

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 27th February, 2020

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

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

PRAYER

Sen. Olekina: Mr. Speaker, Sir, I thank you. First of all, I rise to support the sentiments by our two colleagues. I thought that yesterday would have given us an opportunity to be able to support a fiducial responsibility to ensure that the people of Nairobi continue benefitting from the services.

Looking at Article 187 of the Constitution, it clearly states that the constitutional responsibility still lies on the county government. I thought that this matter would not have committed two Committees of this House. I was not here, but I was watching the proceedings. I would really beseech you to reconsider that decision made from your Chair so that we can have a form of continuity.

If we now drag and try to get into a matter which we really do not have a role in, we will be seen as if we are trying to compete with an institution which has been tasked to do so. The procedures have been put in place. Someone once said, when something has been overtaken by events, we should now see how best we can support the citizens of Nairobi to get services, but not try to use this House as a way to stop or impede some form of justice.

Mr. Speaker, Sir, I would support what the Senate Minority Leader had said. Let me leave us with one quote that says: "Sometimes vanity can easily overtake wisdom." So, let us not allow that to happen. Let us proceed further.

The Speaker (Hon. Lusaka): Thank you, hon. Senators. Having listened to the request by the Senate Minority Leader and the contributions made and since this was made by my officer, I will consult with my Deputy so that it does not appear like we are conflicting ourselves. I will then give a ruling on Tuesday at 2.30 p.m. In the meantime; the committees will not proceed as given direction. That decision remains suspended until I give a full ruling on Tuesday at 2.30 p.m.

Let us move on to the next Order.

STATEMENTS

THE NOVEL CORONAVIRUS PANDEMIC

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.47 (1), to make a Statement on an issue of general topical concern regarding the Novel Corona Virus.

As the House may be already aware, the deadly virus that originated from Wuhan, China, is circulating internationally. Indeed, this House already deliberated on this topic via statements by Sen. Kasanga and Sen. Kwamboka last week on 19th February, 2020.

Much as this country has been fortunate for the time being, that there have been no known cases of infections since the three suspected cases were tested and cleared by the Ministry of Health, however, yesterday I was worried as a Senator. It worries me a lot that China Southern West Airlines plane carrying 239 passengers was allowed to land at the Jomo Kenyatta International Airport (JKIA). I am perturbed by the fact that this plane was from Guangdong, the province known to be the second leading coronavirus infection zone globally.

Mr. Speaker, Sir, to make the matter worse, it has since been alleged that we shall now have weekly flights landing from China. Are we joking? Are we really treating this matter seriously? The magnitude of this virus cannot be overstated since a total of 37 locations internationally have been affected. More than 82,000 infections and almost 3,000 deaths have been reported.

In some countries, various forms of interactions with people coming from or going to China have been restrained. For example, the entire border between Russia and China, about 26,000 miles, has been closed. More recently, Israel has been reported to have turned away a plane that landed from Korea, only allowing Israeli passport holders to disembark.

First World countries and more developed nations have locked out flights to and from China. More than 50 countries have issued an entry ban on residents of China or foreign nationals who have visited China in the recent past and restricted issuance of visas. On the visa issue, India has suspended visas issued to foreigners from China since January, 2020.

Mr. Speaker, Sir, noting the gravity of the situation and the fact that none of the passengers from the China Southern West Airlines met the case definition for the Coronavirus; we cannot bury our heads in the sand and pretend that these passengers will heed the advice to self-quarantine. By the way, what is self-quarantine?

As Senators, we are accountable to our people. Our leadership is in question if we cannot hold responsible the relevant people who hold offices that are in charge of Kenyans' lives and welfare. As evidenced from past cases of their mistreatment and racism against our countrymen who are under their employment---

It is also important to note that the Government has done nothing to bring back the more than 100 Kenyan students stranded in Wuhan, even when other countries have done everything possible to evacuate their nationals from China. In fact, yesterday when I saw that plane landing, I thought; wow, finally Kenyans are coming home. However, to see that it was people who were not even disclosed by the fact that they came from that

province really shocked me. What guarantee is there that the Ministry of Health has the capacity to deal with mass infections, in the unfortunate event that this should happen?

Mr. Speaker, Sir, it is for these reasons that I wish to bring this matter to the attention of the Senate and appeal to the national Government, especially the Ministry of Foreign Affairs and the Ministry of Health as well as the concerned authorities, to handle this matter judiciously and expeditiously. Let them do so with a view to ensuring that the country takes preventive and precautionary measures to mitigate the situation.

I would urge you, Mr. Speaker, Sir, to direct that the Standing Committee on Health summons the Cabinet Secretary for Health to appear before the Senate as soon as possible. This will enable this House to seek clarifications on behalf of the Kenyans that we represent.

Finally, in the United States of America, the President has appointed his Vice President to spearhead a taskforce to look into issues of mitigating this Coronavirus. Bill Gates also made a statement and said that in the event that this virus is not controlled, it will take the lives of 100 million Africans. So, we should not joke. We should not be putting the lives of our 47 million to risk because of our own commodity interest.

This is a Statement under Standing Order No.47(1) and may not require a lot of action. However, I request that since this House has been told--- I stood to raise this Statement because of what happened yesterday.

With those few remarks, I thank you.

The Speaker (Hon. Lusaka): We have to take a vote later today on BPS. So, I will

he Temporary Speaker (Sen. (Prof.) Kamar): Sen. Olekina.

Sen. Olekina: Madam Temporary Speaker, I thank you for giving me this opportunity. I had a chance to look at the Budget Policy Statement. I have also had a chance to look at the recommendations made by the Committee. I hope that the Chairperson, the Mover and the Secunder listen to me because sometimes I am a little bit confused over who has the mandate.

I have looked at Recommendation No. 4, and I have an issue with it, as much as I want to support this. Let me first of all register that I actually do not support the Committee report, because it has two different issues. Recommendation No. 4 says that there is need to relook at how the vertical revenue sharing is determined to avoid a situation where the Commission on Revenue Allocation (CRA) and the National Treasury are proposing different figures using a different formulae basis.

Madam Temporary Speaker, I thought that it is the role of the CRA to come up with recommendations so that the National Treasury can look into them. When the Committee says; "to avoid these two entities coming up with different figures," I will not support that recommendation.

I have also looked at the other issue of the money in the Managed Equipment Services (MES). Last year's mediation taught us quite a lot; that in terms of the equipment that we have leased, there is really nothing that we can do. I have seen a recommendation here that says that the allocation of Conditional Grants on leasing of medical equipment should be withdrawn and payment discontinued until when the ongoing investigations are complete. I really do not think that that can happen. There is no point in us wasting time.

In fact, one of my biggest problems with this House and the Committee – I want the Committee Members to pay attention – is that we are continuously violating the Constitution. We have not agreed to pass the third generation formula.

We have issues because of the different things. The third generation formula is still stuck in the Committee. We are violating the Constitution. The Constitution is very clear; that every five years---

Sen. (Eng.) Mahamud: On a point of order, Madam Temporary Speaker. Is my good friend in order to discuss the issue of the Third Generation Formula? That will come in the County Allocation of Revenue Act (CARA). Rest assured that during CARA, we will use the Third Generation Formula. This is not a forum to discuss that.

The Temporary Speaker (Sen. (Prof.) Kamar): That is more of information which I think he did not have.

Sen. Olekina: Madam Temporary Speaker, when there is Recommendation No.4 that talks about the role of CRA and the National Treasury in terms of coming up with a formula, of course, it gives me room to discuss the issue of the third generation formulae.

My plea to the Committee on Finance and Budget is that as much as we say that the Executive keeps on violating the Constitution, two wrongs do not make a right. It is about time that we take our responsibility very seriously. If we keep on fighting---. Some of us are still stuck in the idea that we should consider the land size. Others are stuck in the idea that it is distance to service.

Madam Temporary Speaker, the Committee needs to sit down and have a meeting with both the National Treasury and the CRA to figure out what will happen. Right now, the biggest problem we have---. I would rather take the opportunity to discuss that now, because I am sure that it affects us.

When we talk about the vertical share and we say that counties should be given Kshs316 billion, what is shocking is that even the data we are using is for 2009. Counties are not really getting what they are supposed to get. In fact, if you look at the second generation formula, which is what the CRA and the National Treasury are using at the moment, if we apply the current population numbers, Narok County will not get Ksh7.1 billion; they will get Kshs8.1 billion. My concern is that---

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Olekina, you have run out of time.

Sen. Halake, you have three minutes.

I see Sen. Olekina has a point of order.

Sen. Olekina: On a point of order, Madam Temporary Speaker. This being a House of record, the Division of Revenue Act (DoRA) and the County Allocation of Revenue Act (CARA) that the Chairperson of the Committee on Finance and Budget has got figures based on the Second Generation formula. Does that mean that the Chairperson will withdraw that and table CARA afresh?

The Temporary Speaker (Sen. (Prof.) Kamar): Your point is noted, Sen. Olekina.