

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 2nd March, 2021

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

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

PRAYER

PETITION

REPORT ON PETITION: IRREGULAR PURCHASE OF NBK BUILDING BY UASIN GISHU COUNTY EXECUTIVE

Sen. Kibiru: Thank you, Mr. Speaker, Sir. I beg to lay on the Table the report on the Petition concerning the irregular purchase of the National Bank of Kenya (NBK) building in Eldoret by the Uasin Gishu County Executive.

You committed this Petition to the Committee on 24th June, 2020. It has taken quite a considerable time, but it was important that a thorough job be done. Therefore, I thank the Members of the Committee.

This Petition was brought to the Senate by Sen. (Prof.) Kamar and we have been dealing with it ever since. We looked at the nine issues that the petitioners drew the attention of the Senate to, among them lack of following certain procedures.

Mr. Speaker, Sir, pursuant to Standing Order No.232(1), you committed this to us. The Committee held two meetings with the petitioners and also met with the County Executive of Uasin Gishu. We requested for information from the Ministry of Lands and Physical Planning and the Ministry of Transport, Infrastructure, Housing and Urban Development and Public Works. We also undertook a familiarization visit to Eldoret.

The Committee made a number of observations-

(1)The building earmarked for acquisition at a cost of Kshs570 million is dilapidated, uninhabitable, neglected and not maintained for several years.

(2)The cost of renovation and configuration of the building to offices would be higher than the cost of construction of a new block.

If it would be made habitable, it requires extensive repairs, configuration into office set up, installation of lifts and renovation of plumbing works. The cost associated with these repairs would be equivalent to construction of a new block.

As we mentioned, we met a number of stakeholders, including the petitioners and executive. As we made our recommendation, we took into account the following-

(1) We recognized the competing interests that lay out of this inquiry.

The effective delivery of services by county governments requires that certain administrative requirements such as office space be put in place. On the other hand, the law requires that procurement of public goods and services is underpinned by certain principles. The most important of these is set out in Article 201(d) of the Constitution, requiring that public money be used in a prudent and responsible way.

Further, Article 201(e) requires responsive financial management. Article 227 of the Constitution further requires that when a State organ or public entity contracts for good and services, it shall do so in a manner that is *inter alia* cost effective.

Therefore, the Committee resolved as follows-

(1) That the Uasin Gishu County Government should expedite the mechanisms which would cease payment of rent for office space and provide adequate office space for its operations.

(2) Noting that there are parcels of land within the town, which are owned by the county executive and would be suitable for construction of office building and further cognizant that these parcels of land may in some instances be earmarked for other projects, the Committee recommends that the county executive should prioritize construction of office building.

(3) The county executive should abandon the plans to acquire the NBK building and engage in the process of construction of an office block on available land under its ownership.

(4) Further, noting that the cost of construction of office block should not exceed the Kshs500 million as per the existing resolutions, which were tabled in this Senate, therefore, the Uasin Gishu County Executive should stop any further process initiated on the transaction meant to acquire the NBK in Eldoret.

Mr. Speaker, Sir, the Committee found that in terms of value for money, we should not allow the county to proceed to buy the building at the cost of Kshs570 million.

Once again, I thank the Members of the Committee and urge that counties should adhere to prudent utilization of public funds and make sure that there is value for money.

We request the Office of the Auditor-General to be keen and check on some of these processes and highlight them in future audit reports.

(Sen. Kibiru laid the document on the Table)

The Speaker (Hon. Lusaka): Thank you, for your Report.

Proceed, Sen. (Prof.) Kamar.

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir, for giving me the opportunity to make my comments on the Petition that I brought on behalf of the residents of Uasin Gishu County. I thank the Committee for doing an excellent job. It took some time, but they needed to get enough information.

The Petition that came from the residents of Uasin Gishu County was against the buying of the NBK building by the County Government of Uasin Gishu. The reasons the residents were against this buying were confirmed by the Committee when we went down to the ground.

We had sessions with the governor and his team. However, when we went to the ground to confirm whether the building was worth the Kshs570 million, it was shocking

to find that it was dilapidated and had not been inhabited by anybody for over 10 years because of the state it was in.

When we talked to the bank manager, it was surprising that they had been trying to sell the building for a long time. The complainers brought forward to the Committee the fact that an earlier bid for the sale was Kshs200 million, based on what they received as deposit of 10 per cent, which was Kshs20 million. That was three years. Therefore, the question was whether within three years, the value of the building had risen from Kshs200 million to Kshs570 million.

I thank the Committee for listening to both sides, that is, the governor and his team and the petitioners. They confirmed for themselves the fears of the residents that the valuation that was done later was not correct.

It is true that the county government received some valuation, but was it correct? Can a value of a property in the current state we are in change from Kshs200 million to Kshs570 million within a short time? The fears were confirmed by the Committee.

I thank the Chair of the Committee, Sen. Kibiru, and his Committee for doing an excellent job. I thank Sen. Omanga and Sen. Nyamunga for walking all the steps in that building. They walked to the rooftop of the building and gave a report that it was too dilapidated to be worth the money, and is not worth to be used as office space. It may have to be brought down before constructing a new building. Therefore, Kshs570 million was in excess.

I thank them for doing the work diligently. I believe that the petitioners have gotten a fair conclusion out of the decision by the Committee that the County Government of Uasin Gishu should never buy the NBK building.

Sen. Farhiya: Mr. Speaker, Sir, given what was submitted by the Chairperson of the Committee on Finance and Budget and the able Senator of Uasin Gishu regarding the dilapidated situation of this building, I wonder whether we should be doing a proactive audit or be morticians who do audits that are not useful to anybody.

People commit economic crimes and there are no consequences. Therefore, it is time for this House to do a thorough job like what was done in this Petition.

When the people of certain counties are being robbed off their allocation, then there is somebody they can rely on to ensure they get justice. This will ensure that they will not pay for something that is not worthy.

According to the submissions of the people who did the site visit, the ground and first floors are functional, while the rest are not functional, and no one is renting. If you buy the building for Kshs570 million, you will just be buying the land. The question we asked ourselves is whether the land is worth the price. According to the Senator, from Kshs260 million to Kshs570 million valuation, what happened in between? Who was involved in this? Fraud was about to happen and it is good that this House has intervened.

Mr. Speaker, Sir, there is a leader who has been elected by the people and you ask who they are protecting. Is it the people who elected them or the business people who are about to rob the people who elected them? They entertain nonsense from other people. Unless this kind of a thorough job is done in this House and a lot of mischief is traced at its tracks, devolution will be on its knees, and nothing will benefit the people of each county, unless the issue of corruption is handled.

If the building was valuated at a lower price, by the time it doubles the initial valuation, what happened? This is a question we need to ask ourselves and ensure that the governors and the county government staff do not fleece their own people. Let us be on our toes and ensure that we protect property and lives. This is because the lives of the people of any county depend on the kind of services they receive.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. (Dr.) Langat, your request is on and off, proceed.

Sen. (Dr.) Langat: Thank you, Mr. Speaker, Sir, for giving me this opportunity to make a contribution to this very important Petition. I know Eldoret for some time because I was there for about 12 years when I was teaching in Moi University.

The County Government of Uasin Gishu has a lot of land that they can develop important facilities for their county. When I heard that they intended to buy the National Bank building, I was shocked. This was the same building we wanted to hire to use to teach some university courses during our sessions at the Town Campus. However, when we consulted the public health people, they had condemned the building. I was shocked that the county government wanted to buy that particular building at a cost of around Kshs570 million, which is a waste of public money.

As the Senate of the Republic of Kenya, which is entitled by the Constitution to protect our counties, we must stand. This is so that we protect our counties against governors who would do anything possible to enrich themselves, instead of enriching the counties. Such acts should be rejected by the Senate in the strongest terms possible because it is a waste of public funds.

I support the Statement that the county government should not purchase this building.

The Speaker (Hon. Lusaka): It is a Petition.

Sen. (Dr.) Langat: I support the report on Petition.

The Speaker (Hon. Lusaka): I do not see any other interest. Let me also thank the Committee for a job well done. I hope that the recommendations made by the Committee will be implemented because they would have saved the public a lot of money that would otherwise go to waste. Let us make sure that it is followed and implemented. If we can get a report on implementation, this House will be grateful. We will appreciate and have the confidence of those who are bringing Petitions to this House.

Sen. Khaniri, I can see you have an intervention.

Sen. Khaniri: Mr. Speaker, Sir, your comments bring me back to the point that I have always insisted on in this House. In the last Senate, we had a Committee on Implementation. It would follow up on Motions passed and Petitions reported on, to ensure that actual implementation is done. The Committee would then report back to the House. When our Standing Orders were being amended, this Committee was scrapped. Without this Committee it is difficult for these House to make a follow up on resolutions made by the House and to ensure they are implemented. I have pleaded here before that we must bring back the Committee on Implementation Committee.

Thank you.

The Speaker (Hon. Lusaka): We shall conclude that matter. We have talked about it in one of the Committees where I chair. Let me undertake that when we come

back from the short recess, we should come up with a conclusion on the matter, so that we put it to rest.

STATEMENTS

THE IMPACT OF COVID-19 ON FOOD SECURITY IN THE COUNTRY

Sen. Khaniri: Mr. Speaker, Sir, I thank you for the opportunity. I rise pursuant to the provisions of Standing Order 47(1), to make a Statement on a matter of general national concern, that is, the impact of COVID-19 on the food security in the country.

Food security is attained when all people at all times have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life. The Kenya National Bureau of Statistics (KNBS) estimates that about 12 million Kenyans are food poor. These are people whose income do not enable them to consume enough calories and nutrients for a healthy lifestyle. Two thirds of these food poor individuals are found in rural areas. These numbers are devastating to hear, and yet, due to the COVID-19 pandemic, they are estimated to get worse.

Mr. Speaker, Sir, COVID-19 came with numerous challenges. As it continues to affect us, as a country, it is difficult to know the extent of its impact on food production and distribution systems. Kenya relies heavily on maize, wheat, rice and Irish potatoes for food. It is estimated that the country imports about 90 per cent of the total rice demand and about 75 per cent of the total wheat demand. The rest is produced locally with only about 10 per cent of the total maize demand being imported. However, even before the COVID-19 pandemic knocked on our doors the country was facing struggles with food production and distribution.

Vast and devastating swarms of desert locusts started arriving in the country and by March 2020, the Food and Agriculture Organization categorized the threat to the country as dangerous because the locusts continued to breed and form new swarms.

Before the locust constraints caused by excessive rainfall experience from October, 2019, this destroyed about 10,000 hectares of crop land and post-harvest losses were higher than usual, because grain did not dry adequately in the wet weather. This is the context in which the first case of COVID-19 was announced in March, 2020, and it came with many challenges and administrative measures imposed such as curfews, travel bans and closure of markets. This caused a lot of disruption in the food sector. Kenya's food system is heavily dominated by small independent transporters as the link between producers and consumers. Produce markets which are at the heart of distribution in urban areas, serve consumers and smaller retailers.

This traditional informal system accounts for about 90 per cent of the markets. The closure of these markets in the urban and peri-urban areas was a reasonable measure to avoid the spread of the virus. However, it greatly disrupted food supply systems, especially for fresh produce. The impact is still being felt up to date.

Come 2021 when things seem to be getting better and the effects of the pandemic having subsided, other challenges arose contributing to food insecurity, among many households in Kenya. The main contributor of food insecurity in the households today is

the rapid increase in food prices. The price of key food items has increased significantly over the past couple of months adding pressure on already cash starved households, as many lost their sources of income as a result of the pandemic.

Mr. Speaker, Sir, the wholesale price of onions is currently quoted at Kshs55 per kilo up from Kshs35 a few weeks ago. Traders are projecting it to retail at Kshs70 in the next few weeks of low supplies. Cooking oil has also risen with a 20-litre container of the commodity selling at Kshs3,600 compared to Kshs3,000 previously. The cost of bread, which is influenced by international wheat prices has also gone up by about Kshs5 for the first time in four years. Households are now paying Kshs5 more for milk as there is an increase in the shortage of the commodity in the market. These are just a few items that I have mentioned.

Food is a basic human need that we cannot survive without. We, therefore, need to do something about this issue to ensure food security for every Kenyan citizen. I do not deny that the pandemic hit us hard. However, we now need to pick ourselves up and encourage each other to make things better for ourselves. We need to create more job opportunities to support those who lost their jobs, thus allowing them to be able to buy food for themselves and their families. We need to encourage the creation of businesses, so as to create financial stability for most, if not all Kenyans. Farmers need to be given incentives to encourage them to produce more food items. For the commodities that we cannot produce in plenty, importation should be encouraged.

These steps will not only impact food security, but also help in the management of food inflation. We need not to lose hope, but instead stand firm together to make Kenya a better country for each individual.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): I saw Sen. Wambua, but he went off. Are you still interested?

Sen. Wambua: Yes.

The Speaker (Hon. Lusaka): Okay, let us first have Sen. Nyamunga.

Sen. Nyamunga: Thank you, Mr. Speaker, Sir. I stand to support the Statement by the Senator for Vihiga, Sen. Khaniri, on food scarcity and the prices of food going up.

As a country, we have not taken the issue of food seriously. I remember that as a Women Representative, my idea was to get involved with women to do business. However, when I went to the ground, I realized that there is no food security. Even if you did your best and helped women to get involved in business, there is no way they would succeed in business because they had not taken care of the food that they eat on a daily basis.

When we were growing up, I do not think that there is any day my mother bought vegetables from the market. I do not remember any day my mother went to the market to buy chicken or eggs. These were easily available anywhere in any home.

As it is today, it is very difficult to find any woman with vegetables because we buy everything from the market. If you consider the issue of chicken and eggs, I did a study on the eggs we consume in the country. I discovered that in Kisumu County alone we consume 12 million eggs. A total of 12 million eggs multiplied by Kshs10 is about Kshs120 million that goes to Uganda. I know that we should be trading with Uganda, but I do not think we should be trading with them on basic things like eggs and chicken.

I do not want to blame the COVID-19 pandemic for lack of food in this country. There is a general lack of commitment or focus on how to provide Kenyans with food. The Government should take it upon itself to follow up on this.

One of the Agenda Four items by the Government is food security. Even so, when I go to the village, I do not see anything that the Government is doing to show that the Agenda is food security. For example, the issue of irrigation is still left at the national Government. Issues of agriculture and food security are supposed to be handled by the county governments. What is water and irrigation doing at the national level?

Mr. Speaker, Sir, if we have to be serious with devolution in this country, what needs to be devolved should be fully devolved. For instance, food security or agriculture should be devolved, including water supply, so that the county government can be entrusted with the supply of irrigation.

The national Government is still stuck with irrigation and they were saying that they are doing that because one of the agendas that they have is food security. They want to make sure that there is irrigation up to the lowest level.

They were talking of a quarter an acre, half an acre and one acre, and that any land lying along rivers was supposed to have been supplied with irrigation kits, so that this irrigation helps with food security. On the ground, that is not going on. I will not blame the issue of food security on the COVID-19 pandemic. It has nothing to do with this. Kenya has not been serious when it comes to issues of food security. Our children cannot learn.

Right now, we should be thinking of how to support our children to have lunches in their schools because most children do not take breakfast or lunch. Sometimes, even at supper, they just take a cup of porridge. If we cannot provide food for our people, and we want to sit at the international table with people who sorted out that problem a long time, I think we are not getting our priorities right. The issue of food security is very serious. Food in the rural and urban areas is very expensive. Our people cannot access food of their choice. When I was getting into politics, I did so with the premise that women should put food of their choice on the table. However, that is far from it. We cannot achieve that if there is no seriousness.

Mr. Speaker, Sir, I thank you and support the Statement by my colleague, Sen. Khaniri.

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

Sen. Wambua: Mr. Speaker, Sir, I thank you for this opportunity to support this Statement from Sen. Khaniri. I want to start by saying that there is no denying that the Coronavirus disease (COVID-19) has seriously and negatively impacted the capacity of farmers to grow sufficient food to feed this nation.

However, it does not even stop there. The pandemic has also seriously shrunk incomes across businesses and the corporate world. The purchasing power by many Kenyans, if not all, has seriously and greatly been affected by this pandemic.

Mr. Speaker, Sir, it shall be remembered that initially when this pandemic landed in our country, the President - and I really want to thank him - issued directives through the National Treasury for tax reliefs for many people. Those reliefs really helped. However, those cushions have now been lifted at a time when the pandemic is hitting even harder, making the life of Kenyans miserable.

I want to ride on that Statement and make a very passionate appeal to the National Treasury. Look for means and ways of cushioning Kenyans against this pandemic. This pandemic could not have come at a worse time. Today, this country has been invaded by hundreds of millions of locusts.

Mr. Speaker, Sir, I just came from the villages in Kitui County today. The devastation by locusts is amazing. These pests are not just consuming food crops; they are actually feasting seriously on pasture. That affects directly the ability of farmers to produce and put food on the table. Also, the pastures available for livestock are diminishing at a very high and alarming rate.

There is a point that then we need to begin to ask ourselves: what became of our national *Strategic Grain Reserve* Programme? At a time like this is when we should be seeing Government agencies and cushion to Kenyans across the country, who have been affected by this pandemic.

Mr. Speaker, Sir, as I conclude, all efforts aimed at ensuring food security must put the Kenyan farmer at the center of this conversation. For as long as the Kenyan farmer is not secure, this country cannot be food secure.

Lastly, I echo the words and contribution by Sen. Nyamunga on the issue of seriously addressing the school feeding programmes. This is so that we have food available to children in schools at all times. In which case then, there will be need to push our farmers to grow and produce more to feed Kenyans at home and our children in schools.

Mr. Speaker, Sir, with those remarks, I support.

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

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, thank you for giving me an opportunity to support this Statement by Sen. Khaniri. It is very clear that COVID-19 has had a terrible impact on all forms of life. A case that is less spoken about is its effects on food security.

Even before the pandemic started, there were already locusts that had invaded parts of our country and affected production of food. During this COVID-19 time, we have had curfews all over and this has had a toll on our farmers.

Mr. Speaker, Sir, there are many times when farmers have been transporting. I know of farmers in Gambogi, where we come from and my uncles are. They would transport food such as vegetables and sweet potatoes from Gambogi all the way to Gikomba, so that they could be sold at wholesale at around 4.00 a.m. However, with the curfew, they were not able to do that. People had been transporting avocados. They have not been able to do that just because of COVID-19.

Mr. Speaker, Sir, there is need for us to do an analysis of the impact of COVID-19 on our farmers. Many times, we ignore our farmers. We have to look for mechanisms of encouraging our farmers because they play a very big role when it comes to issues of food security.

It is just in good faith and breath that this Statement that Sen. Khaniri has brought on the Floor of this House is taken with the seriousness it deserves. The issues of accessibility are very important. I have gone to Gambogi and seen farmers selling a basket full of avocados at Kshs50, simply because they have nowhere to sell.

Mr. Speaker, Sir, there is no accessibility and yet, when you come to Nairobi and other towns, avocados are usually very expensive and they are hot cake. They cannot be transported all the way from Western and other places, so that they can come here.

There is need for the Government to have a long-term plan of ensuring that farmers are being supported. Even when it comes to disaster management, there should be a plan. In any form of disaster management, the issue of food security should also be given a center stage because food is important.

Mr. Speaker, Sir, when you look at Article 43 (1) (c) of the Constitution, it is a socioeconomic right. When it comes to food, no one should die of hunger. That is the implication. No one should be hungry. It is a constitutional requirement.

It is the onus of this House to ensure that we encourage our farmers, and they are not lost behind. Let us address the issues of farming and COVID-19, so that we bring farmers back on foot. They have value addition in this country.

Mr. Speaker, Sir, thank you for giving me the opportunity. I support the Statement. I hope that when it goes to the relevant Committee, it will be done service.

The Speaker (Hon. Lusaka): The next Statement is under Standing Order No.48 (1) and it is by Sen. Pareno. You have two Statements.

THE ARREST OF HERDERS IN TSAVO NATIONAL PARK BY KWS RANGERS

Sen. Pareno: Thank you, Mr. Speaker, Sir. The two Statements are somehow related. The first is a Statement on the arrest of herders by Kenya Wildlife Service (KWS) rangers at the Tsavo West National Park in Taita-Taveta border with Kajiado County.

I rise pursuant to Standing Order No.48 (1) to seek a Statement from the Standing Committee on Tourism, Trade and Industrialization on the arrest of herders by KWS rangers at the Tsavo West National Park, which borders Taita-Taveta County and Kajiado County.

Mr. Speaker, Sir, in the Statement, the Committee should-

(i) Report on why the KWS has ignored the collaboration it enjoys with communities neighbouring national parks and began to arrest herders in the ranches surrounding the Tsavo National Park and arraigning them in court;

(ii) State why KWS rangers at the park demand hefty bribes from the same herders, purportedly to spare them from arrest and taking them to court.

(iii) State why the KWS officers confiscate livestock belonging to the herders and putting them in mobile fabricated enclosures for long periods of time without food or water, which to me amounts to animal cruelty against animal rights and even against any economic sense, causing a lot of losses to the community.

(iv) Explain why KWS continuously harasses these herders and yet, fail to compensate them when wildlife wanders into their ranches, destroys their land and killing their livestock.

That is the end of the first Statement.

HUMAN-WILDLIFE CONFLICT IN KAJIADO COUNTY

Sen. Pareno: Mr. Speaker, Sir, the second Statement is on related human-wildlife conflict in Kajiado County. Pursuant to Standing Order No. 48 (1), I seek a Statement from the Standing Committee on Land, Environment and Natural Resources concerning human-wildlife conflict in Najile area of Kajiado West, Sultan Hamud area of Kajiado East and Njukini area of Kajiado South in Kajiado County.

In the Statement, should-

(1) State the reasons for frequent cases of human-wildlife conflict in Najile area in Ewaso Ward, Njukini area of Rombo and Kuku Ward in Kajiado South and Sultan Hamud area in Kinyau Ward in Kajiado County. That is across three constituencies where we have havoc because of KWS management of the animals.

(2) State when affected residents will be compensated for the loss they have incurred as a result of the persistent human-wildlife conflict given that some have lost their animals and crops which they depend on for their livelihoods.

Mr. Speaker, Sir, I remember that I gave a list of so many who are affected in a similar Statement that I had done. No compensation has been given up to date.

(3) Explain the interventions made by the Kenyan Wildlife Services (KWS) to minimize or eliminate cases of wildlife straying into areas inhabited by human beings, killing domestic animals, destroying farms, and posing a threat to life in all these areas that host and border national parks and conservancies.

(4) State the immediate measures, if any, put in place by the Government to restore normalcy in Sultan Hamud area of Kenyawa-Poka ward, where cases of human animal conflict are rampant and have disrupted social-economic activities, including learning in schools.

(5) Spell out measures being put in place by the Government to provide lasting solutions to human wildlife conflict in these areas.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. M. Kajwang’.

Sen. M. Kajwang’: Mr. Speaker, Sir, I initially wanted your protection from Sen. Kang’ata, also known as Usain Bolt, because he came in and he was distracting me from very serious business of the House. Since he has now become orderly, allow me to request the Committee that will be considering these two Statements to also consider the human wildlife conflict that exists in the Lake Region.

My people in Homa Bay, and by extension, the people of Kisumu, Siaya, Busia, and the communities that surround Lake Victoria have to contend with hippopotamuses and crocodiles. Unfortunately, it appears as if the Kenyan Government, through its agency, the KWS, pays more premium to the lives of wild animals than the lives of human beings.

Mr. Speaker, Sir, just this morning, a community in an area of my county called Kabondo were up in arms. This is a community that lives next to a forest. They say that they are going into the planting season and baboons and monkeys are making a meal out their farms.

The definition of being a Kenyan is not just the human beings. It is also the natural ecology, the wild animals, the flora and fauna. We must find a formula to co-exist

with all the natural diversity, but in the hierarchy of beings, the human beings must be placed higher.

Whenever our people come across hippopotamuses and they have to kill them because of the unavoidable conflict, it is our people who bear the brunt. The KWS comes and arrests people, and yet sometimes it is the hippopotamuses that have transgressed into the grazing lands and fields of our people.

Mr. Speaker, Sir, could the Committee, please, go beyond the issues in Kajiado and focus on the areas around the lake, including the areas around places like Ruma National Park in Homa Bay County?

Thank you, Mr. Speaker, Sir.

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

Sen. (Dr.) Ali: Mr. Speaker, Sir, mine is just an intervention. Sen. Pareno asked the Statement to go to the Committee on Tourism, Trade and Industrialization, when according to the Second Schedule, the issue of wildlife belongs to the Committee on Land, Environment, and Natural Resources. It is not with the Committee on Tourism, Trade, and Industrialization. Both her Statements should go to the Committee on Land, Environment, and Natural Resources.

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

Yes, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, thank you for the opportunity. I stand to support the Statement by Sen. Pareno. This Statement should be taken with a lot of seriousness because, indeed, wildlife is very important. We need wildlife because of the economic effects in terms of tourism, and how much income it can generate to our economy.

In as much as we need wildlife, we have to strike a balance, so that we have a win-win situation for both human beings and wildlife. There is need for co-existence of wildlife and human beings. Children should not be afraid of going to school because they meet elephants that might hurt them.

There is need for a mechanism to be put in place to ensure that there is a zone for animals and they cannot cross over and encroach on human beings. The conflict is because of human beings competing with wildlife for resources. Therefore, there is a need for a win-win situation. I hope that the issue of Kajiado County will be looked into seriously, so that we have a win-win situation for both the residents of Kajiado and the wildlife.

Thank you, Mr. Speaker, Sir.

I support this Statement.

The Speaker (Hon. Lusaka): Sen. (Eng.) Hargura.

Sen. (Eng.) Hargura: Thank you, Mr. Speaker, Sir. The issue of human wildlife conflict has been with us for a long time, but we have been co-existing with this wildlife for some time, especially the pastoralists. There is, however, now the issue of population increase.

I have been a Member of the Committee on Lands, Environment, and Natural Resources in the previous Session. One issue that the Government seriously needs to take into account is budgeting for compensation. We have been following up, and you will find that there are many cases, which have been approved by the county wildlife management and conservation committees. However, when they come to Nairobi, the

Cabinet Secretary (CS) will tell you that we do not have the budget for that. Therefore, they need to make sure that they provide enough budgetary allocations.

The KWS also needs to sensitize communities, establish proper wildlife corridors and have a relationship with the communities, to ensure that they minimize that conflict. When there is a conflict, they should be proactive, so that the community can only bear with the wildlife, if they are compensated for any damage that will occur.

Thank you.

The Speaker (Hon. Lusaka): Next Statement by Sen. Kang'ata.

THE ARREST OF SEN. SUSAN KIHKA AND
OTHERS IN NAKURU COUNTY

Sen. Kang'ata: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 48 (1), to seek a Statement from the Standing Committee on National Security, Defence, and Foreign Relations regarding the arrest of Sen. Susan Kihika and others that occurred in Nakuru on 20th February, 2021.

In the Statement, the Committee should-

- (1) Report on the reasons behind the arrest of Sen. Kihika and the other leaders.
- (2) Explain why the police violated the constitutional rights of assembly and political expression of those arrested.
- (3) Indicate whether the arresting officers flouted the law by disrupting a lawful meeting.
- (4) State what action will be taken against them.
- (5) State what measures have been put in place to ensure that the police and other law enforcement agencies remain politically non-partisan.

Mr. Speaker, Sir, this matter was widely reported in the mainstream media.

The Speaker (Hon.) Lusaka): I hope you are not discussing the Statement. You are actually discussing it.

I do not see any interest on this.

Next Statement by Sen. M. Kajwang'.

DREDGING AND SAND HARVESTING ACTIVITIES
AROUND TAKAWIRI ISLAND IN LAKE VICTORIA

Sen. M. Kajwang': Mr. Speaker, Sir, I rise, pursuant to Standing Order 48 (1) to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources regarding dredging and sand harvesting activities around Takawiri Island in Lake Victoria. In the Statement, the Committee should-

(1) Explain the circumstances under which a private vessel owned by Mango Tree Group was authorized to carry out dredging and sand excavation around Takawiri Island in Lake Victoria in February 2021.

(2) Provide evidence that an environmental impact assessment was conducted and approved before authorizing the said actions by Mango Tree Group.

(3) Provide evidence that public participation was conducted to gather the views of indigenous communities, fisher folk, and lake users before authorizing the said actions by Mango Tree Group.

(4) Explain the measures taken to ensure fish breeding sites around Takawiri Island and in Lake Victoria are preserved for the future and protected against the said actions of Mango Tree Group.

(5) Explain the long-term measures taken by the Government to ensure that transport in Lake Victoria is revived in a manner that preserves its rich ecological heritage and respects the rights of fisher folk and indigenous communities.

I thank you, Mr. Speaker, Sir.

Sen. (Dr.) Ochillo-Ayacko: Thank you, Mr. Speaker, Sir. Homa Bay, Migori, Kisumu and Busia are on the shores of Lake Victoria. The lake has no boundaries. We hear the fish are born in Kenya mostly in Migori and Homa Bay then, they grow up in Tanzania and Uganda. This dredging is likely to affect all those counties, including Busia.

The Committee that is dealing with this matter should find out whether the environmental impact assessment that was done covered the impact it would have on Migori from Mihuru Bay to Sori Bay; what impact it would have on Kisumu all the way from Sango to Seme, and also, what impact it would have from Asembo Bay, all the way to Wichlum Beach in Bondo, all the way to Busia. If Busia is affected Homa Bay, Migori and all the way to Uganda and Tanzania are affected. Fish and us are the same species.

Sen. (Eng.) Hargura: Thank you, Mr. Speaker, Sir. Environmental issues are very serious that is why we have an authority known as NEMA to deal with that. Normally, before any project of that magnitude can be approved, there must be an Environmental Impact Assessment, which has been done and approved. I was surprised the other day when this issue came up that is when NEMA summoned that mango tree company to come to its offices, which means there must have been a lapse in following of procedures.

The Committee should also establish from NEMA whether there was any Environmental Impact Assessment done before that project was approved or it was something that was done without approval because there is no way the authority can summon a company whose activities it had approved before. We need to know whether there was any lapse in the following of procedures before that dredging began.

The Speaker (Hon. Lusaka): The next Statement is by Sen. Faki.

UBORESHAJI WA BARABARA YA
MSHOMORONI-MWAKIRUNGE

Sen. Faki: Asante Bw. Spika. Nasimama kuambatana na Aya ya 48(1) ya Kanuni za Kudumu kuomba kauli kutoka kwa Kamati ya Barabara na Uchukuzi kuhusu uboreshaji wa barabara ya Mshomoroni-Mwakirunge kufikia hali ya barabara ya lami.

Katika Kauli hiyo Kamati iangazie yafuatayo:

(1) Ni pesa ngapi zimetengwa na Serikali kwa uboreshaji wa ujenzi wa barabara hiyo ya Mshomoroni-Mwakirunge kufikia hali ya barabara ya lami?

(2) Kwa nini ujenzi wa barabara hiyo ambayo awali ulijumulishwa pamoja na barabara ya zamani ya Malindi haukukamilishwa?

(3) Ni pesa ngapi zilitengwa kwa ujenzi wa barabara ya zamani ya Malindi kutoka Kengeleni hadi Bamburi mwisho?

Sen. (Dr.) Mwaure: Asante sana Bw. Spika. Ninaunga mkono Kauli hiyo. Kwa kweli barabara zetu za Kenya, mara nyingi kuna wale wanaoshinda hizo zabuni lakini wanachukua muda mrefu sana kuzijenga na hususan makadirio ya fedha ambazo zinatengwa zinapita kipimo. Kwa mfano utakuta barabara zingine zinajengwa kwa Ksh40 milioni kwa kilomita na zingine zinafika mpaka billioni moja.

Maendeleo ni sawa lakini ni muhimu sana isiwe pia ni maendeleo ya ufisadi ambayo nia yake ni kuwaibia Wakenya hususan pia tukiangalia muda ambao unachukuliwa kutengeneza hizo barabara. Ni jambo la msingi ambalo linafaa kuangaziwa zaidi.

Ninafikiri tunafaa kuwa na ratiba nzuri ambayo inaorodhesha viwango vya fedha zinazofaa kutumika katika ujenzi wa barabara na muda unaofaa ili wanakandarasi wasikae pale ndani wakifuja pesa za umma ilhali Wakenya wanaendelea kuadhirika.

Naunga mkono.

The Speaker (Hon. Lusaka): The next two Statements are by Sen. Cherargei.

STATUS OF ACCESS TO INFORMATION REGULATIONS
IN THE ACCESS TO INFORMATION ACT OF 2016

(Statement deferred)

OPERATIONALIZATION OF THE PROPOSED LEGAL AID
FUND IN THE LEGAL AID ACT OF 2016

(Statement deferred)

The next Statement is by Sen. (Dr.) Mwaure.

NATIONAL GOVERNMENT INTERVENTIONS TO
CUSHION PWDS IN LINE WITH UHC

Sen. (Dr.) Mwaure: Thank you, Mr. Speaker, Sir. I hear my friend the Senator of Nairobi City County asking me to do it in Kiswahili, but this one, I had processed in English, just to show that Kiswahili is not for those people who have not gone to school.

I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Labour and Social Welfare - of which Sen. Sakaja is the Chair - regarding the national Government's interventions to cushion persons with developmental disabilities, in line with the Big Four Agenda on Universal Health Coverage (UHC).

In the Statement the Committee should -

(1) Explain the government's interventions to cushion persons with Autism Spectrum Disorder (ASD) considering that 1 out of 59 children are born with ASD according to the United Nation's (UN) Statistics.

(2) Explain lack of desegregated data by government on persons who have these developmental disorders despite indications of the prevalence of such disorders being on the rise.

(3) Outline the mechanisms put in place by the government if any, to ensure proper early detection and diagnostic framework including suitable qualified healthcare

personnel and clinicians and guidelines in order to ensure that persons with ASD are not misdiagnosed as psychiatric cases and wrongfully condemned to mental institutions and;

(4) Explain mechanisms of enhancing the amount of monies transferred to persons with ASD as the current Ksh2,000 is way below the monthly needs of these category of persons some of whom require diapers and constant medical attention throughout their lives.

Sen. Sakaja: Mr. Speaker, Sir, I want to thank Sen. (Dr.) Mwaura for seeking that Statement. It is an important issue that many of us may not realize because parents with children who have these special needs have a very hard time.

In Nairobi we have very few public schools that have special units for children with Autism and such cases. Near your place, Sen. (Dr.) Mwaura, there is one school in Marurui and the population is very large. In many parts of the City, many parents who are not well-to-do cannot afford to give special help to their children who have ASD and such other disorders.

I will take it up seriously as the Chair of the Committee. I am glad he is also a Member. I hope we will at least not only just establish the status but also give proposals on what needs to be done throughout the country to make sure that all our children are able to get the kind of education they need no matter their what their status is.

Thank you, Mr. Speaker, Sir.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me an opportunity to add my voice to this Statement by Sen. (Dr.) Mwaura. He has come up with a very important Statement concerning children with developmental issues.

When one goes to the ground and sees families of these children, they go through harrowing moments because these children need a lot of attention. Especially during these COVID-19 times, parents have had a rough time because these children need medicine and physiotherapy. They are very expensive to maintain.

There is need for the Government to come up with a mechanism of ensuring that they intervene and help parents who are going through this harrowing moment.

Caregivers of children with autism are the ones who even suffer most because of the psychosocial impact. Most of the time, they are even discriminated by their relatives and the society. Sometimes when they are being introduced, you will find somebody asking whether the person is the mother of a child with autism, cerebral palsy and all that because there is already a name tag. There is need for the Government to look for ways of sensitizing the entire society so that they help parents or caregivers of children with autism.

Even the children themselves go through harrowing moments. Nobody seems to understand them yet they are human beings just like others and they have to move like everybody else. So, there is need to come up with mechanisms that will make them live just like anybody else. It may not be possible for them to live like anybody else but that attention is important.

Mr. Speaker, Sir, I support this Statement by Sen. Mwaura.

Sen. (Arch.) Kasanga: Mr. Speaker, Sir, let me also thank Sen. Mwaura for that Statement. I am happy that Sen. Sakaja will receive it. We all know that he will prosecute it accordingly.

Now that we have had conversations around mental health and mental disorders, which is what this is about, we should also start to appreciate that when some of these

cases are sent to mental health institutions, it adds to the stigma that we are trying to fight as a nation because mental health institutions are not bad places.

The reason this happens is because the Government has not laid out any infrastructure for such cases like autism and others. They have been truly neglected because we came across them when we were prosecuting the Mental Health Bill. They have come crying to us that it is time the Government spotlighted them and provided infrastructure for them to get the services and the care they need. We know those services are not in the mental health institutions.

So, I look forward to the prosecution of this particular Statement. Thank you very much Sen. Mwaura for bringing it to the fore.

The Speaker (Hon. Lusaka): The next Statement is also by Sen. Mwaura.

IMPLEMENTATION OF GUIDELINES ON THE RETIREMENT
AGE FOR PUBLIC SERVANTS WITH DISABILITIES

Sen. (Dr.) Mwaura: Mr. Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the implementation of the guidelines by the Ministry of Public Service, Youth and Gender Affairs on the retirement age for public servants with disabilities. In the Statement, the Committee should-

(1) Elaborate on how the guidelines on retirement for public servants with disabilities have been implemented across all Government Ministries, Departments and Agencies, including the whole of public service.

(2) Explain mechanisms put in place by the Ministry of Public Service, Youth and Gender Affairs to ensure total adherence to the guidelines by all Ministries, Departments and Agencies.

(3) State measures being taken to mitigate abuse of this policy and law.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for the opportunity. I support this Statement by Sen. Mwaura concerning retirement of Persons with Disabilities (PWD). There is already a policy in place on when PWD should retire. They have five years more. While others retire at 60, they retire at 65. However, in some places, sometimes PWD are required to retire before 65 years.

Mr. Speaker, Sir, I also brought a Motion concerning university lecturers with disabilities. Ideally, lecturers retire at the age of 70. So, the policy should cut across. If normal lecturers retire at 70, then lecturers with disabilities should retire at 75. I brought that Motion on the Floor of this House and my colleagues supported me but it has not been implemented.

My request is that when this Statement goes to the Committee led by Sen. Sakaja – I know he is keen about issues of disability – they should also go ahead and find out about lecturers with disabilities like Prof. Ndurumo. He is about to retire yet he has not benefited from even an eighth of his intelligence. He has been given a notice that he will retire next year.

I hope Sen. Sakaja is going to address the issue of lecturers with disabilities as well because we also need their knowledge. Prof. Ndurumo has a lot of knowledge that we need to tap. When he retires, he will go with that knowledge. Therefore, it will not help us yet we need that knowledge as a nation.

Sen. Sakaja: Mr. Speaker, Sir, I acknowledge that this is an important matter. In fact, we have dealt with it repeatedly courtesy of Sen. (Dr.) Musuruve. I think Sen. Mwaura has brought such a concern before. We will look at the policy questions asked.

Sen. Kwamboka will tell you that is some of the cases that we have looked at as a committee, there are some professionals who are also living with disabilities who at some instances did not take the initiative to register early enough. When some of them are just about to retire, it is when they start following up with the registration as provided in the law. There could also be hitches.

I think the onus is also on us as leaders as well as those representing the special interest groups to do some more sensitization. You will find someone having worked for years but does not benefit from some of the Government preferences that are due to them. For instance, when it comes to tax and retirement age.

They should know that when they register as PWD when they are just about to retire--- It should be done as early as possible. I think the National Council for Persons with Disabilities (NCPWD) needs to do some more work across the country and even in the county governments.

We believe that the issues of these people who are very significant in our society must be looked. Where there is a right, it is also our responsibility that goes hand in hand with it.

Sen. M. Kajwang': Mr. Speaker, Sir, I have previously interacted with this subject in the previous Parliament where we had a joint committee that was chaired by Sen. Sakaja. It was the Committee on Equal Opportunity and National Cohesion. How I wish we still had joint committees because some of the matters that we enquire about here are matters that---

There is an overlap in the mandate of the National Assembly. Remember Article 93 does not prohibit us from pursuing any matter of representation. So, there is no contradiction. It is just that sometimes there could be repetition.

The Government established the Superannuation Fund which is now the new Mega Fund for retirement benefits and retirement plans for the civil service. It will be important for us to understand whether those PWD who work in the Government have any special scheme or consideration. Upon retirement, at the age that has been defined, are their retirement benefits similar to those of people who have a different capacity?

We understand that for a PWD who perhaps has had to survive on a wheelchair at the point of retirement, their needs far exceed the needs of somebody else who is able to go to the farm and they are given a pair of gumboots and a wheelbarrow on their retirement.

We must also look at the issues of entry because Sen. Mwaura is focused on the exit age. Are PWDs getting their true rights as described in the Constitution? When counties or the Parliamentary Service Commission where Sen. Cheruiyot sits are hiring, are PWDs given proper and fair consideration?

If you argue that PWDs should stay longer, then there will be those who will say that they are also young and fresh graduates with disabilities who also need opportunities. We are not saying that when a PWD retires from service, they must be replaced with a PWD. We are talking about the global universe.

Mr. Speaker, Sir, Members of the Committee on Labour and Social Welfare should assure us as a House that for the quotas defined in law for employment and even

extending to quotas that have been defined for access to Government opportunities, PWDs are not getting shortchanged. If there are requirements and reports that are statutory, let those reports come to this House so that we can collectively discuss and be sure that the rights of our brothers and sisters are also being observed.

I thank you.

THE *INUA JAMII* PROGRAMMES PAYMENT FOR
SEPTEMBER - DECEMBER 2020 CYCLE

Sen. Sakaja: Mr. Speaker, Sir, Senate Standing Order No. 50(1)(a) provides that a Chairperson of a Committee may make a Statement relating to a matter for which the Committee is responsible.

I wish to make a Statement on the *Inua Jamii* Programmes Payment for September, October, November and December 2020 cycles. This is information for Members for them to know what is happening in their counties.

Mr. Speaker, Sir, the Committee received communication on 18th February from the Ministry of Labour and Social Welfare, State Department of Social Protection stating that as of that date, the Government had released Kshs8.7 billion for payment to 1,090,587 *Inua Jamii* Programme beneficiaries. This include older persons, persons with severe disabilities, orphans and vulnerable children.

The payment was for September to December 2020 and each beneficiary would receive Kshs.8,000. The process of paying beneficiaries began last week. We wanted this to be broken down by county so that each Senator knows what is happening in their own county in respect to the *Inua Jamii* Programme.

Mr. Speaker, Sir, the Standing Committee on Labour and Social Welfare appreciates the Government for initiatives to cushion the vulnerable members of the society. However, the following concerns were raised by the Members of the Standing Committee on Labour and Social Welfare.

The Committee notes that the communication on the disbursement of funds always come late. Therefore, the Committee and Members at large are not able to be fully involved with the implementation process at the oversight to oversight this implementation.

We also observed that the State Department of Social Protection has one of the biggest allocation. If you look at the 2021/2022 Budget Policy Statement (BPS), their allocation was Kshs34.2 billion due to the social safety net programmes. However, there still lacks institutional framework for the proper implementation of this programme despite that huge amount of Kshs34 billion.

Mr. Speaker, Sir, we have asked that the State Department of Social Protection gives a proposed institutional and regulatory framework through regulation or legislation that can ensure that these monies reach the intended recipients. You will find that a lot of the Kshs34 billion is being pilfered.

The Standing Committee on Labour and Social Welfare also noted - as per the Auditor-General's report not as per our opinion - that there are gaps in the implementation of the programmes. Especially, on the older persons cash transfer programme, if the older persons are the ones actually getting the money and on the issuance of the National Hospital Insurance Fund (NHIF) cards to them.

We also noted that the social safety net programmes are devolved functions. Therefore, the National Government should involve the county governments in the implementation of these programmes. Not just implementation, but to also ensure that there is no duplication. This is because the duplication of these efforts by the county governments and the national Government leaves loopholes for one level to say that they are the ones who have done this programme and to account for it yet it has been done by another level of Government.

Mr. Speaker, Sir, going forward, the Standing Committee on Labour and Social Welfare, which I am honoured to chair, will be engaging the State Department of Social Protection on the above issues to ensure that-

(1) Senate gets communication in good time so that Senators are able to go to the ground in their respective counties with the proper information to oversight the implementation for those who are keen on this.

(2) There is an institutional framework on each of the programmes on the criteria for selection into the programmes, the implementation framework of the programmes and the Monitoring and Evaluation (ME) of these programmes.

(3) That the older persons in the society are also issued with NHIF cards to take care of their medical needs.

(4) That the State Department of Social Protection in their communication to the Committee and the Senate should include details of the disbursements under each programme broken down to counties and to constituency level. This includes details on the criteria that was used to select them, the amounts given and the historical information on the disbursements and the beneficiaries.

The Standing Committee on Labour and Social Welfare is keen to know how the State Department of Social Protection plans to link some of these programmes - we have written to them - to other programmes like the *Uwezo* Fund, Women Enterprise Fund, bursaries *et cetera*. This is because orphaned and vulnerable children are growing and the Committee is concerned about how the State Department of Social Protection will manage these children in their transition to adulthood.

The Committee is committed to finding long-term solutions to socio-economic challenges that our citizens are facing. We have lined up a number of legislative proposals within our mandate.

Mr. Speaker, Sir, it is now my pleasant duty pursuant to Standing Order 51(1)(a) to table the Statement of the Standing Committee on Labour and Social Welfare in relation to the *Inua Jamii* Programme in the country.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. (Dr.) Mwaura, did you want to say something? You do not seem to be sure on whether you should actually say something or not.

Sen. (Dr.) Mwaura: Thank you, Mr. Speaker, Sir. I was actually debating the same because I did not know whether you comment after a report of your Chairperson. There is need to ensure that we have an integrated management information system---

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

Sen. M. Kajwang': None, Mr. Speaker, Sir.

Sen. (Dr.) Mwaura: Mr. Speaker, Sir, you know Sen. M. Kajwang' had just informed us that when people retire they get wheelbarrows.

There is a need for a management information system under the *Inua Jamii* programme because there is a lot of duplication. The issue of targeting is really critical because I had done a research on this programme. It was one of my thesis in my postgraduate.

Some of those things are about human agency and how do we ensure that you remove them from the system. We have old people receiving money and there are some people waiting in the periphery to get money from them because they are the ones who helped them to get into the system. The fact that when there is natural attrition and people die, how do we remove them from the system?

Targeting has been extremely difficult for those with severe disabilities because how do you measure the severity. Those people who got into the system first are not the ones who would have been more deserving because of the issue of information.

Mr. Speaker, Sir, basically, I think this programme needs to be audited. I will say without fear or doubt that there is a lot of corruption in the *Inua Jamii* programme. The best way would be to ensure that all the cash transfers are integrated; the older people, people with disabilities orphans, vulnerable children and the urban poor, there are many that have been sided by the Government. During the height of COVID-19 pandemic, I was able to convince the Government to release about Kshs200 million to persons with disabilities generally.

Mr. Speaker, Sir, however, the Kshs10 billion that was released for this, for sure and sincerely, how was it spent? Can we say that it reached the targeted people? Without an information system where if you have Sen. (Dr.) Isaac Mwaura you just key in his identification number and see whether he is benefiting, it becomes extremely difficult to know who is receiving this money and whether it finally reaches the targeted beneficiary.

Finally, there is need for proper legislation. We have the social protection secretariat that is not anchored in law. We have the Social Assistance Act that was sponsored by the Late Governor (Dr.) Joyce Laboso, but it is moribund.

How is *Inua Jamii* programme being governed properly? We do not need to reinvent the wheel. We have *Bolsa Familia* in Brazil and independent direct payments in the United Kingdom. This thing has been done before. We also need to agree as a country if we need to have conditional transfers or unconditional ones so that when you have Strategic Development Goals (SDGs) milestones with regard to access to health so that you improve the human development index, it may be attained as an incentive when you are receiving these cash transfers.

Currently, we have people who require medical attention; they have the NHIF cards but NHIF is not able to pay. Such people would be benefitting if this is compounded. Also, that card can be beneficial when it is marketized so that we add on other benefits to it. For example, all companies in the private sector would then help these individuals over and above the money they are receiving from the Government.

Mr. Speaker, Sir, I support.

Sen. M. Kajwang: Mr. Speaker, Sir, I congratulate the Chairperson of the Committee on Labour and Social Welfare for using one of the least used Standing Order 51(1). It would appear that this is the kind of statement that would trigger debate akin to a statement by a minister in the House. Standing Order 51(1) (a) does not limit the debate. However, debate is limited under Standing Order 51(1)(b) to 20 minutes. I am borrowing a leaf from what Sen. Sakaja has done. I also encourage other Chairpersons of Committee

to use that provision of the Standing Order as the best way to bring an agenda to the House. By doing so, you can move the House to have a debate on a matter to the point of almost cross-examining the Chairperson who is supposed to bring back the policy of the Executive to the House.

I wish the Chairperson of the Committee on Labour and Social Welfare would have also told us more about the Inua Jamii which is a national safety net programme that the Government has put in place. There are about four or five safety nets. There is one for orphans and vulnerable children which has helped a lot of orphans in Homa Bay County and other counties that have been decimated by HIV and AIDS. Through the programme, children who would have otherwise not gone to school are now able to go to school. That is why I think that it is a good idea.

Mr. Speaker, Sir, there is the other programme for older persons. Every time I go to the county, I meet a few old persons who tell me that they were registered by they are not receiving their payments on time. Timely delivery of these resources is important because the old people are budgeting with that money. They plan for things such as the National Hospital Insurance Fund (NHIF) deductions with that money. If the contribution delays, it means that they lapse in their premiums and so they cannot get medical assistance when they visit health centres.

There is another safety net for persons with severe disabilities. It should be made clear to everybody including Sen. (Dr.) Mwaura, Sen. (Dr.) Musurube and the other Members of Parliament who champion the rights of persons with disabilities the criteria, amounts and numbers that are involved here. Finally, there is also the hunger safety net that applies in certain sections of the country. I hope that the Chairperson of the Committee on Labour and Social Welfare, in his next communication will tell us how the four safety nets are distributed, the amounts and number of beneficiaries distributed across the counties.

Mr. Speaker, Sir, I congratulate the Principal Secretary in the State Department for Social Protection, Mr. Nelson Marwa, who has been responsible for these programmes. He is one of the few principal secretaries who reaches out to the Members of Parliament through formal and informal channels to inform us about these kind of programmes.

The principle of subsidiarity is key in the constitutional dispensation. This kind of thing should be done by county governments. It makes no sense for someone sitting at Harambee House in Nairobi to decide who is going to get support in Takawiri, Remba or Migingo Islands in Homa Bay County. The county governments are in a better position to make such decisions. That is only possible with a good framework that will ensure that Governors are not just enrolling their concubines and favoured persons to the programmes.

I beg to support this statement and urge the Chairperson of the Committee on Labour and Social Welfare and urge him to give us more details when he reports back to the House on this particular matter.

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

Sen. Wambua: Mr. Speaker, Sir, I take this opportunity to congratulate and thank Sen. Sakaja for his practical approach in performing his tasks as the Chairperson of the Committee on Labour and Social Welfare. Sen. Sakaja is doing a fantastic job in setting the pace for other Chairpersons of Committees. I waited to hear what Sen. Sakaja would

say on the actual allocations to each county for the Inua Jamii programmes which is a very innovative programme by the National Government. The programme is meant to reach out to persons who are less privileged in the society by ensuring that they are assisted to meet the basics of life.

However, there is something that is fundamentally wrong with us as a country. We come up with very brilliant ideas and begin their implementation but somehow, somebody finds an opportunity to line their pockets from ideas that are meant to help the less privileged in the society. I am reminded of initiatives such as the Nyayo bus which were meant to help the public transport system. However, they collapsed due to mismanagement and corruption.

Mr. Speaker, Sir, I am particularly interested in the cash transfers to older people in our society. When this programme started, older people used to receive their cash transfers through the former Post Banks. Because there are more post offices in the villages than there are commercial banks, it was the easiest channel to reach those people. However, along the way, there was a shift in policy which moved the money from the post offices into commercial banks. However, there are regions where the number of commercial banks are just a handful. That means that people have to travel very long distances to get the cash transfers.

I challenge the Chairperson of the Committee on Labour and Social Welfare to address this issue because he has been very proactive on this issue. We are proposing a legislation on the proper management of cash transfers whereby these transfers are done at the ward level and devolved to the villages. That will ensure the people who genuinely deserve help are recruited into the program and that the dead beneficiaries are replaced. That will ensure timely delivery of these finances to help these people. In the absence of the that, the wrong people will continue to receive the cash disbursements.

Local chiefs have become very notorious with the cash transfers. I am aware that they demand for kick-backs from the old people who receive the cash transfers. I am told that they threaten the old people to give them at least Kshs2,000 for their name to appear in the list of the next cash disbursement. Since most of the old people have no knowledge of how the program operates, they just give out the money they are asked for. The safety nets are very good initiatives. However, there is need to anchor it on law so that the right people get the assistance that they deserve.

Lastly, I would like to remind the Chairperson of the Committee on Labour and Social Welfare that he has a plea on his table by former councilors from across this country. People are languishing in poverty while others have been reduced to beggars. People are looking up to the Committee on Labour and Social Welfare to see what can be done. The Senate is up to the task so I am sure that something will be done to ensure that the beneficiaries of the cash transfer programme get their dues.

I get to support.

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

Sen. Omogeni: Mr. Speaker, Sir, I join my colleagues in thanking the Chairperson of the Committee on Labour and Social Welfare, Sen. Sakaja, for the good work he is doing. I would also like to confirm to this House that Sen. Sakaja is a very dedicated and effective Member of the Committee on Justice, Legal Affairs and Human Rights.

This programme was meant to serve a very useful purpose to the vulnerable people within the society. However, just like any new programme, it has a number of teething problems. One of them is that a number of people in the rural areas have experienced inconsistency when it comes to disbursement of this money to their accounts.

Mr. Speaker, Sir, at times, it is alleged that if your money comes and you do not collect it from the bank within three months, then your name is removed as a beneficiary. The challenge is that once your name is removed, to be restored back to a beneficiary is nearly impossible. You are talking to people who are sickly. As Sen. Wambua said, at times they may not be able to travel to their local banks to access this money on a monthly basis. I think we need to re-engage the Ministry, so that the people who are meant to benefit can consistently benefit.

Another problem which I think the Chair can help us to solve, is that the recruitment exercise has not happened in some areas, especially in my County of Nyamira. I have not seen recruitment of new beneficiaries for the last one and a half years.

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

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

Madam Deputy Speaker, the number of people who are vulnerable, who qualify to benefit from this fund, keeps on rising year in, year out. I want to appeal to the Chair to urge the Cabinet Secretary (CS) for Labour and his staff to do another campaign, so that he can recruit new beneficiaries, especially those who have really suffered due to the COVID-19 effects.

The Chair of the Committee on Labour and Social Welfare was our Chair in that Committee and knows the discussions that we went around people who are adversely affected by this COVID-19 pandemic. I hope that the CS together with his Principal Secretary (PS) can engage fresh *barazas* with our chiefs and county coordinators, so that we can have new recruits to this programme, who should be beneficiaries.

We really appreciate the good work you are doing. You are, indeed, a ‘super Senator.’

Thank you, Madam Deputy Speaker.

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

Sen. (Dr.) Musuruve, kindly, proceed.

Sen. (Dr.) Musuruve: Thank you, Madam Deputy Speaker, for giving me an opportunity to support the Statement by Sen. Sakaja, the Chair of the Committee on Labour and Social Welfare.

Madam Deputy Speaker, the issue of cash transfer started some years back, to cushion the vulnerable in our society. It started as an experiment that eventually was effected. It started from Nyando and other districts.

Madam Deputy Speaker, it was meant to be well meaning, to ensure that the vulnerable are being catered for. It is important that this programme is managed well. It needs to be well managed and coordinated. This is because when you go on the ground,

you will find that there are some older people who are not benefitting from the cash transfer, and yet they are poor.

Some of the older people's children died a long time ago. Some of them are not living with their children. They are living elsewhere or working far from home. They have been abandoned or neglected. The onus is on the Government to ensure that the old are aging gracefully by ensuring that they get this cash transfer.

Madam Deputy Speaker, it is unfortunate that the ones who deserve to get the cash transfer end up not getting the cash. Older people are lacking sugar, salt, food and other essentials, yet no one is catering for them. I believe that this Statement should be taken with a lot of seriousness, so that we address the issue of the aged.

Madam Deputy Speaker, I was in London at one time and met a Kenyan who went to work there when she was a young girl. She confessed to me that she cannot come back to Kenya. This is because the government is taking good care of her as an elderly person. She can only come to Kenya to visit and then go back to London.

Madam Deputy Speaker, we should reach that level, where we take care of our aged, so that they desire to be in this country. There are some aged people who are not able to get treatment, simply because they do not have National Hospital Insurance Fund (NHIF) cards. This cash transfer should address this issue, so that older people are covered by NHIF.

Madam Deputy Speaker, I want to say before Sen. Sakaja on what is happening on the ground, in his capacity as the Chairman of the Committee on Labour and Social Welfare. The cash transfer is taken to a family. However, in a family, there are older people. At the same time, they also have grandchildren with disabilities. There is only one cash transfer given to that family, yet there are people with disabilities and the older people. This cash transfer should specifically benefit individuals, so that in a family, if we have an older person, let the older person benefit. If they also have children with disabilities or grandchildren, let them also benefit in their own right. This is because everyone should benefit from this cash transfer.

Madam Deputy Speaker, I was looking at the internet right now. This cash transfer is now extended to those who are over 70 years. As long as you are over 70 years, whether you are rich or poor, you stand to benefit from the cash transfer. This should be interrogated. If it is a policy, let people who are over 70 years get the cash transfer.

Madam Deputy Speaker, I also want to talk about NHIF. NHIF should be extended to people with terminal illnesses. For instance, people who have cancer should automatically benefit from the NHIF. This is because they need the chemotherapy. They need to periodically go hospital and find out their status and get treatment. However, there are people with terminal illnesses who do not have NHIF cards. When they are sick, they have to do *harambee* and fundraisings, yet they come from families that cannot support them seek medication.

As a country, we have to ensure that we support our citizens to get medication. Let the older people have NHIF cards. Let people with terminal illnesses like cancer *et cetera* also be covered by NHIF. Let us make a follow up to find out whether we are helping these people with terminal illnesses live a productive life. This is because sometimes nobody makes a follow up. If you have cancer, nobody wants to know--- In fact, some people just count and say: "She has really stayed before dying. When is she

going back to hospital? When is she coming back?” We have find out how to help these people be productive, so that we get maximum use of the benefits they have in this world.

I support this Statement.

Thank you.

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

Sen. (Eng.) Hargura, kindly, proceed

Sen. (Eng.) Hargura: Thank you, Madam Deputy Speaker. I would like to thank Sen. Sakaja for bringing this Statement on the cash transfer for the elderly. I would urge the Chair to give us a breakdown of the segregation of Kshs8 billion per county, so that we know what each county is getting. This is because I know it is not covering everybody. In my county, there are few people who are benefitting.

However, Madam Deputy Speaker, my issue is about making sure that, that fund reaches the beneficiaries. This is because the fund uses commercial banks to transfer the money. If you look at the distribution of these banks--- In my county, commercial banks are only found in Marsabit and Moyale. We have parts of this county which are as far as 500 Kilometer from the headquarters, Marsabit. If you were to transfer that money to an elderly person in Ileret, that person has to travel 500 Kilometers to Marsabit. Sometimes the money is not there, and he or she has to spend one or two days waiting for that money. Transport is a problem. Therefore, it will not be useful.

With the kind of innovation we have like the mobile money transfer, the *M-Pesa* system, one should be able to get the amount of money he or she has been allocated, where he or she is by directly getting a cash transfer through the *M-Pesa* system. Let us make sure that these monies reach the beneficiaries and do not get stuck in financial institution because that person cannot come for it. Let us make sure that it reaches the intended persons.

Also, when it comes to benefits like the NHIF, there must be a way of making sure that those persons are registered with NHIF when registering for the scheme. Then, the monies can automatically be deducted annually, so that their contributions are updated without necessarily money being sent to them.

Let us have all that synchronized, so that the benefit we give to our elderly reaches the intended person the right way.

Thank you, Madam Deputy Speaker.

Sen. (Dr.) Milgo: Thank you, Madam Deputy Speaker. First, I thank my Chairperson of the Committee on Labour and Social Welfare for bringing such an important Statement concerning *Inua Jamii* Funding Cash Transfer. This is very important funding that was meant for the old who are very vulnerable. These are people whose health is already deteriorating. They are people whose nutrition is changing and, therefore, they need better food. In addition to this, they also need better care.

These are people who need a lot of money to be cared for. However, we have had a lot of challenges. Every time we go to the counties, we find many old people coming to us seeking to be registered. Our major challenge towards this funding, just like other funding that the Government has put in place, is the lack of data. In this case, counties should know who the beneficiaries are so as to ensure a seamless kind of transfer. Upon an individual attaining the age of 70 or maybe, 65 going up, we should be able to have this funding transferred to them. However, with lack of a clear plan, we have poor communication and in some cases corrupt people in between. Sometimes we have come

across old people who say that they received this funding once and after a short while they are not able to get it again. This has happened due to the fact that maybe money was not collected.

As you are aware, people may not be able to access those particular institutions that disburse such funding. I would wish that proper funding and methods of disbursing are put in place, so that the money reaches those particular people. This funding is just like many other funds that the Government has put in place such as the Youth Enterprise Development Fund (YEDF) and the Women Enterprise Fund (WEF). Most women are not able to access this funding because of lack of training, lack of better channels to access it, lack of proper communication and also, a seamless method of accessing it.

Madam Deputy Speaker, sometimes even when people are still able, they do not like things that involve a lot of complexity in terms of collecting such funds. When we talk about old people, it even becomes more challenging. Since this has come to my Committee, we shall speak to it more. I am sure that we shall be able to come up with a better method, more specifically in terms of ensuring that we have proper data across the counties so that our people benefit from this fund.

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Proceed, Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Thank you, Madam Deputy Speaker. I join other Senators in supporting the Statement. However, when the issue started it was in good faith. It was good for the community and the elderly. Unfortunately, what I know is that it was not done in the right way. It was first given to chiefs who decided to call their own people and put their names there. Many others who are really vulnerable and old have not benefited.

I want the Chairman to look into this issue so that those who have been left out can benefit because some of the chiefs have decided those who were in their line, and are in the right group or party are the ones benefitting.

Sen. (Eng.) Hargura said that in some of our areas most of the people suffer because of lack of ---- How can you come from 500 to 600 kilometres to go to a bank yet you do know even how to communicate with the people there? This is a problem. The best way might be to send the money by M-Pesa and it comes from the centre to those areas. Sometimes the banks keep this money for several months and the people are told that there is no money.

Sometimes the bank keeps the money for several months and people are told there is no money. Other times they are told their money has been taken and will not get it. The other issue is on National Hospital Insurance Fund (NHIF), which surprises me. Most of the elderly have been given NHIF cards but they do not have money. They go to hospitals and are told there is no money. What is the use of having a card you cannot use? These issues should be taken care of. It would be helpful if the money is deducted so that the hospitals take care of the elderly.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you Senator. Sen. Sakaja, do you want to inform or correct something?

Sen. Sakaja: Madam Deputy Speaker, I would like to give a clarification to the Members. I am grateful to the Members who have spoken and the kind words. That is what encourages us to keep working. This is part of our mandate. If you hear what Members have said this is an important issue throughout the country.

I can confirm that my secretariat is listening and these concerns are being forwarded to the Ministry. We had already written to them the breakdown per county, the number of beneficiaries, the issue of Mpesa and technology.

Incidentally, it is many of the old people who said they do not want Mpesa. Since it is being operated by their children and they feel they will not get it. Most of them want to go physically to the bank the way they are used to doing.

The issue of NHIF, I thank Sen. Wambua for raising the councillors' one-off payments, how to reengage those who fall off and recruitment of new beneficiaries. Without pre-empting our debate on adjournment on Thursday, in case we go on recess as per our calendar we will have sent this information and gotten responses. Because of the huge interest from Members, we shall invite the Cabinet Secretary.

I commend the Cabinet Secretary for Labour and Social protection who has been helpful and available. We shall invite him with his Permanent Secretary to this chamber and have a meeting of the whole House. So that the Senators having information before hand, can ask these questions because it is of huge interests. Senators, we can organise the meeting in the next two weeks. We must realise that the social protection policy was made 10 years ago. It is dated June 2011. Even while the Ministry is reviewing it, it is an opportune time for us to inform them on what is working and what is not. Thank you, Madam Deputy Speaker and the Senators for contributing.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you Senator. Before we move to the next order, I wish to ask the whip to come forward.

(Sen. Farhiya approached the Speaker)

MOTION

ADOPTION OF REPORT ON THE 2021 BPS AND MEDIUM-TERM DEBT MANAGEMENT STRATEGY

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2021 Budget Policy Statement and Medium Term Debt Management Strategy, laid on the Table of the Senate on Wednesday, 24th February, 2021, and pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order 180 (7) of the Senate , approves the 2021 Budget Policy Statement.

(Sen. Kibiru 25.02.2021)

(Resumption of debate interrupted on 25.02.2021)

(Division)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, for the division, I order the bell to be rung for five minutes.

(The Division Bell was rung for five minutes)

Honorable Senators, before I read the terms of the first Motion for voting, I would like to inform you that we are going to vote four times. Our honorable Senators who are online, please, be patient with us. We will move very fast. It is going to be roll call voting and it will very fast. If we are patient, we will move very fast.

The first one is the Motion on the Adoption of Report of the Standing Committee on Finance and Budget for the 2021 Budget Policy Statement (BPS) and Medium-Term Debt Management Strategy.

The voting is by roll call. So, Clerk start.

*(Question put and the Senate proceeded to vote
by county delegations)*

(Voting in progress)

The Deputy Speaker (Sen. (Prof.) Kamar): Sorry, can we have Sen. Pareno and Sen. Farhiya as our Tellers, please. Thank you.

(Sen. Pareno and Sen. Farhiya went to the dispatch box)

(Voting in progress)

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Kang'ata was online. Please, vote. Okay let us continue and we will come back to that later.

(Voting in progress)

Please, be patient. We are going to continue so that we make the pronouncement of all the votes at the same time. We will move to the next Order.

Next Order.

BILL

Second Reading

THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)

(Sen. (Dr.) Zani on 11.2.2021)

(Resumption of Debate interrupted on 17.2.2021)

The Deputy Speaker (Sen. Prof.) Kamar): I will read all of them, we will vote for all of them, and then I will announce all the results at the same time so that we move faster. The tallying can continue.

The next vote is on the Cooperative Societies (Amendment) Bills (Senate Bills No. 11 of 2020). I now put the question that the Cooperative Societies (Amendment) Bill (Senate Bills No. 11 of 2020) be now read a second time.

Roll call voting.

(Voting in progress)

Next Order.

MOTION

ADOPTION OF CPAIC REPORTS ON THE AUDIT OF VARIOUS COUNTY EXECUTIVES FOR FYS 2015/2016 – 2017/2018

THAT, this House adopts the Reports of the Sessional Committee on County Public Accounts and Investments on the consideration of the Audit Reports of the following County Executives for the Financial Years 2015/2016, 2016/2017 and 2017/2018, laid on the Table of the Senate on Thursday, 11th February, 2021-

- (i) **Volume I-**
 - a) Baringo
 - b) Elgeyo Marakwet
 - c) Homa Bay
 - d) Kakamega
 - e) Kiambu
- (ii) **Volume II-**
 - a) Kisii
 - b) Mandera
 - c) Mombasa
 - d) Taita/Taveta
 - e) Kilifi
- (iii) **Volume III**
 - a) Garissa
 - b) Wajir
 - c) Narok
 - d) Kericho
 - e) Lamu

(Sen. (Prof.) Ongeru on 18.2.2021)

(Resumption of Debate interrupted on 23.2.2021)

(Question put and the Senate proceeded to vote by county delegations)

(Voting in progress)

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you Senators. Let us go to the next Order.

MOTION**ADOPTION OF THE REPORT OF THE MEDIATION
COMMITTEE ON THE EARLY CHILDHOOD EDUCATION
BILL (SENATE BILLS NO.26 OF 2018)**

THAT this House adopts the Report of the Mediation Committee on the consideration of the Early Childhood Education Bill (Senate Bills No.26 of 2018), laid on the Table of the Senate on Thursday, 18th February, 2021, and pursuant to Article 113 of the Constitution and Standing Order 161 (3) of the Senate Standing Orders, approves the mediated version of the Bill.

(Sen. Omogeni on 23.2.2021)

(Resumption of debate interrupted on 24.2.2021)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, I will now put the question, which is that this House adopts the Report of the Mediation Committee on the consideration of the Early Childhood Education Bill (Senate Bills No.26 of 2018), laid on the Table of the Senate on Thursday, 18th February, 2021, and pursuant to Article 113 of the Constitution and Standing Order 161(3) of the Senate Standing Orders, approves the mediated version of the Bill.

Division is by roll call. Hon. Members, I want to remind you again about Standing Order No. 83(5) which states as follows-

“When called out, each Senator shall, thereupon rise in his or her place and declare assent or dissent to the question in the following manner: “I vote Yes” or “I vote No” or “I abstain” or use appropriate Kenyan sign language.”

I have realised that younger Members of this House just sit down yet the older ones stand. Please, let us follow our Standing Orders.

(Voting in progress)

Thank you, Senators, that brings us to the end of voting.

MOTION**ADOPTION OF REPORT ON THE 2021 BPS AND
MEDIUM-TERM DEBT MANAGEMENT STRATEGY**

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2021 Budget Policy Statement and Medium Term Debt Management Strategy, laid on the Table of the Senate on Wednesday, 24th February, 2021, and pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order 180 (7) of the Senate, approves the 2021 Budget Policy Statement.

(Sen. Kibiru 25.02.2021)

(Resumption of debate interrupted on 25.02.2021)

DIVISION

ROLL CALL VOTING

(Question, that the Senate adopts the Report of the Standing Committee on Finance and Budget on the 2021 Budget Policy Statement and the Medium Term Debt Management Strategy laid on the Table of the Senate on Wednesday, 24th February 2021, and pursuant to Section 25(7) of the Public Finance Management Act and Standing Order 180(7) approves the 2021 Budget Policy Statement, put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; and, Sen. Wambua, Kitui County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil

Teller of the Noes: Sen. Pareno.

The Deputy Speaker (Sen. (Prof.) Kamar): The results are as follows:

AYES: 28

NOES: Nil

ABSTENTIONS: Nil.

The "Ayes" have it.

(Question carried by 28 votes to Nil)

BILL

Second Reading

THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL
(SENATE BILLS NO. 11 OF 2020)

(Sen. (Dr.) Zani on 11.2.2021)

(Resumption of Debate interrupted on 17.2.2021)

DIVISION

ROLL CALL VOTING

*(Question, that the Cooperative Societies (Amendment) Bill
(Senate Bills No.11 of 2020) be now read a Second Time,
put and the Senate proceeded to vote by county delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and Sen. Wario, Tana River County.

Teller of the Ayes: Sen. Farhiya.

NOES: Nil

Teller of the Noes: Sen. Pareno.

The Deputy Speaker (Sen. (Prof.) Kamar): The results are as follows:

AYES: 28

NOES: Nil

ABSTENTIONS: Nil.

The "Ayes" have it.

(Question carried by 28 votes to nil)

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

MOTION

ADOPTION OF CPAIC REPORTS ON THE AUDIT OF VARIOUS
COUNTY EXECUTIVES FOR FYS 2015/2016 – 2017/2018

THAT, this House adopts the Reports of the Sessional Committee on County Public Accounts and Investments on the consideration of the Audit Reports of the

following County Executives for the Financial Years 2015/2016, 2016/2017 and 2017/2018, laid on the Table of the Senate on Thursday, 11th February, 2021-

- (iv) **Volume I-**
 - f) Baringo
 - g) Elgeyo Marakwet
 - h) Homa Bay
 - i) Kakamega
 - j) Kiambu
- (v) **Volume II-**
 - f) Kisii
 - g) Mandera
 - h) Mombasa
 - i) Taita/Taveta
 - j) Kilifi
- (vi) **Volume III**
 - f) Garissa
 - g) Wajir
 - h) Narok
 - i) Kericho
 - j) Lamu

(Sen. (Prof.) Ongeru on 18.2.2021)

(Resumption of Debate interrupted on 23.2.2021)

DIVISION

ROLL CALL VOTING

(Question, that this House adopts Reports of the Sessional Committee on County Public Accounts and Investments on Audits reports for the County Executives for Financial Years 2015/2016, 2016/2017, and 2017/2018 (Volumes I, II and III), put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghishio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and Sen. Wario, Tana River County.

Teller of Ayes: Sen. Farhiya.

NOES: Nil

Teller of Noes: Sen. Pareno.

The Deputy Speaker (Sen. (Prof.) Kamar): The results are as follows:

AYES: 28

NOES: Nil

ABSTENTIONS: Nil.

The “Ayes” have it.

(Question carried by 28 votes to nil)

MOTION

ADOPTION OF THE REPORT OF THE MEDIATION
COMMITTEE ON THE EARLY CHILDHOOD EDUCATION
BILL (SENATE BILLS NO.26 OF 2018)

THAT this House adopts the Report of the Mediation Committee on the consideration of the Early Childhood Education Bill (Senate Bills No.26 of 2018), laid on the Table of the Senate on Thursday, 18th February, 2021, and pursuant to Article 113 of the Constitution and Standing Order 161 (3) of the Senate Standing Orders, approves the mediated version of the Bill.

(Sen. Omogeni on 23.2.2021)

(Resumption of debate interrupted on 24.2.2021)

DIVISION

ROLL CALL VOTING

(Question, that this House adopts the Report of the Mediation Committee on the Early Childhood Education Bill (Senate Bills no.26 of 2018), put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Musuruve, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. (Dr.) Ochillo-

Ayacko, Migori County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and Sen. Wario, Tana River County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil

Teller of the Noes: Sen. Pareno.

The Deputy Speaker (Sen. (Prof.) Kamar): The results are as follows:

AYES: 30

NOES: Nil

ABSTENTIONS: Nil.

The “Ayes” have it.

(Question carried by 30 votes to nil)

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senators. That is a job well done. We have cleared four votes this afternoon.

Next Order!

MOTION

ADOPTION OF CPAIC REPORTS ON THE AUDIT OF VARIOUS COUNTY EXECUTIVES FOR FY 2014/2015

THAT this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the consideration of the Audit Reports of the Bomet; Homa Bay; Isiolo; Kakamega; Kiambu; Laikipia; Kisumu; Mandera; Migori; Mombasa; Murang’a; Nandi; Nyeri; Samburu; Siaya; Tana River; Tharaka Nithi; Trans Nzoia; Turkana and Wajir County Executives for the Financial Year 2014/2015 (1st July, 2014 to 30th June, 2015), laid on the Table of the Senate on Thursday, 18th February, 2021.

(Sen. (Prof.) Ongeru on 24.2.2021)

(Resumption of debate interrupted on 24.2.2021)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, this Motion had been moved and Sen. (Eng.) Hargura was in the process of seconding when the House rose. He has 16 minutes to complete seconding.

Sen. (Eng.) Hargura: Thank you, Madam Deputy Speaker. I would like to second the Motion on the adoption of the County Public Accounts and Investments Committee (CPAIC) Report on the Auditor’s report for county executives for the Financial Year 2014/2015.

As the Senate, we oversight the national revenue allocated to the county governments under Article 96(3) of the Constitution. Also, we examine the Auditor-

General's reports on the annual accounts of the counties. This Committee happened to be the avenue through which the Senate carries out its oversight on the county funds, by scrutinising the Auditor-General's reports.

The CPAIC had examined the Auditor-General's report and the previous Sessional Committee had actually done a fiduciary report for the county audit reports of 2013/2014 to 2015/2016, and came up with a report, which highlighted the fiduciary risk areas and was tabled on the Floor of this House in June, 2019 and adopted by the House.

Madam Deputy Speaker, for this particular Report, Financial Year 2014/2015, which was the second year of devolution, there are issues which are clearly not being taken up by the county governments in terms of getting into management of public resources. Unfortunately, they are still recurring. If you look at the past reports that were tabled by the CPAIC, which went up to 2017/2018, the same issues are still recurring.

Among the issues, which are in this Report is not adhering to the budgets. Counties have approved budgets, which are approved by the county assembly. However, when the governors are implementing their budget, you will find that they expend outside the budget. Items which have not been approved in the budget are found to be undertaken and funds allocated to them. That is operating outside the budget, and it is occurring almost across the counties.

The requirement would have been that if there is any change or priorities, then the executive should submit the budget back to the county assembly through a supplementary budget and have a new budget approved, so that they can implement the new activities, which have become a priority along the way. However, that has not been done.

Another area which has been highlighted by this Report, and is still recurring, is pending bills. Counties have incurred pending bills. By the first financial year of devolution, counties had pending bills of Kshs62.8 billion. However, by the second year, which is now being addressed by this Report, the pending bills have increased to Kshs108.9 billion.

Therefore, the issue is: What is the source of these pending bills? One source has been addressed in these reports as being under-collection of their own source revenue. Counties set their own targets when they are budgeting. For example, a county will say that in this financial year they have a target of Kshs200 million to raise as own source revenue, but they do not meet that target, and that is what has been put in the budget. If they raise Kshs100 million, it will automatically mean that they will have Kshs100 million under-sourced in their budget, and if items are expended, that means that that Kshs100 million will be pending bill.

However, that is not enough because that is not only where they are generating the pending bills. There is the issue of undertaking works or expenditure, which has not been approved in the budget. That will become a pending bill because it was not budgeted for.

Under normal circumstances, you will find that the national Government could be generating pending bills because their funds lapse at the end of the financial year. However, in the case of the county governments, it does not lapse. Whatever has been approved under the County Allocation Revenue (CARA) here, will have to be delivered to the counties by the National Treasury.

If the year lapses and there are some outstanding funds, it is normally carried forward as pending bills and re-budgeted. Whatever was not paid for in the previous year should be dealt with in the subsequent year. It should recur in the subsequent year.

Madam Deputy Speaker, there is also the issue of under-collection of own source revenue. These reports indicate that counties are collecting less than what the defunct local authorities were collecting. The county governments have more resources and manpower to collect more but that is not happening. I do not believe that the county governments are under-collecting. I suspect that they are under reporting. Our Committee has discovered that in the counties where collection of revenue is not automated, the collectors will have several sets of fake receipts which they will give out to people who are paying for various county services but the money will not be reflected in the county account.

Another challenge that the counties are experiencing is the issue of spending at source; where the county own source revenue is not deposited in the County Revenue Fund (CRF) account as required by law so that whatever is collected is deposited, recorded and reverted back to them. The counties get authority from the Controller of Budget to spend funds from the CRF account. Many counties have been spending at source thus the revenue is not reflected in the CRF accounts leading to the assumption that they have under collected. The counties have been advised accordingly but the issue of spending at source is still recurring. One way of sorting out the issue of spending at source is by analyzing all the possible revenue sources, come up with realistic targets automate the revenue collection system to ensure that they collect as much as possible what they estimated as their revenue. If counties do that, they will sort out the issue of pending bills as they will only spend what they estimated.

Madam Deputy Speaker, the other challenge that counties are facing is the irregular procurement of goods and services which is still recurring. Counties are using the single sourcing procurement method to procure. Contractors are given tenders irregularly. Further, counties have a challenge in book keeping. When auditors from the Office of the Auditor-General go out to audit counties, they find that records are not there. Counties are also not providing information to the auditors during the audit process and that is contrary to the Public Audit Act, 2015.

Most of the county executives only produce relevant evidence that should have been produced during the time of audit, when they appear before County Public Accounts and Investments Committee (CPAIC). The first question that our Committee asks the county executive who wait to bring the relevant evidence before our Committee is, 'Where were these records of evidence when the auditors came for them?'

The audit process is not a one-day event; the process is long and detailed. The first time the auditors go to the county, they will have an entry meeting with the county executive. The auditors also have an exit meeting with the county executive once the audit process is completed. The auditors also prepare management letters that they write to the county executive stating all that they noted during the audit process and state what they need clarified. After that, the auditors will prepare a draft audit report before preparing the final audit report that is signed by the Auditor-General. The audit process is long so there is enough time to engage. When the county executives cannot provide information after all these engagements, it leaves us with a lot of questions on why information was not provided on time.

Madam Deputy Speaker, another challenge that counties are faced with is that of weak human resource management where the staff recruitment is done without following due procedure. Many people are on the payroll of the counties without clear information on how such individuals were employed. In some instances, the job was not advertised or there was no long-listing or shortlisting of the individuals who applied for the job. Such individuals files just have appointment letters. Many counties are using unprocedural ways of engaging staff thus suffer capacity challenge. Whenever counties are asked why they failed to provide information on time, they cite capacity challenge as the major reason. By engaging staff members in unprocedural ways, most county governments miss the opportunity to employ the right qualified persons.

Irregular remuneration or compensation of staff members without following the Salaries and Remuneration Commission (SRC) circulars is also a major issue in the counties. Some members of staff in the counties are over remunerated without following the Salaries and Remuneration Commission (SRC) guidelines. Remuneration in most county governments is dependent on your relationship with the Governor. It does not follow any procedure.

Madam Deputy Speaker, you will be surprised to learn that some counties do not have established staff policy leading to weak internal controls. Policies such as human resource policy, ICT policy and risk management policy were missing in many county governments. I am happy to report that in the engagements that we have had lately with the counties, there is improvement in the area of policy development which are being approved by the county assemblies.

The lack of updated asset register is a major issue in the counties since counties inherited the defunct local authorities which had both fixed and movable assets and liabilities. It has become difficult for counties to have proper asset registers in terms of land, offices and many other fixed assets as well as movable assets such as vehicles. I am happy to report that the Intergovernmental Relations Technical Committee (IGRTC) has finally come up with the asset registers for the counties. It is now up to the counties to verify, quantify and value them. The assets that the counties have acquired also need to be registered in a particular format. By the time of doing this report, that format had not been agreed on. However, early last year, the National Treasury gave a format for the counties to adopt.

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

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

Mr. Temporary Speaker, Sir, I beg to second the adoption of this Motion and hope that the Members will support it. I hope that the counties can learn from these reports. Further, this report has recommendations on the actions to be taken against county government officials who have mismanaged the counties by failing to adhere to the set laws, failure to adhere to the budgets or failing to have the necessary policies. Our recommendations are very clear on the actions that need to be taken so it is just a matter of implementing them.

If the recommendations we have given will not be implemented, the consideration of audit reports by the County Public Accounts and Investments Committee

(CPAIC) will just become an academic exercise. Further, the counties will not improve or progress in their fiscal prudence or management of public resources. Serious actions need to be taken against the liable officers in the counties so that it is a learning process of the counties.

Mr. Temporary Speaker, Sir, I beg to second the Motion.

(Question proposed)

The Temporary Speaker (Sen. (Dr.) Mwaura): Seneta wa Homa Bay, Sen. M. Kajwang', una nafasi ya kuchangia.

Sen. M. Kajwang': Mr. Temporary Speaker, Sir, I rise to support the Motion that, the House do adopt the Report of the County Public Accounts and Investments Committee (CPAIC) with regards to the report on the Auditor-General's opinions and findings on county governments for those financial years that have been stated.

Mr. Temporary Speaker, Sir, as I contribute on this Motion, I want to take note that this Report that is before the House bears my name. It was done when I was chairing the CPAIC; when I had that singular privilege and honour to lead this House in its oversight arrangements.

Mr. Temporary Speaker, Sir, the only reason why this Report did not come to the House along with the other reports that we tabled back then was because of an issue of scheduling, but it was ready. I want to thank the Committee that was chaired by Sen. (Prof.) Ongeru for making sure that this Report was extracted from the shelves and brought to the House for adoption.

This is because we know that the finality of the Auditor-General's reports is when the House has adopted them. Before they are adopted, there has been a lot of debate on whether the findings of the Auditor-General can be used in a court of law, to seek justice, or in any other judicial process to ensure that people are held to account.

Mr. Temporary Speaker, Sir, I also want to thank the Committee. We started seeing reports that are running up to 2018. There has been a lot of concern that the Senate has been in backlog for a long time. I do recall that prior to 2018, the House had never adopted a single report of the CPIAC. I thank the current Committee Members. They have built on the reports that my Committee brought to the House and brought very current reports. I do believe that 2019 reports which have now come to Parliament following the appointment of a substantive Auditor-General will also be considered as soon as it is practicable.

Kenyans want to deal with current issues. Kenyans do not like dealing with past issues even though as they say crime does not expire. Therefore, if someone stole from the public, pilfered county funds in 2013 when devolution was just beginning, let them not think that by the mere fact that Auditor-General has a report for 2019, those sins shall go unpunished.

I want to assure the public that if there are projects where you feel that there was no fiscal justice, your views were not taken into consideration, projects were supposed to have been implemented and they ended up being ghost projects, those public officers shall be held accountable. It might not happen today, tomorrow, but it shall happen with certainty as long as this Senate exists.

Mr. Temporary Speaker, Sir, it is unfortunate that as I speak, we have reconstituted the CPAIC. That delay is unnecessary, inordinate and that delay really disrupts the flow and the work of CPAIC. This is because you can clearly see that the first quarter of the year is almost gone. Last year, we lost almost two quarters before we reconstituted that Committee.

I want to urge as we have proposed before, that let us adopt our Standing Orders to ensure that there is continuity in the operations of Sessional Committees until a new a Committee is put in place. This is because there is nobody who will come from outside this House to form part of those Committees. All the Members who can potentially be Members of those Sessional Committees are already here. What is required is quick decisions. If there is a problem in making decisions, let us just ensure that the Sessional Committee as constituted in the last Session by some special resolutions continues to work until the leadership of the House decides on the change of their leadership.

Mr. Temporary Speaker, Sir, the Report that we are discussing today was part of the Fiduciary Risk Report that was adopted by the House. If you do recall, we brought the Fiduciary Risk Report so that we could see the forest. The Auditor-General submits a lot of reports to the House. Every year, the Auditor-General brings 47 reports for county executives, 47 for county assemblies, 47 for car loan and mortgage funds and 47 for any other additional fund that might have been established in the county.

Every year, on average, the Auditor-General will bring reports that are over 200 pages. This is a 67 Members House. Sometimes it is impossible for the Senate to consider all those reports on an annual basis. It is different at county assemblies. This is because a county assembly will receive at a minimum four reports in a year. One for the executive and one for the assembly and two for the special funds that they have established. As a result, it was important to aggregate the findings of the Auditor-General and come up with a Fiduciary Risk Report. That, we did.

Mr. Temporary Speaker, Sir, the Fiduciary Risk Report indicated that in the first three years of devolution, the Auditor-General had queried expenditure close to Kshs298 billion. If you take that as a percentage of the funds that have been allocated to counties, that would tell you that in those first three years, one-third of it, could not be properly accounted for. That is a disaster if, indeed, it is to be established to be true.

Mr. Temporary Speaker, Sir, the amount that was queried if you put in contest was enough to build nine Thika Road Highways. With Kshs298 billion, you can do a lot. In fact, the Parliamentary Budget Office (PBO) told us if that money was invested properly in the productive sectors of the economy, it could lead to at least 5 per cent growth of the economy. That is kind of the potential losses we have, out these accountability queries.

It happened that some of the issues that the Auditor-General had flagged could have been satisfied with documentation. It is wrong for governors to refuse to give documents to the Auditor-General and then come to the Senate with truckload of documents. The intention is to confuse, perplex and put the Senate in a situation where it just clear the audit queries.

I want to emphasize that the place for primary oversight still remains the county assemblies. We must ensure that our laws are tailored in such a way that even the governor is accountable to the people residing in the county through the county assembly.

There has been some jurisprudence, which has made the governor too big to appear before county assemblies. In fact, in the recent past, governors only appear before county assemblies when they have an impeachment hanging over their necks. It should be normal or we should normalize that a governor should appear before the county assembly. This business of hiding behind County Executive Committee (CEC) Members, and Chief Officers (Cos) must be brought to a stop. The person who went and got a mandate and the person who should be held responsible as the Chief Executive Officer (CEO) of the county is the governor.

I am glad that Building Bridges Initiative (BBI) has made certain provisions that will make that possible. They will make the governor accountable to the people through the county assembly. The governor will be required to appear before the assembly. Therefore, it will leave the Senate to come up with policy, legislative and administrative solutions to the challenges that are facing county governments.

Mr. Temporary Speaker, Sir, we must do all we can to empower our brothers and sisters in county assemblies to effectively carry out their oversight role. This is because that is where the real evidence and the primary oversight would occur.

I visualize that the Senate would particularly focus on value for money audits. The Public Audit Act allows financial audits like what we are discussing now, forensic audits, performance audits, and other value for money. Ever since the Senate was established, the Auditor-General has performed a few performance audits. I think there was one that he did about mental health, that will be of great benefit to Sen. (Arch.) Kasanga and a few others.

Mr. Temporary Speaker, Sir, we are not yet in a position where we, as a Senate, sit with the Office of the Auditor-General and agree that this particular financial year, we want you to carry out a performance audit, for example, on the Managed Equipment Scheme (MES) or the Roads Maintenance Levy Fund.

Mr. Temporary Speaker, Sir, this afternoon, we have adopted the Budget Policy Statement (BPS). That BPS proposes a policy shift.

Allocations being collected from taxpayers for maintenance of roads called Road Maintenance Levy Fund (RMLF), then sent to counties as a conditional grant will no longer be sent as such, but form part of the equitable share.

The risk is that you are collecting money from Kenyans on false pretences. You are telling every road user and anyone who buys fuel that a percentage of the money you spend, will be used on improving the roads you drive on, so that the wear and tear on your car can reduce. You then bring the money to counties and 15 per cent of it, make it part of general budget support.

Mr. Temporary Speaker, Sir, as we process the Division of Revenue Bill and the County Allocation of Revenue Bill, we should make it clear that such a policy shift should not be undertaken until the Auditor-General has carried out an assessment in the performance of the fund in counties. If we will make the fund part of the equitable share, accounting for those monies will be impossible. We should sit with the Auditor-General, go beyond the RMLF and demand a performance audit of some of the conditional grants that go to counties. We have the Kenya Urban Support Programme, Kenya Devolution Support Programme. Every year, this money goes to counties.

In some counties, we can see visible signs of work. We see cabro being erected and markets being build. However, what are the accountability mechanisms for

conditional grants in this Republic? We should talk to the Auditor-General and recommend a performance audit on investments in agriculture and how they relate to the international obligations and treaties that Kenya has signed. This should be the role and position of the Senate; looking at the devolved functions under the Fourth Schedule and finding a way of making sure there is effective service delivery in counties. It should not be finding out how many pins were bought and whether they were accompanied by delivery notes.

Mr. Temporary Speaker, Sir, I recall when we visited the National Council of State Legislatures in the United States, I was privileged to be in the company of the Speaker of this House. We saw how State legislatures in the United States do it. We have a PBO which has done a great job in helping Members of Parliament to understand and be part of the budget process. Our PBO is one of the best. When I talk to people outside Parliament, people in academia, the ladies and gentlemen who sit in that office have the respect of economists and experts outside.

It is time that we also establish a Senate Oversight office or a Parliamentary Audit Office (PAO). The same way Members of Parliament are not experts in budget issues is the same way, they are not experts when it comes to audit.

A PAO would have that singular duty of making sure that they assess all these reports from the Auditor General, coming up with the fiduciary risk report, making sure we schedule our performance and value for money audits. Also making sure that when we get these reports and audits, Parliament is able to consider and process them in a meaningful manner.

We need to rethink the strategy of the implementation of our recommendations. In the last Parliament, we had a separate implementation Committee, which would take the resolutions of the House and those of the various Committees and follow them through. Today, once you adopt this report, it will be the responsibility of the CPAIC, which is yet to be constituted, to follow up on implementation.

When I was the chairperson and the House adopted several reports the Clerk of the Senate immediately wrote to various stakeholders requesting them to provide a report on the measures, they have taken within three months to close the issues raised by the Senate. To date, I do not believe we have received a response as the Senate.

We must tighten our implementation capacity. There are agencies that do not need to wait for the Senate to go through this process for five years. For example, once the Auditor-General has determined that there was no value for money and there were unexplained expenditure, why should the Director of Criminal Investigations (DCI) or the Ethics and Anti-Corruption Commission (EACC) wait for the Senate to conduct a five-year ritual? Why can they not swing into action?

We must empower these institutions to be proactive. We must empower them so that they can have linkages with the Office of the Auditor-General in real time. In fact, there is nowhere it is written that they are required to wait until the Report of the Auditor-General is published, brought to the House, debated and adopted.

They can form collaboration networks using technology. They can share and create visibility on some of the risks that exist in counties so that they can take real-time initiatives.

Mr. Temporary Speaker, Sir, we must revive our monitoring and evaluation ideas because if we continue looking at reports five years down the line, then we will be the

morticians who operate on dead bodies. We will not be the physicians that Kenyans want us to be.

This morning we had a conversation with the Council of Governors (CoG) and its new leadership. They told me that as at 30th June, 2020, Kenyans are owed Kshs113 billion by county governments. The report you are adopting today has a lower figure. Today Kshs113 billion, which is money that should be in the pockets of Kenyans and used to pay taxes is sitting with the Government. No wonder this economy is dying. We are becoming a wheelbarrow and *mkokoteni* economy and yet the Government is keeping money meant for citizens in its pocket.

Mr. Temporary Speaker, Sir, of the Kshs113 billion, Kshs78 billion relates to Nairobi City County and we thought we had solved the problem. We thought that it was easy, get one joker out and bring another joker in, and then all our problems will be sorted out. An amount of Kshs78 billion is still owed. So, between the general and whoever it is who is running Nairobi City County, let us release this money. Let this money go to citizens.

Mr. Temporary Speaker, Sir, there is no single day you do not collect taxes from us in form of parking fees. There is no single day you are not collecting money from women and our mothers in Gikomba. Collect that money and use it to pay these pending bills rather than using it to do things that just satisfy the ego.

If I was given a choice between settling the Kshs78 billion pending bills owed by Nairobi City County and putting cabro in the Central Business Districts (CBD), I would first pay the private sector and entrepreneurs their money before I do it.

Mr. Temporary Speaker, Sir, the Treasury has also delayed to give counties money. We resolved in this morning that in the next two weeks we shall summon the Treasury before the Committee of the House to explain why Kshs36 billion has not been remitted to counties. Why Kshs4.6 billion under the Kenya Devolution Support Programme has not been given to county governments? Why Kshs2.8 billion under the Kenya Urban Support Programme has not been sent to county governments?

This is part of the explanation for the pending bills. Even if it were the explanation, the total amount unremitted is far much less than the pending bills that the county governments are keeping in their books.

Mr. Temporary Speaker, Sir, there must be the final audit; an audit of finality. I do agree with the CoG who have proposed that the Office of the Auditor-General do a final audit. The last audit that was done by Mr. Edward Ouko, the former Auditor General raised more questions than answers. It told us that such a huge percentage of our pending bills were unverified.

Finally, there should be a policy on conditional grants. We have a lot of money going to counties in terms of level five hospitals, roads, devolution support programme and county headquarters. We do not have a proper framework for their oversight.

Mr. Temporary Speaker, Sir, let this Report that we have adopted and the reports that we have just voted on a few hours ago form a basis for us to consolidate our thinking. Let it be the basis upon which the Senate stops focusing on counting pins and pens, paper and rims and sheets of foolscaps in counties.

Let it be the basis that informs us to amend the law, come up with policy and regulation that ensures that when monies are sent to counties, it does not find its way in

the pockets and stomachs and whatever other body parts of the governors and the people in counties. That money goes to the citizens.

Mr. Temporary Speaker, Sir, I want to hail the majority of staff in our counties who are doing an exemplary job. They are working with integrity and diligence. There are the health workers. I want to hail those frontline workers who have kept this country protected, safe and healthy during the COVID-19 pandemic and who sometimes have to go work without having received their salary. Sometimes they have to go to hospitals to work in situations where there are no drugs and adequate facilities. These are the true heroes of this Republic. This is the reason why devolution exists so that these true heroes can have their aspirations fulfilled.

Mr. Temporary Speaker, Sir, the entrepreneurs and businessmen in Homa Bay, Migori, Kiambu counties and everywhere else are owed by county governments. It is sad that the same people we are making them go to court and spend more money on litigation so that the Government can pay them after having rendered service.

I believe that this Senate and the CPAIC)---

The Temporary Speaker (Sen. (Dr.) Mwaura): Kindly add him three or four minutes to finish the idea.

Sen. M. Kajwang': Thank you, Mr. Temporary Speaker, Sir. If there is one great contribution that we can make to this country and its economy, it is to pay these entrepreneurs; the young people who are doing business with county governments through their access to government procurement opportunities, the woman and the Persons With Disabilities (PWDs), who have supplied goods and services to county governments this Kshs113 billion. I believe that it is a resolution that will compel county governments, working with the Office of the Auditor-General and the Controller of Budget to finalize this matter of pending bills, so be it.

We have governors proud and bragging that they paid all the pending bills in their jurisdictions yet what they paid was only a small fraction. We have governors who are questioning bills in their counties and they have been in office since 2013. They created the mess and they are now capitalizing on it to deny Kenyans their hard-earned money.

Mr. Temporary Speaker, Sir, I urge the CPAIC that will be reconstituted to make this their primary agenda, how to ensure that the Kshs113.6 billion owed to Kenyans as at 30th June 2020 is released from the Government coffers and go to the pockets of citizens and taxpayers of this country.

Mr. Temporary Speaker, Sir, I support.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante sana kwa kuchangia kwingi na kwa ukakamavu. Hii kwa sababu ulikuwa Mwenyekiti wa Kamati ya Uhasibu na Uwekezaji wa Umma. Ninakubaliana na wewe kwamba lazima tuwe na Ofisi Maalum ya Uhasibu ya Bunge.

Mheshimiwa Seneta, ni muhimu ni kujulishe kwamba tayari nina Mswada juu ya swala hilo ambao unitauwasilisha hapa Bungeni. Mada yake ni: Parliamentary Audit Office Bill. Shida iwepo ni kwamba watunzi wa sheria wanaotusaidia kuiandika walikuwa wanafikiri itakua kama afisi ya Uhasibu wa Tume ya Bunge ambao itajishughulisha na kuangalia hesabu zao.

Kwa kweli, tukiwa na wizara zaidi ya 20, taasisi zaidi ya 200 na pia serikali za ughatuzi 47 na taasisi zake, itakuw vigumu sana kwa Mbunge yeyote kutathimini ripoti

zote kwa umakini. Mapendekezo yako ni muhimu kwa vile itasaidia sana kupigana na uufisadi nchini.

Namwona Sen. (Dr.) Ochillo-Ayacko katika mtambo wetu. Sijui kama yupo. Alikua Waziri wangu na alichukua kiti na Naibu Mwenyekiti wa Kamati ya Fedha na Bajeti. Karibu, mheshimiwa.

Sen. (Dr.) Ochillo-Ayacko: Thank you very much, Mr. Temporary Speaker, Sir. I am happy that you have remembered our times together when you were a very vibrant young man. As a result of it, I was able to identify you and give you an opportunity to serve Kenyans. I have never looked back or been disappointed. I wish you well in the path that you have taken. It may be untrodden, but it is only courageous people who follow such paths.

I thank Sen. M. Kajwang', my brother. Today I said that we belong to the species of fish. He and I are fishermen or fisher folks. In fact, we understand fish so well that when I said so, my neighbour got bemused. In the villages that we come from, in every market, every mama *mboga* is a seller of *omena* and a vendor of one species of fish or the other. If there is no supply, then we disenfranchise and render jobless those unemployed females who vendor things in our markets in the entire western region.

I encourage all Kenyans to eat fish because it is good food. The doctors say that particularly fish from Homa Bay and Migori is good. Migori has places called Muhuru Bay, Sori Bay and the Takawiri we were talking about. The fish is the most delicious.

Having made those preliminary remarks, being from the tribe of fish, let me embark on this one. This Report of the CPAIC that was chaired by Sen. M. Kajwang' was well done and it should be implemented. In fact, it ought to have been implemented as early as the time it was being done. There is a trend that is gaining currency and becoming part of our behaviour thinking that the work of the Senate and Parliament is just to write reports.

Mr. Temporary Speaker, Sir, there is a description of certain watchdogs as supreme audit institutions. These institutions are those among which the family of the Auditor-General falls. They are very integral to accountability, transparency and all matters related to good governance. They perform a very professional job on behalf of citizenry. They audit, engage public institutions such as counties, State departments and organs, and find out how lawfully and effectively they use public funds placed under their charge for the benefit of public.

It appears that the prominence of those institutions is anchored in the Constitution, but not in our belief, practice or the way we implement law. This is a very unfortunate situation. Those institutions initiate the primary oversight by carrying out the audit and whose reports are brought to Senate. The Senate, National Assembly and other institutions such as county assemblies are also treated the same way.

Unfortunately, we have also fallen into the trap of treating ourselves that way. If you look at a study that was carried out by World Bank on Effectiveness of the Oversight Functions of Parliament, you will notice that for Parliament and the oversight functions to be effective, the parliamentarians must take their work seriously. If we do such a brilliant and beautiful Report like the one that was done under the tenure of Sen. M. Kajwang', and the House is empty, nobody has read it, nobody is passionately talking about it, who else in the public out here will talk about it?

There is a connection between the passion with which we talk about things here and how the public also consumes that information. There is a relationship between transparency, accountability, the supreme audit institutions and public awareness. These audits are done on behalf of the public, be the audit initiated by the audit institutions such as the Auditor-General or be finalized by Senate or Parliament.

If there is no interest or passion and the public out there do not know about it, you will find that the overall accountability that is done every five years when elections come, does not yield result. The public out there is unaware of who misused their money and who is not performing. They, unfortunately, keep on voting the same corrupt characters whose names litter every page of the Senate, National Assembly or county assembly reports.

Some of these charlatans are bogeymen who take public money. They can only ultimately be ashamed and removed from office by the public when an opportunity to vote ensues.

When the public is not aware and when leadership of such institutions like the one to which we belong do not attend and passionately speak about these matters, when the newspapers ignore, but we speak about some statements that are made here passionately about wheelbarrows and other things, we really lose it.

The purpose for which governments were set up was to have law and order, justice, and also to offer critical services that individuals cannot offer to themselves, but collectively be offered by institutions headed by people mandated by the public. That is the primary function for which government was formed and it is sum total.

The absence of good governors is total disorder. It is like the Hobbesian disorder that would make life brutal and short, but nobody wants that. Ultimately, it is the public that puts people in office.

Without adequate and accurate information, I can assure you one day this country will have the worst thug for president, the worst thug for premiership and the worst thugs for governors. When you have thugs with power and resources, the intensity and level of thuggery will be so much that the courts will be unable to deal with. It will be so much that the police will not be able to deal with.

Even those institutions are so pervasive that they will appoint thugs for the DCI, thugs for the EACC and a thug for the Chief Justice. It will be a coalition of thugs. We will have Parliament, the Executive and the Judiciary that will be full of thugs.

We may think that because we have the privilege of being in offices, we will be immune from such thuggery. You will leave office and be an ordinary person. In your own village, thugs will be in charge. So, we must take this work seriously, particularly the aspect of implementation.

This Report, like all other reports, has amplified problems that keep recurring year in, year out. There are problems of pending bills and non-payment of suppliers that have generally contributed to poverty, impecunity and suffering that is all engulfing.

The churches are now poor. They are literally begging for money from thugs and thieves. They have lost their spiritual and moral righteousness. They preach the gospel of the rich and fail to point out---

The Temporary Speaker (Sen. Mwaura): Samahani Seneta wa Migori. Unamaanisha kwamba watu wote ambao wanachangia kanisani ni wakora na wezi?

Sen. (Dr.) Ochillo-Ayacko: Mr. Temporary Speaker, Sir, those who have money in this country are largely thugs and they use it for political purpose. Those who have genuine money are very few. Those who have earned it honestly and fairly will give it in an accountable manner.

I live in my village and I can assure you this. When you go to church, not necessarily the one I go to, you will find that the sermon of that day is not anything that nourishes or fulfils you spiritually. The sermon is about the generous givers, but they give nothing in terms of spirit and integrity.

They just bring money, but do not want to explain where it comes from. You will realise that the institutions that they were in charge of are all collapsing. I think that is an unfortunate situation.

Mr. Temporary Speaker, Sir, I do not name them because I do not want to bear that burden. However, we all know. You will find that a person who was just appointed to an executive position the previous year and was driving a Beatele is the owner of everything in the village where they come from. When that person was having nothing, he/she would not even get the first seat in church. However, now that they have something and Kshs100,000, they become the best friend of the priest, catechist and the imams.

That is unfortunate because our values are getting eroded. We are now worshipping and equating success to money and not to how we change our society using our leadership skills, commitment to good governance and changing the society positively.

When we look at pending bills, it is a major cause of poverty. Today, I went to my bank, Kenya Commercial Bank (KCB), to try to find out how much I still owe the bank. I took some money from them and I know that time is ticking. I do not want to be found not having paid the money when the election is around the corner.

I asked them whether they still give loans. They said that they do not. Salaries are so unstable and any organization can downsize. So, they no longer give loans based on salaries. They will not give you loans because you are expecting rent. They will say that your tenants no longer pay rents. I asked them who they are lending and they said they are lending Government.

You can imagine that they are not giving loans to individuals. However, they are giving loans to Government and we are also not paying those individuals. You are not being paid in your village, your people are not being paid and they are not being loaned. If we really knew what these people are going through, we would pay them like yesterday their pending bills.

These pending bills are a menace. People in Migori, quite a number, have committed suicide and some have become destitute because what they had spent their lives saving on, which they used for security, have been auctioned. All those things are no longer theirs and are no longer in their possession.

Mr. Temporary Speaker, Sir, we cannot have a government, county or national, that is the biggest defaulter when it comes to supporting business. You take their money and services that they have offered and refuse to pay them arguing about verification and bringing some experts.

You may be a governor who is new in office and your predecessor is the one who offered support for those companies then you come to office, get to a swivel chair and

say, "I will not pay those." If you really knew what those fellows went through, how many people they owe and what that money would do to your economy, you would not talk about that.

Maybe since there is no law to shoot and kill them, somebody who has the power to do it beyond law should do it, who is God. That is really bad. Owing people and with impunity, you tell them to go to court and use public money to beat them in court. They all become destitute because you are a governor, head of a Ministry or head of a parastatal. That is cruelty that should be painfully paid for by God.

I pray that God is listening to us and I know he does. Vengeance is his and he should visit such vengeance on those people. People are owed salary and have worked time without end and they are not being paid. It is unfortunate that this issue of pending bills is an issue that county governments are not sensitive to.

Our county governments do not comply with basic statutory requirements. For instance, all these county governments in these reports are not remitting money for pensions and National Hospital Insurance Fund (NHIF). They do not know that you as a governor you have money. Your clansmen, children, relatives and people who voted for you, you are not remitting those monies, how do you think they will survive?

You claim that there were no disbursement, but as a governor, you keep on renovating your house, buying new cars and doing your own things. You think you will live in perpetuity there.

Anybody in charge should ensure that pensions and all the other statutory deductions are remitted because they are there for a purpose. After retirement, if one has to wait for their dues and cannot get them, that is the time opportunistic diseases and other ailments start visiting them. It is in old age when one really needs their money and support. I urge the county governments to read this Report and pay the statutory deductions.

I urge the governors to work very hard to promote staff members in the counties as well as build their capacity. Governors do not deliver services, but workers do. Therefore, the level of motivation and commitment of the workers in the counties is what assists governors in delivering services which they are mandated. The public have resourced the governors and given them the privilege to work for them. If governors do not incentivize and motivate the workers of the counties, how the hell do they hope to deliver services? How do they hope to discharge their duties without a motivated staff?

You will discover that workers in the counties are stratified or categorized as ex-local authority who are paid poorly. While others are stratified as those that are employed by the governors who are paid well. That is a problem that is prevalent in Migori County and many other counties.

I would like to remind the governors that the true leader is God. Since God got very busy with other big things, He gives leaders an opportunity through elections for people to elect them into office. When a Governor mismanages the county, they should remember that it is God's people whose services they are not rendering.

The governors who are mismanaging their counties should know that there is no greater sin. They deceive the public that they will serve them, take away their money and then fail to benefit the people who voted for them. When such corrupt governors leave office, the curses and the pain of the people who elected them will follow them to wherever they go. Governors should aspire to retire in peace. People should remember

the tenure of Governors who served them with nostalgia and the beauty of the services they received. Governors should not go to stonewall themselves; hiding in a village somewhere or in a palatial home that they built using stolen money. Retired governors should be free to walk to their local church or market for people to appreciate the good work they did during their tenure.

Governors should aspire to leave the legacy of love or being missed for the good services they rendered and not a legacy of boasting that they were the first governor when no one will ever remember what they did. Corrupt governors will only be remembered as being the first, notorious or most hated governors. Such a memory may perhaps be a curse to the families of such governors.

In conclusion, we need to have an audit office within the precincts of Parliament. There are certain matters that when done by the Office of the Auditor-General, they cannot be re-opened. There are certain instances when our committees lack the expertise to look into the audit report. We need professionals in the audit office who may go out to verify some of the lingering question so that we have a report that has integrity, accuracy and one that will not invite unnecessary---

The Temporary Speaker (Sen. (Dr.) Mwaura): Muda wako umeyoyoma lakini nitakupa dakika tatu ili umalize.

Sen. (Dr.) Ochillo-Ayacko: Thank you, Mr. Temporary Speaker, Sir. The internal auditors will come up with a report that will be unanimously supported by all the sides of the House.

Finally, the biggest oversight is carried out by the citizens. Similarly, the biggest accountability is also done to the citizens. We and other institutions charged with similar mandate must promote a very close linkage between our work and the citizens out there. The citizens in my county always ask me why the roads are in poor state or why we do not have schools. I normally tell them that my work as the Senator is to do oversight.

They ask me whether the oversight work is edible, or if it can also be part of the bills or school fees, that they want.

Mr. Temporary Speaker, Sir, since there is no linkage or civic education, they do not understand the integral part of that work in order to use it to evaluate, assess and even to think whether to vote back a particular administration. That link that has been disconnected between our work and the citizen must be reconnected.

We must think of how this House and the national Executive do it. We must think of how to resource that aspect, so that these reports do not just give us an opportunity to talk and continue talking. It should also be linked to the citizens' knowledge, the mainstream and social media so that it is very clear in an objective evaluation of the work, that a certain county or the national Government in a certain department did the following wrong things and it becomes an issue in the election.

Mr. Temporary Speaker, Sir, I have spoken too much and you have been generous to extend my time. Thank you for that extension. Let me sit back and pray for you and the people of Kiambu County, specifically Ruiru Constituency.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante, Seneta. Ninatumaini utakuja kuwa gavana wa Kaunti ya Migori. Leo umezungumza kama gavana mtarajiwa mwenye maono makubwa.

Fauka ya hayo, umezungumza kama mwamini shapavu ambaye angependa kuhakikisha maadili ya Mungu yamefuatwa. Nimefurahi kusikia ukisema kwamba

uongozi bora hutoka kwa Mungu. Ni vyema sisi viongozi kuhakikisha tumeyatekeleza majukumu tuliyotunukiwa na Mungu. Hii ni heshima kubwa na kwa hiyo tusiwadhulumu walio chini yetu kwa sababu ya mirengo yetu ya kisiasa.

Sasa hivi, ninampa nafasi Seneta anayewakilisha watu wenye ulemavu, Sen. (Dr.) Musuruve achange Hoja hii.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, for giving me an opportunity.

The Temporary Speaker (Sen. (Dr.) Mwaura): Samahani! Kwa sababu muda umeyoyoma sana, chukua takribani dakika saba hivi.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, for the opportunity you have given me to support this Report. I congratulate the team of Sen. M. Kajwang' for coming up with this Report.

This is a Report that will be read---

The Temporary Speaker (Sen. (Dr.) Mwaura): Samahani, Seneta! Unaweza kuchukua tu muda wako wote kwa sababu hatumalizi Hoja hii leo.

Sen. (Dr.) Musuruve: Okay, Mr. Temporary Speaker. Thank you also for the extension of time.

I thank Sen. M. Kajwang' and his team for coming up with this Report because it is now in the history of many other documents. It is possible for anyone, even after some years, to look at it and see exactly what transpired in 2014/2015 Financial Year. It is now a permanent document that can even be availed to citizens to read and understand what exactly happened.

An audit report is very important because it is supposed to show how county executives utilised the money given to them. It will show how much was given and how it was utilised. If anything is amiss, then the report will not be favourable.

Mr. Temporary Speaker, Sir, a good audit report speaks something about county executives. It says how wise they were with regard to use of public money. An audit report is informative. It is supposed to be transparent showing how transparent or not people were, which is very important.

Every county executive needs a yearly budget when they get money. Of course, the business of the Senate is to ensure money goes to counties. When the money gets there, it is our desire that it reaches the common man through service delivery. That is why we allocate and approve money to counties. Therefore, it is just important that an audit report is done. Accounts are audited to ensure the money that goes to counties is spent well in giving service to wananchi.

Before counties start using the money they have been given, it is important and necessary that county executives have a yearly plan. In the yearly plan, they should prioritise projects, which can only be done if there is public participation. This way, the public will be aware of the amount of money that has come to their county and the needs that the money will go into.

Mr. Temporary Speaker, Sir, public participation is important even before county executives begin to utilize their allocation. If there are any pending bills, then they should come out clearly and explain why. An audit investigation should state whether contracts that were given were completed. If any work was allocated, was it completed for there to be pending bills? If there is a pending bill, it means a project that was allocated money has been completed.

It is unfortunate that sometimes a hospital or a school in a county is under construction for many years. Every year, money is still allocated for the same project, but they are incomplete year in, year out. An audit report should show whether counties have utilized the money well.

When county governors come to the Senate, their coming should not be viewed negatively. It is just a matter of explaining yourself on how you used your allocation even in terms of paying off pending bills. This way, there can be a reconciliation between the money that was given and the audit report.

Mr. Temporary Speaker, Sir, auditors should also be keen to find out if any contracts were awarded to PWDs. There is a policy that PWDs should be awarded 30 per cent of the contracts in a county. I do not know, Sen. M. Kajwang', if the audit Report showed how many contracts were given to PWDs and how much was paid to them.

We talk about the procurement process and PWDs being given priority. However, when it comes to the real issue, you find that even the little fraction that is meant for PWDs is not given. When governors come before the CPAIC, they should also be asked if they awarded and paid any tenders to PWDs. It is important so that PWDs are not left behind.

There are so many PWDs who are trying to eke a living, but when it comes to procurement, it becomes an issue because they are not given the opportunity. Let me say candidly that what PWDs lack in this and many other countries is opportunity.

Once they are given an opportunity even for business, it will be possible to see that they can procure and do serious business. If they are even given a job opportunity, they can show everyone that they can perform just like any other person or even better.

Mr. Temporary Speaker, Sir, opportunities should be given to PWDs right from award of tenders during the procurement stage in county governments. When it comes to sitting in boards like the County Public Service Boards (CPSBs) and others, at least PWDs should be appointed, in order for them to front issues of disability. PWDs are usually left out when it comes to equitability and procurement where money is involved.

It is clear that most PWDs die in poverty. This kind of poverty usually runs in the family where a PWD is poor and the children too end up being poor. We are the ones to break this cyclic nature of poverty. We can do that by ensuring that even county executives tell us what they have done for PWDs when they come before us.

By the way, there are PWDs who have complained that they have procured goods and services, but they have not been paid. This is unfair because they may have taken a loan to procure and deliver the goods. It is unfair and unreasonable not to pay a PWD who has struggled to ensure they take a loan and deliver a service and they end up not being paid in good time. It should not happen. Payment should be prompt so that there is reward for the people's effort to take loans to deliver a service.

Mr. Temporary Speaker, Sir, when public participation is done for projects, county executives should have an inventory, specifying the projects they want to do within a certain timeframe. There is also need for the Senate and Parliament to do a follow-up after six months, to find out whether what counties have purposed to do is for the good of wananchi.

Follow-up is important in order to confirm whether what is on paper is also what is on the ground. There are people who are good at paperwork, talking about the millions and billions they have spent, but when you go to the ground, you find what has been done

cannot be equated to what is on paper. So, there is need to reconcile what is on paper and what is on the ground and ensure county executives are doing the right thing.

I support this Report and I thank Sen. M. Kajwang's Committee for doing this.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante, Sen. (Dr.) Musuruve. Ulikuwa bado una dakika nane za kuendelea kuchangia. Hata hivyo, tutaendelea na hii Hoja wakati mwingine mpaka umalizike.

ADJOURNMENT

The Temporary Speaker (Sen. (Dr.) Mwaura): Waheshimiwa Maseneta, sasa hivi ni saa kumi na mbili na nusu, wakati wa kusitisha Kikao hiki cha Seneti. Sasa tunaahirisha rasmi Kikao hiki mpaka kesho, Jumatano, tarehe 3 Machi, 2021, saa nane na nusu za mchana.

The Senate rose at 6.30 p.m.