brought up through the hands of teachers.

Teachers in this country, as we celebrate the International Day of the Teacher, have always, through successive governments, had a raw deal. There is not any occasion when teachers get what they deserve until and unless, they either threaten to strike or actually strike. Even when they do that, they end up with half measures being offered to them by successive governments.

Today, Mr. Speaker, Sir, as we celebrate the International Day of the Teacher, I want to urge the Government of the Republic of Kenya, first, to acknowledge and appreciate the critical role played by teachers in the nurturing, developing and growth of our children.

Secondly, I urge the Government to understand and appreciate that creating and licensing schools without posting to those schools adequate numbers of teachers to teach our children does not make any economic sense to the country, parents and everybody concerned.

Thirdly, Mr. Speaker, Sir, I want to urge the Government to ensure that the many trained and registered, but unemployed, teachers in the country be recruited by TSC, and the TSC be adequately financed through the budget to recruit enough of these teachers.

Fourth and lastly, I would want to see particularly schools in the far-flung areas of Kenya like Marsabit, Wajir, Mandera, Garissa and Turkana, where teachers have routinely been sent there as a form of punishment; that this kind of skewed policy must stop. Enough teachers must be recruited and sent to those schools because the children in every part of this country deserve good, adequate and available teachers. They must have teachers to teach them, so that at the end of the day, a child in Kilimani Junior Academy

and the one in Kibish and Maikona all sit for the same exams and must have been taught by teachers of the same caliber; same training and treatment from the national Government.

Mr. Speaker, Sir, I salute this Statement. It is now the duty of everybody in this country, who makes policies, not to flip flop, the way we are seeing the Ministry of Education making contradictory statements every other day about our education. They should instead streamline the management of education in the country, so that our children get the best out of what they deserve.

I thank you.

The Speaker (Hon. Lusaka): Sen. (Rev.) Waqo, kindly, proceed.

Sen. (Rev.) Waqo: Thank you, Mr. Speaker, Sir, for granting me this opportunity to add my voice to this very important Statement of acknowledging our teachers.

Mr. Speaker, Sir, as I stand, I appreciate all the teachers who have played a role in our lives and in the lives of our children, and the lives of the generations before us.

Mr. Speaker, Sir, teachers are the people who produce professors, engineers, doctors, politicians, pastors, bishops, nurses and all the professionals that we have in our country. We celebrate our teachers.

However, we do very little to appreciate them, which most of the time demoralizes and discourages them in their ministry of giving service to the nation. As we appreciate them, we should also put into consideration the challenges the teachers are going through, especially with COVID-19. Many teachers have not been paid and are struggling because they have been working hard. I know that maybe in their payroll, the TSC have their payments, but as we all know, they are paid very minimal. Therefore, as we appreciate them, we should also see how we can upgrade their scale of salary.

They also need to be supported, so that they can improve their academic performance simply because the world is growing and competition is quite high. If one has a diploma, then they need to move to another level. In doing that, we will have supported them.

Mr. Speaker, Sir, again, many teachers have some challenges in the schools that they been sent to. Some are sent to remote areas like ours and go through a lot of hardship. We would want more to be sent to our areas and given enough support, so that they can deliver.

Mr. Speaker, Sir, as they do that, their families ought to be put into consideration. They need to give attention to their families.

I support the Statement and pray that the teachers in our nation will be fully appreciated.

I thank you.

The Speaker (Hon. Lusaka): Sen. Were, kindly, proceed.

Sen. Were: Thank you, Mr. Speaker, Sir. I also want to join my colleagues and the Standing Committee on Education led by Sen. (Dr.) Zani in celebrating teachers during the World Teachers' Day.

Mr. Speaker, Sir, any knowledge, value and skill that anyone has are all attributed to a teacher. The first teacher is a mother. Even as we sit here and demoralize teachers, as Governments or people, we should remember that everything we know, every value we hold and every skill we practice, we have acquired it from a teacher in whatever form.

Mr. Speaker, Sir, as we celebrate teachers on this World Teachers' Day, we should continue to remember that teachers have demonstrated great leadership and innovation. They have adopted new teaching styles. Now, they are forced to adopt Competency Based Curriculum (CBC) in this country and digital learning; something that they were trained in college. They have found new solutions to ensure that learning never stops.

Mr. Speaker, Sir, the theme of this year's World Teachers' Day has taken note of that and appreciated these efforts. That theme has been: "Teachers leading in crisis, reimagining the future."

Mr. Speaker, Sir, therefore, this speaks to the importance of teacher leadership during the time of crisis. Even during this COVID-19 times, we have seen in communities where teachers have been engaged to educate people, to give people public education on how to deal with COVID-19, its effects and how to avoid it all together.

Mr. Speaker, Sir, I thank you, for this opportunity. Congratulations, teachers!

The Speaker (Hon. Lusaka): Sen. (Dr.) Christopher Langat, kindly, proceed.

Sen. (Dr.) Langat: Thank you, Mr. Speaker, Sir, for giving me this opportunity to celebrate this great day for our teachers, and I am one of them.

Teachers are very important people in our lives. They mould our children right from Baby Class to university level. Any country all over the world that minds the character, behaviour, knowledge and wisdom of their children must take care of their teachers.

As Sen. Wetangula said, we rarely celebrate our teachers and appreciate what they are doing. Sometimes they down their tools demanding for better terms of service and even for their allowances to be increased. If these people are mistreated by the Government, they will be frustrated, and you can imagine them handling our children at formative stages. These are teachers who model the children. Therefore, the way we handle them is the best.

As I speak, the Teachers Service Commission (TSC) is frustrating the teachers' unions. Yesterday, I heard the Secretary of the Kenya National Union of Teachers (KNUT) saying that the TSC is not remitting teachers' deductions to them.

These unions take care of the welfare of the teachers. By frustrating them, TSC is killing the teaching profession. The Government must rethink about the welfare of the teachers because they stay longer with our children than us. The future of our children depends on them.

I celebrate this great day with them. They are great people because we are what we are because of them.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for the opportunity to add my voice on this matter in the celebration of World Teachers' Day.

As it has been said by my colleagues, teachers play a very important role in the society. They do so both inside and outside the classroom. However, the most unfortunate thing about our situation is that our teachers have largely been reduced to beggars. I do not understand why when it comes to their salaries and allowances, they either beg for it from the Government or viciously fight for it.

I was in Kitui County over the weekend and can bear testimony to the good work that teachers are doing even outside the classroom. Yesterday, I had the opportunity to visit Tharaka Ward, where teachers have come together and mobilized their students and

former students to get involved in community work. They were repairing roads and some other menial work for the benefit of the community. On Sunday, I had the opportunity to visit Miambani Ward, where teachers are mobilizing young people and their colleagues to get involved in church work.

The role of teachers in the society can never be gainsaid. All of us, including myself, are beneficiaries of the input of teachers in our lives. I stand here to laud and appreciate my teachers, starting with Sen. (Prof.) Kamar, the Deputy Speaker of the Senate of the Republic of Kenya, who was my teacher. She taught me at the Moi University.

I see many other teachers in this House. I can see Sen. (Prof.) Ekal who is a professor of physics. I see Sen. (Dr.) Langat who taught Sen. Cheruiyot at the university. Unknown to many people, Sen. Cheruiyot is a Sunday School teacher. Therefore, we need to celebrate our teachers.

There is a category of teachers that we must celebrate and look into their welfare. These are teachers in Early Childhood Development Education (ECDE). They have been left behind in conversations around teachers. I come from a county where ECDE teachers are not in the payroll of the county government. They render services, but county governments can decide to pay them or not.

Mr. Speaker, Sir, I call upon all county governments in this country to remember the welfare of ECDE teachers because they play a very important role in laying a firm foundation for our children.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): I see that there is still a lot of interest. Unfortunately, the Statement Hour is over. Therefore, we will go to the next Order.

Sen. Cherargei: Teachers are important!

The Speaker (Hon. Lusaka): Order, Sen. Cherargei! I know they are important because I am also a son of a teacher.

BILLS

First Reading

THE STARTUP BILL (SENATE BILLS NO. 16 OF 2020)

*(Order for First Reading read – Read the First
Time and ordered to be referred to the relevant
Senate Committee)*

The Speaker (Hon. Lusaka): Next Order!

Second Reading

THE SECTIONAL PROPERTIES BILL (NATIONAL
ASSEMBLY BILLS NO.23 OF 2019)

(Sen. Kang'ata on 8.9.2020)

(Resumption of debate interrupted on 30.9.2020)

The Speaker (Hon. Lusaka): I direct that the Division Bell be rung for five minutes.

(The Division Bell was rung)

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

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

The Deputy Speaker (Sen. (Prof) Kamar): Hon. Senators, we still do not have quorum. Therefore, let the Division Bell be rung for two more minutes.

(The Division Bell was rung)

The Deputy Speaker (Sen. (Prof) Kamar): Order, hon. Senators! I have received confirmation that we have quorum, so kindly take your seats.

Hon. Senators, we are waiting for the Whips to signal us.
Sen. Kang'ata, kindly approach the Chair.

(Sen. Kang'ata consulted with the Chair)

Hon. Senators, I would like to put the question, which is; that The Sectional Properties Bill (National Assembly Bills No.23 of 2019) be now read a Second Time. We will have Roll Call voting. We shall start shortly.

Let me have the Tellers. We have Sen. Kibiru and Sen. Farhiya.

(Loud consultations)

Hon. Senators, let us consult in low tones. Clerk, let us begin voting.

(The Senators proceeded to vote by Roll Call)

Sen. (Dr.) Ali: Madam Deputy Speaker, my name has been missed twice. Am I not in the list? I have a right to ask.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. (Dr.) Ali, please voice your vote. We are sorry. We have realized where the error was.

DIVISION

ROLL CALL VOTING

*(Question, that the Sectional Properties Bill
(National Assembly Bills No. 23 of 2019)
be now read a Second Time put and the Senate*

proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Halake; Isiolo County, Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County, Sen. Kibiru, Kirinyaga County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

The Teller for Ayes: Sen. Farhiya

NOES: Nil.

The Teller for the Noes: Sen. Kibiru

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, these are results of the Division:

AYES: 24

NOES: 0

ABSTENTIONS: Nil.

The "Ayes" have it.

(Question carried to by 24 votes to nil)

The Deputy Speaker (Sen. (Prof.) Kamar): Senator for Murang'a, please, be quiet as the pronouncement of the Bill is being made.

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you. Next Order!

Sen. Wetangula: On a point of order, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): We have a point of order from Sen. Wetangula.

Sen. Wetangula: Madam Deputy Speaker, for those of us who appreciate and value decorum in this House, we get disturbed when the Speaker is on her feet announcing the outcome of a Division and Members including the Majority Whip are busy laughing away the afternoon. Congregating as if it is a *Kamukunji*, where is the decorum in this House? When we came to this House for the first time - my distinguished colleague, the ambassador can bear me out - when the Speaker stands, he or she does not need to say "order" it comes naturally in the House.

However, you are standing up to announce the results of a Division and it is as if you are not on the Chair. Where is this House getting to? We want to urge Members to uphold the decorum of the House. Otherwise, we cease to be a House and become a *baraza*, if we wish.

The Deputy Speaker (Sen. (Prof.) Kamar): There is another point of order from Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Madam Deputy Speaker, unlike the substantive Chair who raises his voice, when you are on the Chair, the people out there should increase the volume so that you can be heard. You are soft and it is a possibility that on top of Sen. Kang'ata laughing, your voice disappears.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senators. The mask is the problem. As my student confirmed, I lectured in a lecture hall of 3,000 students and they heard. My biggest problem is with this mask. Sen. Wetangula has been repeating this. This is a House of decorum and order, let us respect that. Thank you.

Next Order!

Second Reading

THE COMMUNITY HEALTH SERVICES BILL
(SENATE BILLS NO. 5 OF 2020)

(Sen. (Dr.) Zani on 4.8.2020)

(Resumption of debate interrupted on 1.10.2020)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, this is resumption of debate. Sen. Omogeni had a balance of 11 minutes, if he wishes to use all of them.

Sen. Omogeni: Thank you, Madam Deputy Speaker. I may not use the entire 11 minutes because I had already summed up my thoughts. I will proceed from where I had stopped and emphasize that community volunteers have always been based on the concept that people want to volunteer their services to enhance community health care.

I still want to persuade the Sponsor of this Bill that if we can move this Bill from the idea of having community health workers to community health volunteers, it will be very helpful to our counties. In terms of the wage bill - if we all interact with our counties - if you speak to the health executives in most counties, our health sector wage bill is already taking almost 50 per cent of the total wage bill.

In my particular case, in the County Government of Nyamira, 50 per cent of our wage bill is taken up by people who serve in the health sector. If we push the community health workers to be absorbed into the wage bill of counties, if you take an estimate of the County Government of Nyamira, we are talking about an increase of over Kshs1 billion.

Madam Deputy Speaker, having fought very hard for enhanced allocation to the County Government of Nyamira, if the National Treasury will avail Kshs50 billion next year, the most we will be able to get is Kshs5.1 billion. If we surrender another Kshs1 billion to be taken care of by the wage bill, it means that the County Government of Nyamira may not even have money for development.

Another point that I want to make is that I do not see what mechanism can be put in place, where all the community healthcare volunteers serving in various counties in the Republic, whom I must say are doing a very good job, can be absorbed into the wage bill without going through interviews.

I received a report on an outbreak of one case of Coronavirus Disease (COVID-19) that happened in one of my local markets, in a place called Ikonge in Nyamira today. When I spoke to the County Executive Committee (CEC) member for Health, he told me that he had already gotten in touch with the community healthcare workers, to mobilize

the contacts of the people who had gotten in touch with that patient. That goes to show how important these people are to our communities.

Sen. (Dr.) Zani, who sponsored this particular Bill---

(Loud consultations)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon Senators, please, consult in low tones. He is making a very important point.

Sen. Omogeni: Sen. (Dr.) Zani, who came up with this Bill has fantastic ideas, and we should not kill this baby. We should save it. I propose that we should propose amendments that will make this Bill retain the original intention of community healthcare workers, which is volunteerism, and remove the technical word of them being workers from this Bill. I think that if we make a few of those amendments, this is a Bill that I fully support.

I applaud the people in my county of Nyamira and other counties, who have volunteered their services towards enhancing healthcare within our counties for many years.

(Sen. Cherargei spoke off record)

Madam Deputy Speaker, I am told that there is a point of order. I am getting some interruption from Sen. Cherargei. I do not know what point of order he has.

The Deputy Speaker (Sen. (Prof.) Kamar): There is a point of order from Sen. Cherargei.

Sen. Cherargei: Madam Deputy Speaker, with all due respect to my learned senior, the Senior Counsel, I think that Sen. Mutula Kilonzo Jnr. raised a very important point. We are having a problem hearing. Therefore, we request the officers in charge of the gadgets to increase the volume. It is hard to follow what my learned senior is saying, and I would like to drink from the fountain of his wisdom as he dispenses it freely. Can you kindly guide the department to at least improve on the volume, so that we are able to follow?

The Deputy Speaker (Sen. (Prof.) Kamar): Audio team, can we have the volume increased, please?

Sen. Omogeni, you can wind up.

Sen. Omogeni: Thank you, Madam Deputy Speaker. In winding up, I fully support this Bill with the suggested amendments.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. (Dr.) Mbiti, that was your turn. Sen. Sakaja and then Sen. (Dr.) Mbiti.

(An. hon. Senator spoke off record)

Sen. Sakaja: Why should he be first? The Chairperson of the Committee on Health should actually speak last because he needs to take into account what Members have spoken to this Bill. This is the Second Reading, and Members have very different analysis.

I applaud Sen. (Dr.) Zani for this Bill. Healthcare workers are a core part of our healthcare system. If you look at the Memorandum and Objectives of this Bill, it really addresses the issue of focus on the community. This comes at a time when we are looking at the most noble of professions, which is healthcare. That includes our doctors, nurses, medical officers and teachers. Those were the professions that were regarded as the most noble in the past.

When you asked anyone in the community what they wanted to do, they wanted to be a nurse, a teacher or a doctor. Nowadays everybody wants to study procurement. I do not understand what happened. Procurement is the most sought after course these days.

On Thursday 15th April, 2020, while chairing the Committee on the COVID-19 Situation in Kenya, after chairing over 70 sessions I became a healthcare volunteer. I got to learn a lot about these community health workers.

We met a consortium of community health workers, led by one Julius Mbeya of Lwala Community Alliance; we met Dr. Angela Gichaga from the Financing Alliance for Health; Dr. Meshack Ndirangu from Amref Health Kenya; Ms. Doreen Kuduoli from Medic Mobile Africa; Mr. Victor Rotich from An Eye 4 Africa; Ms. Caroline for Kibra; Mr. Omala; Mr. Wendo from Dandelion Africa; and Living Goods.

Madam Deputy Speaker, they brought to the Floor not just to the great work that community health volunteers have done in this country, but also the challenges that they face; and not just the opportunities that present themselves if we focus on community health services, but also the successes that have been seen across the world.

The greatest pointer of the impact of community health workers was in the fight against the Ebola Pandemic in West Africa. Community health workers played a critical role in driving the success of the Ebola Pandemic response. The world still wonders how they were able to deal with something that was much more contagious and deadly than COVID-19.

If you get Ebola on a Friday, by Sunday you are dead. However, because of community health volunteers--- I want acknowledge them, especially the ones in my county, Nairobi City County. They are the ones that know each and every household. They know who stays where, which family has which preexisting conditions; who has diabetes, who did not get a polio shot, who has not been vaccinated; who is pregnant, and when we expect a new child.

Madam Deputy Speaker, one of the key issues in designing an effective healthcare system--- COVID-19 has shown us the vulnerability and the soft underbelly of our healthcare system. The most important is information which becomes power.

That is why I believe we need to relook at this Managed Equipment Services (MES) Report. The issue of healthcare information system is important. It helps one know what to procure, which kind of drugs are needed in what area, the epidemic likely to come upon certain areas and what people are dealing with. That has not been done despite the huge investment that was put in to address the issue of information.

There is need to strengthen the community health strategy of this country. I pray that the pandemic goes down and we do not have a second wave. Even when dealing with the pandemic, we must still be vigilant enough to leverage on the great network that community health workers have for management and control of our health system.

There is need to scale up training. I am glad this Bill provides for that of Community Health Workers (CHVs) to help us in early detection, contact tracing, in psychosocial support to increase financing for health and better investment by counties. County governments must lead in funding CHVs. I am glad that Sen. Omogeni has insisted we call them CHVs because once we call them workers it brings some complications.

CHVs should be given a minimum of half of the minimum wage as a monthly stipend. This came up out of discussion with them. I am proud as the Senator of Nairobi City County that I pushed for the allocation from an additional Kshs100 million to an addition Kshs3.3 billion. if Ksh1billion is set aside for CHVs we can have more than 10,000 of them being paid Nairobi City County.

That investment in the CHVs will reduce the amount of money being spent in the health docket because we have seen a lot of preventative interventions reduce the burden and the cost of healthcare because we have less need for drugs and hospitalization. Some communicable diseases such as cholera that happen because of lack of cleanliness go down in the community.

I advocate and urge the county assemblies as they are budgeting because we are able to do Kshs19 billion the next financial year--- For the Kshs19 billion that is coming to Nairobi City County, set aside Kshs1 billion for CHVs. I have seen and interacted with them especially the ones in Mutu-ini, Dagoretti South, Roysambu, Kibera, Mathare, Mowlem, Embakasi and Pipeline they know what the health challenges are in every part of my county.

I am pushing that we set aside a Kshs19 billion from the additional because we were only going to get Kshs100 million. Now we have Kshs3 billion more. Just set aside Kshs1billion can help us reduce even how much we are spending on Mbagathi Hospital, Mama Lucy and those around this city in the sub counties.

We have seen how they helped in reproductive and maternal healthcare. Many of the mothers sometimes comes unexpectedly especially when there is no elective caesarian being planned. Many of them have had to deliver at home. It is these CHVs who have been able to assist.

They have been able to bring down the numbers in the spread of Tuberculosis (TB) and Human Immunodeficiency Virus (HIV). This is one area where many parts of our country have performed well with only a few lagging behind for different reasons. It is CHVs who have been able to sensitize the community, helped people understand what they need to do and reduce the spread of these diseases.

This Bill talks about proper structured supervision and support through deployment of sufficient community health assistants in planning interventions. These CHVs are not just workers. They need to be engaged in planning interventions because of the information and knowledge they have of communities. This is because this country is built from the family to the community and then to the larger society. The wealth of information they have on the community does not go hand in hand with the manner in which we have been able to provide for them.

We are opening schools. I expected the Chair of the Senate Committee on Education who is sitting next to me to give us a Statement on the announcement we have heard. This is because children have been at home for a long time. Many of them and

even teachers need some support including psychosocial. People have lost loved ones and families have lost livelihoods.

Parents have been given a week and that decision was done too quickly. Anyone with children below the age of 10 years will tell you that in those last six months, many have gained weight. They will need new uniform and a lot of interventions. I think the Committee on Health needs to look into that. Class Eight and Form Four are maybe where they were.

With a properly structured community health system they would be able to have known that these are behaviors that have come out in society. We have seen increased cases of teenage pregnancy. There is need not just for sensitization but psychosocial support to our children. The best people to do that would be the CHVs. We to enable and facilitate CHVs across the wards and even lower into the villages. Those are the one who should play this role.

Madam Deputy Speaker, we need to challenge the counties. Sen. Omogeni started a line of thought that he dropped along the way. I think it was because he was interrupted by his former Chair of the Senate Committee on Justice, Legal Affairs and human rights. That line of thought is important. If we acknowledge as a Senate how critical community health is, in the next County Allocation of Revenue Act (CARA) I would urge the Senate of the Republic of Kenya to ring-fence allocations for CHVS in each county.

There is no county that does not have community health volunteers but none is engaging them properly or giving them a stipend. Since the governors and county assemblies will not appropriate for them the Senate can ring-fence in the CARA of the next financial year resources for CHVs. We will be able to see a reduction in the health burdening terms of cost in less than two subsequent financial years.

The health strategy is outdated, and I am sure Sen. (Dr.) Zani has done enough research. Policy papers in the Sessional Papers that came are outdated. That needs to be revived. The CS for Health together with county governments need to think about that critically. Today, we have around 60,00 community health workers with a reach of over 9 million households. If properly deployed, they will cover the whole country. Out of the 60,000, 10,000 are in Nairobi City County only. That is why I have calculated how much it would cost.

Since this function has been transferred to the Nairobi Metropolitan Services (NMS), I urge Gen. Badi and the Director Josephine to appropriate money for this. There is also my good friend, Mr. Oluga, who has been a doctor. He knows the interventions that have been done by the time a patient is coming to a health facility.

Beyond the object of the Bill, Sen. (Dr.) Zani is talking about inclusivity and equity. During the debate we had on the revenue sharing formula, it was clear that the parameter of healthcare was measured poorly because a huge percentage of it was being measured on the number of visits to a hospital. There are counties with no hospitals to visit and a small percentage was on facility gap.

When we are talking about equity and inclusivity, we need to think how we will develop these indices that tell us the need and burden of healthcare. There are some counties, for example, Makeni where because of their vastness and how spaced the facilities are, you do not have that number of visits for simple things that can be cured using herbs such as Mwarubaini and such things.

Madam Deputy Speaker, in a county like Nairobi City County where a health centre is very close to you, somebody will go for a very simple thing to get assistance. Conversely, Nairobi needs much more drugs and investment in drugs than Makueni County would because of the number of people. We saw lack of creativity in how these indices were being formulated. I hope the Committee on Health chaired by Sen. (Dr.) Mbiti, who is a doctor and understand these issues, will help recalibrate how we inform these indices. This is because any formula used is as good or as bad as the thought that has been put in on how you measure that index that you are looking at.

Madam Deputy Speaker, this Bill pushes for collaboration between both levels of government, which is necessary. It is has not been going on. We just gave the example of agriculture where governors are up in arms because they were not involved in the formulation of regulations which they are supposed to execute them. I am sure this lack of coordination or silo mentality is existing in health care as well and in other sectors.

There needs to be coordination and I hope this can be implemented; as well as qualifications, the technical resources, the structures required, the reporting tools that are needed and the county government then implements that national policy and standards on community health services.

Madam Deputy Speaker, there are specific roles that have been given to specific people. The Country Executive Committee Member (CECM) for Health in a county has been given a specific role in Clause 9 to ensure the effective performance of the functions and to delegate the performance of any function specified to such public officers within the respective department as maybe necessary.

Madam Deputy Speaker, I will be bringing in a few amendments. I hope I will have a chance to discuss them with Sen. (Dr.) Zani or with the Committee on Health. This is because the practically of some of these provisions in a county of 17 constituencies and 85 wards and 4.3 million people, there are certain ways we need to strengthen how we address all of those community health volunteers, especially in a city like Nairobi. I hope the Committee on Health has not exhausted public participation on this Bill. I hope they have undertaken it.

Madam Deputy Speaker, while recognizing what community health volunteers have done and today being World International Teachers' Day, I must also recognize what teachers of this country have been able to do. It is the teachers who have taught these doctors and community health volunteers. It is the teachers who have taught us.

Madam Deputy Speaker, I want to recognize specifically teachers who have taught me and who have made me who I am today. From Ms. Lusala who taught me how to hold a pen properly in class one to Mrs. Wafula, to Ms. Dangi, Ms. Kibutu and Ms. Mganga at Lenana School, to Ms. Kihumba who refused for me to be demoted when I was in Class 7 and said, "if Sakaja is no longer a prefect, there will be no peace in this school." I was reinstated as a prefect. Those teachers do not know how they mould society. The impact of a teacher to a young child stays for life.

Madam Deputy Speaker, I want to acknowledge them. I want to acknowledge Mr. Kengwe and Mr. Wala who caned me thoroughly and brought me back to line and helped me get grade 'A' in mathematics and physics despite being very naughty in Form One and Two. I want to acknowledge them and tell them their names have been read out in the Senate of the Republic of Kenya. That boy you thought was naughty, today, he is a Senators because you are a good teacher.

Madam Deputy Speaker, this morning we were debating with my cousins on a *WhatsApp* group. They said that all our parents were teachers. All my mother's sisters - apart from my mother, of course, she was a teacher as a mother - were teachers; from the late Grace Namasaka to Easter Muhanji, whom I am sure Sen. Wetangula and Sen. Khaniri know. She has been a leading light. She led Bunyore Girls School for the longest time and made sure it is successful as a national school. Today, Mrs. Namasaka comes from Sen. Wetangula's county. They were many; it was a family of 12.

Madam Deputy Speaker, we acknowledge the role teachers play, including yourself. You have been a teacher at the university. Sometimes, when you are in this House, you go back to being a teacher. We acknowledge the role teachers play.

We want to urge the Government to stop trying to break the Kenya National Union of Teachers (KNUT) because teachers need a strong union. As the Chairperson of the Committee on Labour and Social Welfare, we will not allow any breakdown in unions. The Constitution and the Labour Relations Act talk about the right of any worker to unionize, including community health volunteers and teachers. They have a right to come together, to agitate for their rights. That is a right that cannot be taken away by the Teachers Service Commission (TSC). That is a right that cannot be taken away by trying to starve the Kenya National Union of Teachers or Kenya Union of Post Primary Education Teachers (KUPPET) of funds. We will resist that. It goes against this Constitution. The battles that were fought by trade unionists who helped deliver this country led by Tom Mboya in those days---, we shall not let that go to waste.

I salute teachers in Nairobi City County. They have the largest burden because of the number of students that they have. Teachers, community health volunteers, we are here to fight for you. We hope that this Bill passes and later on, substantively, we shall address that very burning issue of the teachers of this country.

I thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Hon. Senators, for the four Members who are on the list, I want to plead with you because I cannot limit the time at this stage, but I want you be conscious of the fact that we are going on recess in the next two days and there are very important Bills that we would like to finish alongside this one. I am pleading that you use your discretion to reduce your time of contribution to the very minimum.

Sen. Wetangula, kindly, proceed.

Sen. Wetangula: Thank you, Madam Deputy Speaker, let me see if I can compress my thoughts in the next 10 minutes.

Madam Deputy Speaker, this is a Bill that requires all of us to support. Last Monday when we had the National COVID-19 Conference at Kenyatta International Conference Centre (KICC), I was happy to hear that since COVID-19 hit Kenya, the positive side effect is that diseases like diarrhea, dysentery and cholera have all disappeared. Why? Because of the improvement of personal hygiene.

Madam Deputy Speaker, when we were growing up in the villages, there were people who are envisaged in this Bill by Sen. (Dr.) Zani, whom I salute for the Bill called *bora afya*. They were in every village. They went to every homestead showing home owners how to have a pit latrine and maintain it, how to manage their drinking water wells, how to eliminate mosquitos by destroying their breeding areas around houses, how

to clear rodents, and how to keep health as a primary issue in every family. Because of them, we ended up with a very robust healthy population.

Today, if you go to all our counties, health is 95 per cent devolved, but what we have devolved are problems. You go to the villages, health centres, dispensaries and all those units have no medicines. People come there just to die *et cetera*.

It is important that we invest in preventive processes, primary health care where people are taught basics of hygiene. You may not be a rich person, but you may be taught how to have a balanced diet from the little you have. You may not be a rich person, but you may be taught how to collect water from the available spring and well and boil it and drink it without getting any diseases out of it. You may not have a lot of money, but you may be told to eliminate mosquitos from your sleeping environment.

I remember small boys sleeping in my grandmother's house. As we go to sleep in the evening, my grandmother would put some little dry cow dung in the *jiko*. It will smoke the whole night. That smoke would eliminate every single mosquito from the room and we would wake up very well. This used to happen in many homes. My grandmother never saw any classroom. The only thing she knew was how to recite a rosary in the Catholic Church and nothing else. However, she knew that we needed to eat well and to sleep in a clean environment.

Every morning, the house had to be swept. Every Friday, the floor had to be smeared with cow dung to eliminate fleas and any other harmful insects that would come into the house. Every day something was done. We used to be conditioned to clear the grass around the house so that snakes could not come into the house to harm us. All this is basic health care that this Bill is talking about.

What I hope will happen after we pass this Bill, is to avail sufficient resources because out there, currently, the avenue for theft of public funds in the counties is through construction and health services. That is where most funds are stolen. In many counties where money was sent for COVID-19, almost Kshs200 million in every county - my county Bungoma got Kshs213 million - they cannot account for it. They are calling meetings of people to play politics, trick them to sign attendance sheets and then they go and add figures of money as allowances so that they can appear to be accounting for the money.

Madam Deputy Speaker, there are so many layers of employment going on now in the counties. If this was diverted to primary health care, lives would be improved. I was amused to read the other day that my governor has 168 casual workers working in his office. Obviously, these are ghost workers who are used to steal money. One hundred and sixty-eight casual workers in the governor's office, where do they sit in the first place? What do they do? Where are their names? You cannot find them and yet they are paying them every month.

If this Bill is passed, and I have no doubt it will, it is going to be a paradigm shift. We would want to see that the National Government prepare, in consultation, not only with the counties but with this Senate, the formulation of proper policy. Under our new Constitution, any policy formulated is legislated legislation. It must come to this House so that we improve on it and make it workable for the counties.

I want to urge Sen. (Dr.) Zani that in Clause 10(2) which talks about the Committee that we are setting up in the counties for the health services, which states that:

“A person is eligible for appointment as a member of the committee if that person is an adult of good standing with the leadership qualities, a member of the community is literate and can read and write, is not disqualified under any written law, meet such requirements that the County Executive Committee may legislate.” There is no mention of any knowledge of health background.

People who sit in a committee of primary health care must have some basic knowledge of primary health. We have many people who are training as nurses, training as public health workers, meat inspectors, public health record keepers and doctors.

I know doctors who are graduating and going back to the villages because the Government cannot employ them. Nobody can employ them because there are no opportunities. They start small clinics here and there. Those are people who are eligible also to chair this kind of committees so that they can impart their knowledge.

When you say that somebody must be an adult and literate, you will find some character who will just go there because they are looking for an income and do nothing to help the enhancement of public health care. I would want to urge the sponsor of the Bill, to strengthen Clause 10 so that it can give some recognition of those people with the knowledge in public health.

Equally important are the persons who are eligible for appointment as public health workers. We should also emphasize those who are trained. This country has moved a great deal. Right now, hardly any county does not have one or two medical training centres. We are training many people. The public cannot absorb all of them. The National Government has no capacity to employ them. So, these are the sort of people who would then be enlisted as volunteers but be paid a stipend.

Like Sen. Sakaja said, if we pay attention to this, our budget for curative processes in the health sector would easily go down by 50 per cent, if not more. Last year, I went to Embu for the burial of an old man who was 118 years. He had never been to any hospital or dispensary for the whole of his life. The only time he went there is when his body literally gave way because of age and that was the time he succumbed and passed on.

We have many people who grow up to the ages of 80, 90, and 100 years without ever seeing a doctor. The only person they encounter is the villager dressers, nurses and other public health officers who advise them on simple things such as clean water.

Madam Deputy Speaker, you may realise - Senators here can notice - that since COVID-19 came and the protocols of public health behavior were imposed, common colds have been a thing of the past. You sit in this Chamber and the whole afternoon you hardly hear any Senator coughing. Previously, there would be a cough shooting from every direction in this Chamber because of poor public hygiene; shaking hands with somebody who has been sneezing and he stretches his hand to shake yours. If you do not shake the hand, they think you are arrogant without knowing that you are caring about your health.

Sen. (Dr.) Zani, you need to look at some of the practical and applicable COVID-19 protocols and incorporate them in this Bill, because they have been making very major strides in improving public hygiene and making people realize and understand that failing to shake hands is not a matter of disrespect for each other, but a matter of public health.

That failing to sit so close to each other for no reason is not a matter of arrogance but a matter of public hygiene. That going to less crowded places including churches,

bars and areas of recreation is not because you do not want to interact with people, but because it is important that we keep a safe distance for purposes of each other's hygiene.

Communicable diseases can be eliminated if we impose all these measures on ourselves. More importantly, as I finish, is the need - I agree with Sen. Sakaja - that perhaps in the future as this House helps to design allocation of revenues to counties, we try to also ring-fence some portion of resources that will be geared towards public health - public health that will help improve health for everybody.

There are places in this country where people just take milk from the cows' udder and drink it. It is a simple thing to tell them to boil the milk because the milk remains yours. Kids go to the udder and suckle directly. They should be told not to be in a hurry because the milk will still come out of the udder and it should be boiled. It takes no effort to boil milk and give it to the kid as they will grow healthier.

All these things amount to public health concerns. We are now going back to the basics. Perhaps those who are young, like Sen. (Dr.) Mwaura do not know that there existed officers in Government called *Bora Afya*. In my area, we shortened it and started calling them *borafya*, they were called *Bora Afya*. They provided good health services. Sen. Poghio may remember this.

Bora Afya were allocated homesteads. One *Bora Afya* would run two to three villages. Every morning, they used not to go to the headquarters in Bungoma or Siaya. They lived and worked in the village, walking from house to house. When you find that this house is not focusing, agreeing and doing what you told them previously, there were penal sanctions.

One would be taken to the village elder and punished. They would be made to go sweep the local market and be humiliated before their children and wife when they see a grown up sweeping the market.

However, these were very important sanctions. In this Bill, I can see that we do not have sufficient sanctions. Sen. (Dr.) Zani, Kenyans are very undisciplined. Even if you are telling them to do something very good that benefits them, they do not follow unless there are tendered sanctions. So, put in some sanctions.

If you constantly keep pools of water outside your house, mosquitoes are breeding there, you are catching malaria every other week, you become a burden to the exchequer of your county and the National Government; you should be punished for it.

How long does it take to eliminate pools of water outside your house? It takes very little time but you will find men in the market every day, playing "*Ubao*" and all sorts of games instead of looking after personal hygiene for themselves and their families.

I beg to support this important Bill. I hope that this House will pass this Bill and make it very beneficial to our counties and population.

The Deputy Speaker (Sen.(Prof) Kamar): Thank you, Sen. Wetangula.

Kindly proceed, Sen. Cherargei.

Sen. Cherargei: Madam Deputy Speaker, I thank you for giving me this opportunity. I commend Sen. (Dr.) Zani for this wonderful Bill. I hope that this Bill will be enacted into an Act of Parliament in the fullness of time. I hope Sen. (Dr.) Zani will receive many awards for this Bill that will change many lives. I congratulate her for this Bill and hope that our counterparts in the National Assembly will expeditiously process it without bringing the narrative of it being a money Bill.

Community health workers are very important in this country. We have about 6,087 community units across the country which have done so many things. Article 43 of the Constitution talks on issues of health being part of the social and economic rights. Articles 10 and 174 of the Constitution give powers to communities to decide things at their own level. Community health workers do a lot of things because they ensure that maternal services are received promptly. Many of our mothers were assisted by community health workers during birth because many of us were born at home. For many years, community health workers have provided support on nutrition issues and extension services.

Community health workers help in the promotion of health rights because they go from house to house in the community to sensitize people on issues relating to communicable and non-communicable diseases. Community health workers are also very critical in home-based care for people who are suffering from chronic illnesses such as Cancer. They provide support to families with chronically or terminally ill persons. I am sure that Sen. (Dr.) Musuruve will be happy to note that the community health workers assist Persons with Disabilities (PwDs) by creating data and ensuring that they receive the health attention that they deserve.

Community health workers participate in community based surveillance. They are the people that you can use for proper community based surveillance in many issues apart from the volunteer work that they do. Community health workers also assist in mitigating health disparities. Article 43 of the Constitution on Economic and Social Rights states that health is one of the basic human rights. How then can we bridge and mitigate disparity in a county like Nandi which has about 196 health centres against the more than 897,000 residents of Nandi County. How can we bridge and ensure that access to health care is achieved?

Governors should be made to understand that construction of many health facilities should not be translated to mean that they have improved the access to health care in this country. The community health workers also assist in the care of Orphans and Vulnerable Children (OVC) and well as victims of gender based violence. The community health workers will have the role of isolating cases of gender based violence and coming up with data.

I read the drafted Kenya Community Health Policy of 2020/2030 and one of the key things in that policy is to create the Sustainable Development Goals (SDG). One of the key issues in the policy is the universal health care. One of the Big Four Agenda of the Jubilee Government was the Universal Health Coverage (UHC). If the Universal Health care plan had left the shelves of Statehouse, I can assure you that the issue of community health workers could have been taken care of because it is part of the wider UHC. The Kenya Community Health Policy creates a 10-year space and niche for the community health workers. The policy might not have a legal enforcement or impetus but the fact that Sen. (Dr.) Zani's Bill has tried to give that legislative intervention, I hope that will be very important.

The community health workers do a lot of work in the community which include tracing immunization. I hope the doctors in the House can confirm that because of the immunizations we receive as children this country and in many other African countries was a deterrent to the spread of the COVID-19. The community health workers in the rural areas have the role of tracing children in the community to confirm that they had

been immunized. Further, the community health workers assist in communication of behavioral change because they understand the local languages. They also provide a link between the doctors and the local communities.

My colleague spoke about early teenage pregnancies. I personally believe that the community health workers are the people that can intervene at the village level and in informal settlement areas to ensure that the number of teenage pregnancies is brought down. Sen. Wetangula has brought out the importance of community health workers in the cleanliness of the environment. It therefore goes without saying that we need proper coordinated public participation on this Bill.

Madam Deputy Speaker, the one amendment that I would like to propose is the financing of the community health services. The policy that has been drafted by the Ministry of Health states that the National and county Governments will commit and that the Ministry of Health will talk to partners. I would like Sen. (Dr.) Zani to make it an obligation to fund the community health services. Health services under Article 43 of the Constitution is an obligation. Health is a right and not a privilege. If the Ministry of Health states in the policy that it will commit, it means that it can happen or not.

Duties of the community health workers can be discussed but my problem is with the payment of the stipends. We should not pay our community health workers like they are in a church service where we are donating *sadaka*. We should ensure that the community health workers receive proper remuneration because they do more work than nurses and doctors. Their payment should not be based on stipends or any commitments that we are doing.

The other day, Nandi County fired about 384 casuals; majority of whom were community health workers. If the community health workers were protected through competent hiring process and the county had an obligation, they could not have been fired. It shows those people undergo competent hiring process. The county had an obligation. They would not have fired them.

Madam Deputy Speaker, most Senators will tell you that if we ensure that community health workers do their work properly, we will bring down the *harambees* for hospital bills. Most *harambees* are done because of skyrocketing hospital bills. Some diseases can be handled at the lowest level by community health workers.

Finally, Madam Deputy Speaker, allow me to celebrate all the teachers. My mother retired last year from teaching. I am proud to be a son of a teacher. You were also my lecturer in Moi University, School of Law. We are proud of all teachers from Nandi County and the entire country.

The Government should not break down the unions of teachers. According to Article 41, we should allow the unions to function so that our employees are protected from overreaching excesses of their employers.

We wish well all the teachers. The greatest teacher of all time was Jesus Christ. As teachers fight for small money, they should know that their reward is in heaven because Jesus Christ is in heaven.

As I congratulate Sen. (Dr.) Zani, I look forward to her bringing more amendments.

I thank you.

Sen. Wako: Thank you, Madam Deputy Speaker, for giving me this opportunity to speak to this important Bill. I have been told time is short and we must move on to the

next Bill. This is one of the most important Bills that has been brought to this House. It is not an accident that an eminent teacher is the one who brought it. So, I will speak on both if you do not mind.

I only have two points to make. We must remunerate community health workers. During my last campaign in Busia, I realised that we have many of them in every village, but they are not being paid. I undertook that we shall try our best to ensure that they are paid. I am glad that through this Bill, they will be adequately remunerated. That is provided in Clause 11(3) which states that-

“A community health worker shall be appointed on such terms and conditions and shall be paid such allowances as the county executive committee shall, in consultation with the respective County Public Service Board and the Salaries and Remuneration Commission, determine.”

That is a good step because they ought to be remunerated. Teachers also ought to be adequately remunerated and so are agriculture extension officers.

Our salary policy in this country has been upside down. We tend to remunerate quite well people who are at the top and not people at the grassroots level. If community health workers, agricultural extension officers and teachers are adequately remunerated, there will be a lot of development in rural Kenya and not just here in Nairobi. Therefore, their remuneration should be part of our development.

For them to be adequately remunerated, I am glad that the Bill proposes that they should have undergone a prescribed course or training at an institution. It is important that we do not leave it to the county governments to do come up with the policy as far as training is concerned. I believe that a community health worker in Vihiga, Busia or Maralal has the same qualifications and training.

If we leave it to the counties, there will be discrepancies in the level of training community health workers. Therefore, I propose that the clause which deals with training should be enhanced to ensure that the policy and what is required on training and the qualifications needed are prescribed for the entire country at the national level. It should be the duty of a county government to ensure that it has enough people properly trained to be community health workers.

There is also the issue of the community health committee. I prefer the provisions here, but I suggest that we do not leave out village elders and sub-chiefs as provided in the County Governments Act.

Administrators at the village level should not be left out because it is a local community affair. Therefore, whoever has some influence in that community should also have a place in that committee. I am glad that members of the committee will be elected. That is what we mean by enhancing democracy.

Madam Deputy Speaker, because of time, let me also talk about teachers. My father and mother were teachers and I thank them. I am what I am because of them. In fact, my father was one of the first African Education Officers in Kenya way back in 1956. He became the first Clerk of the East African Legislative Assembly (EALA) in 1961. Later, he became the Head of Education in the Community and then Secretary to the Authority of the Community before it collapsed. He later became the head of the agency which dealt with locusts in Kenya. So, I am proud of them.

[The Deputy Speaker (Sen. (Prof.) Kamar) left the Chair]

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

Madam Speaker---

The Temporary Speaker (Sen. Mwaura): Samahani. Sasa kuna Bw. Spika wa Muda.

Sen. Wako: Sorry I did not see you. I thought the Deputy Speaker was still there, but I can see a white face. *Huyo ni Mzungu?*

(Laughter)

The Temporary Speaker (Sen. Mwaura): Huyo ni Mzungu wa Ruiru.

Sen. Wako: *Mzungu wa Ruiru yuko hapo.* Sorry, my eyesight is not good, *Muthungu.*

It is not by accident that it has taken a teacher to bring this Bill. It is not an accident that in the neighbouring country, they have done very well particularly on the issue of ethnicity and corruption. Tanzania has done well because their first president was also a *mwalimu*. It is not an accident that in the first Cabinet of Kenya, nearly 100 per cent of them were teachers.

We know that teachers play a big role. When we see the fights between the Kenya National Union of Teachers (KNUT) and the Teachers Service Commission (TSC), it is not good for this country. I would like to appeal to both sides or whoever is behind it, to solve that problem so that our teachers can have a union or constitutional commission to represent them. The constitutional commission should not be seen to be fighting teachers so that they are brought down.

We should use the World Teachers Day to ensure that our teachers enjoy their profession. In fact, teachers can be instrumental in bringing what I call a national ethos in Kenya. One of the things we lack is an appropriate national ethos in Kenya. In fact, it is more fundamental than constitutional amendments to have a national ethos. In Britain, for example, they do not have a constitution, but they go by traditions and customs. I believe that teachers can be used, when they are properly remunerated, to play the role they used to play because we all look up to teachers for guidance. They can play a big role to have the right type of national ethos in this country.

With those few remarks, because of brevity of time, I thank you for giving me this opportunity to speak.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante sana Seneta wa Busia, Sen. Wako. Alikuwa Mkuu wa Sheria nchini. Nakumbuka nilipokuwa darasa la pili Sen. Wako alikuja katika shule yetu, akatangamana na waalimu na kunitunuku zawadi kwa kuwa mwanafunzi bora shuleni.

Sasa hivi nampa fursa Seneta wa Makueni, wakili Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Temporary Speaker, Sir. A lot of things have been said, and I support the Bill. This Bill could not have come at a better time. Sen. (Dr.) Zani is here and the Chairperson of the Standing Committee on Health invited me to a meeting with the Chief Administrative Secretary (CAS), Dr. Mwangangi. In the meeting we were discussing community health workers.

It will shock you that the national Government, through the Principal Secretary (PS), Mochache and Sen. (Dr.) Mbito - we are calling upon you to interrogate PS

Mwachache thoroughly - entered into a Memorandum of Understanding (MoU) and paid Red Cross Kshs400 million and the African Medical and Research Foundation (AMREF) Kshs300 million to train community health workers in a shadowy contract. It comes in the wake of this. Health is a devolved function and even the recent medical leasing equipment scheme, the contractual relationship between the national and county governments was done in the same way; very shadowy and small letters on MoUs on matters like this.

Secondly, other than the fact that the national Government is also taking away this function in a manner I have suggested in the MoU--- I hope that the Chair, in his speech, will tell us why the national Government is spending money at the national level through conduits, as opposed to giving this to counties.

The beauty of the community health workers, which I agree with Sen. Omogeni and Sen. Sakaja, is that this must be voluntary. The best way to ensure we deal with 'mafia house' cartels is to return public health to the public. Sen. (Dr.) Mbito, you know that public health has been taken over by cartels in the private sector. I recently met radiologists and their chairperson. The things they told me are disturbing; that whereas we have well trained radiologists, the people doing the biggest business in radiology are some of our colleagues. They are doing everything in the business to make sure that the imaging services in this country are not done through public health. You are aware that imaging Lot No.7, the biggest contract under the Medical Equipment Services--- There is something that is going on about public health.

Thirdly, I agree with Sen. Wako that if we were to save money in the country, which we should champion, even with our recurrent expenses without additional resources, as suggested by Sen. Sakaja, we can pay community health workers. You are aware that governors in this country are spending up to Kshs400 million on teas, *mandazi* and other things, of no use in their offices. I hope we can count on you, Sen. (Dr.) Mbito.

I will tie this subject to Board of Management (BoM) teachers. The national Government is paying BoM teachers Kshs10,000, and they have not been paid since the pandemic started in March. If we can afford through the Teacher Service Commission (TSC) to pay BoM teachers, how much more can we afford to pay community health workers who are doing a tremendous job that we do not need to reemphasize?

Sen. (Dr.) Zani, many governors--- and the work that is being done in the public health is more of brick and mortar. Governors are celebrating big buildings and not the software. The software of our health faculty and function is the community health workers. We will never train enough doctors, like Sen. (Dr.) Mbito and Sen. (Dr.) Ali, who are here with us doing politics. We cannot have enough doctors; our ratios cannot be matched. Even if we train them day and night, we will never match the population increase.

Lastly, I would like to celebrate teachers. I hope that when Sen. Orengo and Sen. Wako get an opportunity, they will speak about this. There was a reason Sen. Wako, as the Attorney-General, advised President Mwai Kibaki then and the team that were doing our Constitution to have TSC in the Constitution. Article 237 is clear that the TSC is supposed to advise Government on matters concerning teachers. However, the biggest headache and single largest thorn in the flesh for teachers is the TSC; making it not worthwhile to have it in the Constitution. They are an impediment. The TSC has killed the Kenya National Union for Teachers (KNUT) by making sure that money is not

remitted. Teachers are leaving the union in droves. It is a violation of Article 41 of the Constitution to kill trade unionism.

The second one is obviously to have trade unions under Article 41, under the Chapter of Bill of Rights. Through the backdoor, the TSC is violating Article 41, a fundamental right under the Bill of Rights by killing KNUT. We are not speaking enough about these violations.

Mr. Temporary Speaker, Sir, I know that the substantive Speaker did not allow us an opportunity to speak about this. However, we must get an opportunity to condemn the TSC. We must call it as it is. It is a grave violation.

The Temporary Speaker (Sen. (Dr.) Mwaura): Hoja ya kuarifu kutoka kwa Sen. Orenge Kiongozi wa Wachache.

The Senate Minority Leader (Sen. Orenge): I want to inform the able Senator for Makeni that without teachers during the constitutional making process, there would have been no TSC. It is the teachers who said that without TSC, they were not going to support the Constitution. Therefore, I agree entirely with Sen. Mutula Kilonzo Jnr. that we should have a substantive debate on the TSC.

Sen. Mutula Kilonzo Jnr.: Thank you, Sen. Orenge, for the information. In fact, that memory serves me well because my late father walked from his office at Jogoo House, all the way to the offices of KNUT. It is through that engagement and collaboration with teachers that we have the Constitution, 2010.

I support this Bill and hope we can get this matter as quickly as possible, and resolve our issues with the National Assembly. I have looked at this Bill and am still wondering how somebody will find this a money Bill.

I support.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante sana, Sen. Mutula Kilonzo Jnr. Ile hoja unasisitiza ni kwamba Tume ya Waalimu iliweza kuzingatiwa katika Katiba kwa sababu ya Chama cha Walimu cha KNUT, lakini sasa hivi hiyo Tume ndiyo inamaliza hicho chama. Ni kama kumuua mama yako. Ni jambo la kufedhehesha sana.

Mheshimiwa Seneta wa Trans Nzoia, Sen. (Dr.) Mbiti.

Sen. (Dr.) Mbiti: Thank you very much, Mr. Temporary Speaker, Sir. Let me start by thanking Sen. (Dr.) Zani for bringing this very important Bill, which will definitely have a profound effect on the way we conduct community health business in the counties.

I am happy that Sen. Mutula Kilonzo Jnr. reminded me about the meeting that we had last week. Let me just inform him that we had the Principal Secretary (PS) with us this morning. We brought up the issues to do with community health and non-state actors with her, and issues came up.

There were some funny Innovations for Poverty Action (IPAs) that were signed between governors and the Ministry giving back functions to the national Government that were county functions. We reminded the PS that health is a devolved function. We must ensure that anything that is done in the counties has the approval of the people and the county assembly. We have agreed that we will do things in the right way going forward.

In as far as this Bill is concerned, I would have preferred that the Committee on Health gives its input before the debate, but, unfortunately, we had a little bit of delay and

the debate continued, but my Committee has gone through the Bill with a tooth comb. We have looked at it critically and have been guided by the Constitution, existing laws and policy.

We have come up with amendments that I am sure will be enriching to this very important Bill. We want to ensure that the amendments come in to help steer this beautiful Bill from the pitfalls that it might face. I am talking about pitfalls like---Sen. Omogeni informed us that it is a strain to the counties. We want to see how best we can make it less strenuous to counties. We also want to avoid the issue of this Bill being declared a money Bill. We want to ensure that this Bill sails through at the end of the day.

We have done our work. We are finished with the amendment and we will be tabling our amendments at the Committee Stage. I am very sure that the amendments will enrich this Bill. Mine is to congratulate my sister Sen. (Dr.) Zani. This Bill was timely and it coincided with issues that the Committee also has been looking into. We will work together to ensure that this Bill is passed, and it will help our people. Let me just thank the Senator for bringing this good Bill.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante sana Sen. (Dr.) Mbiti. Ni vizuri niseme kwamba ni kweli kuwa hawa wawezeshaji wa afya ya jamii ni muhimu sana, lakini wametelekezwa.

Kwa sasa nampa fursa Mtoa Hoja wa huu Mswada, Sen. (Dr.) Zani, kujibu.

Sen. (Dr.) Zani: Thank you, Mr. Temporary Speaker, Sir. I beg to reply. Let me start by thanking---

The Temporary Speaker (Sen. (Dr.) Mwaura): Samahani kidogo. Kiongozi wa Walio Wachache, ulikuwa unataka kuchangia?

(Sen Orenge spoke off record)

Sawa.

Sen. (Dr.) Zani: Let me start by thanking the Senators who have contributed to this Bill for their great insight and the great depths that they have gone to articulate the strategy, policy and reality on the ground, and the dynamics that we keep facing every single day.

Through this, I have learnt backgrounds that I did not know. For example, that Sen. Poghisi's father was a community health worker, that Sen. (Rev.) Waqo's parents were teachers, and about all these workers who work for the community who make a difference. Cuba, Germany, Sweden, and other countries were able to face the Coronavirus Disease (COVID-19) Pandemic very well because they had a very strong primary care health system in place.

Mr. Temporary Speaker, Sir, it does not take too much. We heard Sen. (Rev.) Waqo and Sen. Wetangula talking about homes that have herbs that burn and it chases away the mosquitoes. This is knowledge that needs to be transmitted from one family to another.

Most of the community health workers in place, now volunteers, tend to be people who are well respected and well acknowledged within the community. They are well known. I was just whispering to Sen. (Rev.) Waqo next to me that the person you trust with your health is the person that you will listen to.

I hoped that this Bill would coincide with the time that were dealing with the issues on the COVID-19 Pandemic. This is because just by having community health workers going out into the communities with masks and gloves explaining things to people, it would have helped up to 75 per cent. They can still help even now.

It was already mentioned that because of the measures that we took during COVID-19, we have had fewer people in hospitals. This speaks to the fact that if you have a primary healthcare system that is very solid, then most of these issues are sorted out.

Mr. Temporary Speaker, Sir, there is a Health Act in place. The Health Act articulates many things. It goes up to the community health extension workers, after which we have the community health volunteers. A lot of the legislation that is there has not touched on this particular category, and thus this particular proposed legislation.

We hope that through this proposed legislation, we will be able to address--- I think it was Sen. Olekina who talked about secondary legislative systems. We do not want to do that. We want to come up with a system to empower this category of workers who are so strong, knowledgeable, and who the communities need. In fact, if we had very strong community health workers within the counties, we would be able to move very fast.

I will move a bit faster because I think we also want to move the Equalization Fund Bill in the next few minutes.

I would like to thank Sen. (Dr.) Milgo, who seconded this Bill, Sen. (Dr.) Musuruve, Sen. Were, Sen. Olekina, Sen. Poghio, Sen. Omogeni, Sen. Sakaja, Sen. Wetangula, Sen. Cherargei, Sen. (Rev.) Waqo, Sen. Mutula Kilonzo Jnr., and Sen. (Dr.) Mbiti.

I want to pick three critical issues that I need to address. The first is the issue of the money Bill. You know that I have been one of the casualties in terms of legislation on money Bills. In any legislation, we work on now, we try to avoid that. One of the things that this Bill proposes right from the onset is that from the time that the money is allocated- and one of the Senators said this – is that we should be able to cascade and put in this money at the level of the County Allocation of Revenue Act (CARA) so that we are able to ring fence this money in the counties.

Mr. Temporary Speaker, Sir, legislation has already started in the county assemblies on community health services. They are actually a step ahead. They are looking for the structural and functionality aspects to be legislated, so that this category of people who already exist and do too much---

I know that there is the issue of terminology that I will come to briefly, but when it comes to entrenching them in whichever way, that will be just fine. Homa Bay County has already passed their legislation, and so has Turkana. Migori, Siaya and Nairobi City counties are already debating this. This is the Bill from which we hope that the county assemblies can also spring up and cascade their Bills. It is, therefore, important that we get onto this.

This Bills starts from the point that money that has been appropriated and gone to the counties, is what is going to be used. We are, therefore, not going through the Parliamentary Budget Office (PBO) in the National Assembly. We are talking about money that has already been appropriated into the counties.

Some governors have said that there is a lot of work to be done at the counties, but we heard on the Floor of this House today that in some counties there are as many as 168 casual workers. If we just dreamt that the community health volunteers become the primary healthcare workers in the community and they are paid this money--- Do we not want to eradicate malaria, diarrhea and all these other diseases? This is the simplest way to go. That is the issue of the money Bill.

The other issue which I want to address which is very critical and it has come up is the conflicting legislation between the Health Act and this particular Bill. I have already alluded to it. The Health Act just stops at where the community health volunteers should come in. We can streamline because we are not trying to create a parallel system.

Mr. Temporary Speaker, Sir, there was a lot of stakeholder participation in this Bill. I thank the Committee on Health led by Sen. (Dr.) Mbito for the work that they have done. A lot of public participation brought a lot of different ideas. Many of these issues were brought on board and we are happy to amend.

I always say legislation is not a one-person process. That is why we bring it to the Parliament; we debate it here and in the National Assembly. Already, I have been informally discussing with the Committee on Health and they are coming up with some amendments. All these issues are the same ones that we have been discussing. This is very critical to us. Therefore, we need to put all these things together and ensure that we get to where we want to be. We need to think national improved health strategies.

In the interest of time and to allow the Equalization Fund Bill to be moved and seconded, I beg to reply at this point. I request that the putting of the question according to Standing Order No.61(3) be deferred to another appropriate time as deemed fit by the Speaker.

I reply.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante sana. Kwa sababu ya idadi ya Masenta hapa Bungeni, hilo swali litawekwa rasmi kesho saa nane unusu adhuhuri.

(Putting of the question on the Bill deferred)

Hoja ifuatayo!

Second Reading

THE EQUALIZATION FUND BILL (NATIONAL
ASSEMBLY BILLS NO. 43 OF 2019)

The Senate Majority Leader (Sen. Poghiso): Mr. Temporary Speaker, Sir, I beg to move that the Equalization Fund Bill (National Assembly Bills No. 43 of 2019) be now read a Second Time.

The Equalization Fund Bill is a Bill referred to the Senate from the National Assembly which intends to give further effect to the provisions of Article 204 (1) of the Constitution which provides that and I quote -

“There is established an Equilisation Fund into which shall be paid one half per cent of all the revenue collected by the national government each year calculated on the

basis of the most recent audited accounts of revenue received, as approved by the National Assembly.”

Mr. Temporary Speaker, Sir, the Equalization Fund is one of the special funds established under the Constitution with the intent of addressing historical marginalization in the country, accelerate development to the marginalized areas and ensuring as far as possible that those areas are at par with the rest of the country.

It is, therefore, intended to address the fair distribution of resources in order to bridge the gap of poverty in Kenya. The National Assembly then debated and made the necessary amendments and the Bill is now before us. It has been before our Committee on Finance and Budget. I know that our Committee on Finance and Budget has done a good job looking at it. I am sure we will get the benefit of their report.

Mr. Temporary Speaker, Sir, it is a well-established fact that poverty is the underlying source of most development issues in the world, but particularly in this country. The problems such as law, literacy rates, maternal deaths, malnutrition and poor health outcomes can all be linked to poverty. One of the most effective ways of alleviating poverty is ensuring access to certain vital public service such as water, electricity, roads and healthcare facilities.

This is the entry point of the equalization fund. The Article 204(2) provides that and I quote-

“The national Government shall use the Equalization Fund only to provide basic services, including water, roads, health facilities and electricity to the marginalized areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as possible.”

Mr. Temporary Speaker, Sir, it is in our interest as the Senate that we support and entrench the equalization fund in the way that we represent counties and the people. The people in these areas are the ones that suffer, especially those in the marginalized areas as we call them. This is so that they might be able to get an opportunity to literally “catch up” with the rest of the country.

This Bill proposes to operationalize this Fund by providing for the administrative structure through which the Fund shall be administered. I dare say that for most part, this is what the National Assembly has proposed. The Bill then proposes to establish a board to administer the Fund.

Mr. Temporary Speaker, Sir, the Bill proposes that the board shall comprise of a chairperson from the marginalized community appointed by the President with the approval of the National Assembly, the Principal Secretaries (PSs) in the Ministries responsible for matters relating to water, health services, roads, the National Treasury and four persons nominated by the Cabinet Secretary (CS).

These are the functions of that board and just to quote a few-

“It shall be and include management of the fund, consideration of project proposals, disbursement or monies related to approved projects from the Fund, monitoring and evaluation the usage of monies disbursed from the Fund and receiving and addressing complaints and disputes related to the Fund.”

Mr. Temporary Speaker, Sir, this Bill further proposes the establishment of local Equalization Fund committees. At the national level, we have the board and then now we have at the lower levels of the ward. Each ward is to then have a local committee. That

will cover areas in marginalized areas as determined by the Commission on Revenue Allocation (CRA) in their report prepared pursuant to Article 216 of the Constitution. We all went through that report when we had an interaction with the CRA.

It proposes that the local committee shall comprise of national Government officials responsible for the coordination of national Government functions. There will be two men and two women nominated in accordance with the Sub Section 3. One shall be a youth at the date of their appointment. There will be one person with disability nominated by a registered group representing persons with disability in that area. There will be two persons nominated by the relevant constituency office established under regulations made pursuant to the Parliamentary Service Commission Act, 2000.

Mr. Temporary Speaker, Sir, there will also be an officer of the board seconded to the committee by the board who shall be an *ex-officio* member. There will be an officer of the relevant county government who shall be an *ex-officio* member and one member adopted by the board in accordance with the regulations made by that board.

Before coming to the conclusion, I would want to focus on this whole area of the Bill. The Bill itself as now proposed and amended requires that we look at it, but we do not want the Bill to look any more different. This House has dealt with the CRA and its proposals on this particular matter.

Our understanding is that when our Committee on Finance and Budget gets the opportunity then to speak on this matter, we will then get the details of what our amendments should be to make this a stronger Bill. That will enable this Bill to serve our people even better.

Mr. Temporary Speaker, Sir, we need to have this understanding ourselves. While the National Assembly may cover the larger image of the country, we on the other hand, are more focused when it comes to the counties. We look at our counties and we know exactly our county maps. We know which of our counties really have the issues that lead to poverty.

Our understanding is not just that there is something called marginalized. We understand better in details who are those marginalized. That covers areas that hitherto may not have been seemingly looking like they had poverty. However, because we represent counties, we know exactly where the pockets of poverty exist. That is why our Committee on Finance and Budget - I know the Members of that Committee are present - would understand very easily, where we are coming from on this matter.

There is the other matter which I would like to add and, of course, some of these things will come in the amendments later. We have the counties that are called, not just the northern frontier, but they are called the Arid and Semi-Arid Land (ASAL) counties. The ASAL counties are automatically counties that were marginalized for a long time. The ASAL or the frontier counties as they have been called, will then become the basic thread of determining those counties that will benefit.

Mr. Temporary Speaker, Sir, of course, we have been given by the Commission on Revenue Allocation (CRA), the areas that will be covered. I also understand that poverty is found in the other areas of our counties which are non-ASAL. Our bone of contention has always been who then makes it to the list of counties that benefit from the Equalization Fund. Those questions are the ones, which will be addressed, maybe, by the Committee report that has been discussed.

I have spoken to the Mover of this Motion in the National Assembly. I understand where they are coming from. The structure proposed here is that, we have a national board and ward boards, because of the fuss that people have for boards and creating centers of expenditure.

Mr. Temporary Speaker, Sir, I think this is an area which I would recommend that our Committee clearly looks at. We have seen it. I do not know whether the Chair is aware. When the Fund was first expended, the very first time when it was done which is only once, it does not have a very good record.

We are told that more money went to administrative courses and expenditure than the money that could have gone to the counties. In determining this particular Bill, we need to also underscore that if you want money to go to the counties, the total amount of money as determined should as nearly as possible end up in the counties and the people that we are going to get out of poverty.

(Technical hitch)

Mr. Temporary Speaker, Sir, the other one matter which I just want to touch on, I know details will come out of the Committee that we have and of course from Members who are going to debate it. I have personally been a Member. I come from a county that has been classified as marginalized. I think, automatically West Pokot County has been a beneficiary of the Equalization Fund. Even if West Pokot County was not a beneficiary, I would still say this.

We suffer the most from the leadership in our counties. If this Fund was to find its way into the pocket and hands of some of our governors, it would be a very difficult thing for us to manage to get it to reach places where it is supposed to. Governance in our counties is an area that even with the Equalization Fund, people look at the money that comes as though it is brought so that it is taken and misused.

Mr. Temporary Speaker, Sir, I am not very sure that we should be spending a lot of our money trying to form more bodies that are going to create more corruption centres. It will end up bringing us back to square one as though we never started. There are areas that I think and I agree we may not be able to stop corruption because we have tried as a country.

Even in this County Allocation of Revenue Act in the next financial year, we hope that more money will go to the counties. Sometimes I wish we could just allow the old money to be handled by the governors. This new money which is going there, we should really have focus on how does that money go to a particular thing that will not be affected by the normal erosion that we know happens to our money.

Mr. Temporary Speaker, Sir, however, because I do not want to go into that area right now, I just want to emphasize that the people who are responsible for this money need to understand the greater good meant for this money. It is so that the counties which have been marginalized so badly and suffer poverty, the monies should be as safe as possible. It should be ring-fenced as much as possible, to allow these monies to land squarely where it can do the greatest good.

This is a good Bill. It is just that we want to look at how we make it a better and more efficient Bill. This is so that it can actually now operationalize the Equalization Fund, which has failed to be operationalized for a long time.

Mr. Temporary Speaker, Sir, at this moment, I beg to move and ask my colleagues to support this Bill. I request that we input this Bill. That is why we need more time on this Bill. We want to make sure that at the end, we get the best Bill out of this. I beg to move.

In moving this, I ask my colleagues who have the benefit of hindsight and those of you who were here in the last House, I ask you as much as possible to be part of the ones that contribute. I know that mistakes were made initially, but they need to be corrected and we can now find a way of operationalizing this particular Bill.

Mr. Temporary Speaker, Sir, with those few words, I beg to move and ask the Senate Minority Leader, Sen. Orengo to second the Bill. From there, I really hope that time will be found by Members to come and support this Bill.

I beg to move.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante sana. Kiongozi wa waliowachache, endelea.

The Senate Minority Leader (Sen. Orengo): Thank you, Mr. Temporary Speaker, Sir. I also thank the Senate Majority Leader for the manner in which he has moved this very important Bill. Just starting from where he left on his last remarks about the governors, I have got a copy of the report from the Committee here. Look at the suggestions of the governors.

We have been talking about the composition of the board. They were very quick to suggest that three persons sitting on the board should be nominated by the Council of Governors (CoG). I was looking at a lot of legislation which with hindsight we had similar provisions where we think we are representing counties by giving governors or the CoG slots to appoint people into some of these boards. Unfortunately, I do not think that this has worked very effectively.

Mr. Temporary Speaker, Sir, secondly, I think the Senate Majority Leader would remember talking about the governors again. There was a suggestion from the CoG that Senators would not vie for position of governors. I am sure if that story is allowed to continue, they will say Senators should not run for President.

(Laughter)

I can tell you that if a referendum would be taken for people to be asked who should not be running for what positions, that list would have more governors than Senators. I am very sure about that.

Be that as it may, this is a Bill that emanates from Article 204 of the Constitution as pointed out already by the Senate Majority Leader. Those provisions have got a sunset clause which we should all the time be putting on focus. We have got very limited time, unless these provisions of the Constitution are amended to try and achieve in the balance of the years.

The sunset is 20 years and the National Assembly and the Senate can increase it by a further six years. However, it is important that when that sunset comes, we can say quite clearly that the mischief, complaints and the underdevelopment that took place in the areas that are targeted; something substantive would have happened by the time we come to the sunset of this particular provision in the Constitution.

Mr. Temporary Speaker, Sir, the other thing that we should also look at carefully is that this is an enabling legislation. I have read the report by the relevant Committee. I must congratulate this Committee because they do wonderful work. However, I just want to point out that probably we should look at the provisions under the Public Finance Management Act. We should look at areas in which the Senate particularly, can make certain interventions, because these monies will go to the counties. Through this proposed legislation, there may be a more direct way for the Senate to make certain interventions.

When we were talking about the Formula, you could see and feel the heat in this Chamber. Here again, we are talking about resources. One of the fears that I have is that if you look at the provisions in the Bill, it is still a National Treasury-driven legislation.

A lot of decisions will be made by the National Treasury, including the appointment of the board. The only member of the board that requires the approval is from the National Assembly--- In fact, in all fairness, this approval should be an approval of Parliament as opposed to the National Assembly. These are funds which are going to the counties. We need at appropriate times when the Appropriations Bills come before the National Assembly, for us to have an input by way of having some lasting linkage with the manner in which the board is established.

The way I see it, only the National Assembly has a role to play because they are required to approve the appointment of the chairperson by the President. The approval of the National Assembly is required. When you look at the other members, they are there because of their positions. However, if you look at the four other members who are appointed, they are appointed by the Cabinet Secretary (CS), for the time being, responsible for the National Treasury to represent marginalized communities.

Mr. Temporary Speaker, Sir, I shudder to think that in the way the Government is structured at the moment, Cabinet Secretaries positions are not political as such. In fact, we were told at the beginning of the Jubilee Government's journey that there were only two politicians in the Cabinet.

We have a situation here where the appointment of those who are going to sit over the Equalization Fund is only a matter that will be subject to three institutions. It is the Presidency, the National Assembly and the National Treasury, without the participation of the Senate. I think that is not appropriate.

Mr. Temporary Speaker, Sir, there is the other thing that I would want probably the Committee to try and help us solve. I am glad that Sen. Mutula Kilonzo Jnr. is in this matter, because he has been in many of these controversies, where you establish a board and a Chief Executive Officer (CEO). We have seen the controversies that go on in a lot of these statutory bodies, including the Independent Electoral and Boundaries Commission (IEBC).

The functions of the CEO *vis-à-vis* the functions of the board members should be clearly spelt out. You have some boards where the members effectively become the organization and the CEO and others are just in the periphery. Looking at the Kenya Medical Supplies Agency (KEMSA), that balance must be worked out very carefully.

Mr. Temporary Speaker, Sir, because of these experiences, and Sen. Farhiya and Sen. Mutula Kilonzo Jnr. are in the House, I beg you that at the appropriate time, when these functions are delineated and established properly, we should have some amendments coming from the Senate to deal with these issues.

Suffice to say that the effect of the enactment of this Bill will be the revocation of the guidelines, which are in place. I think that is a good thing. Again, those guidelines were for the benefit of the National Treasury and the Executive.

Mr. Temporary Speaker, Sir, the other thing that will be repealed is Section 18 of the Public Finance Management Act. That is good. We should look at more carefully what Section 18 is saying. Where there is some relationship between the Public Finance Management Act and the Equalization Fund, we should make it very clear in the provision of this Bill that where there is conflict, the Equalization Fund Bill, when it becomes an Act, should prevail.

The long and short of the Public Finance Management Act, and the way I look at it--- This is where I agree with Gov. Kiraitu Murungi; that the National Treasury has got a very imperial relationship with governors. It is just like even in matters to do with Parliament. You have seen when we have controversy with the National Treasury on matters that even relate to Parliament and the Senate. The attitude of the National Treasury normally is that you have it their way or you do not. I am happy that, that particular Section of the Public Finance Management Act will be repealed when this Bill is enacted.

Mr. Temporary Speaker, Sir, to digress a little bit, because of the industry of Sen. Mutula Kilonzo Jnr. and Sen. Farhiya in the Committee on Finance and Budget, I urge you that at some point, we should look at The Public Finance Management Act very carefully and thoroughly. If possible, propose amendments to that Bill. Although the other House may say it is a money Bill, ultimately, going by the successes we are having--

The Temporary Speaker (Sen. (Dr.) Mwaura): Kuna Hoja ya kuarifu. Sen. Farhiya, endelea.

Sen. Farhiya: Mr. Temporary Speaker, Sir, thank you. Thank you, Senate Minority Leader for acknowledging that. The Committee on Finance and Budget has gone ahead and amended almost every section of the Public Finance Management Act for it to be friendly to counties. It also includes some bits that were there in terms of enhancing audit function and all that. We have done well. We have also changed this Bill drastically.

The Temporary Speaker (Sen. (Dr.) Mwaura): Kiongozi wa Walio Wachache, Sen. Oremo, bado una salio ya muda wa dakika 48.

ADJOURNMENT

The Temporary Speaker (Sen. (Dr.) Mwaura): Waheshimiwa Maseneta, sasa hivi ni Saa Kumi na Mbili Unusu, wakati wa kusitisha Kikao hiki cha Bunge la Seneti. Kikao hiki cha Bunge la Seneti sasa kimehairishwa mpaka kesho Jumatano, Tarehe Saba Mwezi wa Oktoba, 2020 Saa Nane Unusu.

The Senate rose at 6.30 p.m.