

Sen. Olekina: Thank you, Madam Speaker, Sir. I just want to assure the public that the Standing Committee on Health is quite active. We are going to reach out to the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU) for the imminent strike and try to reason out.

This morning we were in Kenya Medical Supplies Authority (KEMSA) and we witnessed the amount of Personal Protective Equipment (PPEs) which are still being held there. We gave a directive that the people who supplied those commodities to KEMSA should be paid. The Cabinet Secretary for Health had given a directive to KEMSA. We asked the Cabinet Secretary to put it in writing so that these items can be now distributed to the hospitals.

What is the point of leaving billions of shillings worth of PPEs at KEMSA yet people are dying? This is why you will find people in critical condition and instead of being taken care of they are taken to the morgue.

Madam Deputy Speaker, we are quite active on this matter and I want to assure Sen. Sakaja that we will not rest until we see that we have been able to meet with the officials of KMPDU so that we can negotiate. Things are not normal right now, therefore, we cannot expect to be able to get money to resolve their problems.

I just want to assure Kenyans that we are doing everything possible and as early as this Friday, we will call a meeting with these officials so that we can have some concession.

Thank you.

Sen. Olekina: Madam Deputy Speaker, this is the point where I get confused when it comes to the issue of separation of powers.

The Deputy Speaker (Sen. (Prof.) Kamar): Your point of order has to do with the Statement. Are you contributing to the Statement?

Sen. Olekina: Madam Deputy Speaker, I am only raising a concern.

The Deputy Speaker (Sen. (Prof.) Kamar): What is your point of order?

Sen. Olekina: Madam Deputy Speaker, it is on the content of the Statement by the Senator. He is the author of the Statement.

The Deputy Speaker (Sen. (Prof.) Kamar): He has not given you the content yet.

Sen. Olekina: We are confused because when the Senator is reading---

The Deputy Speaker (Sen. (Prof.) Kamar): Allow him to confirm because he has the two Statements.

Sen. Olekina: Madam Deputy Speaker, can I raise my concern?

Sen. Olekina: Mr. Temporary Speaker, Sir, I do not know whether to support. However, let me just congratulate my colleagues for taking their time to look at the recommendations of the steering Committee and the BBI taskforce.

Mr. Speaker, Sir, my biggest concern is that two of the most critical recommendations for this House which were proposed by the Standing Committee on Justice, Legal Affairs and Human Rights were not taken into consideration in the final BBI report. One of them is with regard to Article 123 of the Constitution. That is the right to vote. A few months ago, we were able to exercise that right to defend this House. However, I am disappointed because even though the Committee recommended that Article 123 be retained in the proposed Constitutional Amendment Bill, the taskforce did

not take that into consideration. This is one of the reasons why I do not support the Constitutional Amendment Bill.

I have read through this BBI report, and I am disappointed that some of our proposals were not taken into account. One of the proposals that we felt strongly about is to do with the issue of the Consolidated Fund which is provided for in Article 203 of the Constitution. Perusing the report by the Committee, it does not mention anything to do with that. If it did, we could gain more in the BBI process. Right now, we are losing money in our counties. Our Constitution, which is a living document, is clear on Articles 202 and 203.

In the interest of time, I will be speaking on the issue during the adjournment Motion so that I can clearly explain to Kenyans what my reservations are. The Committee on Justice, Legal Affairs and Human Rights did their part. They went through the recommendations of the BBI Taskforce and raised their objections and further recommended that certain things be taken into consideration. However, I am disappointed that they were not.

I will support the Report because I have perused it, but also hope that in future, the process will be geared towards supporting the entire 47 million Kenyans and not some of them. This is what is in the Constitution. The preamble of our Constitution starts with the words 'we the people'. If we are the one supporting it, then all the issues, particularly the voting power and revenue sharing should have been captured in the Constitutional Amendment Bill. I will reserve my comments for a later session.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir, I rise to support this Adjournment Motion.

Let me begin by saying that I am a very proud Senator of the Republic of Kenya. I am proud of my colleagues including Sen. Stewart Madzayo, my senior, Sen. Faki, my brother also senior, Sen. Sakaja Johnson, "*Super Senator*", for having come together to show this country a direction that we cannot achieve anything when we only think about our stomachs without thinking about the rest of the 47 million Kenyans.

Mr. Temporary Speaker, Sir, "*Team Kenya*" did a fantastic job to fight for revenue to be sent to the counties and ensure that no county lost any coin from what they had been allocated in the previous year.

Mr. Temporary Speaker, Sir, I also would like to thank my colleagues who came and joined us like Sen. Cherargei and my good friend, "*my ganja man*", Sen. Irungu Kang'ata. Earlier on, when he was moving---

The Temporary Speaker (Sen. (Dr.) Mwaura): Samahani, Sen. Olekina, unamaanisha nini ukisema "*my ganja man*."

Sen. Olekina: Hilo ni jina tunaitana. Haina maana yeyote.

Mr. Temporary Speaker, Sir, I was amused by my good friend, Sen. Irungu Kang'ata, because he rose to move a Motion and he did not sign that report. Some of these things are very interesting. I will let that slide.

I am quite happy with the work that this Senate did. 14 Bills were assented to by the President. That is good work for this Senate.

Mr. Temporary Speaker, Sir, on the issue of the BBI, I want to be very clear that when we worked as "*Team Kenya*" and eventually as 12 wise men and a lady who came

together to give this country a direction, one of the things that we are trying to defend is Article 203 of the Constitution.

During this time, when we are going on recess, it will give us an opportunity to explain to our constituents and particularly myself, why I have serious reservation with the Constitution Amendment Bill.

Mr. Temporary Speaker, Sir, Article 203 of the Constitution relates to the issues of the Consolidated Fund. The amendments which are being proposed by the Constitution Amendment Bill will negate all the gains that we made in this House fighting for the revenue formula. That is one of biggest beefs with this Constitution Amendment Bill. There is no point of having sat here, burnt the midnight oil and then at the end of the day, we still divide the country by bringing the argument of “one man one vote one shilling.”

Mr. Temporary Speaker, Sir, my heart bleeds for the people of Lamu. When this Bill goes through, they will be denied money.

My heart bleeds for the people of Samburu whom when this Bill passes they will be denied some money. It saddens me that this Senate will no longer have voting powers to determine any matter because of the deletion of Article 123. We must explain these things to our people in our constituencies. Sir Winston Churchill once said, “Mountain tops inspire leaders, but valleys mature them.”

I believe that we have all matured in this House to a point where we want a country that will think about the 47 million Kenyans and not just a small section of the Kenyans. It is my prayer that this contentious Bill, the amendments to Article 203 will be removed. I do not know if we will have the opportunity to do so.

If we do away with the provisions or amendments of Article 203, we can support all these other things. I wish it had been put into legislative proposals because it could be changed at any time.

Yesterday we went to Naivasha because of a serious matter that relates to Narok County. In many instances, my people get frustrated when their cows are knocked down by fast moving vehicles on Mai Mahiu-Bomet Road. We agreed the road will not be closed whenever our cows are knocked down, but I urge Kenyans who use that road to be more cautious and allow cows to have the right of way.

There is also an issue of land disparity. Land has been taken away from the Maasai people. I believe that going back home, we can talk about this issue of land.

Sen. Olekina: Mr. Temporary Speaker, Sir, on a point of order. I want to clarify one thing. My dear brother who I feel bad interrupting, we need to be factual. Today we have read in the dailies that the National Treasury is seeking to defer the payment of interest on T bills. Counties are claiming that they have not received money. Let us be practical. I concur with Sen. Sakaja, when he talks about parliament being given opportunity to speak and talk about this issue.

The Temporary Speaker (Sen. (Dr.) Mwaura): Seneta, hoja yako ya nidhamu ni ipi?

Sen. Olekina: It is on the issue of the content of the debate. The issue here is my good friend Sen. Sakaja said that when we pass this amendment-- I am on a point of order, Sen. Faki, when the BBI passes counties will get money. I want to understand why we have a challenge currently on paying interest on Treasury Bills and sending money to counties. Let us not bite what we cannot chew.