

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Wednesday, 19th February, 2025****Afternoon Sitting**

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

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

PRAYER**DETERMINATION OF QUORUM AT
COMMENCEMENT OF SITTING**

The Deputy Speaker (Sen. Kathuri): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted with the Deputy Speaker)

Serjeant-at-Arms, kindly, ring the quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Okay, hon. Senators, we now have a quorum.

Clerk, you may now call out the first Order.

PAPERS LAID

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Wednesday, 19th February, 2025.

**REPORTS OF THE AUDITOR-GENERAL ON
FINANCIAL STATEMENTS OF VARIOUS ENTITIES**

Report of the Auditor-General on Financial Statements of the County Executive of Nairobi City County for the year ended 30th June, 2024.

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Report of the Auditor-General on Financial Statements of the County Assembly of Nairobi City County for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of the County Revenue Fund - County Government of Nairobi City for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of the Receiver of Revenue - County Government of Nairobi City for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Nairobi City County Alcoholic Drinks Control and Licensing Board for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Nairobi City County Assembly and Car Loan and Mortgage Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Mutuini Dagoretti Level 4 Hospital - Nairobi City County Government for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Mutuini Dagoretti Level 4 Hospital - Nairobi City County Government for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Mutuini Dagoretti Level 4 Hospital - Nairobi City County Government for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Kayole II Level 4 Hospital - Nairobi City County Government for the year ended 30th June, 2022

Report of the Auditor-General on Financial Statements of Kayole II Level 4 Hospital - Nairobi City County Government for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kayole II Level 4 Hospital - Nairobi City County Government for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Pumwani Maternity Referral Hospital - Nairobi City County Government for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Pumwani Maternity Referral Hospital - Nairobi City County Government for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Pumwani Maternity Referral Hospital - Nairobi City County Government for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Mbagathi County Referral Hospital - Nairobi City County Government for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Mbagathi County Referral Hospital - Nairobi City County Government for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Mbagathi County Referral Hospital - Nairobi City County Government for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Makadara Level 4 Hospital - Nairobi City County Government for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Makadara Level 4 Hospital - Nairobi City County Government for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Makadara Level 4 Hospital - Nairobi City County Government for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Mama Lucy Kibaki Level 5 Hospital - Nairobi City County Government for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Mama Lucy Kibaki Level 5 Hospital - Nairobi City County Government for the year ended 30th June, 2023.

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Report of the Auditor-General on Financial Statements of Mama Lucy Kibaki Level 5 Hospital - Nairobi City County Government for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Nairobi City Water and Sewerage Company Limited for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of the County Executive of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of the County Assembly of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of the County Revenue Fund - County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of the Receiver of Revenue - County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Makueni County Bursary Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Makueni County Emergency Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Makueni Empowerment Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Makueni County State and Public Officers Car Loan and Mortgage Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Wote Municipality - County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Makueni County Climate Change Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Makueni County Referral Hospital – County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Makindu Level 4 Hospital – County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Sultan Hamud Sub-County Level 4 Hospital – County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Matiliku Sub-County Hospital – County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Mukuyuni Sub-County Hospital – County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Mbooni Sub-County Level 4 Hospital – County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Kisau Sub-County Level 4 Hospital – County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Kilungu Sub-County Level 4 Hospital – County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Tawa Sub-County Level 4 Hospital – County Government of Makueni for the year ended 30th June, 2024.

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Report of the Auditor-General on Financial Statements of Kibwezi Sub-County Level 4 Hospital – County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Kibwezi Makindu Water and Sanitation Company Limited – County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Wote Water and Sewerage Company Limited - County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Mbooni Water and Sanitation Company Limited - County Government of Makueni for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Makueni County Sand Conservation and Utilization Authority for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Makueni County Fruit Development and Marketing Authority for the year ended 30th June, 2024.

Mr. Deputy Speaker, Sir, I beg to lay.

(Sen. Cheruiyot laid the documents on the Table)

The Deputy Speaker (Sen. Kathuri): Next Order. Senators, note that we are using a Supplementary Order Paper.

NOTICE OF MOTION

RECONSTITUTION OF STANDING COMMITTEES

The Senate Majority Leader (Sen. Cheruiyot): This is a further reconstitution of the Standing Committees. I beg to give notice of the following Motion-

THAT, NOTWITHSTANDING, the resolution of the Senate made on 12th February, 2025 on the approval of Senators to serve in various Standing Committees of the Senate, and pursuant to Standing Orders 197, 199, 228, and the Fourth Schedule to the Standing Orders, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Standing Committees of the Senate as follows–

A. Committee on Agriculture, Livestock and Fisheries

Sen. Mwenda Gataya Mo Fire, CBS, MP, to replace Sen. Allan Chesang, CBS, MP;

B. Committee on Land, Environment and Natural Resources

i. Sen. Karen Nyamu, MP, to replace Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP; and,

ii. Sen. Allan Chesang, CBS, MP, to replace the late Sen. William Cheptumo, CBS, MP;

C. Committee on National Cohesion, Equal Opportunity and Regional Integration

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Sen. Joseph Kamau Githuku, MP, to replace Sen. Mwenda Gataya Mo Fire, CBS, MP;

D. Committee on National Security, Defence and Foreign Relations

Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP, to replace Sen. Karen Nyamu, MP.

The Deputy Speaker (Sen. Kathuri): Next Order.

QUESTIONS AND STATEMENTS

We have Statements under Standing Order No.53(1). We will start off with Sen. Catherine Mumma. I understand that she has delegated that work to Sen. Miraj.

STATEMENTS

ALLEGED CHALLENGES IN REPLACING AND AUTHENTICATING CERTIFICATES BY KNEC

Sen. Miraj: Mr. Deputy Speaker, Sir, on behalf of Sen. Mumma, I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education concerning the outdated resources, sapping processes that applicants must endure whenever they seek to replace lost or destroyed academic certificates at the Kenyan National Examination Council's (KNEC) offices.

In the Statement, the Committee should specifically-

(1) Explain the justification for the laborious and overly bureaucratic procedural hurdles employed by the KNEC in their procedures for the replacement and authentication of academic certificates, including the requirement that applicants obtain confirmation letters from their former and hopefully still existent academic institutions to ascertain they sat their national examinations and they did so in that institution yet, the KNEC is the-

(a) Sole custodian of all national examination-related data and principal archiver of those candidates' records, and;

(b) Issuer of all unique candidates' identification numbers for persons sitting their national examinations and, similarly, the sole issuer of all accredited documentation on every candidate's results, including the academic certificates;

(2) Explain why the KNEC is not leveraging technology to operate an independent digitised mechanism that in real time verifies students' examinations-related data, thus;

(a) ensuring all candidates' records, including registration details and results, are digitised and stored on secure cloud-based platforms for real-time ease of access whenever KNEC needs to verify any applicant's credentials;

(b) Developing and introducing a centralised database that is accessible to---

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(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Order, Senators. I can see Sen. Miraj is struggling to read her Statement.

Sen. Miraj: Thank you, Mr. Deputy Speaker, Sir, for protecting me.

(b) Developing and introducing a centralised database that is accessible to authorised personnel across different Government institutions whenever verification may be needed;

(c) Adopting biometric authentication based on biometric data collection during examination registration and during the acquisition of national identity cards, and;

(d) Issuance of digital certificates and developing a digital verification system that can be accessed, verified and shared *via* secure online platforms by different institutions for real-time verification;

(3) establish clear guidelines for application in cases where schools no longer exist, yet applicants must produce confirmation letters as a requirement to avoid victimising applicants due to circumstances beyond their control.

CONTINGENCY MEASURES IN RESPONSE TO STOPPED FUNDING
FOR HIV/AIDS HEALTH PROGRAMMES BY USA

Mr. Deputy Speaker, Sir, on behalf of Sen. Mumma, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health regarding the contingency measures being contemplated to address the funding shortfalls resulting from the implementation of the United States of America (USA) Executive Order No.14-16-9 dated 24th January, 2025 on re-evaluating and realigning US foreign aid which is halted and supported by multiple US Government agencies to Kenya, including the President's Emergency Plan for AIDS Relief (PEPFAR).

In the Statement, the Committee should-

(1) Provide a report on the amount of US foreign aid received by Kenya for the financial years 2023/2024 and 2024/2025, highlighting the portion of that funding targeted towards life-supporting antiretroviral treatment, (ART), for Persons Living With HIV, (PLHIVs) and other essential HIV services programmes, including testing, access to counselling services, and access to preventive commodities;

(2) Detail the funding shortfalls and suspension of operations anticipated from implementation of the said USA Executive Order and elaborate on how this affected the health sector's ability to sustainably fund the affected health programmes, including PEPFAR funding support for;

(a) HIV commodity needs for the Financial Year 2024/2025, Country Operational Plan 24-(COP24) that has contributed in excess of 28 per cent of Kenya's total annual requirement for the procurement and distribution of HIV health products;

(b) engagement of over 41,000 essential health care staff who provide HIV services, including clinical services, community support and programme management across the 47 counties, from health facilities at level 2 to 4, projected for the period of 1st

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October, 2024 to 30th September, 2025, as well as the county governments currently having over 9,000 front-line staff supported by the USA Government grants annually;

(c) system for HIV and health data infrastructure, including Kshs8 million that supports data hosted at the National AIDS and STI Control Programme, (NAS COP), as well as maintaining the National Data Warehouse that includes data on early infant diagnosis, HIV testing, viral load dashboard, antiretroviral treatment, and mortality surveillance;

(3) elaborate on whether the national Government has determined how the funding shortfall will be bridged to maintain the continuity of these essential services over the short, medium, and long term;

(4) highlight the National Treasury's response to this crisis, detailing whether and how they intend to factor in the crucially needed funding, particularly addressing whether they have revised the budget policy to incorporate the said fund.

ALLEGED TEXTBOOKS SHORTAGE IN PRIMARY AND JUNIOR SECONDARY SCHOOLS

Last but not least, again, on behalf of Sen. Mumma, I request for a Statement on the shortage of textbooks in primary and junior secondary schools in the country.

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Education regarding the shortage of textbooks in primary and junior secondary schools in the country.

There is a severe shortage of core textbooks in schools, which is significantly affecting learning nationwide. The shortage has particularly impacted subjects that were recently reorganized and consolidated, as well as new textbooks for Grade 9, which were expected to be available at the beginning of the school term.

In the Statement, the Committee should—

(1) Assess the extent of the textbooks shortage across different grades and subjects, identifying the most affected classes and learning areas, and evaluate its impact on learners and schools, including disruptions to the implementations of the Competency-Based Curriculum, (CBC);

(2) Clarify the Government's policy on textbooks procurement, specifically, whether the responsibility lies solely with parents or if there is a Government distribution plan to ensure equitable access to learning materials for all learners;

(3) Explain the role of the Kenya Institute of Curriculum Development, (KICD) in approving and releasing new textbooks, including whether delays in the rationalization process contributed to the shortage;

(4) Provide an update on the commitments made by the Ministry of Education and KICD, regarding the approval and distribution of textbooks, ensuring transparency on the expected timelines for resolutions; and,

(5) Outline the actions taken by the Ministry of Education to ensure that all learners have access to the required textbooks, including clear timelines for their availability.

The Deputy Speaker (Sen. Kathuri): Next Statement by Sen. Esther Okenyuri.

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REPORTED CASES OF RACISM, DISCRIMINATION AND NEPOTISM AT
TAITA HILLS SAFARI RESORT, SALT LICK SAFARI LODGE,
FAIRVIEW HOTEL AND NYALI BEACH RESORT

Sen. Okenyuri: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Trade Industrialization and Tourism, regarding reported cases of racism, discrimination, and nepotism involving staff and service providers in the Taita Hills Safari Resort, Salt Lick Safari Lodge, Fairview Hotel and Nyali Beach Resort.

In the Statement, the Committee should-

(1) State any measures the Ministry of Tourism and Wildlife has taken to safeguard the staff and service providers against the reported cases of racism, discrimination and nepotism at the Taita Hills Safari Resort, Salt Lick Safari Lodge, Fairview Hotel and Nyali Beach Resort;

(2) Outline the terms of employment in the said hotels and state whether the Employment Act is adhered to in hiring and dismissing employees;

(3) Provide a comprehensive report of employees and vendors hired or fired within the last one year, giving the justification for the same; and,

(4) Explain any steps being taken to ensure that discrimination, racism, and nepotism against clients, staff and service providers is eliminated in all hotels in the country.

Thank you.

The Deputy Speaker (Sen. Kathuri): Thank you. Next is Sen. Munyi Mundigi.

FIRE TRAGEDY AT EMBU COUNTY GOVERNOR'S OFFICE
DURING THE JUNE, 2024 GEN Z PROTESTS

Sen. Munyi Mundigi: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to request for a Statement from the Standing Committee on National Security, Defence, and Foreign Relations regarding a fire tragedy that destroyed the Embu County Governor's Office during the June, 2024 Generation Z (Gen. Z) protests. This unfortunate incident severely disrupted county government operations and service delivery with damages estimated at approximately Kshs250 million.

In the Statement, the Committee should –

(1) Clarify whether the Ministry of Interior and the National Administration has plans to allocate funds for the renovation of the affected offices and the replacement of crucial information, communication and technology equipment;

(2) Indicate whether the Ministry has conducted an assessment of the damages and established the necessary reconstruction measures; and,

(3) State whether emergency funds are available through the National Disaster Funds to facilitate immediate renovation works without further delay.

The Deputy Speaker (Sen. Kathuri): The Statement by Sen. Eddy Oketch is deferred.

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CLASHES BETWEEN KURIAS AND MAASAIS
ALONG MIGORI AND NAROK COUNTIES BORDER

(Statement deferred)

Next is Sen. Joe Nyutu.

SECURITY SITUATION IN KANDARA
CONSTITUENCY, MURANG'A COUNTY

Sen. Joe Nyutu: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the security situation in Kandara Constituency in Murang'a County.

Mr. Deputy Speaker, Sir, there has been an alarming rise in insecurity in Murang'a County characterized by the killing of young children and the unexplained disappearances of individuals without a trace. This situation has been exacerbated by the closure of three police stations namely, Keriko Police Post, Kawendo Police Post and Gakoi Police Post in Kandara Constituency.

In the Statement, the Committee should-

(1) Provide the reasons behind the closure of Keriko Police Post, Kawendo Police Post and Gakoi Police Post in Kandara Constituency, Muranga County;

(2) Explain why no officers have been deployed to Ishoi Police Post despite its completion several years ago and provide a timeline for the operationalization; and,

(3) Outline the measures in place to enhance security in Kandara Constituency and the wider Murang'a County and explain the actions being taken by the police to bring to book those behind the wave of insecurity in this area.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Mwaruma.

Sen. Mwaruma: Thank you, Mr. Deputy Speaker, Sir. I have two Statements. I would like to seek your indulgence, so that I read them simultaneously.

DANGERS POSED BY BLACKSPOT AT JOSALONG
MWATATE-WUNDANYI ROAD IN TAITA TAVETA COUNTY

The first one is about the Josa Black Spot along Mwatate-Wundanyi Road in Taita-Taveta County.

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Roads and Transportation concerning dangers posed by a black spot at Josa along Mwatate-Wundanyi Road in Taita-Taveta County.

In the Statement, the Committee should-

(1) State the number of road accidents that have happened along the Mwatate-Wundanyi Road at Josa, particularly at the section of the road commonly known as

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Corner S, and provide data on casualties and fatalities attributed to the same accidents from 2019 to date; and,

(2) Apprise the Senate on the measures the Government has taken to prevent the frequent accidents along this section of the road and indicate whether redesigning of the road has been considered.

The second Statement is on the funding for the construction of junior secondary school classrooms.

FUNDING FOR CONSTRUCTION OF JUNIOR
SECONDARY SCHOOL CLASSROOMS

Mr. Deputy Speaker, Sir, I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education concerning the rationale behind Bills of Quantities (BQs) formulation for the ongoing construction of Junior Secondary School (JSS) classrooms countrywide.

In the Statement, the Committee should-

(1) Explain the rationale behind the decision to award a blanket figure of Kshs1 million for the construction of each classroom and whether this decision considered transport and other related costs incurred during transportation of materials, including the availability of the said materials within the areas where the construction is taking place;

(2) Apprise the Senate on whether the Government has any plans to adjust the amount payable to the contractors engaged in areas that face materials and logistical challenges to ensure contractors do not engage in substandard work as they try to safeguard their profits; and,

(3) Provide a list of schools in the country, if any, that are yet to secure contractors for the construction of classrooms due to the cost implications that go beyond the Kshs1 million allocation.

I thank you, Mr. Deputy Speaker.

(The Clerk-at-the-Table consulted the Deputy Speaker)

The Deputy Speaker (Sen. Kathuri): There are two Statements from the Senator for Kirinyaga County, Sen. (Dr.) James Murango. Is he around or has he assigned any of the Members to read on his behalf?

Sen. Methu: Mr. Speaker, Sir, I will represent him.

The Deputy Speaker (Sen. Kathuri): Please, do.

Sen. Methu: Thank you very much, Mr. Deputy Speaker, Sir. I want to read these Statements on behalf of Sen. (Dr.) James Kamau Murango, Senator for Kirinyaga County, and it is such a pleasant pleasure to represent one of our own, *Tungati*.

PENDING BILLS OWED TO CONTRACTORS AND
SUPPLIERS BY KIRINYAGA COUNTY GOVERNMENT

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Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget regarding the pending bills owed to the contractors and suppliers for goods delivered and services rendered to the County Government of Kirinyaga.

This is a matter of great concern, considering that some of the contractors and suppliers have loans to service and the continued non-payment of the pending bills starves businesses of the necessary capital to operate and grow.

In the Statement, the Committee should-

(1) Provide details of the amount of pending bills owed by the County Government of Kirinyaga to contractors and suppliers for goods delivered and services rendered at the end of the Financial Year 2023/2024 and state the period the unsettled pending bills have been outstanding;

(2) State any measures in place to ensure that the Kirinyaga County Government settles all the pending bills as a matter of priority;

(3) Explain the administrative policy and legal steps that the Government and the relevant agencies have taken to ensure that the county governments do not accumulate pending bills in the future.

If you allow me, I have a second Statement.

The Deputy Speaker (Sen. Kathuri): Please, do.

Sen. Methu: Mr. Deputy Speaker, Sir, people are very excited, I do not know why. Yes, we are very proud to be *Tungatis*.

DISBURSEMENT AND REVIEW OF CAPITATION TO PUBLIC PRIMARY AND SECONDARY SCHOOLS

Mr. Deputy Speaker, Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding the disbursement and review of capitation to public primary schools and secondary schools by the Government.

Noting that the schools have reopened and are facing financial strain, having accrued debts from suppliers in anticipation of settlement of arrears owed to them by the national government.

In the Statement, the Committee should-

(1) Provide details on the amount of capitation arrears owed to public primary and secondary schools for the 2024 academic year;

(2) Indicate the timeline for the disbursement of the pending alias for 2024 and for the first term allocation for the 2025 academic year; and,

(3) Clarify whether the government has any plans to review the capitation per learner in both primary and secondary schools, considering that the last review was conducted in 2017 and schools continue to face financial challenges due to inflation and prevailing economic conditions.

The Deputy Speaker (Sen. Kathuri): Next is a Statement from Sen. Richard Onyonka. I understand he has sent Sen. Eddie Oketch to do that on his behalf.

CLAIMS OF VICTIMISATION OF TEACHERS AT POROKO FRIENDS
SCHOOL IN TRANS MARA WEST SUB-COUNTY

Sen. Oketch Gicheru: Mr. Deputy Speaker, I thank you. This is a request for a Statement on the victimization of teachers at Poroko Friends School in Transmara West Sub-county, Narok County, and I am reading it on behalf of Sen. Onyonka, the great Senator of the people of Kisii County.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding claims of victimization based on the tribe of teachers in Poroko Friends School in Transmara West Sub-county, Narok County.

Before the 2024 Kenya Certificate of Secondary Education Examinations (KCSE), it is alleged that teachers were asked to hang around and assist and it reads: “engage in exam malpractice, candidates, a request, it is said many refused.” The school principal is reportedly on record, threatening dire consequences against those who refuse to cooperate.

Out of the 47 Teachers Service Commission (TSC) teachers in the school, approximately 30 were involved in the invigilation and supervision of KCSE in other centers, a fact that made them unavailable for any malpractice within the school.

Most disturbingly, in what would appear to be a case of ethnic discrimination and targeted victimization, the TSC County Director and Sub-County Director are claimed to have issued punitive transfers affecting only the teachers from Abagusii Community, with a total of nine teachers having been issued with transfers and release letters from Transmara South, with rife indication that a total of about 20 teachers from the same targeted community might be transferred, whereas the teachers from the local community have not been affected by the said transfers.

This points to unfair administrative actions contrary to the provisions of Article 47(1) of the Constitution.

In the Statement, therefore, the Committee should-

(1) Examine the reasons for the mass transfer of teachers from the Abagusii Community from Poroko Friends School and confirm whether those transfers were based on fair and justifiable grounds;

(2) Establish and state the circumstances under which the Kenyan National Examination Council (KNEC) barred 32 examiners from the school from participating in the national marking exercise and whether the decision is subject to revision;

(3) erify whether investigations were carried out into the alleged intimidation, threats and incitement against some teachers, and explain whether disciplinary action will be taken against anyone found culpable;

(4) Outline any measures that the Ministry of Education is taking to ensure that teachers transfers are done in a manner that will not be adverse, discriminatory, punitive or inhumane to those affected;

(5) State the immediate steps being put in place by the Ministry of Education to ensure safety of the teachers affected in order to foster a conducive teaching and learning environment at the school.

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The Deputy Speaker (Sen. Kathuri): Next is the Statement by Sen. Tabitha Karanja Keroche.

DETERIORATING STATE OF SECURITY AND
DELIVERY OF SERVICES TO RESIDENTS
OF NAKURU COUNTY

Sen. Tabitha Keroche: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of general topical concern, namely, the deteriorating state of security and delivery of services to the residents of Nakuru County.

Nakuru County residents have been left in a state of disbelief, shock, bereavement and helplessness following three separate incidences that have happened over the past one month or so. In the first incidence, a political activist, Mr. Richard Raymond, was brutally murdered on 18th January, 2025, just a few metres from Elburgon Police Station in Molo. On the same day, Mr. Brian Odhiambo mysteriously disappeared from police custody and to date his whereabouts remain unknown.

To illustrate how the situation in Nakuru County is moving from bad to worse, there is a case where a seven-month old baby by the name Mercy Chepng'eno, belonging to a deaf couple, was taken to the Nakuru Teaching and Referral Hospital following a short illness. The baby was admitted but unfortunately died on 2nd February, 2025, in the presence of her father who was taking care of her.

The body was moved to the hospital morgue on Sunday evening. However, the father was denied access to the morgue by the attendant, yet he wanted to witness where his late daughter was to be preserved. He then went home to inform his family of the demise of their lovely daughter and they started burial preparations.

A few days later, on 6th February, 2025, they went back to the hospital morgue with clothes and a coffin to collect the body of their beloved daughter who was to be laid to rest in Bomet County. After handing over the clothes and the coffin, they were told to wait for two hours to allow for body preparation. Two hours later, they were told that the body was still frozen and the morgue attendant required another two hours.

They went back to the morgue after expiry of the two hours only to be informed that the body was missing. That is unbelievable! How could a body go missing from a morgue? When they complained, instead of addressing their concern, the morgue attendant threatened to spray them with formalin, a chemical used to preserve dead bodies.

A scuffle ensued and that is when it caught the attention of the medical superintendent in charge of the hospital and he promised to conduct investigations to establish the whereabouts of the body. Sadly, almost two weeks later, the body is yet to be traced.

These horrific occurrences sparked anger that resulted in demonstrations by several civil society and human rights organisations, such as Nakuru Organisation for the Deaf Families and the Law Society of Kenya (LSK), but, unfortunately, nothing seems to be happening.

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Mr. Deputy Speaker, Sir, even before we came to terms with the missing body of the seven-month old baby, Mercy Chepngeno, another shocking incident of a young man from Nakuru Town West by the name Brian Odhiambo disappeared from police custody without a trace on 18th January, 2025. To date, his whereabouts remain a mystery.

These unfortunate incidences have left the families in anguish, pain, shock, helplessness and fear as they cry for justice. I was moved to tears when I saw the two bereaved families crying helplessly to a point of stripping their clothes due to unbearable pain of losing their loved ones. I will bring Statements to the relevant committees for further action to achieve justice for my people of Nakuru.

Thank you, Mr. Deputy Speaker, Sir, for the opportunity to make this Statement. May God bless you all.

The Deputy Speaker (Sen. Kathuri): There is a Statement by Sen. Chute. I saw him when we were starting, but I do not know where he disappeared to. So, that Statement is dropped.

THE ONGOING LIVESTOCK VACCINATION
PROGRAMME IN THE COUNTRY

(Statement dropped)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, while using the powers bestowed to the Speaker or the Chair under Standing Order No.45(2), I will reorganise the business on the Order Paper. We will defer Order Nos. 8, 9 and 10.

BILLS

Second Reading

THE PUBLIC FUNDRAISING APPEALS BILL
(SENATE BILLS NO.36 OF 2024)

(Bill deferred)

Second Reading

THE ENVIRONMENT LAWS (AMENDMENT) BILL
(SENATE BILLS NO.23 OF 2024)

(Bill deferred)

*Second Reading*THE COUNTY CIVIC EDUCATION BILL
(SENATE BILLS NO.4 OF 2024)*(Bill deferred)*

The Deputy Speaker (Sen. Kathuri): Let us go to Order No.11.

MOTION

RECONSTITUTION OF STANDING COMMITTEES

The Deputy Speaker (Sen. Kathuri): Proceed, Senate Majority Leader.

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

THAT, NOTWITHSTANDING, the resolution of the Senate made on 12th February, 2025 on the approval of Senators to serve in various Standing Committees of the Senate, and pursuant to Standing Orders 197, 199, 228, and the Fourth Schedule to the Standing Orders, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Standing Committees of the Senate as follows—

A. Committee on Agriculture, Livestock and Fisheries

Sen. Mwenda Gataya Mo Fire, CBS, MP, to replace Sen. Allan Chesang, CBS, MP;

B. Committee on Land, Environment and Natural Resources

i. Sen. Karen Nyamu, MP, to replace Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP; and

ii. Sen. Allan Chesang, CBS, MP, to replace the late Sen. William Cheptumo, CBS, MP;

C. Committee on National Cohesion, Equal Opportunity and Regional Integration

Sen. Joseph Kamau Githuku, MP, to replace Sen. Mwenda Gataya Mo Fire, CBS, MP;

D. Committee on National Security, Defence and Foreign Relations

Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP, to replace Sen. Karen Nyamu, MP;

Mr. Deputy Speaker, Sir, we did this work last week. Since then, there are two events that have led to this quick reorganisation. One is an obvious one on the Majority Side, given that we lost one of our colleague and there are certain committees that Members felt it will be unfair to leave them short of quorum as we think about what will happen in the future.

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Second and most importantly, having listened to some of the Members on where they were placed, it became important to take into consideration their concerns and the need for them to serve where they felt their strengths will be better utilised.

Mr. Deputy Speaker, Sir, it is a fairly straightforward matter, which I want to beg the House to grant the permission to proceed.

I request Sen. (Prof.) Tom Ojienda to second.

Sen. (Prof.) Tom Odhiambo Ojienda SC.: Mr. Deputy Speaker, Sir, I second the Motion to replace Members. I hope that is in the spirit of the desire to serve in those Committees and that the President will be for it.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Order, Senators. Sen. Cherarkey, I have been in Parliament for some time and when the Speaker is addressing the Senate, no Senator should even try to breath heavily.

Hon. Senators I wish to put the question. Is that the mood of the House?

(Senators responded in the affirmative)

The Deputy Speaker (Sen. Kathuri): I want to ascertain that this Motion does not concern counties, and also that we have quorum.

(Question put and agreed to)

Next Order.

MOTION

APPROVAL OF THE SENATE CALENDAR, FOR THE FOURTH SESSION 2025

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to move the following Motion, which is the consideration of the Senate Calendar (Regular Sessions) for the Fourth Session-

THAT, pursuant to Standing Order 32 (1), the Senate approves its Calendar (Regular Sessions) for the Fourth Session (February to December, 2025), laid on the Table of the Senate on Wednesday, 19th February, 2025.

Mr. Deputy Speaker, Sir, earlier today, I laid that Calendar on our operations as a House and time period with which we will be in and out of Session during recess periods and all that follows.

This is an important exercise because there is a history to it. Historically, the Motion was first moved by none other than the gentleman who at that time served as my Member of Parliament, hon. Charles Keter, who came up with the parliamentary calendar

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procedures. Previously, on any afternoon such as today, a Speaker of Parliament would rise or a Member would move a Motion and say that the House would not be meeting the following day.

It was felt that it was important to keep this tradition of determining way in advance the days where Members would be sitting and on recess. It makes planning easy. This is a fairly straightforward matter.

I request Sen. Eddy Oketch to second.

Sen. Eddy Oketch: Mr. Deputy Speaker, Sir, this is a straightforward Procedural Motion. I do not want to belabour because there is a lot of business to discuss, including some Members, who have not given some of their thoughts and opinion on what happened at the AU elections. I see Sen. (Dr.) Lelegwe is eager to contribute.

I second.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): I do not know whether the Senators on my screen want to contribute to this.

An. hon. Member: Put the question!

The Deputy Speaker (Sen. Kathuri): Is that is the mood of the House?

Hon. Members: Yes.

The Deputy Speaker (Sen. Kathuri): Okay.

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE PARLIAMENT OF UGANDA

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation of five staff from the Office of the Leader of Opposition of the Parliament of Uganda.

(Applause)

The delegation is on a benchmarking visit in the Senate. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the delegation. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

I thank you.

(Applause)

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, you can welcome the delegation in under one minute.

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(Loud consultations)

An honorable Member: No, the leader of opposition is present.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, for allowing me to welcome our visitors to this Senate, with one important observation. Let it go on record that it is the wish of the Senate of Kenya that Dr. Besigye, who has long served in Uganda in the Office of the Leader of Opposition, is not free. I say these things with maximum respect. When I was a small boy at the School of Medicine at the University of Nairobi---

(Loud consultations)

Hon. Deputy Speaker (Sen. Kathuri): Order, Senators.

Proceed, Sen. Boni Khalwale. You have 30 more seconds to finish.

Sen. (Dr.) Boni Khalwale: Mr. Deputy Speaker, I say this with maximum respect. I recall when I was a small boy at the School of Medicine at the University of Nairobi, Dr. Besigye was a doctor at the Nairobi Hospital.

(Applause)

We drank from his extensive knowledge as a medical scientist, and he has remained a friend. The last time I was with him was at the Sheraton Hotel when he visited Kenya. We would like these staff to go back knowing that values of East Africa guide all patriotic sons of Kenya, Uganda, Tanzania, Rwanda, Burundi, South Sudan, and the Democratic Republic of Congo.

I thank you, Mr. Deputy Speaker.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna Edwin, you have under one minute, kindly.

Sen. Sifuna: Mr. Speaker, as the Senator for Nairobi, where we are seated today, I take this opportunity on behalf of the House to welcome the delegation from the Office of the Leader of Opposition in Uganda.

I must say that as a leader of opposition in Kenya, it is very easy to be in the opposition in Kenya because we are protected by a very robust Constitution for which many people died to ensure that we have the freedom to speak, freedom to associate and freedom to exercise our own choices. Unfortunately, for our friends in Uganda, some people in Kenya are trying to drag us back to the dark days when we used to have dictatorship. It is something that is quite shameful and painful to me individually as the Senator of Nairobi County.

(Loud consultations)

Hon. Deputy Speaker (Sen. Kathuri): Hon. Senators, we are welcoming distinguished visitors from our neighbour, Uganda.

Order, Sen. Wamatinga, Sen. Mo Fire and Sen. Cherarkey.

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Sen. Sifuna: Mr. Deputy Speaker, I was saying that it is something that causes me personal pain and embarrassment as the Senator for Nairobi that Dr. Besigye faces the things he is facing right now, including an illegal and unconstitutional court martial. He was abducted in my own City of Nairobi. It causes me great embarrassment as a Kenyan that we handed over Dr. Kizza Besigye, who is a personal friend of mine, to the authorities in Uganda.

Despite the fact that the Supreme Court of Uganda has said that the trial is unconstitutional and should be discontinued, the State in Uganda continues to disobey that court. The delegation from Uganda, know that you have brothers in Kenya who will stand on guard to ensure the freedom of Dr. Kizza Besigye, and we restore Kenya as a safe haven of people who believe in democracy in this world.

I thank you, Mr. Deputy Speaker. I welcome them and let them feel free in Kenya, knowing that the Constitution of our country guarantees freedom for all.

The Deputy Speaker (Sen. Kathuri): What is your point of information, Sen. Cherarkey? Whom do you want to inform and Sen. Sifuna is already seated? He does not need your information.

Sen. Cherarkey: It is a point of clarity. I rise under Standing Order 98 on point of order and Standing Order 101 on content of speech. I need clarity on our Standing Orders, and my Professor of Law is here. Is it in order for us to discuss an active case in another jurisdiction involving Dr. Kizza Besigye that is being considered by the High Court in Kampala? Our Standing Orders are very clear that when a matter is active in court, it should not be canvassed.

(Loud consultations)

Mr. Deputy Speaker, I have not even finished. You are the ones embarrassing the Senate by questioning sovereignty.

Hon. Deputy Speaker (Sen. Kathuri): Order, Senators. Can you take your seats? Sen. Cherarkey, sometimes do not cause unnecessary drama in front of visitors. Order, Sen. Cherarkey. I will not call your name another four times. Why are you misbehaving?

Hon. Senators, I would like to acknowledge Sen. Eddy Oketch.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KAMUGONGO
SECONDARY SCHOOL IN KITUI COUNTY

The Deputy Speaker (Sen. Kathuri): I would like to acknowledge the presence, in the Public Gallery, of visiting teachers and students from Kamugongo Secondary School in Mwingi North Constituency, Kitui County. The delegation comprises four teachers and 42 students, who are in the Senate for a one-day academic exposition. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

Sen. Wambua, welcome the students from Kitui County.

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(Loud consultations)

Hon. Senators, let me give this last warning. I said that when the Chair is on his feet, there is no Parliament in the world where Members open their mouths, or even attempt to open their mouths.

(Laughter)

It is only in this Senate, especially today, when I am reading very clear information for your consumption and you are busy talking and others hugging or doing funny things. This is the last warning I am giving the hon. Senators. We must instill discipline in the Senate, otherwise, we will look very irresponsible.

Proceed, Sen. Wambua.

Sen. Wambua: Thank you, Mr. Deputy Speaker. I want to pick your cue and welcome students and teachers from Kamugongo Secondary School in Mwingi North Constituency and tell them that this is where leaders in this country exchange ideas and build the nation. What they are witnessing is just a small matter. I am very disappointed with my neighbour, friend and brother, Sen. Gataya. You owe those children and their teachers an apology.

Mr. Deputy Speaker, when you called on me to invite and welcome the students, Sen. Gataya spoke from his seat in Kiswahili and he said, “*Wako na njaa sana.*” As a Senate, we can never sink that low. It does not matter what the students and their teachers are going through. That is their case with their God. You cannot profile a community through an attack on students who have chosen to visit the Senate of the Republic of Kenya.

Mr. Deputy Speaker, Sir, I would require an apology from Sen. Gataya Mo Fire.

Lastly---

The Deputy Speaker (Sen. Kathuri): Before we proceed, you know, that is not the behaviour of the Senate. So, Sen. Mwenda Gataya, if you have uttered such words, then you should honourably apologise. Give him the microphone to convey that apology. If that is what he said.

Sen. Gataya Mo Fire: Thank you Mr. Deputy Speaker, Sir, for giving me this opportunity. My intention was not to hurt Sen. Wambua or the children. I intended to make sure that--- You know we have a tradition. Whenever a school visits, we normally give them sodas and *mikates* on behalf of--- That was my intention. Kamuguongo is my neighbouring school. However, I apologise if that has been taken in bad faith. I intended to make sure that we buy them sodas and *mikates*. This is my neighbouring school.

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

The Deputy Speaker (Sen. Kathuri): No, hon. Senators.

Conclude, Sen. Wambua

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

The Deputy Speaker (Sen. Kathuri): What is it, Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I rise under Standing Order No. 126, which says-

“Any Senator may at any time, on a point of order, invite the Speaker or the Chairperson of Committees to name another Senator for gross disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or the Chairperson”.

Mr. Deputy Speaker, Sir, unlike many professionals in this country, I know how it feels for a young man to sleep with hunger pangs because there is no food at home.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, the Standing Order that you have quoted, No.126, before you proceed, is action to be taken on refusal to withdraw. Sen. Mwenda Gataya has apologised.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker---

The Deputy Speaker (Sen. Kathuri): If he was---

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, if you allow me---

The Deputy Speaker (Sen. Kathuri): So now, which Standing Order are you now using?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir if you allow me---

The Deputy Speaker (Sen. Kathuri): This matter has been closed.

Please, you may proceed Sen. Wambua.

Sen. Wambua: Mr. Deputy Speaker, Sir, let us close that matter. Sen. Gataya has apologised. We accept his apology, but do not accept a cent--

The Deputy Speaker (Sen. Kathuri): Sen. Wambua, now, once a Member apologises, do not open that matter again.

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir. I welcome the students. They should feel, really, at the place where they are going. The Senate of the Republic of Kenya is a Senate that debates issues, not personalities or conditions that people go through.

Secondly and lastly, as the leader of the opposition in the House, I join you and my colleagues in welcoming the delegation from Uganda. I stand in the same shoes that other colleagues have stood in. Dr. Kizza Besigye must be set free. He must be set free!

(Applause)

We have a Motion that is coming up, which we began in the morning; the behaviour of the national executive and its consequences to our international outlook. The fact that Dr Kizza Besigye was abducted in Kenya and repatriated to Uganda speaks volumes about our foreign policy. Kizza Besigye must be set free.

I thank you.

The Deputy Speaker (Sen. Kathuri): Next Order.

MOTION**RECORDING THE THANKS OF THE SENATE ON KENYA'S ATTEMPT
FOR POSITION OF THE CHAIRPERSON OF THE AUC**

RECALLING THAT, the African Union (AU), the successor to the Organisation of African Unity (OAU) was launched in 2002 as a continental body consisting of the 55 member states that make up the countries of the African Continent, with the vision of creating an Integrated, Prosperous and Peaceful Africa, driven by its citizens and representing a dynamic force in the global arena;

AWARE THAT, the African Union Commission (AUC), was established as the Secretariat responsible for the operations and activities of the AU, headed by the Chairperson elected by Heads of State and government from Member-States;

RECALLING THAT, on 27th February, 2024, Kenya formally announced that the former Prime Minister, Rt. Hon. Raila Odinga, EGH, would be vying for the position of Chairperson of the African Union Commission (AUC), noting that regionally he served as the African Union Special Envoy for Infrastructure Development, H.E the President endorsed the Rt. Hon. Raila Odinga as Kenya's candidate for the Chairperson of the African Union Commission;

NOTING THAT, the Hon. Raila Odinga's candidature for the position of the Chairperson was not only his ambition but also a symbol of Kenya's deep commitment to the goals of the African Union and its desire to participate in shaping the continent's future;

COMMENDING the Government of Kenya, led by His Excellency the President, for a robust campaign in support of the candidate, reinforced by continental integration and cooperation and guided by Kenya's Foreign Policy;

FURTHER COMMENDING, the remarkable achievement by Rt. Hon. Raila Odinga for emerging the runner-up in the election of the Chairperson of the African Union Commission on Saturday, 15th February 2025;

RECOGNIZING, the need to sustain Kenya's growing prominence on the continental stage and advocacy for a more united, prosperous, self-reliant Africa in resonance with the aspirations of millions of Africans, who seek to see the continent empowered to chart its course in the global arena;

NOW, THEREFORE, the Senate-

1) Expresses its profound thanks to the Rt. Hon. Raila Odinga, EGH, for demonstrating unwavering commitment to the service of Africa by offering his candidature for the position of the Chairperson of the African Union Commission, for his leadership in advancing pan-African

unity, for his dedication to the development and integration of the African continent and for his distinguished attempt at the election;

2) Records its thanks to His Excellency, Dr. William Ruto, CGH, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya for endorsing the Rt. Hon. Raila Odinga, EGH, as Kenya's candidate for election as the chairperson of the African Union Commission (AUC) and for coordinating the campaign in support of his candidature; and

3) Records its congratulations to H.E Mahamoud Ali Youssouf on his election as the Chairperson of the Commission on Saturday, 15th February, 2025.

*(The Senate Majority Leader (Sen. Cheruiyot)
on 19.02.2025 – Morning Sitting)*

*(Resumption of debate interrupted
on 19.02.2025 – Morning Sitting)*

The Deputy Speaker (Sen. Kathuri): Hon. Senators, no Senator was on the Floor in the morning. So, I want to check whether these Senators on the screen want to contribute.

Sen. Osotsi, proceed.

Sen. Osotsi: Thank you, Mr. Deputy Speaker, Sir, for the opportunity to contribute to this very important Motion. Let me start by thanking my party leader, Hon. Raila Amolo Odinga, for the credible effort he put in the campaigns to become the AUC Chairperson. As has been said by my colleagues before, Hon. Raila put in a lot of energy, attention and effort in attempts to secure this position.

We know that Hon. Raila has a Pan-African spirit and he has many friends across Africa. However, the effort that he put in was not necessarily reflected in the results because there were many factors at play. There were national, regional, continental and to some extent international interests that came into play.

We thank God that Hon. Raila put in a very credible effort. As has been said, he withdrew from the race just before they went to the sixth round. Those who have been saying that Raila Odinga does not accept defeat, you saw it for yourself. Raila put the interests of Africa first because if he had gone to the seventh round, the implication was that the election of the AUC Chairperson would have been suspended for another six months, therefore, putting Africa at risk in terms of management of the African Union (AU). That was a great show of Pan-Africanism. That was a great show of a person who believes in democracy.

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

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

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Madam Temporary Speaker, that has always been his stand. We also want to thank the country Kenya for the support that they extended to Hon. Raila Odinga in his campaign. I want to state very clearly here that Hon. Raila was not persuaded by anyone to vie for the position of AUC Chairperson.

Madam Temporary Speaker, I had the privilege to accompany Hon. Raila in February, 2023 at the height when we were agitating for several things, including high prices and all that. I travelled with him to Abuja, Nigeria, and by then the conversation had already started on the issue of the AU. I want to make it very clear that it was not at the instigation of anyone. It was his own decision to vie, and because he belongs to the country Kenya, we want to thank the leadership of the country for agreeing to support him as a country.

Raila Odinga is the candidate that Africa needed at this point.; a candidate or an AUC Chairperson who would have made a huge contribution, especially on matters of infrastructure, which he has a huge passion for, and on matters of unity, and empowerment of African youth who comprise over 50 per cent of the population of Africa.

The elections have come and gone, and we know who won the elections. Let us discuss, engage on the results, but we must engage with caution. I have seen people posting names of countries and how they voted.

Madam Temporary Speaker, it is so difficult to know how countries voted, because it is secret ballot. I do not know where they are getting that information. When you say so-and-so did not vote for us, it has a risk of getting us into a bigger diplomatic mess. I want to request those who are telling us how countries voted to go slow on that because we are going to get deeper into diplomatic crisis.

I know some people have been saying Francophone countries never voted for us. However, if you look at other elections that happened, before the election of AUC Chair, we had the election of the permanent representative Committees of the AU.

If you look at these four slots of commissioners that were elected, they were all from the Anglophone countries. We had two people from West Africa, that is, Nigeria and Ghana, and two people from Southern Africa, South Africa and Eswatini. They are all Anglophone countries. So, let us not speculate too much on who voted for who because we do not have that information.

We have seen the reactions and I want to castigate those Members who said here that one of the reasons why we lost is because so many Kenyans went to Addis Ababa. I am one of the people who went to Addis Ababa. I paid for myself. I paid for my flight, accommodation and everything else.

I know many other people, especially from the ODM Party, some even travelled by bus through Moyale. The reason why they went there is because of the love for *Baba*. Let no one start a narrative here that people are paid for to go and witness the election of AUC. That is not true.

I know there are those who are celebrating. They have their own reasons to celebrate. They have the freedom to make a decision on which way to celebrate and on which way to go. I just wish that as Kenyans, we come together whenever we go on the international scene.

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There are countries which are divided, but whenever they go to the international scene, they come together. I can give you an example of Nigeria, which is historically divided between the North and the South. However, when the national team of Nigeria; the Super Eagles, is playing, even Boko Haram stops fighting. The East, North and South are all together. I think that is the culture that this country needs to adapt.

I am not saying those who are celebrating did a bad thing. They have their own right to do that. I know some of the people who are celebrating are actually *Baba's* supporters. Not all of them are anti-*Baba*. They have a right to celebrate but I just want to insist that whenever we go on the international scene, let us display patriotism and love for each other.

Madam Temporary Speaker, let me now come to what people have been debating. I want to speak as the ODM Deputy Party Leader, that those who are speculating about our next move, please, give us a break. The ODM is a strong party with a strong leader. We are reflecting and when we make a decision, it will not be because Cherarkey has told us how to act.

(Applause)

It will not be because some people on the streets are telling us what our next move should be. The decisions that the party makes are processed through the party organs. Let people stop speculating by telling us we are going this direction. The ODM is not a village party. This is a serious party that has structures and a party that makes decisions through consultation. Give us time, we are reflecting.

The most important and primary task we have as a party is to continue with the process of strengthening our party. In the next few days, we are going to do that by having meetings in Western Kenya; Bungoma and Busia.

So, those who are speculating and saying, the National Dialogue Committee (NADCO) or whatever, we have not reached that stage. Anyone who wants to talk to ODM knows where to start. You start by talking to *Baba* and by engaging the structures of the party.

You do not need to go on the street and start telling us, ODM, we think the next thing you need to do is this and that. We are telling you that, if you are sending those boys *akina* Cherarkey and the others, tell them ODM is such a serious party that it knows what to do.

The Temporary Speaker (Sen. Veronica Maina): Hon. Senator, you know the parliamentary language to use when you are referring to your colleagues. Can you withdraw the reference or use of the term “boys” to describe a Senator?

Sen. Osotsi: Madam Temporary Speaker, I am sorry for that. I withdraw. I was just demonstrating a point.

Sen. Methu: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Methu? Proceed.

Sen. Methu: Madam Temporary Speaker, I would not have wanted to interrupt the Deputy Party Leader of ODM Party. I am rising pursuant to Standing Order No.105,

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on responsibility for a statement of fact. Now that we want to follow the debate and understand where the Deputy Party Leader of ODM is coming from and he is a senior official in the party, may I ask that he expounds so that for our own consumption and for our own knowledge, who are these people that he is referring to, that are sending boys to their party? I think it is fair that he expounds so that we are able to follow the conversation and follow the debate.

The Temporary Speaker (Sen. Veronica Maina): Sen. Osotsi, can you elaborate but without the reference of the word “boys” because that name has been withdrawn?

Sen. Osotsi: Madam Temporary Speaker, I withdraw the word “boys”. Sen. Methu is such a very intelligent leader and he has been reading newspapers. You have been following social media and you have heard people make statements in the media regarding what the next steps of ODM should be.

I made reference to Sen. Cherarkey, who has come out even on the Floor of this House to even allocate positions to our party. In the morning in his contribution, he said that they are going to allocate this kind of position to the party. That is why I was making reference to say that speculators and our competitors from either side, please, give us a break.

We know what we are doing. We knew that in this election, there can only be two results, either a win or a loss and we were prepared for that. So, give us a break. We are an organized party. We are a big party and ODM does not implement its decisions based on public hallucination or perception. We make concrete decisions that are for the betterment of our membership and that is the position.

Sen. (Dr.) Khalwale: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Boni?

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. Indeed, I heard the Senator for Nyandarua very well. Could the Chair, please, invite Sen. Osotsi to respond to that point of order? His point of order was, “who is sending the boys?” That is the clarification he wanted. Once you tell us those “boys”, it does not matter whether you call them “boys” or what, but once you tell us---

The Temporary Speaker (Sen. Veronica Maina): Sen. Boni, we have restrained the use of unparliamentary language. The term “boys” was withdrawn. Do not use it again.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, the point of order was the identity of the person or people who are sending the people he called those names. Who is this force?

The Temporary Speaker (Sen. Veronica Maina): Proceed, Sen. Osotsi. I believe it should take less than a minute to clarify that.

Sen. Osotsi: Madam Temporary Speaker, my time is being eaten into, but very clearly, I was implying that we are getting a lot of unsolicited advice from people who are not members of the ODM Party, telling us what to do next.

(Applause)

We do not want that advice because we are a strong party that has structures and systems on how decisions are made. Let them give us a break, we are reflecting, and we will make the right decision.

We went to this election knowing there were two results; a win or a loss, and we were prepared for both. So, all this hallucination and perception should immediately stop.

Thank you. I support.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Otsotsi.

Sen. Edwin Sifuna Watanya, Deputy Minority Whip

Sen. Sifuna: Madam Temporary Speaker, Sir, it is an honour to go after my Deputy Party Leader has spoken on the position of the party.

First, I want to echo the words that the Senator for Vihiga County has said. We, as ODM, are extremely proud of the campaign that was run by our party leader, Hon. Raila Amolo Odinga. We are extremely proud because even some of us who are way younger than us were envious of his energy to put in all those hours of flights, to go to all those capitals to speak to all of those people so that they can support him.

There is consensus across the country that there was nothing wrong with the candidate. We presented the best possible candidate Kenya could have. If you look at his stellar experience in public life, even on the continent as the African Union (AU) Infrastructure Envoy, for the past few years, we had the best candidate we could put forward.

Last year, I had the opportunity to be a part of an observer mission, and it was the first time that I had undertaken such duties in my entire life. We were part of an observer mission for the elections in Somaliland. That is when I came to realize that sometimes, the decisions that are taken in our internal borders or the borders of one country, we think they are entirely our decisions. I learnt that many people, especially your geopolitical neighbors, have an interest in what happens in your country.

When we were there, we realized that many of the countries around Somaliland had an interest. Addis Ababa had an interest in the elections in Somaliland. The people of Djibouti were watching very keenly what happens in Somaliland, and, of course, Somalia itself because they claim that Somaliland is part of the region of Somalia.

What that experience showed us is that I am blindsided a legislator and a leader in this country when it comes to global geopolitics. It is no wonder that I made a conscious decision to join the committee in this House that deals with foreign relations. I have always felt that the lack of clarity when it comes to Kenya's foreign policy position is a problem for some of us.

Madam Temporary Speaker, I will give you another anecdote before I say what I want to say. When I began my journey in politics, I tried my hand in a rural constituency called Kanduyi. I remember we used to send representatives to funerals because I used to operate out of Nairobi, I could not attend all functions.

I remember the advice of one old man that the people you send who speak in your name are as important as you. Sometimes, they are even more important than you because that face that they see determines whether they elect you or they do not. I was told you must do family background checks.

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I can see Sen. (Dr.) Khalwale is looking at me. If Sen. (Dr.) Khalwale sends somebody to represent him at a function in Malinya, and that person has questionable character like, for instance, is a night runner, murderer or has bad manners generally, the reputation of that person rubs on you as a candidate.

I want to say very clearly that there is a consensus that there was nothing wrong with our candidate. The problem, as I see it and I understand it, is the bad manners of the Republic that he was fronted by. I want to go through those bad manners because it is something that is worrying to us.

People make decisions based on how they feel about you and your relationship with them. I believe the election of the AU Chairperson was no different. We were all very perturbed when, a few months ago, some leaders of a rebel movement were granted an opportunity to speak from our shows here.

I want to distinguish what Hon. Raila Odinga believes in, the things that I know he believes in, and the positions that have been taken by our country that are diametrically opposed to the things that he believes in.

Raila Odinga is a democrat; he would never support the appending of power other than by means of the democratic process. He would never support a situation where you have people who are threatening peace and stability in a neighbouring country, and you grant them a stage for them to perpetuate the division in their own home.

So, Madam Temporary Speaker, you have this Africanist who believes in democracy, who believes in the democratically elected government in the DRC, and then you have your own country, the sponsoring country, allowing the rebel movement to have a stage in our Republic, to say things and undermine democratically elected governments back home.

Secondly, there are certain things that I believe, like global conflicts, that I admit that maybe I do not have the solution to. However, when your country takes a position on that, you instantly make enemies and friends. The clearest example to me is the conflict in the Middle East.

This is one of the most complex global conflicts. Many people have gotten to a place where we feel that even the proposed solutions that used to appear like they could work, as days go by and the events in the Middle East continue to unfold, we start to feel like maybe there is no solution to these problems.

Hon. Raila Odinga is my party leader. I have heard him publicly take a position to support the Palestinian people and say that they have a right to a home. That is the position of the candidate. Now, what is the position of the sponsoring country? When the sponsoring country takes up an opposite position to the candidate, then it presents a problem.

So, these conflicts between the position of the candidate and the position taken by the Government, I believe, contributed to the situation that we are in right now. Of course, all of us know that once a conflict erupted in the DRC, there were certain notions, especially from countries and players in that particular country, that Kenya's position was not a position that was advancing the security and peace of the DRC.

We have a very strong voting bloc, the Southern African Development Community (SADC). You know the position that they took at the AUC. One of the

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biggest countries and most influential countries in that particular bloc is South Africa. South Africa lost 13 soldiers out of that eruption of violence in eastern DRC just a few weeks ago.

The feeling that I have seen amongst many of these people is that conflict and the emergence of violence were mishandled by the regions, especially by Kenya. The evidence is the fact that when our Head of State called for a regional summit to discuss that conflict, the DRC refused to attend. These political decisions that we make here internally have global implications. The positions we take as a country have implications on how the rest of the world views us and our standing in the community of nations.

Most of us were shocked. Just a few days ago, I was sitting at KICC, and there was a red carpet rolled out, and there were very lovely ushers there. They were all dressed in a shade of red---

Sen. Oketch Gicheru: Madam Temporary Speaker, on a point of information.

The Temporary Speaker (Sen. Veronica Maina): Sen. Sifuna, would you wish to be informed by Sen. Eddie?

Sen. Sifuna: Madam, Temporary Speaker, it is going to mess with my flow of thought, but let him inform me.

The Temporary Speaker (Sen. Veronica Maina): Sen. Eddy, do not mess up the flow of thought from the hon Senator's submission.

Sen. Oketch Gicheru: Madam Temporary Speaker, this is one of my favorite leaders on the Minority side, I would not want to interrupt his submissions.

I have listened to him using the word, position of the country interchangeably. He said that there was a position of Hon. Raila Amolo Odinga on a number of issues. It is my view that we have not heard the position of the country on all these issues. We might have heard the position of the President on these issues, but not the position of the country.

Well, the reason I am bringing this distinction is that these are very weighty issues that he is talking about. If you were to take the position of a country, then it must come to the Houses of Parliament, and we must discuss them for a written foreign policy framework. With all that information from my leader is that there is no written country's foreign policy decision to take effect of those issues you have shared. I just wanted to get that distinction, that the position of the country is different from the position of individuals.

Sen. Sifuna: Thank you, Sen. Eddie. I think I meant the position of the State or the Republic of Kenya as enunciated by the Head of State, Hon. (Dr.) William Samoei Ruto. When countries deal with you, the position is articulated by the head of state. If you tell the people of Djibouti to tell you what the position of Kenya is on an issue, they will most likely go with the position enunciated by the head of state.

Madam Temporary Speaker, I was on the question of the presence of the Rapid Support Forces (RSF) from Sudan in Nairobi. The newspaper reports were that they were here to sign some pact that was going to put in place a new government in Sudan.

Why are we meddling in the situation in Sudan when we know there are two warring factions? We used to play the role of a mediator when President Moi was known for being a peacemaker. This country used to be known as a diplomatic hub where global

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and regional problems used to be resolved but it is no longer the case. We appear to be meddling with internal affairs of other countries and especially our neighbours and that is hurting our image.

After that vote was taken, I have seen many submissions where people are saying that there are Kenyans who are not patriotic. I want to remind Kenyans that we are a very divisive society. We have to accept that. In fact, as a political leader in this country, we have held the position that you must allow people to criticise or insult you.

Madam Temporary Speaker, you are a lawyer like myself. Our own High Court ruled that the freedom of expression right extends to insults. The senior counsel is here and he can tell us. There is no constitutional imperative that when somebody speaks to you, then they are nice to you. There is nothing like that. The limits to which freedom of speech can reach are the only ones set out in the Constitution and they do not extend them.

There is this debate about patriotism. I have asked myself what is this thing called patriotism. We live in this city. In Nairobi, we have one simple rule. If you love me, I will love you, but if you do not show me love, there is no way you can expect commensurate affection from me. It is that simple. You love people who love you back.

When you speak to many young people, they feel that this country does not love them. From the day you were born, look at the situation in our maternity hospitals such as Mama Lucy Kibaki. Because of our failures to provide proper healthcare, the country is actively trying to kill you from the day you were born. That is the situation we are born into if you compare to other countries.

Madam Temporary Speaker, you have travelled to other countries and seen. From the day you were born, the way the country takes care of you, the sort of maternal healthcare and nutrition you are given, you can see a country trying to do its best to make you survive, not a country actively coming after your life.

We go to places and find that education is free from primary school to university. The country is actively trying to mould you into a proper citizen for its benefit. It is very easy to love a country like that. What is the situation in Kenya? We have not done enough to make people feel that they belong to this country and that this country works for them.

Therefore, you cannot fault people when they express anger against their own country. In fact, patriotism is defined not as loving your government but your country. When things are wrong, we have a right to say that.

Politics of Kenya are very divisive. People here pontificate. If the results had been different, can we honestly all guarantee that there would have been restraint on all of us and that we would not have over-celebrated to the annoyance of those who do not believe in our quest? Nobody can give you that guarantee. People are allowed to celebrate, cry or do whatever they want. They express themselves as much as they want.

I know Raila Odinga is the most insulted political leader in Kenya. Every single day you wake up, you find him trending on *X* or *Facebook* or he is a headline in at least three newspapers per week. He does not appear to be fazed by any of those things because he understands that you have to have a thick skin as a political leader in this space. If you put yourself out in the public, you can expect people to insult you.

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There are people who want to use this so-called celebration in Nyeri. When I watched that clip, there were two *mama mbogas* at a market in Karatina. When people speak about it, you can think it was the entire region of Mt. Kenya.

The most annoying and saddest thing were attempts by leaders, some in very senior positions in Parliament, trying to extrapolate and make it look like it is the people of the mountain celebrating Raila's loss. These are the issues that bring division in our country.

As the Secretary-General (SG) of the Orange Democratic Movement (ODM), I am aware that for the first time in the last election, Raila Odinga got over one million votes in Mt. Kenya. You cannot tell me that those one million people in Mt. Kenya can be lumped together with those who do not support the politics of Raila Odinga. These are the issues we must deal with. We must speak in a way that ensures that we remain cohesive as a society and do not marginalise anyone.

Madam Temporary Speaker, I want to conclude by speaking to the speculations. There are people who want to put words into Raila's mouth. When Raila Odinga wanted to run for elections in 2022, he called a major rally. I was present at that rally at Kasarani. He announced himself that he wanted to vie for the President of the Republic of Kenya.

When he wanted to run for the AUC position, he himself called for a press conference. I remember seeing the former President of Nigeria, Olusegun Obasanjo, at that press conference. He told us with his own mouth what he wanted to do. Therefore, when *Baba* wants something, he will tell us himself.

There are people who have abrogated themselves the role of speaking for Raila Odinga and telling him that they will look for a space to accommodate him. *Baba* has many roles. He is the partly leader of ODM; he is the leader of opposition; he is a father, husband and grandfather. He is not idle because he has things to do.

I have even seen colleagues from this Senate proposing things like amending the Constitution just to look for a position for Raila. What do you mean? In fact, as the father of this Constitution, it insults Raila greatly if you stand up and say you are going to amend it, just to look for a seat for him. That is not what he fought for. That is not why he fought for this Constitution.

It is the leader of the country today who told us during the campaigns that for a change, we must stop looking for positions for leaders. Let us start with the *mama mbogas*, *boda boda* persons and other people because all this time we have been talking about leaders.

I want to say without fear of contradiction that if "Baba" wants something, he will tell us himself. All these people running around and saying they will look for this or that, how do you know? Has he told you he is interested? He has a mouth to speak for himself.

Madam Temporary Speaker, do you know that despite I being the Secretary General of ODM, I do not speak for Raila? He has his spokespersons. I speak for organs of the party for which he is a member. I cannot speak for Raila Odinga because he has his own mouth and spokespersons.

We feel insulted as members of ODM when people run around looking for small seats here and saying they want to propose him for this or that. It is entirely disrespectful

to Raila Odinga for you to run around claiming that you are looking for a position to accommodate him. As I said, he is not idle.

I want to conclude by saying that we are extremely proud of Raila Amolo Odinga. Some of us chose not to be emotionally invested in this particular campaign because we have been through painful moments. I was elected for the first time as the Senator for Nairobi City County in 2022. I never got an opportunity to celebrate that win because my party leader had lost the most important position that we wanted to get. We were depressed.

When you see us here, we might appear to the public as if we are rocks but we are not. These things have effects on us as people. We want to be left alone. We want people to respect our father Raila Odinga because every time you pick him up for other charades like the ones that people are proposing here, when ultimately it does not work, it is the people who believe in him who bear the brunt of the pain.

Those people were not there with us. In fact, some of these people proposing some of the things here are inwardly happy and want to drag Raila Odinga into another charade that is going nowhere. We want to tell the people of Kenya that it is only you with the power to determine the future of *Baba* Raila Amolo Odinga. Nobody has the right to tell anyone in this country to retire or get out because you are not the one who put him into politics. Allow *Baba* to make the decision himself.

Mr. Deputy Speaker, Sir if you allow me, because my time is over, I want to read a quotation from Martin Luther King Jnr. This quotation hangs on the walls of Raila Odinga's office in Upper Hill. Sen. Eddy, please, if you can hand me my phone so that I do not move from here.

There are people who have been threatening us that when we say these things, they think, oh, you are going to be kicked out from where, from what position. These positions are not permanent. They are here today and tomorrow, they are gone.

The Temporary Speaker (Sen. Veronica Maina): Allow him one minute to read the quote.

Sen. Sifuna: Raila Odinga has a very famous office at Capitol Hill in Nairobi. If you go into that office, there is a quotation from Martin Luther King Jnr. that hangs on his wall and it goes like this -

“You may be 38 years old, as I happen to be, and one day some great opportunity stands before you and calls you to stand up for some great principle, some great issue, some great cause, and you refuse to do it because you are afraid. You refuse to do it because you want to live longer. You are afraid that you will lose your job or you are afraid that you will be criticized or that you will lose your popularity or you are afraid that somebody will stab you or shoot you or bomb your house. So you refuse to take the stand. Well, you may go on and live until you are 90, but you are just as dead at 38 as you would be at 90. And the cessation of breathing in your life is but the belated announcement of an earlier death of the spirit.”

Honourable Speaker, those people who have been waging this AU thing on our faces and gagging us, that thing has now been taken. We are unshackled. We are going to speak.

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I thank you.

(Applause)

The Temporary Speaker (Sen. Veronica Maina): Thank you honourable Senator. You are fiery this afternoon as the SG of the ODM.

Sen. (Prof.) Tom Odhiambo, Ojienda, SC: Madam Temporary Speaker, contributing to this Motion after Senator Sifuna and speaking to the very successful, I must say, for this country, bid by the Right. Hon. Odinga to secure the leadership of the African Union Commission; coming face to face with issues that the Secretary General of my party, ODM, has correctly enunciated this afternoon that due to geopolitical questions that abound in the Gaza, the views of various structures, the conflict between Israel, of course, and Palestine and all those questions, but also the geopolitical questions that in some way found their place, onto the voting table, touching on the conflict in the DRC, that has been properly dealt with by the Secretary General, Sen. Sifuna, led to several implications.

For the first time, Madam Temporary Speaker, many Kenyans were learning that under the rules of the African Union, not two rounds, not three, not four, but seven rounds are possible in an election. Out of the seven rounds, the first two were successfully won by Baba, and he stepped out of the sixth round, going into the seventh.

Madam Temporary Speaker, these rounds of elections speak to a number of questions. It is the democratic intention of the rules of election of the African Union to afford countries, leaders and candidates an opportunity to integrate and reintegrate Africa even during elections. And it is for that reason that it was only in the seventh round that Mr. Yusuf of Djibouti garnered the required 33 votes that are required under the rules to win an election for the AUC Chairmanship.

I speak not as one of those Senators who have spoken to the need for thinking beyond the election, but I speak, on this podium as a Senator who is concerned about the unity of this country. Though I am not a party leader or Secretary-General of ODM, framework, of course, will eventually be found for the political party to settle onto a position.

I am sure that my political party, the ODM, is a political party that is built on structures and not on quicksand; that is built on philosophical foundations, firm, and that are not only concerned about regional, but also has international concerns.

That it is not a local party, as Deputy Party Leader Osotsi has put it correctly this afternoon. It is a party that speaks to structures; to posterity.

It is a party that considers not local, but regional, national, and other factors, which is why *Baba* was presented for election to the AUC. I am sure when *Baba* finally speaks, he will speak to ideals that unite this nation.

Baba will speak to ideals that will temper some of those tempers out there. He will speak to ideals that will bring together the people of Nyeri, Migori, Kitale, and the people of Mandera. *Baba* will speak to ideals, Madam Speaker, that will ensure that this nation moving on is a nation that is united under His Excellency President William Ruto.

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It is to those ideals that we look forward and that Senator Sifuna is speaking to this afternoon. It is to those ideals, Madam Temporary Speaker, that the ODM Deputy Party Leader, Sen. Osotsi has spoken to this afternoon.

Madam Temporary Speaker, when Martin Luther King spoke of his dream of a nation where there would be equality amongst white children and black children, he meant it. It is that history that we are living today; that we also want to speak and see a nation where all are treated equally and fairly. We want to see a nation where all can be heard in support or in dissent. Where all can live in peace and safety. I have a dream.

Sen. Okiya Omtatah: Thank you, Madam Temporary Speaker, for the opportunity to address this House on this very important Motion of Kenya's place in the international order of nations, and especially on the African Continent.

Before I do that, I also take the opportunity to pass my condolences and to pray for our two Members of Parliament who recently left us and went to be with the maker. I was held up yesterday in other official functions and I could not contribute to the Motion when it was here.

I express my condolences and I pray that the Almighty God has mercy on them, receives them in eternal bliss, and continues guiding their families and giving them strength to cope in their absence.

Having said that, and having listened to the debate that has gone on this afternoon, I do not have much to add on what happened in Addis. It happened. Many people have speculated why it happened without producing any concrete evidence, but we take it as that.

The fact is that we did not get the seat through the Rt. Hon. Raila Amollo Odinga, but we rallied behind the flag. As it is required of anybody to be patriotic, we rallied behind the flag, and it went. But behind being patriotic is also being accountable.

We have heard it said on this Floor that the Rt. Hon. former Prime Minister visited 51 countries. We also saw a motley crowd of Kenyans; a mixture of all manner of characters, in Addis Ababa during the voting. Some even engaging in shamanic expressions of anticipations of victory.

I would pray that in the interest of accountability and transparency, this House be informed how much money was spent on the campaign. Was it private money? Was it public money? If it was public money, who authorised it? Was it in the budget of Parliament or was it in some mischievous arrangements between the National Treasury and elements in the Executive?

It is this kind of escapades where there is no accountability that are used to steal money from Kenyans. So, my interest is that the campaigns are over, we rallied behind the flag, but let us be informed how much money was taken out of the National Treasury, if at all, and what procedure was used to authorise it.

I have checked the Appropriation Acts of Parliament, I have not found any provision for that campaign. Therefore, I would want to know how much was spent on that campaign. If Parliament was not involved, who authorised the National Treasury to spend that money, if the money came from the public. The other issue that I would like to speak to---

Sen. Oketch Gicheru: On a point of information, Madam Temporary Speaker.

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The Temporary Speaker (Sen. Veronica Maina): What is the issue, Sen. Eddie? Sen. Omtatah, would you like to be informed?

Sen. Okiya Omtatah: Please, inform me, if it is credible.

The Temporary Speaker (Sen. Veronica Maina): Proceed, Sen. Eddie.

Sen. Oketch Gicheru: Thank you, Madam Temporary Speaker. I think that the issue that the Senator of Busia is raising is a pertinent issue and he has raised a dichotomous issue. One is the issue of the campaign, and the other is the issue of those who went to Addis Ababa. It would be remiss of me not to speak on one that does affect me directly. I did travel to Addis Ababa and I did interact with the people who travelled to Addis Ababa to give support to our own.

I want to inform the Senator of Busia on the issue of those who travelled, majority of whom I interacted with and I also travelled to give Raila Amollo Odinga support. We self-sponsored to go to Addis Ababa. If you need the evidence of that effect, I am willing to table as many as possible of those people who believed that indeed, supporting our own, just like you would go to a Rugby Sevens in South Africa, or you would go to watch our sister Kipyegon run a marathon, or you would go to watch Kipchoge in the Olympics.

I think some of us were patriotic enough to believe that this matter was very important for the country, that we self-sponsored ourselves to go to Addis Ababa. That is an important information that I think that patriots like yourself should understand, that patriots like us took that chance, and did take that hit to go and support *Baba* Raila Amollo Odinga in Ethiopia.

Sen. Okiya Omtatah: Thank you, Madam Temporary Speaker. Thank you, Sen. Eddie. Thanks for the unverified information. I would love to see you table what you have promised to table, to demonstrate to this House that people self-sponsored themselves. In the absence of that, you hold your horses and forever keep quiet.

The Temporary Speaker (Sen. Veronica Maina): Sen. Omtatah, the honourable Senator actually offered before being prompted that he could table the evidence. So, it should not be an area of contention. He can bring that evidence and table.

Sen. Okiya Omtatah: Madam Temporary Speaker, it is not an area of contention, but an attempt to sugar-coat a tablet. That sugar-coating is the one I am guarding against.

The Temporary Speaker (Sen. Veronica Maina): Which you would conclude after he tables and you find it sugar-coated. That is the only time you have rendered a fair judgement on the issue. Senator Eddie, you will be allowed to table that evidence that you paid your own ticket.

Sen. Okiya Omtatah: Thank you, Madam Temporary Speaker. Having said that, money issues aside, a lot has been said about foreign policy. Where I stand, foreign policy basically means how attractive you are to others or how threatening you are to others.

If you have no nuclear weapons, you cannot be threatening in the modern world. So, you must have something attractive. To be attractive, it means that your domestics are okay. So, I think the problem that we have is in framing what you call in foreign policy, domestic fraud. You cannot have a foreign policy worth talking of if the rule of law is disregarded. People who have a different opinion are abducted. Foreigners who seek

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refuge here are kidnapped and repatriated or extradited or whatever the word is to their countries without due process.

When you cannot pay your schools, your universities, your hospitals. Everything is in a mess. Your debts are unserviceable. You cannot talk of a foreign policy when the front of your home is on fire. You can only talk of a foreign policy when and if the home front is not proper. So, when you talk of the home front, we have got this thing of governance by merchants of Venice. Some may call it a deal making, but it is almost what you talk of the merchants of Venice in Shakespeare.

Here we are, that today, in Nairobi, we have the Janjaweed being allowed to open an office. This is a genocidal organ that tried to eliminate black people. It killed millions of black people. It was not even religious because the people in Darfur are largely Muslim. They profess the Muslim faith but they were killed by this group because they were not Arabs.

It is now on record. It is a matter of public notoriety that the Janjaweed, which has now been given an office in Nairobi to operate from, has a history of trying to eliminate black people.

What do we stand for as a country? Who has benefited from that process? Where is the due process leading to that particular decision? Article 10 of the Constitution is very clear. It talks about policy decisions and that targets the executive, must be subjected to public participation. At the very least, a paper should have been tabled in Parliament on the issue of Kenya wishing to go to bed with the Janjaweed, then we could debate it.

Also surprising is that this thing has happened so soon after the Addis Ababa debacle. I call it a debacle because looking at the evidence, such things do not happen overnight. There must have been negotiations and interactions between this group and the regime running the Republic of Kenya.

So, there must have been intelligence that Kenya cannot produce a Chairperson of the AU who can be a neutral arbiter because the Government is in bed with factions that are responsible for undermining the rule of law and issues of governance on the continent. I am sure people knew.

Some time back His Excellency, Dr. William Samoei Ruto was proposed to chair the negotiations over the Sudan. We remember the Government in Khartoum stating in very clear terms that it could not allow it because they perceived him to be biased. A few years later, you can see that their fears were not idle.

Their fears have been proven by the presence of the Janjaweed here. We have seen matters happening in this country where even a group that pronounced its opposition to the Government of the Democratic Republic of Congo in Nairobi. So, what is Pan-African about that? When you look at the genocidal wars in the Congo, what is Pan-African about the Janjaweed being here? When you look at the genocide in Darfur in Sudan, I think we need to take a good look at ourselves as Kenyans in the mirror and ask ourselves what is going on.

I am almost persuaded that we are getting to a point whereby the Republic might need to invoke Article 144 of the Constitution. For those who care to do so, you can check out what Article 144 of the Constitution provides because some things that are

happening defy logic, defy any attempt at understanding them and can only happen outside the sphere of a well-constructed syllogism.

It is with a very heavy heart that today, I stand in this august House as a powerless legislator; a House that has failed to have any impact on the Executive; a House that has got absolutely nothing to write home about its achievements; absolutely nothing. Even if you gave them the back of a postage stamp and a felt pen, they would not fill with any achievement we have had in terms of checking the Executive.

We do not understand the insignia on our desks here; Deputy Minority Whip, Minority Whip Majority Whip and the Senate Majority Leader whatever which was a clear statement that this House is not an extension of the Executive. We would be having a Government side and an opposition side if the Executive in this country was directly elected by the people to be accountable to this House.

The structure of the Constitution is such that the president must be lobbying and begging this House to allow him to do what he wants to do. If it is appointments, they come to Parliament for clearance be it in the National Assembly or here.

If it is the Budget, it comes to Parliament for approval. However, things have been turned on their head. Today, it is MPs kneeling before the President instead of it being the other way around. So I am very ashamed and embarrassed that I belong to a Parliament that is totally incapacitated for reasons that I do not know.

Everything has been turned on its head. As a result, the Executive behaves like it is a law upon itself. That is why the Janjaweed can be given an office in Nairobi at the whims of an individual and claim that the people of Kenya have welcomed the Janjaweed to come and run its genocidal government from Nairobi. It is extremely sad.

I plead with my fellow MPs in the Senate and the National Assembly; Senators and Assemblymen and women---

The Temporary Speaker (Sen. Veronica Maina): Sen. Sen. Osotsi do you have an intervention? Have you pressed for intervention?

Sen. Osotsi: Madam Temporary Speaker, sorry. I did not want to interrupt Sen. Okiya Omtatah. However, I think it is important for us to be told more about this Janjaweed. My little knowledge about Janjaweed is that it is a terrorist group that operates in the Sahel region of Sudan, Chad and Yemen.

Sen. Okiya Omtatah, whom I respect a lot and I know he has a lot of information, has said that they have opened an office in Kenya. I think this is a serious matter that even I, as a representative of the people, would like to know more about that. Have these people opened an office in Kenya and what action can we take as representatives of the people?

This Janjaweed which translates to devils on horseback, in English, is a destructive group which was even defined as a terrorist group by the United Nations. So if, indeed, they are in Kenya and I do not want to doubt what Sen. Omtatah is saying because he has always proven that whatever he says he has researched very well, I think I need to know more about that.

The Temporary Speaker (Sen. Veronica Maina): Sen. Omtatah, you know under Standing Order No.105, you have a responsibility for issuing statement of facts for

everything you allege while you are debating. You can proceed to give information that supports what you have alleged.

Sen. Okiya Omtatah: Incidentally, Sen. Osotsi, thank you for asking me to do the obvious. I always carry my laptop and I have just clicked on the word search under warring factions in the Sudan. What has come up under the heading Sudanese Civil war, 2023 to present on Wikipedia is http---

The Temporary Speaker (Sen. Veronica Maina): Hon. Senator, are you presenting social media facts or what are you presenting?

Sen. Okiya Omtatah: Madam Temporary Speaker, these are not social media facts; it is an internet resource. It is Wikipedia; an internet resource. It is an authority and I have referred to it. So the two opponent factions consist of the Sudanese Armed Forces (SAF) under Abdel Fattah al-Burhan and the Paramilitary Rapid Support Forces (RSF) and its allies collectively, the Janjaweed Coalition under Hemedti.

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Eddie?

Sen. (Dr.) Khalwale: Eddy, relax.

The Temporary Speaker (Sen. Veronica Maina): Sen. Boni, give Sen. Eddy time to raise his point of order.

Sen. Oketch Gicheru: Madam Temporary Speaker, I rise pursuant to Standing Order No.105 on responsibility for statement of fact. If you read that entire Standing Order, there is a standard of proving facts in this House.

The Senate of Kenya will not depend on Wikipedia as a source that can be tabled in the House to prove a fact. What are we doing? Who is the author of Wikipedia? Wikipedia is a source that anybody, just like social media, can go and post anything.

Sen. (Dr.) Khalwale, the Majority Whip, are we going to depend on Wikipedia sources in this House? Is this where the Senate has reached to depend on Wikipedia sources?

The spirit of Standing Order No.105 is such that when there is any issue of fact that is raised in this House, then an hon.Senator must produce a reliable source that is available to all Senators. This does not include social media facts, figures and Wikipedia sources that have got voices from all over that you cannot point to one person.

I request the hon.Senator, that, yes, that is a very serious issue that he is bringing to the House, but let his source be credible and something that we can all believe in and appreciate.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Proceed, Sen. Okiya Omtatah.

Sen. Okiya Omtatah: Madam Temporary Speaker, I urge my brother, the Senator for Migori, to dismount from his emaciated and starving high horse and understand that Wikipedia always has links to sources where the information comes from. Be it as it may be, I would also like to bring in another authority. I was still producing authorities.

The Temporary Speaker (Sen. Veronica Maina): Sen. Okiya, it is your responsibility to give verified information, whose authors may be known or the source is

credible. I will now request you or guide you to give the author of the information you are giving or the source that you are giving from Wikipedia.

Sen. Okiya Omtatah: Madam Temporary Speaker, I have left the Wikipedia alone. I am here at <https://www.cfr.org/global-conflict-tracker//conflict-power-struggle-Sudan>. The heading of the document is civil war in Sudan by the Centre for Preventive Action. A highly recognized body.

The Temporary Speaker (Sen. Veronica Maina): Sen. Okiya, I appreciate what you are reading, but you are the only one in this House right now who has access to what you are reading. I am not able to see the source.

Sen. Okiya Omtatah: Madam Temporary Speaker, we have got computerized systems here and if people are not able to use them, I cannot be responsible for the ignorance of Members.

(Laughter)

The Temporary Speaker (Sen. Veronica Maina): Sen. Okiya, I am guiding you. I want you to table that evidence in the normal procedural manner, which evidence is tabled in this House or statement of facts are verified in this House. If you are able to table it within the next short while, it is okay. Table it and I can also have a look at it.

Sen. (Dr.) Khalwale: On a point of information.

Sen. Okiya Omtatah: My lady---

The Temporary Speaker (Sen. Veronica Maina): I am guiding you to make it easier because this is an important question. It is a serious question that cannot be trivialized. You are talking about Janjaweed. It is been named as a terrorist group. Can you table that evidence in the normal fashion, so that Senators can also get a copy of it? You can print and table it.

Sen. (Dr.) Khalwale: On a point of information, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Would you like to be informed by Sen. Boni?

Sen. Okiya Omtatah: Yes, all of them can inform me.

(Laughter)

Sen. (Dr.) Khalwale: Madam Temporary Speaker, indeed, this is a very important issue. We should not muzzle the Senator of Busia without paying attention to what he is saying.

Wikipedia, is an encyclopedia, which is referred to in Hawaiian Language as quick and fast speed. Therefore, to challenge its authenticity is to pretend that an encyclopedia is not an authoritative document.

Secondly, Janjaweed is equally defined as a terrorist group in Sahel Region, unless the Senator for Migori is an ignorant man, and I know he is not. If you are uncomfortable with the truthfulness of Sen. Omtatah, then say it. He is not the first to mention the word 'Janjaweed' in this country. It is in public domain and in Parliamentary parlance, as I inform H.E Okiya, matters that are in public domain are addressed.

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Thank you.

The Temporary Speaker (Sen. Veronica Maina): Sen. Boni, beyond the point of information on the Encyclopedia, I think the question was whether Janjaweed is located in Kenya. I think that is what Sen. Eddy was asking.

Sen. Cherarkey: On a point of information, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Would you like to be informed by the Senator from Nandi?

Sen. Okiya Omtatah: Anybody can inform me.

The Temporary Speaker (Sen. Veronica Maina): Okay. Proceed, Sen. Cherarkey.

Sen. Cherarkey: Madam Temporary Speaker, on a point of information. The issue of Janjaweed started in 2003, and by 2013, the Janjaweed created an offshoot called Rapid Support Forces (RSF). Consequently, when you refer to RSF and Janjaweed, they are of the same family, but different species, if you did biology. People who did Biology are brilliant like us who went to Kapsabet Boys High School, which has produced two presidents, Moi and Ruto, then you are able to understand.

The issue should be, if RSF is in Nairobi, is it the same as Janjaweed in Nairobi? That can be left to the jury to decide.

I thank you.

Sen. Oketch Gicheru: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Eddy? Is it on the same issue?

Sen. Oketch Gicheru: No, Madam Temporary Speaker. When there are aspersions to a Member, it becomes a very important issue. That is under Standing Order No. 101. The entire Standing Order No.101 applies to what the Senator of Kakamega has just thrown as aspersions on my character.

(Sen. (Dr.) Khalwale spoke off record)

No. I have not even said what I want to say. Why are you guilty before I say what I want to say?

The Temporary Speaker (Sen. Veronica Maina): Under which Standing Order have you risen?

Sen. Oketch Gicheru: Standing Order No.101 talks about throwing aspersions at Members. It also talks about what can be considered abusive or insulting language. If you read Standing Order No.101(3), you will find what the Standing Order guides on this.

Madam Temporary Speaker, there is what we call Syntax in language with which the Senator of Kakamega has implied that I am ignorant on these issues. I find the word 'ignorant' insulting. Secondly, he has also implied that I am not comfortable with the truth that the Senator of Busia wanted to bring in the House and he is still bringing in the House.

Madam Temporary Speaker, I beg to make it clear that the Senator for Busia County intimated that Janjaweed is based in Kenya, for which he went ahead to seek the source of Wikipedia to prove that.

This is a very important issue of national security interest in our country and we cannot let it go. Is there a source that we can depend on that shows that Janjaweed is based in Kenya? If it is based in Kenya, we must take serious security measures on this. We cannot just let it pass. A Senator cannot say that Janjaweed is based in Kenya and we let it pass as a simple issue.

Sen. Boni, I hope you get where I was coming from. I am not in any way refuting the assertion that Janjaweed has been a terrorist group that has terrorized the people of Sudan. That is true. It is factual and that is in the public domain. However, is it true that it is based in Kenya now? If that is true, we must deal with it.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Sen. Eddie, while you were in order to raise that point of order, your first point was overtaken because Sen. Boni was not on his feet when you raised that issue. Ideally, you should raise it when he is still on the Floor. So, that is overtaken, but you have done a good clarification on what you needed to know from the hon. Senators as to whether Janjaweed has an office in Kenya.

Sen. Okiya Omtatah, proceed to answer that question directly.

Sen. Okiya Omtatah: Madam Temporary Speaker, could my time be extended?

The Temporary Speaker (Sen. Veronica Maina): Give him back his minutes that have been consumed by the point of order.

Sen. Okiya Omtatah: Thank you, Madam Temporary Speaker. First of all, Sen. Eddie is trying to take credit for what he did not do. It is Sen. Osotsi who sought that clarification. Sen. Eddie only contested the source I gave.

So, Sen. Eddie cannot stand here and begin thumping his chest as a knowledgeable man who wants to distinguish---

(Sen. Oketch Gicheru spoke of record)

You only challenged Wikipedia. You did not understand what Wikipedia was. Sen. (Dr.) Khalwale has helped you to understand what Wikipedia is, including telling you about its origins.

Now, in terms of the Standing Orders, I do not think that we are still in the age of brick and mortar as security. Today, we do not look for real wealth on the ground. We look for it in space. We have these screens here. Are they decorations? We have iPads here. Every Senator has an iPad here. Are they decorations?

When I give a Universal Resource Locator (ULR) for a document on the internet, I expect this House to have the capacity to access the document and not be told that I should bring a paper, which results in the destruction of trees. I am bringing no paper into this House. I am digital. I am futuristic. My eyes are on the stars, not on the ground.

(Applause)

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In the age when Artificial Intelligence (AI) is coming in, and we are talking about paper, brick and mortar; no way! I challenge the House to log into the URL that I have given and display the information on the screens in this Parliament here and now.

Individual Senators who cannot use their gadgets should ask for a refresher course to be taken for induction so that they can access the internet using the gadgets in this office.

The taxpayers do not enable us in vain. So, when I carry my gadgets here and talk as a modern man in the 21st Century, I am addressing modern people in the 21st Century. None of the information I give is meant for Stone Age people. If you belong to the Stone Age, you do not belong where I belong. Are we together there?

Madam Temporary Speaker, I want the matter to be settled there. I am not presenting any papers here. I am not printing any documents. I have given the URL. It is the duty of this House and individual Members to access the information in the URL that I have given.

Madam Temporary Speaker, thank you for the time.

The Temporary Speaker (Sen. Veronica Maina): Sen. Okiya Omtatah, you still have a responsibility to indicate your source, whether Janjaweed is in Kenya or not in Kenya. You have to answer that question.

Sen. Okiya Omtatah, do not avoid by the use of Information Technology (IT) and paper and manual paper. Present that, please.

Sen. Okiya Omtatah: Madam Temporary Speaker, the problem of trying to fit a jet engine on a Volkswagen is what I am dealing with.

I would like to be informed by the Senator.

The Temporary Speaker (Sen. Veronica Maina): Sen. Okiya Omtatah, I have first directed you on what to do. To give the evidence as to whether Janjaweed has a base in Kenya.

Sen. Okiya Omtata: Madam Temporary Speaker, can he display the document that I have referred to on the screen, then I will point to it and walk people through it? That is what I am requesting. I have given a URL for the information I have given in this House. Can you access the document?

The Temporary Speaker (Sen. Veronica Maina): Clerk, are you able to display that? Just hold on. Wait a bit.

Are you able to display that right away?

(The Clerk-at-the-Table consulted the Temporary Speaker)

Sen. Okiya Omtatah, I direct you to go to the technical team. Table the URL you quoted, the source of that website and then it will be dealt with.

Once again, it is your responsibility. It is not the responsibility of the clerk to table for you. You table the evidence with the clerk. Give the information. Give the details of what you need to be displayed because it is not on the Table.

Sen. Okiya Omtatah: Madam Temporary Speaker, your authority is limited to the confines of this building during debate. You cannot give me instructions---

The Temporary Speaker (Sen. Veronica Maina): But the clerk is here. Can you table it now, Sen. Okiya Omtatah? I have directed you.

Sen. Okiya Omtatah: Can I read it out?

The Temporary Speaker (Sen. Veronica Maina): Write it down for them. I have given you the guide.

Sen. Okiya Omtatah: They are skilled in writing.

The Temporary Speaker (Sen. Veronica Maina): I have given you the guide. Sen. Okiya Omtatah, you are bordering on being disorderly now because you are disobeying the Chair.

Sen Okiya Omtatah: Madam Temporary Speaker, if that is the attitude you are taking, I sit down. I cease my contribution until I get to a forum where I can be understood.

Thank you.

The Temporary Speaker (Sen. Veronica Maina): Give the address. You are out of order, Sen. Okiya Omtatah! Proceedings cannot go on like that.

Sen. Oketch Gicheru, you have the Floor.

Sen. Oketch Gicheru: Madam Temporary Speaker, Standing Order No.105 is on the responsibility of statement of fact. You are letting---

(Sen. Okiya Omtatah spoke off record)

Madam Temporary Speaker, may I be protected from Sen. Okiya Omtatah?

I want Sen. Okiya Omtatah to understand from Standing Order No.105 that nobody is disputing the importance of the issue that he is raising. In fact, that issue is so important to all of us. It is very important to the country. However, Sen. Okiya Omtatah cannot say something that he cannot substantiate and run away from it.

That is disorderly because the source was online and nobody was requesting for a paper source. Even the sources online are not all credible. That is the point I have been making here.

If he says he has a source online, it is not about whether people cannot access online sources. It is about whether you can rule on what is the threshold of credible sources that must be given in this House, whether paper white or online.

If Sen. Okiya Omtatah will run away from giving us sources because he knows that the source online is not credible, that is not fair to this House. We expect a ruling on that.

As the Senator for Migori County, I would want to know if Janjaweed is in this country. Do they have an office in this country, then I must know how I protect my people in Migori County. I must know how I will participate in this House to make sure that our security is guaranteed.

It cannot be said as a passing or a political statement and let it go like that. I request for your ruling on the credibility of sources under Standing Order No.105. Secondly, whether Sen. Okiya Omtatah is obliged to provide that source online or on paper for us to follow.

I thank you, Madam Temporary Speaker.

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(An. hon. Senator spoke off record)

The Temporary Speaker (Sen. Veronica Maina): Who are you informing? You cannot inform the Chair.

Hon. Senators, before I rule on the point of order by Sen. Eddie, I will allow Sen. Kinyua an opportunity to make his point of clarification.

Sen. Kinyua: Madam Temporary Speaker, I was just concerned. Why was it difficult for Sen. Okiya Omtatah to indicate the site or source of his information? Whether the source is correct or not, it is up to the Senate to rule on that matter. He told us the site. Why were we getting concerned? We should have checked. If it is incorrect, he was supposed to be told on the spot that the site is not admissible in the Senate.

The Temporary Speaker (Sen. Veronica Maina): Sen. Kinyua, is not in order for Senators to conduct business in an unusual and difficult manner for the Secretariat or Clerks. I actually directed and ruled that he proceeds to give the details of the website to the Clerk's Desk. That is his responsibility under Standing Order No.105. He did not comply with that ruling. In fact, he defied and walked out, which is being out of order.

(An. hon. Senator spoke off record)

Could you wait for the Chair to finish on that issue? He defied the ruling and walked out without giving the details. My ruling binds the point of order raised by Sen. Eddie. I will give a direction on the matter.

What is it, Sen. Osotsi?

Sen. Osotsi: Madam Temporary Speaker, it is just a clarification on Standing Order No.105. This is a House of debate. The Constitution requires that we have freedom of speech in this House.

I wish you just give me a minute to explain what I am about to raise. There are points of order raised on Standing Order No.105. I have sat in this House for two years and several months. I have realised that Standing Order No.105 must be used to promote debate in this House.

I think there is no crime in what Sen. Omtatah said. We should be allowed to table evidence electronically. I am an Information Technology (IT) expert and, therefore, know what it means.

I raised a matter in this House about Moi University and I was told to substantiate, which I did electronically and presented documents. Up to now, I have not heard from the Chair about the status of my substantiation. Remember, it was last year before we went for a break. I am still waiting for the House to tell me the status of my substantiation.

Every time Members raise issues and those on the opposing side quote Standing Order No.105; that is how we kill debate in this House.

Sen. Omtatah raised a very important issue. I rose on a point of order to request that he be given time to explain the presence of Janjaweed in this country. I believe he was doing so, but we did not give him time to exhaust his explanation. Electronic

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evidence is allowed in law. Let us not allow Standing Order No.105 to be misused to curtail debate in this House.

For that matter, Madam Temporary Speaker, I am demanding communication on the matter of Moi University, which I substantiated. However, the Chair has not communicated to this House on the validity of that information.

The Temporary Speaker (Sen. Veronica Maina): Sen. Osotsi, the substantiation on Moi University is an issue that can be handled by the Chair. It will be communicated. I ask the Clerk to ensure that an opportunity is offered for that evidence to be reviewed and a ruling to be made.

Sen. Okiya was not denied an opportunity to present the online evidence. Electronic evidence is acceptable in this House. He was only verifying the website so that the clerks can open that evidence. Do not make it appear as if the House does not admit electronic evidence. He was supposed to walk here and present the address. Senators have a right to follow what is being presented if it is online.

Proceed, Sen. Methu.

Sen. Methu: Madam Temporary Speaker, with tremendous respect to you as the Chair, in my opinion, the HANSARD is here. It will be a misrepresentation of facts for you to say that you directed Sen. Omtatah to approach the Clerks so that he presents the evidence he was referring to.

When Sen. Omtatah was here, he said that your powers are limited within the precincts of Parliament. What he understood was that you directed him to the technical team, but not the Clerks.

Just allow me to finish---

The Temporary Speaker (Sen. Veronica Maina): Proceed, but do not mislead the House on that.

Sen. Methu: These are records that can be extracted. Please listen to the other people. You can oppose whatever you want, but listen to other people because we have been listening to you the whole evening.

Madam Temporary Speaker, the onus of determining which evidence is acceptable to this House is yours as the person presiding. What was difficult for you just to open that URL code that he gave and determine the matter later?

You have not determined the matter raised by Sen. Osotsi and many other Senators have been asked to substantiate. I agree with Sen. Eddie. It may be an admissible website or not, but it is upon you to make that determination.

As you retire to go and make a determination, because you said you will give a ruling tomorrow, if you do so with the thinking in your mind that you asked Sen. Omtatah to approach the Table, I feel it will be unfair to him.

The Temporary Speaker (Sen. Veronica Maina): Sen. Methu, the HANSARD will be reviewed because I directed him to present to the technical team through the Clerk's Desk. I directed that and it was clear. If it escaped you, it is there in the HANSARD.

Proceed, Sen. Omogeni.

Sen. Omogeni: Madam Temporary Speaker, what has happened this afternoon is very important. That is about how we will be conducting our business, especially those who are not analogue. We have the likes of Omtatah who have gone digital.

We have Standing Order No.265 that is supposed to guide us. He raised an important issue saying that he does not want to litter the Floor with papers. Therefore---

The Temporary Speaker (Sen. Veronica Maina): Sen. Omogeni, I believe that as you raise that issue---

Sen. Omogeni: The point I want to make is this: It is incumbent upon the Chair to give a considered ruling. The other day I was on the Floor referring to a judgment and I was asked to table. What I did was to take my phone and share the document with Sen. Cherarkey.

What should have happened was for Sen. Omtatah to be told to share the document using his email to the Clerk, then it is displayed. We are here as the Parliamentary Service Commission (PSC) to assist this House in conducting business in a flawless manner.

If you read Standing Order No.265(4), it states that-

“A Senator or a witness intending to display a document or evidence shall share the document with the Clerk for purposes of display during the meeting.”

The moment our clerks here had received that reference, I believe they should have displayed it for us because we want to make people who have gone digital to have an easy time on the Floor of the House. We should not inhibit those who have migrated to the digital way of doing business. We should facilitate them, but not inhibit.

The Temporary Speaker (Sen. Veronica Maina): Sen. Omogeni, we have heard you. You can now resume your seat because your point is made.

Sen. Omtatah was given a chance to present the document.

If you read that Standing Order which you have quoted, it says the Senator is entitled to share. That sharing is not the responsibility of the Clerk. It is the Senator to share to the Clerks-at-the-Table or to the House, then it can be displayed for the use by every Senator.

We do not want open the wrong URL. Sen. Omtatah walked out without clarifying what website he needed to be opened.

I will not give a ruling on the point of order that raised by Sen. Eddie Oketch regarding the direction that had been sought on the information that is required on the Janjaweed. I will direct that Sen. Omtatah although he is not in the House will still be required to table that information in the House.

It is important because he was guided by the Chair and that ruling still needs to be abided by. Short of that, it will be a defiance of the direction from the Chair. It should be provided so that Senators can follow the proceedings touching on whether Janjaweed is in Kenya or not.

Sen. Thang’wa: Thank you Madam. Temporary Speaker. I was standing to contribute on the Motion on the Floor---

The Temporary Speaker (Sen. Veronica Maina): I thought you were raising an issue on what was under discussion. The next person---

Sen. Thang'wa: You can give me the chance because I have risen. I wish to contribute to the Motion.

The Temporary Speaker (Sen. Veronica Maina): Proceed.

Sen. Thang'wa: Madam Temporary Speaker, as I rise to give my comments on the Motion at hand, I was asking myself why we are debating it. I remember even when we were elected, we did not have something like for those who never made it and for those who made it. I do not see why we are discussing this Motion.

Now that it is here, I commend the Rt. Hon. Raila Odinga for offering himself to run for the chairmanship of the AUC. Some of us are being accused of having celebrated when he failed to capture the seat. We never celebrated because Rt. Hon. Raila Odinga did not get the seat. We celebrated because some of those who were fronting him failed.

I agree he was best fitted for that seat. However, just as in the 2022 General Election in Kenya, he lost because of those who fronted him. I wish he could have gone for that seat alone. I wish he could have campaigned alone because he has connections within African nations. He knows presidents and they know him. If he could have campaigned alone without the President behind him all the time, he could not have lost the seat.

He lost the seat because of various reasons. It is important for us to understand the reasons because going forward, we might front another candidate. It is very sad even to hear a Cabinet Secretary (CS) calling Kenyans and telling them that those who celebrated Raila's downfall have small brains. It is quoted of a whole CS saying people should not have celebrated because Kenya lost.

Kenya never lost. What Kenya lost was billions that was used against the budgetary processes and any laws that we have. Kenya lost money, not only through the campaigns and the budget that was used to campaign for Rt. Hon. Raila, but we are losing money in the Social Health Insurance Fund (SHIF), Social Health Authority (SHA) and affordable housing.

Madam Temporary Speaker, a whole CS cannot tell Kenyans that Kenya lost. We have been losing. Kenyans were happy to tell Raila to come back and help clear the mess in the country because he and the President are part of the Broad Based Government and he cannot run away. We cannot allow the President to use international community to try and cleanse domestic issues.

It was the prayers of many Kenyans that Rt. Hon. Raila come back and do what he does. Either he joins the Government and they continue looting or he speaks for the people as he has been doing.

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Osotsi?

Sen. Osotsi: Madam Temporary Speaker, I rise under Standing Order No. 105. My good friend Sen. Thang'wa has said that Hon. Raila should join President Ruto to loot the country. It is on record that Hon. Raila does not hold any position in this country. Can he substantiate and provide evidence before this House that the two have been involved in looting?

We cannot allow this kind of narrative to go on. I know the narrative he is trying to spread, but we, in ODM, will not allow our leader to be scandalized just because he

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vied for the AUC Chairmanship and lost. Many other Kenyans would have done that who are not necessarily in Government.

The Temporary Speaker (Sen. Veronica Maina): Sen. Thang’wa, when you make a serious allegation, it is your responsibility under Standing Order 105 to substantiate.

Sen. Thang’wa: Sen. Osotsi, who was my former Chairperson at the County Public Investments Committee (CPIC), is also holding a very big seat in ODM. He is questioning that Rt. Hon. Odinga is not holding any office in Government, yet his party has fronted some Cabinet Secretaries who are holding big Ministries such as the National Treasury and Economic Planning.

As I speak, all the Chairs, especially from Mt. Kenya have been de-whipped and they are going to ODM. They are not part of what I call the “bread-based” government because it is their time to eat. They should do so, knowing that Kenyans are watching.

The Temporary Speaker (Sen. Veronica Maina): It is important you use the Parliamentary language. When you say bread-based---

An Hon. Senator: Time to eat.

Sen. Thang’wa: You can swallow without eating.

The Temporary Speaker (Sen. Veronica Maina): Sen. Osotsi, you have another point of order?

Sen. Otsi: Madam Temporary Speaker, I did not want to keep interrupting Sen. Thang’wa, but the point of order I raised was on the issue that Hon. Raila and President Ruto are looting. He had not responded to that. He has only brought in the issue of broad-based government that some people are in Government courtesy of ODM. Let him respond to the specific issue of the looting by the two.

The Temporary Speaker (Sen. Veronica Maina): Sen. Thang’wa, you either substantiate or withdraw that.

Sen. Thang’wa: Very quickly, I can do so. This will come out very clear when the statement I have will be given a chance on the Floor of the House because a lot of money was used.

Even hon. Raila is on record saying that the taxpayers’ money was used to campaign for him. We do not have a kitty to campaign for anyone running for any seat and it was not budgeted for.

If that is not looting, I do not know what we should call it. Allow that I ask the same question that was asked by the Member of Parliament for Juja because they used a lot of money. Instead of substantiating and stating the amount used, they arrested him.

After taking him to court, they produced a different charge sheet from what they had arrested him for. So, you can see they are trying to hide. They do not want Kenyans to know how much money was used. That will come out clearly when I table my statement. Let me finish by saying that---

The Temporary Speaker (Sen. Veronica Maina): Sen. Thang’wa, you need to table that statement. Do you have it here with you?

Sen. Thang’wa: Yes, I do have the statement. I can send it on *WhatsApp*.

Sen. Osotsi: I do not know why you are allowing us to have---

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The Temporary Speaker (Sen. Veronica Maina): Sen. Osotsi, you are the one who raised the need for him to substantiate. So, let him finish to know if you are satisfied with the answer or not.

Sen. Osotsi: Madam Temporary Speaker, substantiation is not done by the way of a request for statement. It is done by way of evidence before the House. He can have a request for statement seeking for information, but what we want is substantial evidence to be tabled in this House on how Raila and Ruto have been involved in looting. This is a substantive issue that he needs to respond to.

The Temporary Speaker (Sen. Veronica Maina): Sen. Karungo.

Sen. Thang'wa: We can ask the Senator: Is Ruto looting?

The Temporary Speaker (Sen. Veronica Maina): Sen. Thang'wa, you still have not substantiated that issue. Are you able to present the substantiation documents now or do you need to bring them by tomorrow?

Sen. Thang'wa: I will bring them by tomorrow, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): By tomorrow when the House sits, bring the evidence to substantiate the looting.

Sen. Methu: On a point of order.

The Temporary Speaker (Sen. Veronica Maina): Can there be a point of order on my ruling?

Proceed, Sen. Methu.

Sen. Methu: Madam Temporary Speaker, I did not want to interrupt. I rise pursuant to Standing Order 97 and invite you to look at it. As the deputy party leader of the ODM mentioned, we are misusing Standing Order 105. The Senator has spoken on the same matter of substantiation, with your permission, thrice.

Our Standing Orders say that nobody should speak on the same matter twice. How do you allow somebody to keep raising the same point of order he has already raised? Why can somebody not consolidate their thoughts and raise them as one point of order once? Otherwise, they will keep disrupting other people when making their contributions.

The Temporary Speaker (Sen. Veronica Maina): Are you also disrupting by raising that point of order?

Sen. Methu: I am not disrupting. I am just inviting you to read the Standing Order that says no Senator shall speak more than once to a question.

The Temporary Speaker (Sen. Veronica Maina): Sen. Methu, Sen. Karugo was requested by Sen. Osotsi to substantiate. Sen. Osotsi has to respond whether he is satisfied with the substantiation. I have given a direction on that matter. There is no need to further push it because Sen. Karugo will bring the substantiation tomorrow.

Proceed, Sen. Karugo.

Sen. Thang'wa: Thank you very much, Madam Temporary Speaker. We should look at Standing Order 105 because sometimes, it can be used to suppress what Senators think. We are the overseers; it is their work to substantiate.

Kenyans want to know how much money was used. The Government must have used a substantial amount of money to campaign for Raila Odinga. The question is: How much was used? When the Senator for Migori was speaking, he said that he paid for the

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air ticket to Addis Ababa. You were very lenient to him when he was told to substantiate. He said he can do so tomorrow or whatever time.

You and I know that Members of Parliament have been accused of receiving bribes of Ksh10,000 in toilets. Nobody would cough hundreds of thousands of shillings to just go and celebrate.

The money must have come from public coffers. That is why we are asking how much was used. We want to know the breakdown. How much was used for tickets? How much was used in hotels? How much was used to induce others? It has been said that, as a Parliament, we are supposed to be hon. Members. However, some of the things that have been done here make us to question ourselves whether we are honourable the way we pretend to be.

The Temporary Speaker (Sen. Veronica Maina): Sen. Hamida, what is your point of order?

Sen. Kibwana: Madam Temporary Speaker, I rise under Standing Order 105. I have my ticket and hotel booking as everyone does. So, you are the one who should actually substantiate. Sen. Eddie has collected all evidence. That is what he has gone to do. I feel pained to be told that I was paid for or that it was Government money. We all paid for ourselves.

The Temporary Speaker (Sen. Veronica Maina): Sen. Hamida, that is noted. Sen. Eddie was directed by the Speaker to present evidence of those tickets, which I believe he will present by tomorrow.

Proceed, Sen. Thang'wa.

Sen. Thang'wa: Thank you, Madam Temporary Speaker. On a more important angle, we need to know why we lost. We lost because of four things. One is the relationship between Kenya and other governments. We need to be as diplomatic as possible as a country when it comes to other countries' affairs. I believe SADC countries could have supported us when the Madagascar candidate was eliminated, but they did not. Why?

Two is the support of the Francophone countries. They went for their candidate. On a light note, Mahmoud Ali Youssouf could speak English and French and our candidate could speak English and German.

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

[The Temporary Speaker (Sen. Wakili Sigei) took the Chair]

Mr. Temporary Speaker, Sir, the last point is that internal issues in Kenya contributed to the downfall of Hon. Raila Odinga. Other countries could not trust Kenya when it comes to fighting for human rights because of the abductions and killings going on in this country. Nobody speaks about them.

The Rt. Hon. Raila Odinga spoke about them on the last day of his campaigns when he was being prayed for at the Bomas of Kenya. That was the only time he was heard in public condemning abductions. Probably he was told he had to speak about it. We lost because we could not be trusted to fight for other Africans.

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We have the issue of Kizza Besigye, the opposition leader in Uganda. The person who was supposed to represent Africa never commented about that. We lost because we pretended to be diplomatic and that we understand the problems of Africa yet it was a contest for somebody to prove that if they can get Africa, why not Kenya?

Hon. Raila was used by the Government as a bait. They never wanted him to win. That is why they did what they did. I say *pole* to the Rt. Hon. Raila Odinga. You did not lose because of your person. You did not lose because you did not have what it takes. You lost because of those who were fronting you the same way you lost in 2022 general election because of those people who were fronting you. So next time choose the right people, those with the blessings of the country. I believe that if he ran without them he would have won.

Thank you very much, Mr. Temporary Speaker.

The Temporary Speaker (Sen. Sigei): Thank you, Sen. Karugo Thang'wa. Next is Sen. Omogeni Erick Okong'o.

Sen. Omogeni: Thank you, Mr. Temporary Speaker, for giving me a chance to also make my contribution.

I was so deeply disappointed that Kenya lost the quest to take the chairmanship of the AUC. We all know that Africa belongs to all six or so regions. As a person who has lived, gone to school and represents a county in East Africa, it could only have been fair that a candidate from East Africa takes over as the next Chairperson of the AUC.

The AU belongs to all the 55 nations of Africa. Therefore, we want to feel a sense of belonging. It is like a father who has many children. All these children need to have a sense of belonging. They need to feel that they are part of a family. That was a very painful loss, not only for Kenya, but for the regional bloc called East Africa.

If I was the president, this is the time I would have asked my brothers in the East African bloc to walk the talk. I was at State House when President Yoweri Museveni rose and assured us, Kenyans, that he would be in Addis Ababa to second Raila Amollo Odinga's candidature. However, the reports that we received from Addis indicate that Yoweri Museveni did not take time personally to travel to Addis Ababa to not only vote for us, but to also help us in campaigning.

It is not easy to convince another president to vote for you. You need to have as many presidents as possible to support your candidature. I hope that our presidents from the East African bloc will consider whether we will change the idea of leadership within the AU, so that it becomes rotational.

How come that in the 23 years that AU has been in existence, the Francophone countries have taken the position of the chair for 19 years and Anglophone only four years yet Kenya and other Anglophone countries make their contribution to the AU?

You are privileged to be a lawyer and you know that the presidency of the East African Law Society (EALS) is rotational. If this year the chairmanship goes to Kenya, the following year, it goes to Tanzania, and the other year, it will go to Uganda. That way, you do not feel the pain of contributing to a body that will never allow you to take a leadership position.

We cannot have an association or a union that is supposed to bring all countries together, but others have ganged up to ensure that other regions can never ascend to the

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chairmanship. The salary that pays that chairperson is also my taxes. By being taxed and by my country making a contribution, then I also expect that one day, one time, I will proudly stand up and say a fellow countryman or woman is chairing the AUC.

In terms of going forward, I hope when there is a summit of the AU, our president, President William Ruto, will put this issue on the table. We can have the Economic Community of West African States (ECOWAS) in West Africa chairing, next time, let it go to the South African Development Community (SADC) the other time, we had South Africa, then it can go to the Common Market for Eastern and South African (COMESA) region, then it comes to East Africa Community (EAC).

Sen. Methu, we want fairness.

The second point I want to make is that it is not Hon. Raila Odinga who lost this election. The person who lost this election is our President and his foreign policy. The way we handled this matter left us with very little option of winning. When you are doing a campaign like this, you must be conscious of the geopolitics and what your actions will mean to the person you want to vote for you. Even if the way it is said, and I know it is true, that President Tshisekedi is a personal friend of Raila Odinga, how does he feel when, again, and I am using my words very carefully, it is rumoured that somebody has hosted the M23 leadership in Nairobi? President Tshisekedi is a human being. He will bolt.

How will President Kagame feel if the actions of a country that is, you know, fronting a candidate seems to be hostile to the interests of Rwanda, South Africa or Tanzania? I want to appeal to my President William Ruto to talk less, do his foreign policy, at times under the carpet, and avoid stepping on so many presidents' toes. They are also human beings. Everything that you do here impacts on your relations with another country, either positively or negatively.

I know the Principal Secretary (PS) of Foreign Affairs, Dr. Sing'oei, is a colleague and a lawyer like me. I feel so proud and honoured when I see a lawyer occupying the position of PS in the Foreign Affairs Ministry. However, I also want to speak to my friend, Dr. Sing'oei, to be very cautious before speaking on a matter that may touch on our relations with other countries.

You remember SADC wrote a letter. PS Sing'oei responded with a public criticism. That did not augur well with SADC countries. The best thing they say is that you should learn from your failures. Let us learn from our failures. What happened to us as a country? We should sit down, evaluate and take some key lessons from what happened.

On Saturday, and God Almighty is my witness, and my pastors in Nyamira County are also my witnesses, I told my pastors that instead of going to Addis Ababa, I will be on my knees in Nyamira praying for *Baba*, Kenya's candidate, to win the AUC chairmanship in Addis Ababa. I was at Misowe SDA in Ikonge with pastors and we prayed for Raila Amolo Odinga. Those who chose to accompany him to Addis Ababa, that was good.

Mr. Temporary Speaker, Sir, how did we conduct ourselves? If you have been a member of the Law Society of Kenya (LSK) and I know you have been, and you are a member in good standing, you know what happened when I was the President of the

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LSK. We came up with a very good initiative to open the borders in East Africa, so that lawyers in Tanzania can come and practise in Kenya, and lawyers in Kenya can go and practise in Uganda, and vice versa.

When we were making that declaration in Speke Munyonyo Hotel in Uganda, the contingent from Kenya was the largest in that meeting. They came there loaded; they had money. So, they painted Kampala. When the proposal was put on the table, the Ugandans were like, “if this is the way these guys are behaving, even before we open the borders, if we open the borders, they will take over Uganda.” The Tanzanians said, “if these guys are allowed to practise in Tanzania, they will take over.”

Whereas we acted in good faith and opened the borders, we have Ugandans who are practising in Kenya today courtesy of that decision. However, Uganda and Tanzania have never opened the borders for us, because of the way we conducted ourselves.

Mr. Temporary Speaker, Sir, the delegation that accompanied our candidate to Addis Ababa should have quietly given moral support to our candidate, without lording it over the other countries or presidents because social media news travels faster than even normal news.

Next time, let us learn. If it is a football match, you show your might and shout, but if it is something that is diplomatic, let us be sensitive as to how we conduct ourselves since our conduct can irritate and annoy people who could have voted for us.

The third thing is our own domestic policy. We should speak about this matter very candidly. At times, the way we run our domestic policy shapes the perception of other countries about us.

What has been happening within our borders, we should also go back, look at the mirror and ask ourselves, out there, how do other countries in Africa perceive us as Kenya? How is our human rights record? Have we created a country that has people who are happy? Every year you get an index released on the happiest people in the world. Currently, I think it is Norway followed by Australia and others. We also need to know if we have created a happy population as a country.

When a Member was contributing on this Floor and mentioned SHA, somebody from Nyamira sent me a note he was given at a hospital called Christine Marie for a patient called Douglas Nyang’au, whom they were trying to admit this afternoon in that hospital. What he told me is that, that hospital told them they do not accept patients to be admitted using the SHA card. The SHA card should only be used in public hospitals yet we are priding ourselves as a country that has rolled out Universal Health Coverage (UHC) for everybody.

Another person also sent me a message and said, “Senator, remind the President that our people are dying because the SHA card is not being accepted in private hospitals.”

I have just been told a patient, aged 94 years, called Martha Nyamwange, was taken to a hospital called Medifort Hospital in Kisii. That hospital which had no sympathy on this senior citizen, 94 years old, only accepted coverage on that SHA card on bed only. What happens to the medicine, surgeon and surgical expenses incurred in the hospital yet we are proudly telling people the SHA is working? It is not right. That is a lie. Let us also look at our domestic issues. How are we treating our people?

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This SHA thing is a problem. In some counties, like Nyamira, we are burying people on Monday, Tuesday, Wednesday and Thursday. We used to do burials only on Friday. We represent our people. We cannot sit here and shut our mouths from some of these issues.

Finally, is the impact of Raila's loss in our country. We should guard our mouths at times. I listened to my good friend, Sen. Cherarkey. It is unfortunate that he is not here. He was making statements saying that now that Raila Amolo Odinga has lost the AU chairmanship, we want to offer him the position of Prime Minister. Cherarkey or Nelson Koech are not the right people to tell ODM what position to be given. If the President wants to give the former Prime Minister the position of Prime Minister, he should do it in a manner that respects the Constitution first.

I sat in NADCO and we made a recommendation and even gave powers to that office of Prime Minister. If the President wants Raila Odinga to get that position, the right thing to do is to fully implement that NADCO report. He should not send junior Senators like Sen. Cherarkey to go make announcements in the streets.

That is not the way you enhance unity in our country. If that position needs to be there, let it be entrenched in the Constitution. Let there be a discussion on who should occupy that seat through party organs, but not through talk shows on televisions and making pronouncements through the media. That is demeaning. It will send the wrong signals that there is no good faith from our President on this matter that was meant to take Raila to be the chairperson of AU.

As I finish, I join the Ugandans in making an appeal to President Yoweri Museveni to ensure that Besigye is released from prison. If you read a book called "Red Notice", you will think that the episodes captured in that book about the happenings in Russia under Putin are playing out in our neighbouring country.

We want within the East Africa Community (EAC) to respect human rights, show love and tolerance to our opponents. We urge our senior statesman in the region, President Yoweri Museveni, to have sympathy and a soft heart on that leader of opposition called Besigye. I hope the unfortunate thing will not happen, where Besigye will die because he has not been able to get medical help under the watch of President Yoweri Museveni.

With those remarks, I support. I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Senior Counsel Omogeni. As you resume your seat, I wish from the Chair to remind you that the NADCO report was presented before the Committee on Justice, Legal Affairs and Human Rights (JLACHR), which I chair. We have done a report which is already part of the reports which will be processed in the course of this Session. That is something that is already in the Order Paper for the coming week, I believe.

Secondly, you made reference to the Principal Secretary of Foreign Affairs, Dr. Sing'oei. Yours truly once worked with him in legal practice. I can confirm that the accolades you gave to him are the accolades that he exhibited prior to his decision to resign as he assumed the current public office that he is holding. Therefore, that is a proper presentation of a colleague's professional status.

Proceed, Sen. Nyamu.

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Sen. Nyamu: Thank you, Mr. Temporary Speaker, Sir. The candidature of the Hon. Raila Odinga presented the country with an opportunity to be at the helm of the leadership of AU. The benefits of this opportunity are obvious. They would have accrued to us as a country, regardless of whether you supported him or not.

Mr. Temporary Speaker, Sir, what he stands for in African Integration and Pan-African speaks for itself. To me, it is a missed opportunity for Africa.

I want to congratulate the Rt. Hon. Raila Odinga and, indeed, His Excellency President William Somoei Ruto for a spirited campaign done across the continent. No effort was spared. No resources were spared. They met everybody regardless of their stand in the face of regional politics. They were not intimidated, but met everyone who needed to be met. For that show of togetherness, putting their political differences aside, and going for this as a country, I must congratulate them.

Winning the first two rounds of the election was not a small achievement. Garnering 22 votes in the second round was not a small achievement in the face of regional politics that were at play. For that, I would like once again to congratulate the Rt. Hon. Raila Odinga.

I happen to be one of the Kenyans who accompanied Raila Odinga to offer moral support. After the defeat, Raila Odinga and the President gathered Kenyans who were there for a thanksgiving dinner in a show of national solidarity where they thanked us. That spirit of national solidarity is a big win for us, as a country.

I want to urge the country that we should build on it in every aspect of our country, so that we walk together as one. That way, it is easier even to disseminate development in every region and part of this country.

Finally, I want to take this opportunity to congratulate the AUC Chairperson, Hon. Mahmoud Ali Youssouf, for his win.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Karen Nyamu.

I can see a request from Sen. Nderitu Kinyua, who is not present in the House. Therefore, Hon. Members, in the absence of any other Member keen on contributing to this Motion, I will ask the Senate Majority Leader, who is the Mover of the Motion, to proceed to reply.

Sen. Cheruiyot, please, proceed to reply

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I take this opportunity to appreciate all the Senators who have taken their time to speak to this very important Motion.

Initially, when I conceptualized this idea, I desired that we would take time to reflect as a country and positively evaluate what has been a fairly decent ran by former Prime Minister Rt. Hon. Raila Odinga and a very good representation of the country at the global stage. However, to my utter dismay, I have seen a few people trying to reduce it to a contest about what President Ruto got wrong as if he was on trial or the one that was running a campaign.

Being a politician, I have come to live with the reality that people will always see fault even when there is nothing to fault. There are people who, just for clickbaits and likes on TikTok and Facebook, will say anything, even on topics that they are least prepared.

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I listen to many people ignorantly speak about the conflict in the DRC and matters on the global stage with very little, limited and scant information about the position of Kenya on such matters and how it may have affected voting.

When I was moving this Motion in the morning, I said that it would be completely ignorant of anyone to draw a deduction of this campaign run by the former Prime Minister Raila Odinga based on speculations about who may have voted for us or not for the very simple reason that this was voting by secret ballot.

By the time you are coming here to tell us that it was because of DRC, I do not know because of SARAWI, we did not get votes. Where did you know that these countries voted for us or they did not vote for us? Twenty-two countries stood firm with Kenya and our candidate for all the six rounds. There has been no scientific way of establishing which are those countries.

You sometimes get mesmerized by the ignorance and the seriousness with which people posted those arguments before the House, thinking that there is some revelation that they got overnight on whom they have cast their vote in support of us or otherwise.

Even if it was a trial on our stand on diplomatic issues, I explained here in the morning. The first person to raise that argument was Sen. Onyonka. The record bears me witness. Every time I challenged him, whether it was on the issue of DRC or the war in Gaza, he said let us keep that matter aside. This is because I demonstrated to him that the positions they have been arguing on television and here in Parliament are nothing, but displays of pure ignorance.

Our stand, all things are known. So, I do not know why people want to reduce it to an evaluation of the performance of the President on the international stage. I do not think there has ever been a President who has profiled Kenya on the international stage the way President William Ruto has done it. Travel with him to international meetings and you will appreciate what a good job he has done.

There is a lot of interest in this country. That is why I asked the other day and somebody told me, Senator, we do not understand your country anymore. Reading online, reading newspapers and listening to some of the Senators, like the ones that were speaking here, Sen. Sifuna, and the like, you would think that there is nothing going on in this country yet investors, people who keep a keen and have an objective eye on the progress that is being made in Kenya, are advising people that if there is a country to keep an eye on in the African continent, it is Kenya. Not once, twice or thrice have I seen articles by people who objectively analyze the performance of countries and the things that are being done. Both locally and the positioning that has been done of this country at the international stage, appreciate that there is progress being made.

Two years ago, we were at a debt distress level. We were basically on the verge staring at a total economic collapse. The President has been able to move the country from that particular stage up to a point now where we are stable. We are now going to the market where even global ranking institutions are beginning to paint a positive outlook of our economy. It is a pity that you find people here saying, "Ooh, this and that is not right."

It was a mistake. I want to fault the office of the Speaker because in our Standing Orders, you cannot discuss the conduct of a friendly head of state without a substantive

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Motion. However, I have seen people discuss friendly nations and the local matters in that particular country with wanton recklessness. That should not be the case.

Sen. Cherarkey tried to bring it to the attention of the Speaker when that matter first showed up this afternoon when we had the visiting delegation from Uganda. Unfortunately, maybe how he sought the attention of the Speaker was not impressive enough. The Speaker reserves the right of whether to allow one to make their point or not, but it is not proper. Many Senators need to acquiesce themselves with our Standing Orders that do not allow that kind of behaviour.

People are talking about an issue that happened today. They are saying, “Oh, you are hosting rebels, this or the other”. Kenya is a proud member of the international community. Many times, people rush here when their countries conflict. The same people that are faulting us and saying why we allowed Hon. Kizza Bisigye to be picked and be air-lifted from Nairobi to Kampala, today have a problem that part of the faction that is warring in Sudan is here in the country. So, which is which?

If you want us to lock the country to anybody that is under siege in his own country, then let that be your stand. You cannot in one hand, say that you need to keep this one here, but you need to release the other. Over the years, Kenya has made a significant contribution to regional stability, including every other East African country, where there have been negotiations when they have conflict.

Part of negotiations include allowing the warring parties to have access to your country. If one of the entities has pitched tent here, how can you say that we support whatever they are doing?

We are a proud member of the international community. There are millions of refugees making a living as they go about their business in this country. You remember the issue of the DRC a few months ago when they protested and asked why they allowed so and so to speak, our answer was plain and simple; this is a free country.

When people come here, they enjoy their rights. This is a country where you insult even the President and nobody does anything to you. So, it will be difficult for us to say that only Kenyans are allowed certain rights, but foreigners are not permitted of the same.

Mr. Temporary Speaker, Sir, I request colleagues who want to do an evaluation of Kenya’s performance on the diplomatic stage to perhaps present a substantive Motion. They should approach the Senate Standing Committee on National Security, Defence and Foreign Relations and raise issues they have.

To reduce such an important Motion where you want to score cheap points and appear as if you are the most knowledgeable on matters, which you are ill prepared to comment on. When people who understand better listen to what you are talking about, they cringe in their seats wondering who elected you.

Mr. Temporary Speaker, Sir, I want to plead with colleagues and I said this in the morning when I was moving this Motion that there are things that can divide us. We can have different opinions when it comes to matters local politics, but when shall we ever grow and mature politically to appreciate that, for example, when a Kenyan shows up at an international stage, they represent our flag and we, as a people?

If you were not a candidate in that particular exercise competing with them, the least you can do is to look away if you do not like that particular person. At the very worst, at least just keep quiet. If you are a patriot, take time to celebrate them and lend your support, but not to do the kind of things we saw being done.

When the former Prime Minister was touring African countries, there were people who posted pictures. When the President had dinner with the former Prime Minister of Kenya, hon. Raila Odinga, you go to the comments sections, you find that Kenyans are more than citizens of that particular country. We export stupid tribal politics all the way to the international stage.

You will find leaders in this House trying to justify that people should be allowed to express themselves. Express what, ignorance? Leadership also involves telling people that this is not right or that we do not agree with you in this particular issue. Why are you a leader then? I thought that as a leader, part of your duty is also to show the way in certain matters that you are well prepared for.

I appreciate those who understood the spirit of this Motion. They took their time to critically evaluate and celebrate that a prominent and eminent Kenyan who gave a good account of himself on the international stage. This is because now people know better about Kenya and our credentials.

I did mention that it is okay for people to have their opinion. However, the most ignorant of the lot are the ones who have tried to reduce this conversation to about evaluation of President William Ruto. He was not a candidate there.

The former Prime Minister Raila Odinga himself said on the night of 15th February, 2025, that there is nothing that the Government of Kenya, led by President William Ruto, withheld in terms of support for his candidature. He appreciated that. So, who else can come here and tell us this or that was not done right, or this should have been this or the other way, if the candidate himself appreciates that the country did everything that was humanly possible? We ended up losing because elections are what they are. Sometimes people choose not to see or appreciate issues the way you perceive them.

Mr. Temporary Speaker, Sir, let it go on record that this House appreciated the decent run and the good presentation of this eminent Kenyan at the international stage. There are lessons that the country has learnt. In future, because there will be other Kenyans showing up at the international stage looking for employment opportunities in global institutions such as the United Nations (UN), there are things we can do better as a country.

I want to appreciate the seconder of this Motion, Sen. M. Kajwang'. It is he who reminded us that with this negative energy, very soon, we will transfer it to matters like sports, things which ordinarily have always united us. When Harambee Stars is playing and there is a certain player you do not like, you will find people cheering the other country or wishing ill fate for our own team. We must snip it at the bud while it is still early and tell each other.

The other day, we laid to rest after celebrating the veteran journalist, Leonard Mambo Mbotela. On such matters, he would ask; "*Je, huu ni ungwana?*" Is it really decent for us to continue doing this kind of things?

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Mr. Temporary Speaker, Sir, I want to conclude by expressing three issues that this Motion intended to do when we set it out this morning. The first one was to express the thanks of the Senate to the Rt. Hon. Raila Odinga to appreciate that he gave a good account of this country.

This Senate notes that despite the fact that he may not have won, it was not because of anything in his own capacity. Given that it was a competition and there were other judges, they may have held different views. However, as a country, we are proud of him and the work that he did.

Secondly is to record the thanks of this House to His Excellency President William Ruto for stepping up and ensuring that a man whom they fiercely competed with in the last presidential election and were separated only by barely 200,000 votes enjoyed the support and full backing of the Government of Kenya with no restraint. That is what a decent country should do because that is an important job.

Mr. Temporary Speaker, Sir, I have just been reminded. Last weekend, I saw a Member of the National Assembly whom I do not want to take seriously--- I think he is the MP for Juja Constituency. I do not want to take him seriously because I read elsewhere and I do not know if it is true that the only document he has is a driving license. Therefore, the kind of things he was saying about how much was spent is expected of such characters.

The point is that Kenya should not have held back---

The Temporary Speaker (Sen. Wakili Sigei): Senate Majority Leader, I may as well remind you that the said Member has since recorded a statement before the police and has been charged before court.

The Senate Majority Leader (Sen. Cheruiyot): Today, he was charged for forgery and not because of the misleading comments he said about what Kenya did with the candidature. Apart from having a driving license, which is probably also forged, that is what the court will be told later on.

As I said, we record appreciation to the President for the kind of support that was accorded to the former Prime Minister Raila Odinga by the Republic of Kenya.

Third and final is that the Senate of the Republic of Kenya records its congratulations to His Excellency Mahamoud Ali Youssouf on his election as the Chairperson of the AUC on Saturday, 15th February, 2025. We are true democrats. Even though we competed and it was intense and difficult, the winners eventually have their say. Since we are part of this African Continent, we will have to work with him.

I pointed out earlier that the President is leading the reforms exercise in the AU. To achieve part of the things, he will have to work with the gentleman. Much as we felt bad that he grabbed the trophy that we so desperately needed, we congratulate and wish him well because his success is the success of Africa. The success of Africa is the success of Kenya. We should take such moments to celebrate them, much as we may disagree with him on many things. Perhaps, the only thing I will point out as a simple measure of courtesy is to be gracious even in victory.

I saw a video clip, but probably the people who did the translation may not be honest. I am aware that we live in the information age and sometimes not everything is

accurate. I saw a video of him somewhere back home in Djibouti alongside his President and he said certain things that did not sit well with the rest of us as a country.

Who knows? It could be a wrong translation. Since I do not speak Arabic, I do not want to be a witness. I want to believe that that gentleman will serve the Continent of Africa and do all the things that we need to do.

Mr. Temporary Speaker, Sir, I wish to end it at that and celebrate what has been achieved and said this afternoon. The various unhelpful comments notwithstanding, but 90 per cent of those that spoke stayed on tune.

Apart from the usual one would expect in any political conversation, I still appreciate that many people rose to the occasion. I also appreciate what this Motion was all about; it was just celebrating an eminent Kenyan and the President and congratulating the eventual winner.

The long and short of all these things that have been said this afternoon were about those three things which I believe have been ably done by Members of this House using whatever form of shade and colour as they have done.

I beg to reply.

Finally, Mr. Temporary Speaker, Sir, in accordance with Standing Order 66(3) I beg to request that the putting of the question be deferred to a later date.

The Temporary Speaker (Sen. Wakili Sigei): Pursuant to Standing Order No. 66(3) putting of the question to this Motion is hereby deferred to the next sitting of the House.

(Putting of the question deferred)

Next Order.

The Temporary Speaker (Sen. Wakili Sigei): For the convenience of the House, orders Nos. 14 to 22 are deferred to the next sitting of the House.

MOTION

ADOPTION OF REPORT ON THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO.12 OF 2023)

THAT, the Senate adopts the Report of the Mediation Committee on the Conflict of Interest Bill (National Assembly Bills No. 12 of 2023), laid on the table of the Senate on Thursday, 5th December, 2024 and further that pursuant to Article 113 (2) of the Constitution and Standing Order 167 (3) of the Senate, approves the mediated version of the Bill.

(Motion deferred)

BILLS*Second Reading*

THE CREATIVE ECONOMY SUPPORT BILL
(SENATE BILLS NO.30 OF 2024)

(Bill deferred)

Second Reading

THE LIVESTOCK PROTECTION AND SUSTAINABILITY
BILL (SENATE BILLS NO.32 OF 2024)

(Bill deferred)

Second Reading

THE COUNTY GOVERNMENTS (AMENDMENT)
BILL (SENATE BILLS NO.39 OF 2024)

(Bill deferred)

Second Reading

THE COUNTY LIBRARY SERVICES BILL
(SENATE BILLS NO.40 OF 2024)

(Bill deferred)

COMMITTEE OF THE WHOLE

THE EARLY CHILDHOOD EDUCATION (AMENDMENT)
BILL (SENATE BILLS NO.54 OF 2023)

(Bill deferred)

COMMITTEE OF THE WHOLE

THE ENERGY (AMENDMENT) BILL
(SENATE BILLS NO.42 OF 2023)

(Committee of the whole deferred)

MOTION**ADOPTION OF REPORT ON CONSIDERATION OF AUDIT
REPORTS FOR VARIOUS COUNTY HOSPITALS**

THAT, the Senate adopts the Report of the Select Committee on County Public Investments and Special Funds on the Consideration of the Audit Reports of the following County Hospitals for the Financial Year 2021/2022-

- i. Kapsabet County Referral Hospital
- ii. Karatina Sub-County Hospital
- iii. Kilifi Health Improvement Fund
- iv. Kinango Sub-County Hospital
- v. Kwale Sub-County Hospital
- vi. Longisa County Referral Hospital
- vii. Lunga Lunga Sub-County Hospital
- viii. Migori County Level 4 Hospital
- ix. Msambweni Sub-County Hospital
- x. Mt. Kenya Sub-County Hospital
- xi. Mukurweini Sub-County Hospital
- xii. Othaya Sub-County Level 4 Hospital

laid on the table of the Senate on Thursday, 5th December, 2024.

(Motion deferred)

MOTION**ADOPTION OF REPORT ON CONSIDERATION OF AUDIT
REPORTS OF VARIOUS MUNICIPALITIES**

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on the Consideration of the Audit Reports of the following Municipalities for Financial Years 2020/2021, 2021/2022 and 2022/2023 –

- (a) **Financial Year 2020/2021**
 - i. Eldoret Municipality
 - ii. Kisii Municipality
 - iii. Kitale Municipality
 - iv. Lamu Municipality
 - v. Mwatate Municipality
 - vi. Rumuruti Municipality
- (b) **Financial Year 2021/2022**
 - i. Eldoret Municipality
 - ii. Kakamega Municipality

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- iii. Kisii Municipality
- iv. Kitale Municipality
- v. Lamu Municipality
- vi. Migori Municipality
- vii. Mumias Municipality
- viii. Murang'a Municipality
- ix. Mwatate Municipality
- x. Rongo Municipality
- xi. Rumuruti Municipality

(c.) **Financial Year 2022/2023**

- i. Eldoret Municipality
- ii. Kakamega Municipality
- iii. Kitale Municipality
- iv. Migori Municipality
- v. Mumias Municipality
- vi. Murang'a Municipality
- vii. Rongo Municipality
- viii. Rumuruti Municipality

laid on the table of the Senate on Thursday, 5th December,

2024.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until tomorrow, Thursday, 20th February, 2025 at 2.30 p.m.

The Senate rose at 6.27 p.m.