

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 6th March, 2025

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

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

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

(The Quorum Bell was rung)

Serjeant-at-Arms, I am informed that we now have quorum.
Clerk, you may now call the first Order.

(Sen. Maanzo stood in his place)

Senator for Makueni, take your seat.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM IWAGI AND KARAGURIRIO COMPREHENSIVE SCHOOLS

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon, of visiting students and teachers from Iwagi Comprehensive School and Karaguririo Comprehensive Schools, Nyeri County. The delegation comprises 89 students and 12 teachers who are undertaking a study tour to the Senate at the invitation of the Senator for Nyeri County, Sen. Wamatinga Wahome.

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Hon. Senators, on behalf of the Senate and on my own behalf, I extend a warm welcome to them and wish them all the best during their visit.

VISITING DELEGATION OF YOUTH UNDERTAKING
INTERNSHIP IN THE SENATE

The Speaker (Hon. Kingi): I would also wish to acknowledge the presence in the Speaker's Gallery this afternoon of seven young men and women who are undertaking an internship programme in the Senate.

Hon. Senators, the objective of this programme is to provide young people with firsthand experience in the legislative processes and to expose them to the intricate world of public policy and public service.

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

- (1) Ms. Cynthia Waithira Gichimu
- (2) Mr. Hussein Halkanohuka
- (3) Ms. Caroline Nkirote
- (4) Mr. Brian Kerry Mayodi
- (5) Mr. Enock Kibet Chelal
- (6) Ms. Gloria Rose Anyango
- (7) Ms. Emily Murabula

On behalf of the Senate and on my own behalf, I wish them well during the programme and in their future endeavours. I will ask the Deputy Speaker, in under one minute, to welcome the interns to the Senate.

As the Senator for Nyeri takes his seat, immediately the Deputy Speaker is done, you can under one minute extend a word of welcome to the delegation from Nyeri County in that order.

Sen. Kathuri: Thank you, Mr. Speaker, Sir. I take this opportunity to welcome our visitors who are in the Speaker's Gallery this afternoon.

I appreciate the seven young men and women who are undertaking an internship programme in the Senate for seeing it wise to come to the Senate to get more experience. I request them to move to all departments of the Senate, so that they can understand what happens in the Senate. We have many departments, which they can learn from.

Additionally, when you are around, keep yourself with a lot of discipline. Hold yourself with honesty and whatever you do, do it nicely. You will learn a lot. In future, for example, if your supervisor is happy and this is reflected in the report that you will get after the programme, then you will become a good candidate to come back and work in the Senate. I wish you well as you undertake your internship programme. All the best.

Sen. Wamatinga: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to welcome students from Ihwagi in Nyeri County, Mathira Sub-County and Karaguririo School in Mukurwe-ini.

It is in such excursions and learning expeditions that children get inspired. I take this opportunity to welcome you to the Senate. This the "Upper House" that deliberates, regulates and oversees the functions of county governments. Indeed, I hope your visit

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today will be an inspiration, so that in the future you would want to join us at the Senate. It is your determination, hard work and sheer obedience that makes you become what you want to be.

In this House, we are 67 Senators from all the 47 counties and we live like brothers and sisters, ensuring that we promote devolution because the future of this country depends on the success of devolution. Once more, welcome to the Senate. Asante.

The Speaker (Hon. Kingi): Next Order.

PAPERS LAID

REPORTS OF THE AUDITOR-GENERAL ON FINANCIAL STATEMENTS OF VARIOUS ENTITIES FOR THE YEAR ENDED 30TH JUNE, 2024

The Speaker (Hon. Kingi): Proceed the Senate Majority Leader.

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, Thursday, 6th March, 2025-

The Environmental Management and Co-ordination (Controlled Substances) Regulations, Legal Notice No.53 of 2025.

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

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

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

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

Report of the Auditor-General on Financial Statements of Nyeri Car Loan and Mortgage (Members) Scheme Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Nyeri County Executive Car Loan and Mortgage (Staff) Scheme Fund for the year ended 30th June, 2024.

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

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

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

Report of the Auditor-General on Financial Statements of Dekut Enterprises Company - County Government of Nyeri for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Nyeri County Health Services for the year ended 30th June, 2024.

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

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

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

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

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

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

Report of the Auditor-General on Financial Statements of Tetu Aberdare Water and Sanitation Company Limited - County government of Nyeri for the year ended 30th June, 2024.

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

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

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

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

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

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

Report of the Auditor-General on Financial Statements of Embu County Executive Car Loan and Mortgage (Committee Members) Scheme Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of County Assembly of Embu Car Loan and Mortgage (Staff) Scheme Fund for the year ended 30th June, 2024.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Report of the Auditor-General on Financial Statements of Tana River County Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2024.

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

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

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

Report of the Auditor-General on Financial Statements of County Government of Tana River Disaster Risk Management Fund for the year ended 30th June, 2024.

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

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

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

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

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

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

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

Report of the Auditor-General on Financial Statements of Embu County Executive Car Loan and Mortgage (Committee Members) Scheme Fund for the year ended 30th June, 2024.

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

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

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

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

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

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

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

Report of the Auditor-General on Financial Statements of Garissa County Level 5 Teaching and Referral Hospital - County Government of Garissa for the year ended 30th June, 2024.

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

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

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

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

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

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

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

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

Report of the Auditor-General on Financial Statements of Baringo County Climate Change Fund for the year ended 30th June, 2023.

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

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

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

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

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

Report of the Auditor-General on Financial Statements of Kakamega County Assembly Loans and Mortgages Fund for the year ended 30th June, 2024.

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

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

Report of the Auditor-General on Financial Statements of Kakamega County Alcoholic Drinks Control Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Kakamega County Small Scale Trade Development Fund for the year ended 30th June, 2024.

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

Report of the Auditor-General on Financial Statements of Kakamega County Microfinance Corporation for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Kakamega County Dairy Development Corporation for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Kakamega County Investment and Development Agency for the year ended 30th June, 2024.

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

Report of the Auditor-General on Financial Statements of Kakamega County Maternal Child Health and Family Planning Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Kakamega County Health Services Fund – for the 14 months ended 30th June, 2024.

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

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

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

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

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

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

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

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

Report of the Auditor-General on Financial Statements of West Pokot County Assembly Car Loan and Mortgage Scheme Members' Fund for the year ended 30th June, 2024.

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

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

Report of the Auditor-General on Financial Statements of West Pokot County Bursary, Educational Development and Infrastructure Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of West Pokot County Cooperative Development Fund for the year ended 30th June, 2024.

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

Report of the Auditor-General on Financial Statements of Kapenguria Municipality Board - County Government of West Pokot for the year ended 30th June, 2024.

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

Report of the Auditor-General on Financial Statements of Kapenguria County Referral Level 4 Hospital - County Government of West Pokot for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Chepareria Sub-County Referral Level 4 Hospital - County Government of West Pokot for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Sigor Sub-County Referral Level 4 Hospital - County Government of West Pokot for the year ended 30th June, 2024.

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

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Report of the Auditor-General on Financial Statements of West Pokot County Climate Change Fund for the year ended 30th June, 2023.

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

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

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

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

Report of the Auditor-General on Financial Statements of Trans Nzoia County Executive Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Trans Nzoia County Public Service Board for the year ended 30th June, 2024.

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

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

Report of the Auditor-General on Financial Statements of Trans Nzoia County Youth and Women Development Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Trans Nzoia County Climate Change Fund - for the 14 months ended 30th June, 2024.

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

Report of the Auditor-General on Financial Statements of Kitale County Referral Level 4 Hospital - County Government of Trans Nzoia for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of Trans Nzoia County Assembly Members and Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2024.

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

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

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

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

Report of the Auditor-General on Financial Statements of the Nyandarua County Executive State and Public Officers car loan and mortgage Scheme Fund for the year ended 30th June, 2024.

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

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

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

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

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

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

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

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

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

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

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

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

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

Report of the Auditor-General on Financial Statements of the Uasin Gishu County Staff Mortgage and Car Loan Scheme Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of the Uasin Gishu County Education Revolving Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of the Uasin Gishu County Inua Biashara Fund for the year ended 30th June, 2024.

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

Report of the Auditor-General on Financial Statements of the Uasin Gishu County Alcoholic Drinks Control Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of the Uasin Gishu County Cooperative Enterprise Development Fund for the year ended 30th June, 2024.

Report of the Auditor-General on Financial Statements of the Uasin Gishu County Bursary and Skills Development Support Fund for the year ended 30th June, 2024.

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

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

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

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

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

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

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

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

Report of the Auditor-General on Financial Statements of Kitui County Assembly Service Board Employees' Car and Mortgage Fund Schemes for the year ended 30th June, 2024.

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

Report of the Auditor-General on Financial Statements of Kitui County Textile Centre for the year ended 30th June, 2024.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(Sen. (Dr.) Lelegwe Ltumbesi laid the documents on the table)

The Speaker (Hon. Kingi): Before I allow the Clerk to call the next Order, I would like to make the following Communication.

(Sen. Maanzo and Sen. Wambua consulted loudly)

Order, Senators from Makueni and Kitui counties.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM BUKURIA SCHOOL
AND JUNIOR ACADEMY, MIGORI COUNTY

The Speaker (Hon. Kingi): I would like to acknowledge the presence in the Public Gallery this afternoon, of visiting students and teachers from Bukuria School - Sen. Eddy, I hope I have pronounced that right - and Junior Academy, Migori County. The delegation comprises 50 students and six teachers who are undertaking a study tour to the Senate.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them all the best during their visit.

I will allow the Senator for Migori County to extend a word of welcome in under one minute.

Sen. Oketch Gicheru: Mr. Speaker, Sir, I thank you. This is a special group. In under one minute, I would like to welcome them to the Senate. However, you should meet them because they are from Kehancha in Kuria West Constituency, one of the most marginalised communities in this country.

I am proud to see them here today because I started my journey also in the same area, in a place called Kiburanga Primary in Kuria, as an adopted young man by the Kuria Community. Today, I am here in the Senate courtesy of the journey that you have taken. So, I welcome you.

Nawakaribisha na mkae hapa Seneti kwa usawa. Siku moja pia ninyi huenda mkawa Maseneta ama Rais wa nchi.

The Speaker (Hon. Kingi): Sen. Eddy, I did not want to rule you out of order in front of your constituents. I will allow you to get away with that.

Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statement pursuant to Standing Order No.52(1).
Sen. Hezena Lemaletian, proceed.

INSECURITY IN SAMBURU COUNTY

Sen. Lemaletian: Thank you, Mr. Speaker, Sir. I rise pursuant to the Standing Order No. 52(1) to make a statement on a matter of general topical concern, namely, the state of insecurity in Samburu County.

On Thursday, 27th February, 2025, along the Maral-Baragoi Road, a public service vehicle was ambushed by armed criminals, resulting in the tragic loss of two lives and serious injuries to several others. I strongly condemn this cowardly act and extend my deepest condolences to the families of the victims.

I also wish a swift recovery to those who sustained injuries in the attack. This attack is yet another painful reminder of the persistent insecurity that continues to plague Samburu County, particularly in Baragoi and its surrounding areas. For years, the people of Samburu have lived in fear, subjected to banditry, highway attacks and cattle rustling that has threatened their peace, security and economic well-being.

It is unacceptable that in 2025, Kenyans are still losing their lives to armed criminals while simply going about their daily activities. Even more concerning is that this particular road has remained a dangerous hotspot despite repeated calls for enhanced security measures in the region. The failure to address this long-standing issue effectively has emboldened criminals, leaving innocent citizens vulnerable. This state of affairs should not be allowed to continue.

The people of Samburu deserve peace and the right to move freely without the constant fear of ambushes and killings. We must not normalise such attacks. The time to act is now. Our people cannot continue to suffer in silence while criminals operate with impunity. I reaffirm my commitment to advocating for the security and well-being of the people of Samburu and will continue to engage relevant authorities to ensure lasting solutions are implemented.

I therefore call upon the Ministry of Interior and National Administration, along with all relevant security agencies, to take immediate and decisive action to restore peace and stability in the region.

Specifically, I urge the Government to-

(1) Deploy additional security personnel along the Mararal-Baragoi Road to ensure safety of travellers and residents;

(2) Strengthen intelligence operations to pre-empt and neutralise criminal elements before they strike;

(3) Hold those responsible for these heinous acts accountable and ensure justice for the victims; and,

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(4) Fast-track long-term interventions to permanently eradicate banditry and highway insecurity in Samburu County.

The Speaker (Hon. Kingi): Next is Sen. Hamida Kibwana.

COMMEMORATION OF INTERNATIONAL
WOMEN'S DAY, 2025

Sen. Kibwana: Mr. Speaker, Sir, my first Statement is on commemoration of International Women's Day, 2025.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement in commemoration of International Women's Day, 2025.

(Sen. Cheruiyot spoke off record)

Mr. Speaker, Sir, kindly, protect me from the Senate Majority Leader.

The Speaker (Hon. Kingi): Order! Senate Majority Leader, welcome to *Bunge*.

(Laughter)

Sen. Kibwana: Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement on an issue of general topical concern namely the Commemoration of International Women's Day, 2025. This day is not only a global celebration of the achievements of women, but also a solemn reminder of the work that still lies ahead in our quest for gender equality.

This year's theme; *Accelerate Action for Gender Equality*, resonates deeply as we prepare for the 69th Session of the Commission on the Status of Women (CSW69), where Kenyans progressed in implementing the Beijing Declaration and platform for action will come under review.

Kenya has made commendable strides in advancing the women's agenda. The Constitution of Kenya, 2010 firmly enshrines gender equality. We have witnessed increased representation of women in leadership; with 47 elected Women Representatives, 29 in single constituencies and 12 Nominated Members in the National Assembly. In the Senate, we have three elected women Senators and 18 nominated. We also have seven women elected as county governors.

Women now head seven key Ministries, including health, defence, and lands, public works, housing and urban development. Prominent women hold constitutional offices such as Attorney-General, Auditor-General, Controller of Budget (CoB) and Chief Justice. Additionally, women lead independent commissions like the National Gender and Equality Commission (NGEC) and the Commission on Administrative Justice (CAJ) also known as the Office of the Ombudsman. We also celebrate the appointment of Chief Justice Martha Koome, the first woman to hold this esteemed position in our nation's history.

Beyond leadership, Kenya has rolled out critical women empowerment programmes such as the Women Enterprise Fund (WEF), the Uwezo Fund and the

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National Government Affirmative Action Fund (NGAAF), which have collectively improved women's access to capital and fostered economic independence.

Regarding legislative agenda, we have enacted the Sexual Offences Act, the Prohibition of Female Genital Mutilation Act and the Protection Against Domestic Violence Act, all which are pivotal in protecting women's rights and addressing Gender Based Violence (GBV). Furthermore, gender desks in police stations and the establishment of GBV recovery centres in hospitals are tangible steps in supporting survivors.

Mr. Speaker, Sir, I am proud to highlight the impact of the work of the Kenya Women Senators Association (KEWOSA). It has been on the frontline mentoring women Members of County Assemblies (MCAs), having so far mentored women leaders from seven counties. The initiative has empowered these women to effectively engage in legislative processes and leadership roles, strengthening the pipeline of future female leaders.

Furthermore, KEWOSA has played a pivotal role in supporting women petty offenders who are unable to afford bail by facilitating payment of their bail amounts. The compassionate initiative not only restores the dignity of these women but also ensures that minor economic hardship do not unjustly rob them of their freedom.

I extend my heartfelt appreciation to the women Senators for their unwavering support and invaluable contributions to these programmes. Their collective efforts have made a meaningful difference in advancing women's empowerment and gender equality across the nation.

While we acknowledge these strides, we must also confront the persistent challenges. The two-thirds gender rule remains an unfulfilled constitutional requirement and GBV continues to rob women and girls of their dignity and safety. Economic disparities still limit women's access to land ownership and formal financial systems.

As we mark this important day, I call upon the House and all stakeholders to-

(1) Expedite the full implementation of the two-thirds gender rule through legislative and policy action;

(2) Strengthen women's economic empowerment by expanding access to affordable credit and financial literacy programmes;

(3) Invest in mentorship and leadership training for young women, supported by KEWOSA and other mentorship platforms;

(4) Enhance the fight against GBV by increasing funding for shelters, expanding gender desks, and ensuring swift justice for survivors; and,

(5) Amplify the voices of women in climate action, digital innovation, and close the gender gap in Science, Technology, Engineering, and Mathematics (STEM) subjects, as well as ensure equal opportunities in emerging industries.

Empowering women means strengthening our nation. Let today serve not only as a celebration, but also as a renewed call to action. Let us move from counting women in leadership to making women in leadership count.

Happy International Women's Day.

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

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

Mr. Deputy Speaker, Sir, kindly, allow me to read the second one. Before I do that, since it is the International Women's Day, I would like to send my deepest condolences to one of our sisters, Sen. Betty Montet, who has lost her spouse this afternoon. Some of our colleagues have rushed there. We would also like to go there to support her.

The Deputy Speaker (Sen. Kathuri): Proceed to read the other Statement under Standing Order No.52(1).

WIN BY BIEN BARAZA AS THE
BEST EAST AFRICAN MUSICIAN

Sen. Kibwana: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement of general topical concern namely, congratulating Bien-Aimé Baraza, an award-winning Kenyan music artist, for his outstanding achievement in winning the prestigious East African Best Musician title at the Trace Awards. This remarkable feat is not only a personal triumph for Bien but also a proud moment for Kenya, as it showcases the immense talent thriving within our creative and performing arts sector.

Bien's success is a testament to the power of dedication, creativity, and resilience. It underscores the vital role that music and arts play in shaping our cultural identity, inspiring the youth and contributing to our nation's economy.

His recognition on such a prominent regional platform, alongside the caliber of his competitors - Diamond Platnumz (Tanzania), Joshua Baraka (Uganda), Harmonize (Tanzania), Rophnan (Tanzania), Marioo (Tanzania), Zuchu (Tanzania), and Nandy (Tanzania) - highlights the potential of Kenyan artists to compete and shine on the global stage.

The achievement further brings to light the critical role played by platforms such as the Trace Awards in nurturing and promoting local talent. Trace Awards, established in 2003, is a global music and entertainment platform dedicated to promoting urban and contemporary African music.

It originated from a cable television network in France and has since grown into a powerful media brand, operating music channels, radio stations, and digital platforms across Africa and beyond.

Trace Awards has provided an invaluable stage for young artists, offering them the opportunity to showcase their creativity, expand their reach and gain international recognition. It is through such opportunities that our youth are empowered to transform their artistic passions into meaningful careers.

Mr. Deputy Speaker, Sir, in light of this, I wish to urge the Government to-

(1) Promote and incentivize the creative and performing arts sector by increasing funding, establishing mentorship programs and providing grants for young artists;

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(2) Strengthened partnerships with platforms like Craze and other stakeholders to create more avenues for Kenya talents to be showcased and regionally and globally;

(3) Incorporate arts education into school curricula to cultivate creativity and innovation among the youth from an early age; and,

(4) Support the establishment of arts hubs and music academies across the country to provide safe and nurturing space for young creatives to learn and grow.

As we celebrate Bien Baraza, let this moment serve as a reminder of the boundless potential within our youth and the need to invest in their talents. By fostering the environment where arts and creativity flourishes, we not only empower individual artists but also strengthen Kenya's cultural and economic landscape

Congratulations once again to Bien Baraza. Your win is Kenya's win.

The Deputy Speaker (Sen. Kathuri): Since you have mentioned our condolences to Sen. Betty Montet and to her family, the Senate stands with her during this time of grief and sorrow.

We now go to statements under Standing Order No.(53(1). Sen. (Dr.) Murango you had two statements. That solidarity is good since he is your predecessor in the Committee on Agriculture, Livestock and Fisheries.

SUSPENSION OF HEALTHCARE SERVICES
UNDER SHA INSURANCE COVER BY
PRIVATE HOSPITALS

Sen. Wafula: Thank you, Mr. Deputy Speaker, Sir. I rise to request Statements on behalf of Sen. (Dr.) Murango, Senator of Kirinyaga County, on the suspension of health care services under Social Health Authority (SHA) insurance cover by private hospitals.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Committee on Health regarding the suspension of healthcare services under SHA insurance cover by private hospitals affiliated to the Rural and Urban Private Hospitals Association of Kenya (RUPHA).

In the Statement, the Committee should-

(1) State reasons for the suspension of healthcare services under the SHA in insurance cover by private hospitals affiliated to RUPHA explaining how this suspension affects access to healthcare across the country;

(2) Explain any steps taken by the Ministry of Health to facilitate prompt resumption of normalcy in the delivery of healthcare services in the affected facilities while the issues raised by RUPHA are being addressed; and,

(3) Outline the measures in place to facilitate the conclusive resolution of the issues raised by RUPHA as well to prevent similar disruptions in future.

CHALLENGES FACING BENEFICIARIES OF INUA
JAMII PROGRAMME FOLLOWING MIGRATION
TO E-CITIZEN MPESA PAYMENT PLATFORM

Sen. Wafula: Mr. Deputy Speaker, Sir, on behalf of Sen. (Dr.) Murango, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the challenges faced by beneficiaries of Inua Jamii Programme following migration to the e-Citizen M-pesa payment platform.

In the Statement, the Committee should-

(1) Provide a progress report on the migration of Inua Jamii program beneficiaries to the e-Citizen M-pesa payment platform particular in Kirinyaga county;

(2) Outline the challenges encountered in the migration process and any actions taken to address them stating what the Ministry of Labour and Social Protection is doing to ensure the new system is reconfigured to recognize identity card numbers held by many of the older citizens; and,

(3) State whether the Government has put in place measures to ensure that beneficiaries who are experiencing challenges migrating to the new systemic receive their benefits on time while the challenges are being addressed.

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

The Deputy Speaker (Sen. Kathuri): Who do you want to inform?

Sen. (Dr.) Khalwale: The Senator of Bungoma.

The Deputy Speaker (Sen. Kathuri): Why are you informing him now and he was just reading a Statement? You can just interrogate that statement at the Committee level.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, it will help the House. I do not want to comment on the statement, but to help the House. The information very briefly is that the Statement sought on the issue SHA has been overtaken by time because the Chair of RUPHA---

The Deputy Speaker (Sen. Kathuri): That is what you could have done during the time of comments not now.

Sen. Oketch Gicheru: Thank you, Mr. Deputy Speaker, Sir. Today, the Majority Leader is in very high spirits, which is very good. Also, just allow me to convey my deepest condolences to our colleague, Sen. Betty Montet, who has been an industrious Member of this House and presently the Chairperson of the Committee on Education. The loss of the spouse is painful and we are sorry for that.

The Deputy Speaker (Sen. Kathuri): I will guide that maybe we create time for those condolences so that we do it together. I will create some time for that.

Sen. Oketch Gicheru: Thank you, Mr. Deputy Speaker, Sir. That will be very highly appreciated.

NON-TRANSPARENCY IN FINANCIAL OPERATIONS
OF MIGORI COUNTY GOVERNMENT

Sen. Oketch Gicheru: I rise to seek a Statement pursuant to Standing Order No.53(1) from the Standing Committee on Finance and Budget regarding the lack of transparency in the financial operations of Migori County Government.

In the Statement, the Committee should-

(1) Provide a comprehensive breakdown of the expenditure relating to the Ksh309,677,292 that was withdrawn by the County Executive of Migori following the approval of Exchequer Requisition No. MIG/REC/VOL.7 (131) dated 30th June, 2023;

(2) Provide a detailed account of expenditure by the County Government of Migori on bursaries in the Financial Year 2023/2024 including copies of receipts for each payment or acknowledgment letters from the receiving schools, colleges and universities; and,

(3) Explain the legal basis for the economic empowerment initiative undertaken by the County Government of Migori in February, 2025 where Kshs40 million was distributed to 400 community groups across Migori County.

SETTLEMENT OF PENDING BILLS BY
MIGORI COUNTY GOVERNMENT

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, this follows a comprehensive visit together with the Committee on Finance and Budget led by Sen. (Dr.) Khalwale.

I rise to seek pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget regarding the settlement of pending bills by Migori County Government.

In the Statement, the Committee should –

(1) Explain how the Migori County Government accumulated its pending bills, providing details on the procurement process, including documentation on the delivery and utilisation of goods and services linked to this outstanding payment;

(2) State the amount of money set aside by the county government to settle pending bills during 2024/2025 Financial Year, including a detailed distribution of the amounts designated for each county department's pending bills; and,

(3) Provide a status update on the settlement of pending bills, thus far, outlining the county's payment plan for outstanding balances so far.

I thank you.

(Interruption of Debate on Statements)

COMMUNICATION FROM THE CHAIRVISITING DELEGATION FROM SACHO
HIGH SCHOOL, BARINGO COUNTY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I want to make a communication on the visiting delegation of teachers and students from Sacho High School in Baringo County.

Honorable Senators, I would like to acknowledge the presence, in the public gallery, this afternoon, of visiting teachers and students from Sacho High School in Baringo County. The delegation comprises three teachers and 85 students who are in the Senate for a one-day academic exposition.

Honorable Senators, in our tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them, and on behalf of the Senate, and on my own behalf, wish them a fruitful visit.

(Applause)

Senator Mutinda, why are you raising your hand up?

Sen. Tabitha Mutinda: I did?

The Deputy Speaker (Sen. Kathuri): Yes, you did. Okay, go ahead. One minute.

Sen. Tabitha Mutinda: Thank you, Mr. Deputy Speaker, Sir. I take this opportunity to welcome the great, smart students, as we can be able to see, and to really encourage you to pursue further. Education has no limit. It is the only thing, the only weapon that you can always pride in, and nobody can take education away from you.

As the Senate, we want to wish you the very best. Go to the highest levels and just know, as we are here, you can also have an opportunity to be here.

God bless you.

The Deputy Speaker (Sen. Kathuri): Okay, thank you.

Next statement by Sen. Karungo Thang'wa.

(Resumption of Debate on Statements)

DISCONNECTION OF ELECTRICITY IN
COUNTIES BY KENYA POWER

Sen. Thang'wa: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to also request for a Statement on the issue of electricity disconnections in the counties.

I rise pursuant to the Standing Order No.53(1) to seek a statement from the Standing Committee on Energy regarding the continued disconnection of electricity by Kenya Power, and its overall engagement with county governments and individual consumers.

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In the Statement, the Committee should—

(1) State the legal and procedural framework governing electricity disconnections, providing a list of counties and essential service institutions, such as hospitals, that have faced power cuts from 2022 to date, and outline measures to ensure that critical public institutions are not affected by the unwarranted disconnections;

(2) State the amount in electricity bills owed by county governments, particularly Nairobi, Mombasa and Kiambu, which are reported to have the highest outstanding balances, and indicate whether Kenya Power has issued or intends to issue disconnection notices to these counties;

(3) Disclose the extent of individual consumer disconnections that have been affected from 2022 to date, stating the number of Kenyans who have had their power disconnected, and provide information on consumer complaints regarding business losses and damage to electrical appliances due to abrupt disconnections; and,

(4) Outline any compensation mechanisms available to the affected consumers and the steps Kenya Power is taking to ensure fair and transparent engagement with the public and individuals and the county governments.

I request. Thank you.

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

(Sen. Cherarkey stood in his place)

Sen. Cherarkey, were you given instructions to do that?

POOR ENFORCEMENT OF ANTI-HUMAN TRAFFICKING LAWS

Sen. Cherarkey: Yes. Mr. Deputy Speaker, Sir, on behalf of Sen. Esther Okenyuri, I rise pursuant to Standing Order No.53(1)1 to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the poor enforcement of anti-trafficking human trafficking laws amid growing concern over the increased cases of human trafficking involving vulnerable children and women in Kenya.

In the Statement, the Committee should—

(1) Provide a detailed report on the measures in place to protect homeless mothers and their infants from abductions, stating the steps taken to investigate reported cases of baby snatching on the streets of Nairobi and other urban centres;

(2) Indicate the mechanisms the Government has implemented to ensure prompt reporting, tracking and recovery of trafficked children, and highlight the successes recorded since implementation;

(3) Outline measures the Government has undertaken to ensure full enforcement of adoption laws.

(4) Provide data on child trafficking cases and reported illegal adoptions, detailing the number of cases investigated, reversed and the perpetrators prosecuted in the last five years;

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(5) Disclose the loopholes in the civil registration process that allow traffickers to illegally obtain birth notifications and certificate documents and state corrective actions being taken; and,

(6) Outline the measures being implemented to enhance security in birth registration centres.

The Deputy Speaker (Sen. Kathuri): Last but not least is a Statement by Sen. Jackson Mandago, MP. This statement is directed to the Standing Committee on Agriculture, Livestock and Fisheries regarding the status of purchase of wheat from Kenyan farmers. Is it yesterday that I had this Statement? The speaker gave some direction about the comments. What happened?

The Senate Majority Leader (Sen. Cheruiyot): I think maybe it should be just a small typo, but we commented about it.

The Deputy Speaker (Sen. Kathuri): I want to give a few Senators a chance. You have the last one.

RECENT WAVE OF WILDFIRES RAVAGING FORESTS IN THE COUNTRY

Sen. Kibwana: My Statement is on the recent wave of wildfires ravaging forests in the country. I rise pursuant to Standing Order No.53(1), to seek a statement from the Standing Committee of Land, Environment, and Natural Resources regarding the recent wave of wildfires that have ravaged various forest reserves and national parks across the country, including the Aberdares, Isiolo, Nairobi Park, the Mau Forest, and Mount Kenya Forest.

In the Statement, the Committee should-

(1) Explain the causes of the recent wildfires and indicate whether preliminary investigations suggest arson or other human activities as contributing factors;

(2) Outline specific measures and strategies that the Ministry, the Kenya Forest Service (KFS), and the Kenya Wildlife Service (KWS) have implemented to mitigate the spread of these wildfires and protect our forest reserves;

(3) Assess the level of preparedness of the Ministry and relevant agencies in terms of available resources, such as firefighting equipment, personnel and technology to effectively respond to such environmental disasters;

(4) State whether any individuals or groups suspected of involvement in arson or other criminal activities related to the wildfires have been identified and prosecuted; and,

(5) Elaborate on any long-term strategies, policies and legislative framework that the Ministry is putting in place to prevent and manage wildfires, rehabilitate the affected areas and protect our fragile ecosystems.

I thank you.

The Deputy Speaker (Sen. Kathuri): Thank you. There is a Statement under Standing Order No. 57(1) by the Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 11TH MARCH, 2025

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir.

I rise pursuant to Standing Order No.57(1) to hereby present the business for the week that commences Tuesday, 11th March, 2025.

Allow me to give the status of legislative business pending before the Senate then I will make this presentation. There are 55 Bills, of which 43 are at the Second Reading Stage and 12 are at the Committee of the Whole. We have 31 Motions pending conclusion and 25 Petitions are pending conclusion, out of which 17 are due for reporting by the respective Standing Committees. We have 523 Statements pursuant to Standing Order No. 53(1) pending conclusion.

On Tuesday, 11th March, 2025, the Senate Business Committee will meet to consider the business for the week. The tentative business for that day will include business not concluded from today's Order Paper as well as the business indicated in the Notice Paper.

The tentative business for morning sitting on Wednesday, 12th March, 2025, will include schedule of questions to the various Cabinet Secretaries as business that will have been approved by the Senate Business Committee on Tuesday and Motions as well.

There are questions to the Cabinet Secretary for the Ministry of Defence by Sen. (Prof.) Tom Ojienda, SC. There are two questions to the Cabinet Secretary for Ministry of Water, Sanitation and Irrigation by Sen. Oketch Gicheru and Sen. Maanzo. I hope Sen. Sifuna will be in the House to meet his constituent who he says he has never met. There are also questions to the Cabinet Secretary, Ministry of Agriculture and Livestock Development by Sen. (Dr.) Murango.

The tentative business on Wednesday, 12th March, 2025, will include business not concluded from the Order Paper for Tuesday, 11th March, 2025 and the following Bills. It will have Bills at the Second Reading Stage which is the Public Finance Management (Amendment) Bill (Senate Bills No. 27 of 2024); the Sport (Amendment) Bill (Senate Bills No. 33 of 2024); and the County Wards (Equitable Development) Bill (Senate Bills No. 20 of 2024).

There are also the Committee of the Whole Bills which includes the Early Childhood Education (Amendment) Bill (Senate Bills No. 54 of 2023); the Energy (Amendment) Bill (Senate Bills No. 42 of 2023); the County Public Finance Laws (Amendment) Bill (Senate Bills No. 39 of 2023); the County Governments Election Laws (Amendment) Bill (Senate Bills No. 2 of 2024); the County Assembly Services (Amendment) Bill (Senate Bills No. 34 of 2023); the Street Vendors (Protection of Livelihood) Bill (Senate Bills No.41 of 2023); the Local Content Bill (Senate Bills No. 50 of 2023); the Land (Amendment) Bill (National Assembly Bills No.40 of 2022); and the Co-operative Societies (Amendment) Bill (Senate Bills No.53 of 2023).

The projected business for Thursday, 13th March, 2025, will include business not concluded in the Order Paper for Wednesday, 12th March, 2025, and any other business scheduled by the Senate Business Committee.

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It is worth noting to the House that since we resumed this Session, we have never voted for any business beyond a voice call. I know that my colleague Senators are busy with committee sittings and other business beyond the voting, but it is equally important to vote and pass legislation. I hope that next week, we shall raise the requisite numbers to conclude all the businesses that I have read. Some of these Bills date back to 2015, if I may recall.

The first time I heard of the Local Content Bill was in 2015 and it is still in our Order Paper. It has gone full circle and I wish that we can conclude on it because it is an important Bill that will help our county governments earn revenue from explorative activities. Therefore, I want to urge colleagues to find time to be present in the House for us to conclude on this business.

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

(Sen. Cheruiyot laid the document on the Table)

The Deputy Speaker (Sen. Kathuri): Thank you, the Senate Majority Leader. We will now have brief comments for the next 15 minutes.

Sen. Sifuna: Thank you, Mr. Deputy Speaker, Sir. I could sense some anxiety on the part of the Senate Majority Whip when the Statement by the Senator for Kirinyaga, Sen. (Dr.) Murango, was being read. It was as though he did not want us to have an opportunity to speak about the Social Health Authority (SHA) issues.

The Chairperson of the Rural and Urban Private Hospitals Association is a young man I schooled with. He is called Dr. Lishenga. He was my candidate for Senate in Kakamega County under the Orange Democratic Movement party ticket. He has done a fantastic job representing those rural hospitals. He has informed me that in as much as they have suspended hostilities for now, their issues still abound.

We, at the Committee on County Public Accounts, had the opportunity to sit with the Auditor-General when she appeared before our Committee. This is a matter of great national interest and our colleagues should not appear to want to gag Members when they are discussing a matter that is in the public domain. Some of the issues that emerged from the meeting with the Auditor-General is that there are a lot of questions to be asked about the way that we have rolled out the Social Health Insurance Scheme.

She singled out a few issues and I want to mention them. The first one is unbudgeted procurement and uncompetitive procurement. She also mentioned unfavorable clauses to the people of Kenya. I heard the President say when he was in Malava that there were no public resources used in this procurement.

I do not know how the President defines public resources. This is because the Auditor-General has flagged that in that contract for the digital system, the owner of the system, who is not even the Government but a private consortium, takes 2.5 per cent of my monthly contribution. Every time I pay Kshs32,000, that digital system's operator takes 2.5 per cent. They then get 5 per cent on claims to hospitals. This is something that does not make any sense to me. Why are claims being subjected to 5 per cent deductions by the system operator? There is something also called track and trace that they charge 1.5 per cent.

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There are unconscionable contract terms and we have to speak about these issues without appearing like we are witch-hunting or anything. I want to assure the President that Sen. Sifuna's money is also defined as public money because I am making a contribution. We are all making a contribution. If the system operator is getting money from there, then it means that the Kshs104 billion that we are using to procure this system is actually public money.

The Auditor-General made a suggestion to the House. Unfortunately, I am no longer a Member of the Senate Business Committee but her suggestion is something that will be helpful to all of us, as a House. She said she needs to be allowed to also speak to Parliament in what she called a State of Accountability Address. We let her appear before this House and tell us the state of accountability in the country. The address will cut across all the issues such as matters that are devolved and our individual counties. There are problems all over the place.

She tried to run away, but we tried to tell her that the Audit Act gives her powers to make recommendations that bind the hands of other institutions in the accountability ecosystem. According to her, after she has said that there were four material breaches of the law in the procurement of the system for SHA, it is the responsibility of Parliament to make recommendations. However, the Audit Act also asks her to make recommendations.

There are things that she can do now that they say that Parliament is the weak link in the accountability ecosystem, that we can be compromised and that her recommendations never see the light of the day. She can tie Parliament's hands by saying that in these four breaches of the law in procurement of this system, the following officers at SHA, the principal secretaries and the following cabinet secretaries are responsible and should be held to account. If we, as a House, want to change her recommendations, then we will be the ones to explain to the public why we are letting thieves go.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, you have enjoyed five minutes out of the 15 minutes that are provided for Statements this afternoon. I did not give time allocation when we started, but from now, every Senator will now have two minutes to make a brief comment. You should not debate about the Statement.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, it will be unfair to us, but we will try to do justice to an ongoing important national conversation.

The Deputy Speaker (Sen. Kathuri): You can each have three minutes.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I will try to speak within three minutes.

I agree with what Sen. (Dr.) Khalwale was informing the House.

The Rural and Urban Private Hospital Association (RUPHA) has eventually come to terms with the reality of the day. When the Cabinet Secretary was here last week, what came out unequivocally from the conversation she had with the House is that the hospitals were complaining about historical debts that they have with the National Hospital Insurance Fund (NHIF) and not the Social Health Authority (SHA).

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Finally, after they were assured that after the verification process is done, they would be paid their money, they have resumed services. I visited my own county referral hospital two weeks ago and the medical superintendent informed me that every month they used to write off bills of between Kshs7 million to Kshs10 million from ordinary citizens of the county who, after being treated would tell the doctors to see what to do with them. However, because of this programme, that debt has reduced to about Kshs1 million.

This confirms that as we continue to deepen this programme into the minds and hearts of ordinary Kenyans, our public hospitals will have the resources to run and by default, ordinary citizens who could not afford medical insurance will become a thing of the past.

On the matter that has been raised by the Auditor-General, I would wish that either the Standing Committee on Health or the entire sitting of the House unravels some of these questions. This is a country that is governed by the rule of law. It will be important for citizens to know whether what is being alleged is actually true or false. I have read that particular report that Sen. Sifuna is referring to. There are certain questions that I want to ask the Auditor-General on how she arrived on some of these findings.

For example, on paragraph 559(2) of her report, she faults the procurement method that was used and says was a breach of the law yet, Section 114 of Public Procurement and Disposal Act provides for specially procured goods and services in this country. This is not the first time the government is using this mode of procuring goods and services.

It will be important for her to tell us at what point she declared this breach, and why she feels that certain sections of the law cannot be applied. To the best of my recollection, this section of the law has not been enjoined by any court. It is part of the law that is still active and being used in court.

It will also be important to know from the Ministry why Section 559(1) of her report was not captured in the 2022/2023 Budget Review Framework. I do not know what explanation they have, but I suspect that 2022/2023, being a transition year from one administration to another, we could not have implemented the priorities of another administration.

I believe that, subsequently, there must have been a budget process through which all this was addressed. So that we do not appear as if we are a House that sanitizes illegality, I want---

The Deputy Speaker (Sen. Kathuri): Sorry, Clerk, to be fair, let both Leaders enjoy their five minutes.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, in fact, I just need an extra minute. I was concluding. To be fair to the country, it is important that the report is tabled and subjected to thorough scrutiny by the committees of this House.

The country should not rely on newspaper cuttings by some people who may be having other agenda against you. We know for a fact that there are people who used to benefit from the illegalities that were being committed under the NHIF. Do you think

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they will sit pretty and watch this programme being rolled out? At every turn and opportunity, they will hire people to speak for them and will incite the media against this particular programme. That is why I want that report of the Auditor-General to be tabled before this House. I want the competent committees to go after the four breaches that the Auditor-General has highlighted.

The final issue is on the cost of this particular system. It is important for it to be tabled, so that Kenyans can know what the tabulation of Kshs104 billion exactly entails. I have seen very educated people imagining that the Government procured a software for Kshs100 billion. I know for a fact that it cannot be accurate. I want the list of all the items that eventually tabulate to Kshs104 billion, so that we are able to tell which one out of these items has been charged beyond the market price. Eventually, as a House, nobody will say that we sanctioned an illegality when we passed the four laws that set up Universal Health Coverage (UHC) in our country.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Osotsi, proceed.

Sen. Osotsi: Mr. Deputy Speaker, Sir, a lot has been said about systems. For example, there is a Statement on the issue of migration of *Inua Jamii* to E-Citizen platform. You have also heard clearly Sen. Sifuna raising a matter on the SHA system.

Mr. Deputy Speaker, Sir, one of the biggest problems in this country is that we have laws, which we do not implement. I am talking as an Information Technology (IT) expert and one of the people who worked so hard to bring in place the Computer Misuse and Cybercrime Act. In that law, it is very clear that big systems supporting the Government must be licensed as a critical information infrastructure system.

The best practice globally is that such systems should not be operated by private individuals. Such systems must be cost effective. One of the things that we need to look at moving forward, as a House, is to go back to that law and come up with regulations on how systems that support the public sector or the Government are defined in line with the Computer Misuse and Cybercrime Act.

That way, we will be able to avoid all these challenges we are talking about such as operational and cost issues. I would like to be given the privilege to guide this House on how that should be done. It has been done in other countries as well.

Mr. Deputy Speaker, Sir, the second issue is on pending bills. I have sat in this House and almost every day, a Senator brings a matter concerning pending bills in their county. We had passed a Motion in this House that was brought by Sen. Olekina on the issue of the pending bills. Why are we not making progress as a Senate on this matter?

Therefore, I ask the Standing Committee on Finance and Budget to deal with this matter with finality. Our people; the contractors, in the counties are suffering. We are discussing and asking governors to appear before us, yet nothing happens. It is like the institutions in our counties are not being managed by us. I request that if the Standing Committee on Finance and Budget is unable to resolve this issue---

The Deputy Speaker (Sen. Kathuri): Very well. Thank you, Senator.

(Interruption of Statements)

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COMMUNICATIONS FROM THE CHAIR**VISITING DELEGATION FROM
GETARWET GIRLS SCHOOL**

Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon, of visiting teachers and students from Getarwet Girls School in Kericho County. The delegation comprises six teachers and 70 students who are in the Senate for a one-day academic exposition.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them on behalf of the Senate and on my own behalf wish them a fruitful visit.

Allow me to make this other Communication, then we can welcome them together.

**VISITING DELEGATION OF STAFF FROM VARIOUS
COUNTY ASSEMBLIES AND THE NATIONAL ASSEMBLY**

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation of staff from the National Assembly, Trans Nzoia County, Garissa County, Nyeri County, and the Kenya School of Technical and Vocational Education and Training (KSTVET), Nairobi. The staff are attending a training programme on Protocol and Events Management in the Legislature at the Center for Parliamentary Studies and Training (CPST).

Hon. Senators, I request each Member of the delegation to stand when called out, so that they may be acknowledged in the Senate tradition.

- (1) Ms. Lucy Atieno - Trans Nzoia County
- (2) Mr. Oscar Okumu Wanyonyi - Trans Nzoia County
- (3) Mr. Fred Neyole Wanyonyi - Trans Nzoia County
- (4) Ms. Sarah Hussein Issa- Garrisa County
- (5) Ms. Margaret Wanjiku Kimotho- Kenya School of TVET, Nairobi
- (6) Ms. Susan Gathaigia Sebastian - Nyeri County

On behalf of the Senate and my own behalf, I extend a warm welcome and wish you a fruitful visit.

Let us start, in under one minute. Proceed, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I want to join you in welcoming these students from Getarwet Secondary School. It is in my home county in Bureti Subcounty. It is a very progressive school that I have had the opportunity to visit a couple of times, and even built a classroom in honour of one of the very distinguished teachers from this institution, who is a good friend of mine in the community. I hope that they will enjoy their time seeing how debate happens in this House.

This is where your Senator works. When they get home, they should report to their parents that they found him at work. He was not missing in action, and they saw him

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debate and engage with colleagues. What they watched us engage in is a reaction to Statements. What Parliament does is to legislate, represent and oversight.

The debates that were happening here are part of our oversight work, to see the things that the Government does, whether they are done per the law. If they are in breach of the law, we order people to go where people who do such things need to go.

Finally, I also welcome the members of staff from the various county assemblies. The Senate is a mother institution of our county assemblies. In fact, our Clerk is a patron of the organisation of clerks of all the county assemblies. I keep reminding ourselves that we must return to the days of the Legislative Summit, where we used to interact as the Senate and the county assemblies, so that we can engage and exchange knowledge on how to run the oversight function as a devolution family. I hope these staff have interacted with the extremely competent staff of the Senate and get to learn and leave Nairobi better than they were when they arrived at this institution.

I thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Thank you.

The Senate Majority Whip, Sen. (Dr.) Boni Khalwale, do you want to comment on the Statements?

(Resumption of Statements)

Sen. (Dr.) Khalwale: On the Statements? Yes.

The Deputy Speaker (Sen. Kathuri): You said less than three minutes.

Sen. (Dr.) Khalwale: You said five minutes for the leadership.

The Deputy Speaker (Sen. Kathuri): No. One from either side. You are now eating into your three minutes. Can you kindly organise yourself?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, Sen. Sifuna is a Deputy Whip.

The Deputy Speaker (Sen. Kathuri): He is representing the Minority side of the Senate. He is the only leader around this afternoon.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, think about it all the same.

On the issue of the Social Health Authority (SHA), one, if people who do not like SHA must fight it, they should do so with facts. I have seen excuses one after another, up to and including from the media in today's headline calling a doctor of Medicine, Dr. Deborah Mulongo Barasa, clueless; a girl who scored a straight A and went to the School of Medicine at the University of Nairobi (UoN), qualified without being referred in a single subject, went on and specialised in Internal Medicine, and you call her clueless? If people do not think that members of certain communities deserve to be in Government, they should say it. The purpose of the Broad-Based Government could not possibly have been that you edge out Mulongo. We want Mulongo to be respected and to be allowed to work.

Two, I am one of the leaders in this country who has expressed my reservations about SHA, not because SHA is bad, but because being an expert in Medicine, surely, I know something. The problem with SHA is the funding model. Nowhere in the world can you roll out Universal Health Care (UHC) for the Republic using private members' contributions only. The leadership of this country must help the Government to see the

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positive side of SHA and improve on its proposal without looking like when you speak to it, you are anti-Government.

In the United Kingdom (UK) where UHC is successful, funding is from three limbs. One, from members' contributions, the way Sen. Sifuna has explained. Two, funding from injection from the national treasury, the Exchequer, and three, out of pocket. As Parliament, we must put the national Government under pressure, so that the Kshs134.5 billion---

(The amber light turned red)

Give me a second.

The Deputy Speaker (Sen. Kathuri): Give *Daktari* one more minute.

Sen. (Dr.) Khalwale: This is so that the Kshs134.5 billion that remains here at Afya House when health is fully devolved, left at Afya House to be abused, that money, either 50 per cent or 60 per cent, should be rolled into SHA and the Social Health Insurance Fund (SHIF). If we do not do this, then the women today who are in the maternity ward at the Kakamega Provincial General Hospital, they are there today, they have been imprisoned because they did not clear the bills.

Their husbands are screaming, they are in my home every morning saying: "My wife has been arrested after giving birth and yet the last time when she gave birth, I walked in with a National Health Insurance Fund (NHIF) card and I was given my wife and the child." Those are the people who voted for me and the people I will speak for. Those are the people who deserve representation, not you, rich people. Every time I see people say, "Oh, accept this is going on because I contribute Kshs27,036." That is not the point! The point is the people who vote for us, the parents of the children who are in the Gallery this afternoon. I know most of you are not any different from these people whose wives have been arrested at the Kakamega Provincial General Hospital. You are lucky. If your mother had delivered you in hospital, she would have been arrested. You were delivered in a banana plantation like myself. That is how serious it is.

The Deputy Speaker (Sen. Kathuri): That is more than the one minute that I gave you, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: In conclusion, SHA must be properly thought through. The Government made an error in trying to roll out a very good thing without proper piloting.

The Deputy Speaker (Sen. Kathuri): We must now be concluding the Statements. I can see that Senator Manzo is not ready.

I, therefore, give the Floor to Sen. Cherarkey

Sen. Cherarkey: Mr. Deputy Speaker, Sir, on the issue of SHA, I want to caution the Office of the Auditor-General (OAG). Under Article 229 of the Constitution, the OAG is very critical in auditing. I am the biggest champion of transparency agencies in the country. However, we should not allow the OAG to sensationalise a critical Government programme.

The media also has been part of this wider scheme of sensational stories yet, under Article 22(8) of the Constitution, Parliament has a role. We need to consider these reports. It does not mean that when the OAG has brought a report on the issue of SHA,

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we take it as gospel truth. Parliament must consider and look at the options that come out. Therefore, this thing does not make sense---

The return of brown envelope media has been a problem in this country. You can see they are even attacking the person and stature of a Cabinet Secretary by calling her clueless, yet they do not have regard for what she has already done under the SHA.

Therefore, the Auditor-General's report on the Social Health Authority (SHA) is a sensational story that should be taken with a pinch of salt by Kenyans, who take seriously Article 229 of the Constitution because Parliament must consider that report.

Finally, on the issue of voiding payments in Migori County, I want to ask the Ethics and Anti-Corruption Commission (EACC) to look into this issue of Migori, because of the voiding payment of over Kshs300 million. Migori County should be declared a crime scene. How can the county government void payments of more than Kshs300 million, yet it cannot be accounted for?

If the EACC was functioning, apart from arresting people who have committed bribery of Kshs1,000 or Kshs10,000, Migori County should be declared a crime scene. I hope the Secretary General (SG) of the Orange Democratic Movement (ODM) and Deputy Party Leader, should call their Governor. He always says they have the best practices in terms of protecting devolution. Even as we do the oversight ---

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

The Deputy Speaker (Sen. Cherarkey): Just a minute, Sen. Cherarkey. Sen. Sifuna, what is your point of order?

Sen. Sifuna: Mr. Deputy Speaker, Sir, is the Senator for Nandi in order to ascribe duties that are reserved for investigative agencies to a political party? He knows very well that political parties are not enforcement agencies when it comes to matters of alleged criminal conduct. All breaches of the law have to be sent to the proper agencies. Is he in order to invoke ODM willy-nilly and yet, this is a very powerful political party in matters that have nothing to do with politics.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, is a seasoned legislator. He knows once the reports come to the Senate, they go to the Committee on County Public Accounts (CPAC), and then CPAC makes recommendations to certain institutions. Therefore, stop being diversionary. Do you know you are guiding the citizens who are watching us?

Sen. Cherarkey: Yes, Mr. Deputy Speaker, Sir. I am not being diversionary. We should avoid double standards.

The Deputy Speaker (Sen. Kathuri): Do not contribute in a way that you want to injure your colleagues or other Kenyans.

Sen. Cherarkey: I am not injuring them. The Secretary General of ODM should avoid double standards. When ODM counties perform well, he says these are best ODM counties. However, when stealing or plundering of resources like in Migori is happening, the Secretary General denies. How can he run away from his own child? As a party, you also have a role to bring order and discipline, because I do not believe ODM is a party that allows corruption to thrive in their own counties that they run.

In conclusion, I agree that the CPAC and County Public Investments and Special Funds (CPIC) must be seized of this matter.

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I support.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Tabitha Mutinda.

Sen. Tabitha Mutinda: Thank you, Mr. Deputy Speaker, Sir. Let me comment on what I have heard my colleagues bring out on the issue of pending bills. I am the Vice-Chairperson of Committee on Finance and Budget. Our resolution as a committee is that we are planning to visit each and every county on the issue of pending bills because it has been a thorny issue.

Mr. Deputy Speaker, Sir, just to touch on the issue of SHA, the SHA has been politicised. It is diverting our focus from the people who are really in need. As Members of Parliament (MPs), we have a very executive insurance that we are able to access very good medical services. The issue that is currently on table is affecting the common *mwananchi*. We should have a discussion that at the end of the day brings a solution to the common *mwananchi*.

The problem is how this communication was done, because out of 18 million Kenyans who have registered for SHA, only 4 million are remitting. The other 14 million are not remitting. Today, as we were looking at the Budget Policy Statement (BPS), the Council of Governors (CoG) appeared with their submissions. Out of the Kshs85 billion that has been increased to go to the Ministry of Health, almost Kshs30 billion is going to the Ministry for other functions. We are also asking what this additional funding is supposed to do. Any additional funding that has gone to the Ministry of Health should strategically be tabled to show how much is going to handle the issues of SHA.

The discussion that we are having is trying to make SHA look so bad, yet it is one of the best programmes that the Government is offering. We are forgetting that you do not know when you will get sick. Sickness does not knock. Therefore, in whichever conversations that we are having, let us have a conversation minding the common *mwananchi* and addressing the key issues.

On the issue of the Auditor-General, there are concerns. Let them come to Parliament, let us look at them and address them. Nonetheless, the issues of the Auditor-General are different issues. The issues of the *mwananchi* going to the hospital and not being able to get a service is an issue and that should be addressed collectively. Sickness does not know tribe or has no time. Sometimes it does not matter how ---.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we must conclude the Statement hour because we have lined up some Motions and Bills. Last but not least is Sen. Maanzo Daniel from the Minority side.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir. I want to say that the moment we passed the SHA and SHIF law, the National Health Insurance Fund (NHIF) law was repealed. Therefore, there is no possibility or chance that people will go back to that. Certainly, we must do our level best to make sure that this programme, which is very important and is touching all our counties and every single village in this country, is sorted.

Mr. Deputy Speaker, Sir, for the first time in life, Kenyans have really suffered. We, the MPs, are the ones rescuing people from hospitals. Once more, the thieves of NHIF are known and where they have hidden the resources is known. The Government, through the Director of Public Prosecutions (DPP), the Directorate of Criminal

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Investigations (DCI), should do everything possible to make sure that all the thieves are arrested, charged by EACC and the monies are recovered. Since, they live in this country, they are known and some of them are in Government.

It is important for this issue of SHA to be looked into so that we bring this matter to conclusion. We should also come up with a way forward to make sure that a common Kenyan is served by this system. It should not look like it was better when NHIF was there, but make sure that nobody is detained in hospital after giving birth or getting sick, especially when they come from poor families and are not able to afford the medical services. Additionally, ensure that they are free from such mistreatment and being mishandled.

Meanwhile, while we sort this out, the Government should come up with a strategy of releasing these people or getting them paid for as we have raised more than enough money. The Ministry of Health is devolved but the money is stuck at the national Government. Most important, that money should also be devolved. Now that we, as individuals, are funded, then any deficits should be taken care of by the Ministry of Health. Otherwise, I am grateful and thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to make these comments.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, let us move on to the next Order.

MOTION

ADOPTION OF REPORT ON CATASTROPHIC MAIZE DISEASES IN BOMET COUNTY

THAT, the Senate adopts the Report of the Standing Committee on Agriculture, Livestock and Fisheries on a Petition to the Senate regarding the catastrophic maize diseases that farmers in Bomet County have endured for the last twelve years, laid on the Table of the Senate on Thursday, 5th December, 2024.

(Sen. Wafula on 5.3.2025 – Afternoon Sitting)

*(Resumption of debate interrupted
on 5.3.2025 – Afternoon Sitting)*

The Deputy Speaker (Sen. Kathuri): This is a voice vote, so I want to determine that this Motion does not affect counties and then also to ascertain whether we have the quorum. If we do not have quorum, then we will defer this Order.

(Motion deferred)

The Deputy Speaker (Sen. Kathuri): I want to reorganise the business appearing in the Order Paper from Order Nos.9, 10, 11 and 12. These divisions will be deferred to the next sitting or when there will be space for them.

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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)

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)

Let us go to Order No.13. Clerk, proceed.

MOTION**ADOPTION OF REPORT ON PETITION ON GRAFT INVESTIGATION
BY EACC ON WEST KANO IRRIGATION SCHEME**

THAT, the Senate adopts the Report of the Standing Committee on Agriculture, Livestock and Fisheries on a Petition to the Senate regarding graft investigation by the Ethics and Anti-Corruption Commission (EACC) on the West Kano Irrigation Scheme, laid on the Table of the Senate on Thursday, 5th December, 2024.

The Deputy Speaker (Sen. Kathuri): Chairperson, Standing Committee on Agriculture, Livestock and Fisheries, proceed to move the Motion.

Sen. Wafula: Thank you, Mr. Deputy Speaker, Sir. I beg to move---

The Deputy Speaker (Sen. Kathuri): Chair, give me one minute to recognise this delegation because you might take some time.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR**VISITING DELEGATION FROM ST. THOMAS AQUINAS
THOMEANDU BOYS SCHOOL IN MAKUENI COUNTY**

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon, of visiting teachers and students from St. Thomas Aquinas Thomeandu Boys School in Makueni County. The delegation comprises two teachers and 49 students who are in the Senate for a one-day academic exposition.

In our usual tradition of receiving and welcoming visitors to this Parliament, I extend a warm welcome to them. On behalf of the Senate and own behalf, I wish them a fruitful visit.

Thank you.

Senator representing Makueni County, welcome the students from St. Thomas Aquinas Thomeandu Boys School in one minute.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir. I welcome the students to the House. When you visit Parliament, you learn a lot. For those who are reading history and civics, you are going to have about 10 to 15 marks questions in relation to Parliament in your form four examinations. So, when you are here, get to know who the Speaker, Clerk and Serjeant-at-Arms are and how Parliament runs. It is special as the third Arm of Government. I welcome you and wish that some of you become very ambitious today. One day, you will become Senators or Members of Parliament.

I thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Wakoli, proceed to move the Motion.

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(Resumption of debate on Motion)

Sen. Wafula: Thank you, Mr. Deputy Speaker, Sir. I request your permission to remind my good Senator that after the function, he should see his students behind the tent for some motivation.

Mr. Deputy Speaker, Sir, I beg to move-

THAT, the Senate adopts the Report of the Standing Committee on Agriculture, Livestock and Fisheries on a Petition to the Senate regarding graft investigation by the Ethics and Anti-Corruption Commission (EACC) on the West Kano Irrigation Scheme, laid on the Table of the Senate on Thursday, 5th December, 2024.

The Standing Committee on Agriculture, Livestock and Fisheries received a Petition from Patrick Ochieng Odimba on behalf of the citizens of the Republic of Kenya and residents of Kawino North location, Kabido Sub-County, Nyando Constituency, Kisumu county regarding the EACC graft investigation in West Kano Irrigation Scheme.

The Petition raises issues regarding the three major grafts in the scheme namely; Rehabilitation Fund Graft, Farm Machine Accessories Aid Grant Graft and Rice Sales Fund Graft. The petition raises the following issues-

Between 2009 and 2015, the Government released Kshs86 million with the farmers saving totalling to Kshs18 million, which was utilised by West Kano Irrigation Farmers Revolving Fund and the National Irrigation Board.

Between 2015 and 2017, the Scheme Farmers Cooperative Society Leaders in conjunction with the National Irrigation Authority managed the Farm Accessories Aid. This aid was given to the Government of Kenya together with the Government of the Republic of Japan and has not been accounted for.

Between 2020 and 2021, the Kenya National Trading Company (KNTC) in conjunction with the National Irrigation Board and the Scheme Farmers Cooperative Society Leaders managed the Rice Sales Fund and was given by the Government of Kenya and not accounted for. Efforts by the residents of West Kano Irrigation Scheme to have the EACC investigate the pilferage in the scheme had failed.

Based on the deliberations with the petitioner on 21st February, 2023, the Committee met the Executive Officer, Ethics and Anti-Corruption Committee on Tuesday 6th, 2023; the Cabinet Secretary, Ministry of Water and Sanitation on Wednesday 29th March, 2023, the Commission Secretary of the Commission on Administrative Justice (CAJ) on Tuesday 24th, 2024; the Managing Director, Kenya National Trading Company (KNTC) on Tuesday 24th, 2024; the Governor, Kisumu County on 11th July, 2023.

The Committee further held a meeting with the managers of West Kano Farmers Cooperative Society and the leaders of the three funds on 8th August, 2023.

Based on the deliberations, the Committee made the following recommendations and observations-

Whereas, there have been numerous requests by stakeholders that EACC to launch investigations over this matter, there appears to have been inaction by these agencies to conclusively investigate this matter and give response to farmers.

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The West Kano Irrigation Scheme received substantial amounts from 2008 and 2021. However, regular and systematic audits fund utilizations have not been taken and inevitably led to the culmination of unaudited accounts running to many years.

The Kisumu County Government that facilitated the ownership and acquisition of the tractors for a very long time equally did not honour its part of responsibility. The revolving fund may have collapsed because of initial cash disbursement. Therefore, lack of goodwill from the farmers and the mentality that the support was a grant and hence failing to remit the funds may have led to the collapse of the revolving fund.

That aside from the funds received from the rehabilitation fund, the scheme also received funds from Farm Accessories Aid Funds and other funds and the Rice Sales Fund, which also needs to be investigated and audited.

Mr. Deputy Speaker, Sir, I conclude that-

(1) Through the investigation carried out by the Directorate of Criminal Investigations (DCI) officials implicated in the Petition, this is to ascertain that the EACC officials and Office of the Ombudsman, Regional Office of Kisumu, who have been accused of inaction and investigated their role in the failure to act conclusively on the matter, the DCI should then share the final report with the Committee within the stipulated time.

(2) A forensic audit of the West Kano Cooperative Scheme should be carried out.

(3) An institutional audit of the National Irrigation Board should be carried out by EACC to determine the management of the irrigation scheme and their role in the revolving fund within four months.

(4) An official status report to be provided by the County Government of Kisumu in relation to the Farm Accessories Fund. This report should also cover status of the non-functional machineries and grounded tractors as well as current balance of the ongoing remittances being serviced by the Kisumu County Government.

(5) A final audit report be provided by the National Irrigation Board to the Committee on the revolving fund that collapsed because of the initial cash disbursement that was a grant, which was later converted to a revolving fund within six months. This will also confirm if the lack of goodwill from farmers and the mentality that the support was a grant and hence failing to remit the funds is the reason that led to the collapse of the revolving fund.

(6) The EACC to provide a formal response to the Commission on Administrative Justice findings report that stated that the responses of the scheme were shrouded with inconsistencies and further noted that the matters raised amount to allegations of corruption. This response should be shared with the Committee within three months.

The EACC should extend investigations to the Kenya Commercial Bank (KCB) Kisumu branch within five months regarding their role in facilitating the opening of the bank account under the name of individuals, yet the account was used to transact Government funds. They should also be investigated to determine their role in the graft allegation.

In conclusion, the Committee observed that this petition and all other matters affecting the country's farmers subsequently affect food security. Any related issue raised

regarding matters affecting farmers not only in West Kano but also in other irrigation schemes should be thoroughly dealt with.

In order for the Committee's recommendations to be actionable. I beg to Move.

I want to take this opportunity to request that Sen. Cherarkey second.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, proceed.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. It is an honour to second this Motion. Yesterday, we debated a Motion on the issue of maize. Today, we are debating West Kano and the role of EACC in this matter. I want to agree largely with the report.

Our farmers sacrifice a lot. They sometimes come together through cooperative movements. Sometimes, they save money. Unfortunately, a few individuals, especially our directors, take advantage of the funds meant to bring cooperative movements. I know you are a member of a cooperative in Mount Kenya, which I will use for debate purposes. I do not want it to be misinterpreted.

Most coffee cooperative movements have died because of corruption and bad governance within them. Directors are working scot-free, yet corporate governance provides the processes for handling directors who misuse funds and abuse office yet they have to be arrested. This is similar to what happened in West Kano, Kisumu. Therefore, the sad thing in this country is that money is misappropriated. Still, the agencies that are supposed to investigate and prosecute have become part and parcel of the money heist and propagate the criminality of public plundering of resources and cover-up. The story we had in this report looks like a classical cover-up by the EACC. Instead of investigating, they became complacent in the whole matter. Yet farmers were losing their money. This West Kano project is critical because we are talking about food security in this country.

We need to ensure that there is enough maize, rice, and wheat in the country. Therefore, I am happy that the Committee has made serious recommendations without fear or favour of contradiction. If the recommendations are fully implemented, they will be a reprieve to the farmers of West Kano.

This is a huge scheme run by farmers involving millions of shillings. I agree that since EACC did not carry out a proper investigation, the Director of Criminal Investigations (DCI) should prosecute the perpetrators.

I want to call out EACC. Some of us have complained about the financial misappropriation in our counties. However, EACC calls the media in a Razzmatazz, perambulating with cameras, conducting office raids, and taking the governors or senior county officials to write statements. However, many months down the line, they have yet to make one arrest or even charge one person in a court of law.

The EACC, instead of being a catalyst or prosecution of corruption in this country, they are no longer doing its job. They are becoming an antidote to the corruption in this country. For example, in Nandi County, there was a payroll scandal. Close relatives of the governor with close sanguinity were found in the payroll fraud. One morning, the EACC appeared like angels and decided to do a razzmatazz. In the full glare of media cameras, they ransacked the county offices, but six months later, they had never

made a single arrest. It is unfortunate that EACC bungled the investigations in West Kano because of corruption. Instead of fighting corruption, they are perpetuating it.

Therefore, I agree that the DCI must seize the matter, do the needful, investigate, and charge people, including directors or officials who participated in the misappropriation of funds.

Although I have heard the Committee has recommended a forensic audit, of course, with a view to a possible investigation of perpetrators, a forensic audit must be done to ensure that anybody who is found culpable and participated in this heist is prosecuted.

If you watch *Netflix* movies, there is a series called 'Money Heist'. Gen Zs and young people like watching this series. This incident is a classical movie about the heist of farmers' money. There must be a forensic audit with a view to prosecution. Therefore, the Director of Public Prosecutions (DPP) should look into this case.

Under Article 229 of the Constitution 2010, the role of the Auditor General is also to do a special audit, specifically a forensic audit, to unearth financial misappropriation with a view to prosecution. Upon the passage of this report, the committee must request that the DPP take over the findings with a possibility and a view of prosecution.

I have been informed that some of the people who should be prosecuted include senior county officials and high-ranking officials in the national Government. A forensic audit must be done. This is embarrassing, and I hope the CEO of EACC and EACC apologise to West Kano Farmers for bungling these investigations.

Nowadays, you report corruption, and I am not saying all EACC officers are bad; a few errand officers within EACC, when a corruption case is reported, go and look for the person who is accused, and they see each other "behind the tent". This impedes the fight against corruption. So, Sen. Maanzo, as you talk about corruption, this is a classical case where EACC has become complacent, which is unfortunate, even in our counties. The EACC nowadays has opened another business of laundromats, or laundry services, where the corrupt are reported to EACC; they take over the file and make sure the investigations are sham. The file, which is a skeleton, is taken to the DPP; the DPP returns the file and says it does not meet the threshold to prosecute the accused. This is the way they run laundry services for the corrupt in this country.

If the EACC were 20 per cent serious, I could tell you a number of senior county officials; three-quarters would be in jail eating beans. They told me that you do not get beans at a king's table. I know your visitors eat beans and ugali daily in school, but I am told there are no beans at the king's table.

This individual should be eating beans here in the Industrial Area Prison, Shikusa Prison and across prisons in the country, so that they are disciplined. We should make it painful for somebody to steal public money so that when somebody even sees public money, they shudder. Unfortunately, people in this country are fighting to be in Government.

You saw the number of people applying to be Independent Electoral and Boundaries Commission (IEBC) commissioners - thousands and thousands. People are leaving private practice to go to the public sector. They imagine that when you are a public servant, it is easy to plunder and become wealthy, and to sanitise your money, you

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go and run for an elective office, which is bad manners that we are practising in this country, and it must stop.

The third point is that the National Irrigation Authority is a failure. We must collapse some of these agencies. Yesterday, we discussed about the National Drought Management Authority (NDMA). I know there is a biting drought in Makueni, Kitui, Machakos, Kajiado and northern parts of Kenya, which include Mandera, Wajir, all the way to Turkana. Some of the agencies have money, but you cannot understand what they do.

You recall the Solai Dam Tragedy. It happened because agencies like the NIB were complacent. Therefore, they must be charged for failing on the duty of care. As an agency, you have a duty of care about your services. They must be charged for negligence.

The fourth point is that directors must be charged. The fifth point is about commercial banks. This is where the road meets the rubber. The directors of Kenya Commercial Bank (KCB) Kisumu Branch must be surcharged.

The Ethic and Anti-Corruption Commission Act is very clear about proceeds of corruption. They allowed proceeds of corruption to be transacted through the accounts and they were just complacent. The only motivation of commercial banks is to make profits but they also owe a duty of care to Kenyans. Those are Kenyan banks which are also run by Kenyans. Why is it that they are only motivated to make profits by breaking the law?

I expected the Kenya Bankers Association (KBA) to do something. The Central Bank of Kenya (CBK) should keep an eye on that because our commercial banks are becoming avenues for money laundering and channels of proceeds of corruption which is a crime.

Why is money being lost through corruption and where do those people hide it? They do not hide it in their bedrooms or under mattresses. That money can be traced because they hide in bank accounts. Commercial banks are even assisting those people to take money outside the country to the famous escrow accounts. They keep it in Dubai or Swiss accounts.

We heard about Panama Papers where some senior individuals and their families were mentioned. It was reported that they were hiding money in Cayman Islands. Kenyan banks such as KCB Kisumu Branch are aiding and abetting proceeds of corruption. The CBK must take punitive action against KCB Kisumu Branch. That should include surcharging managers of that bank.

I want to encourage the Auditor-General. When we have cases of corruption in the counties, we must name and shame commercial banks that are being used for money laundering. The Senator for Bungoma is here. They are operating over 330 commercial bank accounts. Nandi had almost 100 and Meru had a similar number.

The law is clear that they should have accounts at the CBK. However, you will find a county like Nairobi having thousands of commercial bank accounts. What is the purpose of those many accounts? When it comes to revenue collection, you will find that they have M-Pesa Paybill numbers and commercial bank accounts. That is a way of facilitating proceeds of corruption and money laundering.

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Therefore, Mr. Deputy Speaker, Sir, I call upon the CBK, which is the regulator, to enforce these regulations. We have the Ethics and Anti-Corruption Commission Act, where they have defined the meaning of proceeds of crime.

The issue of farm machineries and accessories must be looked into. We need to know the status of the machinery at West Kano Irrigation Scheme. Just like the commercial banks, the NIB must be sanctioned and senior officials surcharged so that we ensure that our farmers do not continue to suffer.

Owing to the failure by the EACC, I encourage the CAJ, also known as the Office of the Ombudsman, to investigate this travesty of justice because that is also their work. The CAJ found that there were many inconsistencies in terms of investigations by the EACC. All said and done, the EACC failed on the duty of care. It also aided and abetted corruption. They must be called out. There is something I do not understand. Who will watch the watcher or watchman? The EACC is supposed to fight corruption but they are aiding and abetting it. Sen. Mungatana, who will arrest the EACC officers? Ordinarily, they should be the ones arresting the corrupt. Who will watch the watcher or watchman?

An hon. Senator: The army!

Sen. Cherarkey: So, you are proposing that we have court martial? If the EACC has bungled investigations, we can become radical and allow the army to take over through court martial. If the watchman is the one allowing stealing, who will ensure that the watchman is being watched? Just as the Member said, if the EACC has bungled investigations, the institution that should take over is the military through court martial so that the money can be returned.

I know Sen. Maanzo knows this because he is a Senior Counsel. We must trace the money that was stolen. As we surcharged them, we should also make recoveries. Under the law, the Assets Recovery Agency has an obligation to trace such money and bring it back to the country.

In this country, when someone is found to have been corrupt, we should not only jail them, but also trace and recovery the assets and the money and bring it back. Corrupt people know that they can steal and be taken to court. While in court, they play around with the judicial process after getting lawyers who are sharp to delay the prosecution. When they are fined, for example, Kshs100 million, they come back and enjoy the proceeds of corruption.

We must make it painful to steal from Kenyans. The first thing should be to jail them. We can suggest that the corrupt must be paraded at Uhuru Gardens and shot from the sides, so that we do not have their DNA in our system. We should not allow them to sire seeds of corruption. We can as well recommend that we have court martial, the way our neighbour, President Museveni, is doing to some individuals. They should be shot from the sides after having gone through court martial.

Another way is to make them sterile. We should castrate them so that we do not have their DNA in our society. That will save our young people who know that in order to get something from the Government, you must be corrupt. We should value integrity. For example, in Japan, when one is just mentioned as being corrupt, they commit suicide because of the shame and embarrassment.

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I urge Members to support this report. I do not know whether Sen. Maanzo is a Member of the Committee on Justice, Legal Affairs and Human Rights. They should invite the EACC to appear before the Senate. They should stop arresting traffic police officers who take Kshs50 or 200.

They should tell us where individuals who are stealing the Social Health Insurance Fund (SHIF), those who used to steal from the National Hospital Insurance Fund (NHIF) and those who did state capture are and why they are enjoying the proceeds of corruption. We are making noise here in the Senate, yet people are enjoying ill-gotten wealth.

Mr. Deputy Speaker, Sir, with those many remarks, I beg to second this Motion. Thank you for your indulgence on time.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I will propose the question.

(Question proposed)

Before I allow Senators to contribute to the Motion, I have the following Communication from the Chair.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM YURURU GIRLS'
SECONDARY SCHOOL, MERU COUNTY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon, of visiting teachers and students from Yururu Girls Secondary School in Meru County. The delegation comprises of four teachers and 116 students who are in the Senate for a one-day academic exposition.

Hon. Senators, in the traditional 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.

Thank you.

So, on this, hon. Senators, as you have heard, these are my constituents. Of course, I can welcome them. I want to welcome them to the Senate. This is a girls' school that I supported even when I was a member of the National Assembly for 10 years.

I wish to honour them by requesting Sen. Karen Nyamu to give them a sister's advice on how to pursue law.

Sen. Nyamu: Thank you, Mr. Speaker. I take this opportunity to welcome the girls and the teachers from the school in Meru. It is a great opportunity for you to come and witness firsthand what happens at the floor of the House.

I know you are probably here to learn what happens in the legislature as one of the arms of Government. While a few of you might get inspired to want to represent your

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people in the future. I am a great believer and supporter of young dreams, particularly the girl child's dream.

I encourage you that no matter your background or where you come from, you can dream big. One day you can be here to represent your people in various capacities. Maybe your county as a Senator or your constituency on the other side at the National Assembly. Nothing is out of reach for you, young girls.

(Resumption of debate on Motion)

The Deputy Speaker (Sen. Kathuri): We now go back now to the Petition. I request Sen. Mungatana to make his contribution.

Sen. Mungatana, MGH: Thank you, Mr. Deputy Speaker, Sir. First of all, I thank the very honored son of this country, Mr. Patrick Ochieng Odindo, for presenting this Petition on the ethics and anti-corruption graft investigation on the West Kano Irrigation Scheme and their failure to act to expectations.

I also thank the Senate Committee on Agriculture, Livestock and Fisheries under the leadership of Hon. Senator David Wakoli for ably presenting this report before the Senate.

The complaint that Mr. Odindo has presented before the Senate is that 59 farmers groups have suffered tremendous losses of funds that were meant to help them under the West Kano Irrigation Scheme. Between 2009 and 2015, Kshs86 million was allegedly lost, and this was the revolving fund of the West Kano farmers.

Mr. Deputy Speaker, Sir this same gallant son says, between 2015 and 2017, the Scheme Farmers' Cooperative Society leaders who managed the farm machinery fund could not account for the money that was donated by the Kenya government and the government of Japan.

The Rice Sales Fund, which was again a donation to these 59 groups of farmers was lost. The residents of West Kano Irrigation Scheme made these allegations before the Western Region of the Anti-Corruption Commission, but nothing was done.

The question that we need to ask ourselves is, what is it that the Anti-Corruption Commission was doing in Western Region all these years? How can it be that the EACC makes a decision to devolve its work to various regions, and the people in those regions, in this particular case, the Western Region, are not happy or satisfied with the work that you are doing?

What is it that needs to be done to this Ethics and Anti-Corruption Commission for it to wake up to its responsibility? These people are simply saying, "we have done everything we could correctly, but we have been let down by a government body.

Mr. Deputy Speaker, Sir, Kshs86 million is not small money, especially in the rural areas. This money was misappropriated, but nobody has been arrested. The people have made a report; nothing has been done by the EACC. What are the people supposed to do? They have looked for all other ways to deal with this matter and have landed on this Senate.

This Senate in its recommendation, has said, "let us move away from the EACC and let us go to the Directorate of Criminal Investigations (DCI)." This is the first

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recommendation, that the DCI now must carry proper investigation. time does not run out on criminal culpability. The DCI is the one that deals with criminality. These people are walking. Some have bought nice vehicles. Some have bought nice houses in West Kano. The people can tell, "this man or woman was involved in that scandal." It was our money that we saved in this revolving fund that has bought him a nice house; that has made his family to get more acreage of land, that has helped him to drive a car, and he is walking free. Mr. Deputy Speaker, something needs to be done.

We are agreeing with the Senate Committee on Agriculture, Livestock and Fisheries that the DCI must act fast. Within the four months that they have been given, something must be done.

Mr. Deputy Speaker, Sir, I was here yesterday, complaining that when people go to government agencies and nothing takes place, there is a lot of fury within the community. Regarding Tana River County, yesterday I was engaging the Cabinet Secretary for Interior and National Administration and saying that somebody was killed by Kenya Wild Life Service (KWS) officers. A report was made and nothing has been done.

When people live in this kind of society, anger grows in them. People start hating leaders and the agencies of government. We start wondering what the problem is or what has happened to people. It is because of inaction when people are making genuine complaints such as this one where Kshs86 million has gone; the culprits are known, because they were officials of this West Kano Irrigation Scheme and they are just walking around.

When you look at the response that was given by the Ethics and Anti-Corruption Commission (EACC), they are not telling us anything. In fact, they are themselves indicted by the information that the people are putting here that the West Kano just went to sleep.

One of the recommendations they have given is that this devolution of the EACC function should be relooked at so that people are able to move away from their regional offices, come directly to Nairobi, and make these complaints. This is one of the recommendations that we have put in this Senate report.

Something needs to be done about corruption in this country. We need to start doing and I am asking the EACC to take more seriously their responsibility as far as engaging the public in spreading the anti-corruption message. You are not going to help just by arresting people on one Friday, come with cameras and so on. We need to also take these lessons to schools. When I was growing up, we were taught not to walk over grass. When I was very young and attending school, and to date, I would never pocket or walk over grass. It is not inside me.

When you are traveling with your children and you try to take a bottle of water and throw it through the wind, they will not allow you. Why? Because they were taught in school that you should not pollute the environment. However, when it comes to the anti-corruption message, the current generation is as if the end justifies the means. Why? Because this is not taught in any school.

The children we are bringing up are people who just do whatever you can to get rich as early as possible and retire by the time you are 40 years old and travel the world. How you do it, nobody cares because that is what we have taught them.

The EACC needs to be serious. These regional offices like the western region; they should not just sit there and create failure like the one they have in this particular incidence. You know, bringing a shame to a whole institution because of your failure to act, they should be proactive. In addition, I am not talking about even just that region alone.

Across all these regional offices, what does it take just to visit schools? How much effort is it within the town you are living in to just spend 30 minutes visiting *shules* and telling people that we need to do something more? Kenyans need to grow a generation of people who will reject corruption, who will want to earn an honest living. However, they will not do it. They will sit in their offices, farmers will bring in their complaints and instead of working to solve these problems, they will collude with those people who now have in possession their money and not help the cause for which they were employed to do.

This Senate calls out the EACC, and I have said it before and I will say it again, even in the Senate Public Accounts Committee. We call governors and they come before the Senate County Public Accounts Committee. Then, you find clear evidence of misappropriation of funds. The EACC office is seated there. They are there taking notes and, of course, allowances for attending Senate committees. However, after that, you hear nothing. No action has been taken. Nothing has been done. Therefore, people, they have started to normalize corruption. EACC needs to pull up its socks. Pulling up its socks is not just arrest. You need to be proactive. You need to, like when farmers complain like this, what was wrong with that officer? Why could he not move from his western region office to go and sit with the farmers, call a meeting, hear them out? Why are people in Government offices yet they do not want to talk to people? They become big. They roll up their windows, up their vehicles, tinted windows. They get security. They do not talk to them. They do not even walk. It is terrible. These are Government officers. They are not even elected, so they cannot be worried that maybe people will stop you and ask you this and that. You are an officer of ethics and anti-corruption. You are a County Commissioner or you are a Deputy County Commissioner (DCC). Why this thing of avoiding people and big man syndrome? Why can people not take these positions and actually serve people? I fully support the submissions by this Committee on Agriculture, Livestock and Fisheries and we pray that the EACC is sitting where they are sitting. They listen to us and do something more.

I again congratulate Mr. Patrick Odindo for taking up this matter. May these recommendations be carried out as fast as possible. We want the DCI now to focus on who stole the money. The evidence is still there. They go and catch these people. This will put a rest to the problems that the West Kano Irrigation Scheme has been experiencing for so many years.

With those many remarks, I beg to support the report of the Committee.

Thank you.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Dan Maanzo.

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Sen. Maanzo: Mr. Deputy Speaker, Sir, thank you, for giving me this opportunity to contribute to this very important matter. At that particular moment, I was a member of the Committee on Agriculture, Livestock and Fisheries. When this matter came, it was a very serious matter. I give my thanks to Prof. Anyang'-Nyong'o, the Governor for Kisumu, when we invited him to come and share his insights; he came, and he did not support this corruption issue. In fact, he wanted it investigated. He was very disappointed. This money had come from the Japanese government.

The Japanese Government even provided tractors and all the equipment, which could make sure that rice growing thrives in Kano. Then there were cooperatives, very well organized cooperatives, but highly frustrated by individuals when it came to this. Some of the accused people, when they were brought before us, they pretended that they cannot even speak Kiswahili. They can only speak Dholuo and we have to translate and waste a lot of time. You could see clearly, these were the thieves, and they were pretending.

My big disappointment goes to EACC. When they came to preside over this matter, they were the ones who were to investigate and recover the money, and they really looked very uncooperative to the committee. They looked like they did not know. In fact, it is around that time when some people were trying to amend the law to remove the Chairperson of the EACC.

The Chairperson of the EACC is a very forthright gentleman, his track record is known. He has presided over many funds and projects over a long time. As an architect, they have been successful. He is one of the most honest people I can trust in that commission, the moment you do that to the Chair of EACC, maybe the CEO could also perform. Below that, everybody frustrated the fight against corruption in this particular case, and it was very frustrating even as a committee.

Having invited EACC, they were uncooperative, and you could see. Hon. Mundigi was there. The EACC was really defeating the ends of fighting corruption. I knew and I said, one day, we shall overcome as a country. This is because if you have an EACC which, first of all, has its own fights, and then suddenly, when there is such a serious, glaring corruption case of money donated by the Japanese government - if you mishandle this - you are telling other agencies not to help our farmers; you are telling other people not to make donations to Kenya; you are telling other countries that we have no structures to protect the money.

Similarly, was the National Irrigation Board. Very frustrating. In fact, the National Irrigation Board behaves in a similar way to the Ethics and Anti-Corruption Authority (EACC). You may have a good chairperson and a good Chief Executive Officer (CEO), but have employees who squander, collude and become part of the scheme to steal from Kenyans and international funders who are sympathetic with our case.

The worst of it was Kenya Commercial Bank (KCB), which I believe should be investigated thoroughly. As a bank, you cannot allow proceeds of theft of public resources to be channelled through and hidden in your bank. The bank managers and the people who dealt with that were aiding the thieves. That could be seen from the evidence adduced.

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Sen. Cherarkey has suggested that we court martial these people or sentence them to death by shooting at Uhuru Park. However, I want to tell him that for us to be able to do so, we will need to change the Constitution of Kenya and bring back the death sentence.

You and I are members of the Committee on Justice, Legal Affairs and Human Rights. Sen. Wakili Sigei is the chairperson of that committee. As a committee, we need to strengthen and relook at the Ethics and Anti-Corruption Commission Act and the law that punishes people who have stolen public funds. We should bring back the life sentence punishment. We should also strengthen the mechanism of recovering money stolen from the public. This was a very embarrassing case. The Japanese Embassy used to follow the proceedings and would also get frustrated. We must prove to the world that Kenyans are not thieves.

The traditional setting of Kambas, Kalenjins, Luo and even Embus never encouraged stealing of other people's property. The belief was that you would be followed by evil things if you steal people's property. Unfortunately, we have learnt from the colonialists to be thieves, corrupt and loot public funds.

We must be serious and our recommendations must be taken seriously by the DCI. I hope the DCI will not behave like EACC. I hope their investigators will not be compromised. I am sure that those who stole that money and bought those cars are now broke. This is because you never benefit from stolen funds. I am sure they do not have money right now to bribe or compromise anybody. They should be followed.

We must bring back the dignity of co-operatives in this country. This co-operative was frustrated. We must embrace good practices of taking care of public properties. The spare parts of the tractors would be exchanged with old spare parts of private owned tractors. As a result, the tractors for the co-operative tractors would be grounded yet it had been donated by the Japanese Government. We want to give confidence to the Japanese Government and any other government in the world, including the United States of America (USA), that wants to work with us. We should show them that when donor funds comes here, we use it well.

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

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

There are many donor agencies that want to work with EACC, National Cohesion and Integration Commission and other commissions which work towards better management of public funds. We should work to ensure that we have a culture of protecting public funds. I would love to see us recovering what has been stolen and those people who stole those funds taken to jail. They should serve as an example to other Kenyans, especially those people from Kano Irrigation Scheme. Mr. Patrick Odida should be decorated for his effort of fighting corruption in this country.

I support and thank you for giving me the opportunity to contribute on this important matter.

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The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Maanzo. I want to confirm that most donor funded projects collapse because of corruption and entities work together to not support and fully utilize those resources. In our counties, we see a lot of such donor funded projects stalling and collapsing. This leads to future denials of such support.

We will now allow Sen. Munyi Mundigi to also contribute.

Sen. Munyi Mundigi: Asante, Bw. Spika wa Muda, kwa kunipa ruhusa niweze kuchangia mambo ya mchele ya West Kano Irrigation Scheme katika Kaunti ya Kisumu. Ninashukuru watu wa West Kano na Patrick Ochieng ambaye hakujali maisha yake na mambo ya dunia.

Chakula cha Mwafrika duniani na hata katika kaunti zetu 47 ni mahindi na wali. Tulienda kule Kano na hao wazee walitoka mbali lakini hawakujali. Hao watu walikuwa na shida nyingi. Waliposimama kutoa ushuhuda ilikuwa ni jambo la kuhuzunisha. Walikuwa wanaongea lugha ya Dhuluo.

Hao watu hawakuwa na chakula lakini walijikakamua wakaja kutoa ushuhuda. Walisema jinsi pesa ambazo walipewa kutoka Japan zilikulwa na watapeli. Jambo la huzuni ni kwamba hao watu wa eneo ya West Kano huteseka sana mvua inaponyesha wanahama makazi yao kwa sababu maji kuloa kila mahali. Mvua inapokwisha, hao hurudi makazi yao kulima mchele. Watu walitoka nchi ya ng'ambo na wakawapea hela ambayo walitumia kulima mchele. Pia walipewa mashini ya kulima lakini watu watapeli walikula hiz pesa zote. Kenya imekuwa na shida nyingi sana.

Mimi ni Naibu Mwenyekiti wa Kamati ya Agriculture, Livestock and Fisheries. Jana, tulisikia jinsi watu walipewa mahindi mbaya katika kaunti yako na wakakosa hata dawa ya ugonjwa ya mahindi. Hao wakulima hawakupata mavuno mazuri kwa sababu mahindi yao yalivamiwa na wadudu. Kaunti nyingi zimekuwa na shida kwa sababu watu wakipewa kazi, wao hufikiria juu ya shida zao na familia zao. Hao hufikiria vile wataendesha magari na mashamba makubwa. Wao hujali tumbo zao kubwa.

Ningependa sheria iangalie vizuri maofisa wa EACC ambao walikuwa wanafanya uchunguzi huu. Huenda EACC Act inahitaji ukarabati ili ipewe makali. Ingekuwa imara mambo kama haya hayangefanyika.

Leo katika kamati yetu ya Labour and Social Welfare, tumeshuhudia professors ambao *waliretire* na hawakupata pesa yao ya uzeeni. Tumeona mambo mengi yakifanyika katika Serikali hii ya Kenya Kwanza. Tumeona mambo mengi na National Hospital Insurance Fund (NHIF) na Social Health Insurance (SHI). Juzi tumeona watu wengine wamekata kulipa deni. Walipoitishwa hela na Kenya Power (KP), hawakukumbuka ya kwamba kuna binadamu angeweza kupita barabara hiyo.

Hawakufikiria kuhusu mazingira au kama kunaweza kuwa na ugonjwa wa kipindupindu. Walitupa takataka na kufunga barabara licha ya kupewa jukumu la kuzingatia usafi katika kaunti zetu.

Mambo mengi yanaendelea kutendeka katika kaunti nyingi na sio katika kaunti ya Jiji la Nairobi pekee. Wanaoumia ni wananchi walio vijijini. Kuna janga la njaa na upungufu wa maji ya kunywa. Umeme au stima ni shida kwa wananchi wetu.

Bw. Spika wa Muda, mwananchi anayelipa ushuru anafaa mahitaji yake ya afya, elimu, kilimo na barabara yatiliwe maanani. Serikali ya Kenya Kwanza inafaa kuangalia

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ni wapi mambo haya yalishindikana ili tuyarekebishe. Mwananchi tajiri na maskini wote wako sawa mbele ya Mwenyezi Mungu. Biblia inasema watu wawili hawawezi tembea pamoja bila kuelewana au kusemezana.

Ningeomba tulio katika Serikali hii ya muungano inayoongozwa na Mhe. Rais Ruto na Naibu wa Rais, Mhe. (Prof.) Kindiki Kithure ambao wanahubiri umoja wa kitaifa tuwasaidie na tufanye kazi pamoja tukiwa na amani.

Bw. Spika wa Muda, tumeona mambo mengi. Kuna wizi wa mashamba na magari. Watu wanapigana chenga. Tusipokuwa na heshima hatutatembea pamoja. Miezi miwili iliyopita, tulizuru Jamuhuri ya Tanzania. Wakenya wanafaa kuishi kama Watanzania kwa amani na umoja.

Naomba Hoja hii izingatiwe kwa makini ili pesa zipatikane ili wazungu wale wafanye kazi inayohitajika waendeleo kufanya hivyo. Tractors hizo ni za zamani sana na hazitumiki kwa sasa. Wale wazungu walisema hawatatupa pesa zingine kwa sababu ya ufiisadi. Najua kuwa Serikali hii italipa mkopo huu wa pesa.

Bw. Spika wa Muda, tumeona Serikali ikilipa deni ya sekta za sukari, kahawa na majani baada ya watu wengi kuililia. Kama tutaendelea kujenga barabara baada ya kupewa msaada kutoka nchi za ng'ambo na Serikali kuchukua ushuru kutoka kwa wananchi bila uwajibikaji, basi nchi itarudi nyuma miaka mingi. Kama uwajibikaji utazingatiwa, basi ajenda yetu kama nchi itasonga mbele.

Watahakikisha kuwa katika sekta ya kilimo, wananchi watapata maji ya kufanya *irrigation* kutoka kwenye dams. Elimu itakuwa bora. Sekta za usafiri na afya pia zitaimarika. Mwezi uliopita nchi ya Amerika ilisema itakomesha utoaji misaada yote ya kiafya. Kama uwajibikaji ungezingatiwa basi tungekuwa na rasilmali za kutosha kuimarisha sekta ya afya yetu.

Waheshimiwa wengi wako mashinani kwa sababu pesa zimekuliwa na matapeli. Ugonjwa wa saratani umeongezeka kwa kiwango cha juu. Watu wetu katika kaunti nyingi wamefilisika kwa sababu ya hali ya afya. Wameuza mashamba ili waweze kutibiwa. Hati miliki za mashamba yao zimechukuliwa na benki kwa sababu wana madeni mengi ya hospitali. Hatungekuwa tunapata shida hii ya ugonjwa huu wa saratani kama Serikali ingezingatia uwajibikaji.

Kama Naibu Mwenyekiti wa Kamati ya Kilimo ya Mifugo na Uvuvi, tulitoa amri kuwa DCI wafanye uchunguzi ili watu hawa wapelekwe kortini na ukweli ujulikane. Haya sio mambo ya West Kano pekee yake yanahusu kaunti nyingi na inahitaji idara nyingi za Serikali kufanya kazi pamoja.

Naunga mkono ripoti hii.

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

Proceed, Sen. Murgor.

Sen. Murgor: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to add my views to those of my colleagues. I would like to thank the Standing Committee of Agriculture, Livestock and Fisheries for taking the initiative of visiting West Kano Irrigation Scheme following the Petition by Mr. Ochieng.

It is sad that these days corruption seems to be an automatic DNA of systems in Kenya. Government officials boldly take advantage of the less fortunate in the society of instead of helping them. Instead of being a helper to those they have authority over, they

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take advantage of them. I have seen this happening in Pokot society. A high percentage of this society is illiterate and many people take advantage of them.

Right now, there many goldminers in West Pokot. It is sad that the county government is taking advantage of them instead of helping them. Therefore, this case of West Kano in Kisumu County is not isolated, but it is all over the country.

Just like our colleague Sen. Cherarkey said, we do not know who should arrest people involved in corruption cases. Farmers in the Kano plains lost a lot of money and probably their children dropped out of schools. It is a pity that even they have lost their beloved ones because they could not afford not take them to hospitals for treatment. They lost a lot because of mismanagement of their society by people who were in charge.

This is also a lesson to other farmers' groups elsewhere. There should be a lot of scrutiny and carefulness when it comes to electing people to be put in charge farmers' societies. This is because people entrusted with the management of these societies end up looting them

These days many corrupt individuals carry money in bags in their vehicles. They do so because they do not want to arrested by the Ethics and Anti-Corruption Commission (EACC) officers. Sometimes they bribe them and they look the other side. They do not arrest these culprits who are stealing from farmers.

By looking the other side, they give a clean slate to a corrupt person. Therefore, corruption will be with us for a long time. We need to give EACC teeth because it is no longer effective. It is no longer sensitive to corruption. It has become compromised and longer serving us. We need to come with new system to fight corruption in this country.

These days, people buy buildings and farms with proceeds of corruption. They no longer see stolen property or money, but hard earned wealth and they are proud of it. In this process of stealing money and machines, they discourage donors to donate for other projects in future in that place or elsewhere in Kenya. They will be disappointed and they will probably walk away from our country. That puts us into a lot of shame. This is because when such an investment is done, donors file reports. They are proud that they did something to alleviate the poverty situation. However, they are discourage when funds are looted by the same people who are supposed to be taking care of it. So, we are chasing donors away by this practice.

As the Kano Plain farmers and the general public will apportion blame on leaders like us and even the Government that it is not taking care of them. Look, a few people have stolen our things and they are just walking free and blame police, blame everybody because somebody just did wrong things to them.

We all get a portion of the blame because of a few individuals. A few officers who were supposed to be helping correct situations. That is why we have shortages of food. We have limited economic activities in this country because people entrusted with public funds end up misappropriating the same. Many corporations and irrigation systems have collapsed because of corruption.

As I said, we should get another system that will be effective in fighting corruption in this country.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Joe Nyutu.

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Sen. Joe Nyutu: Thank you, Mr. Temporary Speaker, Sir, for the opportunity. I also rise to support this Petition by Mr. Patrick Ochieng Odindo on corruption at West Kano Irrigation Scheme.

I commend this gentleman because he had done research at the time and before he came to present this Petition to the Senate. He was able to identify the funds that have been pilfered or misappropriated by those that run this particular irrigation scheme.

Mr. Ochieng Odindo talked about a revolving fund that the Government funded. At one point in time, disbursing about Kshs86 million that cannot be accounted for. There are also machines and accessories, in the form of aid by the Government of Kenya and the Government of the Republic of Japan. He was also able to talk about a rice sales fund and many other funds that the management of this particular irrigation scheme cannot account for.

The EACC also stands accused in this particular Petition by Mr. Ochieng Odindo. When we look at this particular Petition, any Kenyan of goodwill who values this country must raise a voice and say no to corruption. Since there is no way all these funds are not accounted for and we cannot separate this and say that this is not corruption. It is corruption.

We have to look at this Petition in a very broad way. This is because corruption is a cancer that continues eating up the sectors of Government, state corporations and many other areas. Poor Kenyans are not getting services. The committee tasked with this particular matter should unearth all corruption in this particular scheme. This will ensure that in future whoever is given a responsibility to oversee the appropriate use of public funds does exactly that.

We have very many incidents of corruption. The most recent is the matter of the Social Health Authority (SHA). As we look at this Petition, we must also talk about the concerns expressed by the Auditor-General of the Republic of Kenya. There has been a lot of corruption. We are informed that the system at SHA is privately owned and not run by Government. It is run by individuals who take away 2.5 per cent of all the contributions that are made. These are things we should not allow in our country. Otherwise, Kenyans will continue suffering because of those people who are taking advantage of gaps in systems. They are using the same system to take away funds meant for public good for private use.

As we look at this Petition, we must all ask ourselves, what are we going to do? The Auditor-General is very particular that hers ends at the point where she lays bare the facts and the misappropriation of public funds and the rest lies with Parliament.

That is why we, as a House, must come up with ways and means of making sure that the rot that is exposed by the Office of the Auditor-General (OAG) and other agencies like the Controller of Budget (CoB), actions are taken against anybody who does not do what is supposed to be done as the Public Finance Management Act. This Petition should open up our eyes. We must take very stern action against those that will be found to have taken advantage, misappropriated or embezzled the funds that were availed to the West Kano Irrigation Scheme.

The other thing is the money that is sent to state corporations. The Government keeps bailing out state corporations that operate at a loss all the time. When we talk about

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that, Kenya Airways (KQ) comes to mind. Until last year, successive governments have been bailing out KQ, which has been operating at a loss all these years.

Before we bail out any state corporation, we must do a thorough assessment of the application of funds and corporate governance. We must ask ourselves whether a state agency or corporation has exercised good corporate governance before we avail public resources to such organisations.

I say this because looking at the Petition that was brought by Mr. Ochieng, Government's funds have been placed in the hands of the managers of that irrigation scheme that have been pilfered.

As a House, Kenyans and leaders in this country, we must ask ourselves why would we continue bailing out public institutions that run at a loss. Why are these losses coming up? Are they coming because there is corruption? We cannot continue churning out big amounts of money to organisations that do not want to incorporate corporate governance in their structures.

As I conclude, I encourage other Kenyans that when they find something inappropriate happening with a public institution, they have the liberty and right to come to this or the other House and file a Petition in order for that matter to be interrogated.

I commend Mr. Ochieng for being a patriotic citizen who did not just sit back like many others would have done, but he got concerned and exercised his right by placing a Petition in this House. We must encourage Kenyans to come to this House to petition about any matter so that this House can look into these matters because it is their right.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Nyutu, for your contribution.

Hon. Members, there being no other Senator interested in contributing to this report, I ask the Mover, Sen. Wafula, to reply.

Sen. Wafula: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I beg to reply by thanking the Members of the Committee of Agriculture, Livestock and Fisheries for spending their time and commitment in ensuring that we listen to the stakeholders and the petitioner in this matter. I thank the secretariat for equally taking their time to dedicate themselves to listening to this Petition.

Mr. Temporary Speaker, Sir, as you have heard Members contribute to this Petition, it is very clear that Kenyans have begun to have trust and confidence in the Senate, specifically the Standing Committee on Agriculture, Livestock and Fisheries because agriculture is the backbone of the sustainability of Kenyans. The Government is pumping many resources into agriculture, livestock and fisheries. In this particular context, it is important that the county governments and the national Government employees take their work seriously, commit themselves and ensure value for money.

The story of the West Kano Plain Irrigation Scheme is similar to many other schemes in the country. Cooperatives are suffering because of poor management, corruption, tribalism and high hardiness. As the Petition shows, EACC has failed to up its game and listen to the people's cries and pleas.

In the report, the committee brings out the salient issues affecting this scheme. Looking at how the Ministry of Cooperative and Micro, Small and Medium Enterprises

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Development was handling documents and exchanging with the officials and the complainant clearly shows us that in spite of the Government's effort to bolden and strengthen cooperatives, if we are not careful, we will be entrenching corruption. People who do not have the goodwill and the interest of the people in these cooperatives will continue with their corrupt practices. It is a wake-up call to the Ministry of Cooperatives to ensure that they give the right people the opportunity to serve and flush out corrupt individuals who are hell-bent on manipulating, stifling the space of farmers and galloping their hard-earned money.

I do not want to take much time. I thank the hon. Senators who have contributed to this Motion. They have equally spoken on the will and aspirations of Kenyans.

I do not want to forget that agriculture is a devolved function. When you see Kenyans not running to the county assemblies with petitions, it means there is a problem. If these farmers cannot take their petitions to the county executives, there is a problem. This is a wake-up call to other committees. By the time these people move to the Senate, we need to pay enough attention to the monies at the devolved level.

We have the Cherry Fund. Do we know what is happening in the Cherry Fund? We have lots of money going to fisheries. Do we know what is happening there? I want to commit, as the Committee for Agriculture, Livestock and Fisheries, that we will leave no stone unturned.

We are headed to the planting season. Subsidised fertiliser is available at a normal known price. As Sen. Mungatana said yesterday, you will realise that people are buying fertiliser at Kshs2,500 and selling it to farmers at Kshs7,500, which is immoral. The county government knows that the National Cereals and Produce Board (NCPB) is selling fertiliser at Kshs2,500. The county proceeds to procure fertiliser for Kshs6,000. This is a blatant theft of public resources. Therefore, as a Committee, we will not hesitate to call them out and demand that they be respectful.

Those of us who have contributed, Sen. Mungatana, my good friend, Senator from West Pokot, Sen. Maanzo, Sen. Joe Nyutu, and Sen. Munyi Mundigi, I appreciate your contribution and your commitment. I assure you that, as a committee, we will do what is necessary and possible.

Finally, on the implementation and recommendations, as a committee, we will push that the implementation of these recommendations is done within the purview of the Constitution and the mandate given by the Senate, to ensure that the people of this scheme get their rightful share of the taxpayer's money.

Mr. Temporary Speaker, Sir, pursuant to Standing Order No.66(3), I request that you defer putting of the Question to a later date to allow Members to have a quorum for voting.

The Temporary Speaker (Sen. Wakili Sigei): Thank you so much, Sen. Wafula.

Hon. Senators, pursuant to the provisions of Standing Order No.66(3), the putting of the Question to this particular report is deferred to our next sitting.

(Putting of the Question on the Motion deferred)

Hon. Members, for the convenience of the House, I will rearrange the Order Paper. I direct that Order No.17 be called out.

Let us have Sen. Murgor who is the Chairperson of the Committee on Labour and Social Welfare.

MOTION

ADOPTION OF REPORT ON WELFARE OF WORKERS IN EPZs IN MOMBASA AND KILIFI COUNTIES

Sen. Murgor: Mr. Temporary Speaker, Sir, Article 96(1) of the Constitution mandates the Senate to represent and protect interests of the counties and their governments. To achieve this, the Senate, through committees, engages county governments to ascertain any emerging challenges that require---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Murgor, kindly move your Motion properly.

Sen. Murgor: Mr. Temporary Speaker, Sir, I beg to move-

THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on an inquiry into the plight of workers in the Export Processing Zones (EPZs) in Mombasa and Kilifi Counties, laid on the Table of the Senate on Tuesday, 1st October, 2024.

The Temporary Speaker (Sen. Wakili Sigei): You can now refer to your guiding notes.

Sen. Murgor: Mr. Temporary Speaker, Sir, on Wednesday, 17th April, 2024, Sen. Faki rose, pursuant to Standing Order No.52(1) to make a Statement concerning the grievances facing employees of EPZs countrywide and in particular Ashton Apparel Limited in Mombasa.

At its meeting on Thursday 9th May, 2024, the Standing Committee on Labour and Social Welfare considered the matter and resolved to visit Ashton Apparel Limited in Mombasa and additionally include Best Line Garments Limited in Kilifi County.

The committee first held a meeting with officials from Export Processing Zones Authority on Friday, 14th June 2024, to gain an in-depth understanding of the sector. The committee held a total of 10 sittings on the matter.

The following Senators represented the Committee-

- (1) Sen. Julius Murgor, MP Chairperson - Head of Delegation
- (2) Sen. George Mungai Mbugua, MP - Vice Chairperson.
- (3) Sen. Justice Retired Madzayo, CBS - Chairperson, MP Member.
- (4) Sen. Mohamed Faki Mwinyihaji, MP - Member, and
- (5) Sen. Alexander Munyi Mundigi, MP. - Member

The visit was aimed at investigating grievances facing the employees concerning their right to unionize, fair hiring practices, sexual harassment, delay in issuance of employment contracts, tribalism, working conditions, long working hours, and low wages.

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The committee visited Ashton Apparels in Mombasa West on Wednesday, 19th June 2024 and Umoja Slippers, a local private company and Best Line Garments, EPZ, both in Kilifi County on Thursday, 20th June 2024.

Following the visits, the committee observed that EPZ was created by an Act of Parliament known as the EPZ Act Number 12 of 1990, which provides for the establishment of export processing zones and the Export Processing Zones Authority (EPZA). The EPZ has attracted physical and procedural incentives to ensure low-cost operations for export-oriented businesses.

These zones are governed by EPZA. Those main roles include development, regulation and administration of the zones and is a state corporation under the Ministry of Investments, Trade, and Industry. Export-oriented companies operating in these zones are licensed by the EPZA. Therefore, subject to its policies and procedures.

Additionally, these companies, which employ Kenyan citizens as employees are bound by Kenyan labour laws, which include the Labour Relations Act and Employment Act, the Work Injury Benefits Act, Occupational Safety and Health Act, among others.

Article 41 of the Constitution solidifies labour relations by guaranteeing labourers various rights, including fair remuneration, safe and healthy working conditions, reasonable working conditions - form, join, participate in activities and programmes of the trade union and go on strike

The committee found out that EPZ companies visited complied with the laws of the land and maintained wages to their workers. However, the EPZ companies had minimal corporate social responsibility programmes. The employees also complained that they were paid lower salaries than their co-workers who performed the same task. They stated that foreigners performing similar tasks were paid higher salaries than they were.

In light of the above and findings, the committee made the following recommendations-

(1) Immediately establish an Export Zones Wages Council in line with Section 43 of the Labour Institutions Act, Cap 234, to take care of the special categories of workers and report to the Senate within a month of filing this report.

(2) Review and publish a wage order that is specific to export processing zones workers and report to the Senate within six months of filing of their report.

(3) In the spirit of their labour and practices of equal pay for equal work done, investigate claims of EPZs saying foreigners doing similar jobs to locals earn EPZ higher wages and report to the Senate within three months of tabling of this report.

(4) The Cabinet Secretary in charge of trade investments and industry ensures that the government gets the best deal for the citizens of Kenya in terms of enhanced wages.

(5) On Corporate Social Responsibility programmes and environment reclamation programmes, currently there is a favourable business environment for EPZ nationally and in the counties. Therefore, the national Government through the EPZA should incorporate the county governments in setting up the export processing zones to ensure that counties benefit in terms of job opportunities and infrastructure development and corporate social responsibility programmes.

Mr. Temporary Speaker, Sir, I wish to thank the Senators who availed themselves for this inquiry visit. I also thank the office of the Clerk of the Senate for the facilitation

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and ensuring that the Standing Committee on Labour and Social Welfare undertakes this mandate, thereby influencing laws and policies that will enhance the welfare of the citizens of Kenya.

Mr. Temporary Speaker, Sir, I beg to move and request Senator Mungatana to support.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mungatana.

Sen. Mungatana, MGH: Mr. Temporary Speaker, Sir, I thank you for giving me the opportunity to second this Motion. I also want to thank the Chairperson of the Committee on Labour and Social Welfare, Sen. Murgor, for ably moving the Motion on the inquiry of the welfare of workers in the EPZ in Mombasa and Kilifi counties.

If you live in the coast, you will always see hundreds of people walking towards the companies that have been set up as EPZ's very early in the morning along the Malindi-Mombasa road. Those wananchi work at Ashton Apparel EPZ Limited and the other two that were mentioned. They go to those places to earn a living.

Sen. Faki did not speak of this because it is a joke. There are serious problems that face those wananchi as they go to work and carry out their duties in those EPZ's. Sen. Faki complained of the EPZ in Mombasa and Kilifi counties, but the problems in those EPZ's are similar to those of the EPZs in Nairobi and other places. The people who make those garments for export sales are harassed and exposed to difficult labour conditions.

This is not the first time that we have heard about these complains and it will not be the end of these complains. We know that the EPZs are supposed to help boost economic activities within the country and the idea was to create employment for our people. However, the conditions of work are very difficult in those EPZs.

I want to agree with the committee that the Cabinet Secretary in charge of trade, industries and investments in this country must be proactive. I am sure the Cabinet Secretary is listening to me wherever he is. This Senate is recommending that he should go and get better deals for our workers in those EPZs. Our citizens are paid minimum wages. They walk because they cannot afford to take *boda boda* and cannot get into a matatu. They literally live on bare minimum.

Apart from the poor pay, there are also many complaints. They are exposed to sexual harassment and very long working hours. They are also exposed to poor pay. Some of the working conditions within those EPZs are against the labour laws of this country.

I want to use the Floor of the Senate to tell the Cabinet Secretary to have a meeting with his officers in order for them to make special visits without notice to those EPZs for them to check if labour practices are being followed. The agreements that are signed with the EPZs are supposed to make them, as a company, subject to Kenya labour laws. There is no excuse.

I recommend that the Senate report be expanded, so that the Cabinet Secretary who will be served with this report ensures that unannounced visits are carried out by labour officers in all EPZs. They should not just be the ones in Mombasa and Kilifi counties. These unannounced visits are the ones that bring out the true picture of what happens in those EPZs.

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Mr. Temporary Speaker, some of them are not even given breaks during lunch and others have very long working hours. People are left wondering what is happening because we are in this same country. This report of the Senate has found out that people who are doing the same type of duty within the companies are being paid lower wages. Foreigners who are coming to work are being given higher salaries than the Kenyans who are working within the same outfit.

We are living in the 21st Century and under a new Constitution, yet our workers are being discriminated right here in this country. The blame lies squarely at the doorstep of the Cabinet Secretary for Investment, Trade and Industry in Kenya. He must move out of the office, go and see what is happening for him to advise the President on what we need to do to make our workers work well. I am confident that he will listen to this and actually act on it.

Kenya cannot be the place where our workers are being oppressed, yet our Cabinet Secretaries are there. The Cabinet Secretaries for Labour and Social Protection and the Cabinet Secretary for Investments, Trade and Industry should even have a special task force to investigate the environment where our people are working and fight for them.

It is good to bring the EPZs here, but it should not be a source of exploitation and pain to our people. These are the same people who we go and ask votes from. After we do so and form Government, we forget about them when they are living in such horrid conditions. Shame on us.

Apart from these recommendations, the Cabinet Secretary for Labour and Social Protection should cooperate with the Cabinet Secretary for Investments, Trade and Industry. They should visit these places and find out whether these EPZs are keeping the agreements that were formed when they were coming into this country.

This report also says that those companies in EPZs do not do any Corporate Social Responsibility (CSR). This was a notion that came in recent years, but now it has become an accepted norm for any corporates that are working in Kenya and even globally. These corporates usually know where their workers are staying. Most of them come from congested areas where roofs leak and are not well set up.

What is wrong with them? Why can they not visit some of these areas? Why can they not work with local administration to help their own workers live in better conditions? Why can they not take up paying school fees for them in boarding school, so that their children can have better education and surpass their moms and dads?

Why is it that these EPZs are always given such favourable terms and they do not return anything to the communities that work for them, particularly the labourers who give all their time, money and strength for them?

Mr. Temporary Speaker, Sir, these people get sick from those long hours and tough working conditions in those companies. Why can they not create medical schemes for their workers or build clinics? You will find that it is a company that is making garments, but they cannot employ even a nurse to help with panadol. They just leave those people, exploiting labour and they do not care. This report and this Senate are saying that the EPZs should do something about CRS. I highly accept and recommend that this particular issue be expedited.

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Moving from that, there are EPZs and Special Economic Zones (SEZs). Under this Government, on the SEZs, counties were meant to contribute Kshs250 million. The national Government to give counterpart funding of equal amount, so that we can set up them. The SEZs that have been formed under this Government seem to be only a few that have been selected. Only a few seem to be supported.

These SEZs have not become a reality in counties that need them the most like the County of Tana River. You will find that in Tana River, even a single company that is making production somewhere does not exist. The only companies that are existing are the large milling companies. They mill what is coming out from the irrigation schemes. We do not have companies that are making production of anything. Therefore, we do not have employment opportunities within the industrial sector.

Our Government said that county governments should set aside Kshs250 million, the national Government to give the counterpart funding and then start moving in that direction to help fill in the gap that these EPZs have left. The EPZs have failed to lock in the gaps of employment opportunities for counties that are far off. They have merely focused within towns and counties that are in big cities.

I expected that the national Government will give priority to counties such as Tana River, so that within the first five years of this administration, we will see our SEZs in Tana River operational. However, we have not seen this happening. Other counties that are already having special EPZs are the same counties that are being given SEPZs.

My prayer is that we should not propagate the same discrimination against counties that are on the outer side, so that we continue with independent policies that have discriminated against counties that are far off. A county such as Tana River should have been prioritised when it came to SEPZs, so that we can create conditions that will bring companies to manufacture in that area.

We have a lot of land that we can give to those people who want to come. However, the Government needs to put the counterpart funding and encourage people to come and invest in that place. What is happening is that the SEZs seem to be working in the same areas where the EPZs are already operational. I want to use this Floor of the Senate to say that this policy of SEZs should also be extended to counties that are far off and they should be given priority.

Mr. Temporary Speaker, Sir, with those very many remarks, I take this opportunity to thank the Standing Committee on Trade, Industrialisation and Tourism for the work that they have put in, including the visits they made and the recommendations that they gave.

I want to thank the chairperson for ably leading them in this endeavour. My prayer is that the same recommendations be effected within the period that was proposed. The Senate does not have an Implementation Committee. The Senate, in its wisdom, decided that the committees that are engaged on matters, and these matters are raised on the Floor of the Senate, are the same committees that will take charge and make sure that the resolutions the Senate makes are implemented.

I want to take this opportunity to tell the Committee on Agriculture, Livestock and Fisheries to make sure that they follow on these recommendations. If they say it will take four months, they can tell their secretariat to make sure in those four months there as

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a follow-up meeting. There is a reporting mechanism. This will ensure that our recommendations as a Senate today and as we approve these reports, will be taken seriously and the relevant departments in Government can implement them.

Mr. Temporary Speaker, Sir, with those very many remarks, I beg to second.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Before I allow Sen. Eddy to make his contribution to this particular report, for the benefit of Sen. Mungatana, you have raised something as you were concluding your contribution about the absence of the Implementation Committee in the Senate.

Yesterday, in the course of the sittings of the Liaison Committee, that issue was brought up. A recommendation was made to the effect that the Liaison Committee because it has the chairpersons of all the committees, it should look into a possibility of amending the Standing Orders, so that it becomes a liaison as well as an Implementation Committee. Since we will be having recommendations from the rest of the committees in the House.

I hope and believe that even before we get there, the chairperson of the committee relevant to this particular report who is present in the House, will look into a follow-up to ensure the implementation or at least something that has been recommended by the committee is put into action by the relevant Government agencies and departments. We look forward to the Liaison Committee being indeed fully an Implementation Committee, so that we get into actioning the recommendations.

Hon. Members, I will call upon Sen. Eddy to contribute to this particular report.

Sen. Oketch Gicheru: Thank you, Mr. Speaker, Sir, for giving me this opportunity to chime into the report that I find very comprehensive.

As you may know, the EPZs anywhere in the world, particularly in Kenya, employ mostly semi-skilled and unskilled labourers. The skilled workers partake and share in the retail price of goods and services that come from EPZs. This is not an available option for semi-skilled and unskilled workers. This is predominantly because these kinds of workers do not partake in what we call a salary.

They will take their benefit of compensation from what would entail wages. Therefore, it is very difficult for them to get the fair share price or an equivalent price on the retail price of the final goods and services that we produce.

Number two, the biggest benefit the semi-skilled and unskilled workers get is any related challenges that might come predominantly to health conditions given the working environment they get. This is a fundamental reason this Motion was moved in the first place. That we can look at the issues for this group of workers in our country. Ashton Mombasa Apparel EPZ, for instance, is among the largest employers in the EPZ that are providing jobs for thousands of people. However, the working conditions in these areas are indeed wanting.

I know there is an argument that could come up even in the sum of the thoughts of this report that the wages at the EPZs are within the national minimum bracket. Should the EPZs be comfortable with giving minimum wages that we have in this country or

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should we stretch our thought a little bit into thinking about the living standards of the people who are exposed with the poor working conditions in these areas and the stress they have with medication?

Up and above the minimum wages that they earn, as a House, could we look at an increment that is commensurate with the kind of conditions they work in? Is there a potential for provision of some extra services by EPZs that can take care of things like health care provision in these areas?

In some cases, the elements that some workers can benefit from, which I do not see very strongly in this report, are things like CSR. Most of the workers working in areas with a lot of problems due to vulnerabilities of nature that come from the processing elements of these companies, the effect on the environment or exposure of different pollution that come from these zones end up affecting the children and families of those unskilled and semi-skilled workers.

The skilled workers working for these companies can afford to stay far away from these companies and have more options. They can live in areas that are more conducive that can provide some sense of better health environment and social amenities.

Is there an opportunity and a wiggle room that even as we discuss this report, we can come up with some resolutions that can make sure that these companies are able to invest in CSR activities? Even if these families are not getting the competitive wages they need take care of the excesses of healthcare, environmental degradation and other pollutions that come in place, can they be supported with proper CSR? This will be very important when you look at the mix of wages and other benefits that they get from the---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Eddy, time is up. When the House resumes its sitting, you will have a balance of 14 minutes to conclude on your contribution to this Motion.

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until Tuesday, 11th March, 2025 at 2.30 p.m.

The Senate rose at 6:30 p.m.