

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 11th August, 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: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Olekina, what is your point of order?

Sen. Olekina: Mr. Speaker, Sir, I am baffled by your directives in this House. You have directed that we comply with the Ministry of Health's guidelines on this COVID-19 pandemic.

Sen. (Dr.) Mwaura, you can be as emotive as you want, but we must protect the other people who are here. When you speak without a mask from the Dispatch Table, which is what our colleagues from the other Chamber will be using, it will be putting their lives at risk.

Secondly, I plead with you that we focus and remain relevant on the issues. There is no point of being emotive on this matter. Let us follow the guidelines of the Ministry of Health.

Let us not point at our colleagues from Kilifi County. When Sen. Madzayo spoke and then Sen. (Dr.) Mwaura goes directly--- There is no point of antagonising one another.

Sen. Olekina: Mr. Speaker, Sir, mine is to try and assist the House to move forward. I rise on a point of order under Standing Order No.93 on the procedure of a point of order.

Mr. Speaker, Sir, I beseech you that whenever any Senator rises, they should point out the point of order they are standing on as stipulated by Standing Order No.93(1) which I will read, if you allow me.

“Any Senator may raise a point of order at any time during the speech of another Senator stating that the Senator raises a point of order and that Senator shall be required to indicate the Standing Order, upon which the point of order is based.”

Mr. Speaker, Sir, once we follow that, we will stop all these shenanigans or interruptions and gagging people from saying what they want to say. If we do that, we can conclude the debate today.

Narok, Sen. Olekina, to second.

Sen. Olekina: Mr. Speaker, Sir, I thank you. I rise to second the proposed further amendment to Sen. Sakaja's proposal.

indly proceed, Sen. Olekina.

Sen. Olekina: Mr. Speaker, Sir, I rise to second the further amendment to Sen. Sakaja's proposal. As I agreed to second this proposal by my friend, the Senator for Meru, I did so because I would like us to have a way forward.

In Sen. Sakaja's proposal, we had a formula; $y=a+b$.

(Loud consultations)

Kindly, protect me from the loud consultations.

The Speaker (Hon. Lusaka): Order, Senators. Kindly consult in low tones.

Sen. Olekina: Mr. Speaker, Sir, I have looked at the proposals that have been suggested by my good friend, Sen. Linturi, which give us a way forward. If you look at the proposals by the Committee, they were creating a huge disparity in this country. When some of us were bringing our own amendments, we wanted a situation where we could minimize the losses. What Sen. Linturi has done is to try and bring sanity, and ensure that we are one nation.

I have a lot of respect for Sen. Wamatangi, whom I heard quoting the Constitution while looking at the parameters. What we are doing in this House is taking into consideration the proposals given to us by the CRA and making the necessary changes to them. I feel greatly honoured to further second the amendments brought by Sen. Linturi because they have reduced the disparity. In cases where a county was going to lose Kshs2 billion, they will now lose Kshs177 million. If a county loses such an amount, they will continue with their services uninterrupted. A county like Narok was going to lose Kshs853 million, but with the proposal brought by Sen. Linturi, we will lose only Kshs130 million.

Mr. Speaker, Sir, Article 217 talks of a basis. It does not talk of formula. That is why we came up with the base. What Sen. Linturi is proposing is a base of Kshs270 billion, which should be shared with all the counties. The remaining Kshs41.6 billion will be applied using the following parameters.

Where the Committee on Finance and Budget had proposed that we consider the population with 16 per cent, Sen. Linturi has maintained that parameter. Where they said health at 20 per cent, Sen. Linturi has gone down by one per cent to 19 per cent. Sen. Linturi's proposal has helped us a lot on the question of land parameter. Where the Committee was bringing it down to five per cent and introducing a square root, Sen. Linturi has proposed that we maintain what the CRA recommended.

When we talk about the issue of data and statistics, I wonder which country in the world that promotes devolution reduces a county into a circle. That kind of data does not exist. When my friend, Sen. Wamatangi, talks about data, I will be very happy to see data brought to this House that says we should reduce the size of Narok County from 17,000 square kilometers to 146 square root. This proposal by Sen. Linturi is giving us a way out. One of the reasons I agreed to support Sen. Linturi is because, when I looked at the

recommendations by the CRA, they had a rider. They said that the Government should apply another 15 per cent to cushion counties.

Mr. Speaker, Sir, the amendments that are still on the Order Paper, which I may consider once we are done with this, took about 10 per cent of that to cushion counties losing. Sen. Linturi did not want people to say that there are losers and winners. Let us use this base of Kshs270 billion, so that those ones who are gaining so much, gain just a little and those who are losing, lose just a little. Those numbers are here. The county that loses the most is Mandera; Kshs245 million. The county that gains the most is Kiambu, where my good friend, Sen. Wamatangi, comes from. It gains Kshs160 million.

I have listened to various arguments on population, and it begs the question: if population equals the amount of revenue that a county generates, why is it that only five counties out of the 47 counties raise revenue above Kshs1 billion? This is an issue that we must be willing to lose some and win some. This is the way forward. This is a position for us to relax our position.

The best option was Sen. Sakaja's option, where no county was losing. Every county was gaining, but now when they bring in the other issues of population increase, we said: "Okay, it is fair enough." We are willing to cede our ground and say, let us now admit what my dear brother, Sen. Linturi, has proposed. I want to tell the people of Meru that they have a Senator who clearly reads Article 96 of the Constitution. He is here to protect the interests of counties and their governments.

(Applause)

Mr. Speaker, Sir, when I came to this House, the first thing that I said is that, this is, indeed, the House of union, because it does not matter how many you are, we have only one delegation, one vote. What Sen. Linturi is doing to this country is giving us a way forward. Those who are supporting the Committee's Report are doing so knowing that they will create a huge disparity in this country.

What Sen. Linturi has done is something honourable, and that is why I stand here proudly today to say that I second his further amendments to our position, because it unites this country. A child in Mandera, whose governor has already made a budget to ensure that the child in the farthest part of Mandera---

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

The Speaker (Hon. Lusaka): Sen. Orengo, what is your intervention?

Sen. Orengo: Mr. Speaker, Sir, I will raise my point of order after he finishes. I do not want to interfere.

Sen. Olekina: Mr. Speaker, Sir, a child in Mandera deserves every opportunity that a child in Kiambu has. It saddens me when I hear debates where people keep on forgetting about them. If we are, indeed, genuine, what we should be doing is making sure that a child in Mandera can say that they have a brother in Meru or Narok. That brother in Narok or Meru can get access to the same services that they have.

Mr. Speaker, Sir, I want to tell Kenyans that Sen. Linturi's proposal softens our ground. We were of the opinion that since there is no more revenue being collected because of COVID-19 and other circumstances, which also includes corruption--- Since we cannot continue getting the same amount of money that we were getting in the last financial year---

Since that is making other people think that, that is the way to go or there are people who are more Kenyans than others, those who are gaining, to gain a little, and those who are losing to lose a little.

Mr. Speaker, Sir, my proposal was only going to cushion counties that were losing, but when I saw Sen. Linturi's proposal, I said that it is a win-win situation for everyone. That is what other leaders outside there have been talking about. Everybody should be happy and we all go home.

I beseech my dear colleagues from both sides of the House to think about this country as one, not as those who have and those who have none, but as a country that is able to accept that change is the only constant. Since we are not able to raise more revenue, let us go with this further amendment brought by Sen. Linturi, who is from Meru, so that the people of Meru who are in Narok and are doing great business there can be welcomed. It will not appear as if they are only coming in to make money from us, but when we generate more revenue, they do not want to support us.

Mr. Speaker, Sir, as I finalize, I want to remind all Kenyans and particularly the representatives in this House, that unless we be sober and agree to respect the doctrine of separation of powers, as leaders, we will not be doing anything. It is about time that this House stood as the Senate of the Republic of Kenya and made decisions, which are sound and supported by facts.

I second.

What is your point of order, Sen. Olekina?

Sen. Olekina: I stand on a point of order pursuant to Standing Order No. 105 on Closure to Debate. I would like to beseech you that the Mover be called upon to reply. Looking at the time, it is going to 7.00 p.m. It will be a shame if we now start mobilizing people to seek an adjournment. That was the intended outcome or strategy later this afternoon.

Madam Temporary Speaker, I would like to request, under Standing Order No.104, that we now call upon the Mover to reply, so that we can end this and give counties money.

Sen. Olekina: You are wasting time!