

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 23rd July, 2013

*The Senate met at the Kenyatta International
Conference Centre at 2.30 p.m.*

[The Deputy Speaker (Sen. Kembi-Gitura) in the Chair]

PRAYERS

QUORUM CALL AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kembi-Gitura): Order, hon. Senators! We need to determine if we have a quorum.

The Clerk of the Senate (Mr. Nyegenye): Mr. Deputy Speaker, Sir, we have 11 hon. Senators in the House. We do not have a quorum.

The Deputy Speaker (Sen. Kembi-Gitura): In that case, can the Division Bell be rung?

(The Division Bell was rung)

(Several hon. Senators entered the Chamber)

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I am very happy to report that we now have a quorum. I thank the hon. Senators who have just come in. Let us proceed with today's business.

BILL

Second Reading

THE COUNTY ALLOCATION OF REVENUE BILL

(Sen. (Prof.) Kindiki on 17.7.2013)

(Resumption of Debate interrupted on 18.7.2013)

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, we are resuming debate on this Bill, whose debate was interrupted on Thursday, 18th July, 2013. Debate on this Bill is still open.

Yes, Sen. (Dr.) Machage.

Sen. (Dr.) Machage: Thank you, Mr. Deputy Speaker, Sir, for this opportunity. We are deliberating on allocation of finances to the counties albeit in a low tone after the Constitution was deliberately not followed by our sister House. This is an anomaly that deserved to be looked at critically. Thank God the courts are there. I believe the courts will be able to give a very sober decision on the matter.

Mr. Deputy Speaker, Sir, we have a duty to allocate funds to the counties. Unless we do that, counties will be grounded. A sum of Kshs198 billion, as indicated on the Order Paper, is what we are supposed to approve although the Senate Majority Leader keeps referring to Kshs210 billion. This is not on paper, but he says this will come as an amendment. Our desire, as a House, was to get Kshs258 billion to the counties. It is interesting that this was opposed by the very legislators who come from the grassroots, the hon. Members of Parliament. It is a shame that when they reach Nairobi, at the National Assembly, they forget the grassroots problems they have left back home. In a way, they want to support the Executive who have a different agenda. That money is not adequate to run county governments.

Mr. Deputy Speaker, Sir, we need, at least 40 per cent or thereabout of the total revenue of this country taken to the counties. What we have been given, although they are trying to convince us, is about 15 per cent of the total revenue. In fact, it is, indeed, about 14 per cent or so of the national revenue. They used the calculations from the figures of the Financial Year 2010/2011. If we have to interpret and look at the figures that are available for the Financial Year 2012/2013, that figure that has been allocated to the counties is below the constitutional threshold. The question is: What next? What will happen to that balance that is constitutionally due to county governments? This is a major question that needs to be answered. We cannot be cheated that, that was constitutional, that, that figure is above 15 per cent. It is less. We have our minds open to these blatant falsehoods.

Mr. Deputy Speaker, Sir, even the distribution of this money is skewed with a column that was inserted to create additional revenue to some counties---

(Loud consultations)

The Deputy Speaker (Sen. Kembi-Gitura): Order, hon. Senators seated at the front! Please, let us observe consultations in low tones.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, this distribution is beating the essence of equitable distribution of resources. You find that Nairobi County, for example, after having been allocated slightly above Kshs4 billion, was again given an additional Kshs14 billion. Likewise, this has happened in major counties of this country. This is to the detriment of the marginalized counties of this country. The top most beneficiaries of these allocations are counties that have an ability to collect taxes. Nairobi County collects taxes in billions per month and yet we allocate this county another Kshs14

billion. We have other counties receiving as low as Kshs2 billion to meet their expenditure, service debts that were incurred by their former predecessors; the municipal councils. Migori County, which I represent, will receive slightly above Kshs4 billion. It is unfair that things have to be done this way. It is also unfair that this House was excluded in deciding how this distribution of resources was to be done. This should be checked in subsequent budgets where our own committee should be heavily involved in deciding not only in the distribution of this money, but also in the transfer and longitudinal division of the money to the counties.

Mr. Deputy Speaker, Sir, I am concerned with the extravagance that has been openly exhibited by the management of the county governments. We know that the infrastructure for the establishment of the county governments is yet to be done. But certain extravagances must be avoided so that most of this money is channeled directly to infrastructure development such as roads, hospitals, schools, *et cetera*, instead of using this money on lavish issues like transport. Some counties have allocated over Kshs60 million on transport for the governor. That will not be accepted by the Senate. We are watching. We will play our oversight role to make sure that counties spend this money properly.

An hon. Senator: Yes!

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, that must not only be seen to be done, it must be done. They should not forget that the Senate is keenly watching them. This is not a joking matter for self gratification by the people in authority at that level. The law is there to guide us on the decisions we make on the distribution and utilization of these funds at that level.

Mr. Deputy Speaker, Sir, the question is, if only 15 per cent has been allocated to county governments, what will the national government do with the remaining 85 per cent? It is a lot of money. We deserve to know, in detail. We think the county governments have been short changed.

Mr. Deputy Speaker, Sir, with those remarks, I beg to support.

Sen. Hassan: Mr. Deputy Speaker, Sir, it is the responsibility of this Senate to facilitate county governments in the execution of their mandate. With that specific caveat that my colleagues before me have mentioned, we are left with little choice but to ensure that the County Allocation of Revenue Bill is passed by this House.

Mr. Deputy Speaker, Sir, you will realise that all our counties have so far not received any money. Counties are in a dire crisis which they may have inherited. It is important at this point in time for this House to distinguish itself as the House of the wise regardless of the circumstances that we find ourselves in as we wait for the outcome of other judicial and political processes. This House must discharge its responsibility and ensure that counties are facilitated to deliver on their mandate.

Sen. (Dr). Khalwale has always reminded us that the primary responsibility of this House is to protect counties. It is does not serve the interest of our counties if for whatever reason our differences or lack of appreciation of what has happened to the Division of Revenue Act will guide us with emotions not to facilitate those interests not to be protected. If our counties have no money to ensure that they are able to transact their businesses and execute their mandate, devolution will be at a loss.

Mr. Deputy Speaker, Sir, you will be reminded that even hon. Members of the lower House have tried to insinuate that this Senate is reluctant or trying to forestall devolution by delaying the passage of the County Allocation of Revenue Bill. This is a weak kneed reaction and untrue. We all know that regardless of the circumstances, the Senate has distinguished itself as the Upper House and acted with grace. This Senate has acted in the best interest of this Republic on all matters. It is incumbent for us to ensure that we defend the interests of devolution.

Mr. Deputy Speaker, Sir, I support the passage of this Bill. Mombasa County, like all other counties, is owed a responsibility by the Senate. Our county is greatly indebted. As the Governor has indicated, Mombasa County has not received any money from the national Government. Therefore, the passage of this Bill will expedite monies being made available to our counties. However, we need to note that immediately all the matters are resolved, with respect to the ruling by the Supreme Court and any other matter that is before the public – matters that might have to take us through the process of constitution-making - we must increase allocations to the counties. That is why I regard the remarks made by the Chair over the last few days as extremely wise. He indicated that the Senate is likely to increase allocation to the counties. In fact, we have no choice other than to ensure that we use every reasonable means to increase resources to the counties, so that counties are able to not only be employment bureaus, but achieve the objects of development. We must have a development budget. That is why I will share in any process that wants to ensure that we mark up, fundamentally, the funds that are devolved to county governments.

Mr. Deputy Speaker, Sir, a general assessment of the responsibilities that have been devolved indicates that a majority of these responsibilities of the national Government have now been put squarely within the ambits of the county governments. Therefore, we must reciprocate that with resources. County governments are not just small systems. The reason they have subjected governors to unqualified attacks is because we have given the governors nothing else other than motorcades and chase cars. We need to ensure that governors are given money to deliver on the mandate of devolution. Devolution must not scare any government or national politician. That was the desire of this Republic. We must be able to achieve that with immediate effect.

Mr. Deputy Speaker, Sir, I share, that we will use every reasonable means to ensure that we are able to audit what is actually required to ensure that we meet the objects of devolution. We also need to ensure that governors and county governments achieve the devolution mandate and that they are able to discharge the responsibilities that they have. Therefore, at an opportune time, this Senate will discharge itself of its responsibility by amending any allocations that were made improperly. We will revisit some of these issues so that adequate resources are allocated to our counties.

Mr. Deputy Speaker, Sir, the Senate has to act with that caution. It is not in our interest to project any fight in a manner that will suffocate our counties. That is the principal warning that I want to offer to the Senate. It is true, and this is a caution, that there are people who do not want to see devolution succeed. It is not by the remarks they make, but by the actions of their offices. This is not about devolving certain political functions. We are looking for economic devolution. People in Mombasa County, for

example, do not just want to be pedestrians in the devolution train. We do not want to see people coming in to execute responsibilities without the commensurate funds to ensure that devolution is achieved in the spirit and letter of the Constitution.

We did not vote in a new Constitution merely because we wanted to have a governor escorted by a vehicle with a siren. We can do that even without devolution because we already have commissioners. We wanted to have economic benefit. Devolution is meaningless if we do not devolve resources. Devolution was about resources. It was about the national government monopoly over the resources of this country to a point where they excluded others. If we do not allow monies to devolve to the counties, we will face the same kind of crisis that has precipitated the very hostile political competition we have in this country. Until and unless we are able, Mombasa County will care less who becomes the President if we are given the monies and capacity to do what we need to do. Those who care more about being President are the ones who want to preserve the old order through defeating devolution.

Hon. Senators: Yes! True!

Sen. Hassan: Mr. Deputy Speaker, Sir, therefore, we want to ensure that we devolve--- I can see some of my colleagues are murmuring. The reason countries in the west are able to transit from one Prime Minister to another or from one President to another smoothly is because there are systems in place. These are not countries that are monopolized by a few people within the centre of politics because services are rendered, people enjoy the economic benefits and there is equality in opportunities both in terms of employment and business. Mombasa is called the port city. If there is any institution that is said to be national, it is the Port of Mombasa. If you visit institutions all over the country, you find that they are heavily populated by people from those areas. When I was a student, I travelled quite a bit in Rift Valley and certain parts of this country. You will find that a managing director of an institution has a name that is familiar to the area he comes from. When you come to Port of Mombasa, we are always told it is a national asset. As my counterpart from Kwale County warned, the younger generation of the leadership of Coastal Province will not entertain these kinds of things that we have seen from one successive generation to another.

Sen. Boy Juma Boy: Tell them! Tell them!

Sen. Hassan: Mr. Deputy Speaker, Sir, we must ensure that whichever institution that has a commercial implication to a county, that is the citadel of the economic prowess of that area, it must also bear the face of that area in many material forms. You cannot tell us that there are no receptionists or tea girls in Mombasa County and that certain jobs need expatriates from upcountry communities! We have expatriate tea girls, gate keepers, receptionists and telephone operators in public institutions in Mombasa County. For heaven's sake, even if you look at us as people who have waited for too long for the cocunuts to drop---

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Yes, Sen. (Dr.) Khalwale.

(Loud consultations)

Order, hon. Senators! Let us have some order in the House, please.

Proceed, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, the hon. Senator for Mombasa County has repeatedly referred to Kenyans who work in Mombasa and were born upcountry as expatriates working at the Kenya Ports Authority (KPA). Is he in order to refer to Kenyans working in Kenya as expatriates? Could he substantiate?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Hassan, did you say that?

Sen. Hassan: I did say that, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Did you say that in those terms?

Sen. Hassan: Mr. Deputy Speaker, Sir, I said that---- Let me clarify---

The Deputy Speaker (Sen. Kembi-Gitura): Did you say it in the terms that Sen. (Dr.) Khalwale has quoted you as saying?

Sen. Hassan: Mr. Deputy Speaker, Sir, I said that there are expatriate people---

The Deputy Speaker (Sen. Kembi-Gitura): If you did so, you have to withdraw those remarks and apologise to the House because there are no expatriates within the Kenyan territory.

Sen. (Dr.) Khalwale: Yeah! Tell him.

Sen. Hassan: Mr. Deputy Speaker, Sir, in oratory, you can use metaphors.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Omar! Let us not go to semantics. Did you or did you not utter those words?

Sen. Chiaba: Withdraw and apologise!

Sen. Hassan: Sen. Chiaba, you do not even know what you want me to withdraw and apologise!

The Deputy Speaker (Sen. Kembi-Gitura): Order, hon. Senator! My question is very simple. Sen. (Dr.) Khalwale has risen on a point of order over some remarks you have made. You either said what you said or you did not. If you concede you did, then you have to withdraw and apologise. If you did not, we shall check the HANSARD.

An hon. Senator: *Nyenyekea!*

Sen. Hassan: Mr. Deputy Speaker, Sir, I apologise for calling those working in Mombasa and were not born there as expatriates. But I was doing this in the context of a metaphor. I apologise and call them the following term---

The Deputy Speaker (Sen. Kembi-Gitura): Could you withdraw and apologise? Let us get things right, please.

Sen. Hassan: Mr. Deputy Speaker, Sir, I apologise subsequently for the use of that metaphor "expatriate".

The Deputy Speaker (Sen. Kembi-Gitura): Senator, can you withdraw and apologise?

Sen. Hassan: Mr. Deputy Speaker, Sir, I have apologized.

The Deputy Speaker (Sen. Kembi-Gitura): You have apologized but not withdrawn the remark.

Sen. Hassan: Mr. Deputy Speaker, Sir, I withdraw that remark and apologise on the same.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Senator.

Sen. Hassan: Mr. Deputy Speaker, Sir, we cannot have people doing odd jobs, who are employed in Mombasa for things that even the local community can do. That is what breeds and sows the seeds of discord. The metaphor might have been wrong but the message has been sent, that we cannot allow ourselves to be subjected to the kind of situation that we see in this country of economic marginalization and exclusion. That is why the county governments are here. That is why I support this Bill with a caution that we, ultimately, must ensure that more money is given to our counties, so that counties that exercise certain levels of wealth, like other places where devolution exists, are able to also experience that wealth first hand. I read in one of the dailies that billions of dollars worth of mining contracts, including those in Kwale, have been entered into. We are told that these contracts are confidential. If those reports are true, then it shows that there is a system that wants to deprive Kenya in its totality, of its wealth and unjustly enrich a few. Therefore, it will be important for Kwale, which has deposits of US\$62.4 billion of wealth, to be the first primary frontier of benefit.

Mr. Deputy Speaker, Sir, the Senator from Lamu wanted me to withdraw, but I can tell him for a fact that LAPSSET is one of the biggest programmes in terms of our vision of development. But how much scrutiny has been put into LAPSSET to ensure that local communities are the principal beneficiaries? I, therefore, support this Bill with a caveat, that we eventually must ensure that people within our counties--- That is why we fought for counties and devolution. We are not here to ensure that business is as usual. Therefore, jobs that can be done by people in a locality must be done by people of that locality. For jobs that do not need certain expertise from other parts of the country, we can get that expertise. But the priority, fundamentally, should be about the people of those areas enjoying the benefit of development, and therefore, we can say that we are in a devolved system of Government which is giving us a new foundation.

Mr. Deputy Speaker, Sir, I think that it is important for our governors, through the Transition Authority (TA), the Constitution Implementation Commission (CIC) or whichever agency that can facilitate them, to give us a rough idea of what they really do require in terms of their vision and master plans for their counties. You cannot just tell us that you want to build a factory or a school somewhere. Every county must develop a master plan, so that we can see the vision of that county in the next 15 or 20 years. We must ensure that this Senate introduces a new Sessional Paper on development. Sessional Paper No.10 of 1965 marginalised us and that is still partly what informs Government planning and development agenda. That is why some areas have been highly developed while others are highly marginalized. Therefore, we need to introduce a Sessional Paper in this House that sets out the vision of development in this country, and our governors must reciprocate with master plans. This way, we can know, as a Senate, what we are facilitating. This will ensure that we project the sources that are required in various counties.

Mr. Deputy Speaker, Sir, Mombasa has a vision to be a free port. We must commit resources nationally to ensure that we realize that dream, because it is not only to the benefit of Mombasa, but the entire country, but with a caveat, that the principal beneficiaries must be the people of those areas. This is because we cannot always be told to be national when only a few of us are enjoying that national cake. Therefore, we must

now ensure that we are as much devolved as we are national. Our counties and nation must come first. In other words, there must be a win-win situation. We cannot continue with this kind of situation where we have Senators who have no roads in their counties, and in one other place, roads are everywhere and yet, nobody has a car to drive. Therefore, it is important that all the counties of this country are given equal opportunity for development. It is high time that we connect Mombasa to Kwale, not only through Dongo Kundu, but with the bridge in Likoni. It costs us many man hours to cross from one point of Mombasa to the next in a campaign or any other situation. Today, Sen. Wako was requesting the CIC whether they can give him the privilege of flying from Wilson Airport directly to Diani, because he indicated that the ferry is going to cost him hours, which he needs as the Chair of the Committee on Legal Affairs. One Government after the other has given us a master plan showing that there is going to be a bridge. Even the Euro Tunnel started and was finished, and it was bigger than that little passage. So, every other thing is a vision and that is why we need to capacitate these counties.

Mr. Deputy Speaker, Sir, for me the vision must be real, because I travel that road everyday. If we do not walk or travel the path that we ask to be tarmacked, then we will never know. *Waswahili husema: "Kiatu usichokivaa hujui kinapobana."* Most of us live in Nairobi and have no idea. All we do is to go and see who we tender to amongst friends and allies. Therefore, it is important that devolution is achieved in spirit and letter. When we finally devolve development, the companies that reside in those areas should be given principal consideration in building of highways and infrastructure. Mombasa has conglomerates and people who are able to undertake massive engineering works, even if the vision of devolution is to ensure that we give necessary capacity for people to have the incentives to be able to develop those capacities.

Therefore, do not tell the people of Mandera that you need a conglomerate from China. Give the incentives for Mandera to develop its own conglomerate, so that they can undertake massive public works in engineering. The same applies to my brothers from Samburu, Siaya and everywhere else. Therefore, we should not deceive ourselves that some of us are more endowed than others. I come from Mombasa and think that we have similar capacities like any other person across this country. Therefore, we must never repeat the dark chapter of what this country underwent, of a privileged few dominating over the masses. We must ensure that we devolve in spirit and letter.

Sen. Karaba: On a point of order, Mr. Deputy Speaker, Sir. You have heard Sen. Omar say that there are a privileged few. Could he substantiate and state who these are?

An hon. Senator: It is obvious!

Sen. Karaba: No! It is not obvious. You have to tell us who these are. These are people who have worked very hard.

The Deputy Speaker (Sen. Kembi-Gitura): What is your point of order?

(Loud consultations)

Hon. Senators, if we do not listen to each other, then we will not be making headway at all.

Sen. Karaba: Mr. Deputy Speaker, Sir, the Senator here is talking of “privileged people in Kenya.” We need to know them. That is my point of order.

Sen. (Dr.) Machage: On a point of order, Mr. Deputy Speaker, Sir. Is Sen. Karaba in order to ask for substantiation of the obvious?

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): Everything depends on the context in which it is said.

Please, continue, Sen. Omar!

Sen. Hassan: Mr. Deputy Speaker, Sir, just on a light touch regarding what Sen. Karaba has just said, when he interrupted my very eloquent presentation, we are saying these things because this nation eventually must face up to the truth. This is what we used to call memory work in the human rights jargon. Unless you face your past, you cannot face your future. We cannot live in a perpetual state of fear, that we are unable to mention it by name. I am not sure whether Sen. Karaba felt a bit offended that he is part of the privileged few. But it is not also right for him to impute that some people worked hard and others did not.

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. At the level of the Senate, maybe with your indulgence, we need to find out whether we want to promote allegations that can very easily visit insecurity on innocent Kenyans who work away from their homes when, in fact, the so-called “privileged” are not so privileged because of their own making, but because of you, the politicians. We are the ones who go into power and extend goods to our close relatives and friends. Is Sen. Hassan in order to make a statement that can create insecurity, especially amongst upcountry people, who have already gone through the experience of 1997, when similar sentiments led to a bloodbath in Likoni?

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, all I can say is that we must take responsibility for our statements at all times.

Proceed!

Sen. Hassan: Mr. Deputy Speaker, Sir, I think that Sen. (Dr.) Khalwale is imputing the far-fetched. In fact, if anything, in this country what will promote cohesion and a sustainable nation is not just hugs and kisses, but equality, equity and social justice. Those are the fundamentals of any tranquil society that enjoys true national harmony. It cannot be about all the time having council of elders telling us to come together, hug and say all kinds of nice things. It eventually must be about development and equity.

Mr. Deputy Speaker, Sir, in conclusion, I also will be asking at the relevant time, when we come to debate the second phase of allocation, because we must do it as this House--- The Kshs190 billion is insufficient to even mop our floors in the counties, metaphorically, in the sense that we need to do more. That said and done, I will be asking also that Mombasa, as a county which brings the highest income to this country, should also enjoy “consumerate” resources. You must yield where you sow. It would be disenfranchising an entire county for us to pretend and that we can continue to give these kinds of counties less money than they deserve in terms of meeting their developmental

agenda. We keep that city beautiful because most of you like it. That city is beautiful for everybody to invest in, but we must also ensure that we have the necessary and requisite resources, so that it can progress, because we have not yet reached our saturation point of development.

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. I am really sorry to interrupt the young Senator. But, really, when you assert that counties must be given money “consumerate” with the tax that they pay, knowing very well that the question of equity in the Constitution is not based on tax collection as a weighting factor, are you in order to mislead the House by pursuing an unconstitutional process of trying to determine how much each county should get? For the comfort of some of you, I also come from a community that produces a lot of tax.

Sen. Hassan: Mr. Deputy Speaker, Sir, it is about an opinion and I did make it very clear that we need social justice in this country.

Sen. Kagwe: On a point of order, Mr. Deputy Speaker, Sir. There is a word “consumerate” that has been used by both Sen. Khalwale and Sen. Omar, which I want to understand.

The Deputy Speaker (Sen. Kembi-Gitura): I am sure that they meant “commensurate.” Did you mean commensurate?

Sen. Hassan: Thank you, Sen. Mutahi, for that clarification.

Mr. Deputy Speaker, Sir, just to finalize my last minute, we must not disenfranchise counties so much so that they are unable to continue to be productive. Therefore, we must continue to keep them competitive. While others are able to catch up, those counties that are competitive must be kept competitive. I assure you that if you give us the right support – Sen. Murungi tried to light us up when he was the Minister for Energy – the whole of this country and our cities will turn bright; they will have colour, they will have development and they will have pomp. But you must give the right quality to devolution; you must give the right finances to ensure that, that vision is realized; we must have devolution that is economic; not devolution that is simply political by just giving our governors sirens and chase cars. That is why we all call them “warlords,” because we are not giving them money to do the business they were sent to do in those counties.

Mr. Deputy Speaker, Sir, I beg to support the Motion.

(Applause)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Eng.) Muriuki Karue.

Sen. (Eng.) Muriuki: Thank you, Mr. Deputy Speaker, Sir. I can assure you that I will not say “consumerate.”

(Laughter)

Mr. Deputy Speaker, Sir, I stand to support this Motion, that the Bill be read a Second Time. But it is very unfortunate that the Senate is debating this Bill under the circumstances which we find ourselves; which is that the money which was allocated, of

Kshs210 billion. When that Bill was brought to the Senate, the Senate, in its wisdom, did look at what is appropriate to go to the county governments. The county governments and the Senate did evaluate, through the Committee on Finance, Commerce and Economic Affairs and the Committee on Devolution, and they came up with certain figures. I do not wish to reopen that debate now, more so because an application for interpretation is before the Supreme Court.

But, Mr. Deputy Speaker, Sir, it is very important for us, as Senators, to do our job and whatever it takes – even if it means revising or---

(A mobile phone rang)

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senator! Is there a Senator using a mobile phone that is making some sound in the House? Could that be out of order? Please, let us respect the protocol and dignity of the House.

Yes, Sen. (Dr.) Machage?

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, our Chamber is made in such a way that noise can come from outside.

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): Order! No; the noise I heard was from inside the Chamber.

Sen. (Eng.) Muriuki: Mr. Deputy Speaker, Sir, I hope every Senator will put off their phones. I have put mine off.

So, Mr. Deputy Speaker, Sir, I find it very unfortunate that we have to deal with this matter at the stage in which we are dealing with it, because for one, passing this Bill as it is, it is as if we, as Senators, are saying that all the work that we had done – to look at what the county governments require – we were wrong. On the other hand, if we do not pass it, it is like stalling the same county governments which we are mandated to support. So, on this basis, my comments are that we must, at this stage now, accept the mistake which came from the Lower House, because that was a mistake. Although it was supported by the Executive, I think somewhere along the way, we must have a chance to review how a Bill like this will be dealt with in future. What has passed has passed.

The other item that I would like to talk about, Mr. Deputy Speaker, Sir, is on this issue which the Senator who was here before me talked about; that Mombasa has the highest income or the second highest income--- Whether the income is the highest or the second highest is not the issue. The point here is that we have some counties which have a very, very high income mainly because they were favoured previously. When some Senators say that some areas are marginalized, it is true; there are some areas which were forgotten for a long time.

(Sen. Haji stood up in his place)

I know you think I am from Central Province and, may be, we were favored. The part of Central Province where I come from, called Nyandarua, was completely forgotten, just like yours! That is why we do not even have a county headquarters.

(Laughter)

So, we would not want to have a county – like when we had elections for governor in Nairobi, each of the candidates was very proud of saying that “Nairobi is generating 65 per cent of the Growth Domestic Product (GDP).” I think that is a sin for any county! We cannot have one county – whether it is the headquarters or whatever else it is – such that it is somehow capable of holding 65 per cent of the GDP. That means something is very, very wrong; and that is why we came up with devolution; so that those counties which are producing 1 per cent can also produce a little bit more.

Mr. Deputy Speaker, Sir, we now want to see a situation where devolution works totally. Even when the Senate was coming up with the Kshs48 billion, it was because the committees which sat down found out that there are some counties where the functions they are now inheriting from the previous system will not be catered for by the money which will end up in those counties through the formula set out by the Commission for Revenue Allocation (CRA). But some of us – like myself – opposed that also, because if you facilitate the counties which have got a deficiency in the money which is being given to them, it then means that you are perpetuating the fact that those ones who never had the opportunity or facilities will continue not having those facilities. That is the reason why I think even if it means changing the Constitution, we must revise it in such a way that every county is facilitated to be at par with the others so as to generate the incomes like Mombasa and Nairobi.

With those few remarks, Mr. Deputy Speaker, Sir, I beg to support.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Kajwang.

Sen. Kajwang: Thank you, Mr. Deputy Speaker, Sir. First, I want to support this Bill in protest. I am supporting it in protest because at one time, I was voted into Parliament in protest. When I first vied for a seat in the National Assembly, there was a region in my constituency that would not have voted for me because they were supporting another candidate in KANU. They were fighting with another person in another region, also in KANU. But now, when one of them was elected or nominated by KANU, the other people who lost in the nominations said “we are not voting for that one we were fighting with; we are voting for Otieno Kajwang in protest!” So, sometimes, you can do something in protest. I am doing this in protest because it is not right that we should not participate in the division of revenue, but participate in the allocation of revenue. It means that we are not participating in the division of the cake, but we are participating in the division of the little crumb that has been given to us. If we are not careful, the signature that was put on this Division of Revenue Bill – the one that has gone by – I think wrote us off as an irrelevant institution.

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

The Deputy Speaker (Sen. Kembi-Gitura): What is your point of order, please?

Sen. Haji: Mr. Deputy Speaker, Sir, is the hon. Member in order to say that we have been written off, yet he is standing here contributing as a Senator? Secondly, this matter – although we do not agree with it – is already before the Supreme Court and, therefore, it is really *sub judice* to discuss it.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Kajwang, what do you say about that?

Sen. Kajwang: Mr. Deputy Speaker, Sir, sometimes it is a problem to be a provincial commissioner for too long!

(Laughter)

But, Mr. Deputy Speaker, Sir, I do not think he has said anything that affects my contribution; there is nothing *sub judice* in what I am saying.

So, Mr. Deputy Speaker, Sir, we are between a rock and a hard place.

The Deputy Speaker (Sen. Kembi-Gitura): Would you, at least, answer to what he has said?

Sen. Kajwang: I do not know what he said!

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): You did not listen?

Sen. Kajwang: Because, Mr. Deputy Speaker, Sir, what is it that he said? What was his point of order? I did not even notice. But the fact that I am speaking here does not mean---

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Kajwang, there are two issues here---

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

The Deputy Speaker (Sen. Kembi-Gitura): Just a minute, please?

Sen. Haji: Mr. Deputy Speaker, Sir, he should tell us whether he is deaf or not. What I have said is already in the HANSARD and, therefore, it is really disrespect to refer to my position as a provincial commissioner. I am a Senator here and I can say many things about him too which will be hurting!

(Several hon. Senators stood up in their places)

Sen. Kajwang: Is there another one?

The Deputy Speaker (Sen. Kembi-Gitura): Order, hon. Members! Order! Order, Sen. Kajwang! Order! I think it is important, even as we do these points of order, that we respect the integrity of each person and Senator. I do not think we should be casual about points of order---

An hon. Senator (Spoke off record)

The Deputy Speaker (Sen. Kembi-Gitura): Order! Order! Let me finish what I am saying.

The point I am trying to make is that, I do not believe that anybody would want to make a point of order just for the sake of making a point of order. Therefore, it is important – so that the Speaker can make a ruling as to whether there was substance to it – that you should try and answer it. If you did not quite follow what the Senator said, maybe you could ask him to say it again. But I think dismissing it off- hand may not look too good.

What is it, Sen. (Dr.) Machage?

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I would like to inform Sen. Kajwang that, actually, he has forgotten that the person who signed that paper that ruled us out is His Excellency, the President, himself, Uhuru Kenyatta.

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

The Deputy Speaker (Sen. Kembi-Gitura): Yes, Sen. Kiraitu?

Sen. Murungi: Mr. Deputy Speaker, Sir, should we sit here and listen to irrelevancies, contrary to our Standing Orders? Where does the President come in all this and how does his signature write off the Senate?

Hon. Senators: He does!

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Kajwang, please go on, but note what I said earlier.

Sen. Kajwang: Thank you, Mr. Deputy Speaker, Sir. First, I think Sen. Haji suggested---

(Sen. (Dr.) Kuti stood up in his place)

The Deputy Speaker (Sen. Kembi-Gitura): Yes, Sen. (Dr.) Kuti?

Sen. (Dr.) Kuti: Mr. Deputy Speaker, Sir, we are contributing to a very important Bill. We are also trying to portray the Senate as a House that is serious and is addressing challenges of Kenyans out there. I do not think theatrics here will help us in any way, and I think you should guide us, Mr. Deputy Speaker, Sir, with all due respect, so that debates are reasonable and portray the kind of maturity that Senators are expected to possess.

The Deputy Speaker (Sen. Kembi-Gitura): What is your point of order, Sen. (Dr.) Kuti?

Sen. (Dr.) Kuti: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Senator in order to bring theatrics in this Motion?

Sen. Kajwang: Mr. Deputy Speaker, Sir, I am not sure whether I should respond to that one unless you say it is a point of order, but I do not think it is.

I am seriously on my feet and I am saying that the signature that was put on the Division of Revenue Bill is the reason why we are in court. It is a serious matter for this nation and for this House. It decides whether this House is relevant or not and whether you sit here or not. Let me proceed with my debate.

Sen. (Dr.) Kuti: On a point of order, Mr. Deputy Speaker, Sir. Some of us are professionals and we are not accidentally here. Therefore, we should be taken very seriously. I do not think trying to please individuals who are mourning wounds will not help us in any way here.

Sen. Abdirahman: On a point of order, Mr. Deputy Speaker, Sir. I stood on a point of order mainly because of the statements made by Sen. (Dr.) Kuti a few minutes ago. Everybody in this House is a professional in his own right but he said “some of us”. I do not think it is in order for any Member of this House to actually portray that there are people who are mourning in this House. You just spoke a while that we must have some decorum. Is he, actually, in order to portray Members of this House in bad light?

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, we say many things and I know it is the right of every Senator to make a point of order if he or she wishes to do so. So, I will not stop you from doing so, but at the same time, it is imperative that we take into account the seriousness of the debate that is in front of us and the purpose for which we are Senators. So, the only thing that I would request is that as much as possible, taking into account our Standing Orders and how much leverage they allow us, let us observe absolute decorum and uphold the dignity of this House.

Sen. Kajwang: Mr. Deputy Speaker, Sir, next time I will ask you to ask hon. Senators to raise the matter that is out of order before you allow them to use the microphone.

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

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Haji!

Sen. Kajwang: I suppose I am not being bullied in this House.

Sen. Haji: Is the hon. Senator in order to correct a ruling by the Chair? Is he in order?

Sen. Kajwang: I think the Chair knows and could have made a ruling himself.

What has just been said by the first speaker about Nairobi managing 65 per cent of the economy of this country, leave alone the revenue generated, should not be considered to be a passing matter. We love Nairobi; in fact, we want it to grow even more but if you went to other countries that have developed, you will find that in every city, there is something going on. If you go to Germany, Berlin is not necessarily the largest city but there is something going on in Stuttgart, there is something going on Bonn and in all other cities and states. For that reason, if wealth is distributed, employment is also distributed. Not everybody goes to Berlin to look for a job. Most times, you will not get a job there but you will get it in Bonn or Stuttgart. This is because they decided from the word go to develop their country evenly. They developed cities in almost every state and even some states have several cities. That did not come as an accident but it was deliberate.

That is why we started this long road to devolution. We must develop our cities all over the country. We must develop a city in Isiolo, Lamu, Garissa and so on as we are now trying to develop because the great railway line is going to pass through Garissa and we must also develop Busia and Kisumu so that people can feel as if they are in their country. This will enable people to travel and enjoy whichever part of the country one wants to go to. If you are an observer or for those who travel, you will notice that when you earn your money in Nairobi, most of it remains in Nairobi, and there is little you can

do about that. Most of the money you earn here is also spent here, other than the little you travel with to spend for one or two days away from Nairobi. You spend it on your rent, fuel, food, *matatu* fare and everything else. Essentially, what we are trying to do--- Unless we develop industries in other parts of this country deliberately, Nairobi will suck up this country. It has already sucked it up in such a way that it is already congested. We are already feeling like we are oppressed in our own city. You cannot move and you cannot walk. Sooner or later, we are going to find Nairobi very unmanageable just like I found Mexico City very unmanageable. It is not good for that country and it cannot be good for us.

Mr. Deputy Speaker, Sir, in the Division of Revenue Bill, that is where you determine how you want the country to go. The County Allocation of Revenue Bill is what you do after you have now gotten the cake and now you are distributing it between Homa Bay and Lamu. So, to suggest that this Senate will not deal with and will not have power over the entire revenue at the point of division is to make this Senate irrelevant and I said it earlier. Even if you make as loud protestations as you wish, this is a fact. Sooner or later, the people who elected you will be asking what the Senate does for them. When we were being elected, the thinking of the people who voted for us is that we are going to determine how much revenue goes to them. Now, it is not that way. It is the National Assembly that determines how much revenue goes to them and our job is to distribute what they have given us. So, we are subordinate to the National Assembly, the way things are now, unless we seriously consider amending this Constitution. This is what I am talking about and this is not theatrics but serious business.

Mr. Deputy Speaker, Sir, let me tell you a few things that make a country grow. I am privileged to be in the Committee for Energy, Roads and Transport which also deals with transport. We should have equitable distribution of energy. First of all, we must generate it and that is the job that the Senior Counsel did when he was the Minister for Energy, but we still need to generate it a little bit cheaply and then distribute it. Sen. (Prof.) Lonyangapuo knows that unless you have sufficient energy, that cement industry which they are trying to build in Pokot will not take off because nobody will put up an industry that he knows consumes so much. So, they will not bring it there. They will bring it to Athi River because that is where power is. Unless we do serious distribution of energy to all corners of this country to enable someone put up an industry in Mandera, Moyale, Garissa and so on, the situation will remain that way. The Government is not going to invest in industries there because it is not in the business of investing in industries but what it must do is provide energy everywhere.

The reason why nobody can invest in Kisumu is because there is no regular, constant and sufficient energy. Even the lines that supply electricity to Kisumu are thin. If you need serious energy in Kisumu and you want to do a steel industry, you cannot put it in Kisumu because you will not have sufficient energy. The second reason why people do not invest in Kisumu is that the railway line that goes to Kisumu cannot carry a certain weight and it does not even work. So, unless you fix the railway line and distribute energy, nobody is going to invest in the third largest city in the country, Kisumu. Even in Mombasa as much as I support Sen. Hassan that it needs to be developed, nobody is going to invest there if Mombasa does not have those ingredients. You are lucky that

Mombasa has at least those ingredients although they do not have sufficient power which is regular. It is irregular, erratic and costly. Unless we do something about some of these serious infrastructural things that I am talking about like energy, railway line and roads, nobody is going to invest in Kenya.

The Committee in charge of energy asked the experts who are now running the executive why they have not made our energy cheaper. They told us that energy will be much cheaper and, in fact, the bills for electricity will almost be half if we develop geothermal energy. We have actually sunk so many wells for geothermal energy and I can see Sen. Martha looking at me because we were with her in Rift Valley when we were looking at these facilities. Nobody has put money, not even the Government nor the investors, to tap the electricity and sell it to the national grid because people who benefit from thermal energy, who make money when petrol is imported and used in this thermal generators, will not allow us to exploit and use cheap energy. So, this country is being taken in circles because of some rich people who do not want this country to grow because if it grows, then they suffer. The people who are against the railway line, the standard gauge railway line which we would want to build in this country so that our goods can move quickly at 140 kilometres per hour upcountry and to Uganda and Rwanda, are saying that the railway lines do not work. This is because it will remove their trailers from the roads. These trailers are destroying our roads. We are repairing our roads every five years using billions of shillings. When the railway line was built 100 years ago, there is very little maintenance on it. In fact, the steamers that used to move between Kisumu, Mwanza and Port Bell in Uganda were cheap. There is no pothole to be repaired in the lake. So, it is cheap to run a ship across Lake Victoria and make more money for this country than to insist that we must use trailers on the roads.

Mr. Deputy Speaker, Sir, in fact, one of the experts that we called to our Committee was very bold and said that there is a cartel in this country that makes sure that this country does not grow. They do not want us to build the railway line, they do not want us to exploit geothermal energy, they do not want us to exploit coal energy and so on. In fact, if they hear you talk about nuclear energy, they will make a lot of noise. I was in South Korea recently and we found it being used very safely to the benefit of that country and we can also do the same.

This country needs to move and it can only move if we believe that we want to build our country. The railway line was built for investors then, who were the *wazungus*, and for it to pay for itself, it had to pass through areas which could support agriculture which was then the investment. Nairobi developed because of that railway line but now it is no longer working but at least we are exploiting our roads. There was development ten kilometres on both sides of the railway line. I do not know whether much development has been done in Kitale. Most of the time, it was ten kilometres that developed and we have left it that way and it will continue that way unless we deliberately move out of that cycle. That is why we brought devolution. So, to suggest that the 15 per cent or even less that was given to us to distribute--- I can see that Homa Bay is going to get about Kshs3 billion and it is going to spend more than that in paying salaries, we are going to remain with about Kshs300 million. What difference will it make whether the governor invests that money in Homa Bay or not? The two things we must deal with are infrastructure and

secondly give money to Busia and Homa Bay counties. I think Moyale needs more money than us because I have been there.

An hon. Senator: What about Kwale?

Sen. Kajwang: Kwale is better because there are industries.

It is difficult to debate this Bill without feeling demeaned. It is difficult to debate this Bill to distribute Kshs210 billion without feeling as if we have been taken for granted as the House which should have determined, defended and promoted devolution. Without saying more, I suggest that the next time this Bill comes, the Constitution should be clear. It should say that the Division of Revenue Bill is the business of the Senate. If it says so, even if there is no concurrence with the other House, then we will have business in this House.

I recommend that we take the amendments we were suggesting here seriously. We should go out there and sell this idea to the people and tell them that right now, we are not very useful to them. We will tell them that if we amend the Constitution, we will become useful to them. The country depends on this Senate to guide devolution and to protect national interests. So, it is up to us to take this seriously or ignore it at our own peril.

I will speak on one more issue and this is why the First Senate was dissolved. The First Senate was dissolved because of the kind of debate we have today. At that time, all the Bills from the Lower House would come to the Senate but the Senate would either amend or throw away some. The Lower House was not impressed. They said that if Senators continued to amend the Bills, they would dissolve it. They got some collaborators in the Senate who later accepted to dissolve themselves and to join the Lower House in exchange for a small benefit of getting a constituency. None of them was elected back because the country lost the strongest pillar of democracy which was the Senate including the one who got a seat in Mbita Constituency. People were angry with them. This was my constituency for some time.

We could be dissolved and this is not a joke. Sooner or later, at the end of this year, you will be asked what the Senate has done. We will say that we have debated serious Bills and Motions. They will ask what Bill we debated and we will reply; the one on County Allocation of Revenue Bill where division has already been done. So, do we need to be a Senate to distribute what has already been given to us? Is that the job that brought us here? That is why I am serious. This can easily dissolve us.

I support.

Sen. Abdirahman: Thank you Mr. Deputy Speaker, Sir for giving me a chance to contribute on the debate on the County Allocation of Revenue Bill. From the outset, I accept what hon. Kajwang said about the Senators who were there in the beginning. The one from my home also lost. We do not want, as a House, to be rendered jobless. However, we should be realistic enough to make the country move forward.

I do not want to spend a lot of time on the Division of Revenue Act because the matter is already in court. We will wait for an advisory opinion and deal with what is before us for now. The benefits of devolution cannot be overemphasized. In the past, as a country, we have seen what fiscal decentralization of the Local Authority Transfer Fund (LATF) and the CDF have done in our areas. This is worth a good example. That is

where we borrowed a leaf from and thought that it would be good to have a devolved system of governance in this country so that we help develop our regions.

The truth of the matter is that there are serious disparities in terms of development in our country. However, it is our hope that with such models, depending on how best the resources are used, will help our people. The power plays and wrangles that we are seeing between institutions even at the highest level of legislature will not make a difference in the lives of Kenyans if we spend time thinking on how best we can utilise these resources. We are debating on Kshs210 billion which may not be commensurate – the word commensurate has been pronounced wrongly many times today - with the functions of the county governments. I just want to pick one example where we have a concurrent function between the national Government and the county governments, and this is disaster management. The Ministry of Interior and Coordination of National Government was allocated Kshs1.7 billion for this. Issues of disaster management and floods are best handled at the county level and not at the national level. We all know that relying on the national level has been a problem when disaster occurs.

I want to make reference to this Bill, in a specific area. This is page 11 which says that there are differences between the National Treasury's proposal which were guided by a number of factors. I have a bone to pick with two of them. This is the cost of running county governments' structures and the cost of ongoing devolved functions; this deviated from what the Commission on Revenue Allocation (CRA) had initially proposed.

This country, as I have said, was not developed at par. We have serious disparities because the budgets were hurriedly prepared. The budgets were skewed in favour of the national Government in some areas. In fact, this has been increasing more than it has been decreasing so that it becomes bottom heavy. I suggest that we look at this in future. There are also some misconceptions about the issue of capacity at the county level. I am worried that this could be used to retain funding at the national level. The counties need to have the bit to do with pay rolls. There is no change to anything. The functions that have been devolved to the county governments have offices and staff who have been seconded or some who were already there. The fact that people can use flimsy reasons worries us. It was not a good decision to put the Transition Authority under the Ministry of Devolution and Planning because it needs to be autonomous. We are not saying that it should have a lot of money because there is already a lot of money in the Ministry which has not been planned for.

We have a number of regional authorities, for example, the regional authorities for water. Water is a devolved function. We will be duplicating this function. We are not saying that money should all be channeled to the counties but, at least, in the planning stages, we should share information so that we do not duplicate. If the Ministry of Environment, Water and Natural Resources, through the National Water Conservation and Pipeline Corporation (NWCP), for instance, will construct a certain number of pans in a certain county, for the purposes of planning and taking care of the deficits that counties will be facing, it is important that we do coherent planning so that we do not have a mix up in terms of sharing allocations and opportunities.

I have a proposal with regard to the Equilisation Fund. Just like the CDF Funds were modeled in our counties so that the end of a financial cycle does not affect funding,

if we cannot allocate all the Kshs210 billion Fund at once – this has already been called a Fund – we should model it along the CDF so that we do not have people trying to beat the June 30th deadline. Traditionally, we know that the spending done around the 30th June deadline for national Government is prone to abuse. There is hurried disbursement of funds and these results into ultimate corruption that has bedeviled our country for long.

I am grateful that you have given me an opportunity. I support this Bill. The earlier we have funding for our counties the better.

With regard to the ongoing wrangles between the National Assembly, the Senate and the governors, these are teething problems. We hope that with time, they will end and we move forward in joining other nations that have moved forward in progressing fairly well.

Sen. Ndiema: Thank you, Mr. Deputy Speaker, Sir. I stand to support this Bill. However, I will do this with some exceptions. I would like this Bill to be considered as interim because the figure we have here is not what the Senate had proposed. I only consider it proper that the Senate allocates these funds because they are part of the whole; the Kshs258 billion passed by this House. I say so because the figure used was derived from the 2010/2011 audited accounts. The accounts which should have been used are the ones for the 2011/2012 Financial Year. I do not know what we will do in future. However, I suggest that in future, deadlines be given for auditing so that audit reports come early. This will allow us to allocate the amount stated in the Constitution.

On the issue of County Allocation of Revenue Bill, this is not in conformity with what is in the Division of Revenue Act. The Division of Revenue Act talks about Kshs210 while the other Bill talks about 198 billion. There seems to be a necessity for this Bill to be amended at the Committee Stage to reflect what is in the Act so that we talk about Kshs210 billion. I can see the hon. Senator from Homa Bay wondering what I am talking about. If he looks carefully at it, he will see that the Bill talks about Kshs198 billion. The Schedule is arranged in a way that there is a 15 per cent additional and unconditional commission. There is also total unconditional, conditional and total. This Bill insinuates that counties are being done a favour by being allocated the 15 per cent. This is not a favour. The Constitution talks of not less than 15 per cent. If really all the functions have been devolved to the counties, then 15 per cent is a figure that we can no longer talk about. Therefore, I will propose that at the Committee Stage, Columns 2 and 3 which talk of “15 per cent and additional” be collapsed into one.

Mr. Deputy Speaker, Sir, there is a column which has been created called “conditional allocations.” The essence of devolution was that revenue would be shared equally and the Constitution provided for how revenue would be shared. A formula was arrived at and approved. Therefore, bringing in another column which allocates Kshs43 billion as conditional allocations, distorts and negates the whole principle of equality. Looking at it, I see that some counties are getting colossal amounts of money. I can quote a few. There is Mombasa, Kshs2.6 billion; Nairobi, Kshs7 billion; Nakuru, Kshs2.6 billion; Nyeri, Kshs3 billion and Vihiga, Kshs196 million. Trans Nzoia, where I come from has been allocated a paltry Kshs193 million. Trans Nzoia certainly requires much more considering that it is the breadbasket of this country. This amount may not even be enough to procure maize which we are going to harvest or the fertilizer that we shall

require considering that agriculture is one of the functions that have been devolved. We have not been told whether the national Government will take care of that and if so, why it should continue being involved in that procurement.

Mr. Deputy Speaker, Sir, the reasons given in the notes here are that there are some counties which have been given additional and conditional allocations because of certain requirements, for example, provincial hospitals and so on. But looking at the figures, I do not really believe that provincial hospitals alone would take care of this. In any case, why do we not consider upgrading the provincial hospitals to be national referral hospitals, so that we can only take care of the district hospitals? This will ensure that we are all at the same level.

Mr. Deputy Speaker, Sir, there is a term which has been introduced; that by giving that allocation, we are “holding those counties harmless”. But on the reverse, this is creating more harm than rendering them harmless. It is harming other counties. So, I suggest that at the Committee Stage, this column be collapsed so that the Kshs43 billion is divided using the formula and all counties get their share.

Mr. Deputy Speaker, Sir, there is an emerging debate that counties are not ready to take over the functions that they were given and, therefore, we should slow down the pace of devolution. What makes counties not ready is not lack of resources in this country in terms of personnel, equipment and so forth, but lack of money. How will the counties ever be ready, if they will not be given money? Certainly for the first year, maybe there will be teething problems when they are recruiting, procuring equipment and so forth, but they need that money so that they can ready themselves for next year. Otherwise, if we do not give them the money, they will never be ready.

Mr. Deputy Speaker, Sir, there is also a big worry in terms of personnel. Counties are not ready because they do not have qualified personnel, yet in the devolved functions, there are departments which were already operating with personnel. If you are talking about hospitals, there are doctors. In the Ministry of Agriculture, there are experts there who are very qualified. Perhaps, the issue that should be considered is how to manage the personnel between the county governments and national Government. There will certainly be some resistance, because naturally, people resist change, because they do not know the future. There is the fear that once they are locked in those counties, as personnel of those counties, then they are not sure about their progression in service and schemes of service. They are also not sure how their pensions will be treated and whether training will be availed the way it was done when they were under the national Government. The solution would easily come if the two levels of Government sat together and, perhaps, considered some functions to remain at the national level. For instance, they could consider those officers to be on secondment to the devolved units, so that the national Government can consider running and managing the wage bill, to be refunded or reimbursed by the county governments. That has happened even with the parastatals. Currently, there is a lot of worry, particularly among doctors and nurses in the provincial and district hospitals. They are not sure of how devolution will affect them and their schemes of services. Devolution should not be used to punish innocent citizens who are working in the Government. Whether they are in the devolved governments or

national Government, they should feel free and cared for by Kenyans whom they are providing the services to.

Mr. Deputy Speaker, Sir, in devolving, what is emerging is that there is likely to be a lot of duplication of functions. For instance, in every county, there will be engineers for the national Government to take care, perhaps, of the construction of Classes B and C roads. The county governments will also have parallel engineers providing the same service for the other roads. The parastatals which are there for the roads sectors will also be in operation. So, there is going to be a lot of duplication and wastage in terms of resources.

Mr. Deputy Speaker, Sir, I believe that the source of the Constituencies Development Fund (CDF) money will still remain the national Government, as it is now, at least, for the time being. But as you know, the CDF was implemented with the support of district technical officers. Now that the technical officers will be in the county governments, how will the CDF tap into their support, unless there is a clear understanding and agreement? We do not know who is working on this interface or inter-governmental relationship from here up to the county level. Perhaps, at the national level, there is something going on, in the name of the summit, inter-government forums, the Transition Authority, the CIC and so forth. But on the ground, on day to day operations, there must be something that brings the two levels of government to work together. As at now, they are parallel. The County Commissioners and governors are running parallel. There must be a structured way, perhaps, through legislation that will compel them to work together and complement each other, as much as we want the two to be separate according to the Constitution.

Mr. Deputy Speaker, Sir, I support this Bill because we would like the counties to operate. But in the event that the audited accounts come in the course of the year, perhaps, a way should be found out to share that revenue to cover the shortfalls that will be brought about by the two figures.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

Sen. Mburu: Asante sana, Bw. Naibu Spika ,kwa kunipa nafasi hii ili niweze kuchangia Mswada huu ambao umejadiliwa na wenzangu.

Bw. Naibu Spika, kwa miaka mingi au tangu tulipopata Uhuru, tuliona vile kiongozi wa kwanza wa Jamhuri ya Kenya alivyotoa ahadi nyingi sana. Pia, kiongozi wa pili na watatu vile vile walipeana ahadi nyingi. Ahadi zenyewe zilikuwa kama kuambiwa kuwa kutakuwa na upanuzi wa barabara, kurekebisha kwa reli, ujenzi wa shule na mengi ambayo hayajafanyika hadi wakati huu. Kadri tunavyoendelea, tunazidi kupata mambo yakusikitisha katika kaunti. Inadhihirika wazi upande wa akina mama. Watoto ambao wanazaliwa kabla ya muda unaofaa hawana nafasi ya kuishi kwa sababu ya ukosefu wa vifaa kama *incubators* katika hosipitali zetu. Hii ni kwa sababu ya ukosefu wa pesa za kutosha katika kaunti zetu.

Bw. Naibu Spika, kuna hatari zingine ambazo kama hazitazingatiwa sawa sawa huenda zikazidi kuleta madhara kutokana na ukosefu wa pesa za kutosha katika kaunti. Tukiangalia jela zetu, utaona kwamba zina madeni makubwa ambayo mpaka wakati huu hayajalipwa. Wengi wa *suppliers* wa vyakula wamegoma kupeleka vyakula kwa sababu hawajalipwa. Nikizingatia Jela la Shimo la Tewa, kuna madeni ya ajabu na sasa *suppliers*

wengi wamewacha kupeleka vyakula katika jela hiyo. Haya ni maswala ambayo yamechangia hata kuwa na ushoga katika seli. Inawabidi wafungwa walio na njaa kufanya visa viovu kwa sababu ya kutaka chakula kutoka kwa wenzao. Kwa hivyo, ukitaka nikupe chakula changu, lazima ufanye hivi ama vile. Haya yote yameletwa kwa sababu ya madeni na kutokuwa na vyakula katika jela zetu.

Bw. Naibu Spika, tukiangalia *congestion* iliyoletwa na barabara huko kwetu Mombasa, haswa mahali kunakoitwa Kibarani – mahali ambapo kumetufanyia hata utalii wetu umezorota kabisa – mtalii atawasili nchini kupitia kiwanja cha ndege lakini hadi kufika hoteli, mahali ambapo panafaa kumchukua dakika 20 kutamchukua hata masaa manane. Yote haya yameletwa na barabara kutopanuliwa kwa sababu ya ukosefu wa fedha. Laiti kungekuwa na fedha, upanuzi wa barabara ungekuwa umetokelezwa na barabara zetu Mombasa zingekuwa ziko sawasawa. Jambo hili linaleta hatari kiasi cha kwamba utakaa Kibarani kwa hata siku mbili na magari hayaendi, ilhali ukiyaangalia magari mengine, yamebeba vifaa vya hatari. Katika msongamano wa magari yale kuna watoto wa shule, abiria na watu wengine wengi. Hii ni hatari na yote haya yanaletwa na ukosefu wa fedha katika kaunti zetu.

Bw. Naibu Spika, wenzangu wametangulia kuongea kuhusu madeni. Mswada huu utakapopitishwa na pesa zitakapoingia katika kaunti, hofu yangu ni moja – madeni haya ambayo yanaongelewa mara kwa mara – yatalipwa na serikali za kaunti. Lakini lazima tujiulize kabla hatujayalipa, madeni haya yalikuja? Je, madeni haya yaliwafaidi wananchi na kaunti? Je, tutayachukua madeni haya tukayalembezee Serikali kuu ama serikali za kaunti wakati yaliwafaidi watu wawili au watatu? Nikitoa mfano wa kwetu, Kaunti ya Mombasa, kabla ya kuingia katika Seneti, nilikuwa mwakilishi wa wadi katika *Local Authority Service Delivery Action Plan (LASDAP)* kwa miaka minane na, mara nyingi, tumepata kuwa miradi ya jamii haifanywi. Kila tulipouliza, tuliambiwa kuwa manispaa iko na madeni. Na kila tulipofanya fujo tukitaka kujua madeni haya yameletwa na nini, tulikuwa tukiambiwa kuwa kati ya madeni hayo yalikuwa ya kulipa wafanya kazi mishahara. Leo, imeibuka ya kwamba wafanya kazi hawalipwi mishahara, miradi yetu ya jamii haifanywi na pesa zilitolewa na LATF pamoja na Serikali kuu. Je, pesa hizi zilipotelea wapi hapo katikati? Mswada huu utapita na nauunga mkono upite, kwa sababu utaenda kuokoa serikali zetu za kaunti. Lakini kitu ninachoomba ni kuwa madeni yatakayolipwa yawe ni madeni tunayojua yalifanya hiki ama kile. Lakini madeni ambayo hatutajua yalifanyiwa nini yafaa yalipwe na wale waliofaidika na madeni hayo.

Bw. Naibu Spika, kwa hayo machache, naomba kuunga mkono Mswada huu.

(Applause)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Madzayo.

Sen. Madzayo: Asante, Bw. Naibu Spika, kwa kunipa nafasi hii. Nataka kuunga mkono Mswada huu wa ugawanyaji pesa. Kama tunavyoelewa, kulingana na kipengele cha 96 cha Katiba, sisi kama Seneti kazi yetu ni kulinda na kutetea rasilimali za zile kaunti tunazotoka. Ya pili ni kuhakikisha kwamba ugawanyaji wa pesa zitakazotoka katika Serikali kuu zimefika mashinani na zimefanya kazi inayohitajika kufanyika huko. Wakati ule Mswada wa pesa ulipokuja hapa, tuliona kwamba pesa zile zilikuwa

hazitoshi, ndio sababu tukasema ziongezwe kutoka Ksh210 bilioni hadi Ksh258 bilioni. Lakini kwa ukosefu wa nidhamu ama kutozingatia masilahi ya serikali za kaunti, zile pesa zilipunguzwa ama zilibaki pale pale, Ksh210 bilioni. Hizi ni pesa kidogo sana zisizoweza kuleta maendeleo mashinani.

Mimi natoka Kaunti ya Kilifi katika nchi yetu hii ya Kenya, na hivi karibuni, tulitangaza hizi kazi na tukasema zinahitaji wasomi. Tunaunga Mswada huu mkono kwa kuwa elimu itaweza kusambazwa vizuri ikiwa itawekwa chini ya mikono ya wale magavana walioko katika serikali za kaunti. Katika zile kazi zilizotangazwa, utaona ya kwamba mpaka *ward administrator* anatakikana awe ni mtu aliye na shahada ya chuo kikuu; dereva wa kupeleka gari anatakikana awe anajua mambo ya tarakilishi. Sisi tunaauliza hivi; tangu lini dereva akajua mambo ya tarakilishi? Kazi ya dereva ni kupeleka gari, lakini hivi sasa tunaambiwa ya kwamba lazima kuwe na *pre-qualifications* zingine, kama awe na sijui ripoti ya Automobile Association (AA), awe na leseni ya class A, B,C,D na E; awe anajua mambo ya tarakilishi, na kadhalika.

Hadi sasa, ni miaka zaidi ya hamsini tangu Uhuru upatikane; ugawanyaji wa pesa kutoka katika Serikali kuu umeweza kutunyima sisi, watu wa Pwani, nafasi ya kuwa na vyuo vikuu. Tunajua kuwa vyuo vikuu viko Nairobi na pande zingine za nchi, lakini haviko upande wa Pwani. Imewabidi watu waliokuwa na uwezo wa kusoma waje huku, pande za juu za Kenya na wengine watoke nje ya nchi ili kupata elimu ama kupata hizo shahada za vyuo vikuu. Lakini tukilinganishana hivi sasa, ikiwa hizo zitakuwa ndizo sifa zinazotakikana kwa muajiriwa, basi ni kumaanisha kwamba watu wengi wa Kilifi hawatapata kazi hizo kwa kuwa sio watu wote kutoka huko walio na shahada za vyuo vikuu.

Bw. Naibu Spika, Mswada huu ni mzuri kwa sababu tumeona kwamba kunayo nia ya kuleta elimu karibu na wananchi wa huko mashinani. Hivi juzi tu, pia sisi tulibarikiwa kupata Chuo Kikuu cha Pwani kilichoko huko Kilifi, katika kaunti ninayowakilisha. Tumeanza, mwaka huu ama mwaka uliopita, kutarajia kwamba tutakuwa na wasomi wenye shahada za vyuo vikuu. Kwa hivyo, nasi pia tutakuwa na uwezo, iwapo kazi kama hizi zitatangazwa baada ya kama miaka miwili, mitatu ama mitano inayokuja; pia sisi tutakuwa tayari. Hata ukimwambia dereva awe na shahada ya chuo kikuu, hata sisi tutakuwa nazo.

Bw. Naibu Spika, nikitoka upande wa elimu, nitaangazia suala la ardhi. Kama watu wa Pwani walipewa nafasi ya kumiliki ardhi zao kulingana na ugatuzi ama serikali za kaunti, ambazo tunajaribu kuzifanya zikithiri hivi sasa--- Tukiangalia Serikali ya kwanza tulipopata Uhuru mpaka sasa, ni miaka hamsini. Tumekuwa na Serikali ya Moi na ya Kibaki, lakini historia inatuambia ya kwamba watu wa Pwani waliokuwa wakiishi huko waliweza kukaa katika ardhi zao, lakini kuna mahali ambapo walikuwa hawaruhusiwi kukaa, na sisi tunaona kwamba hayo yalikuwa ni mambo ya kutugawanya. Tunaangalia habari ya zile maili kumi za upwao wa Pwani, ambazo hivi sasa, ikiwa hizi pesa zitaweza kutumika vizuri katika serikali za kaunti; na ikiwa hizi pesa zitaweza kusaidia kulingana na mipangilio iliyoko katika serikali za kaunti, basi wale watu wanaoishi katika sehemu zile waweze kutengewa pesa na kupewa hati za kumiliki ardhi. Hali kadhalika, pesa hizi zitatumika kuhakikisha kuwa yale mashamba yaliyokuwa

yamesemekana yapo katika ule mshipi wa Pwani wa maili kumi, ambapo watu wengine wanaishi mpaka hivi sasa, hizo pia zisiwe jukumu la Serikali kuu.

Tunajua kuwa maraisi wote watatu waliotangulia walipewa uwezo wa kutoa mashamba kama hayo yaliyoko katika ufuo wa Pwani. Wagiriama na watu wote kutoka sehemu zote za Pwani wanaishi huko na hawana ruhusa ya kumiliki hiyo ardhi iliyo huko ufuoni wa Pwani. Mtu anakuja na barua na kusema “hapa ni kwangu; tokeni nimepewa ardhi hii.” Tunauliza hivi; kwani hiyo ilikuwa ni ardhi ya watu wa Pwani ama ilikuwa ni ardhi ya mtu mmoja binafsi kuweza kutoa kama zawadi? Hilo ni kosa lililofanyika na ni lazima kosa hilo lirekebishwe. Tunashukuru ya kwamba sasa, katika Katiba, tuko na *National Land Commission (NLC)*, na tunatarajia wataangazia dhuluma hii iliyofanyiwa watu wa Pwani ili kutakapokuwa na ugavi wa mashamba kama hayo, wale watu waliokuwa wakiishi huko wapewe ardhi hizo kulingana na hizi sheria za serikali za kaunti.

La mwisho ninalotaka kugusia pia, Bw. Naibu Spika, ni kusema kwamba watu wa Pwani pia wapewe nafasi katika nyadhifa mbali mbali za Serikali kuu. Ni jambo la kusikitisha kuona kwamba hivi leo, ni watu wachache kutoka Pwani ambao wamepewa nyadhifa za juu katika Serikali kuu. Ni kama watu wa Pwani hawako tena; ama vile watu kule nyumbani wanavyosema, kuwa kila sisi tukijaribu kuwaambia kuwa Pwani ni Kenya, wao wanasema Pwani si Kenya; na hii ni sababu ya dhuluma kama hizi!

(Applause)

Kwa hivyo, Bw. Naibu Spika, mimi nataka kuunga Mswada huu mkono, na pia nataka kuchukua nafasi hii kumuunga mkono ndugu yangu, Sen. Kajwang, aliyesema kuwa anaunga *in protest*; yaani anaunga mkono na tena anateta. Na mimi pia nataka kuunga mkono na nitete ya kwamba haki zetu sisi, kama Wapwani, zipatikane! Hatutakubali hata kidogo kwamba sisi tunyanyaswe ardhi zetu, hatuna usemi na makazi hatupati.

An hon. Senator: Ndio! Waambie wasikie!

Sen. Madzayo: Kwa hivyo, Bw. Naibu Spika, nataka kuunga mkono na kusema kwamba Mswada huu ni mzuri na utaweza kuleta maendeleo, hasa tukihakikisha kwamba wale magavana ambao wako katika utawala wa serikali za kaunti wasitusiwe. Tumeona hivi majuzi kwamba wanaitwa sijui “maraisi.” Ukiitwa “*his Excellency*,” wewe sio raisi; unaitwa “*his Excellency the Governor*,” haukuitwa “*his Excellency the President*.” Lakini tukiangalia watu wengine – kwa sababu wanajaribu kuharibu majina ya hawa watu walio pale – wanaanza kutumia lugha isiyofaa. Mimi nasema ya kwamba magavana wetu wanafanya kazi nzuri, na kulingana na utawala wao mpaka sasa, naona ya kwamba wanafanya vizuri. Kwa hivyo, wapewe nafasi wafanye kazi zao lakini si matusi. Naomba kuunga mkono Mswada huu.

Sen. Chelule: Bw. Naibu Spika, asante sana kwa kunipa nafasi hii ili niweze kuchangia Mswada huu wa Ugavi wa Fedha kwa Kaunti.

Ninasimama kuunga mkono Mswada huu kwa sababu ni wa maana sana kwa wananchi wote. Mimi sina shida na ugavi lakini matumizi yake yananitia wasiwasi. Hapa tunawakilisha kaunti mbalimbali hapa nchini. Kwa hivyo, tunajua shida zinazowakabili

watu wetu. Kwa mfano, kaunti nyingi zina barabara mbaya, ukosefu wa zahanati na hospitali, upungufu au ukosefu wa maji safi na kadhalika. Akina mama hutembea masafa marefu wakitafuta maji safi ya kunywa. Hospitali ziko mbali sana.

Kwa hivyo, ninapozungumza nitaegemea sana upande wa matumizi ya pesa ambazo zitapewa kaunti mbalimbali hapa nchini. Ni jukumu letu kama viongozi kujihusisha katika matumizi ya pesa hizi. Inafaa tuelimishe wananchi ili pesa hizi zitakapofika kule mashinani zitumiwe kwa njia iliyo bora zaidi. Ninapozungumza hapa watu wetu wana shida nyingi. Kuna wale ambao walitimuliwa kutoka msitu na kwa sasa wanaishi kando ya barabara. Hema walizopewa miaka sita iliyopita zimeraruka. Wanaishi katika mazingira duni; wakati wa masika wananyeshewa. Watoto wao wanashikwa na magonjwa kwa sababu ya baridi kali kwa maana hawana nyumba. Watoto hawana chakula cha kutosha. Watu hawa kwa sasa wanaishi katika hali ya umaskini mwingi. Kwa hivyo, shida yangu si kiasi cha pesa ambacho kitapewa kaunti, lakini jinsi pesa hizo zitakavyotumika. Ninaomba pesa hizi zitumike kwa njia nzuri. Ni mapenzi yangu kuona kuwa viongozi wote katika kaunti wamejihusisha na kuhakikisha pesa hizi zinatumiwa kwa maendeleo.

Bw. Naibu Spika, kwa hayo machache, ninaunga mkono.

Sen. G.G. Kariuki: Mr. Deputy Speaker, Sir, I would also like to join my colleagues in supporting this Bill which is the first one of its nature to be debated in this House. It is a historical Bill. I hope all the things which have been said here will be recorded for the future generation to know that this was the first Bill in this House.

Mr. Deputy Speaker, Sir, when I look at this Bill, I find that it needs to have been passed without any argument. We should not spend a lot of time discussing it. Why should we debate it for two or three days? This is a Bill that we have no power to amend or reject. This is an opportunity for the Senators to look in the past and see how much we have achieved since we embraced county governments. The purpose of debating this Bill is to remind us that there is a lot to be done by the Senate, but we have not done a lot since we embraced devolved governments. We are talking about the money that has already been allocated. As I said, we have no power to reject or amend it. I have not heard anyone criticizing the Senate for the failure or otherwise of this Bill. We have not been involved to determine how much, for example, a county assembly will get. I do not want to say that we failed in our duties as Senate. However, it cannot be said that a good job was done. We ought to have sat down together with the Transition Authority (TA) or the people who are involved and then determined the best way of allocating these funds.

If you look at the Bill itself, you will see that we are in total confusion. We have an amount of Kshs198 billion appearing in the Bill. We also have Kshs210 billion appearing in the Bill. The third amount is Kshs258 billion. This shows that there is something wrong somewhere that we ought to have discovered and put right. However, that was not done. We are commanded by the provisions of the Constitution to pass it the way it is without any interrogation. This is because even if we were to interrogate it, we might not have answers to a lot of these questions. I hope in the next financial year, we shall be involved in determining how to allocate this money to the county governments.

When you look at the formula, it shows clearly that the people who did it were not serious. For example, I border with Samburu and Baringo counties. I wonder what

criteria were used in determining Baringo County is poorer than Laikipia or Samburu. These are the matters that should be looked at. There are some areas in a county that are not same. There are some areas like Laikipia and Baringo counties where rainfall is good and, therefore, good for agriculture. There are areas in Laikipia County which are drier than areas in Samburu or Baringo County. Therefore, when determining this kind of allocation, it is important to consider all the factors. As I said earlier, this Senate has no choice because we are required by the Constitution to do the needful. So, the Senate needs to devolve in every respect so that we are capable of telling people why we issued such an amount in a certain district. Right now, if we try to explain to the Governor, the county assembly members or the local people, we would have no answer because we do not know how it was determined. That is why there is a lot of confusion in this allocation.

Mr. Deputy Speaker, Sir, management of conflict is another big problem in our counties. There have been conflicts all over because there are some counties where the governor's nomination list was rejected by the county assembly members. That has delayed the issue of preparing budgets in many counties. Therefore, the Transition Authority (TA) should explain to our people how these figures were arrived at. Sometime ago in this House, I said that we can allocate billions of shillings to the counties, but have we created capacities within the county assembly? Do the members of the county assemblies and their speakers have capacity to oversight over the governors? Do governors themselves have capacity to prepare budgets for their counties? We need to spend a lot of money to empower the county government, so that they can determine and prepare their own budgets. The way things are going is that some members of the county assembly and even the governors think that there is unlimited money somewhere and it has to be distributed. There is no unlimited amount of money anywhere in the world. Money needs to be distributed according to needs. We must make sure that the budgets that have been crafted are capable of delivering services to the people of this country.

The purpose of devolution was to make sure that people in counties enjoy more development and are more secure in terms of their lives due to the new Constitution. That is what I thought it was from the beginning. When people talk about marginalized people of the Coast Province or any other region in the country, to me, that is now history. We now have the county governments. It is, therefore, for the people from those areas to make sure that they defend their territories so that they stop crying wolf all the time over marginalization. Every person will feel marginalized if he accepts to feel that way.

With those few remarks, I beg to support.

Sen. Mungai: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this very important Bill. This Bill is apparently overdue in that the counties are waiting for us to pass it so that they can get money. As I support, I would like to address some issues that touch on my county. Nakuru County is one of the counties with a deficit of Kshs1.2 billion. There are other counties that have a surplus of up to even Kshs6 billion. I find this to be inappropriate because there is no way we can run our 2013/2014 financial year with a deficit.

Mr. Deputy Speaker, Sir, when I look at the formula that has been adopted concerning the division of the monies, it means that proper participation by my people in Nakuru in ensuring that the figures that were being used for statistics so that we ended up

with such kind of allocation, could have been erroneous. So, I am requesting the people of Nakuru to ensure that anything that requires public participation is well attended and their views listened to so that we do not end up with a deficit. I hope that next year we shall not end up with a deficit. I know that many Senators have spoken before me and that there are many issues they have raised. In addition, the issue about the structures in the counties requires a lot of attention. As much as we are giving them money, it would be very disastrous if they were not ready to spend the money due to poor structures. It is important to ensure that structures are in place. The personnel that will be in charge of these finances should be people beyond any reproach.

There is an issue concerning the size of some counties. I know that Kakamega, Kiambu and Nakuru are vast counties. It is important to look at the size of a county because, by extension, it influences the amount of money that is allocated. The amount of money that is allocated to counties although it may not be what the Senate wanted to be disbursed to counties, is something manageable. So, in future, we must ensure the amount allocated by the Government to counties is sufficient.

I would like to comment on some issues that are happening in our country. Those who are in Parliament for the first time have observed a trend where once some people lose in elections, they go back to an electioneering mood the following month. Our people elected us to ensure that development is realised within the period we are at the Senate. Therefore, it is important when it comes to politics, we try as much as we can to deal with them ourselves.

We have issues regarding the Independent Electoral and Boundaries Commission (IEBC) which have made this body appear very bad in the eyes of the public. I believe that institutions like the IEBC were formed constitutionally and should be respected all the time. We must respect them whether there is a by-election in Makeni or not. Unless we do so, at one point, we will not have confidence in any of the institutions that have been created by our Constitution.

With those few remarks, I support.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, it appears as if debate has been exhausted. Therefore, I will ask the Mover to reply.

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, I stand to reply. In doing so, I would like to thank my colleagues who have contributed to this Bill and pointed out issues that need to be addressed. This Bill has come at a time when the Senate needs to be guided in terms of the Division of Revenue Act which is now law.

We also had agreed that we should continue to debate the County Allocation of Revenue Bill so that our counties can begin to function now that the Government is about to release funds. In fact, they are waiting for the Bill to be passed. But if there will be need for additional funds, a request can be done with regard to that.

Hon. Senators referred to the County Allocation for the Financial Year 2013/2014 table. There are two columns which are very interesting. The first one is on the constitutional minimum allocation of 15 per cent. This is audited revenue which the national Treasury says totals to Kshs91 billion. Column two talks about conditional and unconditional allocation based on a formula which totals to Kshs63 billion. This shows the total amount. There is another one which is the conditional allocation.

Hon. Senators referred to Article 203(2) of the Constitution. It says:-

“For every financial year, the equitable share of the revenue raised nationally that is allocated to county governments shall be not less than 15 per cent of all revenue collected by the national government.”

Hon. Senators have raised the issue of audited revenue accounts which are very old. These are the audited accounts of 2011/2012 Financial Year. These are two years old. Two weeks ago, the Government said that it had collected a staggering Kshs800 billion exceeding the targeted amount by 14 per cent. That is what the Kenya Revenue Authority (KRA) indicated. This means that this Government can give the current figures and allocations without digging into the history of two years ago. We are also talking about a digital Government. We can get the relevant data as it is. We need to look at this. We are introducing another column which talks about a plus “b” which does not go hand in hand with what is in the Constitution.

As I come to the close of my reply, I will refer to a rider in Clause 1(5) preliminary that explains why the conditional allocation is given. You will see that this is meant to provide for the funding of regional referral hospitals and nothing else and to ensure continuation of essential services by the county governments in the manner set out in column “D” of the Schedule. When you talk about referrals, Nairobi ranks 30 in that column. It has been allocated Kshs7,743,130,661. I expected the Moi Teaching and Referral Hospital which is in Uasin Gishu to be the second in being given a lot of money. However, it has been given a paltry Kshs300 million. It has even been overtaken by smaller hospitals. Hon. Senators have said that this column should be understood clearly so that services in big hospitals are not disrupted.

We, as Senators, also note that the involvement of the Senate is very critical as it is described in the Constitution. The CRA generates its draft and it is supposed to supply it to the Senate. The Senate discusses this with the Treasury. We will take this seriously as the Senate Majority Leader has indicated. We should make sure that the Senate plays its rightful role. This is the first Bill we are presenting under the devolved government. This is just the first step. Hon. Senators will continue to look at it. We will also look at the budgets we have in our counties. Some counties have budgets which are exaggerated. Hon. Senators responsible for those counties need to look at those budgets. This is the first year and you should expect those kinds of problems.

The Treasury has undertaken, I am told, to train the officials and experts dealing with budgets at the counties. I call upon all of us to support and improve on the same.

I beg to move.

Sen. (Prof.) Lesan: On a point of order, Mr. Deputy Speaker, Sir. I was expecting the Mover of the Motion to clarify to us what Bill we are supporting. Is it the one with the Kshs210 or the one that has the Kshs258 billion? I expected the Mover to also tell us what type of amendments can be made and if we are capable of proposing them at this stage. How can we handle the situation as it is? We are expected to pass this Bill, but up to this point, I do not know what figure we are passing.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Prof) Lesan, I think we went through this matter more than once when the Bill was being moved. At that point, the Mover of the Motion indicated what he was moving. We expect to have amendments at

the Committee Stage which is in tandem with the Bill we are dealing with now. I do not know whether that satisfies your point of order.

Sen. (Prof.) Lesan: Yes, it does, Mr. Deputy Speaker.

Sen. (Prof.) Lonyangapuo: Thank you. At this point, I request, based on Standing Order No.51(3) to defer putting the question to tomorrow afternoon.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Senator. That is the usual Standing Order No.51, where at the discretion of the Speaker, the putting of the Question may be deferred.

Again, since this is the first time that we are discussing or debating a Bill of this nature, I would also like to point out that under Standing Order No.69, it is clear that in this event, I do not need to rule whether or not, it is a Bill touching on counties. So, we will just proceed to put the Question at the appropriate time.

Regarding the request coming from Sen. Lonyangapuo who has replied, I find that under Standing Order No.51 (3), we shall postpone the putting of the Question, therefore, the voting by counties, to tomorrow afternoon. This is an extremely important Bill. I want to believe that all of us shall be here tomorrow afternoon to vote on it, so that we can then move on to the next stage.

(Putting of the question and voting on the Bill was deferred)

Next Order!

MOTION

SETTING UP OF MODERN ABATTOIRS BY COUNTY GOVERNMENTS

Sen. Lesuuda: Mr. Deputy Speaker, Sir, I beg to move the following Motion in an amended version, after I brought it to the Speaker's attention and received approval:-

THAT, aware that the pastoralist areas account for the largest proportion of livestock production in Kenya estimated to consist of 81 per cent indigenous cattle, 92 per cent of sheep, 93 per cent of goats, and 99 per cent of camels; further aware that livestock is the economic mainstay and source of livelihood for the populations in these areas; noting that it has potential to reduce unemployment, especially among the youth by supporting livestock based industries; concerned that this economic potential in production remains untapped while the areas continue to lag behind other parts of the country in development; recognizing the renewed Government commitment to transform livestock production; cognizant that livestock products enjoy an insatiable market both locally and abroad; further aware that value addition would enhance marketability and returns from livestock; the Senate urges the respective County Governments to prioritize and urgently set up modern abattoirs and related facilities to stimulate livestock production and business.

Mr. Deputy Speaker, Sir, let me say from the outset that the reason I amended this Motion to urge the respective county governments and not really the national Government is because under Schedule Four it is clear that this function of agriculture, especially abattoirs, is the function of the county governments. Also, it is important for us here at the Senate to start engaging with our county governments because that is the most important role that we have. We should oversight also what our county governments are doing. We should not necessarily just allocate money and ensure that it gets to the counties, but also know what our counties are doing with it.

Mr. Deputy Speaker, Sir, when it comes to the pastoralist areas, there is no other better thing for them than tap on their most valuable asset; that is, livestock farming. When we say that agriculture is the backbone of our economy and we value it, most of the time we are talking about crop farming. However, we do not talk and give the relevance and importance to livestock farming that it deserves. It is a fact that in our country, livestock farming has been playing almost second fiddle. It is time that counties which have this as a resource that has not been tapped, realized that it is one of their key economic backbone. This will not only help the people of those counties, but people in other counties. Here, I am talking about Garissa, Turkana, Marsabit, Wajir, Samburu, Laikipia, Moyale and Isiolo counties. These counties will, not only transform the lives of the people who live there, but for the first time they also will contribute to our Gross Domestic Product (GDP). We will start being valued as people of this country who are also developing it by contributing to its economy.

Mr. Deputy Speaker, Sir, I know that in the previous Government, under the leadership of the former President, Mwai Kibaki, there was a lot of work that went into ensuring that livestock production was enhanced. There are abattoirs which are being put in place in many counties. I know that the one in Isiolo County is almost complete. But I am urging the County Government of Isiolo and even the neighbouring counties to fast-track the opening up of this abattoir. This abattoir will serve the people of that county and its environs. It is also important to note that this Motion does not say that each county should open an abattoir. One county can open a tannery while another one can have the major abattoir, so that our counties can work together to ensure that livestock farming and production is taken to another level.

Mr. Deputy Speaker, Sir, I am talking about these abattoirs because we need to take them closer to where the raw materials are. It does not make sense for a cow to be transported from Garissa on bad roads all the way from Garissa to the Kenya Meat Commission (KMC) in Athi River. The reason we have the coffee and tea factories where they are is because the raw materials are found there. There is no tea factory in Samburu or Laikipia counties. They are found where the raw materials are. We are urging that the county governments tap into the livestock that is in their areas to ensure that it empowers the people and improves the livelihoods of people in those areas.

Mr. Deputy Speaker, Sir, secondly, it will also create employment for our young people. Once the factories are in place, the young people who have been herding these cows for the longest time and not noticing their value, will, finally, get to know that what we are herding is something that can be of economic value. Only then will also the pastoralists realize that their cattle or livestock have to work for them also as human

beings. As it is right now, cattle rustling is rampant in most of those areas. It is as if human beings are living at the expense of those cows every other day. So, of what value is that cow really if we are just chasing each other and even losing lives because of it? If cows could talk I think that they would be very sad. The same cow can be taken from Turkana and pass through Samburu, Garissa and find its way to Athi River. It is time that those cows started working for us and building this country. I really hope that the county governments, including the county assembly members and governors, even as they prioritized what they need to do, will take livestock farming very seriously. I know that there are countries in Africa which are doing it very well. For example, Botswana has taken livestock farming very seriously. We need to take it seriously so that pastoralist counties are also appreciated.

Mr. Deputy Speaker, Sir, for the longest time, the pastoralist areas have been referred to as marginalized, which is true. But also sometimes, people marginalize you when they do not see any value that you are bringing. If the county governments prioritized livestock farming, then we would say, for example, that we need a good road to transport the livestock products. Let me just pose a question that a friend of mine has been posing for the longest time. How much is a hide or a skin? We sell a piece of the hide of a goat between Kshs50 or Kshs100. The hide for the cow is sold in kilogrammes. A kilogramme of hide is sold at Kshs250. These are the kind of prices offered by the middlemen level. These hides are used to make shoes. How many pairs of shoes can one cow hide make? Let us use Sen. (Prof) Lonyangapuo's shoe size; it will make five or six pairs of his shoes. How much would you buy those pair of shoes for when you go to the shop? For men, it will go for almost Kshs10,000 or Kshs15,000? While the person who sold that cow hide, sold it for Kshs50 or Kshs250.

It is time that county governments in pastoralist areas started looking at how those herds of cattle being taken care of by these young people can generate sufficient income to improve their lives. It is a question that we seriously have to start asking ourselves even at the national level as we think about improving agriculture. We have to seriously think about improving livestock farming in our country. When we are talking about value addition, what we are saying is that we have to add value. You know sometimes in our country, it is not that we do not know what we need to do. That is the saddest part of everything. We keep on saying: "We have the potential. These areas have the potential and so on." It is not lack of capacity or ideas. It is time that we seriously thought about the opportunities that devolution creates for us; that these areas which have been considered marginalized for a very long time now have the room to show that there is something that they can also contribute. To me, I know it is livestock farming. If it is taken seriously in these counties then, definitely, it is something that will improve those counties. As I said earlier, although Botswana has a lot of minerals like diamonds and gold, they have taken livestock farming very seriously. We have countries like the Democratic Republic of Congo (DRC) and Nigeria with a lot of mineral deposits, but they have not tapped on livestock farming like Botswana, which has made good use of it.

Mr. Deputy Speaker, Sir, I will never stop talking about cattle rustling. It is a pity that in the 21st Century, there are Kenyans who are involved in it. For a very long time, some people have benefited from cattle rustling in this country. I have been urging young

people to desist from this activity of cattle rustling because most of them die in the process. I would like to see us benefiting from those cows. I would like to put people who engage themselves in cattle rustling on notice that their time is over. County governments and even the national Government have to start thinking creatively. If we say we are digital, then we have to be truly digital. There is improved machinery or mechanisms that can be used. Why have we refused to embrace the chip that we should put in our cows? What is wrong? If we are saying that Information Technology (IT) has caught up with us and we have to change, there is this chip that has been proposed to be put in our livestock, so that we can track where a cow is, if it is stolen. We must put a few people out of this business of cattle rustling. If we do so, they will be wondering what to do with their cows because cattle rustling will be a thing of the past. We will improve them. We will build tanneries and abattoirs. I am sure that will also bring development in the so called marginalized areas.

Mr. Deputy Speaker, Sir, we have to be proud of the livestock that we have in this country. I just gave the figures of how many livestock there are in the pastoral areas. Secondly, we have very good meat. Our cows do not eat anything else. The meat is very organic; it is not like cattle from other countries where they are fed on chemicals and other foods. We have the best meat which is purely organic. We even know how the world is now looking at things. People are trying to be healthier and they want healthy food. We just sit on the resources that we have and keep crying every other time. I am telling the leadership of our county governments to take livestock farming very seriously. This is because after these five years and they continue lamenting that they are marginalized, I think even the rest of the country will wonder how these areas are marginalized. This Motion is urging our county governments to really take this as a priority. They must think seriously about what to invest in livestock farming so that they benefit their people. They must come up with quick fixes to benefit from livestock farming.

Also, look at the horns and the hooves. You know that horns and hooves make buttons on our clothes. However, in my homestead when we slaughter a goat or a cow, we boil hooves together with heads. We eat the meat, take the soup and then we throw everything else away. It is not that we do not know; maybe that is why we have a Ministry of Livestock. I really want to challenge them, especially those who are there now, to make sure that livestock farming does not continue playing second fiddle in this country. If we are talking about agriculture, we should look at it as a whole. We must concentrate on both crop farming and livestock production. Let us make use of the hooves, horns, hides and everything else.

As I conclude, let us really look at how cultural practices like cattle rustling can be turned around to benefit our people. Livestock farming can contribute a lot to the economy of this country and also improve the lives of Kenyans in so called marginalized areas. I really want to urge my fellow Senators to pass this Motion. I know some of us might feel that livestock farming does not concern or touch on their counties, but I urge them to support it because we are all working for the 47 counties in this country. We are representatives of all our counties. It is our responsibility to see to it that devolution changes the lives of all Kenyans regardless of where they are. We all know that for the

longest time when we have had the central Government, it did not work well for us. So, it is time that we ensured that county governments and devolution uplift the lives of all Kenyans wherever they are.

Mr. Deputy Speaker, Sir, I beg to move and call upon my fellow Senator, Sen. Mong'are, to second this Motion.

COMMUNICATION FROM THE CHAIR

ELECTION OF SENATOR TO PRESIDE OVER THE HOUSE PURSUANT TO STANDING ORDER NO.18 AND ARTICLE 107 (1) (C) OF THE CONSTITUTION

The Deputy Speaker (Sen. Kembi-Gitura): Thank you. Sen. Mong'are, before you second, give me one minute.

Hon. Senators, you notice that I have been sitting here continuously, which is unusual. It is good to inform you that the Speaker is out of jurisdiction for now for a short time. Both panelists are similarly out of jurisdiction also on other official duties. So, in their absence, therefore, I can only sit here alone. But in consultation with the Constitution and other legislation, if you refer to Standing Order No.18, it says that:-

“The Speaker shall preside at any sitting of the Senate but in the absence of the Speaker, the Deputy Speaker shall preside and in absence of the Deputy Speaker, pursuant to Article 107(1) (c) of the Constitution, another Senator elected by the Senate for that purpose shall preside.”

If you refer to Article 107 of the Constitution, it says the same thing as our Standing Orders, which is that:-

“In the absence of the Speaker and the Deputy Speaker, another member of the House elected by the House presides.”

Now, we have a panelist whom we have elected under Article 107 of the Constitution, but since I may want to take a short break myself, we cannot just pick somebody from the Floor of the House and tell them to come and sit here; it will be unconstitutional. We must follow the Constitution to the letter because we are the guardians of the Constitution. So, I am proposing we do that before the Motion is seconded. I want to take a few minutes leave of absence from the Chair. I would like somebody to come and sit here because the Business of the House must continue. So, I would like us to proceed with Article 107, should you find it fit. Elect somebody to sit here as the Speaker for the 10, 20 or maybe 30 minutes for this session only.

The election of such a person shall not constitute that person to be a Member of the Speaker's Panel as contemplated whether by Article 107 or Standing Order No.18. So, that is the way I would like us to proceed. If you should find it fit, maybe we can have an election of somebody to be Speaker for the 10, 20 or 30 minutes that I propose to be out of the Chair.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, you have been very clear. But because we are a House of rules, could you be further clearer by confirming that the person who shall sit there in your absence will, amongst other things, enjoy the full

privileges of the Speaker? Because sitting there, we happen to know certain things which we do not want to put in the public domain. But if you could confirm, so that should this person be shortchanged, later on, in the course of the week, then we can have recourse to the Speaker of the Senate and your direction.

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): I have made it clear that whoever it is that is elected will sit here for 20 or 30 minutes while I am away. I am just trying to follow the Constitution as much as possible, but he or she shall have the full right to throw you out of the House should the need arise. By “you” I mean the Members present; I am not talking about Sen. (Dr.) Khalwale.

Hon. Senators: Are there any privileges?

The Deputy Speaker (Sen. Kembi-Gitura): I want to assure you that the privilege is a glass of water as he or she sits here and calls you out.

(Sen. Kittony stood in her place)

What is it, Sen. Kittony?

Sen. Kittony: I am proposing, Sen. Kajwang.

Sen. Lesuuda: I am seconding.

The Deputy Speaker (Sen. Kembi-Gitura): Does Sen. Kajwang have any problem with that?

Sen. Kajwang: No, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): That is so ordered, Sen. Kajwang, and thank you very much.

I am now going to put the Question, with the consent of the House, which is that Sen. Kajwang be elected to preside over the session temporarily under Article 107(1) of the Constitution.

(Question, that Sen. Kajwang be elected to temporarily preside over the Session Pursuant to Article 107(1) (c) of the Constitution, put and agreed to)

[The Deputy Speaker (Sen. Kembi-Gitura) left the Chair]

[The Temporary Speaker (Sen. Kajwang) took the Chair]

The Temporary Speaker (Sen. Kajwang): We are proceeding from where we stopped.

Sen. Okong’o.

(Debate on the Motion resumed)

Sen. Okong'o: Mr. Temporary Speaker, Sir, thank you for allowing me this opportunity to second this Motion which has candidly been moved by my sister, Sen. Lesuuda. The country is experiencing intense challenges caused by urbanization which lead to high unemployment levels and poverty, among other things. In cognizant of these facts, the county governments should embark on investing in existing industries with the aim of addressing these challenges. Livestock production is one of the oldest industries in the country and there is high demand for beef products both locally and abroad. For instance, Nairobi and Mombasa have the highest per capita meat consumption within Kenya. Nairobi consumes up to 25.8 kilogrammes per person annually, which is much lower than the recommended 40 kilogrammes by the world health standards. This demonstrates that there is a high potential market for livestock products which requires a monthly supply of approximately 27,829 head of cattle, 71,555 sheep and goats and 685 camels to Nairobi. Mombasa is another important terminal market alongside Nairobi for livestock from pastoral areas, particularly North Eastern Province. Mombasa's annual consumption is estimated to be at 21.8 kilogrammes per person. This was in 2011. This requires a monthly supply of 8,178 heads of cattle, 21,210 sheep and goats and 201 camels. This is just an estimate that was done and is called End Market Analysis of Kenya Livestock and Meat by the USAID in 2010.

Kenya has experienced an important increase in meat exports since 2005, particularly following the re-opening of the KMC's abattoir as an export licensed facility for use by private exporters. We have seen an increment in this. But on the other hand, Tanzania and the United Arab Emirates (UAE) are Kenya's most consistent market for meat exports in recent years. However, in 2010 several large markets were opened or expanded. These include Qatar, Oman, Kuwait, Somalia and Egypt. Kenya is only a minor exporter of livestock with the number of head exported never exceeding 7,500 in a given year. The only significant markets are Mauritius and Burundi which import Kenyan cattle and goats, respectively. Statistics indicate that Kenya is losing its international market to its competitors like Brazil and Australia who enjoy low production costs due to modernization, enabling environment resulting in a pricing competitive edge over Kenya's meat despite the fact that we produce high quality meat with no chemical or hormonal contamination.

Mr. Temporary Speaker, Sir, one kilogramme of local meat trades at Kshs360 vis-à-vis Kshs315 in other markets. There is increased export potential from emerging markets like Canada and the United States of America (USA) in 2011. In the USA, beef price rose by 11 per cent and the USA Department of Agriculture projected another rise of 5 per cent in 2012. In view of this, opportunities will be available in the local market if we modernize county governments in terms of livestock sector. In view of these market opportunities, county governments should address the production cost of local meat resulting from hard conditions, long maturity periods due to lack of feeds, logistics, issues of licensed abattoirs like KMC centres by establishing modern abattoirs in respective counties with the aim of reducing production costs. The Government can intervene through county governments' registration policies which must develop and provide for abattoirs and for the meat sector as a whole to necessitate hygienic conditions. Counties also need to legislate on environmental frameworks. This needs to

be supplemented by regulatory systems or directives to be issued by county governments and signed to implement and strictly enforce laws. There should also be removal of bureaucratic bottlenecks and obstacles. Such provisions will give sound advice to the county governments and identify possible financial incentives and subsidies.

Mr. Deputy Speaker, Sir, the county governments' role in ensuring public health standards and consumer protection is another principle of modern meat hygiene in the sharing of responsibilities in county protection within the meat business operator and the county government officials. This is where we require county health and hygiene control facilities to be entrenched in county governments and anchored well within the devolved systems.

Other areas like analysis and critical control point schemes must be the ultimate targets to be achieved in the aminobicyclo (2.2.1) heptane-2-exo-carboxylic acid (ABHCA) member countries. The county governments along with the national governments must also improve the meat inspection standards to attain internationally required and accepted standards to allow the country and the counties to export. This will add value to our meat in the international market segment and other standard requirements. Supporting meat inspection services includes ensuring availability of laboratory facilities in each county for diagnosing ballistic or infectious diseases thus creating employment.

The national Government along with the county governments must also promote local abattoir engineering companies which are equipped with the state of the art facilities. These local companies that engage in the manufacturing of abattoir equipment should be promoted by technical assistance programmes which will see donors engaging in. Their access to international technology should be fast-tracked through technological transfer and regional cooperation within this sector. This will enable specialised manufacturers to benefit from the economies of scale generated by large networks throughout the region. This fosters the availability of more profitable and, possibly, cheaper manufacturing through higher inputs to allow individuals develop economies of scale.

The national Government along with the county governments must also, if we have to achieve this goal of developing livestock which is a national commodity and not regional--- Where I come from, in Homa Bay and in other areas, there is some livestock which can also be taken care of. It is important that county and national Government set out pilot equipment for abattoir operations. The establishment of pilot and demonstration facilities will recommend equipment to small and medium scale abattoirs for duplication to other counties. Preferably, the demonstration units should be situated in existing meat institutions where routine slaughtering is carried out to support practical, demonstration and training. The demonstration equipment should not be limited to genuine equipment, but should also include facilities for caring for animals as well as a treatment plant for solid abattoir wastes and effluents to produce the much needed improvement in the animal environment impact of the abattoirs.

With those few remarks, I second the Motion.

The Temporary Speaker (Sen. Kajwang): Thank you for seconding the Motion. According to Standing Order No.55, I will now propose the question.

(Question proposed)

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I will start by congratulating Sen. Naisula Lesuuda for coming up with this Motion. I will limit myself to the factor of what we are urging the Government to consider.

One, I would like to call upon the players in the livestock industry, especially the pastoralists, to endeavor in looking for homegrown solutions as we urge the Government to assist us. By this I mean that we should look at issues like education. One of the areas that the pastoralist communities have lagged behind is the fact that human capital is very limited. It is important at this time to urge the community leaders and parents to encourage their children to be professionals in this area. Those who make it to colleges should be prepared to work at home because until now, many people look at working in north eastern as a punishment. Therefore, we have a local human resource. This investment can be sustainable.

There is also need for us to look at the best way to keep livestock. In fact, this challenge of cattle rustling as it has been raised by the Mover is because we have not endeavored to have modern ways of animal husbandry. We need, especially in our universities, to have proper research and appropriate technology that can be used to ensure that better ways of keeping livestock for beef are utilized. The other local homegrown issue that must be looked into is that of investment. I would like to urge the national government and the county governments to invest in this kind of venture from the devolved funds that will come out of devolution.

Finally on the issue of homegrown solutions, I would like to urge businessmen who come from this area, to venture in into it. It is an investment. I will give you an example of Kakamega County where we are giants, not just in Kenya, but in East and Central Africa in sugar cane farming. Before the sugar industry became what it is today, the local investors, at a very small level started investing in jaggeries. There are jaggeries that 10 to 20 years later, moved on to become the SONY, Mumias and Butali sugar companies that you hear about today.

I would like to speak about marketing. It is important that as we set up abattoirs, the Government becomes aggressive in marketing. Ethiopia and Somalia are a ready market for our produce. All we have to do is to add value. We should then go and do risk marketing in Ethiopia. There is an unfortunate area that we can capitalise on. Many populations of Somalia and Ethiopia live on relief food from the UN. So, we should market our produce to the UN Organisations and the World Food Programme (WFP) so that when they need relief food to be taken to Ethiopia, Somalia and some parts of Kenya that invariably rely on relief food, they find a ready source down here. We all remember that one of the reasons our pastoralists fear to keep many heads of cattle is because of the fear of the consequences of drought that normally comes and sometimes wipes out all these animals. It is important for the Government to be innovative and insure all animals, so that in the unlikely event of a drought wiping out our animals, restocking will be guaranteed at a lower cost to the Government. This is because the insurance companies would then take the bill of restocking of these animals.

Mr. Temporary Speaker, Sir, I would like to see a situation where we have a lot of research in the kind of animals that we keep amongst the pastoralists. Hundreds of years since science visited the continent of Africa, we still have our farmers keeping what I call in Kakamega, *shenzi* cattle. You keep a cow for five years before it hits even 80 kilogrammes. We need to do proper research, so that the fast-growing breeds are the ones that are kept our livestock farmers.

Mr. Temporary Speaker, Sir, I would to speak to the issue of infrastructure. It will not just be enough for us to set up these abattoirs all over the place. You must set up infrastructure that will make sure that the products will be easily and cheaply transported to the respective markets. I have in mind a situation where in our lifetime, when you have leadership of a country that feels for its people; a President who is in touch with the reality on the ground and not one who thinks that the priority of the people in Kakamega is a laptop, he will know that having created those abattoirs there, you also want to follow it quickly with a modern international airport, that can then be used to receive large cargo aircraft that can take these products to local, continental and other international markets. If it has to be profitable, then the famous standard-gauge railways that we are all talking about these days should not be limited to Mombasa, Nairobi and Busia. It should also go to those areas, so that when a farmer is transporting his animals, he does so cheaply and has got maximum returns.

Mr. Temporary Speaker, Sir, under the issue of infrastructure, it is important that we have good roads going to North Eastern and Eastern parts of the country, to enable farmers to move their produce.

Mr. Temporary Speaker, Sir, I did not know that I would speak for so long. I want to take this opportunity to donate some of my time to Prof. Lonyangapuo.

I beg to support.

The Temporary Speaker (Sen. Kajwang’): You have no power to donate any time.

Prof. Lesan!

Sen. (Prof.) Lesan: Mr. Temporary Speaker, Sir, first I wish to take this opportunity to thank my fellow Senator from a pastoralist area for bringing this Motion. I know that this Motion is in her heart because it affects her directly.

Mr. Temporary Speaker, Sir, in the latest animals statistics that we have in this country, there are 17 million cattle. Out of these 7.6 million are in counties that are troublesome. These are counties where we have encountered serious rustling in the recent past. They are around Trans Nzoia, West Pokot, Turkana, Isiolo and a bit of the southern part in Narok and Trans Mara. I have presented these statistics because I want to talk about the very enormous economic potential that these animals are holding. Therefore, it is a very relevant point that we can discuss at this time, how we can unleash that potential from being a pride within communities into a financial economic activity in the country. What has really made us not be able to tap the maximum potential from this livestock is the lack of peace in these areas where livestock are. Rustling has been the biggest predicament or handicap that has not enabled us to exploit the potential in the livestock industry.

Mr. Temporary Speaker, Sir, last year, the Government spent Kshs15 billion to handle rustling in this country. I think that this is wasted money. This is money that could have been used in these counties to do better things than running around chasing cattle rustlers all over the place. The cost is only in monitoring. I did not say anything about the lives that were lost in the process of rustling in this area. So, I think that the very first thing that we would need to do, and I want to urge the counties that deal with livestock to do, is to first and foremost create peace. We can do so by making sure that we control rustling. Today, Information Communication Technology (ICT) can do a lot of things. I believe that the chip will eventually stop rustling in this country. I know that a pilot study was done in this country, where a small microchip is implanted in the abdomen or stomach of an animal and has a lot of information, including its location at anytime. Therefore, these animals could be traced and tracked. Anywhere these systems are being used, 90 per cent of the animals are returned. Therefore, rustling becomes a useless business even for those who are doing it. If we were able to do that in this country, we would forever eliminate cattle rustling in this country and eventually save on the amounts of money that would have been used to monitor and safeguard the country.

Mr. Temporary Speaker, Sir, I want to urge those counties that deal with livestock, including mine, to invest in this programme, information or new knowledge that can help us to stop rustling in our country and maximize on the benefits of livestock. It is not only the use of a chip that can help us to track the animals. One of the conditions in the European market for the use of animal products is that they must identify exactly where these products have come from. This chip has that information. Therefore, placing those chips on the animals that we have here, would actually allow us sell our animal products in the European market. There are so many other purposes that we can use the information that is contained in the chip for. I am not asking that this country re-invents the wheel because this technology has already been introduced. These systems are used in Botswana, South Africa, Venezuela and Australia where they are doing big business. They have turned around livestock keeping into a huge economic activity. I am sure that we can do that without necessarily having to invest a lot in experimenting on these systems. These are systems that are already working. We should use them, especially in these areas that we are talking about.

Mr. Temporary Speaker, Sir, if we can do that, many benefits will accrue. As a matter of fact, the farmer will feel secure with his animals, knowing that they will not be stolen next week. They will, therefore, be able to invest in other things like improving the breed. Unfortunately, in the counties where livestock are kept, the improvement of breeds is not one of those priority areas. There is a lot of in breeding in terms of animals. The size of animals that we have in these areas is getting smaller and smaller. We just need to secure our animals and, therefore, look at other things like improving on the breeds.

The next issue that I think we also need to look at in livestock areas is that, unfortunately, counties that keep livestock are also bordered by large ranches that keep wild animals. We are challenged with zoonotic diseases in these animals. These are diseases which move from wild game to domestic livestock. I am aware that European countries will, probably, not purchase any of the products where livestock intermingle with wildlife. Therefore, it is important that these counties look at this aspect as well, and

ensure that there is complete separation of wildlife and livestock. Therefore, by doing this, we should be able to access the markets that are appropriate for our country.

Mr. Temporary Speaker, Sir, the fortunate thing that has just happened as well is that this country is launching a huge project, the Lamu Port and Southern Sudan-Ethiopia Transport Corridor (LAPPSET), which involves building of a pipeline along with the railway line that is supposed to traverse from Lamu to Southern Sudan. Fortunately, this project cuts across several of these pastoral districts where the animals are. I think this is an advantage that these counties need to take advantage of to make sure that we have little branches, little abattoirs or little stations or areas where we can access using an already existing project. It will be very fortunate for us that a railway line will be cutting across these counties and we can maximize on that. I would urge that those counties that are doing this should, probably, take this advantage to actualize and unleash the very huge potential that exists within the livestock that we have in this country.

Mr. Temporary Speaker, Sir, I support this Motion. I want to encourage those counties, including mine, to seriously look at these issues. As we transit to county governments, I think it is an opportune time to look for the little opportunities that exist within our counties that we can explore.

Mr. Temporary Speaker, with those few remarks, I beg to support.

The Temporary Speaker (Sen. Kajwang): Before I go to Marsabit, let me hear West Pokot; Sen. (Prof.) Lonyangapuo.

Sen. (Prof.) Lonyangapuo: Mr. Temporary Speaker, Sir, I thank you. I want to join my colleagues in congratulating Sen. Naisula Lesuuda for bringing this Motion because it touches on a mighty big number of people in this Republic of Kenya. We note that 80 per cent of the land mass in Kenya is inhabited by people who love keeping cows. We call them pastoralists.

Mr. Temporary Speaker, Sir, as I stand to contribute to this Motion, I look at the way we have developed our products in Kenya since 1963. If you can remember when the white farmers came and took the white highland farms, there was even an attempt--- Early in the 1900s, there was a farmer called Delamere and Lord Egerton, who kept very good cows and even had enough milk. They wanted to transport milk all the way from Nakuru using pipelines to Mombasa. That was two farmers, almost 80 years ago, but we lost it quickly when we took over because we never built on that capacity. But we have niche products in certain counties in Kenya which were inherited when the colonialists left. We have cotton which is grown in Ukambani and parts of Nyanza during those days. I do not know whether it is still grown now. Cotton had a parastatal dedicated by this country to look after it for a long time. As for coffee, who does not know that Kiambu was the backbone and the engine where coffee thrived? The Coffee Board of Kenya (CBK) was formed to look after this tree.

There is a lot of tea in Kericho, Bomet and other areas. The Government of the Republic of Kenya came up with a parastatal to look after that plant called tea. Maize thrived in Trans Nzoia and so many other places. Money was put in a parastatal called Kenya Seed Company (KSC), where they do research; the National Cereals and Produce Board (NCPB), where marketing is done for one plant called maize. We have another crop called sugarcane grown in Nyanza and parts of western Kenya. There are a lot of

industries dedicated to that plant, which the Government really supported. Without naming so many, there is even fish. I do not know what happened to the fish factories that were found by the shores of Lake Victoria at that time to look after a reptile – Is it a reptile or not? Is it not?

(Laughter)

Mr. Temporary Speaker, Sir, the cow which consumes the grass growing on the 80 per cent of the land of Kenya, including its associates called goats and sheep, do not have a parastatal that was dedicated to the same for a long time.

(Applause)

Mr. Temporary Speaker, Sir, this is why, maybe, the saviour for the cow can come through these county governments, if they can hear us. Two years ago, when I was the Permanent Secretary (PS) for Industrialization, I went and visited abattoirs in Bungoma. That was in 2010. Every day, we consume 18 cows from West Pokot. Considering that you must eat meat every day, including Sunday, do the mathematics; 18 times 30. All these cows come all the way from West Pokot. Supposing these cows were slaughtered there?

Mr. Temporary Speaker, Sir, what I did is that, recently, I went to Turkwel and I found young men who had bought cows. They were driving them for close to 100 kilometers by foot all the way from Turkwel to Kapenguria, where they would load them onto a lorry to supply to Bungoma, Chwele and other markets in western Kenya. There are some traders that are perpetually coming faithfully to West Pokot every Saturday because you must eat meat. So, eleven lorries come from West Pokot to Dagoretti every day. What if there were no cows coming from West Pokot? I followed those animals and I took a picture of the livestock from the source and also at their destination. I found that they had reduced in size and weight because of the many kilometres that they had to cover on the road. That means that, somehow, we did not pay attention to the meat products found in those areas.

[The Temporary Speaker (Sen. Kajwang) left the Chair]

[The Deputy Speaker (Sen. Kembi-Gitura) resumed the Chair]

Mr. Deputy Speaker, Sir, we went to Japan where we were taken to one village which had come up with a very innovative idea called OVOP meaning, One Village One Product. They decided that they will grow one type of fruit and process it to the last point of sale, so that they can go for holiday at ago. That was their agenda. They did it in four years with their governor who became like their ring leader. It is possible to come up with the same concept in every county. The pastoralists need to address the issue where they can benefit from these animals. First, we have to make sure that we zone areas. For example, in West Pokot, we have four districts, so I would like to see the governor

ensuring that every district has a centre where livestock keepers or pastoralists are trained by force. When you are a farmer you have to be trained on how to keep those animals better, then the county government pays for the same. We should also train herdsmen on how to keep animals and how to feed them. Then we can graduate to breeding grounds where we import bulls to improve on the quality of the animals.

Sen (Prof.) Lesan and Sen. (Dr.) Khalwale talked about the size of animals we have today. They have become so small because of inbreeding. We also lost as a nation when we did not recruit livestock officers. We lost them due to a structural adjustment programme that was imposed on us. I would also like to say that we need to open tanneries in every county where there is an abattoir and also mechanise them. Sen. (Dr.) Kuti was the Minister for Livestock Development until last year and they came up with an innovative idea where they started four mechanised slaughterhouses. One is in West Pokot where it is still under construction. That was the money for the Economic Stimulus Programme (ESP). They also did the same in Garissa and Marsabit or Isiolo. It is supposed to be used in a way that the cow walks in and comes out in all the sizes you want and the skin is processed. So, we need to have a tannery near the abattoir, so that we do not waste the skin. We can now have memorandum of understandings with neighbouring counties so that we can exchange meat directly. For example, for Trans Nzoia we can exchange it with maize. This type of arrangement also creates jobs.

Mr. Deputy Speaker, Sir, we should also open up training institutions that capitalise on livestock production. The people would like this kind of programme naturally and there will be no time wasted. During campaigns when you talk about a cow, you are likely to get more votes than anybody else because it is their livelihoods. This means that governors can tap into this by paying attention to it, so that they can move to the second phase, to transform people's lives.

Mr. Deputy Speaker, Sir, lastly, West Pokot and other counties which were believed to be drier are now turning to milk production. We now have eight cooling plants in West Pokot. So, we must move to the second phase of processing the milk. At the moment, all the milk is brought all the way to Brookside in Nairobi or to the New Kenya Co-operative Creameries (KCC). We want to do the way the people of Githunguri have done. There are so many farmers who have been contracted to keep these cows, then the co-operative moves around to identify the best. I want to commend the people of Lelan in West Pokot because they came to Nakuru to buy 40 bulls from the Rift Valley Institute of Science and Technology so that they can go and breed their animals. This is what we need to encourage.

We only have one leather processing plant in Thika. It was the only plant in East Africa until the Ethiopians came and borrowed the idea. I want to suggest that the Governors of Kiambu and Nairobi liaise with other colleagues who come from where the animals are, so that they can process this product from wet blue to a finished product. This brings us to another question; where do our shoes come from, including those for 1.5 million children in schools? Why should we buy shoes from China where they process our skin, make shoes and bring it here? Sen. (Dr.) Khalwale and I buy our shoes from Germany and Italy yet we can do it here. This is the first assignment that we can

give to governors. We should not pass their budgets next year if we do not see how they are planning to improve the meat products they have in Laikipia and other places.

With those remarks, I support.

Sen. Hargura: Mr. Deputy Speaker, Sir, I would like to join my other colleagues to congratulate Sen. Lesuuda for coming up with this very important Motion as it touches many people in this country who occupy about two-thirds of our land mass and, maybe, constitute about a quarter of our entire population. For us to develop as a country with a vision, there is need to exploit the potential of each and every part of this country. Right now, we are skewed so much so that people tend to rush towards Nairobi and other urban areas to get jobs. We have been investing in sectors like crop agriculture and the manufacturing sector, but neglected what is in other parts of this country. We can only develop in an equitable manner if we develop and exploit the potential of each and every area. That way, we can complement each other; what an area has in terms of production can be marketed to another area.

Arid areas, unfortunately, have been referred to as the low potential areas. This statement could only be valid if all of us were thinking from the rain-fed agriculture point of view. Unfortunately, that is what colonialists were thinking and the successive governments have been thinking and that is why we still refer to those areas as low potential areas. If we could exploit the potential which those areas can support like the livestock industry, then we would have the products from those areas being marketed even locally to other parts of the country while we have other products like foods marketed in the arid areas. So, we can easily achieve our vision if we develop all these areas according to their potential.

Currently, the unfortunate scenario which has been mentioned and which is known to all Kenyans is that the people in arid areas have been left to their own whims, to survive the best way they know how; and, in fact, the animals they are keeping are not of any much use to them. You look after the animals until a drought comes, wipes them all away, and you start all over again. That is why the issue of cattle rustling is recurrent. It is recurrent because it is used as a means to restock. After the rains, people have to look for animals from elsewhere to restock. Just like if crop farmers lost their crops, they would have to look for seed. That is where the phenomenon of cattle rustling does not end. It will end when we give these people some meaningful way of keeping the animals. That is why we have to urge the current Government to do something. The Government still has a lot to do.

The other day, the former Minister for Health said that it takes Kshs9 billion to start one disease free zone. Do not expect the county governments to do that. They do not even have the Kshs9 billion. Some of them are getting Kshs2 billion. To make matters worse, they are being asked to pay salaries. The national Government has a lot to carry. However, in line with this Motion, which I support, the way out for our people is to have proper ways of meat production which county governments can do by providing necessary personnel and extension officers. They have to start employing these officers.

The issue of breeding was mentioned. Much as these animals are hardy and can breed in those areas, if we must get something meaningful, then we must cross breed them. We have to get breeds which can still withstand those conditions with the support

of the proper feeding and veterinary services. These are things that the county governments can do. They can also provide training as it was suggested. This is necessary because you have to move these people from their way of thinking to meaningful ways of livelihoods where they think about making money out of the animals. This would help them sometimes to reduce the number of animals they keep which could be due to cultural reasons. The one who has more cattle is considered to be well to do. They should reduce this to sizeable and manageable heads. This can only happen if they will get returns from it. They need to be trained on that.

The national government cannot run away from developing disease free zones, developing infrastructure in terms of proper roads, airports and marketing. I am sure that in other products, it is not local farmers who go about looking for markets for their crops. This is done by the Government. In this case, the national Government will not run away from it. It has to provide the infrastructure and set up the necessary facilities like disease-free zones.

County governments have to invest on the particular item of this Motion; the abattoirs, with what they can afford considering the little money they are getting. However, they should do it in a way that they complement each other. You cannot have big airports everywhere. Right now, there is an airport coming up in Isiolo. Counties around that area can use that airport if a market is provided to sell their meat products. There are other products like the skins and hides and livestock farmers should have a proper way of making use of them. We have cattle, sheep and goats and their products can be used in different ways.

We also need to conduct research on what can come out of these products so that we make informed decisions. We should know that animal products are important in which way. That can be done if we invest in the relevant courses. It was said by Sen. Khalwale that the human resource in those areas needs to be developed. That is a problem that was created by the Government because 100 years ago, there were no schools in western or northern Kenya. This has been a problem of our Government. They thought that since the area had no potential, probably, the people also had no potential. They should have set up proper educational facilities there and we would have a human resource capital which would have found a need to conduct research on the livelihoods of the people. That is why there is no development in that sector because, unfortunately, the people from that area did not have that initial start off that others had.

If the kind of Motion we have here is supported, we will move on. I beg to support.

Sen. Mbura: Asante sana, Bw. Naibu Spika kwa nafasi hii. Watu hawafahamu mambo ya ufugaji kwa sababu ya magonjwa yanayowakumba wanyama. Magonjwa haya yamewafanya watu wetu wasiwe na mifugo kama vile watu wa Kaunti ya Samburu na kwingineko.

Sisi sote hapa mtakubaliana nami kwamba hakuna chakula kinachofurahisha Wakenya kuliko nyama. Nadhani wengi wetu saa za mchana walikula vipande vya nyama. Hata tukitoka hapa kwenda katika nyumba zetu, pia tutakula nyama. Hii ni Hoja ambayo kila mmoja ataifurahia na sote tunafaa kuiunga mkono.

Tupende tusipende, katika harusi ama matanga, tunachinja ng'ombe au mbuzi. Tunafaa kujiuliza wanyama hawa hufugwa wapi na ni vipi tutaendeleza ufugaji huu ili tule nyama nzuri kila siku?

Ningependa kusisitiza kama ndugu yangu Sen. (Dr.) Khalwale alivyosema tuwe na vyuo vya utafiti ili tuboreshe nyama, ngozi na mifupa ya mifugo yetu. Bidhaa hizi zinafaa kufika kiwango cha kimataifa cha wafugaji. Katika Kiingereza, tunawaita *pastoralists* lakini sisi tunawaita wafugaji wa kurandaranda.

Kama tunavyoimba katika wimbo wa Taifa, tuungane mikono, pamoja kazini, ningependa kusema tuungane mikono katika kaunti zetu. Ningependa kutoa changamoto kwa sehemu zingine ambazo zina ardhi zenye rutuba. Ikiwa tutazingatia kuwa ndugu zetu Wasamburu ni wafugaji lakini hawana malisho, tunafaa kuchukua jukumu la kuwasaidia kupanda ama kukuza kilimo ambacho kitawasaidia wanyama wale. Nafikiri huenda kikawasaidia pakubwa wafugaji wa kuhamahama kuweza kutulia mahali pamoja na kulisha wanyama wao. Wakati wanyama wale watakaposhiba nina hakika kuwa hata visa vya wizi wa mifugo vitapungua. Hii ni kwa sababu wizi wa mifugo unaletwa na watu wa kupenda kufuga na hawana mifugo ya kutosha. Kutokuwa na mifugo wa kutosha ni kwa sababu hawana chakula cha kuwalisha. Kwa hivyo, wanyama hawazaani inavyotakikana. Hii huleta hamu ya kuiba. Hii ndio maana kila wakati tunasikia kuwa Wasamburu wameuwana kwa sababu ya mifugo. Nafikiri wanahitaji kusaidiwa katika ukuzaji wa chakula na pia mifugo wale washibe na wazaane.

Bw. Naibu Spika, nafikiri pia kuwa swala hili linatajikana kutiliwa maanani kwa sababu ukosefu wa chakula na wizi wa mifugo ndio umechangia Tana Delta kuwa na mauaji. Kila mmoja anataka shamba yenye rutuba na maji. Hilo swala limewafanya watu wa jamii za Orma na Pokomo kuuana.

Bw. Naibu Spika, kule kwetu Pwani tuna minazi mingi sana, lakini ukitembea kwa maduka makubwa utapata *coconut milk* kutoka Thailand. Serikali kupitia kwa Wizara ya Kilimo inafaa kuzingatia ukuzaji wa mnazi na kuwahamasisha Wapwani na inafaa kuwaonyesha faida ya mnazi. Mnazi unatoa makuti ya kujengea paa na mafuta inayosaidia kutengeneza sabuni. Vile vile unatumika kutengeneza virembesho kama vile vipuli na shanga. Pia unatengeneza kileo ambacho kinatupa usingizi mzuri usiku na *door mats*. Leo hii tungekuwa na duka kama Nakumatt ama Uchumi ambalo linauza bidhaa mbalimbali za mnazi pekee yake, wapwani leo tungekuwa wapi? Serikali ingepiga marufuku kuletwa kwa nyama za mikebe kutoka nchi za nje na kuwahamasisha wafugaji kuhifadhi nyama kwenye mikebe, zingetusaidia wakati wa njaa. Lakini kazi yetu ni kuimarisha biashara ya nchi za nje kwa kuleta nyama za mikebe ambazo zimekaa kwa miaka mingi. Tunajiletea maradhi makusudi ilhali tunaweza kutengeneza hiyo nyama hapa.

Bw. Naibu Spika, ningependekeza pia kuwa barabara katika sehemu ambazo wafugaji wanaishi zitiliwe maanani. Hii itahakikisha usafiri salama wa mifugo hao. Hata hivyo, sisitizi kuwe na barabara hizi kwa sababu nataka nyama wasafirishwe, bali ningependa vichinjio vitiliwe maanani. Hii ni kwa sababu pia wanyama wakisafirishwa kutoka sehemu moja hadi nyingine, wanadhoofika njiani na nyama yao huwa haina ladha. Sio kama mnyama aliechinjiwa kule malishoni. Kwa hivyo, kuna umuhimu wa kutilia

maanani hivi vichinjio ili tutakapokuwa katika makao yetu ya sterehe, tunapokula nyama ya kuchoma na kuiteremsha na bia moja ama mbili, hiyo nyama iwe ni tamu.

Bw. Naibu Spika, kwa hayo machache, naunga mkono Hoja hii kwa sababu mimi ni mlaji mkubwa sana wa nyama.

Sen. Kajwang: Mr. Deputy Speaker, Sir, although I do not come from a place which is popularly known as livestock areas, actually my father has a few head of cattle and I was a herdsboy. So, I know something about cattle.

Mr. Deputy Speaker, Sir, I know that the way that we looked after cattle so many years ago when I was a herdsboy is the same way we are looking after them up to now. In fact, we are now worse off because then, at least, there were extension officers. At least there were some people under some tree in my primary school every Tuesday to inject the animals. We would bring them – and I was very good at making sure that the animals fell very quickly – and they would give them the injections. But now they are not there. In fact, I think it is Prof. Lonyangapuo who said that we lost it sometimes after the structural adjustment programmes. But it is something that we must go back to, if we seriously want to deal with our situation. How do you look after your animals if you cannot even get somebody to treat them?

I now know that everybody in my village pretends to be a doctor of animals. We call them “veterinary officers.” Everybody has a syringe and some medicine. They do not know which medicine to apply. Their medicines seem to apply to all diseases any day without anybody inquiring as to what is bothering the animals. At least, there is no laboratory around to check what the problem is in order to give the appropriate medicine. So, everybody is a veterinary officer. There are “veterinary officers” of goats, cattle, dogs and everything. This is terrible, because we did not invest in this industry. There is no way you will get results if you do not invest in an industry. Investing should, first, be by training personnel, secondly, by putting other resources in it.

I was talking to one upcoming farmer in Nyanza – and he is very proud that he has some ten milk cows in Kisumu area. He said that one day he looked for somebody trained in dairy management for a long time and he was not able to get a suitable graduate who would look after his animals. He was ready to pay any amount of money to get his animals treated. The reason is that some of our students now do not train in this because nobody employs them. You know that we killed the industry and left it in the wild. Why then would you train in something which will not benefit you? He eventually got somebody who is helping him. These trained people are rare and far in between.

So, Mr. Temporary Speaker, Sir, if our governors really love this country, we must fix the agriculture and livestock industries; this should be both the crop industry and livestock industry. If we properly looked after livestock with proper investment in human resource and other resources, we will produce more wealth in this country than cereals. We have much more wealth in livestock than cereals can ever bring but somehow we have neglected it. Sometimes back when I heard Prof. Lonyangapuo talk about Lords Delamere and Egerton in such lavish ways, I said “O, you mean they could build a pipeline for milk?” I remember the debate when we were building the pipeline for oil – then I was not in Parliament, but I was a young man – I remember the late hon. Shikuku saying: “How can we build a pipeline for a product that we do not even have?” It was a

serious debate. But Lords Delamere and Egerton were building a pipeline for a product they had, which we have lost.

It is sad that we now read about them as history, but we cannot do the same. Some of us in this House will have to vie next time as governors so that we can go and fix these things ourselves. This is because with a little effort and with a little money, it can be done. I was asking my brother here; “how much does it cost to build a modern abattoir?” because I was thinking that an abattoir is something very complex. He told me that one abattoir, which they are doing without too many additives, is slightly over Kshs100 million. This is something a county or even a parastatal can do, if you like, and start us off. In so doing, we will now look after our animals because there will be market for them.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators!

Sen. Kajwang, tomorrow morning at 9.00 a.m., you will have an extra five minutes to finish your contribution or, indeed, your debate.

ADJOURNMENT

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, it is now 6.30 p.m., and it is time to adjourn the House. The House shall stand adjourned until tomorrow, 24th July, 2013, at 9.00 a.m.

The House rose at 6.30 p.m.