

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 13<sup>th</sup> June, 2019

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

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

### PRAYER

### PETITION

#### CORRUPTION AND MISMANAGEMENT IN NYAMIRA COUNTY GOVERNMENT

**Sen. Olekina:** Thank you, Madam Temporary Speaker. Nyamira is an interesting county which has only 600,000 people according to the statistics. This Petition is the second. Yesterday, we had a Petition from another county. I am sure that tomorrow, we will have another Petition from another county. This tells us that there is a serious problem. It is not that we do not know. Kenyans are now becoming more aggressive in trying to come up and defend the Constitution of Kenya.

This is the reason why the framers of the Constitution gave us that mandate to defend the interests of counties and their governments. I would have loved for the Senator of Nyamira County to be here today to listen to these issues. We need to know how to deal with these issues given that every county in this country inherited a huge wage bill. There are employees who were seconded from the national Government and when the governors come in, they want to bring people who can help them deliver on their mandate.

The issue of favoritism on the people who were working with the governor during the campaign period can be interpreted differently. Therefore, I urge that as we look at these issues, we try to put ourselves in the position of both the governor and also that citizen. May be that citizen qualified to be given a job. However, because they objected or did not support the governor when he or she was running for the elections, they are sidelined. Therefore, we need to ask ourselves broadly what we can do in order to protect and ensure that when a governor is elected, he or she serves all the people; those who supported him or her and the ones who did not.

For county that has about 600,000, you will find that professionals would want to go back there and serve. That is why when they try to seek employment in their county

government, they are hit by challenges of nepotism when they realised that everyone - whether it is true or not- is related to the governor in one way or the other.

Madam Temporary Speaker, so that we can deal with these issues broadly, I plead with you not to commit this Petition to only one Committee. Yesterday, the Petition was committed to the Committee on Devolved Government and Intergovernmental Relations. However, there are issues of fiducial responsibility which deal with financial management which the CPAIC interrogates on a daily basis.

I plead with you to consider a way where two committees can look at these issues so that where there is a problem, we can have a solution. Otherwise, before you realise, on a daily basis, we will be getting petitions from the 47 counties.

**Sen. Olekina:** Asante sana, Bi. Spika wa Muda, kwa kunipa fursa hii kuchangia taarifa hii. Ningependa kuhimiza Kamati husika kuangalia kama kuna uwezo wa kuairisha tarehe ya 31 Augosti mwaka huu kama tarehe ya mwisho wa kutumia pasipoti za awali.

Ofisi za pasipoti zinafaa kufunguliwa katika kaunti zote ili Wakenya waweze kupata pasipoti kwa urahisi. Kaunti ambazo zina ofisi za pasipoti ni Nairobi, Mombasa, Kisumu, Uasin Gishu, Kisii na Embu. Kwa hivyo, watu kutoka kaunti zingine watalazimika kusafiri hadi maeneo niliyotaja ili wapate pasipoti zao. Naomba wakati kamati itaenda kuchunguza na kumhoji Waziri katika Wizara ya *Interior and Coordination of National Government* wamhimize kufungua ofisi za pasipoti katika maeneo mengine.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Asante, Sen. Olekina.

**Sen. Olekina:** Madam Temporary Speaker, today, I am a very proud Senator. I am proud of Sen. (Eng.) Mahamud, Sen. Kihika, Sen. Sakaja, Sen. Mutula Kilonzo Jnr. and, of course, myself, for having stood firm for the people of this Republic. We fought for devolution; today when we sat down in that Mediation Committee, we were guided by Article 202 of the Constitution as well as Article 96 that has brought us here.

We are here to defend the interests of counties and their governments and also to ensure that the funds or taxes which are collected or raised by the national Government are shared equally amongst the two levels of Government; the county and national Government.

I want to tell Kenyans that today, the National Assembly failed you. They failed you because the Members of the Mediation Committee from the National Assembly went there as an extension of the national Government and their interest was only to ensure that the national Government gets money. It is very sad because the Constitution is clear that revenue raised nationally shall be shared equitably among the national and county governments.

Madam Temporary Speaker, when we went to look at the Division of Revenue Bill, I was perplexed when a Member of the National Assembly told me that I was only limited to looking at the money going to county governments. When we asked the justification for giving the National Youth Service (NYS) an additional Kshs10 billion, they said: "No. You cannot look at that. We have no money."

I am so proud to be a Member of the Senate because of its attentiveness to detail. The figures which were proposed in the Budget Policy Statement did not just come out of nowhere. The Commission on Revenue Allocation (CRA) looked at the average inflation for the last three years which was about 6.9 per cent and recommended that we get an additional Kshs21.7 billion which brought the figures to Kshs335 billion. When we asked our colleagues from the National Assembly, they said that they do not know where the money is coming from.

Madam Temporary Speaker, we have to relate our thinking, reasoning, championing and defending this Constitution through facts. Those are the facts we had on the table. Today, I am proud that we said no to Kshs316 billion because we want more services and more money to go to county governments.

Under Article 203 of the Constitution, it is very clear that when money is being shared, you have to do so looking at the need to ensure that county governments are able to perform the functions allocated to them. This Constitution has devolved health. How do we expect county governments to have drugs and build facilities, yet you maintain a budget of the Ministry of Health here, which is equivalent to the money that you send to five counties?

I want to tell---

*(Sen. Olekina's microphone went off)*

Madam Temporary Speaker, just 30 seconds!

**The Temporary Speaker** (Sen. Nyamunga): Add him the 30 seconds.

**Sen. Olekina:** Madam Temporary Speaker, I want to tell Kenyans that we said no because we want them to get services. We said no because we believe that devolution is the only thing that will help you.

We are in the current situation because of the National Assembly. If you look at the same Article 203, it is clear. When we raised these issues, our colleagues did not want to hear anything about it.

Article 203(3) says-

“The amount referred to in Clause (2) shall be calculated on the basis of the most recent audited accounts of revenue received, as approved by the National Assembly.”

Until today, the National Assembly has piles of the Auditor-General's audited financial statements as recent as 2017 but they are still considering the money based on 2013/2014 Financial Year. It is a shame and Kenyans must know that the Senate is the only arm of this Republic that will defend them.

Finally, Kenyans must know that whatever is happening today at the National Assembly is an effort in futility. Until we have the Division of Revenue Bill agreed upon and passed by the two Houses, this is just a public relations exercise.

**Sen. Olekina:** Thank you, Madam Temporary Speaker. Sir Winston Churchill once said that a pessimist sees difficulties in every opportunity while an optimist sees opportunities in every difficulty. This Senate has seen opportunities in what many consider as difficulties and, therefore, I would rate us optimists.

I rise to support the Motion of taking the Senate to Kitui County in order to interact with the people of Kitui. A lot has happened today and this has put this House on the map and history of this nation as people who care about devolution.

Kitui County is a great county. Whenever I hear of Kitui, I think of great legal minds like the former Chief Justice, Kitili Mwendwa; Willy Mutunga; Makau Mutua; and even the former head of the Law Society of Kenya (LSK) Eric Mutua. They all come from there. When I hear of Kitui, I think of industries like the cotton industry. I am so proud of the Governor of Kitui County for having started a textile industry to create employment. These are things that we need to see, learn and share with our counties.

Madam Temporary Speaker, what is happening in Makueni County should worry everyone in Kenya. These counties are close by and share a border. The oil spillage in Kiboko River will affect many lives. Taking the Senate to Kitui County will give us an opportunity to interact with the people of that area and ensure that they are accorded what is rightfully theirs. It is sad when people suffer and can never reach Nairobi City County to get their services.

I support this Motion because it will not only show the people the importance of this House, but will also bring us closer to the people. The only way that we can know what ails this country or the challenges of devolution is by going closer to the people. What we learned in Uasin Gishu County last year had to do a lot with the issue of the struggle in the maize industry. You can tell that, that has changed this year and that Government policies are designed in a way that whatever is generated generally, can be mopped out first before we allow imports into this country to kill our industries.

Kitui is a very large county. In fact, I did not even know how big it was. I always thought that Narok County is so big; but Kitui County is almost twice the size of Narok County. As the Senator for Narok County, I would want to know what it is that we, the people of Narok County, can trade with the people of Kitui County. From the onset, I can see there is the cotton industry, something that we can benefit from.

I support this Motion and because of time, I will limit my submission to that. I hope all Committees, at least those that I sit in - The Committee on Energy, Committee on County Public Accounts and Investments and the Senate Business Committee will have their sittings there so that we interact with the people. I congratulate my dear brother, Sen. Wambua for getting an opportunity to host us there. I hope he will show us the good, the bad and the ugly of Kitui County.

Thank you.