

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 8<sup>th</sup> March, 2022

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

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

#### WELCOME TO PERSONS UNDERTAKING THE SENATE INTERNSHIP PROGRAMME

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of five young men and women who are undertaking the Senate internship programme for a period of six months.

The objective of the programme is to provide young people with firsthand experience in the legislative process and to expose them to the intricate world of public policy and public service.

I request each member of the group to stand when called out so that they may be acknowledged in the usual Senate tradition.

They are-

- (1) Mr. Athman Ramathan;
- (2) Ms. Rosemary Naserian Ologela;
- (3) Ms. Sandra Alusa;
- (4) Ms. Hafswa Abdillah Olow; and
- (5) Mr. Collins Leteipa Mpilei

On behalf of the Senate, and on my own behalf, I welcome them to the Senate and wish them well during the internship programme.

Sen. (Eng.) Hargura, proceed.

**Sen. (Eng.) Hargura:** Thank you, Madam Temporary Speaker. I to join you in welcoming to the Senate, the young men and women who have come to learn from this institution as interns. I hope their stay will be useful to them and to us, Senators and Members of this institution, so that we also make use of their service in their time around

and they also learn from us. That way, they can go back and contribute in a better way to building of this nation especially in the legislative institutions.

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

### MESSAGE FROM THE NATIONAL ASSEMBLY

#### PASSAGE OF THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 8 OF 2022)

Hon. Senators, I wish to report to the Senate that, pursuant to Standing Order No.41 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage, by the Assembly, of the Division of Revenue Bill (National Assembly Bill No. 8 of 2022);

PURSUANT to the provisions of Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly;

WHEREAS the Division of Revenue Bill (National Assembly Bill No. 8 of 2022) was published *vide* Kenya Gazette Supplement No. 26 of 25<sup>th</sup> February 2022 as a Bill seeking to provide for the equitable division of revenue raised nationally between the national and county Governments in the 2022/23 Financial Year, in accordance with Article 218(1) (a) of the Constitution;

AND WHEREAS the National Assembly considered the said Bill and passed it on Thursday, 3<sup>rd</sup> March, 2022 without amendments, in the form attached hereto;

NOW THEREFORE, in accordance with the provisions Article 110(4) of the Constitution and Standing Order No. 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.

Hon. Senators, Pursuant to Standing Order No. 157, which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No. 139, I now direct that the Bill be read a First Time today, Tuesday, 8<sup>th</sup> March, 2022.

I thank you.

### PAPERS LAID

**The Temporary Speaker** (Sen. Pareno): Deputy Senate Majority Leader, you have the Floor.

**Sen. Dullo:** Thank you, Madam Temporary Speaker. I beg to lay the following papers on the Table of the Senate today 8<sup>th</sup> March 2022-

#### REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTY FUNDS/ SCHEMES/ BOARDS

Report of the Auditor-General on the financial statement of Bungoma County Education Support Scheme for the year ended 30<sup>th</sup> June 2020.

Report of the Auditor-General on the financial statement of Bungoma County Assembly Employee Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June 2020.

Report of the Auditor-General on the financial statement of Bungoma County Persons with Disabilities Empowerment Fund for the year ended 30<sup>th</sup> June 2020;

Report of the Auditor-General on the financial statement of Bungoma County Youth and Women Empowerment Fund for the year ended 30<sup>th</sup> June 2020.

Report of the Auditor-General on the financial statement of Trans Nzoia County Executive Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June 2020.

Report of the Auditor-General on the financial statement of Trans Nzoia County Assembly Members and Staff Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June 2020.

Report of the Auditor-General on the financial statement of Trans Nzoia County Public Service Board for the year ended 30<sup>th</sup> June 2020.

Report of the Auditor-General on the financial statement of Trans Nzoia County Executive Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June 2020;

Report of the Auditor-General on the financial statement of Trans Nzoia County Assembly Members and Staff Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June 2020;

Report of the Auditor-General on the financial statement of Trans Nzoia County Public Service Board for the year ended 30<sup>th</sup> June 2020;

Report of the Auditor-General on the financial statement of Kakamega County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June 2017;

Report of the Auditor-General on the financial statement of Kakamega County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June 2018;

Report of the Auditor-General on the financial statement of Kakamega County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June 2019;

Report of the Auditor-General on the financial statement of Kakamega County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June 2020;

Report of the Auditor-General on the financial statement of Kakamega County Trade Loans Fund the year ended 30<sup>th</sup> June 2020;

Report of the Auditor-General on the financial statement of Kakamega County Assembly Loans and Mortgages Fund for the year ended 30<sup>th</sup> June 2020;

Report of the Auditor-General on the financial statement of Kakamega County Maternal Child Health and Family Planning Fund for the year ended 30<sup>th</sup> June 2020;

Report of the Auditor-General on the financial statement of Busia County Assembly Revolving Fund for the year ended 30<sup>th</sup> June 2020;

Report of the Auditor-General on the financial statement of Busia County Cooperative Enterprise Development Fund for the year ended 30<sup>th</sup> June 2020;

Report of the Auditor-General on the financial statement of Nyandarua County Assembly Members Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June 2020;

Report of the Auditor-General on the financial statement of Nyandarua County Civil Servant's Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June 2020;

Report of the Auditor-General on the financial statement of Mandera County Education Bursary Fund for the year ended 30<sup>th</sup> June 2020; and,

Report of the Auditor-General on the financial statement of Garissa County Emergency Fund for the year ended 30<sup>th</sup> June 2019.

I thank you.

*(Sen. Dullo laid the documents on the Table)*

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

### STATEMENTS

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, we have several Statements. Let me call out the Statement by Sen. Sakaja. He could be on *Zoom*.

As we wait to see whether Sen. Sakaja is online, we have three Statements by Sen. Mwaura and one by Sen. Musuruvu. Let us check who is online among the three.

Sen. Sakaja is online. We are ready for you, proceed, Sen. Sakaja.

**Sen. Sakaja:** Madam Temporary Speaker, can you hear me?

**The Temporary Speaker** (Sen. Pareno): Yes, we can hear you.

#### SEXUAL HARASSMENT AND ASSAULT OF A LADY BY BODA BODA RIDERS

**Sen. Sakaja:** Madam Temporary Speaker, pursuant to Standing Order No.47(1), I rise to make a Statement on an unfortunate incident that occurred on Friday, 4<sup>th</sup> March, 2022 along Wangari Maathai Road in Nairobi City County. The video recording of that incident was widely circulated via social media on Monday, 7<sup>th</sup> March, 2022.

A middle-aged lady was sexually harassed and assaulted by a mob of rogue boda boda riders for allegedly knocking one of them in an accident. It is sad that the riders took the matter into their own hands in total disregard of the law and assaulted the lady in broad daylight.

This impunity has become the norm in many areas of our society and many Kenyans have fallen victim to rogue elements within the boda boda industry. When I say rogue elements, it is not all of them. Some riders have become a law unto themselves; they flaunt traffic rules, they go round roundabouts anticlockwise, ride on pedestrian walkways, and others have become accomplices in robberies.

Madam Temporary Speaker, this impunity is unacceptable and we vehemently condemn these criminal acts. In as much as it has employed many young people, we must ensure that this industry operates under the law. The law enforcement agencies must not allow rogue elements within the industry to continue spoiling the name for others who are trying to eke an honest living and jeopardise the livelihoods of thousands of others who depend on this work.

I sincerely express my sympathy to the victim. On behalf of all men, I apologise for what she had gone through. I apologise too to her family and the women at large, especially today on International Women's Day. This cannot be the way we operate and will certainly not be the manner in our capital city, Nairobi. Our mothers, sisters, daughters and all road users must feel and be safe at all times.

I urge the Inspector-General (IG) of Police to expedite the investigations, arrest and charge the culprits involved in this heinous act. Further, at your discretion, Madam Speaker, let us invite the Traffic Commandant, the IG of Police and the Nairobi County Commissioner, together with the leadership of this sector who I spoke to today.

They should come and outline the measures that will be put in place to make sure there is order and sanity in the boda boda sector and at the same time, ensure we do not victimise those doing an honest work. Let us have a way forward to ensure all road users in Nairobi City County and the country at large, have a sense of order and safety.

**The Temporary Speaker** (Sen. Pareno): We have heard you very clearly.

I now request Sen. Ochillo-Ayacko to proceed.

**Sen. Ochillo-Ayacko:** Thank you, Madam Temporary Speaker for the opportunity to add my voice to condemning this misbehavior by young people, who ferry passengers and go by the distinction boda bodas.

We know how important boda boda is to our society. It has bridged the gap of transporting people and movement from one point to another. We also know that criminal elements are having a strong hold over the management and behavior of boda boda persons.

It is unfortunate that in Kenya, just because an accident has occurred occasioned by whosoever, you will find young persons attacking a lady or a person. This happens in broad daylight or otherwise. It is fortunate that this was captured by somebody and posted in social media.

We want to know the action that the law enforcement agencies will take to ensure that such incidences do not happen again. This will continue to happen if people do it and get away with it.

In other parts of Kenya where there are many boda boda riders, if an accident happens – and accidents are not deliberate - a person who is not a boda boda rider and may have been involved in that accident may be killed or their vehicles or whatever they were using getting burned down.

Madam Temporary Speaker, the law enforcement which ensures that justice is administered in accordance with the law should ensure that boda boda victims of road accidents access justice. They are not permitted to take the law into their own hands, injure or destroy property belonging to individuals and get away with it.

These kinds of actions continue to make our society unsafe given that boda boda people are mobile, are hard to trace and generally operate under a mob mentality. What the police should do to ensure that they put in place mechanisms of detection, prevention and reinstitution to those who suffer is what will ensure that impunity of this magnitude does not carry on.

I conclude by extending my apologies on behalf of boda boda people whom I represent in Migori and everywhere in Kenya, as well as all men who were involved in harassing this innocent lady. I urge the police to ensure that people who engage in such behaviour are apprehended, brought to book and are tracked wherever they are so that they do not continue committing such offences.

Thank you, Madam Temporary Speaker and thanks to Sen. Sakaja for raising this matter.

**The Temporary Speaker** (Sen. Pareno): Sen. (Eng.) Hargura.

**Sen. (Eng.) Hargura:** Thank you, Madam Temporary Speaker. I thank Sen. Sakaja for bringing up this issue. I also join him and my other colleagues in condemning the heinous act committed against the innocent Kenyan lady.

For some time now, I think because the boda boda sector started on a wrong footing, it was not taken seriously in making sure that they abide by traffic rules. The boda boda riders need to have licenses like other motorists. What is going on right now is that an individual buys a motorbike and learns while using the same motorbike on the road where other road users are.

It has developed a mob mentality where boda boda riders always come to the rescue of one of their own involved in an accident. More often than not, you find that they are the ones who even cause these accidents by not following traffic rules. They ride on the wrong side of the road, do not obey traffic lights and do all manner of breakage of traffic rules.

With time they developed into a system of their own where if one of them is involved in an accident, they come and all over a sudden, you find yourself surrounded by the riders because of their high level of mobility. That is why they have grown into what they have grown. Unfortunately, the traffic police system in this country has not taken it seriously. They have not clamped them down and insisted they follow the law.

Recently in Marsabit County, the same boda boda riders were involved in conducting targeted killing because they killed people in broad daylight. Somebody will ride a boda boda, find you on the road, shoot you and still proceed. They will come to somebody's shop, park out there, shoot the shop operator and then quickly move onto the bike and disappear. The security system in Marsabit had to outlaw usage of boda boda riders within the town.

For some time, there was calmness. I am saying it is not all of them but criminal elements in the boda boda sector have been misused. Even in Nairobi, it is not all of them that behave that way. The criminal elements have spoiled the good name of a useful transport sector to a level now where they are involved in crime and have become a law unto themselves. There is need to quickly take action.

I know that today, the Cabinet Secretary (CS) of Internal Security and Coordination of National Government and the CS of Transport and Infrastructure Development have addressed that issue. However, it needs to be enforced clearly. Let us have clear guidelines for operation of this sector and strict implementation of traffic rules by the boda boda sector.

Madam Temporary Speaker, being election time, most of these boda boda operators are used. There might be tendency by the leadership of this country or politicians to go slow on it. However, the direction they are taking requires firm action. We have to be clear and target the rogue parts of the boda boda sector by clamping down on them seriously so that in future, that sector is streamlined.

We know what the Late Hon. Michuki did in the matatu sector. They were so rogue but when he clamped them down, there was resistance but they still complied. We need that kind of firmness in dealing with the boda boda sector so that we stop the menace and unlawful practices they have on our roads.

In my county, as I said earlier, it has become a security issue where they are being used by criminals to execute people in broad daylight because of their mobility. That has taken a life of its own. We do not know who is killing who because they are using those swift systems such as boda bodas.

This needs to be taken seriously. The security system of this country needs to treat this as an evolving source of insecurity in this country not only on the roads but even on the livelihoods of other Kenyans.

Thank you, Madam Temporary Speaker.

**Sen. Shiyonga:** Thank you, Madam Temporary Speaker, for giving me this opportunity to comment on the Statement by Sen. Sakaja on the harassment of the young lady on Wangari Maathai Road.

I saw that video late last night. I could not sleep because what I saw was totally disheartening. It was harassment, violation of human rights and intimidation. I support Sen. Sakaja in condemning this heinous act by our youths who took part in harassing that lady over the weekend.

Madam Temporary Speaker, I know the video came a little bit late because the incident happened over the weekend. It was unfortunate. I thank the Ministry of Interior and Coordination of National Government for addressing the situation quickly. However, it should not only address the situation; we need to hear that those people are in custody. Let them be arrested.

We want them to be even undressed the way they undressed this lady. We want them to be beaten the way they beat this lady. This lady was yelling as all manner of acts were happening. I understand some money was taken from her and that she was all alone against all these men.

It is very unfortunate that our daughters are exposed to that particular treatment. I am sorry that even women are not safe where we are seated. Anybody who comes into such an accident is not safe because boda boda riders have taken the power of harassing our people.

I am happy that the President mentioned it today while marking the International Women's Day at the Kenya School of Government (KSG). He said that the law should take its course and people who committed the crime should be arrested with immediate effect. How I pray that they are arrested.

I want to be part and parcel of people who are going to undress those people. I want to undress them and participate in beating them because it is so sad---

**The Temporary Speaker** (Sen. Pareno): Order, Sen. Shiyonga. I think we will not be solving the issue by taking the law into our hands. As a legislator, you should be urging that the law be followed.

**Sen. Shiyonga:** Okay, I urge that the law be followed.

However, Madam Temporary Speaker, I will forward that video to you, so that you look at the state that lady was in. She is our daughter because she is a Kenyan and it is sad. Let me tone down by saying that the law should take its course.

We are celebrating the International Women's Day, yet women are still being harassed in such a manner. It is quite unfortunate! Such kind of retrogressive behaviour should be stopped in this country. It is like we are going back to the ancient days but nobody should be harassed. The youth should not be part and parcel of this.

I know these people have the freedom of movement to transport people. They are doing a good job by transporting even the women to where they want to go. However, they are taking the law into their own hands and frustrating the same women that they are supposed to protect.

So, I concur with the Senator that those people should be brought to book and shown the way. They should be disciplined because that is the best way. Let them also draw the line because Kenya does not belong to one person who harasses others instead of supporting people and ensuring there is harmony and peace that we preach.

**Sen. Dullo:** Madam Temporary Speaker, I also join my colleagues in thanking Sen. Sakaja for bringing this Statement.

Secondly, I take this opportunity to appreciate all the Kenyan women especially on this International Women's Day. I am sure there is a lot that we celebrate today as a result of achievements we have had as women in this country.

Although I was not around, I have seen in social media what happened and that is completely unacceptable. This is a sector that has helped Kenyans and created employment for our youth.

For example, in Isiolo where I come from, you will even find unemployed graduates riding *boda bodas* because that is where they earn their source of livelihoods. There is a lot that we need to do as leaders in this country as far as the *boda boda* sector is concerned.

In a society, you cannot lack elements of criminals. What happened on Friday is unacceptable. It is just a few individuals who are spoiling the name of the sector and that is unacceptable.

I think we need to have a legislation that governs the *boda boda* sector. It is critical because that is a sector where many young people have lost their lives. Therefore, a lot needs to be done. Sometimes the sector is associated with crimes in most parts of this country.

I thank the President. In his speech today, he gave a serious warning to those who were involved and the relevant Government institutions. However, as a society, the *boda boda* sector has complimented transport system in our country. That is a commendable job especially by our youth.



In Nairobi, sometimes when people get late for a meeting or any other assignment, they just get out of their vehicles and jump onto *boda bodas*. If they are associated with such things, it will discourage people.

Madam Temporary Speaker, I hope the Government and relevant agencies are going to bring those involved to book. If I am not wrong, I have heard that about 16 *boda boda* riders have already been arrested. I hope serious action will be taken against them, so that it deters others who are involved in criminal acts in that particular sector.

I thank you and support the Statement.

**The Temporary Speaker** (Sen. Pareno): We have Sen. Kasanga online.

**Sen. Kasanga:** Thank you, Madam Temporary Speaker, for giving me this opportunity. I will start by thanking Sen. Sakaja for bringing this Statement and for being a HeForShe; a voice of men fighting for women and their rights. I also take this opportunity to say to the women of Kenya, happy International Women's Day.

I want to remind the Senate one more time that back in 2018, I brought a Motion on matters to do with *boda bodas*. We discussed a lot of issues that the Government needed to look into.

We raised issues of insecurity caused by some of the *boda boda* riders and operationalization of the regulations of *boda bodas*. We discussed a whole lot of both positive and negative things and put the Ministry to task to do something about *boda bodas*. That was back in 2018.

It is disheartening when you see the videos of the event that happened on Friday. It pains me that we always complain that we do not have an implementation committee to push for some of our Motions and Statements to see that whatever the Senate resolves sees the light of day. It is a bit painful especially when something like this happens.

This House had discussed in detail what needed to be done in the *boda boda* sector. Now, here we are heartbroken over what happened to our fellow Kenyan. This is one of the few things that has come to the fore because of social media.

There are many other negative things that happen to Kenyans revolving around the *boda boda* sector and there are no questions about them like the other Senators have said. We need some regulations in the *boda boda* sector and probably a legislation as well. \*\*\*

A lot of discipline is required. We do not even need to go far. In Kigali, Rwanda, their *boda boda* sector is organized and they follow the traffic laws.

At that time when we raised the Statement, of course we were looking at the National Transport and Safety Authority (NTSA), because they are the custodians of *boda boda* regulations. To date, I do not know what has become of those issues that were discussed back in 2018. Frankly speaking, it is bad when we are always reacting to things as if we are not sure of what needs to be done.

Madam Temporary Speaker, this is a conversation that the Senate has had before because there was a Motion that was deeply debated by the Senators. I know you will direct this Statement to a committee. All those Government officials should come and answer to us. In fact, we should even have a Committee of the Whole.

During electioneering period, *boda boda* riders are used a lot by politicians. We need to have honest conversations with ourselves on how to help this sector that has a lot of positives for Kenyans and young people as well as the negatives.

As I thank Sen. Sakaja for requesting for this Statement, I hope we will see some action when it comes to bringing sanity to some of these issues that we see.

**The Temporary Speaker** (Sen. Pareno): Sen. Wambua, please, proceed.

**Sen. Wambua:** Thank you, Madam Temporary Speaker. I rise in support of the Statement by the Senator for Nairobi City County, Sen. Sakaja.

Before I even make my comments on the Statement, I want to take this opportunity to congratulate and wish all the women of this country a happy International Women's Day. It is a day that women take time out to celebrate their achievements and even plan the way forward.

I want to thank and congratulate the women in Kitui County because I know today they have so many events lined up for these celebrations. My wife is actually attending some of those events in Kitui East, Endau Malalani, Nzombe Muitika and Mutito Kaliku. It is a good day for women to celebrate.

It has really been made worse by the incident that happened in Nairobi over the weekend; an incident that has brought about this Statement. I am a firm believer of the "He for She" movement where real men respect women. It is a movement that believes that only cowards would physically assault women.

The most important issue that Sen. Sakaja is looking for in this Statement is that the Inspector General (IG) of police takes action against the *boda boda* riders who assaulted this lady. I want to add my voice and say that he should not just act; he has to be seen to have acted. It is one thing to arrest 16 young people. It is a completely different thing to follow through and make sure that justice is served.

This matter is also a little complicated because it is possible that somebody may want to use this incident to overreach themselves and come up with a blanket condemnation on *boda boda* riders. Whereas the truth of the matter is that in this country, as things stand now, perhaps the *boda boda* sector is one of the very few sectors that present growth and hope for our young people.

The thing to do on account of what happened on Friday and going forward, is to ensure that this industry is properly regulated; that a way is found to instill order in this industry.

We are losing a lot of lives of young people who join this sector simply because it is a free for all sector. A young man who gets some money and is able to purchase a motorbike, will just walk into a shop, purchase a motorbike and start riding.

There is an incident that happened in my county last week. A young man worked very hard and got some money. He went to Mwingi and purchased a motorbike. He came and picked his nephew. They went to a town called Ukasi. On their way back home, they were involved in a head-on collision with a truck and we lost that boy, on the day that he bought the motorbike.

Madam Temporary Speaker, perhaps if there were regulations in this industry, that young man would not have been allowed to just walk into a shop, buy a motorbike and unfortunately ride into his death.

Let us avoid this issue of just reacting to situations when they happen. Let us also look for ways of being proactive. If we appreciate that this industry is a growing sector, then we must put measures in place to ensure that we regulate this growth and ensure that these young people are first protected against themselves and that there are rules governing how they operate so that they do not become a law unto themselves.

Lastly, I appreciate the fact that the President is seized of this matter. He has pronounced himself on this matter. I hope that following that pronouncement, then what Sen. Sakaja is seeking shall be achieved in much less time to ensure that justice is served to this lady, her family and those people behind this attack.

Madam Temporary Speaker, I thank you.

**Sen. (Dr.) Musuruve:** Madam Temporary Speaker, I thank you very much for this opportunity. I want to thank Sen. Sakaja for coming up with this Statement.

Sen. Sakaja is usually very sensitive about issues to do with women. He has many a times been articulating issues of the girl-child, women and the vulnerable in this country. I am happy that the issue of harassment of women has come to his attention and that he has brought it to the Floor of this House.

This was a very unfair act that was meted on this woman. It is unfortunate that *boda boda* riders did this. The *boda boda* riders sector is very big sector that provides employment for the youth. This few *boda boda* riders---

**The Temporary Speaker** (Sen. Pareno): Order Sen. (Dr.) Musuruve. There is an intervention by Sen. (Dr.) Ochillo-Ayacko.

**Sen. (Dr.) Ochillo-Ayacko:** Madam Temporary Speaker, Sen. (Dr.) Musuruve is my permanent neighbor and I, therefore derive no pleasure in interfering with her flow of thought.

However, I heard her say that Sen. Sakaja has something to do with women. If it is not clarified, somebody might extrapolate that to mean things that we may not want this House to be thought of. I beg her to say what Sen. Sakaja likes about things to do with women so that we are not misunderstood as a House.

Madam Temporary Speaker, I thank you.

**The Temporary Speaker** (Sen. Pareno): I think Sen. (Dr.) Musuruve can clarify but I heard her say that Sen. Sakaja is sensitive about issues of women. Maybe you can clarify further, Sen. (Dr.) Musuruve.

**Sen. (Dr.) Musuruve:** Madam Temporary Speaker, Sen. (Dr.) Ochillo-Ayacko is a very good friend of mine and he sits next to me.

I want to clarify to him that when it comes to issues of women in this House, legislative issues are the issues I am talking about. Sen. Sakaja has come out strongly to defend the position of women. It has to really go straight in the HANSARD that the issues we are talking about are legislative matters in this country.

**The Temporary Speaker** (Sen. Pareno): There is a point of information from Sen. Sakaja. Sen. (Dr.) Musuruve, would you like to be informed?

**Sen. (Dr.) Musuruve:** Kindly, let him inform me.

**Sen. Sakaja:** Madam Temporary Speaker, I want to thank Sen. (Dr.) Musuruve for that defense, but I would like to inform her that it is not just in the House, but even outside the House, issues of women are very close to my heart, having grown up as an only boy with my sisters. When I see such an issue like that incident, I see my sisters and my daughter.

In Nairobi, my greatest support is from women and I will always stand to be counted when it comes to women issues. I clarify that it is not just in the House or legislatively but also outside the House and in many other aspects, I like working very closely with the women of Nairobi.

**Sen. (Dr.) Musuruve:** Thank you very much Sen. Sakaja, *Baba Emily* has spoken.

The act was very inhumane and callous. That act should be condemned in every way. The law must take its course so that the actions becomes an example to other boda boda operators. The boda boda industry is rich. It is helping our young people but it is unfortunate that a few people want to ferment that industry.

The undressing of that lady was a very callous and inhuman act. I am happy that the President has taken it upon himself to ensure that the law takes its course. As legislators we need to come up with a regulatory framework to ensure that this industry is protected and serves its purpose.

I support the Statement from Sen. Sakaja. I thank you.

**The Temporary Speaker** (Sen. Pareno): Proceed, Sen. Cheruiyot.

**Sen. Cheruiyot:** Madam Temporary Speaker, I thank you for giving me this chance. I support this Statement by my colleague, Sen. Sakaja.

We all watched that horrifying video. As a man and a father of two daughters, that clip really shocked me because it could have as well been my wife, daughter, sister or mother who was involved in that unfortunate incident and the events that followed thereafter. What happened is extremely wrong. I hope that the law takes its course; each of those young men that participated in that activity are arrested and taken before a competent court of law for the full force of the law to be effected on this particular matter.

As many of us support the young men that ply their hustle via the boda bodas, this is not the kind of behavior that we expect of them. Kenya is a country governed by the rule of law. Anytime you feel that somebody has done something that is not fair to you and you do not agree with them, there is a way and an expected nature of conduct on how you are supposed to react to these issues.

What those young men did is extremely embarrassing to their generation, the menfolk and the country. That video clip has been sent to me by a few friends who are outside Kenya. They were asking what has happened to our young men and if that video clip was true. By the time people see such a video clip in the rest of the world, they assume that is what Kenya looks like and that is how we solve our issues as a nation. What happened is extremely embarrassing.

The Inspector-General (IG) has his work cut out. Let the police officers do thorough investigation and not just rush to take the men to court. Let them do a good job. Many faces in that video are recognizable and people can point out and identify every one of them. Let each of those people who participated face the full force of the law.

That video clip presents before us a unique challenge as policymakers. I remember towards the end of last year, the Presidents came to Muthurwa Market which is about one or two kilometers from here and launched something about boda boda registration. What became of that process? What did the Ministry of Transport, Infrastructure, Housing, Urban Development and Public works do? Did they bungle that project and await for this opportunity such that we are only getting kneejerk reactions?

Unfortunately, I also watched Cabinet Secretary (CS) Dr. Matiangi speak about this issue earlier today and it is still not clear to me as a legislator and a representative of the people of what is expected of these individual boda boda operators. Many of the people who ply this trade are decent young men and women with families. This is their formal job and they do it with a lot of respect and dignity. They work extremely hard and pay a lot of taxes through fuel and licenses and all the regulatory clearances that they have to get. Therefore, we cannot in one swoop of condemnation paint them with one brush and refer to them as if they are a group of rowdy, useless people. There must be clear policy position of what is expected of them. If they are to be registered; by who? From where? And is there a course attached to it?

We ask these questions because if we do not do that, then we are setting up our young men against our police officers-for them to be mob lynched and the excuse will be that the President has said we come after you. That is not what is expected of us who are in leadership when you are confronted with the kind of problem that we have today. This is a challenge that we deal with every day.

Madam Temporary Speaker, I am sure you know. I do not know how it is in Kajiado County where you come from but if you ask many of us that come from the densely populated areas; those from Kisii County like my good neighbor, Sen. (Prof.) Onger, and the rest will tell you nowadays it is extremely difficult to hold functions because of these young men. They will follow you from one function to the other insisting on being given money and they are rowdy but it is still not an excuse for us to condemn them wholesomely.

Can we get a clear policy position from the Ministry of Interior and Co-ordination of National Government on what is expected from these motorcyclist? As their leaders, we can assist them to comply. That is part of their work as well. We can do public training for them and let them be in the know of what is expected individually of them. We will tell them what the Government now expects of them as *boda boda* riders and inform them the of the mandatory documents. We will educate them on the offices that they are to visit to get the mandatory documents so that you do not run afoul of the law.

In the absence of such a clear policy position, we will not have solved the problem. What we would basically do in our collective anger is to condemn them for a day or two and by next week, we will have moved on in typical Kenyan fashion to other more pressing issues, yet we know that this is a phenomenon that we need to address.

In many of our upcoming cities; those that we want to consider to be world class cities like Nairobi, Mombasa and Kisumu---What is the plan that we have come up with as a Government? We expect many of them to use the public road like the rest but there is no clear demarcated parts for them to park their motorcycles. What are their exact pick up points? We need to start thinking deeply about this particular problem and address it such that it will be easier to explain.

It was not until the late and former Minister of Transport, the late hon. John Michuki, took a radical position on what to do with the matatu sector and reformed them. Many of the bad habits that they were known for until that particular point were done away with. The same is expected of the boda boda riders. During that campaign, he led from the front. He never spoke from the steps of Harambee House. He went to the bus stations and to each and every matatu terminus that is known within the city. He insisted that you must belt up and dictated the maximum number of passengers for each type of vehicle. There must be clear dedicated effort from those who are charged with this responsibility so that many of them can know and understand what is expected from them.

Like the rest of Kenya, I condemn this act. I do not mind being informed by Sen. Sakaja.

**The Temporary Speaker** (Sen. Pareno): Proceed, Sen. Sakaja.

**Sen. Sakaja:** On a point of information, Madam Temporary Speaker. I thank Sen. Cheruiyot for his Statements. I want to inform him that part of what I have asked for, and the first of course is justice and for the 14 suspects to face the full force of the law. Secondly, on his behalf and all other men including the Clerk of the Senate, I apologize to that lady and give our sympathies.

Third, the Committee on National Security, Defense and Foreign Relations needs to invite the CS, Interior and Co-ordination of National Government because the police are under him, the CS, Transport, Infrastructure, Housing, Urban Development and Public Works-National Transport and Safety Authority (NTSA) is under this-, the Inspector General and the Traffic commandant to come even with the leadership of the boda bodas.

I have talked to them the entire morning. The leaders also condemn this act but they are asking if you want to do a crackdown without parameters, what are you cracking down? Instead of that blanket condemnation of them, I hope that the Senators will be here next week, so that we sit in this House with these Cabinet Secretaries (CSs), Inspector-General ((IG) of Police, NTSA and the leadership of the boda boda riders, to agree on the order that we will bring to this Sector. That is what I have asked you to direct to be done.

Otherwise, we will be ranting in this House like the way other Kenyans are ranting and whining on *Twitter* and *Facebook*. The Senate does not speak in vain. Sen. Cheruiyot, you know these challenges we are talking about since you are also from an urban county.

I hope that we will all be here and get a solution, so that we do not jeopardize the livelihoods of thousands of these young people, who are honest because of rogue

elements. Let us create order. That is the information I wanted to give my good friend, Sen. Cheruiyot.

**Sen. Cheruiyot:** Thank you, Madam Temporary Speaker. I appreciate that information. They say great minds think alike. I had not listened to what he had asked for, but when I read this Statement, I thought that would clearest and simplest to define what needs to be done.

Thank you, Madam Temporary Speaker, for this chance. I appreciate.

**The Temporary Speaker** (Sen. Pareno): I notice that we do not have any more requests. However, all those that have spoken have conversed about a very serious incident that has occurred that needs immediate attention of this House.

I, therefore, order that this Statement goes to the relevant two Committees of the House, that is, the Standing Committee on National Security and Foreign Relations and the Standing Committee on Roads and Transportation. They will have a Joint Sitting to sort out this mess. Of course, not forgetting the security departments and individuals that have been named by Sen. Sakaja. They should summon and sort out this with those that are concerned.

I order that the Standing Committee on National Security and Foreign Relations immediately sit with the Standing Committee on Roads and Transportation and report back to this House as soon as possible.

We note that we are going on recess in the next two days, but they should be able to report to us in the first Sitting immediately we resume from recess.

*(Applause)*

I notice that we still have some Statements. Let us now go to the Statement by Sen. (Dr.) Musuruve.

#### THE INTERNATIONAL WOMEN'S DAY

**Sen. (Dr.) Musuruve:** Thank you, Madam Temporary Speaker, for this opportunity to make a Statement on the Floor of this House on the International Women's day.

Madam Temporary Speaker, I rise, pursuant to Standing Order No. 47(1), to make a Statement on a topic of general concern, namely, the International Women's Day (IWD).

The day is observed annually on 8<sup>th</sup> of March. This year's theme is "*Gender equality today for a sustainable tomorrow.*" This is in recognition and celebration of the women and girls, who are leading the charge on climate change adaptation and response towards a sustainable future.

Madam Temporary Speaker, the IWD is a global celebration of the economic, political and social achievement of women that first took place in 1911 in Austria, Denmark, Germany and Switzerland.

Across Europe, women demanded the right to vote and to hold public office, and protested against employment sex discrimination. In 1977, IWD became a mainstream global holiday following its adoption by United Nation (UN). IWD is a day to acknowledge and honour women around the world for the contributions they make each day to society.

Madam Temporary Speaker, IWD is also a focal point in the women's rights movements, bringing attention to issues such as gender equality, reproductive rights and violence and abuse against women.

For many years, women's life across the globe was that of servitude and their place confined to the kitchen. Attempts by women to improve this state has not been very easy.

As we mark IWD 2022, I would like to acknowledge women who in their lives have taken up daring steps to defy societal negative perception on the female and ventured into male 'dominated' jobs, career paths and leadership, hence becoming mentors of their kind.

Madam Temporary Speaker, the 10<sup>th</sup> Century philosopher, Carlyle Thomas, was not the first to popularize the "great man theory," which ascribes history's greatest achievements to men and conveniently ignoring the role of women. The following women who have made a mark in history are worth celebrating.

Marie Curie, who was the first woman to be awarded a Nobel Prize. Her rise to become a famous physicist was a struggle. Together with her husband, Pierre, they investigated radioactivity and its practical application, but when it came to awarding the Nobel Prize, Pierre defended his wife to be included in the award. Angela Merkel became the first female leader of Germany in 2005. While she faced some criticism in Germany for her migration policies, her legacy was seen as that of a steadfast, resolute leader who weathered the country and the European Union (EU) through difficult times.

Madam Temporary Speaker, when modern Olympic Games started in 1896, women were not allowed to compete in track and field events. However, Cathy Freeman, the 2000 Sydney Olympics gold medal winner was able to defy all these negative thoughts about women.

On this day, I acknowledge and applaud women in Kenya who have mentored their kind by breaking the barriers. Some of these women include: Prof. Wangari Maathai, the founder of the Greenbelt Movement and Kenya's own doyen for pushing for environmental care and protection.

She rose to become a global icon when she became the first Africa woman to be awarded the Nobel Peace Prize in 2004 in recognition of her contribution to sustainable development, democracy and peace.

As an activist for environmental protection, she was recognized and won many awards, including the Edinburgh Medal, Better World Society Award and the Conservation Scientist Award among others.

She was the first woman in East and Central Africa to earn a PhD in 1971 and was also a presidential candidate in the 1997 general elections on a Liberal Party of Kenya ticket.



Dr. Grace Onyango known by her friends as Nyar Bungu, was the first Kenyan woman mayor, when she was elected in Kisumu in 1965. She used this position to fight for women's place in leadership and politics.

Hon. Charity Ngilu, christened as Mama Ngilu, in 1997 scratched at the highest and hardest of glass ceilings by becoming Kenya's first female presidential candidate. She came in fourth, leaving an indelible mark on the political landscape. Most important, she always finds ways of re-inventing herself, hence sending a message to her female kind never to give up in seeking for opportunities. She is currently on the frontline of *Azimio la Wamama*.

Madam Temporary Speaker, I applaud former parliamentarian, Hon. Phoebe Asiyo, who holds the distinction of being one of the longest serving women in Parliament; that is, 8 consecutive years. She made history when she was elevated to the position of Luo elder for her efforts to promote education for girls, women rights and gender equality in Kenya.

Dr. Elizabeth Mary Okello, is not just an educationist of repute in this country. She is the founder of the Kenya Women Finance Trust (KWFT) and Makini Schools. She was the first African Representative to the World Women Banking Organization in 1985 and she used her position to advocate for the financial strengthening of women.

Madam Temporary Speaker, I also applaud women with disabilities who have made history. Kenya-born Paralympian with the British Athletics, Anne Wafula, is named among the 100 most influential people in the United Kingdom (UK). Josephine Sinyo, blind, disability rights activist and lawyer became the first blind woman to be nominated as MP.

I applaud Ashura Michael, who is a youthful and confident deaf and a mentor to very many young people with disability. Not only has she gone against all odds by being the Co-Chairperson of the Global Partnership on Children with Disabilities, she has also served as the first "silent speaker" having been elected as Speaker of the youth wing of the East African Legislative Assembly (EALA).

I acknowledge Hon. Dennitah Ghati, a Nominated Member of Parliament (MP), who is a woman living with a disability. She is also a strong disability activist representing PWDs. I also acknowledge Sen. (Dr.) Musuruve, a cancer survivor and a legislator with disability, who has consecutively won two Mzalendo awards on education and health. She has also sponsored three Bills addressing issues of disability.

Madam Temporary Speaker, allow me to also celebrate women who have battled cancer and are still productive to the society. The likes of Sen. Beth Mugo, Sen. (Dr.) Musuruve and others already departed like Hon. (Dr.) Joyce Laboso and Ms. Melab Afwayi, who we buried just recently.

I celebrate widows and single mothers who struggle to raise their children. They work hard and sacrifice their real selves to educate, nurture and mentor their children single handedly. All these women show how resilient and productive women can be when given the opportunity.

As we celebrate International Women's Day (IWD), I urge the Government to continuously acknowledge the tireless work of women who champion their course, by awarding them national recognition.

Happy International Women's Day, everyone!

**The Temporary Speaker** (Sen. Pareno): I will allow short comments on this Statement. Today being the IWD, we can celebrate the women.

Let us start with Sen. (Dr.) Ochillo-Ayacko.

**Sen. (Dr.) Ochillo-Ayacko:** Thank you, Madam Temporary Speaker. I have always been an honorary woman. As an honorary woman, I am part of the celebration and I am happy men and women are celebrating IWD. Being an honorary woman is an honor that I was given when I led a delegation of women to Beijing Plus 10 (B+10).

Women are the most industrious, hardworking and loving segment in our society. Their love, hard work, care and concern is always taken for granted by people who do not want to appreciate their role in building our society. We are yet to see any person who is successful in any endeavor, who has never had an important woman play a role in his life. This is in terms of personal development or advancement.

The women we celebrate most are our mothers. The ones who look after us when we are vulnerable and at our lowest and ensure that all these abstract things pursued by men are translated into meaningful things in life.

Men go out to look for money and bring it home thinking that money is all that is required. The person who translates that money into good tidings and what family needs, is largely a woman. That is the caregiver of that home. It may not be necessarily be Mother's Day as an international celebration, but you cannot talk about celebrating mothers without celebrating women.

Madam Temporary Speaker, I celebrate you. You are one of the distinguished women who are offering leadership in this House. I celebrate my fellow woman, Sen. (Dr.) Musuruve, who is here.

*(Loud consultations)*

Yes, she is my fellow woman. I told you I am an honorary woman.

*(Laughter)*

Majority members of my family are women. I have two daughters and a wife. We are only two men in my house; my son and I. If we take a vote along gender lines, I always have to side with the majority, who are the women in my house and in my life.

Women are very important to us and in order to get more as a nation and at the family level, we must appreciate them, thank them and continue investing in them. My sister and fellow woman, Sen. (Dr.) Musuruve, has cited instances where we are celebrating the successful ones.

May I also state that there can never be life without the assistance of God and secondly, a woman. There is an interesting musician called Shaggy. He sings about the

Strength of a Woman. This strength of a woman sung by Shaggy is also in my first language. In my first language, we say that a woman is a very strong person. She will carry a load on her head, a child on her back, another in her tummy and also carry all the problems of what she is carrying in her head and soldier on.

A woman is a very strong being and without their strength and love, some of us would have perished at our most vulnerable ages. So, it is appropriate to celebrate them. The world governments, both national and county and institutions, should do more. They should not just talk about celebrating women internationally. We should do something that adds value or something tangible in the life of women.

For example, if we are a proper legislative House, this is the day we should declare gender parity using legislation and declare that Sen. Shiyonga is the Senator of Kakamega County unopposed. She is already here as a Nominated Senator. It would not hurt or harm anybody if in celebrating IWD, we declared and talked to her opponents, including Sen. Malalah, that she becomes the Senator unopposed. That would be a good way of celebrating her.

We could also declare you, Madam Temporary Speaker, together with Sen. (Dr.) Musuruve, that the next elections become a walk over to both of you. This House would gain. We would not lose anything. It would also go a long way in actualising the celebration of the importance of women to society.

I take this opportunity to celebrate my wife, who is the pillar of my life. I also celebrate my mother who has stood with me all these years and my daughters, who will take over from where I will have left at. I also celebrate my son and hope he also prays to be an honorary woman like me.

**The Temporary Speaker** (Sen. Pareno): We have definitely heard your declarations and pray that it may be or it should be what you have just declared.

Sen. Shiyonga, you may have the Floor.

**Sen. Shiyonga:** Thank you, Madam Temporary Speaker. I stand to support the Statement by Sen. Dr. Musuruve on this IWD. Being a woman, I am proud of being celebrated in a group of women who are living today.

I had a similar Statement but because of the procedure and process, allow me to ride on Sen. (Dr.) Musuruve's Statement. I congratulate all the women in Kenya and I appreciate the Senate for the opportunity to celebrate IWD.

It is very important that I urge the Senators here to join other Kenyans to honour the milestones and the progress made on the long road to gender and equity as championed by the Constitution of Kenya, 2010.

I also congratulate those who suggested today's theme of celebration, which is "gender equity for sustainability tomorrow". The theme actually has to do with what I partially do, as the Chairperson of the Senate Committee on National Cohesion Equal, Opportunity and Regional Integration. This Committee looks at the equity that we need as Kenyans, especially women, in acquiring the gender parity in this parliament.

I already alluded on the fact that as women, we are still experiencing violence against women in Kenya. We have discussed that at length after the Statement that has been raised.

It is unfortunate that our society still experiences this retrogressive behaviour from the young men that we have in Kenya whom we are carrying in our wombs as mothers of today. I condemn this.

The Government must move with speed, especially to make sure that those who have done that act are arraigned in court and the discipline that they deserve be achieved and justice for that lady is attained at the earliest opportunity

Madam Temporary Speaker, the security of women is paramount, especially in Kenya this time when we are approaching the August general election. I urge Kenyans to grab this opportunity and sort out the constitutional gender equation especially in Article 81(b) and ensure that we achieve the gender equality that we desire.

We were working very hard to achieve this in the Building Bridges Initiative (BBI) but we were not able to get it. Come 2022 general elections, we shall have more women elected into this House just above the number of three that we achieved as Senators and we achieve more if possible 50-50. The theme of today is equity. We really need equity and if possible, let men also experience what we are experiencing, so that Kenya moves on the balance.

I celebrate my mum who contained me for nine months in her womb and I was born. She was able to take me this far. I also celebrate all women and the trailblazers in Kenya. They have made sure that women do not remain vulnerable in this country or globally, but go beyond what they need especially those who are leadership including me who has won an award of standing with widows in my county and in the country.

I urge all women to just make a step and stand with one woman, at least if not all. As we continue celebrating, we shall celebrate a country that has equity.

I support.

**Sen. Sakaja:** Madam Temporary Speaker, I wish you a happy International Women's Day and to all the women in this Senate and in our society.

During Senate Business Committee when we discussed today's business and it was mentioned that it was International Women's day, I knew for sure Sen. (Dr.) Musuruve will definitely have a statement. She can never miss it. Sen. Shiyonga, of course, she beat you to it because that is Sen. (Dr.) Musuruve.

However, I am very disappointed. Sen. (Dr.) Musuruve has listed a long list of great women but she forgot to mention 1971 Commonwealth 200 m Champion, Emily Kubasu, my mother. She made this country proud for many years. She is from your county. I do not know how you missed that.

That notwithstanding, our claim as a country whether, to democracy or superiority is tainted when half of the team is not on the table. That why I have been a champion and earlier on Sen. (Dr.) Ochillo-Ayacko, the "honorary woman", was asking why Sen. (Dr.) Musuruve said that I am close to women.

I am a champion from the last Parliament to this Parliament of what we call "He for She Movement". This is a movement where the men in this Parliament both in the National Assembly and the Senate have decided against many of the women in this House who try to make gender issues women issues. We say that we will stand at the forefront to fight for these issues, but you can be the voice whether it comes to the 30

percent, one third rule or what not, but it is not a women issue. It is an issue for this country.

When you equip a woman, whether it is at the grassroots or in the City, in business or politics or society in general, you have not done that woman a favour. You have done our nation a great service because of the role that women actually play in many aspects.

I remember championing 30 per cent law in the last Parliament, which is one of my legacy legislations as I finish this chapter of legislation in my life because I would like to go the Executive. One of the moments I was most proud of was when my amendment to the Public Procurement Act in 2015 was signed by the President saying that we shall have 30 per cent procurement opportunities for women, for youth and for persons with disability.

In as much as it has not achieved 100 percent, because this was supposed to be part of performance contracting, there are very many women that I have met who have been able to start businesses. They have been able to engage to supply counties and the national Government because of this provision of the law.

The power that we have here as legislators, we can change lives by the laws that we make. Many other legislations that I brought in the last and in this Parliament a target and address the plight of our women because once you affect a woman you have changed the society. The Employment Authority is now led by Madam Edith Okoki, which is a law that I brought into this Parliament and now it is an existing Authority. She is doing great work. She can do much better. It is the same whether it is a law on disaster management.

Madam Temporary Speaker, those who suffer the most when it comes to a disaster are the women whose houses are burnt, the ones who are working in Gikomba and Kariorkor. They are the ones affected most by that law.

Women must be on the table. In fact, a friend of mine called Sylvia sent me a text and said that in as much we applaud men who make space for women at the table, we must actually applaud men who enable or help facilitate women to make their own table. It is not about us giving space for you to squeeze with us. You can make that table.

If you are majority of this country, women should not be asking for a favour but for a right. In business I have said that 30 per cent and we have seen them scaling the heights. They are Chief Executive Officers of huge companies who are doing extremely well. For example, look at Jane Karuku at the East African Breweries Limited (EABL). She is doing an amazing job. Look at Sylvia Mulinge and the rest of the team at Safaricom Kenya Ltd. Many of them are making this country proud and they are doing better than men.

A poll was released yesterday that said in terms of leadership, 43 per cent of Kenyans believe women are more trusted when it comes to refusing corruption and being sensitive to social issues, which is true.

In politics, I would like to applaud you, Madam Temporary Speaker. You have been the head of Elections Board of one of the biggest parties in this country and you

have led it with integrity. I have never heard a scandal about Sen. Pareno when she was the Head of Elections Board with respect to nominations.

Right now, the Board of the Elections Board, is my cousin, Catherine Muma. We have confidence in her that she will do a good job in as much as I am not in “*azimiarung*”. I am proud that my cousin is the head of that Board in the Orange Democratic Movement (ODM).

In politics, look at Sen. (Dr.) Musurube and the kind of job that she has done. Sen. Farhiya for me is one of the most outstanding Senators in this House. She is diligent and she sponsored with me two Bills, one of which is The Prompt Payment Bill. She has done a lot together with the others you have mentioned.

Sen. Shiyonga is the most loyal member of my committee. She is always there in between the “scooping” humour, you can see real legislation. We want more women in this House. We want 50 per cent.

As I go to conclude, I know I have spoken for long. I was in London last week. Kenyans were uploading about the Kenya Airways Plane that landed during huge crosswinds of about 300 naughts to the east and west. Other airways could not manage it, but it was landed by my friend, Ms. Ruth Karauri, a lady pilot. She was the Captain of that plane.

Most people used to say that these careers are not for women; they are for men. I applaud Ruth, and my friend her husband who is vying for Kasarani constituency. I do not know what he participated in, but it is good to mention him as well. She is a lady and she did it. They stood in the shoulders of others like Koki who was in Kenya Airways (KQ), who have gone before them. That is why I am encouraging the ladies in this House to set an example.

My young daughter, Emily, must know that there is no ceiling. That, she can be anything that she wants to be when she grows up. That, she can be president of this country. She can be a KQ Captain; that she can lead a big business. It will be done by the example that we set.

Madam Temporary Speaker, I, therefore, wish all the women in this country, the women of Nairobi and the women in this House, who are my colleagues and who I am always going to be a champion of, a happy International Women’s Day. We are proud of you and we celebrate you.

I thank you.

**The Temporary Speaker** (Sen. Pareno): As we wait for Sen. (Rev.) Waqo to contribute online, let us listen to Sen. (Prof.) Ongeru.

Sen. (Rev.) Waqo, be on standby.

**Sen. (Prof.) Ongeru:** Madam Temporary Speaker, my hat off to our women on this International Women’s Day. They are industrious, polite, forgiving and always ready to accept any form of assignment, whether at the family level, within the community or at the national level.

They are always willing to participate in anything that brings joy and comfort to the society and the people they serve. One element that people have never appreciated is their level of tolerance.

I am a professional in Medicine. I have watched women during my career as a doctor and also a child specialist. They can go through pregnancy for nine months bearing the pain, the agony and also the weight as the baby grows and nurturing that baby.

Most elements of a child are made because of the contact between them and the mother. A father has very little contact. Therefore, persons who bear the greatest difficulty through pregnancy are the women. Sometimes, some pregnancies are smooth, and therefore, delivery equally smooth. However, some of the pregnancies turn out to be difficult because of complications. I know there are many difficulties both pre and postpartum period.

When a baby is born, it is the mother who nurtures them to adulthood. The only time the mother is separated from the baby is during school time. Normally, the ladies are first ones to pick their children from school and are concerned with the kind of meal or food at the table.

Such a person can only be tolerant because some of us are not as tolerant as the ladies. I think that is one of the greatest attributes that God gave a woman. No wonder the Bible, in Proverbs 31, clearly says; who can find a virtuous woman? This is because that is what they are. They are virtuous because they are tolerant and understand the needs of the society and the family. They take care of the children until they are adults and start working.

I am proud that at one time, I was the Chairman of the Kenya Amateur Athletics Association (KAAA). During that time, Emily Kubasu was one of my favourite ladies on the track and field events. When she entered into the field, she literally made everybody sweat in the race where she competed.

As she ran, there were others who participated in javelin and they created a national and international spectrum whenever they participated. That included a boxer called Assunta. Those were great women who made us proud and brought honour and glory to this country.

In the academia, when I was a Professor at the University of Nairobi, I interacted with many women who have changed the academic prowess of the institution to higher heights. Look at the likes of Sen. (Dr.) Milgo.

When I was the Minister for Education, she was one of our most brilliant educationists. Therefore, when I see her in this House, it gives me great pleasure because it takes a woman to do the kind of things we are seeing today.

Madam Temporary Speaker, you will be surprised when you look at the area of research. You are an accomplished lawyer and you prosecuted many issues that men may not have prosecuted at your level. You were also the Chair of the National Elections Board (NEB) of the Orange Democratic Movement (ODM) Party. That is the biggest tribute we can pay you. Today, you are one of our Temporary Speakers, directing the affairs of this nation where great decisions are made for prosperity and posterity.

Look at the women in the industry. For example, Hon. Betty Maina is a Cabinet Secretary (CS). What she has done enormous things in the sector she is. Hon. Farida Karoney has automated and digitized transactions in the Ministry of Lands. The mess that

used to be there and frustrations that people used to go through seeking for title deeds is no longer pain in the neck but a thing of the past. It took a woman to be ingenious in that place.

My own daughter, Carol, is one of the best in Britain. She is a Chief Executive Officer (CEO) of a company. She scaled the heights and brought the Turkwel Wind Mill in Turkana and the Kenya Electricity Transmission Company (KETRACO) transmission lines.

She oversaw that as a civil engineer. Today, Kenyans can access clean energy that we need so much from various places. That include the power mills that we see in other places. We can cite many others.

In this House, the National Assembly, county assemblies, and other places, we have had great women. At whatever level, our women are performing well. I have flown with Kenya Airways (KQ) several times. Sometimes when there are no KQ flights, I fly Emirates. The courtesy on board is by our women who have brought us the pride. You will always hear that Kenyan women are courteous, sociable and accommodating in the sense that even when you feel distressed in flights, they are able to relieve your distress in terms of talking to you in a polite and calming manner and the tensions go away.

When we talk about equity in sharing, whether they are resources, parliamentary or political positions, or in social life, we must be alive to the fact that we are first and foremost equal before the eyes of God. Nobody is born a lesser being than what we are today. Therefore, as individuals and as Kenyans, we should do away with the one-third rule.

I want to pay tribute to our women in Kisii and Nyamira counties. They are celebrating the International Women's Day led by Hon. Janet Ong'era and many other people. As I speak, they are marking the day in Kisii Town. I want to wish them well.

I wish I were there, but because of other duties in the Senate, I pay tribute to what they are doing today and encourage them to turn up in big number in the forthcoming elections. I can cast my vote for a woman to occupy an advantageous position, so that we gain from their experience and expertise.

We are celebrating International Women's Day because we know that all of us are born of a woman without any exception and therefore we must accept the realities of life. Sometimes men brag too much and yet, at the end of the day, you were born of a woman. You are born by your mother and, therefore, we celebrate all the mothers.

I celebrate my late mother even in death because what I am today - from the grassroots where I grew, from the poverty level where I grew to the level where I am; achieving the national and international status in my career both in the academic, political and in the diplomatic circle is not a mean achievement. I only wish she was alive today to see what the son she brought up has been able to achieve.

Therefore, I pay a great tribute to my late mother because of what she did for me to be in this honourable Senate, and be able to pay tribute to our female women colleagues.

Madam Temporary Speaker, this is the day we should all be happy. At the end of the day, even as we celebrate this day, when we get home, it is the women who are going



to put the food on the table. Men do not know even where the food comes from. Women are the ones concerned with what kind of menu should be on the table for men and children to eat.

It is the women who are able to reach out to the less fortunate in society and participate very well in that society. Therefore, I take my hat off and salute the International Women's Day.

Congratulations and God be with you all.

**Sen. (Rev.) Waqo:** Thank you, Madam Temporary Speaker. I join my fellow Senators to celebrate the International Women's Day today. It is a great day for us women.

Our society is made of women and women have played a big role. As we all know, women are very industrious; they have served the society in different ways. As we celebrate the International Women's Day today, I do not want to only celebrate women who are learned, working women and those who are leaders in different capacities. I also want to celebrate those women who have even not gone to school; those who are in the villages working day and night to bring up their children.

This is because even if they have not gone to school, they have the natural knowledge that God has given them. They have worked very hard to bring up their children and majority of them do that even without any support from a man. Many are single mothers others are widowed. These women work very hard.

I celebrate every woman today, both the leaders in our society in different capacities; those who have gone to school, those who are working and those who have not even gone to school, but they use their knowledge and skills to bring up their children and have a lot of impact in the society.

Madam Temporary Speaker, as you know, women are very prayerful. They pray for the society, they pray for their families, they pray for us as leaders and Kenya is what it is today because of the prayers of faithful women who have kept praying for this nation. As we celebrate women, I want to request the security apparatus to give special attention to women wherever they are.

Earlier today, I wanted to contribute to the Statement regarding the young lady, who was harassed in the City of Nairobi and suffered in the hands of the men, who decided to molest her and do all the things that they did.

I want to call upon the security apparatus to ensure that women are well protected. Women work day and night to earn a living. They work day and night, so that they can help the society to grow. Therefore, they must be given enough security. We have many women who are aspiring to be elected in different positions.

We call upon the Government to give every woman who is aspiring to be elected, total protection because we know that during the campaigns women are intimidated, some of them are abused others are beaten up and others are insulted.

The Government should be alert and know that women deserve enough protection in our society. From past experience, we have seen that women provide effective leadership and also that the money that lands in women's hands serves the society better than the money that lands in men's hands.

My prayer is that women be well protected and given all the support they need because when they are in control of finances and other resources, then everyone is assured of a better life.

Since our theme for the day is “Gender equality for a better tomorrow,” mine is to say that let us strive to build the capacity for women in the entire country and in different counties, because even those who have not gone to school have that knowledge that can help the families and build the society.

Many have not gone to school, but we keep on saying that we are the way we are because of our mothers. I am the way I am because of the sacrifices that my mother made, stood with me and made me who I am today.

Many great leaders have referred to their mothers as their role model, as people of respect. Women deserve protection. Women deserve all the support that they need to get from the Government, so that we can have that input that we can give to the society today.

I salute all women and pray that all women who are aspiring to be leaders, to be elected in August, will all go through successfully, so that we can have a better society and a better nation under the leadership of great women that God has given us.

Happy International Women’s Day.

I thank you

**Sen. (Dr.) Milgo:** Thank you, Madam Temporary Speaker, for this chance to stand with my colleagues to celebrate International Women’s Day.

First of all, let me take this opportunity to thank Sen. (Dr.) Musuruve for bringing such a great Statement. She is always in it to bring various days that are celebrated in this country. Let me thank the organization that organized the International Women’s Day to celebrate the women.

Many women have been mentioned and they are worth celebrating. I stand here and want to celebrate the great women all over the world, who have contributed in one way or another to the worthy causes that we have experienced everywhere we have gone.

As we are celebrating, I have just come from Britain and that was the day when Capt. Karauri was flying the Embraer 190 flight to London, and she was able to land it very well. It was a scary moment, but then---

**The Temporary Speaker (Sen. Pareno):** You are telling us that you were in that flight?

**Sen. (Dr.) Milgo:** Oh, Yes. It was a scary moment, but then, she managed to land it very carefully and later on, we did realize that there were a number of pilots who had a challenge landing. This is a great woman; one of the many women we celebrate today.

Unfortunately, as the Chairperson of the Standing Committee on Education, I know many women are left out of such great jobs because they do not undertake Science, Technology, Engineering and Mathematics (STEM) courses. They fear the STEM courses and, therefore, as we move along the career lines, they will not be there. As we celebrate the International Women’s Day, I encourage our girls to undertake STEM courses, so that in future, they will be great women in various careers and head institutions that are normally referred as men’s field.

Madam Temporary Speaker, I celebrate my two great lady professors from my two universities. One, Prof. Olive Mugenda, the former Vice Chancellor of Kenyatta University, where I studied my MBA degree and Prof. Mabel Imbuga, the Vice Chancellor of Jomo Kenyatta University of Agriculture and Technology (JKUAT), where I obtained my PhD degree. Those two are great women, who were able to turn around the two institutions, looking at the two institutions, when the women took over, there was a great revolution. Those universities started taking many students. Many courses were started that have contributed to the development of this country.

I celebrate the many women all over the world, who have shown the path to all other women that it is possible; that women can do anything if they take the strength and purpose to continue. There are very many women who are trailblazers. Some of the women who have served as presidents include; hon. Ellen Johnson Sirleaf, the former President of Liberia; the former President of Malawi and the former Vice Chancellor of Germany. Those are great women that have shown the world that women are able to lead. I hope that very soon, this country will get a great lady as a President. I think that the time is ripe because women are known to be great managers and effective strategists. I am not saying that men are bad. However, women should be given opportunities to undertake leadership positions.

Many of the lady Cabinet Secretaries (CSs) have done a lot. Recently, CS Monica Juma unearthed a cartel that had stolen electricity items worth Kshs70million. We have been hearing about cases of theft for many years and asking ourselves why the culprits cannot be arrested to serve as an example to the rest. We laud what CS Monica Juma did to unearth that cartel. I hope that the arrest of the culprits shall serve as warning to others who are going to bring vandalism in our various institutions.

Just to name but a few of the ladies who have done a wonderful job, I acknowledge the CS in the Ministry of Lands and Physical Planning. It was a nightmare going out to look for anything in that Ministry. Today, at the press of button, you can access whatever you want on anything pertaining lands. Hon. Farida Karoney is a great lady who has done a lot to turn around issues land in this country.

I can enumerate so many women. Many women athletes have brought a lot of fame to our country, including those that won medals recently. It is unfortunate that even those that have been winning medals have had to suffer due to lack of capacity building. We recently lost a female athlete despite the fact that she brought fame to this country. It is unfortunate that we witnessed a video clip of a woman being used as an object here in Nairobi. I thank Sen. Sakaja, for bringing such a statement to this House. I hope that something will be done to ensure that our women are protected. It is unfortunate that women are still being mistreated in that manner.

As we celebrate the International Women's Day today, it is still unfortunate that this House has not even attained the two-thirds gender rule. It is unfortunate that in very many other areas, women have not been given the recognition they deserve despite the many contributions that they make. I celebrate the three female governors in this country who are trailblazers. I hope that the upcoming general elections will bring on board more female governors.

It is unfortunate that my county lost a great lady governor, the late hon. (Dr.) Joyce Laboso, who was a very aggressive lady. I know she would have done a lot for Bomet County. She was one of the first three elected governors that have shown us the way. I am sure others will get in that particular field without any fear.

I celebrate the many other women that are toiling in the fields. Many women in Bomet County pluck tea. They have to collect firewood and do many other odd jobs to put food on the table. Those are the great women. They bring up children sometimes single-handedly. As I celebrate the great women of Bomet, my county, I celebrate my own mother, the late Mary Tapsabei Rono, who brought us up single-handedly for many years. She educated up to various higher institutions of learning. I am glad she passed on after I had completed my PhD. She was glad to have brought up a PhD holder, who is now a Senator.

I wish to celebrate my two daughters; Mercy Chepng'eno Milgo and Matilda Cherotich Milgo, who are both accountants at Central Bank of Kenya (CBK) and Kenya Revenue Authority (KRA) respectively. I am so proud of them. In future, I am sure that I will hand down the mantle of leadership to them. I can go on and on---

**The Temporary Speaker** (Sen. Pareno): There is a point of Information from Sen. Sakaja.

**Sen. Sakaja:** On a point of information, Madam Temporary Speaker. I would like to inform Sen. (Dr.) Milgo, who has mentioned the paradox of the attack on the lady that happened around the International Women's Day. The biggest paradox is that this callous violation took place on Wangari Maathai Road. Of all roads, it happened on Wangari Maathai Road. We all know what the late hon. (Prof.) Wangari Maathai stood for and what she went through. That incident informs us that there is much more we need to do than just the rhetoric we are given.

The Clerk has just drawn my attention to that fact. It could have happened on Francis Atwoli Road, Uhuru Highway or any other roads, but it happened on Wangari Maathai Road. That is an abomination. We ought to be ashamed of ourselves as a country.

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

**Sen. (Dr.) Ochillo-Ayacko:** On a point of order, Madam Temporary Speaker. We should not mention Mr. Atwoli in bad light. He is an elderly uncle of Sen. Sakaja. He is a man who does not have access to this House. Can Sen. Sakaja leave Mzee Atwoli alone and mention Sen. (Dr.) Ochillo-Ayacko road or Cherargei road or some other road, but Atwoli is an elderly person.

**The Temporary Speaker** (Sen. Pareno): Let us hear from Sen. Sakaja on another point of order.

**Sen. Sakaja:** Madam Temporary Speaker, I think that is absolutely reckless of Sen. (Dr.) Ochillo-Ayacko, to try and impute that I have in any way said anything untoward Francis Atwoli, who is even my own relative. I have mentioned names of roads. There is no Sakaja road, and I hope there will be none even after I am governor. There is no Ochillo-Ayacko road, unless it is in his compound. I have just mentioned

names of roads. I have mentioned Uhuru Highway. Why is he not saying that I have not said anything wrong against Uhuru Kenyatta? It is just names of roads, but let us not take away from what I have mentioned. The symbolism is actually a blot that this has happened on Wangari Maathai Road.

**The Temporary Speaker** (Sen. Pareno): Sen. (Dr.) Milgo, please proceed.

**Sen. (Dr.) Milgo:** Madam Temporary Speaker, thank you for this great information. It is unfortunate when roads are mentioned, some people become jittery. However, I mentioned it in good faith.

Thank you, Sen. Sakaja, for mentioning that ugly incident where a woman was sexually assaulted and harassed occurred along Prof. Wangari Mathaai's Road. We all remember the late Prof. Wangari Maathai was a great lady worth celebrating because she also went through a lot of challenges protecting our forests during her life time.

Right now, the whole world is now grappling with the issues of climate change and yet she was beaten left, right and centre because of trying to bring on board a very critical issue and inform this country that trees are important.

Sen. Sakaja, remember to plant trees along that road to commemorate that this incident happened on the road named after a great environmentalist. It will also create awareness that women are important and, at the same time, they are protectors of our environment.

Madam Temporary Speaker, I end by celebrating all ladies in this House, particularly those who are in the Speaker's Panel, including you, because they have done a great job for us. I also celebrate the nominated lady Senators and the three that were elected.

I am sure, God willing, that the Thirteen Parliament will have more female Senators. We have seen what we have achieved as female Senators. I am very proud to be here in the Twelfth Parliament as a nominated Senator. I also celebrate the fact that when the history of this Senate will be written, it will be noted that I was given an opportunity to serve as the Chairperson for the Standing Committee on Education.

Lastly, I also celebrate each and every woman out there, because they have achieved a lot for this country.

I support.

**The Temporary Speaker** (Sen. Pareno): We have no more requests on the celebration of the women day. So, we move to the next Statements by Sen. (Dr.) Mwaura through *Zoom* platform.

**Sen. (Dr.) Mwaura:** Madam Temporary Speaker, can you hear me?

**The Temporary Speaker** (Sen. Pareno): Yes. We hear you clearly. Please proceed.

**Sen. (Dr.) Mwaura:** Yes, I have three Statements. I request that I go through them one by one in succession.

Madam Temporary Speaker, the first Statement is on---

*(Technical hitch)*

**The Temporary Speaker** (Sen. Pareno): You have a Statement on the Violent Take-Over of a Parking Lot from Mr. Cyrus Mwangi. You have a Statement on the Death Mr. Felix Odhiambo and a Statement on the Status of Construction of Wembley Road.

**Sen. (Dr.) Mwaura:** Yes, Madam Temporary Speaker. I am trying to read, but connection is a problem.

*(Technical hitch)*

**The Temporary Speaker** (Sen. Pareno): Sen. (Dr.) Mwaura, are you online? We have lost you. We can see your face, but we cannot hear your voice.

**The Temporary Speaker** (Sen. Pareno): Do you have the approved versions of the Statements?

**Sen. (Dr.) Mwaura:** Yes.

CIRCUMSTANCES SURROUNDING THE VIOLENT TAKE-OVER OF A  
PARKING SLOT ALLOCATED TO MR. CYRUS MWANGI

**Sen. (Dr.) Mwaura:** Madam Temporary Speaker, I rise pursuant to Standing Order No.48(1) to seek for a Statement from the Standing Committee on Roads and Transport on the circumstances surrounding the violent take over of a parking slot which had been allocated to Mr. Cyrus Mwangi, a person with disability by the National City County Government.

In the statement, the Committee should-

(1) Shed light on the circumstances surrounding the violent take over by the Kukuena Sacco over parking slot which had been allocated to Mr. Cyrus Mwangi a person with disability on 27<sup>th</sup> April 2018; an incident which left Mr. Mwangi hospitalized and incapacitated for a period of six months, giving reasons for the discrimination of Mr. Mwangi on the basis of his disability.

(2) Inform the Senate of the action taken against Nairobi City County officers responsible for physically maiming and incapacitating Mr. Mwangi

(3) State plans, if any, by the Nairobi City County Government to compensate Mr. Mwangi for the loss he suffered, including hospital bills and related issues.

*(Technical hitch)*

**The Temporary Speaker** (Sen. Pareno): Sen. Mwaura, we have lost you as you started with number 3. We are unable to hear you

**Sen. (Dr.) Mwaura:** Madam Temporary Speaker, I am still online.

**The Temporary Speaker** (Sen. Pareno): Yes, but we cannot hear you. You stopped at number three.

**Sen. (Dr.) Mwaura:** Yes, Madam Temporary Speaker, number 3,

**The Temporary Speaker** (Sen. Pareno): Yes, proceed

**Sen. (Dr.) Mwaura:** With regard to No.4 Madam Temporary Speaker, the Committee should give reasons for the failure by the County Government of Nairobi to reinstate the parking slot for Mr. Mwangi despite numerous interventions.

(5) State the number of persons with disabilities working in Nairobi City County Government stating whether the county has complied with the Persons with Disabilities Act which regards to the staffing at least of 5 per cent in public offices.

Madam Temporary Speaker, that is my first Statement. Should I proceed with the second one?

**The Temporary Speaker** (Sen. Pareno): Sen. Mwaura, let us first have interventions on the first Statement. We will allow a bit of debate on that. That is by Sen. (Dr.) Ochillo-Ayacko. Please stay online so that we move to your next Statement after they make their comments.

**Sen. (Dr.) Mwaura:** I stand guided, Madam Temporary Speaker.

**Sen. (Dr.) Ochillo-Ayacko:** Thank you, Madam Temporary Speaker. I thank Sen. (Dr.) Mwaura for raising this matter. People living with disabilities in this man-eat-man or woman-kill-man, man-kill-woman society must be protected at all times.

I am glad that it has come to the attention of this House through Sen. (Dr.) Mwaura that the City County Government of Nairobi is harassing a person living with disability.

It is the duty of all of us, just like 'His Excellency' Jesus demonstrated that we should give attention, love and consideration to the most unfortunate or the weak members of society.

We must all focus on this matter and ensure that the Nairobi City County Government gives sufficient response. The Committee which this matter is referred to must demonstrate a clear policy on how they will do an affirmative action on people living with disabilities.

Madam Temporary Speaker, you hardly ever hear a person living with disability getting employed or getting empowered in terms of resources. Now that they have very little, for example, a parking lot or some land, it is taken away forcefully and that person is injured, maimed and hospitalized.

So, we really want to know because this is where the practice and the policy are tested. We want to know what has been done to the people who were involved and what is being done to compensate this person.

We also want to know what is being done by way of affirmative action, to PwD who have requested to be allocated such parcels of land or opportunities that all of us are craving for.

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

**Sen. (Dr.) Musuruve:** Thank you, Madam Temporary Speaker. Sen. (Dr.) Mwaura has brought an important Statement to the Floor of the House. It touches on the real life issues affecting PwDs.

In Nairobi City County, I have witnessed many times PwDs lacking parking space. Sometimes cars parked in slots reserved for PwDs do not belong to PwDs. You do

not even see a PwD sticker. You will find big cars like Mercedes and Prados in parking slots meant for PwDs.

This is unfair because Kenya is a signatory to State parties that signed the Convention on PwDs Rights. The rights of PwDs are enshrined in the Constitution under accessibility for PwDs. Parking lots for PwDs in Nairobi City County are unavailable and it is a nightmare.

As you rule on which Committee will deal with the Statement, Nairobi City County Government should be summoned to explain why they have not adhered to the constitutional right on the accessibility for PwDs.

I remember one of my encounters with the city *askaris* here in Nairobi City County. I wanted to park my vehicle, but I did not have a place to park. On the other hand, there was a car without a disability sticker that had been parked on the disability slot. I caused a lot of drama until the owner of the vehicle was brought to free the slot. It is unfair because PwDs have a right to go to any social place. If they want to purchase anything in town, they should be facilitated.

In the same breath, every street should have at least three parking slots for PwDs. It should not apply to Nairobi City County only, but to all the 47 counties. On Kijabe Street, sometimes City County *askaris* ask for parking fees and yet you have the disability sticker. You then have to remind them that you are a PwD and that you are not supposed to pay parking fees. This issue should not be taken for granted.

Madam Temporary Speaker, Sen. (Dr.) Mwaura needs to ensure that the need for reserved parking slots for PwDs is enshrined in the PwD amendment Act. Having a disability is a challenge and not a walk in the park. We need to allow PwDs to enjoy life like any other person and facilitate their movement. Let us be empathetic to PwDs.

I support this Statement.

**The Temporary Speaker** (Sen. Pareno): Sen. Sakaja, proceed.

**Sen. Sakaja:** Thank you, Madam Temporary Speaker. This Statement raises more questions than answers. Anyway, that is what it should do.

If I understand this Statement, Sen. (Dr.) Mwaura is asking about lack of designated parking slots for PwDs. I hope he can inform me if I am wrong. These are the slots that the City County has allocated to different SACCOs or businesses and charge a fee. So, I am starting with that presumption.

Sen. (Dr.) Mwaura says that Gukena SACCO has been given and violently taken over a parking spot that had been allocated to Mr. Cyrus Mwangi. He later said that he was maimed and incapacitated, which is unfortunate and wish him well.

He asked for compensation and there was failure to reinstate the parking spot, despite numerous interventions. I do not know which interventions, but Sen. (Dr.) Mwaura should have even intervened using the Senator for Nairobi City County. I would like to hear the answers to this by the City County Government. This entire system needs to be overhauled.

I have a lot of trouble everyday sorting out allocation of slots to matatus. This must be managed because it is business. People are giving these slots to political cronies, the same way they allocate toilets. They collect a lot of money, yet it should be business



that is run properly, either from a registered group and not an individual or by Nairobi City County itself. This is where we have inefficiency leading to a lot of congestion in the Central Business District (CBD).

Madam Temporary Speaker, until further information is availed, I would be interested in sitting in on this. That entire system is what needs auditing. If there is no policy around how these slots are allocated, Nairobi City County decide that it is up to them to choose who to give. They can give a PwD or not.

When you have a system, whose decisions are based on subjective reasoning by whoever is making those decisions, there can never be fairness. For instance, the same way Mr. Mwangi was given that slot, would be the same way it will be taken away from him. In fact, somebody else can say that another PwD in the SACCO has been allocated the slot.

The problem in our city and that is why we keep saying that we need to make Nairobi City work, is subjectivity. There is no order. This is what we must sort out. Two wrongs do not make a right. This one individual - and I am sorry about what he went through - had the ability to find somebody to Petition the Senate to get it back. However, somebody else who might have had it before, had no recourse.

It is a flawed system that in its entirety, but is not how Nairobi City County should be working. As the Committee looks into the specific case of Mr. Mwangi - whom I empathise with - he is a victim of a flawed system. There are many others who would be in the same position because of lack of a proper policy position and plan on how these spaces are allocated.

Today, if you go around the City asking SACCOs how they got their parking slots or the young people running toilets how they got that opportunity, they will tell you it is a mess. Recently, there was an issue in City Park Market about the people who work there in stalls versus a youth group.

The Senate should not sanitise the mess. We should not do a cosmetic enquiry into this. This give us an opportunity to address Mr. Mwangi's issue and also address the larger issue of order in the city. I am glad today we have spoken a lot about order. Nairobi City County needs order. We have spoken about the *boda boda* and the mass transit issues, which are in line with that.

I hope the Committee on Roads and Transportation will take this matter seriously. The reason why we have a big problem in the city in terms of congestion is not just because matatus come in, buy there is no proper mass transit system. It is also because of these parking slots. Matatus are not supposed to park. They are supposed to pick and drop.

I took to court the former Governor of Nairobi City County, Sonko, on this issue and we won. It was not for a specific SACCO, but at that time, he had banned all matatus from coming to town. You would find a pregnant lady going to Mbagathi, being dropped at the Globe Roundabout to walk all the way across. The same applied to old and sick persons and even children. You create a system without having an alternative and instruct that matatus will not come to the CBD. How will someone get from the Green Park behind Parliament all the way to Ngara?

Madam Temporary Speaker, it must be looked at in a more holistic nature of bringing order back to Nairobi City County.

**The Temporary Speaker** (Sen. Pareno): No more requests on that Statement. The relevant Committee will take note of the debate.

Sen. (Dr.) Mwaura, let us go to the next Statement.

#### STATUS OF CONSTRUCTION OF MEMBLEY ROAD

**Sen. (Dr.) Mwaura:** Madam Temporary Speaker, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Roads and Transportation, regarding the status of construction of Membley Road which is expected to serve as a connection between the Thika Super Highway and the Northern Bypass.

In the Statement, the Committee should-

(1) State the reasons for the delay in the construction of the Road, despite being on the site since 2020.

(2) Elucidate on the mitigating measures the contractor has put in place to curb the pollution caused by the dust affecting the officers as well as the natural ecosystem in contravention of the Environmental Management and coordination Act (EMCA).

(3) Outline the mechanism put in place by the Ministry and its relevant agencies in order to ensure that contractors adhere to the timelines stipulated in the contract.

**The Temporary Speaker** (Sen. Pareno): I will allow a few comments on this Statement.

Proceed, Sen. Cherargei.

**Sen. Cherargei:** Thank you, Madam Temporary Speaker. I congratulate Sen. (Dr.) Mwaura for this Statement. The question should be how many roads have delayed or stalled across the country either by Kenya Urban Roads Authority (KURA), Kenya National Highway Authority (KENHA) and others.

In Kajiado County, there are roads that were earmarked to be improved to bitumen standards. It is very unfortunate there are so many roads yet to be completed or done in substandard manner. For example, in counties where we come from, there are contractors that have stayed in site. If you ask what they are doing, you are told by Kenya Rural Roads Authority (KeRRA), KENHA or KURA that there are negotiations out of court. When you meet the contractors, they will tell you that they have not been paid.

This is a perennial problem with the road constructions across the country, not just with the Membley road. It is across the city and Sen. Sakaja - the future Governor of Nairobi City County - can confirm this that most roads have stalled and the Government is not telling us whether there is funding problem. Some of these roads are either funded by the Government or private partnership.

In Nandi Hills, for example, roads such as Chemuswa all the way through Kapteny to Denja, joining the junction from Chavakali has stalled. The road from Kurkung all the way to Chepterwai to Singelet to the Western Webuye to Kakamega are stalled. Many roads across Nandi have stalled and others have become sub-standard.

Even the ones that have become sub-standard were supervised by KeRRA which is unfortunate.

Kopere all the way to Boito in Timboroa which joins Nairobi Eldoret highway to Malaba border has not been done. The ones connecting Nandi Hills to Imaki, between Lesos to Moi University connecting at Cheptiret along the Eldoret- Malaba-Nairobi Highway have stalled. Those roads are substandard.

Apart from being stalled or timeline of finishing some of these roads, the supervising authority that is KeRRA is sleeping on the job. The road from Chepterit to Lown to Moi Univesity, for example, is substandard. It already has potholes and it is less than a year.

These agencies should be telling the country what is the guarantees that the road would remain in good shape before you see potholes all over. An example is the contractor is on site, like in the Chepterit to loan Moi University where the contractor is still on site. The same applies to the road in Kukupere, Maraba, Kaptengelei all the way to Timboroa in Uasi Gishu. Roads chippings are coming out and there are potholes.

On this question that Sen. (Dr.) Mwaura has asked, I hope the Committee on roads will go an extra mile and sample a few roads that either the contractor has left site or substandard work was done or funding missing. There are roads that have been marked and tenders awarded to contractors. What is the Government doing with those roads, especially when there is no funding?

The issue of environment it is very critical. On the road from Uplands all the way to the City, I wonder if the contractors ate the money. I only see service lanes in Kenya, but it is not happening in other countries. The contractor on site is blocking the road and has not created the service lane or where motorist can use as exit as they construct the road. That is why we have so many traffic jams in the city even in the villages.

It is important as we improve our infrastructure that we be keen on the environment. When we talk about Nairobi expressway, there was push and pull when they wanted to construct it through the Uhuru Park and, finally, they did not destroy the flora and fauna. The same when they were doing the Standard Gauge Railway (SGR to pass through the National Park into your county.

I, therefore, support and look forward to be part of the meeting when this matter comes up for hearing by the Committee.

**Sen. (Dr.) Ochillo-Ayacko:** Thank you, Madam Temporary Speaker. I thank Sen. (Dr.) Mwaura for the issues he has raised. Two issues stick out. One, we have constructions that are going on all over the nation on very important roads that we use regularly. On the Kisumu-Kakamega Road, when you pass a place called Kondele as you approach Sen. Cherargei's road, contractors have been on that site for long. That road has not been used by anybody, the contractors are there; I wonder what they are doing. They have been occupying the road more than constructing it.

When you leave that road to Homa Bay County, there is a place called Ahero. There is something that looks like a designed flyover that goes to Homa Bay eventually leading to Migori County. Whoever was given the contract is doing nothing, but just stationed there?

When you leave that route to Homa Bay through a place called Katito, you go to Homa Bay County and pass Sondu Miriu, then you try and get to Kisii. Alternatively, when you are in Kisii and want to come to Migori, there is the road that comes to the South Nyanza part of it, where you leave Kisii and leave the Kisumu Road. There has been a blockade there for three years and that is the only route we use to go to Kisii. We use it for emergencies and quick access. No one give a damn about the inconveniency that is occasioned.

When you come to Rongo, there is a part of Rongo that has never been constructed, just as you pass Kuja school for the deaf. It has been in bad state. When you go all the way to Migori, constructions have been going on for the last three years. These contractors and the authorities responsible for them under the Ministry of Roads must know that people want immediate value for money. We cannot be in the state for construction of emergency forever.

Lastly, most of our people suffer from Asthma, and dust related diseases. There is nothing that authorities, including National Environmental Management Authority (NEMA) and those responsible for roads, are doing to ensure that dust and such sufferings are not visited on our people.

Here in Nairobi around Karen, the Ngong Road that goes to Karen Shopping Centre which has been under construction for many years has total disregard of the dust that affects everybody. It is important for the responsible authority both NEMA and the roads authority to ensure timely completion of those roads, or they give the Committee information as to when they will ensure that contractual time is adhered to. They should also ensure that those undertaking construction do not become a nuisance or problem when it comes to dust and other environmental concerns.

**The Temporary Speaker** (Sen. Pareno): The last Statement by Sen. Mwaura is on the circumstances surrounding the death of Mr. Felix Odhiambo. Now that Sen. Mwaura is not online, the Statement is deferred.

CIRCUMSTANCES SURROUNDING DEATH OF  
MR. FELIX ODHIAMBO

*(Statement deferred)*

Let us go to the next Order.

**BILL**

*First Reading*

THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY BILLS NO.8 OF 2021)

*(Order for First Reading read - Read the First Time  
and ordered to be referred to the relevant Senate Committee)*

**The Temporary Speaker** (Sen. Pareno): Sen. (Dr.) Ochillo-Ayacko, kindly approach the Chair.

*(Sen. (Dr.) Ochillo-Ayacko consulted  
with the Temporary Speaker)*

Hon. Senators, Order Nos.9, 10, 11, 12 and 13 were due for Division. Since we cannot proceed, those Orders are, therefore, deferred.

## **BILL**

*Second Reading*

THE LANDLORD AND TENANT BILL  
(NATIONAL ASSEMBLY BILLS NO.3 OF 2021)

*(Division)*

*(Bill deferred)*

## **COMMITTEE OF THE WHOLE**

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT)  
BILL (SENATE BILLS NO.37 OF 2021)

*(Division)*

*(Committee of the Whole deferred)*

## **COMMITTEE OF THE WHOLE**

THE LIFESTYLE AUDIT BILL  
(SENATE BILLS NO.36 OF 2021)

*(Division)*

*(Committee of the Whole deferred)*

## **COMMITTEE OF THE WHOLE**

THE LAW OF SUCCESSION (AMENDMENT)  
BILL (SENATE BILLS NO.15 OF 2021)

*(Division)*

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT  
OF ECONOMIC AND SOCIAL RIGHTS BILL  
(SENATE BILLS NO.21 OF 2021)

*(Division)*

*(Committee of the Whole deferred)*

**The Temporary Speaker** (Sen. Pareno): The Movers of Order Nos.14 and 16 are not there. The report of Sen. Nyamunga's Bill, which is Order No.15 is not ready. Therefore, we will defer Order Nos. 14, 15, 16 and 17.

**COMMITTEE OF THE WHOLE**

THE ELECTIONS (AMENDMENT) (NO. 3) BILL  
(SENATE BILLS NO.48 OF 2021)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE COUNTY RESOURCE DEVELOPMENT BILL  
(SENATE BILLS NO.45 OF 2021)

*(Committee of the Whole deferred)*

**BILL**

*Second Reading*

THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL  
(SENATE BILLS NO.51 OF 2021)

*(Bill deferred)*

**MOTION**

ADOPTION OF THE SPECIAL AUDIT REPORT ON UTILISATION  
OF COVID-19 FUNDS BY 28 COUNTY GOVERNMENTS

THAT the Senate adopts the Report of the Standing Committee on Health on the special audit report on utilization of COVID-19 funds by twenty eight (28) county governments, laid on the Table of the Senate on Wednesday, 9<sup>th</sup> February, 2022.

*(Motion deferred)*

**The Temporary Speaker** (Sen. Pareno): Let us move to the next Order. What is it Sen. Omogeni?

**POINTS OF ORDER**

FAILURE TO CONSIDER INPUT FROM COMMITTEES  
WHILE PROCESSING BILLS

**Sen. Omogeni:** Madam Temporary Speaker, my point of order is with regard in the way we are processing our Bills of late.

Last week but one, this House considered the Elections (Amendment) Bill that was sponsored by Sen. Murkomen. The Bill was processed by the Committee on Justice, Legal Affairs and Human Rights and it tendered its report on the Floor of the House. I had written a letter to the Speaker of the Senate, drawing his attention to the fact that I was out of the country and the Committee needed more time to bring our report to the Floor and sponsor some amendments on that Bill.

The delay on finalization of our report is because we were waiting for communication from the Salaries and Remuneration Commission (SRC) on the likely implications of us deleting the degree requirement from qualifications for those seeking to vie for positions of Members of Parliament (MPs).

That Bill was considered without the input of my Committee. It means that the public participation undertaken by the Committee did not find its way to the Floor of the House. Our courts have ruled on very many occasions that though we are not bound by the views received from the public, Parliament must consider their views. The only way we consider the views is by the Committee engaging stakeholders, preparing a report and tabling the same before the House.

In view of the fact that this law has been enacted without the input of the report from the Committee, it means that we have not taken into account the views from the public and that this Bill was processed while my letter to the Speaker was on record. I

wish to know the ruling of the Speaker on the likely implications of passage of this Bill without taking into account the views from the public.

Secondly, my Committee is in the process of finalizing a report on the views that were received from the public regarding the Lifestyle Audit Bill (Senate Bills No.36 of 2021) which is in today's Order Paper. We are still facing the same challenge. I do not know why people do not want to respect jurisprudence that comes from the courts yet it is supposed to direct us?

We had an advert for public participation, we received views and prepared a report. However, this Bill is being pushed forward without the input of that report.

Madam Temporary Speaker, I request that you direct that that Bill be removed from the Order Paper and should not be listed in the next two weeks, so that my Committee can finalize the report and table it before the House. It is a good Bill, but it risks being declared unconstitutional by our courts if we push it before my Committee tables the views from the public.

I thank you.

**The Temporary Speaker** (Sen. Pareno): You have asked that I make two rulings. You have asked that the Lifestyle Audit Bill should not be listed on the Order Paper for the next two weeks. That is automatic because we are going on recess from the day after tomorrow. Therefore, there is no need for that ruling because we will be away for recess for about 10 days.

I note that there will be two more sittings tomorrow and the next day, then we will go on recess.

On this one, I agree with you, that it can be deferred for two weeks. That will give us sufficient time because we will have gone on recess and we will have come back. It will be of no harm; it has been there in this Order Paper for quite some time. So, it will be of no harm to defer it for two weeks. I agree with you on that one.

On the one of the amendments on the Elections Bill having been dealt with before the tabling of the report by the Committee, I remember very well because I sat as a Speaker on that day. However, noted that before I sat, there was already a note by the Speaker on your request for deferring that matter on which he agreed, but the matter proceeded on that day.

So, it is under that circumstance that the matter on amendments proceeded in the manner that it did. However, I am not in a position to lift that pronouncement that the Speaker made on that day.

You have another intervention? Yes, proceed.

**Sen. Omogeni:** Madam Temporary Speaker, not to challenge the ruling of the Speaker, but I wanted you to make a specific ruling.

What happens in a situation where a chairperson of a Committee is out of the country on official business, which is known to the Speaker, because I travelled on the authority of the Speaker? I wrote to draw his attention to the fact that I would not be able to present the report on behalf of the Committee. The letter was received by the Speaker, but the House still proceeded to consider the business for which I had sought permission for it to be removed from the Order Paper. This is contrary to the Standing Orders. How



should the House treat such a situation? That is the direction I want from the Chairperson.

**The Temporary Speaker** (Sen. Pareno): Maybe I was not very clear, but let me repeat. The Speaker already made a decision on the letter that was received that you were out of the country. He made a decision that, that matter is to proceed. It did proceed on that day and it was concluded. So, I am not in a position to lift a decision of the Speaker that had already been made.

Yes, Sen. Cherargei.

**Sen. Cherargei:** Madam Temporary Speaker, although you have not called out this Order, I want to make a comment. Or should I wait until---

**The Temporary Speaker** (Sen. Pareno) Which Order?

**Sen. Cherargei:** Order No.17.

**The Temporary Speaker** (Sen. Pareno): I already looked at the Order Paper and deferred Orders 9 to17 and we were moving to Order No.18.

DELAY IN PROCESSING OF MOTION ON UTILIZATION OF  
COVID-19 FUNDS BY 28 COUNTY GOVERNMENTS

**Sen. Cherargei:** Maybe, on a point of order; if you notice, this Motion on the Standing Committee of Health on the special audit report on the utilization of COVID-19 funds by 28 county governments is very critical. If you notice, this order has been on this Order Paper and several Order Papers in subsequent days and the Committee or the chairperson is not giving us a way forward.

It is almost two years now since the first outbreak of COVID-19 pandemic in the country and it would be important that we know. The Auditor-General has already submitted the audit reports and I think my colleagues have picked copies. Personally, I picked a copy from the Auditor-General. Therefore, it is important so that we know how our counties utilized these funds.

I would request that using your powers or Standing Order No.1, you should order that the Chairperson or any Member of the Committee on Health should appear before the House. Some of us have been coming to the House on several occasions trying to follow this Motion and be able to listen and understand whether our counties did utilize the COVID-19 funds.

Madam Temporary Speaker, you can either give an order for the chairperson or the Committee to appear; or give direction that will ensure the Committee can start the process so that as Members we can participate.

I thank you.

**The Temporary Speaker** (Sen. Pareno): Sen. Cherargei, I have noted your concerns on Order No.17. If the Chairperson of the Standing Committee on Health is not listening in on zoom, we ask that he be informed of the concerns and that he should be able to report to this House as soon as possible.

We move to Order No.18.

**MOTION****ADOPTION OF AUDIT REPORTS FOR COUNTY EXECUTIVES FOR FYS 2018/2019,  
2016/2017, AND 2017/2018 (VOLUMES I, II AND III)**

**Sen. (Dr.) Ochillo-Ayacko:** Madam Temporary Speaker, I beg to move: -

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on consideration of the Reports by the Auditor-General on the Financial Statements of the following County Executives for the Financial Year 2018/2019: Embu, Homa Bay, Kericho, Kilifi, Kirinyaga, Kisii, Kwale, Machakos, Mombasa, Nandi, Baringo, Bomet, Garissa, Kajiado and West Pokot as contained in Volume 1 of the Report and the following County Executives: Isiolo, Kakamega, Kisumu, Laikipia, Mandera, Marsabit, Nakuru, Narok, Nyandarua, Samburu, Taita-Taveta, Trans-Nzoia, Uasin-Gishu, Vihiga and Wajir as contained in Volume 2 of the Report, laid on the Table of the Senate on Thursday, 2<sup>nd</sup> December, 2021.

Madam Temporary Speaker, the Sessional Committee on Public Accounts and Investments is established by the Senate pursuant to Standing Order No.20(20) and is mandated to pursuant to Article 96(3) of the constitution-

(a) Exercise oversight over national revenues allocated to county governments.

(b) Pursuant to Article 2.2.9(7) and (8) of the Constitution, examine the reports of the Auditor-General on the annual accounts of 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.

Madam Temporary Speaker, the Office of the Auditor-General forwarded reports on the financial operations of the county governments for specific financial years to the Senate pursuant to the provisions of Article 229(7) of the Constitution. The Office of the Auditor-General on various dates, from the month of December 2020, forwarded reports on the financial operations of the county governments for the Financial Year 2018/2019.

The reports were laid on the Table and the Sessional Committee had the occasion to consider them. The Committee that considered and interrogated the reports was constituted towards the end of the month of March 2021, resulting in delay in commencement of its business to the month of April 2021.

Madam Temporary Speaker, the Committee whose report we are Moving today comprised of myself, Sen. (Dr.) Ochillo-Ayacko as the Chairperson and Sen. (Eng.) Hargura as the Vice-Chairperson.

Others Members included Sen. Dullo Fatuma, Sen. Wamatangi Kimani, Sen. Mwaruma Johnes, Sen. (Prof.) Ekal, Sen. Ndwiga Njeru, Sen. (Dr.) Langat, and lastly, but not least, was Sen. Chebeni Mercy.

Our secretariat comprised of Mr. Julius Ariwamoi, Mr. George Otieno, Mr. Joseph Mwangi, Mr. Yussuf Shimmoy, Ms. Josephine Kusinyi, Ms. Michelle Otoro, Mr. Erick Osotsi, Mr. Ali Salat, Ms. Luccianne Limo, Mr. Javan Loriko, Ms. Hawa Abdi, Mr. Phillip Kipkemboi and Mariko Roche.

We held various sittings. Quiet a number of them on several days. They were long and tedious sittings. We invited governors, County Executive Committee Members (CECM) and chief officers. We eventually came up with two volumes, which we have called volume one and volume two, that were laid on the Table and are now the subject matter of this Motion.

Madam Temporary Speaker, these reports were as a result of physical engagement. We summoned and invited those executives. They appeared before us and presented their responses. They were examined by both ourselves, officers from the Office of the Auditor-General and the Ethics and Anti-Corruption Commission (EACC). We have now come before this House with recommendations and observations arising from consensus.

Madam Temporary Speaker, we noticed that we had common challenges that the counties appeared to have not complied with. Some of the common ones were; failure to submit documents for audit to the Office of the Auditor-General in time. The Auditor-General is enjoined, mandated and authorized by law to carry out audit. It is the responsibility of the auditees to supply certain documents to the Auditor-General in time so that the audit exercise can be carried out. The counties that appeared before us were invariably late in availing these documents. We observed that as a trend in their behavior.

Two, we also observed that, in most of the counties, there was lack of proper accounting and reconciliation. In spite of the large amounts of money that are allocated to counties and the fact that they are given leeway to hire qualified financial officers, they were still unable to properly present statements and carry out reconciliations as required by law.

Three, we observed that there was improper record keeping. These are public records. The law requires that records be properly kept in a standard manner for posterity and use. However, by and large, this was not observed.

Four, there was unauthorized allocation of funds. You would find that funds are allocated outside the authorization of law. We observed that there was non-compliance with relevant laws by most of the county executives that appeared before us. The laws that they were supposed to comply with are quite a number. Just to mention, but a few, we have the Public Finance Management Act of 2012, Public Finance Regulation of 2015, Public Audit Act of 2015, Income Tax Act and County Government Act, among other statutes, that they were meant to comply with. They did not comply with those laws thereby appearing to be running governments outside the law.

We observed that there were quite a number of instances when payments were made outside the Integrated Financial Management and Information System (IFMIS). Oversight and follow up as to why those payments were made - their legitimacy and so on - was still in doubt.

We observed that there was lack of an approved staff establishment. Recruitments were going on anyhow. Recruitments were supposed to be done pursuant to an approved staff establishment. However, most executives were eager to recruit people outside the proper staff establishment. We observed that there were delays in project implementation, lack of updated fixed registers, irregular use of receipts or use of revenue at source without depositing them in the County Revenue Fund.

We found that there were quite huge lists of unpaid bills leading to colossal amounts of pending bills. There was also lack of functional internal audit committees and lack of risk management policy framework. The counties were being ran in a manner that they were no internal auditors or audit committee or a risk management framework.

Madam Temporary Speaker, those are the general remarks about the state of the counties. The reports that we are seeking adoption of, talks specifically about every county and specific audit issues. It is very frustrating to this House and Committees when year in and year out, we take our time, spend public funds to interrogate, write and table reports before this House and have them adopted but there is no implementation. The ritual of discussing reports in this House and adopting them is now becoming boring. If nothing is done about it, then this House is likely to lose its sting or teeth when it comes to ensuring that public funds allocated for county government use, does not go to waste.

Madam Temporary Speaker, as we debate this report, all of us who are here should think of ways and means of getting back out sting and having resolutions of this House implemented. You will find that from 2013 to 2014, the audit query that relates to monies that are used by the Council of Governors (CoG) keeps on recurring. The county executives keep on putting money and allocating it for CoG. The issue that relates to CoG, is a national function. It is there in the Constitution. Therefore, it should be funded by the national Government. Counties like yours and mine with limited finances are still allocating millions of shillings for governors to come and operate in a club called the Council of Governors (CoG) here in Nairobi when it is clearly contrary to the law. The Auditor-General, year in and year out has indicated that it is outlawed.

If such resolutions are adopted by this House and no action is taken then, that law and its sting is rendered impotent because people do not give a damn about violation of the law and even when the violation is known nobody brings to book the violators of the law.

Madam Temporary Speaker, year in, year out resolutions are adopted in this House recommending actions against county executive members who do not avail documents for audit.

A close look at Section 62 of the Public Audit Act, gives directive to the auditee that the information and documents must be availed to the Auditor-General in time, and where it is not possible to avail in time, the information must be availed within reasonable time.

An audit cycle that begins by the Auditor- General asking for those documents within two weeks. When those documents or information is not availed to the Auditor-General, he will remind the auditee that they still require those documents. When that

does not happen there is also an opportunity after the audit issue has been raised and the report tabled before this House, for the concerned county to bring that information before the matter is raised before the Senate. That never happens.

Section 60 of the Public Audit Act is very clear. Failure to do so attracts imprisonment for three years or a fine not exceeding five years.

All the recommendations that have been made to put the law in motion and therefore bring to book these violators of the law, have not been implemented since 2013.

This House is at it again. You will find such recommendations being made year in, year out but the executive who are charged with implementing the resolution of this House particularly the Office of the Director of Public Prosecution (ODPP) acting together with Ethics and Anti-Corruption Commission (EACC) do not take action when this House makes such resolutions.

Madam Temporary Speaker, there are quite a few governors who have defied the invitation to appear before the County Public Accounts and Investments Committee. The Committee has eventually summoned them and directed them to be fined but those fines have never been paid because of lack of excitement and commitment on the part of the executive to ensure that this August House, with its oversight mandate, has its resolutions enforced by the authority concerned.

These are part of the weaknesses that become problematic when it comes to ensuring that the onerous responsibility of oversight is carried out to its implementation by this House. When we make a resolution that certain action be taken, it is actually taken.

As we speak, many counties have recruited staff including Migori County beyond the established limit. The Public Finance Management Act is very clear that our recurrent expenditure must not exceed 35 per cent of our total revenue. You will find that a county has recruited staff whose emolument exceeds 60 per cent continue to recruit. The same is the case in Nairobi City County Government, Nyamira, Migori and all these other county executives. Very few county executives are complying with the law. They continue to recruit and the Controller of Budget continues to release funds to pay for people who have been recruited outside what is required.

What makes it even worse, when a governor is investigated, charged, arraigned in court and asked to step aside from his office, he or she continues to be the governor. He continues to work and engage with witnesses who are ceased of documents which are supposed to be used to prosecute him or her.

The governor who has been charged and asked not to go to the office, simply goes home and runs the affairs of the county from there. Directing the same officers on who to cooperate with and what to do. This has made it laughable.

What the court directs and how it is implemented is laughable.

Until this House and the Executive agree that oversight is a serious matter and that corruption is the biggest challenge to devolution, we will continue to table these reports but no action will be taken. So, it is important that the reports we make and table and everything we do is acted upon. It is important that when that happens, we bring to book the perpetrators of violations of law and those who are undermining devolution.

Madam Temporary Speaker, I want to make a few remarks and then allow my colleagues to pick it up from there. I speak with a lot of pain in my heart. On 23<sup>rd</sup> September 2017, my county of Migori lost documents. They claimed that documents for accountability were burnt up in a fire. Those records of how the funds were used have never been reconstructed yet we are talking about it in 2022.

The responsible investigative agencies have never come up with a solution to that. The Kisumu County also had some financial documents disappear or get burnt a while ago. Nothing has happened to reconstruct the records. The records of how funds were used in Kisumu County are not there.

Homa Bay County also lost its documents. How the moneys have been accounted for to-date is not there. The responsible investigative agencies and other vertical and horizontal oversight entities have not come up with a solution on how this can be moved forward.

Kitui County also lost its financial records through a fire incident. We are faced with a situation where public moneys that ought to be accounted for, so that the public both at the national and county level are sure that resources were deployed correctly and lawfully, cannot be accounted for because of fire.

In Tana-River County, some records were allegedly carried away by floods. To date we do not have those records. That is the sorry state of what we are dealing with.

I ask every Senator, because they represent counties to pay close attention to what is happening. There are so many crazy things that are happening in the counties we represent and we need to be watchful about. We need to be watchful about the ongoing fear in Nairobi City County, the on goings in Kiambu, Wajir and Migori counties.

Therefore, I request my colleagues and Senators including my good friend, Sen. Mwangi, whom we have a long history of struggle with but lately he has disappeared from my *Azimio la Umoja* radar. I will look for him because I know how to get him back to the fold. We are all friends of *Baba*. He should be very keen on the financial statements and the report of the Auditor-Generals for Nyandarua County.

Madam Temporary Speaker, even your own County is not doing well. Stalled projects and pending bills are in such a worrying proportion. In Sen. Omogeni's County, there is a stadium and County headquarters that ought to have been in use but they have stalled. There are several urgent facilities that ought to be put in use, including a Level Five referral hospital.

In Vihiga County, Sen. Khaniri's County, the governor's residence has not been completed as designed. In fact, it is far from completion four years down the line. The same applies to the deputy governor's residence. In Narok County, the teaching and referral hospital is far from being completed.

There is a stadium in Migori County, which was under construction. It was expected that on completion, it would be used by our young people and all of us to sit there and watch our future and current heroes. However, it has not been put to use since 2013. Public money was spent there but the stadium is not in use.

As Senators, if we do not take seriously what is happening in our backyard, we will be acquiescing and aiding those who do not give our people value for money.

Madam Temporary Speaker, I thank the colleagues who are here. May I encourage them to robustly debate this matter and help us make a follow up. May I request Sen. Omogeni to hold on a little bit because my sister, Sen. (Dr.) Musuruve, here is burning to second it. She will be brief and if the Chair agrees, Sen. Omogeni can follow. He is an able and sharp lawyer who will do a good job when you give him the first opportunity after Sen. (Dr.) Musuruve seconds. She is always loyally sitting here supporting Sen. Omogeni and I.

I beg to move the Motion.

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

**Sen. (Dr.) Musuruve:** Thank you, Madam Temporary Speaker, for the opportunity to second the Motion by Sen. (Dr.) Ochillo-Ayacko. This Report is very important.

The Constitution is very clear that six months after every financial year, a report with regard to how monies have been used should be tabled in the Senate and the National Assembly.

Madam Temporary Speaker, Article 229 of the Constitution stipulates the duties of the Auditor-General. In fact, it is the President who nominates the Auditor-General. The nominee's name then comes to Parliament for vetting in order to see whether he or she is qualified. This is because the Auditor-General deals with public money.

After vetting in Parliament, he or she is assigned a specific job. Article 229, of the Constitution is very specific that the Auditor-General audits all public funds. He is allowed to audit any entity that is given public money, to see whether public funds have been used correctly.

Article 4(a) to (h) of the Constitution outlines the scope of the Auditor-General in terms of the accounts that should be audited. All the way from the National to the county level, accounts need to be audited to ascertain how monies have been used.

Auditing is not only at the national level and counties. Any independent organisation that is using public money needs to be audited to ensure value for the money.

I thank Sen. Omogeni for bringing to the Floor of this House, what his Committee did. It did a thorough job. The Committee also came up with a matrix of counties that were audited. In fact, I am surprised and it should be surprising to all the Senators here, that some counties---

**The Temporary Speaker** (Sen. Pareno): Is it Sen. Omogeni or Sen. (Dr.) Ochillo-Ayacko?

**Sen. (Dr.) Musuruve:** Sorry, Madam Temporary Speaker. I hope Sen. (Dr.) Ochillo-Ayacko did not hear this. It is not Sen. Omogeni. That confusion is because Sen. Omogeni is a very strong lawyer when it comes to matters of the Constitution. I confuse him with Sen. (Dr.) Ochillo-Ayacko. Sorry for this mix up. Allow me to continue.

Madam Temporary Speaker, Sen. (Dr.) Ochillo-Ayacko has brought to the Floor of this House a matrix of the work they did. Some county executives allowed investigations while some absconded.

The Senate represents counties and their interest. The audit matters that come here are weighty and need investigation. Counties that did not oblige to giving financial accountability should be sanctioned. This House approves monies go to the counties because all we want is service delivery in counties. Every citizen in Kenya is entitled to the fruits of devolution.

It is unfortunate that some counties did not avail their instruments for assessment. Those counties should account for public money. I know that you will make a very good ruling that will mandate these counties to present those documents before the Auditor-General and the Committee.

Accountability of public money is very important. When we say that we want 35 per cent of funds to go to the counties, it is for a reason. That money should be used for service delivery to Kenyans. That percentage is enough to run county governments and give everyone a feeling of representation.

Madam Temporary Speaker, there are instances where we have sent money to counties but people still complain. A good example is Migori County, which we visited some time back. The purpose of the visit was to follow up on a Petition that was raised by a PWD. It was surprising that PWDs were not involved in identifying projects that were sustainable for them.

These counties are given money. There is need for their accounts to be audited so that they are queries such as, how much was allocated for the vulnerable, for women and for the youth. Besides querying, it is important for the Committee to ensure they go to the sites and see, that the monies that are on paper work corroborate with what is on the ground.

Sometimes in some counties, you will find that people are unfairly represented when it comes to financial issues, which should not be the case. There is need for us to make a follow up, to ensure that any money that goes to the counties is audited. Any money the government also has is audited to ensure that everyone is represented.

The Constitution says, the Committees is just right in presenting this report. The Constitution states clearly in article 229 (7) that-

“Audit reports shall be submitted to Parliament or the relevant county assembly.”

With regard to Parliament, this report is coming handily at the Senate because we represent the counties and the interest of the counties.

As a Senate, we have to see, whether the money that we keep insisting to go to the county, is it being used prudently? Even if there was public participation about the monies, there is need also to corroborate and see whether what the public says has actually been done in terms of development.

In some counties, you will find that there are some projects that started in a financial year, money was allocated in that financial year but they are not completed within that year. We therefore find that there are bills that accrue and then carried forward to the next financial year. That should not be the case. When money is sent to the counties, it should be sent with a purpose. County executives must ensure that they have a yearly plan for the money which they must ensure they execute and deliver for Kenyans.



As a Senate, we should not play the ostrich. Sen. (Dr.) Ochillo-Ayacko has brought very weight information on the Floor of this House that there are some county bosses who just did not appear. There some documents they asked for and they were not availed. These cases of documents disappearing are not cases that are beginning in this Parliament. Even in the other Parliaments, documents disappearing has been very common.

Apart from documents disappearing, you just find a county assembly office has gone on fire and the cause is not known. It is in the media, then the case goes quiet. Sometimes, in the national Government, you find some very salient documents disappearing. That should not happen.

That is why we have the Auditor General, to do such investigation. Even after doing the investigation, there is need to go to the bottom of the investigation so that if it is a matter of sanctioning, let the concerned people be sanctioned. If they are sanctioned, then accounts will be straight.

When it comes to the report of the Auditor-General, it has to do with accountability. Yes, we want money from the National government to go to the county governments, but, the issues of believability, sincerity and transparency in service delivery are very important. This should come out from the report.

As I was listening to Sen. (Dr.) Ochillo-Ayacko tabling the report, I was asking myself, now, which county government has excelled? Which has really done better than the other in providing these legal financial instruments that were being sought for? Some instruments that are very vital were not brought on board. There is need for this investigation to continue even if the report has been written. There is need to, make a follow up, oversight and ensure that the right thing has been done.

Why am I saying that the investigation needs to continue? It is because during this Covid-19 season, very many businesses went down including schools, hospitals and everywhere. There is need to do an investigation and see, how will counties spring from the negative Covid-19 impact? I know that there are schools that were really affected. I also know that there are many recommendations that have been done on the Floor of this House concerning how counties can now spring from the Covid-19 effect.

There is need to find out from the county governments how much was sent to there during the Covid-19? How much was used for Covid-19? Was the money used prudently or not? I know that money was sent to counties during the Covid-19 time to cushion them, but how was the money utilised? In some counties you find maybe they spent on buying the masks and all that, but Covid-19 is not just about the mask.

There is therefore need to find out about the beds that were being purchased in county hospitals. How many beds were purchased and are they being utilised? When it comes to quantity of the beds and the units we need to find out the amount of money was used?

I support this report by Sen. (Dr.) Ochillo-Ayacko. I believe my fellow Senators will also support that there is need to do a thorough investigation. It should not just stop here, after the report is presented. There has to be the, what next. The what next is the implementing the Constitutional demand of Article 229

I beg to second.

*(Question proposed)*

**Sen. Omogeni:** Thank you, Madam Temporary Speaker, I begin by thanking the Chairperson for this very good report that he has presented before the House this afternoon.

I applaud the good work of the Committee chaired by Sen. (Dr.) Ochillo-Ayacko. This is a marvelous job. They have pointed out a number of anomalies on how their Excellency, our governors are really mismanaging our counties and in the process presiding over misuse and plundering of public resources that are supposed to be utilised for the benefit of the people we represent.

Sen. (Dr.) Ochillo- Ayacko, it is sad that you are electing to run away from the Senate and represent the people of Migori as their next governor. We would have loved to continue benefiting from this very good work which you are doing as Senator of Migori. Nevertheless, we wish you well in your next ambition of being the governor of Migori County. I hope once God blesses you with that new position, you will take good care of the resources that will be entrusted to the people of Migori through you.

Sen. (Dr.) Ochillo-Ayacko, we cannot afford to show desperation to the people of Kenya. We cannot send the message that we are about to lose the war on corruption. We cannot afford to give the impression that impunity is about to triumph over good.

I must state here that there are many cases that show that corruption, plunder of public resources and wanton theft do not pay at the end of the day. I am saying so because this afternoon, one of the governors who was impeached on the Floor of this House, hon. Mike Sonko, has just received a ban that he and members of his family should never step in the United States of America (USA).

That should send a message to the other governors that once we profile you and bring it out that you are unworth of being entrusted with the funds that we send to you as a governor, other consequences will follow. It means that public money that you steal as a governor will not give you happiness. That is the message that we are getting this afternoon.

There are many governors who have been arraigned in courts of law and are serving without the benefit of stepping into their offices. I have in mind the Governor of Samburu County. There are court orders stopping him from accessing the offices. That means that corruption does not pay. It sends a message that if you engage in corruption, be prepared to face the consequences.

We know what has happened to a number of Kenyans whose assets have been confiscated and repossessed by the state. If our judges are listening, in the next phase, we want to see many more assets that have been bought using public resources recovered and handed back to the rightful owners. That is the people of Kenya whose taxes are finding their way to the pockets of those we have entrusted with public resources.

Therefore, Sen. (Dr.) Ochillo-Ayacko, yesterday may not be ours to recover, but tomorrow is ours to win. We must win the war against corruption.

I served as Chairperson of Ethics and Anti-Corruption Commission (EACC) and I had the benefit of visiting a number of countries. I remember one case of Nigeria.

I went to Nigeria after Olusegun Obasanjo had taken office. He appointed Nuhu Ribadu as the head of the Economic and Financial Crimes Commission (EFCC). I know it was painful to a number of former and serving cabinet ministers in Nigeria.

Houses were recovered and converted into hospitals in Nigeria. That is what we are looking forward to, where big houses that have been bought using public resources will be recovered and handed back to the people.

I know there are people who this House has dealt with. There are people who we have impeached who were in the process of buying houses worth hundreds of millions of shillings. They have not been able to complete those transactions because we acted as a Senate.

Therefore, Sen. (Dr.) Ochillo-Ayacko, let us not give up on this fight because we are on the right course. This House will be on record as one that impeached three sitting governors and that is commendable. What we need to do is to call out on our Members of County Assemblies (MCAs). They should read and understand the provisions of Article 185 of the Constitution.

Madam Temporary Speaker, the role of oversight has been placed on our MCAs. The constitutional architect that we have in this country is equivalent to what they have in the USA, where while impeaching a sitting president of the USA, it is the House of Representatives that does the investigations and impeachment and forwards the file to the Senate to conduct the trial.

In this country, what we have in our Constitution and the County Governments Act, is a constitutional legal framework where MCAs have been given the first responsibility to do oversight, investigate corruption incidences and then forward the files to us as Senators, once they have done the impeachment, for the House to conduct a trial and pass a verdict. Therefore, we sit as judges here. We are not the ones who do the investigations.

Sometimes when I am in Nyamira, I hear people saying that if elected, they will do good oversight. Our business is to sit as judges and preside over the trial of governors.

We need to make a special and passionate appeal to our MCAs, so that any time they see this wonderful report that has been tabled by Sen. (Dr.) Ochillo-Ayacko, they should take it up, go to their respective county assemblies and do thorough investigations. Where they are able to confirm the authenticity – I do not doubt the authenticity of this report – then they can impeach and send the impeachment files to us as Senators and we shall do the right thing.

I would like to make a strong appeal to our MCAs not to play small. They are not small because they are honourable MCAs. The Constitution gives them powers to summon county executives.

All the irregularities that have been raised here, like failure to prepare quarterly financial reports, irregular payments from revenue collection accounts, collusions where they go to court and file consents so that they do cover ups on some irregularities, breaches on imprest surrender and unsupported expenditures are issues that our MCAs

can take up. These two volumes have given graphical analysis on failures by various counties to follow various financial laws and I expect our MCAs to take it up.

I heard Sen. (Dr.) Ochillo-Ayacko mention that they summoned members of the EACC who appeared before the committee and their discussions on corruption allegations have been highlighted in the report. We also expect action from the EACC. Where necessary, we should invoke Article 125 of the Constitution.

It is long since we summoned the head of the EACC to appear here and tell us the effort he is doing to make sure that there is full implementation on some of the serious corruption allegations that are highlighted in this and many other reports that have been tabled before the House.

Madam Temporary Speaker, you will be shocked. I heard Sen. (Dr.) Ochillo-Ayacko mentioning that corruption allegations that are highlighted in these counties are replicated even in my own County of Nyamira. It is happening virtually in all the 47 counties.

This weekend, I was in Magomba Market in Nyamira. I was shocked to learn from the women and the youth who sell their merchandise in that market that they have not had access to toilets and lack of water for the past four months. There is no water supply to the toilets and the county government has decided lock up those toilets.

I was given details by the chairperson called Mr. Orare and the youth who were there such as Geoffrey Richinga and Jared Ondari. They gave me details of an incidence where an old lady sadly diarrhoeaed on herself because she suffered a stomach upset but had nowhere to go.

She suffered a stomach upset but had nowhere to go yet if you go through the financial report for that county government Kshs2.1 million was spent to repair the toilets. Can you imagine how sad this is?

Today my Governor was visiting Keroka Town and I saw the photos on Whatsapp. He was inside a brand new Prado V8. Next to the people that we represent is a heap of garbage that has remained uncollected.

If we send money to counties and you cannot give services to these poor people. They come to the market, they pay revenue but you cannot give them toilets. You cannot supply them with water. You collect revenue from people in Keroka Market but you cannot collect garbage, how sad! We really must call to order our governors to ensure that devolution becomes meaningful to the people who reside in counties. All that people want is services.

Madam Temporary Speaker, let me also mention something I heard the chairperson of CPAIC say about the secretariat of the Council of Governors (CoG). This matter whereby every year we raise the issue of payment of rent to CoG as being irregular is something that this House needs to deal with once and for all.

I will propose an amendment to the Intergovernmental Relations Act because as Sen. (Dr.) Ochillo-Ayacko says, this is a function of the national Government. The national Government should fund CoG. The best way we can address this matter once and for all is to amend the Intergovernmental Relations Act so that the CoG secretariat is anchored in law.

This will ensure that when Parliament if appropriating money, it appropriates money for CoG because next time Sen. (Dr.) Ochillo-Ayacko will be the governor of Migori and he will realise that he needs the secretariat to serve him.

Every time we review Bills here, we always consult the CoG to give input and comments on various Bills. There is no doubt that they need a secretariat and they need to be funded by the Government but there is a lacuna in law. The best House to address that lacuna is us. I will be appealing to Senators to support my proposed amendments to the Intergovernmental Relations Act so that the CoG secretariat is properly anchored in law.

Madam Temporary Speaker, if we do not stop this plunder of public resources, corruption will become a way of life. It will be a moral code that we all glorify because you will be seeking to become a governor or a Cabinet Secretary so that you steal and amass a lot of wealth while our people are suffering. All forest fires start small and then they then become massive. If we do not proactively fight this monster called corruption very soon it will consume our land.

Corruption as a matter of reality is ruining our land and that is why, as I finish if you give me one minute, I fully identify and support the *Azimio* candidate.

He has come out strongly and given undertaking to our people that he is going to fight this monster called corruption. That is the only candidate that I have seen who has come out strongly and made an undertaking to the people of Kenya that he is going to fight corruption.

Madam Temporary Speaker, if we do not rally behind people of good will who want to fight corruption, we are going to send a message to Kenyans that we have accepted corruption as a way of life in this country. I fully back 'the Fifth'. I know god will bless him to become the fifth president of the Republic of Kenya, he should fight corruption from the front like. He should lead the war against corruption.

That is the only way, if he seals corruption loop holes, we will get money for 'Baba Care', we will get money for social support. The Money that is stolen day in day out is enough to pay poor Kenyans from poor households a figure of Kshs6,000 every day. All we need to do is to seal the loopholes of corruption. I urge all Kenyans of good will who want to join hands in fighting corruption to support 'the Fifth'.

I can see the light signaling that my time is up. I support this report and hope that the oversight authorities; the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigations (DCI) and all other entities will come together and ensure that they go through this report. Where necessary, they should conduct further investigations recommend further action. Those who are culprits should take pleas in our courts of law.

I support.

**The Temporary Speaker** (Sen. Pareno): I call upon the Mover to respond.

**Sen. (Dr.) Ochillo-Ayacko:** Madam Temporary Speaker, I take this opportunity to thank my colleagues who have had opportunity to second and support this Motion.

This Motion is as a result of the Constitutional duty conferred on this august House to oversight and ensure that public monies are used for the indented purpose and are used lawfully and those who do not do so are held accountable for not doing so.

I thank your office, your secretariat and other members who have in one way or another contributed to our coming out with this report. Your office allocated us staff, resources and time to stand in this plenary and have this report debated. My colleagues in the Committee did a wonderful job, sitting for time without end applying themselves to the hilt to ensure that we have a report.

This House has discharged its obligation on oversight. This obligation has been discharged through coming up with this detailed report. It has also been discharged through the tabling, debating and hopefully adopting this report.

The report will therefore become a public document that amplifies the resolutions of this House and its commitment to fight graft, abuse of office and pilferage of public funds.

For those who this report is indented for action or consumption, I want to tell you that it is a nice read, read it. For those who are supposed to implement it, it is easy to implement, it is clear, it is anchored on law. It has also been debated by a House of sober people. The people I want to appeal to most are members of the fourth estate.

In a democratic setting and an open society, such documents are meant to be widely circulated. I am concerned that serious read about corruption no longer occupies headlines. There is this very interesting creature called the social media or *TikTok* and the others that have occupied the imagination of many people. Many people out there think that is news. I want to appeal to the Fourth Estate to open up this report and be the medium through which Kenyans will access information and standing about public officials and people they vote for.

If you find a prospective public official or a Government and its leadership mentioned in this report, it is also your duty as a voter or as a Kenyan to do your bit and ensure that you do not a quince or permit that person to continue holding or access public office.

This is a serious report that has mentioned people and Governments adversely. Those who have been mentioned adversely should not be permitted through the ballot to come to office. If we permit them to come to office then, again we will be leaving to this House and other institutions the responsibility when, it is the responsibility of each and all of us to do what is right by voting people who are good and who will not perpetuate and continue with acts of corruption.

I want to wrap it up by mentioning what Sen. Omogeni said. He encouraged that we should not give up on corruption. This document is a record of what this House has done about the financial statements that were given out for the epoch mention in them by the Auditor-General. The records are there. They may not be implemented today. Others may not have been implemented yesterday but they are there.

Administrations come and go. I hope that the future administrations or even the current one will have some reports and documents upon which to commence enforcement of law.

I hope by reading what we have written, debated and will adopt when the time for adoption comes, the governors, the public official mentioned here will reflect on their tenure and change.

There is always room for change. It is said by ‘His Excellency Jesus’ who is ever living, that even if your sins are as red as blood he may choose to forgive if you seek forgiveness. So, your sins, those who are responsible may be captured in this report but still repent and seek forgiveness. You may have another chance to lead another institution or to expiate for those sins.

I encourage that we read this report and that all responsible persons act in implementing this report even if you are a voter or are financial institutions. Read this report and see whether that institution is worth lending. If you are a contractor, read this report and see whether that administration is worth being in partnership. If you are a donor, read this reports. As you engage those counties, advise them to mend their ways as requested in this report.

Madam Temporary Speaker, I beg to reply and also request that putting of the question be deferred to a date other than today, pursuant to Standing Order No. 61(3).

*(Putting of the question on the Motion deferred)*

I beg to reply.

**The Temporary Speaker** (Sen. Pareno): This matter touches on counties. Therefore, as you said, we cannot proceed to put the question and go to division. So, the putting of the question is deferred to another date.

### ADJOURNMENT

**Temporary Speaker** (Sen. Pareno): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until Wednesday 9<sup>th</sup> March, 2022 at 10.00 a.m.

The Senate adjourned at 6.25 p.m.