

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 10th April, 2025

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

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

The Deputy Speaker (Sen. Kathuri): Clerk, confirm whether we have quorum. Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

If we have quorum, we can start business. Order, hon. Senators. Have your seats. I want to start this session with order.

Clerk, call out the first Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we have a Statement pursuant to Standing Order No.52(1) by Senator for Nyandarua County, Sen. John Methu.

WORLD AUTISM AWARENESS DAY AND MONTH

Sen. Methu: Thank you very much, Mr. Deputy Speaker, Sir. It is my first time to address the House from this side. I firmly confirm that I am still on that side, so that I can rock the boat from within.

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(Laughter)

Mr. Deputy Speaker, Sir, I hope my colleagues know that this is World Autism Month. That is why I want to make this particular Statement on World Autism Awareness Day and Month.

(Loud consultations)

I wonder whether you can ask the Commissioner--- He looks quite excited. I do not know what refurbishment is happening in Parliament.

The Deputy Speaker (Sen. Kathuri): Sen. Ledama is right behind you. Maybe he is the one causing the disturbance.

Sen. Methu: I wish they could listen to this. It is extremely important.

I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of international and national concern, the recognition of World Autism Awareness Day marked annually on the 2nd of April and to further observe the entire month of April as Autism Acceptance Month. This is a significant occasion for promoting understanding, inclusion and support for individuals living with Autism Spectrum Disorder (ASD).

Mr. Deputy Speaker, Sir, autism is a complex neurodevelopment condition that affects how a person communicates, interacts socially and experiences the world around them. In Kenya, children and adults with autism continue to face systemic barriers from stigma and discrimination to inadequate access to healthcare, limited education opportunities and underfunded support structures. Families raising children with autism often bear a heavy emotional and financial burden, often without commensurate public support.

World Kenya RAC (Regional Advisory Committee) National Autism Registry and available estimates from the Ministry of Health and the Kenya National Bureau of Statistics (KNBS) suggest that at least one in every 100 children in Kenya may be living with autism. With a child population of over 20 million, this means that more than 200,000 children could be on the autism spectrum, many of whom remain undiagnosed and misdiagnosed. The number of adults with autism is likely to be higher considering gaps in diagnosis in previous decades.

This year's theme: *“Moving from Surviving to Thriving”* challenges us to shift from awareness to meaningful action. It is not enough to simply recognize autism. We must build systems that empower individuals on the spectrum to live full, dignified and independent lives.

Mr. Deputy Speaker, Sir, I commend the Senate for the passage of the Persons with Disabilities Bill, which for the first time formally recognizes autism and other neurological conditions as disabilities under the law. This is a groundbreaking step towards equity and inclusion. However, legislation must be matched by action.

I urge all relevant institutions to ensure that-

- (1) Children with autism receive early screening, therapy and inclusive education.
- (2) Families receive adequate support services both in urban and rural settings.

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(3) Public awareness is deepened so that stigma no longer isolates those living with autism.

(4) Resources are directed towards specialized training for teachers, medical professionals and caregivers.

Mr. Deputy Speaker, Sir, inclusion is not charity; it is justice. Children and adults with autism are not asking for special treatment but for equal opportunities to learn, to grow, to thrive and to contribute meaningfully to society.

Let this Autism Awareness Day and the entire month of April remind us of our duty to build a Kenya where all people, regardless of ability or diagnosis, are valued and supported. Thank you very much.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Okong'o Omogeni.

DIVISIONS WITHIN NYAMIRA
COUNTY ASSEMBLY

Sen. Omogeni: Thank you, Mr. Deputy Speaker. I rise under Standing Order No.52 to seek further directions from the Office of the Speaker.

On 1st April, 2025, I raised a Statement concerning the divisions within the County Assembly of Nyamira. After I brought that matter to the attention of the House, your office directed that the matter be dealt with on a priority basis by the Standing Committee on Devolution and Intergovernmental Relations. On 8th April, 2025, the two factions and the Office of the Controller of Budget (CoB) appeared before the Committee and they were heard.

Mr. Deputy Speaker, Sir, I seek your direction that the Committee gives a progress report to this House at least by next week in view of the urgency surrounding the dispute within the County Assembly of Nyamira.

I thank you.

The Deputy Speaker (Sen. Kathuri): Indeed, that is a very urgent matter that should be dispensed off at the soonest time possible to have the County Assembly of Nyamira run smoothly. I do not see the Chairperson of the Committee on Devolution and Intergovernmental Relations. Do we have a Member of that Committee present? I am aware they had stakeholders' forum on a certain Bill and that they are still holding that meeting at County Hall.

Sen. Omogeni, let us wait for the Chairperson to come back to the Chamber, then he will guide us appropriately.

Sen. Omogeni: Mr. Deputy Speaker, Sir, not to challenge your directive, but I thought if you make a communication, that can be sent to the Chairperson.

The Deputy Speaker (Sen. Kathuri): Since you said you want to get a progress report, and from where I sit, I cannot give a progress report, let us wait for the Chairperson to give us that guidance.

Sen. Omogeni: Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Dullo, you have a Statement under Standing Order No.53(1).

STATUS OF EMPLOYMENT OF CHIEF
OFFICERS IN ISIOLO COUNTY

Sen. Dullo: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare on a matter of county-wide concern regarding the status of employment of chief officers in Isiolo County.

In the statement, the Committee should address the following-

(1) Whether the contracts of the chief officers in Isiolo County expired on 15th March, 2025 and the reasons for the lack of advertisement or the renewal for their contracts to date.

(2) Reasons the process of their replacement has not been initiated, including the impact of the currently vacant positions on governance, decision-making and service delivery and any measures in place to mitigate service delivery disruptions in the absence of duly appointed chief officers.

(3) Plans by the county government to fill the vacant positions and ensure the continuity of essential services along with timelines for their recruitment and appointment.

I thank you.

The Deputy Speaker (Sen. Kathuri): I will allow a few Members give comments on the Statements.

(Sen. Faki spoke off record)

The Deputy Speaker (Sen. Kathuri): Sen. Faki, I am aware of your issue. That will be sorted out.

Proceed, Sen. Daniel Maanzo.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir. I rise to support the Statement by Sen. Methu.

Mr. Deputy Speaker, Sir, autism and any other disorders or disabilities are quite widespread in the country and in the world. In Makueni County, I am aware of certain families whose children have that disorder. There is every effort by the current government to assist.

It has been a national---

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): No, the Chair has that power to make any decision.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir. This is a matter of national importance. In fact, it is a matter that can affect any family in the world. It is not anybody's design. There has been an outcry in the country over how we take care of our people with disabilities. There has also been a lot of problems associated with the funding of the National Council for Persons with Disabilities (NCPD).

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It is important if some research can be conducted and continues to be conducted, so that we are able to treat children who find themselves unfortunate to be born with this disorder. However, some are born without it, but acquire the disorder as they grow, which becomes a big burden to the families. I support Sen. Methu and seek that we improve the policy in the country, so as to generally relieve children of such pain and take care of people with disabilities.

Thank you, Mr. Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Actually, you are not supporting, but making a comment on that Statement. You are now seized of the matter and we learnt these things with you a long time ago.

Sen. Gloria, proceed.

Sen. Orwoba: Thank you, Mr. Deputy Speaker, Sir, for giving us the opportunity to make a comment on this Statement on World Autism Awareness Day and Month. This Statement is very timely. Sitting in the committees of National Cohesion, Equal Opportunity and Regional Integration and Labour and Social Welfare where we are always pushing for Persons with Disabilities (PWDs) to get equal opportunity, I commend some of the organisations and commercial entities that have taken it upon themselves to push and support PwDs such as autism.

I do not know whether the House is aware that some of the most creative people are actually those with autism. I have gone to a restaurant in Nairobi where, they have decided that they are going to focus on PWDs as employees. Sometimes, they have thematic days where the people serving you are actually children or people with autism.

When I say this, I am glad that this House, the “Upper House”, has chosen to focus on important matters. Today, we are being pushed left-right on decisions where, as a nation, we are being forced to go down looking into issues such as plays.

Look at this particular Statement on autism, where, we are encouraging people to support PWDs in the different forums, including, the creative forum. I was very saddened to see what happened to Butere Girls High School. As a creative, that is the lowest we have gone in terms of this whole idea of the creative space. Even in light of everything that is going on and the youth looking for positions, I have heard our learned friends out there saying that only teachers are allowed to train and do--- Yes, I understand we have the Teachers Service Commission (TSC) Act, but, to go down as a Government and micromanage the content and everything to do with a drama festival is very sad. It is a sad day today for the girls who are in Butere and the Drama Festival.

I am commenting on World Autism Month Statement. I have told you that the most creative people are-- I know because I go to these establishments; the most creative people you will find are unfortunately or fortunately, PWDs. We have seen how our Sen. Crystal Asige is such a good artist.

I have been in that space where, if we actually were intentional in understanding that creative space, we would not be running up and down throwing tear gas at children because they have been given scripts to go and perform at the drama festival. In fact, my first question was; what was happening? These people have gone all the way to the National Levels. They won at the Zonals, the Provincials and now, they have reached

the Nationals only for someone somewhere to decided that the content of this script is not working.

Mr. Deputy Speaker, Sir, I was in charge of drama in high school. By the way, those in St. George's Secondary School can attest and tell you that I used to do solo verses. We were in high school during the transition from President Moi to President Mwai Kibaki; that was 2001---

The Deputy Speaker (Sen. Kathuri): Sen. Gloria, I gave you two minutes to make a comment on Autism Day Statement and you are now on a different story of tear gas.

Sen. Orwoba: No, Mr. Deputy Speaker, Sir, I was trying to shed light on autism. Let me just conclude by saying that I was trying to enlighten the Members of the House that, in fact, there are establishments that have majored in taking up people with autism. There is a restaurant in Lavington that deals with deaf waiters and chefs. Once every month or every quarter, they actually encourage people with autism to come there, do paintings and serve guests because they have the creative skills.

In light of that, it is a very sad day today, when, as the "Upper House", we are celebrating autism and yet, our girls who are practising their skills in Butere Girls are being teargassed.

As I conclude, as a creative since I am a producer, I support this Statement of World Autism Day. I also support the creativity out there, including the students of Butere Girls and tell them to continue pushing on because something somewhere is wrong.

Thank you.

The Deputy Speaker (Sen. Kathuri): You said you are a producer and yet I have no information of what you produce.

(Sen. Orwoba spoke off record)

No, I will see you privately to understand better.

Sen. Wambua Enoch, proceed in just two minutes because we have some good business here before us.

Sen. Wambua: Mr. Deputy Speaker, Sir, can we argue for three minutes, please?

The Deputy Speaker (Sen. Kathuri): Also, avoid digressing to other matters which are not---

Sen. Wambua: We will try, but please, give me three minutes, two minutes are too short.

The Deputy Speaker (Sen. Kathuri): Make a comment in just two minutes.

Sen. Wambua: Okay. Mr. Deputy Speaker, Sir, I also take this opportunity to comment on that Statement by Sen. Dullo on the issue of Chief Officers in Isiolo County, that for more than a month now, a government is running without Chief Officers. This is a total breakdown on the rule of law.

We can decide to bury our heads in the sand today, but we cannot decide to speak out for the truth and for the rule of law. What is happening in Isiolo is a symptom of a

breakdown of the systems of governance, the same system that has broken down in the education sector in this country.

We cannot sit here as a House and not make a comment on what is happening to Butere Girls at the National Schools and Colleges Drama Festivals in Nakuru. It is a big shame that, in fact, we have a Government in office today harassing children. From last night, you saw police officers using live bullets to harass children who are just acting.

We are here to say that when a Government goes down to this level, that Government should resign. It has no business being in office. We cannot let our children be harassed the way they are being harassed today. Actually, I am ashamed of my colleagues who think that they can stand here and defend the Government that is harassing our own children.

The Deputy Speaker (Sen. Kathuri): What is your point of order, Sen. Cherarkey? There is a point of order.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I rise under Standing Order No.105 on Accuracy of Facts. Can the Deputy Minority Leader table evidence that the police have used live bullets to harass children? We cannot allow our young children to be part of contestation.

In fact, Article 53 of the Constitution 2010 states that we need to protect children from people who want to take them to political contests. In fact, it says that we must protect children from being used to fight political wars like what Sen. Wambua is doing. Can he table facts to show where the police have used live bullets and tear-gassed the children as per Standing Order No 105 on Statement of Facts?

This is not a political rally where you just say---

Article 53 of the Constitution protects our children. Do not allow him to drag our children to political contests.

The Deputy Speaker (Sen. Kathuri): Sen. Enoch, can you conclude your comments?

Sen. Wambua: Mr. Deputy Speaker, Sir, in fact, the shame should go to Sen. Cherarkey. The strength of my statement is based on the same news that he watched last night. Live broadcast from a reporter on the ground in school showing the world a live bullet that had been fired where these children were rehearsing.

Our children have been harassed by the police since last night and we are calling on this Government. If it cannot protect our children, it should resign. That is what we are saying. You have no business being in office.

The Deputy Speaker (Sen. Kathuri): Thank you. Sen. Mundigi, proceed.

Sen. Munyi Mundigi: Asante, Bw. Naibu Spika, kwa kunipa fursa hii ili niweze kuchangia mjadala ambao umeletwa na Seneta wa Kitui. Ningependa kuupinga. Seneti hii---

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Just a minute, Sen. Mundigi.

(Loud consultations)

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Sen. Mundigi, have your seat.

(Loud consultations)

Order, Senators.

Sen. Wambua, please, be respectful to your colleagues.

Order, Senators.

(Loud consultations)

Just find your way to your seats.

Sen. Cherarkey, just hold on. Are you the one managing this House? Why are you making noise? You risk going out right now. You cannot direct me on what to do. Hold your cool.

Hon. Senators, I have this communication to make.

(Interruption of debate on Statements)

MESSAGE FROM HIS EXCELLENCY THE PRESIDENT

APPROVAL OF NOMINEES FOR APPOINTMENT TO THE BOARD OF CENTRAL BANK OF KENYA

This is a Message from His Excellency the President on the Nominees for Appointment to the Board of the Central Bank of Kenya (CBK).

(Several Senators stood in their place)

Take the nearest seat, Sen. Sheikh.

Hon. Senators, I have a Message to communicate from His Excellency the President regarding nominees for appointment as members of the Board of the Central Bank of Kenya.

The Message was received pursuant to Standing Order No.47 and was transmitted to the Senate *vide* a letter reference EOP/CMB 26/4A/Volume 6/19 dated 2nd April 2025 and addressed to the Speakers of the National Assembly and the Senate by the Chief of Staff and Head of Public Service, Mr. Felix K. Kosgei.

Pursuant to Standing Order No 47(1) of the Senate; I shall now report the Message to the Senate.

You are most graciously notified that His Excellency the President, in exercise of the constitutional prerogative vested in the Head of State and Government, made nominations to the membership of the CBK.

The presidential action is pursuant to Section 11(2) of the Central Bank of Kenya Act, 491(Laws of Kenya) which states;

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“the Chairperson and Director shall be appointed by the President with the approval of Parliament”.

In that regard and in accordance with Section 5 of the Public Appointments Parliamentary Approval Act, Chapter 7(F) of the Laws of Kenya, kindly be pleased to receive the nominees for appointment as members of the Board of the CBK for consideration by Parliament.

- (1) FCPA Sophie Moturi;
- (2) CPA. Abdulahi Mohamed Abdi;
- (3) Ms. Beatrice Kosgei; and,
- (4) Mr. David Simpson Osawa Owuor.

To facilitate the consideration and approval process of the august House, we are pleased to provide the Certificate of Presidential Nomination No.4 of 2025 along with the Curriculum Vitae and testimonials of the four nominees.

In light of the Central Bank of Kenya's crucial role in formulating and implementing monetary policy to achieve and maintain price stability, Parliament is kindly requested to prioritise the consideration of these nominees.

Hon. Senators, Section 11(2) of the Central Bank of Kenya Act provides that the Chairperson and Directors appointed under Paragraph d of Subsection (1) shall be appointed by the President with the approval of Parliament and shall hold office for a period of four years, but shall be eligible for reappointment for one further term of four years.

In relation to this, Section 3 of the Public Appointments (Parliamentary Approval) Act states that an appointment under the Constitution or any other law for which the approval of Parliament is required, shall not be made unless the appointment is approved or deemed to have been approved by Parliament in accordance with this Act.

As such, therefore, Section 8 of the same Act provides that-

“(1) Unless otherwise provided in any law, a committee shall consider nomination and table its report in the relevant House for debate and decision within 28 days from the date on which the notification of nomination was given in accordance with Section 5 and,

(2) At the conclusion of an approval hearing, the committee shall prepare its report on the suitability of the candidate to be appointed to the office to which the candidate has been nominated and shall include in the report such recommendations as the committee may consider necessary.”

Hon. Senators, the period on the matter that is now before Parliament starts running upon the Speakers of the Houses of Parliament committing the names of the nominees to the relevant Committees in the Senate and the National Assembly.

Standing Order No.77(1) of the Senate provides that-

“(1) Upon receipt of a notification of nomination for appointment for a public office under the Constitution or any other legislation which requires approval by the Senate, the nomination shall stand committed to the relevant Standing Committee for consideration.”

This being the case, the Message from His Excellency the President, together with the curriculum vitae of the nominees, stands committed to the Standing Committee on Finance and Budget for approval hearing.

The Committee is required to hold the approval hearing jointly with the Departmental Committee on Finance, Planning and Trade of the National Assembly in accordance with the provisions of the Central Bank of Kenya Act, the Public Appointment Amendment Approval Act and the Standing Orders of the Houses of Parliament.

Part 26, Joint Committees of Parliament of Senate Standing Orders and the corresponding part of the National Assembly Standing Orders shall apply during the approval hearing.

I direct the committees to expeditiously consider this matter and table a report on their own within the stipulated timelines.

I thank you.

(Resumption of debate on Statements)

THE LIFE AND LEGACY OF PROFESSOR
PHILEMON FUNDI INDIRE

Sen. Osotsi: Mr. Deputy Speaker, Sir, I want to make a personal statement on the life and legacy of Prof. Philemon Fundi Indire.

I rise pursuant to Standing Order No.52(1) to make a personal statement on a matter of national concern, namely the life and legacy of Professor Philemon Fundi Indire, who passed away on 13th March, 2025 and will be buried on Saturday, this weekend.

Prof. Philemon Fundi Indire, a constituent of Vihiga County, was a towering figure in Kenya's academic, religious, diplomatic and political landscape. He stood out as one of Kenya's most distinguished educationists and public servants.

Prof. Indire began his education journey at Makerere University, where he studied alongside the late former President Mwai Kibaki as classmates. He later taught at Friends School, Kamusinga, before proceeding to the United States of America, where he earned a PhD in Education Foundation from Indiana University in Bloomington.

Upon his return in 1962, Prof. Indire served as the Provincial Education Officer for Nyanza Region and was later posted to the Ministry of Foreign Affairs as an Under-Secretary. After Kenya's independence, he became the first secretary at the Kenyan Embassy in Moscow, Russia, helping establish diplomatic ties with the then Soviet Union.

Mr. Deputy Speaker, Sir, Prof. Indire was appointed the founding dean of the Faculty of Education at the University of Nairobi in 1966 and was later made Professor of Education in 1972 by President Jomo Kenyatta, being the first Kenyan to hold such a title. Between 1983 and 1988, he served as a nominated Member of Parliament, appointed by President Daniel arap Moi.

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In his last years, Prof. Indire continued to shape young minds at the Maseno University and also served as a visiting professor in multiple universities in the United States. He was a devoted Quaker and participated very actively in Quaker organizations across the world and, most importantly, the setup of Friends Centre along Ngong Road.

He had a moral compass to many in both private and public spheres. Vihiga County and, indeed, the entire nation mourns the loss of this great mind and mentor; a man whose life was a library of wisdom, service and humility. His contribution to education and nation-building is remarkable. On behalf of the people of Vihiga, I extend my deepest condolences to his family, friends, and the wider academic, religious, diplomatic and political fraternity.

May he rest in eternal peace.

CAPACITY OF THE COUNTY GOVERNMENT OF
MOMBASA TO ISSUE BUILDING PERMITS
AND SUPERVISE CONSTRUCTION SITES

Sen. Faki: Mr. Deputy Speaker, Sir, I rise under Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on a matter of countywide concern regarding the capacity of the County Government of Mombasa to issue building permits and supervise construction sites.

On the 3rd April, 2025, a 10-storey building in Mombasa was reported to be collapsing. As a result, emergency services were mobilized to address the anticipated disaster. Alarmingly, the concerned developer had submitted and was granted approval for plans for a six-storey building, but disregarded the approved plans. This illegal action by the developers escaped the attention of the County Government of Mombasa, raising concerns about the effectiveness of their supervision of construction sites by the county government.

Further, the current boom in multi-storey property development in Mombasa is being undertaken without due regard for the availability of the requisite infrastructure such as water, sewerage, electricity and road network. This calls to question the capacity of the County Government of Mombasa to issue building permits.

In the Statement, the Committee should address the following-

(1) The number of approvals granted by the County Government of Mombasa for the construction of multi-storey buildings between August, 2022 and March, 2025, including the applicable charges for each approval.

(2) The number of civil engineers, physical planners, building inspectors currently employed by the County Government of Mombasa, and whether the personnel are adequate for the effective discharge of their duties.

(3) The steps being taken to strengthen the supervision and monitoring of construction projects to ensure strict adherence to approved building plans and to prevent unauthorized deviations.

(4) The strategies being pursued by the County Government of Mombasa to match development of multi-storey buildings with development in other essential infrastructure, such as water, sewage, electricity and road networks.

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Mr. Deputy Speaker, Sir, yesterday, we witnessed the demolition of the 10-storey building in Mombasa County, which was undertaken by the Kenya Defense Forces (KDF) with the assistance of the emergency services, National Welfare Service, the County Government of Mombasa and the police. Although the demolition was conducted safely, we lost one person on Sunday when the building partially collapsed as a result of its weak structure.

I thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Faki, next time do not add anything to your written Statement.

Let us have the Statement under Standing Order No.57(1).

Proceed, Senate Majority Leader or your principal assistant.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 15TH APRIL, 2025

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, I would have wanted my unverified assistant, but I am told she misbehaved before I came into the House. I am still following reports and analyzing what she may have said, then I will know whether to take another route.

Mr. Deputy Speaker, pursuant to Standing Order No.57(1), I hereby present the business for the week commencing Tuesday, the 15th of April 2025.

This is on the status of legislative business that is pending before the Senate-

(i) Fifty-nine (59) Bills, of which forty-one (41) are at the Second Reading Stage, twelve (12) are at the Committee of the Whole stage and six (6) are at the Third Reading stage.

(ii) Twenty-three (23) Motions are pending conclusion.

(iii) Twenty-six (26) petitions are pending conclusion, out of which seventeen (17) are due for reporting by the respective Standing Committees; and Committee Chairs are here. They should be respectful and mindful of the fact that time is of essence. It is not out of failure for what to do that we provided in our Standing Orders that Petitions must be concluded within 60 calendar days. I hope the Chairpersons who are in the House can help conclude.

(iv) There are five hundred and seventy-eight (578) statements pursuant to Standing Order No.53(1) that are under consideration by Standing Committees.

Mr. Deputy Speaker, Sir, the technical staff presented to us, the Senate Business Committee (SBC), a proposal on how to manage Statements Time with regards to cabinet secretaries. The SBC requested the technical team to present a paper whose findings we shall eventually share with the House on the issue of Statements. We currently have 578 Statements and some have perhaps been overtaken by events or some of those matters have been resolved.

So, we have to, first vet the Statements that make it to the House. Secondly and most importantly, we must also have a timeframe within which we can conclude the Statements once they make it to the Committee.

The Bills that are at the Third Reading Stage are scheduled in today's Order Paper, at Order Nos. 10, 11, 12, 13 and 14. I urge Hon. Senators to remain in the Chamber for divisions to be undertaken. I am not very sure whether that is a wise call looking at the House and having served in this House fairly long enough. I know that getting Members here on certain days is not easy. If we do not succeed today, we will try and conclude them on Tuesday. Some of them are very pressing issues. That includes your own Bill, Mr. Deputy Speaker, Sir, where you are seeking to grant autonomy to our county assemblies. We also have many other Bills that are before us.

Next week on Tuesday, the SBC will consider that particular matter that I have raised, as well as schedule business for the week that will be indicated in the Order Paper.

The tentative morning sitting for Wednesday include questions to various cabinet secretaries, as well as Motions that are already approved. There will be questions to the Cabinet Secretary for Interior and National Administration. There are also questions to the Cabinet Secretary of Education on that particular day. The tentative business for sitting on Wednesday, 16th April, 2025, will include business not concluded from the Order Paper for Tuesday, 15th April, 2025.

The Bills that are at Second Reading are thus listed-

(i) The County Governments (State Officers Removal from Office) Procedure Bill (Senate Bills No. 34 of 2024);

(ii) The Creative Economy Support Bill (Senate Bills No. 30 of 2024);

(iii) The County Governments (Amendment) Bill (Senate Bills No. 39 of 2024);

(iv) The Labour Migration and Management (No. 2) Bill (Senate Bills No. 42 of 2024); and,

(v) The Street Naming and Property Addressing System Bill (Senate Bills No. 43 of 2024).

Mr. Deputy Speaker, Sir, the Street Naming and Property Addressing System Bill (Senate Bills No.43 of 2024) is a very good Bill. We have a habit of people in counties waking up and naming almost everything after themselves. I think they are following up from our forefathers. Nowadays, governors in some counties build roads and name it after their first wife, girlfriends and things like that. This Bill actually seeks to provide the procedure through which public funded infrastructure are to be named.

We also have Motions lined up for next week.

Hon. Senators will recall that the Senate is scheduled to proceed on recess next week Thursday, 17th April, 2025, in accordance with our Calendar. I, therefore, take this opportunity to urge all Senators with business scheduled on the Order Paper and programmes of the Senate business for the next week to be available in the House to prosecute the same. I urge our party whips to ensure that the necessary number of county delegations is achieved for the decisions to be undertaken when due.

I thank you, Mr. Deputy Speaker, and do hereby lay the Statement on the table of the Senate.

(Sen. Cheruiyot laid the document on the Table)

The Deputy Speaker (Sen. Kathuri): Thank you, Senate Majority Leader. Chairperson of the Committee on Devolution and Intergovernmental Relations, I want you to listen to this. Senator for Nyamira County, can you repeat the issue that you addressed with me? The Chairperson is now in the House.

Sen. Omogeni: Thank you, Mr. Deputy Speaker, Sir. Last week on 1st April, 2025, I raised a Statement on the---

(Sen. Cherarkey consulted Sen. Abass)

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, please, give the Chairperson of the Committee on Devolution and Intergovernmental Relations time to listen to my directive.

DIVISIONS WITHIN NYAMIRA
COUNTY ASSEMBLY

Sen. Omogeni: Thank you, Mr. Deputy Speaker, Sir. Last week on 1st April, 2025, I raised a Statement under Standing Order No.53(1) before the House on the happenings within the County Assembly of Nyamira County. It was on the division that had led to the creation of two factions of county assemblies within the County of Nyamira.

Your office directed that this matter be handled with the utmost urgency. I want to report to the House that on 8th April, 2025, the Standing Committee on Devolution and Intergovernmental Relations had a meeting with the two factions of the County Assembly of Nyamira, together with presentations from the Office of the Controller of Budget.

In view of the urgency surrounding this matter, and to ensure that there is restoration of normal operations within the County Assembly of Nyamira, I seek that the Chairperson of the Committee gives a progress report to the House next week.

Thank you.

Sen. Abass: Thank you, Mr. Deputy Speaker, Sir. As you are aware or as informed by the Senator for Nyamira County, we called the warring parties from the County Assembly of Nyamira the day before yesterday, Monday, and we listened to them. The only challenge that we have is that the matter is in court. We, therefore, cannot reach a decision because it will be prejudice of the court. However, we will submit the report. We have asked our legal team to advise us accordingly. It is important for us to note that we are not in court. They are the ones who are in court. God willing, we will try our best to submit the report next week, Thursday.

The Deputy Speaker (Sen. Kathuri): Thank you, Mr. Chairperson. That is good commitment. Looking at the time, I am constrained to go to Order No.8, but I can give chance to two Members from both sides. We will start with Sen. Olekina. Kindly stick to the Statement that you are commenting on.

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir. This is a House of union. I always say that this House unites the entire country. When we have a crisis in terms of

the management of our counties, it behooves all of us to come together and come up with a solution.

The Statement raised by Sen. Dullo should worry all of us. This is because the county chief officers are tasked with the day-to-day running of those counties. Hearing that the County Government of Isiolo does not have the 32 chief officers begs a big question: who is running that county?

According to the PFMA Act, the chief officers have got a fiducial responsibility to ensure that the funds are utilised well. It is the chief officer who has to sign when funds are being withdrawn from the Controller of Budget.

So, we must all take this issue of Isiolo County not having chief officers very seriously. We need to, first, sit with the Controller of Budget to understand how funds are being utilised. Is it an issue of Own Source Revenue? When you think about it, you will realise that Isiolo County does not have a lot of Own Source Revenue. They, therefore, use the shareable revenue, the revenue that we, in this House, divide for our counties. That is an issue that must be dealt with.

Secondly, Mr. Deputy Speaker, I hope that the Chairperson of the Committee on Labour and Social Protection can take that matter seriously. That Committee should travel to Isiolo County to deal with the issue for us to understand how we are managing our counties.

The issue of Nyamira County also concerns me. How can we have two county assemblies? It is ridiculous. We know that we have one county assembly that should meet in the county assembly premises, unless it is gazetted that they are going to be meeting elsewhere. If the Senate Plenary decides to host its meeting elsewhere, it must be gazetted. So, these are very simple things that need to be dealt with. It is just a matter of adhering to the rule of law and follow through.

Mr. Deputy Speaker, Sir, I hope that the Committee on Devolution and Intergovernmental Relations will not deal with the issues of courts. Some matters are *sub-judice*, but when it is the issue that relates to the supervision of the counties by the Senate, that is a matter we should move very expeditiously---

The Deputy Speaker (Sen. Kathuri): Just a minute, Sen. Olekina.

Chairperson on Devolution and Intergovernmental Relations, do you have a point of order or point of information?

Sen. Abass: It is a point of information. I want to inform the House and the Senator for Narok County that as much as we appreciate that there must be only one venue for the county assembly, they have gazetted another venue four hours ago, and they call it County Mashinani. They have officially gazetted four venues. Also, the County Assembly Members---

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Order! Let him conclude.

Proceed, Sen. Abass.

Sen. Abass: Mr. Deputy Speaker, Sir, the previous Speaker was forcefully removed from the office and the Chamber. He was even injured. Therefore, he has run

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away because of fear for his life and that of his team. So, they hold their meetings in other places.

The Deputy Speaker (Sen. Kathuri): Can you conclude, Sen. Olekina?

Sen. Olekina: Mr. Deputy Speaker, Sir, Sen. Abass is my colleague and so when he informs me, I have to take it seriously. However, one thing that worries me, and this is one of the things that I am trying to bring to the attention of this House, is that when we have the two county assemblies operating in one county - and this one says it is a county assembly - it is illegal.

So, really, we have to look at it this way: The Speaker of this House sits on that Chair, having been elected by the Members of this House. So, if the Members of this House decide to forcefully remove a Speaker, how can the Clerk of the Assembly go ahead and gazette another county assembly?

This is a matter that the Committee on Devolution and Intergovernmental Relations should not tolerate, those gazette notices. Sittings of county assemblies and sittings of the Senate must be held in a venue which is recognized. Remember, we passed budgets of county assemblies for them to build their headquarters. So, then, how do we continue saying we need to collect more money to support those counties, yet people are going to sit under a tree to conduct their proceedings?

This is something that we really should be very careful about otherwise, tomorrow, some of us might decide that we are not happy with the Speaker, we forcefully remove him there and then we have a separate sitting and divide this House. Come on, it does not work like that. So, these are two very important issues that we must address as a Senate of the Republic of Kenya.

The issue of Isiolo County is something very important, and all of us must remember that when we are given responsibilities, chief officers are tasked with the fiduciary responsibility. Now, who is responsible in that county any more? The chief officers are the ones who deal with the day-to-day operations. If you talk about CECs, those are political appointees. Those are people to guide on terms of policy, but then, who implements that? A chief officer is like a Principal Secretary. So, these are things that we need to be very serious about.

Other agencies, even the Attorney-General's Office and the National Treasury, must also be aware of the fact that there is a problem in Isiolo County. Deal with it. Let us deal with it. There is a problem in Nyamira County. If we keep sitting here and our committees do not take the matter seriously, then, of course, we will be making a fool of ourselves.

I will end by reminding our colleagues that we are the House of union. All these problems that we are facing as a country, even the issues about drama and students, the role that we should take is that we should attempt to unite those agencies that are fighting. Those students are our children. If we unite those children and also try not to expose our children to controversial things, we have to remember that we are here and whatever we do, our children are learning. Let us be good teachers.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, this House can benefit from hearing from the Senator representing that particular county, which has issues and I have repeated myself several times on this.

The Senator for West Pokot is here to represent the interests of West Pokot County. We should hear from the Senator representing a county that has issues, the way Sen. Dullo represents Isiolo County.

Sen Omogeni, your colleagues should benefit from your information and knowledge concerning that particular issue in Nyamira County. Of course, not everybody was at the inquiry on Tuesday. Not all Senators were there, but I want to give you three minutes to bring us up to speed especially on the issues in Nyamira and what is happening.

I know you have tasked the Committee to do that, but you wanted to inform the Chairperson. So, I want you to take three minutes so that this House can benefit from hearing from you as the Senator for Nyamira County.

Sen. Omogeni: Thank you, Mr. Deputy Speaker, Sir. Of course, you are right that the people of the great County of Nyamira are looking at their Senator and the 67 other Senators to find a solution that is within the confines of the law.

I thank the Chairperson of the Committee on Devolution and Intergovernmental Relations, who is seized of this matter, but I want to agree fully with Sen. Olekina. People cannot come to this House and tell us that there are cases filed in court and that we ran away from our responsibilities.

If you remember the Solomonic decision by former Speaker, Hon. Kenneth Marende, there were court cases, but that did not prevent Speaker Marende from stepping in and making a decision of the House to be known to the whole country.

First, the two parties were heard before the Committee on Devolution and Intergovernmental Relations, though there was inadequacy of time. One faction is of the view that they did not get adequate opportunity to present their case.

This is a very simple matter. We are allocating money to the County Government of Nyamira. That confusion is creating an opportunity for those who want to siphon money from that county to do it in an easy way. If we were to be candid, by now the Directorate of Criminal Investigations (DCI) and the Ethics and Anti-Corruption Commission (EACC) should be camping in Nyamira. Some of the things that have happened in Nyamira need an intervention that can lead to some people being sent to jail. Even if we disagree with His Excellency the President, there is no way you will wake up one day and gazette the sittings of this House to be held elsewhere. We fight here on this Floor. Everybody knows where the precincts of the County Assembly of Nyamira are. The Governor gazetted it at the beginning of the term.

Chairperson, I want you to be bold. You are here to serve the interests of the people of the greater County of Nyamira, not the impeached Speaker, not the Governor or I as Senator. Look at the interests of the people of Nyamira. If you have been impeached, you know it. We did impeach the Governor for Meru County. She went to court, got an order and we respected that order. Once the court vacated the order, she left office.

In the case of Nyamira County - and I am sorry that even the Council of Governors (CoG) is unable to grasp very mundane issues of law - the Speaker was

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impeached on 24th October, 2024 and a resolution of the Assembly was brought before the Committee. After the impeachment, the Speaker who was impeached moved to court and filed a case, Petition No.1 before the Labour and Employment Court in Kisii and sought conservatory orders from the court. The court heard him and made a pronouncement. The court said, we will not give you conservatory orders, serve and come back.

Why is my Chairman, Sen. Abass, feeling jittery about just coming to report to the House that this is the situation? If you go to court, you seek to get a conservatory order on a resolution passed by a House, and you do not get a conservatory order, what is the effect? The effect is that you remain impeached. If you get an order from court, everybody, I included, will be bound by that decision.

Mr. Deputy Speaker, Sir, in conclusion, if the Chairperson feels this matter is too hot for him, it can be referred back to the Plenary of the Committee of the Whole. However, one way or another, the people of Nyamira are eager to see how the Senate of the Republic of Kenya will pronounce itself on this issue. Therefore, I urge my colleague Senators to ensure that we remain a House that can be relied upon by both the county assemblies and the executives---

The Deputy Speaker (Sen. Kathuri): Thank you. I believe you have been heard very well.

(Sen. Abass spoke off record)

Chairperson, you made a commitment to give a progressive report next week on Thursday. So let us wait for your report.

Sen. Abass: Mr. Deputy Speaker Sir, my colleague is merely playing to the gallery. He was actually with us in that meeting when we engaged with the Members. This Committee does not have jurisdiction to rule on matters that are before the court.

Therefore, we are writing a report and seeking a legal interpretation from our Directorate of Legal Services on the best approach to take regarding this matter. I have already stated here that we will present our report on Thursday next week. I urge my colleague to exercise patience with us, considering the situation in that place is extremely volatile. The former Speaker was removed forcefully.

Sen. Murgor: On a point of information, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Do you want to be informed by Sen. Murgor?

Sen. Murgor: I would like to inform my colleague that it is possible to address a matter in court by reconciling the warring factions. Once they reach an agreement, they can withdraw the case. The factions in Nyamira can resolve their dispute outside of court and then proceed to withdraw the case. Today, I dealt with a similar matter, which is set to benefit the conflicting parties.

The Deputy Speaker (Sen. Kathuri): The issue is in Nyamira County.

Sen. Kinyua, proceed.

Sen. Kinyua: Asante, Bw. Naibu Spika, kwa kunipa fursa hii. Naunga mkono Taarifa iliyoletwa na Seneta wa Kaunti ya Isiolo, Sen. Dullo, kuhusu kuajiriwa kwa

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maafisa wakuu wa idara tofauti katika gatuji hilo. Ni jambo la kuvunja moyo kama Kaunti ya Isiolo itakaa kwa zaidi ya miezi miwili bila ya maafisa wakuu, kwani ndio wanaoshughulikia utenda kazi katika gatuji lile kila siku.

Gavana wa Kaunti hiyo amekuwa na shida kila wakati. Kwa hivyo anafaa kutilia mkazo jambo hili. Hatuwezi kugawa pesa za ugatuji kama Seneti, lakini Kaunti ya Isiolo haina maafisa wakuu wanaopaswa kutenda kazi. Hii itapelekea gatuji hilo kubaki nyuma na kuwa na shida nyingi baadaye. Inawezekana Gavana ana mpango wa kufuja pesa za Kaunti ya Isiolo.

Kuhusu suala la Nyamira, sikuweza kufuatilia walipokuja Seneti lakini nilifuatilia kwa runinga. Niliona kikao cha Bunge la Nyamira wanachokiita Bunge Mashinani. Waliiga tunavyofanya Seneti, lakini waliiga visivyo. Hauwezi ukagawanya Bunge la Nyamira kuwa mabunge mawili. Hilo si jambo la kufikiria.

Namwomba Mwenyekiti wa Kamati ya Ugatuji Seneti afuatilie jambo hili. Nilikuwa mwenyekiti kwa miaka miwili muhula uliopita lakini hatungekubali jambo kama hili litendeke kwani tutakuwa tumezembea katika kazi yetu kama Seneti. Tuache kumuekelea mzigo Seneta wa Kaunti ile peke yake. Tunapaswa kusimama wima na kidete na kusema kuwa haiwezekani kugawanya Kaunti ya Nyamira mara mbili. Tutalaumiwa sio tu na watu wa Nyamira, bali na Jamhuri ya Kenya kwa sababu kazi yetu kubwa ni kutetea na kulinda gatuji zetu.

Inaonekana tayari tumelemewa kwani nasikia fununu kuna kaunti moja ambayo watu wamegawanyika. Pesa tunazotuma kwa Bunge la Nyamira zinalipwa nani? Tunapaswa kujiuliza swali hilo gumu. Hatufai kungoja mahakama ituambie tutakavyofanya. Hii ni kazi yetu. Tunapaswa kuifanya kwa ueledi na ustadi bila kuogopa.

Bw. Naibu Spika, nashukuru kwa kunipa fursa hiyo.

The Deputy Speaker (Sen. Kathuri): Bunge hili linaweza kuamua uende kwa hiyo kamati kama mchezaji wa kulipwa.

(Laughter)

Sen. Edwin Sifuna, proceed.

Sen. Sifuna: Thank you, Hon. Deputy Speaker. I joined the debate midway as I was attending a funeral service. However, I have caught some of the sentiments expressed earlier and the statement brought by the Senator for Isiolo County. Some of the things happening in our counties are infuriating. It is impossible to believe that some county governors are running these institutions as if they were personal fiefdoms.

I personally encountered the situation in Nyamira that the Senator has spoken about, and I almost lost my mind. I could not believe it. He was there. I could not believe that a section of Members of County Assembly (MCAs), only 12 MCAs, as we were told, were involved. I personally have the list of those MCAs and was shocked to find a member of ODM among them. She is nominated by ODM.

This situation is unacceptable. The bulk of the 12 MCAs are from the governor's own party. He has set up a parallel house and decided to recognize only those from his party, who are sitting under a tree somewhere. He takes his budgets to them, and every

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communication is processed through them. When we asked them how many clerks they have, they could not answer, as there is only one clerk and a gazetted place where the Assembly is supposed to sit. This is absolutely unbelievable.

I cannot be persuaded that there is nothing this House can do. We are the ones with the power. We should stop all resources going to Nyamira County Assembly until this issue is resolved. We are presiding over an illegality. This House has options, and we must not appear helpless. By the time the report comes, the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations must ensure that it recommends stopping funds to Nyamira. If it does not, we will not accept it. We are preempting the work of that Committee already. Do not tell us there is nothing we can do. In my capacity as Secretary General (SG) of the Orange Democratic Movement (ODM) Party, I have informed my members in Nyamira that we will not tolerate their participation in an obvious illegality.

I have spoken to the leadership of the Wiper Party. The SG of Wiper Party, Sen. Shakilla, is here. Inform the members of Wiper Party who are participating in that kangaroo assembly that there will be consequences for their actions. We, as ODM Party, are believers in devolution and its founders, the people who brought it to life. If we are fighting for resources, as 'Baba' always says, we must give counties more money. We cannot be part of these shenanigans where, instead of devolution helping the people of Nyamira, it is being undermined by small games in the village, resulting in two parallel assemblies. This will not be accepted. This Senate will not preside over such an illegality.

Hon. Deputy Speaker, when we sat with those MCAs, we asked if there were court orders validating their sittings under a tree. There were none. This is a shameful situation, especially because we, as believers in devolution, are the ones who allocate funds to these county assemblies. Just yesterday, we passed a law in the Senate to give county assemblies financial independence. This law was brought by you, Hon. Kathuri Murungi, the Senator for Meru County. Now, if we instruct the National Treasury to send money to Nyamira County Assembly, which assembly will receive the funds?

Now that there is financial autonomy, the next move should be for this Senate to stop any disbursements to the County Executive and the County Assembly of Nyamira because we cannot tolerate such a situation. We look so bad as a country that such a situation can continue.

The Senator for Nyamira, you can count on me as your Secretary General and colleague in this House, to ensure that we bring order to Nyamira County. We must bring order to Nyamira County because this is unacceptable and untenable. I am ready to make enemies.

Mr. Deputy Speaker, Sir, when I call that Nominated Member of County Assembly (MCA), she tried to speak to me in our native language, so that I can feel pity for her. I am ready to make enemies, but in the defence of devolution. There will be no tribe, no party and nothing because we cannot have a situation such as that.

Senator for Nyamira, Senior Counsel, Sen. Omogeni, please understand that I will deliver the entire machinery of the ODM Party to ensure that we restore order. Do not be scared by the Chairperson of the Committee on Devolution and Intergovernmental Relations. There is something we can do and we will do it.

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Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we only have eight minutes to end the Statement Hour. I had given two minutes to each Member. Proceed, Sen. Nyamu.

Sen. Nyamu: Mr. Deputy Speaker, Sir, April is autism awareness month. Therefore, the Statement by Sen. Methu is timely. The prevalence of autistic children has skyrocketed in the recent past, not just in Kenya, but globally. I know there are all sorts of theories attributing the rise of autism in the country and the world at large, but I do not want to dwell on that.

There are challenges that the autistic community faces in this country because of lack of official data. We do not have a registry of autistic children in this country. If the Government was to intervene, what numbers are they going to base on?

We should have a specialised approach to assist parents and families with people living with autism. We would like the Government to intervene and ensure that we have specialised training for teachers and medical practitioners. Families with autistic children should know that they are just normal and accept them as they are. We need to have awareness to eliminate stigma. Those families should be assisted. The situation should be taken seriously.

We are happy that this week, the Senate passed the Persons with Disabilities Bill, which recognises autism as mainstream disability---

(Sen. Nyamu's microphone was switched off)

The Deputy Speaker (Sen. Kathuri): Allow her 30 seconds to finish.

Sen. Nyamu: Thank you, Mr. Deputy Speaker, Sir. Let me conclude by saying that given the rising numbers, we need a department that will deal with autism in the country.

The Deputy Speaker (Sen. Kathuri): Last but not least, we have Sen. Madzayo.

(Sen. Madzayo spoke off record)

You are okay? The rest are not interested to speak to this. Let us move to the next Order.

MOTION

ADOPTION OF REPORT ON PETITION ON RESTRAINING COUNTY GOVERNMENTS FROM HIRING LAW FIRMS FOR LEGAL REPRESENTATION

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations and the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition to the Senate by Mr. Laban Omusundi concerning restraining county governments from hiring law firms to

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represent them in court cases, laid on the Table of the Senate on Thursday, 3rd April, 2025.

(Sen. Wakili Sigei on 8.4.2025)

(Resumption of debate interrupted on 9.4.2025 – Afternoon Sitting)

The Deputy Speaker (Sen. Kathuri): I would like to ascertain whether we have the numbers. I am told that we do not have numbers. Therefore, that Order is deferred to the next sitting.

(Putting of the question on the Motion deferred)

Hon. Senators, looking at the business before us, we will defer Order Nos. 9 to 14 because they require division. We do not have the numbers.

COMMITTEE OF THE WHOLE

THE NATIONAL DISASTER RISK MANAGEMENT BILL
(NATIONAL ASSEMBLY BILLS NO.24 OF 2023)

(Committee of the Whole deferred)

BILL

Third Reading

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

(Bill deferred)

BILL

Third Reading

THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT)
BILL (SENATE BILLS NO.39 OF 2023)

(Bill deferred)

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BILL*Third Reading*

THE COUNTY ASSEMBLY SERVICES (AMENDMENT)
BILL (SENATE BILLS NO.34 OF 2023)

*(Bill deferred)***BILL***Third Reading*

THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL
(SENATE BILLS NO.14 OF 2024)

*(Bill deferred)***BILL***Third Reading*

THE LAND (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILLS NO.40 OF 2022)

(Bill deferred)

Hon. Senators, let us go the next Order.

MOTION

ADOPTION OF REPORT ON INQUIRY INTO THE PERSONAL SECURITY
CONCERNS RAISED BY HON. PHILOMENA KAPKORY,
DEPUTY GOVERNOR, TRANS-NZOIA COUNTY

Sen. Abass: Mr. Deputy Speaker, Sir, at the sitting of---

The Deputy Speaker (Sen. Kathuri): Chairperson of the Committee on Devolution and Intergovernmental Relations, approach the Clerks-at-the-Table for some guidance.

(Sen. Abass consulted with the Clerks-at-the-Table)

Sen. Abass: Mr. Deputy Speaker, Sir, I beg to move-

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THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the allegations on personal security concerns raised by Hon. Philomena Kapkory, Deputy Governor, Trans Nzoia County laid on the Table of the Senate on Tuesday, 1st October, 2024.

The Standing Committee on Devolution and Intergovernmental Relations received a copy of a letter referenced CGTN/DVGN VOL.2, dated 1st November, 2023, from the Deputy Governor of Trans Nzoia, Hon. Philomena Kapkory, addressed to the Deputy President and copied to the Speaker of the Senate.

The Speaker then referred the matter to the committee in charge for consideration. In the same letter, the Deputy Governor brought the following issues to attention-

THAT on 26th September, 2023, while on official duty in the United States, USA, she received information from concerned residents of Trans Nzoia on the same unfortunate happenings, touching on her security, posing danger of her life.

THAT in the same period, social media platforms were awash with threats and abuses levelled against her by the communications staff attached to the County Governor, hon. George Natembeya. Her efforts to reach the Governor via phone calls were futile.

THAT upon returning to the country on 2nd October, she reported the threat to the Director of Investigations (DCI), the National Cohesion and Integration Commission (NCIC), Muthangari Police Station, but no arrests or progress was made. She further wrote to the Governor, informing him that she was unable to return to work in the county due to her compromised security.

THAT after writing to the Governor, the state staff of the Governor continued with the threats and attacks, but the Governor never met and responded to this.

THAT additionally, the Governor himself continued making inflammatory statements, which further threatened her security and caused a spiking of animosity against her community and that of the governor. She further revealed that the difficult conditions she was working under included a lack of funding for her office, that was impacting on her ability to execute her duties as a deputy governor; being denied her official residence, which has been converted to a campaign centre, and also the First Lady's Office; being sidelined on all decisions and most functions in the county; being denied most of the legitimate payment to her office and general mistreatment and humiliations that she has been subjected to.

She concluded by appealing to the Deputy President for an opportunity to meet with him in order to discuss the way forward on the issues mentioned for healthy working relations with the Governor and focus on service delivery but there was no response.

At the sitting of the Committee to discuss the issues raised in the letter, I resolved to first invite the Deputy Governor. The Committee sent an invitation successfully, held meetings with the following stakeholders-

- (i) The Deputy Governor of Trans Nzoia
- (ii) The National Cohesion and Integration Commission and
- (iii) The Governor of Trans Nzoia

The Committee also noted who was unable to meet the Cabinet Secretary for Interior and National Administration, the Inspector General of Police and the Director of Criminal Investigations (DCI).

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The Cabinet Secretary was invited on two occasions. However, he conveyed his apologies and requested the Committee to reschedule the meeting to a more appropriate date when he will be available.

Further, the committee visited Trans Nzoia on 2nd March 2024 and held a meeting with the Governor and the Deputy Governor with the aim of mediation and resolving the issue.

The committee later paid a courtesy call to the County Assembly of Trans Nzoia. Upon receipt of the stakeholders' submissions, the Committee did an in-depth analysis. Based on the deliberations, it has made various observations and recommendations which are set out in Chapter 4 and Chapter 5 of this Report, respectively.

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

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

Mr. Temporary Speaker, Sir, I wish to inform the Senate that the Committee successfully resolved the issues causing the rifts between the Governor and the Deputy Governor, mediated the two parties and restored good working relations between them.

The matter has again cropped up and currently, the Deputy Governor is still having the same problems and has decided to live on her own and mind her business.

I take this opportunity to commend the Members of the Committee for this devotion and commitment to duty which led to the successful consideration of the issue raised by the Deputy Governor of Trans Nzoia County.

I also thank the office of the Speaker and that of the Clerk of the Senate for the support they gave.

It is now my pleasant duty to move this Motion and I request that the House adopt the Report.

I call upon Sen. Cherarkey to second.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. As I rise to second, I commend the Chair, Senator Mohamed Abbas, for steering this Committee. I know he has come under a lot of challenges today afternoon over Nyamira County Assembly divisions.

In fact, the most important committee in this House should be the Committee of Devolution and Intergovernmental Relations. This because under Article 96, the role of the Senate is to protect and promote the interests of counties. They should be the most highly sought after committee. The County Public Accounts Committee (CPAC) and the rest can follow suit.

I do not know in which committee Sen. Methu was given. Maybe when he will be submitting, he will inform the House which committee is serving with a lot of distinction.

I have read the report. I am happy that the Committee tried the way of doing it *kienyenji* or localizing and bringing them together in last year, 2024. The county cannot function without a deputy governor. The election of governor and deputy governor is under Article 180. In fact, the deputy governor and governor are conjoined like siamese twins just as the president and the deputy president, because you elect them on the same

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ballot paper, but they are not co-governor. The law envisages that there should be no vacuum in the office of the governor in case.

Mr. Temporary Speaker, Sir, we are having problems with deputy governors. You remember the Deputy Governor of Siaya was brought here. Fortunately, the House ensured he survived, but we are told he has not accessed his office up to date. When we declined to impeach him as a House of the Senate, the Deputy Governor of Siaya is yet to resume or assume his duties and functions of his office. He does not even access his salary. The intention of the drafters of the Constitution of Kenya, 2010, is that there should be no vacuum. Existence of vacuum in such offices as the governor creates a lot of problems. Peace and instability becomes a problem in a county.

Most governors in this country see their deputies as a threat to their seats. That is why they want deputy governors to operate in the three monkey's principle where they hear nothing, see nothing and say nothing. I challenge the Chairperson of the Committee on Devolution and Intergovernmental Relations to look even at the issue of Siaya. Even as we impeached former Deputy Governor of Kisii County, Hon. Robert Monda, in this House, another deputy was being appointed.

Meru County have nominated a new deputy governor who is the Vice-Chairperson of the Independent Election and Boundaries Commission (IEBC) Panel. So the deputy governors are having a challenge. In the last session, there was even a legislative proposal that deputy governors should be given jobs. I advise deputy governors to just be a deputy. If you want, just read a newspaper, come to the office, get the directions of the governor and go home because you are a principal assistant.

Sen. Orwoba: On a point of order, Mr. Temporary Speaker, Sir.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, Standing Orders do not allow a point of order during seconding of a Motion.

(Loud consultations)

The Temporary Speaker (Sen. Abdul Haji): Sen. Gloria, what is your point of order?

Sen. Orwoba: Mr. Temporary Speaker, Sir, is it in order for Sen. Cherarkey in this "Upper House" that protects devolution, to allude that deputy governors have got no work and should, therefore, just go to the office to read newspapers if they want to survive their terms? I say this because this is the "Upper House" in charge of devolution in its entirety, including the deputy governors' roles.

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, you can proceed.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, the former Governor of Uasin Gishu, who is the current Senator of the same county used to have a deputy governor. I hope that when he will be contributing, Sen. Orwoba, by your directive will be present in the House. She should know that a deputy governor should remain so because he is just a principal assistant. What I am saying is a statement of fact.

It can only be different if the governor appoints the deputy governor as a County Executive Committee Member (CECM) in charge of roads or something else. Sen. Orwoba, there is no law that has provided for responsibilities and functions of a deputy

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governor. Article 180 of the Constitution with respect to the election of a deputy governor does not provide responsibilities and functions. They should just remain as principal assistants.

There was a proposal that we intervene and it is in HANSARD. We were requested to give responsibility to deputy governors which we did not.

Sen. Methu: On a point of information, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, would you like to be informed by Sen. Methu?

Sen. Cherarkey: Mr. Temporary Speaker, Sir, since he has not *nyowad ndevu* for some time, he might have grown wise.

Sen. Methu: Mr. Temporary Speaker, Sir, I want to enrich the thinking of my senior brother, Sen. Cherarkey. In the architecture of our Constitution, as it is now, a deputy governor is a spare wheel that will only be useful when the main wheel of the car is not functional. Right now, there is no function that has been added to the office of a deputy governor. So, a deputy governor is just a principal assistant. Nothing more, nothing less.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. I think Sen. Methu has grown wise after growing beard. However, I want to suggest that we do a harambee one of these fine days, especially on Thursdays, on a pay bill where we will raise money for him to get shaved by a barber. His beard has grown long and it needs to be shaved. I thank him for that information. He has reiterated what I was saying that a deputy governor should remain a deputy governor.

Finally, Mr. Temporary Speaker, Sir, allow me to say this, then give my colleagues an opportunity to say something. As they say, '*vitu kwa ground ni* different.'

As I speak now, the Governor of Trans Nzoia County, Governor George Natembeya and Deputy Governor Philomena Bineah Kapkory, do not see eye to eye. So, things have gone back to default settings. It is actually side effects of tribal undertones. You will notice that the governor is creating tribal rift in Trans Nzoia County yet it is a cosmopolitan county. The governor is perpetuating tribal undertones in Trans Nzoia County.

I challenge the Committee on Devolution and Intergovernmental Relations to ensure that the Governor of Trans Nzoia County is held accountable of what he says in public. Our female colleagues should come out strongly because this is another form of femicide. A governor who is undermining a lady who is a deputy governor is promoting femicide in our country.

Governors who have women deputy governors have enjoyed cordial working relationships. However, it is different with Governor George Natembeya. He undermines the operations of his Deputy Governor, Philomena Bineah Kapkory. That is a form of femicide. It is a form of women harassment, it endangers women leadership and promotes femicide. I hope that Sen. Orwoba is listening to this.

Any man who undermines a woman is not a man. I say this with a lot of tremendous respect.

(Sen. Murgor spoke off record)

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No, he is not a womanizer.

(Laughter)

Senator for West Pokot County, that is not a womanizer. A womanizer is a different thing. You cannot define it that way. That is a harsh way of defining it. A man who undermines a lady or a woman is not a womanizer, but a threat to womanhood. We are trying to encourage women leadership in this country.

Mr. Temporary Speaker, Sir, Governor Natembeya must be called out. I want to advise him for free. His work is to ensure there is proper development in Trans Nzoia County. Last year, I led a delegation of the Committee on Information, Communication and Technology for a visit in Trans Nzoia and we noted that their collection of revenue is pathetic and poor. Money is actually getting into the individuals' pockets? Their roads are pathetic and the public service in Trans Nzoia County has been weaponized and tribalized for political expediency by him.

I have seen him fight the women representative, Hon. Siyoi Lillian Chebet. The governor should accommodate women leadership. We are not asking Governor Natembeya to babysit his deputy. We are simply asking him to allow the office of the deputy governor to operate optimally. We should encourage women leadership.

I also want to request women who are in leadership to be responsible. I saw two women leaders from your county: Hon. Umulkheir Harun and Hon. Falhada Iman fighting--- I hope you will find time, during the weekend, to host them for a cup of tea and guide them. I know the Speaker of the National Assembly meted out serious punishment against them. I request women who are in position of power to be responsible, respectful and carry themselves with dignity. They should be responsible.

Sen. Orwoba: On a point of order, Mr. Temporary Speaker, Sir.

Sen. Cherarkey: Is it out of order when you ask people to be responsible?

The Temporary Speaker (Sen. Abdul Haji): No, I do not think so, but let us hear what she has to say. What is your point of order, Sen. Gloria?

Sen. Orwoba: Mr. Temporary Speaker, Sir, I appreciate what Sen. Cherarkey is trying to do here, but he is out of order because he is casting aspersions. He is alluding that some women legislators and women leaders are disrespectful and all that. Standing Order No---

(A Senator spoke off record)

It is not Standing Order No.105. Standing Order No.105 is on Statement of Facts. Nowadays, I know the Standing Orders.

I am standing on the Standing Order that talks of casting aspersions on a fellow Senator or leader. As Sen. Cherarkey executes his point, I find it very suspicious that he is trying to discuss two legislators who do not belong in this House. Without their presence, we might not know what transpired. We are all waiting to hear through the Powers and Privileges Committee, which I have had experience with.

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I want Sen. Cherarkey to tread carefully. If possible, avoid going that direction unless he sits in the Powers and Privileges Committee and he has facts. Otherwise, we are all waiting to see the Report for us to know what transpired.

Thank you.

Sen. Cherarkey: Mr. Temporary Speaker, under principles of evidence and law of evidence, there is what we call judicial notice by the public. What the Speaker of the National Assembly pronounced is in the public domain. He said that Sen. Falhada's has been denied access to Parliament for 90 days. I am asking women in leadership to be responsible and respectful. That also applies to young men like Sen. Eddy. Therefore, women must be responsible and respectful.

Mr. Temporary Speaker, I hope that during the weekend, you will invite the two *waheshimiwa* to your house and ensure that there are elders from Garissa County who will sit them down and teach them how to lead with a lot of respect.

(Loud consultations)

As I finish to second---

Can I be protected from harassment?

The Temporary Speaker (Sen. Abdul Haji): Sen. Orwoba, you already stood on a point of order; you cannot speak on the same matter twice.

(Sen. Orwoba spoke off record)

Yes, you have already spoken to it on a point of order and listened to you. So, let Sen. Cherarkey conclude.

Sen. Chararkey: Mr. Temporary Speaker, Sir, I have agreed to her advice. All I am saying is that all leaders, including women and Sen. Eddy, who is a young man and even the presidential aspirant, Sen. Okiya Omtatah, should be responsible and respectful.

Mr. Temporary Speaker, Sir, as it is our norm and culture, I am requesting you as the Speaker of this House to convene the meeting with the two *waheshimiwa* and elders from Garissa County to ensure that the matter is resolved amicably. That is the leadership we want.

Finally, the issue of Governor Natembeya must be dealt with preciously. He should tread carefully. We know Mt. Elgon has been a conflict area. I want to challenge the National Cohesion and Integration Commission (NCIC) to look into the inflammatory statements of incitement that the Governor is making.

I know he wants to score points by attacking the President. I can assure you that before the end of this year, from the way he is operating with arrogance and promoting tribalism in Trans Nzoia County, he will be impeached. We shall come and confirm that he is impeached like the former Governor for Meru County, Hon. Kawira Mwangaza. He is operating like the former Governor Kawira Mwangaza. She promoted strife and disorder in Meru County. That is what sent her home.

I can see Governor Natembeya using the same strategy of bringing strife and division within Trans Nzoia County. Some of us have relatives in Trans Nzoia County.

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Trans Nzoia is a cosmopolitan County. He should only stick to matters of the county and stop playing national politics.

Mr. Temporary Speaker, Sir, I want to ask the Inter-Governmental Technical Relations Committee (IGTRC) to assist this deputy governor to ensure that she has access. This is a woman leader that should be respected. If you are leading a county and you are undermining a woman who is your deputy, you give some women two kilogrammes of maize seeds and fertilizer, but you discriminate others, how do you expect to lead the country? I am told he is even issuing fertilizer and maize seeds based on tribe.

As I conclude seconding this Motion, I congratulate the Committee for the job well done. I hope the IGTRC and the Standing Committee on Devolution and Intergovernmental Relations will continue giving their views on this matter. The House should give a view on this matter. Let us also ensure the Deputy Governor of Siaya County also has unlimited access to his office. The Deputy Governor of Kisii County, Hon. Moda, was impeached.

Finally, I want to say that this country is very critical. We should protect our children as per Article 53 of our Constitution. I want to advise the country that Article 53 of our Constitution says that we shall not exploit our children.

Unfortunately, some politicians are using our children to perpetuate political contests. What we are seeing in the *Echoes of War*, directed by the former Senator of Kakamega County, is just using our children to do political contest.

If you look at Circular No.14 of 2018, the TSC directed and even Mwalimu, Sen. Wafula is here, somebody who is not a teacher should not be allowed to access the school. The leadership and management of Butere Girls High School must be called to order. The TSC must be called to order. How can you allow a stranger to enter a school to train children and he is not a teacher? It is very unfortunate and unconstitutional.

For us who went to good schools like Kapsabet Boys High School, we should use drama festivities to further cohesiveness and stability in our schools.

With those many remarks, I beg to second.

(Question proposed)

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, we will now open this Motion for contribution.

Sen. Gloria Orwoba, you may proceed.

Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity and for not allowing Sen. Eddy Oketch to direct you on who should speak.

I would like to add my voice to this Motion because it is on matters that touch on devolution. There have been a lot of things going on in our counties. To be honest, sometimes I see Senators coming here trying to highlight us and inform the public of all the monkey business that is going down in some counties.

Some of us, Senators, because we do not come from Isiolo, Nyamira, Meru or whichever county that has been having all these issues, we feel as though it is not a

matter that concerns us. As I have said before in this House, today it might be Nyamira County, but tomorrow, it might be the county that you are representing here.

I have been listening to the Chairperson of the Committee in charge of Devolution and Intergovernmental Relations as he gave this report and informed the House on matters Nyamira. I want to throw in my words in terms of a point of information. I come from Kisii County. We are neighbours with Nyamira County. We always joke that when Nyamira County grows up, they will become Kisii County. So, we are closely following what is happening there. I am always of the opinion that if there is one committee that should be resourced and supported 150 per cent by this House, it is the Committee on Devolution and Intergovernmental Relations.

Before we have all these disputes of whether it is a Speaker, a governor or a deputy governor being impeached, I always ask what has the Committee on Devolution and Intergovernmental Relations done? We were hearing rumours of all sorts of things happening in Nyamira County because there is a lot of craziness down there. I always ask: Where is the Committee on Devolution and Intergovernmental Relations in this? Are they sitting in Bunge Tower conducting meetings or have they decided to go to Nyamira County to understand the situation as it is? If there are two sections of the county assembly, how did that even happen?

To sit here and be informed that there is a Clerk of a County Assembly that has put out a gazette notice and it is now contradicting whatever it is that we are defending here as devolution? I have been on record talking about rogue agents in the county assemblies and in both our Houses; the National Assembly and the Senate. It is just now creeping into the county assemblies where now you have people who feel that they have more control over the stipulated procedures of the county assembly.

I think as much as the Chairperson of the Committee on Devolution and Intergovernmental Relations has come here to give us the report and to inform us on what is happening, I suggest this Committee be giving us monthly updates on what is going on in these county assemblies.

I have heard Sen. Dullo repeatedly bring statement after statement on how their governor is unavailable. Nobody knows where the Governor of Isiolo County is. This Governor has been summoned to appear before different committees, but has never appeared. How can this Committee on Devolution and Intergovernmental be empowered further so that some of the problems we are seeing in the county assemblies are dealt with? As my Chairperson of the Committee on Labour and Social Welfare stood, he tried to give some information to the Chairperson of the Senate Committee on Devolution and Intergovernmental Relations.

Today, I learnt something very important when we were executing a petition in the Committee on Labour and Social Welfare. One of the senior legal counsel who was entangled in that petition was trying to argue that we cannot dispense a matter in the committee that is active in court.

I learnt that under Standing Order No.98 of the Senate Standing Orders, if the matter touches on human rights and the public interest, it can be prosecuted at the committee level without prejudicing ongoing court proceedings.

Mr. Temporary Speaker, Sir, in light of this, I wonder why the issue of Nyamira County is being handled as though the Senate, as the “Upper House” in charge of devolution, lacks the power to intervene and impose strict measures, including writing to the National Treasury to withhold funds being sent to Nyamira County.

As I add my voice to this matter, I must notify this House that it is unfortunate that, most of the time, when we discuss devolution matters, there are barely enough chairpersons present.

(Sen. Madzayo consulted with the Temporary Speaker)

Mr. Temporary Speaker, Sir, I would like to get your attention on this because you also sit in the Senate Business Committee (SBC). Perhaps Sen. Justice Madzayo should allow you to focus on my points.

I appeal to this House to ensure that when the Liaison Committee deliberates on resource allocation, committees like the Devolution and Intergovernmental Relations be allocated adequate resources to address pressing issues. I am glad that despite the back and forth happening in the House, the Chairperson of the Committee on Devolution and Intergovernmental Relations has remained level-headed and executed his mandate regarding the challenges faced by Nyamira County and other counties.

Today, we sit in this House as Senators, deliberating on how to protect devolution and address issues arising in county assemblies. However, I must point out that some of us have ambitions to vie for higher positions, such as gubernatorial seats. As we navigate this learning curve of county assembly matters, we must legislate with the understanding that we will not remain in the Senate forever. Some of us will transition to county assemblies as governors. We already have former governors in this House, such as Sen. Mandago.

The Temporary Speaker (Sen. Abdul Haji): Sen. Gloria, would you like to be informed by Sen. Omtatah?

Sen. Orwoba: Mr. Temporary Speaker, Sir, I want to respectfully decline. Sen. Omtatah informed and guided me, which led to me reading prescribed apologies in this House. Therefore, I would like to respectfully decline. One thing that I would wish to say---

Sen. Okiya Omtatah: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): What is your point of order, Sen. Omtatah?

Sen. Okiya Omtatah: Mr. Temporary Speaker, Sir, could Sen. Gloria substantiate her claim that I misled her? I stand on Standing Order No.105. I would like her to substantiate the claim that I misled her to the extent that she 'fried in her own fat.' Can she substantiate that?

The Temporary Speaker (Sen. Abdul Haji): Sen. Gloria, are you able to substantiate your claim that Sen. Omtatah misled you?

Sen. Orwoba: Mr. Temporary Speaker, Sir, before I respond to that, I would like to point out something I have observed. Have you noticed it too? Earlier, we had Sen. Cherarkey on the Floor of the House making remarks about how women leaders must be

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mentored, suggesting they should be sent to elderly men for guidance, among other things. I have just heard Sen. Omtatah speak. I am astonished that he is a senior counsel with all his age and years of experience, whether inside or outside Parliament. I cannot imagine that someone advising the youth would use such language.

Mr. Temporary Speaker, Sir, to ensure this House does not appear patriarchal, I kindly request a ruling on this matter. The language used by Sen. Omtatah is not parliamentary.

The Temporary Speaker (Sen. Abdul Haji): Sen. Gloria, I hope you are referring to what I heard Sen. Omtatah say.

Sen. Orwoba: Yes, I do not want to---

The Temporary Speaker (Sen. Abdul Haji): Are we on the same page?

Sen. Orwoba: I cannot even bring myself to say those words as a recent mother of two boys.

The Temporary Speaker (Sen. Abdul Haji): Sen. Gloria, are we referring to Sen. Omtatah's statement about you 'frying in your own fat'? Was that your statement? I believe that phrase is an idiom, a figure of speech.

Sen. Orwoba: Mr. Temporary Speaker, Sir, with all due respect to the Chair and this House, why are there double standards when women in this House use idioms? I am one of them. Just yesterday, I used an idiom - a metaphor, in fact - when I said 'mpango wa kando.' I was promptly directed to withdraw it because it was deemed unparliamentary yet today, I am told that such expressions are idioms.

The Temporary Speaker (Sen. Abdul Haji): Sen. Gloria, let us be clear. 'mpango wa kando' is not a recognized term in the dictionary and cannot be considered parliamentary language. These are two entirely different matters.

Sen. Orwoba: Mr. Temporary Speaker, Sir, I do not wish to engage in back-and-forth discussions with my Chair because I respect it. However, it depends on which dictionary you are referring to. We are in 2025 and there are various dictionaries available. Nonetheless, I will proceed to respond to Sen. Omtatah.

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, what is your point of order?

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I rise under Article 27 of the Constitution on equality and freedom from discrimination. Did you hear Sen. Orwoba, who claims to advocate fairness and pro bono efforts against discrimination, referring to the age of Sen. Okiya Omtatah in a manner that amounts to ageism? By highlighting his age, she is discriminating against Sen. Omtatah based on age.

Is it in order to violate Article 27 of the Constitution of Kenya by engaging in age-based discrimination? Is it in order? Can she withdraw and apologise to the House for undermining the integrity of ageism and the wise men of this House, including Sen. Omtatah? Let us also remember that this is a presidential aspirant, not merely a chairman of "nyumba kumi". Even the manhood of the Senate is being threatened.

The Temporary Speaker (Sen. Abdul Haji): Sen. Gloria, what is your response?

Sen. Orwoba: Mr. Temporary Speaker, Sir, I am fortunate to be on a learning curve, and I am taking my Standing Orders very seriously. I would like to refer Sen. Cherarkey to Standing Order No.105 on the responsibility for statements of fact. Is it not

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a fact that Sen. Omtatah is indeed my senior? Is it not a fact that he is neither 10 years old nor three years old? In fact, maybe I am mistaken, but Sen. Omtatah is indeed, as you have stated, a senior elder. Sen. Cherarkey himself has acknowledged this. So, where is the discrimination? That is simply a statement of fact.

I also wish to draw your attention to the fact that Sen. Cherarkey stood on the Floor of the House and requested that elders be brought to advise the two female leaders who had an altercation here in Parliament. I must say, I do not understand this approach. I feel I am being diverted and I would like to complete my train of thought.

The Temporary Speaker (Sen. Abdul Haji): Can we go back to the point of order raised by Sen. Omtatah on substantiating your claims?

Sen. Orwoba: Mr. Temporary Speaker, Sir, I am wiser. I understand that if I have to substantiate my claims on the Floor of the House, I must provide the context of the conversation. However, I do not believe this is a conversation I want to bring to the Floor. Therefore, in light of this, I will withdraw and apologise to Sen. Omtatah. I do not wish to disclose to the public the advice Sen. Omtatah gave me. By doing so, I would not do justice to this prestigious House.

I would like to conclude my points on devolution. As I was saying, while deliberating on this Floor, we must remember that we are not here permanently. Some of us have ambitions beyond the Senate and envision ourselves as governors of various counties. We have a former governor here sitting in the House today, Sen. Mandago.

I recall very well that during his tenure as governor, he opposed certain pieces of legislation and reports that originated from this House. Now, as a Senator, he finds himself conflicted on some matters. That is why I want to emphasize that going forward, I support and add my voice to the work of the Committee.

I am speaking as a Senator. However, in the near future, I will be a governor. Therefore, I would like to executive devolution and make sure that we are well represented in our county assemblies.

Sen. Mandago: On a point of order, Mr. Temporary Speaker, Sir. This being a House of record, I have heard Sen. Gloria say that sometimes Sen. Mandago is conflicted. For avoidance of doubt, because I do not even want her to substantiate, allow me to inform her that with the clarity of mind that I have no conflict of interest, whatsoever in my previous and current roles. I know the distinction like day and night.

Mr. Temporary Speaker, Sir, I wish her well in her aspirations of becoming a governor, but she should take lessons from elders like me.

The Temporary Speaker (Sen. Abdul Haji): Sen. Wafula, what is your point of order?

Sen. Wafula: Asante, Bw. Spika wa Muda, kwa nafasi hii. Kwa heshima, nasimama kwa hoja ya nidhamu jinsi nilivyouliza. Sio vyema na haki Seneta mwenzangu, Sen. Gloria, kutoa hoja zisizoweza kudhibitishwa. Amesema kuwa Sen. Mandago huwa na mtafaruku na hawezi kuwa na msimamo katika masuala fulani katika Biunge hili. Hata hivyo, amekosa kufafanua wapi, vipi na lini. Seneta mtajika aliyekuwa Gavana wa Uasin Gishu hawezi kuelewa madai ama hoja ambazo haziwezi kudhibitishwa.

Bw. Spika wa Muda, naomba umshurutishe Seneta mwenzangu kuweka bayana yale aliyosema ama aondoe hoja hiyo kwa sababu ya heshima ya Bunge la Seneti.

The Temporary Speaker (Sen. Abdul Haji): Sen. Wafula, Sen. Mandago amemsamehe Sen. Gloria. Amesema hana haja ya Sen. Gloria kuthibitisha maneno aliyosema. Alifafanua maneno yaliyosemwa na Sen. Gloria. Kwa hivyo, tuyaachie hapo kisha tumpe nafasi aendelee na hoja zake.

Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir, for clarifying that we should not mourn more than the bereaved.

I want to conclude by saying that as we protect devolution, we have to ensure that we think of the future and not just our current positions.

Mr. Temporary Speaker, Sir, on the matters that are going on in Isiolo, Nyamira and all other counties that have some challenges here and there, I urge my fellow Senators to put in 100 per cent understanding that we are all gubernatorial candidates at some point. We are not here to protect the interest of any office, but to protect the systems in devolution. We have sustainable frameworks of execution to ensure that everyone at the grassroots level gets development that is owed to them.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Thank you. Next is Sen. Eddy Oketch.

Sen. Oketch Gicheru: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. We have a committee report here where my attention has been drawn to pages 13 and 14. If you are on the tablet, perhaps you can go to pages 21 and 22. This is on the issue of the Deputy Governor of Trans Nzoia, Hon. Philomena Kapkory and other stakeholders who were involved.

The deputy governor reached out to the Intergovernmental Budget and Economic Council (IBEC) through the Deputy President. That letter was copied to this House through the Speaker of the Senate. The foundation claim that was put forward by the Deputy Governor of Trans Nzoia County was that her life is under serious threat. When she came back from the United States (US), she found that there were a lot of targets on her personal life. Those threats were more explicitly communicated through a staffer of the Governor. Therefore, she sought for an intervention that could give her reprieve.

The first observation made by the Committee is that there was a simmering rift between the governor and deputy governor. However, though both of them did not indicate explicitly so that they have a major conflict between them.

The second observation in so far as the report is concerned, because I want to confine myself to the report, is that the work of the deputy governor had significantly been impacted by the communication breakdown between her and the governor. So, there was an issue of communication breakdown.

The governor and his deputy are saying that they do not have a dispute between them. However, the Committee observed that there was a serious communication breakdown between the two.

The deputy governor who constitutionally is supposed to assist the governor in executing his or her mandate yet they are not communicating. It behooves me to conclude

that in that lack of communication, whether deliberate or otherwise, it indicates that there is a conflict.

The third observation is that the ongoing rift between the governor and the deputy governor is fueling ethnic animosities among the communities in Trans Nzoia County. This is not a light observation. We are in a country where we have seen political mobilisation along ethnic lines bringing this country down. We observed that in 2007 when there was political tension on a claimed rigged election leading to tribal clashes whose magnitude we still remember to date.

Mr. Temporary Speaker, Sir, it will interest you to know that the Governor of Trans Nzoia, Hon. Natembeya, comes from the Luhya Community, while the Deputy Governor, Hon. Philomena, comes from the Kalenjin Community. In Trans Nzoia, Kalenjin and Luhya communities are quite sizeable. If the conflict is bringing some tribal animosities that the Committee of this House observed, I do not think we should waste the time of this House to not discuss the depth of that problem.

The fourth observation is that the NCIC started an investigation on the matter, but never concluded so that the Committee gives us their input. You have heard me complaining here a number of times that the NCIC like the EACC and other independent commissions that are supposed to do oversight role or execute in terms of dealing with issues such as corruption, never get anywhere. What that observation tells you is that it is this House that must conclude the problem that we are seeing in Trans Nzoia County. We should not leave it to the NCIC or any other independent commission hoping that they will address the issue.

Lastly, Mr. Temporary Speaker, Sir, the Committee observed that the Governor of Trans Nzoia was very much willing to have the working relationship with the deputy governor restored. That is a contradiction. The same Governor who said there is no dispute between the two of them now wishes that their relationship is restored. Even going further to state that the issues impacting their relationships could be solved amicably to have them run the county smoothly.

Mr. Temporary Speaker, Sir, my observation tells us that we, as a country, are constantly going to face an imminent challenge of deputy governors and governors never going to find a working formula. We have complained in this House when we observe that the deputy governor and governor positions are sometimes about who controls what numbers and not necessarily who can work with the other. In some instances, we have seen a good working relationship. It is becoming clearer that this constant conflicts between deputy governors and the governors that is making counties constantly untenable.

This thing is problematic because there are instances where a governor will spend more resources than his deputy governor. As a result of this kind of conflict, it becomes an avenue of even some governors are being impeached so that their deputies can take over.

We are lucky that we have two former governors in this House who are foundational to devolution and did not experience this. They manage their relationship very well. We can glean some moral from them; that is, Sen. Mandago and Governor Sen. Ali Roba. They did quite well in terms of how to manage their deputies.

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In this House, we have observed a number of impeachments that have been pushed towards us. Some did not succeed. We know that in Meru recently, one of the only seven female governors, G7, which is something we should have celebrated, was ousted. This was because of tensions.

During the three impeachment Motions, she indicated to this House that one of the reasons why she was facing a lot of problems in her county of Meru was because of a constrained relationship, more generally with chauvinistic male leaders in her county, but particularly, she had a problem with her own deputy. It is a matter of record.

We also saw in Siaya County that when the Deputy Governor of Siaya appeared in this House over an impeachment issue, there was a serious problem between him and the governor. These problems do not just come from nowhere. They come from lack of clear delineation of what a deputy governor should do.

The Constitution gives us a blanket guidance that they are supposed to assist the governor in dealing with their roles. However, when you are assisting, you need resources.

Sen. Wafula: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): What is your point of order?

Sen. Wafula: Mr. Temporary Speaker, Sir. Is it in order for Sen. Eddy to allege that the leaders, especially the men from Meru, are chauvinists? Does it mean that the MCAs who came to this Floor of the House and did what they did were chauvinists? Can he substantiate that the men from Meru are chauvinists?

Sen. Orwoba: On a point of information.

The Temporary Speaker (Sen. Abdul Haji): Sen. Eddy, would you like to be informed by Sen. Gloria?

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I take information in doses. Can I deal with the first from Sen. Wafula?

The Temporary Speaker (Sen. Abdul Haji): The first one was a point of order. This one is a point of information.

Sen. Oketch Gicheru: Yes, but it is still information. I am never mean with my time. I am always a student. I can learn from everyone. So, I will allow her to inform me.

Sen. Orwoba: Mr. Temporary Speaker, Sir, I want to inform Sen. Eddy Oketch and perhaps also Sen. Wafula that we were here in Plenary when we were shown all the videos of everything that happened in Meru County. We even had the witnesses, some of them who are legislators, come here. Some of us who were very present in that live proceedings. The information is in the HANSARD to substantiate that, in fact, there was a lot of patriarchy.

Sen. Mandago: On a point of Order, Mr. Temporary Speaker, Sir.

Sen. Orwoba: I am on a point of information. How can you stand on a point of order on a point of information?

The Temporary Speaker (Sen. Abdul Haji): Sen. Gloria, take your seat. Sen. Mandago, what is your point of order?

Sen. Mandago: Mr. Temporary Speaker, Sir. I stand under Standing Order No.101(2) on contents of speech which reads-

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“It shall be out of order to introduce an argument or any specific question upon which the Senate has taken a decision during the same session.”

We took a decision as a Senate to impeach the Governor of Meru County. It was not about male chauvinism, but the proceedings of this House. Women leaders in this Senate and this country such as Sen. Gloria, should learn not to feminize everything about the debates in this House.

Sen. Orwoba: Mr. Temporary Speaker, Sir, I happened to have gone to a very prestigious school and they taught me to read well. I went to State House Primary and St. George's Girls Secondary School.

That Standing Order 101 reads-

“It shall be out of order to introduce an argument on any specific question upon which the Senate has taken a decision during the same session.”

I believe the Governor of Meru was impeached long ago. I am informing Sen. Eddy Oketch that during that impeachment Motion, we witnessed here by way of videos, statements and even witnesses who came here that were extremely patriarchal. What Sen. Eddy Oketch is saying has been substantiated in the HANSARD. I was informing him that he can rely on the HANSARD of the impeachment Motion of Governor Kawira Mwangaza.

Most of the things in the first, second and even the third impeachment Motion, in fact, substantiated the fact that most of the leaders that participated in the impeachment Motion of Governor Kawira were based on the fact that the men in those spaces did not believe that she triumphed over them in an election. She was the first woman governor who vied on an independent ticket against three very heavyweight men with a lot of resources and won all of her battles

Sen. Wafula: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Sen. Wafula, you cannot stand on a point of order twice on the same issue.

Sen. Eddy Oketch, I hope you feel informed by Sen. Gloria. There was a point of order raised by Sen. Wafula. If you could please respond to that.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, it is very easy to be in this House and play politics, but the country also must be governed. An opportunity for leadership is a noble one. Usually taken as a privilege by many, but it is never a privilege to some of us. It is a duty and a responsibility for which we commit very seriously.

I wish not to respond to Sen. Wafula.

The Temporary Speaker (Sen. Abdul Haji): It is not your wish whether you will respond to Sen. Wafula or not. He stood on a point of order. You happened to mention that certain leaders from the County Government of Meru are chauvinists. Can you substantiate?

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I hope that you will also keep my time focused because I want to address the issue.

The Temporary Speaker (Sen. Abdul Haji): We have stopped your time.

Sen. Oketch Gicheru: Under Standing Order No.122, there is something called frivolous points of orders that can take you out of debate. However, I will respond

because you have guided me. I hope you will still allow me to prosecute this matter regarding what is happening in Trans Nzoia County. It is a very serious matter.

The former Governor of Meru County appeared in this House three times. The first time, the House chose to take her to a committee to prosecute her impeachment. There is a report that we filed in this House. I did not want to go that direction. I do not need to respond to you if as a Senator in this House, you have come up with a report, but have not read it. I do not need to respond to you because you are not doing your job.

Mr. Temporary Speaker, Sir, when she was brought here for the second time, the same chauvinistic videos and conversations appeared in this House. We, as a House, sat on the same case and excused Governor Kawira on the basis of those conversations.

There were lawyers and witnesses in this House. Everybody participated. If the Senator of Bungoma County was not keen in the proceedings that excused Governor Kawira on that basis, I can only help him by telling him to go and read those reports.

The Temporary Speaker (Sen. Abdul Haji): Sen. Eddy, allow me to say this, then I will allow you to proceed with your submissions.

Sen. Oketch Gicheru: Sure, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): As Chair, I do think that the distinguished Senator of Bungoma County has a point of order. You are indeed out of order to imply that the Governor of Meru County was impeached because she was brought here by chauvinistic leaders from Meru. That is not the reason why the Senate impeached the Governor of Meru County. So, you are out of order. Please, apologise and withdraw that statement then continue with your submission.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir---

The Temporary Speaker (Sen. Abdul Haji): Sen. Eddy, if you stick to Standing Order No.120 in terms of relevance in your submission to the Motion at hand, you will not attract this number of point of orders. Please, just withdraw your statement and proceed with your submissions.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, it is unfair to subject me to a ruling that is not fair to the House. I quoted when supporting this statement. I said that a governor appeared in this House, three times, and claimed the reasons why she was having problems. I have just referred to it.

The Temporary Speaker (Sen. Abdul Haji): That was her defense, Senator.

Sen. Oketch Gicheru: Exactly, Mr. Temporary Speaker, Sir. It is a matter of fact.

The Temporary Speaker (Sen. Abdul Haji): Sen. Eddy, was she impeached because of chauvinism in Meru County?

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, it was part of---

The Temporary Speaker (Sen. Abdul Haji): Is that why you impeached her? Sen. Eddy, we could go back and check your vote to see if you voted to impeach her on those grounds. Let us get back to the Motion at hand. You should apologize, withdraw and proceed with your submissions.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I cannot apologize for---

The Temporary Speaker (Sen. Abdul Haji): Calling the people of Meru chauvinists.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I did not call the people of Meru chauvinist.

The Temporary Speaker (Sen. Abdul Haji): The leaders.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I did not call the people of Meru chauvinist. We are now debating. I would rather sit down and stop debating with you because I respect your Chair.

The Temporary Speaker (Sen. Abdul Haji): If you have respect for the Chair, withdraw that statement and proceed with your submission.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I cannot withdraw the statement because I have said that the Governor in question did not appear in this House once. She appeared in this House three times. I was a Member of those committees the entire time. Her claims of why she appeared in this House, whether she was not impeached because of them or she was impeached, are just as important as the claims of the MCA who brought her here. Her claim that the men of Meru are chauvinists is a matter of statement in the House. That is all I am saying.

The Temporary Speaker (Sen. Abdul Haji): Sen. Eddy, you keep repeating that you respect the Chair. You have made a statement referring to certain leaders from Meru County as chauvinists. I have mentioned to you that the impeached Governor of Meru County used that as a defense.

Were we aware of that matter or not when the Senate impeached the Governor of Meru County? Was she impeached because the Senate was also chauvinist thus impeached a lady governor? She was impeached because there were several other charges that were brought against her. That is why she was impeached.

Sen. Eddy, just withdraw the statement and proceed with your submissions.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I cannot withdraw the statement because in an impeachment process and there is voting--- That is how this House runs. I can assure you that if you go back to the HANSARD, you will notice that there are people who voted against that impeachment, including myself.

The Temporary Speaker (Hon. Abdul Haji): Sen. Eddy, I will give you one last chance. Before that, look at Standing Order No.122 which I am almost being forced to use to find you with gross disorderly conduct. It states, 'defying a ruling or direction of the speaker or chairperson of the committee.' That is Standing Order No. 122(1)(a).

Are you still standing by the fact that you are not going to withdraw that statement?

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, you can go back to the HANSARD and it will help you make a fair ruling. One can use anything that happens in this House to reinforce a debate.

The reason why the Governor of Trans Nzoia County has a problem with his deputy is because deputies and their governors have problems all the time. I do not find myself out of order when I quote a governor who was brought before this House claiming that they have a problem with her deputy. She said that the deputy was chauvinist against her at that time. I am not the one saying that. The governor said that in her evidence in this House. I do not find that to be out of order.

Mr. Temporary Speaker, Sir, it is not just the issue of Governor Kawira, but a number governors have come to this House, including the Deputy Governor of Siaya County that I have referred to. This is because of the problem that we see with deputy governors and their governors. Those problems make their world of working very difficult.

What is the wrong with me using an example of what was brought in this House to show constraints between governors and their deputies? How am I out of order? That is stifling debate. That is why I find that point of order frivolous.

The Temporary Speaker (Sen. Abdul Haji): Sen. Eddy, that point of order has been found to be valid by the Chair. Therefore, do not use that Standing Order.

Sen. Mandago, what is your point of order?

(Sen. Orwoba spoke off record)

Order, Senator Gloria!

Sen. Mandago: Thank you, Mr. Temporary Speaker, Sir, for allowing me to stand. Sen. Eddy started very well in his submission on this serious matter of devolution. He had taken a good trajectory that leadership needs responsibility and it must be taken seriously. However, according to Standing Order No.122, he is defying the ruling of the Chair and wants to argue with the Speaker.

Sen. Eddy said that Meru men are chauvinists and that was the submission of the Governor of Meru and not male leaders from Meru County. So, Sen. Eddy, I think you are confusing matters. We would be in agreement if Sen. Eddy said, "Governor Kawira alleged." However, it is wrong to try and brand an entire community of Meru men as chauvinists yet I know that the Senator of Meru County is a serious supporter of women leaders in this country. I know that men in this Senate and Parliament support women leadership. This House has never been biased when it comes to impeachment.

Mr. Temporary Speaker, Sir, this very House impeached the Deputy Governor for Kisii, who is a man, without mercy because he failed in his roles. Therefore, the Senator is closely---

Sen. Orwoba: *(Inaudible)*

The Temporary Speaker (Sen. Abdul Haji): Sen. Gloria, you are getting very close to catching my eye. I will throw you out of the House. Let the Senator be heard in silence.

Sen. Mandago: Thank you very much, Mr. Temporary Speaker, Sir, and especially if you are aspiring to be a governor. A governor who has served two terms is on his feet---

Sen. Orwoba: *(Inaudible)*

The Temporary Speaker (Sen. Abdul Haji): Sen. Gloria!

Sen. Mandago: Mr. Temporary Speaker, Sir, Sen. Gloria must learn to listen.

Finally, let me say this, so that I sit. They say, and have always heard, that "the enemy of women is women." If the leadership of women is the kind of argument that we see Sen. Gloria trying to advance here, these are the same women who are undermining

women's leadership. They should learn to follow the proceedings, the Standing Orders and the procedures of the House.

Sen. Orwoba: On a point of order!

Sen. Mandago: I stood on this point of order because I know Sen. Eddy is a very serious young man who I believe has a very bright future in this country. In fact, in my retirement and my old age, I will be seeing Sen. Eddy as a President in this country. I will not allow Sen. Eddy to be misled by women leaders who want to feminize everything at the expense of the law. So, Sen. Eddy, please, take this very seriously if you want to progress at the direction of the Chair.

The Temporary Speaker (Sen. Abdul Haji): Sen. Gloria, what is your point of order?

Sen. Orwoba: Mr. Temporary Speaker, Sir, considering that I was supporting the submissions of Sen. Eddy Oketch, I do not want to disrupt him. When I listen to Sen. Mandago standing and not only Sen. Mandago, today, this afternoon is a really trying session, when I listen to various Senators always trying to cast aspersions on women leaders in this House. He even alluded that Sen. Eddy Oketch should not listen to me because, therefore, he has no future in politics.

What is Sen. Mandago saying? Does Sen. Mandago understand that when he was in politics, I was in primary school? He has gone round and round all those years in politics and now we are sitting in the same House. That should tell you that there is something that women leaders, including myself, are doing right. He should not have been in the same space where I am if I was doing something wrong. I beg that as we are executing our debates, with all fairness this afternoon and being a representative of women, because that is my specially nominated representation here.

Mr. Temporary Speaker, please protect this House from chauvinistic arguments like those of Sen. Mandago, claiming that if this is the women leadership we have, then we do not need women leaders. May I remind Sen. Mandago that if it was not for women, he would not even be alive. We are the ones who are giving birth to these men all over. We are the ones who are bringing leaders into this country.

Mr. Temporary Speaker, Sir, protect women in this House and myself, and have him withdraw those comments and apologize.

The Temporary Speaker (Sen. Abdul Haji): Sen. Wafula, what is your point of order? Hon. Senators, I have to put an end to this matter now.

Sen. Wafula: Mr. Temporary Speaker, Sir, I want to request the Chair to protect citizens from the toxic statements that are being spewed on the Floor of the House. We have guests at the gallery and as a wise man I think we need to take cover of such unpalatable and unindigestible statements being flung on the Floor of the House.

Time is up, Sen. Eddy, to step up and be a Senator. Listen to the counsel of the Chair and let us proceed with the discussion. I want to thank the Chair for stabilizing this session and bringing Members back to the topic of the day.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Sen. Wafula.

Sen. Eddy, I am going to welcome the guests. When I am done, it is my wish that you will withdraw your statement.

(Interruption of debate on the Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE ALL-PARTY
PARLIAMENTARY GROUP, UNITED KINGDOM

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, of a delegation from the All-Party Parliamentary Group (APPG). The APPG is a cross-party group in the United Kingdom run by and for Members of the Commons and Lords.

The delegation is undertaking a one-day visit to the Senate to gain insights into the legislative process, the architectural heritage of the buildings and the overall functioning of both Houses of Parliament. The delegation is being hosted by the Parliamentarians for Global Action, Kenyan Chapter. The Parliamentarians for Global Action is dedicated to fostering collaboration and undertaking across different parliamentary bodies and jurisdictions. I request each member of the delegation to stand when called out, so that you may be acknowledged in the Senate tradition-

1. Ms. Leah E. Ingham - Head of Delegation
2. Rt. Hon. Baroness Tessa A. V. Blackstone
3. Ms. Kirith K. A. N. Swissell
4. Mr. Richard J. Holden
5. Dr. Rupa A. Haq
6. Baroness Doreen D. Lawrence
7. Baroness Carmen Smith
8. Ms. Kim M. Johnson
9. Ms. Ann-Met Jhabi
10. Eduarda Mendonca Ray
11. Dr. Rael Mutai
12. Kigen Korir
13. Agako Ekirapa

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit. Can we have Sen. Tabitha Mutinda have the opportunity to welcome the guests?

Sen. Tabitha Mutinda: Thank you so much, Mr. Temporary Speaker, Sir, for the opportunity to welcome our guests who are the UK MPs from the House of Commons and the House of Lords. I want to tell them to feel at home. I look forward to joining you later.

I am part of the team for Partnership for Global Action, which we have worked very closely with Mr. Festus of Marie Stopes. We do a lot in terms of support for our Bills, especially on women's issues, child issues and gender-based violence. I am happy because I know you have invited me for dinner this great evening. I look forward to interacting with you very closely. I wish you a fruitful moment here in Nairobi. This is the capital city.

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I know you have walked around Parliament Buildings. I was not able to join you, but we are a bicameral parliament. This is the “Upper House”, the Senate. Then, we also have the National Assembly on the other side. We normally transact and pass Bills, which undergo a process. Feel at home and I look forward to engaging with you.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator.

Sen. Eddy Oketch, you may proceed.

(Resumption of debate on Motion)

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, if you look at the report before us, it involves a male governor and a woman deputy governor. The matter is so huge that I will not trivialize it with a point of order that has come from the Senator for Bungoma. Therefore, I wish to withdraw that statement, as I have more important things to discuss.

As you can see, I am supposed to talk for 20 minutes. I spoke for four minutes and my time is up and yet I was discussing an issue that is affecting a serious system of devolution between deputy governors and governors. I hope that you will extend the same courtesy and give me my 16 minutes, so that I can prosecute this matter because I came to prosecute the matter.

If I may proceed, there are recommendations from the Committee. Those recommendations are what I would like to give a little bit of weight. First, following that successful process, it seems it turned into a mediation where both parties agreed to work together. Therefore, the Committee went ahead to recommend that the governor and the deputy governor of Trans Nzoia County remain positive and harmonize their relationships by working together for efficient service delivery. That is a recommendation that is good in faith, but not good in practice.

Mr. Temporary Speaker, Sir, we know that when there is a strained relationship between a governor and a deputy governor, it becomes difficult to address issues, especially when resources and responsibilities are involved. This has been evident in the case of Governor Natembeya and his deputy. We cannot rely solely on an amicable relationship to resolve such matters.

The Committee has recommended that the office of the deputy governor be sufficiently facilitated with budgetary allocations, as well as adequate staff and a vehicle for its full operation. However, I wish this recommendation had been more specific. What does the Committee mean by budgetary allocation? I believe this House should pass a resolution that the Deputy Governor of Trans Nzoia County must first be assigned specific functions. A budget cannot be allocated where there are no functions or responsibilities.

It is my wish that this House concretizes some of these reports. For instance, if the constraint between the governor and deputy governor is solely based on resources, why can this House not recommend that Governor Natembeya assigns Deputy Governor Philomena specific responsibilities and allocates resources accordingly, enabling her to operationalize her office as intended by the Committee?

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The committee has also recommended that the county commissioner ensures the safety and security of the deputy governor as she returns to the office for her to comfortably work. I know it looks light when a woman in leadership perhaps raises an issue of security. While this recommendation addresses women in leadership, it is inadequate. We cannot leave such decisions solely to the county commissioner. We need to specify what constitutes adequate security for the Deputy Governor of Trans Nzoia County, considering the threats she has received. For instance, if she has received death threats via SMS from individuals close to the governor, the Senate must establish whether she even has a bodyguard. It has been reported that she does not have a vehicle to commute to work. This means, we are leaving her vulnerable to potential abduction on the road. We must concretize these recommendations in the context of the threats this wonderful leader has faced.

Additionally, the Committee has recommended that the deputy governor, when facing challenges in delivering services, should take preemptive measures by writing to the Committee, among other relevant agencies to seek assistance before issues escalate. This is a valid recommendation, as it acknowledges the strained working relationship between the deputy governor and the executive arm of the County Government of Trans Nzoia---

(Sen. Oketch Gicheru's microphone went off)

The Temporary Speaker (Sen. Abdul Haji): We added time for you, but I will give you one minute to conclude. Give him the microphone.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I wish I had five minutes, but as a loyal servant to the people of Migori County and Kenya, I will stick to the one minute allocated to me.

The biggest challenge we face lies in the inefficiency of the Intergovernmental Relations Technical Committee (IGRTC) and other agencies tasked with championing transitions. These entities have failed to establish the responsibilities I have been addressing. It is high time this House considers scrapping the IGRTC entirely and transferring its responsibilities to the Standing Committee on Devolution and Intergovernmental Relations. The Committee on Devolution and Intergovernmental Relations has more authority and capability than IGRTC. Look at what is happening in Nyamira County Assembly, IGRTC has done nothing about it. Why can we not empower the Committee on Devolution and Intergovernmental Relations to take up these duties? We need to and clearly define the roles of deputy governors, county speakers and their relationships with governors. Without such measures, devolution will always remain under threat.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Sen. Jackson Mandago, proceed.

Sen. Mandago: Thank you, Mr. Temporary Speaker, Sir, for the opportunity to weigh in on this Report from the Standing Committee on Devolution and Intergovernmental Relations.

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From the onset, I wish to thank the Chairperson and his Members for addressing the matter in Trans Nzoia County, which has been simmering between the deputy governor and the governor. However, as things stand today, despite the efforts of the Committee to resolve the issue, we are witnessing a pushback against the progress the Committee had already achieved.

Regarding the roles of deputy governors and governors in counties, there is a need for each party to clearly understand their responsibilities. These tensions are often precipitated by political partnerships formed before elections. Some deputy governors feel they are co-governors with the elected governor.

My advice to honourable deputy governors, with tremendous respect, is to focus on performing their roles as deputy governors, regardless of their political involvement during elections. In some counties, political partnerships are formed to marshal numbers for electoral success, often based on geographical or ethnic considerations. However, such partnerships should end with the ballot. Once elections are over, governors and deputy governors must perform duties of their respective offices to avoid straining the functionality of the county.

In the case of Trans Nzoia County, although the Committee's observations in the report suggest that the deputy governor and the governor appear to have no issues between them, the truth is that there was and still is a problem. The problem emanates from the behaviour of the current governor of Trans Nzoia County, not in the relationship between the governor and deputy governor.

This behaviour has precipitated a dangerous situation in the county. The governor's speeches have been laced with tribal undertones. I do not blame the governor. This behaviour dates back to his tenure as a regional commissioner, where he once made derogatory remarks about the people of Kericho and parts of Mau, saying they 'reproduce like rats.' He has continued this kind of talk in Trans Nzoia County. We must remind the governor that he is not a village chief or tribal leader, but a county governor. Trans Nzoia County is home to all communities in this country, and the governor must be sensitive in his speech to maintain cohesion.

The matter handled by the Devolution and Intergovernmental Relations Committee also involved stakeholders like the National Cohesion and Integration Commission (NCIC). I am deeply disappointed by NCIC's failure to act and submit a report to the committee to date. NCIC has shown bias, moving swiftly when certain political leaders speak while ignoring others. This inconsistency is evident even in the drama and music festivals in Nakuru, where a politician has been allowed to use a school as a platform to advance his political agenda, disrupting the education system and threatening national cohesion. As I speak, the NCIC has not even made a comment.

Sen. Orwoba: On a point of order, Mr. Temporary Speaker, Sir. I rise under Standing Order No.105 on responsibility for statement of fact. Sen. Mandago is talking of a play that was written by Hon. Cleophas Malalah. He has alluded to the fact that the play is in fact a way of Hon. Malalah trying to push his political agenda.

I happen to have gone through the script prior to all this because I am a producer. What Sen. Mandago is saying is not a statement of fact and, therefore, not true. I would like to invite him to have a look at the script and what that play intended to put out. As

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much as we are politicking, to enter the world of creative arts and try to disrupt it by way of deciding the kind of content that should be put out in that particular setting is not good because they already have in-house regulations.

Mr. Temporary Speaker, Sir, he is actually misleading the House and the public because he is not even aware of the content. I am 100 per cent sure that he has not watched the play or gone through the script. Therefore, he should withdraw that comment because it infringes on the rights of creative arts because we are not looking at Hon. Malalah as an individual. This is a whole industry.

The Temporary Speaker (Sen. Abdul Haji): Sen. Gloria, I am finding it hard to grasp your point of order. Sen. Mandago has not mentioned any name. He just referred to the play. He said politicians, but never mentioned any name. You are assuming that he is referring to former Senator, Hon. Malalah. Your point of order is that he is infringing on creative arts?

Sen. Orwoba: That is not my point of order.

The Temporary Speaker (Sen. Abdul Haji): Then what is it? That is why I said that I find it difficult to follow your point of order.

Sen. Orwoba: Mr. Temporary Speaker, Sir, Sen. Mandago alluded to the fact that the particular play seeks to push the agenda of a politician.

The Temporary Speaker (Sen. Abdul Haji): Did he say exactly that?

Sen. Orwoba: In many words, that is what he said. That is why I am saying that he is misleading the House because I do not think drama festivals were put in place to push for a political agenda.

The Temporary Speaker (Sen. Abdul Haji): Sen. Gloria, I think Sen. Mandago is responsible for what he said. Sen. Mandago, did you imply what Sen. Gloria is insinuating?

Sen. Mandago: Mr. Temporary Speaker, Sir, I have not rented my brain to Sen. Orwoba to think or stretch her imagination on my behalf. The attempts to use the Floor of the House for media and publicity is ruining debates in this House. I have not mentioned the name of Hon. Cleophas Malalah. I do not know what super interest Sen. Gloria Orwoba has in Hon. Malalah and his own problems. I knew what I was saying. I did not mention any name---

Sen. Orwoba: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Sen. Gloria, you know we have to make progress. I have to caution you, Sen. Gloria. Even when your microphone is off, you are quite audible and you seem to interrupt my listening.

(Sen. Orwoba spoke off record)

No! I already gave you an opportunity to raise your point of order which, in my opinion, I do not think is a point of order. Shall we allow Sen. Mandago to conclude his submissions? Sen. Gloria, I will refer you to Standing Order No.121(1)(a) to (c). Just read and pay attention to it.

Proceed, Sen. Mandago.

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Sen. Mandago: Thank you very much, Mr. Temporary Speaker, Sir. I would like to finalise on the issue of governors and deputy governors in the counties.

What we are witnessing in some counties is an issue of people failing to perform duties of that office and trying to compete for one office. As I said earlier, due to the nature of our politics, as a country, sometimes it takes the effort of two to win an election. However, that does not mean that the two should occupy the same office. I urge deputy governors who are in political partnerships with their governors to win elections, to satisfy themselves with the position of deputy governors and work with their governors. When governors finish their term in office, they can also run for the same seat.

We have good examples of deputy governors who worked well with their governors, like the former Deputy Governor of Kwale, who is now the Governor of Kwale County. Her Excellency the Governor of Kwale, Hon. Fatuma Achani, worked with the then Governor, Hon. Salim Mvurya, very well for 10 years, despite the fact that they had a political partnership of working together to win an election. After 10 years, Hon. Achani won elections and became the governor after having been the deputy governor.

We encourage deputy governors to work. In the same breath, governors must also respect their deputies. The problem starts especially when governors allow their handlers-- I would say every politician has their political brokers and handlers. They should make sure that their political handlers and the staff respect deputy governors. When the governor respects the deputy governor, the rest of staff in the county will respect the deputy governor and they will have a functional governor's office.

I know there is a quest for deputy governors to be allocated duties by law. The framers of the Constitution did not envisage a situation where there would be specific duties for a deputy governor. It was envisaged that a deputy governor will assist the governor. In the absence of a governor, they perform duties of a governor. In my view, assigning them duties will limit the performance of the deputy governor in an event where the governor is not present. It is not just when a governor has left office. For example, when they travel out of the country, the deputy governor is supposed to step in. In a situation where a deputy governor has been assigned specific duties, it will be difficult to assign them additional duties of the office of the governor.

Governors must respect deputy governors. They must also provide resources to run the office of deputy governors. They should not play games in terms of releasing resources to deputy governors because deputy governors also have a constitutional responsibility of assisting governors.

If governors allow proper flow of resources to offices of deputy governors and allow them to perform duties of deputy governors, then we shall not witness what we saw in Trans Nzoia County. If you see the staff disrespecting a deputy governor or even having the audacity to comment in public about their deputy governor, that disrespect is not originated by the staff. It is the governor who must have initiated that kind of a talk. I urge governors to respect their deputy governors and ensure that those officers are properly resourced for them to be able to perform their function.

I do not agree with the sentiments of my colleague, Sen. Cherarkey, who said deputy governors are supposed to read newspapers in the office. Those are not functions

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that have been assigned to the deputy governors. They should perform the roles and responsibilities that have been given to them.

Governors must ensure that deputy governors have their resources. Deputy governors' vehicles not being serviced and fueled and their drivers not being paid allowances are very primitive ways of dealing with matters. If a governor and deputy governor have a problem, they should have a sit-down and leave the operations of the officers to run while they address their problems.

I thank the Committee on Devolution and Intergovernmental Relations for the work they have done. That Committee needs to be supported by the agencies that also have constitutional mandates such as the NCIC and IGRTC, who are supposed to also implement the recommendations of the Committee.

Mr. Temporary Speaker, Sir, when recommendations of the House are not implemented, then it renders the work of that Committee valueless. If those agencies, such as the National Cohesion and Integration Commission (NCIC) and the Intergovernmental Relations Technical Committee (IGRTC) make a follow-up and ensure that those recommendations are implemented, then the value of the work this Committee has put in will be seen.

We must congratulate Sen. Abbas, the Chairperson of the Committee on Devolution and Intergovernmental Relations and his Members for the work they are doing. I am also confident that Sen. Abbas' Committee will be able to resolve the matter of Nyamira, where we have two county assemblies that are being run in one county. I think that is a county that has a record of its own to be able to run a county assembly under a tree and another county assembly in the registered premises of the county assembly. I am sure Sen. Abbas and his committee should be able to address that matter and bring the two warring factions of the County Assembly of Nyamira together and make sure we have a functional county assembly.

When the County Assembly of Nyamira is not functional, it means the oversight functions of the county are impaired. The citizens of Nyamira, therefore, may not benefit from the role of the county assembly, of ensuring that the use of the resources that we have fought to go to Nyamira County; that the Senator for Nyamira keeps asking, cannot be ascertained.

As the Committee takes their role, we urge the Members of County Assembly to avoid situations where we can have two county assemblies in one county. Impeachment is a process which we need to take by our strides because it is provided in law. If you are impeached, then you have to leave. If the impeachment process does not succeed, those who are pro the impeachment process should not personalize the process to the extent of creating factions within the assembly or even the county. They should be satisfied that they made an attempt, followed the law and voted, but never succeeded. They will always have another chance if they do want to impeach their Speaker and, therefore, they should just follow the law.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, before I call the next speaker, who is Sen. Omtatah, I would like to suspend the sitting for five minutes and resume thereafter to attend to a personal matter.

(The sitting was suspended at 5.44 p.m.)

(The sitting resumed at 5.47 p.m.)

The Temporary Speaker (Sen. Abdul Haji): Let us resume. Proceed, Senator Omtatah.

Sen. Okiya Omtatah: Thank you, Mr. Temporary Speaker, Sir, for the opportunity to address this august House with regards to the Motion being debated. I have looked through the Motion and will comment on a few issues.

This matter was allegedly triggered off by an element of insubordination on the part of the deputy governor. As stated in the report, she decided to approach the Deputy President to go on a trip to the United States of America (USA) without the knowledge or approval of the House or her governor. When she wanted to be facilitated for the trip, I think the governor lost his cool. The committee should have condemned that insubordination, which it did not even if the governor overreacted.

The Constitution does not state the functions of a deputy governor, but you can glean them from what the Constitution says about the deputy president.

In Article 147 of the Constitution, it is clearly stated that-

(i) the Deputy President shall be the principal assistant of the President and shall deputize for the President the execution of the President's functions.

(ii) The Deputy President shall perform the functions conferred by this Constitution and any other functions of the President as the President may assign.

(iii) Subject to Article 134, when the President is absent or is temporarily incapacitated and during any other period that the President decides, the Deputy President shall act as the President.

(iv) The Deputy President shall not hold any other state or public office.

Mr. Temporary Speaker, Sir, if that was to be understood in its clarity, you would realize that a deputy governor is nothing more than a spare wheel, for lack of a better image. If a vehicle has a spare wheel, that comes into play when one of the wheels is incapacitated or is not functional.

This idea that a deputy governor can stand apart from a governor is untrue. This is because it is going to create two centers of power, and that will not be good. The governor and the deputy governor are one ticket, there is one center of power in the county, and the deputy governor must realize that there is no shortcut to the governorship. If they wanted to be governors, they should have run as governors. They should not seek to be governors through the back door.

To be a deputy is as defined in the law. I do not see any other functions that can be assigned to a deputy governor beyond what the Constitution lays out for a deputy president in Article 47, taking into consideration all the changes and alterations that may be required.

I support that there has to be mutual respect and any misunderstanding should be resolved. The other question that comes in is the question of budgetary allocations. The people who make the budget are MCAS. If there is a group that has to be helped to understand how to allocate funds, then it is the MCAS. I remember the national

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government used to have funds allocated directly to the office of the deputy president, and to the office of the president, though it changed sometime. Maybe, we can directly allocate funds in the budget, so that the deputy governor does not depend on funding from the governor. He or she can have his or her office recognized as an office that exists as a governor in waiting, or a governor in times of emergency. The office will be fully facilitated right from the budget. Maybe, we may need to look at our budget-making process to ensure that we put in place structures where these offices are funded and facilitated to operate. However, no functions beyond being deputy governor should be assigned to a deputy governor.

There are situations that arise where the question of the office of the deputy governor is abused. In this particular case, you have seen that the deputy president shall not hold any other state office or public office. In some counties, you find that deputy governors are assigned ministerial duties. It is a habit across the country. In my own County of Busia, the Deputy Governor doubles up as the CEC for health. I think we need clarity.

The other thing that we need to look at is the total number of county executives that a county can hold. Whereas the Constitution sets a top limit of 10 county executives, you find that some counties appoint more. They argue that because they have appointed the deputy governor to a county executive position in the county, therefore, they have got a leeway to appoint another person to make the 10. So a county like Busia has 11 members of the county executive, and their defense before the Committee is that one is a deputy governor thus does not count. How can he not count yet he is running a ministry?

So, these kinds of things need to be looked at critically. We should make people understand that when they choose to become a deputy governor, then they choose to become a deputy governor. They should not hide in the office of the deputy governor to do other things. I say this without condemning any deputy governor who is serving in any role, but to draw attention to the fact that we should try to sanitize our counties and limit the money the county spends on governance. We should not allow counties to go beyond 10 county executives where the law sets that limit.

There was reference to the play *Echoes of War* by the former Senator of Kakamega County, Hon. Malala. Hon. Malala called me sometime last week and said that his play was being frustrated at the national level. He did that because sometime in 2013 or thereabouts, I filed a petition to demand that Butere Girls be allowed to perform their play, *'Shackles of Doom,'* incidentally by the same gentleman, Hon. Malala. The late Hon. Justice David Shikomera Majanja wrote a detailed judgment on the question of freedom of expression, especially artistic expression. So, we cannot be brought to a date where one can criminalize storytelling, creative arts or satire.

Over and above that, the Ministry of Education has an elaborate structure of filtering plays. This play did not just spring onto the national stage. It started at the school level before moving to the zones, division, county, region then to the national level. How can we begin hearing these funny things when it gets to the national level? It is an attempt to introduce politics in schools and we should condemn it. The same officers from the Ministry of Education were the ones who adjudicated this play right from the grassroots.

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The Ministry of Education has actually been quoted as saying that they have not banned that play. The court examined the play and found it not to be subversive. It ordered that the play be allowed to run. It ordered that the author be free to present his play. So, it is now a bit disturbing that some overzealous officers have taken it upon themselves to try and run it the wrong way.

It is a matter of public record that Butere Girls is the alma mater of some prominent ladies in this country. Some of those ladies are supposed to have been vexed by the fact that their former school is being associated with this kind of performance. It is said that they are the ones behind the overreach by security forces to try and frustrate the play even when the Cabinet Secretary for Education has gone on record to say that they did not ban that play.

I, therefore, would like to call upon those who are in charge of this country to ensure that we do not lose our focus in terms of what should be done. The use of excessive force against children is not acceptable. We are a democracy and the use of non-teaching staff in extracurricular activities like writing and directing plays like coaching people during football, volleyball, netball games for coaching kids during music festivals is allowed because a school is not an island. It is part of the wider community and it should interact with the wider community.

I have seen some people say that Hon. Malala is a politician, but I am also a published playwright for those who do not know. I am probably the topmost playwright living in Kenya today. I have written and published plays. My plays are being taught in the black drama series in the United States of America. That does not mean that I am a lesser human being who cannot engage with a school. Does it mean that I cannot go, with my vast experience, into a school and participate in drama festival?

So, Mr. Temporary Speaker, Sir, as a country, we are dancing down a very dangerous and slippery slope that is going to attempt to stifle freedom of expression. Above all, after a court has ordered, assuming there was a dispute and there was no emergency, there were just overzealous individuals; assuming there was a dispute, the court has resolved that dispute by giving specific orders, we cannot afford to defy those orders. If you do not agree with the orders, go back to the court that issued them and demand that they be lifted. Do not try to take the law into your own hands and do whatever you want.

So, in terms of insubordination that we are also talking about in this particular Motion, I feel that this culture of insubordination to legitimate authority needs to be addressed, so that we do not end up being our own enemies. We do not end up harming the fabric that holds this country together, and we proceed to encourage the creative arts to help us look at and help us understand what exactly we are entitled to, as a people.

The *Echoes of War* is a beautiful script whose performance should be allowed to go free of charge. I condemn in the strongest terms possible the arrest and the detention of the author, the former Senator for Kakamega County, Hon. Malala. I pray that those who did that be brought to book.

This is one thing that deserves a Motion or a Statement to be brought to this House, so that we can understand what is happening in Nakuru. We cannot leave it to overzealous individuals and random nationalists to come and try to tell us the “do's” or

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“don’ts of the creative arts. We must not get to a place where those in power have a reverse-minders touch that---

The Temporary Speaker (Sen. Abdul Haji): Sen. Omtatah, just as a matter of guidance, if you could please follow Standing Order No.120 on relevance and repetition. You have deviated from the Motion at hand, and I have given you a leeway to discuss the matter that you have entered into, but you are dwelling on it too much. If you could just stick to the relevance of the Motion, Senator?

Sen. Okiya Omtatah: Yes, Mr. Temporary Speaker, Sir, I am guided by your wisdom.

As I wind up, I was just going to bring up an analogy that the genesis of the dispute in Trans Nzoia County was not being addressed. When I looked at the report, the governor had clearly said that he and the deputy governor had a very good working relationship until he learnt that the deputy governor had gone to the Deputy President and gotten a trip to go to the USA and wanted funding from the county. However, as his assistant, he should have begun by getting clearance from the governor to do that. So, this insubordination was at the root of it. I noticed that the Report by the Committee did not dwell on that.

Finally, there was a report to the DCI, which made this a matter under active investigation. There was no feedback in the report about what the findings of the DCI were and the outcome of that complaint with the DCI, whether it was withdrawn or not. I have not seen it in the report.

From where I stand, I am unable to support this Report, and in my submission, I oppose it for being inadequate and failing to exhaust the issues before it.

With those remarks, I return the microphone and thank you for the opportunity to address you.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator.

Sen. Tabitha Mutinda, you may proceed.

Sen. Tabitha Mutinda: Thank you so much, Mr. Temporary Speaker, Sir. First, allow me to appreciate the Committee on Devolution and Intergovernmental Relations for taking time to embark on this matter.

There are very few women deputy governors. Most of the governors are male and their deputies are also male. Very few have women deputy governors, and you note that these positions are very few. It is so sad to stand on this platform and discuss the character of the Governor of Trans Nzoia County because from the report I have looked at, the issues that had been raised by the Deputy Governor of Trans Nzoia are more personal than administrative.

When these two people, the Governor and his Deputy, decided to embark on a journey of leadership in the County of Trans Nzoia, I believe their main goal was to serve the people of Trans Nzoia. At the same time, of course, from a political point, there had to be balance and different factors considered. They walked a journey and they succeeded. Then you wonder, was the Governor just taking in the Deputy Governor as a flower for him to succeed in winning the seat and that was it?

Looking at the issues here, like denial to use the designated house of the deputy governor, breakdown of communication, discrimination and being sidelined looks partly

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like an issue of administration, but it is also very personal. When someone decides not to have communication with you while you are in office, but during the campaign period you had teamwork, there was flow of communication, then it breaks when you are in an office. What Sen. Okiya Omtatah has talked about, where this beef came from is even sickening; it is belittling the mindset of looking at the reason behind it.

I have heard Sen. Omtatah talk about the issue of a trip to the USA for Christ's sake. What is a trip that it makes you, a whole leader, to disconnect the working relationship with your deputy governor? If it was an official trip, then why is it a big deal? Why should it be the subject that these two leaders cannot work together?

I have looked at it in terms of the different stakeholders who are supposed to appear. I even noted that the Cabinet Secretary for Interior and National Administration did not have time to appear before this Committee. Is it because maybe the matter was not too weighty? Why did they not appear before the Committee and get to the bottom of the issue that the committee had raised? The DCI never gave a report. The matter was too little? What is the reason behind that?

The Committee did its part and they have submitted a report today. When I spoke to the Chairperson, Sen. Abass, about some of the recommendations, I learnt that the recommendation was very simple. The recommendation was that they should work together. According to the report, the Governor has assured the Committee that he will ensure that they are working very well with the Deputy Governor and the decision is for the two of them.

Some of these issues resemble marital challenges. At times, no matter how much shouting or running around occurs, at the end of the day, it is just the two individuals involved. They are the ones who must sit down, reconcile and move forward. In marriage, when two people meet and come together, you are not there; you are not involved. So, why should you want to be involved when issues arise? Why is it that involvement only comes when people face challenges? At the end of the day, the decision lies solely with these two individuals.

Looking at the scenario in Trans Nzoia, it mirrors this situation. The Committee has done its part. These two leaders have stated their intention to work together. I am told they only managed to collaborate for one week. Even the relevant institution, the National Cohesion and Integration Commission (NCIC), what more can it do on that? If, as leaders and adults, a team mediates the issues and confirms that collaboration is expected, yet this does not happen, it is truly sad.

As I conclude due to time constraints, the Governor is working and his office is operational. He must ensure that he provides the Deputy Governor, Madam Philomena, with the support needed to fulfill her mandate. Things happen. Just the other day in Meru County, the deputy governor became the governor. In Luhya, they say, *vindu vichenjanga*. Do not underestimate the power of your deputy. You never know. Circumstances can change unexpectedly.

Therefore, we urge Governor Natembeya to provide Philomena with the platform to serve as his deputy and complete her term. By halting her career, where does that leave her? She could have been left to pursue other important things. Stop taking deputy governors to win an election and leave them afterwards. It is unfair and sickening. It is

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the lowest point someone can reach. I challenge the governor to demonstrate true leadership. We have seen him rise to prominence, moving up and down. Let him begin by addressing issues within his office. Without proper leadership with his deputy, what message is he conveying?

Mr. Temporary Speaker, Sir, with those few remarks, I support the report.

The Temporary Speaker (Sen. Abdul Haji): Sen. David Wafula, proceed.

Sen. Wafula: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to ventilate on the matter of Trans Nzoia. As a member of the Committee led by Sen. Abass, we had the privilege of mediating and bringing together these two individuals to stabilize Trans Nzoia County for the sake of development, tranquility, harmony and peace. However, it is unfortunate that despite the Senate facilitating this mediation, we are left with the impression, as indicated by our Chair, that the County Government of Trans Nzoia can no longer hold.

If a deputy governor is denied access to their office, not assigned responsibilities, excluded from executive meetings and openly threatened by individuals known to the county government and state agencies, then it means that either the county government is headed to the dogs or we have a banana county. It could also mean that we have a problem and the county government is dysfunctional.

Hon. Temporary Speaker, Members have alluded that there are simmering ethnic tensions rising at the grassroots level among leaders. As Sen. Tabitha highlighted, it is evident in speeches from leaders in Trans Nzoia, including the governor, which have been derogatory and threatening, targeting specific communities. The speeches suggest that members of specific communities do not have networks, do not know what they want and are not in the right political frame. Such utterances are creating tension on the ground.

Last week, a County Executive Committee Member (CECM) in the County Government of Trans Nzoia openly abused a woman leader from the National Assembly in a derogatory manner. If a CECM can spew such venom publicly, what about the head of that institution? What message are we sending to Kenyans? That one can say anything, anywhere, anytime without going unpunished?

Hon. Temporary Speaker, we invited the NCIC to the Senate. The Deputy Governor presented evidence to the Committee of insults, abuse and threats from individuals that are known. These individuals must be held accountable under the rule of law. If the same people are repeatedly used to tarnish, abuse, threaten and intimidate others, then the country is going to the dogs.

We do not want a scenario where county governments become demagogic institutions led by individuals with stiff hands and necks, who fail to appreciate that we have a national and county governments that must work together for the benefit of the people.

Therefore, I associate myself with this Report. I urge the Senate to pronounce itself that deputy governors must not only be seen, but also heard and actively involved in ensuring devolution meets the expectations of the founders of devolution. Denying deputy governors fuel, vehicles and resources while expecting them to deliver is unrealistic. This is a wake-up call to the Government of Kenya and institutions mandated

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to address rogue governors and public officers. They should ensure that county governments unite communities and foster development, not division.

Finally, I wish to address the matter of Butere Girls. I have participated in drama festivals before. As a former student of the powerful and famous Musingu High School, I recall performing a play called "*Coup Detat*" in Form One. Despite being the top performers in Western Province, we were not allowed to advance beyond its borders. We went back to learning and performed very well. This experience in Butere Girls Secondary School reminds me of the challenges faced by young people today.

I never knew I will be in the Senate today seeing what is happening to young actors. I do not agree with the use of brutal force against innocent people. I also do not agree using a political platform and space to insinuate that you can use innocent people to propagate political messages. While we support talent, creativity and freedom of expression, we do not support using innocent platforms to expedite and champion political messages through young people.

Hon. Temporary Speaker, the Senate must weigh in on this matter and ensure that participants in these activities are given the space and opportunities to showcase their talent. We must also protect our institutions and nurture talent, not just for entertainment, but also as a means to earn a living.

Thank you.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Sen. Karen Nyamu proceed.

Sen. Nyamu: Thank you, Mr. Temporary Speaker, Sir. The issue raised by the Deputy Governor of Trans Nzoia County, Madam Philomena, regarding her personal security is multifaceted. It highlights the broader challenges faced by deputy governors in this country. It is an open secret that deputy governors often operate at the mercy of their bosses, the governors. In counties where relations between governors and their deputies are cordial, it reflects positively on the character of the governor. Such governors are often praised for good performance, as they hold the power to make their deputies productive or not.

Another critical issue emerging from this Motion is the environment in which women leaders in this country operate. It is also an open secret that women are physically the weaker sex. That aggravates the claims raised by Madam Philomena about her personal security.

We have observed a trend where governor candidates select female running mates to appear gender-sensitive or considerate of the other gender. However, their true intentions often become evident once they assume office. The blame lies partly with the law, as it has created this position without adequate safeguards. Sen. Omtatah is right when he says that a deputy governor's role is to act as a spare wheel. In case something happens to a governor, for example, incapacitation in one way or another, they should fill that gap. It is up to us as a House that protects devolution in this country to define roles of deputy governors, so that they are not just at the mercy of governors.

Taxpayers are providing money for that deputy governor to be paid. Taxpayers have also provided a residence for her and a vehicle. It is not a favour by the governor. It should not depend on the mood of her boss. It is an injustice because taxpayers are

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spending money, but they do not get value for that money simply because the governor has not found it worth.

There is a big lacuna in the law and we have been talking about this over and over again. I have not heard of any law before this House that seeks to bolster the position of deputy governor. We are all in the political field. You never know where you might find yourself in future.

Mr. Temporary Speaker, Sir, it is incumbent upon us to ensure that the position of deputy governor makes sense for devolution's sake.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. There being no other Senator wishing to contribute, I call upon the Mover to reply.

Sen. Abass: Mr. Temporary Speaker, Sir, before I reply, I would like to add a few issues. First and foremost, I thank Members who have contributed to this Motion. It seems the Report has generated a lot of interest. This report has been appearing on the Order Paper for almost one year. Therefore, it is like it has been overtaken by events. I request the SBC and the secretariat to be ensuring that they fast-track tabling of some reports in the House. This was for 2023, we are now in 2025.

Deputy governors have many challenges. There is a Bill seeking to amend the Act to give deputy governors some functions. That was moved by a Member of the Speaker's Panel in this House. Today, we met stakeholders, including the Council of Governors (CoG), the Intergovernmental Relations Technical Committee (IGRTC), the State Department for Devolution, deputy governors and constitutional experts. We discussed the whole issue and highlighted a number of pros and cons. There is a feeling that there is a lacuna in the Constitution. The roles of deputy governors have not been stipulated and their offices are not well taken care of. They are at the mercy of governors. That is why we have a lot of challenges.

Deputy governors campaign as equal partners and friends of governors and contribute to many things. They also come from different parts of the country. However, after governors have won, they start harassing and neglecting the deputies and their offices. Most offices have no funds and deputy governors do not have duties.

Mr. Temporary Speaker, Sir, Mt. Elgon is in Trans Nzoia County. There are many ethnic conflicts in that area. That problem is still there even after the committee visited to try and reconcile the governor and his deputy. The situation is still the same. The governor portrayed a lot of arrogance. I hope that will not trigger another conflict. The deputy governor approached the Inspector General of Police representative in Kitale. They also wrote to the Ministry of Interior and National Administration, but none of them appeared before the Committee.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to reply.

The Temporary Speaker (Sen. Abdul Haji): Sen. Abass, kindly approach the Clerks-at-the-Table.

(Sen. Abass consulted with the Clerks-at-the-Table)

Sen. Abass: Mr. Temporary Speaker, Sir, having replied, pursuant to Standing Order No.66(3), I beg that putting of the question be deferred to the next sitting.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. We will defer putting of the question on the Motion to next week on Tuesday when the House resumes its business.

(Putting of the question on the Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until Tuesday, 15th April, 2024, at 2.30 p.m.

The Senate rose at 6.30 p.m.