

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 28<sup>th</sup> July, 2020

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

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

### PRAYER

**The Speaker** (Hon. Lusaka): Sen. Olekina.

**Sen. Olekina:** Mr. Speaker, Sir, I rise to support the sentiments of my two colleagues from both sides of the aisle and request that today, for once, we focus on our debate, because everybody in Kenya is watching. Wherever they are, they are waiting to hear what their Senators will say. We receive a lot of communication.

I would like to second the proposal by the Senate Minority Whip that we suspend all the other business and deal with this issue of the formula until the time we exhaust it, even if it means spending the night in this Chamber today.

I thank you.

**The Speaker** (Hon. Lusaka): Sen. Cherargei.

**Sen. Olekina:** Mr. Speaker, Sir, and to my hon. colleagues from both sides of the House, I rise to oppose this Motion vehemently.

*(Applause)*

Mr. Speaker, Sir, the Motion proposed by the Majority Whip does two things to this country. It divides this country into two. It pushes more resources to those people who have always had resources. The problem we have in this country is that sometimes people think we are ignorant, but we are not.

Earlier on when the Chairperson of the Committee on Finance and Budget read his report, he gave reasons why he was proposing to deviate from the parameters which were proposed by the Commission on Revenue Allocation (CRA). What this means is that when you increase health to 20 per cent, you go against every principle and even go against the Ministry of Health policy.

Mr. Speaker, Sir, the Abuja Declaration was very clear that the amount that should be given to health is 17 per cent minimum. Even if it is the minimum, how do you increase it by three percent and yet you do not come here to tell us what statistics you use? This is because that takes money from counties like Narok.

It will be shameful for me to go back and tell the people of Narok County that as your Senator, I have sat there and witnessed a few people divide this country and kill the dream of the President and Hon. Raila Amollo Odinga in uniting this country as one.

Mr. Speaker, Sir, what the three percent does is that it benefits three counties. Those are the counties that have more households. That is Kirinyaga, Kakamega and Bungoma counties, while in our counties where people are sparsely distributed, they lose money.

If you tell me today that you want to postpone this problem for the next one or two years, you are being indecisive. We will still have this problem. When you do that, you are being selfish because you are telling Kenyans that you only care when you are the Senator, but you do not care about the future of this nation.

Mr. Speaker, Sir, when you tell me that you want to increase the parameter on agriculture to 12 per cent, from even one and yet statistically the Maputo Declaration puts it at 10 per cent, you will be taking money away from counties that have fewer households to counties that have more households. You are taking money away from Nairobi City and Mombasa counties.

What this proposal, which is now being amended by the Majority Whip is doing, is dividing this country into two. When are we ever going to say that we are tired of people in Narok County being poor? We are tired of our brothers in Mandera and Wajir Counties losing their lives because of poverty, because development cannot get to them.

Mr. Speaker, Sir, it behooves us as leaders for once to allow the doctrine of separation of powers to prevail and have a meaning in this country. This Senate with the indecisiveness that we have portrayed to the nation shows that we can never make a decision. We are being controlled by other forces out there.

I would like to plead with my colleagues on the other side, and particularly those who are happy with the minimal gains that they are getting, to vote against this proposal by Sen. Kang'ata and support the one by our dear brother, Sen. Sakaja.

Mr. Speaker, Sir, my biggest problem is this: If today we say we are postponing the issue for two years, Narok County will still lose money. If we say we run the second generation formula, we would have killed the process of us having a third generation formula. As a result, the CRA will run the fiscal effort afresh and we will lose money.

We have to be very specific on exactly what is this that we are saying. The parameters as proposed by CRA were not the best but they had a rider. We came in with different proposals on how we can make it easy for this country.

I have heard debate and arguments that the people in the North enjoyed money for a long time. However, those people have been discriminated against for many years.

Mr. Speaker, Sir, this Motion that is now being amended by the Majority Whip does precisely what I have told you; it divides this country into two. We cannot say that we do not care or do not give a hoot about the people at the Coast, Narok, Turkana or the Kamba nation. We are a nation of 45 ethnic groups. As leaders, who have been elected not by our tribes, but all the people who live in those counties that we come from need to think about their future and not our own selfish gains.

The amount of lobbying happening here makes us even shameful. We are useless as leaders – let me put it that way - if we can entertain to be whipped in a particular way and enticed to support a process, which we know very well will have serious repercussions on the unity of this nation. We will be failing as leaders.

I plead with my colleagues that before you vote for something you must ask yourself what it is you are voting for. I have taken time to analyze all the proposals that are being brought here by the Committee, and now being pushed or postponed by the Majority Whip.

On the issue of land, the proposal on the table is that we reduce allocation of revenue to five percent and introduce something else, which is so strange and has never been used in the world, which is called a square root. That means that you are now reducing, where you can bring development. I listened very keenly to the Chair of the Committee, when he was proposing the issue of capping land at five percent and introducing a square root.

Where did the Committee get statistics to back that? If you take Narok County, which is 17,000 square kilometers, and now reduce it to a square root of 143, it means that the people of Narok who live in Kilgoris can never get any services. It also means that any rural access money that can be given to Narok County, which we will be losing drastically--- We can only do so up to Lolung'a, and cannot move money all the way to Kilgoris.

It is sad for this country, but I am only happy today because of one thing. I am happy that we are finally going to make a decision. When you make a decision, it means you are ready to become a leader.

I only plead with my colleagues that we should not support at all this Motion of extending a problem. We should kill the entire Motion and the entire Committee Report now. This is because we do not want a situation where if you sit and ask the Committee Chairperson where he got the issue of square root, he will not tell you.

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. I summarize by saying the following words; I strongly oppose the amendment by Sen. Kang'ata, the Senate Majority Whip, because I do not believe in postponing the problem. If we have to make a decision in two years, we might as well be decisive, right or wrong, and make a decision. If we postpone this matter for an additional two years, it will be very selfish of us because it will continue biting us.

Mr. Speaker, sir, later on, I can expound on the statistics, why the Committee report---

I thank you.

*(Sen. Olekina spoke off record)*

Mr. Speaker, Sir, I beg to move and ask Sen. Olekina to second.

**Sen. Olekina:** Mr. Speaker, Sir, I rise to second the Motion to amend the Committee Report. I will be very brief to the point because the distinguished Senator for Nairobi County has completely demystified the myth.

Mr. Speaker, Sir, the reason why I support this amendment is because of one, it is illegal for a county like Turkana or Marsabit which is over 70,000 square kilometres to be reduced into a square root of 266. In that parameter alone, that county loses Kshs1.5 billion. It is evil. We must be our brother's keepers. When I came into this House, I said I am proud to be in this House because this is the House of union. If we are the House of union, it will be wrong for one county to gain, yet the people of Turkana just on the land parameter alone, we will lose Kshs1.4 billion.

Mr. Speaker, Sir, the second reason why I support the amendment by Sen. Sakaja is because of the way that the Committee played around in terms of the parameters we have.

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Hon. Senators, let us consult in low tones!

Please Senators, observe social distancing.

Kindly, proceed.

**Sen. Olekina:** Mr. Speaker, Sir, when you come and lie to the public that you have the CRA formula and you are now playing around with figures, you amend it and you raise it and give it a weight of 20 per cent then three counties take all the money; that is, Kirinyaga, Kakamega and Bungoma. It would have been a different story if we would have stuck with the issue of CRA. That is why in this amendment, the weight that we gave was the 17 per cent on health because it is in line with the Abuja Declaration.

Mr. Speaker, Sir, the third point which is the last point for me to allow Members to vote is on the issue of agriculture. The Committee played with the weight and they raised it to 12 per cent. When they did that, they took away money from urban centres like Nairobi and Mombasa which benefit from the urban parameter.

For the sake of the unity of this nation, I want to see Narok County receiving Kshs8 billion which they received last year for the next few years until the time that we can generate more money. I want to see the County of Kirinyaga getting what they got this year, which is Kshs4.2 billion. I want to see Lamu County getting at the minimum the amount of money they received this year, which was Kshs2.5 billion.

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

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

Madam Deputy Speaker, Article 203 of the Constitution is very clear. When dividing revenue, we must take certain factors into consideration. The marginalized counties have been marginalized for too long. We cannot be the House that continues to kill devolution. We must stand with our people; from Turkana to Rombo in Kajiado.

With those few remarks, I second.