

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 17th November, 2020

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

DEMISE OF HON. JUSTUS MURUNGA MAKOKHA,
MP, MATUNGU CONSTITUENCY

The Speaker (Hon. Lusaka): Hon. Senators, I have a Communication on the demise of hon. Justus Murunga Makokha, Member of Parliament (MP) from Matungu Constituency.

Hon. Senators, I regret to announce the death of hon. Justus Murunga Makokha, MP of the National Assembly from Matungu Constituency, which occurred on the evening of Saturday 14th November, 2020 while he was undergoing treatment at St. Mary's Mission Hospital in Mumias, Kakamega County.

Hon. Senators, the late hon. Murunga was born on 31st December, 1960. He attended Kimilili Boys R.C Primary School between 1971 and 1977 and thereafter, proceeded to Friends School Kamusinga between 1978 and 1981 for his secondary education. For his tertiary education, the late Member pursued studies in accounting.

Hon. Senators, the late hon. Murunga joined elective politics in 2017 when he vied and won the Matungu Constituency parliamentary seat on Amani National Congress (ANC) ticket.

He endlessly advocated for the needs of his constituents and actively participated in community projects aimed at improving the livelihoods of the people of Matungu.

In Parliament, he was a Member of the Departmental Committee on Agriculture and Livestock and the Committee on Parliamentary Broadcasting and Library in the National Assembly.

Hon, Senators, prior to his election as a MP, the late hon. Murunga worked in various institutions including Mumias Sugar Company, Philips Kenya and the Kenya Assemblies of God (KAG).

In 1995, he joined the Embakasi Ranching Company as its manager where he worked until the year 2003 when he left to engage in private business.

Hon. Senators, on behalf of all Senators, the staff of the Senate and my own behalf, I take this opportunity to condole with the family of the late hon. Justus Murunga, the people of Matungu Constituency and all his friends at this difficult time. This Parliament and the country has lost a diligent and visionary leader.

May his soul rest in eternal peace.

In honour to our departed colleague, I request that we all stand and observe a minute of silence.

(Hon. Senators stood up in their places and observed a minute of silence)

Hon. Senators, I will give a few of you a chance to condole. However, we will have to manage time because we have to contribute to the Presidential Speech. Given the amended Calendar, we are only meeting once a week. Therefore, we really have to manage our time.

Sen. Wetangula: Thank you, Mr. Speaker, Sir, for that message of condolences. It is a sad day for Parliament to lose one of our colleagues. The late hon. Justus Makokha Murunga, as you have rightly said, was a vibrant MP who was jovial and friendly. His sudden demise tells us the danger lurking everywhere from the Covid-19 pandemic.

The late hon. Justus Murunga was born and brought up in our county of Bungoma, at Kimilili in particular. He went to schools in Bungoma and lived most of his life in my county.

Mr. Speaker, Sir, as we mourn the sudden death of our colleague whom we have been told, if the nearest health facility to his home, which is Mumias Sub-County Hospital, had oxygen, would not have died. This puts into question the grandiose issues that we keep on seeing in the counties, of governors boasting everyday of how well they have done, yet hospitals do not have simple things like oxygen to save a life.

As we mourn the late hon. Justus Murunga, let us all remind ourselves that if Covid-19 is plucking professionals of the highest level who save human lives, what about the ordinary person?

Mr. Speaker, Sir, in the last three weeks, we have lost people who we know personally, for example, Dr. Inyangala and Dr. Lusiola who are known professionals from Kakamega. We also lost Dr. Doreen Lugaliki, who was a well-known doctor from Bungoma. We have lost Dr. Khaisi, the former Director of National AIDS & STI Control Programme (NASCOP) and County Executive Committee (CEC) Member for Health in Nairobi and County Secretary. He is gone. We have lost Dr. Vladmir, who passed away last week. We also lost Dr. Ashraf last week.

I have just been told this afternoon that a senior police officer from Kericho or Bomet, who was in the security of former President Kibaki is no more. Also, the security man who used to look after our late vice President, Wamalwa Kijana is no more.

The former gubernatorial candidate for Jubilee in Kakamega, Mr. Mabel Muruli is no more. These are the big names we can count. What about the ordinary people who cannot reach health facilities? We need a serious national conversation on how to

approach the management of our health facilities both at the national and county levels, so that we can protect Kenyans and save lives.

May the soul of hon. Justus Makokha Murunga rest in eternal peace. We always say that death is normal, but when it knocks on your door, it is never normal. It is death that we all revere.

The Speaker (Hon. Lusaka): I will limit the time to three minutes because this is just a message of condolences, so that we move with speed.

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I join you, the Senator for Bungoma and this House to pass my message of condolence to the family and the great county of Bungoma, on behalf of this side of the House, the people of West Pokot and myself.

I emphasize that we do not know whether or not it was COVID-19. However, whatever it is, our health situation is wanting. This should send a message to our Government, the people who are responsible for our health facilities and our governors to seriously consider investing in solutions for the health of our people. I do not want to belabour the point; it has clearly been presented and articulated by the Senator for Bungoma County.

I take this opportunity to wish the family God's speed. May he give the people who were close to him fortitude to bear this pain.

I pray that God rests his soul in eternal peace.

Sen. Khaniri: Mr. Speaker, Sir, I thank you for the opportunity.

I join you and my colleagues who have spoken earlier in conveying my personal condolences and those of the people of Vihiga to the people of Matungu and the family of our departed colleague, hon. Justus Makokha Murunga.

Mr. Speaker, Sir, hon. Justus Makokha Murunga was a Member of my party, ANC, and a personal friend. His passing away has robbed this House and the country of a dedicated leader.

It is rumoured that our colleague died because of COVID-19. We want this to come out clearly. Initially, we feared because of stigmatization. We did not want it to be known that our family member has passed on because of COVID-19. However, in this era and age, it is important to know the cause of death, so that contact tracing can be done and save more lives.

The death of our brother brings to the fore the wanting state of our health facilities in the counties. My brother, Sen. Wetangula, has put it clearly how governors have been boasting of how they have well equipped facilities. However, our colleague died because of lack of oxygen in one of the facilities. Oxygen is supposed to be basic in any facility. It is not only him, Senior Counsel Nzamba Kitonga died because of lack of oxygen.

Mr. Speaker, Sir, a lot of money has been invested to combat the COVID-19 pandemic. Counties have received a lot of money. We are told that some of them are still holding onto the money, yet people are dying because of basic things like oxygen. It is the responsibility of this House, and the Committee on Health, to ensure that these monies go to help our people. If the Committee on Health is unable, we can revive the *Ad hoc* Committee on the COVID-19 Situation in Kenya. Sen. (Dr.) Ali, the Vice Chairman of the Committee on Health is here.

Sen. (Dr.) Ali: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of order, Sen. (Dr.) Ali?

Sen. (Dr.) Ali: Mr. Speaker, Sir, I am no longer the Vice Chairman; the Chairman is around.

Sen. Khaniri: The onus is on you, Members of the Committee---

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. On behalf of the people of Kericho County and that of my family, I pass my sincere condolences to the people of Matungu Constituency and the family of our colleague, *Mhe. Murunga*.

Mr. Speaker, Sir, many of our colleagues have spoken about the tragic and unfortunate way in which he met his death. If we had a better working health care system in the country, perhaps we would not be having this particular matter as a point of discussion.

I remind my colleagues that we too share in the responsibility of blame. As a House, many of our colleagues have reminded us how Universal Health Coverage (UHC) is not working, yet on many occasions we have not risen to the demands and expectation of the people we represent.

No governor can escape blame because COVID-19 has reminded us how tragic and broken our healthcare is. Those who thought that they were safe and have an insurance cover are being told by insurance companies that, “we cannot and will not pay”. Therefore, it is left to those who are able to pay some of these things out of the pocket. These are the ones who will see through these extremely difficult times. That is a warning shot to us as a House.

I agree with our colleagues who are directing the challenge squarely to our colleagues who serve in Committee on Health. Houses of Parliament transact their businesses through their Committees. Therefore, we expect our colleagues in the Committee on Health to lead us in the coming days.

We still have the big problem of leased managed equipment. This House did not agree with the recommendations of the Report. However, it put a caveat and said that the Committee must, first of all, tell us how to get that project back on track, so that each county gets the equipment that is due and *wananchi* access those services, then deal with the thieves who over-priced those particular equipment. That is a challenge that we give to our colleagues who serve in the Committee on Health.

Therefore, I pass my sincere condolences and hope that as the leadership, we will share in the pain that millions of citizens of this country continue to face.

Sen. Were: Thank you, Mr. Speaker, Sir, for giving me the opportunity to send a message of condolences to the family of hon. Justus Murunga, who was a Member of the ANC.

I met the late hon. Murunga in 2012, when he vied on my then party, United Democratic Forum (UDF). He was the UDF candidate for the same seat in Matungu, but he lost.

Even after he lost that seat on a United Democratic Forum (UDF) Party ticket, he remained loyal to the party and continued to serve in it. When UDF was dissolved and we moved to Amani National Congress (ANC) Party, he remained loyal to the party leader and vied on the party’s ticket.

We had five candidates from ANC Party for the Matungu Constituency parliamentary primary seat, and there was a fight during the primaries. However, he remained loyal and fought within the party until he got the ticket.

Recently when he seemed to be paying attention to somebody else, he did not lose respect to the party and the party leader. Unlike other Members we have seen, who throw insults, he did not throw insults to the party that sponsored him to Parliament.

I send my message of condolences to his family and the ANC Party because we have lost a Member.

The Speaker (Hon. Lusaka): Sen. Dullo, please, proceed.

Sen. Dullo: Thank you, Mr. Speaker, Sir. I wish to join my colleagues in passing my condolences to our colleague whom we lost. What is happening in the country is unfortunate; to watch people die, with the kind of money the Government is pumping into the counties.

People are losing life because of lack of oxygen, which is unacceptable. There is the Universal Health Coverage (UHC) that was launched by the President the other day. The cost of oxygen is nothing compared to the budget that goes to the county governments. This calls for an urgent intervention as far as healthcare is concerned.

Mr. Speaker, Sir, it was unfortunate to see our governor yesterday on *Citizen Television*, saying that this calls for patriotism. Is patriotism based on people dying? Is it when there is corruption? It is unfortunate because I have a similar situation in Isiolo County, where people are dying. He claims that there are Intensive Care Units (ICUs), but patients are brought to Nairobi. Shame! He is the Chairperson of the Council of Governors' (CoG) Committee on Health, and he should have shown an example to other counties.

Something has gone a mess and the Committee on Health needs to do something, urgently. People are dying and there is no testing. You saw what the doctors said on television yesterday; their lives are in danger, yet we are closing our eyes.

How are they going to take care of these patients when we do not take care of them? They do not have Personal Protective Equipment (PPE) in their hospitals. This is a rotten society and something has to be done.

Pole sana to the family of our colleague who departed. May God rest his soul in peace.

Sen. Shiyonga: Thank you, Mr. Speaker, Sir for giving me this opportunity to join you in sending my condolences to the family of our late brother, who was the Member for Matungu Constituency.

I stand here with a heavy heart to send my condolences to my brother, whom we interacted with just the other day. The late hon. Justus Makhokha Murunga died on 14th November, 2020, and we received the news with shock. He is somebody we have interacted with at the county level. His parents and the rest of Kakamega County will miss hon. Murunga a lot. He has been resilient.

Sen. Wetangula has mentioned a few people whom we have lost. We have lost important people and great minds in Kakamega County because of COVID-19. We hope the truth about the demise of hon. Murunga will come out.

As a representative of the people of Kakamega, there was a directive that every county sets aside 300 beds, which they were unable to attain. Even if we get 300 beds, which are not equipped, we are wasting time. It is unfortunate that hon. Murunga passed on in a facility that was supposed to save him. It is sad because our parents stay in the rural areas. Are we doing justice to our parents at home, who are attended to by health workers in facilities that are not equipped, while we have lost millions at the Kenya Medical Supplies Authority (KEMSA)?

May hon. Murunga rest in eternal peace as we ask God to bless and help us.

The Speaker (Hon. Lusaka): Sen. Mutula Kilonzo Jnr, then we conclude.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. On behalf of Makueni County and my family, I pass my condolences to the family of hon. Justus Murunga on his untimely death.

Secondly, there is a problem in Western Kenya. My younger brother lost his father in-law, Mr. Wambai from Shianda, Butere, to COVID-19 and the problem is the same. It bothers me that even as we prepare to bury this man, I am told that the idea of functions is a problem. Our family is having the same problem; that there must be food, people to eat, *et cetera*. I am asking the leaders from Western Kenya to speak about this issue. There is a senior police officer from Butere, who recently died. The burial ceremonies are a cause of the spread of the virus.

Mr. Speaker, Sir, allow me to say this, now that the Chairperson, Committee on Health is here. When a 30-year-old doctor is dying, and the Chairman of the Committee on Health is quiet, then there is a problem. These are the people who are supposed to take care of the COVID-19 patients.

Makueni County produces oxygen, whereas prominent people in this country are dying because of lack of oxygen, including Mr. Wambai. It is unfortunate and we are not speaking enough. I have not heard a Statement on the same.

Although I know that the Committee on Health has been speaking to the Governor of Nairobi about the Nairobi Metropolitan Service (NMS), we have not heard them speak as loudly about COVID-19, the PPEs that are stuck in KEMSA and doctors who will be going on strike in the next three weeks. We are going to lose more people when our doctors, through the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU), go on strike because they cannot get the most minimal facility, which is the PPEs.

It is unfortunate that we have opened a first-class facility opposite Nairobi Hospital, yet the people in the villages cannot get minimum care when they need, because half of us will not get to Nairobi when we lack oxygen.

Therefore, as we pass our condolences, we ask the Committee on Health, if this is difficult, why do we not have the *Ad Hoc* Committee on the COVID-19 Situation in Kenya, which was speaking daily on this serious issue? I speak this at a personal level because these are serious issues.

The Speaker (Hon. Lusaka): I can see the list of Members who want to speak has grown, but we cannot continue. We have a Motion to debate the Presidential Address and, therefore, those who have spoken have done so on our behalf. I have more than 15 Members lined up here. Allowing any would not---

What is your point of order?

Sen. (Dr.) Ali: Mr. Speaker, Sir, the Committee on Health has been mentioned. Please, give me time to speak.

The Speaker (Hon. Lusaka): Order! I will give you a chance. The Chair of the Committee on Health has a Statement.

Sen. (Dr.) Ali: I want to say something. My name was mentioned.

(Laughter)

An hon. Senator: Patia yeye!

The Speaker (Hon. Lusaka): That is okay.

Sen. (Dr.) Ali: Thank you, Mr. Chairman, Sir. First of all, my condolences to the family of the late *Mheshimiwa* for Matungu. I send my condolences on behalf of Wajir County and my own behalf.

The Committee on Health has become the punching bag, but we understand the problems. The problems are not only for the Committee on Health. I want to tell the Members of the Senate and the National Assembly to make sure that they deal with the governors who have become crazy and unruly because of the money that they have. They think that the money is theirs and do not want to use it for the people who the money belongs to.

This issue is not only in the Western region, but everywhere. I remember that I talked about a health personnel, not more than two months ago, who died because of lack of oxygen in Wajir County Referral Hospital. You are talking of health centers, but I am talking about the biggest hospital that we have in Wajir.

The Committee on Health will do whatever it can, but we want every Member of the Senate and National Assembly to talk about this issue not only today, but every other day.

The Speaker (Hon. Lusaka): The Senate Minority leader, what is your intervention?

The Senate Minority Leader (Sen. Orengo): Thank you very much, Mr. Speaker, Sir, for giving me this chance to also express my heartfelt condolences to the people of Matungu on the passing on of hon. Murunga.

As you know, Matungu is a neighbouring constituency to Ugenya Constituency, where I live. It is with the deepest regret that a neighbour with whom we have had a good relationship--- In fact, throughout my history in Parliament, I have been having very good and extensive relationship with Members elected from that particular constituency.

The late hon. Murunga was not a divisive politician. He was somebody that sought consensus and unity. People may have differed in political views, but overall, he was dedicated to serving the people of Matungu. Matungu is the only constituency where a reigning king lives; the king of the Wanga people. It is a constituency that I continually visit because at one time, Ugenya Constituency was ruled by the Wanga kingdom. We were an annexure and part of the Wanga Kingdom.

More seriously, I think that something needs to be done to ensure that health facilitates at the grassroots, constituency and county level are working. Given all the

facilities that the health workers who are at the frontline need, I am very saddened that before the death of our colleague, we lost about five governors.

Sen. Mutula Kilonzo Jnr. knows that we have worked with the doctors in defending their rights. I am sure that if we had a proper working health facility in Matungu or the neighborhood, we would not have lost the life of hon. Murunga.

This is, therefore, a wakeup call. The Coronavirus Disease (COVID-19) is going to be with us for another one or two years. By the time the vaccines reach our territory, it may be another year. We need to get the health sector into order. I am looking straight to the Chairman of our able Committee on Health---

(Sen. Orengo's microphone went off)

The Speaker (Hon. Lusaka): Next Order!
The Senate Majority Leader.

PAPERS LAID

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Tuesday 17th November 2020-

STATE OF THE NATION ADDRESS BY H.E. THE PRESIDENT

The 7th State of the National address by His Excellency the President delivered at a special sitting of Parliament on Thursday 12th November 2020.

ANNUAL REPORT ON REALIZATION OF NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE

The 7th Annual Report on the measures taken and progress achieved with the realization of national values and principles of governance.

. ANNUAL REPORT ON FULFILLMENT OF INTERNATIONAL OBLIGATIONS

The 7th Annual Report on the progress made in fulfilling the international obligations of the Republic of Kenya.

. SUMMARY OF THE ANNUAL REPORT ON FULFILLMENT OF INTERNATIONAL OBLIGATIONS

The summary of the 7th Annual Report on the progress made in fulfilling the international obligations of the Republic of Kenya.

ANNUAL REPORT ON THE STATE OF NATIONAL SECURITY

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

The Annual Report for Parliament on the state of national security.

REPORT ON THE EASE OF DOING BUSINESS

The Report on ease of doing business: Reformed Milestone 2014-2020.

CONSOLIDATED ANNUAL REPORTS OF THE OFFICE OF THE
DPP FOR THE 2017/2018, 2018/2019 AND 2019/2020 FYS.

The Office of the Director of Public Prosecutions (DPP) Consolidated Annual Report for the Financial Years 2017/2018, 2018/2019 and 2019/2020.

Thank you, Mr. Speaker, Sir.

(Sen. Poghiso laid the documents on the Table)

The Speaker (Hon. Lusaka): Next Order!
The Senate Majority Leader.

NOTICES OF MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

The Senate Majority Leader (Sen. Poghiso): Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, pursuant to Standing Order 24 (6), the thanks of the Senate be recorded for the exposition of public policy contained in the Address of H.E. the President, delivered on Thursday, 12th November, 2020 and further that the Senate notes the following Reports submitted by H.E. the President in fulfillment of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the Senate on Tuesday, 17th November, 2020-

- (i) The 7th State of the Nation Address by H.E. the President delivered at a Special sitting of Parliament on Thursday, 12th November, 2020;
- (ii) The 7th annual report on the measures taken and progress achieved in the realization of national values and principles of governance;
- (iii) The 7th annual report on the progress made in fulfilling the international obligations of the Republic of Kenya;
- (iv) The summary of the 7th annual report on the progress made in fulfilling the international obligations of the Republic of Kenya;

- (v) The annual report to Parliament on the state of national security;
- (vi) The Report on the Ease of Doing Business: Reform Milestones 2014- 2020; and,
- (vii) The Office of the Director of Public Prosecutions consolidated annual report for the Financial Years 2017/2018, 2018/2019, and 2019/2020.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Omogeni.

ADOPTION OF REPORT ON THE CONSTITUTIONAL AMENDMENTS PROPOSED IN THE BBI REPORT

Sen. Omogeni: Mr. Speaker, Sir, I beg to give notice of the following Motion- THAT, the Senate adopts the report of the Standing Committee on Justice, Legal Affairs and Human Rights on the constitutional amendments proposed in the report of the Steering Committee on the implementation of the Building Bridges to a United Kenya Task Force Report laid on the Table of the Senate on Wednesday, 11th November, 2020.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Next Order.

STATEMENTS

The Speaker (Hon. Lusaka): As I said, I will allow two Statements. One is from the Chairperson of the Committee on Health, Sen. (Dr.) Mbitio, and the other is from Sen. (Prof.) Kamar.

ESCALATING CASES OF COVID-19

Sen.(Dr.) Mbitio: Mr. Speaker Sir, I rise pursuant to Standing Order No.51(1) (a) to make a Statement regarding the COVID-19 pandemic situation in that is currently ravaging the country.

Mr. Speaker Sir, according to the World Health Organization (WHO), as of 16th November, 2020, there were 54 million confirmed cases and 1.3 million deaths across the globe. In Africa, WHO reported 1.398 million confirmed cases and 31,450 deaths, while in Kenya 69,273 confirmed cases and 1,249 deaths were reported.

It is important to note that the number of cases on Kenya compare negatively with other countries in the East African Region. For example, during the same period, WHO reported 15,789 confirmed cases and 144 deaths in Uganda; 509 confirmed cases and 21 deaths in Tanzania; 628 confirmed cases and one death in Burundi; and, 5,394 confirmed cases and 42 deaths in Rwanda.

Indeed, the soaring numbers of the COVID-19 confirmed cases and deaths in Kenya are, in the East Africa region, only second to Ethiopia which reported 102,000 confirmed cases and 1,500 deaths as at the same date.

This weekend, Parliament lost one of its most prolific Members to COVID-19, Hon. Justus Murunga, Member of Parliament for Matungu Constituency. We condole with his family, his constituents, the National Assembly and the Parliament fraternity as a whole. May his soul rest in peace.

Mr. Speaker, Sir, we have also been sad witnesses to the increasing number and alarming reports of escalating deaths among health workers. By yesterday alone, Kenya is reported to have lost more than 30 health workers to the COVID-19 pandemic in the line of duty.

These include 10 senior doctors, Dr. Lugaliki an Obstetric and Gynecologist; Dr. Ndambuki Mboloi, a pulmonologist; Dr. Daniel Alushula, an Orthopedic Surgeon; Dr. Vladamir, Shcukin, an a Bariatric Surgeon; Dr. Hudson Inyangala, a public health specialist; Dr. Ashraf, a Plastic Surgeon; Dr. Robert Ayisi, a pediatrician; Dr. Hudson Alumela, a Periodontal surgeon; Dr. Faith Mbuba, a pharmacist; and, Dr. Jackline Njoroge, a physician. We also lost four clinical officers; Mrs. Sinei, Mr. Kodero, Mr. Osogo and Mr. Asiria.

We also lost nurses including Mr. Clifford Mburia, Mr. Ringera, Mr. Maryain Owuor, Ms. Mary Njuguna, Ms. Pauline Nunu, Paul Kiarie, Margaret Mwadime, Francis Njoroge Kiarie, Margaret Nduyo, Esther Mambo and Mohamed Mudbar. The death of these gallant health workers who have lost their precious lives in the frontline to the battle against COVID-19 is a matter of great concern to the Committee on Health under my chairmanship. Their lives and contribution to Kenya's response to pandemic and healthcare system as a whole should be recognized and acknowledged to the highest level.

We sincerely condole with their families and pray that God may rest their souls in eternal peace.

Mr. Speaker Sir, in response to the escalating deaths of health workers, the Kenya Medical Practitioners and Dentist Union (KMPDU) issued a 21-day strike notice on 15th November, 2020. The notice that is set to expire on 6th December, 2020 stipulates among others health worker demands for provision of adequate standardized, quality Personal Protective Equipment in all health facilities, comprehensive medical cover for all doctors in Kenya, enhancement of existing risk allowances and dedicated COVID-19 health care facilities for health workers, *et cetera*.

Having taken serious note of the issues raised by our doctors, the Standing Committee on Health has already scheduled meetings with KMPDU and Kenya Medical Association (KMA) on Thursday, 19th, November, 2020 at 9.00 p.m. on the ZOOM platform.

Further to this, the Committee has scheduled back to back meetings with various stakeholders, with a view of getting clearer understanding of the current COVID-19 pandemic situation and charting a way forward. These include but not limited to:-

(1) Government agencies and departments including the Ministry of Health (MoH) Council of Governors (CoG), Kenya Medical Practitioners Council, KEMSA, Pharmacy

and Poisons Board, Kenya Bureau of Standards (KeBS), Kenya Medical Research Institute (KEMRI), Kenya AIDS Vaccine initiative and the Kenya Medical Laboratory Technicians Board.

(2) Representative health worker groups including unions and professional associations at the county and branch level, nurses, doctors, clinical officers, allied workers, *et cetera*.

(3) Private sector representatives including Kenya Health Federation.

The aforementioned series of meetings are set to take place this week on Thursday, 19th, November, 2020 through to next week, Thursday, 26th, November, 2020.

Consequently, the Committee will table a comprehensive report on the current COVID-19 pandemic situation in the country before the House goes on recess.

For purposes of informing the House, kindly allow me to state that the aforementioned series of COVID-19 related meetings do not represent the beginning, but rather a continuation of consultative meetings the Committee on Health has already commenced in relation to the COVID-19 pandemic.

Just last week, on Thursday, 12th November, 2020, the Committee met with the Ministry of Health to deliberate the current COVID-19 situation in the country, non-payment of COVID-19 related claims by the National Hospital Insurance Fund (NHIF) and the status of the COVID-19 in correctional facilities in our country.

The Committee has already met with the Ministry of Interior and Coordination of National Government in relation to escalating cases of COVID-19 in correctional facilities across the country.

Mr. Speaker, Sir, as may have already been made clear by now, the current COVID-19 pandemic situation is a matter that the Standing Committee on Health under my leadership has and will continue to take very seriously.

As I conclude, in light of the rising risk of exposure to COVID-19, I wish to appeal to the leadership and Members of this House, as the Senate of Kenya, to lead by example. Until such a time as the current numbers of COVID-19 cases begin to decline or a vaccine is found, I appeal for the immediate cessation of all Committee activities that require physical participation of Members and staff. These include, but are not related to physical Committee meetings, visits to counties, retreats, *et cetera*.

I also appeal directly to my fellow Kenyans. We must not minimize or underestimate the threat that faces us today. While the pandemic may seem like a remote problem to many of us, we will do well to learn lessons from other countries whose people similarly downplayed the COVID-19 pandemic and failed to take the necessary precautions.

Aside from the measures that must and should be taken by the Government, we all have a personal responsibility to contain the spread of COVID-19 by practicing social distancing, hand hygiene, limiting social gatherings and correctly and consistently using face masks.

While on the surface, these may seem, like simple things, they may make a difference between life and death.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Thank you very much for that Report from the Chair. It was more of information. Since most of us have already contributed, before I allow Sen. (Prof.) Margret Kamar to make her Statement, let me allow Sen. Petronilla Were to read her Statement. There will be no contributions.

EFFICACY OF THE IFMIS AND ITS APPLICATION
IN THE DISBURSEMENT OF FUNDS TO COUNTIES

Sen. Were: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on Finance and Budget on the efficacy of the Integrated Financial Management Information System (IFMIS) and its application in the disbursement of funds to counties.

In the Statement, the Committee should-

(1) Provide information on the service provider that set up IFMIS and details of the tender award.

(2) Provide further information on the operation and management of IFMIS and its linkages, if any, with the county governments' financial management and information systems.

(3) State the backup controls in place in the event IFMIS malfunctions.

(4) Provide a comparative analysis between IFMIS and the immediate former financial management system.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): I had ruled that we will not comment. Sen. (Prof.) Kamar, kindly, proceed.

DEMISE OF HON. JOEL FRANCIS BARMASAI

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.47 (1) to make a Statement as a way of payment of tribute to the late Joel Francis Barmasai, which occurred on the 12th November, 2020.

Mr. Speaker, Sir, Joel Barmasai was a Member of Parliament (MP) for Eldoret East Constituency. He was the first founder Member when the Constituency was formed, and I was the third MP of the Constituency.

Hon. Joel Barmasai did his early education in Keiyo District before proceeding to Chewoyet Secondary School in West Pokot. He was a gifted person in the sciences and he joined science education KSTC and graduated with a clear distinction.

Hon. Joel Barmasai taught in various secondary schools before he took a leap into public administration in 1972 when he joined the International Center for Insect Physiology and Ecology (ICIPE) as an administrator. Thereafter, he joined Westland Motors in 1975, a career he did with a lot of distinction. He even moved further and went to Wareng County Council where he was promoted to the position of clerk. Concurrently, he served notably in both the Kenya Reinsurance Union Bank and the Kenya Power and Lighting Company (KPLC).

Mr. Speaker, Sir, in 1988, he joined the Kenya Grain Growers Cooperative Union (KGGCU) as Chairman and transformed the institution through the countrywide recruitment of farmers, leading to it being called the giant KGGCU.

Mr. Speaker, Sir, in 1992, he successfully contested and became the first Member of Eldoret as a Member of Parliament and served passionately. During his term as a Member of Parliament, he was honoured to serve in the national Government as an Assistant Minister for Trade and Industry in 1998 and thereafter, as an Assistant Minister for Finance from 1999 to 2002. During his service in the Cabinet, among many others, he led the Kenya delegation to the United Nations Conference on Trade and Development (UNTAD) in South Africa and the first ministerial conference of the World Trade Organization (WTO) in Singapore in 1996.

Mr. Speaker, Sir, in 1998, Joel Barmasai was appointed the Chairman of the Postal Corporation, as I mentioned earlier. His deep conviction in the power of knowledge and education led him as a mature person to further his studies while he was working. He got a degree from Brigham University.

He also was the longest serving Board Member of Highlands Secondary School, a school I went through. He took over the chairmanship in 1978 from the late President Daniel arap Moi.

Mr. Speaker, Sir, while in active politics, he served as a Kenya African National Union (KANU) Secretary General of Uasin Gishu branch and the KANU Chairman of Eldoret East; things that he did with distinction and that is why I must mention. After years of public service, Joel Barmasai retired to his farm, where he revived his love for farming.

Mr. Speaker, Sir, finally, he continued involvement in public service especially community service. Joel Barmasai will be remembered as an outstanding gentleman full of compassion, integrity, simplicity and selflessness. His impeccable character, trustworthiness, straightforwardness and humility earned him great respect from the people of all walks of life, not only from Uasin Gishu, but also nationally. He served with diligence and education in all positions that he was privileged to hold, particularly in this House as an MP. He was a highly respected Keiyo or Kalanjin elder, and was always called upon as an advisor.

Mr. Speaker, Sir, on behalf of the people of Uasin Gishu County, the House that I serve in, the Senate, and my own behalf, I pass my deepest condolences to the family of the late Joel Barmasai. May God rest his soul in eternal peace!

I thank you.

The Speaker (Hon. Lusaka): Thank you so much.

Next Order! The Senate Majority Leader, do the Senate Business Committee Weekly Statement.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 24TH NOVEMBER, 2020

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I have a very short Statement to make before I move the Motion.

Mr. Speaker, Sir, pursuant to Standing Order No. 52 (1), I hereby present to the Senate the business of the House for Tuesday 24th November, 2020.

Mr. Speaker, Sir, on Tuesday, 24th November, 2020, the Senate Business Committee (SBC) will meet to schedule business of the Senate. Subject to further directions by the SBC on that day, the Senate pursuant to Standing Order No. 24 (5) and (6) of the Senate will resume debate on the Motion on the Address by His Excellency, the President on the State of the Nation, if the same will not have been concluded today.

The Senate will also consider business that will not be concluded today and any other business including Bills for which, following the judgment of the High Court in Constitutional Petition No. 284 of 2019, the resolution process contemplated under Article 110(3) of the Constitution was completed by both Speakers of Parliament.

Mr. Speaker, Sir, with respect to Bills, I wish to inform the Senate that the Senate Business Committee resolved to comply with the judgment given by the High Court in Constitutional Petition No. 284 of 2019, and thus far, 10 Bills are in the process of undergoing republication with a view to conform to Article 110(3) of the Constitution. The 10 Bills are: -

- (1) The Natural Resources (Benefit Sharing) Bill (Senate Bills No. 31 of 2018);
- (2) The Startup Bill (Sen. Bills No. 16 of 2020);
- (3) The County Hall of Fame (Senate Bills No. 39 of 2018);
- (4) The Persons with Disabilities (Amendment) Bill (Senate Bills No. 15 of 2020);
- (5) The County Tourism Bill (Senate Bills No. 5 of 2019);
- (6) The Public Finance Management (Amendment) Bill (Senate Bills No. 3 of 2019);
- (7) The Care and Protection of Older Members of Society Bill (Senate Bills No. 17 of 2018);
- (8) The Cancer Prevention and Control (Amendment) Bill (Senate Bills No. 9 of 2019);
- (9) The Health (Amendment) Bill (Senate Bills No. 19 of 2020); and
- (10) The Mental Health (Amendment) Bill (Senate Bills No. 32 of 2018).

I continue to urge for patience and understanding as the Office of the Speaker and the Senate Leadership engages our counterparts in the National Assembly to fast-track the process of regularizing the Bills accordingly, and the Office of the Clerk for facilitating the republication process.

Mr. Speaker, Sir, I urge committees to use the available opportunity on Wednesdays, Thursdays and Fridays to expeditiously consider pending business, including 58 Petitions pending before various Standing Committees and table reports pursuant to the Standing Orders.

Mr. Speaker, Sir, I thank you and hereby lay the Statement on the Table of the House.

(Sen. Poghiso laid the document on the Table)

The Speaker (Hon. Lusaka): Thank you.
Next Order.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to move:

THAT, pursuant to Standing Order 24(6), the thanks of the Senate be recorded for the exposition of public policy contained in the Address of His Excellency the President, delivered on Thursday, 12th November, 2020, and further that the Senate notes the following Reports submitted by H.E. the President in fulfillment of Articles 132(1)(c) and 240(7) of the Constitution, laid on the Table of the Senate on Tuesday, 17th November, 2020: -

- (i) The 7th State of the Nation Address by His Excellency the President delivered at a Special Sitting of Parliament on Thursday, 12th November, 2020;
- (ii) The 7th Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- (iii) The 7th Annual Report on the Progress made in Fulfilling the International Obligations of the Republic of Kenya;
- (iv) The Summary of the 7th Annual Report on the Progress made in fulfilling the International Obligations of the Republic of Kenya;
- (v) The Annual Report to Parliament on the State of National Security;
- (vi) The Report on the Ease of Doing Business: Reform Milestones 2014-2020; and
- (vii) The Office of the Director of Public Prosecutions Consolidated Annual Report for the financial years 2017/2018, 2018/2019 and 2019/2020.

Mr. Speaker, Sir, I am cognizant of the fact that our time is limited and that more Members would like to share in this. Therefore, as I move this Motion, I will try to limit the use of my time so that I can leave some time to other Members.

It is very clear that the Address by His Excellency the President to the Nation on the state of the Nation was delayed for a few months because of our situation with the COVID-19 pandemic that has led to unprecedented loss of lives, global economic slowdown and the postponement of a lot of things and activities in our country.

The World Health Organization (WHO) brought this to our notice on 30th January 2020. As we battle through the things that the President said and shared, I would like to put a lot of emphasis on the effects of the pandemic in this State of the Nation Address. For the first time, we had a nationwide curfew since Independence. For the first time, we had restrictions of movement into and out of most of our counties. There was a

shut down of learning institutions, a ban on public and social gatherings, restrictions in the number of passengers and a cut off in terms of international flights. We closed our borders. Our health institutions had issues and we could not handle this pandemic.

Mr. Speaker, Sir, it is unfair and unfortunate that during this time of COVID-19, we lost a very huge number of people; the country lost over 1,200 people. We have had to adjust quite a bit. Every day, we hear of very big numbers of losses. The President's Address committed so many pages on this issue of the pandemic before moving to other issues.

All I can say is that we, as Members of the Senate, can take the lead because we represent counties and we are defenders of devolution, to make it very clear to our people that this pandemic is so serious. I was pleased to hear today Sen. Mutula Kilonzo Jnr. saying that some of the things that we do in public gatherings, like feeding of people and so on, we may need to curtail them. Some of those very basic things that we do normally are no longer normal and we should not take them normally. I think we should just be able to reduce the number of public appearances and meetings.

Mr. Speaker, Sir, we must not, and these are the words of the President, the President says, "We must not succumb to COVID-19 fatigue. We must not backtrack from our vigilant fight against this pandemic. On our part as leaders, our stamina for discipline must not diminish." These are the words of the President to show how serious the matter is and how we as leaders must know the way, go the way and show the way. I think we can do it within our counties.

Let me not dwell so much on a matter that is so serious and yet I know that colleagues will dwell on that matter for long. What is important is that this Address that the President gave us on Thursday has been divided into sections. In each section, there is a report that has been laid on the Table of the Senate today.

I hope that Members will have an opportunity to look at those Reports that we have laid on the Table today. These reports include, apart from the Address itself, an annual report on the measures taken and the progress achieved in the realization of national values and principles of governance.

This is one area where I would hope that our governors would have a look and take seriously the issue of governance. We are losing people to this pandemic and many other misfortunes because of problem of governance within our counties.

As the Senate is holding the governors and counties to account, we must focus on that particular report on the measures taken and progress achieved in not only realizing our national values but also principles of governance.

Mr. Speaker, Sir, the other reports that were tabled include; the report on the progress made in fulfilling international obligations by the Government of Kenya and the state of national security. All those reports put together are an obligation under the law for the President to point out. I would like to summarize that we have begun a journey under very difficult circumstances in our economy. It has become very difficult even for us in our security that we must begin to think about how we, as Kenyans, have shared national values. We do not have one school that teaches us how to become Kenyan but these conditions have brought us together.

Our National Anthem has become a prayer to bring us together. We now have a situation where we are getting into constitutional review period thinking that we can bring our people to one shared value and prosperity. Apart from enlisting so many things that have been done by this Government, the state of our security is very important. I was pleased to hear the President state that the state of our national security is strong. The President said that our homeland is secure. There are just a few issues that come with that. I hope that our borders are well protected and manned.

Mr. Speaker, Sir, I come from a county that has an international boundary so I know that our borders are strong although there are parts of our borders which need more attention. We have fought terrorism and so I hope that the security of this country will remain strong. In the area of unity, inclusivity and peace, we hope that through the BBI these will be achieved. It is for us to congratulate the President and the former Prime Minister, Rt. (Hon.) Raila Amollo Odinga for the ‘handshake’ and the BBI because the only way that we can begin to look at ourselves is to move away from the old issue of imperial presidency or winner take all. We need to resolve the situation where after every election, we have conflict. We end up losing a year or two after every election cycle repairing the consequences of our own elections yet we claim to be a democracy.

Through the BBI, we hope to cure the problems we face every five years as a result of elections. The BBI Report proposes a very wide and varied representation from various parties and parts of our country so that we have a well-represented leadership in this country. The BBI proposes that counties get a minimum of 35 per cent of the national resources. I believe that we can do better than that so the future is bright for our counties. If we manage to actualize the 35 per cent transfer of national revenue to the counties, we must have a strong Senate oversight the funds and a legislature that does not need to be cowed. We would like a legislature that is bold enough to speak up against the misuse of resources. For that reason, I am a great supporter of a stronger Senate that is the ‘upper’ House with teeth to bite.

Mr. Speaker, Sir, in conclusion, the Address by H.E the President gives hope to us in this country. The hope comes from the final words that he said. The President spoke like Martin Luther King Jnr. in his days in leading the African Americans. The President said that: -

‘Members and fellow Kenyans, like Moses in the Bible who sat at the top of Mount Nebo and saw the future that the people of Israel were about to cross into the promised land, I too have seen our future’

The President is at a vantage point so he can see what we cannot see. The Speech by the President gives us some hope because like Moses on top of Mount Nebo he can see what the future has in store for us.

A future awaits us where no one will ascend to a high public office on account of their tribe. That is very important for us because that is what the BBI proposes. We look forward to a Kenya where no capable person will wallow in poverty because of poor governance, a Kenya where our potential as a people will be exploited for the greatness of our nation. It is upon us as leaders to prepare the young people of this country so that we can have a nation whose potential is exploited for the greatness of this nation. We look forward to a Kenya where we will all share equitably in the prosperity of our nation.

Mr. Speaker, Sir, as aptly as the President reminded us, the world is not ours to keep. We hold it in trust for future generations. I can say the same about our country. This country is entrusted to us to hold it in trust for the future generations. We hold all the 47 counties in trust. Being the privileged people to have the opportunity to serve, I would like to commend this Address to the Senate together with the reports which have been tabled today. The President did not give the Address just because he has a duty to do so. It is a well thought Address.

The particular Motions that are urgent, have been listed. The President asked us to have time to look at the listed Bills especially the National Aviation Management Bill, The Statute Law (Miscellaneous Amendments) Bill, the Business (Amendment) Bill No.2 of 2020 and the proposed legislation on the administration of referenda which are all within our scope of work so we can deal with them.

Mr. Speaker, Sir, with those few remarks, I commend this Address. We can solve our problems as Parliament without animosity. It was the request of His Excellency the President that some of the things we have pending between the two Houses can be resolved without showing the public that we have differences.

I appeal to the Speakers of the two Houses to get the opportunity to solve what is outstanding, especially since we have been directed by our courts.

I beg to move the Motion and ask the Senate Minority Whip, Sen. Mutula Kilonzo Jnr., to second.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. The Senate Majority Leader should have disclosed that I am doing this on behalf of Sen. Orengo, so that it is not mistaken that I have grown too big for myself.

There is no doubt that the President was right, that this country is bigger than its citizens and everybody else. This country has gone through many divisive elections and is facing a pandemic that has affected the way we are doing business.

It was good to hear that the schools will reopen. However, it is of great concern, that as the second wave goes on, the question of our children going back to school should be thought about carefully.

We know in Baringo and many other places, including the coast region, our children in school are facing COVID-19 and some of them have to be isolated. We hope that as we go along, the reopening of schools is going to be carefully thought out, so that our children do not face the same problems.

Mr. Speaker, Sir, the President mentioned that the ongoing disputes in Ethiopia and Tanzania are things that should be ignored. I hope that our Committee on National Security, Defense and Foreign Relations will say something about it. It is a matter we should comment or recommend certain issues to be dealt with. If there is insecurity in Ethiopia, there is going to be insecurity in Kenya.

I was happy to hear - which the Senate Majority Party Leader mentioned - the President say that he is the proverbial Moses. He has gone to the top of the mountain. For those like the Chair, the Senate Majority Leader and Members who profess to the Christian faith, it is significant that the President states that, like Moses on the way to Jordan, there will be somebody else.

While he is building bridges and he has gone to the top of the mountain and like proverbial Moses, he will leave the work to somebody else to continue doing. Since in the building bridges, the people who were fighting the cause of the building bridges have said he wants to build a bridge and continue holding the post of the bridge. Nonetheless, he has said by being Moses and being on the top of the mountain; from my own interpretation and, allow me to say so, the President is going to hand over power when the time comes, which is significant for purposes of building bridges.

Secondly, I am talking to Sen. Cheruiyot because he belongs to the tribe of the ‘doubting Thomases. The person who went on top of the mountain found doubtful people at the bottom of the mountain. Those people had created idols of gold and were worshipping snakes, which was the reason Moses got upset.

The Speaker (Hon. Lusaka): Sen. Mutula Kilonzo Jnr., they are saying that was not Mount Nebo, you are confusing the mountains.

(Laughter)

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, is that what Sen. Cheruiyot was saying? I thought he was doubting! What I am saying significantly is that, even on Mt. Sinai, when Moses came down, the children of Israel wanted to go back. This is significant in the journey of building bridges. I have said this before and I have said this to him, which Sen. Wetangula can confirm that this country needs an election, where the President is elected and the person disputing agrees he has lost. Even if he does not agree he has lost, he has been given 30 days in the Building Bridges Initiative to prove the allegations of loss. It is important.

I have quoted the example of Brazil and I hope Kenya can get to the place where Brazil is. The Chairperson, Sen. Cheruiyot, who is also a doubting Thomas in this game, should agree that a presidential election can end within two hours. Thirty days is in a country of too much doubt. We doubt ourselves so much that we must give 30 days to determine a presidential election.

We have come from a history of post-election violence to a country where we move on. Just like Joe Biden and Trump, Donald Trump is President, Joe Biden is President-elect waiting to take over and the country has moved on.

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

Sen. Pareno: Mr. Speaker, Sir, if I could give information, we were on a delegation of this House with Sen. Mutula Kilonzo Jnr., and Sen. Cherargei, to Brazil, where we were shown that you can have an election and within two hours, have the results. It was practical and we voted at some point. Sen. Cherargei was the head of delegation when we were given the information.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, it is important information to the former Chairperson of the Committee on Justice, Legal Affairs and Human Rights.

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

Sen. Kinyua: Mr. Speaker, Sir, Sen. Pareno said, ‘they voted’. When she said they voted in Brazil, what does that mean?

Sen. Pareno: Mr. Speaker, Sir, it was a mock exercise we were taken through as a Committee.

The Speaker (Hon. Lusaka): Okay. Sen. Mutula Kilonzo Jnr., proceed.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, that is good information. We had a demonstration of a machine, which is not connected to any network. Brazil has 107 million voters registered biometrically and their election results are submitted within two hours.

This is a country we should be aspiring to, not a country where we are prepared for election disputes and threatening people that if you do not win, then you will not have a country. That is the sought of country I am looking forward to where the sovereign is the sovereign. If the sovereign elect person 'X', then we should have peace and confidence that our institutions can deliver those sort of things.

Mr. Speaker, Sir, in reference to the Address by the President, we would say that in building bridges between ourselves and the National Assembly, in terms of the international obligations to the National Assembly. The Senate should have a say and a bite on the question of international obligations of the State.

When we are asking Speaker Lusaka and Speaker Muturi to have a handshake, we should have a handshake where when the President addresses the nation, we can say something about it. The current Constitution does not say anything about the Senate. We are only supposed to appreciate the Address. It is not enough.

Mr. Speaker, Sir, since you are on the seat, we are looking forward to the day when you and Speaker Muturi will shake hands, so that Article 110 (3) can be put into effect.

Just like the Senate Majority Leader has said, I am looking forward to this Senate vetting the Chief Justice, the Deputy Chief Justice, the Auditor-General, and the non-members of the Cabinet. That is the sort of Senate we are looking at.

It is not too much to ask for because this Senate has produced the best legislators. This Senate can produce other legislators, but we also want to welcome those legislators and other leaders, including governors who have no other place to go other than come to the Senate.

Sen. Kang'ata: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of order, Sen. Kang'ata? Please, wear your mask.

Sen. Kang'ata: Mr. Speaker, Sir, I plead with you that for now, I be allowed to speak without this. I will not be near the microphone, if you allow me.

Thank you.

Mr. Speaker, Sir, I have looked at the Order Paper of today and seen that we are now at Order No.8. I come from Murang'a County where we produce tea. We are the most important producers of tea.

The Speaker (Hon. Lusaka): What is your point of order?

Sen. Kang'ata: My point of order is: Can you rearrange the Order Paper, so that we allow the Tea Report---

(Loud consultations)

The Speaker (Hon. Lusaka): Order! You are out of order, Sen. Kang'ata!

(Loud consultations)

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

The Speaker (Hon. Lusaka): He is on a point of order.

What is your point of order, Senator?

(Loud consultations)

Sen. Kang'ata: Allow me to be heard. On behalf of the tea farmers of Kenya, we want the debate at Order No.9 to be heard. The tea farmers of Kenya deserve to be heard!

The Speaker (Hon. Lusaka): Order! Order, Sen. Kang'ata!

What is your point of order, Sen. Wetangula?

Sen. Wetangula: Mr. Speaker, Sir, you should apply the rules of this House strictly. It is unfortunate that a Member of the leadership of this House can interrupt debate in a manner that displays ignorance of our Standing Orders.

Under our Standing Orders, according to our precedence and usage, once a Presidential Address speech is tabled, a Motion is moved, it is debated uninterrupted until we finish it, and it is listed for three consecutive days. Each Member here has a right to speak to this Address, and we have a lot to speak.

The Majority Chief Whip, who comes from the President's backyard, should be the last person to make this unsolicited, uncalled for and unhelpful interruption of debate.

The Speaker (Hon. Lusaka): Order, Members! Order!

(Loud consultations)

Order! Order, Senators! Hon. Senators, we are discussing a very important item, and this is unprecedented. Just like Sen. Wetangula has said, when the Motion has been moved and has been seconded, debate will be there for three days. So, when you introduce matters of tea, when we are discussing a Presidential Speech, you are completely out of order.

I rule that Sen. Mutula Kilonzo Jnr. proceeds.

(Loud consultations)

The Senate Majority Leader (Sen. Poghio): On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of order, Senate Majority Leader?

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, I found that Standing Order 116 can apply here. This is not a very serious way of acting. If you look at Standing Order 116, a Senator is disorderly if-

“(a) creates disorder;

(b) knowingly raises a false point of order;

(c) unnecessarily interrupts proceedings and consults in a disruptive manner.

I do not know whom that describes, but if we were to follow our Standing Orders and apply them, this is a much more serious matter to be disrupted.

(Sen. Wetangula spoke off record)

Yes, it is provided for. Therefore, I would like you to make this very serious.

The Speaker (Hon. Lusaka): I have already given a ruling and want to urge the Senators not to address the media or the audience out there. Address this House and keep to the rules of the House.

Sen. Mutula Kilonzo Jnr, continue.

Sen. Sakaja: On a point of order, Mr. Speaker, Sir. Mr. Speaker, Sir, just additionally, for those of us who have been in Parliament, especially in a different House, it is very disconcerting whenever you are on your feet and Senators are shouting, including the Majority Whip and senior Members. Even if we may not agree with what you are saying, we must respect this House.

Mr. Speaker, Sir, the same Standing Order that the Senate Majority Leader has read out talks about the action taken when there is disorderly conduct. This is not a market, a county assembly or whatever other platform. When we sit here and we hear people shouting when you are on your feet--- let us respect this House.

If that happens again, let us name one person and expel them, so that there can be order in this House, and everybody can be heard properly. It is very disappointing and disgusting.

The Speaker (Hon. Lusaka): You are raising an important point. I especially urge the leadership of the House that they are supposed to provide leadership. If you have no followers, then you are not a leader; you are just taking a walk. I want you to provide leadership in the House. I do not expect that to come from the leaders of this House.

Sen. Mutula Kilonzo Jnr., proceed.

Sen. Mutula Kilonzo Jnr: Thank you, Mr. Speaker, Sir. I think Sen. Kang'ata wanted to disrupt me so that I lose my train of thought, but I have not. I was talking about the Building Bridges Initiative (BBI). The Senate Majority Leader spoke about this at length. It is important that in the building of bridges, the Senate is recognized as the House that brings this country together. Therefore, in reference to the Address by His Excellency the President, it is important that the drafters and the team that is looking at this document find a consensus where devolution is given prominence. The House that deals with it is us.

I wind up with a comment by Albert Einstein. It is important for us because we are in leadership. For purposes of the pandemic, I have said that my own family is bereaved. I hope that leaders can take the cue in their political gatherings and speeches. We must take the lead because people are following what we do, unfortunately, they are losing their relatives.

Lastly, the peace of this country cannot be taken for granted. We cannot take it for granted that we are attempting to amend a Constitution during a time of peace. The year 2010 was an opportunity. We amended the Constitution at a time of peace. This is also an opportunity to amend the Constitution at a time of peace. Change our Constitution at a time of peace.

The question of how we do it is also important. As leaders we must offer advice and bring the country together in building of these bridges and amending the Constitution. Not everybody is going to be onboard or agree. We must be prepared that there are people who will disagree but we must agree bearing in mind that we have one country. We must disagree and agree that we can disagree because that is the democracy we have.

Somebody wrote somewhere recently that freedom is like toothpaste. You remove it; you cannot put it back. We have had the freedom we have enjoyed because we can speak freely about these issues. Let us not make it a do-or-die or as if we all have to agree. Some will disagree. Even in the preaching of the gospel, some disagree. The gospel is still going on.

Albert Einstein said something about peace- “Peace is not merely the absence of war but the presence of justice, law, order of government.” That is the country we want to build. A country that understands that once we have a government, we have justice, law and order.

I hope that the document that will be unveiled on Thursday is going to follow the precedence and the views that have been given to the Committee; the need for having justice, peace, law and order. Most importantly, that even when you disagree with people, the least you can do it give them a listening ear. It is called *Audi alteram partem* in Latin.

I second.

(Question proposed)

The Speaker (Hon. Lusaka): I will not allow debate. I know the time allowed is 15 minutes for every Member but if we can limit to about five minutes so that we can give many Senators an opportunity. We make it 10 minutes.

Sen. (Eng.) Mahamud: Thank you, very much, Mr. Speaker, Sir, for giving me the opportunity to contribute to the Address by His Excellency the President on the State of the Nation Address delivered on Thursday, November, 12, 2020.

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

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

This Address as mentioned was given six months late because of the issues which are in our country.

This Address was to Parliament which is made of two Houses. I have issues with the writers of the speech because in the document, one will see a lot of reference to “Mr. Speaker, Sir, National Assembly” while the two Speakers were sitting there but the President referred to “Mr. Speaker” and “This House” several times.

I think the speech writers in the President’s Office are not used to the bicameral Parliament that we have. This is where we are because the confusion we have in this country is that people still think Parliament is the National Assembly. They made the President read a speech which mostly addressed one House, yet it was addressing both Houses.

The Address was given at a time when this country is facing a lot of challenges. The President in Paragraph 7 said that “the state of the nation is strong, resilient, beaming with the promise of an even brighter future.” That is very optimistic and futuristic but the fact is that this country is facing a lot of challenges which are caused by Covid-19 that has this year has ravaged the whole world Kenya included.

As we speak today, the challenges of Covid-19 have not gone away. In fact, a second wave has come and we are facing a serious challenge which must be addressed seriously. We are now losing our medical staff, who are our frontline workers in this issue. It is getting serious. Two days ago, I was watching the news that our doctors have given a strike notice because of the risk they are being exposed to.

Covid-19 has contributed to the crippling of our economy which has been ravaged by crippling debt burden that has never been seen before. This is coupled with the problem we have because there are no activities going on in the economy. In fact, this has contributed to a lot of slowdown in our economy.

Our education sector has not been spared. Our children have been at home since April, this year. We were talking of opening schools and when we are just ready to do so, the issue of a second wave has started. The preparedness of this country in dealing with Covid-19 is just questionable.

We must, as Kenyans, take this serious moment where we are dealing with Covid-19 and take it seriously. It was at the beginning that we, as stated in the Address, put a lot of measures in place but they were later relaxed. I still think this matter is very serious and must be dealt with the seriousness it deserves.

Our schools are open and many will be opened in January, 2021. Some of our learners are testing positive. Today we have seen Baringo, the other day we saw a school in Kilifi where more than 30 learners were diagnosed with Covid-19. This is a serious matter that we must address.

Madam Deputy Speaker, our economy is not doing well because of the slow down which was caused by Covid-19. In fact, all these needs to be tackled.

On the state of security of this country, yes, it is true that the challenges that were posed by Al-Shabaab have scaled down tremendously. I thank the state for the good job they have done on this matter. Security challenges which are posed by the regional conflict going on in Ethiopia and in our good neighbor Tanzania must be taken seriously by Kenya.

Kenya has been known as an island of peace in a region full of turmoil. Over the years, we took part in a lot of peace keeping missions in countries such as Sudan and Somalia. It is not maybe our turn to intervene and see what we can do with our neighbor, Ethiopia because that war is a serious one that can affect the region terribly. Our other neighbor Somalia is stabilizing. We must be keen to make sure we stabilize our region.

The political atmosphere in the country is also wanting. The BBI report, good as it is, I think we are not doing very well. We must build bridges that are firm; that cannot be washed away by very shallow rivers; bridges that can affirm the youth of this country as required.

In his Address, the President several times referred to this as a “constitutional moment”. Yes, it is a constitutional moment, but the Constitution must be made by all of

us. We have no problem. Personally, I have no problem with the Building Bridges Initiative (BBI) document as issued, but there are issues in that document that must be agreed. This has been voiced by many Kenyans, including the churches, religious leaders, other leaders and Parliament. The Senate where we are today has been totally given a blackout as we change the architecture of Parliament. When we say there will be marriage between Parliament and Executive as a proposal, then we need an arbiter elsewhere since the Senate cannot vet Ministers and put the Government on check. The proposal is that the Executive is going to go bed with the National Assembly.

Madam Deputy Speaker, there are issues that need to be addressed. The Constitution belongs to all Kenyans. The handshake was very good. It brought peace in this country, but that enthusiasm must be translated to a positive approach for this country, so that this country will have a Constitution which can take all of us on board.

I have seen the document. We have read it very well. However, the issues that have been raised by the various stakeholders, including my pastoralists backyard must be taken into account. This is because we are part of this country. All of us are part of this country. This country is not for take it or leave it. This country belongs to all Kenyans. The President said that he has a vision for this country. Let that vision be a united Kenya, where every Kenyan sees himself.

The 2010 Constitution we have today is a very progressive Constitution. If any improvement is done on that Constitution, we will be happy. I will not support anything which neglects the contents in that particular Constitution.

Madam Deputy Speaker, the speech of the President came at a very difficult time. The President has tried his best to address the state and the security of the nation, but the challenges are there. These challenges must be dealt with. We cannot blindfold ourselves and forget about them. This must be addressed so that our farmers, school children, health workers, nation, youth and the totality of Kenya live in peace and survive the COVID-19 pandemic which is threatening the lives and the society.

Madam Deputy Speaker, with those many remarks, I beg to support.

The Deputy Speaker (Sen. Prof. Kamar): Thank you, Senator. Sen. Olekina, kindly, proceed.

Sen. Olekina: Thank you, Madam Deputy Speaker. I rise to make a few comments in our role as a Senate in recording our thanks to the Address by His Excellency the President.

Madam Deputy Speaker, during the last year's state of the nation address, the President used one phrase, "no turning back." One of the things that caught me last April, was the fight on corruption. I want to quote the last year's speech as I make my brief comment on this year's state of the nation address.

Madam Deputy Speaker, from the onset, I must state that I was a bit disappointed. I do not know whether to blame the speech writers, or the COVID-19 pandemic took us by surprise such that this state of the nation address was not in my view, something to write home about.

Madam Deputy Speaker, in the last state of the nation address, the President stated as follows: "No turning back on the war against corruption as it is just war; a war

to prevent misuse of public resources for selfish interests by those we have entrusted to manage them.”

Madam Deputy Speaker, I expected that during his Seventh state of the nation address - which is something we were all looking forward to - the President will give us a status update with clear milestones and deliverables on the war of corruption. I did not hear this from the President.

Madam Deputy Speaker, the President spoke a lot on the issues of no turning back during the last year’s state of nation address. However, clearly in his address, although the speech writers could have indicated to some extent the fight on COVID-19, I do not believe that they gave it the sensitivity that it required.

Madam Deputy Speaker, we have lost doctors. We have lost our men and women who have been working to try and ensure that this country continue to benefit from a good healthcare system. However, I do not know whether the speech writers were not concerned about the human sensitivity, that they did not give it the emphasis that it required. Maybe later, we will read in the summary or the report which has been submitted, but I was waiting to hear tough measures which will be put to ensure that we fight this pandemic, which is really decimating our cultures.

Madam Deputy Speaker, it is quite clear that our economy has not done well. I expected that during the state of the nation address, the President will come up with drastic measures on how to ensure that the banking sector is tightly hitch on money and lend money to the public.

Madam Deputy Speaker, I expected to hear that the National Treasury bills interest would be dropped, so that commercial banks can start working with the public. There is no money circulating in this country. I would hope that at least, the President would have given us a status update on what each of the Ministry is doing to ensure that this business continue.

Madam Deputy Speaker, it was indeed one of the most forgettable speeches that I have ever heard of a Head of State. I will still go back to the 2019 address and hope that I can check and see how far we have gone because we were not turning back. This speech appeared to have taken us back.

Madam Deputy Speaker, I was pleased with one thing which I must give credit for. It is always good to give credit where credit is due. I was pleased with the status update on the Universal Health Care (UHC). The President clearly stated that during the last year’s presidential nation address, he indicated that they had piloted with four counties. I was happy that this year, he has indicated that they have learnt, they have lessons that they have learnt and that the roll out to the entire country has now been finalized. I happen to have participated in that session in Mombasa. That was more promising to me because that give us a future to know where we will start from and end up.

Madam Deputy Speaker, in future, I hope that the speech writers, will keep track of these accomplishments, so that by the time the President retires and goes home, when he is sitting down and writing his memoirs, he can reflect back on the things that he did.

Finally, Madam Deputy Speaker, when the President spoke about the BBI, I hope that the most important thing that this Senate fought for on the issue of revenue will not

be taken back. The amendments to Article 203 will be what will make the BBI or the referendum succeed or fail. It will be wrong for us to bring up the argument of per capita when other counties are yet to catch up with counties that have grown.

Madam Deputy Speaker, I do record my thanks.

The Deputy Speaker (Sen. Prof. Kamar): Thank you, Senator. Sen. Petronila Were, kindly proceed

Sen. Were: Thank you, Madam Deputy Speaker. I also want to join my colleagues in making comments on the presidential speech to the joint sitting of Parliament.

Madam Deputy Speaker, I also want to start by making a comment on the issues the President talked about at length on COVID-19. My focus is on the way we are treating our frontline health workers. They prefer to be called martyrs because we are sacrificing them in this fight against COVID-19.

I wished the President would have told us more on the way they are improving the working environment of doctors and nurses. If the President would have given a way forward on the provision of the Personal Protective Equipment (PPE) to our healthcare workers.

That said, he also said that they are committed to the course. He mentioned about the opening of schools to come with the reality of COVID-19. That is commendable because it was becoming a pandemic in itself on what is going to happening in the education sector.

The President also talked about the Competency Based Curriculum (CBC) and praised its implementation. However, I wish that the Ministry of Education, Science and Technology would focus on the implementation of CBC in our public schools in the counties. Most of the provisions that are required for implementation of CBC are not easy to come by in schools in the rural area. We might be looking at a CBC that works, but only works for certain children in this country and not others.

The President also talked about the issue of pending bills in the progress report of our national values. I was happy because he gave orders that pending bills in all sectors be prioritized. The Treasury is prioritising payment of these pending bills and we commend him for that.

He also talked about mental health. With COVID-19, the issue of mental health is now a big deal. Since most of us have misunderstood mental health for a long time to mean madness, we really do not know how to deal with these issues and instead may choose to focus on myths. The issues of mental health need to move to the second level of public education so that we deal with the symptoms of mental health and the treatment thereof. Many of our psychologists and psychiatrists do not have a lot of work because people with mental health issues do not visit them. Public education in this area would be helpful. The taskforce set up by the President has a lot of work to do.

The President talked about making Kenya a manufacturing country and the BBI report has something called the cottage industries. With the devolved systems, this manufacturing endeavour will work and create more jobs. We can only create jobs when we become a manufacturing country. We look forward to implementation of this Report that the President gave of his plans for this country for the remaining two years.

Madam Deputy Speaker, the President talked about the Vision 2030 and its implementation, which is anchored on the four-point agenda. I was happy with that because for a long time, I thought this Jubilee Government had abandoned vision 2030 since 2013. He assured us in his Speech that he is implementing it using the mid-term plan. He has put the four-point agenda in the midterm plan.

On the issue of international obligations, he talked about our seat in the United Nations Security Council. I want to congratulate him and the country for this seat.

On the issue of East African Community and trade exports, he mentioned our exports to East African countries have increased tremendously in the last six years. However, we know Uganda exports more to Kenya than we do to Uganda. Initially we were exporting much more to Uganda. So, that needs to be looked into.

He also talked about engaging the UK so that we have access to its market. That is important because since BREXIT, UK is now available to other players in trade. We are happy that he is doing those negotiations and roping in the USA, especially after 2025 when the African Growth and Opportunity Act (AGOA) comes to an end.

The government is also looking into new frontiers in East Europe and East Southern Asia. That is because we will then be able to allow many of our young people to seek jobs in those areas. As the manufacturing industry grows here because he said he will focus on it. This will create job opportunities to our more people get more jobs there.

Madam Deputy Speaker, we also have industrial training institutes offering jobs in the sectors where we will be able to export our young people to work in these sectors, or in the new frontiers that the Government is focusing on.

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Sen. Were.

Sen. Cherargei: Thank you, Madam Deputy Speaker, for this opportunity. From the onset, I want to say that the President's Speech was very underwhelming. It should have been short and inspirational. It is very unfortunate and the drafters of the President's Speech should avoid repetitiveness of issues.

One of the issues that the President spoke on was on the COVID-19 pandemic. It is becoming serious and many people are dying. As a country, we must build a consensus on how we can move forward to ensure that it does not continue ravaging.

Madam Deputy Speaker, my concern is on the Kshs60 billion Universal Health Cover (UHC). "There is nothing to smile about" as Morgan Heritage said in his reggae song. Even in Nyeri County, the UHC has come to end. I am wondering when you talk about UHC when mothers and elderly people have walked to hospitals in Nyeri County, but they cannot get services, yet the President was telling the country that UHC would resolve these issues under Article 43. Regarding this Kshs60 billion up to now medical doctors and frontline workers are dying yet the risk allowance has never been paid to them.

We would have expected the President to tell the country where is the promise of risk allowance payment to frontline workers, especially the nurses and doctors who are dying daily because of COVID-19.

The President talked about 250,000 desks and the school calendar. This is the business of the Cabinet Secretary in charge of education. We did not expect the President

to discuss desks in the State of the Nation Address. They say that even the Chairman of *Nyumba Kumi* is too senior to be communicating about the school calendar in a public forum.

On the issue of public debt of Kshs7.1 trillion, I am among the Senators who voted against the raising of the ceiling. Up to now, it is Kshs7.1 trillion that is coming---

Sen. Farhiya: On a point of order, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): There is a point of order from Sen. Farhiya.

Sen. Farhiya: Madam Deputy Speaker, is it in order for Sen. Cherargei to curtail what the President wanted to contribute in terms of the desks? These desks are very important because of COVID-19. Children were sharing desks before, but now they cannot share. To me, that was a quick win in our fight against COVID-19.

I think the Senator is out of order for critiquing something that is on COVID-19 health issues.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Farhiya, you say is he in order. You do not rule so that I rule on your behalf. However, that was a point.

Sen. Cherargei: Thank you, Madam Deputy Speaker. The President did not highlight on the issue of public debt worth Kshs7.1 trillion. We need to have a structure because the country is technically insolvent. We voted in this House not to increase the ceiling, but I was among the Senators who refused to increase the ceiling.

On the issue of corruption, we remember the media headlines that were spewed all over. The President gave an order of 21 days on the COVID heist, but no one has been arrested. Masks and Personal Protective Equipment (PPE) would have been critical in this moment be used in the fight against COVID-19.

On the issue of corruption, I think the President has failed. He gave 21 days and yet he has all those powers. The DPP has failed. He is busy sharing in the social media and national newspapers of how he is fighting corruption, but we only have conviction of petty corruption offences of Kshs5,000 and yet billionaires of COVID are still walking scot-free.

Madam Deputy Speaker, the Big Four Agenda is a scam because there is no clear evidence on how affordable housing has been achieved, among others.

On the issue of land reforms, I expected to hear the President highlighting the issue of historical land injustices so that we can move forward as a country. However, that was not captured. The President said that the state of homeland security is doing very well, but we still have extra-judicial killings. The trigger happy police officers continue to kill Kenyans though extra-judicial killings and enforced disappearance.

I will end my comments on the issue of the BBI. The President said that they continue to allow recommendations from all sectors and stakeholders. It has to be noted that the Constitution reform process belongs to 47.5 million Kenyans. I heard the leader of the ODM Party say that they will start collecting one million signatures from Thursday. It would be embarrassing for a President to launch a drive that is more divisive to the country than any other. Let us allow conversation where recommendations will be made to accommodate divergent views.

Madam Deputy Speaker, if recommendations are not allowed, I can assure you that from all sector reforms, pastoralists, youth, women and many other quarters will reject the BBI Report. They will be setting up the BBI Report for a fall. If the President clearly stated that the BBI is open to conversation and recommendations, why are we being forced not to make any recommendations yet this is not medication that is prescriptive in nature.

Madam Deputy Speaker, if we do not allow recommendations, I would like to besiege my colleagues that it would mean the amendments to strengthen the Senate will go through the window. If amendments are allowed to the BBI document, it will mean that the Senate will be part of the process. If we allow the pastoralists, guarantee minimum returns and other quarters to forward their amendments, we will be building bridges. The Deputy Speaker and I come from areas that rely on agriculture business on items such as tea, maize and coffee. We wanted the issues of tea to be discussed today because that is where the guarantee minimum should be factored in the BBI process.

The intention of collecting one million signatures to orchestrate a popular referendum should be stopped for us to address the issue of COVID-19 pandemic in this country. I do not know what the intention of collecting signatures is if people are dying? How will you lead the dead? We should address the issue of the COVID-19 pandemic first before we begin working on the constitutional reforms unless being power unless we are just power hungry and would like to cling to power.

My advice to the President is that he should respect the Constitution and refuse the advice from some quarters that he is too young to retire. After the President has served his ten years in power, many other people would also like to run for presidency. Let us follow the process to continue by respecting the Constitution.

Madam Deputy Speaker, I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Sakaja, kindly proceed.

Sen. Sakaja: Madam Deputy Speaker, I am glad to support this Motion where the Senate expresses its thanks for the exposition of public policy by the President under the state of the nation address, especially speaking after the avalanche of negativity from Sen. Cherargei. It will be good to objectively give some fresh air of positive highlight on what the President spoke about.

If you are looking at something from a negative point of view, you will never see anything good. There have been a cocktail of hits and misses, but we chose to look at the glass being half-full and not half-empty. I am glad that the President made that realization when he gave his speech at the State of the Nation Address last week where we attended. At the outset, I would like to note that the speech was done at peculiar and difficult time that this country is going through, the COVID-19 pandemic which occasioned the speech to be done in November when naturally, it is supposed to be done earlier in the year. The number of Members who were allowed in the Chamber were fewer.

By the time the President was speaking, we had 66,723 infections and 1,203 deaths. We are experiencing the second wave of the COVID-19 pandemic which is quite lethal. We are losing so many people to the COVID-19 pandemic. The number of deaths that have been occasioned this month is more than the number of deaths that have been

occasioned in many months combined. It is for us to be more careful. There is what the Government can do, but there is what we must take as personal responsibility.

Madam Deputy Speaker, as I chaired the *ad hoc* Committee on COVID-19 Situation in Kenya, we had been optimistic. Part of what we were told by the experts was that the virus was attenuating and that the strain that was affecting us earlier in the year was a mild strain than what was in Europe and parts of the Americas. That does not look like the case now. Since the term of the *ad hoc* Committee on COVID-19 Situation in Kenya ended, I wish the Committee on Health would invite KEMRI to appear before the Committee and give an update.

The KEMRI had made a lot of ground breaking initiative culturing the virus and doing analysis. The KEMRI has the best analysts and medical researchers on the African Continent so they need to give us an update on what they are seeing and why there is a spike in deaths. I do not think that the spike has been occasioned by the night curfew which has little to do. We assume that the virus wakes up at night. We can be flouting the COVID-19 guidelines throughout the day and then think that the virus shows up at night after curfew.

If you move around the country during the day, you will witness the kind of meetings that politicians are holding and people are being irresponsible at observing the COVID-19 restrictions. Kenyans should know that the virus does not wake up at night. The virus is with us during the day everywhere. We need to take the COVID-19 guidelines seriously such as washing hands frequently and maintain social distance.

I would like to start on the part of the speech that touches on the economy. Before the end of their term, the *ad hoc* Committee on COVID-19 Situation in Kenya, had done nine reports which were tabled in the House. The pillar on the economy leaves much to be done. We are grateful that by the time the President was speaking, the tax measures that had been introduced such as the reduction of corporate tax by five per cent, the PAYE by four per cent and VAT from 16 per cent to 14 per cent would make the Government forgo Kshs176 billion a year. We also note that there have been savings, for instance, the education budget which runs to almost Kshs200 billion not being expended apart from salaries for the teachers.

What we expected for the small and medium-sized enterprises was the credit guarantee scheme of at least Kshs200 billion so that the medium-sized enterprises, restaurant and other sectors in the hospitality industry that had to lay off people would be equipped to keep those people working and be able to pay them. By the time we brought those proposals months ago, many countries had come up with serious stimulus programmes running into trillions so we could do that. We have heard the CS in the National Treasury and the CEO of the Equity Bank speak about it, but real businesses are still hurting.

We acknowledge the good will of the President and his intention, but at this point, it should not just be a plan. There needs to be implementation of those proposals, especially on credit guarantee scheme because Kshs5 billion is a bit low. We are staring at a crisis soon with the issue of the health care workers strike.

Madam Deputy Speaker, I can see the warning light is on. How many more minutes do I have left?

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Sakaja, you have five more minutes.

Sen. Sakaja: Madam Deputy Speaker, the 5,000 health workers were to be hired much earlier so we hope that it can be done soon. One of my major highlights is what the President said in Paragraph 48 of his speech. The President stated that: -

“The East Africa’s premier mental health facility will be established to offer training and research in psychiatry, specialized psychiatric services, forensic psychiatric services, child and adolescent mental services and substance abuse, addictive disorders treatment and rehabilitation services.”

A renewed focus on mental health wellness is need in this country because there is a crisis. On Friday last week, I visited Dr. Frank Njenga in his clinic and saw a huge number of youths there. The huge number of youths that I saw there are only those who can afford. Across the country in our counties, very many people are suffering from mental health challenges and we do not have clinical psychologists.

I am glad that I was able to meet the Chairpersons of County Public Service Board as the Chairperson of the Committee on Labour and Social Welfare and told them to include clinical psychologists in there schemes of service. Let us renew our focus and budgeting at the county level to mental health. It is a challenge which you only realize when it comes close to your doorstep. I am glad that we have one of the pioneers and the biggest champions for mental wellness here.

We need to renew those efforts. I am glad we have one of the pioneers and the biggest champion for mental health, Sen. Kasanga in this House. Do not get tired. Do not think about your Bill, but think about the awareness you can raise with the County Assemblies. The money we have given them for health, let us think of ring-fencing some, for mental health.

Madam Deputy Speaker, the President in his speech says:

“In economic development it is not about intention, but results, not about the volume of what we do, but the impact of what we achieve.”

I am glad he spoke about dealing with the poverty of dignity in terms of housing. I am glad of what is happening in Nairobi. With the Nairobi Metropolitan Service (NMS), we can do more. We need to do more in terms of housing. We have seen what is in Park Road and many of these areas.

I acknowledge the President’s focus on Nairobi as a county. It has helped us over the past few months. We raised a question when the BBI Report was released, that the services or the functions of Nairobi were being transferred permanently. I am 100 per cent against that. You cannot permanently transfer functions of one county. So far, I am glad that the steering Committee has listened to us.

Nairobians deserve devolution like anybody else in this country. The lady in Mutuuini needs to have somebody she can hold politically accountable for our health services. People want to touch and feel their leader. If you read the book of Samuel in the Bible, the Israelites were told that if they have a king, he will be bad, but they said they wanted a king over them.

Let us not solve a temporary problem with a permanent solution. We have had two governors who failed, but it does not mean we will not get it right. We will get it

right as Nairobi. On that one, I am glad that with the document coming out on Thursday, Nairobians will have proper devolution.

The President spoke about a holistic base of human capital that is food secure which is important. The frontier of this country's economy is if we focus on value addition. Agriculture which is 33 per cent of our Gross Domestic Product (GDP) is only producing 3 per cent of revenue. This tells you that there is much to be desired.

Once we look at the entire value chain of agriculture, if we are serious, we will not have issues of unemployment and giving young people piecemeal donations to give them a livelihood. Throughout the value chain of agriculture that is 33 per cent of our GDP, but 3 per cent of revenue, we will find jobs for our young people. It is not about food security, but manufacturing and making sure value chain entirely creates the base of human capital, jumpstarting the shift from net consumption to net production.

Madam Deputy Speaker, as I move to wind up because I am seeing time is not on my side. The 35 per cent revenue to counties, there are many people saying that we are already giving counties more than 35 per cent and that there was no need for that to be in BBI because it talks about the minimum.

It is true that in the past we have given counties more than 35 per cent. However, the wording in the Constitution was 35 per cent of the last audited revenue. In 2014, we gave counties 43 per cent because the last audited revenues were 2009/2010. Those numbers have come up. In this year, if it was 35 per cent this year---

The Deputy Speaker (Sen. (Prof.) Kamar): Everybody is pleading for one minute. Finish the statement.

Sen. Sakaja: Madam Deputy Speaker, over the years, the last audited revenues were way back. Sen. M. Kajwang' together with the County Public Accounts and Investment Committee have helped and brought it closer. This year we gave counties Kshs316 billion, which was 23 per cent.

It was the minimum of 35 per cent counties could have gotten Kshs473.5 billion which is a plus and that is why we support BBI 100 per cent. Let us listen to everybody, but support the gains we have made. I ask Members to be pragmatic and positive.

I thank the President for giving that exposition on his policy.

I support.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Sen. Kasanga, you have the Floor.

Sen. Kasanga: Thank you, Madam Deputy Speaker. Sen. Sakaja has taken a bit of my script because we were on the *ad hoc* Committee on COVID-19 and a lot of the Speech by the President touched on that. I support this Motion.

After having spoken about mental health since 2018, we can only celebrate that it has reached the lips of the President and now, he can commit that this Government will invest in mental health. It is commendable that his Speech was colourful, well written and delivered. Nonetheless, there is still more that needs to be done when it comes to mental health. We still need to entrench mental health to our homes, right to the homestead and to the counties, starting from level one, to level five on the facility the President talked about.

We are happy that mental health will be a priority. I have always urged all the advocates of mental health who we have worked together and continually worked to help Kenyans, to continue speaking about it and putting pressure so that we can see a whole new overhaul of the sector.

I laud the President on the Universal Health Care (UHC) roll out which is commendable. When talking about liberating the poor, the poverty of dignity caused by inadequate service, especially when it comes to the issue of health. UHC is the way to go. Although there have been a few challenges, we must say, it is the right step. Every journey must start with a step in the right direction and for that, we commend him.

We know the National Hospital Insurance Fund (NHIF) has to undergo serious rehabilitation; an overhaul to look at the challenges it is going through. At one point, I was sitting in the Committee on Health as a friend to the Committee. We listened to NHIF and the reforms it will undergo. We are looking forward to those reforms because NHIF is at the centre of UHC. It is important that it is supported, so that the reforms are done quickly to help Kenyans.

We have seen some of the fruits of NHIF. Though they are going through challenges now, it has helped Kenyans. We know it is a step towards the right direction. Once it has been resolved, we can appreciate when the President says he has seen the vision of the future of this country.

Madam Deputy Speaker, I will touch a little bit on the issue of schools where the President in his Speech mentioned the decongestion of schools using all available resources and rolling out of guidelines to school infrastructure for use of appropriate technology. He also talked about cost effective building technologies, suited for different geographical areas, as well as pushing for standardized Bills of Quantities (BQs). This is an issue of construction and a bit technical, which I appreciate.

This is something we should have thought of. Governors should have thought of doing something like this so that we have a standardized method of building classrooms. At the moment, there is a huge gap because the President was talking about construction of 12,500 classrooms.

We appreciate the new Competency based Curriculum (CBC) system that is hoping to correct the ills and where we went wrong with the 8-4-4 system. I am a user of CBC with my children who have seen the benefits of the CBC system. With the lack of infrastructure in our schools, there is work that needs to be done towards that and making sure the infrastructure is right, so that all children get the fair equal amount of infrastructure as well as resources towards the rolling out of the CBC system.

I am happy the President is talking about a standardized method of construction as well as looking at different appropriate technologies for different geographical areas. This I commend. On the Big Four Economic Development Strategy and Framework, starting with liberation of the urban poor, I am a supporter of the affordable housing scheme.

Time and again, I have had conversations with the Principal Secretary so that we can see where we can help. Our fraternity, the Architectural Association of Kenya (AAK) has worked closely with the Ministry to help them rolling out this part of the Big Four Agenda of affordable housing.

It has had many challenges, but it is a step in the right direction. They have rolled out and managed a few units, there are a few challenges, but it is a good step forward. With the Kenya Mortgage Refinance Corporation now in place, Kenyans can look forward to something wonderful in the future.

Madam Deputy Speaker, the transition of young people from being earners of wages to owners of capital is an area the Government needs to work a little bit more. As well as building a holistic base for human capital, food secure and health assured. When it comes to food security, I remember when we met with the Cabinet Secretary at the *ad hoc* Committee on COVID-19 situation in Kenya, he reported there may be a gap because it is a tough time in this country.

Besides COVID-19, we have had locusts, drought and food security maybe a challenge. However, they were having strategies of making sure it is happening. We are looking forward to hear more on the strategies that the President is setting out.

When it comes to one of the other pillars and strategies, that is, jumpstarting the county from net consumption to one-off production. Again, this is something that we really want to celebrate. This is where jobs are going to come from. The Government now needs to be clear on some of the strategies that they are putting forward.

On the issue of land reforms, a lot could have been done, but so far, the few steps that the Government has taken, including the digitalization of the Ministry of Lands and Physical Planning, is a positive step forward. It begins to resolve some of the issues that we have had in the difficulty in doing land transactions like the loss of documents and things like that.

We have sat through Petitions that have been brought in the Committee on Land, Environment and Natural Resources on a few challenges here and there. However, you can see the bigger picture of where it is intended to go. We must celebrate that and say that it is about time we celebrate technology and use it as far as possible.

Madam Deputy Speaker, when it comes to infrastructure projects, you will hear a lot of Kenyans mention that huge infrastructure projects are happening, and yet, the impact is not being felt. Yes, we will have loans to pay for these infrastructure projects, but going forward, the Executive needs to highlight on what the learning lessons are.

We have talked about making sure that the projects that are done have enough local content, so that our youth can get jobs. It is not just the youth, but all levels of employment need to have local content, including consultants, drivers, and all sort of Kenyans. They need to have a lot more local content when it comes to large infrastructure projects.

Madam Deputy Speaker, I have to add a bit of frustration that we sometimes get from the Government when not enough public participation is done towards some of these mega projects, where key stakeholders feel left out. This is an area which I wish the President would have given a bit more commitment. Going forward, the Government will do proper public participation when it comes to some of these large projects. This is because it helps with accountability and fighting corruption, which is another issue that I wish could have been spoken on a little bit more.

As we know, one of the biggest challenges of the Big Four Agenda is corruption. We would like to see a lot more done. We want to see more convictions. Now that we

have tried to look for the COVID-19 billionaires, we have realized that it is such a long process. I do not even know if we will ever find them.

The *ad hoc* Committee on the COVID-19 Situation in Kenya has left it to the Committee on Health to continue looking for those billionaires. It is frustrating and Kenyans are losing hope. The Government has to continually keep our hopes up and make sure that these convictions are made.

Lastly is on the BBI. I once listened to Sen. Malalah – he is not here today - delivering a speech in a forum we were in Vihiga. He was very electric. I have seen now why he is so popular when people listen to him on the ground. It was absolutely fantastic. He was quick to say that women do not need to come from---

The Deputy Speaker (Sen. (Prof.) Kamar): There is a point of order from Sen. (Dr.) Ochillo-Ayacko?

Sen. (Dr.) Ochillo-Ayacko: Thank you very much, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): She only has one minute.

Sen. (Dr.) Ochillo-Ayacko: Madam Deputy Speaker, I hate to interrupt my dear friend. She is a very good friend of mine. Would I be in order to ask her to simplify something for us, ‘the COVID-19 billionaires’? Given that COVID-19 kills, what does ‘COVID-19 billionaire’ mean for simple minded people like us? Kindly let her explain to us.

The Deputy Speaker (Sen. (Prof.) Kamar): In your one minute, see how you can accommodate that.

Sen. Kasanga: Madam Deputy Speaker, I might not be able to accommodate that in one minute, but I can invite him for a conversation over a cup of tea.

The Deputy Speaker (Sen. (Prof.) Kamar): Very well.

Sen. Kasanga: Madam Deputy Speaker, when it comes to the issue to the issue of BBI, I have heard a lot of conversation that women being brought into the Senate are not of any use, or we might not find a way for women to work in this Senate.

I just want to remind Kenyans that even in the United States of America (USA), which we always want to emulate--- They have had years of a democracy. Their Senate that oversees the Union of States has two members from every State. How they work is something that we need to sit down, understand and make sure that we can do.

Let those women come here, and together we will decide how Senate will oversight counties. That is something that I am passionate about, and I hope that in the document that will come on Thursday, the women will still remain in the Senate.

Madam Deputy Speaker, I support the Motion.

Sen. (Dr.) Ali: Thank you, Madam Deputy Speaker. I was about to give up after staying for so long waiting for a chance.

I wish to thank the President for his Speech in which he discussed a lot of issues. Unfortunately, when I was in the National Assembly, I felt as though I was an outsider. I even wondered why I was there. The Speech was generally for the National Assembly and not for the Senate. Next time, the people concerned and write the speeches should do the right thing, so that everybody who is there, feels part and parcel of what is going on.

Madam Deputy Speaker, governments the world over have tried as much as they are concerned to discuss issues of combating the pandemic. However, when you look at it

and see the Ministry of Health giving the returns every day, you may think that this is more of a public relations exercise. I say that because it is good to know that is happening and for the people to be given information.

Madam Deputy Speaker, when you look around, are we really serious? Do we really want to stop the pandemic? I do not think so. When you look at the political class who are the ones running this country and are supposed to lead by example, what we do is just making sure that we increase the infections. We are not helping it.

When you talk of rallies; whether they are indoors or outdoors, I even prefer the outdoor ones because there is at least movement of air. However, people are now going back to cocoons like town halls. That is where we do not have proper air, and infections will just increase.

Madam Deputy Speaker, you have seen the way things have been in schools of late. Schools have been reopened and the infection rate has increased. I feel that even if we have been elected to represent our people, the most important thing is to talk to our people and tell them that this is not the way things are.

When you go to bars and hotels, you will be shocked. Even where we sit, Members decide to come and collect around one table, instead of following the rules. In bars and hotels, you see groups together. That is increasing infection and things like that do not work. If are serious, we should stop doing things the way President Trump and his Government are doing things. Here, we have to follow the protocols of the Ministry seriously.

Madam Deputy Speaker, the other issue that I want to talk about is the issue of the BBI. I have been quiet on this issue, but I do not think we are doing the right thing. You cannot even imagine the number of people who are dying per day and we still talk of BBI. Which is more important? Is it for Kenyans to take care of COVID-19 and stop this pandemic, or to change the Constitution?

The Constitution is not going anywhere. What is the emergency? What is this hurry? We can do it next year. I think it was the evangelical church that said that we can even increase the term of the President and his team by one year. It does not matter, instead of killing more Kenyans. If we have to do it within one year to the elections, then increasing our term by one year should not be a problem, instead of killing people.

I do not see the rush in this BBI issue. Is do not see why want to use the little resources that we have to do campaigns and a referendum, when we need this money to take care of our health personnel who are dying by the day.

The Deputy Speaker (Sen. (Prof.) Kamar): There is a point of order from Sen. Nyamunga.

Sen. Nyamunga: Madam Deputy Speaker, I am not very sure if the Senator of Wajir is not misleading this House. We know that there is a pandemic and the Government is doing whatever it can to help the people. If he uses the word “killing people,” it is like the Government is taking upon itself to kill its own people, which is I do not think is the issue.

Sen. (Dr.) Ali: That is not the point I was making.

Sen. Nyamunga: Madam Deputy Speaker, he should be very clear because he is misleading.

Sen. (Dr.) Ali: Madam Deputy Speaker, I am sorry to say that, that is not a point of order.

The Deputy Speaker (Sen. (Prof.) Kamar): I see a point of order by Sen. (Dr.) Ochillo-Ayacko.

Sen. (Dr.) Ali: My time should not be wasted by points of order.

Sen. (Dr.) Ochillo-Ayacko: Madam Deputy Speaker, Sen.(Dr.) Ali should not claim that points of order are intended to waste his time. We are also seated here listening to him so he must be orderly. Would I be in order to ask Sen. (Dr.) Ali to stop implying that BBI is killing Kenyans? It is COVID-19, and not BBI.

The Deputy Speaker (Sen.(Prof.) Kamar): Senator, come out with clarity. You still have your six minutes.

Sen. (Dr.) Ali: I did not say BBI is killing Kenyans. I said that COVID-19 is killing Kenyans. There is a pandemic in this country and we do not have resources. The little resources we have should be used to make sure we take care of our health sector and personnel who are dying and our hospitals which are ill-equipped. That is a fact

By supporting our hospitals and health personnel, then we will be stopping the pandemic. This is what I mean. We do not have enough money, yet we want to put more money in BBI. I do not see that as an emergency. That is all I said.

On the same issue, you have seen that some two days ago we were with the NHIF and the Ministry of Health. We were told that Covid-19 patients cannot be taken care of by NHIF and the insurance companies. Why do we not use this money to try and supplement to help our people so that they do not die?

On the issue of security, I am grateful things have been done but as has been mentioned, there is insecurity in Ethiopian and Somalia. These Al-Shaabab are already coming into Kenya. They kill once in a while, but now they are everywhere. I hope the Government does not sit back, and say that we have finalized and stop at that.

Madam Deputy Speaker, I wish to talk about resource allocation. We already have marginalized counties for the last 50 years. They have introduced something called per capita in the BBI. What we have done in this House is being negated. Per capita is being brought through the back door in BBI. My friend, the Senate Majority Whip, has said that what he has failed to do here, he will do through BBI. That will be unfortunate and unfair. It is not right. We should not use population in everything.

Land is very important in certain parts of Kenya, but when it comes to northern Kenya counties, it is useless. Animals are very important in certain parts of Kenya, but when it comes to the northern part of Kenya, they are useless. We have been told that in those areas there are only animals, trees and land, which is of no use to this country.

Last time when we were discussing here, somebody drew the map of Kenya. The map is for these marginalized counties. The others are small communities that are large in numbers, but their land is so small that they are just there in the middle. You want to get rid of this big land, but keep the resources because you have the numbers. Do not call that Kenya. It will not be because Kenya is made of people and land.

On representation in other jurisdictions where extra seats are created, it is for marginalized communities, women and Persons with Disabilities (PWDs). Here we want to increase numbers for the most populous. They already have the numbers and want to

take more. I think that is not right and should be taken into consideration by the principals so that those marginalized individuals and counties do not suffer more.

Finally, corruption has been a problem in this country. The President has tried his best, but we do not want people being taken to court and then released. We are then told they cannot go to their offices, but they work from their homes and give instructions. What difference does it make? People should either go to jail or be left to do what they were doing before.

Sen. (Dr.) Ochillo-Ayacko talked about ‘COVID-19 billionaires’. They are those people who took a lot of money from KEMSA and nothing has been done to them. The 30 days are gone and nothing is happening. Some of us are following it up in the Committee. We cannot even manage to deal with it in some ways or others.

Sen. (Prof.) Ongeri: Thank you, Madam Deputy Speaker, for allowing me to comment on the State of the Nation Address.

The President was bang on point. Any sitting President must at all times be able to appraise Kenyans of any dangers or threats to the nation. One of the issues he picked as a threat to this nation is the COVID-19 pandemic.

He could not have done better than that because the issue that is slowing us down. Whether we are talking of education, health, industrialization and manufacturing, the pandemic is one single element that is slowing down everything that we have achieved in this country. Therefore, the President appropriately addressed that issue with the proviso of what Kenyans must do.

One of the things we must appreciate is that wherever there is a pandemic, there will always be a shift of resources from non-vulnerable areas to this vulnerable. In this case, he has appropriately shifted the resources from other areas that can wait for development to tackle the issue of the COVID-19 pandemic. How I wished that both the national and county governments can now synergize their efforts to address the issue of the PPEs for frontline workers whom we are losing by numbers.

It is very painful to me when I see some of my own students like the late Dr. Ayisi, who I trained as a postgraduate pediatrician, he is gone like many other frontline workers. I have also witnessed some of the best teachers of the Kenya National Union of Teachers (KNUT) and the Kenya Union of Post Primary Teachers (KUPPET) in this country who have lost their lives through this COVID-19 pandemic.

The health protocols that have been put in place are so critical and important in dealing with this pandemic because if we do not do so, we will lose more and more people. We are in the second wave of this disease. When we look at the pathogenesis, the evolution of this disease from the original level to the current wave is the mutation of the virus to something else more non-responsive to the remedies we have been applying in the first primary phase. It is now beating every conceivable treatment that is being given to the patients.

I believe one of the most important measures is that prevention is better than cure. The public health protocols that have been put in place must be rigorously followed. We must follow them without any exception. You will be surprised that more than 60 per cent of these illnesses will be reduced to something we can cope with. I believe the

answer lies within us. We should not develop fatigue. As the President said, we should continue forward.

Another area the President addressed very well is the question of we now deal with the economy which is sagging. Who are the propellers of this economy? This is the human capital. I think he addressed human capital.

Unless we retrain and reorient our thinking in terms of how we want to generate the incomes for this country, it is going to a futile exercise. Hence the word which I liked so much that we should train our young people - these are some of our potential human capital - train them not to be earners of wages, but to be creators or owners of capital.

How do you train them to be owners of capital? It is banqueting to them the necessary technology, the Information Communication Technology (ICT). Madam Deputy Speaker, you and I were once at the helm of the Ministry of Education. We proposed to move forward the agenda of technical training and applied technology as a vocational training resource for the young people and young school leavers to attain that level of proficiency. I am glad to say that these are the future creators of the economy. The micro enterprises are going to arise from this group of people who will be properly trained to achieve what others were not able achieve.

We have a whole array. We have a complete department of Directorate Industrial Training Centre which is training and increasing skill achievement by those who are already in the industry. One time when I was in charge of that Ministry, I did turn the Directorate of Industrial Training Centre to train the youth from the youth polytechnics, technical training institutes and our polytechnics. We were able to achieve certain level of skills that we have been able manufacture certain elements.

Let me also add to say that sometimes back, it was not fashionable to be called a *Jua Kali* operator. These days, everybody says I am a *Jua Kali* operator. This is because we sanitized it and became a very respectable profession. People earn incomes through that level. They create their small micro enterprises, micro industries and earn decent incomes and cope with the vagaries of life.

I must at this stage comment on the issue of the BBI. BBI is not a political tool. It is looking at those elements that were unable to create favourable climate for us to create wealth and capital for our nation.

The transfer of 35 per cent of resources to county governments is a welcome idea. It was not hinged on the Constitution; it was only stated that we could then come here and argue through Division of Revenue Bill and Count Allocation of Revenue Bill. You noticed how tedious it was for us to reach an agreement. Now, it is clearly spelt out based on the current budgetary proposals. I hope that is the trend, it will take when we finally come to vote for it which will mean so much for very county that is receiving that kind of money.

My county is received Kshs7.7 billion this time. I expect that with this arrangement in place, this will take the resources to the county a notch-higher, maybe Kshs12 or Kshs 15 billion. What does that mean in terms of development? Much bigger portion of that money will go to development. Therefore, create the necessary infrastructure and prioritize the projects at the county level. At the ward level where some of these infrastructure requirements are needed to support the development at the county

level. Some of the programmes that are in Schedule IV for county governments Those must be fully developed from the national Government to county governments so that they can feel the full impact of the economy. They can feel the full impact of funding at the county level and the question of marginalization does not arise.

Secondly, the BBI is not going to create positions for anyone. It is a question of realigning the governance structure, so that the delivery method can be much better than before. I have heard the opponents of BBI giving flimsy excuses that they are not comfortable with it. They want certain things; BBI is not a one-stop shop. As we progress, we are lawmakers and we can always amend and create new legislations to make it a fit system that can serve our people better rather than leaving it to the reams and the decisions of other policy makers to be captured in the Constitution. I would have liked to see resources allocated to oversight fund for this Senate so that we will be able to oversight.

I thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. Prof. Kamar): Thank you, Senator.

Sen. (Dr.) Musuruve: Thank you, Madam Deputy Speaker, for giving me this opportunity to comment on the President's State of Address Speech.

I want to begin by thanking the President for coming up with a great speech. There are quite a number of issues that the President addressed. They are voluminous, but I will point out on a few issues. One of the issues that came out strongly and I felt that it needed a lot of conversation because it is the issue of enhancing economic development.

In the President's speech, the issue of the youth was highlighted in terms of ensuring consumerism to become producers. We, as a nation, have to look for mechanisms of ensuring that we are producers. As Kenyans, we are buying what is produced by Kenyans in order to boost the manufacturing industry.

I have been very happy in many occasions when I see the President putting on a shirt made in Kenya. He has done that severally. It is motivating. It was very clear in his speech that you need to know the way. Once you know the way, you have to walk the way and show the way. In his manner of dressing, he is encouraging that we have to support our local manufacturers.

This is something I love. When it comes to dressing, I am keen about going to that common *mwananchi* to make my orders in order to boost them. This is because I know that when you boost the locals, they will pay their rent, put food on their tables and they will be motivated to work harder.

Madam Deputy Speaker, still on the issues of economy, in the President's speech, it was quite clear that national geospatial mapping of resources has been done across the 47 counties. This means that all the resources available in the counties will be identified and known. I am hoping that the mapping of resources will benefit the locals. This is something to encourage because we have to bring to a stop the rural-urban migration of our youth.

We have a lot of resources in counties. If this mapping has been done very well, youth will get employment opportunities wherever they are. We are talking of creating employment. This means we have to expand our thinking and thoughts. County

governments have to look into ways of ensuring that the resources available in the counties are properly utilized for the benefit of their people.

Madam Deputy Speaker, allow me to talk about the issue of COVID-19. We must be very candid about this pandemic. In the process of adhering to the Hippocratic Oath that they swore to uphold, doctors find themselves in issues that compromise their lives. Most of them are getting Coronavirus. It is a time for us as country to see how we can we help the frontline workers.

Kenya is among the countries that signed the Abuja Declaration that stated that 15 per cent of the national revenue goes to the counties. If 15 per cent of the national revenue is going to counties, why can we not prioritize health workers and allocate them some money?

The frontline workers go through a lot of anguish. They compromise their families because of Coronavirus. Some of them are married and they have children, meaning that the contact spreads wide. There is need to ensure the frontline workers are supported and encouraged in their work because they cannot abandon their work. They already took an oath and they are very clear that they are committed to their job.

As we talk about the issue of frontline workers, I want to condole with the families of those frontline workers who have died due to Coronavirus, including Dr. Alushula, Dr. Kanjiru and others.

As a nation, we have to see how we can help these frontline workers. Apart from frontline workers, we also have community health workers who serve patients before they go to the hospital. There is need for county governments to ensure that they motivate community health workers. Apart from motivating them, they need to give them preventives.

The personal protective equipment (PPEs) should not be recycled but disposed after use. Therefore, there is need for county governments to ensure that they are doing justice to frontline workers to ensure that as they fight for that cause, they are not demotivated.

Madam Deputy Speaker, concerning what the President talked about on the issue of education, Competency Based Curriculum (CBC) is getting on well, but there is no need for us to rethink on how children with disabilities are engaging with CBC. You are my witness because we went to a school in Uasin Gishu and we saw how pathetic it was.

When the curriculum changed from 7-4-2-3 and went to 8-4-4, the curriculum for children with disabilities was also changed, but they were left behind with very many issues not being implemented. However, now coming from the 8-4-4 system to the CBC, it is even worse for them. When we talk about issues of disability, most of the time, you find that they are not implemented. Therefore, there is need for this issue to be interrogated.

I commend the President for what he envisions for this country; a country that no one goes to high office along tribal lines and no capable person will wallow in poverty. These are very good thoughts.

Exploitation of our potential is another issue. There are times when people's potentials are not exploited and they end up being useless yet they would have been very productive in nation building. There is need to see ourselves as the President said,

“having a bright future”. Having a bright future requires all of us to share in the vision of the President.

I also want to thank the President for the Last Mile Project because it has benefited quite a number of households although it has not reached 100 per cent. Where I stay in Lugari, quite a number of people around me have benefited from the Last Mile Project. I want to thank the Kenya Power Company, Eldoret, because when I went to see the manager and told him about what my people were going through since they did not have electricity, they acted.

Right now as we speak, there is electricity around my community and they benefitted from that. Provision of electricity should be elongated. The Last Mile Project should be extended so that 100 per cent households are able to benefit.

I want to thank the President and Hon. Raila Odinga for the handshake because the handshake brought the country together. The President said rightly that elections should not end with enmity. People should continue shaking hands. People should continue being friends so that we can walk to prosperity. Leaders must emulate this so that when we have losers, losers must not go home. Losers also have value addition.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Sen. (Dr.) Musuruve. Your time is up.

Sen. Kang’ata: Madam Deputy Speaker, I rise to congratulate his Excellency President Uhuru Kenyatta for a very good Speech that he rendered last week.

First, he touched on issues on infrastructure. We have seen a transformation of this Republic in terms of the so many roads that are being built here in Nairobi and in several other counties. Indeed, from 2013 up to now, this Government has done more in terms of infrastructural projects *vis-a-vis* all other governments combined.

We all know the impact of the Last Mile Project. We now have more households, which are currently benefiting from that program *vis-a-vis* all other presidents and governments, combined. They cannot reach that stage.

We now have thousands of young children who are able to go to school. We all credit His Excellency Mwai Kibaki for the free primary education, but many children used to reach Standard 8 and fail to transit to secondary school.

Currently, President Uhuru Kenyatta’s Government has introduced free secondary school education for our day school going children. We are now having almost 90 per cent transition to high school. That to me is positive.

Madam Deputy Speaker, university education has been expanded. We currently now have more than 60 universities. When I joined the university in 1999, I had finished high school in 1997. I had to wait for two years. However, through the reforms of His Excellency President Uhuru Kenyatta, students are now joining universities immediately upon finishing high school. You only stay for about six or seven months then you join the university.

Let me also laud His Excellency President Uhuru Kenyatta---

The Deputy Speaker (Sen. (Prof.) Kamar): There is a point of information from Sen. Omanga. Would you like to be informed?

Sen. Kang’ata: Yes, Madam Deputy Speaker.

Sen. Omanga: Thank you, Madam Deputy Speaker. I want to inform the Chief Whip that that transition from Form Four to university started in 2009 or 2010 when his Excellency the Deputy President, (Dr.) William Ruto was the Minister for Education. At that time, we had his Excellency Mwai Kibaki who was the President then. Therefore, it has been happening.

The Deputy Speaker (Sen. (Prof.) Kamar): Yes, I confirm her information.

Sen. (Dr.) Ochillo-Ayacko, do you have any other information to give?

Sen. (Dr.) Ochillo-Ayacko: Madam Deputy Speaker, mine is a point or order. For the record and like my friend Sen. Kang'ata stood up there and demanded that we talk about other things, would I be in order to request him to be brief to allow other people to talk so that we will talk about his tea?

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Kang'ata, you have been informed.

Sen. Kang'ata: Thank you, Madam Deputy Speaker. When we were joining the university in late 1990s, you needed to have a B (plain) to join the university. That situation obtained until 2013/2014/2015 when his Excellency President Uhuru Kenyatta became the President.

Currently, we now have a situation where every person with a C+ is getting an admission to join a public university or even a private university under Government sponsorship. To me, that is development and revolutionary.

Madam Deputy Speaker, the President also highlighted efforts that this Government has made to ensure that we expand our health. Currently, the NHIF is covering a historic number of Kenyans. We have seen this Government sending billions of shillings to the poor, orphans and vulnerable members of this society.

Cash transfer is a legacy that is going to be left by H.E. Uhuru Kenyatta because he has created a welfare State by ensuring that the poor are being cushioned against the vulgarities of extreme capitalism. We need to congratulate the President for making that effort.

I would like to end my speech by highlighting the positives of BBI. Contrary to what my colleague from Wajir County has said, the BBI is an entity that is going to assist the weak, small communities and the diversity of this Republic.

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

[The Temporary Speaker (Sen. (Dr.) Mwaura) in the Chair]

Madam Deputy Speaker, I would like to highlight the system called---

The Temporary Speaker (Sen. Mwaura): Sen. Kang'ata, ni Bw. Spika, tafadhali.

Sen. Kang'ata: Sorry, Mr. Temporary Speaker, Sir. I will highlight the merits of what we call proportional representation system as proposed by the BBI.

We have two types of electoral systems: One that we call the majoritarian electoral system and another one called proportional representation system like the one in South Africa. The current one, the so called, first-past-the-post electoral system creates a two-part system that is why you find that in this Republic, there are two main political

parties; the Jubilee Party and the NASA Coalition. That is not good to me for the growth of the small political parties.

Proportional systems usually tend to create incentives for small parties to grow and prosper because it does away with the concept of the lost votes. For instance, all the people who vote for the Jubilee Party in Kisumu, their votes do not count in so far as parliamentary positions are concerned. Similarly, the people who vote for a candidate in the NASA Coalition vying in Murang'a County, their votes do not count because their candidate does not win.

The proportional system is good because all the votes count. All the votes are used to prepare or take into account the proportional votes that are going to be used to assign seats in Parliament. Such a system gives all the incentives to have small political parties. If that is implemented, we will have a Parliament full of so many political parties, which will then form a coalition.

The government often tends to be a coalition. That way, governance is through consensus as opposed to the current situation where one political party can form the entire government to the exclusion of everyone.

We all know that the proportional system has demerits such as Members of Parliament who enter through the proportional representation system do not have local connections. When you do not have local connections---

The Temporary Speaker (Sen. Mwaura): Kiranja wa Walio Wengi katika Seneti, Sen. Sakaja angependa kukuarifu.

Sen. Kang'ata: Mr. Temporary Speaker, Sir, I will allow him one minute, but my time should be extended.

Sen. Sakaja: Mr. Temporary Speaker, Sir, I would like to inform the Senate Majority Whip that the proportional representation that he is talking about is not proposed in the BBI Report.

Proportional representation is when it is purely based on those lists, so you vote for the party. We have both single member constituencies and the proportional representation. For purpose of record, Sen. Kang'ata is right by half. He should just call it MMPR and not pure proportional representation.

The Temporary Speaker (Sen. Mwaura): Sen. Halake pia ana Hoja ya Nidhamu.

Sen. Kang'ata: Mr. Temporary Speaker, Sir, that is fine, as long as you extend my time by two minutes.

Sen. Halake: On a point of order, Mr. Temporary Speaker, Sir. I had raised my hand to intervene on a point of order before Sen. Sakaja. Is it in order for the Senate Majority Whip to say that there are only two parties in Kenya?

I am the Chairperson for the Centre for Multiparty Democracy and I can report that the last count from the office of the Registrar of Parties, there were 87 political parties in Kenya. As much as not all the parties are represented in Parliament, we need to acknowledge that we have many political parties.

Is Sen. Kang'ata in order to eclipse and not acknowledge that we have multiparty democracy in this country?

The Temporary Speaker (Sen. Mwaura): Sen. Kang'ata, unaweza kujibu swala la vyama vya kisiasa. Sen. Halake ametujulisha kwamba kuna vyama 87 vya kiasa nchini.

Sen. Kang'ata: Mr. Temporary Speaker, Sir, kindly give me five minutes.

(Loud consultations)

The Temporary Speaker (Sen. Mwaura): Sen. Kang'ata, nitakuongeza dakika moja tu.

Sen. Kang'ata: Mr. Temporary Speaker, Sir, what we call a majoritarian system tends to give certain incentives in some countries. Our first past-the-post system tends to generate a two-party system like the one we have in Kenya.

A proportional representation system tends to create a multi-party system. I agree that what is in the BBI Report is a mixture but I am trying to argue that the beauty of the BBI is that both systems have advantages and disadvantages.

There are advantages of the proportional representation system as well as disadvantages of the majoritarian system. It takes the combination of the two systems to counter balance the demerits of either system. For instance, one of the disadvantages of the proportional representation system is that those Members of Parliament tend to be alienated from the ground as they are nominated Members of Parliament who do not have a direct election to the electorate.

To counter that, the BBI Report proposes a mixed system so that on one hand, we get the benefits of the proportional representation system while at the same time getting the benefits of a single member constituency system or the majoritarian system.

Mr. Temporary Speaker, Sir, for those reasons I strongly believe that we need to support the BBI because it is a system that ensures that everyone participates in the entire electoral system. I have no doubt that if the BBI passes, all the problems that people have been saying on how a referendum is going to be expensive on the tax payers or make women go to one of the Houses of Parliament where they will have no opportunity to participate in matters money, I have no doubt that those issues are going to be addressed once we get the final document that will be tabled in this House.

We should remember that the most important reason why the BBI should be supported is for us to establish what we call a consensus democracy, which has worked in Switzerland, Belgium and Northern Ireland. I have no doubt that if it has worked in those---

The Temporary Speaker (Sen. Mwaura): Sen. Kang'ata, wakati wako umeisha. Sen. Mwaruma ana Hoja ya Nidhamu.

Sen. Mwaruma: On a point of order, Mr. Temporary Speaker, Sir. Looking at the time, we have less than 40 minutes before the House adjourns and we have more than eight people who have not spoken. If we go by the ten minutes that would run into 80 minutes and we do not have that kind of time. Will I be in order to suggest that the talk time be reduced to five minutes so that most of us are accommodated?

The Temporary Speaker (Sen. Mwaura): Sen. Mwaruma kwa sababu mjadala huu utaendelea wiki ijayo, wacha tu tuendelee na dakika kumi.

Sasa hivi, ninampa Sen. Wambua wakati wa kuzungumza.

(Loud Consultations)

Sen. Wambua: Mr. Temporary Speaker, Sir, kindly direct that the Senator for Kitui County be heard in silence.

I rise to make my comments on the State of the Nation Address by the President that took place on Thursday, 12th November 2020 during the Joint Sitting of the Parliament of the Republic of Kenya.

I would like to begin by stating that the Speech by the President of Kenya is a rare mirror view of where we have come from and a call to action, going forward. Listening to the Speech by the President, it was refreshing for me to hear the Head of State declare that our homeland is properly secured and that our borders are protected and safe.

I am not sure about the President's comments on the strength of our economy. The truth of the matter is that, business people across this country and in all sectors of the economy are complaining and crying out for reprieve. A way must be found to boost our economy and especially to support our farmers who feed this nation.

Supporting our farmers is important and critical because with a wide-scale collapse of businesses and without sufficient food to feed this nation, the security and safety of our homeland and borders cannot be guaranteed.

I have said many times that the Government has a duty and responsibility to take care of our farmers. In other jurisdictions across the globe, farmers are respected and supported. Three weeks ago, I had an opportunity to visit a private sugar company in Kisumu, Kibos Sugar Factory. What they are trying to do in the private facility is invest in converting by-products from the sugarcane into fertilizer; grown, processed, manufactured in this country. If such initiatives are supported, then we have an opportunity to make food production flourish to feed this nation and strengthen our economy.

I want to make a comment on the BBI. Take note that the whole idea behind BBI is to unite our nation, which is a very noble initiative. Nevertheless, I have a small problem reconciling, while bold statements are being made by national leaders on the need to push for a no contested referendum, against a background of counter arguments by another section of national leaders who hold the view that you read, accept and pass the document as it is.

I sincerely thank His Excellency the President and Hon. Raila Odinga for taking the lead in the BBI process. However, I appeal to them that all views being expressed on the BBI are of citizens of this country, and should be taken on board, so that the final decision considers the aspirations and views expressed by Kenyans. No views, to the judgement of a section of this country are not valid. However, they are views expressed by Kenyans.

Mr. Temporary Speaker, Sir, every section of this country has what they want to see in the BBI. Where I come from, I was there with Sen. Halake, Sen. Were and Sen. Kinyua yesterday and the people of Kitui County as part of their views to the BBI, said that they want a second county in Mwingi.

These views should be listened to, because if you go to our hospitals and you are suffering from a headache, it does not make a lot of sense for a doctor to tell you that there is very good medicine for a stomachache. You are not suffering from a

stomachache; you are suffering from a headache. Let us listen to views from Kenyans and build a consensus around those views.

Mr. Temporary speaker, Sir, there is also another issue around the Building Bridges Initiative (BBI), which is dangerous. The issue of profiling people on account of the views that they express on the BBI is a very dangerous thing to do. If it is true, and I have no reason to doubt that this is true, that the BBI is not about the 2022 presidential elections, then the people who support---

The Temporary Speaker (Sen. (Dr.) Mwaura): Sen. Sakaja, una Hoja ya Nidhamu?

Sen. Sakaja: Thank you, Mr. Temporary Speaker, Sir. This has nothing to do with what Sen. Wambua is saying. The Senate Business Committee, where I sit, resolved that this item will only appear on the Order Paper today, because we are only meeting once a week and we have only two other days before we go on the long recess.

Mr. Temporary Speaker, Sir, the reason that I have been asking for an opportunity is, unless we ask for an extension before 6.00 p.m., the Members who are here who have been waiting might not get an opportunity at all. The Clerks-at-the-Table will confirm that you. That is why it is important to be listening to us.

Members here have been taking notes and they want to contribute, so if we do not ask for an extension, in as much as you can overrule Standing Order No.24, I am sure that it will not be on the Order Paper next Tuesday, based on the ruling made by the substantive Speaker.

Thank you.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante sana, Sen. Sakaja, lakini nimeelekezwa kwamba hapakua na azimilio lolote. Ilikua kwamba tuangalie hali ya anga ya Bunge itakavyokua.

Sen. Wambua, unaweza kuendelea.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir, for your ruling. I continue my submission by saying that the BBI document and the content therein is not about any person in this country. It is about building bridges in this nation and uniting this nation. Therefore, there is no better way of doing it than listening to views from every section and corner of this country.

Mr. Temporary Speaker, Sir, on the matter of the Coronavirus Disease (COVID-19), which the President mentioned in his Address, I thank the President for the efforts that his Government has taken to tame the spread of the pandemic.

The nationwide curfews, the cessation of movement, the closure of schools and other public behaviour protocols that have been adopted by this Government have gone a long way to tame the spread of this pandemic. Without those measures, the situation could have been worse.

However, the governors in this country have greatly failed this nation in as far as the fight against the pandemic is concerned. The state of healthcare, which is a devolved function in this country, is wanting and appalling. I call upon all governors in every corner of this country to put the lives of Kenyans first before---

(Sen. Wambua's microphone went off)

The Temporary Speaker (Sen. (Dr.) Mwaura): Samahani, muda wako umeisha.

Sen. Wambua: Mr. Temporary Speaker, Sir, if I am supposed to follow the lights, I am still okay. In fact, I need to be told how much time I have left to organize my thoughts. One minute?

The Temporary Speaker (Sen. (Dr.) Mwaura): Nitakupa dakika moja nyingine.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir. That is two minutes.

The Temporary Speaker (Sen. (Dr.) Mwaura): Dakika moja, tafadhali.

Sen. Wambua: Mr. Temporary Speaker, we are losing so many lives in the country on account of a dysfunctional healthcare system. Three weeks ago, we lost a very respected member of society in Kitui because he could not access medical care in Kitui County. Last weekend, I lost an uncle, who was a former Assistant Commissioner of Police, because he could not be admitted and treated at the referral hospital in Kitui.

There is need now more than ever before, to refocus our attention as a Senate on the state of healthcare in this country. I call upon the Committee on Health to bring to this House a Motion to discuss the state of healthcare in this country.

Mr. Temporary Speaker, Sir, with those remarks, I congratulate the President for his Speech.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante Sana, kwa kutumia muda wako wa dakika moja vizuri. Sen. (Eng.) Hargura, endelea.

Sen. (Eng.) Hargura: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to also contribute to the debate on the Presidential Address to Parliament.

I would like to thank the President for fulfilling his mandate required by the Constitution to address the Parliament and give his State of the Nation Address once in a year although this time it was delayed by the Coronavirus (Covid-19) pandemic.

The Covid-19 pandemic itself is a real issue, which we are going through. We need to concentrate on it. The President has mentioned clearly what the Government is doing. Health being a devolved function, counties need to do more because all Kenyans live in the counties and we have the health facilities in the counties.

Mr. Temporary Speaker, Sir, I can remember when this pandemic was announced, counties went ahead and did supplementary budgets and channeled a lot of resources towards preparedness to handle this pandemic. In many counties like mine, development activities were set aside and most of the monies were channeled towards Covid-19 preparedness and emergency issues.

The sad thing is that right now we are hearing that still counties are not prepared. Whenever these incidents occur in the counties, people have to be rushed to Nairobi or to other major facilities. That leaves us to wonder whether counties have capacity to handle this serious issue.

Mr. Temporary Speaker, Sir, I urge the county governors to make sure that they provide the necessary facilities. Like today, we have been talking about the late Member of Parliament (MP) who passed away because he could not get oxygen at a county facility. That is what we are going through. I urge the governors that they need to take the lives of Kenyans seriously. They need to make sure that the funds are used properly.

The Universal Health Coverage (UHC), which now after the four county pilot program is being rolled out, we need to check whether the counties have capacity to

implement that. It requires a lot of resources and the Government must be ready to channel them to the counties, to make sure that the UHC coverage becomes a reality.

Mr. Temporary Speaker, Sir, in the education sector, we have been told that the Competency Based Curriculum (CBC) has already been fully rolled out. However, I have been wondering how we are taking our education system. Some of us went through the 7-4-2-3 system. The 8-4-4 system came and now we are in the CBC System.

Our neighbors like Tanzania and Uganda are still in the old system. We have to look at how we are taking our education system. Sometimes we might disconnect ourselves from the rest of the world; that a Kenyan trained professional will only be limited to working in Kenya because of the kind of system we are going through. Let us see what we are doing with our youth.

Mr. Temporary Speaker, Sir, I commend the President on the issue of full transition from primary to secondary where he said that in the next 24 months, 12,500 classrooms need to be constructed. I hope those who have that responsibility like the MPs who handle the Constituencies Development Fund (CDF) are prepared to make sure that those structures are in place so that this becomes a reality to our youth.

On the state of the economy, the President mentioned the Big Four Agenda and the strategies, which are there. These are very good ideas. I hope that we will implement them especially the issue of liberating the urban poor in terms of housing. I hope we will be constructing enough housing. The 500,000 public housing has not been achieved. It is only in Nairobi where a few have been constructed. It is better that we put these things into practice.

Mr. Temporary Speaker, Sir, on the issue of youth transition from wage earners to owners of capital, the *boda boda* has been hailed as one of the sectors, which generate a lot of revenue of about Kshs357 billion in a year which is more than what we give to the counties.

However, they need to be organized since they are everywhere. Let the Government at least provide that leadership to make sure they are organized by both the county and national governments. This is so that we make sure our youth harness this capital which they have.

Mr. Temporary Speaker, Sir, for our country to move from a net consumer to a net producer, infrastructure is very important as the President has said. We need to invest in that. This is because you can only move from the producer to the consumer through a proper infrastructure, be it road or rail. It has to be in place. That is a focus, which the President has shown and we need to support him.

Lastly, on this issue of Building Bridges Initiative (BBI), it has been hailed that it is a good idea. We support it. That is what we have been saying as Kenyans. I like what the President said that the issues raised by various stakeholders which need to be discussed and addressed by consensus.

Mr. Temporary Speaker, Sir, one of those issues is the issue of revenue. We have had a protracted debate in this House for about two months agreeing on the revenue formula.

However, some of us who have been trying to make sure that, that formula does not pass the way it was being proposed by the Committee on Finance and Budget feel

that that formula has been reintroduced through the backdoor in the Constitution amendment.

That is why it is talking of something just like the “one man one shilling”. This is because population is the only factor, which is being considered. Land mass, poverty, level of development and all the other issues are not there. You are told you cannot get per capita of more than three times in Nairobi County.

Mr. Temporary Speaker, Sir, for those counties, if you use the same formula on this year’s allocation, nine counties were losing between Kshs600 million and Kshs2 billion. Those counties are like Lamu, Isiolo, Tana River, Marsabit, Wajir, and Samburu which are all affected by population.

When we introduce that kind of punitive and discriminative clause in the Constitution, we are making it difficult. It is better even when it was in the formula when we can argue here. You put it in the Constitution and you are making it difficult for that equity to be achieved. Let us not give Kenyans by one hand and deny it with the other by introducing that in the Constitution.

Mr. Temporary Speaker, Sir, also the issue of representation needs to be checked. You introduce 70 seats and then they are based on population because that is where we talk of multiple representation constituencies. It is because of the population. That will disadvantage some areas because others will have more representation especially in the National Assembly. My thinking has been this. This House was almost dissolved or being threatened. Still the dagger hangs over our head. We are to be dissolve because of the two-third gender rule.

Mr. Temporary Speaker, Sir, I thought this was one of the easiest ways to correct that, but now we are running away from it. In the National Assembly where the numbers are more, it is even made difficult to attain it by even removing the women representatives. Let us look at it wholly and not rush it so that it becomes a divisive tool instead of being something to unite this country.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante sana. Naona niko na Sen. (Dr.) Ochillo-Ayacko, Sen. Halake, Sen. Wario, Sen. M. Kajwang’, na Sen. Mwaruma. Muda umeyoyoma. Nafikiri mngenda kuchangia.

Hatusitisha huu Mjadala, lakini sijui kama itawezekana kwamba nyote mnataka kuzungumza katika kikao hiki. Kama ni hivyo basi tupatie kila mtu dakika nne. Haitawezekana. Kwa hivyo, tuendele tu. Haya basi tumpatie nafasi Sen. (Dr.) Ochillo-Ayacko.

Sen. (Dr.) Ochillo-Ayacko: Thank you very much, Mr. Temporary Speaker, Sir, for giving me an opportunity to make my remarks regarding this very important address by the Head of State.

It is an annual ritual and if you do not get an opportunity to remark about what the President espouses on policy, I think it is a problem.

Having said that, the President made very good and encouraging remarks. However, depending on what you want to see or hear from those remarks, there are those who heard differently. There are those who saw different things and, therefore, are full of negativity and Pygmalion effect.

Mr. Temporary Speaker, Sir, I do not wish to regurgitate or amplify the good and positive things that the President said. I know we were all present. We all heard and saw. Those who have hearing and seeing challenges had other methods of being communicated to. So, they are all briefed about what the President said.

The BBI that most people castigate and blame their problems on is an attempt at solving a very serious problem. The President alluded to and also talked about in his speech and other leaders have seen.

Mr. Temporary Speaker, Sir, if you read the Bible in the Book of Mathew 12: 22-28, it talks about a divided house. A divided house cannot stand and is doomed to fail. This nation is doomed to fail on the basis of its serious divisions. We are divided at the executive. We have an executive that is so hopelessly divided that it cannot speak in one voice. We are divided at the legislature both here at the Senate and the National Assembly and between the Senate and the National Assembly. The public who pay for our resources do not get value for money on account of our division.

Mr. Temporary Speaker, Sir, we are divided among the communities where we come from. We are divided in terms of our economies and culture. These divisions have serious impact on our performance and delivery as a nation.

If we do not address the serious divisions that we have among us, we will be a nation that is destined to fail. We will fail because we have not taken an initiative to come together. This is the purpose of BBI. It is an attempt to bring everybody together so that divisions that are running deeper among ourselves do not become our Achilles heel or our likely failure. We need to deal with them

Mr. Temporary Speaker, Sir, look at the Executive and what used to be Jubilee Administration in 2013, what became of it in 2017 and what the Kenyan public are paying for by way of resourcing Government. Are they getting the value for their money? Are services being delivered? The leadership says something and those who are supposed to assist or work with the leadership do or say other things. We, as Kenyans, are helpless. We cannot do anything to rectify it.

However, at least we have BBI to talk about this so that we can move together. Once we put an executive in place, we expect that executive to deliver for us. We who have entered leadership through opposition trenches must also stay united and focused. We must not lose our steps, sight and responsibility that we were brought here to achieve.

Mr. Temporary Speaker, Sir, we have had to metamorphose and try to rescue the executive from disappearance or failing to deliver because the executive itself is so divided. When we try to do that even at the level of the legislature, we cannot deliver policy and legislation because we are fighting with our sister House.

I believe this is the time to seriously and honestly talk about fixing division from the top to the grassroots level. There have been talks about divisions during or after elections. There should be talks too about divisions that are in Government, legislature and the society. This is so that we have a society that can work.

This may appear to be idle talk. Mr. Temporary Speaker, Sir, you are familiar with what is called structures in organizations. You may have a wonderful strategic vision. You may plan and have a strategic plan and management in place. However, until you have a structure that can deliver this, that vision remains a pipe dream. I think BBI is

trying to restructure Government so that we have a structure that can deliver the vision that those who get elected to lead the nation have envisioned for their flowers.

Mr. Temporary Speaker, Sir, having said that, the President talked about the youth and the need to empower and not incite them. Many people want to use the youth to incite, make them angry and weaponized their emotions so that they can ride on the crest or energy of the youth to high offices. That is extremely dangerous. Since the President spoke about it, I believe we in leadership must flag the importance of empowering our young persons.

I think the way to go is to look at agriculture. For my county, we would want to look at fishing in Lake Victoria. We have young persons who have gone to school in primary, secondary and university. They are next to a resource called Lake Victoria and they cannot make wealth and employment out of it. They are Mihuru Bay, North Kadem, Sori Bay and in other places.

Mr. Temporary Speaker, Sir, we have young people in my county who want to ache a living out of sugarcane farming, cutting, loading, driving tracks and other things. However, the only factory called Sony Sugar Company that is supposed to give them an opportunity for this has not been fast-tracked and has not received resources to rebuild it so that these activities can go on.

We have young people in Uriri, Kuria East, Kuria West, Suna East and Suna West Sub counties who depend on tobacco cultivation. These young persons should actively be involved in growing, harvesting and selling tobacco and all the value addition processes that should happen.

Mr. Temporary Speaker, Sir, if we empower young people in all counties, then the opportunists who want to incite them and use their emotions to ride to high offices will not get room to do so. I am happy that in the President's Speech, the plight of young persons was flagged.

I hope policy implementers who assist the President will pick that. I hope they will ensure that young people get interested in agriculture and rewarded with opportunities in agriculture. That young people are encouraged to be productive in their rural settings.

Mr. Temporary Speaker, Sir, another threat that the President flagged out was corruption. Corruption is a threat to the progress that we have made in this nation. It must be dealt with for what it is and the destruction it causes in our society. I am happy that the President flagged it. I am happy that policy makers and implementers have also identified it.

There is need to ensure that we deal with corruption both administratively in terms of legislation and pursuing the matters in court in a manner that is definitive. If we do not do so, all the resources that we allocate will go to waste. All our beautiful programs and plans will not see the light of day.

Mr. Temporary Speaker, Sir, I conclude by saying that BBI is a positive document. Sen. (Dr.) Ali talked about the need to oppose it because it does not help with marginalization. The BBI is allocating resources to wards. The marginalized people need resources and opportunities to discuss their priorities.

I believe in the county where all of us who are marginalized come from we have wards. Let us have resources there as the Ward Fund. Let us have more allocations there and discuss what we prioritize instead of always blaming the center.

Mr. Temporary Speaker, Sir, with those very many remarks, I thank you for the opportunity and I support.

The Temporary Speaker (Sen. (Dr.) Mwaura): Thank you very much. Sen. Wario, proceed.

Sen. Wario: Asante sana Bw. Spika wa Muda. Nitazungumza kwa muda mfupi ili nimwachie dadangu dakika kwa vile naona amekusukuma hapo nyuma.

Nimeangalia vizuri na kweli kunayo mazuri mengi ndani ya Arifa ya Rais ambayo ametoa hapa Bungeni. Kwa kweli alianza kabisa na wimbo wa taifa. Najivunia kwamba wimbo wa taifa hakika ulipatikana upande wangu huko Tana River. Mzee ambaye aliweza kuitunga wimbo huo alikufa tu miezi miwili iliyopita huko Makere ya Gwano.

Kwa kweli BBI ni Ripoti kubwa ambayo ina mengi mazuri ndani, lakini nasi tuko na mengi ya kuweza kuweka kwenye hiyo BBI. Tungependa kama kuna fursa, mambo yetu ambayo ni muhimu yawekwe ndani ya hiyo Ripoti ya BBI. Tukipewa hiyo nafasi hatuna lazima ya kuipinga na tunaweza kuiunga mkono. Lakini kwa wakati huu kuna mengi ambayo iko nje ya BBI.

Bw. Spika wa Muda, unaelewa vizuri ya kwamba, Rais wetu alizindua lugha ya Kiswahili tukiwa pale nje ili iweze kuongelewa katika Bunge zote tatu; Bunge la Kitaifa, Seneti pamoja na Bunge za Kaunti na nakala zote ziweze kuandikwa kwa lugha ya Kiswahili. Hapo mbeleni, ningependa Arifa ya Rais iweze kuandikwa kwa lugha ya Kiswahili ili tuweze kufahamu vizuri na kukuza lugha ya Kiswahili.

Kwa mambo ya ardhi, sisi wengine tunawakilisha ardhi ambayo ni kubwa ambayo watu wake ni wachache. Mambo hayo yakiwekwa katika hiyo Ripoti ya BBI, sisi tutaweza kuiunga mkono. Ninaunga mkono.

Asante.

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante sana kwa vile ambavyo umeongea kwa ufasaha wa Kiswahili hususan kuunga mkono kwamba Kiswahili kiweze kutukuzwa. Sijui kwa nini mara nyingi huwa naona watu wakihofia kuzungumza kwa Kiswahili. Sio lazima uzungumze kwa ufasaha, kwa sababu, lugha hii sisi katika Bunge la Seneti ndio wa kwanza kuendesha vikao katika lugha ya Kiswahili. Wale wa Bunge la Taifa waliwahi kutupiku.

Kwa hivyo, ningependa kusema kwamba jopo kazi ambalo linatengeneza Kanuni za Kudumu za Bunge hili liweze kuharakisha, ndiposa tuweze kuonyesha mfano mwema.

Sen. M. Kajwang', endelea.

Sen. M. Kajwang': Mr. Temporary Speaker, Sir, I rise to express thanks to the President for the exposition of public policy contained in his Address to the nation which was the Seventh State of the Nation Address. Even though the President has benefited from very poor legal advice as evidenced by the last decision of the High Court, the President has been faithful to Article 132.

Article 132 says the President shall in an address to the nation, explain measures taken to ensure the realization of values and principles of the nation. It was interesting that in this Senate, we considered a case where a governor was accused of not addressing

the county and that the interpretation was that that address must be held in the county assembly.

We realized that it is possible for a governor to address the county from a hotel or even a bedroom. It is possible for the President to address the nation from Manyani. However, in this particular case, the President has been faithful to the Constitution and he has come to Parliament for the last seven times.

This is one Speech that I heard in silence without disrupting the President. I do recall that on the occasion of the Fifth Address, some of us had to be hauled out of Parliament for allegedly being out of order and yet at that time we were protesting against electoral injustice in this country. We were protesting against corruption. We were protesting against an economy that was no longer providing opportunities to young people. I am glad today that the conversation is about electoral reforms, corruption and growing our economy.

Mr. Temporary Speaker, Sir, the President said a lot of things and my colleagues have spoken about them. However, the plot of his speech reflected the urgency of the nation. The most urgent matter for the nation at this moment is the COVID-19 pandemic.

The President and all of us have to make a very deliberate balance between lives and livelihoods. If you are going to protect lives, you will probably destroy livelihoods. If you are going to focus on livelihoods, you will probably destroy lives.

Mr. Temporary Speaker, Sir, when the pandemic started, the focus in this country was on lives. We shut down the country. The economy came to a halt and livelihoods were affected. Now in the second wave, we are finding ourselves in a situation where we are saying that people must eat even though people are dying. The jury is still out.

Maybe history and generations coming will judge us whether this was really a rational decision for us to prioritize livelihoods over lives. Even in this Senate and Parliament, we know many of us are affected.

Mr. Temporary Speaker, Sir, I am not embarrassed to say that I probably have had COVID-19 and I have fought it. I have used the remedies and the measures that have been prescribed. It should not be a shameful thing because the first step towards---

The Temporary Speaker (Sen. (Dr.) Mwaura): Samahani, unasema kwamba ulikuwa na ugonjwa wa COVID-19?

Sen. M. Kajwang': Mr. Temporary Speaker, Sir, yes, I am not embarrassed to say so. The message we must send out is that we, the political class, we are not immune to COVID-19. There are Kenyans who are waiting for a politician to die of COVID-19 for them to believe that this thing is real.

This is not a disease for the forgotten. It is not a disease for the people at the bottom of the pyramid. This is a disease for all of us. The President talked about measures that he has put in place to safeguard lives and he talked about measures to safeguard livelihoods.

Mr. Temporary Speaker, Sir, the President when it comes to livelihoods was very heavy on fiscal and monetary interventions. Unfortunately, the President's focus is on the people who are already in the formal sector. We know that this economy is driven by the informal sector.

When you talk about reduction in corporate tax and PAYE, these are people who are already in the formal space and that is the minority in this Republic. What about the informal sector? Of course you will tell me that VAT applies to everybody because it is a consumption tax.

Mr. Temporary Speaker, Sir, the President needs to think much more about the informal sector because that is the driver of this economy. It is easy for the President to tell us how many companies are registered every day. I do recall he gave us a figure of about 400 companies every day, but how many companies are collapsing every day?

It is easy to tell us that youth are getting jobs through *Kazi Mtaani* program, but how many people are losing jobs every day? The spirit of a State of the Nation Address is not to tell us intentions. It is to tell us the results of the policy interventions and the measures that the Government has taken. How many people are now in abject poverty?

Mr. Temporary Speaker, Sir, you know that this economy has shrunk for the first time in the last seven years. If our economy has shrunk and we became a middle income economy simply because our Gross Domestic Product (GDP) had risen and perhaps it was because of the rebasing of the GDP, are we still a middle income economy? How many people have shrunk further into poverty as a result of these economic dynamics?

I wish and hope that in future, the President will be focused more on the results of his interventions rather than the intentions that he has for this Nation.

Mr. Temporary Speaker, Sir, the National Youth Council (NYC) that has been proposed in the BBI is a brilliant idea. Sen. Sakaja was here and in the last Parliament we were in the Committee on national Cohesion, Equal Opportunity and Regional Integration.

Through him we pushed through the National Employment Authority (NEA) which has done nothing to ensure that young people get opportunities. If you want to know how an employment authority would work, I want to invite the nation.

If you like to read the comic strip of a man called Andy Capp, Andy Capp is supposed to be a typical British middle aged man who loves his beer and football. Every day he goes to an employment agency or bureau where they help him to get placement for jobs.

Unfortunately, he is a bit of a miscreant so ever since I started following Andy Capp, he has never gotten a job. That is what the NEA was supposed to do until they started staffing it with people who are basically octogenarians and are completely out of touch with the needs of the young people in this Republic.

Mr. Temporary Speaker, Sir, that is one of the reasons why I support the BBI proposals to establish a Youth Commission that would specialize in matters that affect the youth and will mainstream youth issues in the national conversation, planning, budgets and policies.

A lot of us in this House have spoken to the powers of the Senate.

The Temporary Speaker (Sen. (Dr.) Mwaura): Seneta, nimekuongeza dakika zingine nne uweze kumalizia tafadhali.

Sen. M. Kajwang': Asante sana Bw. Spika wa Muda. Many of us have spoken to the powers of the Senate under the BBI dispensation. I want to disagree with my

colleagues who have argued that bringing 47 women into this Chamber is going to weaken this House.

Let us ask ourselves: The functions that are devolved, who do they affect more? If it is water, it is women. If it is health, it is women. If it is other things like Early Childhood Development and Education (ECDE), it is women. What do we lose by making sure that we mainstream gender in this House?

In fact, in this House, we should be happy that we will achieve gender parity. The people who should be concerned are those at the National Assembly and other appointive positions.

If going by the Supreme Court of Kenya opinion and the High Court of Kenya ruling that made it mandatory for the two Speakers to consult before Bills are introduced in either Houses is applied faithfully, it is only the Appropriation Bill and maybe three or four other Bills touching on the national Budget that will not come to the Senate. What will stop the Senate from being the check on the excesses of an Executive that sits in the National Assembly?

Let us look at the silver lining on this cloud. The Chair of the Committee on Justice, Legal Affairs and Human Rights has brought a wonderful Statement in this House on matters that can be considered. Even if they cannot be resolved, we can have it on our to-do list so that even post BBI---

We are not saying that there can only be one referendum in the Republic of Kenya. We can have as many as possible but because this BBI process is aimed at fixing electoral injustices, we must get it done so that we have enough time to prepare for the next elections.

For those who are arguing that we need to bring on board additional issues, if those issues are outside the nine-point agenda, I am sorry, they will be bringing irrelevancies. Even our Standing Orders have rules on irrelevancies.

Why do I say so? What are the churches not coming up with issues around the Kadhi Courts because that was a point of conflict in the last referendum? What, if people come with issues around abortion or the rights of LGBT? Are they BBI issues or are they the things that will divide us?

The President and the Rt. hon. Raila have always asked us why we cannot for once, focus on the things that we are agree on and that unite us a nation and there will be time for us to address the other things that divide us.

I encourage this House that, even if we are going to support the proposals as they are, truth be said, they do not address the aspirations. That is why even in the US there were various amendments. No one can argue that there was only one amendment to the American Constitution that fixed all the problems they had. Even today, the struggle still continues. With the Black Lives Matter (BLM) movement, new issues keep coming up. People keep discovering things in the Statute books that made black people look like they did not belong in the American society.

Mr. Temporary Speaker, Sir, bringing the Cabinet in Parliament is an important move because the Cabinet has been far detached from the interest and the welfare of *wananchi*.

As Chair of the Devolution Committee, if I needed quick answers on devolution, I will have to go and line up to, God knows where, but if it was in this House, I can assure the nation that---

The Temporary Speaker (Sen. (Dr.) Mwaura): Asante sana Mhe. Seneta, kwa kuzungunza kwa ufasaha mwingi.

ADJOURNMENT

Sasa hivi, Waheshimiwa Maseneta, ni saa kumi na mbili na dakika thelathini na nne, wakati wa kusitisha Kikao hiki cha Seneti, Kikao hiki kimeahirishwa mpaka Jumanne, tarehe 24, Novemba, 2020, saa nane u nusu.

The Senate rose at 6.34 p.m.