

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 18th February, 2021

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

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

PRAYER

PETITION

APPOINTMENT OF CEO OF THE NHIF

The Speaker (Hon. Lusaka): I will report the Petition that I have next week.

(Petition deferred)

Next Order.

PAPERS LAID

REPORT ON THE FINANCIAL OPERATIONS OF VARIOUS COUNTY EXECUTIVES

Sen. Dullo: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Thursday 18th February, 2021-

Report of the Senate Sessional Committee on County Public Accounts and Investment on the inquiry to the financial operations of the following County Executives for the Financial Year 2014/2015, 1st July, 2014 to 30th June, 2015-

1. Bomet County
2. Homa Bay County
3. Isiolo County
4. Kakamega County
5. Kiambu County
6. Kisumu County
7. Laikipia County
8. Mandera County
9. Migori County

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10. Mombasa County
11. Murang'a County
12. Nandi County
13. Nyeri County
14. Samburu County
15. Siaya County
16. Tana River County
17. Tharaka Nithi County
18. Trans Nzoia County
19. Turkana County
20. Wajir County

(Sen. Dullo laid the document on the Table)

REPORT OF THE MEDIATION COMMITTEE ON THE EARLY
CHILDHOOD DEVELOPMENT EDUCATION BILL
(SENATE BILLS NO.26 OF 2018)

Sen. Omogeni: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Thursday 18th February, 2021-

The Report of the Mediation Committee on the consideration of the Early Childhood Development Education Bill (Senate Bills No.26 of 2018).

(Sen. Omogeni laid the document on the Table)

NOTICE OF MOTION

ADOPTION OF REPORT OF THE MEDIATION COMMITTEE
ON THE EARLY CHILDHOOD DEVELOPMENT EDUCATION
BILL (SENATE BILLS NO.26 OF 2018)

Sen. Omogeni: Mr. Speaker, Sir, I beg to give notice of the following Motion-
THAT, this House adopts the Report of the Mediation Committee on the consideration of the Early Childhood Development Education Bill (Senate Bills No.26 of 2018).

The Speaker (Hon. Lusaka): We move on to the next Order.

STATEMENTS

THE ABUSE OF CHILDREN UNDER THE CARE
OF FOREIGN MISSIONARIES

Sen. Were is not there. If she comes back, she will table it.

Sen. (Dr.) Mbitio, also has two Statements. He is also not here.

THE FILM POLICY AS THE SUREST WAY TO SPUR
GROWTH IN THE INDUSTRY

IMPLEMENTATION OF POLICIES TO PROTECT CHILDREN
FROM HARMFUL ONLINE CONTENT

(Statements Deferred)

Proceed, Sen. Mutula Kilonzo Jnr.

REFUSAL BY THE KENYAN GOVERNMENT TO APPROVE INCREASE
OF PASSENGER FLIGHTS ON THE DUBAI-NAIROBI ROUTE

Sen. Mutula Kilonzo Jr: Mr. Speaker, Sir, I rise pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on Roads and Transportation on the refusal by the Government of Kenya to approve the application by the Emirates Airlines to increase the passenger flights on the Dubai-Nairobi Route despite a bilateral agreement between the Governments of the two countries as supposed the application. In the Statement, the Committee should answer the following queries-

(1) Explain the reasons for the two rejections of Emirates Airlines application to re-introduce the third daily flight through a letter dated 3rd March, 2019 and also increase the passenger flights from seven to nine per week through a letter dated 6th January, 2021;

(2) Explain why the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works breached the Memorandum of Understanding (MoU) for air services between the United Arab Emirates (UAE) and Kenya, which had been implemented in good faith for 15 years giving unrestricted entry to Emirates Airlines;

(3) Explain the reasons why the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works has not utilized the clause on consultations under the said agreement.

(4) Confirm whether the Ministry is aware that the United Arab Emirates (UAE) Government has constructed a stall for the Kenya Government at the Dubai Expo beginning October, 2021, and this dispute might ruin very many available business opportunities increasing the imbalance of trade.

(5) Confirm whether the Ministry is aware that the UAE Government had committed to build a modern COVID-19 laboratory at the Jomo Kenyatta International Airport (JKIA), and this dispute might ruin that opportunity.

(6) Confirm whether the ministry of Transport, Infrastructure, Housing, Urban Development and Public Works is aware that Kenyans have been barred from the United States of America (USA) and the negotiations and other issues concerning this matter might stall due to this dispute.

Mr. Speaker, Sir, with your leave, allow me to table---

The Speaker (Hon. Lusaka): Senator, is it USA or UAE?

Sen. Mutula Kilonzo Jnr.: Sorry, Mr. Speaker, Sir. It is United Arab Emirates. With your leave, allow me to table-

- (1) The Memorandum of Understanding (MoU) dated 16th September, 2002 between the UAE and the Republic of Kenya.
- (2) The letter dated 3rd March, 2019 from UAE to Hon. James Macharia, EGH.
- (3) The letter addressed from the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works dated 14th March, 2019 to the Regional Manager, East Africa Emirates Airline.
- (4) Letter to Mr. James Macharia from the UAE, and I have quoted the date.
- (5) Request by UAE dated 6th January, 2021.
- (6) The refusal dated 29th January, 2021.

Thank you.

(Sen. Mutula Kilonzo Jnr. laid documents on the Table)

The Speaker (Hon. Lusaka): Sen. Wambua, proceed.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I thank my brother, colleague and neighbour, Sen. Mutula Kilonzo Jnr., for bringing this matter to the attention of the Senate. This is matter goes beyond the UAE.

It will be remembered that discussions have been held here and elsewhere, on attempts by the national Government to protect Kenya Airways (KQ). Decision makers are trying to create a monopoly for KQ, in a trade that is international in nature and where you can never succeed in creating a monopoly. The only thing that you can do is to up the game for KQ.

Every time we curtail airlines from increasing their flights into our country, we shoot ourselves in the foot. How do we even begin to bring a balance in the trade between Kenya and the UAE if we are not allowing additional flights to come into the country?

Mr. Speaker, Sir, last week, I had a discussion with the Deputy Speaker who had visited Dubai, I think alongside Sen. Mutula Kilonzo Jnr. The discussion revolved around the opportunities available for us to even bridge the gap in the imbalance of trade between Kenya and Dubai. One of those things that we need to do is to open up our space, especially our airports, so that we have more UAE aircrafts bringing in cargo and passengers.

I sit in the Committee on Roads and Transportation--- I can see my Chairperson here. I am very sure when the Statement comes to us, we will to deal with it. I see counsel, Sen. Linturi of Meru County, who also sits in the same Committee.

It is a matter that we have to deal with and ensure that only the right thing is done, not trying to overprotect KQ. Instead, we should look for ways to give it more wings to fly more people and cargo out of this country.

The Speaker (Hon. Lusaka): Sen. (Eng.) Mahamud, proceed.

Sen. (Eng.) Mahamud: Mr. Speaker, Sir, in contributing to this Statement, I am aware air space agreements are between countries at the bilateral level. In fact, quite a number are negotiated and agreed between two countries. In most cases, these agreements are also on reciprocal basis.

The frequency of flights to and out of countries are governed by those countries. I am not aware whether there is an agreement which has been negotiated in that context such that KQ has the right to fly into the UAE and the Etihad Airways frequency to fly into this country.

We must also be very carefully because our country being a sovereign State, I think negotiations are done at country levels---

Sen. Mutula Kilonzo Jnr.: On a point of information, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): There is a point of information. Do you want to be informed by Sen. Mutula Kilonzo Jnr.?

Sen. (Eng.) Mahamud: Yes, Mr. Speaker, Sir.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, on the question of frequency of flights, there is unrestricted entry of Emirates Airlines to Kenya in the agreement. However, more importantly, KQ is operating 12 flights to Dubai.

Sen. (Eng.) Mahamud: Mr. Speaker, Sir, I was just mentioning the way bilateral agreements are structured. This is a unique one of unrestricted. Why unrestricted? That is also a question we need answer although we are guided by the decision taken by the Government.

As a former diplomat, I think sometimes we must be careful not to be seen to be acting for other nations and other national interests.

The Speaker (Hon. Lusaka): Sen. Wetangula, proceed.

Sen Wetangula: Thank you, Mr. Speaker, Sir. I join Sen. Mutula Kilonzo Jnr., the distinguished Senator of Makueni County on this Statement.

The Emirates have arguably become the busiest transit centre in the world. No longer do people routinely fly to Europe to go to USA or other places; they go to Dubai and fly to all other parts of the world.

Mr. Speaker, Sir, when we breach an agreement that we have signed, giving unlimited access to our airspace and international airport, when we are not getting similar restrictions, it is not a reasonable act. As the Committee looks at this, Sen. Wamatangi and his group must remember that we have over 60,000 Kenyans working and living in the UAE who require frequent flights back home for this or that reason. That must be looked at.

Second, KQ has no restrictions in flying to UAE. Its only restriction is its sheer incompetence and inability to offer services commensurate and in comparison with other airlines.

(Applause)

If KQ was competitive, nobody would be bothering to worry about Emirates, Etihad, Qatar or other airlines.

Thirdly, Kenya cannot live in isolation; we are part of the global village. Our connection particularly through Dubai and Abu Dhabi with the two airlines has given us comparative advantage in traveling to many parts of the world.

Any restriction being imposed by any unreasonable act by a Government official or a group of Government officials, must be condemned by this Committee. Such

restriction must be lifted as soon as is practically possible for us to continue enjoying economics of scale between our two countries.

The Speaker (Hon. Lusaka): Sen. Cheruiyot, proceed.

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. I agree with my colleagues in most of the issues that they raised. However, I hold a slightly different tone and view in terms of what the Committee should endeavour to find out in addition to what Sen. Mutula Kilonzo Jnr. and the rest of our colleagues have requested about.

Issues of trade and trade barriers are not that simple to the point where as a House the Parliament of Kenya we can unilaterally condemn the action of the Kenyan Government officials in what I would consider to be enhancement of protectionist policies that will defend our space as a people, and secure better businesses for local homegrown businesses and our people.

I agree with them that, indeed, if we have an existing agreement between us and the UAE and there are certain breaches to it, then it is incumbent upon the Government to ensure that we respectfully honour and keep our negotiations as they had been agreed at that particular time. One of the things, additionally that the Committee should do is to address the issue of trade imbalance between Kenya and the UAE.

We are using so much vigor and energy defending the Emirates Airlines because of their competence and the work that they do. We need also to ask those Ministry officials, when they come here what is it that the UAE can do in terms of availing trade and business opportunities for many of our citizens.

It is not a secret that today if you try to export anything to that country, the standards and the demands upon which they place on many of our goods that come from this country are almost impossible and restrictive in nature. Therefore, this presents us an opportunity---

Sen. Wetangula: On a point of information, Mr. Speaker, Si.

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

Sen. Wetangula: Mr. Speaker, Sir, I want to inform my distinguished colleague from Kericho notwithstanding his eloquence, he is short of facts. The Emirates has opened to Kenya a transit market for our flowers, the same way Amsterdam has. All you need is to take our flowers to Emirates and trans-export to any other part of the world. In fact, it is our incompetence that is tilting the trade balance against us. It is not their incompetence. So, the Senator for Kericho is actually arguing per *in curium*.

The Speaker (Hon. Lusaka): There is further information so that you can---

Sen. Mutula Kilonzo, Jnr.: The Senator of Kericho is not aware that the Kenya Government and the UAE Government signed agreement on standards. That is the reason you will find Makueni mangoes, avocado and flowers in a market in Dubai. That is the same reason that you will find their airline landing in Eldoret, Uasin Gishu County to transport goods from Dubai and leaves empty because they have already exchanged a bilateral agreement on standards. So, do not quote standards, quote incompetence.

(Laughter)

Sen. Cheruiyot: Mr. Speaker, Sir, I hold a completely different view and these are not my words. At our last Committee visit - I cannot remember which Committee it was - we visited the Kenyan Consulate in the UAE. These are the concerns that the Kenyan officials were raising with us as leaders of this country. They were wondering what is it that we, as a people in leadership, are doing about the imbalance of trade between us and them.

Those things that you have said are true, but I have told you the standards that they have set for our goods or mangoes that Sen. Mutula Kilonzo Jnr. quoted, is found to have even a simple natural defect, the whole fleet is sent back.

Go to Jomo Kenyatta Airport and ask people who do exports of goods to UAE; they have an experience with them. It will be important when these officials come that Sen. Moses Wetangula and Sen. Mutula Kilonzo Jnr. listen to the challenges that they continue to face. However, that is not to say that we should renege on the agreements that we had. I challenge them that on that particular day when they come, let the two of them be in this House so that we listen to the facts as they are presented before us. I agree with them that, indeed, Kenya deserves better from what we receive from our trade partners. This is not the only country.

Thank you, Mr. Speaker, Sir.

Sen. Faki: Asante, Mhe. Spika kwa kunipa fursa hii kujiunga na Maseneta wenzangu kuunga mkono Taarifa iliyoombwa na Seneta wa Makueni.

Ni kweli kwamba Serikali inajaribu kulinda Shirika la Ndege la Kenya Airways kwa sababu hata Mombasa wamezuia mashirika mengine ya kuweza kusafirisha abiria kutoka nje.

Wakati umefika sasa kuona kwamba Wakenya tunapata *value for money*; hatuwezi kuwa tunaendelea kusubsidize ama kuitilia nguvu Kenya Airways wakati wao wenyewe wana uzembe na utepetevu katika kuendesha kazi zao.

Tunaomba kwamba Kamati husika iingilie swala hili kwa undani zaidi kuhakikisha kwamba kama kuna jambo lolote ambalo linaweza kufanyika kuongeza idadi ya ndege zinazokuja kutoka UAE, ziweze kupatikana kwa sababu hii itasaidia Wakenya wengi ambao wanasafiri kibiashara na vile vile kikazi katika nchi hizo za Uarabuni.

Asante sana, Mhe. Spika.

The Speaker (Hon. Lusaka): Sen. (Prof.) Kamar, you look surprised.

(Laughter)

Sen. (Prof.) Kamar: I am not surprised, Mr. Speaker, Sir. I was busy reading something. Thank you for giving me the opportunity to support the Statement by Sen. Mutula Kilonzo Jnr.

In Uasin Gishu we are honoured to receive goods that come to Nairobi. In fact, it is a clearing place for goods that go to Eastleigh. However, it is true as Sen. Mutula Kilonzo Jnr. said, the cargo Emirates flight leaves Eldoret empty. We are now aware that it does not go back to Emirates directly anymore, it comes to Nairobi to pick flowers and go to Amsterdam. Thirty per cent of the flowers are nearer Eldoret than Nairobi.

When we talk of efficiencies on the ground, our different ministries must address it and remedy the situation. If 30 per cent of the flowers are from Eldama Ravine and

Uasin Gishu, the same flowers come to Nairobi only for the Emirates flights to leave Eldoret and come to Nairobi to pick them and fly to Amsterdam. It makes no sense at all.

I support that there are a few things that we must deal with. As the Committee looks at this, let them go beyond transport and address the issue of trade. Sometimes we talk of trade imbalance and we have no goods to give to anybody.

In Uasin Gishu, for example, we should have been exporters of both flowers and grains. We are aware that the UAE is a net importer of food. There are many grains, including beans and pulses that we should be able to export. When we talk of export of beans and avocados, the processing has been standardized. Anything that goes to the EU is processed by the Kenya Plant Health Inspectorate Service (KEPHIS) the same way they would process goods that go to the UAE.

Our biggest problem is the fact that we have not gone forward to do what we must do. There must be somebody exporting avocados and mangoes which are in the shelves in Dubai. If there is somebody who is doing so, then it means that it is possible to do it.

As the Committee is looking at the restrictions being imposed on the flights, they should also look at the barriers that seem to exist that affect the export of goods.

I know that we have tried, we have been thinking about this in Eldoret for a while. There are things which must be done by either the county government or the national Government to address trade imbalance. For example, having storage that is of the right standards and cooling structures for fresh produce. We do not have those facilities. Therefore, we cannot blame anybody when we cannot send anything from Uasin Gishu. We have that challenge and we will address it.

The minute we discovered that the Emirates actually comes to Nairobi to pick our flowers and take them to Amsterdam, we realized that we should be releasing our flowers from Eldoret itself. This is what we are working on with our county government. I hope that it will be done very soon.

In addition to the issues that have been raised, I think that trade angles should be looked at. The Committee should invite, not only the Government officials in charge of transport and infrastructure, but also bring in the issue of trade so that we deal with it, so that will rescue our airport in Uasin Gishu.

Thank you very much for giving me the chance.

Sen. (Dr.) Ali: Thank you, Mr. Speaker, Sir. The Deputy Speaker has already said what I wanted to say. As the Committee on Tourism, Trade and Industrialization, we will want to know what is really happening. By the way, we should not always support others, but we should also support our people and tell them when they are wrong.

Some of these people would want to take advantage of our poor situation sometimes. Even if Emirates is doing very well, we should also encourage Kenya Airways to do better so that we are able to take our produce to Europe and everywhere else.

We are not here to fight for the airlines of other countries, our job here is to support Kenya and make sure that Kenyans benefit from all business enterprises, and all those companies that are coming to Kenya as well.

Sen. Wamatangi: Thank you, Mr. Speaker. I will make a quick contribution. First, as an interested party because Sen. Mutula Kilonzo Jnr. is a good friend of mine

and I think that he has raised very important issues that need to be discussed. I am the Chairperson of the Committee on Transport.

I want to first laud Sen. Mutula Kilonzo Jnr. because it is important to raise some of these issues so that they are addressed. We should not be overly concerned with the divergence of views, whether we feel that we want to protect our airline or not. I think Sen. Mutula Kilonzo Jnr. has done well and I must say a few things on this matter.

First, I think that we must make agreements that we are ready to keep as a country. If sit down and have a team that will negotiate either with an airline, an international group or with another government, let us also have a team that is ready look at the document. It is important to append your signature to the agreement if convinced you can keep it. If you find that it is either oppressive or there are areas that you do not want to keep, then do not sign it; annex them out. That way, we will not have this kind of thing.

Mr. Speaker, Sir, when I wanted to fly to Turkey, I was informed that for me to apply for the visa, I could only do so through the Turkish Airline. That meant that if I applied for the visa through the Turkish Airline, I must also fly on the Turkish Airline. The question of countries protecting their own is not new. Many countries protect their own and with good reasons.

We need to bring out causes of these things. The KQ still has a lot of work to do. We had debate on the Floor of this House as to why the Government is going out of its way to give the them Kshs25 billion because they are going under or not managing their things right. Although we love them carrying the Kenyan flag of black, red and green high in every nation, we have to tell them to do what all the other competitors are doing. The KQ has to raise their game and standard.

I have personally had a bad experience with them when I had flown to London using a ticket that had been issued by Parliament of Kenya through the Procurement Department. On the day I meant to fly back as was indicated on my return ticket, I got to the check-in counter and was informed that I could only fly the next day in the afternoon. I urged them to read what was on my ticket, but they refused and insisted that their systems indicated that I could only fly the next day. I was forced to pay for a return ticket with my own money as I could not wait to fly the next day. That is not interesting. I remember also how I had to wait in Paris for 18 hours one time while flying with the KQ. If those are the kinds of services they are offering how can we expect to be competitive.

I expected Sen. Wetangula to speak more because he has fallen victim to the mistreatment by the KQ. As a popular Senator who is known all over the country, there was a time Sen. Wetangula was disembarked from a plane by the KQ just because he was not carrying a national identity card. Sen. Wetangula was embarrassed and left behind by the plane. He is a former Minister of this Republic and he deserved more respect than he received from the KQ.

The Speaker (Hon. Lusaka): There is a point of information from Sen. Wetangula.

Sen. Wamatangi: Mr. Speaker, Sir, I would like to be informed by Sen. Wetangula.

Sen. Wetangula: Mr. Speaker, Sir, I thank my distinguished colleague from Kiambu for raising the issue. I would like to inform the House that the KQ embarrassed

the Senator for Bungoma for not carrying a national identity card yet I was carrying the Kenya Airways Platinum Card which I showed them. They said that their own platinum card was not good enough for them to identify me.

The Speaker of the National Assembly saw the altercation and came forward to say that he knows me very well and that we were even classmates in campus, but they said that was not sufficient identity.

The Speaker of the Senate then, Hon. Ethuro, told KQ staff that I am the Senator for Bungoma County, which he did not have to say because I had served as an Assistant Minister for five year and as a full Minister in the Ministry of Foreign Affairs of this Republic for five years. Can you imagine that the KQ still argued that they did not know who I was?

Sen. Wamatangi: Mr. Speaker, Sir, I did not intend to bash the KQ, but there are things that they must be told to their face to do. We cannot protect bad manners and incompetence. We have to own the KQ as a country and say that it is our national pride and do everything that we should to ensure that they continue to operate. However, the KQ should know that they are in a competitive market and fight for profitability, give excellent service like every other airline as well as up their game in public relations.

The KQ should know that it is not going to be business as usual. We may keep protecting the KQ here with the kind of laws that we pass, but we cannot protect them from the competitors. Who will protect the KQ in Brazil or Paris? The airline sector is a very competitive industry and they should know as much.

(Loud consultations)

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

Sen. Wamatangi: Mr. Speaker, Sir, as the Chairperson of the Committee on Roads and Transportation, we shall look at this Statement with its merits and invite the relevant Cabinet Secretary to have a robust discussion----

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

The Speaker (Hon. Lusaka): There is a point of order from Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Mr. Speaker, Sir. I wonder whether we are in a Parliament of Kenya. One may think that we are in the Parliament of Dubai. How can the Senate Majority Whip bash the KQ in such a manner?

The Speaker (Hon. Lusaka): You are out of order, Sen. (Dr.) Ali.

What is your point of order, Sen. Mutula Kilonzo Jr.?

Sen. Mutula Kilonzo Jr.: Mr. Speaker, Sir, we are bound by our proceedings. The Senator of Wajir County, Sen. (Dr.) Ali, should know that this Senate investigated the conduct and workmanship of the KQ. Following the submissions by Sen. Wamatangi, there is nothing out of order in saying that the taxpayers are coughing Kshs25 billion to help them. In fact, Sen. Wamatangi should bash the KQ more because we are giving them public funds. In any respect, we should not treat them with kid's gloves because that is why they are misbehaving.

The Speaker (Hon. Lusaka): Sen. Wamatangi, kindly conclude.

Sen. Wamatangi: Mr. Speaker, Sir, before I conclude, allow me to inform Sen. (Dr.) Ali that it would be bashing if what I am saying is misconstrued, but that is the truth

and reality of the market place. You have to compete for space by ensuring that you give excellent services. If we kid glove or babysit KQ, they will not survive in the competitive global market. The taxpayers will be forced to cough Kshs25 billion every year.

I started by saying that we love KQ because it is our airline and national pride. However, our national pride must do better than it is doing in terms of ensuring that they give the right services.

Mr. Speaker, Sir, as the Chairperson of the Committee on Roads and Transportation, I will ensure that there will be fair hearing. Where they are wrong, we will tell them as much. Where we should act ourselves to ensure that our territorial integrity is protected, we shall act accordingly. It is my view that the Statement is not misplaced because it raises pertinent issues. The way to go is to ensure that there is balance between the two.

The Speaker (Hon. Lusaka): This issue was canvassed two weeks ago when we had a delegation in my office. We, therefore, need a report as quickly as possible so that we make progress.

Next statement.

MULTIPLE TAX PAYMENT BY LORRIES AND TRUCKS
TRANSPORTING BUILDING MATERIALS
ACROSS COUNTIES

Sen. Malalah: Mr. Speaker, Sir, I rise under Standing Order No.48(1) to seek a statement from the Standing Committee on Tourism, Trade and Industrialization concerning the multiple tax payment by lorries and trucks transporting building materials across counties in Kenya. In the Statement, the Committee should-

(1) State whether the Committee is aware that the transporters of building materials under Swaminarayan Savings and Credit Co-operative Society Limited are being subjected to payment of taxes in all the counties they traverse while transporting building materials;

(2) Indicate whether the members of the said SACCO were involved, by way of public participation, in coming up with the taxes leveled on them by the various county governments;

(3) Clarify to the Senate whether the said taxes are legally established in the counties and the monies allocated channeled to the county revenue collection account; and,

(4) Consider the suspension of these taxes until proper investigations are done on them and a harmonized taxation system on the acquisition and transportation of building materials across counties is adopted.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, I thank you for giving me an opportunity to support this Statement by Sen. Malalah. This Statement is important in relation to the Big Four Agenda which consists of affordable housing, manufacturing, Universal Health Care (UHC) and food security. We should encourage the transportation of construction materials from one county to another so as to allow the development of buildings across

all counties. There should be a standard way of taxing so that there is no triple or double taxation of materials and also to ensure that if materials are taxed, then it should just be once.

Mr. Speaker, Sir, I hope that when this Statement comes, probably to the Committee on Tourism, Trade and Industrialization, we will look at it with an open eye and see how we can help Kenyans in the manufacturing and building industry.

I support.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I want to thank Sen. Malalah for raising that issue. However, I thought I should bring to the attention of the Senate that the Committee on Finance and Budget had a retreat and I am glad my Chairperson is here. That is the landlord and Senator for Kirinyaga County.

We had a session with the National Treasury on the issue of own-source-revenue on this aspect alone. In fact, there is a policy that has been tabled by the Executive on the idea of not taxing goods across the highways from county to county. I hoped that Statement will be directed to the Committee led by Sen. Kibiru because this information is available with us. What counties are doing is against an Executive Policy only that the Bill is stuck in the National Assembly.

Mr. Speaker, Sir, my contribution to this is to urge you to redirect the Statement to Sen. Kibiru's Committee.

The Speaker (Hon. Lusaka): I actually thought so because there were detailed discussions on this and some conclusions were made. So, I direct the Statement to the Committee on Finance and Budget.

Please move with speed because traders are really complaining. There is an outcry out there that they are not doing any business. Those are people who are in business. Given that they have brought the matter here again, it shows how they respect and the confidence they have in the House. So, Sen. Kibiru move with speed and give us a report.

Sen. Mwaura is not yet here. Let us have the Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 23RD FEBRUARY, 2021

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, pursuant to Standing Order No.52(1), I hereby present to the Senate the business of the House for the week commencing Tuesday, 23rd February, 2021.

On Tuesday, 23rd February, 2021, the Senate Business Committee (SBC) will meet to schedule the business of the Senate. On that day, the Senate will consider Bills scheduled for Second Reading and those at the Committee of the Whole for which following the judgment of the High Court in the Constitutional Petition No.284 of 2019, the resolution process contemplated under Article 110(3) of the Constitution was completed by both Speakers of Parliament.

The Senate will also continue with consideration of business that will not be concluded in today's Order Paper, including Motions, Petitions and Statements.

On Wednesday, 24th February, 2021, the Senate will continue with business that will not be concluded on Tuesday, 23rd February, 2021, and any other business scheduled for the SBC.

On Thursday, 25th February, 2021, the Senate will continue with business that will not be concluded on Wednesday, 24th February, 2021, and any other business.

Mr. Speaker, Sir, I wish to inform Senators that the Offices of the Speaker and those of the Senate leadership have continued to engage our counterparts in the National Assembly to fast-track the process of regularizing the Bills affected by the judgment of the High Court on Bills passed unprocedurally to conform with Article 110(3) of the Constitution. Once this process is concluded, the SBC will provide a framework for fast-tracking consideration and passage of the said Bills upon introduction in the Senate.

As I reported in the previous week, a total of 10 Bills are in the process of republication, 19 Bills have already been republished and 15 Bills are undergoing the concurrence process. This status has remained the same. One Bill namely The Mung Beans Bill (Senate Bills No.9 of 2020) was concluded at the Second Reading stage and committed to the Committee of the Whole while the Cooperative Societies (Amendment) Bill (Senate Bills No.11 of 2020) is awaiting Division at the Second Reading as indicated in today's Order Paper.

I take this opportunity to urge the respective Movers of the Bills, Standing Committees and respective Senators that have filed amendments to the Bills mentioned above to be in the House whenever these Bills are scheduled, to facilitate speedy consideration and smooth transition to the next stage.

Crucial business relating to financial matters is before the Senate namely, the Budget Policy Statement 2021, which was tabled in the House on Tuesday, 16th February, 2021. The Senate is required to consider and adopt the report of the Standing Committee on Finance and Budget within 14 days after the BPS is tabled. To this end, I urge the Standing Committee on Finance and Budget to expedite consideration of the BPS for consideration by the Senate as required by the law and the Standing Orders.

Mr. Speaker, Sir, in conclusion, I urge all standing committees to expedite consideration of the petitions and Statements pending before them and table reports accordingly.

I thank you and hereby lay the Statement on the Table of the House.

(Sen. Poghio laid the document on the Table)

POINT OF ORDER

TABLING OF REPORT ON EXTRAJUDICIAL KILLINGS

Sen. Faki: Mr. Speaker, Sir, I rise on a point of order to inquire about the report of the extrajudicial killings that was being conducted by the Committee on Justice, Legal Affairs and Human Rights under the chairmanship of Sen. Cherargei of Nandi County.

We had done many hearings with regard to the extrajudicial killings. We visited Mombasa and Nairobi where a young boy was killed. The Committee was supposed to table a report before the House. That report has not been written or tabled before the House.

Killings are still going on. Last Thursday, they shot a young man of 24 years in Mombasa in broad daylight and two others were injured in the shootings. The first to be shot succumbed to injuries and was buried the same day in Mombasa.

Mr. Speaker, Sir, this is a recurring theme that needs to be addressed as soon as possible because we are losing young men in unknown circumstances, but the State has not made any efforts to curb extrajudicial killings.

I urge that you ask the Committee to table the report so that we debate it and see what measures can be recommended to end extrajudicial killings.

I thank you.

The Speaker (Hon. Lusaka): I cannot see the Chairperson of the Committee. Do we have any Member of the Committee on Justice, Legal Affairs and Human Rights?

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, do you require a response from me?

The Speaker (Hon. Lusaka): Yes. I hope you heard what Sen. Faki said.

Sen. Mutula Kilonzo Jnr.: Is it about extrajudicial killings?

The Speaker (Hon. Lusaka): Yes.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I believe we had a pending report on the extrajudicial killings. Sen. Faki has been our Member for a long time. Perhaps you allow me until Tuesday.

The Speaker (Hon. Lusaka): You will give us an update on Tuesday.

Sen. Mutula Kilonzo Jnr.: We had tabled one report, but allow me to confirm. We will have more information on Tuesday.

The Speaker (Hon. Lusaka): Okay. Let us move on to the next Order.

BILL

Second Reading

THE COOPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)

(Sen. (Dr.) Zani 11.2.2021)

(Resumption of debate interrupted on 17.2.2021)

The Speaker (Hon. Lusaka): I do not think we have enough numbers for a Division. Therefore, the Bill is deferred to next week.

(Bill deferred)

Let us move on to the next Order.

COMMITTEE OF THE WHOLETHE MUNG BEANS BILL (SENATE BILLS
NO. 9 OF 2020)

The Speaker (Hon. Lusaka): Sen. Wambua is away. He had to step out, so the Bill is deferred to next week.

(Committee of the Whole deferred)

MOTIONDEVELOPMENT OF DAY CARE POLICY IN THE COUNTIES
AND DEPARTMENT OF BASIC EDUCATION

THAT, AWARE THAT, Constitution of Kenya (Article 53) affirms that children have basic rights, including the right to education, nutrition, shelter, health care and parental care, provisions that are aligned with those cited in both the Convention on the Rights of the Child and the Africa Charter on the Rights and Welfare of the Child, to which Kenya is a signatory;

CONCERNED THAT, the current status of day care facilities in the Country are not child friendly or habitable and there is need to bridge this gap to capture the play group class in the new 2-6-3-3-3 curriculum that is replacing the 32 year old 8-4-4 system;

ACKNOWLEDGING THAT, most working parents lack quality Day care facilities, as the playgroup is a safe place for them to take their children while they are at work;

NOW THEREFORE, the Senate urges that the Council of Governors in conjunction with the Ministry of Education ensure that:

a) Counties allocate at least 10 percent of their budget on Early Childhood Development Education (ECDE) towards this vulnerable group; and,

b) Policy is developed to incorporate the needs of children who are less than three years of age.

(Sen. (Dr.) Milgo on 17.2.2021)

(Resumption of debate interrupted on 17.2.2021)

The Speaker (Hon. Lusaka): Sen. (Dr.) Milgo, you have a balance of 15 minutes.

Sen. (Dr.) Milgo: Thank you, Mr. Speaker, Sir. This Motion speaks to children, normally referred to as playgroups; that is one to three years of age. During interrogation with the Standing Committee on Education, in over 40 counties on Early Childhood Development Education (ECDE) centres, we found out that there is a huge drop in ECDEs in terms of enrolment. One of the reasons is that these playgroups are not incorporated or considered in the Competence Based Curriculum (CBC).

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There is a huge gap. There is need to bridge it because daycare centres prepare children for school. Well established daycare centres have regular schedule of activities like music, play activities, funfests, napping sessions---

(Loud consultations)

Mr. Speaker, Sir, if you may save me from the noise.

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

Sen. (Dr.) Milgo: Where we have activities that attract young children, this plays an important role in intellectual and developmental growth which will go a long way in shaping their behaviour.

A study that was conducted in 1,300 United States of America (USA) health institutes found that children who attended daycare centres, particularly high quality daycare centres, will later on in their teens be better achievers and they will have a high cognitive level. Furthermore, they will have a strong reading command in addition to having high mathematical skills as compared to those with homebased care.

Mr. Speaker, Sir, this is, indeed, proof that daycare centres lay a firm foundation--

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*(Sen. Cheruiyot, Sen. (Dr.) Langat, Sen. Seneta,
Sen. Prengei and Sen. Loitiptip consulted loudly)*

The Speaker (Hon. Lusaka): Order, Senators. That is turning out to be a tribal grouping, which is disrupting a fellow tribeswoman!

(Laughter)

Sen. (Dr.) Milgo proceed.

Sen. (Dr.) Milgo: On a light touch, it is a mutiny against me because they are from my tribe.

This research shows that children taken to high quality daycare centres had a higher command of communication or mathematical skills. In the future, it was proof that high quality daycare centres lay a firm foundation for future learning and better achievement.

Daycare centres prepare children for smooth transition to other education levels in the future apart from assisting them to adjust to school life. Daycare centres go a long way in assisting children to socialize better in life and to become better communicators. It is here where they learn vocalization. They are made to be better adapted to a wider society in the future.

Through this, we can train children in their early lives and avoid issues of tribalism because they learn to interact with others. It is in these centres where they learn to develop life skills such as problem solving skills, communication skills, sharing skills and where new personalities emerge.

Children in these centres interact with mentors who are adults who are not their own parents. Furthermore, here is where children become resistant to diseases that

normally affect young children when they go to school like ringworms and respiratory diseases such as colds, and many other diseases. In most cases, children who join daycare centres develop resistance. When they join the mainstream school, they are very strong.

Mr. Speaker, Sir, it is in daycare centres where children access healthier foods. We have been speaking to issues of school feeding programmes. We were looking at ECDE centres in the Standing Committee on Education. In a brief, we will propose to the counties, some standardized form of feeding programmes.

In our budget proposals today in the Standing Committee on Labour and Social Welfare and the Standing Committee on Education, we were proposing that there should be some feeding programmes in primary schools based on the fact that there are children who come from families that are not well endowed. Schools can be avenues where they can get some good food and this goes a long way in helping them to develop.

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

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

Madam Temporary Speaker, recent mapping in terms of daycare centres established that there are about 2,700 informal daycare centres in Nairobi alone in informal settlements such as Kibera, Kawangware and other slums. In these areas, many of the children that go to these daycare centres are majorly from single parents who are working and cannot afford house helps.

In the recent past, there were stringent labour laws against people who do not treat their house helps properly. Therefore, the single parents look for alternatives to ensure that they leave their children, so that they can do some jobs to earn a living.

These are *ad hoc* and temporary centres with no structured arrangements, not registered, the conditions there are very poor and in most cases, they are run by untrained men and women. You can visualize what happens there.

The daycare centres that have no structured systems have no age appropriate activities for the children who are taken there. Therefore, children of any age are exposed to whatever activities found there. In addition, these centres are not registered. Since they are not registered, we find that children are not registered and can be exposed to child traffickers. This is, indeed, a challenge. That is why we are proposing that there should be a policy to regulate these centres. There should be a policy to ensure that they are managed properly and can be followed up.

In addition, away from daycare centres being setup in very poor conditions, of late this has become an enterprise where traders setup daycare centres and charge any amount of fees as much as Kshs.30,000 or Kshs.50,000 per term.

Apart from that, nutrition in those daycare centres is really wanting. This exposes children to diseases. Right now, with COVID-19, it is a great challenge unless we have guidelines to enforce some rules.

Madam Temporary Speaker, you will find that these centres are very congested. Some of them are just put up in some kitchens or anything that can be found. In most cases, you find that they are in conditions that are not fit for little children of this particular age because it is a very fragile age.

Madam Temporary Speaker, this is the reason I was prompted to propose that the Department of Basic Education comes up with a policy to regulate these centres.

In addition to that, we have the county governments setting aside 10 per cent of their budget to ensure that they put up these centres. The new curriculum left out the daycare centres yet they lay a firm foundation for education without which, this will affect the children. Most of them may not get or have a firm grip in the future as they join the mainstream schools.

Madam Temporary Speaker, Article 53 of the Constitution simulates that education is a basic right to every child. Therefore, I call upon this Senate to pass this Motion.

I beg to move and ask Sen. (Dr.) Musuruve to second.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): Sen. (Dr.) Musuruve, kindly, proceed.

Sen. (Dr.) Musuruve: Thank you very much, Madam Temporary Speaker, for giving me this opportunity to second this Motion.

Before I second it, I want to truly congratulate Sen. (Dr.) Milgo for coming up with this Motion. She is the Chairperson of the Committee on Education. We have met a number of governors on the issue of ECDE centres in the 47 counties. We cannot ignore ECDE because it is neither a cost nor a burden, but an investment in this country.

ECDE is more of a preparatory stage for children to begin socializing with others outside their homes. Once children are born in a family, the first interactions they meet with the outside world are usually in the Sunday School and then in the schools. When they get outside their family circle, they should go to schools to socialize with others. ECDE brings up a holistic individual in terms of emotional, psychological, physical and cognitive development for children. ECDE gives a firm foundation for children to join others in school.

Madam Temporary Speaker, a psychologist tells us the first five years of a child are very important. This is the time a child learns a language and how to interact and share with other children. Children are egocentric. When they are born, they do not know how to share or interact. They are taught how to share with others. They become intellectually and psychologically stable.

There are four clear goals of ECDE. As I said, they learn how to socialize. This socialization is through the knowledge that is imparted to them by the teachers and caregivers who take care of them.

Second is the physical development. When children join the ECDE, the playing materials help them physically. For instance, jumping the rope, throwing the ball, *et cetera*. All the playing materials are supposed to help them like strengthening their muscles and they become physically strong.

It is also during the early years that children learn a language. As a linguist, I know every human being, including the deaf, has an innate device of learning a language. It is possible for a human being to learn any language. The best years to learn a language are usually in the early years.

Madam Temporary Speaker, if a child is born in Kenya and taken to China, with time, he or she will begin speaking Chinese simply because of the environment. As I said, children have the innate ability of learning a language.

Madam Temporary Speaker, we must make its right in early childhood, so that we endow children with the right language, cognitive and physical development. Therefore, we cannot afford to waste our children at an early age.

Madam Temporary Speaker, it is important that we develop children intellectually. This has a cost and the Government must be ready to bear it. Kenya is among the counties that ratified the United Nations (UN) Convention on children globally. In 1990, Kenya signed and ratified the UN Convention on the Rights of Child (UNCRC). Every child has a right to education. We cannot put the interests of children first when they are in class four or five. It has to start their early years. Therefore, this foundation has to be grounded.

If you are putting up a house and your foundation is not right, you do not expect it will be firm when you reach lintels or first floor. It has to start from the foundation. The foundation of children begins at ECDE. We cannot afford to play around with the future of our children. As Sen. (Dr.) Milgo says clearly, there is need to allocate money to ensure that we have it right in ECDE.

In the Committee on Education, we met 47 counties concerning ECDE. However, there are some counties with no programmes for PwDs. They had not allocated monies to cater for PwDs. They are still grappling on how to deal with those issues. We cannot be a nation that is advocating for 100 per cent transition from primary school to secondary if we are not doing it for our children with disabilities.

Madam Temporary Speaker, we had an opportunity to go to Kitui during the Senate *Mashinani*. Sen. (Dr.) Zani is not here. She would have said what we saw. Sen. (Prof.) Ongeru is here. We visited some classrooms that were pathetic. There were children with disabilities that had no learning materials. In many counties, ECDE has not been given priority. I went to a school in my county and found that children with disabilities were learning from a store; there was no classroom. In some schools, there are no abolition blocks or provision of water. There are no tanks and strategies of harvesting water put in place.

Madam Temporary Speaker, we cannot afford to ignore ECDE. We must look for ways in which counties can commit themselves and ensure that they are doing something about it. There is need for them to allocate 10 per cent of their budget for the purpose of ECDE. That is Sen. (Dr.) Milgo's prayer. We should not ignore her prayer. We must make county visits to ensure that something is happening with regard to ECDE.

Some counties appeared before the Committee on Education and we asked them about the school feeding programmes in their respective counties. A school brings equalization among children. There are children who do not even take a cup of tea at home because their parents cannot afford. In school, there is equal opportunity. Children wear uniform to show they are equal. There is need for the feeding programme to be in place, so that children are given porridge in the morning and food, which should be across the board. This is so that we help children from disadvantaged families to afford a meal and, at the same time, access education.

There is need to ensure that counties are keen about assessment centres. Every county needs to have an assessment centre. This is something I raised in the Committee. These centres will ensure that children are assessed at an early age. If a child has any disability, then it is detected at an early age and be placed in the right centre. When the

child is placed in the right education environment, then he or she will not lose in any way. There are parents who get children with disability and move from pillar to post, frustrated and not knowing what to do with them. They are not aware that their child has a disability, but are aware that something is not right with their child.

We can save these parents by having functional assessment centres, where they can be taken through what their children are going through. It is important that the prayer of Sen. (Dr.) Milgo is implemented. The issue of policy is important for early childhood. If there are policies put in place on money allocation for ECDCs, the county governments will implement. We should have money for the feeding programme, PwDs, play materials, *et cetera*. Even in specifying the amount of money that will go to specific programmes, they should be clear that they cater for the four goals of cognitive development, physical development—

The Temporary Speaker (Sen. Pareno): Sen. (Dr.) Musuruve, your time is almost up. Please conclude.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker. In brief, what Sen. (Dr.) Milgo is moving on the Floor of the House is that funds be allocated to ECDEs and policies put in place. These policies should ensure that money is set aside to cater for cognitive, physical and social development. We cannot afford to have a poor foundation and grounding for our children in the ECDE.

Madam Temporary Speaker, I beg to second.

(Question proposed)

Sen. Nyamunga: Thank you, Madam Temporary Speaker, for giving me this opportunity. I take this opportunity to support this Motion by Sen. (Dr.) Milgo on the allocation by counties of at least 10 per cent of their budget on ECDE towards vulnerable groups in the counties and development of a policy to incorporate the needs of children who are less than three years of age.

I congratulate my sister, Sen. (Dr.) Milgo for bringing this Motion. This Motion should be developed further so that it is enacted into a law. In Kenya, we draft Bills and Motions, but they are never implemented. We can belabour on this critical Motion to make sure there is enough allocation for the ECDE, but what will be lacking is implementation. This is the biggest problem we face as a nation. Kenya has enough and good legislation.

It is in ECDE that the child gets first contact outside apart from home. It is, therefore, important that the county governments do the best to make sure there is proper infrastructure in schools.

If you visit most of the county schools in the villages, you will be shocked by the kind of classrooms. The ECDE is never given priority, yet it is the beginning of education for all the children. Children in rural areas and those in urban settings, at the end of learning, will do the same exams. If you look at the infrastructure, for instance, in my village, in my sub-county, where we have perennial rains and floods, there is no attention given to the children in nursery schools.

ECDE teachers are not given emphasis. I know that some county governments have done their best to put up structures and employ teachers. However, the pay is

inadequate. Apart from infrastructure, the teachers need to be taken care of and given a salary and benefits. It cannot be a flat rate of, say Kshs10,000 per month with no other benefits like medical cover, National Hospital Insurance Fund (NHIF) and the National Social Security Fund (NSSF).

This is a critical Motion. Apart from the infrastructure and the teachers, we also need to appreciate the children. They should be playing. You cannot put children in a classroom where there is no sign that it belongs to children. You should go to areas where there have been campaigns to eradicate jiggers and see the type of classrooms where we subject our children to; it is unfortunate. People tend to take care of primary schools when children go to Class One, but neglect the ECDE.

The 10 per cent proposal may not be adequate, but it could be a good beginning for governors to see the seriousness of having proper infrastructure for our children.

Secondly, if we talk about daycare, most of the parents in the rural areas go to look for food. The people who take care of families in rural areas are women. They concern themselves with the feeding of children. However, the general taking care of families is left to the mothers who are at the child bearing stage. This means at some stage they need somebody to help them. They may not pay for salaries for caretakers who are expensive not only in Nairobi, but also in rural areas.

A daycare, to me, could also be very basic that the county governments should be looking into. When you leave your child with the type of house-helpers that we see, you will go to work or go do your business, but half of your mind will be where your child is. We have heard about many things that have happened to children. For example, many children have been abducted or stolen, and that is the end of that child. The parents cannot trace them. This is because of lack of facilities like daycare.

Some of them could even be made private, so long as it is done within the school with the agreement of the county governments. They can set it such that there is a daycare and a nursery school. The nursery school can be easily run by the county governments, but the daycare can also be privatized at a rate that can be affordable to most of the parents, who are living in the rural areas.

This is a very timely Motion that should be developed from just a Motion to the next level, maybe a Bill. As I said earlier, we do not lack Bills but implementation. We can do the best Bills in this House, but implementation is a very big challenge. This is because of the people who are responsible for implementing the policies that are put in place, the Bills and all other related things.

Madam Temporary Speaker, there is a big need for the county governments to set aside a substantial amount of money to take care of our nursery schools. It is at the nursery school that one forms himself of herself. That is when you learn the language. That is when you understand what the second language is all about.

If you do not get it right at that point, even if you reach the university level, you will never get the language right because you never got it right, never had the right teacher and never had the right opportunity. So, you can be learned, yet you can see some gaps.

Madam Temporary Speaker, we see that everywhere. You can see that someone had a very good formation at the right level, but some people missed it. Once you miss it, you miss it throughout your life. Therefore, nursery school is very critical and giving it

the right attention is also very critical for our counties. The fact that nursery schools or Early Childhood Development Education (ECDE) centres have been devolved gives the county governments a very big opportunity to make sure that the foundation of our children in terms of formation is got right.

I support this Motion and urge my sister, Sen. (Dr.) Milgo, to make sure it moves from being a Motion to a Bill. We will make sure that in our respective counties, whatever is due to our children or young mothers who must also attend to other duties, is taken care of, and our mothers have peace of mind any time they are away from home. You can drop your child at a daycare, go do your work, and then from work you pick the child again. That is a provision that can be made. It would be very nice if Kenya could have that.

Together with that, we should also be organizing on how to feed our children because in the villages children do not have food. They do not take breakfast; they do not take *uji* in the morning. If there could be daycare or a proper nursery schools where they could go and also feed, even if they had only one meal, that would do for them. Sometimes the mothers go for business and come back with nothing. Therefore, the child has nothing to eat in the morning. We are not doing politics here or just talking, these are things that we see every day. I personally run a daycare at home for the benefit of the children. I run it in the interest of the community, and you realise that whatever those children took for breakfast and lunch, that is all they have for the day. In the evening most of them will go.

If a child can have one or two meals, even if they miss the evening one or even if they ate a lesser but nutritious one, it would still be better and that child will develop the way they are supposed to.

Madam Temporary Speaker, I support the Motion.

I thank you.

The Temporary Speaker (Sen. Pareno): Sen. Cherargei, proceed.

Sen. Cherargei: Thank you, Madam Temporary Speaker, for this opportunity. From the onset, I want to congratulate Sen. (Dr.) Milgo for this brilliant idea. Under the devolved functions of devolution that came into force in 2010, one of the salient features has been the ECDEs. This is timely, even as we look to ensure that we ring-fence the specific allocation of funds to specific areas like health and agriculture. I want to agree with our colleagues that ECDEs are very critical because they are the foundation and the basis of any child in this Republic. We have seen so many counties trying their best to come up with infrastructure among the primary schools that we have across the country.

Madam Temporary Speaker, according to the Basic Education Statistical Booklet (2016) that was released by the Ministry of Education on early learning and basic education, we had 110,819 learners in ECDE centres. This shows that there is a significant improvement looking at the ECDE centres in the first term of devolution in 2014 to 2015. I think there are around 50,000 ECDE centres that we have in this country.

What is important is that in as much as we focus, as my colleague Senator and neighbour has indicated, we should not concentrate only on issues of infrastructure. We must also look at ensuring that ECDE teachers are given the same benefits like the teachers who are being hired by the Teachers Service Commission (TSC).

Madam Temporary Speaker, I urge my sister, Sen. (Dr.) Milgo, that she needs to relook at how she can intertwine between infrastructure and also ensuring that we have a motivated human resource. When you go to every county, all the ECDE teachers are either complaining that they have not been paid their money, they are being paid through petty cash; they do not get the benefits, where they get the statutory deductions, and money that equates their work.

You can imagine the work that ECDE teachers do. They ensure that they provide a safe learning environment. Basically, they are babysitting our children, if you want to put it that way. Apart from teaching them to learn, they must teach them how to behave, dress and associate with others. Those are basic requirements that are needed at that level. The ECDE teachers are doing unique work.

Madam Temporary Speaker, there was a law that was supposed to be passed - I do not know whether it was by the Senate or the National Assembly - on the ECDE, looking at the advent of the Basic Education Act of 2013 that was the genesis of Article 53 of the Constitution 2010. As we look even at infrastructure, I appeal to the Mover of the Motion that we need to have a motivated human resource.

My proposal is that since the TSC has infrastructure, they should see a way of working together with the Council of Governors (CoG) and county governments because there is the Intergovernmental Relations Act that is already in place. They can use the infrastructure of payment of ECDE teachers, just the way they are paying TSC teachers from primary and secondary schools, Technical and Vocational Education and Training (TIVET) and even higher education learning.

Madam Temporary Speaker, for example, in Nandi County - I do not know about other counties - we have a huge problem where the ECDE teachers have not been paid or given the necessary benefits. Their statutory deductions are not done. They are being hired and fired left, right and centre. We should also see if we can put the ECDEs teachers on permanent and pensionable terms, so that they can even take loans and develop themselves. They can come up as they also have families. That is very important.

Thirdly is on the infrastructure of re-enforcing 10 per cent of the budget. I agree that we need to create a friendly and enabling environment for our young children to grow and also learn many basic things in their lives. We need to relook at those issues.

Madam Temporary Speaker, on infrastructure, I wish the Ministry of Education and the county governments could partner through intergovernmental relations. I have seen the Chairperson of the Committee on Devolved Government and Intergovernmental Relations, Sen. M. Kajwang', here. They can use that partnership of having standardised ECDE centres.

When you see ECDE centres that are being developed in Mombasa and Nandi counties, they are worlds apart. The way they are being designed is not child-friendly. In my county, the governor has decided to bring desks that are meant for Class Six or Class Seven students; children who are older, yet, you need to design specific desks that belong to ECDE.

Madam Temporary Speaker, even the design, the colours and the drawings in the classrooms matter. We should design the classrooms the way they should be. It is good that we have my good Chairperson, Sen. (Prof.) Ongeru, who has been the Minister of Education for a long time. These people and governors should be taught that when you

are designing a classroom meant for ECDE, it should not be the same design as a classroom for basic education, primary education or TIVET.

The way you design a TIVET classroom and an ECDE classroom, there must be a distinction. Most of our governors do not understand this. It is more of also psychological support of the child when they are learning in a specific environment.

Fourthly, I agree with my colleagues. What happens when we have come up with resolutions? It is good that the Senate Minority Leader is here. There are many reports that this House has resolved to adopt. I know that you gave us direction, and I do not want to go there. Who follows up on implementation? If we agree on this Motion of ring-fencing 10 per cent of the budget today, do we have a Committee set to follow up on this? I know that we had proposed this at some point, but it was not well thought-out, or your office decided otherwise.

Madam Temporary Speaker, I hope you or the Senate Minority Leader can take up this matter with the Senate Business Committee (SBC), because there are many resolutions that we make as a House that no one follows up on. There are many reports that we have brought in the House, all the way from the Report on the Solai Dam incident. How do we go about it, so that the Senate does not make resolutions, and then we leave them high and dry?

Madam Temporary Speaker, let us look at how the Senate can adopt these reports and resolve them. I know that according to the Basic Education Statistical Booklet of 2016, the then Minister of Education released a report that we had 180,000 plus Early Childhood Development Education (ECDE) learners. I think that is the issue.

As we move to the Competency Based Curriculum (CBC), we want to create a friendly environment for our ECDE learners. As we implement the CBC, we must also have a discussion with the Kenya Institute of Curriculum Development (KICD).

Madam Temporary Speaker, you remember the KICD Act and the Basic Education Act. I remember that there was an uproar when the publishers approved some books that were being used in pre-school and ECDE centers, whether you want to call it a Montessori type of education, with some of the things that were being shared at the lowest level. There was an outcry that the KICD should give us a right and guided ECDE and CBC learning.

We need to agree that even as we ring fence this budget--- I hope that my sister, Sen. (Dr.) Milgo, the Chairperson of the Committee on Education is noting these concerns. As we discuss, we must agree on the aspect of the curriculum that we want to roll out in ECDE centres, in putting into action Article 53 of the Constitution of Kenya. This is so that we do not have KICD releasing curriculum---

The Temporary Speaker (Sen. Pareno): Sen. Cherargei, I would like to bring to your attention the provisions of Standing Order No.215 on Reports and Senate Resolutions, because this matter keeps coming up. It provides that-

“(1) The Clerk shall, within seven days of a resolution of the Senate or adoption of a report of a Select Committee, convey the resolution and where applicable, a copy of the report, to the relevant Cabinet Secretary, independent commission or holder of an independent office under whose portfolio the implementation of the resolution falls.

(2) Within sixty days of a resolution being conveyed to the relevant Cabinet Secretary, independent Commission or holder of an independent office under paragraph (1), such persons shall provide a report to the relevant Committee of the Senate, in accordance with Articles 153 (4)(b) and 254 (2) of the Constitution.”

Therefore, I think that it is upon us, as committees, to follow up with the relevant departments or CSs, to ensure that they submit a report back as to what they have done with the resolutions. If not, then we will summon them under the usual committee rules. I think that it is us who are not implementing according to our Standing Orders.

You can proceed.

Sen. Cherargei: Thank you, Madam Temporary Speaker. Since these are the Standing Orders, I think we need to do a follow up. I lost touch with such since I left the leadership of the Committee. I stand guided, as you have directed. As the Senate, we have collective responsibility. Now that we have the Committee on Education and the Mover of this Motion is Sen. (Dr.) Milgo, then they will assist us.

Madam Temporary Speaker, this is the right way to go, and I fully support. Out of the adoption of this Motion, if there are some resolutions within the KICD or the Basic Education Act, I challenge the Mover of the Motion to ensure that they translate this into an amendment of the law, so that we can give more weight or legislate apart of developing the policy direction within the Ministry of Education. I hope that the Council of Governors (CoG), in partnership with the Ministry of Education, will be able to guide this process.

Finally, I challenge Members of County Assemblies (MCAs), even as they do other things --- I think this should be shared with the 47 county assemblies, through the Committee on Education. If they can come up with a standardized form of infrastructure and issues of human resources, then our ECDE teachers and centers can become child-friendly. We can ensure that we do not violate Article 53 of the Constitution.

I thank you, Madam Temporary Speaker.

I support.

The Temporary Speaker (Sen. Pareno): Sen. (Dr.) Ochillo-Ayacko.

Sen. (Dr.) Ochillo-Ayacko: Thank you, Madam Temporary Speaker, for the opportunity to make a few appropriate remarks regarding this Motion. I join the Senators who have spoken before me in adding my accolades to the Mover and initiator of the Motion, Sen. (Dr.) Milgo. I appreciate her concern for young persons in their infancy.

Madam Temporary Speaker, infancy and the early development of a child are inter-twined. A child is a very vulnerable person, who needs a lot of attention. When all of us have the gift of a child from God, we are so thankful and appreciative to Him, but we give very little attention to the development and growth of these children. We hope that just like wild bushes and wild animals, our children would somehow find a path to growth and success, and be responsible people.

Children must be well founded and given an opportunity to develop into people who are responsible and productive in any nation. Therefore, this Motion is very important, because it amplifies the importance of giving attention to children. If we do not give attention to them, we are doomed and our future becomes bleak.

Madam Temporary Speaker, you will realize that children are not the sole responsibility of their parents or guardians. Children are the responsibility of the state. Every state that neglects its children is a state without a future. If you look at the theories that have been bundled out there, the Hobbesian Theory justified the establishment of the state to create order, because in the absence of state, there would be anarchy and life would be short.

The first responsibility of the modern state is to create order. The second responsibility of the modern State is to ensure that there is peace, so that the residents, both citizens and non-citizens, co-exist peacefully and go about their activities without being in harm's way.

The third responsibility of the state is to ensure that there is justice and acceptable ways of solving disputes, so that we do not result to our bestial instincts and annihilate the weak or the vulnerable and such related things.

This is focused on those who are vulnerable. This is because those who are strong, for example, you, Madam Temporary Speaker, Sen. (Dr.) Milgo and most of us here, can take care of ourselves. I believe that we are doing so by taking our children to private schools and giving them the best. However, we are not in this House for ourselves.

My youngest son is seven years old. I have looked at the cost of taking him to school and it is a lot of money. He requires a lot of attention and details.

I have also thought about the people of Migori County that I represent and my close relatives. The ones with the least income earn about nothing in a day. They survive on farm work and God's good climate that is a gift to everybody. I imagine that if we are to create an equal society, and I am the only one who is able to take care of my son or daughter, what will happen to all these people that we represent? Who will be the neighbours and friends of these children of ours that we give privilege because we are privileged to make some good earning?

Therefore, it is important to start early by making it an obligation of national Government and county governments to resource the development of our children and ensure that the child of every Kenyan has an opportunity to get the best foundation that is required.

It does not matter; you could be a dynasty, but these kinds of characterization of people is about those who have wealth. Others are hustlers, which means that they are struggling to get wealth. I assure you that those with wealth and can take care of themselves are few. Therefore, the obligation of the national Government and county governments is high.

In fact, the modest sum of 10 per cent to be allocated for this is because we do not have resources. I believe that more should be allocated. I believe that our children and other children should be as good and well-grounded in both current and future prospects, so that we can have an equal, just and orderly society, the basis upon which the State was created.

If we do not have an orderly society, we will have the catalyst for disorder, which is the disparity and inequality that is amongst society. Some of the grievances arise from the fact that those who enjoy the privilege of title or wealth are on the fast lane and those who are condemned to the life for survival and poverty will always struggle and have a grievance against those who appear to be better resourced than others.

Madam Temporary Speaker, there are educators and tutors who are currently pretending to be doing the job of ECDE. If you take your little loved one to an educator or tutor, who is aggrieved, upset or discouraged, I assure that the results will not be nice.

The same applies if you take your little one to some remote ECDE programme, where the teacher has not been paid for two months, he or she is on strike and many things are going on. If you do not pay close attention to that child, you will find that most of the times, the child will be unhappy, and so he or she will not realize his or her full potential.

Therefore, it is important as we debate this Motion, to also speak to those whom resources we have placed, to ensure that those who are responsible for hiring and welfare of our tutors take that responsibility seriously.

If you are an employer, and you are careless with your words, you demotivate these people. You will be sending the children of those whom we represent to a hostile and frustrated environment, which becomes abusive.

When I went to primary school in the 1970s, we used to carry *pangas*, hoes, axe and other things. The authority that the teachers had, particularly because of the frustrations they had, was visited on us in a negative sense. A teacher would flog you so mercilessly.

I went to many schools because I used to live with a teacher, who got transferred from one place to another. One time, I witnessed a situation in one of my primary schools, where the father of a particular boy who had been flogged badly came to school with a shield and spear. All of us, particularly those us who lived with the teachers, fled from the school. That particular boy whom we were in the same class dropped out of school. When I meet him lately, he is an angry person whose productivity has declined. I see the social and economic distance we have travelled with the same people we were with in school, but he has not travelled much far. I believe that his children might face similar disadvantages.

Madam Temporary Speaker, this is a wonderful Motion. It is a reminder to the Government that its fundamental duty is to look after the vulnerable and fix issues that affect the people that need assistance.

Many people with resources are well resourced and can sort themselves out. Since the majority of Kenyans are consumers and broke, I believe that investing in ECDE is the proper foundation and right direction to take by both governments. Governments must listen because if they do not, there will be a lot of disillusionment and cynicism. A revolution might arise out of that from these children, whose future we are holding as worthless.

Madam Temporary Speaker, I thank you, for giving me the opportunity to make my remarks on this matter.

Sen. (Dr.) Milgo, this is wonderful. Take it to the next level. We will walk together. All you need is to broaden it and emphasize the issue of rural poverty. You have mentioned urban areas and townships. However, I believe that if you go back to your backyard, there is more need. Probably, there is more desperation in such areas than in urban areas.

I thank and congratulate you for moving this key Motion.

The Temporary Speaker (Sen. Pareno): I was trying to check whether we have a Senator from the Majority Side. Unfortunately, those that are interested are in this other side.

Proceed, Sen. Shiyonga.

Sen. Shiyonga: Thank you, Madam Temporary Speaker, for giving me the opportunity to support the Motion by Sen. (Dr.) Milgo on counties having at least 10 per cent of their budget allocated to ECDE.

There is so much that is happening in our education sector. Currently, we are reviewing the 8-4-4 curriculum and embracing CBC. If we do not consider revenue allocation to support these changes, then we might not achieve much as country. These changes will affect children in ECDE centres. ECDE is a devolved function. To identify those children, you need to go to the grassroots. It is easy for administrators in county governments to identify them and ensure they are in equipped institutions.

A lot happens to children when they are growing up. They need attention both in school and at home. Globally, people have become very busy even for their own families. Where and whom we leave our children with matters a lot. Allocation of funds just to make standardized policies that cut across counties is important. Our counties are still going through a transition period. Therefore, we need to have institutions that have standardized policies to take care of our children. As Sen. (Dr.) Milgo said, we can only achieve this through legislation

Not all children in this country access ECDE. As my colleague has said, few children in Turkana County, and even where you come from, Madam Temporary Speaker, access ECDE. Access to ECDE for children in Nairobi City County and other urban areas is different compared to those in rural areas. Standardized policies will make it easy for all our children in the country to access ECDE.

Madam Temporary Speaker, counties misappropriate their resources. If we ask them to allocate 10 per cent of their budget to ECDE, we will help our children access ECDE. Counties have different priorities. However, if we develop a Bill from this Motion, then it will be mandatory for all counties to prioritize ECDE. To me, 10 per cent of the budget of a county is a lot of money. We need reputable ECDE institutions that will take care of our children.

Lastly, ECDE teachers are paid by the county governments. However, their salaries are always delayed. What we talk here is quite different from what is experienced at the county level. Yes, counties get funding late, but they have problems paying these teachers. However, if we do not pay them well and on time, how do we expect them to take care of our children? We also need to provide them with proper infrastructure, so that they can nurture and take care of our children.

That is why many parents with deep pockets take their children to private schools. However, parents in the rural areas cannot afford to take their children to private schools. We saw this economic imbalance with the outbreak of the COVID-19 pandemic last year. Many parents suffered with their children in the house. What if this child then goes to that institution that is not well funded; he will continue suffering.

I thank Sen. (Dr.) Milgo for this Motion. It is my prayer that she will come up with the Bill, so that we enact policies and make sure counties allocate 10 per cent of

their budget to ECDE. As I said, our counties are going through transition. Transition is a very sensitive process, but we must well equip our ECDE institutions in this country.

There are counties that are doing well. However, we need do a research in those counties and establish how much of their budget goes to ECDE. We must make it mandatory for them to allocate 10 per cent of their budget to ECDE. We need to revise the methodologies put in place and prioritize ECDE. For those not doing well, we will need to find out the challenges they are facing. This way, we will guarantee the growth and wellbeing of our children.

Nobody in this country wants their children to grow in an abusive environment. Many children have been abused in daycare centres. That is why many parents no longer take their children to daycare centres. Therefore, we need standardized and well-equipped institutions for our children.

Let us prioritize funding of these institutions. Any governor or county official who does not put the interest of children first should not be in those offices.

In conclusion, I support this Motion. I congratulate Sen. (Dr.) Milgo for bringing it. I pray that it is developed into a Bill, so that counties implement all these good proposals by my colleagues in order to take care of our children.

Thank you.

The Temporary Speaker (Sen. Pareno): Sen. (Prof.) Onger, proceed.

Sen. (Prof.) Onger: Thank you, Madam Temporary Speaker, for giving me the opportunity to also weigh in on this important topic on ECDE. The country has gone through tremendous transformation in the educational sector. I had the privilege of presiding over some of these transformations during my career and tenure as the Minister for Education.

One of the fundamental rights that have been enshrined in Article 53 of our Constitution, 2010, is the right to everything, like the right to health and everything else.

Article 53(1) is specifically dedicated to children. It states that children have a right to education, nutrition, shelter, healthcare and parental care. The population dynamics of this country indicate that we have so many birthrates in this country. These children need to have a place in the home, which is congenial, acceptable and healthy with the provision of basic needs of society. When there is transition from the home, where that particular child is born to the day care centre, we need to be extremely careful.

As I said earlier on, we need to be extremely careful in this country because the growth of a child is exponential in the first few months and years. By the time a child gets to five years, the brain growth is exponential. The children are able to pick up the traits and characteristic of the parents and subsequently the daycare centres. The nation should make every single effort to ensure that the transition is smooth without any hitch.

The 2-6-3-3-3 curriculum is a very important after having had the 8-4-4 system for more than 32 years. We are in a new system that requires new approaches, training and refreshment, so that people do not feed wrong information to our children at a tender age. Therefore, in approaching the subject of day care centres, the county governments must take into account basically, and the foremost infrastructure. Once infrastructure is taken care of, they must be in a position to include in that infrastructure the kind of graphics that appear on the walls of that institution need to be child friendly. When the

county governments are conceiving the idea of creating infrastructure, what I have stated must be fundamental.

Madam Temporary Speaker, the second fundamental thing in that infrastructure should be the provision of plenty of water, so that they are kept clean. We are talking about children whose main preoccupation in the bulk of the time that they are in the school or daycare centres is playing. They must provide the playing materials, which are child friendly, so that the children can play well and absorb a lot of the learning.

Most of learning takes place in children by creating a relationship between them and the toys they are given. For instance, if you give a child a whistle, they will try to manipulate it and in the event that they see you putting it in the mouth to blow, that is the moment that they will also start blowing, which will in turn increase their lung capacity in breathing. By carrying out such a fundamental activity as blowing a whistle, give them an ability to expand their lungs and breathing capacity.

The surrounding of the daycares must be such that any danger is removed, such as pit holes that may be in the school. Any sharp objects should be removed from the school. Most importantly, children must be provided with meals in the daycare centres. For growth to occur, children must be provided with a balanced diet. For some children, the balanced food that they will receive in the daycare centres may be the only time they get a balanced meal if their home is poverty-stricken.

The third element that the daycare centers should have is health workers who can check the milestones of the children at the centres. The purpose of checking milestones is to assess whether the children are growing normally or retarded in growth. The milestone check should confirm whether a child is able to absorb the environment and imbibe what is required for him or her to hear and vocalize.

Finally, there should be playground where the children at the daycare centres will run around and play. It is normal for children to muddy themselves, while playing so long as they bath in time to go home clean. During the playtimes on the playground, the health worker can check the children for their immunization profile to see if they have received immunization on time. Immunization in the early months and years of life can help prevent deadly diseases to the young population of this nature.

The county governments have a major responsibility of nurturing and bringing up a population of Kenyans, who will be the future leaders of this nation. Our investments should, therefore, be at this level. Whenever, I have gone round some of the most beautiful Early Childhood Development and Education (ECDE) centres that have been built by the county governments, they have been grabbed by the national Government for purposes of primary education. That is why some of us were tempted to say that the level of education at the county level should go up to the primary level, so the necessary resources are devolved to the county level, for us to have a seamless transition at the county level ensuring that the curriculum development is standard.

When I was the Minister for Education, I am aware that the Kenya Institute of Curriculum Development (KICD) came up with a curriculum for the early childhood education. We also did a curriculum for the early primary, secondary and tertiary education. I, therefore, know what the curricula portend for the future generations. The curriculum development must be culturally and socially attuned to the cluster of children that you are dealing with. That is when they come into close contact with the

neighborhood cultural events. All that comes from the home background to the daycare centres, and everywhere else. It is important to properly integrate these children, so that they understand and follow everything else.

Apart from all that, I have said that there must be teachers to handle the daycare centres. The ECDE training colleges must be monitored and inspected to ensure that the curriculum they are training for is relevant to the cluster of children that they will meet. If that is not taken care of, you will find irrelevancies cropping into those schools, and therefore, the children will miss the opportunity to get a correct orientation of education. If children do not receive a proper foundation, they will be lost by the time they get to Grade One of primary school.

We must distinguish that there are two types of mothers; those that work outside the home and those that are stuck with their children at home. Another element that needs to come out is that we have children who are disadvantaged as early as at that level. The daycare centres will help in establishing children who are deaf, have speech problems or difficulties in relating. Most children who suffer from Autism may be picked from the daycare centres because their attention span is so limited and all they want to do is play from one level to another.

Children with autism are a nightmare to their mothers because of the kind of activities they exhibit on a day-to-day basis. It is just so much and unbearable. Therefore, we should find how to help, both at the daycare centres and home environments, to integrate in society and get useful learning.

Another issue is that when those children walk, any trenches or holes and the leaves must be taken care of. You can call it a small hospital, but they must take extra care because it is important for their lives. That is the formative stage that they need to acquaint themselves with the environment.

If the environment is foul, they will go the foul way. If the environment is conducive, they will go the conducive way. Therefore, we have a moral responsibility of ensuring that the environment is right. That is why I take ECDE as an important stage in the lifespan of a person because that is the stage when everything is done. If it is done wrongly, it is wrong input, and therefore, you will have wrong output. Therefore, we should be careful.

From my perspective as a professional, I think it is an area that we need to see how resources can be channeled. When we ask for 10 per cent of the budget of the county governments to be devoted to the ECDEs, we are simply saying that, that is the only function, which has been devolved in education. Therefore, it must be highlighted and given emphasis. The budgets must be clear. In fact, they should be ring-fenced, so that we ensure that, that development is not taken care of properly.

I foresee a problem because some of the compounds are shared facilities between the primary and the ECDE sections. I do not know how we shall separate these two levels, so that they do not usurp because there is a tendency for the bigger boy to usurp the responsibility of the younger boy. They would claim that children going to ECDEs have not started learning and, therefore, can wait. That is wasting their valuable time when they should be learning at that time.

If need be, we should have separate centres away from the primary setting, so that they know that they are safe within their environment, curriculum development and healthcare.

With those few remarks, I support this Motion.

The Temporary Speaker (Sen. Pareno): I was going to intervene, but decided to let you finish. That was when you indicated that we have two classes of women; those that work and those that are stuck with the children. It will be good to rephrase and say that they are all in the same class, only that some work in offices, while others work within the homesteads. The business of a lady is actually a fulltime job. Therefore, we consider that they equally work.

Sen. (Prof.) Onger: Madam Temporary Speaker, I agree with you. What I meant is that there are two separate classes of workers; those in the offices and those in the home environments. The bottom line is that they are all workers.

The Temporary Speaker (Sen. Pareno): Thank you for that. Let us now listen to Sen. Kang'ata.

Sen. Kang'ata: Thank you, Madam Temporary Speaker, for affording me this opportunity to support this Motion. I will start with highlighting the importance of ECDE amongst children and families.

Madam Temporary Speaker, allow me to cite a book chapter called *The Early Childhood Education*. It is a publication of the University of Chicago Press. The Editor is Robert A. Moffitt. The Title is *Economics of Means-Tested Transfer Programs US, Vol II*.

Several issues have been cited from this book, explaining the importance of early childhood education. The first one is the idea that there is a correlation between inadequate investments in childhood education and children social mobility thereafter. For states that under invest in childhood, children in those areas tend to have lower social mobility and good life outcomes. There is also another correlation between underinvestment in childhood education and social vices like criminal activities.

The problems at early childhood level have been increased because of several factors. One of them is increased women labour participation, which is positive as correctly stated by the professor. We are happy that now more women are working. However, by that, there is a new growing problem of children not having quality care giving at early childhood level because their mothers go to look for work or employment. Therefore, no one looks after them. More often than not, that dilemma becomes more acute in places where women cannot pay for their children to be taken care of. That means that it is important for the state to come in and invest more in early childhood education.

We have seen a proliferation of what we call daycare centres. They tend to be private and are less regulated. They do not even have standards. Therefore, if we were to pass this Motion, which compels ECDE towards vulnerable groups in the counties, it will compel the counties to allocate at least 10 per cent of their budgets, and that will be a positive outcome for this society.

I imagine once we pass this Motion and it is implemented, counties will start employing ECDE teachers on permanent and pensionable basis. Currently, ECDE teachers in places like my county Murang'a are paid Kshs10,000 per month. From where

I sit, that is inadequate. We need teachers who are well paid and well-motivated, so that they can take care of our children at that level.

In other developed societies, nursery school teachers tend to be the best paid. They could be paid even more than professors of universities because there is an appreciation of the importance of early childhood education.

Once we pass this Motion, we will have a situation where counties will be compelled to provide free food for the poor children in our counties in nursery and pre-nursery level. Currently, there are so many children who do not attend pre-school because they cannot afford meals and other fees demanded at pre-school level.

I am aware of several fees that are usually introduced at that level. Remember the national Government only takes care of primary and secondary schools education, but at pre-school level, it is the counties. That is a devolved function under the Fourth Schedule. Some counties do not build nursery schools. It is parents who are told to pay for such schools' development. Most counties also do not provide food. Therefore, it is the poor parents who are compelled to pay for food.

You will also find some counties that do not even have the money to hire teachers. Therefore, if we pass this Motion to compel counties to invest at least 10 per cent of the budgets to children at that level, we will have higher school enrolment at that level. We will also have better quality schooling.

Madam Temporary Speaker, we do not even know the standards, which are obtained at preschool levels in our counties. Are we getting the correct curriculum? Is the curriculum a standardised? What about the training of our teachers? Is it good training? What about children going to school knowing at least that they have a meal that is going to be provided by the county government, and therefore, you boost school enrolment?

This is a very important Motion. We all know, currently, that this Senate has pushed the national Government, and we will devolve more funds in the next financial year. We expect that at least, at the minimum, Kshs400 billion will be devolved for the first time in this country. With Kshs400 billion counties can afford to provide for 10 per cent of their budget to be allocated to Early Childhood Development Education (ECDE) programmes in this country.

Currently, you find counties paying recurrent expenditure and recurrent budget at 70 per cent or even 80 per cent. We want to compel those counties to invest more in education. Early childhood education is the most important education a child gets. If a child goes on a negative tangent at that level, rarely will you find that child improving later on in life. At that point, the child is learning very important skills; cognitive skills and linguistic skills. If we under invest, that child is not going to have very good cognitive abilities going forward.

Madam Temporary Speaker, we also need to ensure that children at that level also get adequate play. That includes expanding fields and stadiums, where those young children can go and play. That needs more money and that is why I support this motion because with a 10 per cent allocation of the budget to ECDE, I foresee counties building more fields and stadiums for our children to go and play, so that they can grow and become very good leaders in their societies.

Madam Temporary Speaker, let me speak generally on matters education. From where I sit, I have seen the level of education in this country deteriorating. I say that

because I was a Member of the National Assembly and used to see the scores schools used to get in Kenya Certificate of Secondary Education (KCSE) and Kenya Certificate of Primary Examination (KCPE). I would see on average several schools getting below 250, which is the half mark or the average mark in KCPE. You will find many students failing to get C+ at high school level.

Several factors have led to this situation, but I have no doubt that one of the reasons we have huge numbers of students underperforming in our schools is because of the foundation they were given at pre-school level; the ECDE under investment. They started from a negative trajectory. A house that is built on sand must always give way. Therefore, if we were to strengthen ECDE in this country, I have no doubt that we shall have positive results at KCPE and KCSE levels.

There have been various reforms which have been undertaken by this government to strengthen our education system. The current new curriculum, which is now being implemented, has positive but also negative. Currently, they are talking of taking more emphasis in specialization; children starting to specialize early. I think that is positive because the earlier you start specializing, I would imagine the high likelihood you are going to become a specialist. If you want to become a scientist or a musician, it makes sense to come up with a curriculum that incentivizes pupils and students to specialize early. However, I am 100 per cent opposed with the move by the Government to stop or to do away with examinations. This society needs to be competitive. When we start doing away with competition, it is like having a race which does not have a number one, number two or number three.

Madam Temporary Speaker, even those children who get C- or even D+ can become very successful persons in life. However, that does not justify a situation where you, say, we are not going to do assessment or going to scrap examinations. Let us celebrate competition.

I hear that the Cabinet Secretary wants to ban KCSE and KCPE exams. I am wondering how we shall be able to know a student who is good and that who is not good. How shall we come up with standards?

The Temporary Speaker (Sen. Pareno): There is a point of order by Sen. (Dr.) Ochillo-Ayacko.

Sen. (Dr.) Ochillo-Ayacko: Madam Temporary Speaker, on a point of order. I hate to interrupt my learned friend. However, is it in order for my learned friend, Sen. Kang'ata, to claim that the Government has banned examination, evaluation or assessment of pupils and students, when what the Government has done is to alter and make it more humane and realistic?

The Temporary Speaker (Sen. Pareno): Sen. Kang'ata, you may want to clarify that.

Sen. Kang'ata: Madam Temporary Speaker, I think to the best of my knowledge, there is a proposal to do away with the standardized examination at primary and secondary school levels. Therefore, it is true. I think I am factually correct.

I am using this forum because we are discussing a Motion on education to urge the stakeholders who have that thinking to reconsider their view. We need to encourage our children on the importance of competition. In politics, we compete. There is a number one and a number two. The number one becomes a Member of Parliament,

Member of County Assembly or President. In the private sector or in business world, people compete. We even have an authority called Competition Authority (CA), whose essence is to boost competition; competitiveness of our businesses.

In sports, we have Manchester United and Chelsea football clubs for example. The whole idea is that we want them to compete, so that we know who is the best, and who is the worst. In all spheres of this society, it is about competition. Therefore, when we now start saying we are not going to examination or ranking---

Madam Temporary Speaker, by the way, I oppose vehemently the decision by the Government to do away with ranking. I want to know what number Murang'a County is in KCPE and KCSE. I want to know the best and the worst school in my county, so that I can take remedial actions to motivate teachers and students to do more. The decision to do away with ranking is a negation of Article 35 of the Constitution, which provides for the right of information.

We are entitled as stakeholders to know how our children are performing; those that are doing well and badly, so that we take remedial actions to support those that are not doing well to improve. We should not say that we cannot rank because we do not want competition. No! That is the world we are living in. We need to create a generation of competitive youth; people who would strive to be the best.

Madam Temporary Speaker, I suspect that socialism is creeping in this society. What we create in a society is equality of opportunities, not equality of outcomes. That is why I support this Motion because it is trying to create equal opportunities by investing in the vulnerable groups in the counties. You are only creating equal opportunities, but cannot guarantee equal outcomes because are things that are beyond us. It depends on several factors.

Madam Temporary Speaker, these reforms that are now being adopted by the Ministry of Education, I suspect they are going to make Kenya a less competitive---

The Temporary Speaker (Sen. Pareno): My advice would be that, if you could bring this as a substantive matter, maybe you will get more information as to why they are doing away with ranking and why there should not be competition, and whether they scrapping exams. Maybe you need to think about it as a substantive issue, so that you do not discuss that issue within another Motion.

Sen. Kang'ata: Thank you, Madam Temporary Speaker. I am very well advised and will definitely ensure that I keep my submissions within the realm of this Motion. However, I would also insist that even as we invest more money at Early Childhood Development Education (ECDE), we must also ensure we boost competitiveness of our children. We must also ensure that we tell our children that this world is about competition, and if they do not compete, they will never go far. We only must ensure the curriculum imbues those ethos of competition. If we do that, I have no doubt our children are going to prosper and will be the best in this world.

That is why I support this Motion. I hope we will create a committee of implementation because we may pass this Motion and then the governors fail to allocate more resources. I would want a situation where this Senate follows to ensure that this very important Motion, once passed, is going to be implemented 100 percent.

Madam Temporary Speaker, I will finalize by talking about Murang'a County on matters early childhood education. Murang'a County has about 600 nursery schools. For

the longest time, Murang'a County used to be one of the best performing counties on matters education, but there has been a little bit of deterioration.

When I was young and growing up, I recall Murang'a used to be ranked top five in education. Since we stopped ranking, I am not so sure what number we are now, but there is a lot that needs to be done on matters early childhood education.

When you look at demographics of my county, we have a situation where very few children are being born. These are factors that I doubt we can really arrest. We have a changing world where women want to have fewer children. On the other hand, I see an opportunity in that because if we are having less children in Murang'a County, it means we can give them quality education and services. If you go to places like Kahuya Primary School in Kiharu, Ithanga Primary School in Gatanga, Maragwa Primary School in Maragwa Constituency or Kigumo Primary School, you will find that our ECDEs now have fewer children.

Long time ago, in Kigumo Primary School, there used to be about 200 nursery school children. Currently, we have about 50. That then means that Murang'a County can now ably provide free food for those children, employ more teachers and ensure the classrooms are up to standard. Once we do that, the quality of education in Murang'a County is going to be the best. We are going to improve education.

Madam Temporary Speaker, we can even afford to buy modern equipment, modern teaching aides and tools to educate the Murang'a child. Therefore, I am looking forward to the passage of this Motion, so that we invest more resources in Murang'a County. I have no doubt the children of Murang'a will be the engineers, doctors and scientists of tomorrow.

Thank you.

I support.

Sen. (Eng.) Hargura: Thank you, Madam Temporary Speaker. I rise to support this Motion because it is always good to start early when we try to develop our human resources. In order to enlighten citizens, we have to start early. The starting point is the early childhood education.

Madam Temporary Speaker, in some parts of this country like Marsabit County, which I represent, we have illiteracy levels of up to 80 per cent. This means that we have a long way to go to get our citizens educated, so that they can participate fully in nation building and understand how to develop the necessary skills.

This is a very important stage because as pastoralists. It is at that stage that it is decided whether or not you are going to school. I remember, when we were growing up, when you were young at the age of three, that is when you started looking after the livestock; the young ones of the goats and sheep. That is where you start training as a pastoralist.

Those who went to nursery schools at that time ended up being educated and those who missed that ended up not going to school at all because they ended up being herdsman. That is how their life was determined at that early stage. One reason parents decided to take their children in that direction is because there were no other facilities to take their children to at that stage. If there were those facilities then, they would have opted for that.

Taking into account the pastoralist lifestyle, where most of the time families move, you will find a whole family; the father, mother plus those children who can walk long distance, moving along with the animals. If there was a facility like an early childhood centre or childcare centre somewhere, that is where they would have left their children. That is where the children would have gone into the system of getting formal education from that early stage. That is why it is very important. For some communities, it determines your future. The presence of that facility will determine your future because that is where you will start learning.

Due to the poverty levels in some areas, if there were such facilities where the children can get a meal a day or two meals a day, the parents would be very happy to take their children there, so that as part of the day care, they also get provided for. This would also ensure that the parents have more time to do other things, like looking after the animas, which is a tedious job. One would leave in the morning and come back in the evening. The whole day the father or mother will not be available.

I know that counties have put in some effort with regard to that. They have constructed ECDE classrooms. They have employed the caregivers, but it is not systematic. In some areas the structures are there, but they have not equipped them or employed the caregivers. Therefore, it is not useful to the community.

If there is this kind of a resolution, through this Motion brought by Sen. (Dr.) Alice Milgo, then the counties will have a direction in the sense that they are required to commit a certain percentage, in this case, 10 per cent. Although we know the way counties operate, I do not know whether they will have that 10 per cent. This is because very important sectors like health end up not getting this 10 per cent.

We have turned counties into employment bureaus. Some are overshooting the 35 per cent ceiling, which has been put by the Public Finance Management (PFM) Act that they should not exceed in terms of committing payment of personal emoluments. However, this is a starting point and they need to know that this is an important sector.

In communities where illiteracy levels are high, they can improve by getting children into the education system early. Along the way, 20 years down the line, once more children have gone to school, they will develop necessary manpower to employ teachers and healthcare personnel. You will be surprised that there are not enough teachers in those areas. If you check the number of students interested in enrolling to the teacher training colleges, they are not there. This needs to start from the lower level, even when it comes to nurses.

When the illiteracy levels are high, it means there are few people from those areas willing to go through the system to train in the necessary profession and go back and serve the area. We know what is happening in parts of this country, especially northern Kenya, where outsiders, the non-locals have left because of security challenges. If the locals are trained in those professions like teaching and medicine, then they will provide the necessary services.

It is a good direction to go, it is better to start early and provide the facilities at that level. In the case of pastoral communities, once you miss at that level, then you will not have people go to school once they have reached the school going age. A six-year-old child is old enough to go to school. At that level a pastoralist child can take care of a herd of cattle. The parent will find more use in the child than taking him or her to school. If

the child was taken to an ECDE center at the age of three, by the time he or she is six years, he or she will be comfortable to be in school than go herding. This will change the demographics in terms of the literacy levels.

I urge governors that the Senate is discussing these Motions because we feel there is no proper attention and there is need to take that into account. This is not only about the structures which we have seen being present for two or three years not being occupied because they have not been equipped, but also the issue of absence of staff. There is need to look at this in a holistic way by having the correct structures, equipment, personnel and support like providing meals. This makes a big difference. Whether the child gets a meal there or not will determine if a pastoralist child will go to that school.

Thank you, Madam Temporary Speaker, I support the Motion.

The Temporary Speaker (Sen. Pareno): There being no other request I call upon the Mover to respond.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker. I thank my colleagues for taking interest in this Motion and putting a lot of information into it. They have also shown that this is an important Motion. I thank Senators who have spoken to this Motion starting from Sen. (Dr.) Musuruve who seconded the Motion and brought out the fact that daycare centers should be put in place to ensure we bring on board all children left out by the 2-6-3-3 system of education. In this case I am speaking to issues of 100 per cent transition. This reminded me of Sustainable Development Goals (SDGs) and specifically Goal No.4 which speaks to ensuring that no one is left behind. We only have nine years left to get to 2030 when we said that everybody should have been brought on board. We realize that this system leaves out children from one to three years.

Sen. Nyamunga has brought out the issue of the mental stress that women have because they are homemakers. As she was speaking on the issues that cause stress on women, one is because they lack people to leave their children with or are worried that the house helps are not the best. It reminded me that the many mental health issues we are witnessing in the country right now may be as a result of this. We realize that most of the homemakers are women and are also providers to the families. If they were to be provided with quality daycare centers where they can leave their children, they will find time to go out and interact with others and in the course of interaction, issues of stress and mental cases are reduced.

Sen. Cherargei and Sen. Nyamunga have spoken to issues of lack of implementation. Although you have told us that in the Standing Orders each Committee or Member has the right to approach the right department in the Ministries, but it is still a major challenge to various Bills and Motions we bring to this House. Looking at the Articles of the Constitution 2010, many areas have not been implemented. The issue of gender disparity would have been achieved if the Constitution would have been implemented. Sen. Cherargei spoke to issues of the curriculum and the need to engage the KICD and the Education Act to ensure that we have a curriculum that is tailor-made for young children. In informal daycares there are no structured activities and the kind of curriculum adopted is not standardized which results to challenges. This is an important input.

Sen. (Dr.) Ochillo-Ayacko, talked about the vulnerability of children and the issue of a just society was brought up. This is where we ensure we take care of children,

provide the right education, right materials, ensure that we ascertain that children are living in good environments and we are living in areas where everybody has an equal footing. All these speakers have spoken to the issue of the welfare of the teachers who are supposed to work in these institutions. We have had a challenge and, in many cases, the welfare of ECDE teachers has not been considered. Therefore, there has been a lot of frustration which impacts negatively on the young children.

Sen. Shiyonga talked of standardization. If the Basic Education Department will develop this policy, it is one way that we can standardize ECDE daycare centers across the country.

Sen. (Prof.) Ongeru has talked at length. When we talk about health and education, he is actually at home. He has really brought out how a day care centre should look like in terms of the graphics, classroom designs, play materials, trained staff and healthcare workers to ensure that these children are treated when they fall sick. We know it is in this area where there are a lot of respiratory diseases like cold, ringworms and many others.

This one is in line with what Sen. (Dr.) Musurume talked about in terms of assessment centres. Sen. (Prof.) Ongeru spoke to this as well. This is where we have staff that can assess children in these centers. This is in order to place them come the future to the right places. We may have children with autism or various levels of challenges. It is here where we can place them at the right schools. From that, we take it to schools where after five years we realize that there was a mistake.

This is a very important input. We shall be able to incorporate these very important issues. From here, I learned that young children junk in and out. At the end of it all, we have children who are maladjusted.

Madam Temporary Speaker, we also had Sen. Kang'ata speaking to issues of correlation. There is a strong relation between what we invest in young children and what comes out in the future. Researchers have strongly found that when we input properly to young children, come the future, they will have a very strong foundation in terms of their intellectual capability. Their development growth will go a long way to ensure that they are not vulnerable even to diseases.

One thing that has come from Sen. (Eng.) Hargura is about the pastoralists. If they have day care centres, it would be very important to ensure that we bring on board these marginalized children. We have been talking about these marginalized communities. Some of them have been marginalized because they keep on moving from one place to another in search of pasture for their herds. In the course of doing so, children miss school. If these day care centres were there, instead of taking them to herd goats and cows, they will be taken to school and it is here where learning will begin.

Madam Temporary Speaker, many Senators have underscored the importance of the feeding programme. The Committee on Labour and Social Welfare and the Committee on Education were scrutinizing the Budget Policy Statement. We also underscored the importance of the feeding programme which will ensure that these children stay in schools because there is food which they cannot get at their homes. Food is not only a motivator for them to go to school, but they will be healthy.

Madam Temporary Speaker, this is a very important Motion because counties will allocate at least 10 per cent of their budget to the ECDE. I urge the basic education department to develop a policy to ensure standardization of day care centres right across

the country. By so doing, we will ensure our children have a firm foundation when they start schooling. This is the entry point and it is unfortunate.

Sen. Kang'ata spoke about the challenges that are still in Competency Based Curriculum (CBC), the 2-6-3-3 system of education. You can see it has even left out this play group. That is why I was saying earlier that when we are interrogating counties with my Committee, we did realize that enrolment in ECDE centres has gone down because this group was left out by this. Therefore, there is a huge gap that this Motion was trying to speak to.

Madam Temporary Speaker, I thank all the Senators and you for this particular time. Maybe I will request you not to put the question because I am seeing very few Senators today.

The Temporary Speaker (Sen. Pareno): Are you through? I now determine that this is a matter that does not require a vote by delegation. Therefore, we can proceed to do a voice vote.

(Question put and agreed to)

The Temporary Speaker (Sen. Pareno): Next Order.

[The Temporary Speaker (Sen. Pareno) left the Chair]

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

The Temporary Speaker (Sen. Pareno): Sen. (Prof.) Ongeru, proceed.

MOTION

ADOPTION OF CPAIC REPORTS ON THE AUDIT OF VARIOUS COUNTY EXECUTIVES FOR FYS 2015/2016 – 2017/2018

Sen. (Prof.) Ongeru: Thank you, Mr. Temporary Speaker, Sir. I beg to move- THAT, this House adopts the Reports of the Sessional Committee on County Public Accounts and Investments on the consideration of the Audit Reports of the following County Executives for the Financial Years 2015/2016, 2016/2017 and 2017/2018, laid on the Table of the Senate on Thursday, 11th February, 2021-

- (i) **Volume I-**
 - a) Baringo
 - b) Elgeyo Marakwet
 - c) Homa Bay
 - d) Kakamega
 - e) Kiambu
- (ii) **Volume II-**
 - a) Kisii
 - b) Mandera
 - c) Mombasa

- d) Taita/Taveta
- e) Kilifi
- (iii) **Volume III**
 - a) Garissa
 - b) Wajir
 - c) Narok
 - d) Kericho
 - e) Lamu

Mr. Temporary Speaker, Sir, I have the singular honour and privilege of presenting the report of the County Public Accounts and Investment Committee (CPAIC) for the Financial Years 2015/2016, 2016/2017 and 2017/2018 in this House.

As you know, the Senate Sessional Committee on County Public Accounts and Investment is established by the Senate pursuant to Standing Order No. 220. It is mandated apart from all things pursuant to Article 96 (3) of the Constitution-

- (a) To exercise oversight over national revenue allocation in the county governments;
- (b) Pursuant to Article 229(7) and (8) of the Constitution to examine the reports of the Auditor-General on the annual accounts of the county governments;
- (c) To examine special reports, if any, of the Auditor-General on county government funds;
- (d) to examine the reports, if any, of the Auditor-General on the county public investments; and,
- e) to exercise oversight over county public accounts and investments.

Mr. Temporary Speaker Sir, you will recall that the Sessional Committees were reconstituted on 4th May, 2020 as opposed to the commencement of the 4th Session, thereby losing approximately three months. Following the reconstitution of its membership, the Committee convened on 25th June, 2020 and elected Sen. (Prof.) Sam K. Onger, EBS, EGH, MP and Sen. (Eng.) Hargura Godana, MP, as the Chairperson and Vice Chairperson respectively. The membership of the Committee comprises of the following Senators-

- | | | |
|--|---|------------------|
| 1. Sen. (Prof.) Samson K Onger, EBS, EGH, MP | - | Chairperson |
| 2. Sen. (Eng.) Hargura Godana, MP | - | Vice-Chairperson |
| 3. Sen. Fatuma Dullo, CBS, MP | - | Member |
| 4. Sen. Irungu Kang'ata, MP | - | Member |
| 5. Sen. Charles Kibiru, MP | - | Member |
| 6. Sen. (Dr.) Ochillo-Ayacko, EGH, MP | - | Member |
| 7. Sen. Johnes Mwaruma, MP | - | Member |
| 8. Sen. Ledama Olekina, MP | - | Member |
| 9. Sen. Samson Cheragei, MP | - | Member |

Mr. Temporary Speaker, Sir, on 9th June, 2020 and 17th June, 2020, the Committee published in the dailies schedules of appearances for the county executives and county assemblies respectively. In a bid to recover the lost time, and noting that it had only five months of intensive operations before the end of the Session, the Committee resolved to hold sittings daily from Monday to Friday for three consecutive

weeks in each month. The sittings would run through mornings and afternoons when the Senate was in recess, and only mornings when the Senate had plenary sittings.

Since the Committee handles voluminous documentation, it was noted that it was difficult to effectively scrutinize and consider such documentation on virtual platforms. The Committee, therefore, successfully appealed to the Speaker to be allowed to hold physical sittings. We are duly grateful for the indulgence that he gave us.

The challenge of operating under a very tight schedule of interrogations and the heavy backlog of reports, coupled with the Coronavirus Disease (COVID-19) situation, slowed down the Committee's effort to consider and table reports within the short period. It is for this reason that the Committee sought the intervention of Standing Order 219 (4) of the Senate Standing Orders, to allow for extension of time for the Committee beyond the end of Session, and ensure that the Committee continues to operate until a new Sessional Committee is established at the commencement of the new Session.

Mr. Temporary Speaker Sir, in the sitting Schedule, the Committee lined up for interrogations all the 47 county executives. For the first time since the inception of devolution, the Committee also lined up for interrogations all the 47 county assemblies. The Committee held meetings with 46 governors and clerks of 25 county assemblies to consider the Auditor-General's Reports for Financial Years 2015/2016, 2016/2017, and 2017/2018 for county executive entities, and Financial Years 2013/2014, 2014/2015, 2015/2016, 2016/2017; and, 2017/2018 for county assemblies.

This House will recall that in the last Senate, during the period 2013 to 2017, interrogated only 18 county assemblies on the audit reports of 2013/2014, implying that 29 county assemblies have never been oversighted by the Senate since inception. It is also worth noting that all county assemblies have never been oversighted by the Senate on the audit reports from the financial years 2014/2015 to 2017/2018.

The Committee cannot rule out the possibility of direct relationship between the lack of the Senate oversight of county assemblies and inadequate financial management in county assemblies. It is for this reason that this Committee utilized part of its tight schedule in interrogating county assemblies, in order to put them on their toes in undertaking proper financial management.

Mr. Temporary Speaker, Sir, the Committee examined the reports of the Auditor-General on the financial statements for the above mentioned county executives for the financial years, beginning with the most recent audit, 2017/2018, 2016/2017, 2015/2016, and identified various fiduciary risks, which had been a subject of debate and acceptance by this House during my predecessor, Sen. M. Kajwang's Session.

In this Motion, my Committee presents the reports in three volumes; each volume consisting of 15 separate reports for five county executives, for three consecutive years 2017/2018, 2016/2017, and 2015/2016, making a total of 45 reports. I can easily say that each of these reports, Volume I, II and III contains about 700 pages. Therefore, you are likely to look at the report which contains 2,100 pages in the first round of Volume I, II and III.

In the other years of 20 counties that will be tabled later, there will be another 800 pages constituting more than 3,000 pages of the Report that this Committee has been able to write. I must say that it is one of the most exhausting report writing exercises I have ever ventured to do. One can say that we are used to report writing and marking scripts in

the university and other places, but this was fairly challenging. We were, however, equal to the challenge.

The reports revealed that most county executives did not adhere to their approved budgets. In most instances, funds were reallocated to items that were not budgeted for, and without prior approval by the Controller of Budget and county assemblies.

In addition, there were numerous cases of under collection of local revenue, where most counties missed their revenue targets by significant margins as a result not factoring in revenue collection challenges that usually affect their revenue potential targets, especially during similar periods. The under collection of revenue not only resulted in most counties incurring billions of shillings in unpaid bills, but also not implementing certain programmes, as a result of prioritization due to lesser resources than budgeted for.

In the financial years under consideration, the Auditor-General reported that pending bills were still a big challenge for many county governments. Most of these bills emanated from under-collection of revenue, which affected the budgeting and implementation of projects. Further, the own source revenue collected was banked in commercial bank accounts, other than the designated revenue collection accounts like the County Revenue Fund (CRF), an avenue for revenue loss.

All county governments had weak accounting systems evidenced by failure to present documents for audit, poor record keeping, fraudulent practices, non-compliance to laws and procedures, and poor management of imprest. The reports of the Auditor-General also indicated that counties were still struggling with maintaining proper records, a clear indication that the procurement and accounting departments had personnel challenges.

The Committee has made various recommendations pertaining to poor record keeping in each county, depending on how the management had handled the matter. However, the Committee has recommended that the management of each county should ensure that the registry, procurement and accounting departments are staffed with qualified personnel, who are members of the respective professional bodies. The County Executive Committee Member (CECM) for Finance and the Chief Officer (C.O.) of Finance should ensure adherence to Paragraph 90 of the Public Finance Management County Government Regulations.

During the year under review, the Committee noted that all the counties had not updated registers for the assets and liabilities inherited from defunct local authorities and those subsequently acquired post devolution exposing the county governments to serious risks of loss of assets.

This is one of the most pending issues that this House, in one way or the other, must make a decision. This is because when we interrogated the executives of the county governments, one of the excuses that they were giving is that the matter had not been finally dealt with by the Intergovernmental Relations Technical Committee (IGRTC) which is the apex body where both governors and executive meet to deliberate on this matter.

We hope that the assets and liability area of pending bills will be tackled sooner than later. This is because it is one of the avenue where there is loss of assets of the county governments. We need to put the record straight.

The Committee also came across the bizarre situation of the unavailability of documents for audit due to the burning of county finance offices. This incident was observed in the audit of Homa Bay County Executive where fire conveniently destroyed finance documents thus rendering the audit exercise impossible to undertake. The fire was suspicious. Therefore, the Committee looked at this incidence and recommended that thorough investigations be undertaken by authorized agencies to unearth both the arsonist and perpetrators of this act with a view to prosecute them.

We could not pin them down. At one time, it was suggested that it was an arsonist activity. However, the only way we could unravel the element of non-availability of documents for examination by the Auditor-General is to get the authorized institutions, in this case, the Ethics and Anti-Corruption and Commission (EACC) and the Directorate of Criminal Investigations (DCI) to interrogate whether there was an arsonist activity and the person held into account. If it was the action of officers within the executive, they should be brought to account.

Mr. Temporary Speaker, Sir, the internal control weaknesses in the IT control environment at the counties cannot go without a mention in the audit reports as they are arising from lack of policies to guide operations.

Most counties had not established and operationalized county ICT Management Committees under the department of finance and economic planning. A case of Mandera County.

Further, county governments have not reviewed their ICT governance framework in line with the revised national ICT standards developed by the ICT Authority.

Further, the counties have not formerly documented and tested procedures to secure data systems in case of an emergency considering the regular fire incidents across the counties in the recent years.

We noticed that county executives and county governments do not have redundancy arrangements where documents can be relocated to another site in the case of these arsonist activities as it were. We can then retrieve those documents if those arrangements were in place and auditors can access them, audit and give a proper audit report.

Counties having not established internal audit Committees also featured across the audit, however, there was slight improvement as some have now put them in place, although others are yet to be fully operational.

Mr. Temporary Speaker, as a result of the highlighted inadequacies, the Auditor-General rendered different opinions from disclaimer opinions, to adverse opinions and unqualified opinions, with only Makueni and Nyandarua counties receiving unqualified opinions in the Financial Year 2017/2018.

There was a slight improvement in book-keeping and record keeping when comparing those from the earlier years with the more current financial years. However, there is need for capacity building especially in the human resource, procurement, accounting and revenue departments in the counties as well as establishing strong, independent internal audit units.

The reports are available in your tablets. If you look at page 12 of Vol. 1, on General Observations and Recommendations, let me say that this has taken into account the fiduciary risk that have been tabled before this House and approved and we use that

as one of our guiding principles in making these general recommendations. This is because that was standard fiduciary risks assessment that we laid on the Floor of this House and gave us guidance on how to handle most of these major elements arising out of the audit queries.

Mr. Temporary Speaker, Sir, the general observations and recommendations contained in the reports are-

(1) Notorious presence of worst audit opinions. The Committee noted that since the inception of devolution and for five successive financial years, 2013/2014; 2014/2015; 2015/2016; 2016/2017; and, 2017/2018 most county executives received disclaimers and adverse audit opinions.

(2) The Committee observed extensive inadequacy in management of finances in those county executives. The most notorious features identified include:

- (i) Failure to present documents for audit;
- (ii) Poor record keeping;
- (iii) Fraudulent practices;
- (iv) Non-compliance to laws and procedures; and,
- (v) Failure to recruit qualified personnel among others.

As a result of these inadequacies, the Auditor-General presented the worst audit opinions across the years, implying that the financial management situation in those county executives has been deplorable.

The Committee further noted that the disclaimer opinion would have severe implications on the county government, such as not attracting development partners' investment in the county.

The Committee recommends that counties that received disclaimer opinion should be put on close surveillance by the investigative agencies, that is Ethics and Anti-Corruption Commission (EACC) and the Directorate of Criminal Investigations (DCI).

The Committee also reiterates its earlier recommendation in the fiduciary risk report that counties that will not show significant improvement in financial management arising from audit opinion will be penalised in the following ways-

(i) Reduction in budgetary allocation by losing on the fiscal responsibility parameter of the County Allocation of Revenue Act (CARA). At the time of writing this Report, I believe we have had some new development in this area particularly in the last negotiations. However, we could not change the Report at that stage until we know the final products are in the negotiated documents.

(ii) Stoppage of release of nationally collected revenue to respective county governments.

Mr. Temporary Speaker, Sir, Members can read the rest of the outlined General Observations and Recommendations indicated. If you look at this Report, there is the Executive Summary which contains about 25 elements of recommendations that were pinned down and that will give you a guide. You can have a cross section of examination of that Executive Summary and it will help you to mirror your own county government and see how it has performed in this Audit Report.

There are other additional elements which add up to 26 recommendations that we have included in this executive summary to guide the Members of this House to examine

their respective individual county governments and come up with recommendations to be considered by this House.

Mr. Temporary Speaker, Sir, Members can read the rest of the outlined general observations and recommendations indicated. All the recommendations contained in this report were arrived at unanimously. Allow me to unanimously sample one of the things that we noted. We noted flagrant non-compliance to relevant laws. The Public Finance Management (PFM) Act, 2012, the Public Audit Act, County Government Regulation and the Procurement and Asset Disposal Act are not complied with by most county executives. The conclusion one can make for the non-compliance is because that is one way they are squandering the resources that have been placed under their watch.

We recommended that pending bills should form the first charge in the budget of the successive financial year. The county governments should prepare a debt management strategy every financial year and that the Auditor-General undertakes a special audit to verify the authenticity of the pending bills. We deliberated on the question of inter-governmental debts and we all agreed the county governments should-

(1) Undertake an edging analysis of the debts brought to it by the national Government;

(2) The county government should develop a mechanism to collect debts owed to them;

(3) The national Government should undertake an edging analysis of debts owed to it by the county governments;

(4) The National Treasury should develop a framework to guide the process of settling debts owed by the entities of the two levels of Government. One of the notable cases was the dispute between the Nairobi City County Government and the national Government and any other such incidences that have been cited; and,

(5) The National Treasury should write off debts as per Section 69 of the Public Finance Management (PFM) Act, 2012 and Regulations so that we can clean up the books since they will be recurring audit queries all the time. There were many such areas as I have mentioned under the collection of county revenue. One can make a misrepresentation of county revenue and incomplete and non-utilized projects and lack of assets and liabilities register.

If I continue reading the rest of the recommendations, it will be mere repetition since Members have the entire report. I wish all the Members well in going through the over 2,000-page document.

Mr. Temporary Speaker, Sir, in conclusion, I wish to register my appreciation to the Office of the Speaker, the Clerk of the Senate and the Office of the Auditor-General for facilitating the work of CPAIC and making the production of these reports possible. The Committee also appreciates the secretariat of the CPAIC for their commitment and dedication to duty. The Members of the CPAIC of Senate, the ones whose names I read when I made my opening remarks, worked very hard. It is not easy to examine the audit reports of 47 counties. We examined the audit reports of 46 counties. One county could not come because of certain elements and we were caught with time. The 47th county was also notorious since it had attracted an adverse opinion. I think that is a matter that can be taken up by the EACC and the DCI to deal with that county because we could not even interrogate the executive. That is Murang'a County.

We also interrogated half of the county assemblies. That is something that had never been done since the inception of devolution. We started from FY 2013/2014 and now we are on FY 2017/2018. That was a lot of work. It meant a lot of reading of the reports and writing the reports.

We also had to assess the Auditor-General's reports against the mitigating factors that had been brought by the county executives and the county assemblies. Therefore, when all these reports are finally tabled, we will have achieved a record time for having tabled many reports within a period of five months.

My recommendations to the incoming Members of the Committee is to pick it up from there. Once this Committee is passed, then they will only have to begin with the most recent audit reports which have been tabled before this House. That is for FYs 2019/2020 and 2020/2021. That will make them current. Therefore, they will be able to see the mischief by some county executives instead of dealing with postmortem reports of the previous years.

I record my sincere thanks to Members of my committee who worked tirelessly. Sometimes they gave up their weekends and time for their families to devote themselves to writing these reports. It should go on record that this is one committee which has worked extremely hard.

I also thank the previous committee which was chaired by Sen. M. Kajwang' because they also worked hard and presented some reports that, unfortunately, were not tabled. These reports are for more than 20 counties, making a total of six counties that have been completed up to FY 2017/2018. That was laborious work but was successfully concluded.

Mr. Temporary Speaker, Sir, on behalf of the Sessional Committee on County Public Accounts and Investments, I now wish to urge the Senate to adopt the reports and recommendations herein.

I beg to move and request Sen. (Dr.) Ochillo-Ayacko to second the Motion.

Sen. (Dr.) Ochillo-Ayacko: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to second this Motion. I want to start by thanking your office, the secretariat and Members of the CPAIC who worked tirelessly to come up with these reports.

I equally thank the predecessor committee that was chaired by my neighbour Sen. M. Kajwang' because they did a good job. We noticed that from their firmness because there was compliance when we started our work. The governors seemed to have been aware that there would be sanctions if they did not show up. So, I thank that team for doing a good job. The job they did made it a little easy even against COVID-19 and other adversities of last year. We started late, but we worked intensively and dedicatedly.

Mr. Temporary Speaker, Sir, we are proud that there is a report that reflects the effort of our Committee and the seriousness of the oversight function of the Senate. The Senate is a serious institution and the Constitution gives us the responsibility to carry out oversight under Article 96(3). So, as a Senate, amidst all these difficulties and challenges, we have a report that we are debating.

A look at the county executives and county assemblies who appeared before the Committee, there is an indication that it would be accurate to describe them as serious violators of the law. If you look at the number of pieces of legislations that they were

infracting and violating; in fact, a strict push for compliance with the legislation and enforcement of those legislations, we would have quite a number of executives and management of county assemblies in jail. Unfortunately, the Senate and the National Assembly, year in, year out, are able to flag and identify these perpetrators. However, other institutions that should help in enforcement of legislation have not performed to the expectation of the nation. For instance, if you look at the Public Audit Act, it has very serious sanctions prescribed for non-availability of documents for audit.

If you look at the same Act, you will find that there are very stringent legal requirements for failure to provide documents and for late submissions of these documents. Year in, year out, you will find that the Senate and the Auditor-General get these complaints, discuss them and make recommendations. However, year in, year out, county executives still do the same.

Mr. Temporary Speaker, Sir, our Committee observed that there is need to nudge each institution and not just to leave the lamentation to the Senate. The Office of the Auditor-General, whose audit functions are hampered when documents are not submitted in time, should be able to find a mechanism of filing specific complaints. You go to a county, for instance, Kisumu, Mombasa or any other county and you find that the first audit issue is non-provision of documents. You look at the following year; again it is non-provision of documents. You look at the subsequent year, it is non-provision of documents. If you look around and check, there is no formal complaint that has been taken to any criminal investigative department. However, even if none has been taken, there are reports of the Senate that are public documents, that are in the possession of law enforcement agencies, but they never read them.

The Directorate of Criminal Investigations (DCI) and the Ethics and Anti-Corruption Commission (EACC) are aware of these complaints. That makes reports just documents to be filed and gathering dust and mould wherever they are. Most of these county executives and management of assemblies treat them as the bark of a small dog that is unable to bite.

I think it is high time that the real dog, which is the oversight dog, together with associated or related institutions, should bite somebody. The people to be bitten are recorded in this report. We need to have them bitten very badly because what they are doing is abuse of public trust.

Public trust, if abused, I can assure you governance will never deliver anything effectively because governance is based on law. When it is done in accordance with law, then the object for which those institutions were intended, and the benefit that the public expect out of those institutions, would be realized in a measured manner. The public would cease being skeptical and cynical about why they vote and fund those institutions. In fact, some members of the public have given up on expecting performance or services from any institution. If you go out there, you will see hotels and private businesses coming up. These businesses are owned by people who work in counties. They do not have any other known source of income. There is no service yet you see their wealth growing by leaps and bounds.

It is important for us, as a House, when adopting this Report to also get into conversation with other entities who are supposed to augment in enforcing this Report.

Mr. Temporary Speaker, Sir, you will find that there is poor record keeping. It is deliberate. One of the requirements, particularly in finance, is that you must keep to a certain standard. That standard prescribes in very straight accuracy as a requirement.

There is a requirement that action should be taken against professionals who are occupying these offices by the bodies to which they belong. We are yet to see any professional body taking action about misconduct or lack of quality in the performance of these professionals. The governor is the alter ego of the county, and the Chief Executive of the county. All the county issues relating to accountability, the buck stops in the office of the governor. We are yet to see any governor taking action against any professional.

This is likely to create a pattern, song and a rhyme that the Senate will report and complain. It will be a song, but nobody will take this seriously.

I also want to call upon, on behalf of my Committee and my Chairperson who did a wonderful job, to ensure that professional bodies track and monitor what the Senate and other oversight Houses like Parliament and county assemblies report about specific professionals who are members of their professional bodies. In fact, we are beginning to have distrust for people who claim to be accountants, engineers or lawyers. The people we do not seem to distrust at the moment are doctors. We just blame them for striking, but it has not come to our attention that they are committing unprofessional activities. Perhaps, they were taught well by the Chair. They seem to be behaving well.

Mr. Temporary Speaker, Sir, other professionals, including mine, are people who are shameful to our professional entities and the executives of those entities. The professional bodies should read this Report and on their own motion or *Suo Moto* or upon receiving, take action against their members. If they do not do so, I believe we are watering down the quality of work that should be done.

Mr. Temporary Speaker, Sir, we also observed that statutory deductions that have serious implications, for instance, pension, the National Hospital Insurance Fund (NHIF) and the National Social Security Fund (NSSF) are never remitted. Taxes are never remitted. There are very serious legal sanctions that we should take against the individual officers who should remit them. There are also other actions that should be taken against the institution.

More often than not, we get to hear that the Kenya Revenue Authority (KRA), the NHIF and other institutions have taken actions against the corporate entities, but not against the specific individuals. Institutions which are corporate entities work through individuals. Institutions by themselves are unable to commit crimes because they are inanimate without these individuals.

If you do not punish these individuals and hold them accountable for perennially or permanently violating the law, you will keep on hearing that Migori, Nairobi City or Mombasa counties have failed to remit statutory deductions. A corporate entity does not feel the pain even if you punish them. They will report to their workers that their emoluments and allowances are delayed because of the Kenya Revenue Authority (KRA). However, if you punish the individual who does it deliberately, I am sure that the individual will feel the pinch and take individual remedial measure. This must be done.

The issue of pending bills was notorious. It was an issue that was pervasive in nearly all the counties. These pending bills are a serious danger and a threat to devolution. Pending bills is money owed to people who have done their part in terms of

service delivery, supplies and contractual obligations they have. They have associated obligations to where they sourced the materials they put to use for delivery. They are indebted to their employees and are owing money to financial institutions. In counties almost everyone is broke, and when you ask why, you find out that money is trapped somewhere in the county. A contractor is waiting for the money, and is obligated to pay a hardware owner who is waiting for the money. There is rent to be paid to a poor teacher who retired and used her retirement benefits you construct a house, whose rent is unpaid. The *kiosk* owner is also waiting for the little supplies that were borrowed from her by some people. The *boda boda* and other people cannot get money.

The issue of pending bills is a crisis that must be addressed. County executives seem to attribute it to failure to release Exchequer on time. The Exchequer is released at the end of each financial year, yet these pending bills never go away. Some of them conceal fraud, and it becomes a very untidy situation because pending bills are also related to budget absorption. If you have pending bills; you do not have money or it comes late and have a budget, budget absorption is related to that. All these things relate to performance of a county executive and create a situation where the public never gets value for the money they have been taxed and has been allocated to counties.

Another threat to devolution is uncollected land rates, rent properties and utility bills, which is lumped together by the county executives' failure to collect their local revenue. The non-collection of these items and failure to collect local revenue leads to many things, including pending bills included. It is something that every county could not explain. I can report that no county was able to collect local revenue they had proposed or budgeted to collect. The explanations they were giving looked like they were hiding in small boardrooms and recycling the same kind of explanation; that election activities made it impossible for them to achieve. There are many things we observed as a Committee that require urgent correction.

One of the things we found out as a Committee is that no county was able to comply with the requirement that the recurrent expenditure be pigeon-holed to a certain percentage. The kind of reasons being given - I do not know whether they were taking us or the Auditor-General for fools - they would tell you that they have many members of staff and many activities for which they should pay. However, you notice that they continued recruiting. If you have many members of staff and you are already not complying with the law because of them, what sense does it make for you to recruit more? Why do they not do skills alignment and audit right-sizing and then they have a very effective right size of staff, well-motivated who are able to deliver on the mandate of those county governments?

Mr. Temporary Speaker, Sir, there is need to link the enforcement of some of this non-compliance to the office of the Controller of Budget (CoB) so that, that office is able to also help in enforcing compliance by ensuring that counties that do not comply with some of these requirements have to do an explanation to the CoB, the Senate or National Assembly.

Mr. Temporary Speaker, Sir, I say this because the requirement that a certain percentage of the budget should be recurrent is something known to the office of the CoB. When another budget is done that is allowing for additional recruitment, that should not be allowed.

If my county or another county is notorious for bursting the budget ceiling in recurrent and they give you another budget that they want to recruit more, what are they saying? They are saying that we will continue bursting this budget, we do not give a damn about what you are saying. This is something that all institutions should be aware of and try and fight out.

Mr. Temporary Speaker, Sir, the committee did a good job. What we really want to do is to ensure enforcement. We should ensure enforcement so that we are not a talking shop or a choir singing the same chorus year-in-year-out. As a Senate, our oversight and enforcement---

Thank you for the opportunity.

(Question proposed)

Sen. M. Kajwang’: Mr. Temporary Chairman, Sir, I rise to support the Motion that the House do adopts the reports of the County Public Accounts and Investments Committee for the counties that have been mentioned. This is one of the most important functions and duties we have as a House.

I want to congratulate Sen. (Prof.) Ongeru and the team that is currently the County Public Accounts and Investments Committee for doing an excellent job and bringing reports to the House. When I chaired that committee, there was always pressure from Members: Bring us reports. There was pressure even on the Senate Business Committee (SBC) to set aside specific days for consideration of these reports.

Mr. Temporary Speaker, Sir, it is always very disheartening and a low moment when you have brought to the House 1,500 pages of a report and the Chamber is empty. The Motion is called at 6.24 p.m. yet this is one of the most important oversight duties of this House.

The Committee chaired by Sen. (Prof.) Ongeru has done a great job. They have brought to us many reports. In fact, we are very soon closing the gap on backlog because now we are considering reports that run up to 2018. The pending audit reports that are yet to be considered by the Senate are probably reports for the Financial Year 2018/2019 that have just been tabled before the House. This was occasioned by the delay of the appointment of a substantive Auditor-General.

In the past, we have brought to this House the Fiduciary Risk Report. On hindsight, I realized that when I brought the Fiduciary Risk Report to the House, it was more technical than political. It contained very useful recommendations on some of the risks that cut across all the counties over the first three years of devolution. All that was documented, brought to this House and has been adopted.

Mr. Temporary Speaker, Sir, previously, when I sat in the Committee with Sen. (Prof.) Ongeru, we brought to this House more than 64 reports. In fact, the only reports that are pending are 20, which we were not able to bring to this House for the financial years 2013/2014 to 2014/2015.

When the House adopted those 67 or so reports, the Clerk of the Senate immediately wrote a letter to the various agencies that had been tasked with implementation, and gave them a summary of the resolutions of the House. He gave them

three months to respond to the House on measures that have been taken to implement the recommendations of the House.

Mr. Temporary Speaker, Sir, I do not know whether these agencies have complied or written back. We made the decision that committees would follow up the implementation on their own without sending it to a different Implementation Committee, I therefore, urge Sen. (Prof.) Ongeru to make sure that those Motions that were adopted by this House; it is now more than one year. We need to start seeing action. Where the Committee recommended prosecution, we need to see people being prosecuted. Where the Committee recommended fines and administrative action, we need to get a report in this House that, that action was taken.

We have gone round this country using public resources in the exercise and pursuit of oversight. I recall that there was a time we took several helicopters and flew all the way to Samburu County to check on projects and ascertain that the things that the governors were telling us in Nairobi were, indeed, true. I believe that the people of Samburu would want to see those bold recommendations that we made in their presence while in that town, implemented. Otherwise, the Senate will be nothing but a toothless bulldog.

Mr. Temporary Speaker, Sir, I want to address a few substantive issues that have been raised in the report that we are seeking to adopt today. I know that because of time, this is a debate that I would love to spill over to next week, and even next month so that the Senator of each county whose report is before us should be compelled to be here.

We are compelling and giving summons to governors and Cabinet Secretaries (CSs) to appear before the Senate yet when the County Public Accounts and Investment Committee (CPAIC) brings its reports on the state of financial affairs in those counties, there is nobody in the House.

Mr. Temporary Speaker, Sir, allow me to first of all, with a very heavy heart, to make note of a gentleman who was very instrumental in the production of these reports that we are talking about. He is not a member of the Senate. He was a member of staff in the Office of the Auditor-General; a gentleman called Akaka Ramoya, with whom we spent long days and nights to ensure that the Auditor-General was present at all our meetings. It is unfortunate that Akaka Ramoya died in December. May his soul rest in peace. I just want to assure all the partners that are working with us that the support that they are giving to the Senate and CPAIC shall not be in vain.

Mr. Temporary Speaker, Sir, on to some of the substantive issues. I start with the issue of audit opinions. We are seeing a situation where there are counties that have had disclaimers and adverse opinions for the last eight years. In this House, we made the decision that we were not going to look at audit opinions any more.

Previously, we used to have the fiscal responsibility index, where two per cent was allocated to counties on the basis of prudence in financial management. We took that away. That is dangerous because going forward, if there is no incentive for prudent financial management--- I know people have argued that prudent financial management is ingrained in everything that county governments are supposed to do. However, without that motivation, perhaps we are going to see a situation where county governments are not going to care, because they know that all that can happen to them is for them to be

summoned to Nairobi for a two or three-hour grilling, and then after that nothing happens.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Sen. M. Kajwang'. Hon. Senators, Sen. M. Kajwang' has a balance of 13 minutes when this Order next appears in the Order Paper.

ADJOURNMENT

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, it is now time to interrupt the business of the Senate. The House, therefore, stands adjourned until Tuesday 23rd February, 2021, at 2.30 p.m.

The Senate rose at 6.30 p.m.