

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Tuesday, 21st December, 2021****Special Sitting**

*(Convened via Kenya Gazette Notice
No.13791 of 16th December, 2021)*

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

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

PRAYER**PAPERS LAID**

Sen. M. Kajwang': Mr. Speaker Sir, I beg to lay the following Papers on the Table of the Senate today, 21st December, 2021: -

**REPORT ON THE COUNTY OVERSIGHT AND
ACCOUNTABILITY BILL (SENATE BILLS NO. 17 OF 2021)**

The Report of Standing Committee on Devolution and Intergovernmental Relations on County Oversight and Accountability Bill (Senate Bills No. 17 of 2021).

**REPORT ON THE COUNTY GOVERNMENTS
AMENDMENT BILL (SENATE BILLS NO. 38 OF 2021)**

The Report of Standing Committee on Devolution and Intergovernmental Relations on County Government Amendment Bill (Senate Bills No. 38 of 2021).

**REPORT ON THE INTERGOVERNMENTAL RELATIONS (AMENDMENT)
BILL (SENATE BILLS NO. 37 OF 2021)**

The Report of Standing Committee on Devolution and Intergovernmental Relations on the Intergovernmental Relations (Amendment) Bill (Senate Bills No. 37 of 2021).

Thank you Mr. Speaker Sir.

(Sen. M. Kajwang' laid the documents on the Table)

The Speaker (Hon. Lusaka): Next Order.

NOTICES OF MOTION

The Speaker (Hon. Lusaka): Sen. Sakaja was to be on zoom, but he is not online. We will come back to him later.

Next Order.

MOTION

ADOPTION OF REPORT ON THE 2022 BUDGET POLICY STATEMENT AND THE MEDIUM TERM DEBT MANAGEMENT STRATEGY

(Sen. Kibiru on 21.12.2021)

(Resumption of Debate interrupted on 21.12.2021 – Morning Sitting)

The Speaker (Hon. Lusaka): Sen. Cheruiyot, you have 11 minutes, please proceed.

Sen. Cheruiyot: Thank you, Mr. Speaker Sir. I was at the point where I was sharing---

The Speaker (Hon. Lusaka): What is your point of intervention, Sen. Cherargei?

Sen. Cherargei: We cannot queue; I do not know what is happening, kindly?

The Speaker (Hon. Lusaka): That will be sorted out as he speaks.

Sen. Cheruiyot: Mr. Speaker, Sir, anyway these Kalenjins!

(Laughter)

I was at this point where I was speaking---

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

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

Sen. Wetangula: Mr. Speaker Sir, is it in order for the distinguished and respected Sen. Cheruiyot for Kericho County to make reference to Kalenjins? Is there any single Senator here called Kalenjins? The Standing Orders are very clear that every Senator--- You can see the continuing disorder.

(Sen. Cheruiyot stood in his place)

The Speaker (Hon. Lusaka): Take your seat, Sen. Cheruiyot.

Sen. Wetangula: Every Senator can only refer to another Senator as “Senator so and so” or to follow my example “distinguished Senator so and so”. So who is “distinguished Senator Kalenjin” here?

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

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. I think I was referring to two Senators who come from the Kalenjin land. That is why I said the distinguished Senators

from the Kalenjin nation should behave like parliamentarians, and not like they are at Kimalel goat auction because that is what the two Senators were doing.

Anyway, back to the point that I was prosecuting just before we went for lunch. I was speaking of the bewilderment and the shock that many of us got as we observed what was happening at the Namanga border. We were informed to our utter shock by officers manning that border station that the norm nowadays is that we have hundreds of lorries lining up from Tanzania bringing in goods to Kenya, but nothing completely leaves Kenya.

Mr. Speaker, Sir, that officer did mention that the only thing that they see leaving from Kenya to Tanzania is the Brookside milk and you know the connection therein as far as they are able to secure such deals. It is unfortunate and it points out to the mismanagement that we have made of our economy.

Mr. Speaker, Sir, I did mention in the BPS, there is a desire to invest in huge capital intensive infrastructure projects whose motivation is the 10 per cent kickback that many of these mandarins are actually chasing. I cited the example of the 50 new Level 3 Hospitals that are being proposed as part of what will be built at a whooping cost of close to Kshs10 billion. We need to ask ourselves: What is the evaluation criteria? How did they arrive at the figure 50?

Mr. Speaker, Sir, you are well aware that for the last two terms of this House of Parliament, the Ministry of Health is one of those very notorious Ministries that continued to retain colossal amounts of funds that should have otherwise been devolved to our counties, for our county governments to better manage the health function. However, for purposes of controlling procurement and ensuring that the mandarins in both the National Treasury and Afya House get kickbacks, they retain this money as a pool and dish it out in different parts of the country; whether they need or they do not need it.

What assessment has been done? What has been done to assess that, for example, Kitui County needs X number of Level 3 Hospitals? Perhaps, in their health priorities that is not what they need. It varies from what Bungoma County needs and the same can be said of all the 46 counties. Therefore, this centralist attitude that continues to be seen even in our budget is something that we need to move away from.

As a Committee we have made our statements that come the time where we shall be handling the division of revenue and county allocation of revenue act until we are satisfied that there is need for these 50 new Level 3 hospitals and the counties where these distributions will be given.

Sen. Wetangula has mentioned a number of times on this Floor how certain people think of the map of Kenya as revolving around the districts or provinces where they were born. They do not imagine that there is a Kenya bigger than themselves. In the Ministry of Agriculture, Livestock and Irrigation, we have seen them exclude the rest of the country and more deserving cases when allocating some of the funds that we are talking about.

President Uhuru Kenyatta said in the speech that he read before the nation on Jamhuri Day on 12th December 2021, that Building Bridges Initiative (BBI) continues to be a deferred dream. He said that BBI was all about sending additional resources to our counties hence he should not oppose the proposal of this Committee to have Kshs539 billion go to our counties.

If he supports this proposal, it will be clear to the nation that he believes that 35 per cent of the resources that are shared amongst ourselves need to go to the counties.

One does not have to do a constitutional amendment because the Committee on Finance and Budget has proposed a better way of achieving it. Let us wait to see the reaction of the National Treasury for us to know if the President indeed believes in the statement and the things that he has mentioned in the public.

Mr. Speaker, Sir, debt continues to be a nagging issue. The Chairperson of the Committee on Finance and Budget and Sen. Wetangula talked of our continued struggle with the National Treasury in obtaining the debt register. Believe it or not, the Senate of this Republic has asked the National Treasury to furnish Parliament with our nation's debt register more than ten times. The best we ever got was an excel spreadsheet that was sent to us in one of our sessions with the Cabinet Secretary (CS) of National Treasury. We were told that it was the closest thing they had.

It is possible that we have borrowed so much to a point that we do not know who we owe at this particular point and we just end up paying. This continues to be the biggest struggle of our economy to this particular day. It will be a travesty of justice and a dereliction of duties on us, as Senators, if we conclude this session of Parliament without laying to rest the question of debt and how it continues to bother us, as a country.

Debt has a financial effect on the division of revenue of our country. It is noted in this statement by the Committee that the first charge to the national revenue is to clear the debt even before you think about paying salaries to civil servants. As it is today, we continue to pay more than Kshs1 trillion. If we allow this particular issue to continue without giving a final answer, it will be unfortunate.

Finally, I want to speak on the issue of deductions of counties resources which is a trend that the National Treasury has continued with. It began with Managed Equipment Service (MES) and we were not able to get answers. The Chinese, crude as they are, allow us to, first, collect revenue then they make their deductions or they allow us to send that which we owe to them. A new trend is emerging at the National Treasury and it cannot be allowed to be the *modus operandi* in our country. This is a challenge to Sen. Kajwang, the Chairperson of the Committee on Devolution and Intergovernmental Relations.

Yesterday there was news in our national media that there is a proposal for National Treasury and the Nairobi Metropolitan Services (NMS) to transact directly which means that they are to exclude Nairobi City County Government. However, our Constitution did not envision such an arrangement.

The counties must be given chance to receive the funds then they pay their debt. What is the hurry for? Why should NMS do the kind of things that they are doing? When you read this BPS, you do not get the sense that this is a broke country. In this BPS, you will see how some of the favoured institutions like NMS and the Ministry of Defence, which have now become the popular government agencies, are siphoning public funds.

The walk path outside Parliament was in such good condition, but they decided to renovate it out of excitement or desire to pay the makers of the cabro blocks from clayworks. That company is known and the people that are known have connections in National Treasury. I do not recall any Senator or Member of Parliament complaining that they were not able to access their offices at Kenyatta International Conference Centre (KICC). However, out of the desire to quickly cash out of such fishy things, funds were

channeled there. As if that is not enough, they have come up with a proposal that Nairobi City County Government shall not get resources for onward transmission to NMS, but will deal directly with National Treasury.

Sen. M. Kajwang' and the Committee on Devolution and Intergovernmental Relations cannot allow that to obtain. We need to speak on these particular issues because corruption still remains to be a nagging issue and it is part and parcel of our struggle. We speak and joke about corruption in low tones. The other day, I heard Sen. Wetangula give credit to the President that he is doing a good job in the war against corruption, but I hold a different view.

Mr. Speaker, Sir, the President has made promises in public about handling or slaying the dragon of corruption, but none of it has come to fruition. He asked Kenyans to give him 21 days to deal with the Kenya Medical Supplies Authority (KEMSA) yet the COVID-19 billionaires are still walking free up to date they. What did they do instead of going after those who looted public resources? They went for the sweepers, store men and the ordinary citizens that we represent in this House who committed no foul play in this particular issue.

I, therefore, support this Report as it is. It is my sincerest hope that we shall not move an inch or a comma of this particular report. Let us see the seriousness of the Government in terms of supporting devolution by living up to the call of the Committee on Finance and Budget.

The Speaker (Hon. Lusaka): Proceed, Sen. M. Kajwang'.

Sen. M. Kajwang': Thank you, Mr. Speaker, Sir. I rise to support the report of the Committee on Finance and Budget on the BPS. I support it knowing that what we are dealing with, today, is policy and that the relevant Bills are yet to come. The Committee in its report has noted that the BPS is the most important starting point because it guides the horizontal and vertical allocation of resources. How I wish that we had convened at a time when all the Members were able to be present here.

I want to inform the House that part of the reports that I have laid before the House today, make certain amendments to the County Governments Act. The amendments that are proposed is that before the Senate takes a resolution on the BPS, it should be mandatory for a Senator and a county government and the leadership from a county to sit down and review the priorities in that BPS for it to inform the decision of the House.

The Committee on Finance and Budget has made certain recommendations, which includes additional support for construction of county headquarters. A Senator out of their own volition can at times decide that their county needs headquarters and conditional grant without getting instructions from the governors. The governors are not keeping us informed and they are not advising us. They go and sit at Intergovernmental Budget and Economic Council (IBEC) with the Deputy President and make some agreements then leave the Senate to do the heavy pulling as far as the resources to counties are concerned.

Mr. Speaker, Sir, we have always said that this money is not taken to the governors in their personal capacity. This money is supposed to go out to the people in the counties. Despite the fact that we have seen conversations at IBEC that have agreed that we sent Kshs370 billion, it is the responsibility of this Senate to size and cost the

needs of devolved functions. If the Senate believes that county governments should get more, then let it be.

Mr Speaker, Sir, the theme of the BPS is interesting. It is “Accelerating Economic Recovery for Improved Livelihood.” You know when these guys were doing this budget, they had a post-COVID-19 thinking. We now know that there is nothing like a post-COVID-19 era. We are going to be in a COVID-19 era for as long as God knows.

One would have expected that a COVID-19 budget would prioritize two things; lives and livelihoods. When it comes to lives, the interventions that the Government intends to put in place when it comes to healthcare should be clear. Since healthcare is devolved function, we should have seen an increment in allocation of money that goes to counties because they are the ones who offer primary health services.

We should have seen a reflection. We should have seen an increment in the amount of resources that are being dedicated to things like mental health. The Government has not prioritized lives in this BPS yet we are still in a COVID-19 pandemic era.

The other aspect would be on livelihoods. Since this is a BPS, we should have heard the Government saying that foreclosures as a result of the COVID-19 pandemic shall be mitigated. That is what civilized governments are doing. They are doing foreclosure protection.

Some governments are doing pay cheque protection. Some governments are making sure that if you have taken a mortgage and you are unable to pay because of the pandemic, there is an action plan initiated by the Government to ease the pain. We are seeing none of that.

Mr Speaker, Sir, even for students who have to pay the Higher Education Loans Board (HELB) loans, we are not seeing any policy proposals that there are going to be rebates, so that there is some breathing time for them.

Every other day, when you look at our daily newspapers, especially on Mondays, the pages are full of foreclosures and auction notices. Many of these are businesses that were once thriving. Those businesses could not pay back their loans when we came up with draconian rules to tame the spread of the virus. We are not seeing that undertaking in this BPS.

Mr Speaker, Sir, I did not expect the national Government to bring another business as usual budget. Unfortunately, this business as usual thinking has flown from the national to county governments.

If you look at county governments’ budgets, they are budgets that were done on the assumption that we are in a post-COVID-19 era. In fact, county governments’ budgets are not incremental because they knew they were going to get Kshs370 billion. They have just made the same allocations to roads and health like they had made before. They have not shifted their priorities.

Even if you did not consider that we are in a COVID-19 era, the President’s pet subject is the Big Four Agenda. I asked a person from Parliamentary Budget Office (PBO) what is in this BPS that tells me that manufacturing as a core pillar of the Big Four Agenda is going to receive significant support. This is effectively President Uhuru Kenyatta’s final budget. I do not see it anywhere.

I do not see any policy declaration or proclamation that will give space to our Export Processing Zones (EPZs). Even for some of the money we are getting through the

Africa Growth and Opportunity Act (AGOA), there are EPZs and firms in Athi River. The AGOA will expire in 2025. We are not seeing the Government's proactive policy view. They are not seeing ahead to tell us what is going to happen to the manufacturing sector.

We know how much the AGOA has supported the manufacturing sector, particularly the textile industry. I would have wished to see, for example, health which is part of the Big Four Agenda. What is that big thing?

Interestingly, this BPS talks of a stimulus package. It sounds really nice until you look at the amount that has been allocated to it. That is Kshs26.2 billion. Out of Kshs3.0309 trillion, a sum of Kshs26 billion has been allocated to COVID-19 stimulus package. This is an embarrassment!

If you look at the breakdown of that, we are told there will be Kshs1 billion for agriculture. It is just splitting Kshs1 billion or Kshs1.5 billion to whatever sectors. The National Treasury needs to get serious. I wish we had enough time to talk about these and force the National Treasury to rethink some of the priorities they have put in there. There must be greater connectivity between what we are doing as a BPS and the situation the country finds itself in that we are not in post-COVID-19, but in the COVID-19 era.

This BPS has made some interesting revelations. For example, when it comes to issues of jobs, we are being told that 700,000 jobs have been lost in the previous year. Looking at 700,000 jobs, even if you ask yourself how many people are in formal employment in this country, out of that, this report tells us that about 350,000 of those jobs were in the informal sector.

Kenyans are getting poorer by the day. We would have expected the Government to spend because of the COVID-19 pandemic because we have seen that in the United States (US), United Kingdom (UK) and other economies.

The Government does not become big by paying salaries or buying more tea and *mandazi*. It becomes big by engaging in capital expenditure. Capital expenditure generates wealth and creates employment. That is what Singapore did.

To create employment for a restless labour market, they went into massive infrastructure, but not infrastructure that terminates in private property or infrastructure for prestige. It is infrastructure that unlocks the productivity of a nation. Those are the things that we should see.

For those of us who have finally come to support the agenda of the Government of the day, we would wish to be associated with ideas that we can be proud of. We do not want to just see business as usual ideas. How do we restore the 700,000 jobs that have been lost? We are not seeing that captured here in the BPS.

Mr. Speaker, Sir, allow me to speak on few specific issues. I support the proposal by the Committee on Finance and Budget to increase the allocation to counties, to account for inflation and revenue growth. I know that the Committee on Finance and Budget has latched onto the 35 per cent of the last audited accounts. In fact, I look forward to the day when allocation to the counties will be on the basis of the budget. If you look at Kshs370 billion as a percentage of the Kshs3.3 trillion budget, it does not get to 15 per cent.

My friend Hon. Opiyo Wandayi chairs the Public Accounts Committee (PAC) in the other House. He has been chairing it for the past four years. I wonder why we are still talking of the audited accounts of Financial Year 2017/2018. Why should we not talk

about audited accounts for financial years 2018/2019 or 2019/2020? I know that the Committee on Public Accounts and Investments Committee (CPAIC) of this House has moved further and they could be considering the audited accounts of Financial Year 2019/2020.

We must also bring pressure to bear to our colleagues in the other House that their delay in processing and approving accounts is leading to significant losses to counties. I would in future support a constitutional amendment that would look at an allocation being a percentage of the budget rather than historical figures.

The Intergovernmental Budget and Economic Council (IBEC) that is chaired by the Deputy President is a very important organ. It brings together the 47 county governors and the Deputy President represents the Executive.

The Commission on Revenue Allocation (CRA) is called upon regularly to provide advice. Unfortunately, the Senate has got no role to play in the IBEC. So, whatever it is we learnt in the news that the IBEC decided does not bind this Senate because this Senate has an express constitutional responsibility to determine allocations to county governments.

In future, to avoid the IBEC from just being a talking shop where people go for photo ops and others ignore invitations just to prove a point, we need to find a way of making the IBEC a truly intergovernmental entity. The IBEC should be a place where Sen. Kibiru can ventilate and articulate the views of the Senate and the Senators. Even before that, Sen. Kibiru must get a brief from individual Senators on what he should say at the IBEC meeting.

I am particularly interested and I know that one day, this House of Parliament will do a conditional allocation to help mitigate the effects of HIV/AIDS scourge in the County Government of Homa Bay and all other counties with high prevalence rates. I will be glad one day to see my neighbouring County of Nyamira get a conditional allocation for construction of county government headquarters.

Mr. Speaker Sir, I would be interested if one day, we could get a conditional grant for counties like Makueni, Homa Bay, Busia and others that were producing cotton in the past to help them revive that sector.

It is a much tidier approach to development than calling the President to your region and then over dinner you beg him to bring Government resources to those areas. However, how do those requests find their way into the Conditional Grants Bill? Right now, we do not have a framework and so every senator is left to guess and lobby the National Treasury for that.

The second thing I want to speak to which is very specific to county governments is on pending bills. When the first crop of governors left office, the new crop of governors refused to pay the bills that were left behind by those governors. To date, some counties suppliers and contractors have not been paid. People have been auctioned and others have died miserable deaths while others, their children have had to drop out of school.

Every time there is a change of administration, the new government talks about setting up a taskforce which is expensive. It does two things; it kills the contractors who are seen to have been sympathetic to the former governor and it also introduces some ghost and phony contracts and bills for those associated with the incoming governor.

Mr. Speaker, Sir, this has been a charade. A few months before the former Auditor-General, Edward Ouko, left office, he did a thorough audit and he submitted his report to the County Public Accounts Committee and Investment Committee (CPAIC). I was charing it at that point.

We made a decision that those bills that were found to be legitimate by the Auditor-General should have been paid off. Then, the governors went back to Intergovernmental Budget and Economic Council (IBEC) and decided to set up another verification taskforce. After that, each government went ahead to set up their own verification taskforces. To date, legitimate suppliers are yet to be paid four, five years down the line.

Mr. Speaker, Sir, the position of the Committee on Devolution and Inter-Governmental Relations is as follows, that in the next session, we will talk to the National Treasury to invoke Article 225(3) of the Constitution with respect to stoppage of finances to counties that do not have a plan for payment of pending bills.

Mr. Speaker, Sir, Sen. Kiburu brought a Motion to this House to that effect. I recall that the Motion could have been approved by the House, but implementation has not been done. If debt is a first charge on the finances of any public entity, then that huge pending bill that we are seeing in this report must be made to be a first charge.

Mr. Speaker, Sir, the sad thing is that even as we advocate that we give county governments more money, it is money that is going to get into that deep endless hole called pending bills. It is inexcusable for counties like Nairobi City to have pending bills of Kshs58 billion.

Recently, we realised that those pending bills of billions of shillings in Nairobi are paid to law firms which are the most opaque institutions because they can receive and disburse money to people who have done the approval internally. That is a matter that my Committee is seized of.

Mr. Speaker Sir, the third specific issue is on, Own Source Revenue (OSR). Sen. Kibiru tells us that the potential of counties to generate OSR is so huge and it is untapped. He also tells us that the County Government of Bungoma has tripled its revenue collection.

I do not know whether that was with pun intended or he was just saying that the new ones are better than the old ones, but he said that Bungoma has tripled revenue collection whereas that of Homa Bay has shrunk to levels below devolution.

Mr. Speaker, Sir, even as we ask for more money for county governments, we must ensure and demand accountability for OSR. These people still continue to collect money from women in markets. They have gone ahead to militarise the process. In almost every county, when a governor is addressing the public, there will be some goons in uniform and holding *rungus*.

Mr. Speaker, Sir, I was really disappointed when I saw that. Some governors have people holding *rungus* in uniform funded by the same people they are holding *rungus* against. They go to market centres and use those *rungus* to enforce tax collection and yet that money is not reflecting in the accounts. We must demand full automation of OSR streams across all county governments. We must demand that accountability and issues of used utilisation of funds at source must be brought to a stop.

If we can find a way of linking the recommendations of the CPAIC and the various Committees of this House to Article 225 of the Constitution and Section 94 of the

Public Finance Management Act - that says that in the case of persistent breaches of the law and of the Constitution, the Cabinet Secretary (CS) National Treasury on a resolution of Parliament can stop transfer of funds. We have enough evidence to warrant that kind of interaction.

Finally, on intergovernmental relation, the allocation to the Ministry of Devolution and ASALs has shrunk significantly. It looks that it will just be preparing tea and paying salaries.

Mr. Speaker Sir, there is no need to have a CS sitting in Cabinet and doing nothing just yawning while the rest of the CSs are overworked. If they do not like CS Keter, let them kick him out and put someone substantively. There is no need to have CS Keter as a CS and then you shrink his budget.

If you look at the way that budget has shrunk, you wonder whether it is for a Ministry or a department here in Parliament. I hope that the shrinking of that budget will not affect the Inter-Governmental Relations Technical Committee (IGRTC) which has a tough task of verifying assets and liabilities of county governments and defunct local authorities.

Mr. Speaker Sir, that is also another gap that many people are willing to prey on. Most of the vehicles that were given to county governments by the Transition Authority (TA) have disappeared. The land that belonged to defunct local authorities has disappeared and changed hands.

I have seen in this BPS that there is no allocation to the NMS. I am glad that the Government has come to the realisation that the NMS cannot be a permanent entity. I am alive to the revelation by Sen. Cheruiyot that there seem to be an agreement where NMS will be dealing directly with Nairobi City County without the involvement of Parliament.

If they want to do that they know what they need to do. Let them make NMS a county parastatal or a county entity. In that case then, they can deal. However, there is no way the national Government will be handing money over to county governments without coming through Parliament and going through the county assembly.

Mr. Speaker Sir, I support the recommendations and an increased allocation to counties. This is because that is the best venue to spur an improvement in the lives of our people through proper provision of health care. However, to our governors, we cannot only be good when you need more money and bad when we are asking for accountability. Let us robustly advocate for more resources.

(Sen. Kajwang' Spoke off record)

The Speaker (Hon. Lusaka): Let us now listen to Sen. Murkomen.

Sen. Murkomen just a minute, I want to call upon Sen. Sakaja just to move out. Just take a seat one minute. I will call you.

He wants to give a notice of Motion virtually.

(Interruption of debate on Motion)

Sen. Sakaja: Thank you, Mr. Speaker Sir.

The Speaker (Hon. Lusaka): We cannot see you.

Sen. Sakaja: Mr. Speaker Sir, my video is on, on my side; maybe the problem is on that side.

NOTICE OF MOTION

ADOPTION OF REPORT ON THE STATUS OF THE NEW DANDORA STADIUM IN NAIROBI CITY COUNTY

Sen. Sakaja: Mr. Speaker, Sir, I beg to give Notice of the following Motion-
THAT, the Senate adapts the report of the Standing Committee on Labour and Social Welfare on the status of the New Dandora Stadium in Nairobi City County laid on the Table of the Senate on Thursday the 2nd of December, 2021.

I thank you.

The Speaker (Hon. Lusaka): Let us now listen to Sen. Murkomen.

(Resumption of debate on Motion)

Sen. Murkomen: Mr. Speaker, Sir, I know where Sen. Sakaja was before he appeared to give Notice of Motion.

The Speaker (Hon. Lusaka): That is irrelevant.

Sen. Murkomen: Let me leave it for the discussion of the *WhatsApp* group where we are together. That is on a light note.

Mr. Speaker, Sir, I thank you for giving me this opportunity to contribute to this BPS which is a very important agenda that brought us to the Floor of this House. This BPS is significant in the sense that it is the last under the presidency of President Uhuru Kenyatta. Therefore, it gives us a good review of the performance of this administration, especially in the last five years.

This BPS is important because through it, we are able to see what is the guiding principle or the policy position of the Government in the various issues it is trying to pursue. What you would expect from this BPS is a culmination of a 10 year programme of President Uhuru Kenyatta's presidency and the 5 years, especially when you talk about the Big Four Agenda.

Mr. Speaker, Sir, unfortunately, scanning through all these documents, little is said about the Big Four Agenda. Little emphasis is given to the important programmes that were promised to the people of Kenya in 2018 when this administration after winning elections and shaking hands to form a quasi-government of national unity with shared power between President Uhuru Kenyatta and former Prime Minister, Raila Odinga.

Since 2018, it has been a very sad story of Government programmes, particularly the Big Four Agenda which we promised the people of Kenya to be implemented in the second term of President Uhuru Kenyatta, has taken a back seat. As you know, there has been a chase or mirage known as BBI which is anchored on changing the Constitution to create positions for us who are in political power.

This BPS speaks directly to things that are real about the status of our economy. It speaks about the status of debts, the economic growth and how we have stagnated. It also

paints a very gloomy picture about the future of our shared resources to county governments from the national Government and towards development, particularly as a result of debt that is sky-rocketing.

Mr. Speaker, Sir, when I moved a Motion in this House to extend the debt ceiling, the argument that was given by the National Treasury was that we were doing so, to restructure our debts, create an avenue for us to repay the debts and give room for us to work on our economic growth. That remains a mirage. It has become a failed promise for the last three years. It has been about borrowing and more borrowing. Sen. Kajwang captured it so well that there is nothing wrong with borrowing for capital intensive projects.

In fact, when the American economy was in great depression after the First World War and the great depression that ensued around 1929 to early 1930s, the response of the Roosevelt administration was to engage in capital intensive projects; those are the highways built in the United States of America (USA). It was important that they engaged in those capital intensive projects so that they could open up the interstate commerce trade in the USA and facilitate trade among or within the 50 States.

The advantage of also engaging in these capital intensive projects is that at the time you are engaging in them, you are able to create employment for other many unemployed young people in your country. However, the objective of those projects must have an end to itself. There must be a linkage between the capital intensive projects and the economic growth and the market.

Like Sen. Kajwang captured it so well, if a project is done to end in somebody's land, gate, home or for purpose of painting a very good picture of having a big road coming from the airport to Westlands, without that linkage as to how much trade it is going to contribute, then it becomes counterproductive. You accumulate more debt, suffocate the economy, suffocate the market and then you create the situation that we have in the country.

This BPS so properly captured by Sen. Kibiru and his team says that the danger of the national debt is that it is reaching a time where county governments will not get the equitable share they deserve because debt is the first payment to be defrayed from the resources we receive. It is the first charge on the national revenue from the consolidated fund.

Mr. Speaker, Sir, the second issue that I want to address is the resources that go to the counties. This is where I want Kenyans to follow so carefully. One year ago this House engaged in a serious conversation about the county allocation of revenue formula as to how we are going to share our resources among our 47 counties.

That debate created a scene in this country that has never been witnessed in so far as this Senate is concerned. It created factions within this Chamber. It created drama about some senators being arrested, others being cajoled and others being bought. There was so much drama that took place in this Chamber. Eventually we came up with a very important formula whose guiding principle was a win-win. That no county should lose the resources that they were receiving by the time we were having this conversation.

It was at that point in time that a stalemate was broken by the Executive promising that Kshs370 billion was going to be given to counties to ensure that the formulae we had adopted will leave all counties at a stage where none will lose resources. After that, something called the BBI came up. In the BBI, the promise was that 35 per

cent of the revenue raised nationally was going to be given to county governments. Meaning this Kshs370 billion in this financial year and with the projected revenue of Kshs1.8 trillion being raised nationally, what we should be doing on the Floor of this House is to divide the resources by giving county governments Kshs630 billion as promised by the BBI report.

Mr. Speaker, Sir, what has been done by Sen. Kiburu who is a great proponent of BBI? What has been done by President Uhuru Kenyatta? He has been lamenting up to today how BBI was to give more resources. I challenge President Uhuru Kenyatta that if he truly believes in BBI, Kshs630 billion should go to counties this year, not tomorrow.

If BBI was not about politics of gerrymandering and trying to shepherd a particular individual to become the president of the Republic of Kenya without going through proper auditing by the people of Kenya, let them show that BBI was about resources to the counties. Let them come with a Division of Revenue Bill next year in February or March that this House in April will pass a Bill that contains Kshs630 billion being given to the counties. If not, I would like to ask President Uhuru Kenyatta and former Prime Minister Raila Odinga and all those proponents of BBI, to shut their mouths forever.

They cannot speak on both sides of the mouth. On one hand tell Kenyans that BBI was about giving money to counties and then come here and lie to the people of Kenya. I want the people of Kenya to know that they are not going to get one shilling more than they got last year. Meaning this is Sen. Kiburu's report who speaks on behalf of the President here. What does it say? It says counties revenue will reduce from the 22 per cent in this financial year to 17 per cent of the revenue raised nationally. This would really make us. I wish I was not interrupted on this very important point---

(Applause)

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

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

Sen. Wetangula: Mr. Speaker, Sir, is the distinguished Senator for Elgeyo-Marakwet in order to consistently and persistently refer to this as a Kiburu Report when in fact it is a report of the Committee on Finance and Budget to which even yours truly here is a Member and is a serious critic of the BPS? It is not a Kiburu report.

Sen. Murkomen: Mr. Speaker Sir, Sen. Wetangula was in parliament when Parliament passed what was called a Mwangale Report. When they talk about the Omamo Report, it does not mean there were no other Members---

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

The Speaker (Hon. Lusaka) There is another point of order from Sen. Kiburu.

(Sen. Cherargei spoke off record)

The Speaker (Hon. Lusaka): Come to the Dispatch Box.

Sen. Murkomen: Sen. Kiburu, President Uhuru's man---

The Speaker (Hon. Lusaka): Come to the Table.

Sen. Kiburu: Mr. Speaker, Sir, yes, I do not deny that the President is a good man, but what I just want to inform you Sen. Murkomen is that, we did not recommend

Kshs370 billion but Ksh495 billion. It is the National Treasury and the Commission on Revenue Authority (CRA) and the Government that recommended that. However, as a Committee, we went by the law and declared 35 per cent of the audited accounts of FY 2017/2018.

Sen. Murkomen: Mr. Speaker, Sir, that is exactly what I was saying. That in President Uhuru's Government, he is proposing Kshs370 billion, but Sen. Kibiru, the right hand man of President Uhuru Kenyatta, has brought a very serious critic of this Report, saying that if we are going to go by Kshs370 billion again, we will fall from the 22 per cent we are at the moment to 17 per cent.

As we continue with the national debt and so forth, it looks like we are even going to go below the 15 per cent required. As Sen. M. Kajwang' captured so well, if the National Assembly had done its work to approve the audited accounts and we use the audited accounts of this financial year, the same way Building Bridges Initiative (BBI) says ---.

If we were to use the audited accounts of this financial year, assuming that the accounts would be audited on time, we would be now talking of maybe 13 percent of the revenue collected nationally going to counties. What am I trying to say? If I do not say anything today from this Budget Policy Statement, I must say that the deceit and hypocrisy of the politics of BBI must be exposed in this Chamber.

The proponents and the preachers and the apostles and bishops of BBI must take responsibility for the lies they have given to the public; that they intended to change the Constitution to increase revenue. They are giving these people of Kenya not an extra Ksh1 to go to counties. They are saying we will allocate all the Kshs370 billion to counties and this Kshs370 billion is 17 per cent of the revenue raised nationally using audit of accounts of Financial Year 2017/2018. If you apply the audited accounts of this year, even if it is not audited as BBI was proposing, we are nowhere close to 15 per cent.

Ye preachers, Pharisees and Sadducees, who have been lying to the people of Kenya, we want to tell them, come ye out, come out, come out and own up to your lies and politics of conman ship. I thank you Sen. Wetangula, the Party Leader of FORD Kenya, a man we surely respect for capturing this point of Kshs490 billion. That Kshs490 billion is not enough.

The Speaker (Hon. Lusaka): There is another point of order from Sen. M. Kajwang'. Sen. Murkomen take your seat, you look like you want to fly or something.

Sen. M. Kajwang': Mr. Speaker, Sir, Sen. Murkomen has consistently used the word liars and Members of this House cannot be accused of being liars. I do not expect he was referring to Members of this House. He could have been referring to people who are not here. Is it in order for him to accuse persons who are not here of dishonesty knowing very well that they have no right to defend themselves?

Sen. Murkomen: Mr. Speaker, Sir, I was speaking about the Pharisees and Sadducees. I do not know whether Sen. M. Kajwang considers himself one of the Pharisees. They know themselves; they are not in this Chamber. In a manner of conversation, I have said, anyone who has promised the people of Kenya that we were going to get 35 per cent of national revenue to the counties lied.

The Speaker (Hon. Lusaka): Sen. M. Kajwang', what is it?

There is another point of order. Take your seat, Sen. Murkomen.

Sen. M. Kajwang’: Mr. Speaker, Sir, he is making very good arguments and I like the line of his argument except his continued reference to liars. Who is that liar? Is it hon. William Ruto, hon. Raila Odinga or hon. Musalia Mudavadi? If that liar is not in this House, is he in order to accuse persons of lying and dishonesty yet they are not here and are incapable of defending themselves?

What would have been easy for him is not to play around with Pharisees and Sadducees and just withdraw the liar bit. This is because if the liars are in this House, then he needs to name them and substantiate. If they are not in this House, then he cannot accuse people who are incapable of defending themselves.

Perhaps he means hon. William Ruto, maybe, but even if it was so, it is still not proper for him to call someone who is not in this House a liar without substantiation.

Sen. Murkomen: Mr. Speaker, Sir, Sen. M. Kajwang’ is right to suspect himself in this thing and to passionately defend those who lie to the people of Kenya that 35 per cent---

The Speaker (Hon. Lusaka): Sen. Murkomen, use your time well because you have other forums to say what you are saying.

Sen. Murkomen: Mr. Speaker, Sir, if this Budget Policy Statement is not going to lead us---. I thank Sen. Kibiru, Sen. Wetangula, Sen. Cheruiyot Sen. Mutula Kilonzo Jnr and other Members of the Finance and Budget Committee who proposed Kshs495 billion. I urge that we improve it to the BBI proponents’ standards to Kshs600 billion that will go to counties. We want President Uhuru Kenyatta to sign it by June so that then we know, he is a true believer of this BBI he has been talking about.

Let him demonstrate. The Bible says: “Let your actions speak louder than your words.” Speak using your words. I got the Speaker of the National Assembly the other day berating and accusing this House and other people who are not in this House about how they frustrated devolution. There were very few Members of the National Assembly who voted ‘No’ to the BBI. The Speaker of the National Assembly and Members of National Assembly particularly those who voted for BBI pass Kshs495 billion. The greatest impediment for devolution has been the Speaker of the National Assembly.

The Speaker (Hon. Lusaka): Sen. Murkomen---

Sen. Murkomen: Mr. Speaker, Sir, I withdraw. I know where you are going. I should not discuss the Speaker of the National Assembly.

The Speaker (Hon. Lusaka): Yes, yes, please do not discuss him.

Sen. Murkomen: Mr. Speaker, Sir, the presidential candidate of the Democratic Party (DP) party out there was trying to accuse this House, which has been a great defender of devolution. The DP presidential candidate should demonstrate elsewhere where they serve that they also believe in devolution the way we do in this House.

The Speaker (Hon. Lusaka): When you just say DP it could be meaning the Deputy President.

Sen. Murkomen: No, it is the Democratic Party. A very respectable party, which was led by the best President of the Republic of Kenya. It has degenerated nowadays to a one-man party. Devolution must be demonstrated through actions by people who sit in positions of power.

Lastly on this Budget Policy Statement is the question of conditional grants and the legal framework. I am glad the Committee captured this very important fact. Despite the fact that there is a court ruling of 2016 that gave clear ways of implementation of

Article 190 of the Constitution, county governments have never benefited from grants from the national level. As Sen. Kajwang' captured, we would like to see these conditional grants going to our counties and our county governments having responsibility, having signed the agreements with the national Government on the question of resources.

Lastly, it is shocking if you go to page 11 of the moving notes of the Chair. You will find the outstanding guaranteed debt of State enterprises which stands at Kshs157 billion. Of the Kshs157 billion only one company, Kenya Airways has been guaranteed Kshs80 billion by the national Government.

It is Exposing the people of Kenya to this level of debt for a company that cannot explain exactly what they are doing with this money. It is still down, it has Kshs80 billion which it has borrowed. We do not know who owns the planes.

Several reports have been done by National Assembly and this House about Kenya Airways. Kenya Airways remains one of the national assets that we must re-audit to understand who the beneficiaries of this Kshs80 billion borrowed are. Who are these individuals? I like what Sen. M. Kajwang' said that we do not want projects that terminate in someone's hand. I did not ask you who that person is.

Similarly, I want to say that we do not also want debts of Kshs80 billion. If you investigate, you will find that the beneficiary is just one individual and his personal companies and the resources they are going to get.

This country must be serious. After the next elections, I pray that some of us who will come back here will become more serious in auditing these companies especially when those people will no longer be in positions of power to protect themselves and to loot public resources.

With this hypocrisy that is going on, they have always talked about corruption. We want to tell them that after August next year, let us meet in this Chamber and investigate these programmes when they are not holding the sword of power and we will find out how much of these resources have been looted for individual gain.

I really support this Report. I congratulate the Committee. This is the main reason why we came here. I am glad that the Chair did not limit the time so that all of us can give our points. I believe we should support the Kshs495 billion but I pray that we increase another Ksh200 billion to get it to Ksh630 billion in line with what the Pharisees in the Building Bridges Initiative (BBI) have proposed.

I thank you.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I rise to add my voice to the Report of the Standing Committee on Finance and Budget on the 2022 Budget Policy Statement. Coming just after Sen. Murkomen has waxed very strongly on Pharisees and Sadducees, and he is not even listening to what I am saying, but I would not walk the path of Pharisees. I will make a statement on what I think should have happened but has not happened.

I thank the Committee led by Sen. Kibiru for a job well done. I have taken time to go through their recommendations and observations and I think they have really captured many things that would make a lot of sense to Kenyans if not all Kenyans.

To begin with, I want to address myself to the issue of the five policy priorities that have been identified in the 2022 Basic Payment Scheme (BPS). Just a run down of those priorities, they have captured agriculture, health, social protection, environment and

transport. The saying that agriculture is the backbone of our economy, I think, is a cliché and as leaders, we must come to a point that we make a decision as to whether we are willing to walk the talk or just drop the conversation.

I say this because, yes, it is true our economy relies largely on agriculture but there is very little support that either the national Government or the county governments give to farmers and it is--- I hope my time is being held.

Mr. Speaker, Sir, I was saying that there is so much talk about agriculture being at the center of the growth of our economy but little support is given to our farmers by both the national and county governments.

In this Statement and in the final Budget that will come to the Floor of the National Assembly - probably we will also have a bite at it - I will be urging that we begin to walk the talk in terms of agricultural production. Not just production, but any conversation about agriculture in this country that does not put farmers at the center of that conversation, then it is not a valid conversation.

I will be pushing very strongly the idea that in the agricultural sector, we push forward the agenda of a one county-one factory policy so that at least in every county in this country we have a factory that does value addition for agricultural produce. That has a spillover effect of not just increasing production but creating job opportunities for our young people. If we go that way, then we will be talking about agriculture being at the center of the growth of our economy.

On the second policy priority on health, I take note that this Budget Policy Statement proposes a very insignificant increase in allocation to the health sector of only Kshs8 billion. At times, it is important to look over our shoulders and across our borders to see what other nations and other economies are doing especially on matters health and at such a time as this.

It has been said and rightly so that we do not seem to be preparing to live in a post COVID-19 era any time soon. We are going to have to deal with COVID-19 for a long time to come.

At a time like this when new variants are being reported almost daily, I would have expected that a lot more funds would have been put in the health sector to deal with two things: One, to address the issue of management of the spread of the virus.

Secondly, as an investment, to produce our own vaccines, to put money into science, into research to produce our own vaccines and roll them out in our country but most importantly to be in a position to effectively roll out the universal health care programme. With Kshs8 billion increase, I am not sure we will be able to achieve anything beyond what we are doing currently.

On the same matter of health - on this I have to be very candid - it does not make sense to talk about increasing the number of our Level Three hospitals to 50 across the country. I keep asking myself why this preoccupation with 50? Why not 10, 20, 100 or 300? What is the basis of the number 50?

It will be remembered by this House and by all Kenyans that in the BBI conversation that almost divided this country right down in the middle, there was talk of an increase of 70 constituencies. This issue of throwing numbers at people will not work.

What should be done is to make sure that a proper SWOT Analysis is done to find out which counties need more facilities, which counties will be more comfortable with equipping the existing facilities, which counties will be more comfortable with training

medical personnel to handle existing capacity. I think that is the best way to go. The idea that somebody will just say we build 50 additional level three hospitals across the country, does not make sense.

Mr. Speaker, Sir, on the issue of social protection because it is another policy priority for the BPS, I like that idea that money is now being set aside to deal with the elderly in our society. It will be remembered that yours truly brought a Statement on the Floor of this House as a follow up to a Motion that was brought by Sen. Kinyua and seconded by the Senator for Nandi County on the issue of compensation for former councilors. I hope that Sen. Kibiru and his team will continue to engage on this matter of the BPS 2022 so that the money that this Government promised former councilors earlier in the year will be available in the next financial year. I hope that money will be captured under social protection.

I would have wanted Sen. Kibiru to hear that matter but Sen. Kajwang' is engaging him. For the benefit of Sen. Kibiru, I will say that on the issue of social protection, priority here seems to be given to cash transfers, money for the elderly, which is a good thing and I think we need to increase that next year.

However, I was saying that I brought a Statement on the Floor of this House, which the Committee on Labour and Social Protection processed successfully and this Government promised to pay a one-off gratuity to about 12,000 former councilors.

Mr. Speaker, Sir, I hope, through you and through the Committee, that under this social protection priority, the money, which was promised to former councilors will be made available, processed and paid to them. As we said the other time when we were moving the Statement, we continue to lose many of these councilors to very poor and very deplorable conditions.

On the issue of the environment, which is another policy priority for this BPS 2022, I see that there is money set aside to settle all claims - the underlying word here is "all claims" - relating to human-wildlife conflict in areas where those conflicts do exist.

I know in Taita-Taveta we have quite a number of those cases. I also know that we have a number of those cases in my county Kitui and also Narok. It is my hope that all these claims, some of them dating as far as 20 or 25 years ago, will be settled.

Mr. Speaker Sir, under environment, we also have money for reforestation. I wish we would get to the specifics when it comes to the reforestation. The Committee on Finance and Budget should push this agenda and we will support them; that we just do not talk about reforestation for the sake of talking about it. We need to do serious and proper reforestation. By so doing, we will be able to protect our water towers, our rivers will start flowing again and the environment and agriculture will get a major boost.

On transport, which is the last policy priority, yes, there is need to improve and increase the road network in this country under tarmac. However, I want to specifically deal with an issue here under road and infrastructure. Two weeks ago, my county had the misfortune of losing in one accident more than 30 people when a bus plunged into a river because the drifts had broken.

If there is one thing that as Senator for Kitui County will be looking up to, is the transport sector. This Government has made a commitment that beginning next month a modern bridge will be erected at Enziu River in Guni Ward of Mwingi Central Constituency.

If the people of Kitui County do not get anything else - I am saying “if” because they should get a lot of things - that is one promise that this Government has both a legal and a moral obligation to undertake. The Committee should ensure that whatever needs to be done, is done so that that bridge is erected and we stop losing lives on Enziu River.

Mr. Speaker, Sir, on this Budget Policy Statement, there is a matter that has been touched on and I wanted to touch on, two issues if time will allow me. There is the issue of pending bills. First, I agree with the report that the presence of pending bills at any level of Government is a demonstration of poor financial management on the part of the people charged with the responsibility of fiscal management.

We all know that the President has severally pronounced himself on the matter of pending bills. He had given a deadline of December last year that all pending bills should be paid. To date, those pending bills are accumulating; they have never been paid. A way must be found to ensure that all pending bills at both levels of Government are paid before they commit funds to new projects. I say this with a pinch of bitterness because in my County of Kitui, there are pending bills that have accumulated since the 2016/2017 Financial Year. To date, those pending bills have not been paid.

I will be watching with interest to ensure that this matter of pending bills especially for my county are paid. As a Senate, we should come up with a legislation to ensure that if there are county governments that have pending bills, we do not allow the Controller of Budget to clear expenditure for new projects when people have not been paid money for projects that they have already undertaken. Otherwise, we will just be impoverishing our people instead of empowering them.

There is also the matter of fiscal responsibility on the requirement that 30 per cent of county government budgets should go to development. These county governments in most cases have found a way of cheating their way through the county assemblies. That at the time of processing the budgets, they make sure they meet the thresholds, but when it comes to the real implementation of projects, they divert funds to other projects and we realize that they spend far less than 30 per cent on development.

There will be need for us, in conjunction with county assemblies to ensure that 30 per cent of county government budgets go to development and the same applies to the wage bill. Many county governments have transformed themselves to recruitment bureaus. Some of them are spending even over 50 percent of their revenues on wages. This is a matter that needs to be looked into.

Lastly, is the issue of own source revenue. This is where one of the biggest problems in our counties lies. It is a problem that this Senate, perhaps even the next, should seriously think how to deal with. I say this because when many of the county governments collect their revenues from local taxes, many of them will do two things: One, they will spend money at source of collection, which is against the law, while others will underreport.

Instead of the ideal situation whereby county governments are supposed to increasingly collect more funds in successive years and relying less on allocations from the national Government, we are now seeing a situation where they are collecting less and relying more on the national Government allocations.

Lastly on the issue of allocation of funds to counties, I thank the Committee for proposing Kshs495billion up from Kshs370billion and that is where we will stop. We are not going to budge on that one. We shall insist that counties must receive more than

Kshs370 billion at least to deal with the issue of inflation. If you allow counties to be given Kshs370 billion as proposed, then it will mean, in real terms, our counties will be having to spend less money in terms of value because of inflation.

With those remarks, I support.

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

Sen. Cherargei: Thank you, Mr. Speaker, Sir, for this opportunity to make a few remarks on the Committee Report especially on this important constitutional duty that the Committee on Finance and Budget did.

I agree with them that it is important that even as we struggle with the latest audited accounts, we must ensure that we consistently increase allocation of funds to county governments. The proposal to have county equitable shareable revenue at Kshs495 billion is very important. With Kshs495 billion, we are looking at a situation where we need to factor more of the resources to go to counties and ensure counties and the people are able to get services within the reach of the village level.

Out of the Kshs495 billion, Nandi, for example, is getting Kshs6.9 billion. If this is approved, it will get more than Kshs9 billion which will be very significant especially in the next third generation of devolution. Some of us who will be there, God willing, will ensure services are devolved and people can benefit directly from this additional funding.

There is a misnomer in this country that you need constitutional change to be able to increase allocation. A number of us in this House are aspiring to lead county executives in the near future. Therefore, it is important that the country knows that you do not need a constitutional amendment to increase allocation.

What we need as a Parliament is to ensure we fast track latest audited accounts because you can see the next Budget will be in trillion shillings. I, therefore, want to commend the Committee. That is the only positive thing that the Committee overworked on in this Report.

Another issue is that, the additional funds to counties will be very critical. They include bursaries, feeder roads, water and ensuring that Early Childhood Development Education (ECDE) teachers and infrastructure are developed within our counties.

My other point is on the agricultural sector. Where we come from, predominantly the North Rift and specifically Nandi County, over 90 percent of the great people of Nandi and mostly the North rift area including your region, rely heavily on agriculture. Therefore, you are aware at the moment, Mr. Speaker Sir, because you also plant maize in your county, that sadly the fertilizer prices have been shooting up astronomically; from Kshs2700 to Kshs5500 per 50 Kilograms of fertilizer. We can see the short rains and we are going to the next planting season. In my county we have sugar cane, tea, maize, and coffee farmers. You can imagine buying a 50 kilograms bag of fertilizer at Ksh5500 from Kshs2700 after the subsidy was removed.

I had expected since agriculture is one of the key functions that were devolved, that the issue of national fertilizer subsidy programs should have been included. We are aware the pricing of maize is not as envisaged because we expected the 50-kilogram bag of maize to go up to around Kshs3000 to Kshs3500 as opposed to Kshs2700 we are having at the moment.

There is a consistent agenda to undermine agriculture sector as a whole. Agriculture is what most Kenyans in rural areas depend on as a form of economy. It starts

with dairy farming in terms of inputs. That is why some other time I heard somebody asking why we are still importing eggs from Uganda. It is because we cannot support our agriculture.

The answer is very obvious because you cannot ask the question. In that meeting, Sen. Olekina was in attendance. Somebody was asking why we are importing eggs from Uganda, yet they know very well that they cannot give funds to agriculture. The answer is more than obvious that we need agricultural funding.

We saw the issues of tea when the President was talking about post-Covid-19 recovery. Maize was not mentioned anywhere. You cannot blame that we are importing eggs, maize or any other commodity from Uganda. I can see there is a trade war that is coming between Kenya and Uganda because of the imports and the exports here and there. For the agriculture sector, we should really push to ensure that we increase funds.

Another danger that is undermining agriculture in this republic is that National government is still doing the functions that have been devolved; like livestock, fisheries, agriculture sector, water and sanitation, irrigation among others. These are some of the things that have already been devolved as per the chapter four of the Constitution of Kenya 2010.

The claw back clauses that the national Government continues to use to undermine will not ensure that these functions are devolved. It is very sad. There is a reduction in allocation of agriculture sector from Kshs75.7billion to Kshs63.9billion representing a decrease of 15.6 percent.

If you do not allocate more resources to the counties in terms of agriculture sector, it means our people who largely depend on agro economy, within our structures will find it hard to even provide food. When the prices of food go up, the inflation automatically will go up.

To manage the pricing, we should minimize the inputs especially in the food production and maximize the output. We then can manage the inflation rate and therefore the cost of living will automatically come down.

Mr. Speaker, Sir, I want to note the issue of the health sector. With this Covid-19 pandemic season, we still have a challenge with issues of vaccine. There is an over-reliance on the issue of donors. Somebody has questioned the shelf life of some of the Covid-19 vaccines that we are receiving in the country. You remember that the CS for Health at that time was threatening Kenyans that if they are not vaccinated, they will not access Government services, which is a clear and blatant violation of the law.

Mr. Speaker, Sir, Kenya and Africa at large have poverty mentality. We are now questioning the shelf life of the vaccines that we have been given. There is a new variant that is ravaging the country and the world. Therefore, we should increase more funds to go to the health sector so that it becomes easy. In as much as we are talking about Universal Health Coverage (UHC), we should ensure that we give more funds to the hospitals that we have within our sub counties and county levels.

Mr. Speaker, Sir, I congratulate the management of Moi Teaching and Referral Hospital for being number one, followed by Nairobi Hospital. Moi Teaching and Referral Hospital is almost serving the entire Western Kenya, Nyanza, part of Narok and the entire Rift Valley. All cases are referred there.

We were able to build referral hospitals like the Coast General Hospital, Teaching and Referral Hospital and Kenyatta National Hospital (KNH) and ensured that they are

functional. There is also the Jaramogi Oginga Odinga General Hospital in Kisumu to serve the Kisii and Luo Nyanza. This means that we should allocate more resources to the health sector. The danger we are talking about is the claw back clauses. The issue of health sector has been largely devolved.

Mr. Speaker, Sir, I have seen there is allocation of infrastructure. I confirm to you that there was an ambitious programme to ensure that we have infrastructure. However, the infrastructure projects within Nandi County have stalled, for example, from Kopere all the way to Timboroa, another one from Chemuso all the way to Kaptel Ranger and another one from Kaiboi all the way to Chepteruai to Western Kenya. The expansion that opens North Rift and Western Kenya like the one from Kapsabet- -Eldoret-Chavakali or Eldoret-Kapsabet-Nandi Hills and Awasi areas are very narrow. Therefore, they need expansion.

Most of road infrastructure projects have stalled. The ones between Lessos and Moi University, Nandi Hills and Imaki, Nandi Hills Town all the way to Savani in Eldai Sub County, have also stalled. When the next Government implements this Budget, they should ensure that they fully complete that infrastructure. I know that the stalling of most infrastructural projects is not unique to Nandi County.

In the next budget cycle, we should factor in money to ensure that we complete the projects. You do not only need to see *gorofa* roads only in Nairobi like the Express Way. That goes without saying.

Mr. Speaker, Sir, the fourth point is on the issue of the Competence Based Curriculum (CBC). I know there is still a big challenge but the junior secondary schools need support. We saw the national Government trying to allocate more. It goes also in line with the school feeding programme. We are being told that in this country over 2.5 million Kenyans are facing starvation. I know there are rains, but the point that we need to drive home is that we need to ensure that children are kept in school, especially in the regions that are facing challenges.

As a country, we are not serious. When you come to the North Rift, we are throwing away maize because of the poor pricing that we are facing. It is shocking that a few kilometers away from Bungoma where Sen. Wetangula represents, and where you also come from, maize is ready and the prices are poor. However, somewhere in Moyale in Northern Kenya, a Kenyan is dying because of hunger. It is embarrassing and shame for the country. We need to put in place policies that will ensure that our children are kept in school, have school-feeding programmes and increase the funding that we have.

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

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

Madam Deputy Speaker, I note the change in the Chair. On the issue of UHC, in Nandi County as we speak, the staff that were hired under UHC are yet to be paid up to today. There is a big challenge that we need to look at. I thank Sen. Kibiru's Committee for noting this. This is because there are many young people that are working under UHC that are yet to be paid.

The UHC should be more like the National Health Services (NHS) of Britain and the United States of America (USA). Sen. Olekina can be in a position to know much

more because he has lived in an efficient system unlike us who are used to an inefficient and ineffective system.

Madam Deputy Speaker, another point I want to note is the public debt management office. The word on the corridors of power like is written in some newspapers is that, there is an attempt to increase the public debt ceiling to Kshs9 trillion. I am happy to be among the few Senators including, Sen. Wambua, that refused to vote for the increase of public debt. You can see our wisdom. You know many people imagine that we are anti- Government and that we were rude and insensitive. However, no money that was borrowed to settle commercial loans.

*(Sen. (Dr.) Mwaura crossed the Floor
without bowing to the Chair)*

(Sen. Wambua stood in his place)

The National Treasury has never been sincere with providing timely information on the issue of the public debt.

Madam Deputy Speaker, I really hope my time will be held.

The Deputy Speaker (Sen. (Prof.) Kamar): My student, you are aware of how to ask for point of order. I will allow you to go straight because you are there. I will hold the minutes but I did not see your signal at all.

Sen. Wambua: Thank you, Madam Deputy Speaker. You know it is always a good thing to have the Speaker as your teacher. They will understand. I was standing on a point of order.

I am sorry to Sen. Cherargei.

Madam Deputy Speaker, I just saw my friend, Sen. (Dr.) Mwaura, walk into the Chamber and cross to the minority side without bowing to the Chair. That is what I saw. If I saw something wrong, then I stand to be corrected.

The Deputy Speaker (Sen. (Prof.) Kamar): My student, you were distracted by a very senior person who was sitting next to you. Yes, he went to the ---.

Sen. Cherargei, proceed.

Sen. Cherargei: Thank you, Madam Deputy Speaker. I want to note the presence of Sen. (Dr.) Mwaura. I was not there when he was readmitted back to the House. I welcome him back and tell him to carry all the burdens to the Lord as the Bible says in Mathew. It is good to see him back. We hope next time he will be elected so that he does not have to depend on anybody to be in this House just like the rest of us. We wish him well.

(Applause)

Madam Deputy Speaker, I was on the issue of public debts. As I was saying, there was wisdom for some of us to reject them. Of course, there should not be any attempt, imagination or dream to bring back or raise the ceiling to Kshs9 trillion. This is because the National Treasury has never been sincere. If they were sincere, they would have done what they promised to Parliament. They would provide timely reports and ensure that the money they wanted to borrow sorted out the expensive commercial loans. However, they have never done that.

Madam Deputy Speaker, you can see the effect on the economy. We have been told by experts that the first charge will be on the public debts. The Chinese will come calling. The road to Shanghai will be real. I have been told that Kenya Airways pilots have been told to fly very fast over some of the Chinese cities. If we are not careful as a country, we will go at the same speed.

You remember that during an interview with some of the leading media stations, the President promised to provide the country information on allegation of using our port and Kenya Airways as security to secure Chinese loans. God willing, the next President will be (Dr.) William Ruto. The biggest challenge will be to restructure and quickly settle the issue of public debt.

Madam Deputy Speaker, quickly on to the pending bills. You and I come from almost the same region. It is sad that most honest people in our counties have been contractors, but they have never been paid. This is in every county. I do not know how we will resolve this issue of pending bills.

There are many people who have lost their property because they used it as collateral security to do some of the county projects. As the Senate, we have failed. It looks like when a new governor comes in, the other contractors are left out and new contractors are taken on board by the new governor.

We must agree on the pending bills issue. There are many Kenyans in our counties that continue to suffer. Nandi is one of the counties that still have pending bills. It is shocking that the National Treasury had to issue a circular to resolve some of those pending bills.

Madam Deputy Speaker, to accelerate the economic and job creation, the nation should develop a stimulus package for small enterprises. This is essentially a bottom-up economic approach. We need to ensure that in the Financial Year 2022/2023, God willing, the bottom up economy should come up. We want to ensure that the people at the lowest level are able to access jobs.

We cannot just say that there is *kazi mitaani* or we shall employ 200,000 youth. Let us have a structure. Where I come from is more of a rural economy. Where Sen. Madzayo comes from is more of *kazi ni kazi*. We cannot say *kazi mtaani*. I agree that *kazi ni kazi*, but we must have a structured way.

Where you and Sen. Olekina come from is more of a rural economy. Can we say that it is only clearing roads and bushes when, for instance, we can support livestock issues? We can give one cow per youth in Narok or Nandi, so that we can say '*kazi ni kazi*.'

We really need to agree on this issue, but not just waking up one day and saying '*kazi mtaani*.' I know that Machakos County, where Sen. Kavindu Muthama comes from, is a semi-rural and semi urban county. It is a big challenge.

(Sen. Wetangula spoke off record)

Sen. Wetangula is distracting me. Machakos County is unique because part of it is part of the metropolis of the city. How do you address the other side?

My final point is on the issue of Managed Equipment Service (MES). This continues to be a public rip off. I do not know why it exists here. We had put a zero last

time. I can see that the MES is now allocated Kshs5.2 billion. I cannot see any Member that was here when the report was tabled.

The Deputy Speaker (Sen. (Prof.) Kamar): Your time is up.

Sen. Cherargei: Please, give me one minute so that I can finish my trail of thought.

The Deputy Speaker (Sen. (Prof.) Kamar): Can you finish?

Sen. Cherargei: Thank you, my neighbour.

Madam Deputy Speaker, there was a report that was tabled before the Senate that said that this scheme was a public rip off. Why are we still supporting it? I, therefore, reject and oppose this Report in its totality.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Madzayo.

Sen. Madzayo: Asante, Bi. Naibu Spika, kwa kunipa nafasi hii. Kwanza, ningependa kuunga mkono Hoja hii ambayo imeletwa na ndugu yangu 'landlord.' Amegusia mambo ya kuharakisha kuinua uchumi, yaani *economic recovery*, katika lugha ya Kiingereza.

Katika Kaunti ya Kilifi tuko na maeneo ya Export Processing Zones (EPZ). Haya ni maeneo ya biashara za nje. Hivi karibuni, tumeona kwamba kampuni za EPZ zimeingia kwa wingi katika kaunti yetu. Zingine hata ziliwacha kufanya biashara zao katika Kaunti ya Mombasa na kwenda Kilifi. Hii ni kwa sababu ya nafasi ya kufanya biashara hizo na wanaweza kupata afueni ya kulipa kodi.

Bi. Naibu Spika, Mombasa na Kilifi haziko mbali. Wengi wa watu wanaofanya kazi Kilifi wanaishi Mombasa na wengi wanafoanya kazi Mombasa wanaishi Kilifi, hususan maeneo kama Mtapwa, Majengo ya Kanamahi, Mpingo na Sheriani. Ni maeneno ambayo ina wakaazi wengi wanaoishi kaunti hizi mbili.

Jambo la kusikitisha ni kwamba wafanyikazi wa biashara hizo katika maeneo ya Mtwapa wanalipwa pesa duni. Wanafanya kazi katika miji kama vile Mombasa, Nairobi, Kisumu and Nakuru na wanalipwa mishahara ya juu.

Bi. Naibu Spika, ndugu yangu katika Hoja hii angesema ikiwa watu wana masaa 24 ya kukuza uchumi kwa njia ya kufanya biashara kama Kilifi na Mtwapa, basi walipwe sawia na wafanyakazi wa Mombasa, Kisumu, Nakuru na miji mingine ambapo kuna maeneo ya kufanya biashara ya nje.

Wakati huu, kumekua na ugonjwa wa COVID-19. Watu wamepoteza kazi zao. Hivi karibuni, kumeingia ugonjwa wa Omicron na watu wanazidi kupoteza kazi. Serikali ingekuwa imeweka mikakati kambambe ili kuhakikisha kuwa ugonjwa huu hautaenea kwa kasi kama ule wa COVID-19 ulipotangazwa mara ya kwanza. Wangeangalia ni vipi tunaweza kupata suluhisho ya ugonjwa huu.

Tuzidishe upande wa teknolojia kuona kwamba watu wanaweza kufanya kazi zao wakiwa nyumbani ama wanafanya kazi zao wakiwa kwa umbali, lakini wasipoteze kazi.

Bi. Naibu Spika, tukija upande wa pesa zinazoenda katika Serikali za mashinani, tunaona ya kwamba bidii ama juhudi katika kupunguza yale madeni ambayo yanakumba serikali za mashinani hazitoshi. Ni jambo la kusikitisha ni kuwa kati ya serikali zetu za ugatuzi zote 47, hakuna serikali hata moja ambayo haina shida ya kutolipa madeni. Wengi wamekuwa wakifanya harakati zao katika serikali zao lakini madeni ya kaunti yanaendelea kupanda kila uchao. Hili si jambo ambalo linaonyesha picha nzuri.

Bi. Naibu Spika, tukiangalia upande mwingine, madeni yale ya kulipa yanalipwa kwa kupendelea. Wakati mwingine, wengine wanalipwa na wengine hawalipwi. Watu

wamechukua madeni. Hivi sasa, wamekwenda kwenye benki wakachuka na kukopesha kila mahali. Lakini pesa zikipatikana zinapokwenda katika serikali za mashinani, hazigawanyi kulingana na ratiba; kwamba, wale watu ambao wamefanya kazi kwanza walipwe halafu wale wengine baadaye. Kunakuwa na mapendeleo.

Kuna wengine ambao wamefanya zile kazi na wameweza kupeleka risiti zao na kupitishwa kwamba wameshalipa yale madeni. Lakini utaona kwamba wale wanaolipwa katika zile pesa zinazopatikana kwenda katika serikali za mashinani wanaanza kufanya ubaguzi. Wale ambao wako na madeni madogo madogo hususan nikipesha wale ambao wanafanya biashara ndogo ndogo, wamejikakamua sana kufanya hiyo biashara lakini ikifika saa ya malipo inachelewa.

Bi. Naibu Spika, sasa utapata kwamba mtu amemaliza karibu mwaka mzima. Anaenda kwa kaunti kila siku akiomba kwamba deni langu katika benki linazidi kupanda na upande huu sasa sijui hata faida hakuna tena, niregesheni ile pesa ambayo nilikopa ili kuwafanyia kazi kama kaunti. Jambo kama hilo ni muhimu lingekuwa hapa na lizingatiwe, kwamba wale wanaofanya biashara na kaunti, wa kwanza walipwe kwanza na watakapo kuja baadaye walipwe baadaye, badala ya kufanya mambo ya upendeleo.

Tumeona katika Ripoti hii pia kwamba kuna uzembe mwingi sana ndani ya mashirika ya umma. Ndugu yangu Sen. Kibiru amefanya vizuri kuyataja yale mashirika. Shirika la kwanza likiwa ni Kenya Power Company (KPC); shirika la pili likiwa ni Kenya Electricity Generating Company (KenGen); la tatu likiwa ni Kenya Ports Authority (KPA) na la nne likiwa ni Kenya Airways (KQ).

Bi. Naibu Spika ni jambo la kusikitisha kuona Serikali yetu inapeleka pesa nyingi sana katika makampuni haya. Kulingana na ukweli, kama mashirika ya umma, makampuni haya yanatakikana kujiangalia wao wenyewe bila kusaidiwa na Serikali. Yawe yanaweza kufanya biashara na wanapata pesa za kujiendeleza wao wenyewe ili waweze kupanuka kama wale wa Emirates Airline, Qatar Airways na KLM Royal Dutch Airlines. Haya ni mashirika ambayo yako kwa serikali zao lakini yanajitegemea na yako huru na Serikali.

Lakini hapa utaona kwamba shirika kama KQ linasikitisha. Ni shirika letu la ndege, tunalipenda na kulitumia sana sisi waheshimiwa hapa. Lakini utaona kwamba bei za KQ ni ghali sana. Huduma zake sio mbaya lakini ikiwa huduma zenu zitakuwa sio mbaya lakini kima kile wanaosafiri wanalipa kitakuwa juu kuliko wengine, KQ wanaanza kupoteza biashara. Hii ni kwa sababu sasa tuko na mashirika kama 748 Air Services, Jambo Jet, Skyward Express, na wengineo ambao wanafanya biashara kama hiyo. Uzembe ambao unatokea ndani ya KQ ni lazima urekebishwe ili shirika hili liweze kushindana na hata mashirika ya ndege ya mataifa mengine.

Bi. Naibu Spika ukiangalia hivi sasa, KQ haiwezi kushindana na watu kama Emirates kwa sababu bei yao ni kama nusu kama unaenda ama unatoka Dubai. Ukisafiri na Emirates utalipa nusu ya ile nauli ambayo mtu ametumia KQ kutoka Dubai akija Nairobi ama kwenda Dubai analipa nusu. Hiyo ni lazima iangaliwe. Shirika kama la KPA halingekuwa na madeni. Mashirika yote ya bandari, hata ukienda Singapore na Dubai, ndio husaidia serikali. Lakini sisi leo serikali lazima iangalie vile inawezakusaidia KPA. Ni kwa sababu ya uzembe na ufiisadi kule.

Bi. Naibu Spika, la mwisho ambalo ningependelea kulitaja ni madeni ya barabara. Sisi katika Kaunti ya Kilifi, serikali imejaribu kufanya barabara kisawa kwa uwezo walionao. Lakini tukija katika Serikali ya kitaifa, ni jukumu la Serikali kuona kwamba

wanatengenezea wananchi barabara ili waweze kuongeza biashara na uchumi hususan kwa wale wafanyibiashara.

Mara nyingi sana utaona kwamba ikiwa Serikali inafikiria kutengeza barabara ndani ya Pwani au pahali popote ambapo inafikiria kutengeneza barabara, kitu cha kwanza kinachokuja kwenye akili ya mtu aliye ndani ya serikali ni kwamba tunatengeneza barabara ya kusaidia watalii. Sisi tumechoka na habari ya kwamba ukifikiria kwenda Mombasa, Kwale, Kilifi, Taita-Taveta, Lamu au Tana River unafikiria utalii. Usisahau kwamba kule kuna binadamu. Maeneo ya Pwani sio ya utalii pekee yake. Pwani sio mbuga za nyika ya kwamba kunaishi wanyama.

Bi. Naibu Spika, tunataka heshima ifanywe. Ikiwa wewe unaishi kule Pwani na Serikali imefikiria na kutafakari kutengeneza barabara, watengeneze kwa sababu wanajua kuna wakulima, wafanyibiashara, watu wanaishi kule, kuna shule na kila kitu kiko kule. Lakini tunaona kwamba upande wa barabara Serikali imekaba pesa kidogo kwa sababu ya uhaba wa barabara nzuri kule Pwani.

Hivi juzi, tumepoteza watu 18 katika ajali ya *matatu* iliyotokea. Ni mahali ambapo tusingepoteza watu kama hao. Watu wanaoishi kule pia wanahitaji huduma za Serikali. Watu wa Kilifi wanahitaji huduma za Serikali ili wapate barabara nzuri na tusiwe na ajali zinazotokea barabarani na kuweza kupoteza maisha ya wapendwa wetu.

Bi. Naibu Spika, la mwisho ni kwamba ndugu yangu “landlord” ameleta Ripoti yake hii na ninaiunga mkono kwa sababu ni safi na imetupatia nafasi ya kuangalia vigezo vile ambavyo tunaweza kuongeza uchumi.

Asante.

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

Sen. (Eng.) Hargura, proceed.

Sen. (Eng.) Hargura: Thank you, Madam Deputy Speaker, for giving me this opportunity to contribute to this Report by the Committee on Finance and Budget on the Budget Policy Statement (BPS), 2022.

This House has been involved in the discussion of this BPS for a long time since the inception of the Second Senate. However, one question I have been asking myself is whether it is an academic exercise or we are contributing anything to the Budget making process.

We have been discussing this issue year in, year out, and I do not think our views have been taken into account. The National Treasury does not consider what comes from Parliament, much less what comes from the Senate because they know that once they prepare the budget, it does not come to us.

Madam Deputy Speaker, sometimes I wonder whether we are doing an academic exercise or we will affect the budget-making process. If you look at Section 25 of the Public Finance Management (PFM) Act, it is clear. It states that the resolution of Parliament on the Budget Policy Statement (BPS) should inform the preparation of the annual budget. However, is that actually the case?

My expectation is that our mandate as the Senate is to make sure that we look at the impact of the BPS on the counties, basically, on devolution and the proposed revenue. We have to communicate our position on the division of revenue, and by extension, the county allocation of revenue, which is generated from this process.

Madam Deputy Speaker, assuming that what we discuss here will have any impact on the budget-making process because it has not had any before, the budget

estimates for this year have shown an increase of about 9.2 per cent, from Kshs3 billion to Kshs3.3 billion. However, if you look at what we have gone through, it is clear that we should look at the times we are living in and had this kind of budget increase. It basically means that we will have to borrow more. The revenue collected last time as per the estimates here was Kshs2.141 billion ordinary revenue against Kshs1,942,008.90 of what is projected. What is given in the BPS is not realistic and not even in line with the estimates that are there.

Madam Deputy Speaker, that means they will tax Kenyans more because that will be the other way of raising it. At the end of the day, assuming we will raise the Kshs2,192,370,000, with a budget of Kshs3,030,325.70, it means we have to borrow Kshs1.2 trillion from somewhere. That is an addition to the debt that is already hitting almost Kshs9 billion, which was approved last time.

I would like to comment as my colleagues earlier did. The reason Parliament approved the increment of that ceiling was to allow the Government to borrow and retire the expensive or local component of the debt, so that we can have the long-term ones; the international ones done at a minimum rate of about 1 to 3 per cent, so that we can structure those ones to delay the payment.

Madam Deputy Speaker, from what the Committee has come up with after engaging the stakeholders, nothing has been done. We even hear cases of borrowing from international organizations and countries like Germany at 19 per cent. The Committee Members said that today. That shows we are even borrowing more than at the rate we borrow locally, while that was not the reason we had increased that ceiling.

Madam Deputy Speaker, if you look at the budget, the Report says that there is a reduction in the contribution of export to the Gross Domestic Product (GDP). This means that we are concentrating more on consumption than production. The argument has been that we can raise the budget and finance the sections of this Government which will generate more income, but it is all consumption and going to Government departments and sectors which consume. Therefore, there is no increase in production and benefit from it.

The clear issue here in this Report is that high domestic borrowing will affect access of local businesses to credit because banks will favour lending the Government than the local businesses. This means there will be less capital available to the local investors to improve the economy. What the Government is doing is against the idea of improving the economy in the first place.

The other one is the issue of the high budget deficit of about Kshs1.16 billion, which will result in more borrowing, resulting in more taxation. We do not intend to put more pressure on Kenyans because they are the most taxed people.

The other issue that the Committee has raised is on county allocations, where the BPS talks of 370 billion, which is the same as last year's allocation. Last year, through the effort of each and every Member of this House, we made sure that we secured an additional Kshs50 billion for the counties, from Kshs316 billion to Kshs370 billion. However, somebody somewhere seems to be punishing the counties because of the concessions this House got from them. If the budget cannot be increased to the counties, that means it will be less because of inflation not being taken into account. Therefore, counties will get less and devolution will suffer considering that the budget has increased.

If the overall budget has increased by 9 per cent and the revenue estimate has increased, then what informs this idea of not adding more funds to the counties? That is why I agree with the Committee in their proposal that the counties be given Kshs495 billion. This is where I would like to see whether this House has any impact on the budget-making process.

According to Section 25 of the PFM Act, this is where our input should be seen. There must be a change in the allocation given to the counties or what the BPS says about the county allocation of Kshs370 billion.

Last year, when passing the County Allocation Revenue Bill, we did not include conditional grants on the understanding that there will be a different law or mechanism of releasing the grants to the counties. Up to now, nothing has been released. These grants affect major sectors like health and the development of the Kenya Urban Support Programme (KUSP), which was used to develop county headquarters in some areas. That has not been released either.

If we continue that way, we are under-funding the counties. If the Kshs370 billion is stagnant and the conditional grants are not released, that means we are literally strangling counties. We should not be part of that kind of a process as this House, which is here to protect counties and their governments.

Madam Deputy Speaker, the national Government has retained most of the functions like health and water. However, the worst part is that you will find the national Government at the county level drilling boreholes and constructing small pans, yet this is a county government function. The national Government does this in the pretext that it is using borrowed funds, like the African Development Bank (ADB) is funding those programmes under the Ministry of Health. You wonder if the counties cannot get that money to do those projects instead of having duplication and the cost of implementing of those programmes.

Madam Deputy Speaker, this shows that the national Government has not accepted that the counties need to do the functions they have been given. Every time anything happens, everybody is ready to blame counties like they are not performing well, yet the funds are not given to them, but are held by the national Government.

In the case of the old sector, you would find that the national Government maintains its own funds like the Roads Maintenance Levy Fund. What is given to the national Government entities like the Kenya National Highways Authority (KENHA), the Kenya Urban Roads Authority (KURA), the Kenya Rural Roads Authority (KERRA) and the Kenya Wildlife Services (KWS) still goes that way. However, the one that goes to the counties has been put under equitable share. Basically, there are no funds for maintenance of roads in the counties. When we asked for Kshs50 billion, part of it was for the Roads Maintenance Levy Fund.

The 15 per cent that goes to counties has been put there. It is unfair because an important sector of the county government function is not working and the roads are not being maintained because we have diverted the money. It is better we insist that the money is reinstated to a conditional grant and delivered to the counties.

I support the Committee's recommendation in the Report that the county allocation of revenue be increased from Kshs370 billion to Kshs495 billion and the Equalization Fund be released to the counties. We are at the end of the 11th year and no funds have been released from that Fund. It has a sunset clause of 20 years; already 11

years gone and we have only 9 to go and nothing has been released. When they start releasing, will they release the ones they started generating from 2011 or from when they will start releasing? In this country, I do not believe there is money kept in a particular place since 2011, waiting for the Equalization Fund law to be passed. It seems there has never been a good will. It is a meager amount of 0.5 percent, which has also not been released for the last 11 years.

The Committee also proposes reduction in the national Government allocation of the budget, so that what is recovered from there can be released to the counties. The counties also have issues, as my colleagues have stated. They also need to see how they can raise their own revenues.

Having had the benefit of being in the County Public Accounts and Investment Committee, you realise that the county governments are not serious on the own source revenue generation, while they have more capacity than the previous local authorities. They can automate their revenue collection and have capacity to employ more staff to collect more revenue. However, you will find that they are not generating revenue as they should, either because there is no push since they are expecting money from the national Government or money is being collected and spent at the source.

To make matters worse, governors are not ready to be oversighted by the Senate at that level. There are court cases to the effect that Senate should not oversight the counties on the own source generated revenue. This gives a leeway for the Government or Governors to spend the money as they wish, which is not right. We have had problems even when it came to conditional grants like the roads maintenance levy fund, which when the Roads and Transportation Committee of the Senate called the governors to account for the roads maintenance levy fund, they went to court. Now we have an order barring the Senate from oversighting the county governments on the funds, which we allocate. This shows how far the governors can go to avoid oversight. This makes it difficult for us to argue that they should get more funds because they are not ready to account for what they have.

On the issue of pending bills at the county government, county governments receive all their monies they budget for other than when they under collect their own source revenue. That is where a shortfall occurs, which they should adjust as they move on. Then make sure they do not overestimate their revenue. The kind of pending bills we are talking of shows lack of financial discipline. Governors are not following the law in terms of spending as per the budget. This is why you have an approved budget, you receive the whole amount, however late it maybe, you still have accumulating pending bills because you do not follow your budget. This is a discipline that the governors need to develop and should pay all the much they owe. These are Kenyans; we have heard complains of merchants who had their properties auctioned because the counties could not pay on time for what they have delivered. This is sad because more often than not, those are residents of the same county which is incurring those kinds of injustices against them.

Madam Deputy Speaker, lastly, is the issue of outstanding Government guaranteed debts to state corporations. It has been said clearly about Kenya Airways, but I would like to comment something about Kenya Power Company. If you look at Kenya Power Company, it is a profit-making organization because it does not produce, but buys power from power producers and sells to the consumers at a higher price. It is supposed

to be making profit. Nonetheless, because of corruption which has permeated all parts of the institutions of Government, the procurement sector of Kenya Power Company has been one of the most corrupt and we know the issue of purchasing equipment that is not usable like the transformers. This is money being lost to the extent that this kind of organization which has little input in terms of production, but buys powers and sells, is making losses.

It all comes from the power purchase agreements they have with the independent power producers. We have seen the biggest generator of power, Kenya Electricity Generating Company PLC (KenGen), being paid less than the independent power producers several times because of the agreements they have. There is a case that has been in the news in the last two months. The Kshs18 billion we are paying to an independent power producer; Lake Turkana Wind Power Project because of what they call deemed generated electricity.

The Auditor General did an audit and produced a report in April this year 2021 specifically on that amount of money which we are paying. We have paid Kshs10 billion and the rest is factored into our bills. The rates at which they have agreed, which is supposed to be a fixed rate for 20 years, have been increased so that they can recover that money from our bills. It has been passed to us and the worst part which seems not to be coming out in the press is the Auditor General said that when this project started, the power line, which is the cause of the problem, was supposed to be the responsibility of Lake Turkana Wind Power.

Along the way, KenGen was created. By the time KenGen came into the picture the procurement process for the power line had started. It a clear case of conflict of interest. Lake Turkana Wind Power was involved in the procurement of the contractor. They did the survey of the line themselves, then, they were involved in the procurement of the contractor. This is what the Auditor General has said. By the time KenGen was taking over, already ISOLUX had been identified, and this is the company that went bankrupt and caused this delay.

It has been identified and the report is clear that the technical and the financial evaluation of that company was the responsibility of Lake Turkana Wind Power. They handed over the process to KenGen who did not do another procurement, but took up from there. The company which Lake Turkana Wind Power had identified is the one which went bankrupt. Now, Lake Turkana Wind Power is using that excuse that ISOLUX went under and the process delayed. This is why we are now paying that kind of money.

Madam Deputy Speaker, I support the Report of the Committee with the recommendations.

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

Sen. Faki, proceed.

Sen. Faki: Asante Bi. Naibu Spika kwa kunipa fursa hii kuchangia Ripoti ya Kamati ya Fedha na Bajeti ya Bunge la Seneti kuhusiana na taarifa ya sera ya bajeti ya mwaka 2022/2023. Kwanza, naipongeza Kamati hii kwa kuiangalia kwa kikamilifu taarifa hii ya sera kulingana na Kanuni ya Seneti na Katiba yetu ya Kenya.

Taarifa hii inatupa mtazamo wa vile Bajeti ya mwaka ujao itakavyo kuwa katika maswala yote ambayo yameangaziwa katika sera hiyo.

Bi. Naibu Spika, pili, nakubaliana na mapendekezo ya Kamati hii kwamba hazina kuu ifanye makerebisho ili kuzikinga kaunti zetu dhidi ya mfutuko wa bei au *inflation* na

kwamba ruzuku ya mwaka ujao wa 2022/2023 iongezeke kwa asili mia 35 ya hesabu za serikali za mwaka wa 2017/2018. Hizo ndizo *audited accounts* au hesabu ambazo zimekaguliwa na mhasibu mkuu wa serikali ambazo ndizo za mbele zaidi kuliko zingine zozote. Serikali Kuu inafaa kutumia asili mia 35 za fedha hizo ambazo ni karibu Kshs1.4 trillion.

Asili mia 35 ni moja ya vitu ambavyo vilikuwa katika BBI. Rais Uhuru Kenyatta alipohutubia Bunge mwanzo wa mwezi huu, alisema kwamba BBI bado ipo hai ijapokuwa imewekwa katika *freezer* kwa sasa kutokana na uamuzi wa mahakama. Natoa changamoto kwa Serikali kwamba kama kweli ina nia, inafaa kuonyesha nia hiyo. Kwa sasa, inafaa kuwapa kaunti zetu asili mia 35 ya fedha zote ambazo ni karibu Kshs1.4 trillion. Ikiwa Serikali Kuu haitafanya hivyo, inamaana kuwa mapendekezo ya BBI yalikuwa ya kutupaka mafuta kwa mgongo wa chupa.

Bi. Naibu Spika, naunga mkono pia pendekezo la kuongeza ruzuku ya kaunti kutoka Kshs370 bilioni mpaka Kshs495 bilioni. Ikiwa pendekezo hilo litakubalika, Kaunti ya Mombasa inanua kupata karibu Kshs12 bilioni ambazo ni pesa zinazohitajika pakubwa katika kutoa huduma kwa wakaazi wa Mombasa na wengine wanaozuru Mombasa.

Jambo lingine lililogusiwa ni sekta ya usafiri. Ninaposema usafiri, namaanisha usafiri wa meli na wa bahari. Ijapokuwa Serikali inaweka pesa nyingi katika kujenga viwanja vya ndege, barabara pia zinahitajika. Kwa mfano, miaka miwili iliyopita, Serikali ilitenga karibu Kshs8 bilioni katika kupanua Uwanja wa Ndege wa Kimataifa wa Moi ilioko Mombasa. Lakini ndege za kimataifa zinazotua Mombasa ni moja au mbili tu. Zamani, ndege za Turkish Airlines, Qatar Airways, Ethiopia Airlines pamoja na ndege zingine za kibinafsi zilikuwa zinakodishwa kuleta watalii katika kaunti za Pwani. Lakini kwa sasa, ndege ya kimataifa inayotua Mombasa ni Ethiopian Airlines pekee yake.

Bi. Naibu Spika, tunataka kuinua uchumi wetu baada ya kuathirika na janga la COVID-19 lakini hatuwezi kuinua uchumi wa utalii wakati tunazuia ndege za kimataifa kutua katika Uwanja wa Ndege wa Kimataifa wa Moi ulioko Mombasa au katika Uwanja wa ndege ya Malindi ambayo pia iko katika hali ya kimataifa. Haina faida kutoa Kshs8 bilioni kurekebisha uwanja wa ndege wa Moi ulioko Mombasa wataki kwa sasa, ndege inayotua huko ni ile ya Ethiopian Airlines pekee yake.

Tukilinganisha Pwani yetu ya Kenya na nchi jirani kama Zanzibar, wanatushinda kwa mbali. Kisiwa cha Zanzibar kinapokea zaidi ya ndege 30 za kimataifa kila wiki. Kuanzia Jumatatu hadi Jumapili, ukienda katika Uwanja wa Kimataifa wa Zanzibar, utapata ndege nyingi za kimataifa kama Qatar Airways, Emirates Airways, na vile vile, ndege nyingi za kutoka Europa ambazo zinawasafirisha watalii moja kwa moja hadi Zanzibar. Kupatikana kwa ndege hizo za kimataifa kumeinua sana uchumi wa Kisiwa cha Zanzibar.

Bi. Naibu Spika, nina ushahidi kamili kwamba zamani Uwanja wa Ndege wa Kimataifa wa Moi ulioko Mombasa ulipojengwa ndege zote za kimataifa zilikuwa zinatua Mombasa. Ndege za kimataifa kama Lufthansa, Air France, British Airways, Condor Airlines na zingine nyingi zilikuwa zinaleta watalii mara kwa mara ili kuinua biashara ya utalii.

Ni jambo la aibu kwamba leo Mombasa ina bandari ya kimataifa, kwani kunajengwa hata *Cruise terminal* ambayo itatumika na watalii wanaowasili nchini kwa meli. Ingekuwa ndege za kimataifa zinaruhusiwa kutua Mombasa, watalii wengeweza

kuja kwa ndege na hata kurejea kwa meli. Vile vile mtalii angeweza kuwasili nchini kwa meli na kurejea kwa meli au ndege. Hili likitimizwa, litainua zaidi uchumi wetu na biashara zetu za kitalii katika Kaunti ya Mombasa na kaunti jirani.

Bi. Naibu Spika, kuna uwanja wa ndege wa kimataifa Kisumu pia lakini ndege inayotua huko ni Kenya Airways tu; hata ndege ya 540 haitui Uwanja wa Kimataifa ilioko Kisumu. Tutaendelea kuulinda Kampuni ya Ndege ya Kenya Airways hadi lini? Kampuni ya Kenya Airways inaendelea kupata hasara. Kila mwaka, mabilioni ya fedha yanakwenda kwa hasara. Jambo la kushangaza ni kwamba kuna waekezaji wa kibinafsi ambao wako katika Kenya Airways lakini wakati pesa zinahitajika, Serikali ya Kenya tu ndio inayotoa pesa. Kodi zetu pekee yake ndizo zinatumika kuinua Kenya Airways. Waekezaji wa kibinafsi huwa hawaongezi mtaji wakati Kenya Airways inaendelea kupata hasara.

Ikiwa tunaweza kuruhusu meli za kimataifa kuegesha Mombasa na kuleta mizigo, sioni ni sababu gani ndege za kimataifa haziruhusiwi kwenda Mombasa kuleta watalii ili kuinua sekta ya utalii Mombasa. Tuna fuo za bahari nzuri sana kutoka Shimoni hadi Kiunga, Lamu, lakini hakuna ndege za kimataifa zinayotua katika sehemu hizo. Mbali na ufuo wa bahari, tuna mbuga za wanyama kama Tsavo na zinginezo ambazo ni vituo vikubwa vya kimataifa kwa maswala ya utalii.

Bi. Naibu Spika, vile vile, Bandari ya Lamu ambayo ni ya kimataifa, bado haijaweza kuanza kazi kikamilifu. Serikali kuu inafaa kupeleka waekezaji wa kibinafsi kule Lamu ili biashara ianze kuwa katika Lamu. La sivyo, bandari ya Lamu itakuwa *white elephant* ambayo ni nadra sana kupatikana kama wasemavyo Waingereza.

Kama Serikali Kuu ina nia ya kuinua biashara, inafaa kutafuta waekezaji wa kibinafsi ili waende wakainue biashara katika Bandari ya Lamu kwa sababu hiyo ndio bandari ambayo kwa sasa inaweza sheheri biashara kwa kikubwa. Mpango wa kubinafsisha *Container Terminal 2* Mombasa inafaa kusimamishwa kwa sababu biashara kwa sasa ni nzuri na watu wanapata faida. Sioni sababu gani Serikali inabinafsisha kitu ambacho kinapata faida.

Kenya ina ufuo wa bahari mkubwa lakini hatuna shirika la meli. Hakuna meli hata moja inayomilikiwa na Serikali ya Kenya. Kwa hivyo, sioni sababu gani Kenya Airways isiwachiliwe kufa kifo cha kawaida kwa sababu hiyo ni njia moja ambayo pesa za serikali zinaliwa bila kuchunguzwa na mhasibu mkuu wa Serikali ya Kenya. Hivi majuzi, tulipata habari kwamba kuna meli moja ambayo imebeba mabaki ya sumu ya nuclear kutoka Ulaya zinazokuja kutupwa Afrika.

Kufikia jana ripoti zilikuwa kwamba meli hiyo ilikuwa imewasili katika Bandari ya Mombasa. Naomba Serikali ihakikishie nchi kwamba meli hiyo itasafirishwa na Navy ya Kenya mpaka bahari kuu ili kuhakikisha kwamba mabaki hayo ya sumu hayatupwi nchini kwetu na kutuletea madhara. Mabaki hayo ya sumu kule Ulaya yanachunguzwa na Greenbelt Movement lakini hapa Kenya, sisi hatuna vifaa au tajriba ya kuhakikisha kwamba vitu kama hivi haviwezi kutupwa hapa. Ni muhimu Serikali ituhakikishie sisi wananchi wa Kenya kwamba mabaki hayo ya sumu hayataweza kutua kokote katika nchi ya Kenya au mahali pengine.

Bi. Naibu Spika, jambo lingine ambalo nimeangaziwa ni maeneo ya biashara nje au Export Processing Zones (EPZs) hususan ilioko Mombasa katika Dongo Kundu. Mwaka jana, nilijumuika na Mwenyekiti wa Kamati ya Fedha na Bajeti, Sen. Kibiru, kuzuru eneo hilo. Isipokuwa mradi huo uliwekewa jiwe la msingi katika mwaka wa 2019,

mpaka sasa, hakujakuwa na maendeleo yoyote. *Squatters* hawajaondolewa na vile vile, hakuna waekezaji ambao wametafutwa ili kuwekeza na kuinua biashara katika Kaunti ya Mombasa na Kenya kwa jumla.

Dongo Kundu EPZ itasaidia pakubwa kuinua uchumi wa Mombasa na pwani na vile vile kupata mapato zaidi ya serikali kwa sababu ni sehemu ambayo iko tayari. Waekezaji wanafaa tu kuitwa ili wajenge viwanda na kuhakikisha kwamba biashara inaendelea ili sisi watu wa Mombasa na majirani zetu wa Kwale na Kilifi waweze kufaidifka na biashara hizo.

Bi. Naibu Spika, Serikali imesema itajenga hospitali 50 za *Level 3*. Kulingana na taarifa iliyosomwa na Rais alipokuja Bunge, alisema kwamba wamejenga hospitali 20 katika Kaunti ya Nairobi kwa mwaka mmoja. Hizi ni hospitali chache kwa sababu kuna sehemu ambazo hazina hospitali ya aina yeyote. Wengi wao wanatumia dawa za kienyeji na miti shamba. Kwa hivyo, hospitali hizi zinafaa kujengwa kwa kila kaunti ambazo kwa sasa ziko na shida ya huduma za afya wakati huu tuko na janga la Covid-19.

Bi. Spika wa Muda, ninapomalizia, ninaipongeza Kamati kwa kazi nzuri waliyoifanya. Tunasisitiza kwamba afisa mkuu msimamizi wa maswala ya pesa azingatie mapendekezo ambayo yametolewa na Kamati hii ili kuhakikisha kwamba Kamati au Bunge la Seneti hazichukuliwi kama *rubber stamp* na kufanyiwa kama ada lakini yale yaliyo pendekezwa nakushauriwa na Kamati hii ya Fedha hayatazingatiwa.

Ni muhimu wazingatie na tuhakikishe kwamba Bunge la Seneti linachukuwa sehemu yake katika taasisi za kitaifa zinazoangalia mambo kwa undani na kuhakikisha usawa unatendeka.

Sen. Kavindu Muthama: Thank you, Madam Deputy Speaker, for giving me this opportunity to make my contributions and congratulate, Sen. Kibiru, and the Committee for this very well prepared report on the BPS.

I want to comment on a few items. One is the allocation of funds to the counties. I fully support the proposal for counties to get Kshs496 billion. I thank the Committee because if this comes to pass, then Machakos County will get some good money.

I want to speak about pending bills that are in almost all the counties in the country. I urge the Committee and the National Treasury to put in place a mechanism that every incoming governor must deal with pending bills that have been left by the outgoing governor. I am saying this because in Machakos County, for example, there are many people who have died because of not being paid after working or supplying to the county. Many are languishing in poverty while others have been auctioned. Therefore, something should be done before the outgoing governors leave the counties. They must make sure that they pay the pending bills. I know they always budget for what they want to do for their counties. I wonder why they do not pay the people they owe money after they finish their work.

Madam Deputy Speaker, two, I want to speak about workers of the counties who have not been paid. For example, in Machakos County, workers have gone without pay for almost two years. We have complaints from doctors and cleaners yet this money is there and has been budgeted for. Therefore, I urge the National Treasury to release money to the counties in good time so that they can prepare for what they want to do in good time.

Madam Deputy Speaker, on issues of agriculture, this country is fertile. If farmers can be fully supported by the national and county governments, I am sure Kenya can become food sufficient. Therefore, money should go to the agricultural sector.

On the issue of medical equipment, we have many that are lying idle in our hospitals. They were bought, but they were not used. Many of them, for example, x-rays and others for testing malaria and other diseases are not working and are never repaired. Patients go to public hospitals, but are sent to private hospitals for medical check-ups and they end up paying a lot of money especially during this time when there is Covid-19 and scarcity of funds.

Our people are suffering. I hope this can be checked and followed. You will find that patients are prescribed medication, but they end up buying it outside yet they are poor and have no money. Some of them are elderly while others are orphans and do not have an income.

Madam Deputy Speaker, I want to speak about the stalled projects. In my County of Machakos, we have many stalled projects, which were started and were never completed. I believe that this is not only happening in Machakos County, but in all other counties.

I wish a law can be put in place to state that any project that was started by governors must be completed before they move to other projects. For example, projects like those of dams and boreholes should be done on time. There are many of them which were done in Machakos County and they are not working.

Madam Deputy Speaker, I also want to talk about the development budget especially for Vision 2030 by the national Government. I hope that enough money is allocated, so that these projects continue and become a possibility. I am also referring to Konza City Project in Machakos. I hope that it can be completed by 2030.

Madam Deputy Speaker, I support.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you Senators for your contributions. That brings us to the end of the debate. I now call upon the Mover, the Chairperson of the Standing Committee on Finance and Budget, Sen. Kibiru, to reply.

Sen. Kibiru: Thank you, Madam Deputy Speaker. It has been a long day. I beg to reply and in doing so, I recognize the contributions that have been made by over 12 Senators which is commendable.

I will begin with Senator number six, Sen. Ole kina, who is present. I thank him for the insights that he has given the Committee specifically on where the BPS is increasing the domestic borrowing. We have noted it and it will not go into vain. Having said that, I request him to reconsider opposing the BPS, so that we can take money to the counties. If you look at the statement that I made, Narok County stands to gain if we stand together and push when the Division of Revenue Bill comes.

I thank Sen. Wetangula who requested that we should be a bit hygienic in the way we do our governance by focusing on corruption. That is something we have captured.

Sen. Cheruiyot talked about trade. For us to increase our taxation base, we also need to increase trade in terms of the balance of payment. He mentioned about the Kenya-Tanzania border. I think that is something that needs to be taken seriously.

Sen. M. Kajwang' talked about accountability. More specifically, he talked about the issue of pending bills and own source revenue. He said that when we come back, we should focus on counties that refuse to take seriously issues of pending bills and invoke

Article 225 of the Constitution by recommending to the National Treasury to stop disbursements to those counties, especially now that we are on a transition and we have governors who will leave.

Sen. Murkomen was excited to talk about the issues of the BBI. There is only one issue that needs to be clarified. The BBI recommended that instead of using the last audited accounts, because the National Assembly is usually late in adopting the reports of the Auditor-General, we should use the current presented audited accounts to Parliament. If that was the case, we would have used Kshs1.6 trillion that was recorded the previous financial year.

I also thank Sen. Wambua. He brought up the issue of the former councilors. It is something that we will recommend that the National Treasury takes it seriously. Since we passed a Motion, I think it is only fair that they respect that.

Sen. (Dr.) Musuruve and Sen. Seneta also came up strongly. The Senator for Marsabit County, Sen. (Eng.) Hargura, also came up strongly. He talked about timely disbursements and all Senators supported the Kshs495 billion. Those who are listening should know that the Senate is ready to play its role in ensuring that counties get their rightful share of the Kshs495 billion come next year.

Sen. Faki, who has just spoken, talked about expanding businesses and I cannot agree with him more. He said that we should allow international flights to Mombasa. In doing so, we will be increasing revenues to this country because of direct flights to Mombasa. Probably that will also increase the number of tourists coming to this country.

Sen. Farhiya, who is a Member of the Committee, also spoke. She is part and parcel of this report. Sen. (Dr.) Zani was the last person to speak. She touched on one of the areas of a Motion that I brought which was adopted and passed by this Senate. It was about stalled projects which should be given priority in the budgets.

We will revisit that as a Committee. We need to see how far the National Treasury and other relevant Government departments have implemented the Motion which I brought to this House and was passed. We established that stalled projects were valued at Kshs666 billion.

I thank everybody, including you, Madam Deputy Speaker, for giving us this opportunity. I also wish to thank the secretariat.

Madam Deputy Speaker, pursuant to Standing Order No.61(3), I request that you defer putting of the question to a later date.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Sen. Kibiru for the good articulation of the reply. Your request is accepted. I order that we put the question tomorrow.

(Putting of the question on the Motion deferred)

Let us move on to the next Order.

Sen. Sakaja will move the Motion online. Sen. Sakaja, you have the Floor.

ADOPTION OF REPORT ON STATUS OF THE NEW DANDORA
STADIUM IN NAIROBI CITY COUNTY

Sen. Sakaja: Thank you very much, Madam Deputy Speaker. I trust that you can hear me. I will be quick on this because it is a straightforward report.

Madam Deputy Speaker, I beg to move-

THAT, the Senate adopts the report by the Standing Committee on Labour and Social Welfare on the Status of the New Dandora Stadium in Nairobi City County laid on the Table of the Senate on Thursday, 2nd December, 2021.

This is a matter that has been pending for quite a long time and it is quite urgent. I am grateful to the Senate Majority Leader for including it in today's agenda.

Madam Deputy Speaker, a Statement was brought to the House in September by the Senator for Nairobi City County and also the Chairperson of the Committee on Labour and Social Welfare who happens to be myself. My Committee visited the stalled project and made a number of observations.

First, the County Integrated Development Plan (CIDP) provided in the period of 2018-2022 renovation of stadia across Nairobi City at a cost of Kshs1.07 billion. Dandora Stadium was one of the four; including Kawangware, Kihumbuini and Ziwani whose construction tender worth Kshs1.03 billion was awarded to Scanjet Construction Limited in April, 2018.

Out of that amount, Kshs350 million was earmarked for construction of Dandora Stadium and the works stalled because of a dispute and later on investigations by the Ethics and Anti-Corruption Commission (EACC) on the change of the terms from concrete to steel. We went as a Committee and inspected it.

The project is 70 per cent complete. Lack of completion of the project has led to a lot of crime. The stadium is extremely important to the people of Nairobi. It is not just important to those in Dandora and Embakasi North, but also the neighbouring constituencies.

In fact, since the project stalled, I know a number of young people who have gone back to crime, others have been gunned down, yet it is 70 per cent complete. The victims of the stalemate are not the young people in Dandora or neighbouring areas. They did not participate in the variation of contract terms, but those have been their grounds because they have been playing there since they were young. I used to go there when I was young. We established that the works are of good quality. It is only the technicalities that have held that.

So far the county has paid Kshs123 million and very little is left. In fact, we were quite shocked to see that the quality of the work there is good compared to what has been done at the rivals Nyayo National Stadium and Moi International Sports Centre Kasarani. I will invite colleagues who are interested in sports to look at it for their counties.

Madam Deputy Speaker, we have proposed a number of recommendations as a Committee because of the nature of the stalemate. We spoke to officers from the EACC who came to our Committee. We have also spoken to the Public Procurement Regulatory Authority (PPRA), the county government as well as the Nairobi Metropolitan Services (NMS).

The EACC has emphatically stated that even as they continue with the investigations, they have not stopped any works at the stadium, but the county

government needed to be given a go-ahead to not only pay for the works, including steel works and others which can be completed within the next two months.

Very quickly, Madam Deputy Speaker, we recommend just four things. The first one is that the county government reviews those terms in accordance with the law and completes the project as soon as possible in the interest of the young people of Nairobi, especially those living in Dandora and Embakasi North and different teams, because teams also make money from the stadium. There are different avenues of economic engagements.

Secondly, that due to public interest, the EACC concludes the investigations on the matter as works at the stadium continue. We can chew gum and walk. It is not either or.

Thirdly, that due to the advanced stage of the project, the Senate directs that the Nairobi City County Government engages the contractor who is on site, that is Scanjet Construction Limited, to complete the project and---

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

The Deputy Speaker (Sen. (Prof.) Kamar): Senator, just take a pose because there is a point of order by Sen. Olekina.

Sen. Olekina: Madam Deputy Speaker, I hate disrupt my good friend, Sen. Sakaja. I know him to be a stickler to the rule of law and our Standing Orders. Under the Speaker's Rules, a Senator shall be dressed properly.

When I look at him, he is not wearing a tie. This is an extremely serious matter because even though we allow online contribution, I think it would be proper for him to be have a tie so that he can continue moving his Motion.

The Deputy Speaker (Sen.(Prof.) Kamar: Sen. Sakaja, I had not noticed that you are very casual today. What happened?

Sen. Sakaja: Madam Deputy Speaker, my apologies. I seek your indulgence. I am not in there because I am recuperating. I might not carry a tie at the facility I am in. I have mustered strength to come and move this Report because of how important it is. You know I am always properly before you.

The Deputy Speaker (Sen. (Prof.) Kamar): Are you saying your sickness has to do with your neck?

Sen. Sakaja: I am saying people rarely carry ties to hospital.

The Deputy Speaker (Sen. (Prof.) Kamar): So you are in hospital? Please, satisfy the Members that you are in hospital and so you do not have a tie.

Sen. Sakaja: I would not want to go into that. I just seek your indulgence. We have seen Members contribute online even in different states. I am just saying I was not able to have one.

The Deputy Speaker (Sen. (Prof.) Kamar): Now you are changing the reason. It will be very difficult for you.

Sen. Mutula Kilonzo Jnr.: On a point of order, Madam Deputy Speaker. Allow me to confirm that I was with Sen. Sakaja in Dubai. I left before him, but he is unwell. If he says he is in hospital, I can confirm it. Use your discretion under Standing Order No.1. I am very surprised if, in fact, he has managed to move this Motion. I did not even expect him to join this meeting.

Sen. M. Kajwang': On a point of order, Madam Deputy Speaker. I know the Speaker's Rules do not define how a tie should look like. I encourage Sen. Sakaja to tie

even a belt round his neck. I also find it rather mischievous for that point of order to come from the Member who puts on a *shuka* in the House. Maybe through Standing Order No.1, you can allow Sen. Sakaja to move the Motion.

The Deputy Speaker (Sen. (Prof.) Kamar): The *shuka* is part of our traditional dress and that is allowed by the Speaker. Please, do not encourage somebody to wear a belt because we shall see the difference between that and a tie.

Due to the intervention of Sen. Mutula Kilonzo Jnr., I want us to believe that Sen. Sakaja is unwell because we are looking for a witness if he is not hospital. We allow you to complete and *pole* for your sickness.

Members, in future, you should warn us in advance that you are indisposed so that we do not have to interrupt your discussion.

Sen. Sakaja: Madam Deputy Speaker, I had alerted the Secretariat this morning. As I conclude, I thank Sen. Mutula Kilonzo Jnr. for that confirmation. As you can see, I am much better.

The last point was that due to the advanced stage of the project, we brought the Motion because we needed a resolution that speaks with authority. We would like the Nairobi City County Government to engage these contractors to complete this project and pay for all works done, including concrete and steel works and what is in there.

The people of Dandora were very excited when we visited the stadium with Sen. Omanga, Sen. Kihika and the Committee on Labour and Social Welfare. They were very happy to see the Report laid.

As I conclude, I recognize the former Governor of Nairobi City County, Hon. Sonko. He envisioned a project that even people of that area would not have envisioned. The far that it went is something commendable. Most people would take this to higher income areas in the city. We hope this is completed and moving forward, we can do more for our young people in the city.

Thank you, Madam Deputy Speaker for your indulgence. I beg to move and ask Sen. M. Kajwang' to second. I saw he had no jacket so I do not want to come and defend him. Maybe Sen. Farhiya should second. Sen. M. Kajwang' is properly dressed in a maroon tie which is the colour of our school.

Sen. M. Kajwang': Madam Deputy Speaker, I beg to second this report of the Senate Committee on Labour and Social Welfare. I congratulate the Committee led by Sen. Sakaja for taking up this matter. Ideally, this is an issue that the County Assembly of Nairobi City County would have dealt with to its finality.

The fact that the matter came to the Senate indicates that there has been some breakdown in terms of representation and oversight of projects that are being undertaken by the County Government.

The Governor of the Nairobi City County is now substantively in office. There are no more excuses and she is no longer acting. I urge her to take up all the responsibilities of the office of the governor with confidence.

Let me start with the early process of assessing how to take over from the Nairobi Metropolitan Service (NMS) because we know the deed of transfer will be lapsing in a few months' time.

Earlier on when we were debating the BPS, we indicated that the national Government has not made a budgetary allocation for the NMS, which could signal the fact that it has accepted that the NMS is not going to be a permanent entity.

I encourage the Governor of Nairobi City County to take up all those projects that were initiated by the former governor be it Hon. (Dr.) Kidero or Hon. Sonko and those that were initiated by the NMS. She should suffer no crisis of confidence because as things stand, she is the substantive governor.

I urge the Nairobi City County Assembly to also be more vigilant on some of these projects because if the people of Dandora are not getting value, there is a Member of County Assembly (MCA) from that Ward who should be at the forefront of ensuring that the project is pursued to its logical conclusion.

There has been a misconception that Nairobi City County belongs to the people of Nairobi. There is nobody like the people of Nairobi unless you are going to refer the Maasai community. Nairobi City County belongs to all of us from Makueni to Marsabit, Turkana to Pokot, Vanga to Migingo. We must all join hands and make sure that Nairobi City County becomes a point of excellence that can then attract FDI and best quality of life for its citizens and children.

Madam Deputy Speaker, I beg to second.

(Question proposed)

(Technical hitch)

Sen. (Dr.) Musuruve: Madam Deputy Speaker, I would like to thank Sen. Sakaja for this Motion. Coming up with the stadium in Dandora is a noble idea. That stadium will enable the youths in Dandora to engage in sports. Sports are good for physical and mental health. I once saw children from Dandora practice football and it is good for them to have a stadium that will allow them to engage in more sporting activities. Nairobi City County is a cosmopolitan County and many people make a stop in Nairobi as they travel to other places. This stadium will, therefore, benefit many people.

The Governor of Kakamega County should ensure that the construction of the stadium is completed. Governor Sonko started a noble project that touches *wananchi* and I commend him for that. All county governments should endeavor to have stadia in their counties. I have an ongoing tournament in Lugari and it is unfortunate that Lugari does not have a stadium where youths can play. The youths end up borrowing school playfields which means that the students cannot access those facilities when they are using them.

All county governments must set aside money in their budgets for building stadia. As they do that, they should ensure that those stadia are accessible to Persons with Disabilities (PwDs). Most architects do not consider the disabled when drawing the plans of those stadia. Disabled people end up having difficulty accessing those stadia. We do ramps in some stadia, but the contractors do not make them friendly. Some of the contractors make slopes, which look like a hill hence people who use crutches cannot use them. In fact, those who have wheelchairs that do not have good brakes end up falling. The people who construct the stadia must consider the disabled.

There should also be washrooms for PwDs. People always forget to include them and when included, they should be accessible. Nairobi City County Government should do a noble job when constructing the stadium for other counties to benchmark with them. Governor Oparanya should construct stadia in all the constituencies in Kakamega County

for us to nurture talent. I am currently hosting the Musuruve Cup in Lugari and I have a challenge getting a field where the youths can play. There is need to have fully fledged stadia in Lugari for people from Lumakanda, Chevaywa, Matete and other areas to have a place where they can play. When those stadia are available, the locals can prepare a rota of how to use them.

Those who are constructing the stadia should also allocate areas for women sports. Women are now engaging in meaningful sports. During the mini league of Musuruve Cup, we had ladies from different wards playing different games and they did a good job. We should nurture talent. Coming up with stadia is a way of nurturing talent. Everybody cannot excel in academics hence we should nurture those who have talents. We have youths who are good in football, netball, volleyball and so on. If we nurture their talents, they can bring glory to this country.

All stadia must include facilities for players with disability. The East African Legislative Assembly (EALA) Inter Parliamentary games included activities for PwDs such as darts. The PwDs were happy to play. This time, they did not go there as cheerleaders but they went there as players and brought a trophy home. We would not have gotten that trophy if they were not included in the EALA games. I commend Hon. Ole Sankok. He would climb up the air and was very active. We would not have seen his talents if it were not for those games.

The Governor of Nairobi City County should ensure that she creates facilities for PwDs for them to play in equal measure as the others. Some PwDs feel valued when they engage in sports. Some of them do not further their education, but are very talented in football. In Musuruve Cup, we had PwDs from different counties who came and played paravolley. Leaders should ensure that PwD games are also included when they organize tournaments. PwDs can even play sitting volleyball.

Madam Deputy Speaker, we must be candid in ensuring whatever projects we initiate in our counties are inclusive in all levels. Let us ensure that there is inclusivity in sports and academia. The other day, I saw many Members of Parliament (MPs) participating in EALA sports in Arusha and they were enjoying.

We also had members of staff, not just MPs. They were very happy to play with us. Therefore, sports is a valuable commodity because it serves us both mentally and physically. We relax when we engage in sports and physical exercises.

During the Musuruve Tournament in Lugari Constituency, youth come out in large number to participate in games and cheer their groups. When they are active in sports, they have no time to involve themselves in illicit activities like abusing bhang and other substance simply because their minds are occupied.

Madam Deputy Speaker, when we engage them in sports and nurture them well, they can get out of the ward level and participate in national and even international level. We have seen many sports people emerging from the county level and participating in international tournaments and winning medals.

I have seen quite a number of our sporting teams, especially from North Rift region, they go out of the country, participate in various sports and win medals. As I said, sports are noble activities that must be embraced by all county governors. I plead with them to set aside budgets for sports activities in counties. I am surprised that many county governors do not factor sporting activities in their budgets. We should be having sports activities in counties where they engage county executives and their staff.

We have Senators and Members of National Assembly who engage in sports every year. This brings cohesion among ourselves and makes us champion sports issues in the country. I saw Sen. Murkomen in EALA. He was our star and he scored for our team.

Madam Deputy Speaker, as much as sporting activities are devolved, county governments do not allocate adequate resources in order for them to engage many youth as possible. Not only the youth, but they can also engage even members of staff in various sporting activities in their stadiums.

I support this thought and hope that Hon. Kananu, the current Governor of Nairobi City County will do her best to complete what Hon. Sonko started in this great county. I also urge governors to ensure there are stadia in their different constituencies. Stadia are very important in our country for the wellbeing of the mind and physical of our people.

Sporting activities are source of income to many people. Sportsmen earn their money through sporting activities. Our youth cannot always earn their money by working in offices or engaged in white collar jobs. They must not be in an office donning a suit and a tie to earn money. They can be in sports jerseys and genuinely earn money. We must look for ways of creating jobs and engaging them in the counties.

Madam Deputy Speaker, Sen. Kasanga recently tabled the Mental Health Bill. One of the causes of mental health issues is stress. Some of the youth go through a lot of stress and they end up mentally breaking down. As I said, sporting is one of the ways that make us relax our minds.

I, therefore, support Sen. Sakaja and hope that this report will see the light at the end of the tunnel.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Cherargei.

Sen. Cherargei: Thank you, Madam Deputy Speaker. I rise to support this Report by the Committee on Labour and Social Welfare in the issue of the Dandora Stadium. Since Sen. Sakaja wants to become the Governor of Nairobi City County. I hope that he will follow through with it because our term is coming to an end in the next few months.

Madam Deputy Speaker, where you and I come from, apart from agriculture, sports is one of our core businesses. The investments you see in many of our towns like Kapsabet, Nandi Hills, Mosoriot, Eldoret, Ziwa, Kitale, Nakuru and even here in Nairobi are because of our many young men and women who braved the chilly weather every morning from three 3.00 a.m. to train to become the world beaters that they are.

One of the track legends and marathon maestro, Eliud Kipchoge, is a celebrated icon, not only in Kenya, but across the globe. He is a representative of the United Nations (UN) on issues of climate. I saw him speaking on issues of climate during the Glasgow Climate Summit.

There are people like Coneslus Kipruto, Moses Kiptanui, the late slain Agnes Tirop, Janeth Jepkosgei, Rita Jeptoo, the late Samwel Wanjiru, David Rudisha and many others. For us who come from the North Rift region, one of our core businesses is sports, majorly athletics. When you go to Western Kenya, most of their young people play football. A number of them like Denis Oliech, Victor Wanyama and many others have played from the local leagues to the international leagues.

Madam Deputy Speaker, as I speak today, there is no proper infrastructural support to ensure that we nurture these talents. Most of these people are almost knocked

by motor bikes on the rural roads in the villages as they run in the morning. Tracks in Uasin Gishu and Nandi counties, for example, do not have Tartan; the standard track that is needed so that they can train to qualify for international sports events.

Madam Deputy Speaker, we remember the life of slain athlete Agnes Tirop. It is very sad that the family and the rest of us are yet to receive justice many months after she was allegedly murdered away from her training camp. As a country, we must be ashamed that we have failed to protect our athletes and sportsmen and women, and not only by ensuring that we have standard stadia.

The Government of President Uhuru Kenyatta assured us that every county will have a standard international stadium. When the issue of the Cabinet Secretary, Hon. (Amb.) Amina Mohamed, came up, we were very vocal. We questioned how the Government could use billions of shillings to renovate and yet when you look at the renovations that were done, they did not meet the international standards. However, we pride ourselves as a country for becoming the powerhouse of sports.

We all know of the mess in football and athletics. Although sports has been devolved, county governments are yet to exploit sports activities in their counties. For example, in 2020, the County Government of Nandi set aside Kshs70 million to renovate the Kipchoge Keino Stadium and ensure that it meets international standards. However, when you go there, you will see the grass has overgrown, cows are sleeping on the track and nothing is happening.

It is a shame that Nandi is the source of champions, but the county government is not extending any support to them. The Kipchoge Keino Stadium in Nandi just like the Dandora Stadium does not meet the international standards.

Madam Deputy Speaker, how can you tell the world? When you ask the county executive and the governor, they have gone aside and now left the Kipchoge Keino Stadium, which was supposed to assist all athletes across Nandi County. They have now started building something outside, calling it a complex where they are only building toilets and changing rooms, leaving the major that they should have ensured they build; Kipchoge Keino Stadium and ensure it has international status and standardization mark that can ensure that our athletes are able to compete.

Even where your athletes come from in the City of Champions, in your county, Madam Deputy Speaker, were able to train. This is because the climatic condition apart from Iten is very good for the training areas like Nandi Hills. You can see, for example, we also have Nandi Hills Stadium. I was in Nandi Hills Stadium presiding over a tournament. When it rains, the entire stadium turns into a manmade lake.

The work that has been done is substandard and millions of shillings have been sunk in the Nandi Hills Stadium. That is why you find people going and playing there. Even when Kenya Rugby plays outside Nairobi, they hire Nandi Bears Club to train there yet we have Nandi Hills Stadium that we have put millions of shillings by the County Government of Nandi. However, when it rains, it turns into a river and lake. When you go there, there are no changing rooms. The place is so dirty and dilapidated. It is next to the market which itself is dilapidated. It has failed.

Madam Deputy Speaker, I said in my other submission during the Budget Policy Statement (BPS) that from where you and me come from, our only main economic stay is agriculture and sports. If our county governments cannot factor in funds in their budgets and ensure that the issue of sports is addressed, it is very unfortunate. A county like

Nandi where if you go there - I know you are our neighbour and you even drive everywhere in the North Rift - whenever you drive, you see runners. Whenever you drive past a Centre, you see volleyball.

When I organised a tournament early last month at Mosoriot, what we called First Heroes Volleyball Tournament that we were recognising volleyball heroes, you could see the potential of many young people. The only question they continue to ask all of us, as leaders, and county government, is where are the stadia, training grounds and the money that has been allocated to sports?

Madam Deputy Speaker, the only sports tournaments that I have seen organised by the National Government Constituency Development Fund (NGCDF) and Members of Parliament (MPs) is in Nandi. However, when you ask the County Government of Nandi, they cannot even organise what I was told the other day is called woodball. That is where you play using woodball where a lot of money has been allocated. They cannot even organise a small village league yet Members of County Assembly (MCAs) across the country, especially in Nandi normally allocate money to sports.

The two stadia like Nandi Hills Stadium and Kipchoge Keino Stadium, there is nothing to write home about. Millions of shillings have been spent. When you go there as I have said, especially in Kipchoge Keino Stadium, the grass is overgrown, and you get animals feeding there. It is substandard and no one can train there. That is why you find most of our athletes from Nandi County go to Uasin Gishu County at Kaptagat to train yet Nandi Hills and Kapsabet can be a good place. You know very well that most of the people who have run for this country trained in Nandi County because of the good conditions that we have.

Madam Deputy Speaker, I want to emphasise that it is timely. I hope there will be intervention even using Dandora Stadium. You know our cities even where all of us live especially here in Nairobi, there are no playing grounds. There is a disease in this country called "grabiosis". Everybody has grabbed all empty fields. I do not know, but there is a problem in this country. Anybody who sees an empty field or something, the disease called "grabiosis" symptoms just crop in. That is in every estate that you go to in Nairobi.

Whenever you are around during the weekend and drive especially through the southern and northern by-pass, you find families and their children playing along the by-pass and many accidents have happened. That is because in the estates, there are no playgrounds because they were grabbed.

Madam Deputy Speaker, that is why a stadium like Dandora Stadium should be used and ensure it is up to standards so that the young people of Nairobi, children and adults who want to play can get a stadium where they can go and play and exploit their talents. We want to see footballers like Cristiano Ronaldo. We want to see Eliud Kipchoges of this world. We want to see volleyballers like the Malkia Strikers that we have. We want to see serious sportsmen and women in this Republic. That is why we were questioning the sports fund.

As I conclude, we did not question the Ministry of Sports, Culture and Heritage for the sake of questioning the Cabinet Secretary (CS) Hon. (Amb.) Amina Mohammed, but we wanted that fund to be used to assist the young people across the nation. You remember, when the Tokyo 2020 Olympics happened, the reception and organisation were so shambolic.

Madam Deputy Speaker, I want to thank this Senate because this Committee led by Sen. Sakaja is working on the Statement and the Motion that we gave them, to find the truth. If you can put somebody like Eliud Kipchoge on an economy class, they will get jet lag, yet they are supposed to run the following day. Somebody like Brigid who was to run the marathon the following day was using economy class, but you find officials of the Sports Kenya are using first and second class. Who is supposed to get more preferential treatment?

We were told that even in Tokyo, the hotels that our athletes slept in were substandard, but the officials of the Ministry went there, took selfies, and found nothing abnormal. You remember when they landed at Jomo Kenyatta International Airport (JKIA) even a driver or a tea girl from the Ministry of Sports, Culture and Heritage could not dare receive them. When they asked, they were told that there was a curfew and lockdown. In Uganda, President Yoweri Kaguta Museveni might have many problems but when it comes to gold that was won, they were given a car, their parents were built a house and they were given cash money. It is after the hue and cry of this House and myself that the Government decided to reward them with some small tokenism. We do not want to encourage tokenism.

Why would you welcome our athletes with only Maasai *shukas*? Does this mean this country cannot welcome our sportsmen and women in a better way? Is it a lot? Many people forget that when Eliud Kipchoge, Victor Wanyama, and Malkia Strikers play in the world arena of the sports, they are branding the country. Why should we pay a lot of money to brand Kenya if we cannot just support our athletes when they run?

Madam Deputy Speaker, you remember when Eliud Kipchoge was running the Ineos 1.59, over seven billion people of the world were watching him. Which other advertisement would you want from such? Brand Kenya is doing some job but why do we not even divert that money and ensure our sports men and women are well resourced and rewarded properly when they go to run? We have had the privilege as leaders to travel around the world. When people discover you are a Kenyan, they ask whether you are a runner. This is because it is our trademark. Why do we not exploit our trademark and use sports tourism as part of attracting investors to this country?

The Committee of Sen. Sakaja has been doing a tremendous job and I know he is following and noting this down. The issues of sportsmen and women must be addressed fully. We want people to be in charge. When we talk about bottom-up approach, those people need to be trained from the level they are to the level that we have.

Madam Deputy Speaker, thank you for that indulgence. You know I am passionate because where you and I come from, we depend largely on sports.

I thank you and I support.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Sen. Cherargei. Sen. Kavindu Muthama, proceed online. As we are waiting for Sen. Kavindu Muthama, I want to warn Sen. Sakaja to prepare to reply. That is the last contributor for the evening. Sen. Kavindu Muthama, proceed. We can hear you.

Sen. Kavindu Muthama: Madam Deputy Speaker, thank you. I commend Sen. Sakaja for this Statement.

Madam Deputy Speaker, it is very important to build the Dandora Stadium---

The Deputy Speaker (Sen. (Prof.) Kamar): Senator, please, face the camera. Control room, we need to see her face.

Sen. Kavindu Muthama: Can you now see my face?

The Deputy Speaker (Sen. (Prof.) Kamar): We can see you. Proceed.

Sen. Kavindu Muthama: Madam Deputy Speaker, it is important to build the Dandora Stadium, but we should also build stadia across the nation. Football or any kind of sport is very important because it is an exercise to the body and mind. We have many young people and even mature people who are depressed. When you are engaged in any kind of sports, you are also exercising your body and mind. It is also a way of socializing.

Madam Deputy Speaker, many people have hanged or poisoned themselves and died because they do not have people with whom to share their problems and issues with. When you are in a social place and you have issues, people will notice and you can share. You will also be able to open up to people and this will help.

We must have a way of nurturing the talents of our young people because not everyone is gifted academically. If you are not gifted in learning, then you can make it in life through sports either in football, athletics and other games.

Madam Deputy Speaker, I want to talk about a stadium in Kinyui in Machakos County, Matungulu Sub-County. Construction of this stadium begun in 2017. To date, this is a stalled project. It has not been completed. It is not the only one. We have many places where our young people can go and do sporting activities, but those projects have stalled.

I request that money be set aside to complete those projects, especially by the governors who are going home and are supposed to ensure these projects are completed. I emphasize that they must complete all the stalled projects so that incoming governors will not have challenges using money for other development activities to complete the stalled projects.

I support this Motion and thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator Kavindu Muthama. That brings us to the end of the requests.

I now call upon the Mover, Sen. Sakaja, the Chairperson Standing Committee on Labour and Social Welfare to reply.

Sen. Sakaja: Thank you, Madam Deputy Speaker. I thank the Senators who have contributed to this Motion by the Committee on Labour and Social Welfare. I start with Sen. M. Kajwang' who was gracious to second it and also helped us deal with the zealous Senator for Narok County together with Sen. Mutula Kilonzo Jnr. I am grateful for that.

Madam Deputy Speaker, I want to thank Sen. (Dr.) Musuruve and to also assure her and invite her to take a tour of the Dandora facility. It, indeed, has provisions that were incorporated for Persons with Disabilities (PwDs). I am grateful for the foresight of my predecessor in Nairobi City County and the former Governor, Hon. Sonko, his team including the County Executive Committee Member, Janet Muthoni Ouko, for solving the plight of these young people.

Sen. Cherargei has made important points that I completely agree with. He kept talking about your region. Athletes are from all over the country even in Western. I am the son of a champion athlete, the late Emily Kubasu Sakaja who won gold and silver for this country. My mother was a 200 metres champion. So, it is not only in the home of champions of Uasin Gishu and Nandi counties.

Madam Deputy Speaker, sports is an economic frontier that needs to be nurtured. We have seen the world over how our stars even from Dandora Stadium have gone to represent this country. We must nurture sports and see it as an economic frontier.

The Committee said that the economic survey must include some of these indicators, so that people can invest in sports and arts, including music. Those are the new ways to do work. If you look at the Sustainable Development Goals (SDGs), goal number eight on the future of work includes creative economy and sports.

Madam Deputy Speaker, I also thank Sen. Kavindu Muthama and the fact that she has mentioned Matungulu area. The area Member of Parliament, Hon. Mulwa, is my friend. A lot has changed in the sporting fraternity. It is now national. The traditional areas that produced certain greats have now moved. We have rugby going round the country. We have soccer and others too.

Madam Deputy Speaker, I am happy and with the support of the Senate, we can get this done. I said that in as much as it is one stadium in Dandora, we will make sure that moving forward, we can look at Umeme Grounds in Ziwani, Woodley Grounds in Kibra Constituency, Kawangware, Kihumbuini and the rest, to make sure they come to par with the standard that has been set or that is being set.

Madam Deputy Speaker, finally and most importantly, I want to thank the young people of Dandora. If you look at the status of that stadium, no work has been done for the last three years. There are a lot of expensive equipment including public address speakers, sound systems, amplifiers and microphones. None of them has been touched or vandalized.

The young people are the ones who have been protecting the equipment. I want to single out Godfrey, the Chair of the Stadium, the 12 teams that used to play in the Stadium from that area and the Members of County Assembly (MCAs) from Dandora 1, Dandora 2, Dandora 3 and 4 Wards who we have worked closely with. They have really played their part in making sure this is done. It had reached the point beyond which they could sort out. I note what Sen. M. Kajwang' said. The county assemblies are the first port of oversight, but that was beyond them. Even the Governor felt that her hands were tied. No one in the county wanted to touch this where it had reached because of fear of repercussions.

Madam Deputy Speaker, we said, as a Senate, we have the authority and mandate to oversight all these state organs, not just the county governments, but also the investigative agencies. We have given them this clearance so that we can finish it in the interest of the people.

This does not stop any investigations or any agency looking into the matter, but we will not throw out the baby and the bath water. The young people of Dandora will and still deserve value for their money and also deserve to be treated as first class citizens.

Madam Deputy Speaker, the longer we take, the more we waste the resources that have already been pumped in, the taxpayer's money from Nairobi and the rest of the country that is already put in there.

I thank you for the opportunity. I also want to thank my Committee Members especially Sen. Kihika who accompanied me. Sen. Omanga, *Mama Miradi*, also came and is also very keen on this matter even if she is not a member of the Committee. Additionally, I thank the rest of the Committee, including my secretariat led by Ms.

Mwanate Shaban. The team also had a young man, Kibet Kevin, who was in charge of this issue.

Madam Deputy Speaker, I beg to reply. My reading is that it is not a matter that affects counties, but I stand guided. You could put the question or do it with the others.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Sen. Sakaja. Hon. Senators, this matter does not concern counties, so I will put the question for a voice vote.

(Question put and agreed to)

Hon. Senators, for the convenience of the House, we will not continue with the Committee of the Whole. I would like to announce the Orders that are being deferred because the remaining Orders are on the Committee of the Whole and we shall start on them tomorrow.

I urge all the Chairpersons of the committees and all the concerned Members to come and prosecute their Bills or Motions.

COMMITTEE OF WHOLE

THE KENYAN SIGN LANGUAGE BILL
(SENATE BILLS NO.5 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF WHOLE

THE COUNTY HALL OF FAME BILL
(SENATE BILLS NO.9 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF WHOLE

THE LAW OF SUCCESSION (AMENDMENT)
BILL (SENATE BILLS NO.15 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF WHOLE

THE COUNTY OVERSIGHT AND ACCOUNTABILITY
BILL (SENATE BILLS NO.17 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF WHOLE

THE STREET VENDORS (PROTECTION OF LIVELIHOOD)
BILL (SENATE BILLS NO.7 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF WHOLE

THE HERITAGE AND MUSEUMS BILL
(SENATE BILLS NO.22 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF WHOLE

THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILLS NO.38 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF WHOLE

THE LIFESTYLE AUDIT BILL
(SENATE BILLS NO.36 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF WHOLE

THE KENYA CITIZENSHIP AND IMMIGRATION
(AMENDMENT) BILL (SENATE BILLS NO.33 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF WHOLE

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT)
BILL (SENATE BILLS NO.37 OF 2021)

(Committee of the Whole deferred)

The Deputy Speaker (Sen. (Prof.) Kamar): All those orders stand deferred to tomorrow at 10.00 a.m. I urge all those concerned to be present to prosecute them.

ADJOURNMENT

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, there being no other business, it is now time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow, Wednesday, 22nd December, 2021, at 10.00a.m.

The Senate rose at 6.13 p.m.