

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Thursday, 24<sup>th</sup> March, 2022

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

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

#### PRAYER

#### COMMUNICATION FROM THE CHAIR

DEMISE OF THE SPEAKER OF THE PARLIAMENT OF  
UGANDA, HON. JACOB L'OKORI OULANYAH

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators I have one communication to make.

I regret to communicate to the House, the demise of the Hon. Jacob L'Okori Oulanyah, MP, Speaker of the Parliament of the Republic of Uganda. The Hon. Speaker passed on, on Sunday 20<sup>th</sup> March, 2022, while undergoing treatment in Seattle, USA.

The Speaker, Hon. Jacob Oulanyah was a Ugandan agricultural economist, lawyer and politician. On 24<sup>th</sup> May, 2021, the late Hon. Jacob Oulanyah was elected Speaker in Uganda's 11<sup>th</sup> Parliament for the session 2021 to 2025.

May I allow Sen. Madzayo to come in.

*(Sen. Madzayo walked into the Chamber)*

Hon. Senators, the late Speaker Oulanyah was born on 23<sup>rd</sup> March, 1965 in Omoro County in Gulu District of Northern Uganda. He attended St. Joseph's College, Layibi, Dr. Obote College, Boroboro, and Kololo Senior Secondary School for his O'Level and 'A' Level education.

In 1988, he joined Makerere University, where he studied Agricultural Economics; he graduated in 1991 with a Bachelor of Arts in that subject. That same year, he joined law school, at Makerere University, graduating in 1994 with a Bachelor of Laws Degree. In 1995, he obtained a Postgraduate Diploma in Legal Practice from the Law Development Centre (LDC).

May I allow Sen. Cheruiyot to take a seat.

*(Sen. Cheruiyot sat in his place)*

Hon. Members, thereafter, the late Speaker established a private law practice, Oulanyah, Onoria and Company Advocates, and served as a lecturer at Makerere University.

He was elected Member of Parliament (MP) in 2001 and the same year, he was appointed to the Parliamentary Committee on Legal and Parliamentary Affairs, responsible for the budgets and administration of all constitutional bodies, the Ministry of Justice and the Judiciary.

In 2004, he was elected unopposed to be the Chairman of the said Committee. In the two years that followed, he handled one of the most delicate periods of the political history of Uganda. That included a constitutional review and political transition.

The political transition involved steering the referendum legislation and a Constitutional Referendum Motion that paved the way for the 2005 Referendum for changing the political system in Uganda.

In 2011, Hon. Oulanyah was re-elected Member of Parliament (MP) for Omoro County. In the same year, he was elected Deputy Speaker of Parliament. He was subsequently appointed Head of the Uganda Delegation to the African, Caribbean, and Pacific–European Union (ACP-EU) Joint Parliamentary Assembly. Hon. Members know I have been leading the Delegation of the Senate to ACP-EU.

He also served as a Member of the Executive Committee of the Commonwealth Parliamentary Association (CPA) in 2001. In 2016 General Elections, Hon. Oulanyah was again re-elected to represent Omoro County Constituency and also to the position of Deputy Speaker.

Hon. Senators, without a doubt, the great people of Uganda and his family in particular; the Parliament of Uganda; and, the people of the East Africa Community (EAC) at large, have lost a vibrant, pragmatic and dedicated leader. May the Almighty God rest his soul in eternal peace.

Hon. Senator, may I add that Hon. Oulanyah, in our ACPEU Delegation of the East African Region, was out Team Leader. He is the one who stood at all times to defend the positions of EAC. This is particularly in the negotiation of as far as trade is concerned, where we do negotiations jointly. As a Delegation to the ACP-EU, which will be sitting next week in Paris, we shall really miss the Hon. Oulanyah. He was the Team Leader who always led with a lot of diligence.

Hon. Senators, in tribute and honour to our departed brother and colleague, the Late Hon. Jacob L’Okori Oulanyah, I request that we all stand to observe a moment of silence.

*(Hon. Senators observed a moment of silence)*

Thank you, Hon. Members.

Hon. Senators, before we allow Members to contribute, we want to respect EAC, which advocates for Kiswahili as the lingua franca for the whole continent. For that matter, may I ask my colleague to read the message in Kiswahili. Sen. Kinyua, to come.

*(Sen. Kinyua consulted the Deputy Speaker)*

That is okay. We want him to contribute in Kiswahili first. Not to read but to make his comments, pass his message and paraphrase my Statement in Kiswahili. After that, we will have the Senate Majority Leader who was a very close friend to the Hon. Oulanyah.

Sen. Kinyua, you will be the first to contribute.

**Sen. Kinyua:** Asante, Bi Naibu Spika, kwa kunipa fursa hii nitume risala zangu za rambirambi kwa ndugu zetu kwa kumpoteza Spika.

Sisi kama Jumuiya ya Afrika Mashariki, ni jambo ambalo limetupiga na kutuacha na mshangao. Huyu ni mtu ambaye tulimjua kama aliyejitolea mhanga na kufanya kazi yake huku akizingatia sheria.

Siku ya leo, ninaleta risala zangu mwenyewe, familia yangu na za watu wote wa Kaunti ya Laikipia. Tungependa kuwaambia ndugu zetu wantegemee Mwenyezi Mungu kwa sababu hakuna jambo ambalo linatendeka bila Mwenyezi Mungu kujua, ikiwa ameketi katika Kiti chake cha Enzi.

Mimi mwenyewe sikuwa nimekutana naye, lakini ninajua Bi Naibu Spika na wengine walijumuika naye katika shughuli tofauti.

Mimi kama Seneta wa Laikipia nasema pole. Tunatuma pole zetu kwa ndugu zetu na kuwaambia ya kwamba hili ni jambo ambalo limetuacha na kiwewe. Tutawaombea Mwenyezi Mungu aiweke roho yake mahali pema peponi na wakati wa kيامa utakapofika, aweze kukumbukwa.

Mambo aliyoyafanya katika inchi yake yataandikwa kwa wino usiofutika katika daftari ambazo hazitasahaulika. Mswahili husema mghala muue na haki mpe. Ametenda wema na wema utamfuata. Tunawaambia familia yake pole.

Mambo aliyotenda katika inchi yake yakumbukwe na yawe mfano wa kuigwa. Hata Jamhuri yetu ya Kenya pamoja na Afrika nzima iige mfano wake kwa sababu ni mtu ambaye alifanya kazi kwa kujitolea.

Bi. Naibu wa Spika, asante kwa nafasi hii. Ninaomba nikomee hapo ndio niwape fursa wenzangu ambao wangependa kuchangia.

Ndiposa tuimarisha lugha yetu ya Kiswahili, ningeliomba hata ndugu zangu watakaochangia siku ya leo, wajifunge kibwebwe na kuchangia kwa Kiswahili. Hivyo ndivyo tutakavyoweza kufanikisha lugha ya Kiswahili Afrika Mashariki, Afrika kwa jumla na hata duniani kote.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Asante sana, Sen. Kinyua. Yes, Senate Majority Leader, Sen. Poghisisio, was a close friend.

**The Senate Majority Leader** (Sen. Poghisisio): May I get direction from---

*(Loud Consultation)*

Bi. Naibu wa Spika, umesema hivyo?

**The Deputy Speaker** (Sen. (Prof.) Kamar): The Deputy Speaker has not ruled from this Chair. The Speaker is ruling from the wrong Chair. So, you are free.

**The Senate Majority Leader** (Sen. Poghisisio): Madam Deputy Speaker, let me moderate the languages; one Kiswahili and then one English. So, the one after me should be Kiswahili.

Madam Deputy Speaker, I take this opportunity to mourn with the citizens, the Government and the Parliament of Uganda, for the death of the Speaker, The Rt. Hon. Jacob Oulanyah.

Personally, I have known Hon. Oulanyah and his family for many years. He was a well-known lawyer in Uganda. At the same time, he was a long time MP who was very popular in his Constituency and he was elected many times. He was also very popular amongst MPs because they elected him Deputy Speaker twice and finally, as the Speaker.

Hon. Oulanyah was a very active young man – not only in those international meetings that you mentioned, among them ACPEU – but also a Member of the National Prayer Breakfast. We have travelled to places for the National Prayer Breakfast and he participated actively in them. I know that he will be missed by many, especially those of us who know him.

Madam Deputy Speaker, we have to start speaking about the issues affecting the whole of East Africa. Whenever we have a problem of illness, we have to travel outside to some other countries. It is a big challenge for us.

If the resources in Africa can go to the right place, we could invest a lot in dealing with some of these illnesses. He had cancer and we do not have enough facilities in this country and in the region. People have to go to India, Turkey, and the United States of America (USA). We are resourced. Therefore, we need to put our monies in the right places or train our people well enough.

As I conclude, I take this opportunity, on behalf of the people of West Pokot and Members of this House, to condole with his family, colleagues and Parliament of Uganda. We all stand with the people of Uganda to mourn the loss of their Speaker.

He replaced another strong Speaker, Hon. Kadaga, who had served for many years and with whom they worked together. We say *pole*. We are deeply sorry for the loss of such a young Speaker.

May God rest his soul in eternal peace.

**Sen. Madzayo:** Asante sana Bi. Naibu Spika. Kwanza, natoa risala zangu za rambirambi kwa familia, jamii na wananchi wote wa Uganda kwa kumpoteza Spika wao.

Pili, tunajua kuwa kumpoteza Spika katika Bunge ni pengo kubwa sana. Halijatokea hapa kwetu na hatuombi litokee. Kumpoteza Spika katika Bunge, kunapatikana wakati mgumu sana. Majonzi kama hayo sio viatu vinavyoweza kuvaliwa na mtu mwingine.

Tulikutana na Mheshimiwa Oulanyah wakati wa michezo ya Waheshimiwa wa Bunge la Afrika Mashariki tukiwa Kampala, Uganda. Tulikuwa huko kwa wiki mbili. Wakati wa jioni, tulikukaa naye, tukala chakula cha usiku. Tunamkumbuka, Mheshimiwa Oulanyah kama mtu mcheshi.

Mkiketi naye hauwezi fikiria kuwa wakati unaenda. Baada ya muda, ndipo utaona saa zimeenda maana mkiwa naye, mnakula mkicheka na kuzungumza. Kwa hivyo, ni jambo la kusikitisha sana kwamba alipatikana na ugonjwa wa saratani ambao haukugunduliwa mapema na hivi sasa umechukua maisha yake ilhali umri wake haukua mkubwa sana.

Kwa watu wa Uganda na Afrika Mashariki, kwa Maspika wote wa nchi za Uganda, Burundi, Rwanda, Kenya na Tanzania, tunawaambia pole kwa kumpoteza mpendwa wao.

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

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

**Sen. Wambua:** Asante sana, Bw. Spika wa Muda kwa kunipa nafasi hii niujiunge na wenzangu kumuomboleza mwenda zake, Spika wa Bunge la Uganda.

Nachukuwa nafasi hii kwa niaba yangu na ya wakaazi wa Kaunti ya Kitui ninaowakilisha katika Bunge la Seneti, kutuma risala za rambirambi kwa familia, jamii, Bunge la nchi jirani ya Uganda, kufuatia kifo cha Spika wao.

Ninawapa pole Maspika wote wa Bunge za Jumuiya ya Afrika Mashariki kwa kumpoteza mwenzao aliyekuwa kiongozi baina yao.

Niseme kwa kifupi kwamba hili janga la saratani limetupokonya viongozi na watu wengi katika eneo la Afrika Mashariki. Ingekua ni jambo la muhimu sisi kama viongozi tungejitolea na kuhakikisha kwamba tumefanya juu chini kuweka hospitali na vifaa vinavyotakikana kukabiliana na janga hili.

Ni jambo la kusikitisha kwamba wakati mwingi viongozi, wetu wakiwa na huu ugonjwa, wanaenda nchi za nje kupata matibabu. Sio watu wengi wanaweza kwenda nje kutafuta matibabu. Kwa sababu ugonjwa huu haubagui viongozi wala wananchi wa kawaida, ingekuwa ni jambo la busara kuweka mikakati ya kutosha kuwa na vifaa na hospitali za kukabiliana na janga hili.

Kwa niaba yangu tena, familia yangu na watu wa gatuji la Kitui, nasema pole kwa familia ya mwenda zake Spika Jacob.

Mungu na ailaze roho yake mahali pema peponi.

**The Senate Minority Leader (Sen. Oremo):** Asante sana Bw. Spika wa Muda. Nami pia najiunga na Maseneta wenzangu kutuma risala zangu za rambirambi. Si zangu tu, bali pia kwa niaba ya wakaazi wa Siaya na wananchi wa Kenya kwa jumla. Sisi sote tunatoa risala zetu za rambirambi kwa wananchi wa Uganda.

Sikumjua Spika Oulanyah kwa kibinafsi. Lakini, nimesoma na kujua kumhusu. Kwa kweli ukijua historia ya Uganda, imepitia pahali pagumu kisiasa. Najua mwenzangu, Kiongozi wa Walio Wengi katika Seneti, Sen. Poghiso, anafahamu historia hiyo kuliko wengi katika Seneti na wanasiasa kwa jumla.

Nimesoma na nimepata kujua kwamba mwenzetu, Spika Oulanyah, alifanya kazi muhimu katika kupitisha marekebisho ya katiba Uganda.

Marekebisho ya Katiba ya Uganda hayakuwa rahisi. Nchi ya Uganda imekuwa na historia ngumu zaidi ukilinganisha na historia yetu ya kisiasa kwa sababu iliwahi kuongozwa na serikali ya kijeshi. Mwakili na wanasiasa kama yeye walijitokeza kuona kwamba kuna uongozi wa kidemokrasia Uganda. Pongezi kwake.

Wakati watu watafikiria kuandika – hata pengine historia ya Uganda ishaandikwa – kutakuwa na sehemu kubwa ya aliyekuwa Spika Mhesh. Oulanyah kuonyesha vile alitetea uongozi wa kidemokrasia na Katiba ambayo ilipitishwa akiwa katika Bunge la Uganda.

Kwa kweli, wadhifa wa Spika katika nchi yoyote ya kidemokrasia ni muhimu sana. Wakati mwingine hatufikirii kwamba wadhifa wa Spika ni muhimu. Kuna baadhi ya Maseneta hapa ambao wameona kuwa wadhifa wa Spika si rahisi.

Wakati *Chief Justice* wa kwanza alipoteuliwa, kulikuwa na hali ngumu ya kisiasa katika nchi ya Uganda. Kuna wakati *Chief Justice* Kiwanuka na Wabunge walijaribu sana kuona kwamba Uganda inalinda Katiba na kuzingatia demokrasia lakini hawakufaulu kwa sababu baadaye Jemedari Amin alichukua uongozi na kurekebisha hali hiyo. Hatimaye kulikuwa na vita. Watu waliuwawa, wengine walikamatiwa na wengine walitoroka Uganda.

Kwa hivyo, nampongeza sana aliyekuwa Spika kwa sababu katika hali hiyo ngumu, yeye pamoja na wanasiasa wengine wa Uganda walijaribu sana kuona kwamba kuna serikali ya kidemokrasia katika nchi ya Uganda.

Nafikiri wakati huu ambapo tunataka--- Tutakuwa na uchaguizi mwaka huu. Tatachagua Wabunge katika Bunge la Kitaifa na Seneti. Tutakuwa na Wabunge wa kuchaguwa Maspika katika Mabunge yetu mawili; Seneti na Bunge la Kitaifa. Wanafaa kuwa washupavu wa kuchagua watu wenye msimamo kama aliyekuwa Spika wa Uganda Hon. Jacob Oulanyah.

Kwa hayo machache, Bw. Spika wa Muda, nikubalie tena nitoe risala zangu za rambirambi. Asante sana.

**The Temporary Speaker** (Sen. Kinyua): Sen. Cheruiyot, uwanja ni wako.

**Sen. Cheruiyot:** Asante sana, Bw. Spika wa Muda, kwa kunipa fursa hii, kwa niaba ya wakaaji wa Kaunti ya Kericho ambao ninawakilisha katika Bunge hili, kutoa rambirambi zangu binafsi, jamii yangu, na wao kwa jumla, kwa Bunge na taifa la Uganda kwa kumpoteza Spika wao.

Kama vile mmoja wetu alivyosema, mwaka uliopita mwezi wa Disemba, tulipata fursa ya kujumuika naye katika michezo ya Mabunge ya Jumuiya ya Afrika Mashariki mjini Arusha. Ingawa hatukuzungumza kwa ukaribu, tulipata kushabikia timu zetu pamoja. Tulifurahia kwa wiki mbili ambapo michezo hiyo ilifanyika.

Kulingana na vile nilivyomwona wakati alipokuwa akitekeleza majukumu yake kama Spika na kuongoza timu za Uganda katika michezo, alikuwa mtu mkakamavu aliyependa watu na uongozi wake uliheshimika na Wabunge wa Tanzania.

Mabunge ya Afrika Mashariki yanatambuana kwa sababu tunalenga kuleta uwiano. Tuna matumaini kwamba siku moja tutaweza kufikia ndoto yetu ya kupata maazimio ya Jumuiya ya Afrika Mashariki ya kuwa watu wamoja, kwa kuzungumza lugha moja na katika kazi zetu.

Tunatarajia kuwa mazungumzo ya simu yatatozwa ada sawa katika mipaka yetu. Watu wasiwe wanaitishwa vitambulisho kwa sababu sisi wote ni ndugu na dada. Hatuwezi kuyapata hayo kama hatutachukua fursa kutambuana na kusimama na wenzetu wakati wa janga kama hili.

Ni vyema kwamba Bunge la Kenya limechukuwa muda huu wote kupeana pole na rambirambi zetu kwa watu wa Uganda ili wajue sisi tunawapenda, tunawaheshimu na tunawaona kama ndugu.

Kwa niaba ya watu wa Kericho, ninatoa rambirambi zetu.

**The Temporary Speaker** (Sen. Kinyua): Sen. Halake, endelea.

**Sen. Halake:** Asante sana, Bw. Spika wa Muda, kwa kunipa fursa ili pia kuungana na wenzangu kuwapa pole watu wa Uganda na Bunge la Uganda kwa kumpoteza Spika wao.

Simjui binafsi lakini ningependa kuwapa pole kwa sababu huu ni wakati mgumu sana kwa familia ya mwenzake. Hata hivyo, sisi kama Wabunge ni familia yake pia. Sitaki kusema sana ila tu kuwaombea Mungu awape subra wakati huu mgumu wa buria. Vile vile awape wananchi na Wabunge wa Uganda subra katika mambo yao.

Sisi kama Waislamu tunashukuru kwa kila kitu. Hata katika kifo, tunampa Mungu shukrani kumuonyesha kwamba hata kama sisi binadamu tunajua mengi, kuna mengi ambayo hatujui na Mungu ndiye hutupa maisha na tunarudi kwake tukishamaliza safari yetu hapa duniani.

Nawapa pole na Mungu amlaze pema peponi alipowalaza wale wema mbele yake.

**The Temporary Speaker** (Sen. Kinyua): Sen. Olekina, wakati ni wako.

**Sen. Olekina:** Asante, Bw. Spika wa Muda, kwa kunipa fursa ili niweze kutoa rambirambi zangu kwa familia ya aliyekuwa Spika wa Bunge la Uganda na Wabunge wa Uganda ambao najua wamechaguwa Spika mwingine. Wamempoteza mtu shupavu.

Kazi ya Spika ni kama ya refarii ambaye anaketi pale kutupa sisi nafasi ili tuweze kutetea wananchi ambao walituleta hapa. Kwa kweli, ni jambo la kuhuzunisha kumpoteza kiongozi kama huyo.

Ningependa kuwajulisha watu wa Uganda kwamba sisi kama Wakenya, katika uwiano wetu wa jumuiya ya kimataifa, tunawapa pole. Tunawaombea ili Mola awape nguvu ya kuendelea na maisha.

Tunajua kuwa Maisha yetu duniani ni siku chache sana. Kifo kinatukumbusha kuwa wakati tuko hai lazima tufanye ile kazi iliyotuleta duniani ili tuweze kuwasaidia wananchi ambao wanatuamini kuwafanyia kazi nzuri.

Asante Bw. Spika wa Muda.

**Sen. (Dr.) Musuruve:** Bw. Spika wa Muda, nashukuru sana kwa nafasi hii umenipa ili kuwasilisha rambi rambi zangu kwa Waganda na jamii ya Spika mwenzake. Ni uchungu sana kumpoteza Spika. Wakati wa michezo Spika wa Uganda alikuwa mwepesi kwa kutengeneza urafiki. Kwa niaba yangu na ya watu walemavu, ningependa kusema pole sana kwa Waganda kwa kumpoteza kiongozi aliyekuwa mshupavu. Bunge la Uganda linaomboleza na tunaomboleza pamoja nao. Tunaomba Mungu aweze kuwafariji kwa kuwa ni yeye mwenye faraja. Pia ninaomba Mwenyezi Mungu aweze kuidumisha na kuisaidia jamii ya Spika, haswa wakati huu wanapopambana na msiba huu. Mungu aweze kuwarehemu.

Asante.

**The Temporary Speaker** (Sen. Kinyua): Order Members. Maseneta nina wasilisho lingine.

## TAARIFA KUTOKA KWA SPIKA

### UCHAPISHAJI WA KANUNI ZA KUDUMU KATIKA KISWAHILI NA UWILILUGHA

Waheshimiwa Maseneta, Ibara 120 ya Katiba ya Kenya inaeleza kwamba lugha rasmi za Bunge la Kenya zitakuwa Kiingereza, Kiswahili na Lugha Ishara ya Kenya. Kwa kuongezea, kwamba shughuli za Bunge zinaweza kuendeshwa kwa lugha zilizotajwa. Isitoshe, Kanuni ya Kudumu ya 87 (1) ya Kanuni za Kudumu za Seneti

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zinataja kwamba shughuli zote za Seneti zitaendeshwa kwa Kiswahili, Kiingereza au katika Lugha Ishara ya Kenya.

Waheshimiwa Maseneta, uzingatiaji wa masharti yaliyotajwa hapo juu ya Kanuni za Kudumu umekuwa na changamoto hasa wakati ambapo hotuba ya Seneta ipo katika Kiswahili na angependa kunukuu sehemu fulani ya Kanuni za Kudumu.

Maoni pia yametolewa kuhusu umuhimu wa kutafsiri Kanuni za Kudumu za Seneti katika Kiswahili ili kuweza kufungua shughuli za Seneti kwa sehemu kubwa ya umma wa Kenya, ambao huitumia lugha hii katika shughuli zao za kila siku.

Kamati ya Uratibu na Kanuni iliamua kwamba Kanuni za Kudumu za Seneti zitafsiriwe kwa Kiswahili. Katibu wa Seneti aliunda Jopokazi la Tafsiri ya Kanuni za Kudumu za Seneti lililojumuisha maafisa wa Seneti. Katika kufanya shughuli hii, Jopokazi lilitafuta usaidizi wa wasomi watajika wa Kiswahili kutoka Chuo Kikuu cha Nairobi na Chuo Kikuu cha Moi. Kwa kuongezea, Jopokazi lilifaidi pakubwa kutokana na ujuzi wa Maseneta wawili, Sen. (Dkt.) Agnes Zani, CBS, na Sen. (Dkt.) Isaac Mwaura, CBS.

Jopokazi hili lilitokeleza shughuli hii na kufanya mikutano kadha ya uidhinishaji na kuwasilisha ripoti yake kwa Bodi ya Usimamizi ya Seneti. Baadaye, ripoti hiyo na nakala iliyotafsiriwa ya Kiswahili ya Kanuni za Kudumu ziliwasilishwa kwa Kamati ya Uratibu na Kanuni. Katika mkutano wake uliofanyika tarehe 8 Julai, 2021, Kamati ya Uratibu na Kanuni ilizingatia na kuidhinisha Kanuni za Kudumu za Seneti na nakala ya uwililugha.

Ninafuraha kuijulisha Seneti kwamba Kanuni za Kudumu za Seneti na Kanuni za Kudumu za Uwililugha sasa zimechapishwa na zitasambazwa kwa Maseneta wote. Kwa niaba ya Seneti, ningependa kumshukuru Katibu wa Seneti na Jopokazi la kutafsiri Kanuni za Kudumu za Seneti likiongozwa na Bw. Lawrence Amolo kwa kutafsiri na uchapishaji wa Kanuni hizi.

Pili, shukrani zetu kama Seneti zinawaendea Makamu Wakuu wa Chuo Kikuu cha Nairobi na Chuo Kikuu cha Moi kwa kuwaruhusu wasomi watajika wa Kiswahili kusaidia katika tafsiri. Wasomi hawa ni:

- |                            |   |                        |
|----------------------------|---|------------------------|
| (1) Prof. Iribe Mwangi     | - | Chuo Kikuu cha Nairobi |
| (2) Dkt. Prisca Jerono     | - | Chuo Kikuu cha Nairobi |
| (3) Prof. Clara S. Momanyi | - | Chuo Kikuu cha Moi     |
| (4) Bw. Nuhu Bakari        | - | Chuo Kikuu cha Moi     |

Tatu, shukrani zetu za dhati zinawaendea Sen. (Dkt.) Agnes Zani, CBS, na Sen. (Dkt.) Isaac Mwaura, CBS, kwa kupata muda kutokana na shughuli zao nyingi ili kutoa ujuzi wao wa Kiswahili kwenye mchakato wa tafsiri.

Mwisho, shukrani za kipekee ziiendee Kamati ya Uratibu na Kanuni kwa kuongoza mchakato wa kutafsiri na kutoa nakala za Kiswahili na Uwililugha za Kanuni za Kudumu. Kamati hii inajumuisha:

- |                                     |   |   |
|-------------------------------------|---|---|
| 1. Sen. Kenneth M. Lusaka, EGH,     | - | Spika wa Seneti (Mwenyekiti)                |
| 2. Sen. (Prof.) Margaret Kamar, EGH | - | Naibu Spika wa Seneti<br>(Naibu Mwenyekiti) |
| 3. Sen. (Dkt.) Lelegwe Ltumbesi,    | - | Mwanachama                                  |
| 4. Sen. Rose Nyamunga, CBS,         | - | Mwanachama                                  |
| 5. Sen. John Nderitu Kinyua,        | - | Mwanachama                                  |



- |                                 |   |            |
|---------------------------------|---|------------|
| 6. Sen. Judith Pareno,          | - | Mwanachama |
| 7. Sen. Beth Mugo, EGH,         | - | Mwanachama |
| 8. Sen. (Dkt.) Agnes Zani, CBS, | - | Mwanachama |
| 9. Sen. (Mhasibu) Farhiya Haji, | - | Mwanachama |

Waheshimiwa Maseneta, shughuli hii imechukua muda mrefu lakini kama mnavyojua, wahenga walisema, kawia ufike. Kwa sasa hivi, ndio mwanzo mkoko unaalika maua. Kuzinduliwa kwa Kanuni hizi za Kudumu katika lugha ya Kiswahili ni jambo muhimu sana la kujivunia na tajika katika historia yetu kama nchi na kama Bunge la Seneti.

Ningependa kuwasihi nyinyi nyote mfanye jitihada ili mfanikishe matumizi ya Kiswahili katika shughuli za Seneti. Hii itatuwezesha kuwasiliana barabara na wadau wetu ambao tunawakilisha ikizingatiwa kuwa mke ni nguo, mgomba kupalilia.

Ninawashukuru. Asante sana kwa kunisikiza.

Sen. Madzayo, kabla hujasema lolote ningependa kuwajulisha ya kwamba nakala ya Kanuni za Kudumu pamoja na nakala ya uwililugha zitapatikana katika hili jumba letu kule *the journals room*.

**Sen. Madzayo:** Asante, Bw. Spika wa Muda. Nilikuwa pia nataka kumwambia yule ndugu yangu, Sen. Cheruiyot, Seneta wa Kericho, kama anataka hizi nakala, anawezazipata katika ofisi za maofisa wetu. Akienda hata sasa hivi, atazipata nakala hizo ambazo zitamueleza vyema. Ndugu yangu Sen, Cheruiyot na Sen. Olekina, waende huko watapata hizo nakala.

Asante, Bw. Spika wa Muda kwa kunipa mda huu ili niweze kukupatia kokongole vile kamati ambayo ilihusika na kuandika ama kutengeneza---

*(Loud Consultation)*

Bw. Spika wa Muda, nataka utetezi.

Bw. Spika wa Muda, ni jambo la heshima na la kusifu ya kwamba shughuli za bunge sasa zinaweza kuendeshwa kwa lugha ya Kiswahili, Kizungu na pia lugha ya Ishara. Hili ni jambo ambalo linatufanya sisi kujivunia kuwa Wakenya, ya kwamba tuko na lugha tatu ambazo tunaweza kutumia katika nchi yetu.

Bw. Spika wa Muda, kuna umuhimu wa kunukuu hizi kanuni za kudumu za Seneti. Kwa mda mrefu sana, imekuwa vigumu sana kunukuu *Standing Orders* au Kanuni za Kudumu. Kwa hiyo ilikuwa ni jambo zuri kupata tafakari au tafsiri za Kanuni za Kudumu za Seneti ili Maseneta waweze kujua.

Bw. Spika wa Muda, kumekuwa na uhaba kwa maseneta wengi. Hata huyu Seneta aliye mbele yangu, Sen. Olekina, ana tabia hiyo ya kuketi mbele ya wenzake wakiwa wanaongea. Nikiongea nataka nikuangalie sura.

Bw. Spika wa Muda, ni vyema kuona ya kwamba Kanuni Za Kudumu Za Seneti zimechapishwa kwa hii lugha ya Kiswahili. Ninatumai kuwa zitaendelea kusaidia. Na isiwe mwisho peke yake kutengeneza hizi Kanuni za Kudumu. Kanuni za Kudumu mara kwa mara zinageuka. Kwa hiyo itahitaji Kamati hiyo ya iketi na kuangalia zile kanuni zilizogeuka ziweze pia kutafsiriwa vingine.

Bw. Spika wa Muda, kuna wale wasomi ambao walihusika katika kutengeneza hizi Kanuni za Kudumu. Tumelezewa kwamba wataalamu waliohusika walitoka katika

*University of Nairobi, Moi University na Kenyatta University.* Nawapongeza wenzetu hao walihusika sana kutengeneza hizi Kanuni Za Kudumu. Hususan, ningependa kupeana kokongole zangu, kwa wale Maseneta walioko hapa ndani, ikiwemo Seneta dada yetu msomi, Sen. (Dr.) Zani na ndugu yetu Sen. (Dr.) Mwaura, ambaye hayupo sasa hivi.

Nafikiria ako katika ile hali ya kuzunguka huku na huku, akitafuta kura za United Democratic Alliance (UDA) badala ya kuja hapa ndani na kufanya kazi. Vilivile, yeye pia tunampatia kokongole, kwa sababu alikuwa mmoja ya wale watu ambao waliketi na wakatafakari ili kunukuu hizi kanuni za kudumu katika bunge letu la Seneti.

Bw. Spika wa Muda, kwa kumaliza, vile umesema mkoko ndio sasa unaanika maua, ni kumaanisha ya kwamba hakuna mwisho wa Kiswahili. Ikiwa mkoko umeanza kuanika maua sasa, ikiwa hizi kanuni za kudumu zitapatikana kuna kwengine kumekosewa na kwengine kutataka kurekebisha, litakuwa jambo zuri sana. Nina hakika ya kwamba sio sisi tu bunge la Seneti limefika mwisho lakini hatimaye wale watakaokuja wakiwa wanataka kujifundisha ama kuongea Kiswahili ama kuongea kwa lugha ile ya Ishara am lugha ya Kizungu, basi watafaidika na hizi nakala ambazo tuko nazo.

Asante.

**The Temporary Speaker** (Sen. Kinyua): Asante, Sen. Madzayo.

Sen. Faki, endelea.

*Is he online?* Ni kama hapatikani. Kabla tumtafute Sen. Faki, Sen. Olekina, endelea.

Sen. Olekina, nakala kwa lugha ya uraibuni ni 'copy'.

**Sen. Olekina:** Bw. Spika wa Muda, ati uraibuni? Si useme kwa lugha ya Kiswahili. Sasa unafanya iwe *complicated* tena, si nitashindwa hata *kucontribute*.

Bw. Spika wa Muda, ningependa kukushukuru kwa kunipa nafasi hii ili pia mimi nijifunze Kiswahili katika Bunge la Taifa la Kenya. Kwa kweli kabisa, hili ni jambo ambalo lingefanywa hapo mwanzo. Lakini---

**The Temporary Speaker** (Sen. Kinyua): Ni nini Sen. Wambua?

**Sen. Olekina:** Si unipe nafasi, Bwana! Shida yako ni nini?

**Sen. Wambua:** Bw. Spika wa Muda, nina hoja ya nidhamu. Ndugu yangu, Seneta wa Kaunti ya Narok, anasema anajifunza Kiswahili katika Bunge la Kitaifa. Sisi hapa tuko katika Bunge la Seneti. Bunge la Kitaifa ni *National Assembly*. Ni kumkosoa tu kidogo.

Asante.

**Sen. Olekina:** Bw. Spika wa Muda, namshukuru kakangu, Seneta kutoka Kaunti ya Kitui kwa kunikosoa. Ni jambo ambalo, kwa kweli kabisa hili ni Bunge la Seneti ambalo ni *senior* au una mamlaka kushinda Bunge la Kitaifa.

Bw. Spika wa Muda, Kiswahili ni kigumu sana. Naomba Mungu, kufikie wakati pia hii nakala ya Bunge itabadilishwa iwekwe kwa lugha ya Kimaasai, ili sisi wote tuweze kuzungumza.

**The Temporary Speaker** (Sen. Kinyua): Ni ipi hoja ya nidhamu, Sen. Madzayo?

**Sen. Madzayo:** Bw. Spika wa Muda, nina hoja ya nidhamu. Sijui kama umesikia na masikio yako ya kwamba, Sen. Olekina anasema ya kwamba hizi Kanuni za Bunge ziandikwe kwa lugha ya Kimaasai. Tuko na lugha 45. Sasa yeye akisema anataka Kanuni za Kudumu za Seneti ziandikwe katika lugha ya kimaasai, sembuse lugha zingine? Wajua huyu mmaasai sijui ana---

Tunaelewa ya kwamba huyu Seneta wa Narok, anapenda wamaasai sana na wamaasai wanampenda. Mara kwa mara, yeye hunionyesha picha za wamaasai wakiwa wamejaa ndani nyumba yake. Lakini hiyo sio lazima Kanuni zetu za Kudumu za Bunge, ziandikwe kwa lugha ya Kimaasai. Nataka kumkosoa ya kwamba hatutakuwa na wakati huo wa kuandika lugha zote 45 za makabila yote ya Kenya.

Asante, Bw. Spika wa Muda.

**The Temporary Speaker** (Sen. Kinyua): Sen. Olekina, endelea.

**Sen. Olekina:** Bw. Spika wa Muda, bibilia imeandikwa katika lugha zote za dunia. Bunge la Taifa au Bunge la Seneti ni mahali ambapo viongozi wanakuja kushauriana ili waweze kusaidia kule walikotoka. Katika Kaunti ya Narok, kuna watu wengi ambao hawawezi kuzungumza lugha ya Kiswahili. Hata mimi najaribu sana, kwa sababu nimeketi karibu na ndugu yangu ambaye alibahatika kuzaliwa katika kaunti ambayo watu huzungumza katika lugha ya Kiswahili sana. Ni vizuri tuendeleo kuzingatia lugha zetu tulizonazo hapa Kenya na pia utamaduni wetu.

Ni lazima pia sisi --- how do you say 'to be proud of?'

*(An hon. Member spoke off record)*

Tujivunie kuwa Wakenya; tujivunie kuwa wamaasai. Hii ni kwa sababu Bw. Spika wa Muda umesema lugha ya Uarabuni.

**An hon Member:** Ughaibuni.

**Sen. Olekina:** Sasa hiyo ni nini tena? Ningependa kuona ya kwamba, Kama vile Quran pengine imeandikwa kwa lugha nyingi au pengine Biblia imeandikiwa kwa lugha zote, ni vizuri pia watu wale ambao wako nyumbani ambao wangependa kuwa viongozi waweze pia kujua hizi Kanuni Za Kudumu za Seneti zinasema nini. Hayo ni mambo ambayo watu wengi hawajui.

Ninawashukuru sana nyinyi ambao mliketi, mkaweka akili zenu zote hapo na kuweza kutafsiri kutoka lugha ya Kizungu hadi lugha ya Kiswahili. Siku moja tutatafsiri kwa lugha ya Kikamba, Kipokot, Kigiriana na Kiborana, lakini Kigiriana ni kama Kiswahili tu.

Haya mambo ambayo najaribu sana kutafuta matamshi ambayo nitatumia kuweza kulisitiza ni mambo ambayo yatatusaidia kama Wakenya. Yatatusaidia kwa sababu kama mimi sasa niko hapa ninaanza kujifunza Kiswahili. Mimi sikuwa ninajua Kiswahili. Nimeishi Marekani miaka 20 na ninajaribu pole pole. Zikiwekwa kwa Kimaasai zitatusaidia tuendeleo. Wale watoto ama wamama ambao hawakupata nafasi, tunaweza kuwaambia hizi *Standing Orders* zetu zinasema hivi na vile.

Kama vile Katiba imetafsiriwa katika lugha ya Kiswahili, naomba ya kwamba itafika wakati ambapo itawekwa katika lugha zote tulizonazo hapa Kenya.

Nitajaribu sana kuzungumza Kiswahili. Huenda nisiweze kwa sababu leo kuna Hoja muhimu sana kuhusu fedha ambazo zinatakiwa kutumwa katika kaunti. Hiyo utaniruhusu tu niongee Kizungu kwa sababu sitajua ya kusema.

Asante Bw. Spika wa Muda.

**The Temporary Speaker** (Sen. Kinyua): Asante, Sen. Olekina, hata kwa kusema kwamba hujui Kiswahili na unakubali unajifunza. Umekazana na umefanya vizuri.

Asante.

Sen. Faki, wakati ni wako kupitia mtandao.

*(There was a technical hitch)*

Sen. Faki, unatupata? Ni kama hapatikani.

*Next Order.*

## PAPERS LAID

### REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTY FUNDS

**The Senate Majority Leader** (Sen. Poghisio): Thank you, Mr. Temporary Speaker, Sir. I beg to lay the following Papers on the Table of the Senate, today, 24<sup>th</sup> March, 2022:

Report of the Auditor General on the financial statement of Kericho County Assembly Staff Car and Mortgage Fund for the year ended 30<sup>th</sup> June, 2017.

Report of the Auditor General on the financial statement of Kisumu County Women, Youth and People with Disabilities Fund for the year ended 30<sup>th</sup> June, 2019.

Report of the Auditor General on the financial statement of Kisumu County Women, Youth and People with Disabilities Fund for the year ended 30<sup>th</sup> June, 2020.

Report of the Auditor General on the financial statement of Kajiado County Executive Staff Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2020.

Report of the Auditor General on the financial statement of Samburu County Executive Staff Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2020.

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

**The Temporary Speaker** (Sen. Kinyua): The Chairperson, Standing Committee on Labour and Social Welfare, you may present your Report. He is not here. Is any Member of the Standing Committee on Labour and Social Welfare present?

There is a Member of the Standing Committee on Labour and Social Welfare.

Sen. Madzayo, you may present your Report.

### REPORT ON THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO.54 OF 2021)

**Sen. Madzayo:** Asante Bw. Spika wa Muda. Ningependa kuweka huu Waraka katika Meza ya Siwa ya Seneti, leo Alhamisi, 24 Machi, 2022.

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

**The Temporary Speaker** (Sen. Kinyua): Una hoja gani ya nidhamu Kiongozi wa Wengi?

Sen. Madzayo, subiri kwanza. Kuna hoja ya nidhamu.

**The Senate Majority Leader** (Sen. Poghisio): Mr. Temporary Speaker, Sir, is it in order even with all the enthusiasm about speaking Kiswahili, for the Senator, who is laying papers with a statement written in English, to try and present it in Kiswahili?

**The Temporary Speaker** (Sen. Kinyua): Katika Taarifa yangu ambayo nilisoma, tulisema kumekuwa na changamoto wakati Taarifa imeandikwa kwa lugha ya Kiingereza alafu unajaribu kuinukuu kwa lugha ya Kiswahili.

Sen. Madzayo, ningependa usome vile ambavyo imeandikwa kwa sababu wakati *Speaker* alikuwa akiamrisha ya kwamba hiyo ndio ripoti itakayowasilishwa, ilikuwa kwenye lugha ya Kiingereza. Naomba ufuate maagizo.

**Sen. Madzayo:** Shukran, Bw. Spika wa Muda. Nimeyachukua maoni yako kwa ukarimu. Ndugu yangu, *Chairman* wangu, Bw. Ndwiga, ameingia.

Shukrani sana.

Mr. Temporary Speaker, allow me to lay the following Paper on the Table of the Senate, today, 24<sup>th</sup> March, 2022:

Report of the Standing Committee on Labour and Social Welfare on The Employment (Amendment) Bill (Senate Bills No.54 of 2021).

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

**The Temporary Speaker** (Sen. Kinyua): Next Order.

## STATEMENTS

Mwenyekiti wa Kamati ya Uhasibu na Fedha, Sen. Kibiru, Seneta wa Kaunti ya Kirinyaga.

**Sen. Kibiru:** Asante sana, Bw. Spika wa Muda. *Now that you have ruled that we read as it is written, allow me to use the universal language.*

### STATUS OF THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILLS NO.35 OF 2021)

Mr. Temporary Speaker, Sir, I rise, pursuant to Standing Order 51(1) (a), to make a Statement concerning the status of the County Governments Grants Bill (Senate Bills No.35 of 2021).

This Bill was published on 25<sup>th</sup> May, 2021 and introduced in the Senate on 6<sup>th</sup> July, 2021. The Bill intends to provide a mechanism or instrument for transfer of conditional and unconditional grants, from the national Government's share of revenue and proceeds of loans and grants from development partners to the county governments.

Mr. Temporary Speaker, Sir, the Standing Committee on Finance and Budget resolved to sponsor this Bill in compliance with the High Court ruling of Petition No.252 of 2016.

The Court in its ruling held that Article 202 of the Constitution, as read together with Article 218 (1) (a), does not permit conditional or unconditional grants to be provided for in the Annual Division of Revenue Act (DORA) and, therefore, by extension, in the County Allocation of Revenue Act (CARA).

The Bill was passed by the Senate on 15<sup>th</sup> September, 2021 and transmitted to the National Assembly for concurrence. The National Assembly passed the Bill with amendments three months later on 2<sup>nd</sup> December, 2021.

At a Plenary sitting held on Tuesday, 21<sup>st</sup> December, 2021, the Senate considered the National Assembly amendments to the County Governments Grants Bill (Senate Bills No.35 of 2021) and rejected all the amendments. Pursuant to Article 112 (2) of the Constitution, the Bill was referred to a Mediation Committee under Article 113 of the Constitution.

Mr. Temporary Speaker, Sir, aware that expeditious consideration and passage of this Bill would resolve the long-delayed disbursement of conditional allocations and grants to the county governments, it was proposed that the Committee commences its meetings on Thursday, 20<sup>th</sup> January, 2022.

There was concerted effort, especially by Members representing the Senate, to hold meetings and dispense the Bill as a matter of urgency. However, there has been inordinate delay in processing this Bill.

As you may recall that on 2<sup>nd</sup> March, 2022, I sought your intervention to engage your counterpart and ensure that the Mediation Committee commences its sittings. I appreciate that the efforts you made yielded fruits and the Committee held its first sitting on Tuesday, 15<sup>th</sup> March, 2022.

The Committee, at its second sitting on Tuesday, 22<sup>nd</sup> March, 2022, held a meeting with key stakeholders. It is worth noting that the main bone of contention is whether the Bill should be an annual legislation setting out the distribution of grants to the 47 counties or the Bill should provide a general framework for dealing with additional allocations.

It behoves me to reiterate that the genesis of this Bill is the judgment that required additional allocations to counties to be excised from the Division of Revenue Bill and by extension, the County Allocation of Revenue Bill. This Bill is not an attempt to re-invent the wheel. The matters provided therein have for the last seven years been provided for in the Division of Revenue Bill and the County Allocation of Revenue Bill.

In fact, the Bill may be considered an extraction of the matters excluded by the judgment and a collation of these matters in this nascent legislative proposal.

Mr. Temporary Speaker, Sir, the main object of the Bill was to unlock Kshs39,880,890,516 additional allocations to the County Governments, of which, Kshs7.537 billion is from the national Government's share of revenue. The other Kshs32.343 billion is from proceeds of loans and grants from development partners.

The additional allocations represent a crucial and supplemental funding mechanism for counties to discharge their functions under Part 2 of the Fourth Schedule of the Constitution. Failure to pass this Bill represents a crippling of county budget implementation and an egregious impediment to the principles of devolution.

For instance, it denies, just to mention a few counties: -

(1) West Pokot County, where the Senate Majority Leader comes from – Kshs713.251 million.

(2) Kisumu City – Kshs922.93 million.

(3) Wajir County – where my friend, Sen. (Dr.) Abdullahi, comes from – Kshs1.313 billion.

(4) Bungoma County, where the substantive Speaker comes from – Kshs696 million.

Mr. Temporary Speaker, Sir, these additional allocations are supposed to be absorbed or utilized by counties in the current Financial Year, 2021/22. It is disastrous that critical projects funded by these funds have stalled. Secondly, the citizens are denied their rights to enjoy services such as improved healthcare services, funded by such funds.

The budget preparation for the next Financial Year, 2022/2023 is in high gear. It appears we have forgotten about these grants that ought to be funding implementation of various projects in the counties. The Division of Revenue Bill, 2022 was tabled and the debate is continuing in this House, whereas we have not concluded on budget documentation for the current Financial Year.

Do we close our eyes and process the documents for the next Financial Year? I ask Hon. Senators whether we should assume funds for the next financial year are more critical than unlocking the allocations for the current financial year.

As the Chair, I am of the opinion that this House is at a crossroads. The decision we make on this matter will set a precedent on how matters of budget would be prioritised in the future.

**The Temporary Speaker** (Sen. Kinyua): Sen. Cheruiyot.

**Sen. Cheruiyot:** Thank you, Mr. Temporary Speaker, Sir. This is a constitutional issue. It is not just about the standing of the Senate in the Republic of Kenya and what we want to do. Rather, it is about securing our position in the place of history.

This is an important issue. You know the journey that this Term of Parliament has led us to, as House, where we began, where we faltered and where we currently stand.

I must start by appreciating my Chairman, Sen. Kibiru, of Kirinyaga County for standing firm, being solid, resolute, independent and a man of great character.

If he had chosen to be like many who have sacrificed this House at the altar of political expediency, he would have easily sat down and wondered what is in it for him personally. However, he has chosen the path of ensuring that this House remains respected and stands up for the rule of law.

Mr. Temporary Speaker, Sir, this is a matter of the rule of law. Somebody wants to undermine this House. They want to prove to the world that the Senate does not matter; that we can sit here, pass legislation and be ignored. This cannot be the case.

Let me take you back and inform you that I know the history of the County Grants Bill. I was part of the Committee on Finance and Budget in 2016 when people went to court and sued Parliament. They specifically mentioned the Senate. This is because when we were budgeting, a trend emerged where despite the Constitution speaking of two levels of division of revenue, the National Treasury and the National Assembly were in cahoots to ensure that certain counties benefit more than others, in contravention of our Constitution, by introducing the county grants.

Therefore, following the ruling of the courts, we began the process of ensuring that we come up with a Bill that will ensure that for every allocation, outside of the division of revenue that counties get, there is an enshrined constitutional procedure passed by both Houses of Parliament because we could see a trend.

The first county conditional grants were given to five counties. Your neighbouring County of Nyandarua was one of the counties. Somebody argued quite well that we had counties that were not former provincial headquarters. Therefore, they did

not have county headquarters. We had four or five counties that we gave conditional grants to in the division of revenue of 2015.

Increasingly, the National Treasury saw a loophole and they made sure that year in, year out, they increased figures. In fact, if you read through the Report of the Senate Committee on Finance and Budget, the one that we rejected in the Financial Year 2017/2018 was close to Kshs100 billion.

We devolved Kshs316 billion in that particular financial year. However, out of that, Kshs70 billion or Kshs80 billion is in conditional grant. Somebody sat at the National Treasury without consulting the representatives of the people to allocate Kshs5 billion to Narok County, Kshs2 billion to Nyamira County and Kshs1 billion to another county at the whims of political expediency.

We stood firm and said that this cannot be the case. All counties are equal. The Senate always rises higher than the normal political temperature of the country. We stand firm. Therefore, this matter cannot be let to fly easily.

As Members of the Committee on Finance and Budget, we stand with the position taken by our Chairperson. That is the correct constitutional interpretation, unless Members of the National Assembly humble themselves, we negotiate and agree.

Part of mediation is that we do not have to necessarily agree. However, by passing a parliamentary procedure while mediation is still ongoing, you have already brought before the House of Parliament your distribution for the next financial year and tell us that you do know when you will next agree.

What is the hurry for? There is no constitutional or legislative timeline that we are in breach of. Therefore, we must stand firm as a House and ensure that we do the right thing.

Finally, I do not want us to be casual about this issue. I do not know if Members know that by going into dalliance with the Executive, we have lost our independence and respect. We have sunk the lowest. Our members of staff nowadays look at us and cannot respect us, as Hon. Members, because of the shameful things that are being done.

I want it to go on record. I know for a fact that when the Committee on Justice, Legal Affairs and Human Rights, led by Sen. Omogeni, was considering The Political Parties (Amendment) Bill, the Government Printer had already printed the version of the Bill. It was just awaiting signatures.

I know everything that happened. I can give the trail of events. That is why they were asked not to change even a single comma. There are people who sit in big offices and know we are just a rubberstamp. There is nothing we can do.

**The Temporary Speaker** (Sen. Kinyua): What is it, Sen. Omogeni?

**Sen. Omogeni:** On a point of order, Mr. Temporary Speaker, Sir. The Senator for Kericho County is a good friend of mine and my neighbour. He is a very promising upcoming Senator. I wish him well in his political career. However, I want to ask whether he is in order to cast aspersions on my name and position as Chairperson of Committee on Justice, Legal Affairs and Human Rights by alleging, on the Floor of the House, that I received phone calls, so that I can write my report in the version I presented before the Floor.

Mr. Temporary Speaker, Sir, can Sen. Cheruiyot substantiate on the Floor? This is because the people of Nyamira County, the country at large and the Members of the legal



profession are watching and could be wondering. Can you substantiate? Who called me, when and what directives did I get?

**The Temporary Speaker** (Sen. Kinyua): Sen. Cheruiyot, you either substantiate or withdraw that statement.

**Sen. Cheruiyot:** Mr. Temporary Speaker, Sir, which part of the statement? Please, allow me to explain. From what I heard, Sen. Omogeni misunderstood what I meant. I never said that he was called personally.

I said that I know for a fact that when his Committee was considering The Political Parties (Amendment) Bill, The Government Printer had already printed their own version of that Bill. That is why there was a strong push not to have the Senate make any amendments to that Bill. I never cast aspersions on him as a person.

Therefore, my brother, you are right within your space. I can never say anything that will damage your good reputation. You are my good friend and neighbour. Perhaps I bring that matter to a rest.

My point is, in our dalliance with the Executive, we have sunk so low that there are people who sit in well-furnished and air-conditioned offices in this street, that is, next to Parliament, who look at us and believe that it does not matter after all that you are a representative of the people.

People wake up early, at 6.00 a.m, vote for you to come and speak up for them, but there are people they are willingly donating our powers to. This is one such instance. Let us be firm about this issue and do that which the Senate Committee on Finance and Budget is requesting us to do.

First, conclude on the mediation on County Grants Bill then, consider the reports as they are bringing it to us. It is a simple but very important matter.

Finally, let us not forget that the one reason the Senate continues to enjoy the place of pride and respect in this country is our annual stand on the Division of Revenue Bill. If we lose that particular point, there is no business in printing your campaign posters to come back to this House. This is one such matter.

Let us be firm about it.

Thank you.

**The Temporary Speaker** (Sen. Kinyua): Sen. Wambua, please, proceed.

**Sen. Wambua:** Mr. Temporary Speaker, Sir, first, I would like to congratulate the Chairperson of the Senate Committee on Finance and Budget for being very firm on a matter as important as the management of conditional grants to counties is concerned.

It will be remembered that The County Governments Grants Bill is a Senate Bill. It originated from this House. The records will bare me witness that, that Bill elicited a lot of debate and support in this House. This is because in it we get an opportunity to align the management of conditional grants going to our counties.

At stake in this financial year is over Kshs70 billion worth of grants and the bulk of it from donors. At times, I am baffled because I thought it would be in the best interest of any Government to deliver services and devolve more funds to the people who deserve them.

However, here is a situation where the Senate Majority Leader--- I do not even know where this came from.

It is difficult to understand how the Senate Majority Leader, who is actually the Leader of Government Business in this House--- He knows pretty well that the County Governments Grants Bill is pending in mediation, but he went ahead to table the Division of Revenue Bill to be debated.

In fact, I want to go on record on this that there seems to be an unexplained hurry in pushing the Division of Revenue Bill because when it was debated yesterday, and the HANSARD will bear me witness, I tried to raise an issue three times online, but I was not allowed access, and I do not know why.

Mr. Temporary Speaker, Sir, I want to go on record as the Senator for Kitui County and say that this mediation process---

**The Temporary Speaker** (Sen. Kinyua): What is it, Sen. Sakaja?

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, I am at pains to understand and maybe Sen. Wambua, my friend, can explain. He says that the HANSARD will bear him out that he tried to raise an issue online and was denied access. How would the HANSARD have captured if he was denied an opportunity? Maybe I do not understand what he said. I would like to understand that.

**Sen. Wambua:** Mr. Temporary Speaker, Sir, I beg to ignore that and move on with my contribution because---

**The Temporary Speaker** (Sen. Kinyua): Kindly explain to him because he is trying to understand, so that you can at least be on the same page.

**Sen. Wambua:** Mr. Temporary Speaker, Sir, I raised three points of order yesterday. I was online but was not given an opportunity to speak and address the Speaker and the House regarding the issues I wanted to address. That is exactly what I was saying. That is not Greek; it is plain English.

*(An hon. Member spoke off record)*

I do not know about that.

What I am trying to say is that there is a pending matter that should have been concluded before the Division of Revenue Bill was brought for debate on the Floor of this House. Listening to yesterday's debate on the Division of Revenue Bill, the Senate Majority Leader said that shareable revenue that will go to the counties is Kshs370 billion.

Of course, I know that in the Report by the Committee on Finance and Budget, they had proposed Kshs495 billion to go the counties. I know that, that matter will come up during Third Reading. We are already at the risk of passing less money to go to counties this financial year. Because of our impatience to wait for mediation, we risk losing more money, that is, Kshs70 billion, to go to county governments.

Mr. Temporary Speaker, Sir, when the Senator for Kitui goes to the county, as I often do, one of the things that I assure the people of Kitui County is that my business is to push for more funds to my county. Irrespective of who is pushing it, it can never be my business to support a process that denies my county more funds.

On this one, I want to stand with Senators who mean well for their counties and say without blinking an eye that we can pass the Division of Revenue Bill at the Second Reading, but that is where it should stop and wait for the County Governments Grants

Bill to be processed through mediation and a final report brought to this House for debate and adoption. In the absence of that, we will be shortchanging Kenyans. We will not be acting in good faith and doing what Kenyans brought us here to do.

Mr. Temporary, Speaker, Sir, with those remarks, I support this Statement.

**The Temporary Speaker** (Sen. Kinyua): Proceed, Sen. Olekina.

**Sen. Olekina:** Mr. Temporary, Speaker, Sir, let me begin by thanking the two distinguished Senators who have spoken very passionately on this matter. This is another great opportunity for us, as the Senate, to stand firm with the people of Kenya. When I was elected as the Senator for Narok County, I knew one thing was very clear.

First, let me say that I rise to support the Statement by the Chairperson of the Committee on Finance and Budget, Sen. Kibiru, who is a principled man, despite what you read out there. This gives me an opportunity to explain to the people of Narok County what I do as a Senator.

Earlier on, this Senate debated on a matter over 11 times, and that was the biggest gain I can say that devolution gave to this country. That is shareable revenue. At that time when we passed to send Kshs370 billion to our counties, I was a proud Senator because Narok County doubled its annual share of revenue from Kshs4 billion to Kshs8.8 billion. I am indebted to this House for having done that.

Yesterday, I was here and contributed to The Division of Revenue Bill. I knew we would have a moment to add on the recommendation made by the Committee to send Kshs495 billion to counties. What shocks me is that in this country, we talk about promoting development and healthcare systems, yet we know very well that even though healthcare and agriculture are devolved, very little money is allocated to these two sectors, hence we have to look for money elsewhere.

The County Governments Grants Bill of 2021 would have helped to unlock the issue of conditional grants because of the decision by the High Court of Kenya. The drafters of that Bill were alive to the fact that the only reason we are allowed to conclude the debate on the shareable revenue is because someone sitting somewhere did not think that we were going to be clever enough to separate conditional and unconditional grants. They wanted to commingle all those funds and increase the money sent to the counties. That is why it was easy for them to add counties another Kshs50 billion.

In this financial year, Narok County would have received a total of Kshs49,795,426 to promote the healthcare system. Narok County would have also received Kshs398,148,737 to promote agriculture. In fact, the grant was rural inclusivity to make sure that the agricultural sector is promoted.

If you go to Narok County and drive from Narok Town to Olokurto, which is the food basket of that county, you will not find any road to get there. We have a lot of food rotting on the farms. That money could have improved that sector.

Mr. Temporary Speaker, Sir, again, in promoting the Level 1 and Level 2 hospitals, there was Kshs11,851,000 which was supposed to be sent through the Danish International Agency (DANIDA) Fund. These are loans and donor funds that we get, which would have been able to improve those those Level 2 and Level 1 hospitals. That money has not gone and we are just about to end the Financial Year.

There was about Kshs82 million that could have gone to Kenya Devolution Support Program that would have gone to Narok County, but that money has not gone

there. There is also an additional Kshs23,676,000 from the Sweden Agricultural Development Grant to support the agricultural sector.

Finally, there was about Kshs50 million grant, which could have been given to Narok County for them to support the informal sector. That money has not gone to Narok County. The only money that has gone to Narok is the shareable revenue and that money actually never goes to Narok on time. We have lamented. The county governor has appeared before the County Public Accounts and Investment Committee (CPAIC) and said that he has not received this money from the Exchequer.

The other problem is on the issue of the Medical Equipment Scheme (MES), which was a big scandal that we debated here. When you look at the amount of money that was allocated to that MES, it was totaling about Kshs152 million.

The question is: If the six Members of Parliament in the National Assembly, who were elected in Narok, cannot ask questions about the money that is supposed to go to counties as conditional grants and non-conditional grants, what are they doing there? I dare say that if you go to the National Assembly you will not even find one of them there. They are busy campaigning and they will say that Olekina is going to campaign, and they are not sure whether he is running.

In fact, one of them is running wanting to become a Senator, yet he should have been in the House making sure that we have concluded this issue on The Conditional Grants Bill. Therefore, if the Conditional Grants Bill is not approved by the National Assembly, I will be among the first people not to vote for The Division of Revenue Bill.

This is an opportunity for us in this Senate. I want this money, over Kshs600 million, to go to Narok. It will help the residents of Narok to improve on the agricultural sector, and most importantly, improve on the healthcare system.

I am only one out of the 47 Senators. Narok County was to get Kshs645 million. I heard the Chairperson narrating that the other counties would have received Kshs1 billion. If the citizens of those counties really care about representation, this is the moment for them to demand from their Senators to come to the Floor of this House and demand that we conclude mediation on this County Governments Grant Bill. We want that money to go to the counties before we can talk about The Division of Revenue Bill.

I have got no business voting in the Third Reading for The Division of Revenue Bill if we will not be able to conclude on The Conditional Grants Bill.

We keep on saying that we want to develop. Every governor out there is talking about wanting to leave a legacy. Some of them are talking about wanting to leave a legacy in healthcare. Some of them who are in their second term do not give hoot in Hell about how the counties continue to develop. It is about time that before those governors start thinking about running for Members of the National Assembly or for Senate; to first of all, go to that club of theirs, which is called the Council of Governors and also demand that these conditional grants be sent to them.

If there is a day that I am proud that the Chairperson of the Committee on Finance and Budget has brought a Statement in the House, it is today. I am calling upon my colleagues - all the 47 elected Senators - to come here. Forget about this campaigning. You will either get it or you will not. The first thing you need to do is to come here and do the task that the citizens of this country sent you here to do.

In other democracies, if money is not released by the Exchequer by the end of the financial year, that money goes back. This is money that I believe, and I stand corrected, on this that we are actually already paying interest on them. Therefore, we are paying interest on loans and that money is not helping citizens of this Republic.

I am a firm believer that the only way you can appreciate your work is when you see results. I want the people of Narok to know that there is a lot of money, which is supposed to be sent to them. When I stood there when I was being sworn in as a Senator, I cannot remember the words; the last thing I remember saying is that I will stand with the Constitution of this Country.

We have got a problem and unless we tell it as it is, we will remain to be sycophants or will become followers, and we will never become leaders. This Kshs645 million must go to Narok before I vote for to divide money between the national Government and the county governments.

I thank you Mr. Temporary Speaker, Sir.

**Sen. Ndwiga:** Thank you Mr. Temporary Speaker, Sir, for giving me this opportunity. I want to concur with my other colleagues who have voiced their concerns before this House. First, I want to laud the Chairperson of the Committee on Finance and Budget, Sen. Kibiru of Kirinyaga County. I am extremely proud of this Senator because he has stood his ground for this House.

Those of us who have been in Parliament for some time have been getting very concerned that Parliament is being diluted. Actually, Parliament has been diluted because of lack of such leaders as the Senator of Kirinyaga, Senator Kibiru. Those are the kind of people that we need in these corridors of Parliament. We need people who understand constitutionally that Parliament is not part of the Executive. The moment we understand that, then things will move in this House.

For you to understand properly how Parliament has become something that you cannot understand, you need to go back, look at the HANSARD reports of post-independence Parliament and see the quality of debate the emanated from the people who reign the grounds for this country and all the way up to perhaps the 9<sup>th</sup> Parliament and then Parliament began its deterioration.

The deterioration began when Parliament became part of the Executive. Then the Executive could go to Parliament and dictate to Parliament what would be passed and what would not to be passed. This is a very clear example.

Regarding the conditional grants, this House passed the Bill and it is the responsibility of this House to pass Bills that define how revenues will be allocated to counties.

To my surprise, the National Assembly amended that Bill. It is a Bill they did not know anything about. These are not Government funds mainly. In fact, the Government funds in here are about Kshs7 Billion only. The Kshs39 Billion that we are talking about are grants from donors.

Mr Temporary Speaker, Sir, I agree with the Senator for Narok County, Sen. Olekina, that these Members of the National Assembly believe that governors are in competition with them. They have their CDF and there are other grants. When you listen to them speaking in the campaigns these days, they say that the Constituencies

Development Fund (CDF) has done this or that or that the governors have not done this or that.

The Members of Parliament in the National Assembly believe that they are in competition with what happens in the counties. We, as defenders of devolution, have to stand very firm to defend some of these things. I join my colleagues in saying that this House should not even discuss The Division of Revenue Bill before we have concluded discussion on the issue of grants.

We should villify any Senator who moves ahead to do that. I am surprised, that the Leader of Government Business can present such a Bill to this House when we already have a Bill from a Committee of this House, which proposes that this year, we will move from this Kshs370 Billion to Kshs495 Billion. That is the proposal from our Committee on Finance and Budget.

Mr Temporary Speaker, Sir, we cannot have the Leader of Government Business present something else. In fact, that is ridicule to the Government that he represents here. The same Government promised us during Building Bridges Initiative (BBI) that ---

**The Temporary Speaker** (Sen. Kinyua): What is it, Sen. Olekina?

**Sen. Olekina:** On a point of order, Mr Temporary Speaker, Sir. I am young and that is probably the reason I could pick on this.

Is it in order for the good Senator for Embu County, who served in the former Parliament, to refer to the Majority Leader as Leader of Government Business? The right term is the Senate Majority Leader. In this House, we have got two sides of the divide; the Majority and the Minority. If the new term is going to be Leader of Government Business, then we should actually change from the term Senate Minority Leader.

Thank you.

**The Temporary Speaker** (Sen. Kinyua): Sen. Wambua, do you have a point of order?

**Sen. Wambua:** Mr Temporary Speaker, Sir, I do not know what Sen. Olekina is getting agitated about. However, now that he has caught my attention, the Majority Leader is also the Leader of Government Business in the House. We are talking about functions. He is functionally the Leader of Government Business in the House.

I rise on a point of information to inform my Chairman in the Committee of Agriculture, Livestock and Fisheries that in fact---

**The Temporary Speaker** (Sen. Kinyua): Chairman, Committee on Agriculture, Livestock and Fisheries, do you want to be informed?

**Sen Ndwiga:** Mr. Temporary Speaker, Sir, I would take information from him anytime.

**The Temporary Speaker** (Sen. Kinyua): Okay. Proceed.

**Sen. Wambua:** Mr. Temporary Speaker, Sir, I would like to inform the Chairperson that what the Senate Majority Leader, who leads Government Business in this House should have done yesterday, was to sit with his counterpart in the National Assembly and fast-track the conclusion of mediation before he brings this Division of Revenue Bill to this House.

Mr Temporary Speaker, Sir, I personally feel insulted that a process started by this Senate is being stifled by the Leader who is supposed to be aiding us to make progress on a matter as important as this.

I thank you, Mr Temporary Speaker, Sir.

**Sen. Ndwiga:** Mr Temporary Speaker, Sir, I am happy that Sen. Wambua has made it very clear that the Senate Majority Leader is the leader of all Government business. Sen. Olekina, there is no way you will stand here and present Government business. There is only one person who does that in the Senate and National Assembly.

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

**Sen. Ndwiga:** Mr Speaker, Sir, please, ask my good friend not to interfere with my train of thought because I know we are talking of the same thing, please---

**The Temporary Speaker** (Sen. Kinyua): Sen. Olekina, what is your point to order?

I hope it is not on that issue because it is very clear.

**Sen. Olekina:** Mr. Temporary Speaker, Sir, a point of clarification is very important. The distinguished Senator has just clarified that Parliament is not an extension of the Executive. In the context that he is making his submission, I made it clear that it was the Senate Majority Leader. That business does not belong to the Government.

That business belongs to this House because the issue of revenue is not a matter that is decided by the Executive. It is a matter that is decided by the two Houses of Parliament. I am very firm on that because it is our business as Parliament. Let us be clear so that we do not mislead the public. That Business belongs to parliament. That Business---

**The Temporary Speaker** (Sen. Kinyua): Order, Sen. Olekina!

**Sen. Olekina:** Allow me to finish because you gave me a chance to clarify. I have to finish this because it is a debate.

**The Temporary Speaker** (Sen. Kinyua): That is not a point of order.

**Sen. Olekina:** No, I think we have to be very clear when---

*(Sen. Ndwiga spoke off record)*

Can you speak through the Speaker or do you want to be the Speaker today?

**Sen. Olekina:** I am an extremist when it comes to the issue of context. In this matter, he is the Senate Majority Leader. He is not presenting the business as being an extension of the Executive. Let us clarify that.

**The Temporary Speaker** (Sen. Kinyua): Sen. Ndwiga, please, proceed. Do not dwell on that matter because it is clear.

**Sen. Ndwiga:** Mr Temporary Speaker, Sir, I take your Counsel. I will not dwell on that matter because it is very clear that those are just semantics. I will dwell on the content that we have the Floor of the House and not on semantics. The issue we have today is the issue of conditional grants and the issue of The Division of Revenue Bill. Those are the two issues that I would like to address here.

If this Bill does not pass, my County, Embu County, stands to lose Kshs150 Million. That is what we are going to lose if it does not pass. I will have no business whatsoever here if we lose money. In fact, I will not be worthy being a Senator of Embu County, if I am here passing a Division of Revenue Bill before they have received all the money that they should have gotten by now already. This is not Government money. I do not know why the National Treasury is playing games with money that is not even theirs.

I urge my fellow Senators not to discuss The Division of Revenue Bill here before we conclude the issue of conditional grants when our Bill is lying there. I would like to seriously differ with Sen. Olekina one respect that concerns my county because matters might be different in his county. People in my county do not see most of the funds that we allocate here. However, I will stand here every year as the Senator of Embu and fight for funds to go there.

Those issues of how funds are spent and what happens to the funds when money gets there is another issue. However, I will stand here because that is the mandate that the people of Embu County gave to fight for the funds to get to Embu and to the counties. When I stand here, I am a national leader. First of all, I am *Seneta wa Embu*, but I speak for the entire country.

Mr. Temporary Speaker, Sir, I urge my leader, the Senate Majority Leader; because he is my leader for the time being, to listen to the voices of this House.

*(Laughter)*

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

**The Temporary Speaker** (Sen. Kinyua): What is it, Sen. Wambua?

**Sen. Wambua:** Mr. Temporary Speaker, Sir, I have heard my Chairman, the Senator of Embu County who is my neighbour and a big brother saying that the Senate Majority Leader is his leader 'for the time being.' I am wondering, what exactly does that, 'for the time being' mean?

**The Temporary Speaker** (Sen. Kinyua): From where I sit, I think because we are coming to an end of this Session. Maybe he meant for the remaining months, but he is here to speak for himself.

**Sen. Ndwiga:** Mr. Temporary Speaker, Sir, precisely. I like your wisdom. He is my leader for the remaining term.

So, being my leader, I want to advise him that perhaps he should now for the time being be talking to the leadership of the other House to consider what we have discussed here in the Senate. I urge Senators that it is time to defend the dignity of this House.

I am very happy and proud that I have been a Member of this Senate. This Senate has fought for its space very seriously. Indeed, that is why we have a lot of respect. *Watu wa Nyamira*, we have got a very able Senator here who has represented them in this House. *Pia watu wa Narok angalieni huyu kijana wangu*; when he comes back home.

We lived with Sen. Wambua in Kitui. That is where we started *ndengu* business. I know that we have fought for space for this House. We have fought for the dignity of the Senate. However, we have not quite succeeded because there are many things that requires to be done. In fact, I am hoping that after the next session, that we or those who will be in this House, will not be coming to mourn about how funds are being misused in their counties.

We know that whatever we have tried to do in the past to get the muscle to check that what happens in our counties has not succeeded. We know the battles we have fought in the past and what has to be done, so that there could be discipline in our counties. We have no business passing the Division of Revenue Bill here, then you go back home and there are still problems, yet money is already there.



We are here today fighting about conditional grants. When you go out to a county like Embu, in most of those Level one, three and four hospitals, you have to carry water when you go to see your patients in the hospital. Fellows have to buy medication.

Even doctors are so mistreated. In fact, today, many doctors in Embu County are very demoralized, especially the young ones who thought that it is time to advance their profession. That is now not a place to develop any profession because you are working in a hospital without any facilities.

Mr. Temporary Speaker, Sir, it is actually a very serious issue. These are some of the issues that I believe the next Senate will look for ways and means beyond the CPAIC. I happen to be a recent member of this Committee. I do not believe that the CPAIC is what will give this House the face that we want. I believe that each Senator should have the capacity to oversee what happens in his own county.

Mr. Temporary Speaker, Sir, with that, I beg to support the Statement by the Senator of Kirinyaga. I wish him well in his bid as the Governor of Kirinyaga County.

**The Temporary Speaker** (Sen. Kinyua): Let us have Sen. Sakaja.

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, this is a very important Statement that the Chairman of Committee on Finance and Budget has brought and it needs action.

It is very easy for us to speak high sounded statements here and then in a few weeks some people are called and told that such and such is the party position. These party positions have weakened the constitutional role of the Senate and protection of devolution.

Yesterday, I spoke to this Division of Revenue Bill. I wish I could have had the benefit of getting the details of the report because when you talk about Kshs495 billion, I think that is really what our counties should be getting.

Mr. Temporary Speaker, Sir, a sum of Kshs370 billion even before considering the matters of the grants actually flies in the face of devolution.

The proponents of Building Bridges Initiative (BBI), which I greatly supported because of resources and the issue of representation of constituencies, felt Nairobi City County deserved more resources. As you remember, I did a Minority Report where I disagreed with my Chairman, Sen. Omogeni because I felt that my county deserves representation as per the Constitution as it should be. However, the proponents said that they would be giving counties 35 per cent of the last audited revenues.

This is the opportunity for those proponents under the auspices of *Azimio la Umoja* to rally their Senators to amend the Division of Revenue Bill to reflect that promise of 35 per cent. I am being asked to repeat and I will repeat it slowly. This is the opportunity for the proponents of that BBI, who have found themselves together under *Azimio la Umoja* to rally their Senators to amend the Division of Revenue Bill to reflect the 35 per cent to which they said they would give if BBI would have passed.

If it had passed, it would have been there. If not, then it means that they were not honest in terms of giving counties that amount of money. It is as simple as that. I do not think there is anything additional to say.

Number two, until we resolve these grants through the mediation process, we should not proceed with the vote or consideration of the Division of Revenue Bill. Devolution does not know political parties. We have governors from all parties.

The whole of Kenya has counties. Why would the Government hold on to Kshs39 billion, yet only Kshs7 billion is coming out from the national Government share? Why would they do so? Many of these funds are donor funds in the health sector, where possibly, interest is accruing. Why then? It smacks of dishonesty and there is something wrong.

In fact, even when we were discussing the fuel issue, I remember saying there was a likelihood that the fuel levy that was supposed to cushion Kenyans from high prices was not there because money was being used for other things. It is very likely that this Kshs39 billion has been used to pay loans or it has been diverted by the national Government. What explanation do you have for not applying it where it should be? It has gone to other places.

Mr. Temporary Speaker, Sir, until we resolve that matter of the grants law, that budget estimates cannot be prepared until DORA has been passed into law. Remember, we have a judgement. Senior Counsel, Sen. Omogeni, will correct me if I am wrong.

There had been this thinking - which is a wrong, anti-devolution thinking - that the money we give to counties is from the national Government. It is not.

**An Hon. Senator:** Thank you.

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, in Chapter 12 on Public Finance, the division of revenue divides money collected from the whole country and gives the national Government its money and the counties their money. Counties are not given money by the national Government.

*(Applause)*

We must remind Kenyans. You cannot stand as a Government and say; “We have given counties money.” Who are you? You do not give money to counties. It is the Constitution that gives counties, through the Senate, by division of revenue. The national Government then gets its share of revenue collected in the country and county governments get theirs.

The challenge many are going to face here, especially those prospective governors like Sen. Kibiru, is that you will have done a budget in your county and your MCAs have passed your estimates. However, somebody sitting at the national Government in the National Treasury, refuses to release cash through the Controller of Budget (CoB). Your people say you are not doing any work and you are being given money like a drip. You will then be removed from office.

Mr. Temporary Speaker, Sir, if there is something this Senate must do, it is to debunk that wrong thinking that counties get their money from the national Government. In fact, we need to free CoB from the funds that are decided to go to counties. These funds should move from the purview of the National Treasury.

As soon the County Allocation of Revenue Bill is done and signed into law, that amount of money should be treated like from the Consolidated Fund and that there is no approval process from the National Treasury. What business does the National Government have to approve money going to Narok County, yet the Senate and the Narok County Assembly have passed it and that is what the Constitution says? That is completely unconstitutional. That is how we will free our counties to operate and have real development in our counties.

For those who are coming back to the Senate, this war is not over. Let us do what we must do now with these conditional grants and the division of revenue. Sen. Wambua will probably be the leader followed by Sen. Olekina and Sen. Ndwiga. They will be over sighting us as governors *Inshallah*, God willing, if you go that direction. Please help us free this country from those who are still holding a centralised Government mentality; the mandarins in the National Treasury and State House.

I hope and pray that we will get a President who properly believes in devolution; proper devolution.

**An Hon. Senator:** Hon. Raila Amollo Odinga.

**Sen. Sakaja:** Your candidate is Rt. Hon. Raila Odinga, a man I respect very much. He is my *mzee*. Right now, Hon. William Ruto, who is my candidate, is in Kenya *Kwanza* which, of course, you know. Let the best man win, but let us protect devolution.

I hope the Senate Majority Leader know that we will not move on DORA until we get the Conditional Grants Bill signed into law by the President.

**The Temporary Speaker** (Sen. Kinyua): Sen. (Prof.) Onger, please, proceed.

**Sen. (Prof.) Onger:** Thank you, Mr. Temporary Speaker, Sir, for asking me to weigh in on this matter. This is a very important element in our oversight of the county governments.

Division of Revenue Bill and as Sen. Sakaja has clearly stated, is a division of revenue earned by the national Government through the machinery of the National Treasury. They have the mandate of collecting the funds into the national kitty.

Mr. Temporary Speaker, Sir, the Constitution stipulates that there shall be division of revenue whereby the revenue will be based on the last audited accounts. I have had problems with that "last audited accounts". That is why when I was the Chairman of the CPAIC, we tried to speed up to enable the National Assembly come to speed with us so that we have updated audited accounts. It is because the division of revenue would be based on that last audited accounts.

Mr. Temporary Speaker, Sir, we are talking of the last audited accounts of 2016/2017. That is only under Kshs1 trillion. That is why we are getting this, when we are being told, it is 26 per cent of the national revenue, based on 2016/2017 books of accounts, the last audited accounts. It means that county governments are foregoing tremendous loss in terms of revenue accruing for them to run their services at the county level.

If we were to base it on the current projections of the budget which is above Kshs3 trillion, then we are talking of a very sizeable division of revenue accruing to the county governments in a manner which will help the county governments scale up their activities.

Mr. Temporary Speaker, Sir, when we were haggling last time over the question of whether it should be Kshs320 billion, we finally settled on Kshs370 billion. It was evident---

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

**The Temporary Speaker** (Sen. Kinyua): What is it, Sen. Ndwiga?

**Sen. Ndwiga:** Mr. Temporary Speaker, Sir, allow me to inform Sen. (Prof.) Onger.

**The Temporary Speaker** (Sen. Kinyua): Sen. (Prof.) Ongeru, do you want to be informed?

**Sen. (Prof.) Ongeru:** Yes, Mr. Temporary Speaker, Sir.

**Sen. Ndung'u:** Mr. Temporary Speaker, Sir, I want to inform Sen. (Prof.) Ongeru that the figure that he has in mind is Kshs495 billion. This figure has already been presented by our Committee and it has been brought to the House.

**Sen. (Prof.) Ongeru:** Mr. Temporary Speaker, Sir, that is right. Thank you for that information. I was basing it on the last agreement. Obviously, with the new proposals, this figure was scaled up much higher. In fact, we are expecting it to be upwards Kshs500billion. Now it is Kshs495 billion, just short of Kshs5 billion to reach Kshs500 billion. That is the figure we are talking about.

In addition, there are conditional grants which come in different formats. In this Bill that is before us, there are conditional grants from the World Bank to finance the transforming of the health care system; agricultural and rural inclusive growth projects; and the Kenya climate agriculture project. There are also conditional allocation grants from the European Union (EU) to finance instruments for devolution advice and support ideas programme. There are also conditional grants from the World Bank Credit to finance water and sanitation projects. There are conditional grants from the Danish International Development Agency (DANIDA) to finance universal healthcare in the devolved system.

There are also conditional grants financed by World Bank on the Kenya Devolution Support Project (KDSP). There are also conditional loans from the Government of Sweden to finance the agriculture sector.

In fact, there are many conditional grants from donor funding agencies. The funds are given to us to finance specific programmes and projects in county governments. For conditional grants, it is through money borrowed by the national Government and it is shareable to county governments. This is done to ensure that county governments have their share of whatever is available at the national level.

Mr. Temporary Speaker, Sir, when you total up all these resources, they are over Kshs495 billion. We passed DORA last year. Yesterday, I guess it came through here. That DORA has been sitting in the National Assembly.

We have no business to continue with that debate until this money is released. I say so because when I look around here - and you will forgive me for being a bit selfish - I see in the case of Kisii County, the total conditional grants from the national Government revenue is Kshs879,284,082 in the Financial Year 2020/2021.

In the Financial Year 2021/2022, it totals Kshs153,297,872. This money is can help the County Government of Kisii to move forward.

If you look at our sister, Nyamira County Government, the conditional grants for Financial Year 2020/2021 is Kshs351,822,008 and for the Financial Year 2021/2022, is 153,297,872. So far, total condition grants from the national Government revenue in the case of Kisii is only a peanut of Kshs153,297,872. The same applies for Nyamira.

We cannot continue to pass the Division of Revenue Bill in this House when a lot of money is held back by the national Government.

I submit that the business of this House is to ensure that what is available to the county governments is made available immediately without any recourse. That must be done.

These totals of Kshs39billion---

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

**The Temporary Speaker** (Sen. Kinyua): Do you want to be informed Sen. Olekina?

**Sen. (Prof.) Onger:** Okay.

**Sen. Olekina:** Thank you, Mr. Temporary Speaker, Sir. I want to inform my good Senator from Kisii, that the Kshs39 billion which is sitting in National Treasury is being delayed from being dispersed to the counties because of actions of the National Assembly and this House not agreeing to mediate on the version of the conditional grants to release the money.

In addition, Conditional Grant Bill is Senate Bill because we are the ones who pass County Allocation of Revenue Allocation. So, it will be important for him to call upon the other Members of the National Assembly from Kisii and Nyamira to put pressure on their colleagues so that this money can be released to the counties.

We can do *siasa* later.

**Sen. (Prof.) Onger:** Thank you for the information. In fact, if the Bill is sitting in the National Assembly and they are not agreeing with what this House passed, the mechanism for resolving this matter is through mediation.

They have no business sitting on a Bill which is a Money Bill, in a way, which is part of the function of this Senate. We must be involved in the Division of Revenue Bill without any shadow of doubt whatsoever.

If there is any difficulty in the National Assembly, in one way, or the other passing this Bill, then it calls for immediate mediation. We are starving the county governments of their legitimate financial requirement that they need so badly to meet their requirement in financing their activities.

I submit that this is a legitimate request. It is a constitutional demand that derives the powers from the Constitution and the Public Finance Management Act. If you look carefully how money ought to be shared between the national Government and county government entities, it is clearly spelled out and Schedules must be done to remit that money to county government.

This House is making it more legal so that when there are conditional grants which we have been given, and are not part of the national collection funds they should be transmitted without any delay. Therefore, my feeling is that if Kshs39 billion which is held out there, is not dispersed, we will find it very difficult to pass the Division of Revenue Bill again in this House before that requirement is met.

**The Temporary Speaker** (Sen. Kinyua): Proceed, Sen. Halake.

**Sen. Halake:** Thank you, Mr. Temporary Speaker, Sir. I rise to support the Statement by the Chairperson of the Committee on Finance and Budget. I congratulate him for a timely move on this.

I join my colleagues in emphasizing that conditional grants delays and these machinations around it are unacceptable.

We have been told that conditional grants come from development partners who have ensured that the right sectors and locations are targeted. These are targeted funds. If other funds would be stolen, these funds would go to the people. So, stifling this and denying the people of counties the most required services at the frontline is unacceptable.

Hon. Senators have highlighted what each of the 35 counties that qualify for conditional grants will get. These grants are aligned to devolved functions. We have always shouted in this House that the resources must follow functions. This is the time we have an opportunity to push resources to the frontline of service provision in counties.

This is the one time we have targeted resources that will go into what you have seen listed; from climate resilience to Universal Health Coverage (UCH) to Agriculture. The list is endless, but it faces the people.

If you check what my county of Isiolo has done, the number one thing that will come out are conditional grants or donor funded projects that have been implemented.

Sometimes, it is very difficult to find resources from the national Government and what they have done. However, when you follow up and juxtaposition, conditional grant or development funds, that have come from external sources with our own internal domestic resourcing, you find a lot of the service provision at the frontlines are actually these types of funds.

Now these funds have been stopped or have not been sent to the counties. The framework does not exist. That has now become the excuse for stifling and refusing to send resources down to the counties. This House has the prerogative to make the legislative frameworks for these kinds of mechanisms.

What the Senator for Kirinyaga and Chairperson for the Committee on Finance and Budget is challenging this house to do its work. It is ensuring this House does what it takes to unlock the grants. This is a constitutional matter.

In our County of Isiolo, for instance, we are one of the universal pilot counties. As soon as the pilot was finished, the grants should have kicked in for the sustainability of this. Without these grants, there is no sustainability. Now people have to go and buy medication, bed sheets and go with buckets. They have to do all these things.

Under Article 96 of the Constitution, we are supposed to ensure that county governments are protected and that devolution is sustainable. How will it be sustainable without resources that can be accounted for, at least, through the partners and donors that have given?

The national Government cannot purport to be the custodian of conditional grants because the proportion of the grants is so small that even if they removed Kshs7 billion and decided to release what is not being provided, then we can say there is a framework in place.

As I stand here in support, it is not for the National Treasury to play politics with the future of our children and the health of our women. Northern Kenya, for instance, is the worst place to give birth in this country and around the world. The women of Isiolo who go to hospitals to give birth, have low chances of survival because there are no resources to look for even the most basic things.

We must hold the Executive to account as to why we do not have these funds in the counties. There are many times when there are no frameworks in place, but things have been done through regulations.

I sit in the Committee on Delegated Legislation. There are many times when the National Treasury has brought regulations to by-pass some of the legislative lacunas or frameworks that do not exist. Why is this different? Why could they not use other avenues, including putting regulations in place, to guide disbursements of conditional grants?

I support this Statement and congratulate our Chairman for bringing it. I urge this House to ensure we do not go into other things before we deal with this first. We must first deal with conditional grants.

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, I rise to congratulate and support the position that has been taken by the Chairman of the Committee on Finance and Budget, Sen. Kibiru, the Senator for Kirinyaga who is my good friend.

The issue at hand raises very serious constitutional issues. When we were elected to this House, we lifted the Bible and swore before millions of Kenyans that as Senators, we will defend the Constitution of the Republic of Kenya. What we are being called upon to do as Senators is to uphold the supremacy of the Constitution of Kenya.

We should not, for any one moment, send the wrong impression to the National Assembly that we do not enjoy direct mandate from the people of Kenya. All of us who sit in this House as Senators campaigned and got mandate from the people of Kenya. There are jurisdictions like in the United Kingdom (UK) where the House of Lords is made up of respected and experienced senior citizens who do not enjoy direct mandate from the people.

Like other senates in other advanced democracies like the United States of America (USA) and Australia, we receive our mandate direct from the people of Kenya. This issue of the National Assembly thinking that they can dictate things to us should not be allowed to happen.

Mediation is a very weighty issue. It is not a small issue because it has constitutional backing. It is a safeguard against misuse of power. Once a law comes here and it is sent to mediation, what people who elected us as leaders to Parliament expect is for us to develop a version that is acceptable to the two Houses.

Article 113 of the Constitution is very clear. It says if we do not arrive at a compromise, there will be consequences. Article 113 is not a flower girl in the Constitution. It was put there for a purpose and it is meant to safeguard misuse of legislative powers by either of the Houses.

If you read many constitutions, even the conferencing in the USA between the Senate and the House of Representatives, it is not a small thing. It is a momentous issue that Senators and the Members of the House of Representatives must discuss and arrive at a compromise. That is what we expect.

For us to have an ongoing process of mediation, and then we receive a Bill as if nothing is happening, that is a slap on our faces. We are being treated with contempt. As Senators, we should not cede our authority to the other House.

In other jurisdiction like Australia, if there is a disagreement between the Senate and the House of Representatives, it can lead to the dissolution of the two Houses. It has happened many times in Australia. When the two Houses are not able to agree, they are dissolved and go to the people to seek fresh mandate.

We should, as a House, stand firm on this. Unless we resolve that question, we should not go ahead and discuss the Division of Revenue Bill. As Sen. Sakaja has said, the High Court ruled. The Court of Appeal and the Supreme Court too ruled.

They said that we should deal with the Division of Revenue Bill first. Once we have dealt with it, then we can proceed with the County Allocation of Revenue Bill. The process should be parallel. We should finish the Division of Revenue Bill then appropriate money to the counties through the County Allocation of Revenue Bill.

After that, the National Assembly can appropriate money for other Ministries through the budget making process. It is a concurrent jurisdiction. There is no way the other House can invoke the process of passing the budget before we agree on the share that goes to the counties and what remains with the national Government.

This has been determined by the High Court, the Court of Appeal and the Supreme Court. How contemptuous can our colleagues in the other House be? They want us to yield to pressure that we should ignore court orders and constitutional process and go ahead and deliberate and pass the Division of Revenue Bill. With all humility, that is not the way to go.

A lot has been said about our conduct as elected Members of Parliament (MPs) and more so Senators. If you read our Kenyan Constitution, it is based on a limited government. What that means is that the Government can propose laws to us, but we have the final say, whether to agree with the Government position or not.

Even when the Head of State declines to assent to a law, the Constitution demands that he has to return it back to Parliament. We are again given an opportunity that we can override his decision if it is supported by two-thirds. That is a safeguard. It is having a limited government in place because we are not an autocracy.

Parliament is supposed to be independent. That is why we have our independent budgetary allocation, so that we can conduct our affairs without feeling that we are being put under pressure by the Government.

In the event that we are wrong and the Government is having a different position from the position that we take, we can go to the Judiciary. That is the only body that can interpret laws for us. In this case, we have a decision from the High Court that is unchallenged.

In the High Court Decision No.252 of 2016, the Court interpreted Article 218(1)(a) and said that conditional grants should not be provided for in the DORA.

If we are to respect our Constitution, then we are all bound by that interpretation. The Treasury, National Assembly and the Senate are bound. That is the only way we can say we are a country that we respect the rule of law. If anybody was aggrieved by that decision, then the best thing they could have done is to appeal against that decision. However, as the position stands today, that remains a decision from our courts of law and one that must be respected.

The third point I want to make is to make an appeal just the way Sen. Olekina has done. All the Members of the National Assembly, including those who have been elected from my County of Nyamira should know that the people who elected us, both Members of Parliament (MPs) and Senators, reside in our counties.

The money we send to counties is meant to provide services to those people. Our uncles, aunties, cousins all reside in counties. Therefore, this idea of MPs sending



impression that they are there to fight devolution is a very unfortunate state of affairs because all hospitals in my county are under the county government. The drugs meant to be purchased by the money we send to counties will serve people who are supporters of MPs and also the supporters of Senators. They do not draw a line. So, we really want to also put them on the spot.

Let our people know that this money, the Kshs351 million that is supposed to go to Nyamira is being held back because of the unfortunate stand that has been taken by the Members of the National Assembly. We must tell them. Our people must know the truth.

I am here to fight so that these monies go to our counties, but our people cannot get medical attention in our hospitals because the National Assembly has refused to agree with the position of the Senate which is supposed to send more resources to our counties. That is the same thing with the people who reside in my neighboring county of Kisii, Narok, Nairobi, and Kitui. Are we serving the interest of the people or are we serving selfish ego interest? That is what I want the people of Nyamira to know today. That is why I am here in Nairobi, to fight for this money to go to my county of Nyamira so that services can go to our people.

Every governor should respect us. I have never seen a governor walk in here to fight for money to go to the counties the way we do. You have heard the sentiments of Senators who have spoken this afternoon; they are passionate that they want more resources to go to the counties. When this money goes there, governors think it is their money. They do not even know how that money got there in the first place because we could play ball and just sit back.

I thank Sen. Sakaja because he stood with me in my hour of need. My brother I wish you well in your quest of being Governor of Nairobi because you stood with the people of Nyamira when we were about to lose Kshs600 million. Therefore, the Governor who is in office must respect me and other Senators.

If we had lost that money, the budget of the County Assembly of Nyamira could have been whipped. We spend Kshs598 million to run a county assembly each year. We saved that county Kshs600 million collectively as Senators. Therefore, when this money reaches there, we want to see it uplifting the lives of our people, not to enrich governors.

I hope my colleagues who want to be governors will behave better than what we are seeing from some cadre of governors. We want people to have smiles on their faces. We want you to behave like the President of Finland. She has the happiest people in the world. If you read why, it is because she is able to provide quality, affordable, healthcare and good transport system to her people. There is security there. You can walk in Finland even at midnight. That is what we want to see in our counties.

This morning we had my Governor appearing before the Committee on Labour and Social Welfare chaired by Sen. Sakaja here. Among the issues being handled by the Committee on Labour and Social Welfare is a governor who is refusing to pay Early Childhood Education (ECD) teachers who earn a paltry Kshs13,000. ECD teachers whose contracts were terminated in June, 2020 have never been paid their gratuity two years down the line.

That is not the way to deal with people who have elected us into office. Therefore, on this one - and I am happy that the Senate Majority Leader is here - we have to stand with the Constitution of the Republic of Kenya.

You will find that even in advanced democracies like America, the only time you allow Senators to vote with their conscience is when they are voting to defend the Constitution of America, or where they are voting to defend a matter that affects a State in America. Therefore, on this one, we will vote to defend the Constitution of the Republic of Kenya.

Finally, as I conclude, if we had got good support from the person who chairs the Intergovernmental Budget economic Council (IBEC), my good friend our Deputy President William Ruto, we would not be where we are. The Council of Governors (CoG) had proposed an allocation of Kshs751 billion to be given to counties. However, when this matter was presented to IBEC, the chairperson reduced that amount from Kshs751 billion to Kshs370 billion and disregarded the proposal by the CoG that wanted to allocate Kshs751 billion.

If the Deputy President truly believes in the Bottom-Up Economic model this is where he should have begun. We sent a proposal to a body that is chaired by our Deputy President and we expected him to stand with the people who live in counties and support that proposal of signing Kshs751 billion, but he vetoed that proposal and instead said only---

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

**The Temporary Speaker** (Sen. Kinyua): What is it, Sen. Sakaja?

**Sen. Sakaja:** Mr. Speaker, Sir, you know our Standing Orders say that a Senator must be responsible for making a statement of fact. That IBEC has the Deputy President, but it is also filled with governors. Now you can never cry more than the bereaved. It is a big shame to these governors because they all said - and you remember when we had these fights - that they were happy with that amount and that it is us who want more money to go to them. So, how would they have been overruled?

You cannot blame the Deputy President because he is sitting there on behalf of the national Government. The national Government ideally would have wanted to haggle with these governors. However, the governors were all too happy to just sit around a table, have tea and *mandazi* and accept that amount. So, I think it is out of order to blame the Deputy President who, of course, cannot defend himself here for a decision that was made by the governors.

They addressed press conferences thereafter. In fact, after that period they were sitting at State House led by Governor Oparanya and they were trying to tell their Senators to stop fighting for more money. Do you remember Governor Mutua speaking against Sen. (Dr.) Kabaka? Shame on those governors. Let us not shield the real culprits who are those governors because of politics. I do not know what favours they want from the national Government or what cases of theirs they do not want to be pushed.

The Deputy President actually believes in devolution as far as I know. He believes in counties getting these resources. However, if you look at the structure of IBEC it is just the Deputy President, the Ministry of Finance and all these governors. Therefore, you cannot cry more than the bereaved and say I want to give you more money and the governors themselves do not want more money. How will that work?

**The Temporary Speaker** (Sen. Kinyua): Proceed, Sen. Wambua.

**Sen. Wambua:** Thank you, Mr. Temporary Speaker, Sir. I have a piece of advice for my brother, Sen. Omogeni. Do not create the wrong impression that governors are

doing any good job including asking for Kshs700 billion. In the first place, the money that you ask for must be based on something. You do not just throw figures and indicate that Kshs700 billion should go to counties. If they believed that Kshs700 billion should be allocated to counties and they were given Kshs370 billion, we should have seen a push back on their part. The minute they are told that they will receive Kshs370 billion they sit back and are comfortable with it.

As Sen. Sakaja has said, it pains me to remember what the Governor of Machakos did at a public rally, inciting people against our late brother Sen. (Dr.) Kabaka, that he is the one who is denying the people of Machakos money. Sen. Omogeni, we should not create the wrong impression that we have governors who care about our counties and the money allocated to counties. On the contrary, we have governors who only think about themselves. The money they see coming to them, they appropriate it to do their own personal things and not help our people.

I thank you.

**The Temporary Speaker** (Sen. Kinyua): The Senate Majority Leader, what is it?

**The Senate Majority Leader** (Sen. Poghiso): It is okay for us to be informed when we would like. I do not think Sen. Omogeni was asked whether he wanted to be informed or not. When Members stand on a point of order, should it not be a point of order? I did not hear anyone asking whether anything was out of order.

**The Temporary Speaker** (Sen. Kinyua): What is it Sen. Sakaja?

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, the Senate Majority Leader has not even indicated what is out of order. I quoted the Standing Order 100 states that a Senator must be responsible for a statement of fact. I am happy we have a blue Standing Order with both Kiswahili and English versions. We will be using it more. Senate Majority Leader, we normally follow these procedures. You are the one who did not tell us which Standing Order you stood on.

**The Temporary Speaker** (Sen. Kinyua): Sen. Omogeni, proceed.

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, I never make reckless statements on the Floor of the House. I am a Senior Counsel. Anytime I speak, I have my facts correctly. What I said is a factual position. The Council of Governors proposed an allocation of Kshs751 billion. However, the Intergovernmental Budget and Economic Council (IBEC) chaired by our Deputy President, William Samoei Ruto, held a meeting which came up with a figure of Kshs370 billion. From where I am sitting, the Chairperson must take responsibility. I take responsibility for the decisions that we make in my Committee. That is the factual position.

**The Temporary Speaker** (Sen. Kinyua): What is it, Sen. Olekina?

**Sen. Olekina:** On a point of order, Mr. Temporary Speaker, Sir. I rise on a point order on statement of facts. The same point of order that the good Senator for Nairobi used. This is Standing Order 100. I want some clarity here.

Is it in order for my good friend, the Senator for Nyamira, to state that IBEC came up with the figure of Kshs370 billion? If I remember well, we debated this matter 11 times, when we had different figures. Sen. Sakaja, of course, yours truly the Temporary Speaker, Sen. Kinyua, and I were Members of the Mediation Committee comprising of Members from both sides of the House. We came up with figures until the last minute. We agreed that Kshs370 billion, this was a resolution of the Senate. We also came up

with figures for five years. Is it in order for the good Senator of Nyamira to mislead the public that IBEC is the one that came up with that figure of Kshs370 billion yet it was a resolution of the Senate? If I can get that clarified, I will be happy.

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, my learned colleague, the Senator for Narok, is referring to the Financial Year 2020/2021. I am talking about the figure of 2021/2022 which has adopted the figure of Kshs370 billion.

**Sen. Olekina:** Mr. Temporary Speaker, Sir, I stand corrected.

**Sen. Omogeni:** It is always good to get your facts right. However, thank you for raising the issue. The point I was making is that, if you are a true defender of devolution, it will always be seen by deed and action. The fact that IBEC did not defend the proposal to raise allocation to Kshs751 billion means that those who were chairing IBEC---

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, on a point of order.

**The Temporary Speaker** (Sen. Kinyua): What is the point of order?

**Sen. Sakaja:** On a point of order, Mr. Temporary Speaker, Sir. Sen. Omogeni is losing the real point he is making by trying to pander to politics.

The Standing Order 100 is clear about statement of fact. You cannot say that the CoG had a proposal that is different from IBEC. Who makes up IBEC? Under Section 187 of the PFM Act, it is chaired by the Deputy President, the Cabinet Secretary Finance, a representative from the Parliamentary Service Commission, Judicial Service Commission and Commission of Revenue Allocation, the Chairperson of the Council of Governors is there plus the 47 the County Executive Committee Members (CECMs) of finance from each county in the country. You have 49 members representing counties and 304 from the national Government. Why would you want to blame the Deputy President and lose the entire argument you have been making because of politics? We need to be fair. On the Statement of fact, there is no counter proposal from the CoG. The same Standing Order 100 (1) states that-

‘(1) A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.’

If he is unable to substantiate it, he needs to withdraw it. Let him substantiate what CoG proposed and how it was countered. Otherwise, he is pandering into politics and making inaccurate statements in the Senate.

Further, Standing Order 100 (2) states-

‘If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order 116 (Disorderly conduct) unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires.’

Standing Order 116 has repercussions. It is not right to throw around figures. Give us the document showing what the CoG proposed and where it was countered or you just withdraw the statement.

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, I do not know why we want to dispute facts that are documented. I asked my friend to join me and google. I will google and you will see the proposal by CoG was Kshs751 billion and the chairperson of IBEC

is our Deputy President. You will see him issuing a statement they have reduced the figure to Kshs370 billion. There is no politics. I am giving facts.

**The Temporary Speaker** (Sen. Kinyua): Sen. Omogeni, you are a Chairperson of a Committee. I am sure you know that it is not the chairperson who makes the decision but the Members. You just represent them. For you to---

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, what I have said is that IBEC is chaired by the Deputy President, which is a fact. The second fact is the proposal from CoG was Kshs751 billion. What was agreed by the Committee that was chaired by the Deputy President was Kshs370 billion. I do not know how to---

**The Temporary Speaker** (Sen. Kinyua): What is it, Sen. Sakaja?

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, just because he has googled does not make it a fact. Substantiate by giving us the official documentation of CoG's proposal, remember CoG sits in IBEC. Tell us how the CoG countered its own proposal. He has until the next sitting day to bring those facts or withdraw. You cannot say because you have seen something on google; it could be on a WhatsApp group in Nyamira. That is not a fact and is not admissible document. Newspapers are not admissible in the Senate, we deal with documents.

Let him table the actual offer by CoG and since it sits in IBEC how the offer was countermanded and he is claiming it was countermanded by the Deputy President. Otherwise, he is just pandering into politics. This is why you need to direct because I have quoted the Standing Order that requires the substantiation.

**The Temporary Speaker** (Sen. Kinyua): What is it, Sen. Poghisio?

**The Senate Majority Leader** (Sen. Poghisio): Mr. Temporary Speaker, Sir, I do not know where this is coming from. I just want to follow from the Standing Order No.100. You cannot demand, for example, for common ordinary documents which are already in public domain and you have been given an assignment that you can look at them. I do not see why we would spend so much time on an issue which does not require substantiation at all.

Mr. Temporary Speaker, Sir, following from Sen. Omogeni, his Statement is a statement of fact. All he is saying is that Intergovernmental Budget and Economic Council (IBEC) is chaired by the Deputy President. The rest is actually figures that have to do with money. It is not politics; it is not attacking the Deputy President at all. That is the most important thing to say.

*(Applause)*

**The Temporary Speaker** (Sen. Kinyua): Sen. Omogeni, proceed. However, there is one thing we want you to put clear. The observations are true. It is like to say today – Senate Majority Leader – that Sen. Kinyua has teeth and a cow has teeth. The conclusion is what is making things different. For you to conclude that I am a cow is wrong. Everybody is differing on the point where he concludes that it is the Deputy President who reduced the money.

What is it, Sen. Wambua?

**Sen. Wambua:** Mr. Temporary Speaker, I plead that you give direction on this matter. Still on Standing Order No.100. It is a fact – I should be the last person saying

this – that the Deputy President chairs IBEC. It is also a fact that Council of Governors (COG) sits in IBEC. It is a fact that 47 CECs for Finance from each county sit at IBEC.

The announcement of any decision of IBEC is a decision of the collective group of IBEC. The reason I keep telling my brother, Sen. Omogeni, to drop that line is because we are dealing with a serious issue of funds to our counties.

The Statement that we have on the Floor is about what I believe was a wrong decision by the Senate Leader of Majority to table the Division of Revenue Bill before mediation on grants is finalized. These other things – in my humble submission – are unnecessary politics. Let us stick to the issue.

**The Temporary Speaker** (Sen. Kinyua): Sen. Sakaja, proceed.

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, what is not coming out clearly is that I have no issue with the implied understanding of what happened. However, the Senator has made a Statement of fact. That is what I am asking to be substantiated.

The Senator has made a Statement of fact saying that the COG asked for Kshs700 billion then it was reduced by the Deputy President to Kshs370 billion. I do not care about that inference. Where was this request of Kshs700 billion by the COG of made? Is it a fact that the COG asked for Kshs700billion?

If that cannot be substantiated, it must be withdrawn. As simple as that. Who did they ask? Where was it tabled? Did they ask in a Committee where they sat or a press conference? Was there a letter?

Otherwise, what we are dealing with is wrong innuendo meant to mislead people that certain people are anti-devolution. That takes away from the very important discussion that we are having this afternoon.

Mr. Temporary Speaker, Sir, I am invoking Standing Order No.100 as my right as a Senator. It says-

“that if a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiate the allegations not later than the next sitting day, failure to which he is deemed to be disorderly.”

The allegation that I want to be substantiated is that the COG asked for Kshs700billion. That is a very wild allegation that will not be able to be substantiated.

**The Temporary Speaker** (Sen. Kinyua): Sen. Olekina, proceed.

**Sen. Olekina:** Bw. Spika wa Muda, ili tuweze kusonga mbele kwa Hoja ambayo tuko nayo leo, nikiangalia katika Kanuni za Kudumu ile ambayo mwenzangu Sen. Sakaja amezungumzia, inasema ya kwamba-

“iwapo Seneta ana sababu ya kumshawishi Spika kwamba Seneta anayechangia hawezi kuthibitisha madai yake papo hapo, Spika atamhitaji Seneta anayechangia kuthibitisha madai yake, isiwe baada ya kikao kinachofuata.”

Bw. Spika wa Muda, ningeomba hivi, kwa sababu tunataka tuendeleo kuzungumzia maneno ambayo yametuleta hapa leo, kama mwenzangu, Sen. Sakaja, hajaridhishwa na mambo ambayo Seneta kutoka Kaunti ya Nyamira ameyataja hapa, ampe muda ule ambao umepewa katika Kanuni za Kudumu ili tuweze kuendelea.

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, one time when I was a very young person, Sen. Mwangale, the late Member of Parliament then, was making a Statement on the Floor and Members of Government were trying to challenge his assertions on the

Floor. He gave a story of a hyena that was eating the stone and the stone was not responding. The hyena went away saying that the stone had heard even if it was not responding.

Mr. Temporary Speaker, Sir, in concluding my remarks, the most important Statement I was making this afternoon is that as Senators, true defenders of devolution, people who have taken an oath to defend the Constitution---

**The Temporary Speaker** (Sen. Kinyua): Sen. Omogeni, ---

**Sen. Omogeni:** Yes, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Kinyua): You need to substantiate that the COG -

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**Sen. Omogeni:** Mr. Temporary Speaker, Sir, what I have said is a Statement of fact. Which allegation have I made?

**The Temporary Speaker** (Sen. Kinyua): You have said that COG---

**Sen. Omogeni:** Yes, made a proposal of Kshs751billion.

**The Temporary Speaker** (Sen. Kinyua): You need to give---

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, what I have made is not an allegation. I have made a Statement of fact.

**The Temporary Speaker** (Sen. Kinyua): Sen. Omogeni, just substantiate.

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, I can substantiate by saying that the COG made a proposal to IBEC for an allocation of Kshs700billion.

**Sen. Olekina:** On a point of information.

**The Temporary Speaker** (Sen. Kinyua): Sen. Omogeni, do you want to be informed by Sen. Olekina?

**Sen. Omogeni:** Yes, Mr. Temporary Speaker, Sir I want to be informed but let us not argue on facts.

**Sen. Olekina:** Mr. Temporary Speaker, Sir, for us to have this matter concluded, 4<sup>th</sup> November, 2021, the COG issued a press Statement on the County Revenue Allocation (CRA) recommendation for sharing of revenue between National and County governments.

That Statement says-

“further, this position is buttressed in the Constitution of Kenya Amendment Bill, 2020 which recommended that counties be allocated not less than 35 per cent of the revenue collected by the National government. As such, the COG emphasized an upward increase of the county equitable share to Kshs751billion.”

I believe that rests the matter. There was a press conference. We can actually share with you.

**The Temporary Speaker** (Sen. Kinyua): Senator, in the Senate, we do not take press statements.

**Sen. Olekina:** No, Mr. Temporary Speaker, Sir. We will table it. I am informing my colleagues, so that he can table to table it.

**The Temporary Speaker** (Sen. Kinyua): Sen. Omogeni, we need substantiation because press statements need to be tabled in this House. We cannot deal with press statements or hearsay from the streets.

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, if you ask me to bring documents, you know I am a very good lawyer. It will be very embarrassing to Sen. Sakaja.

**The Temporary Speaker** (Sen. Kinyua): Sen. Omogeni, there is nothing like embarrassing. We need substantiation.

*(Sen. Sakaja spoke off record)*

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, even if you want to defend the undefendable, some facts are easier if accepted and you go and have a good sleep. You do not need to trouble me to go look for---

**The Temporary Speaker** (Sen. Kinyua): What is it, Sen. Sakaja?

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, first of all, I do not understand why you are engaging an argument with a Senator on the Floor. You have asked him to substantiate, let it be substantiated. I will be very happy to see the headache proposed to themselves. The Council of Governors (CoG) proposed themselves that figure.

Sen. Olekina, opening a *WhatsApp* group from Narok County or from wherever that is, is not substantiation in the Senate.

**Sen. Omogeni:** Point of order, Mr. Temporary Speaker, Sir.

*(Loud consultations)*

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, I am on a point of order.

**The Temporary Speaker** (Sen. Kinyua): He is on a point of order.

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, there are rules even as to what is admissible in this Senate. Let us see that official press statement. If it is correct, we will be happy. I will not be embarrassed by the truth. I love the truth. Bring it.

You do not just banter around words that this people asked for Kshs700 billion and the Deputy President refused and took it down to Kshs370 billion. You then expect us to sit pretty? No. Bring it and table it.

**The Temporary Speaker** (Sen. Kinyua): Senate Majority Leader, you may speak.

**The Senate Majority Leader** (Sen. Poghio): Point of order, Mr. Temporary Speaker, Sir. Again, invoking Standing Order No.100, we will continue forever because we do not come to the same understanding of what Sen. Omogeni is saying.

Of course, I cannot stand on a point of order on somebody who is just finding strength to do a point of order. However, let me just inform the House that there is no rule against press statements. What cannot be brought to this House are newspapers. There is no ruling against having a press statement. If it can be brought to you---

**The Temporary Speaker** (Sen. Kinyua): That is why I say it must be brought in this House. We have finished.

**The Senate Majority Leader** (Sen. Poghio): Mr. Temporary Speaker, Sir, on the other hand, ---

**The Temporary Speaker** (Sen. Kinyua): Sen. Omogeni, please! Order, Member!

**The Majority Leader** (Sen. Poghio): Mr. Temporary Speaker, Sir, am I not on the Floor?



**The Temporary Speaker** (Sen. Kinyua): Order! We have ruled on this matter. Sen. Omogeni said he is a good lawyer and counsel; he will bring the documentation. We have rested that matter there, unless we are discussing something else.

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, to demonstrate that I do not just make wild allegations, I will table before the Floor, a Statement that was issued on 4<sup>th</sup> November, 2021 by Nderitu Mureithi. He is the Chairperson of the Committee on Finance, Planning and Economic Affairs, COG. I will table that Statement before the Floor and Kenyans will know who is telling the truth.

You cannot be here trying to create the impression to Kenyans that the Deputy President is a defender devolution, while his actions demonstrate otherwise. I will come here and table that Statement on the Floor of the House.

**The Temporary Speaker** (Sen. Kinyua): Thank you.

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, I respect your ruling but a lot of my time has been wasted by statements. I do not know how to you interpret the word allegation. I should even ask a ruling of the Speaker.

When you say somebody has made an allegation, in line with our Standing Orders, I want a ruling from the Floor. We have spent 30 minutes here on a point of order raised by Sen. Sakaja, where he has informed the House that I have made unfounded allegations.

I would like the Chair to rule on is, he is making a statement of fact and allegation. I have not touched on the conduct of the Deputy President. I have just made a statement of facts that it is within the knowledge of Kenyans.

Two, Mr. Temporary Speaker, Sir, what happens when an honorable MP demonstrates ignorance on the Floor of the House, on matters touching on devolution that should be on the fingertips of a Senator? Should this House have its time wasted on a point of order on a matter that is factual and in public knowledge, that should be within the knowledge of a Senator? Should this House waste its time on debating a matter that we should all take judicial notice of? I invite the Chair to make a ruling on that issue.

Mr. Temporary Speaker, Sir, in conclusion---

**The Temporary Speaker** (Sen. Kinyua): Sen. Omogeni, I have ruled on that matter. I do not know why you want to belabour the point.

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, I am asking you to make a ruling on that Standing Order, so that in future, we know how to conduct business here. People can rise on points of order which are not really points of order.

It is important that you guide us. We have just been given a booklet on the rulings of the Speaker. I am saying this with all humility. I have tremendous respect for the Senator for Nairobi City County, Sen. Sakaja, the future Governor of Nairobi City County but---

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

**The Temporary Speaker** (Sen. Kinyua): What is it, Sen. Sakaja? I hope it is not on that matter because I have ruled on it.

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, in fact, this matter has taken long because the authority of your Chair is being challenged. When you have made a ruling on a matter---

We have seen Sen. Omogeni and the Senate Majority Leader arguing with you on the Floor. When you give direction as Chair--- In fact, even while you are still talking, you find people standing up or walking. You have given direction on the matter, let him substantiate on the next sitting day and we move on to other things.

If they listened to you 30 minutes ago, it would have been over. Please, just exercise the authority of your Chair.

**The Temporary Speaker** (Sen. Kinyua): I have ruled on that matter, Sen. Sakaja.

**Sen. Sakaja:** Thank you, Mr. Temporary Speaker, Sir. Let us move to other things.

**The Temporary Speaker** (Sen. Kinyua): Sen. (Dr.) Musuruve, you may have the Floor.

**The Senate Majority Leader** (Sen. Poghisio): Has he concluded?

**The Temporary Speaker** (Sen. Kinyua): Yes, he has concluded.

*(Loud consultation)*

**An Hon. Senator:** Yeye ndiye amesababisha shida hii yote.

**Sen. Omogeni:** Hii shida ni kutetea mtu mmoja tu mwenye atapigiwa kura na Wakenya.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to support this Statement from Sen. Kibiru.

Sen. Kibiru has given us a chronology of how the Bill was born. It originated from the Senate on 25<sup>th</sup> May, 2021. It went to the National Assembly where there were issues to do with amendments, and then it also went for mediation. This is the way Bills should actually go.

However, at the point of mediation, there is need for both Houses to reach a consensus, so that the Bill is assented to. This Bill is long overdue. It needed to be worked on way back because the grants that go to counties are supposed to be conditional so that they go for a specific purpose. The purpose of the grants is to ensure that Kenya delivers on its international obligations with regard to service delivery.

As a country, Kenya has signed many international laws and also ratified the laws that speak on the issue of basic needs. We are talking about issues of national importance like water, quality education, affirmative action and health. All these issues are even enshrined in our Constitution. So, these grants are supposed to be specified in order to go to such specific service delivery units. This is so that if it is health, then they help in terms of bringing down mortality rate and all that.

To speak very candidly on the Floor of this House, some counties have not sorted out issues of national importance such as education. Many county governments have not implemented schemes of service for Early Childhood Development and Education (ECDE) teachers. They are not paying ECDE teachers as they ought to be paid.

Some of these grants can specifically be sent to address some of these issues. When we look at the service delivery and the Big 4 Agenda, the four agendas may not be resolved by the Government alone. The contribution of partners is very important.

Mr. Temporary Speaker, Sir, partners are supposed to contribute Kshs34 billion and the Government Kshs7 billion. This is a valid concern that the money ought to go to the counties.

As I stand here, I wonder if governors will prudently utilize this money they are asking for. At the moment, most of the county executives are busy campaigning. Sometimes, when they are called for meetings, they do not attend.

At times, when we want them to address key national issues that are burning the country, they are not available and the answers they give are not warranting.

As we talk about this Bill, we agree that money ought to go to the counties. However, there is need to have a mechanism to ensure that this money is used prudently and that there is oversight.

I am wonder how the county executives will work within the timeframe of three months to ensure that when this money is disbursed, it goes for the right cause.

Mr. Temporary Speaker, Sir, when money goes to the counties, we need to ask ourselves if it will be used prudently given that the timeframe that is left is minimal and some county executives are not keen on national issues and are busy with campaigns.

I agree that issues of education are important---

**The Temporary Speaker** (Sen. Kinyua): As you conclude, Sen. (Dr.) Musuruve.

**Sen. (Dr.) Musuruve:** Mr. Temporary Speaker, Sir, Give me two minutes. Issues of Early Childhood Development Education (ECDE) and health are also important. However, we must ask ourselves whether county executives will be transparent in the manner in which they will use this money. Will they be accountable? Will oversight be done within the shortest time that we are remaining with?

Mr. Temporary Speaker, Sir, that is my humble comment. Thank you for the opportunity.

**The Temporary Speaker** (Sen. Kinyua): Thank you.

Proceed, Senate Majority Leader.

**The Senate Majority Leader** (Sen. Poghio): Thank you, Mr. Temporary Speaker, Sir. I rise to support the Statement by the Chairman of the Committee on Finance and Budget on the issue of grants in the counties.

I also stand to make things easier for our Senators. A good number of speakers this afternoon have got one wrong on this matter. They have blamed the Leader of Majority for prioritizing the Division of Revenue Bill. Blaming the Senate Majority Leader who sits in this House every day are the people who do not come to the Chamber or follow debates. The worst thing is, the people who blamed the Senate Majority Leader, are Members of the Senate Business Committee (SBC). It makes no sense.

Mr. Temporary Speaker, Sir, the Senate Majority Leader does not prioritize Bills and is not responsible for the Order Paper. It is the SBC of which Sen. Sakaja and Sen. Kibiru are Members of. They knew exactly that the Division of Revenue Bill will be in the Order Paper. They knew it would reach and it was prioritized. It was also put as the first item.

It was unfortunate that hon. Members who do not come to the House got an opportunity to bash the Senate Majority Leader for nothing. Some of the things that have been raised here including points of orders, should have been raised on the Floor. They

should have been raised when we were moving the Division of Revenue Bill. There was no single person who stood up to oppose Bill or create a contrary contribution to it.

Mr. Temporary Speaker, Sir, it is matter of belatedly trying to say that they were not consulted or we should have ordered it this or that way. So, if we make a mistake, let us not put the blame in the wrong place.

I had no choice as the Senate Majority Leader but to move the Bill as it was ordered in the Order Paper.

That said, if the Hon. Speaker calls out an item in the Order Paper and calls the Senate Majority Leader, what choice do I have? I have no choice but to come and move that particular Bill unless somebody stood against it or opposed it. However, there was nobody.

Mr. Temporary Speaker, Sir, I therefore rest my case. I want hon. Members to understand that if anything went wrong, they have themselves to blame.

Members of the Committee on Finance and Budget and those who do not attend or follow sessions. That issue would have been sorted. It is now becoming a situation where people are splitting hairs on a matter which is broad yet it is our own fault.

We should have gotten the Committee report way ahead dealt with that matter before. Somebody should have stood on the Floor of this House to say so, not belatedly or after that fact.

Mr. Temporary Speaker, Sir, the Bill is already gone to the Division. I want to appeal to Members that it is okay to bash people like us. People also have a right to claim that this should not have been the case. However, we know the facts. The question should have been what to do now that we know the facts. How do we move from here rather than looking back at what has already happened?

We are great supporters of devolution in this House. It is our main business. The most important things we do, among others, is to make sure that counties get the right amount of money. That is our collective duty and responsibility.

It is also important to note that between now and the time that Bills that we are talking about, which are money or finance Bills that have to do with the budget, have timelines.

Mr. Temporary Speaker, Sir, if we are going to give these monies to the counties, we have to meet certain timelines. The County Allocation of Revenue Bill and Division of Revenue Act must come at a certain time all the way to the disbursement. I do understand the pain but I must say this is a collective decision we should have taken together.

I support the idea. I know that my county is one of the beneficiaries of those grants and it is also waiting for the budget to pass through; for us to finish with the Division of Revenue Bill and go to the County Allocation of Revenue Bill and finally go to the schedules of disbursement so that they receive the money.

Mr. Temporary Speaker, Sir, I want to assure Members that there was no intention to make anybody angry. We are all here to serve our people with the same interests.

The fact that this Statement came late does not take away that fact. We all believe in devolution and we would like to see the process is followed. I hope that the Members will understand that we need to move with speed to conclude on the Division of Revenue Bill.

Mr. Temporary Speaker, it is true. It is standard that if you request for a Statement, you should not leave the Chamber because the Statement is yours. You should stay. It is like a Motion. If you are not going to be there, at least you should task somebody to be there.

Mr. Temporary Speaker, Sir, if possible, I hope issues raised by Members will be put into perspective.

I thank you.

**The Temporary Speaker** (Sen. Kinyua): Senate Majority Leader, I hope he is following online.

The next Statement is by Sen. Wambua.

#### UNBEARABLE COST OF LIVING IN THE COUNTRY

**Sen. Wambua:** Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Finance and Budget regarding the unbearable cost of living currently prevailing in the country. In the Statement, the committee should address the following-

(1) State whether there are plans to subsidize the shelf prices of basic food items like cooking oil, maize flour, wheat flour and rice among other basic commodities.

(2) Outline the measures, if any, that the Government has put in place to cushion Kenyans against skyrocketing commodity prices.

(3) Explain the status of the Petroleum Price Stabilization Fund, providing details of how much revenue is in the Fund and how it is being utilized to stop the ever-increasing fuel prices.

Mr. Temporary Speaker, Sir, allow me a minute to make a comment on this Statement. I have just come back to Nairobi from Kitui County. I want to confess before this House that the cost of living for my people and the people of the Republic of Kenya is unbearable. It has become extremely difficult for Kenyans to make their ends meet or even place a meal on the table for their children.

At a time that schools have closed, the price for almost all consumer products in our supermarkets and shops is unbearable. How I wish that the Government does something to cushion Kenyans from suffering. We are facing drought in many places in this country.

Children have closed schools. The income of many Kenyans is either going down or lost. If there was a time that Kenyans wanted the support of the Government, it is now.

I thank you.

**The Temporary Speaker** (Sen. Kinyua): Senate Majority Leader, please proceed.

**The Senate Majority Leader** (Sen. Poghishio): Mr. Temporary Speaker, Sir, just to encourage the Senator for Kitui who is disturbed like all of us about the cost of living in the country at the moment. It is important to note that this is the world of today. The entire world is in stress because of the COVID-19 situation and now the war in Ukraine and other countries. That is no excuse to speak about our own situation. I am just saying, this is what is happening in the world.

In a system that is not parliamentary like ours, which is a presidential system of government, it is a chairperson of a committee who is charged with the responsibility, like a Cabinet Secretary, to return quickly with answers to such issues.

I would like to urge the committee that is going to handle this particular matter to understand that the feeling that I see in the Senator, you can see it on his face, is nothing compared to the feelings on the ground. That is the feeling of the people themselves.

So, it is urgent. It means that we should not give them the usual many days that we allow committees. The committee should be seized of the matter and bring the answers as soon as possible. On this one, we are united and all in agreement that we are in distress. We are in a situation which is probably going to get worse before it gets better.

Therefore, Mr. Temporary Speaker, Sir, I thank him for bringing this matter which should be taken seriously.

I thank you.

**The Temporary Speaker** (Sen. Kinyua): The Statement by Sen. Wambua should go to the Committee on Finance and Budget and we have given them 14 days to respond to it.

Senate Majority Leader, please proceed.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 29<sup>TH</sup> MARCH, 2022

**The Senate Majority Leader** (Sen. Poghio): Mr. Temporary Speaker, Sir, before I proceed with the Statement, I would like to take this opportunity to welcome hon. Members back from the short recess. Over that period, I trust that Members were well and had an opportunity to interact with families, constituents, friends and those who had an opportunity to attend international meetings have come back.

Mr. Temporary Speaker, on Tuesday, 29<sup>th</sup> March, 2022, the Senate Business Committee (SBC) will meet to consider and approve the business for the week. The business for Tuesday, 29<sup>th</sup> March, 2022, is projected to contain business that will not be concluded in today's Order Paper as well as any other business approved by the Committee.

The Committee will also consider and approve Bills at the Second Reading and Committee of the Whole stages, as well as Motions contained in the programme of the SBC and schedule them accordingly for Wednesday, 30<sup>th</sup> March, 2022, and Thursday, 31<sup>st</sup> March, 2022. Any business that will not be concluded on Tuesday, 29<sup>th</sup> March, 2022, will accordingly be rolled over to Wednesday 30<sup>th</sup> and Thursday, 31<sup>st</sup> March, 2022.

In terms of the legislative business before the House, 19 Bills are at the Second Reading stage and 11 Bills are at the Committee of the Whole stage. Four of the Bills at the Second Reading stage are scheduled in today's Order Paper for division, while four of the Bills at the Committee of the Whole stage are scheduled in today's Order Paper for division.

Likewise, there are two Motions pertaining to reports of the Standing Committee on Health and the Sessional Committee on County Public Accounts and Investments which are scheduled in the Order Paper for division. I urge hon. Senators to be available

in the House for the Senate to undertake the divisions which will facilitate the transition to the next stage of these businesses.

Mr. Temporary Speaker, Sir, I take this opportunity to thank Standing Committees that have tabled reports on Bills. I continue to urge those that are yet to conclude consideration of Bills to expedite the process.

Movers of Bills, committee Chairpersons and Senators proposing amendments at the Committee of the Whole stage are encouraged to be available in the House to move the same whenever they are scheduled in the Order Paper.

A number of these Bills have been scheduled in today's Order Paper as Order Nos.16 through 22.

Mr. Temporary Speaker, Sir, other business before the Senate includes Petitions and Statements pending before various committees. I also urge chairpersons of respective committees to hasten consideration of this business and to table reports pursuant to the Standing Orders.

In conclusion, I take this opportunity to thank all Senators for the dedication and commitment they have continued to exhibit in their work and urge that we all continue to do the same during this part of the Senate calendar.

I thank you and hereby lay the Statement on the Table of the Senate.

I thank you.

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

## ADJOURNMENT

**The Temporary Speaker** (Sen. Kinyua): Hon. Senators, it is now 6.10 p.m. For the convenience of the House and pursuant to Standing Order No. 31(2), the Senate stands adjourned until, Tuesday, 29<sup>th</sup> March, 2022, at 2.30 p.m.

The Senate rose at 6.10 p.m.