



The SENATE

For the Welfare of Society and the Just government of the People

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Justice Committee proposes change in MCA nomination criteria

The Committee says a nominated MCA should be a registered voter in any of the wards in that county or a resident of that county or demonstrate interest in the affairs of that county.



Senator Wakili Hillary Sigei, the chairman of the Committee on Justice, Legal Affairs and Human Rights, with other members of the during the past sitting of the committee. Senator Hamida Kibwana (second left), Raphael Chimera and Fatuma Dullo (right).

The Justice, Legal Affairs and Human Rights Committee has proposed amendments to the laws governing the nomination of Members of the County Assembly.

The Committee says the current system allows political parties to nominate MCAs without considering their relationship with the counties in which they are elected to serve.

A report tabled in the House last December by the Committee has proposed that candidates who seek nomination to serve as MCAs must be registered voters in any of the wards in the county in which they seek serve as ward representatives.

The report further adds that such a candidate must be a resident of the county or, in the very least, demonstrate interest in the affairs of that county.

“It will not be appropriate to place requirements that would be deemed too restrictive and which would run counter to the principles in the Constitution and electoral laws,” the committee observes in the report which was tabled before the lawmakers went for recess.

“But it is equally important that nominated MCAs have a level of connection with the concerned county, so as to effectively participate in the work

of the Assembly and in representation of the interests for which they have been so nominated.”

The report contains findings of investigation on the petition submitted to the Senate by Mr Laban Omusundi which had proposed the enactment of a clause in the electoral laws to ensure that all nominated MCAs are voters and residents of the respective counties.

The petition was filed in the House on October 4, 2023, and was committed to the Committee for consideration.

Mr Omusundi argues in his petition that some nominated MCAs are serving in counties where they are not registered as voters and, therefore, are unaware of the challenges and needs in those counties.

“This practice denies the indigenous people who are the voters and who meet all requirements to be given nomination opportunities to serve the people effectively,” Mr Omusundi says in the petition.

Amongst the stakeholders the Committee invited to give submissions are the Independent Electoral and Boundaries Commission, the Office of the Registrar of Political Parties, Political Parties Liaison Committee, Kenya Law Reform Commission, Council of Governors, and

County Assemblies Forum.

IEBC opposed the petition arguing that it will be a problematic regulation to implement as the registration officers often had a difficult time establishing what would suffice as proof of residence.

The Commission said the requirement of residence for special seat nomination would pose a similar challenge.

Highlighting the objects of devolution as set out in the Constitution, IEBC noted that the Constitution envisions that the communities in a county manage their own affairs and that the marginalised groups are protected.

“The amendments proposed in the petition may be deemed unconstitutional for want of adhering to previous court judgments and the letter of the Constitution,” said the Commission in the submission.

Instead IEBC said there is need for development of a comprehensive legal framework on the representation of ethnic and other minorities and marginalised groups to realise the intention of Articles 90, 97, 98, 100, 174 and 177 of the Constitution.

The ORPP also argued that the prayer in the Petition would not stand the test of limitation of Article 38 of the Constitution, with regard to the right of

every Kenyan to be a candidate for public office without unreasonable restrictions.

“The unreasonableness may include setting different parameters for party list election, yet Article 193 of the Constitution does not dictate any conditions,” ORPP submitted.

The Registrar observed that the requirement for a candidate to be a registered voter is not qualified to whether one is registered in a particular ward or county.

The Constitution does not provide for separate qualifications for persons who are elected to a county assembly either through gender top-up list or marginalised groups list.

The ORPP further argued that residency in an electoral area is neither a ground to register as a voter nor to vie for an elective seat.

“This could be attributed to various reasons including change of job location, loss of jobs hence changes in residency, historical reasons as to why some Kenyans reside in urban areas but registered as voters in their rural area, as well as freedom of movement,” the Registrar submitted.

On the effect of the proposed amendment on political parties, ORPP submitted that proposal would offer ‘big



Senator Wakili Sigei and Senator Veronica Maina with Mr Musundi, the petitioner, and his colleague when they appeared before the Committee to prosecute the petition.

parties' undue advantage over 'small parties' as the former may have party members who are registered as voters across the 47 counties therefore, they would be the only parties compliant with such party list requirements. Thus, it would have a negative systemic effect on political parties.

While KLRC said there is merit for the requirement of residency and voter registration for a nominated MCA in the respective county of nomination, the cons on the requirement of residency and the proposal for ethnic consideration in the nomination of MCAs would lead to Constitutional infringement.

"The requirement that elected or nominated individuals to political offices should be residents or registered voters in areas they represent was based

on principles related to representation, accountability, connection to the community, preventing outside influence and legitimacy and trust," noted KLRC in its presentation.

There is therefore a need to balance the principles of representation and accountability with the need for diversity and expertise.

KLRC noted that, while the Constitution does not speak to residency in clauses relating to nomination of the MCAs or Governor, the Commission leaned towards an adoption of the proposal based on the social, economic, and political reasons already enumerated.

On the question whether reflection of the ethnic communities in respective counties was necessary in determining who can be nominated as an MCA,

KLRC submitted that electoral laws and provisions must be consistent with constitutional principles and must not infringe upon fundamental rights.

"Adopting the proposal contained in the petition could result in constitutional or legal challenges such as potential violations of the freedom of movement, association, and non-discrimination," said KLRC.

PPLC to the committee that the modern nature of residency and ethnicity currently would make it challenging to ascertain the grounds with which to validate the suitability of candidates.

"The Committee should not grant the prayers sought in the Petition, as this would be counterproductive to the initiatives of political parties in promoting national cohesion," it noted.

The Council of Governors supported the petition and urged the Committee to accede to the prayers and, further, to amend the law to require that, for one to be nominated as a MCA, then that person must be a registered voter in that county; and must be a resident of the county for at least five years immediately preceding the date of elections.

"MCAs should be persons who are not only voters in the county but are also residents on that county. This is the only way that the community and cultural diversity of the county and adequate representation to protect minorities within the county may be achieved,"

CoG Submitted.

The County Assemblies Forum opposed the petition saying it could introduce complexities in practice, as defining residency and verifying it for all candidates could pose administrative and logistical challenges, potentially slowing down the selection process.

In its report, the Committee admits that introducing a mandatory residency requirement for one to be nominated as a member of county assembly would pose administrative and logistical challenges in its implementation.

"It would be discriminatory to impose separate eligibility requirements for elected and nominated members of a county assembly, noting that, once elected, both are considered equal and perform similar functions in the assembly," the committee says in the report.

But members of the committee insisted there is need to ensure that nominated members of county assembly have a demonstrable connection to the county in which they seek to be nominated as members.

"This may be achieved by providing several avenues through which one may qualify for nomination, including registration as a voter in the concerned county, residency within that county, or a demonstrable interest in the affairs of that county."

Guard against political partisanship, Senators warn parliamentary staff



Majority Leader Aaron Cheruiyot and Minority Leader Stewart Madzayo speak to staff in the Directorate of Speaker's Office during the meeting. On the right, is a section of the staff who attended the meeting.

The Senate leadership has cautioned the staff of Parliament against political partisanship and instead urged them to focus on facilitating the lawmakers deliver on their constitutional mandate.

Majority Leader Aaron Cheruiyot and Minority Leader Stewart Madzayo advised the staff to reflect on their work and explore ways in which they can make Senators deliver on their core mandate especially during this Third Session.

"Take it is a challenge and think through ways in which you can make your Senator become a good leader,"

Senator Cheruiyot said during a retreat for staff working in the Directorate of the Senate Speaker's Office.

The Directorate mainly brings together staff on contract serving Senators holding leadership positions. They include officers serving in the Office of the Speaker, Deputy Speaker, Majority and Minority leaders and their deputies; Majority and Minority Whips and their deputies and the Members in the Speaker's Panel.

The Directorate also includes Parliamentary staff serving in the Media Relations Department and those from

the Public Communications Department.

The meeting was designed to bring together the staff and Senate Leadership, build synergy as a dress rehearsal for the Third Session that will run from February 13 into December 2024.

The meeting was convened by Mr Ben Furaha, who is the head of the Directorate.

"This is not about the position you hold in the office you are serving. Do your best and help your senator deliver on his constitutional mandate. And please don't be caught in the coalition politics," said the Majority Leader.

"It is you who knows your Senator. You know why he contested and was elected. There must be purpose and as an individual you must help the senators achieve their dreams."

Senator Madzayo spoke in the same vein, advising the officers to adequately prepare and facilitate their clients.

"To do that you need to fully understand the law-making process," he said.

He added: "It is you who should stabilise us and ensure that the laws we make matter and are relevant to the citizenry."

Change strategy for effective delivery of your constitutional mandate, Speaker Kingi urges Senators

Speaker Amason Kingi has told Senators that there is need to change the strategy to ensure that legislative business is expedited during the Third Session of the 13th Parliament.

A total of 44 Bills are pending in the Senate, out of which nine are National Assembly Bills and 35 are Senate Bills.

“This illustrates the work cut out for the Senate in this session,” said the Speaker in the communication to the House when he welcomed Members from the December recess on Tuesday last week.

“We must change the strategy to ensure that legislative business is expedited in the Third Session. I call upon the Senate leadership to lead us in this respect.”

He directed the Chairpersons of Committees to hasten consideration of pending business in their respective committees and table the reports for consideration by the lawmakers.

During the Second Session, the Senate participated in two critical events that play an immense role in protecting and upholding the devolved governance structure.



Speaker Kingi marches to the Chamber on the first day of the Third Session on Tuesday, 13, 2024.

The First was the Biannual Devolution Conference that took place in Eldoret, Uasin-Gishu County and the Senate Mashinani held in Lodwar, Turkana County.

Speaker Kingi told the House that the lessons learnt from these two events continue to shape the discourse on how the Senate undertakes its mandate.

“The Senate must undertake an

introspection in relation to the lessons learnt and devise strategies, including legislative interventions, to address pertinent issues that arose from the two events,” he told the House.

He also directed the Standing Committees to critically interrogate the communique from the Devolution Conference and experiences picked from the Senate Mashinani in Turkana

County and play a pro-active role in the opportunities available and finding solutions to the challenges observed.

“This is an important Session which will offer you an opportunity to demonstrate your commitment; fulfilling the responsibilities bestowed upon you by the Constitution. This will call for Senators to prioritise attendance and active participation in the Chamber.”

Speaker Kingi plea to Parliaments for collaboration on Climate Action and conflicts in Global South

Speaker Amason Kingi has urged Parliaments in the global South to actively take part in conversations meant to drive the development agenda in the countries in the southern hemisphere.

The Speaker called on the legislatures to immediately take a leading role in resolving conflicts and addressing impacts of climate change if sustainable development is to be achieved.

“If unchecked, the impacts of perennial conflicts and climate change will continue to undermine aspirations of the countries in the south to catch up with countries in the north on development,” observed Speaker Kingi.

He made the remarks at the Parliamentary Conference on South-South Cooperation in Rabat, Morocco on Friday, February 16, 2024.

The conference was organised by the Association of Senates, Shoora, and Equivalent Councils in Africa and the Arab World (ASSECAA).

The session focused on the role of Parliaments in Conflict Resolution and Climate Change mitigation, as a way of creating and enhancing opportunities for sustainable development in Southern hemisphere countries.

The forum, attended by leaderships of Parliaments and Parliamentary Unions from Africa, the Arab World and Latin America, provided an ideal platform for formulation of strategies and mechanism for addressing these challenges to foster development.

“Parliamentary engagements should constitute part and parcel of the South-South collaborations meant to prioritise improvement of livelihoods in the southern hemisphere nations,” the speaker explained.

He emphasised that Parliaments should be at the heart of interventions meant to improve the lives of populations through effective representation, prudent legislation and diligent oversight.



Speaker Kingi makes his address during the conference of the Association of Senates, Shoora, and Equivalent Councils in Africa and the Arab World (ASSECAA) in Rabat, Morocco.

Wakazi wa Muthanthara Kaunti ya Embu walilia Bunge la Seneti kuhusu hati miliki

Wenyeji wa Kata Ndogo ya Muthanthara Kaunti ya Embu wamelitaka Bunge la Seneti kuangazia kwa kina tatizo la ukosefu wa utoaji wa hati miliki wakisema hali hiyo imewasababishia changamoto si haba.

Kupitia ombi lililowasilishwa kwenye Seneti na Peter Kangwaru kwa niaba yao, wenyeji hao walifafanua masuala mbali mbali yanayohusiana na hali wanayoipitia kwa sasa wakiitaka Seneti kufanya hima kuyashughulikia masaiibu yao.

Walalamishi hao walifichua kuwa wao na jamii ya Kata Ndogo ya Muthanthara kwa upana wameishi bila hati miliki za ardhi wanayomiliki tangu uhuru.

Walielezea hofu kufuatia kile walikitaja kuwa kuondolewa kwa nguvu kwa wenyeji wanaoishi upande wa Mbeere wakisema hatua hiyo imewatia kiwewe na kuwafanya kuishi kwa hofu ya kufurushwa wakati wowote.

Walisesema masuala yaliyojumuishwa kwenye ombi lililowasilishwa kwenye Bunge la Seneti yaliwasilishwa tayari kwa mamlaka husika ikiwemo Wizara

ya Ardhi, Nyumba na Ujenzi wa Miji, Tume ya Kitaifa ya Ardhi na Msajili wa Ardhi katika sehemu ya Siakago ingawa hakuwa hatua yoyote ambayo imechukuliwa kufikia sasa.

Wenyeji hao sasa wanalitaka Bunge la Seneti kufanya uchunguzi kuhusiana na suala hilo kwa dhamira itakayohakikisha wakazi wa Muthanthara wanapewa hati miliki za ardhi wanayomiliki baada ya shughuli ya kuiainisha mipaka.

Seneta Munyi Mundigi aliunga mkono ombi hilo akitoa wito kwa Seneti kulitathmini kwa kina suala hilo na kutoa suluhu kwa wenyeji wa Muthanthara.

Aidha aliwaomba viongozi kuungana na kuyaangazia kikamilifu matatizo yanayokumba umiliki wa ardhi.

“Viongozi wanafaa kuketi chini na kuelewana kuhusu mambo ya mashamba, kuna watu wamejenga nyumba za mawe, vile vile, kuna kanisa na shule, sehemu itakayobakia, watu wapewe kidogo kidogo ili kila mtu apate,” alisema Seneta Mundigi.

Akichangia kwenye ombi hilo, Seneta wa Kaunti ya Kitui Enoch Wambua alifichua kuwepo kwa tatizo



Seneta Mundigi

sugu la umiliki wa ardhi kwenye Kaunti ya Embu akiliomba Bunge la Seneti kulichukulia suala la ardhi nchini kwa umakini na umuhimu wa hali ya juu.

Aliwahimiza wenyeji kutoishi kwa hofu akikariri kuwa kila Mkenya ana haki kufungamana na Katiba kumiliki ardhi na mali katika sehemu yoyote ya Kenya.

“Serikali ya Kenya ina wajibu wa kuwapa hati miliki raia, unaweza kufikiria suala hili la utoaji wa hati miliki za ardhi ambalo daima tunalizungumzia ni hatua kutoka mbinguni,” alisema Seneta Wambua.

“Wale watu walio kwenye Kaunti ya Embu ambao wanadai kihalali ardhi wanapaswa kupewa hati miliki za ardhi ili waweke makazi ya kudumu na kuendesha shughuli zao,” alikariri Seneta huyo.

Maseneta wengine waliochangia kwenye ombi hilo walisisitiza umuhimu wa Bunge la Seneti kujitolea kikamilifu kuangazia matatizo ya umiliki wa ardhi yanayowaandama wengi wa Wakenya hususan utoaji wa hati miliki.

Spika wa Muda wakati kakao hicho, Seneta wa Bomet Wakili Hillary Sigei aliwasilisha ombi hilo kwa Kamati ya Kudumu ya Ardhi, Mazingira na Maliasili kulingana na Kanuni za Bunge la Seneti Nambari 238 ibara ya kwanza.

Kamati hiyo inapaswa kutoa majibu kwa walalamishi kupitia kwenye ripoti itakayowasilishwa katika muda usiozidi siku 60.

Afisa wa zamani wa KDF aliomba Bunge la Seneti kumsaidia kupata haki

Afisa wa zamani wa Kikosi cha Jeshi la Ulinzi cha Kenya amewasilisha ombi kwenye Bunge la Seneti akilitaka Bunge hilo kuingilia kati na kushinikiza alipwe fidia kutokana na majereha aliyoyapata akiwa kazini.

Isaiah Oduor Ochanda ameliambia Bunge la Seneti kuwa licha ya mahakama kutoa uamuzi wa kulipwa fidia mnamo mwaka 1996, mamlaka husika imedinda kutekeleza uamuzi huo.

Akiweka wazi ombi hilo kwenye Bunge la Seneti, Spika Amason Jeffah Kingi aliwakumbusha Maseneta kuhusu hitaji la Kifungu cha 119 ibara ya 1 cha Katiba kinachompa Mkenya yeyote uhuru wa kuwasilisha ombi lolote kwenye Bunge kwalo kulitathmini na kutoa mwelekeo kabambe.

Mnamo mwaka 1987, mlalamishi alipata majereha kwenye uti wa mgongo akitekeleza majukumu yake, majeraha yaliomsababishia ulemavu.

Baadaye mwaka 1995, alipewa barua

ya kuacha kazi kutokana na changamoto za kiafya zilizosababishwa na majereha hayo.

Hata hivyo licha ya afisa huyo za zamani kukamilisha na kuweka sawa stakabadhi zake za kuondoka kazini, hakulipwa chochote hatua iliyomsukuma kuwasilisha kesi kwenye Mahakama Kuu mnamo mwaka 1996 uamuzi ukifanywa mwezi Machi 2011.

Mahakama Kuu iliipata na hatia Wizara ya Ulinzi na Afisa ya Mwanasheria Mkuu kwa kukosa kuiheshimu amri ya mahakama licha ya mlalamishi kufuatilia utekelezaji wa amri hiyo akihusisha afisi mbali mbali ikiwemo ya Tume ya Utawala wenye Haki na Tume ya Kitaifa ya Haki za Kibinadamu nchini Kenya.

Mahakama iliamrisha mlalamishi alipwe fidia japo kufikia sasa amri hiyo hajijatekelezwa.

Mahakama Kuu ilitoa hati ya kutiwa nguvuni baada ya wahusika kudinda kutekeleza amri ya mahakama japo hamna aliyetiwa nguvuni hadi sasa.



Seneta Cheptumo, Mwenyekiti, Kamati ya Usalama wa Kitaifa, Ulinzi na Mashauri ya Kigeni.

Spika Kingi aliliwasilisha ombi hilo kwenye Kamati ya Kudumu ya Usalama wa Kitaifa, Ulinzi na Mashauri ya Kigeni kufungamana na Kanuni za Bunge la Seneti Nambari 238.

Kamati hiyo inayoongozwa na

Seneta wa Kaunti ya Baringo William Cheptumo itahitajika kuandaa kikao na mlalamishi na mamlaka inayohusishwa na lalama hizo kabla ya kuandaa na kuwasilisha majibu kwa mlalamishi.

Speaker Kingi urges Senators to prioritise consideration of the BPS with special focus on the Senate's mandate



Senator Mumma, a member of the Speaker's Panel, who delivered the Communication on behalf of Speaker Kingi.

The next 14 days will be busy for the House as Senators get down to consider the Budget Policy Statement (BPS) for the 2024/25 financial year.

The BPS, and other key tools of the Budget cycle, were tabled in the House on Thursdays in line with the legal requirement and the Speaker directed all Standing Committees to consider the BPS, with each concentrating on its mandate, highlighting any policy and financial recommendations.

In the Communication to the House, Speaker Amason Kingi urged the lawmakers to prioritise the scrutiny of the BPS, with special focus of their most important function, which is, safeguarding devolution.

"Recommendations of the Standing Committees must be forwarded to the Committee on Finance and Budget on or before Thursday, February 22, 2024," directed the Speaker in a communication that was delivered to the House by

Senator Catherine Mumma, a member of the Speaker's Panel.

Other tools that were tabled in the House by the Leader of Majority are the Medium-Term Revenue Strategy for 2024/25 to 2026/27 financial years and the Medium-Term Debt Management Strategy, 2024.

Others are the Draft Division of Revenue Bill, 2024, the Draft County Allocation of Revenue Bill, 2024 and the Draft County Government's Additional Allocations Bill, 2024.

Section 25 of the Public Finance Management Act and Standing Order No.186 of the Senate requires the National Treasury to prepare and submit the Budget Policy Statement to Parliament by February 15, each year.

To assist the Standing Committee to unpack the contents of the BPS, the Finance and Budget Committee has organised a breakfast meeting for all Senators on Tuesday, February, 20 2024.

"Any proposal that Senators

have regarding the BPS, Division of Revenue Bill, the County Allocation of Revenue Bill, the County Governments Additional Allocation Bill, 2024 and the financing structure thereof, among other recommendations, should be canvassed and forwarded to the Cabinet Secretary for the National Treasury and Economic Planning for consideration when finalising the budget for the relevant financial year," Speaker Kingi directed in his communication.

The Committee on Finance and Budget will be required to consider the recommendations from the Standing Committees as well as consult the key economic and budget institutions in finalising its report on the BPS.

The Finance Committee will be required to table its reports on or before Wednesday, February 28, 2024 for the Senate to consider and decide on the Report by Thursday, February 29, 2024.

Femicide is national disaster says Senator Asige

The spate of femicide incidences that have rocked the country in the recent past have attracted fury from Parliament with Senators calling for stern action to tame the growing cases of Gender Based Violence (GBV).

The Senate is now indicting the State following its failure to implement measures to help protect women who are losing their lives in the hands of their perceived lovers.

Through an adjournment motion, Senator Crystal Asige, Senators expressed concerns that at least 17 women have been killed in the country in the past one month through femicide incidences with no active state action.

While moving the motion, Senator Asige said the vice has been turned into a sheer sport with many of the murders going unraveled by the authorities despite necessary measures that have been put in place to tame such incidents.

Terming the vice as barbaric, Sen Asige said the recent murders - many of which have been reported in Air BnBs - should be called out for what it is; a national emergency.

"From January, at least 17 cases have been reported and this is a threat that has gone too far. Brutal killings are



Senator Asige, the mover of the motion

sharply reducing love into femicide," said Senator Asige.

The lawmaker said murders of women has been a norm that begun in ancient days to the time when the famous Valentine's Day was established.

Valentine's Day is famously known for celebration of love but Sen Asige said Kenya is today struggling with GBV cases against women, a clear depiction of the ancient practices that led to loss of lives for the female gender.

Senator Asige said over 40 per cent of women experience cases of intimate violence from their partners.



Senator Orwoba, the seconder.

She named some of the women who have fallen to femicide, among them Ivy Wangevi, a doctor who was axed by her lover in Eldoret.

Others on her list was Sharon Atieno - a university student in Migori, Elizabeth Ekoru - a State Commendation holder and Agnes Wanjiru, who was killed by a US military officer.

The murders, she protested, remained unresolved many years later, noting that the few she had mentioned is a fractional representative of many who have fallen to the brutal hands of femicide as the country watched.

At the courts, she said, it was taking over five years to prosecute the cases and hand justice to the victims.

She recalled that Kenya has vowed to end GBV by 2026, some two years away, even as the State looked helpless in tackling the vice.

She complained that the government has failed to implement measures to end the vice through establishment of a GBV Fund, GBV shelters in every county and enforcing GBV laws for the sake of femicide victims.

"The government is dragging about in implementing these commitments," said Senator Asige.

Seconding the motion, Senator Orwoba the debate by the House will be the start in shaping the narrative by those who think it is in order to continue killing women.

"We need to start talking about the things we need to do to end this vice and other GBV cases. Each life we have lost to femicide is equal to a life lost through war. This (motion) therefore is not just about issues of women but everyone and livelihoods because women, just like men, have equal rights. They are our mothers, sisters and daughters," she said.

Senators eulogise the late Kiptum, term his demise great loss to the country

Senators have eulogised the fallen marathon world record holder Kelvin Kiptum who died through a tragic road accident with the House terming his demise as a great loss to the country.

The House adjourned its afternoon sitting on February 15, 2024 to allow Senators eulogise a man most said he had done a lot to market Kenya across the world.

The adjournment motion was moved by Nandi Senator Samson Cherarkey.

The Senator said the demise of the marathoner is an issue of a national definite importance, noting that the fallen hero was an important asset to the country.

“Like many boys who are growing up, he used to run every morning and evening like some of us used to when we were young,” said Senator Cherarkey when he moved the motion.

Kelvin came into athletics stardom when only at 18 years at the Eldoret Half Marathon. He finished first in the 21 kilometre race in Eldoret in 2018.

A year later, he also finished first in 21-kilometre marathon in France.

“It has to be noted by many Kenyans that Kelvin Kiptum was self-coached. Most of the professional athletes have coaches who give them technical advice and support. However, Kelvin was self-coached until 2021 when the Rwandese coach, Gervais Hakizimana came on board,” added the Senator.

Hakizimana also perished together with Kiptum in the accident with Senators expressing condolences, empathies and sympathies to his family in Rwanda.

The late Kiptum was due to race in Rotterdam Marathon on April 14, a run that may have further cemented his first rise in marathon.

Kiptum’s personal best was in 10,000 meters where he ran 28:27 at Stockholm in 2021.

In road races, Kiptum ran 10 kilometres under 28:17 in Utrecht in 2019.

He also participated in a half marathon of 58:42 in Valencia in 2020 and the London Marathon of 2023 that lasted 2:2:25, becoming the third fastest of all time.

During the Chicago 2023 race, he beat the greatest of all times, Eliud Kipchoge by running for 2:00:35, a world record that was ratified by World Athletics a



Senator Cherarkey, the mover of the motion.



Margret Kamar.

week before he perished through that tragic road accident.

Senator Cherarkey urged the police to conclude investigations into the accident.

“I am happy four people presented themselves to Iten Police Station and have recorded statements with relevant agencies. We want our athlete to be

given a heroic sendoff.

He called for VIP protection for athletes going into the future.

Senator Margaret Kamar said it was extremely sad for her because Kiptum comes from her village of birth.

“When I saw the people mourning, I could recognise 70 per cent of them. It is extremely sad. It hurt everybody because this is something that was least expected. I pass my condolences to the whole village of Chepsamo and Chepkorio; our village and to wish them God’s comfort at this very difficult time,” she said.

She said the fallen hero is a man from a very humble background. “We have seen very humble people grow because of sports, especially athletics. It is very unfortunate that we have continued to lose some of them through road accidents.”

She said it is a wake-up call to the country to ensure that promising athletes are taken care of.

This, she said, should include being given at least a driver and a bodyguard even as she urged the Ministry of Youth Affairs, Sports and Arts to pay more attention to young athletes.

She also challenged the Senate to look at sports because it is a devolved function and see what we can do about it.

“The stadia are under the counties. The sportsmen and women are also in the counties. Let us have a way of protecting these people so that they do not die careless deaths,” she said.

Elgeyo Marakwet Senator William Kisang, from whose county the fallen athlete hailed, said he grew up from a very humble background in Kipsamol Village of Kaptarakwa Ward.

“That was a man who struggled. We heard the father saying that he was the only child. The mother had problems when she gave birth to him and as an honourable man, he accepted just to have one child,” said Sen Kisang.

He said Kiptum did not know that he was going to be a great runner and he trained as an electrician but along the way discovered that he had the talent and started practicing on his own, running without wearing shoes.

Cabinet Secretary for Youth Affairs, Sports, and Arts Ababu Namwamba has advertised for a tender for that stadium to be completed.

The Nuts and Oil Crops Development Bill, 2023 goes through First Reading

The Nuts and Oil Crops Development Bill, 2023 has finally been introduced in the House, offering nuts and oil crops farmers hope of a better future.

The Bill, sponsored by Senator Hamida Kibwana, is proposing to provide an avenue for appreciating the medicinal, aesthetic, touristic and artistic value of various nuts and oil crops by encouraging value addition in the processing of nuts and its products.

The Bill establishes the Nuts and Oil Crops Development Board which will have the power to regulate and promote the development of the nuts and oil crop industry.

Besides regulating the sector, the Board is expected to promote the marketing of nuts and oil crops products and by-products in both local and foreign markets.

The board shall preserve the competitiveness and reliability of the country as a producer and supplier of nuts and oil crop products by establishing national standards acceptable in the international markets.

The board shall also promote the diversification of nuts and oil crop products and by-products.



Senator Hamida Kibwana.

“It also provides for research and development to cultivate a culture of scientific excellence and professionalism in nuts and oil crops farming and industrial development,” Senator Kibwana says in the memorandum and objects of the Bill.

The board shall make recommendations to the Cabinet Secretary, and oversee the implementation of strategies, plans and policy relating to the nut and oil crop sector.

The Bill went through the First

Reading on Wednesday, February 15, 2024.

Nuts and oil crops include coconut, cashew nut, macadamia nut, groundnuts, castor beans, sunflower and oil seed jojoba.

Others are safflower, sesame, linseed, oil palm and bambara nut and such other crops as may be gazetted by Agriculture Cabinet Secretary.

The board is empowered to establish linkages with local and international research institutions to conduct scientific research and investigations in all areas

pertaining to the development of the crops.

It will also be expected to collect, collate and disseminate information on the nut and oil crop industry including the appropriate technology and practices to ensure maximisation of yields by farmers.

The board shall regulate the marketing and the exportation of nuts and oil crop products and by-products to conform to the quality or food standards recognised in the international market.

Under the Bill, county governments will implement the national government policy relating to the nuts and oil crop sector and maintain a register of nuts and oil crop growers, nursery operators, processors, cooperatives and other associations in that county.

The counties shall also licence nuts and oil processors, implement national and county legislation on nuts and oil and facilitate the production of nuts and oil crop in the respective county.

A county that produces, processes, distributes or markets nuts and oil crop or products may enact county specific legislation.

This Week in History



Statutory deductions in this country is becoming a very serious issue and a death sentence to many Kenyans. If one is able to work very hard over the course of a month to serve their county in different capacities and is paid a salary at the end of the month, why does a simple issue of a county making statutory deductions and remitting the same to various organs become so difficult and take many years?

Senator Oketch Gicheru contributing to debate on the statement on the status of implementation of the Legal Aid Act on February 23, 2023.



Optimisation and evaluation of processes is only possible if a feedback mechanism is created. For any efficient system to run, it is important to set a 360 degrees feedback mechanism. As has been ably prosecuted before this House, there comes a time when one feels like most of the resolutions and Bills that are passed in this House, there is no laid down mechanism to have a follow up on where they are and at what stage. Therefore, putting in place a mechanism that will ensure that the resolutions.

Senator Wahome Wamatinga contributing to the debate on the Parliamentary Powers and Privileges Bill, 2022 on February 23, 2023.



The Bible says, children honor their fathers and fathers do not embitter or make your children angry. In this whole situation, there is what has brought these hiccups. If the communication was done the way it should have been done, we would not be where we are now.

Senator Agnes Kavindu on a Point of Order where she wanted the Deputy Speaker to step down Communication on Minority leadership and rescind his order on suspension of senators on February 22, 2023.



While I agree that it is important to mould and correct children, whether at home or in school, to ensure they grow knowing what is right and wrong as they are being brought up, this correction should not be punitive, embarrassing or inflicting pain and or to some extent, cause grievous bodily harm.

Senator Peris Tobiko contributing to the debate on the statement on unacceptable disciplinary measures meted against children by uncouth individuals on February 21, 2023.

Senators riled by the Water Bill, vow to shoot it down, they argue it claws back on devolution



Senators follow proceedings during debate on the Water (Amendments) Bill, 2023.



Senator Godfrey Osotsi consults with Senator Ledama ole Kina during the sitting of the County Public Investments and Special Funds Committee.



Senator Oketch.

Senators have expressed reservations with the objects of the Water (Amendment) Bill 2023 and challenged the Leader of Majority to withdraw it for more consultations, failure to which they will shoot it down.

A majority of Senators who contributed to the debate on the Bill on Wednesday morning, described the amendments as an affront to the Constitution and a claw-back on devolution as it is meant to return the management of water sector to the national government through the backdoor.

The principal objective of the Bill is to amend the Water Act to create room for Public-Private Partnerships in the water sector.

The Bill, which originated in the National Assembly, proposes that authorities may engage in public-private partnership agreements in terms of water management, aiming to align the Water Act with the Public Private Partnerships

Act.

Section 30 of the Bill establishes a water regulatory authority, at the national level. Senators argue that the envisioned body has been vested with so much power at the expense of counties.

Section 31 also introduces another water regulatory board, whose membership and composition the lawmakers argue negate the idea of devolution and the management of water resources as envisioned in the Constitution.

Section 65 gives Water Work Agencies are given more power when dealing with bulk water.

The Senators argue that the Water Work Agencies have been at the core of making Water Service Providers (WSPs) ineffective.

Section 119 establishes the Water Tribunal whose membership Senators are concerned does not in any way empower counties.

Senator Eddy Oketch set the tone on

the rejection of the Bill arguing that water is one of the functions that devolved units have and the House must give them full power to control the sector.

“Every suggestion I am seeing in this Bill is reversing the powers of the county in managing water to the national Government and making it impossible for county governments to take control of water service provision,” Senator Oketch told the House.

Senator Dan Maanzo said the Bill is poorly drafted as most of amendments are mangled up and pleaded with Senators to look at each Section with a keen interest because there are likely to be issues with the practicality of the implementation.

“There are many introductions into this law, which reverse the gains of devolution to the national government,” said Senator Maanzo of Makueni County.

The Constitution directs that water services are devolved and the national

Government can only give basic principles of the policy on which of these will be implemented.

“In this amendment, we have cosmetic public participation, just for the records, so that it can come to the House, receive a rubberstamp and then proceed to the Executive for another signature. We have to take these regulations seriously. On this particular one, a proper job has not been done,” he added.

“This amendment should be thoroughly looked into, failure of which, we should send it back to be redone. It does not seek to achieve the purpose of making sure water is supplied to every household in this country.”

Deputy Minority Leader Enoch Wambua warned it should concern the House that the amendment came from the National Executive.

The Council of Governors should be at the forefront in pushing for legislation to address issues related to water service providers, he said.

“It should not be the function of the National Executive to try and cure mischief found in the water service providers. I do not know how the national Government agencies will resolve disputes within and amongst water providers in counties without involving the service providers in those counties.”

Unless you are telling us that you are going to amend or throw this Constitution out of the way,

Senator Ledama ole Kina warned that the amendments will not hold.

“If we are pushed to pass these amendments, someone will go to court and ask the same question that I am asking here today;”

Senator Edwin Sifuna said despite Water being a devolved function, the national government is attempting to overreach in its attempt to manage the water sector, despite the provisions of the Fourth Schedule of the Constitution specifies water and water services as a devolved function.

But Senators Wahome Wamatinga and Samson Cherarkey supported the Bill saying its enactment is for the betterment of devolution.

“It does not in any way undermine devolution. We want to enrich all the laws. There is a catalogue of laws that are very critical in development,” said Senator Chararkey.

Senators push to protect integrity of House during amendments to the Powers and Privileges Act debate



Senator Godfrey Osotsi (left), the sponsor of the Bill with Senator Mariam Omar.

The House has started debate on the Parliamentary Powers and Privileges (Amendment) Bill, 2023 with a call for lawmakers to protect the integrity of the Houses of Parliament and their committees.

The Bill, sponsored by Senator Godfrey Osotsi, seeks to cure one of the most serious problems House Committees have been going through: having challenges compelling appearances of witnesses before Committees.

The Bill is proposing to amend Sections 19 and 33 of the Parliamentary Powers and Privileges Act, to provide a mechanism by which an order of arrest may be executed by Parliament itself.

It also proposes to enhance the fine for those who refuse to honour Committee

summons to Sh2 million from the current maximum of Sh500,000.

The Bill gives the Inspector General of Police the power to help in the arrest. It further proposes that a member of staff duly authorised by the Speaker or the Clerk can do the arrest.

The legislators who contributed to the debate on Wednesday supported the Bill, firing a warning shot that the sort of contempt the House has been subjected to in the committees can only stop if the amendments are adopted.

“This amendment is important because, if we do not do what we are proposing we will reach a point where people will not come to our committees,” said Senator, while moving the Bill.

“We will issue summons and they will not come. They will collude with

the police, and they will never come. That has happened before in this House. We will be a toothless House that cannot bite. This Bill gives us more teeth to follow the law, together with our Standing Orders, and arrest the people who do not appear.”

Senator Sifuna said Parliament has struggled with the question of arrests of those who defy summons adding that for as long as the institution of Parliament relies on any other government agency or institution to make sure that its business goes on, it will never happen.

“We need this institution to have the powers to arrest people and present witnesses before the committees. There is no other way to give this House teeth and ensure that we are able to execute our mandate and to tie up these loose

ends that will ensure that we are able to do our jobs effectively,” said Senator Sifuna.

The Bill imposes a specific obligation on officials of the Executive, constitutional commissions and independent offices to comply with the requirement to give feedback to Parliament’s resolutions which has been difficult to achieve through the Standing Orders.

Article 125 of the Constitution gives the House and its Committees powers equivalent to that of the High Court.

Senator Dan Maanzo argued that the difficulty Parliament is confronted with is one where the National Police Service is not willing to do their job or are unable to present them before the House when directed.

“Even if they find them, Parliament does not have enough teeth to bite. The enhancement of the fines is good, but we need to have more teeth than just fines, now that we are equivalent to the High Court in terms of the powers the committees of this House exercise,” said Senator Maanzo.

Senator Samson Cherarkey called for a collaboration between the National Police Service Commission (NPSC) to create a Parliamentary Police Unit (PPU), such that the Clerk and the Speaker will have the power to direct arrest.

“What we are proposing is that let us have a police unit that is only domiciled within the Parliament.”

This was supported by Senator Enoch Wambua who argued the power to arrest and present the arrested persons before committees of Parliament or in plenary should rest with a service that is answerable to Parliament, not the executive.

He also promised to bring amendments that will see the security of lawmakers provided for by officers from the Parliamentary Police Service arguing that it is no longer tenable to beg the Executive, the National Police Service, to provide Members with security.



1. Deputy Speaker Kathuri Murungi receives the Deputy Speaker of the Indian Parliament Hon. Narhari Zirwali when a delegation from Indian Parliament paid a courtesy call to Kenyan Parliament.
2. Deputy Speaker Kathuri Murungi poses for a photo with the delegation from the parliament of India which was in the country to acquaint itself with the operations of Kenyan parliament and other economic sectors.
3. Mr Zakayo Mogere, the Deputy Director Legislative and Procedural Services, Senate, speaks during a retreat of the staff working in the Directorate of Speaker's office.
4. Students from Giaki Girls Secondary School, North Imenti, Meru County follow Senate proceedings during their educational tour of Parliament.
5. Picture 6 caption: Students from Umoja Secondary School, Limuru, Kiambu County follow Senate proceedings during their tour of Parliament on Wednesday, February 14.
6. Speaker Kingi chairs a meeting of the Senate Business Committee (SBC) on Tuesday, February 20. SBC is the committee that sets the agenda by scheduling business for the House.
7. The Speaker also chaired a meeting of the Speaker's Panel. The Panel consists of four Senators who serve as Speaker in the absence of both the Speaker and Deputy Speaker.



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