

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 6th October, 2021

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

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

PRAYER

The Speaker (Hon. Lusaka): Proceed, Chairperson, Committee on National Security, Defense and Foreign Relations.

PETITION

REPORT ON PETITION: ENACTMENT OF MILITARY VETERAN LAW

Sen. Outa: Mr. Speaker, Sir, I beg to lay the following Report of the of the Standing Committee on National Security, Defense and Foreign Relations on a Petition to the Senate by the True North Society of Kenya concerning enactment of a military veteran law to address the needs of military veterans and their families.

(Sen. Outa laid the document on the Table)

Sen. Khaniri: Thank you, Mr. Speaker, Sir, for this opportunity and put it on record that I had the privilege of presenting that Petition to this House sometimes back in August, 2019. The True North Society led by a one, Maj. (Rtd.) Lucy Mukuria, approached me.

I thank the Chairman and the Committee for the good work they have done on this Petition. Although it has taken long because as we all know our Standing Orders provide that a petition must be dispensed off within 60 calendar days. This has taken close to two years from August, 2019 to now is about two years.

They have a good explanation that when I first presented the Petition you sent it to the Committee on Labour and Social Welfare and eventually it was transferred to the rightful Committee on Security, Defense and Foreign Relations. We also all know that COVID-19 came in between and we did not transact business for some time, which is why it has taken that long.

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I have looked through the Report. They have addressed all the prayers that were pleaded by the Petitioners. They wanted Parliament Veteran Law, which will offer protection and care to military veterans who have sacrificed and served our motherland diligently.

On the Report of the Committee there is a Bill, which I am reliably informed is at the concurrence stage waiting for you, Mr. Speaker and the Speaker of the National Assembly to agree on so that we can proceed with it. The Committee has looked into all the prayers that had been pleaded.

The Committee must also involve these Petitioners when this Bill comes to public participation because they are the ones who wear the shoe and know where it pinches. It will be very important that the Petitioners led by Maj. (Rtd.) Lucy Mukuria are involved before the Bill finally comes to this House.

Sen. (Dr.) Lang'at: Thank you, Mr. Speaker, Sir. I also concur with Sen. Khaniri in thanking the Committee on that very important matter. They have worked on it with a lot of diligence to make sure they address the needs of the people with immediate effect. There is nothing sweeter and so good than getting problems solved at the right time. I am very sure the Petitioners are so happy that their issues are being addressed at the right time.

(Loud consultations)

Mr. Speaker, Sir, I would wish to get attention.

The Speaker (Hon. Lusaka): Let us consult in low tones.

Sen. (Dr.) Lang'at: Mr. Speaker, Sir, I want to register disappointment from other committees that have brought a lot of petitions and the people outside have been waiting for the same reports to be tabled in this House yet thus far, nothing has happened. My county has brought some issues on health to the Committee on Health, but up to date, nothing has been reported back.

Two of my petitions and statements have not been responded to by the Committee on Health, and now, some of those issues have been overtaken by events. There are some statements that involve education and up to this time, nothing has happened. I request you to assist us to make sure that some committees that have not attended to our petitions and statements do the same with immediate effect because our clients, the people we serve, are waiting outside there for their problems to be solved.

Thank you.

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

(Sen. (Dr.) Milgo: Thank you, Mr. Speaker, Sir. I rise on a point of order because Sen. (Dr.) Langat is claiming that the Committee on Education, which I chair, has not reported on a statement that he brought to our Committee. We called him on two meeting sessions and he was absent. Part of the statements that are still pending in our Committee are cleared, but the hon. Senator has never attended. The other day, we called him and his Personal Assistant, and he did not come.

Is it in order for Sen. (Dr.) Langat to accuse committees when he does not attend upon invitation?

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

Sen. (Dr.) Ali: Mr. Speaker, Sir, the same applies to the Committee on Health. I have excerpts from the Clerk sent to me last time when Sen. (Dr.) Langat mentioned the same thing here, and I said that we will attend to it in two weeks' time, which was a week ago. The hon. Senator has been called severally to the Committee and he has refused to attend. These are all facts. They can be checked here. We called the governor and dealt with that Statement. The Hon. Senator was nowhere to be seen. Let the Hon. Member attend the Committees when called upon.

The Speaker (Hon. Lusaka): You do not have to lift your hand. You know how to catch my attention.

Sen. (Dr.) Langat.

(Sen. (Dr.) Langat: Mr. Speaker, Sir, with regard to the Committee on Health, I was invited when I was having another Statement from another Committee and I told the Clerk to postpone the meeting. The Clerk informed me yesterday he will set another day. However, on the Committee on Education, I have not received any written invitation with regard to my statements, but am looking forward to receiving them the soonest possible, and I will attend.

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

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, I just want to make a plea that instead of washing our dirty linen in Plenary, if there is a problem like this, Sen. (Dr.) Langat could have probably complained to the Committee or even written a letter of complaint. Sometimes when facts like these emerge and the people of Bomet are listening, it may not augur well.

I am giving a general statement because there is tendency to have all our dirty linen washed in Plenary. In fact, we can go back to the HANSARD to determine who is saying the truth and who is not, but that is not necessary. I am pleading that Sen. (Dr.) Langat would have approached the committee and its chair. He could even write a letter of protest that his Statement has not been dealt with and come to the Plenary as a last resort.

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

Sen. Khaniri: Mr. Speaker, Sir, indeed, I agree with the Senate Minority Leader and my elder brother, Sen. Orengo, that what has just happened on the Floor of the House was totally uncalled for. I draw your attention to our Standing Order No. 96(4) which has been contravened by two of my colleagues.

This Standing Order clearly says:

“No Senator shall impute improper motive to any other Senator or to a Member of the National Assembly except upon a specific substantive Motion of which at least three days' notice has been given, calling in question the conduct of that Senator or Member of the Assembly.”

Mr. Speaker, Sir, you have witnessed the two Senators imputing improper motives on the part of the Senator for Bomet. We will need your ruling on this because we do not want this to recur. We cannot continue contravening our own Standing Orders.

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

Sen. (Dr.) Ali: Mr. Speaker, Sir, with all due respect to the Senator who knows everything, inside and outside of the Standing Orders, this is the third time that Sen. (Dr.)

Langat is talking about the Committee. When you talk to them and they do not respond, what do you do? Do you just keep quiet? We have to defend ourselves because every time the Committee is hit from left, right and centre on the Floor. Once in a while it is good to follow what the Senate Minority Leader and Sen. Khaniri have said; that let all Members know that we are all in the same job.

If there is anything wrong we have done, I apologize.

The Speaker (Hon. Lusaka): Sen. (Dr.) Ali, I think it is clear. If Sen. Langat had attended when he was called this matter would not have come up. Let us save ourselves by doing what we are supposed to do. You need to go there, so that you clear yourself or give whatever you have.

Next Order.

PAPERS LAID

INTERIM REPORT ON INCESSANT BANDITRY ATTACKS IN LAIKIPIA COUNTY

Sen. Outa: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, 6th October, 2021.

The Interim Report of the Committee on National Security, Defence and Foreign Relations on a Fact Finding Mission to Laikipia County, Concerning the Incessant Banditry Attacks in the County.

Mr. Speaker, Sir, on Thursday, 9th September 2021, Sen. Kinyua, MP, made a Statement pursuant to Standing Order No. 37(1) of the Senate Standing Orders concerning the incessant banditry attacks in Laikipia County. Thereon the Speaker of the Senate referred the Statement to the Standing Committee on the National Security, Defence and Foreign Relations with directions that the Committee undertakes a fact-finding visit to Laikipia.

On Monday, 13th September, the Committee undertook a fact-finding visit to Laikipia and held three meetings in three separate venues, namely in Maituku Shopping Centre, Wangwaci Anti-Stock Theft Camp and Ol Moran Shopping Centre.

Mr. Speaker, Sir, during the meetings the Committee was able to establish that the Kuki Gallman Conservancy was one of the identified dens of bandits who kept on constantly harassing and attacking the peaceful and cosmopolitan residents of Laikipia.

To this end, the residents recommended to the Committee that the Conservancy be taken up by the Government and placed under the management of the Kenya Wildlife Services. The Committee also established that though there are national police reservists engaged by the Government, there is need to recruit more to increase their number to ensure improved surveillance and response during the attacks and raids.

Further, during the visit, it was evident that there was some sensation of hostility owing to the fact that the national Government had expeditiously intervened and intensified security operations. It is imperative to note that at the various venues that the Committee held meetings, the residents requested that the intensified operation be sustained with better coordination of command centre. It was also evident that learning in schools had not resumed in three places.

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Mr. Speaker, Sir, I wish to express my gratitude to my colleagues for the active participation during the Committee's visit to Laikipia which led to a fruitful engagement and deliberations with the residents of Matuiku, Wakeshi and Ol Moran.

The Committee is indebted to the Office of the Speaker of the Senate and the Office of the Clerk of the Senate for facilitating the Committee to promptly undertake the visit, which led to the production of the report. The Committee also wishes to recognize the commitment and dedication of the Committee secretariat who made the visit possible resulting in the production of this report.

Mr. Speaker, Sir, it is now my distinguished pleasure and duty to table the report of the Standing Committee on National Security, Defence and Foreign Relations in regard to its visit to Laikipia for a fact finding mission in regard to the banditry attacks and related matters of insecurity in the county.

(Sen. Outa laid the document on the Table)

The Speaker (Hon. Lusaka): I can see requests by hon. Senators for interventions. However, there are other papers to be laid. I will therefore allow the others papers to be tabled before I give Senators an opportunity to raise interventions.

Sen. Outa: Mr. Speaker, Sir, I would like to clearly state that I take the opportunity to thank the Committee for the fact finding mission that we took as a Committee. My Committee Members will echo many findings of the Committee as well. However, we realized that there is a major problem in terms of security in Laikipia County. We may not be able to disclose some of the underlying problems in Laikipia today because we may need to invite the people involved such as senior Government officials whose names were mentioned.

We will also invite the owners of the conservancy to give us in-depth information on the state of insecurity in Laikipia County. What we are tabling today is just an interim report. I therefore urge the Senators not to speculate on issues. Let us not play politics with the issue of security. The last time we prepared such a report, Members were bashing us here as if we never went to Laikipia. Since our fact-finding mission to Laikipia County, things have calmed down. We plan to make another trip to Samburu County.

I would like to warn the bandits that they have nowhere to hide. We will go deep to look for them wherever they are hiding, be it on the ground or in the air. Our objective is to restore peace in that county. As you are aware, we are approaching a general election. It is the mandate of this Committee to ensure that peace is restored in Laikipia County.

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

Sen. Wambua: On a point of order, Mr. Speaker, Sir. I have listened to my friend and brother, the Chairperson of the Committee on National Security, Defence and Foreign Relations say that his Committee will follow the bandits to their hideouts. I do not know whether this House is going to facilitate that. He cannot mislead the nation that this Committee has the capacity to pursue bandits.

The Speaker (Hon. Lusaka): There is another point of order by Sen. Mutula Kilonzo Jnr.

Sen. Outa, you will have to be careful on what you say.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, as the Chairperson of a Committee, Sen. Outa, cannot substitute himself for the Executive. Sen. Outa is making Statement as if he is in the Executive and that he will execute orders like an Executive. It makes a mockery of us that we are alleging to be both the Executive and the Legislature, which has been given credence by the kind of statement that Sen. Outa is making. There may be an attack tomorrow and the statements made by Sen. Outa will not only be used against the Speaker but the Senate itself.

The Speaker (Hon. Lusaka): There is another point of order by Sen. Wetangula.

Sen. Wetangula: On a point of order, Mr. Speaker, Sir. I am a Member of the Committee on National Security, Defence and Foreign Relations. I was part of the team that went to Laikipia. I thank my Chairman for giving an interim statement.

However, we had agreed as a Committee that after visiting Laikipia County, Sen. (Eng.) Mahamud, Sen. Kwamboka, Sen. Kinyua, the Chairperson and I, were going to invite to the Committee, the Cabinet Secretary, Ministry of Interior and Coordination of National Government, the Inspector-General of Police, the Rift Valley Regional Coordinator and the owner of the controversial conservancy; a lady by the name, Kuki Gullman, so that we can get all the facts together and bring a report to the House.

I agree with the Chairman that this is an interim report. I just urge him to limit it to that because I believe that early next week, we should have had audience with the Cabinet Secretary, the IG and the owner of the conservancy. There are so many issues in Laikipia, which remain unresolved. People are restless and frightened. Sen. (Eng.) Mahamud can bear me witness on this. The fact remains that the area is volatile and a serious challenge to the management of our internal security including but not limited to the Regional Commissioner saying that the bandits were carrying superior weapons as opposed to what the police officers and other State agencies have in their possession. The issue of insecurity in Laikipia County is very serious. It needs this Committee and the House to go deep so as to establish the real facts

I thank you.

The Speaker (Hon. Lusaka): Proceed, Sen. Outa.

Sen. Outa: Mr. Speaker, Sir, I would like to clarify that the Senate does not have the capacity to go after the bandits. However, the Committee will invite the people with the authority. I am therefore just relaying what the people in authority have told me. I was told to inform the nation that the bandits have no space in this peaceful country. As I outlined earlier, we are going to invite the people in authority before our Committee or a Committee of the Whole sooner or later.

Without going to the depth of this interim report, I urge Members to wait for the final report.

The Speaker (Hon. Lusaka): Thank you, Sen. Outa. However, in your attempt to be official, you may end up issuing statements that you are not supposed to make. This House appreciates the efforts of the Committee on National Security, Defence and Foreign Relations.

Next Paper. Proceed, the Senate Majority Leader.

ANNUAL REPORT OF THE PSC FOR FY 2020/2021

Sen. Dullo: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, 6th October, 2021:

Annual Report of the Public Service Commission for the Financial Year 2020/2021.

REPORT ON GOVERNMENT LOANS FROM APRIL
TO AUGUST 2021

Report of the National Treasury and Planning on All New Loans contracted by Government of Kenya from 1st April, 2021 to 31st August, 2021.

FINANCIAL REPORT ON VARIOUS COUNTY
FUNDS/COMPANIES

Report of the Auditor General on the Financial Statements of Kiambu Water and Sewerage Company Limited for the Year ended 30th June, 2019.

Report of the Auditor General on the Financial Statements of Murang'a County Assembly Car and Mortgage Loan Scheme Fund for the Year ended 30th June, 2019.

Report of the Auditor General on the Financial Statements of Murang'a Water and Sanitation Company Limited for the Year ended 30th June, 2019.

Report of the Auditor General on the Financial Statements of Naromoru Water and Sanitation Company Limited for the Year ended 30th June, 2019.

Report of the Auditor General on the Financial Statements of Homa Bay County Water and Sanitation Company Limited for the Year ended 30th June, 2019.

Report of the Auditor General on the Financial Statements of Garissa Water and Sewerage Company Limited for the Year ended 30th June, 2019.

(Sen. Dullo laid the documents on the Table)

(Sen. Outa consulted loudly)

The Speaker (Hon. Lusaka): Sen. Outa, I want to issue a Communication. Take you seat.

Sen. Mutula Kilonzo Jnr.: He seems as if he is pursuing bandits---

The Speaker (Hon. Lusaka): I hope you are not pursuing bandits in this---

(Laughter)

Sen. Zawadi, take your seat.

(Sen. Outa and Sen. Zawadi took their seats)

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COMMUNICATION FROM THE CHAIR**SUBMISSION OF REPORT BY TREASURY ON ALL
NEW LOANS CONTRACTED BY THE NATIONAL GOVERNMENT**

The Speaker (Hon. Lusaka): Hon. Senators, *vide* a letter referenced DMD4/264 ‘B’, dated 27th September, 2021 the National Treasury and Planning submitted a report on all new loans contracted by the Government from 1st April, 2021 to 31st August, 2021. This report contains details on how all new loans signed between the national Government and various creditors for the stated period.

Section 31(3) of the Public Finance Management Act, 2021 states that:

“At the end of every four months, the Cabinet Secretary shall submit a report to Parliament stating the loan balances brought forward, carried down, drawings and amortizations on new loans obtained from outside Kenya or denominated in foreign currency, and such other information as may be prescribed by regulations, specifying—

- (a) the names of the parties to the loan;
- (b) the amount of the loan and the currency in which it is expressed and in which it is repayable;
- (c) the terms and conditions of the loan, including interest and other charges payable and the terms of repayment;
- (d) the amount of the loan advanced at the time the report is submitted; and,
- (e) the purpose for which the loan was used and the perceived benefits of the loan; and such other information as the Cabinet Secretary may consider appropriate.”

Hon. Senators, this report is submitted to the Senate for information. However, the Standing Committee on Finance and Budget may scrutinize the contents of this report and make observations and recommendations thereon. Thank you.

Sen. Wetangula.

Sen. Wetangula: Mr. Speaker, Sir, that Communication is so weighty and is a matter that the Committee on Finance and Budget – I do not see my Chairperson here – has been calling upon the National Treasury and Planning to send that information to the Committee. I would respectfully request that instead of the matter being passed on to the Committee - because the Committee is already seized of the matter on public debt - that a time be allocated for this House to debate this issue.

Mr. Speaker, Sir, first, even that Statement sent to you is in violation of the Public Finance Management (PFM) Act. Parliament is not supposed to be informed of borrowing; it is supposed to be sought to approve borrowing. Now, we are being informed after the fact. I think this House owes a duty to the Government, the people of Kenya and everybody else to bring order in the manner in which we are borrowing resources for public development.

Instead of sending the Communication to the Committee, I do not know what the Senate Majority and Minority leaders think, but this is a matter on which this House

should have been given an opportunity to comment; either now or a time that the Senate Business Committee (SBC) can allocate.

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

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, Sen. Wetangula is right. The Auditor-General informed us that we are at 90 per cent of the threshold of the ceiling. She further informed us that they were conducting an immediate audit and would give us a report. Therefore, what Sen. Wetangula is requesting is key.

Mr. Speaker, Sir, this is because what will come shortly after your Communication is the possibility that the national Government will request us to increase the ceiling. If you recall, we had a very cantankerous debate in the last Session. I agree with Sen. Wetangula that it would have been nice if the Chairperson was here because it would have been good to discuss that issue and the report.

Even then, go back to what I said when I was reading the Minority Report on debt, that Parliament is supposed to scrutinize whether Government should continue borrowing and the purpose for the borrowing. Like you have read in your Communication to suggest that they are tabling reports for our information is extremely dangerous. When we are informed, what are we supposed to do?

The Speaker (Hon. Lusaka): Sen. Orenge, proceed.

The Senate Minority Leader (Sen. Orenge): Mr. Speaker, Sir, I think the Senator for Bungoma County has raised a very important issue.

As you may recall, in making the Constitution 2010 in the context and background that Kenya in the first 20 years or so was burdened by borrowing, some of that borrowing was not being overseen or oversighted or approved by Parliament. For that reason, provisions were made in Article 211(1) of the Constitution on borrowing by the national Government. Article 213 is on loan guarantees by the national Government in relation to county governments.

Whenever there is the issue of borrowing – if we are over borrowing or if we are in a debt crisis - just like three weeks ago when we had to even talk about taxation and fuel levy - the country is now well aware that the principal responsibility is with Parliament.

Mr. Speaker, Sir, we had the head of a public institution, the Energy and Petroleum Regulatory Authority (EPRA) blame both the CS, National Treasury and Planning and Parliament. That it is Parliament, which made those laws they are implementing. We cannot run away from many of these things. For that reason, I think it would be important that the requirements of the PFM Act are complied with. Secondly, that the public to see Parliament playing a robust role on the issue of borrowing.

Sen. Wetangula: Yes.

The Senate Minority Leader (Sen. Orenge): Mr. Speaker, Sir, out there in public political platforms, we like saying that we are borrowing on behalf of unborn children. Those children that will be born from tomorrow are carrying the debts of our spending. To that, we owe our responsibility.

I would entirely agree that - probably because of its importance and significance - you direct that the Committee seizes this matter and comes out with its observation, if not recommendations within the shortest time possible.

Mr. Speaker, Sir, at the moment we are going through a very difficult period in this country in relation to borrowing, debt and taxation. You can see even the citizens now going to court on issues of debt, borrowing and taxation, which means they are beginning to lose faith in the legislature; which should be seized of this matter.

Without further ado, I agree that this matter be taken to the Committee with directions from you as Speaker.

Sen. Khaniri: Mr. Speaker, Sir, indeed, the issue that has been raised by Sen. Wetangula, supported by Sen. Mutula Kilonzo Jnr. and the Senate Minority Leader is extremely important. The reason why the country is suffering is because of this borrowing. The reason they are imposing very high taxes and therefore causing the prices of importing commodities to go up is so that they can be able to raise money to repay these loans.

We as the representatives of the people must be able to bring the Executive to account and in particular on the issue of public debt. It is absolutely important that we learn to live within our means and learn to contain our appetite for borrowing.

I, therefore, want to strongly support issues raised by Sen. Wetangula that we should not take this matter lightly. We have a responsibility given to the House of Parliament under the Constitution and Sen. Orengo has rightly quoted Article 211. We expect that the Treasury should seek permission from this House before borrowing; not just to come and inform us that we borrowed this and that. Let us take this matter a little bit more serious so that we can save the people who elected us to come to this House.

I thank you.

The Speaker (Hon. Lusaka): Hon. Senators, I want to agree with the sentiments expressed by the Senators who have spoken. I direct that this matter be referred to the Senate Business Committee to allocate time so that the matter can be discussed further beyond what the Committee will do.

It is so, directed.

Next Order.

Sen. Ngugi, you were sworn in while I was away. Let me welcome you substantively. Welcome.

Sen. Ngugi will make a Statement under Standing Order No.47 and it is his maiden speech.

STATEMENTS

THE IMPORTANT ROLE OF THE YOUTH IN THE DEVELOPMENT OF THIS COUNTRY

The Nominated Senator (Sen. Githua Isaac Ngugi): Mr. Speaker, Sir, I rise, pursuant to Standing Order No.47(1), to make a Statement on a matter of general topical concern, namely the important role the youth hold in the development of this country.

Hon. distinguished Senators who by the grace of God, I can refer to as my colleagues this afternoon, having been sworn in exactly one week ago to serve in this great House, allow me first to thank the Almighty God for His faithfulness. I am a witness and living testimony of His mighty deeds and the fact that I stand in front of

these honorable men and women this afternoon is an exemplification that God is indeed faithful.

Secondly, my profound gratitude goes to the President and my party leader, His Excellency Uhuru Kenyatta, for making this dream a reality. Further, my heartfelt appreciation goes to the rank and file of my party, Jubilee, for proving that a political party in these sides of the Sahara can be an incubator for bringing forth youth leadership to the national stage. I remain grateful.

I also wish to recognize and appreciate the strong family foundation and support accorded to me by my father, Mr. Paul Githua, my mother, Mama Martha Muthoni, my elder sister Alice Wamaitha, my kid brother, Simon Karige and my little sister Mary Nyawira. You have all been supportive and kept cheering me on, even when it was not fashionable to do so.

Mr. Speaker, Sir, the place of the youth in any society can never be underestimated and more specifically, in Kenya where we have a very youthful population. According to the last population census, youth aged 18 to 35 years comprise of 30.5 percent of our entire populace and are a great potential source of social and economic energy for the country. Yet, unfortunately, much of this energy remains untapped.

As the protector of the counties, the Senate has the opportunity of righting this by encouraging counties to grant youth more responsibility over budgets and policies by providing youth-led spaces for them to mobilize their peers and aggregate their preferences by directly allocating them budgets and advocating for and designing policies with them.

This would be in tandem with Article 55 of the Constitution, which grants the youth the right of inclusion in the economic agenda of this nation. Democracy and development can only move forward on a positive trajectory if we embrace transparency in the electoral process.

Having said this, I wish to address the Kenyan youth today to encourage them to come out in large numbers and register as voters during the just-launched voter registration exercise by the IEBC. This will enable them to exercise their democratic right of voting to put in place a responsible government, including Parliament and county governments that will help steer this great country to the well-deserved political prominence it is capable of achieving.

Mr. Speaker, Sir, as a teenager who witnessed the ravages and skirmishes of divisive elections whose dreams were nearly cut short by ethnic antagonism, whose family fabric was tattered and displaced from what I knew all my life as home only to seek refuge in Nyandarua as an IDP, I had very many unanswered questions to God, to the Government, to our leaders, to our communities and to my family. It is an experience that you would not wish upon even to your worst sworn enemy. Never again should the dreams of our younger generation be sacrificed on the altar of negative ethnicity and belligerent political competition.

I take this early opportunity to acknowledge the successes and challenges of past parliaments and honor those who heroically struggled to bring freedom and justice to our land in the first and second liberations. I fully take cognizance of, recognize and stand

committed to the protection and furtherance of the aspirations of all Kenyans for a responsive Government based on the essential values of equality, social justice, shared prosperity and the rule of law as a foundation of our shared future.

I fully take cognizance of, recognize and stand committed to the protection and furtherance of the aspirations of all Kenyans for a responsive government based on the essential values of equality, social justice, shared prosperity and the rule of law as a foundation of our shared future.

Mr. Speaker, Sir, in 1963 when our founding fathers and freedom fighters lowered the union jack and raised the Kenyan flag, ushering in our independence, they identified poverty, ignorance and disease as the main challenges facing the new nation. As time passes and one generation yields to another, human problems change and fade. Today, 58 years later, the challenges have mutated to unemployment and inadequate avenues for income generation, accessibility and relevance of quality education and training as well as affordable healthcare.

In the ten or so months that I will serve in this honorable House, it will be overly ambitious to imagine that I will provide solutions to all these challenges but I promise that I will be at the forefront in lobbying, legislating and advocating for the emancipation of the Kenyan youth from these doldrums. I will be that flickering light that will shine hope amidst the despair.

I will be that voice that will constantly remind this honorable House that out there lie 33 million youth who want a cohesive and prosperous nation. I will be that vessel ready to be used by the youth of our nation to bring forth their challenges and aspirations. I undertake to do my best to articulate the apparent and felt needs of all the youth in the entire nation, including the minority populations where the Ogieks, Dorobo, Elmolo, Waata, Makonde and many others fall.

On this day as I join this honorable Senate to engage, debate and legislate with those who by the grace of our great people exercise delegated sovereign power, I assure you of being a fleeting transient phantom on the great stage of history. As it has been alluded, our youth have been missing on the table but are conspicuously present on the menu. By my nomination and subsequent taking up of the roles and duties as envisaged by Articles 94, 96 and 100 of the Constitution, I am confident that the youth now not only have a seat at the table but also the salient latitude to decide what to eat, when to eat, and with whom to eat.

I must mention that as an evangelist who has crisscrossed this nation spreading the gospel and winning souls for Christ, I associate myself with the scripture in Ecclesiastes 9:11, which states-

“Indeed, under the sun, the race is not to the swift or the battle to the strong, nor does food come to the wise or wealth to the brilliant or favor to the learned, but that chance happens to them all.”

And today here is my chance, the chance to serve. As propounded by the former British Prime Minister, Harold Macmillan, and just like the Great Britain in his times, today Kenya is faced with an awakening of national consciousness for a better country and a responsive Government. We must accept it as a fact and our national policies and

pieces of legislation must take account of this. We must be structured and deliberate in creating a prosperous, cohesive nation for this and future generations.

We must be committed to pushing forward the frontiers of knowledge, in selfless service, in the needs of our people, in expanding food production, in the speeding and multiplying of the means of production and manufacturing and, perhaps, above all, in ensuring quality and accessible education and training of our youth.

Mr. Speaker, Sir, on the same token, I submit to you and our nation that the true test of Kenya's progress is not by the accumulation of wealth in the hands of a few, but the elevation of our people as a whole. Our President, His Excellency Uhuru Kenyatta, succinctly puts it that the truest test of our progress is the transformation of our youth from earners of wages to owners of capital.

In conclusion, the Kenyan youth associate themselves with Theodore Roosevelt's Doctrine of the Strenuous Life; that of toil and effort, that of labor and strife, of diligence and hard work; that the highest form of success comes not to the man who desires easy comfort but to the one who does not shrink from hard work and bitter toil and, out of these, wins the splendid ultimate triumph. To us the youth, we yearn for a society where individual merit and merit alone is the criterion for advancement whether political, social, or economic, and in my own small way, I will contribute to making this vision a reality.

I shall endeavor to work with the youth of this nation, encourage them to desist from habits such as irresponsible use of drugs and alcoholism, which habits are frowned upon by society. I intend to help empower them in ways that will ensure their mental health is prioritized, as espoused in Article 43 of the Constitution, as this would help mitigate the high numbers of suicide among them that has ravaged this country of late.

Finally, when called upon to decide the question propounded in the Sermon on the Mount as to whether we will worship God or Mammon, I Honorable Senator Ngugi Isaac will stand steadfast, firm and unwaveringly on God's side. So, help me God!

Thank you for this opportunity.

The Speaker (Hon. Lusaka): Thank you. I will allow a few comments. Sen. Orengo, you have the Floor.

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, thank you for giving me this opportunity to felicitate our new Member, Sen. Ngugi. He has started with a bang. I met him out there in the political field speaking with such degree of eloquence and comfort as if he is always been a politician.

I equally treasure the words of your maiden speech. It is not easy to make a maiden speech but he has made it with so much confidence. The future of this country depends on young leaders. You will join the category of young leaders, distinguished Senators, who have shown so much promise not only in the debates in this House but also taking leadership out there in political parties, in guiding the people of our great Republic so that Kenya can find its place in the world.

Mr. Speaker, Sir, yesterday I was listening to a speech of the late *Mwalimu* Nyerere. I was touched when listening to that speech, a speech, which was made more than 20 or 30 years ago. After he had handed over to the second President of the Republic of Tanzania. Chama Cha Mapinduzi (CCM) was going to nominate the third President of

the Republic of Tanzania. Nyerere was saying that we in Kenya and Uganda categorise ourselves in terms of tribe and ethnicity and Tanzania was falling prey to tribalism.

Mr. Speaker, Sir, I am saying this with all honesty because I think that I am partly guilty of this emerging trend. He called it ‘*upumbavu*,’ which is a very strong word to use even in the Swahili language. He condemned political movements or decisions, which were made in terms of religion or ethnicity.

The reason I am bringing this issue at this point is that Sen. Ngugi is a young leader and Kenyan. I hope that he can advance this country with the quality of leadership where, like Martin Luther King Jnr. said, we will judge our leaders on the content of their character and the spirit of their leadership, as opposed to where they come from. It appears that in this country, in the next 100 years, it will be unimaginable to determine whether somebody from a marginalized community can rise to the highest office in the land. I see it.

The other day, somebody tried to attack Sen. Sakaja, and I found it extremely foolish. Sen. Sakaja came to my mind because for him, Sen. Sakaja was new here. As long as he did not talk about running for governor, he was still a saint. He talked about running for governorship and he was now some other tribe.

Mr. Speaker, Sir, with the words of inspiration that Sen. Ngugi has expressed today, offering new leadership not only for the people he represents, but also in this Senate, I hope that he can do away with bad habits and manners. In Kenya, we can forget about ideology. We normally talk about ideology in our politics. When we talk about ideology, it is just a catch phrase. I hope that the Kenyan political conversation will be grounded on good manners. If we just had good manners, we would have a great country. Even for the purposes of this House, we will have a great debate on issues and things that matter to the country.

Otherwise, I wish Sen. Ngugi the best in his new--- I do not want to call it a career. When you come to politics, if it is a matter of calling, you are going to be more effective. The future is there for him.

Thank you.

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

Sen. Wetangula: Thank you, Mr. Speaker, Sir. I listened attentively to the young Sen. Ngugi making his Maiden Speech. I am happy to hear his eloquence, vision and intention to serve the people of this country. I join you in congratulating Sen. Ngugi, now a distinguished Senator of this House, on his nomination to replace yet another very likable and illustrious young Senator, Sen. Prengei. He was a friend of everybody.

As Chinua Achebe says, a young man who washes his hands is likely to eat with elders. He has come to wash his hands before the Senate. He is likely to eat with elders; not to eat food, but knowledge. This is a House of knowledge, reason and sobriety. This is a House where nobody shouts at the other; people sit and reason.

Sen. Ngugi has joined a House of veterans. People like Sen. Orendo, yours truly and others have been around for a little while. It is not by historical accident, but by sheer hard work. I encourage him, now that he has been given the baptism of taste of power meant for the highest level. You can be nominated from the ‘Lower House’ and graduate to the ‘Upper House’ like my distinguished nephew. Sen. Ngugi has started from the

‘Upper House.’ He now has to be determined, committed and not to fall into the trap of what V.I. Lewin said; that the only job you start from the top is digging a hole.

All of us who have been here longer are available to him for counsel and guidance. I hope that he will be given good Committees within which he can grow his career as a politician and his stature as a leader. I congratulate and welcome him to the House. He should not feel limited or inhibited. Sometimes when one is young, like he is, they feel nervous speaking before elders. He should not. We are here as a House of equals, everything else notwithstanding. I have no doubt that he has places to go.

Congratulations.

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

Sen. Sakaja: Thank you, Mr. Speaker, Sir. I would like to take this opportunity to also welcome our new Senator. He reminded me that when he came to this House, I was supposed to escort him, but he was escorted properly, introduced and sworn in. I am sorry that I was a bit late, I had a Committee issue. I want to encourage him.

First, he has come through a wonderful way. There are very many great men, who have been nominated as their entry into politics. Do not look down at that route. Sen. Wetangula, the late Sen. Mutula Kilonzo, His Excellency the President, Uhuru Kenyatta and the ‘super’ Senator for Nairobi were all nominated Members of Parliament. It is a path. Even in the last Senate, and Sen. Madzayo will tell you, many Senators like Sen. Lesuuda, who he knows very well and Sen. Wangari from his neighbouring county, also came as nominees. After that, they used the opportunity to get into elective politics. Therefore, it is a path.

Everything happens in Gods’ time. There is a reason he has come with us having just a year to the election. He should use it very wisely. I would like to encourage him. I really like the Speech he made. He spoke about young people who are indeed the trustees of the posterity of this country.

Mr. Speaker, Sir, I want to add on to the scripture that he read. I think it is the book of Timothy 4:12 that says, ‘do not let anyone look down upon you because you are young, but set an example to the believers in your speech, deeds and actions.’ I remember when I started my journey, people imagined that I would not make it. In fact, I started as the chairman of a party, chairing people older than my father. Many said that my inexperience would cost our party, but because of that scripture, I was able to earn respect. He will learn a lot from those who are ahead of us.

I miss the days that I would sit with the late G.G Kariuki and the late Sen. Haji. He has not come too late. We have Sen. Wako and Sen. Orengo. He should spend time with Sen. Orengo, Sen. Wetangula and Sen. Madzayo. They are at hand to give him guidance and advice.

Finally, in politics, I have learnt that the more you know, the more you realize that you do not know. Therefore, he should keep an open mind and engage. I wish him all the best. I am also available. I am glad that he has already joined the Young Parliamentarians Association, where I am the Chairman. Unfortunately, I am now too old to come back to that. I also do not intend to come back as a legislator, but hope that he can carry on the baton from where we have left.

Thank you.

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

Sen. Farhiya: Thank you, Mr. Speaker, Sir. I wish to join you and my fellow Senators in welcoming Sen. Ngugi to this House. This House has the most senior counsels as Members. I think we have a higher percentage than the 'Lower House'. This House has more Doctorates of Philosophy (PhDs) as well.

This is the House where people who are very much experienced in constitutional law and other relevant laws in this country are housed. Therefore, this is a House with a lot of wisdom.

You have a lot to learn. However, you will learn quickly because you have people with the right skills in the House. I urge you to continue dealing with Bills, Motions and Statements that are relevant to the youth.

In Kenya, 60 to 70 per cent of the population is youthful. Therefore, the economic growth of this country depends on people like you. Therefore, we would like you to represent them.

I have the pleasure of welcoming you to this House. I am glad that you are one of our party Members.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I join you and my colleagues in congratulating Sen. Ngugi on being nominated to sit among us in the Senate.

I encourage him with two words. One, it is a privilege to serve and make a positive impact on the lives of the people that he represents in this House.

Sen. Ngugi has been nominated to represent the youth category in the country. It is a huge population that feels left out in a lot of decisions about them. This is because some decisions are made about them without them.

This is the House where important decisions are made. Therefore, Sen. Ngugi must be ready, willing and able to represent the voice of the youth in the Senate. He should not feel that because he is young, he must give way for other senior Senators to speak about other issues, and if there is time left, he can speak about the youth.

He must fight for the space of the youth respectively, and within the Standing Orders and the Constitution, be able to seriously represent them in this House.

Two, I would like to encourage him. This is a House of reason. For him to have gotten the opportunity to be nominated to the Senate, is one thing to thank God for. He should always seek God's guidance in executing the mandate of the office to which he has been nominated.

With those remarks, I welcome him.

Sen. (Dr.) Zani: Thank you, Mr. Speaker, Sir. I join my colleagues in congratulating Sen. Ngugi. We are proud of his determination, fortitude and eloquence, which we hope will be used as the voice of the youth.

I got a chance to listen to him in Garissa where he addressed a group of people, and he was spot on. His voice to the youth was loud and clear.

We mourn the demise of Sen. Prengei. The Lords gives and takes away. We also appreciate that he has come in his place as a youth representative, which is a difficult task. There is a lot of expectation that is on him.

At this point, we are looking at the target of the Independent Electoral and Boundaries Commission (IEBC) of registering over 600 million voters who fall in that

category. You need to mobilize them and ensure that they understand the message. Enlightening them to become political elites, who can make the right decisions, is probably almost a revolution in this country. This is because they are capable of doing so much.

That was a good statement, which was eloquently made. You chose to speak quickly, which is good. That was also your Maiden Speech, which was in the form of a Statement. No other Senator who has come here has used this method of introduction. Therefore, you have been looking at the Standing Orders. As you look at them, kindly remember to look at the Kiswahili ones. I am looking forward to hearing you speak in Kiswahili soon.

I welcome you to the Senate and wish you well in this career. Represent the youth well.

Sen. (Dr.) Ali: Thank you, Mr. Speaker, Sir. I wish to welcome Sen. Ngugi.

This world has its ups and downs. Last week, you were chosen to be here. Do not feel guilty because our friend passed away. That was the will of God. It is also the will of God that you were appointed to this position. I wish you well.

The way you started, you will continue to do well. The party has appointed you. As you have said, you are thankful to the party, which we all support. We agree that the most important thing is loyalty to the party. That is the in-thing in the country.

Some people who do not support their party might tell you that this is not the way to go. However, I do not agree with that. Everybody supports their party. Without the party, you would not be here.

Karibu. We are here to support you and will be with you. I hope that you proceed with the mentality that you have started with and work hard for the party and the youth of Kenya. In the long run, you will succeed as well.

Sen. Shiyonga: Thank you, Mr. Speaker, Sir, for giving me this opportunity to join you and my other colleagues in welcoming Sen. Ngugi.

I appreciate his Speech, especially where he remembered the mighty, the leadership that enabled him to be here and the colleagues that he will work with.

We, the Nominated Senators, have grown in this House. The support we have gotten from our friends, especially the hon. Members in the Senate, has been overwhelming. Therefore, I encourage him to take up the mantle.

It is God's wish that we had to lose Sen. Prengei. We cannot fault Him because his plan has its own way. Therefore, I appreciate his Speech.

I welcome him to this House; it will help him to grow. We have intelligent minds of all disciplines here. Those of us who came in 2017 have gotten the experience. We have seen nominated Senators excelling.

The current President was once nominated and is now leading the Government of Kenya. Therefore, you can be anything when you come through the Senate.

Sen. Wako: Mr. Speaker, Sir, I wish to join my colleagues in giving the youngest Senator in the House my sincere congratulations on his nomination.

I have already been impressed by two things. One, the way he handled his nomination. It will be recalled that on the unfortunate passing away of Sen. Prengei, at every meeting, people were pleading to the authorities to have an Ogiek to replace him.

Then, the name of the youngest Senator came up and he is not from the Ogiek community.

I was, therefore, very pleased by the way you handled that problem before you were sworn into this House; that you are there for the youth and to represent them. You will also be representing even the minorities. I even heard statements from the Ogiek community that they now accept you. That is a plus for you. Continue along that path.

The other one is your Speech today outlining your vision and quoting our founding fathers. I was quite a bit interested also in your quoting Harold Macmillan. He became a Member of Parliament at a very young age and went on to become the Prime Minister of the United Kingdom.

If you read his autobiography, you will notice that although he was very young in Parliament, he said that he would speak on each and every topic that came along. In particular, his voice would be heard on controversial issues, so that his name could appear on the papers and would be on everybody's lips. You may wish to read his autobiography can copy that example to speak on most of these issues.

One thing I have noticed is that although the youth are 75 per cent of the population, their voice is not proportional to that high population. In fact, they tend to be used in other ways as youth wingers to politicians, other than on issues that confront this country.

There is a danger that they then become absorbed in the ills of our society as a whole and, therefore, the society does not have a future to look into because the youth have now taken the ills of their fathers and perpetuate them.

One thing I would urge you is that inside and outside the House, try to be very focused on issues. Let the voice of the youth be heard. Last night, there was a programme on the youth. I believe it was on *Kenya Television Network* (KTN) news or *CNN* and so on.

One of the contributors said that we have not heard the voice of the few youths who were elected in the last election. They have been absorbed. The other one said that when they went there, they became the mouthpieces of the party leadership.

Be your own person. In as much as you must respect and obey the party policies, you must be seen to have contributed very positively and effectively to the policies of the party, rather than being just sitting as polices are made, while yours is to sing them without any contribution.

Now that you are starting in life, make your own niche, so that everybody knows that we had a youth who was properly nominated, went to Parliament and later became elected and rose to the highest post in the land. This is because any politician wants to rise to the highest post in the land. Even for me, the best is yet to come as far as politics is concerned.

I wish you the very best in your political career. You are now embarking on a political career. God has given you that opportunity. Do not lose or misuse it. Let the youth of this country know they have a youth representative in the Senate.

A youth representative in the Senate is very important. Why? The Senate is regarded as the House of people who have experience in the various fields and so on.

The National Assembly calls us the “House of *wazees*.” I am a *mzee*, but very much youthful at heart, if you know.

It is important that the voice of the youth is heard in this very august assembly, even more than at the National Assembly. You are not the flag bearer of that voice.

With those few remarks, I thank you.

Sen. Omogeni: Thank you, Mr. Speaker, Sir. I join my colleagues in congratulating our youngest Senator, Sen. Isaac Ngugi. The first time I saw the name, I was privileged to ask my neighbour here, Sen. (Dr.) Zani, who Sen. Ngugi is. By coincidence, Sen. (Dr.) Zani informed me that Sen. Ngugi is a person she has known for a while and that he was her student at the University of Nairobi in Social Statistics.

She confided to me that as a teacher she passed a judgement that he was a young brilliant mind. That has been confirmed to me because it was just last week that Sen. Ngugi was escorted to the House, and within a couple of days, before two weeks, he has exhibited courage by rising up to give his Maiden Speech. Congratulations Sen. Ngugi!

I have carefully listened to your Speech. I discern from your Speech that you have a passion for the youth. I can assure you that if you go back to your counties, your job is cut out for you.

You realize that not many counties have complied with the procurement laws that obligate counties to award contracts to women and youth. Even the National Government Constituency Development Fund (NG-CDF), very few Members of Parliament have acknowledged the role we should do to empower our youths by giving them contracts.

I am happy that you have stated on the Floor, in your Maiden Speech, that you will passionately champion the rights of the youth. If you look at our statistics, you are the majority and we are the minority. I think about 75 per cent of our population in this country is made up of the youth. That is people aged between 18 to 35 years.

I hope you will be the ambassador of the youth in this Senate and you will be at the forefront in championing issues that affect the youth. There are so many youths that have registered companies in the hope and expectation that county governments will give contracts, but that has not happened. I hope you will take it up.

You are coming to replace the late Sen. Prengei, a very pleasant and jovial young man, who we miss in this House. He was the one who used to put us together in sports. I hope you will be a leading sportsman in this House and that other than just replacing him as a Nominated Senator, you will also take up some of the roles he used to do. We look forward to working with you.

I urge you to also learn from the many seniors we respect a lot in this House. We have Senior Counsel, Sen. Orenge, Attorney General *Emeritus*, Sen. Wako and Sen. Wetangula, to mention but a few. These are Members who will walk with you. I hope you do not fear them. Take time to develop friendship with them, so that you keep learning from their vast experience as Members of Parliament.

I wish you well in your new task as a Nominated Senator. Congratulations and welcome to the Senate.

The Speaker (Hon. Lusaka): Finally, Sen. Sylvia Kasanga.

Sen. Kasanga: Thank you, Mr. Speaker, Sir, for giving me this opportunity to welcome our new Senator, Sen. Ngugi. I listened to your Maiden Speech on the radio, in

the car, as I was coming. I can tell you that it was a good and powerful Speech. Your passion came out very clearly for the task that is at hand. I can only wish you well and Godspeed. Indeed, we have a task as young leaders to fill that space for the youth; to guide them and make sure their space is kept and made use of.

One thing I can tell you is that when I joined the Senate as a Nominated Senator, like you, I was told by my senior, Sen. Mutula Kilonzo Jnr., to make sure that I find something that I will run with, and I will always be remembered for as a Nominated Senator. I will give you the same advice.

You have already been told a lot. We have our new senior members who will guide you, so speak to them. You will begin to appreciate the way the House is balanced with the young and the elderly and that there is a lot to learn from them. You can carry it forward in your endeavours as you move on.

I must say that I took note of your passion for mental health for the young people. Our young people are the most affected by mental health, especially post COVID-19. We have a lot of work to do.

The Speaker (Hon. Lusaka): I had said ‘finally,’ but I can see the Whip, Sen. Wamatangi.

Sen. Wamatangi: Thank you, Mr. Speaker, Sir. I thank you for having indulged me now that my friend, Sen. Ngugi, came into the House and I did not get an opportunity to welcome him as the Whip on that side and having come through my party, Jubilee. I briefly want to say to Sen. Ngugi that as my colleagues have told him, indeed, he is not here by fluke but by design. The God that he has praised in so many ways in his Maiden Speech intended that it be that way.

Mr. Speaker, Sir, as my colleagues have said, we mourned, and still do, the passing of the late Sen. Prengei. We pray that the Almighty God continue resting his soul in eternal peace. It is the late Robert Nester Marley, popularly known as Bob Marley who sang that when one door closes, another one is opened. That door is opened to usher Sen. Isaac Ngugi into this House.

This is a House that upholds the highest standards of debate. This is a House where issues are discussed and debated dispassionately. This House besides the political persuasion that brings us here, debates matters in the interest of the country.

Many of us may not know that Sen. Ngugi is not new in leadership. Where he comes from, he has been instrumental and very vocal in communication and media on issues of the youth. I know that passion that he has out there that gave him the impetus and the stage that has seen him here, he will continue with it.

I want to wish you well as the Whip from the Jubilee side and assure you that as you debate and carry out your business in this House, we shall support you. We shall ensure that anything that you require or need to raise the level of your participation in this House, will be made available to you.

Lastly, because I have listened to your Speech, I have heard the many heroes that you have referred to in that Speech. It is inspiring to know that once you model and target what you wish to be and achieve around such achievers, most likely than not, you will get there. I know you will be a star in leadership in this House if you keep with that spirit.

Welcome to the Senate, Sen. Ngugi. Count on our support and all will be well. Welcome also as the member of Jubilee, who has come to fill that position. The agenda for the Party of Jubilee in this House is to ensure that we have a bi-partisan approach. I am sure that you will render that cause with dignity and passion.

The Speaker (Hon. Lusaka): We have to go to the next Statement by Sen. Cherargei. He is not in the House.

It is deferred.

MANAGEMENT OF *INUA JAMII* PROGRAMME BY KCB

Statement deferred)

The Next Statement is by Sen. Seneta who is online. Proceed.

There is a challenge with wherever she is, and it is unfortunate. I defer it to tomorrow.

CONSTRUCTION OF HEALTHCARE CENTERS IN KAJIADO COUNTY FUNDED BY ADB THROUGH MOH

(Statement deferred)

Next order.

The Senate Majority Leader (Sen. Orengo): On a point of order, Mr. Speaker, Sir.

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

POINT OF ORDER

REQUEST FOR *KAMUKUNJI* TO FINALIZE THE RECONSTITUTION OF COMMITTEES

The Senate Majority Leader (Sen. Orengo): Mr. Speaker, Sir, I ask for indulgence to rise on a point of order on two issues. I request that we have a *Kamukunji* tomorrow and give adequate notice to every member of the Senate to attend.

The question is that we are still having problems about finalizing the establishment of the Committees. As you can see, the Order Paper does not contain the Committees. There is one special Committee, if you are to apply Standing Order No.218 on Appointment and Functions of Standing Committees. These Standing Committees should always be there. They are supposed to be functioning.

I urge you that we need a consensus tomorrow for the Committee on Devolution and Intergovernmental Relations. Even if we are still talking about the other Committees, the Committee on Devolution and Intergovernmental Relations needs to be constituted not tomorrow, but about three or four weeks ago.

They have not been meeting because they cannot raise a quorum. They do not have the nine Members that are required in every Committee. They are missing three or four Members. That Committee is not functional at all.

Mr. Speaker, Sir, I hope you will not accuse me of anticipating debate in the next Order, in the Divisions. I consulted with the Senate Majority Leader, Sen. Fatuma Dullo and Sen. Farhiya, on the issue of the Equalization Fund. Hon. Members have raised some issues.

Mr. Speaker, Sir, I am afraid that if we go into Division, we may not get the requisite number to pass that Equalization Fund. At the *Kamukunji* meeting that we will have tomorrow, we will give Members an opportunity to raise those issues and find ways of settling them, lest we be accused that the National Assembly has passed the fund, while we have not. The Equalization Fund is very important. I was in Garissa when this issue was brought up and was personally at peace in supporting it. However, legitimate issues have been raised, which we need to discuss.

I will ask Sen. Farhiya or Sen. Wamatangi to request you to defer the division on the Equalization Fund, so that we address those technical issues. Quite a number of Members came prepared with quotes and judgments. Let us be educated because some of the concerns raised by Members are genuine, and we should look at them before we go into division. I therefore propose that we have a *Kamukunji* tomorrow at 9.00 a.m. I have consulted on the same with Sen. Dullo and Sen. Farhiya. I looked of Sen. Wamatangi to consult on the same, but he was not in the House then. I am sorry, I had not had that conversation with him before.

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

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, the issues raised by the Senate Minority Leader are critical. The grapevine is not very kind to us, the leadership of this House, and they are not going to be kind if we do not listen to them. I am specifically speaking to my colleague on the majority side, Sen. Wamatangi. Let us have consensus because without consensus, we are going to be reported in the Press continuously.

On the second issue, we have whispered to some of the Committee Members, and I think it is wise to bring to your attention that on the Equalization Fund, part of the things that we would like to discuss is that the Members of that Committee have done so much work on the Equalization Fund. However, we think that the regulations should have come here because we passed a Bill. Those are some of the issues that we would like to be sorted.

The court has been very clear about the Equalization Fund. We should not throw the baby with the water. We should have an informal discussion to find solutions.

The Speaker (Hon. Lusaka): Proceed, Sen. Faki.

Sen. Faki: Mr. Speaker, Sir, I was uncomfortable with Sen. Mutula Kilonzo rehashing the same arguments that he had during the debate over these regulations. A *Kamukunji* has already been proposed by the Senate Minority Leader and we all agreed to it. Sen. Mutula Kilonzo Jnr. does not have to rehash the arguments that he made during the submissions.

The Speaker (Hon. Lusaka): Proceed, Sen. Farhiya.

Sen. Farhiya: Mr. Speaker, Sir, I am in agreement with the proposal made by Sen. Orengo. I would just like to point out that three Committees of this House have a planned breakfast meeting tomorrow to discuss another regulation. Beware that some Members will be unavailable tomorrow.

The Speaker (Hon. Lusaka): Sen. Orengo consulted me on this matter. The matters raised are very critical because Committees play a key role in our deliberations apart from the Plenary. It is important for the Committees to be operationalized. We need to sort out the business that can move on and those can be sorted out later. I direct that we have a *Kamukunji* tomorrow at 9.30 a.m. I have taken into consideration the Members who will be away on other Committee meetings.

Hon. Members, for the convenience of the House, I defer Order Nos.8, 9, 10, 11 and 12.

MOTION

ADOPTION OF THE REPORT ON THE PUBLIC FINANCE
MANAGEMENT (EQUALIZATION FUND ADMINISTRATION)
REGULATIONS, 2021

THAT, the Senate adopts the Report of the Sessional Committee on Delegated Legislation on the Public Finance Management (Equalization Fund Administration) Regulations, 2021, Legal Notice No. 54 of 2021, laid on the Table of the Senate on Tuesday, 28th September, 2021; and pursuant to Section 205 (4) of the Public Finance Management Act, approves the Public Finance Management (Equalization Fund Administration) Regulations, 2021, Legal Notice No. 54 of 2021.

(Sen. Faki on 28.9.2021)

(Resumption of debate interrupted on 29.9.2021)

(Division on the Motion deferred)

BILLS

Second Reading

THE DISASTER RISK MANAGEMENT BILL
(SENATE BILLS NO. 14 OF 2021)

(Sen. Sakaja on 16.9.2021)

(Resumption of debate interrupted on 29.9.2021)

(Division on the Bill deferred)

*Second Reading*THE KENYA CITIZENSHIP AND IMMIGRATION (AMENDMENT)
BILL (SENATE BILLS NO. 33 OF 2021)*(Sen. Kang'ata on 30.9.2021)**(Resumption of debate interrupted on 30.9.2021)**(Division on the Bill deferred)**Second Reading*THE LAW OF SUCCESSION (AMENDMENT) BILL
(SENATE BILLS NO. 15 OF 2021)*(Sen. Halake on 4.8.2021)**(Resumption of debate interrupted on 30.9.2021)**(Bill deferred)**Second Reading*THE PUBLIC PRIVATE PARTNERSHIP BILL
(NATIONAL ASSEMBLY BILLS. NO. 6 OF 2021)*(Sen. Poghio on 5.10.2021)**(Resumption of Debate interrupted on 5.10.2021)**(Bill deferred)*

The Speaker (Hon. Lusaka): Let us proceed to Order No. 13.

I see the Senate Minority Leader is having challenges with technology. I urge him to sit next to people who are tech-savvy next time, so that they can assist him in case he has technical challenges. He should stay away from people who are besides him now because they are just watching him as he struggles.

Proceed, the Senate Minority Leader.

The Senate Minority Leader (Sen. Orendo): Mr. Speaker, Sir, I am tech-savvy, only that my gadget has a problem. If one is not tech-savvy, they cannot even participate in some of the deliberations in this House. Currently, court hearings and most meetings are dependent on technology. I thought you were giving directives. I did not know that you were looking at me struggling.

(Laughter)

The Speaker (Hon. Lusaka): Next Order!

Second Reading

THE HEALTH (AMENDMENT) BILL
(SENATE BILLS NO. 26 OF 2020)

(Sen. (Dr.) Ali on 5.10.2021)

(Resumption of Debate interrupted on 5.10.2021)

The Speaker (Hon. Lusaka): Sen. (Dr.) Ali, you still have 50 minutes to move the Bill.

Sen. (Dr.) Ali: Mr. Speaker, Sir, this amendment is straightforward. It does not need a lot of doctoring because it mainly concerns the Kenya Health Human Resource Advisory Council, which is already in the Health Act.

Members of the health profession have suffered a lot for some time now. They have tried to even get involved in the BBI talks, so that there is constitutional amendment to form the health service commission, but that has not been successful. When the BBI was brought for discussion in Parliament, the Health Service Commission Bill was not part of the BBI Bill. In that regard, the workers in the health sector have continued to suffer for a very long time. The health professionals have made various attempts to establish the Health Service Commission, but they have not been successful.

Mr. Speaker, Sir, the establishment of such a Commission will affect the constitutional integrity of the county government unless we achieve the same through constitutional amendment, which is not very easy. Getting two-thirds of Members of the Senate and the National Assembly is very hard. For us to help the health professionals who have suffered a lot in terms of training, inter-county transfers and promotions. Those challenges among many others have caused a lot of problems to the health professionals.

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

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

Part 5 of the Health Act established the Kenya Health Human Resource Advisory Council to review policy and establish uniform norms and standards for the management of health professionals in the country, including posting of interns, inter-county transfers, setting schemes of service, management and rotation of specialists as well as the maintenance of the master register. Right now, we do not know who works in which county.

The Ministry of Health does not know how many doctors or nurses Wajir County has, unless they refer to the County Public Service Board (CASB). We agree that the

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county and national Government usually do not agree on issues. In this case, it is mandatory for them to agree, so that health professionals do not suffer. They have suffered a lot already.

In addition, Mr. Temporary Speaker, Sir, the Committee on Health has continued to engage the Ministry of Health and county governments, in a bid to ensure that the challenges facing human resource for health are addressed. However, we have not been very successful in this because every time there is an attempt, problems and interventions come up. We have even had strikes come in the way and many people end up suffering.

To mitigate this, this Bill seeks to amend the Health Act to enhance the functions of the Kenya Health Human Resource Advisory Council (KHRAC), in order to empower it to advise the national and respective county governments on human resource issues. Whereas the role of the Council remains advisory, the national Government and county governments will have to implement the advice that arises from the Council. With that, then the process of employment, promotion and inter-county inter-directorate transfers of such professionals in the country can be streamlined.

It is my strong belief that the amendments will assist the State to meet its obligations, to ensure the right to the highest attainable standards of the health professionals. The health professionals have come to the Senate and the National Assembly Committees on Health several times. They have even tried to involve the Ministry of Health several times, but these things have not been successful. If the Advisory Council would advise the national and county governments to work together, then we will be able to solve these issues.

With those few remarks, I beg to move that The Health (Amendment) Bill, (Senate Bills No.26 of 2020) be now read a Second Time.

I call upon Sen. Wambua to second.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir. Let me begin by thanking my friend, the Senator for Wajir, for coming up with this amendment Bill on matters health.

The Fourth Schedule of the Constitution of Kenya, 2010, is very clear; that healthcare services are a county government function. A lot of action in the health sector takes place in counties. Our duty and role under Article 96 of the Constitution is to take care of the interests of counties and county governments. Therefore, one of the things that this Senate must be very clear about is our engagement in making the provision of healthcare in counties smooth, affordable and accessible to our people.

This amendment is straightforward on the matter of enhancing the functions of KHRAC. Therein lies the problem. In almost every county in this country, doctors and medical personnel are complaining. If it is not about remuneration, it is about working conditions, their welfare or ability to do inter-county transfers.

I like the spirit of this proposed amendment by the Senator for Wajir County; that in enhancing the function of KHRAC, we get to a point where we create a foundation upon which both the national Government and county governments receive proper advice on the issue of recruitment of health personnel; inter-county transfers; in-service training for medics; remuneration for all cadres in the health sector; and, most importantly, to get

clarity on the career progression path for doctors and medical personnel serving in our counties.

Mr. Temporary Speaker, Sir, this is a national legislation, but it affects operations in every county, including Kitui. Some things that happen in the health sector in my county and other counties are laughable. I hope that this proposed legislation will cure some of this mischief.

The other day, the doctors' remuneration, which this Council is supposed to be advising counties on, doctors and nurses and medical personnel in my county went on a strike. It is a constitutional right. When they were going to the office of the Governor to present their petition, they were met by goons and beaten up.

We do not have to get that law when it comes to issues of doctors. Healthcare is a critical function in every county in the country. If there are people who need to be treated with care and respect, then it is the people whom we have entrusted our health on – doctors, nurses and other medical personnel.

Mr. Temporary Speaker, Sir, I hope that this amendment will go through and this Council will get the opportunity to then advise both the national Government and county governments on a standard of performance and execution of duties by the medical personnel, so that it becomes even easier. When you have a standard, it becomes easier to transfer a doctor from one county to another because the standards of operations are harmonised.

Currently, we have a situation that the Ministry, which is supposed to be setting policy on the working environment and the operations of medical personnel in counties, seems to have gone into a deep slumber on this issue. This has led to each county setting its own standards of healthcare. There is no body or institution that has even attempted to regularise and standardise those operations.

As I said, this is a simple proposed amendment to the Health Act. I request my colleagues that as we debate these amendments, we fast-track the conclusion of debate on this matter, so that the issues that this Advisory Council is supposed to be dealing with, can then move with speed and begin doing its work.

With those few remarks, I second.

(Sen. Murkomen consulted loudly)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Sen. Murkomen!

(Question proposed)

Sen. Wetangula, proceed.

Sen. Wetangula: Thank you, Mr. Temporary Speaker, Sir, for an opportunity to contribute to this Bill. This Bill looks simple and straightforward, but it has very serious positive ramifications on the health sector in the country.

Although Sen. (Dr.) Ali did not say it, but I believe that this amendment and the primary provision is anchored in Article 6 of the Constitution. Article 6(2) is very clear

that the governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relationships on the basis of consultation and cooperation.

This is what this Bill seeks to enhance; they are distinct, but interdependent and must act in the spirit of cooperation in executing the mandates of the two levels of government.

It counts on the foundation in the Constitution that Kenya is a unitary State only divided in two levels of government. However, it will remain a unitary State with legitimate expectations of Kenyans in every corner of this country to receive equitably the benefits of being citizens of Kenya.

Under our Constitution, the most devolved functions are health and agriculture. Water is equally devolved, but still when you see accidents happening in Kimwarer Dam, Aror Dam and others you see that there is so much that is held at the national level in the water sector.

Mr. Temporary Speaker, Sir, the arrival of COVID-19 and the ravaging effects on our population has shown us that if there is no cooperation and inter-dependence between the two levels of government our people will suffer.

There is no county which on its own can resist, manage and check a pandemic like COVID-19. That is why the national Government came in and sent out money to counties so that they could work together in containing this pandemic. Issues of accountability and management of those resources remain big questions in almost all the counties because money sent to counties was misappropriated due to poor governance structures.

I hope that the Auditor-General, the DPP, DCI and EACC will interrogate each and every county to find out how they have expended these monies.

When we talk of health and the expectations of Kenyans and equity for the people of Kenya one expects that a Kenyan living in Turkana, in Vanda, Kwale, in Sibiloi in Marsabit, in Malakisi in Bungoma or wherever, is entitled to access good healthcare as provided for in the Constitution.

All those aspirational provisions on health and nutrition, education and all these social amenities were put in the Constitution. However, you cannot bail out by just leaving it to the counties or the goodwill of the counties and the national Government without proper regulation.

I agree with the Senator for Kitui that this Bill enhances the authority and the operations of what is already in place. For example, we would want when this Bill is passed and assented to, through this Kenya Health Human Resource Advisory Council, the Government ensure that at least all our counties have some consultants in medical health.

There is no point having all consultants in every health sector in Nairobi or in the big cities of Mombasa or Eldoret because they have referral hospitals while those counties that are in far flung areas do not have anything. This council must ensure, as is being proposed, that there is absolute equity in the distribution of human resource capacity in the whole of our Republic.

It must ensure that a good dentist available in Nairobi is equal to a good dentist available in Wajir. A good dentist available in Elgeyo-Marakwet must be a good dentist

available in Bomet and vice versa. This will ensure that we reduce the stress Kenyans face in travelling for long distances and spending huge sums of money to look for specialized attention when they can have that specialized attention within reach.

It will be easier and more convenient, cheaper and it will give Kenyans an opportunity to enjoy the fruits of devolution, especially in the actualization of the provisions of Article 6 of the Constitution.

I remember when we were carrying out investigations on one of the health issues, we were told by Homa Bay how they sponsored a professional doctor to go for specialization and spent Kshs5 million on him. They were negligent in not bonding that professional. He came back after acquiring new skills, came to reside in Homa Bay and went to work in another county.

This council can also help in ensuring that if your county of Samburu has invested in a professional to go and enhance his knowledge then he must be held to account. Any such professional, if he comes from his professional enhancement course, refuses to go to Samburu and decides to stay in Nairobi then the council must be able to deal with him.

I want to encourage the proposer of this Bill that those kinds of sanctions and penalties should be put in place so that those who defy can be made to feel the weight of the law.

I have not looked at the original provisions, but I do not see anything here on what happens to people who do not listen to the advice of the council. What happens to counties that do not heed the advice of the council? What happens to the Ministry at the national level that ignores its advice?

If we are going to rationalize the fourth spread of professionals to help the people of this country, then we must also have attendant sanctions for those who flout the law.

I would want to encourage Sen. (Dr.) Ali to look at both provisions and see how to improve so that when it comes to operationalization, it is fair to everybody.

Equally important is the remuneration. We must have some standardised remuneration across counties, so that we do not have counties that collect more revenue. For example, there is no way Samburu County can compete with Nairobi. There is no way, Wajir County can compete with Uasin Gishu. There is no way Bomet County can compete with Mombasa, because they have a larger revenue base. There is a real risk of using their financial muscle to take away all required professionals and keeping them at the expense of the rest of Kenyans.

I would want to see the sponsor of the Bill, that where there is shortage of resource availability in certain counties, to hold onto particular professionals, because we must appreciate that if somebody has studied to a level of a consultant with a Doctor of Philosophy, we did not force them to earn peanuts because we are bringing equity. The national Government should spend some of the resources at the Ministry of Health in helping to cushion counties that do not have enough resources to hold onto professionals posted there.

When we have a cardiologist in Garissa, we must remunerate him to a level he feel comparable and equal to a cardiologist in Nairobi, Mombasa or Eldoret. Then Kenyans will enjoy these benefits.

Mr. Temporary Speaker, Sir, health is over 90 per cent devolved. Nevertheless, more than 90 per cent of the resources of health are held in Nairobi. We want to see this money spreading across the counties to help our people. I encourage Sen. (Dr.) Ali that by the time we go to Committee Stage, he should do the comparison and the contrast between the original Statute and what we are bringing here so that we seal all the loopholes.

We should not have situations where counties start saying that the Advisory Committee in Nairobi has sent us a gynaecologist consultant, but we cannot afford him. The people who suffer are the innocent women in those areas and not the county itself. The governors and their County Executive Committee Members (CECMs) whenever they are sick, they are flown to Nairobi. It is the ordinary citizens in the far flung areas that suffer. We need a cushion from the national Government.

I have seen you have indicated that you will have the County Public Service Boards (CPSB) being part of the advisory committee. If Mandera cannot afford a particular consultant because of their budget base, then the national Government must foot what is expected over and above what Mandera can afford to keep these professionals and consultants in the counties.

That way, we will make devolution more meaningful, beneficial and likeable to the people of Kenya because they can see the benefits. They can reap the benefits because the national Government must be made--- Sen. (Dr.) Ali, we have gone through all this. You do not leave any law vague, say what you mean and mean what you say, in whatever legislation we do. If you leave it to anybody's interpretation, we will go back to the good old legal maxim from the United Kingdom that equity was equal to the length of the chancellor's foot. What the Minister will decide is what will tell you that this is what I can do.

Make it obligatory and mandatory that the Cabinet Secretary responsible for health is obligated to listen to and implement the advice of the Advisory Board. That is the only way this legislation will have meaning, will bear fruits and help the people of Kenya. Otherwise, if we leave it to their discretion, we will end up with what we have seen before. I advised that way, but it is my discretion to take or reject the advice. Then why do we have the Advisory Committee statutorily set up and funded by taxpayers' money? We do so because we want whatever they do to be respected and implemented.

This is good legislation that will go a long way. At first when I saw the Bill, before I read it carefully, I thought it was a clawback on devolution, but it is actually an enhancement of devolution in the health sector. It is an enhancement on service delivery in the health sector.

In fact, I agree with the Mover of the Bill, Sen. (Dr.) Ali, that waiting to bring the National Health Commission through a constitutional amendment, we can wait to eternity. Because of the super majority required in both Houses and the various sectarian interests; some selfish, some completely unproductive, people who oppose things because somebody has proposed and so on. If we go that route, we will never achieve what we are trying to achieve in this amendment Bill.

Mr. Temporary Speaker, Sir, I urge the House to support this Bill because it is a positive development in this House as the defender and promoter of devolution and the

protector of counties, their governments and their people. This is one of the milestones. In a very small way, the Bill is only three pages, but it carries a heavy load in enhancing the performance of the health sector in a devolved system in this country.

I beg to support.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Farhiya, proceed.

Sen. Farhiya: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute to this Bill. I also wish to thank my Senator for supporting his profession and Kenyans at large to make healthcare better in this country. Posting of interns to the national and county government health facilities encourages the people who are newly trained to practice whatever they have learned in those facilities. That will go a long way in terms of skill transfer.

The welfare scheme for all health workers will bring motivation in ensuring that a health worker in Nairobi is paid the same as health worker in Wajir so that there is equity in how remuneration is done, and everybody feels as important as the other person. At the end of day, remuneration is supposed to be set according to certain scales and standards. If I am a gynaecologist trained in the University of Nairobi and serve in Nairobi County, I should earn the same as a gynaecologist working in Mombasa. When two doctors serve in Wajir, Garissa or Nairobi, they should be remunerated the same way because the services they are providing are the same and they have the same skills. Nobody can say that because you have a different skill, you be paid less.

The other issue is how much the county can pay depends on the revenues one can generate as it has been rightfully put by Sen. Wetangula. The ability to collect revenue and the resource base for each county has never been factored in the revenue sharing formula. In future, it should be one of the criteria. If Nairobi County has a capacity to collect Kshs60 billion, they should get less revenues so that they work hard to collect it.

I am of the view that because of historical factors, counties that can collect more revenue should get less sharable revenue. Then they will collect more and the others who do not have the base can get more because we are sharing one cake. The fact that this Bill is proposing that we should have an audit of healthcare workers, it will enhance their mapping.

If there are so many people who are crowded here, the county governments can share. This Bill is able to facilitate inter-county transfers, transfers from the national Government to county governments, and vice versa. Together with that audit, the service delivery for the people of Kenya will be enhanced because there will be the ability to know who is where and transferability from one county to another in case of excess in one county.

Mr. Temporary Speaker, Sir, it also reviews the recommendation for training. The council will be able to recommend training. I just want to bring to your attention a practical example of somebody in my county who had applied to be trained at the University of Nairobi (UoN) for a Master's course. Last year, his county said that because we have the COVID-19 pandemic, we should hold it for that time. With the increase in vaccination, the person wanted to join the university, but he has again been asked to wait because of the scarcity of vaccines in the county.

The problem is if that person defers his studies twice in the university, he will not get another opportunity to be admitted. He will have to start all these processes afresh. Many people who are admitted to do a Master's degree in Medicine understand that it is very difficult to get an admission. If that person loses that opportunity, even if they are with you in the county, they are very demotivated people in terms of the skill they impart. We can understand that is happened the first time, but what about the second time? It is now to the extent that someone is losing an opportunity.

Mr. Temporary Speaker, Sir, those are some of the challenges that this Bill is trying to address and I am happy.

I support.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to support this Bill sponsored by Sen. (Dr.) Ali. He is my Chair in the Committee on Tourism, Trade and Industrialization. I congratulate him for this Bill.

I support this Bill because of the Abuja Declaration that Kenya is party to. In the year 2001, Kenya was among the Africa States that signed the Abuja Declaration. The Abuja Declaration is very clear that there is need to finance health. Apart from financing health, the Abuja Declaration is very clear that it supports the improvement of healthcare in state parties that signed it. According to it, 15 per cent of the national revenue is supposed to go towards health. Kenya is bound by international laws. They should not flout the laws because we are party to them.

Article 43 of the Constitution is very clear that health is a socio-economic right. Everyone has the right to the highest attainable standards of health. The highest attainable standards of health cannot be effective if the human resource is inadequately prepared. It is the honour of this Government to ensure that the human resource is motivated. How can the human resource be motivated in our country? Our county and national hospitals have inadequate personnel. Some of them are not even trained.

Mr. Temporary Speaker, Sir, there is the issue of non-communicable diseases like cancer and the likes. We have very few oncologists in the country and many Kenyans are dying of cancer. We have no choice; the Government must ensure that it abides by the Abuja Declaration of 2001.

We talk of health as a devolved function, but everything has to cascade from the national Government. The national Government must allocate enough resources to the counties for the training of medical personnel. This is something that I saw, and it was a pity. I am speaking on behalf of those Kenyans.

The weekend that has just passed, I was in the county launching my tournament. I remember candidly that I went to Lumakanda County Hospital and it was in a piteous state. The infrastructure and medical equipment there is wanting. The devolving of cancer screening that is supposed to be there is actually inadequate. They are not even there. Even simple cotton wool is not there. They can buy these items from shops, but they do not have them.

Mr. Temporary Speaker Sir, it is the onus of this Senate to ensure that county governments are doing the right thing. There is increment of representation in the county

board from one to three. Apart from that, county governments need to account for how they are using their money.

Even if it is using their money, there is need for money to be set aside for the purpose of empowering the healthcare workers. This is because they need to be trained. There should be no two ways about capacity building. When employees go through capacity building, they become better in their work.

Mr. Temporary Speaker, Sir, I went to the Spinal Injury Centre when I was going for assessment as a Person Living with Disabilities (PWD). I interacted with some medics, they said that when they have issues with health, they cannot treat their own families in that facility. They have to take them to other facilities. It is unthinkable that you can cook food, but not eat it. It is unthinkable that they can treat other patients, but they cannot treat members of their families in that hospital.

Additionally, there is need for pension for healthcare workers, because they go through many years of training. When I took my lastborn daughter to training as a pharmacist at Kabarak University, she told me that she would like to give back to the society once she completes her studies. When medics sign the Hippocratic Oath, they have no choice, but to abide by it.

I remember that when COVID-19 pandemic was intense in this country, many lives were lost. Many medics lost their lives. In brief, what am I saying? This job is risky, but they do have a choice. They have accepted to take the risk to ensure that they give back to the society.

Mr. Temporary Speaker, Sir, the leaves that they take should not be unpaid. We need to appreciate our medics by ensuring that we train them more. Money should be set aside for training medics.

Even when it comes to remuneration, they are poorly paid. Imagine it takes five to six years to train doctors. Therefore, they need to be given incentives according to their training and the commitment that they have given.

Mr. Temporary Speaker, Sir, it has been in the media that medics are crying all over. I think that this proposal is very good because it will ensure that the Government is advised on ensuring that medics are incentivized and healthcare is given to all Kenyans.

Access to health service by Kenyans is a constitutional right. This is a mandatory service to all Kenyans. So, we must defend our Constitution. If we are unable to do so, we have no business being in this House. We must ensure that services are delivered in the counties. It is our onus.

All county referral hospitals should have qualified and trained medics trained by county governments. So, the national Government and county governments have no choice, but to implement the Abuja Declaration 2001 to the letter.

I support this Bill.

Sen. Mutula Kilonzo Jr.: Thank you, Mr. Temporary Speaker, Sir. I want to make a comment as I support. The list became long after Sen. Wetangula made his contribution. I do not know the effect he had on it.

Sen. Orenge and I had a very difficult task some time back defending doctors who were being jailed for demanding small menial things. In fact, some of the good professionals, for example, surgeons and others ended up wearing the uniform of Kamiti

Maximum prison after being jailed for demanding minimal allowance of Kshs20,000, uniforms *et cetera*.

If any of us doubted the importance of treating medics well, COVID-19 pandemic has shown how important doctors are and how important we should treat them. This is because they have been in the centre of fighting the pandemic and treating many people even our friends.

As we say so, we have lost a good lawyer friend who was being treated for various diseases and passed on at Karen Hospital.

At the time the Building Bridges Initiatives (BBI) was being proposed, doctors were insisting that they wanted a commission of their own be entrenched in the Constitution. In 2010, doctors wanted a commission. The purpose of putting the Teachers Service Commission (TSC) in the Constitution was because it was thought that it would defend teachers. However, after it was formed and commissioners appointed, they ended up being an Executive leaning organization. This is because the members of the Commission are from the Executive and do not represent the welfare of teachers.

It was my advice when they came to me that it is far much better to start this from the lowest position possible and have an organization where they can appoint their own people to sit in a council which they can manage and elect. The same way lawyers can appoint, Nelson Havi to be their President, the same way architects and surveyors can appoint their chairs, *et cetera*. The same way the young lawyers can say that they need a waiver on their fees. They are saying so, because they have an opportunity and people who they have elected. They can even pass amendments. They have shown that with numbers, they can elect the president, pass a special motion and remove members when they want. The same would happen to doctors.

What Sen. Wetangula, Sen. Murkomen and I were discussing is that there is a framework in the County Governments Act. That is where we need to tie the loose ends. The framework in that Act is the County Public Service Board (CPSB) for hiring and firing.

These are independent outfits and one cannot command the other one in terms of Article 6(2) that Sen. Wetangula mentioned. They are distinct and independent.

We might want a doctor who is in Mandera, but how do we make it through the advisory council and blend it so that the CPSBs obey these orders? How do we make these resolutions and recommendations binding?

We cannot have the framework of inter-government both at the county government and the national level in this framework without amending the Inter-Governmental Relations Act. We need to find a place to bind all levels by having an inter-governmental framework at all times, including the time when we were talking to Dr. Mailu as the Cabinet Secretary (CS). He was busy advocating for the jailing of his colleagues. He did not think it was important to listen to doctors.

Currently, there is no simple recommendation from this council that can bind a CS. In the memorandum and objects in paragraph 2, you have said that-

“Due to the enhanced responsibilities of the council, the Bill also proposes to increase representation of the CPSB in the council”

I have not seen that. So, even if you appoint the chairman of the Makueni CPSB in this. How does his nomination bind the board in Makueni or in another place? You need to tie it because it will cause some problems. That means that we need another amendment to the County Governments Act where the CPSB is housed.

In terms of these recommendations, Sen. (Dr.) Ali knows that the most mistreated profession today is that of doctors. The most underpaid people in Kenya today are doctors.

Sen. Kavindu Muthama told us during the funeral of her brother that she had to buy Personal Protective Equipment (PPEs) for herself and the doctors. We are exposing our doctors to such things. This council should say something about it. It should also say something about the 26 year old doctor who passed on while working in Machakos.

Somebody has mentioned that during the deployment of some of the interns and in the Universal Health Coverage (UHC), people were dumped all over the counties. I have many pending cases, but in order to implement UHC, the national Government picked interns and people from all over the place. They put them in counties and some of them worked for four or five months without being paid.

The reason why they could not be paid is because the ones in Machakos and Makueni were deployed from the national Government and there is no corresponding agreement between the national Government and county governments either on funding *et cetera*. So, they are just lying there.

That young man who died in Machakos was under the UHC programme.

So, it is important, Sen. (Dr.) Ali, for the amendment to find a budgetary allocation, a contract and an inter-governmental transfer to be signed, hence the proposal to have an inter-governmental relations framework so that these people can be considered.

There are young people who are professionals in radiology, *et cetera*. When they go to counties, they are paid meagre sums. However, their colleagues who are Chief Executive Officers (CEOs) and County Executive Committee Members (CECs) are riding around in big four-wheel drive cars while specialist doctors cannot afford motorcycles.

It is extremely unfortunate to be a doctor in Kenya. These people have to undergo mandatory rigorous training to graduate and yet when they finally graduate, even our colleagues in the county assembly earn much more than these professionals. County governments are hiring advisors left, right and centre. Advisors to the weather, to this and the other things, that do not make sense. They pay them more that they are paying professionals such as doctors, surgeons *et cetera*. It is unfortunate. If this council can resolve those issues, we will be a much better country.

We must treat the doctors of this country better. I went to a hospital in Kilungu in Makueni County and they spoke about the number of surgeries they have to do while operating in one theatre. One feels very bad about the conditions under which we have subjected our doctors and specialists. These are without equipment and Personal Protective Equipment's (PPEs) during the COVID-19 pandemic.

Should we not ring-fence the salaries of essential service? How can we call it essential service under the Constitutions and a doctor can remain without pay for four months while we are paying everybody else? It is unfortunate.

That is why Sen. Wetangula says you say what you mean. Do not leave anything to ambiguity to be filled in by the county executive or a CS sitting in Afya House or somebody else. It must be clear. Doctors of this country are calling all of us to be extremely clear about their needs, requirements and the outputs they need to get.

We sit here and get sitting allowance. Doctors, nurses and clinical officers stand and do not have any allowance for working 16-17 hours. I think we can do much better. Now that we know, particularly after the pandemic, we ought to treat our doctors much better.

We need to give them what they need to help the community and all of us because in one way or the other whether we got COVID-19, we are affected. If you are not affected, you are paying a bill for somebody who is in hospital. If you are not paying a bill for somebody who is in hospital, you are paying a bill for somebody who passed on because they had COVID-19 or a relative who needs some assistance. One way or the other, any folly in the medical sector, will affect all of us. You must be in a *WhatsApp* group to raise money to help people who are suffering for one reason or the other.

I support and request that we tweak this so that it has a binding effect on the CS and the County Public Service Board (CPSB). Let us amend those corresponding sections so that we can make this a little stronger.

Perhaps even the council can have membership in the CPSB so that we do not have the national Government outfit, but an outfit that is corresponding both to the 47 counties at national level. This is because this is a national level outfit. We need it across the board so that if we have a specialist we require to transfer from one place to the other, it must be clear how we can do so.

I support.

Sen. (Dr.) Milgo: Thank you, Mr. Temporary Speaker, Sir, for giving me this chance to also add my voice to this important Bill touching on the health of our people and our health workers.

Health services are devolved functions under Part 11 of the Fourth Schedule of the Constitution. County governments are charged to manage health services from Levels 1 to 5. These levels are where majority of our people in this country go to access health services. In most cases, they lack drugs and staff are demotivated. We are frustrating our health workers. People of this country cannot access the right health services.

I thank my colleague Sen. (Dr.) Ali for coming up with this amendment which will strengthen the functions of the Medical Council of Kenya (MCK).

Health is a very critical sector in this country. We have several policies speaking to issues health. We have talked so much about Universal Health Care (UHC) and infrastructure. However, we do not talk much about the human resource which is key in this sector.

This amendment will assist in harmonizing what is happening in health sector. I agree with my colleague, Sen. Mutula Kilonzo Jnr., that the point of disparity occurs at

the counties level. There is a disparity among health workers in all the 47 counties in terms of salaries, welfare and management of the entire sector.

I think this Inter-Governmental Act should be amended to harmonies what is happening in the public service boards that employ staff. In fact, this has been a challenge not only for health workers, but even for other staff because of the fact that from one county to another there is a disparity.

I chair the Senate Committee on Education. We have been speaking to the CoG in terms of Early Childhood Development Education (ECDE) about ECDE teachers and vocational training centre trainees. We realized there is a disparity across the counties. This one becomes worse because health workers are expected to ensure they dispense health to our people.

Mr. Temporary Speaker, Sir, there is confusion when it comes to interns, transfers and specialists. There are counties who do not have a specialist at all. Transfers have been a challenge not only to health workers, but other workers employed in the counties. It is high time that we come up with a Bill that will allow workers to have intercountry transfers when vacancies arise in the various areas.

I am sure this Bill will go a long way to cure the ills where we do not even know the number of health workers. I serve in the Committee on Labour and Social Welfare. We have been listening health workers when they were on strike. We realized there was a problem even in maintaining papers.

In the past where there has been a lot of strikes, we realized that there were problems even in maintaining paper. There was a disparity so that there was very scarce paper work to know who was where and where to find a specialist. This Bill will ensure that we cure this, once for all. It will even assist management when it comes to maybe transfers and remunerating.

The worst one is when it comes to schemes of service. We realized that some counties have not paid health workers for months. During COVID-19 pandemic, we realized that many were exposed to many challenges. They not only lacked PPEs, but even went without salary for a long time. We witnessed the loss of a number of them. For example, a young doctor was posted to Machakos County, but he passed on due to lack of PPP attire.

As a Committee, we tried to solve the issues of health workers in the counties. Without this Bill, we shall have very many meetings and we report which shall just go down in paper without addressing this problem. I am sure this Bill will serve as an important entry point to ensure we solve a few of the myriads of challenges that health workers are going through.

There has been a great disconnect in the national and county governments, particularly after devolving this.

My colleague, Senators, have said much of the money is still within the national Government. When you are speaking to the unions of health workers, you realize that there are separate unions for the various cadres. As a result, they are suffering. Health is a critical component; it is important to bring harmonization so that you ensure that our people will manage to access quality healthcare we want to provide.

Mr. Temporary Speaker, Sir, I am in agreement that the provision for a penalty for those who will not adhere to what has been proposed. In addition to that one, I am also proposing that the CoG members should be in this council to enable them share their challenges and exchange ideas in terms of health workers' management.

This will be one day of enhancing our health workers' management. As a country, we shall be able to provide UHC in this country.

I support this Bill.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Thank you, Mr. Temporary Speaker, Sir, I support this Bill. As I talk about the impact of this Bill right across the medical professions, the Kenya Health Strategic and Investment Plan 2014-2018 in trying to streamline the workers in the health sector, lists several workers apart from talking about what they want to do as they sort their workload *et cetera*.

Mr. Temporary Speaker, Sir, I want to go through them because it gives you the weight of the health professionals across the board and the requirement that is expected from them which is quite critical; right from radiologists, to psychologists, to mammographers, to urologists, dental staff and laboratory staff.

If you think of all these and the rationalization of these health workers, then you are talking about a broad group of people who have specific responsibilities and who are experts in those fields. They are needed in terms of what is expected from the people. For example, non-surgical specialists and pharmacy staff right across the board.

In this strategy paper, they also list certain components which are important when allocating workload. For example, various workload components meaning exactly what they are meant to be able to do, the norms and standards that are required therein, the activity standards and how to set those standards.

Mr. Temporary Speaker, Sir, this is what I am hearing my colleagues, Senators, speak about that those activity standards and ensuring that those standards are kept across the board. Whether at level six or level one, two, three and four or whether at national or at the county level. They become important. That is where you begin to have deviations.

In the Kenya Strategic and Investment Plan 2014-2018, they reduce the number of required workers for each of the various institutions and where the shortfall is. You can imagine if this shortfall is at the national level. How more is that shortfall going to be at the county level? For example, if you are talking about various experts; radiologists and psychologists, what are the proportions and the ratios of these within the counties and the national levels? These are the fundamental issues that devolution addresses itself to.

Mr. Temporary Speaker, Sir, this Bill comes to put in place the virtues and the expectations of the devolution. It is very important because health is a devolved function and the whole idea is to improve health service delivery in the devolved units through the promotion and the cooperation between the two levels of Government. Devolution is entrenched and this needs to be actualized.

At the time, various issues of the recruitment, employment and deployment of health human resources have been issues that have caused a lot of discussion and problems so to speak. This includes the transfers, reviewing and making recommendations. My entry point is the need for an audit which is going to be part of this

amendment at 31 (1) (b). Having given those figures and that background, this audit is important for us to contextualize where we are, what are we doing, where is the shortage in numbers and how that can be corrected.

Various other amendments are made, for example, in terms of reviewing recommendations for inter-county transfers that need to be made so that we can have both equity and equality in equal measure.

Mr. Temporary Speaker, Sir, one of the issues when we talk about devolution is the issue of ensuring methods of equality within the various counties. Each county should be brought to a specific standard which is key. This is what is being recommended as an additional responsibility to the Kenya Health Human Resource Advisory Council.

Other key parts that are being put into this as specific amendments are review and make recommendations for inter-governmental transfers, ensuring that balance is made, reviewing and making recommendations for training and healthcare, which is critical. When we think about the training and levels of training that are needed, we continue to see that sort of disparity.

In that paper, they have talked about calculating allowance factors and how to go about that, how to go about determining staff requirements and establishing standard workloads which is important. They also mention that it is important to have the management staff, the administrative staff and the general support staff, rehabilitation staff and specialists be taken into consideration. All these are very key.

Before we can begin to move, that audit needs to be done. This report is for 2014-2018. So, I am sure the most recent report should be able to give that variation, show where the shortages are and show how to create that equality and bring them all to par. Review and make recommendations and remuneration of health welfare and health care professionals. We have spoken this at different levels. In the categories mentioned, they also delve into the community health workers.

Mr. Speaker, Sir, we have had the Community Health Workers Bill as well as part and parcel of a process to ensure that the work of these community health workers is well entrenched and that they can be there and be part of this.

Among the various workers, we also have environmental health workers and community health workers in general who can make a big difference. When I look at this Bill, I get the feel of what is meant to happen. When you go to 31 (a) under recommendations which is specific; "review and make recommendations to the Cabinet Secretary".

The reason why this Bill did this was to move away from some of the issues that might come, for example, recommendations on remunerations which might be said to belong to another Commission's work. Therefore, the logic was to come up with a way to ensure not all is lost and the conflict of what organization does what. It does not stop the bigger good of making this audit and ensuring that these reviews are done.

Broadly, it talks about review and making recommendations on policy and uniform names. We should have uniform laws and standards for very specific things. I thank Sen. (Dr.) Ali who has worked day and night to ensure that this is streamlined. It is important to have a balance of how this can be implemented. I have heard other Senators say that discretion should be given to the Cabinet Secretary only when we all know that

one Cabinet Secretary may be different from another. The work of the Cabinet Secretary should then be to look at these recommendations that have been given and then form uniform norms and standards.

How can we make the Cabinet Secretary of Health effective in implementing them? Therein lays the dichotomy of power, implementation and having different institutions which are expected to do different things. I see the point of this Mover's argument where there is goodwill. I see where we can even influence the regulations to make sure that these things happen. As other Senators have said, we should put it in black and white. However, that is tricky because of the hierarchy. I know that because as I was preparing to move the Community Health Volunteers Bill, these were the issues. If we talk about hierarchy in the health services right from the CS to the various levels and the different actions to be performed by the various directors of health at the different places, then they all have specific responsibilities.

Mr. Temporary Speaker, Sir, these proposals would be very effective if there was good will. How can we ensure that there is good will? If that cannot happen, we should make it mandatory that when a provision is put into place, it becomes key to implement it. One of the things that is very prominent in this Bill is that we already have the Kenya Human Health Resource Advisory Council in place. What we are trying to do in this Bill is to enhance the functions of this specific advisory council. We can only advise them because they have particular functions. I can see a contradiction there. I hope that when this Bill goes to the Committee, we would like to get the right balance that will ensure we do not infringe into other commissions, ministries or organs of implementation but at the same time ensure that we address important issues on matters devolution and creating equity which is key.

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

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

Madam Temporary Speaker, Clause 31(a) is very specific on the issue of harmonization of standards such as the posting of interns to both National Government and county governments, distribution of the work force, inter-county transfers and promotion of healthcare professionals from one level to another. This Bill speaks on very weighty issues. I congratulate Sen. (Dr.) Ali for bringing this Bill and making a good effort to ensure the health sector is streamlined.

This Bill addresses a lot of the issues where the frustration in the health sector emanate from. There is a disconnect in terms of powers that have been given to the county governments. The Bill addresses the missing link that causes problems within the counties from time to time. There is something missing and that is why most of the time, there are problems within the counties such as the remuneration of health workers. The missing link that this Bill hopes to address has been missing for a long time.

Madam Temporary Speaker, it is imperative that the counties employ the bulk of human resource decisions in the health profession and that the role of the council is place can be empowered. This is an effort at addressing a macro problem., This issue is being

addressed by the right Senator who is also a health practitioner. This Bill addresses issues that can make a difference in the health profession. All citizens, in any part of the country, should be assured of being able to have professionals in their local hospital. There are hospitals in Nairobi County which are almost as good as if not better than the referral hospitals in the counties. The referral hospitals in the counties are struggling.

Whenever we attend the Devolution Conferences, we are always given statistics on the state of hospitals in the counties as well as the outreaches that have been happening. However, the data that they give us at such conferences is not detailed enough. They do not give the comparison or an idea of a macro view of what is happening in terms of the devolved function of health. There is a reason why the health function was devolved. Let us ensure that the devolved health function works for this country and that is a responsibility of the Senate.

I congratulate Sen. (Dr.) Ali for this Bill. I hope that once the Bill gets to the Committee stage, we can make the necessary changes which will make this Bill be realized within our legislative regime.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): Proceed, Sen. Kasanga.

Sen. Kasanga: Madam Temporary Speaker, I thank you for giving me this opportunity to support the Health (Amendment) Bill (Senate Bills No. 26 Of 2020). It is good that one of the health professionals has brought this Bill to the Floor of the House. That way, the fraternity recognizes the importance of supporting their own to come to Parliament so that they can influence legislation and policy. I therefore congratulate Sen. (Dr.) Ali for this timely Bill.

I had an opportunity to interact with the doctors when I chaired the *Ad-Hoc* Committee on COVID-19. They were shocked that whereas we thought that we were going to receive reports on how counties are managing the COVID-19 crisis what we got was complaints of doctors on what they were going through. The doctors painted a sad picture of the challenges that they have been going through since the devolution of health. In fact, there are counties whose problems were spanning as far back as when the promulgation of the new Constitution happened and how the transfer of functions was not done properly.

It is sad that some of those things are still affecting our doctors to date. There were many cases where the county governments had not been remitting the statutory deductions of the doctors. One of the complaints that we received is that even the doctors themselves could not access the healthcare that they are providing because their statutory deductions are not being remitted. Those healthcare professionals were therefore not eligible to receive healthcare which is a travesty. Our Committee was shocked at the many complaints that we received considering that we were expecting to deal with COVID-19 crisis. We now had to divert our attention to look into the issues affecting the doctors which we later transferred to the Standing Committee on Health of the Senate.

Madam Temporary Speaker, although the independent commission that the doctors really want cannot happen. This proposal in this Bill is a good stopgap measure to a number of the issues affecting the health professionals. I remember all the issues that the healthcare professionals talked about. All the counties that we went to, save for one or

two, the issues were the same across board; issues to do with promotion, remuneration and over working. After listening to all the issues that were raised by the doctors, I can clearly see where Sen. (Dr.) Ali is going with this proposal. The Kenya Human Health Resource Advisory Council will stand in place of a commission to help the doctor address pressing issues.

We cannot understate the fact that human resource is the biggest resource that our country has. It is the single most critical component in any organization or body. A Government that cares for its people must prioritize health care, sanitation and education. Seeing how our doctors have been treated over time, we begin to question where the priority to our citizenry is. If we cannot prioritize our doctors, are we really prioritizing healthcare in our country. I know that we are currently doing the roll-out of the universal healthcare but we are doing that when the plight of our own doctors and all the other practitioners that Sen. (Dr.) Zani has listed are not taken care of. How is the service of universal health care supposed to roll out?

Madam Temporary Speaker, I listened to the debate that took place yesterday, on the Public Private Partnerships Bill (National Assembly Bills No.6 of 2021). It was very robust. I hoped to catch it but I missed. If I was to contribute at that time, I would have said that when we talk about PPPs, we must consider the fact that we have to expand our tax base. Otherwise, where then do we get money to pay our doctors who are under-remunerated, as most of the Senators ahead of me have spoken?

This expansion of tax base can happen even through PPPs. The PPPs do not necessarily have to be for large infrastructure projects. They can also happen in a sense that our own citizens can also participate in an enabling environment. These are some of the issues that are on my mind; we have a situation where our doctors are under-remunerated and we do not have enough practitioners in our counties.

When Sen. (Dr.) Ali was moving the Bill, he gave some statistics of how the gap in the provision of these practitioners is so big. I also came across the same when we were doing the Mental Health Bill. We have a serious deficit of nurses, doctors, psychologists and community-based health workers. We have a long way to go. We have to have these conversations. When we look at the other various Bills that come in the House, we kind of have to look at them in tandem and realize that we have quite a task ahead of us.

What I can add to this Bill is that the guidelines for best practices and performance reviews must also come as part of the work of the Advisory Council. This is because we also want best practices for our citizens. As we now get an Advisory Council that will look into the plight of doctors in every single way, let us also enhance best practices. Like some of the Senators ahead of me said, we should have such high quality healthcare across the board.

Madam Temporary Speaker, let us not forget we are all Kenyans. We want to be able to know that I can visit Wajir County, where the proponent of this Bill comes from, and should I fall ill while there, I should not worry because I can get healthcare without necessarily having to call for evacuation. We want equity as it was proposed. Health care must be of good quality across the country.

I commend and thank Sen. (Dr.) Ali for this Bill. Being a doctor, of course, you understand these challenges and you are at least giving us a mechanism. Without the Commission that was proposed in the amendments to the Constitution, then this can be a stopgap measure. However, I agree with Senators that it needs to have the teeth so that it can function. We need to make sure that there is budgetary allocation and link it properly to the county governments. That way, county governments and the national Government can then work together to ensure smooth coordination of the Advisory as well as implementation.

I congratulate you for this. I support.

The Temporary Speaker (Sen. Nyamunga): Thank you, Sen. Kasanga.

The next opportunity is for Sen. Murkomen.

Sen. Murkomen: Thank you, Madam Temporary Speaker. This is a very important Bill for us to discuss this afternoon. This is a subject that I am very much familiar with, having been part and parcel of the discussion around the establishment of the institution of devolution.

In fact, if there is a function that is devolved in this country, it is health. This function is part of the Bill of Rights. Article 43 of the Constitution makes it clear that every Kenyan has a right to good health. The right to health is enshrined in our Constitution in the Bill of Rights and a subject I have been addressing. In my life before I became a Senator - I have said it repeatedly - I participated in many opportunities and institutions that dealt with matters county governments and devolution. I will cite two occasions. One, before I became a Senator, I was contracted by the Health Policy Project on a United States Agency for International Development (USAID), to advise on devolution and the health systems in Kenya.

(There was a technical hitch)

I did a Paper which I presented before the then Minister of Health, Prof. Anyang'-Nyong'o who later became the Senator of Kisumu and is currently a governor.

That Paper is widely cited. I do not want to praise myself but it is one of the most widely cited Papers within the health sector. This is because at that point in time most of the health workers who were represented in that meeting were pushing for the health service commission which was then in a draft Health Bill that was supposed to be presented in this House.

Madam Temporary Speaker, unfortunately, I made a conclusion in that Paper that if you look at the constitutional structure of Kenya in so far as devolution is concerned, it is very clear in Schedule II of the Constitution that functions have been divided between the National and county governments and the function of health has been largely devolved and county governments given the greatest duty to deliver the health function at the county level. This includes all the healthcare facilities in the county except the national referral hospitals that are managed by the National Government.

These healthcare institutions at the county is not just equipping the institutions but also the human resource element in the county. Article 232 of our Constitution which talks about public service provides that the county government shall have its own County

Public Service Commission and the Public Service Commission at National level will provide an advisory role to the counties when it comes to human resource matters that are related to the counties.

If you look at the structure that we have, unfortunately we cannot manage county functions at the national level. Every entity of county government, for the 47 county governments have their independent institutional County Public Service Commission to carry out human resource matters in the county.

The National Government entity that advises them on matters of human resource is the Public Service Commission at the national level. This is the reason why many of the counties were struggling. In the BBI and the constitutional amendments the health workers have really worked very hard to push for the health commission at the national level.

The other day, I saw the Governor of Mombasa exposing his ignorance in public when he wrote a statement saying the BBI has collapsed and therefore, the Health Service Commission which would have helped health workers will not be passed. The truth is that the Health Service Commission was not in the BBI Bill. It was actually not there. In fact, the doctors were part and parcel of the petitioners at both the High Court and the Court of Appeal complaining that one of the reasons why they opposed BBI they had not heard of the establishment of the National Health Commission.

I understand why Gov. Joho would not understand this because nobody knew exactly what was in BBI actually; it was very few people, even those who signed. You saw those who went to the KICC and signed the BBI Bill, they later came out and said, you know it was a bad Bill, because they were not aware of the content. I hope that Gov. Joho will update his knowledge to what is happening in our country especially on this healthcare issue.

Be that as it may, in the absence of an amendment of the Constitution to establish or to remove the human resource element as a function of the County government, we will find ourselves in this difficulty that the Mover, Sen. (Dr.) Ali, who is also a Member of the Committee on Health, finds himself in.

This Amendment Bill has been drafted carefully to survive the constitutionality of the structure that is there, but at the same time, provide some semblance of a solution to a problem that is real and existing. This problem is real because the health function and our health workers are suffering. If there is a community and a profession that is the most underrated, despised and mistreated, it is the health sector. I say this without fear of any contradiction.

The best students in our country chose to study Medicine. The best profession in the country that admits the best students in the country, the 'A' students, is the health profession. You are invited to go and study medicine, spend six years in school, become an intern for another year or two years and get the highest qualification to deal with human life, then, what happens?

You struggle to get a job and when you get a job in County 'X,' you survive under the mistreatment of political actors at the local level, who have zero respect for your medical profession or desire to make sure that the health sector is succeeding. They are actually not only denying the health workers salary, including nurses, clinical

officers, but also increasing their own benefits, including allowances at the expense of the health workers. This is a sector that we must come together as a people of Kenya and rethink.

Madam Temporary Speaker, the United Kingdom was able to deal with the Coronavirus pandemic using its own public health sector. The Prime Minister, Boris Johnson, was treated in a public hospital when he had COVID-19. However, in this country, how many of us, including those of us who are in this House, will go to Kenyatta National Hospital to be treated for COVID-19 or any other disease?

The sector that has actually been abandoned completely is the health sector. We are busy building big highways, structures and buildings across the country. If you go to Kakamega, you will see a huge structure in the name of Kakamega Referral Hospital. But if you audit the health sector itself, the provision of the real health and the protection of the human resource, because that is the driving engine in the health sector---

The human resource is the most important element in terms of dealing with the health issues. You will realise that there is no much regard. Why? It is because if you pay doctors, nurses, clinical officers, public health workers and all health workers in the country, you do not get a kickback because there is no brokership in the middle of it. If you pay them well, perhaps it is not seen. You cannot go around and show the structures built. The well-being of your people is more important than the big structures we build in this country. We need to start changing not just from the leadership perspective, but from citizens in demanding real issues; good education and health.

The problem is that most of the county governments are audited based on whether or not you built a big road, building or structure. How many counties are insisting that they want their Governor to ensure that they have medicine in the health centres, dispensaries and good health services in our counties? If you look at the situation at the moment--- I predicted in my submissions in the paper I prepared in 2012, that one of the dangers of devolving the health sector is the chaos that ensued at the stage of transition. I cited about five lessons learnt from Philippines.

Madam Temporary Speaker, In the first five years of devolution in the Philippines, the following things happened. Allow me to quote. There was a decreased hospital occupancy and health centres utilization, which is already happening in all counties, including my own county.

There was decreased procurement of drugs and medical supplies. If you go to many health centres across the country now, even the centres that used to have medicine under one centralized system of Government do not have it now. Why? It is because the mandarins at the local level do not consider procurement of medicine more important. As I said, they do not get kickbacks. They consider the procurement of other supplies that they can get kickbacks from various characters as more important as the health sector.

Madam Temporary Speaker, if you look at the first five years of devolution in the Philippines, there was decreased maintenance on operating expenses of health facilities. This was because the pressure has gone to paying the big people that have come to the local level and other officers and so forth. Very little is given to the county resources.

There was loss of managerial and fiscal control of hospital administration because hospitals are interfered with by local politicians. They want to see their tribal person

there. They want to ensure that the person there is someone that listens to them for tribal or whatever reasons. Good managers that would have served in other parts of the country are told to look for jobs in other areas. Some of this is as a result from pressure from voters; that want them to only hire people that come from their community.

Madam Temporary Speaker, there resignation of key personnel. This is the example that I gave in my advice to the Ministry of Health in 2012. There would be resignation of key personnel. Go and check how many health workers have had to resign in many of the counties? Why? It is because of poor management of the local labour, including the payment of the health workers. Some are even paid their salaries after four months. This is not a good practice.

The last thing that I advised the Ministry on health practitioners is that there will be low staff morale. That is a fact all over the country. That is true in Elgeyo-Marakwet County. This is a problem that we must think of how to solve it. We must delve into it deeply and deal with it.

Sen. (Dr.) Ali is attempting to establish a council in this Bill. This council is meant to advise the Cabinet Secretary (CS) on policy, uniform names and standards. I advise him that this particular part must be reviewed. You cannot advise the CS on a function that he has no role at the county level. If the role is advisory, then it must be an advice not just to the CS, but to the Council of Governors (CoG) or county governments on uniform names and standards that should be applied across the country.

Madam Temporary Speaker, the Constitution already says that the CS has a policy responsibility at the national level. The question that we are asking ourselves is a key problem that Sen. (Dr.) Ali is trying to deal with here. I really feel sympathetic from the health workers. In 2010, 2012 and 2013, devolution caught some national Government staff who were serving in say Kisumu County or any other county. They were told that if they finish in Kisumu, they would be transferred back to Nairobi or Mombasa. They did that. They were employed knowing that they are not locked to one county. However, when devolution arrived, they were locked in that county.

When they want to move from one county to another, they are told to apply as a new job. This is the problem that Sen. (Dr.) Ali is dealing with here. That problem cannot be dealt with by merely creating an advisory board. I also advise Sen. (Dr.) Ali to expand the amendment of this Bill to the extent of creating an intergovernmental structure of transfer of staff with their emoluments and benefits from one county to another. This is so that these people do not throw the responsibility to advise.

We can go ahead and say that Article 137 of the Constitution allows for intergovernmental relations structures. Let us put in place a mandatory legislative framework that makes it possible for county governments and as a matter of right, for a staff that is moving from county 'x' to county 'y', we put in place the request, transfer the emoluments of that staff and ensure that their benefits and jobs are protected from one county to another.

Perhaps we should create a mechanism under the Salaries and Remuneration Commission (SRC) which advises counties on the minimum to pay. However, there must be a proper structure of SRC that creates the minimum a county can pay because it only creates the maximum. They must give us the minimum a doctor, nurse or other health

worker can be paid across the country. We must also create a structure that will facilitate the education of these health workers.

In the national Government level, health workers used to have the opportunity to go for further studies which was paid by the national Government. They would study and come back. However, when they go to the counties, they are told they do not have money. So, we inhibit their education and professional growth.

So, while I welcome this, Sen. (Dr.) Ali, I still advise that we move beyond that and see how to rework this at the Committee stage to ensure that we have an inter-governmental structure that brings together, including its membership from the national and county governments where these things will be resolved, not just as an advice but with a mandate to ensure that there is an inter-governmental structure allowed under Article 187 of the Constitution.

I am willing to render my personal advice at that stage to the Committee on Health that is working on it, or to Sen. (Dr.) Ali so that we work on it together to solve this problem as we wait for the time, if we decide, to bring the health function to the national level in terms of staff or find other ways.

Some of you will be governors, like Sen. Kihika who is seated next to me. I hope that they accept to protect our health workers and make sure that they are paid well. They need to re-orient the minds of Kenyan people to ensure that the demand of better services to the people is not building some structures but their wellbeing through their existing human resources or assets that they have in their counties and national Government.

Madam Temporary Speaker, I am happy. Some of us spent the last one week engaging the Congress of the United States of America (USA). People there are serious when it comes to standing their ground on matters of legislation against the State and the national Government.

I hope we can come out and become bold as a Senate.

President Biden is busy negotiating with the Senator of Western Virginia for his budget and legislative agenda to succeed. One Senator has made it impossible because the senator-ship of the USA is 50/50. However, when a mere phone call from someone pretending to be in the State House says the 'President has said', we fumble and start running around doing things that do not benefit our people. I hope as the Senate, we will stand firm and come out and say what we want to do.

Madam Temporary Speaker, next year when the 'hustler' Government comes to place, I assure you that in our 'bottom up approach' to resolving these problems, one of them will be for us to invest more in our health facilities from the local level. I promise this because I believe the hustler nation will take over.

Madam Temporary Speaker, we welcome you to join us in this movement.

The Temporary Speaker (Sen. Nyamunga): You are really working hard to convince the Speaker.

(Laughter)

Sen. Kihika: Thank you, Madam Temporary Speaker. I take this opportunity to congratulate Sen. (Dr.) Ali on the Health (Amendment) Bill, 2020.

Having reviewed it, I am persuaded to add my comment to what the other Senators before me have said. It does not go far as we would want but it is a great first step.

I say this because I am cognizant of the fact that health is one of the devolved function. Majority of what happens in the health sector is at the county level. So, when I look at the amendments, I am not sure how much they will be do since it is quite advisory and so it is not mandatory in what it recommends.

At the same time only so much can be done and we must start somewhere. Sen. (Dr.) Ali, I congratulate you for having the courage to begin somewhere.

Madam Temporary Speaker, we are also aware and know that if there is a problem in this country or in governance, it is really in the healthcare sector. I say this knowing that this happens at every county from one to 47. I am not sure that I have seen any county that has been able to handle the issues in the health sector well. We see this through the many strikes and complaints that we have seen and the soft underbelly of this has been exposed during this Coronavirus disease (COVID-19) time.

We have seen the very poor working conditions that the workers in the healthcare sector have experienced especially during this pandemic. One of the other things that I have seen lately is a lot of them being recruited to go outside Kenya and work in countries such as the UK, US, Canada, Australia and that sort of stuff. Meaning we do have very qualified healthcare workers in the country but we have not seemed to put much premium on what they offer to our citizens. You find they work very long hours and poor pay.

Madam Temporary Speaker, actually this weekend, I met a few young ladies. I was quite impressed because they were very young ladies and they were like five. I just happened to meet them somewhere in some place. What surprised me was hearing that they were all unemployed. These were doctors and dentists. I was quite surprised to hear that a lot of them are even unemployed even at a time where we have a ratio of doctor to patient of about one to 16,000. Even though the recommended United Nations and World Health Organisation (WHO) ratio is one to 1,000.

Clearly, they are very overworked and many are jobless but the conditions are poor. We even saw them during COVID-19 in a lot of the hospitals not having sufficient gear and they lack supplies. Those sort of issue are there. That is why I said Sen. (Dr.) Ali, thank you for beginning somewhere. I see from what you are trying to set up using the council, it would be advising on issues to do with recruitment, employment, deployment, promotions and the things that we are speaking to that have not been going quit well in the counties.

Madam Temporary Speaker, however, I am not sure how exactly this will be done at the national level when the counties are the ones responsible and mandated to handle as this is a devolved function. That is in as far as the recruiting and employment is concerned. I would also agree they will probably need some sort of standards so that we attract the healthcare personnel in Sen. (Dr.) Ali's county of Wajir the same way we are able to attract them in my county of Nakuru or wherever else.

I do believe that there is room and need to have some standardisation. I am just not sure how once it gets to the Committee, we will bring that on board. This is so that it

is handled despite this Bill focusing more at the national level. In my county, I have heard a lot of doctors complaining and not just doctors. I am talking about healthcare workers and nurses and all that personnel as far as promotion is concerned. You hear a lot of them talk about the way it is haphazardly done or for years they still have not had any promotion.

Madam Temporary Speaker, even during the time of pandemic when we required them to work very many hours, you hear many of them even went without salaries because the counties could not pay. It is a problem and it is definitely an issue that needs to be addressed. Remuneration is poor across the counties. There are a lot of occupational hazards for these healthcare workers.

There is a need to have what Sen. (Dr.) Ali is trying to do using this Bill done. I am just hopeful that once it gets to the Committee, there will be a way forward that can be found where it is not just advisory but maybe it is done more at the county level. I am just trying to think out of the box a bit.

I am really having a hard time, Sen. (Dr.) Ali, understanding how the Cabinet Secretary (CS) at the national level will, for example, direct the Governor of Uasin Gishu County as far as recruitment of doctors at that level is concerned. A way has to be found because there is madness going on with this sector in the sense of we have really neglected them. We have not been thankful as a country for the role that they play in keeping our citizens well. If you do not have healthy citizens, then it affects every sector of our country or of everything actually. It is really critical.

Madam Temporary Speaker, I support this amendment but, again, with a little bit of reservation in the sense of saying that there needs to be found a better way to make it work in a binding way so to speak so that it is not only advisory and we are not just having a talk show. It is a Bill that when it gets out there, it becomes an Act that will help streamline as far as the recruitment, employment, deployment, promotion, transfers within counties or intergovernmental, training and all that sort of stuff are concerned.

I am also aware that a lot of doctors do apply at the county level maybe to go for trainings abroad just to specialise in the different fields that they want to pursue. Half the time either the counties do not have enough personnel and so they are unable to release them or they do not have the financial resources to cater for that.

Madam Temporary Speaker, it is an area that needs attention and streamlining. I am hopeful that as the Bill proceeds to through the different stages, we will come up as a House to help Sen. (Dr.) Ali realize what he is trying to do. I can see it but I just do not know how exactly it will help going forward. It is all just advisory.

Thank you very much. I support.

The Temporary Speaker (Sen. Nyamunga): Thank you, Sen. Kihika. Sen. Kavindu Muthama, proceed.

Sen. Kavindu Muthama: Madam Temporary Speaker, thank you for giving me this opportunity to join my fellow Senators in congratulating Sen. (Dr.) Ali for this timely Health (Amendment) Bill 2020. Sen. (Dr.) Ali and the Committee can be specific on the role of this advisory committee and put in place a binding role that will enable them to speak to the national and county governments at the same time about the health sector. It can really help because the health sector in this country is suffering.

I did not know how much our doctors and medical personnel were going through until my late dear brother fell sick. I had to interact at a very close range with the doctors, nurses and even the cleaners of hospitals. That was until I discovered that they go for months without even pay. With this advisory council in place and proper binding roles, they will be advising. Something must be done in this country because the rule of law must be there. If the rule of law is not there, then we will keep on making laws which will never be followed by any one.

Madam Temporary Speaker, I request Sen. (Dr.) Ali with the team that is working on this to put in place a binding role that will enable this advisory council, committee or board for the national and county governments to implement whatever the advisory will come from the council. This is because for sure if you work and you are not motivated in any way, you will not do your work the way you should.

Madam Temporary Speaker, these people give themselves even to go into, for example, Coronavirus disease (COVID-19) isolation wards. They get in there and yet they know that they are vulnerable and can be infected, die and leave their families. For sure when they are doing that, they have not been paid for months and their families are suffering. Some of them do not even know when they will go back home to find their landlords asking for rent, while their children and wives are asking for food. The following day they again wake up to go and provide the same services. For sure, we should do something.

Even for the cleaners, if those facilities are not cleaned, those doctors, the patients and those who go to see the patients will not be happy to enter the dirty places and yet they go for months without pay.

Madam Temporary Speaker, I know a case in Machakos County where people have worked as cleaners for about six months with no pay until they resign. Others come, they are employed, they work for two or three months, there is no pay and they too resign. This is a timely Bill if only something can be done. We hope that the advisory that they will give will be implemented.

Another issue concerns specialised doctors. My late dear brother had to be transferred to Kenyatta University Teaching, Referral and Research Hospital (KUTRRH) from Machakos General Hospital because they could not get services of a cardiologist. If this does not happen across the board, we shall not have specialised doctors in the counties. This is so that patients in national hospitals get the same services as those in the counties. That will be very good.

Madam Temporary Speaker, I am sure with the advisory committee in place, they will know which doctors are where and where a particular patient should be referred. There should be that flexibility. The doctors and medical personnel will also have a place where they can raise their voice. If they are only depending on the county governments since health is a devolved function, then they have nowhere to take their complaints. That is why we see them every now and then on the streets, demonstrating for lack of pay and other amenities.

Even at KUTRRH, in that particular ward where my brother was referred to for isolation, a doctor had not seen the patients who were there for one and a half weeks. Tell me, did these patients survive COVID-19? If the doctors could not go in there because of

lack of Personal Protective Equipment (PPEs), how could the people who were supposed to serve them food get in? Many of them died.

Madam Temporary Speaker, we are losing so many people because of lack of good facilities, care and medication. It is not only in Machakos County, but almost in every county, there is lack of medication in hospitals. There is no medicine or gloves. There is nothing. This Bill is timely. With proper rules and coordination in place, it will help to solve many problems in this country.

Thank you. I support.

The Temporary Speaker (Sen. Nyamunga): Thank you, Senator. Sen. (Eng.) Hargura, proceed.

Sen. (Eng.) Hargura: Thank you, Madam Temporary Speaker. I would like to thank Sen. (Dr.) Ali for coming up with these amendments to the Health Act. First of all, health is a devolved function. We know very well we have a system of governance where we have two levels. The Constitution in Article 6 (2) clearly states that the Government at the national and counties are distinct and interdependent and shall conduct their mutual relations on the basis of consultation and cooperation.

I believe this is a case of cooperation in terms of delivery of health services to Kenyans in all parts of this country. We know very well that health is a shared function in the sense that policy is a national Government function. The provision of services at the national referral health facilities is also a national Government function. However, the county health services function is a county government function. So, it is a shared function. This is where the staff whose welfare is being addressed by these amendments fall.

Madam Temporary Speaker, healthcare staff are employed at the county level. We know very well that is part of the mandate of the County Public Service Board (CPSB) but there is need to have standards. Training as it has been said, is standardised and Kenyan health workers are trained to very high levels. That is why they can easily move to other countries especially in the commonwealth to get employment. However, remuneration has been an issue and that is why we always have strikes by the health workers.

In ensuring that the healthcare standards are uniform across this country or as uniform as possible, we have staff who are being trained at the same level. They are capable of providing the same level of service across this country. However, the other aspect is the infrastructure. Do we have the same health infrastructure across this country? We do not have. When you say we do not have specialists in Marsabit County, the question is, do you have that facility where a specialist can come and operate? If it is not there then you cannot have a specialist there.

Madam Temporary Speaker, the next issue is how we make sure that we have almost the same level of infrastructure across the country. One way of addressing that issue has been the issue of Managed Medical Equipment (MES) which to some extent some facilities which were not available across this country were provided through the medical equipment leasing scheme which has its own problems.

Where the equipment has been put to use, it has improved the level of services in those areas. We must also address that aspect of provision of proper infrastructure and

equipment so that these specialist health workers can work in those areas at the higher level. Otherwise, we will still have to refer them to Nairobi.

Madam Temporary Speaker, there is need to have this kind of body especially when it comes to employment and transfer across the counties and different levels of Government. That is why we have this body. I have listened to what most Senators have said here. This is an advisory board. What Sen. (Dr.) Ali was doing was to amend and try and improve. What is coming out through is why we should not come up with a body not an advisory one? That is a body, which has the capacity to carry that function of getting all health workers in one pool and being able to transfer them across the country. That way, we can have that ability to move the staff around.

Coming to the Bill itself, the first part of the amendment is about the composition of the Kenya Health Human Recourse Advisory Council. The amendment is removing unnecessary national Government representation in terms of the director of health. I think the Principal Secretary (PS) is covering it. There is no need of having the director of health there. Then there is the Attorney- General's representative. Then the two slots go to the council of CPSBs.

Madam Temporary Speaker, taking into account that if most of these health workers are unionised, how can we get the unions at a level in this kind of a body so that they can advise? It is easier to have your issue addressed when you are on the table than when there is nobody representing you there. How do we get the unions in at that level?

When it comes to the issue of the functions of the council, I can see what the sponsor of the Bill did. The item one is what was contained in the original Bill. He has put it under one then introduced the other functions now of the advisory board. My concern is that if you look at part (b), the employment issue is already a county government function. Therefore, whatever advisory that should be there should also be directed by county governments.

Madam Temporary Speaker, then on the issue of promotion of health workers, we have to look at what the existing regulations are. I am sure there must be existing regulations. On training of healthcare staff professionals, there must be some staff development programmes for the healthcare staff. We need to enhance those ones.

In the case of remuneration, there is the issue of Salaries and Remuneration Commission (SRC). The staff under this category fall under the purview of the SRC. Who will this advisory be given to? Will it be SRC or the Cabinet Secretary (CS) for Health? That is why Members are saying that we should enact clear laws, which are binding or directed to a particular institution that can implement them. Otherwise, if you are just advising maybe the CS for Health, and remuneration is an SRC issue, then it will not meet the required purpose.

Madam Temporary Speaker, I support the Bill, but Sen. (Dr.) Ali needs to take all those views into account, sharpen it and have the advice being directed to the relevant bodies that can make those decisions. Also, maybe with time, see how a body - not an advisory one - which can make decisions on behalf of the health sector staff can also be crafted within or maybe outside the same Act.

That way, we can have a body which can competently handle the issue of the healthcare staff. The main aspect is the issue of inter-county or intergovernmental

transfers. That also needs to be taken care of, so that we can improve on the existing laws and working conditions of the healthcare staff. That then can make legislations, which will improve the healthcare system in this country.

Madam Temporary Speaker, I support and urge the Mover to take into account all those views raised by the Members.

The Temporary Speaker (Sen. Nyamunga): Thank you, Senator. Sen. Cheruiyot is not in.

Sen. M. Kajwang' proceed.

Sen. M. Kajwang': Madam Temporary Speaker, I want to go on record as a supporter of this amendment Bill. Many of the speakers who have spoken have been asking why Sen. (Dr.) Ali is talking of an advisory council. They should have looked at the parent Act. The parent Act has almost 14 clauses dedicated to the health resource advisory council.

What Sen. (Dr.) Ali is trying to do is to expand the scope and mandate of that council, so that it can be more responsive to the needs of health workers in counties. We have an option, as the Members of the Senate, to decide to do nothing and wait for a constitutional amendment, or try and do something to better the lot of our health workers in counties.

Madam Temporary Speaker, as it is, I believe that the ideal situation is one where health workers are a shared resource and a national asset. The Coronavirus disease (COVID-19) pandemic has taught us that the new soldiers in the war that humanity is waging are health workers.

Conventional soldiers are now not going into battle with guns, bayonets, swords and grenades. Now, they are using drones. If you saw the wars in Armenia and Azerbaijan, humans were not deployed. It is machinery that was deployed, yet in the fight against COVID-19, we had to deploy humans in the name of health workers.

Madam Temporary Speaker, it then means that our health workers should be treated with the same sacred level of seriousness as we treat our soldiers. We cannot continue to disperse them the way we have been giving them terms that are not equal. We take our best students, who should be conducting research on vaccines for viruses, a solution for sickle cell, which is a disease that afflicts mostly those areas that have got Malaria, and no one is paying attention to it.

We make them frustrated. I want to ask this House: When did you last hear revenue collectors in counties going on strike? They will never go on strike even if they have not been paid for two years. When did you last hear Members of the County Assemblies (MCAs) going on strike? Never! However, health workers perennially---

The Temporary Speaker (Sen. Nyamunga): Order! Sen. M. Kajwang' has a balance of 18 minutes. You will be entitled to your 18 minutes the next time this Bill is listed on the Order Paper.

ADJOURNMENT

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Thursday, 7th October, 2021, at 2.30 p.m.

The Senate rose at 6.30 p.m.