

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 10th July, 2025

Afternoon Sitting

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

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

Hon. Senators, we now have quorum. We will proceed with the day's business.

Clerk, proceed to call the first Order.

The Chairperson Standing Committee on Labour and Social Welfare, proceed.

PAPERS LAID

REPORT ON CONSIDERATION OF THE SOCIAL PROTECTION
BILL (NATIONAL ASSEMBLY BILLS NO.12 OF 2025)

Sen. Murgor: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of Senate today, 10th July 2025-

Report on Standing Committee on Labour and Social Welfare on its consideration of the Social Protection Bill (National Assembly Bills No.12 of 2025).

(Sen. Murgor laid the document on the Table)

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The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Statement pursuant to Standing Order No.52(1) by Sen. (Prof.) Margret Kamar.
That Statement is dropped.

CONTINENTAL CONSULTATION ON DRAFT MODEL LAW ON LABOUR MIGRATION IN AFRICA

(Statement dropped)

Statement pursuant to Standing Order No.57(1) by the Senate Majority Leader.

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

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I rise pursuant to Standing Order No.57(1) to give a Statement presenting the business of the Senate for the week that commences 15th July, 2025.

As Senators will recall, the Senate held two special sittings on the 27th and 30th June, 2025, during which the mediated version of the Division of Revenue Bill (National Assembly Bills No.10 of 2025) was considered and approved. The Bill has since been assented into law by His Excellency the President. I take this opportunity to thank you, Senators and, in particular, Members of the Mediation Committee, for their commitment to this matter that resulted in an outcome that will ensure effective performance of devolved functions.

Mr. Speaker, Sir, Kshs450 billion was our aim, but Kshs415 billion is what we got. Last year, it was Kshs387 billion, if I am not wrong. We keep doing our bit as Senators. I hope that our colleagues, governors, will match the same effort in ensuring that services go to the people.

I am impressed by the work that this House did. It is only unfortunate that at the time of assenting to the Bill, we were engaged in other duties as a House and, therefore, the Senate was not represented. Nonetheless, we did our bit.

In the coming days, the Senate will consider the Equalization Fund Appropriation Bill - another very important Bill - the County Governments Additional Allocation Bill and the County Allocation of Revenue Bill. These are equally important financial instruments for the implementation of devolved functions.

Mr. Speaker, Sir, I can see the Chairperson of the Committee on Budget and Finance. It is my hope that today in the afternoon, he shall actually be moving the County Allocation of Revenue Bill (CARA) because we have had---

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(Sen. Cheruiyot spoke off record)

I suspect he did not hear me, as Sen. Cherarkey informs me and yet, we need to conclude this matter because this is what guides our counties, particularly our county assemblies, on the exact figure of what has been sent to them. I, therefore, implore you, hon. Senators, to prioritise your presence in the Chamber and ensure that business is dispensed with in a timely manner.

Additionally, I urge the Standing Committee on Finance and Budget to expedite its consideration. Sen. Roba is in the House with us and it is my hope that today he shall be moving at least one of these three very important Bills. I request Members to also be available, so that we can debate and pass this Bill. Since we came from recess, it has been a challenge to get Members to settle down and have good quorum.

On two occasions yesterday, the House had to be suspended; one in the morning due to lack of quorum and in the afternoon also because of reasons that I do not want to get into. It was unfortunate and I wish Members would exercise caution and appreciate that this is a serious House.

There are 56 Bills of which 38 are at the Second Reading stage and 18 are at the Committee of the Whole stage, pending consideration. There are 32 Motions, five of which are pursuant to Standing Order No.238.

There are 28 petitions pending conclusion by our various Committees; 18 of which are actually due for reporting. I hope the chairpersons present in the House with petitions ready for reporting will present them back to the House for consideration.

On Tuesday, 15th July, 2025, the Senate Business Committee (SBC) will meet to consider the business for the week. The tentative business for that day will include business not concluded from today's Order Paper, as well as business indicated in the Notice Paper. The tentative business for morning sittings on Wednesday, 15th July, will include any business that we will not have been considered on Tuesday, the 15th as well as questions to the Cabinet Secretaries.

Mr. Speaker, Sir, next week we have the Cabinet Secretary for Water, Sanitation and Irrigation and the Cabinet Secretary for Roads and Transport. The two Cabinet Secretaries will be responding to a total of 10 questions from different Senators.

The questions that had been scheduled for yesterday, which was 9th July, for the Cabinet Secretary for Tourism and Wildlife and the Cabinet Secretary for Youth Affairs, Creative Economy and Sports have been referred back to the SBC for reconsideration. Members are all aware why we could not meet yesterday.

The tentative business for 16th July, 2025 will include all these other businesses, including an amendment to the Public Finance Management (PFM) Act. There were many Bills in one, but we have since collapsed all into one amendment, which we shall be considering.

Mr. Speaker, Sir, there is the Office of the County Attorney (Amendment) Bill (Senate Bills No.47 of 2024) that has taken quite a while and it has been in this House for many years. I wish we can conclude on it. There is also the County Governments (Amendment) Bill.

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There is a report on a petition from the Departmental Committee on Labour and Social Welfare on former employees of Kenya Breweries Limited (KBL) concerning the failure by KBL, Kaplan & Stratton Advocates and Harrison Kinyanjui Advocates to pay compensation awarded to the petitioners.

There is also a report from the Committee on Health on oversight and networking engagements to Taita Taveta, Mombasa and Kwale counties. There is a report also from the National Cohesion and Integration Commission (NCIC) on the implementation of the Senate resolution on the current state of the nation, made on Wednesday, 24th July 2024. This is a very important report, which I hope, we will get time to debate because it was generated after the famous Motion that we passed in this House.

The other day, I saw people asking us what the Senate had done after we said all those things. This is part of that and I hope they have far-reaching recommendations, especially on the question of inclusion, regional balance and ensuring that all our public bodies actually reflect the diversity and the strength of Kenya and not just a representation of parts of this country. I look forward to that particular report. There is also the issue of the welfare of interns that work under the Public Service Commission (PSC).

On Thursday, we will conclude with any other business that we will not have concluded on Tuesday and Wednesday. It is my sincere hope that as we settle back from recess, Members will prioritise attendance to this House, so that we can utilise the time that we have out of the three days that we meet to transact and pass as many Bills as possible.

I thank you and hereby lay this Statement on the table of the Senate.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

BILL

Second Reading

THE SOCIAL PROTECTION BILL (NATIONAL ASSEMBLY BILLS NO.12 OF 2025)

(Division)

The Speaker (Hon. Kingi): Hon. Senators, we will move to Order No.12 before we come to Order No.9.

Go ahead, Sen. Abass.

MOTION

ADOPTION OF REPORT ON BRANDING PUBLIC PROJECTS/COUNTY VEHICLES WITH IMAGES OF GOVERNORS AND MCAs

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

THAT, the Senate adopts the report of the Standing Committee on Devolution and Intergovernmental Relations on a Petition to the Senate by Mr. Laban Omusundi concerning the branding of public projects with images of governors and Members of County Assemblies (MCAs) and branding of county vehicles, laid at the Table of the Senate on Tuesday, 3rd June, 2025.

Mr. Speaker, Sir, on 2nd September, 2024, the Senate received a Petition from Mr. Laban Omusundi, a resident of Nakuru County and the Executive Director of Grassroot Civilian Oversight Initiative, concerning the matter of branding public projects with images of governors and MCAs, and branding of county vehicles.

The Petition was presented in the Senate on Tuesday, 9th October, 2024 by the Speaker of the Senate, pursuant to Standing Order No.236(2)(b) of the Senate Standing Orders. Consequently, the Petition stood committed to the Committee on Devolution and Intergovernmental Relations pursuant to Standing Order No.238(1) of the Senate Standing Orders.

Mr. Speaker, Sir, the salient issues raised in the Petition were that county funded projects across all 47 counties are emblazoned with portraits, images and names of governors and MCAs, as if projects were funded by them and not taxpayers. Further, that these political elites in the counties have been allowed to massage their respective political egos and use spaces of public funded projects to advertise and brand themselves for personal political cause without checks and balances.

The petitioner referred to Article 231(4) of the Constitution that disallows the portrait of any individual on our currency. He was concerned that the political elites are allowed to brand taxpayers funded projects with their respective portraits, images or names. Noting that historically, some kings used their respective portraits in that manner to be seen as gods and superior, it differs from provisions of Chapter Six of the Constitution of Kenya, 2010, which refers to an elected leader as a selfless servant, not a small god. He added that it was high time to reject this self-aggrandizement of using taxpayers' money to brand political elites and perpetuate personal political egos, which is contrary to Article 75(1) of the Constitution of Kenya.

Further that, county governments' vehicles have been used for personal effects to the political elites and other unbecoming staff of counties courtesy of branding those vehicles. The petitioner claimed that efforts made to address this matter with the Council of Governors (CoG) and the Attorney General were futile since there was no response.

The petitioner's prayers were that the Senate-

(a) amends the County Governments Act, 2012 to insert a clause to permanently restrain governors and MCAs from branding their respective portraits, images or names on public funded projects of the counties as it was done to our currency by disallowing portraits of any individual;

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(b) ensures that all public funded projects are branded as "courtesy of taxpayers of kenya";

(c) comes up with regulations or amendments to any law in existence to make sure that all county governments' vehicles are branded with colours of our national flag to make them easily identifiable, and if the public see them being used for non-government activities, they can occupy them peacefully; and,

(d) performs any other course that it deems fit in its own wisdom, on the subject matter.

The Committee further resolved to invite the petitioner, Mr. Laban Omusundi, for further discussions on the issues raised. Upon invitation, the petitioner appeared before the Committee on 25th November, 2024, to present his petition. He emphasized that the primary objective is to protect public funds from being misused for the personalization and branding of public projects with individual names or identities. He appealed to the Senate to intervene and establish measures to curb such acts and to safeguard public resources.

The Committee concurred with the Petitioner on the need to restrict the branding of public projects and Government vehicles with individual names and images, affirming that such practices amount to personalization of public resources and are contrary to principles of integrity as outlined in the Constitution and relevant laws.

Mr. Speaker, Sir, based on the submissions received from the stakeholders, the Committee made various observations and recommendations as set out in the report.

The Speaker (Hon. Kingi): What is your point of order, Sen. Kinyua?

Sen. Kinyua: I rise under Standing Order No.95. I am listening to a speech from the Senator. I thought he was moving, but he is reading.

The Speaker (Hon. Kingi): Proceed, Sen. Abass.

Sen. Abass: Mr. Speaker, Sir, the Committee observed that-

(1) Branding public projects and vehicles with individual names or images translates to personalization of public resources.

(2) The display of information on projects and buildings is guided by the Physical and Land Use Planning Act, Cap. 303; the Urban Areas and Cities Act Cap. 275; the Occupational Safety and Health Act, Cap. 236A and its Public Health and Safety Regulations; the National Construction Authority Act Cap. 118 and its Building Code, 2024. Additionally, the Site Board Guide by the National Construction Authority (NCA) explicitly highlights the required details to be displayed on project sites.

(3) Using public funds to brand projects and vehicles with the names or images of public officers amounts to misuse of public resources and goes against the principles of transparency and prudent financial management as set out in Sections 79 and 162 of the Public Finance Management Act, 2012.

Mr. Speaker, Sir, the Committee recommended that-

(1) Public officers, including governors, MCAs and officials at both national and county levels should strictly adhere to the laws guiding conduct of public officers, including the Constitution of Kenya, 2010, the Public Service (Values and Principles) Act, 2015, the Public Officer Ethics Act, Cap. 183 and the Leadership and Integrity Act, Cap. 185C.

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(2) The Ethics and Anti-Corruption Commission (EACC) in collaboration with the Office of the Auditor-General and the Controller of Budget (CoB), should enforce strict compliance with constitutional and statutory provisions governing integrity, accountability and the proper use of public resources.

(3) The EACC should within 30 days upon tabling of this Report, provide a report to the Senate on the status of the interventions and measures taken to restrain public officers from branding public projects, vehicles or assets with their names, images or personal symbols.

Mr. Speaker, Sir, with those few remarks, I wish to move the Motion and request that the House adopts the report of the Standing Committee on Devolution and Intergovernmental Relations on the Petition regarding branding of public projects with images of governors and MCAs branding county vehicles.

I request Sen. Kisang to second.

Sen. Kisang: Thank you, Mr. Speaker, Sir. I beg to second this particular Motion.

This is a very important Motion that has arisen as a result of a Petition. If you go across our counties, you will see photos of governors and MCAs everywhere being branded across, saying what they have done for the people. It is important to tell the governors and the MCAs that when projects are undertaken within their areas, it is as a result of the resources that have been appropriated by this House.

Mr. Speaker, Sir, we were fighting for Kshs465 billion to go to the counties. Eventually, during the Mediation Committee between the National Assembly and Senate, we settled at Kshs415 billion. The resources going to the counties are not from the pockets of the governors or the MCAs, but resources that have been appropriated by both the Senate and the National Assembly and own-source revenue by the counties.

Some vehicles and buses are also branded with names of Members of the National Assembly funded by the National Government Constituencies Development Fund (NG-CDF). The patron is Honourable so and so. For 10 years, when I was Member of Parliament (MP) for Marakwet West, I bought 10 buses and my name is not printed on the buses, same to the projects that we undertook using NG-CDF for the 10 years. The only place where my name would appear is when I go to open.

Mr. Speaker, Sir, it is important that we tell them that these are resources that have been appropriated. They are public resources. If they want to put their names, they can use their own salaries or be philanthropic and maybe use resources from elsewhere. Otherwise, the people know that if you have been a governor for the last 10 years and projects have been undertaken, you can launch them and put your names not photos. Many projects have been done by the national Government, but we have never seen photos of the President on them.

The Speaker (Hon. Kingi): What is your point of order, Senator for Meru?

Sen. Kathuri: Mr. Speaker, Sir, I rise to speak to the transition between the Chairperson, Sen. Abass and the Seconder of the Motion. I do not know how he got the Floor. I did not hear the chair say---

Mr. Speaker, Sir, you did not authorise. He just got the microphone through some other means.

(Sen. Sifuna spoke off record)

Go back to the HANSARD, Sen. Sifuna.

The Speaker (Hon. Kingi): Hon. Senator for Meru, while you were consulting with me, Sen. Abass requested Sen. Kisang to second. Since I could not speak while you were talking to me, I nodded, giving permission for him to proceed.

So, conclude, please.

Sen. Kisang: Thank you, Mr. Speaker, Sir. As I conclude, the Deputy Speaker is my colleague and a good friend. We were in the National Assembly for 10 years. I know there are issues that came to the House sometime last year and I did not support him. Maybe he still has some issue with me because of Kawira. I was on the opposite side.

(Laughter)

Mr. Speaker, Sir, it is important to tell our governors to stick to the law. These resources are not theirs. They should not use additional resources to put their photos and names there and say funded by so and so. These are public resources, period.

I beg to second.

The Speaker (Hon. Kingi): Hon. Senators, I will defer the proposing of the question, so that we dispense with Order No.9, which we had gone halfway yesterday. Before I allow this Clerk to call Order No.9, allow me to make this communication.

(Interruption of Debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM OTHAYA GIRLS HIGH SCHOOL IN NYERI COUNTY

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon, of visiting teachers and students from Othaya Girls High School in Nyeri County. The delegation comprises five teachers and 240 students who are in the Senate for a one-day academic exposition.

Hon. Senators, in our usual tradition of receiving and welcoming visitors from Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit. I will call upon the Majority Leader, in under one minute, to extend a word of welcome.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, on behalf of the Senate and particularly on behalf of the Senator for Nyeri, Commissioner Wamatinga, I wish to welcome these students who are here on a study visit. This afternoon, I believe they have observed us transact one or two businesses so far and have learnt that which brought them here.

These are our future leaders. I believe that in this moment before the present leadership, will serve as an inspiration to know that their time is coming. Therefore, they

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should prepare very well when they finally get the opportunity to serve this country. I wish them well as they travel back to Nyeri, and in their studies as well.

I thank you.

The Speaker (Hon. Kingi): Clerk, kindly call Order No.9.

(Sen. (Dr.) Khalwale walked into the Chamber)

The Speaker (Hon. Kingi): Senator for Kakamega County, welcome to the Senate.

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

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

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

COMMITTEE OF THE WHOLE

IN THE COMMITTEE

THE CONFLICT-OF-INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)

*(Consideration of His Excellency the President's
Recommendations)*

*(Resumption of debate interrupted on
9.7.2025 - Afternoon Sitting)*

The Temporary Chairperson (Sen. Veronica Maina): Hon. Members, we want to commence the Committee of Whole, which is sitting in consideration of the President's Memorandum on the Conflict-of-Interest Bill (National Assembly Bills No.12 of 2023).

(Several Senators stood in their place)

Hon. Senators, please resume your seats and maintain silence, so that we can proceed on with the Committee of Whole. Sen. Chute, you cannot hold a meeting in the Senate when the Committee of Whole is happening. Can you resume your seats? Sen. Eddy, please resume your seat.

Yesterday, these considerations were made by the Senate, but due to quorum matters, the Senate was adjourned. Therefore, we are resuming from Clause No.16. I would like the Clerk call it.

The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights Committee, please take the floor.

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Clause 16

Sen. Wakili Sigei: Thank you, Madam Temporary Chairperson. I beg to move—
THAT, Clause 16 of the Bill be amended by—

(a) inserting the following new subclause after subclause (3)—

“(3A) Where a public officer has knowledge that a family member or a relative has accepted a gift or favour under subsection (1), the public officer shall, within forty-eight hours of such knowledge, or, if not on duty, within forty-eight hours of resumption of duty, make a declaration of the acceptance, giving sufficient details of the nature of the gift or favour accepted, the donor and the circumstances under which it was accepted for purposes of assessment of potential conflict of interest.”

(b) deleting subclause (4) and substituting therefor the following new subclause— “(4) A person who contravenes this section commits an offence.”

Madam Temporary Chairperson, the recommendation under this particular clause, in the original Bill and in the reservation, was to include from among those prohibited relatives of the public officer against receiving of gifts or favours from any person who would be trading or transacting with the authority or the entity in issue.

The Committee observed that the impact of this proposal is to expand the scope of those who are prohibited from receiving those gifts to include members and relatives of public officers. I wish that we take it as provided for in the Order Paper.

I thank you.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end. Let us move to the next clause.

The Chairperson Standing Committee on Justice, Legal Affairs and Human Rights, please proceed.

Clause 17

Sen. Wakili Sigei: Thank you, Madam Temporary Chairperson. I beg to move—
THAT, Clause 17 of the Bill be amended—

(a) in paragraph (a) by deleting the words “public officers” and substituting therefor the words “any person”;

(b) in paragraph (b) by deleting the words “public officers” and substituting therefor the words “any person”;

(c) by deleting paragraph (c).

The particular reservation on this Clause was to ensure that there is provision on maintenance of a gift register by an entity and further an inclusion of a donation register. The effect of this is to ensure that the relevant entity, in this case the Ethics and Anti-

Corruption Commission, is able to track the donations that an institution receives from the public or a public officer receives and discloses them to the institution.

This would mean that the extension of such disclosed gifts or donations are utilized for public use. This will also ensure that we enhance the fight against corruption. The Committee noted that the effect of this reservation is to ensure that the fight against corruption is extended to the utilization of resources coming from public donations or gifts that public officers have disclosed to their institution.

I thank you.

The Temporary Chairperson (Sen. Veronica Maina): I have seen some Senators want to comment on this specific clause.

Sen. Cherarkey, are you interested? Sen. Mohamed Faki is also not here, so, we can proceed.

(Question of the amendment proposed)

Division will be at the end.

Clause 18

The Temporary Chairperson (Sen. Veronica Maina): The Chairperson, Justice, Legal Affairs and Human Rights Committee (JLAHRC), please, proceed

Sen. Wakili Sigei: Thank you, Madam Temporary Chairperson. I beg to move—
THAT, Clause 18 of the Bill be amended by—

(a) inserting the following new subclause after subclause (2)—

“(2A) Where a public officer has knowledge that a family member or a relative has accepted a complimentary treatment in the exceptional circumstances contemplated under subsection (1), the public officer shall, within forty-eight hours of such knowledge, or, if not on duty, within fortyeight hours of resumption of duty, make a declaration of the acceptance, giving sufficient details of the nature of the complimentary treatment accepted, the donor and the circumstances under which it was accepted for purposes of assessment of potential conflict of interest.”

(b) deleting subclause (3) and substituting therefor the following new subclause— “(3) A person who contravenes this section commits an offence.”

Madam Temporary Chairperson, the effect of the proposed reservation is to ensure that the amendment expands the scope of the prohibition, similar to the one that we have just dealt with, but in this case with regards to complementary treatment, to include family members of public officers and their relatives who are covered in the provisions of the law that is being proposed.

This will ensure that a public officer may not knowingly or unknowingly benefit from complementary treatments that he or members of his family have achieved courtesy of the office that such a person holds.

Madam Temporary Chairperson, I propose that we progress with it as provided for in the Order Paper.

I thank you.

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The Temporary Chairperson (Sen. Veronica Maina): Thank you.

Sen. Cherarkey, do you have a comment on this specific clause as proposed by the Chair? You can proceed. Limit your comments to three minutes.

Sen. Cherarkey: Madam Temporary Chairperson, I am well guided. I am surprised because the report---

(Sen. Wakili Sigei stood in his place)

The Temporary Chairperson (Sen. Veronica Maina): The Chairperson, resume your seat, please.

Sen. Cherarkey: Madam Temporary Chairperson, with all due respect, I have the Committee Report, so I do not know what the Chairperson of the Committee on Justice, Legal Affairs and Human Rights Committee (JLAHRC) wants to tell us because in their report, they did not concur with this provision. You are also a member of, JLAHRC.

Madam Temporary Chairperson, in my opinion, on Clause 18, the definition of family is too vague and broad. In terms of complementary---

(Sen. Cheruiyot spoke off record)

Sen. Cherarkey: Madam Temporary Chairperson, can you protect me?

The Temporary Chairperson (Sen. Veronica Maina): The Senate Majority Leader, please allow the hon. Senator to proceed.

Sen. Cherarkey: Why is Sen. Cheruiyot restless?

(Sen. Cherarkey spoke in mother tongue)

Madam Temporary Chairperson, I am saying something different. It is complementary. We were on Clause 18.

(An hon. Senator spoke off record)

The Senate Majority Leader (Sen. Cheruiyot): He has abused you in Kalenjin.

Sen. Cherarkey: No, Madam Temporary Chairperson, they are lying.

The Temporary Chairperson (Sen. Veronica Maina): Have you used a language that is different from the parliamentary language?

The Senate Majority Leader (Sen. Cheruiyot): He abused you badly.

Sen. Cherarkey: No, Madam Temporary Chairperson, I did not abuse you.

The Temporary Chairperson (Sen. Veronica Maina): You have to withdraw. Could you withdraw the use of Kalenjin language?

Sen. Cherarkey: Madam Temporary Chairperson, I withdraw and apologise, but I did not abuse you. He is making it sensational.

The Temporary Chairperson (Sen. Veronica Maina): Thank you for the clarification. You can now proceed, but do not repeat what you said.

Sen. Cherarkey: Madam Temporary Chairperson, I am not repeating. I was talking about the issue of complementary in Clause 18. We agreed that this was too vague and broad. Even if you look at the report of the Committee---

Sen. Wakili Sigei: On a point of clarification, Madam Temporary Speaker.

The Temporary Chairperson (Sen. Veronica Maina): There is a point of clarification from the Chairperson who has just made an explanation.

Sen. Cherarkey: I listened to the Chair.

The Temporary Chairperson (Sen. Veronica Maina): Just take your seat.

Sen. Cherarkey: Is it a point of order or point of clarification?

The Temporary Chairperson (Sen. Veronica Maina): It is a point of clarification. Let him proceed.

Chair, proceed.

Sen. Wakili Sigei: Madam Temporary Chairperson, I would like to clarify to my colleague, Sen. Cherarkey, that Clause 2, which we dealt with yesterday, made reference to this particular definition of what family or relative is. Clause 18 makes reference to that.

I submitted that we go as per the report that has been placed in the Order Paper. There is nothing outside this Report that I have said. Remember the definition was dealt with in Clause 2, which is the position that the Committee took.

The Temporary Chairperson (Sen. Veronica Maina): Sen. Cherarkey, please, be guided accordingly, so that you have the understanding that the report stands as it is.

Sen. Cherarkey: Madam Temporary Chairperson, so that we do not seek further clarifications, he should indicate by saying as per the Order Paper or the Committee's report, so that there is clarity. I agree with the position of the Committee. Therefore, let him be clear by saying; as per the Committee report. I am speaking as a person with a lot of experience in that Committee.

I thank you.

The Temporary Chairperson (Sen. Veronica Maina): Chairperson of the Committee on Justice, Legal Affairs and Human Rights, you have been enriched on how to make your presentation when you have the Order Paper and the report. Please distinguish the document you are referring to.

We were on Clause 18.

(Question of the amendment proposed)

Division will be at the end. Let us go to the next one.

Clause 20

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move-

THAT, Clause 20 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

“(1) A public officer shall not acquire an interest in a partnership, private company or any other legal entity that is a party to a contract with any reporting

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entity under which the partnership, private company or legal entity receives a benefit.”

Madam Temporary Chairperson, the Committee noted that this proposal widens the Clause to prohibit public officers from acquiring interests in companies in contracts with reporting entities. That will ensure that we support and enhance the fight against corruption. It is not only their companies that they are prohibited from acquiring interest from, but also other companies that could be dealing with any entity that is relevant in the circumstances.

Madam Temporary Chairperson, I request that we go as per the Report of the Committee that was tabled on 12th June, 2025.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Let us go to the next one.

Clause 30

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move—
THAT, Clause 30 of the Bill be amended by deleting subclause (2).

Madam Temporary Chairperson, the proposal in Clause 30 is to require a Member to recuse themselves from any discussion, decision, debate or a vote on a subject matter in respect of which such public officer would be conflicted at the end. The Committee concurred with the reservation emphasizing the importance of aligning Clause 11 and Clause 30 to ensure consistency in the legislation, interpretation and application, where a Member is required to recuse themselves from being involved in such debate, discussion or voting.

Madam Temporary Chairperson, I propose that we go as per the report of the Committee regarding Clause 30.

(Question of the amendment proposed)

Division will be at the end. Let us go to the next one.

Clause 31

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move—
THAT, Clause 31 of the Bill be amended by inserting the following new subclause after subclause (3)—

“(4) For purposes of this section, “material change” means—

- (a) at least twenty-five percent increase or decrease in the value of an income, asset or liability;
- (b) the disposal or acquisition of an asset or liability;

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- (c) changes in marital status;
- (d) appointment to or changes in directorships;
- (e) changes in membership in companies or partnerships and other legal entities howsoever established; or
- (f) changes in membership in social associations, societies, clubs, foundations or trusts.”

Madam Temporary Chairperson, this was quite a straightforward reservation that required the definition of the term “material change” under Clause 31(4) in the context of assets, property or any other aspect being dealt with be disclosed in the event of such a material change. The Committee agreed with the reservation and concurred with the proposal in the President’s Memorandum.

(Question of the amendment proposed)

Division will be at the end. Let us go to the next one.

Clause 35

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move-

THAT, Clause 35 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (b)—
“(c) its completeness and correctness.”

Madam Temporary Chairperson, this is also a straightforward reservation that requires to embolden the Ethics and Anti-Corruption Commission (EACC) to ensure that in their reporting, there is ascertainment of completeness and correctness of declarations of assets by public officers. This Clause seeks to ensure completeness of records for purposes of reporting.

It requires that the words “its completeness and correctness” are included in Clause 35. The Committee concurred with the reservation and approved that inclusion.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

That is the end of the considerations that were before the Committee of the Whole. We will then proceed to report the progress. I now call upon the Mover.

Sen. Wakili Sigei: Madam Temporary Chairperson, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report to the Senate its consideration of the President’s Memorandum on the Conflict-of-Interest Bill (National Assembly Bills No.12 of 2023) and seek leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

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(The House resumed)

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

The Senate Majority Leader (Sen. Cheruiyot): On a point of order, Mr. Deputy Speaker, Sir. Did you notice that when you were taking the reign of the House and even when you were bowing, Sen. Eddy was seated? Is that in order?

The Deputy Speaker (Sen. Kathuri): Could he stand up then sit?

(Sen. Oketch Gicheru stood then sat at his place)

(Laughter)

PROGRESS REPORTED

THE CONFLICT-OF-INTEREST BILL (NATIONAL ASSEMBLY BILLS NO.12 OF 2023)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we are reporting progress on the Conflict-of-Interest Bill (National Assembly Bills No.12 of 2023).

Chairperson?

Sen. Veronica Maina: Hon. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the President's Memoranda on the Conflict-of-Interest Bill (National Assembly Bills No.12 of 2023) and seeks leave to sit again tomorrow.

The Deputy Speaker (Sen. Kathuri): Can we hear from the Mover.

Sen. Wakili Sigei: I thank you, Mr. Deputy Speaker, Sir. I beg to move that the House do agree with the Committee in the said Report. I request Sen. Oketch Gicheru to second.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

(Question put and agreed on)

MOTION

ADOPTION OF REPORT ON BRANDING PUBLIC PROJECTS/COUNTY VEHICLES WITH IMAGES OF GOVERNORS AND MCAs

THAT, the Senate adopts the report of the Standing Committee on Devolution and Intergovernmental Relations on a Petition to the Senate by Mr. Laban Omusundi concerning the branding of public projects with images of

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governors and Members of County Assemblies (MCAs) and branding of county vehicles, laid at the Table of the Senate on Tuesday, 3rd June, 2025.

(Resumption of debate on Motion)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we are reverting back to Order No.12. The Motion was moved by Sen. Abass and seconded by Sen. Kisang.

I now want to propose the question.

(Sen. Kavindu Muthama stood at her place)

Just a minute, Sen. Kavindu Muthama. Have your seat. Order, Sen. Kavindu Muthama.

(Sen. Cheruiyot and Sen. Kavindu Muthama consulted loudly)

The Senate Majority Leader and Sen. Kavindu Muthama, honestly speaking, why are you making noise when the Chair is upstanding? Hon. Senators, I propose the question.

(Question proposed)

Several Senators want to make their contributions. We will start with Sen. Cheruiyot.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, this is a very important Petition and I commend the Committee for taking time to listen and engage with Mr. Laban Omusundi. This gentleman has brought about six---

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

The Deputy Speaker (Sen. Kathuri): What is your point of order, Sen. Kavindu Muthama?

QUORUM

Sen. Kavindu Muthama: Mr. Deputy Speaker, Sir, we have no quorum in the House.

The Deputy Speaker (Sen. Kathuri): You are standing under which---

Sen. Kavindu Muthama: Standing Order No.41. We have no quorum in the House to deliberate.

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

(The Quorum Bell was rung)

The Deputy Speaker (Sen. Kathuri): Confirm if we now have quorum.

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

We are now okay. Senate Majority Leader, proceed with your contribution.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir. There are students in the House, and this is part of our work.

I was saying that Mr. Laban Omusundi reminds me of another gentleman whose name I do not seem to recall. I think he was called Major Rop. Thank you, Innocent, for reminding me. In the first Senate, that gentleman would petition this House on something of national importance almost every week. He would tell us that as per the dictates of the Constitution, members of the public are allowed to petition Parliament. Be asked and reminded that as members of the public you can request the House to consider any matter so that we can guide the country.

This is an issue that so many people have complained about. I have seen citizens take pictures of waivers by county governments, projects that have been done and you find a huge imposing picture of either the local Member of County Assembly (MCA), governor or Member of Parliament.

I do not think there was any such consideration by citizens of this republic when they passed the Kenya Constitution, 2010 that we, as public servants, will take over ownership of projects that we have done using taxpayers' money. If there is to be any picture that is imposed on a project, then it is a picture of the citizens who paid for the project.

Mr. Deputy Speaker, Sir, I like the fact that this Committee in Recommendation No.2 has asked the right body, the EACC, because this is an issue of ethics. The EACC, in collaboration with the Office of the Auditor-General and the Controller of Budget, have been asked to enforce compliance with the constitutional and statutory provisions governing integrity and accountability and the proper use of public resources.

This is abuse of public resources and I believe people such as Sen. Catherine Mumma, who are normally very consistent on issues of abuse, either of human rights or public resources, will have something to say about this and what they think about it.

Mr. Deputy Speaker, Sir, in this Report, we are being told in Recommendation No.3 that after the passage of this Motion, the EACC will have 30 days to bring a report to the House informing us of what efforts they have put in place to ensure compliance with this provision.

I want to believe that the Chief Executive officer of EACC will issue this decree in public for people to know that this is abuse of public funds and this is an ethics issue, which any public officer is found to violate. These violations deserve to be punished by law. This Mr. Laban Omosundi has pricked the conscience of a nation by reminding us that the beauty of our Constitution is such that as citizens, we can always remind each other when we find ourselves to be afoul of the law. He has reminded us, as a House, that we cannot allow this to continue.

That is why I love the Senate. On a choice between Senate and so many other public offices, I would still choose to be in this House for as long as the people that I

represent can allow me because in this House, we legislate, oversight and represent. That is the duty of a Member of Parliament.

Mr. Deputy Speaker, Sir, can you imagine if this Petition had found its way into a County Assembly, for example? There was no way they would agree to because they themselves are the abusers of these provisions. If you drive around Nairobi or your counties, you will find a big billboard declaring that the project has been done by the MCA in collaboration with the governor or the Member of Parliament.

Senator Kisang' gave reference about school buses. In fact, I have seen a more absurd one. There is a school from Western Kenya and Sen. (Dr.) Khalwale is not here, that I saw that had the picture of the MP behind in the rear screen. It was written that the patron is as an example, Senator Chute, Aaron Cheruiyot or someone. I do not think that is expected. I hope that upon the passage of this Report, it will be remembered in history that there used to be an abuse of public funds until the Senate put a stop to it. This is a very important report.

I congratulate you, Sen. Abass, together with all the Members that serve with you in the Committee on Devolution and Intergovernmental Relations. This is what Parliament should be doing, responding to the concerns of citizens and ensuring that we oversight. This is now oversight at its best where we notice violations of law and push for enforcement. I saw that they interviewed almost all the parties that are involved in this petition. They invited the Petitioner, Mr. Laban, listened to him and had petitions from other citizens.

Mr. Deputy Speaker Sir, it is my hope that Members can stay around and speak to this Motion, so that we vote on it today and begin counting 30 days from now. Sen. Abbas, I expect that your Committee next week, in your first order of business, fire a letter to the EACC; confirm that you have written to them and have reminded them that they are sleeping on their job; that they need to remind us to be public servants. They need to remind us where there are violations on the provisions of our Constitution and where there is abuse of office and misuse of public resources because that is what it is. There is no other better way to call this particular issue.

I congratulate this Committee. I hope that they take time to ensure that this is done. Sen. Abbas or any member of this Committee, in 30 days after today, you will rise on a point of order one day to remind us that EACC has published a notice in prominent display, both in electronic and print media, that this habit needs to stop. If there are those that are emboldened or carved on stone or whatever, they need to be scrapped, so that citizens appreciate that these are public funds that has been used.

The only project that will be allowed to bear the name of a prominent person, is if one runs their Non-Governmental Organization (NGO) or private initiative or uses their own funds to do something for the public. I believe even the public will actually name it after you and have your picture prominently placed. So long as you are using public funds, it will never be allowed.

With those very many remarks, I beg to support and thank the members of the Committee for a stellar performance. Congratulations, Sen. Abbas and the team that considered this Petition.

Sen. Kavindu Muthama: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. It is very true and Mr. Laban Omusundi has watched properly what is happening in our counties.

If you go almost everywhere in our counties, you will find branding of public projects with pictures of governors, MCAs and Members of our National Assembly. Governors also brand projects that have been done by the Members of National Assembly. One wonders who has done or not done the project. This should be brought to a stop because it is a waste of public funds. This money should be used for development in the counties.

I commend the Committee on Devolution and Intergovernmental Relations for this. I also commend Mr. Laban Omusundi, wherever he is. Action should be taken and all those branding images brought down. Resources should be for development in the counties.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. As I rise to support, I am very happy today because we are talking about devolution.

I am also happy because today, Nandi has become the 28th Catholic diocese in Kenya. We are now a diocese called Kapsabet Catholic Diocese. I thank Pope Leo XIV and the Apostolic Nuncio, His Excellency Meghan, and also the Auxiliary Bishop John Kiplimo Lelei, who has been appointed as the new Bishop of Kapsabet Catholic Diocese. We are proud and this is a momentous occasion. I hope Sen. Sifuna will attend our inauguration on 30th August, 2025. I will personally invite you to attend.

Secondly, all this money, this branding---Whenever I drive around Nairobi, there is the image of the governor and the Member of the County Assembly (MCA). This thing is predominant in counties. The funny thing is, the person who is the governor now was a Senator and was castigating the former governor. What am I trying to say? The behaviour of kings, people who build cult personality and hero worship, starts by ensuring their images are being put into public projects.

I know you have been a member of the National Assembly for some time. I was driving sometime back in this City and saw one of the buses, which had been acquired through the National Government Constituencies Development Fund (NG-CDF), having a big image of the Member of Parliament (MP) as the patron, including the name. The same thing is happening to roads. Why are we having most of these Government projects?

I am happy that Omusundi is saying that we should brand this project as done by Kenyan taxpayers' money. This culture of leaders using their own images and portraits is unfortunate, immoral, uncultural and illegal. That is a violation of Chapter 6 of the Constitution 2010 on Leadership and Integrity.

The proposed amendment by the Devolution and Intergovernmental Relations Committee that we need to amend the County Governments Act, 2012, is long overdue. We need to rise up to the occasion. We have done this before. We agree that every leader in this country is struggling for feasibility. However, you do not need to use the resources of the people to get what we call unnecessary feasibility, yet you are using taxpayers' money.

We need to call out the MCAs, governors and Members of Parliament (MPs). The only time I have not seen some of these people putting their images is only on coffins. They have even put in the farewell homes, which is very unfortunate. I agree that this issue of branding of images should have included MPs.

Article 231(4) of the Constitution, 2010 of the Republic of Kenya, one of the things includes issues of money; that we do not want to bear an image of anybody in our currency. The youth leader, Sen. (Dr.) Oburu Odinga, was among the people who sat during the constitutional review process in this country. I agree largely with the recommendations of the Committee. We need to ensure once and for all---

Mr. Deputy Speaker, Sir, I wanted to be brief and long enough to cover the essentials. I have even seen Government vehicles, GoK. Why is it that when somebody has a GoK vehicle, you change into civilian number plates? How will you use for the signing out and issue of traffic enforcement laws?

Even here in Parliament, we should also be disciplined as leaders. If you are having a Government property, including houses, do not convert it into your house. I know a number of our colleagues are using national and county government vehicles. If you are driving a Government vehicle, use the numbers that you have been assigned officially, unless there is something you are hiding. I am happy that the former CECM under my good friend, Cyprian Awiti, was there.

We are aware there are people who are misusing Government vehicles and property, including staplers and printers in Government offices. The indiscipline in this country is so much. There is an attitude called “*utado*”. I do not know where it came from. If it is Government property, people do not care. That is why you saw people burning a police station, law courts, police vehicles and attacking police officers. It is because we have so much bad manners in this country and that attitude, “*utado*”, because you do not feel responsible. If all of us were responsible for Government property, we would not be doing what we are doing.

This boils down to the values of the nation. We must go back to Article 10 of the Constitution, 2010 of the Republic of Kenya on national governance and principles of good governance and national values. If you see people rising up and destroying and defacing government’s property, then we no longer have that responsibility.

I agree with the recommendation that if you threaten a Government security installation, including Parliament, police station, among others, you are a domestic terrorist and must be dealt with by the law as local terror under the anti-terrorism unit.

On the recommendation on the Ethics and Anti-Corruption Commission (EACC), Office of the Auditor-General (OAG) and Controller Budget (CoB) to report in 30 days, I am a bit jittery about the EACC. For example, in Nandi County, there was the employment scandal, where it was found that there were so many ghost workers. The EACC came with razzmatazz to the County Government of Nandi offices. Up to today, they have not even arrested a rat.

I remember and I hope the Chairperson of the Justice, Legal Affairs and Human Rights Committee is still there, that when we invited the EACC in the last session, the only highest conviction they had achieved at that time was a bribe of Kshs20,000. We need to call upon the EACC to put their act together. If they have a problem with

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resources, they should approach Parliament for more appropriation of resources, so that we can fight corruption in this country.

That is why when I see young people agitating for good governance, EACC must be held accountable. At the county level, most governors are becoming overnight billionaires. They are becoming demigods. They are acquiring property in a satanic version, yet I am told they are converting and getting allegations of corruption within that has been. We must agree on the issue of EACC.

I submit in a *suo moto* manner to the Chairperson of the Committee on Justice, Legal Affairs and Human Rights. I appeal to them that after this tabling, they should bring us the status of the fight against corruption in counties. It is very unfortunate. For example, in Nandi County, in the financial statements of the 2024/2025 Financial Year, the County Government of Nandi hired car hire services for Kshs42 million. Is that prudent use of the resources?

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

Sen. Lemaletian: Mr. Deputy Speaker, Sir, on a statement of facts, is it in order for Sen. Cherarkey to allege that the only success the EACC has ever achieved was following up on a bribe of Kshs20,000? We are well aware of the successes that the Commission has made, especially on arresting several governors charged with corruption. Can he withdraw and apologise?

(Sen. Cherarkey stood up in his place)

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, resume your seat as you listen to the point of order.

(Sen. Cherarkey resumed his seat)

Proceed, you have heard what Sen. Hezena has requested you to do.

Sen. Cherarkey: Mr. Deputy Speaker, the HANSARD can bear me witness. I said in the last session when I was the Chairperson of the Committee on Justice, Legal Affairs and Human Rights, one of the success stories that was tabled, which is in this House, was a Kshs20,000 bribe. Corruption is fighting hard. If you want to be a gatekeeper of some of these institutions, you should know how to approach the game. We are experienced, approach us so that we teach you.

In conclusion, there is no justification for this Kshs42 million car hire services. We must in Nandi---

The Deputy Speaker (Sen. Kathuri): Sen. Hezena, has Sen. Cherarkey responded correctly?

Sen. Lemaletian: It is not correct, Mr. Deputy Speaker. He cannot allege that we are gatekeeping for these commissions. I have had the privilege to work with the Ethic and Anti-Corruption Commission (EACC) and we know very well that this is a country ruled by law. I have the privilege of information that the EACC has done so much to follow up on the cases of corruption in this country. He is well aware, since he is very

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famous in this country, he knows that equally, the same media has broadcast on issues of corruption and some of these governors have even come before this House. You cannot reduce the efforts of a whole Commission to one instance of a case of Kshs20,000 in your Committee. We must give credit where it is due and we must give to Caesar what belongs to Caesar.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, just conclude.

Sen. Cherarkey: For whatever is worth, I leave it there. That is what I was concluding.

I was saying, for example, in Nandi, how do you have a Government vehicle on car hire services for Kshs42 million? It is very unfortunate. The EACC also must be prudent because it is called “ethics and anti-corruption.”

The issue of prevention of corruption must be on the top line and that is why the EACC acts. I hope in 30 days, we should be given the inventory of the governors and the Members of County Assemblies (MCAs) who are putting their images. The only time somebody should be allowed to put their image is that you can put it in your house when you are having a wedding, baby shower, you get a new kid, in your eulogy, your personal album, when you are saving somebody you like on WhatsApp or any other form. You should not put your image on Government property.

I agree with these the Report of the Committee that let us agree in 30 days and I hope the Majority Leader knows we do not have an Implementation Committee.

I also heard the Majority Leader saying that, at least, at some point, the Chairperson of the Committee on Devolution and Inter-Governmental Relations will stand up and tell us this is the report that the EACC has given us. I do not know if we can recommend for further tabling of the report.

In the interest of allowing my colleagues to also have a bite of this cherry, allow me to rest my submission.

Thank you and I support this Motion.

Sen. Sifuna: Mr. Deputy Speaker, Sir, I have heard the Majority Leader and Sen. Cherarkey speak without any interruptions. I want to call on your protection early on because of the things that I want to say. I would prefer that I be heard in silence.

First, I want to tell the Senator for Nandi that there is nothing like Government property. Everything that the Government owns is owned by the taxpayer. It is our money. It is ours to do with as we please. So, nobody will lecture us about how to use or misuse our property.

Two, when we talk about taxpayer money, it is not just the money that goes to the county governments that is taxpayer money. Even the national Government money is taxpayer money.

It broke my heart, just a few days ago to see a whole doctor posting something on *Twitter* after all the noise they made out here, when they were coming here, when they were on strike saying the Senate should do something because health is devolved. After all the push we gave as a House to the medical doctors to push the National Assembly to allocate money to them in the current budget, a whole doctor goes on *Twitter* and says: “Thank you President Ruto for giving us money.” That is not his money. That is public money.

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Three, as a taxpayer in this country, there are very few things that make me happy because we have serious problems with the way that this Government utilizes our property. When you drive around this country and you see a road sign that says: "Road Maintenance Levy, your taxes have been used to improve this road", that is the only time that I feel proud to be a taxpayer in this country. However, all these other times, when you talk about people putting their photos everywhere, I have seen governors whenever there is a tax waiver, his photo is bigger than the message that is in the newspaper. I have seen governors buying billboards, the face occupies three quarters of the billboard, the message is so small and the rest of the billboard is his face.

Even this week, I have seen a governor who is my friend and I have to say this because I want him to succeed--- He has bought Prime Time on *Citizen TV*. I was watching the news at night and I saw the governor advertising a project that is funded by the county government and he is saying that this project has been funded by so-and-so. I was very shocked. Where do you get the money?

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

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, do you want to be informed?

Sen. Sifuna: I do not want to be informed. I am in the middle of teaching; I am in the middle of a lecture.

So, I was very shocked.

An hon. Senator: Who is that governor?

Sen. Sifuna: You all have TVs, you can pay subscription, then you will see the governor.

Mr. Deputy Speaker, I asked that you protect me when I began this submission because I knew this would happen. We have seen images of governors---

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

The Deputy Speaker (Sen. Kathuri): What is your point of order, Sen. Cherarkey? Under which Standing Order are you rising?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I stand under Standing Order No.101 on contents of speech. When Sen. Sifuna says he is teaching us, is it part of the rules of debate? Are there children that he is teaching here? All of us are distinguished Senators and that Governor, by the way, is Governor George Nitembeya. That is why he is fearing to say.

The Deputy Speaker (Sen. Kathuri): Maybe he is teaching citizens of Kenya.

Sen. Sifuna: In fact, if you look upstairs, you will see there are children there. So, allow me to teach. When I am standing here, I am not just speaking to this House, I am speaking to the country.

I have seen images of governors on something as mundane as milk packets for school milk, even on meals. So that you want to tell us that this is Sifuna's doing.

I have seen my colleagues in the National Assembly, every single National Government Constituencies Development Fund (NG-CDF) funded project, they have to find a way to put their names on it. Even after the courts ruled that this thing is unconstitutional, they changed it now and said this is Financial Year 2022/2023, then they write "Edwin Sifuna, patron."

This Mr. Omusundi has identified a proper problem in this country. We want to be able to say that every single coin that is utilized by the national and county governments is actually our money. That is our property.

I have seen these patrons disbursing bursary cheques and they want to greet the parents and look them in the eye and ask them, “who is the person who gave you this cheque?” Then they say, it is Sifuna. Then they say, “remember me in 2027.” You would think that that money is their money.

One of the things I do not understand is that these Members of the National Assembly make the dishing out of cheques to appear like something that is so appointed. If your office wrote cheques, how difficult is it to distribute the cheques? It is a physical transaction. So, they come and make noise here and tell us all about how children will not go to school and that cheque has Kshs2,500 on it.

There are people here who are educating children and they do not even announce it. They should come to our offices so that we tell them all those children that I have paid school fees for, even if you see a single one of them with a picture of Sifuna, you should ask me.

They go there and they say, this is so-and-so who did it for me, but you do not see me presenting cheques here in Nairobi saying Sifuna is issuing bursaries today. That is not your money. Can you show us photos of you issuing your own money so that you leave this public money aside?

The Majority Leader even wanted us to extend this thing to plaques. There was a young man who was going around this country called Morara, auditing national projects. The country is littered by plaques written this project was commissioned by William Ruto on this particular day. Those are the other plaques that we need to go for because that is not Ruto's money. He should also remove his name on those plaques. It is the truth. The Majority Leader told us we need to extend it to plaques. I can show you those plaques.

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

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, there is a point of order again from Sen. Cherarkey.

Sen. Cherarkey: I rise again under Standing Order No.101 on Contents of Speech. This obsession by Sen. Sifuna of President William Ruto must stop. If he wants to discuss the President, he should bring a substantive Motion, then we can handle it at that point.

Mr. Deputy Speaker, Sir, please, protect the President because he is not here to defend himself. When one makes such assertions against anyone, they have a right to be here and defend themselves. However, since he is not here, he should stop dragging his name here. The Senate Majority Leader can defend himself because he is here.

Can the hon. Senator withdraw and apologize or substantiate because when he says that there are plaques littered with the name of President Ruto? That is not a statement of fact under Standing Order No.105.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, a minute ago, you were requesting to be given the names of the governors who have plaques. You also mentioned the name of a certain governor. Two wrongs cannot make a right.

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Sen. Sifuna, there was communication from the Chair about that Standing Order, to avoid mentioning names of state officers who are not in this House, unless you bring a substantive motion.

Sen. Cherarkey: Mr. Deputy Speaker, can I finish?

Sen. Sifuna: Can Sen. Cherarkey sit down?

Sen. Cherarkey: Why is Sen. Sifuna ordering me? You are the Speaker.

Sen. Sifuna: Resume your seat.

The Deputy Speaker (Sen. Kathuri): Order, Senators! I did not finish what I was saying. As much as possible, you know those plaques, billboards and whatever they are, but avoid mentioning names of what you saw, so that we can make progress.

Sen. Cherarkey, we have to make progress.

Sen. Sifuna, you can proceed, but avoid mentioning names of other officers.

Sen. Sifuna: Mr. Deputy Speaker, Sir, we are not discussing personalities, but discussing our money.

The Senator for Narok came from a time when he was hosting the President in his county and told us “we have been given an airport in Narok and the contractors are there day and night.” One time, I had been given a lift by a friend of mine coming from some place in Western. I said I want to see this airstrip in Narok that has a contractor day and night. I asked the pilot to fly over that space

Mr. Deputy Speaker, Sir, there is a plaque sitting there and there were no contractors there. That young man called Morara has gone round the whole country and has shown us. Even when you visit the so-called stadium in Wote or Kamariny, you will find those plaques. We cannot have those gatekeepers of the executive in the legislature. You do your job and let him do his job.

(Sen. Cherarkey spoke off record)

Mr. Deputy Speaker, Sir, protect me from this heckler.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, order. Your points of order are not making sense at all.

(Sen. Cherarkey spoke loudly)

Can you allow Sen. Sifuna to finish?

Sen. Sifuna: Have you ever been in a chopper?

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, I am giving you the first warning this afternoon. No point of order. Let Sen. Sifuna be heard in silence and conclude his contribution.

Sen. Sifuna: Mr. Deputy Speaker, Sir, the point I was making was that those plaques with names of either projects that have been started or concluded should bear the same sign that I spoke about – the RMLV and say; “your taxes have built this stadium or Wote or Kamariny” although they do not exist.

I will conclude with something he said and I was quiet when he spoke. I hope he will be quiet.

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As a responsible Government, you cannot tell us to wait for you to face you in 2027 and you are killing us today. Albert Ojwang' is in the ground and he will not be able to meet William Ruto in 2027. If all of us should agree---

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, you are now contravening Standing Order No.121.

Sen. Sifuna: Please, do not interrupt me. The hon. Deputy Speaker is interrupting me.

The Deputy Speaker (Sen. Kathuri): I gave a ruling and guidance. You know you cannot do elections in the Senate. We do not do that here. Please, avoid mentioning names of state officers. I have warned and cautioned you. That is the first caution under Standing Order No.121. You also know the consequences.

Sen. Sifuna: Very well, Mr. Deputy Speaker, Sir. I am saying that all of us must agree that if decisions are made democratically at an election, can we guarantee that all of us get to that election? You cannot tell me to wait for you at the ballot and you make sure I do not get there. Is Albert Ojwang' supposed to vote from the grave? There is no such a polling station.

When you talk about a state officer standing up and saying that you can shoot people as if people do not die from gunshot wounds--- We saw Rex Masai, the young man killed during protests was shot on the leg. How can you tell the police to shoot people on the legs as if those injuries are sustainable?

We want to make it clear that as a country, we have totally lost our way. We will not have a conversation with someone telling us to wait for 2027 when he is not giving us a chance to get to 2027. He has become an existential threat to this country and he must go as soon as possible.

I thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Wakili Hilary.

(Sen. Cherarkey spoke off record)

Sen. Wakili Sigei: Mr. Deputy Speaker, Sir, protect me from Sen. Cherarkey after he has made reference in the local dialect and requested that I speak to the House with it.

Firstly, I laud this gentleman called Laban Omusundi. He has not only been filing public interest petitions in this House on matters like what we are debating today, but also on matters that cover on laws that we legislate in this House. In fact, today, the Committee on Justice, Legal Affairs and Human Rights (JLAC) has a report we were meant to table on another Petition he filed regarding the introduction of a framework on the recall of Members of County Assemblies (MCAs). In that Petition, he says that the law does not provide for that.

As a patriotic Kenyan, I would like to appreciate him because we have dealt with more than three petitions at the Committee on JLAC by this same gentleman. I needed to appreciate him, so that as he continues to do what most of us cannot do, he should know he is doing that because he is a patriotic Kenyan doing what is expected of us, not only to keep the legislature on toes in terms of enactment of laws but also in public interest

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petitions. These petitions cover areas where we say that we do not want to continue seeing governors, MPs and MCAs emblazoning their names on public resources utilized to develop certain infrastructure in our places.

Secondly, I appreciate the Committee that dealt with this issue especially on the recommendations and timelines they gave requiring the EACC to do certain actions within 30 days. It is public notoriety that almost all elected governors, MPs and MCAs in most projects, including public toilets and soak pit latrines, publish their names saying that those projects were done by so-and-so and at a certain date without necessarily making reference to the fact that those are public resources.

Mr. Deputy Speaker, Sir, such publication is abuse of office. It goes beyond unethical conduct. It borders on abuse of office and is sufficient grounds for someone to be brought to book and charged for abuse of office. To have a Kenyan like Laban Omusundi to prick our conscience and ask us to make certain recommendations and to think through the actions we do is something that not majority of us would do.

The Committees should invite this House to have a conversation around this and to also invite the EACC to act in order to remind us that these violations of the law and the guidelines we have are not only costly to the public, but they are potentially going to encourage unnecessary competition because in the process of having seen someone politically made famous by the use of public resources, they will want to do it too.

My colleagues have made reference here of certain motor vehicles, which are indicated on or have a portrait of the person who is seen as the patron, on the rear window of the car, whether it is a Member of Parliament who has funded or facilitated the acquisition of such a school bus or an institution bus using National Government Constituencies Development Fund (NG-CDF) or public resources. One would be forced to equally do the same.

I, therefore, would like to associate myself with the recommendation that, if you really would want to have your name there, then use your own resources and money, in your individual foundations or private life. Use the resources that belong to you and publish your name there. Let public resources be used for public resources. If you were to look at the amount of these portraits of the billboards that are payable for one to display, that amount is sufficient to be utilised to do projects, which would benefit the public.

I, therefore, appreciate their work and the recommendation of the Committee. As Sen. Cherarkey has said, we have indeed invited the Ethics and Anti-Corruption Commission to give us an itemised status of the cases or reports which various committees of this House have made recommendations for their action and in due course, we shall be able to table that particular report.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Wambua, please, proceed.

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir. I also stand in support of the Report by the Senate Standing Committee on Devolution and Intergovernmental Relations on this Petition by Laban Omusundi.

Mr. Deputy Speaker, Sir, the issues that we, as a Senate, are called upon to deal with in the counties are major, and this is one of them. All of us are born witness to situations where governors in particular counties want to behave as though their names

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are synonymous with their counties; that, they want to put up billboards with their names and photos, for every little thing that they do, indicating that they are the people and leaders who were responsible for the projects that they are talking about. However, they do not understand that they are in office for, if they are lucky, five years. If they get luckier, may be ten years. That is it. They can never be in office for more than ten years.

Some of us are insulted by images of leaders and governors, that the voters kicked out of office, but their images are still staring at us, and proclaiming ownership of projects in the counties. This Petition by Laban Omusundi and the recommendations by the Senate Standing Committee on Devolution and Intergovernmental Relations is one instance where as a Senate, we should actually move with speed, and ensure that those billboards and signages, whatever they are, are brought down. This is because, it is one thing to say that they should not be erected going forward, and a different story to have to endure the images of those governors and their names on those billboards looking down on us every time we use it, whether it is a road or a project that was initiated and completed during their time.

So, Mr. Deputy Speaker, Sir, I fully support the recommendations of the Committee and thank Laban Omusundi for bringing that Petition to the Senate.

Secondly, Mr. Deputy Speaker, Sir, when I came in, I found my colleagues in serious conflict and war of words over remarks that were being made by the Senator for Nairobi City County. We must agree that this country belongs to all of us, those in authority and those under authority. This country belongs to all of us.

There is one thing that is getting rare amongst us, and it gets me worried. The tolerance levels in the country are going very low, which is a matter of concern for me as a leader and citizen of this country. People will hold different views on the same matter. It does not mean that those people must be enemies just on account of different views that they hold.

Mr. Deputy Speaker, Sir, authority is given to some offices, including our offices, as Senators. We have the power to summon our governors and state officers and grill them on issues of public concern. The Executive has been given powers by the Constitution to ensure the safety of our property and lives, and make sure that this country runs in a good way.

I keep saying that I am probably the least qualified to offer any advice to the national Executive or even the county executives. However, I would like to plead with the National Executive, led by His Excellency the President that, we tone down rhetoric and our speeches, and be careful with the things that we say in public, for good reasons. If our President says certain things in public, chances are that some people will react to those things and answer him. That exchange is not good for us.

This country needs healing and tolerance. I know it is a difficult thing to ask for, but I will ask for it, anyway. I wish the President could find it in his heart to withdraw the orders that he gave yesterday about police shooting people in the leg. I just wish he could. Perhaps, he cannot, but I wish he could. That is an avenue for bloodshed in this country. We do not want to go that route.

We want to differ politically, and we have said it openly, honestly and candidly, that, for us in the opposition, we are willing to persevere until 2027, to meet the President

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and his party at the ballot, where the Kenyan people will decide which team to elect into office.

Mr. Deputy Speaker, Sir, that can only happen if we have a country by 2027. If we do not have a country by 2027, then even the conversation about the elections in 2027 will be a moot conversation. I appeal for tolerance. To whom much is given, more is required. A lot more is given to the Office of the President, therefore, much more is required from that office.

The Deputy Speaker (Sen. Kathuri): Sen. Wambua, I do not want to cut you short, but be relevant to the Motion, under Standing Order No.120. Stop diverting from the core agenda of the Motion.

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

The Deputy Speaker (Sen. Kathuri): If you want to discuss that matter, you know what to do. Bring a Motion so that we discuss it.

Sen. Wambua: Mr. Deputy Speaker, Sir, I am guided.

Sen. Sifuna: On a point of information.

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

Sen. Wambua: I can be informed.

The Deputy Speaker (Sen. Kathuri): Okay, go ahead.

Sen. Sifuna: Mr. Deputy Speaker, Sir, I would like to inform Sen. Wambua because he was not in the House. The person who started the discussion about shoot to kill orders was the Senator for Nandi during debate. In the rules of fairness, we also have to comment.

I have to point out that at no point did I hear the Chair interject and say that that was not relevant. What is good for the gander must also be good for the goose. Allow us to speak on matters of national importance.

The Deputy Speaker (Sen. Kathuri): While you were on the Floor, I gave guidance.

Sen. Sifuna: No! You never interjected to stop him. He is the one who brought up that matter.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, you are out of order.

Sen. Sifuna: Mr. Deputy Speaker, Sir, you must be fair to both sides of the House.

The Deputy Speaker (Sen. Kathuri): You cannot guide me on what to do.

Sen. Sifuna: But you have to be fair to both sides of the House.

Sen. Wambua, that matter was begun by the Senator for Nandi. He talked extensively and we must respond to things that he said.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, you have informed him. That is fair enough.

Sen. Sifuna: Mr. Deputy Speaker, Sir, he will tell you when the information is enough. You should allow him to say whether it is enough because I have more.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna!

Sen. Wambua: That is okay. Thank you for the information.

Mr. Deputy Speaker, Sir, I am guided by your direction. Allow me to remind this House that on 25th June, 2024, when this House was invaded by young people, everybody else took off, including Members of the National Assembly.

Yesterday in a conversation with the Senate Majority Leader, I reminded him that the decision that the Senate took to stay on course and confront issues as they were to a very great extent saved this country. We should never shy away from confronting our realities. Even when there are serious conflicts, we should never shy away from confronting our realities.

We are the “Upper House”. That is what we pride ourselves to be. When the Senate speaks, the country should listen, the President should listen, the opposition should listen. When the Senate speaks, every other leader in this country should listen to what we are saying.

Mr. Deputy Speaker, Sir, I am guided by your direction, that maybe we need to bring a Motion to discuss these issues or maybe not. The truth of the matter is that we have an opportunity as a Senate to bring the temperatures down and make sure that the country moves in the right direction.

I thank you.

An hon. Senator: On a point of order!

The Deputy Speaker (Sen. Kathuri): He has concluded. Proceed, Sen. Tabitha.

Sen. Tabitha Mutinda: Mr. Deputy Speaker, Sir, I can see my home Senator, that is Sen. Wambua, and my county Senator, Sen. Sifuna, want me to speak.

Mr. Deputy Speaker, Sir, before I proceed, I request that you recognise students who have been walking in and out. I can see there are so many schools around.

The Deputy Speaker (Sen. Kathuri): Sen. Tabitha, do not imply that it is the Chair who is not recognising them. From where I am seated, I am not able to see the students. I am guided by my assistants here, but I have not been alerted.

Sen. Tabitha Mutinda: I know you cannot see. That is why in my wisdom I have courteously reminded you.

As I proceed, Mr. Deputy Speaker, Sir, allow me to appreciate Members of the Committee on Devolution and Intergovernmental Relations for the great work done. I can see that after 30 days after adoption, this report should be effective. How I wish it was 14 days? The period of 30 days is long because matters that have been presented by the Committee are very critical.

We have heard from the Committee that county vehicles are branded with names of individual leaders. The notion is that those properties belong to individuals. When I was a Member of the Mediation Committee recently when we had the issue of division of revenue, we tried to arrive at a mediated amount. From where I sat, I could notice Members of the National Assembly arguing and saying that the money was going to be given to governors. As Senators, we had to correct them that the money was not going to be given to individual governors.

That is taxpayers funding that should be utilised as per the law. Projects that need to be done should be done not for a particular governor or leader, but for the people of that region. Monies that we give to the counties and what we have always advocated in terms of late disbursement sound like they are being given to certain persons to control

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from their houses. That is not private but public money that is got from the taxes that we pay.

Mr. Deputy Speaker, Sir, I would like to emphasise something on the same. When we talk about cars and buildings---

(Sen. Cherarkey spoke off record)

Sen. Cherarkey, I beg that you hear me in silence.

Mr. Deputy Speaker, Sir, public resources should be well utilised. Public resources are not for a particular leader in a particular financial year. They are for the generations to come. We cannot be having budgets where one project is funded year-in, year-out because public resources are not well utilised. That is wrong!

Even if public resources are funded by taxpayers' money, it is the responsibility of the leadership at that particular time to ensure that the required standards of a project are achieved. Resources should not be misused simply because they belong to the Government. That is wrong.

Sometimes we see number plates of Government vehicles being removed and private number plates installed, so that people use Government resources as if they are their own toys. It is high time that the EACC cracked the whip on this. If it is a Government vehicle, let it remain so.

Authorities such as the National Transport and Safety Authority (NTSA) and traffic police should also ensure that Government vehicles maintain the standards. Sometimes people misuse them without caring because they do not feel the pain. You will hear them saying *ni ya Serikali*, but that is wrong. As we adopt this particular report, we want the EACC, in collaboration with NTSA and traffic police, to ensure that those properties are up to standard and are well utilised.

We have also heard about issues of branding. For example, there is a school that someone branded their name. How many photos should we have? Let me ask this question.

Today, we refer to them as Cabinet Secretary, but they used to be called Ministers. Let us, for example, talk about the Cabinet Secretary for Health. You can imagine going to Afya House and finding a big portrait of Hon. Duale because he is the Cabinet Secretary. Tomorrow, if you have another Cabinet Secretary called Mutinda, you will find another big portrait there. What kind of business are we doing?

A leader should ensure that they perform as per the required mandate. It is not about how many billboards you have put. Secondly, where is that money coming from? Where do we get the resources for branding? After that person leaves office, rebranding is done. It is not about what someone has been able to do, but rather the proper utilization and standard of the assets that have been put in place using public funds. That is what is important.

Now that this is happening, can we also allow the Ethics and Anti-Corruption Commission (EACC) to put up billboards all over the country when they establish that leader A, B, or C, has been found guilty on corruption matters? With that, it will be a two-way traffic. Why can we not allow the EACC to put up billboards with the rogue

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leaders who are using money that is supposed to fund projects to brand themselves? It is not even a campaign time.

I partly want to agree with what my other home Senator, Sen. Wambua, has talked about. He has said that we, the leaders and politicians, need to minimize the politicking that we are so good at. Politicians have been instigating and increasing temperatures. It is true that Kenyans are angry and frustrated but we cannot be leaders who do not offer solutions. We should be ones offering solutions.

This country is not for one individual or one community. It is for all of us. I wish that when the young generation get blessed with their little ones, they should not give them vernacular surnames. Instead, if a kid is born and the mother is called Tabitha and the father is called Enoch, that child should be called Tabitha Enoch. We are still instigating this tribal thing up to date.

The conversation that is there today is a community conversation, which is still bringing more issues and anger to our people. Our young people need jobs and that conversation can only be done on tables with the relevant leaders, led by none other than Dr. William Ruto, the President of this country. He should put the business people, church leaders, university leaders and us, the leaders of this nation, on the table for us to have an economic discussion that will ensure that our young people get opportunities.

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

The Deputy Speaker (Sen. Kathuri): Sen. Tabitha Mutinda, there is a point of order from your neighbor.

Sen. Tabitha Mutinda: All right.

Sen. (Dr.) Murango: Asante sana, Bw. Naibu Spika. Kulingana na kanuni za Spika kwa mavazi, Seneta yeyote anafaa kuvalia vinavyotakikana. Sen. Tabitha Mutinda anatoa tafsida yake kwa mguu chuma. Hana viatu. Kwa kawaida, yeye huwa mrefu lakini saa hizi amekuwa mfupi kama mwezi wa Februari. Je, huo ni ungwana?

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Murango, umekagua Sen. Tabitha Mutinda ukaona eti hajavaa viatu? Nilidhani ya kwamba umeangalia nguo ya juu.

Sen. (Dr.) Murango: Bw. Naibu Spika, katika kusitasita yako, ameshavaa viatu. Kwa hivyo, sina hoja ya kuwasilisha tena.

Asante sana.

The Deputy Speaker (Sen. Kathuri): Sijasitasita. Nilikuwa ninataka ufafanue. Hii ni kwa sababu---

Sen. (Dr.) Murango: Bw. Naibu Spika, nimekaa karibu na Sen. Tabitha Mutinda. Ni kawaida ya wanaume kuwaona wanawake na wanawake kuwaona wanaume. Huyu ni dada yangu, na nimepewa ari na majukumu kutoka nyumbani ya kuhakikisha ya kwamba anavaa vipasavyo na wala hatoki katika njia ambayo tumemfundisha kama wazazi wake. Hiyo ndio sababu niliangalia nikaona ya kwamba hana viatu, lakini ameshavaa viatu. Ninatumaini ya kwamba ataendelea namna hiyo.

Asante sana.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Tabitha Mutinda.

Sen. Tabitha Mutinda: Sorry, I was almost speaking in---

The Senate Majority Leader (Sen. Cheruiyot): On a point of information, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): The Senate Majority Leader wants to inform you.

Sen. Tabitha Mutinda: Yes, Mr. Deputy Speaker, Sir. I would love to be informed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Sen. Tabitha Mutinda. I want to inform her because I have heard her speak on this particular topic and I wanted to say the same thing to Sen. Wambua, but I did not get the opportunity. It is on the topic that they are speaking to. They are all saying that we must find a way of bringing sanity back to the country. Part of bringing sanity, Sen. Tabitha Mutinda, includes us being honest with ourselves and stop being dishonest to the country.

There has been a conversation in the country about who owns the goons. You will hear people say they belong to so-and-so. The people who own the goons are those who defend them. Right now, we have a challenge of goons who take advantage of the protests to break into people's shops and police stations. In your county, I saw them steal milk from the most successful cooperative in the country.

Therefore, Sen. Tabitha Mutinda, if you want to address yourself to that particular topic, you must be honest and condemn those goons. You cannot pretend that you want to solve that particular problem, yet you are only addressing one facet of the problem.

I listened to what the President said and he did not say that the protesters should be shot, neither did he say that anybody should be shot. He said that people who are breaking into people's homes, harassing, raping women and stealing people's property should be immobilized and taken to court. Therefore, the owners of the goons are those who are either defending them or saying absolutely nothing about their conduct.

The Deputy Speaker (Sen. Kathuri): Sen. Tabitha Mutinda, you are well informed.

Sen. Tabitha Mutinda: Very well informed. I never thought that my good colleague, Sen. (Dr.) Murango, would walk out. I was just curious. I have one of the most unique hairstyles. I, therefore, thought he would be looking up, but got astonished that he was looking down there.

All said, Mr. Deputy Speaker, Sir, allow me to continue from where I was briefly interrupted.

The conversation that I am talking about is one that we, as leaders, need to welcome--- What I am saying is that we should not narrow it to community issues. I represent Nairobi City County where properties and businesses were destroyed. The people who destroyed those businesses and properties should be brought to book. I agree to that 100 per cent. However, the question is: Is that the way to go? Is that the solution? Should we have leaders inciting young people to destroy businesses which should be offering them job opportunities? I have heard leaders say that they know the goons. I will not mention them because you have directed that we should not mention names. There is a saying that a thief knows a thief and a thief is used to catch a thief. They should be on the front line to tell us the people who are bringing the goons.

If they do not say it, it means they are supporting the hooliganism that we have seen. I saw a video of young goons going to invade an estate. People decided not to go for the demonstrations, but the young people entered their homes. We cannot sit back and say it is okay because it is not okay. The leaders who are saying they know those goons should be on the front line to bring them to book. This is because those people are being used to destroy people's property.

Allow me to finish, my home Senator.

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

The Deputy Speaker (Sen. Kathuri): Place the intervention. You do not need to shout point of order. That is why I am here. I am here to see who is raising a point of order.

Sen. Wambua: Mr. Deputy Speaker, Sir, you directed us that if we want to have this conversation, then there is a way for us to have it.

Sen. Tabitha Mutinda wants a continuation of this conversation and you are not stopping her. Can she tell us who these leaders are? Who are these leaders inciting people?

Personally, as a leader in this country, in the opposition, I am squarely opposed to any kind of violence, robbery or destruction of property. Any person who does that, the leaders and the people who do it, must face the full force of the law. That is the position we have taken.

If, then Sen. Tabitha is so sure about the leaders who are inciting people, why are those leaders not arrested? Why are they roaming freely in the country?

The Deputy Speaker (Sen. Kathuri): Sen. Wambua, asking her to mention names here is contravening my directives. That is what I said we should not do. That is contravening our Standing Orders.

This topic is so weighty. We are talking about our country, Kenya. Let us not look like we are trying to blame this side or the other. I directed very well that I wish you could have raised with the Speaker, a motion to suspend the sitting even to discuss all these issues you are raising.

If you do points of order without a good Motion to discuss, we cannot help Kenya in that manner.

Sen. Sifuna, what is your point of order?

Sen. Sifuna: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.101(4) on Imputation of Improper Motives. There are aspersions being cast here that anyone who has spoken against Government excesses knows who the goons are.

Nominated Sen. Mutinda comes from my county. She is aware that we have seven-year-olds and 12-year-olds in Mathare who were shot on the balconies of their houses. Were those people breaking into homes? When you give a direct order to people who cannot even aim guns properly, they are shooting people inside their houses. How will they see their legs in their houses? We have people in Nairobi who have died in their houses.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, you are misguiding yourself on Standing Order No.101 (4). Can you read it aloud?

Sen. Sifuna: She is imputing improper motives.

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The Deputy Speaker (Sen. Kathuri): To who?

Sen. Sifuna: To leaders Senators in this House. You have heard it.

The Deputy Speaker (Sen. Kathuri): Sen. Mutinda, what do you want to say?

Sen. Tabitha Mutinda: Mr. Deputy Speaker, Sir. What is Sen. Sifuna talking about? Which improper motive?

Sen. Sifuna: Allow me to complete my point of order.

The Deputy Speaker (Sen. Kathuri): I want her to repeat what she is saying, so that I can capture as you execute your point of order.

Sen. Sifuna: Chair, can I complete my point of order?

Sen. Tabitha Mutinda: You are completing on what ground?

The Deputy Speaker (Sen. Kathuri): I am requesting Sen. Tabitha to clarify.

Sen. Tabitha Mutinda: Mr. Deputy Speaker, Sir, you are the Chair and you have directed that I speak. You have directed that Sen. Mutinda clarifies. I am talking about national dialogue. I am talking about unity in this country. Young people have lost their lives. It is sad. We are still mourning.

I think you have directed and said that we move away and bring a Motion. I agree with you and respect that as far as this is concerned. The EACC should enforce strict compliance with accountability.

Mr. Deputy Speaker, Sir, as soon as we adopt this Report from the Committee, within 30 days, then this should also be enforced.

Mr. Deputy Speaker, Sir, I did not know people like my shoes that much because everybody is noticing that I have shoes or not.

I support.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ST. PETER'S BOYS
MEMORIAL PRIMARY SCHOOL, KAKAMEGA COUNTY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting teachers and students from St. Peter's Boys Memorial Primary School in Kakamega County. The delegation comprises of 14 teachers and 334 students, who are in the Senate for a one-day academic exposition.

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

Sen. Sifuna, welcome the visitors.

Sen Sifuna: Thank you, Mr. Deputy Speaker, Sir. I want the students to understand that I was born at St. Mary's Hospital, which is next door to St. Peter's Primary School. So, I feel some affinity that somehow the Speaker also noticed.

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As they say, *huwa wakati mwingine kunachemka*. You are welcome to the Senate to follow debate on important national matters. Some of us started from there, Mumias, and now we are here. So, you will also be here. Let nobody tell you that you cannot be here or you cannot be what you want to be.

(Resumption of debate on Motion)

The Deputy Speaker (Sen. Kathuri): Next is Sen. Mumma. After you finish your contribution, you approach the Chair for another direction.

Sen. Mumma: Thank you, Mr. Deputy Speaker, Sir. I am a member of the Committee on Devolution and Intergovernmental Relations.

I stand to applaud Mr. Laban Omusundi for his very progressive petitions to this House and to Parliament that are very momentous and relevant to the times of our nation at the moment.

The issues raised by Mr. Laban Omusundi in terms of barring the appending of personal images and names on public projects is an important issue that is at the core of the values and principles of the Constitution. To be precise, Article 10 requires that the governance system in this country shall be accountable and transparent.

Chapter Six has very key provisions on leadership and integrity. When it comes to responsibilities expected of leaders in this country, Article 73 (2) (1) requires that leaders shall be honest in the execution of public duties. When I am advanced or I use public resources to develop a project and then I call it a Catherine Mumma Project, that is clear evidence of dishonesty. Those who are currently appending their names on public projects are in violation of Chapter Six of our Constitution.

Mr. Deputy Speaker, Article 75(1b) is also relevant on this matter. It talks about the conduct of state officers and requires that state officers shall not compromise any public or official interest in favor of personal interest. When I take my picture, my name and append it on a classroom built by public resources that I have some supervision over, I am compromising public interest for personal gain.

How do I do so? I want those in the public to believe that I am the one who has done that, usually, so that they can elect me at the next election. It is a violation of Chapter Six of the Constitution in clear terms.

Mr. Deputy Speaker, Sir, what Mr. Omusundi has raised, and I told him when we were doing public participation, is that the only thing I regretted about his Petition was the fact that he was restricting it to governors and MCAs. This is a Petition that touches on both the national and county government officials. This includes us in the Parliament. We have also fallen into the trap of appending our pictures and names on public projects implemented with public resources. We have made the public imagine that we are the ones funding those projects.

I believe beyond what we have recommended as a Committee. I call upon Mr. Omusundi and others who would go for public interest litigation that any public officer who appends their name on public projects should, on the basis of the Articles that I have just read, be barred from standing for public office. In fact, they need to be barred from holding any public office.

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Mr. Deputy Speaker, you might be aware that in every law we have implemented, and I was a member of the Commission on Implementation of the Constitution, we made it a requirement that before anybody is appointed or elected into public office, they should be compliant with Chapter Six of the Constitution of Kenya, 2010. I have just demonstrated how what Mr. Laban Omusundi is talking about is a violation of Chapter 6 of the Constitution of Kenya, 2010.

As we ask the EACC to name and shame, my view is that this should not be enough. It should be one ground, which the Independent Electoral and Boundaries Commission (IEBC) should use against those officers. They should bar all of them from seeking electoral positions after dishonestly presenting public projects as though they are personal

This conduct is flourishing in our country because we have not legislated on civic education 15 years after the promulgation of the Constitution of Kenya 2010. We are supposed to invest in civic education as a country. This will help educate the public, especially the vulnerable. It helps them understand when public officers abuse office or misappropriate resources. I am using this word, “misappropriate”, very carefully. By suggesting that I am the one who delivered a project when I did not, in my view, that is misappropriation. I am actually pretending and lying to the public that by my power and finances, I have delivered a project, when I have not.

Mr. Deputy Speaker, you know the impact of these lies to the public. Many poor people have ended up not making proper choices in elections because they are misled. For example, by the fact that an electoral officer gives them a cheque of Kshs2,000, the voter feels they owe a vote because they received it.

Many poor families believe that bursaries from public funds come from individuals. They think the person handing out the cheque is using their own money. That is why, when Sen. Karungo tabled a Bill to amalgamate bursaries into a fund that goes directly to schools, I supported it.

We have reached a place where we must recollect, introspect and correct where we have gone wrong as a country. One of our biggest mistakes is the misappropriation of office. Elected leaders mislead the public. They make people think national resources are ours and that we can dish them out in our own name and as we wish. Instances of corruption has gone to high heavens because of that.

Mr. Omusundi, you have brought a very good Petition that should be listened to and taken seriously. In my view, all Kenyans of goodwill should support it. The civil society, those listening, citizens who understand the Constitution, those of us in elective and appointive offices should understand the need to separate public from personal interest.

As we move forward, I wonder whether we need more legislation. We have many Chapter 15 commissions in this country that can assist us to implement some of these issues. We are asking for more people willing to move Petitions like Mr. Omusundi has done; people who are willing to go to court. The Kenya National Commission on Human Rights (KNCHR), the National Gender and Equality Commission (NGEC) and the Commission on Administrative Justice (CAJ) can, on their own motion, take on these issues and move them to their logical conclusion.

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As I sit, I am glad that Senators have taken Mr. Omusundi's Petition seriously and debated it at length. In my view, the country needs to redirect itself in order to get back on track from tens of years of nurturing a bad habit; a habit that may very well throw us off the cliff.

I hope our students who are learning will also understand that this is important. As you grow up, you need to know that the fact an MP has given you a bursary does not mean it is their personal money. It is money that has been appropriated by Parliament for purposes of education. They need to be doing so humbly, indicating how much they received for the bursary kitty and how it is allocated. Those who have done it well have usually allowed the public to determine for themselves the most needy, and they have openly shared.

Mr. Omusundi has raised, as I began by saying, a matter of accountability. We cannot account if we say public money is ours. We cannot account if we make an arbitrary decision that since a certain village largely voted against me or my opponent, they will not get particular services.

We need to get to that level where the public or the villagers will just know they had been allocated millions of shillings for a road and want to know whether that road is worth the millions they were allocated. When we move to that level and start understanding the costs of projects, we will have less misappropriation of both our offices and public funds that are assigned to our offices or related to our offices.

Mr. Omusundi, I do not know whether you are listening out there. Whoever else is listening, thank you so much for giving us opportunity to canvass and discuss this issue in this country. In my view, an issue which does not need any law to be passed, is one that needs to be implemented. It is an issue that is important for policy for this reason, when I become Governor and then we have Mumma Care, Sen. Thang'wa takes over and because Sen. Thang'wa hates Catherine, he decides he is moving away Mumma Care and now it is Thang'wa Care. When Asige takes over, Asige says it is now Asige Care. We do not even know what we are communicating. When Beatrice takes over, she wants it to be called Abito Care. Why are we personalising public service?

If we think this programme is good for maternal health, let it just be a good programme for maternal health that must be retained by every next government. We must not play around with services to our people where we decide this is about a mix for Catherine Mumma, the next mix is for so-and-so and that is what we have done with our education system. Every President who comes wants their variation of an education system. In the meantime, their own children are not going to those education systems. They have taken them to international schools and they are experimenting with others. We must decide this program is good for our nation and we are going to continue regardless of whether the previous President was a good President or not in my view.

We must learn to get to the place where we praise a good program for what it is, regardless of what we think of whoever is doing it. The best way to do it is to stop naming programs after ourselves and stop calling ourselves the patrons and the matrons of all these public programs.

We have a programme in Nyakach which was built by one Member of Parliament (MP) and 10 years later has never been used because another MP has never seen the need

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to use that facility. People of that village are now requesting to use this building, give it to the county government so that it can make a hospital out of it because we have issues with women delivering. However, because Catherine did not like what Asige did, Catherine decides she will not continue with the good project that Asige did. So, we must remove our names and pictures from projects. We must allow public projects to remain public projects and if we do so, the personal benefit will move away and even elections now become level playing field.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING TEACHERS AND STUDENTS FROM KIPSOEN BOYS HIGHSCHOOL

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon of visiting teachers and students from Kipsoen Boys High School in Elgeyo-Marakwet County.

The delegation comprises three teachers and 48 students who are in the Senate for a one-day academic exposition. Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

Thank you.

Since the Senator representing Elgeyo-Marakwet County is out on other duties, I would like Sen. Asige to welcome the visitors from Elgeyo-Marakwet.

Sen. Crystal Asige: Thank you for the opportunity to give a warm welcome to the Boys School from Elgeyo-Marakwet. I welcome you heartily to the Senate. I am hoping that you have not just enjoyable, but also educational visit, and you get to meet and understand the mandate that we hold here in the Senate as Members of Parliament representing your county and other counties across the nation.

As a young person myself here in the Senate representing youth, women, and persons with disabilities because I also have a disability myself, which is visual, I just wanted to encourage the young men amongst us today that they be here in this position that we are sitting in. Since they are not the future generation, they are the generation for today. I hope and pray that they believe and see that they can change this nation. They can definitely give us a brighter future. I hope you make better decisions than some of our past legislators and maybe some of us might make here and there. We do make mistakes as well, but learn from us and do better than us in future.

(Resumption of debate on Motion)

The Deputy Speaker (Sen. Kathuri): Next is Sen. Thang'wa Paul Karungo.

Sen. Thang'wa: Thank you, Mr. Deputy Speaker, for the opportunity. However, before I give my contribution, I do not know which Standing Order prohibits this Senate

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from mentioning the public officers' names. The only thing it prohibits is discussing their character. We know the President is William Ruto. We know the Cabinet Secretary for Interior and National Administration is Kipchumba Murkomen. We know them by name. So, by prohibiting us from just mentioning their names, yet their public officers, is wrong, unless the Senate is not aware who the President is.

The Deputy Speaker (Sen. Kathuri): You want to challenge my guidance? It has been said many times. This is not the first time.

Sen. Thang'wa: I am not challenging, unless the Senate probably does not want us to mention the names of those people who work for Kenyans. Nevertheless, let me give my contribution.

The issue of public and state officers branding public projects with their names and portraits is equally corrupt. This is because you are using public projects to promote yourself. I can give an example. In Zaire, there was a President by the name Mobutu Sese Seko. Mobutu Sese Seko changed everything to his name, from the airport, to the roads, to the schools. Actually, in that country, they were calling it Mobutuism because he used to name everything in his name. However, when he was overthrown in 1997, all those names were removed within a day and he was forgotten within a day.

In Rwanda here, President Kagame, has refused to brand anything with any official's name. Even his portrait is not hung in schools or anywhere in businesses. Those are two Presidents we can see who are pulling from different sides.

I remember very well, I requested for a statement that has never been responded to here. I requested to know how many schools or how many amenities or how many roads are named after the former Presidents of this country. I asked how many schools are named after Moi, Kibaki, Uhuru Kenyatta, Jomo Kenyatta, or even William Ruto himself. I have not received that, but this is the right time to discuss even that as we discuss this issue of branding.

When we brand, it is self-promotion. You are promoting yourself using the taxpayer's money. I can give you a very good example. In Embu, a county that is in Mount Kenya, their only stadium is called Moi Stadium. Moi is not playing there. Why do we have a stadium in Embu that is called that President, that time? I believe it is a time, as we discuss this issue, we give people and their counties an opportunity to name those amenities, utilities and those projects the names that they would want.

If you come to Kiambu County, we do not entertain that. We have Kirigiti Stadium, Thika Stadium, Ndumberi Stadium, the Githunguri Stadium, but not to name it after people and probably those people never did justice to the people. If it was a good person, if it was a martyr, if it was somebody who fought for freedom but not a President who for so many times probably really was not a good President, Governor, MP, MCA, Senator, or even Women Representative.

If you look at the Constitution, which has been quoted by the Petitioner, Mr. Laban Omusundi, his argument is from Article 231 of the Constitution. It says-

“(4) Notes and coins issued by the Central Bank of Kenya may bear images that depict or symbolise Kenya or an aspect of Kenya, but shall not bear the portrait of any individual.”

Mr. Deputy Speaker, Sir, the 2010 Constitution prohibited any President from putting their image on the money and that is why the last President on the money was President Moi. The other Presidents; Uhuru, Kibaki and Ruto, are not on our notes because the law had seen the self-promotion and symbolizing oneself, so that when you see some money, you will not think that it is the president giving you that money you have worked hard for.

As the Constitution says, there are county governments notorious for branding with their portraits and their names. I have seen an ambulance with a photo or a portrait of a governor. You can imagine if there was a governor who has said shoot to kill and you are shot and then you enter an ambulance and you see his portrait as you are being taken to the hospital.

Mr. Deputy Speaker, Sir, or probably you have had an accident because the governor did not fix that road or because traffic marshals are not doing their work. When you are being taken to hospital as if an accident was not enough to torment you, inside the ambulance, you are seeing the governor.

We should utilize Section Four of the County Governments Act that says every county should have a symbol. What is a symbol? There is a symbol, an emblem and a flag. The spirit of that section was so that every county should have an identity. If you walk in our corridors here, you will see every flag for every county. I wish every county could use their symbols on every government project or every ambulance.

I thank my Governor, Kimani Wamatangi, because for the first time, Kiambu County can see the colours and the emblems that are there. The only problem is he is putting his image in those too. If he removes the image, we will praise him for doing what is supposed to be done.

Mr. Deputy Speaker, Sir, we were told that there was a county, which I will not mention, which was branding school milk. When I was growing up, even today, I can still remember *maziwa ya Nyayo* because he was not giving us milk, but he was giving us his name. That is why it is still in my mind. I cannot remember the milk, but I can remember *Nyayo*. That is radicalization.

You know we have forgotten all these issues and we were okay because it was then, but when we see what is happening today and hear leaders say; the current regime is reminding us the era of *Nyayo*, then you can imagine the nightmares people who took *maziwa ya Nyayo* are going through. I am trying to say that today, we might think we are doing right by branding names on roads, stadiums, vehicles and on ambulances. However, in future when that little child who is in school, especially the ones in Early Childhood Development Education (ECDE) is wearing a t-shirt with a sweater with the image of a governor, they will be tormented in future after understanding that they never made it because the governor did not do what they were supposed to do.

Mr. Deputy Speaker, Sir, we are also trying to cure child trauma today because we know in future, those are the things that people are going to be remembering. The EACC should act on this issue because branding and putting their images is breaking the Leadership and Integrity Act, Section 13 and 20. This means that EACC is not doing its work.

If you want to know that EACC is working, you will see them chasing a police officer who has received a bribe of Kshs50. That is why I say, I know corruption is not good, but go for the bigger evil. Leave the policemen alone. He was taking Kshs50. Go for the governor who has used millions of money to put up a billboard or a newspaper advert saying that they are giving land waiver and yet his image is more than half of the message.

Today if you listen to our vernacular radio station; if you allowed me, I could say it the way they say it in our vernacular. You will hear the presenter saying it is 9.00 o'clock, time being notified by governor so and so of a certain county, who is reminding you to pay your land rates. A governor is reminding me time on a radio station using tax-payers' money. It happens every day, every moment, 12 times a day. You can see what they are doing with our minds. That is radicalization. You will think the governor is giving you a waiver; he is not.

Mr. Deputy Speaker, Sir, the law is very clear, there is no governor who gives land waivers. It is only a CECM Treasury or Finance who has been given an opportunity by the law to give land waivers, not a governor or anyone. We, therefore, do not understand why they are putting images and some of those images are not attractive. When you are told to pay a fine and you look at that person or that image, you can get depressed. Can they put logos and emblems of our counties?

As I conclude, we talk about misuse of funds, but you will see a governor putting the portrait on an ambulance or at the gate, welcoming you to their county. I have gone to Meru and when you are going there, you pass Embu and Kirinyaga counties. You will see some of the portraits saying; welcome to so-and-so county and you will see their image.

I am giving this as an example, but what this tells me is to not to think about the people of that county. Start thinking about that governor. Start thinking about that person, rather than the heritage, the homecoming, hospitality, the good and social behaviour of that particular county. If we do not stop the governors from doing this, then we will confuse our people.

Mr. Deputy Speaker, Sir, governors as we have been told here by Sen. Mumma, call it so so-and-so care. We do not care. We do not care about who or what name is on that project. What we care about is that, you are using tax-payers' money, so, do not put your name in that project.

This should cut across to even the MPs. You use NC-CDF, but you put up a CDF block saying; under the patronage of--- and then you put your name in there. I mean when you put the year that it was built, it says; we will remember who was the MP then. Otherwise, if you put a NG-CDF project by a certain MP, then you should equally put the names of all the tax-payers' money because they paid that money. They should have a bigger billboard to put all the 50 million names of Kenyans.

Mr. Deputy Speaker, Sir, with that, I support.

The Deputy Speaker (Sen. Kathuri): Sen. Beatrice Akinyi.

Sen. Ogola: Mr. Deputy Speaker, Sir, I thank you for this opportunity to support this report. Just last week, I was amongst the delegation at the Pre-Devolution Conference in Homa Bay County as was hosted by the Governor of Homa Bay and the

CoG. You should have seen and we continue to see the kind of interest and the value our people attach to devolution.

As I start making my presentation, I want to state to you that devolution should work and devolution must be made to work. I also stated there, that devolution must be made to work and devolution should be supported by everyone else, including the national Government sectors. This is because when devolution works, we will receive equity in development that we are all looking forward to and all Kenyans expect.

Mr. Deputy Speaker, Sir, as we talk about the branding of public projects with images of governors and members of county assemblies, I sincerely would not really care about who brands what, whose picture is where, if all these projects are implemented and if and when these projects that are initiated and branded are completed. In most of our counties and everywhere else in general, you see projects that have been initiated, brand pictures have been put and yet the projects have not even been completed.

My main concern with these projects as budgeted for by the Executive and approved by the county assemblies, is that they must be implemented. All over counties, our people supported and we supported devolution because we wanted services closer to our people and projects taken to all the wards and down even to the villages, so that we would achieve the equity that we are talking about. That is why I say that I may not care so much whose picture is where. If only those projects would be implemented, completed and would be in use by the people of Kenya, then I would be a very happy Senator seated here.

The other concern that we have with the projects down there is that of duplication of projects. For instance, on roads projects, when you go to the ground, in some projects Kenya Rural Roads Authority (KeRRA) says they have done them, that is a national outfit, yet the counties are also claiming they have done them. That is what should concern the Senate. That as we approve budgets and they go down, who implements them? Why should we have one road being claimed by two entities? That is really what would concern me.

When you come to the branding of the vehicles, traditionally we have grown in this country and we have always known that the red number plate shows it is a mission vehicle, the green number plates in the last few years is an indication that was a county government vehicle that was formerly owned by the county councils. We have the blue number plate implying it is a vehicle belonging to a parastatal. That is only for identity and for ease of picking which vehicle this is. It is really not meant to make them look like personal issues.

Mr. Deputy Speaker, Sir, we need to tell the world and Kenyans and everybody that holds offices should know, whether they are governors, Members of County Assemblies (MCAs) or even Senators and Members of Parliament, that these seats come and go. Even as the governors sit there, the longest one can take is 10 years and you will go. However, we want the projects to remain and that is why we support devolution.

Mr. Deputy Speaker, Sir, this morning on a national television (TV), I saw one of us talk about the issues that are ongoing in this county, regarding protests. I am bringing in this because it ties to devolution at some point. The hon. Member, while talking on

national TV, made a very misleading statement that Raila used to own protests. Those were the specific words that one leader mentioned on a national TV.

I am surprised this leader mentioned Raila's name so many times in the course of their presentation even more than he mentioned his leader, who is the lord of shares.

The statement that the leader made on *Citizen Television* is that in yesteryears, Raila used to own protests. I keep on wondering whether protests are a contest and whether there is a competition of who has done protests more than the other. Are we competing on whose protests are more magnanimous and which protests have caused major damages?

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

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

Mr. Temporary Speaker, Sir, I want to state here that if whoever made that statement is competing with one Raila Amolo Odinga, then they are not a good student of history because Raila led protests had purposes. One of them is that the initiatives that one Raila Amolo Odinga has made in this country brought multi-partism.

Secondly, the same initiatives that Raila Amolo Odinga made is what led to devolution. I was surprised that the statement was being made by a Senator who is a beneficiary of devolution. What I ask myself is; what is the goal that you have for the protests you now think you have succeeded and exceeded protests that Raila Amolo Odinga made? What is your purpose?

Mr. Temporary Speaker, Sir, let me go back to his thinking. If he thought that the protests led by Raila led to something like the “Handshake”, then it had a purpose. If he thought that the protests led by Raila led to the Broad-Based Government, then he had a purpose. That is why of late Raila is calling for the conclave.

I am happy that one Raila Amolo Odinga is on record saying that when you say Ruto must go, then go where? I am happy the same people have come to the same thinking. They are now saying that President Ruto should stay up to 2027. That is all we have been saying. I am saying this because devolution that we are talking about is because of Raila Amolo Odinga who supported and initiated.

I can see my colleague signaling me that he needs some time. I have 20 minutes, which I will use successfully up to the end.

Mr. Temporary Speaker, Sir, I also had a video that is documented. When a hon. leader in this country wishes Raila death, shame on you! Shame on you 10 times.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Beatrice, I want to remind you of the provisions of Standing Order No.120, so that you confine your contribution to the Motion that is before the House. In reference to a specific issue, like what you have said, then make it to be within the relevance of the Motion that we have, so that we utilise appropriately these Standing Order as well as the time of the House.

Sen. Ogola: Mr. Temporary Speaker, Sir, I am guided. What I was asking is why a leader should wish a magnanimous leader like Raila Amolo Odinga or anybody death.

Mr. Temporary Speaker, Sir, I would like to relate to you a story as I wind up. One time we had a by-election in Homa Bay County and one leader indicated that one of the contestants was an old man who would take people to a by-election soon. The next day, we lost that same person who made that allegation. Seven years to date, that old man he was referring is still alive. It is God who gives life. I want to ask us, leaders, to be responsible. We only have one country and we all have a duty to protect. We only have one country and we must lead by example.

I support this Petition and laud the Petitioner. Kenya is, indeed, a democratic country that gives everybody space to bring their issues up. Thank you, Mr. Temporary Speaker, Sir. I leave my minutes because my colleague needs to make some point.

Sen. (Dr.) Murango: Asante sana, Bw. Spika wa muda, kwa kunipa hii nafasi ili niweze kuongea na kuunga mkono matamshi ambayo yametolewa na wenzangu siku ya leo kuhusu mchakato mzima na ombi ambao umeletwa mbele ya Seneti. Ombi hii inahusu maandishi ambayo yanaandikwa na baadhi ya magavana wanapojenga barabara, choo na vitu vingine.

Ya kushangaza ni kwamba hao magavana wanapojenga makafani au *mortuary* kwa kimombo, huwa hawaweki picha zao. Sijui kama ni sadfa kwa wote ama ni kwa kusudi. Sio magavana peke yao ndio hufanya hivi. Tuko pia na Wabunge wa Bunge la Kitaifa. Barabara inapojengwa, ile kibao ambayo inawekwa katika ile barabara ama kitu chochote ambacho kinajengwa huwa ni kubwa na dhamani yake huwa kubwa sana kushinda fedha ambayo imetumika katika hiyo maendeleo.

Ninapokuja katika Bunge la Seneti, huwa ninaona bendera za kaunti zote 47. Kila bendera iko na alama na lebo ya kaunti zote 47. Kwa hivyo, kama wanataka kutofautisha na kuonyesha maendeleo ambayo wanafanya katika kaunti zetu, ni rahisi kufanya hivyo wakutumia lebo ambazo zimepitishwa katika bunge za gatuji.

Kuna baraza la magavana na magavana wote wanafanana. Hao ni binadamu. Wengi wao wanaongea pamoja. Kwa hivyo, hatuwezi chinja bata kwa kosa la kuharisha kwa sababu bata wote huharisha. Tunachopaswa kufanya ni kutunga sheria. Tunapolaumu dobi kwa kosa la kutotakasa kamisi na weusi ni rangi yake, basi tutakuwa tunaongea na hakuna kitu ambacho tunafanya. Sisi kama Bunge la Seneti ndio tunafaa kukaa chini, kutunga sheria na kuhakikisha ya kwamba gatuji zetu zote haziweki picha za mtu binafsi kwa sababu amefanya maendeleo ambayo anafaa kufanya.

Gavana anapotumia fedha za umma na kuweka kibandiko kikubwa ambacho kinagarimu pesa nyingi kuonyesha ya kwamba amefanya kazi ni sawa na kuzawadi samaki kwa sababu ameogelea ilhali tunajua ya kwamba ni kawaida samaki kuogelea.

Sisi ambao tunapitisha fedha hapa huwa tunatumia wakati wetu, tunatoa jasho na damu kupitisha zile fedha. Saa hizi, tumeng'ang'ana hata tukakuwa na kamati ya uwiano ili kuhakikisha ya kwamba magavana wamepata Shilingi 415 bilioni. Je, sisi picha zetu tutaziweka wapi ama zitabaki tu kwa mikoba kwa sababu sisi tunapitisha tu pesa na hatujapewa uwezo wa kikatiba kubandika picha zetu.

Pia ningependa kusema ya kwamba sisi huongea kwa hii Seneti lakini hatusikizwi. Umuhimu wa makalio hujulikana wakati umemea jipu. Wale magavana hujua ya kwamba Seneti iko wakati wamepata shida. Tunapopitisha pesa na kuongea mambo yasiyofaa kuliko tukae chini tuvalie njuga jambo hili na kusikizana ya kwamba

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kuna mambo ambayo siyo mazuri kufanya katika kaunti zetu, bado sisi wanatuchukulia to kama bwege. Siku inafika wakati watakuja kuingia kumi na nane zetu. Na ndipo wengi wakilia kuwa wanapigwa swaga.

Maneno tunayoongea hapa na wakati tunaotumia tunafaa kuwa tunasikizwa. Nilisema hapo kitambo sisi ni kama mashine inayobomoa misitu ikijenga barabara baadaye inasemekana iwekwe juu ya lori isiharibu barabara na tumesema iwe hivyo.

Tunafaa jambo kama hili tulizingatie and tulizungumzie. Hata kama ni kupitisha pesa kwanza tuangalie kama kuna matumizi mabaya. Siwapi magavana wosia. Mimi sio mnasimu lakini ninayoongea hapa ninajua wale walionituma hapa pia wanasema vivyo hivyo. Ukiagalia ripoti ya Mkaguzi Mkuu wa Fedha, utapata ya kwamba fedha nyingi zinazopotea ni kwa mabango yanayowekwa picha.

Nikiona picha ya gavana imewekwa katika bango huwa inanikumbusha kwamba katika duka unapotaka kuua mbu, utapata kuna dawa inayoitwa Doom amabayo huwa imechorwa mbu. Inaenda kuua mbu bali haina manufaa kwa mbu

Haya mabango yanayowekwa na magavana katika mendeleo yanayofanyiwa mwananchi kwa pesa za umma haimaanishi kuna mambo mazuri yanayofanyika katika kaunti zetu. Gavana anapoletwa hapa kwa sababu hafuati tunayosema ashajua kwamba dunia ni gunia tofauti ni herufi moja anaanza kulia eti anaonewa na mengine.

Mstahiki Spika wa Muda, mimi ni Mlokole. Ninaamini sijafanya mambo mengi kuwa malaika lakini ninajua sijakosea sana kuwa ibilisi. Ndipo wakati mwingi katika maombi yangu huwa ninamwambia Mungu atuepishe na bangi na viroba vya ugoro kwa sababu maneno yanayofanywa wakati mwingine na viongozi hata wewe huwezi kuyafikiria.

Unapita katika shedi za boda boda, kitu cha kwanza kuona ni picha kubwa ya gavana. Bila kupoteza wakati, ningependa kuwaambia wananchi walio katika kaunti kwamba ukiona bango limewekwa mahali hiyo ni kumbusho kwamba kuna kitu kimeibiwa.

Hebu nitoe falsafa moja ya bweha na simba. Wakati mmoja simba alimshika bweha na akamwambia, “nitakukula kama hutaniletea kitu chingine cha kula.” Bweha akasema, “nitakuletea, tena kikubwa utakachokula siku mbili au tatu.” Bweha alienda kwa punda na kumwelezea kwamba simba na wanyama wote walikuwa wamekubaliana kwamba punda ndiye kiongozi na kwa hivyo, alikuwa akiitwa na simba.

Alipofika kwa simba, jambo la kwanza ni kumrukia na kumg’ata mkia. Mkia ulikatika na punda akakimbia akipiga mayowe. Alifuatwa na bweha na kuambiwa, “kwani wewe ni baradhuli. Mbona unakimbia? Simba amekukata mkia uli uweze kukalia kiti cha enzi. Huwezi kukalia ukiwa na mkia.”

Punda kwa upumbavu wake alirudi kwa simba aliyemrukia mara ya pili na kumkata masikio. Alitoroka tena akipiga mayowe akifuatwa na bweha. Mbweka akamwuuliza, “wewe mjinga? Hujui simba amekukata masikio ili ile kofia ya enzi iweze kutoshea katika kichwa chako?” Mwishowe, punda aliporudi aliuawa na simba.

Simba alimwambia bweha, “sasa kwa sababu umwefanya kazi yako nenda kamchinje halafu uniletee maini, moyo na aliki yake nile.” Bweha alipoenda kuchinja punda alikula akili yote akaleta ini na moyo.

Simba alimwuuliza, “mbona hukuleta akili? Bweha alimwuuliza, “wewe mfalme, unaona huyu punda alikuwa na akili yoyote. Angekuwa na akili, angerudi mara mbili baada ya kukatwa mkia na masikio?”

Kuna mambo ambayo watu wanaambiwa na wengi wanapiga makofi katika kaunti zetu kwa sababu wanaona kana kwamba kazi imefanyika, lakini huwa wanachukuliwa rahisi kama bei ya chumvi.

Bw. Spika wa Muda, hebu niongee kidogo kuhusu sheria ambazo zinatoka mahali kwengine ukinihishu kwa sababu zinaambatana. Tunafaa kuwa wanalifu wakati tunapopitisha sheria, iwe ya gavana ama yoyote ile. Ukiangalia sheria zingine saa hii, unaanza kuweweseka na nywele shingoni zinaanza kuamka. Wakati tunapopitisha sheria zinazoenda kutumika, lazima tuwe tumefanya *sample*.

Kwa nini nasema hivyo? Sheria zinapokuja hapa ni kama msumeno. Msumeno hukata mbele na nyuma. Kwa hivyo, wakati tunapopitisha sheria, tunatia makali msumeno. Tunasahau kwamba huenda siku moja ule msumeno ukaja kukata msitu tunaajificha kama viongozi, tuachwe tukionekana uchi na kila mtu.

Mwaka 2012, kuna sheria iliyopitishwa inayoitwa kwa kimombo, “Prevention of Terrorism Act (POTA)”. Sikuwa katika Bunge hili wakati huo. Kuna zingine zitaendelea kuja na kuna zingine najua nishafika hapa. Lazima tujue kwamba zile sheria tunazopitisha zitatumika inavyofaa.

Leo nimetoka mahali ambapo kuna watoto 11 chini ya miaka 17 na jaji ameamua kwamba wanafaa kuachiliwa, lakini wamewekwa pamoja na watu wazima. Sheria rahisi zinazofaa kufuatwa zinatutia aibu. Unashangaa anayetuma watoto wadogo wawekwe pamoja na watu wazima, hajui kwamba kuna sheria kuhusu watoto? Ni vizuri tuwe makini tunapopitisha sheria hata kama tunasema zichungwe.

Nikimalizia, kipofu anapoanza kuona, kitu cha kwanza kutupa ni ule mkongojo alioutumia kwa miaka mingi wakati alikuwa haoni. Tunapofanya kitu cha maana kama kupitisha fedha na kufikia maridhiano, wa kwanza kutemwa ni sisi Maseneta. Kwa nini tunatemwa ilhali tumepewa kila kitu? Kweli tunabweka vilivyo, lakini ni lini tutaanza kuuma? Hilo ndio swali kubwa.

Kwa sababu leo tunaongelea hili, tutajadili lile. Ukienda nyumbani, utakutana tu na picha za magavana kila mahali. Nimeuliza swali hapo awali, kama maendeleo ni maendeleo, kwa sababu kuku ni kuku, jogoo ni jina, kwa nini hawaweki picha zao katika makafani, kwa kimombo, “*mortuary*”? Kwa nini hawaweki picha zao huko, wanachagua tu mahali wamejenga daraja na barabara?

Barabara inapotengenezwa na kuwekwa hicho kibandiko kikubwa, ikiharibika mwaka ujao, hawaweki picha zao kwa kile kibandiko walichoweka hapo awali. Wanaweka kingine cha pili pale pale. Unaona kuna ubadhirifu na tunapoteza pesa nyingi sana.

Ningeomba magavana, kama kuna ulazima wa kuweka picha zao, waweke kwao nyumbani. Huko ndio muhimu. Utendakazi wa Serikali Kuu na ugatuzi si mapenzi. Kama unataka kuweka picha, weka kwa *whatsapp* ama uende uzitume kwa mtu anayekupenda.

Baadhi yao kweli wako na sura nzuri, lakini kuna wengine pia wako na sura nzito na wanalazimisha kuweka picha zao katika miradi ambayo hawafai kuonekana. Kuna mmoja ana sura nzito kama ule uji unaopewa wanawake wa *martenity*. Unapata alijenga

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shule ya chekechea na kuweka picha yake mlangoni. Kuliko kufanya watoto waje, wanatoroka. Umuhimu wa hizo picha zote ni nini?

Bw. Spika wa Muda, nitamaliza hapo ili wenzangu waweze kuongea. Sen. Mariam ananieleza kuwa wakati uko karibu kuisha. Kwa hivyo, nitaachia hapo ili wenzangu waweze kuongea.

Asante sana.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mariam Sheikh Omar.

Sen. Mariam Omar: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I also support this report from the Standing Committee on Devolution and Intergovernmental Relations concerning a Petition on the branding of public projects with images of governors and Members of County Assemblies (MCAs) and branding of county vehicles.

This issue of branding of the project is personalizing the public resources. The prayer of the petition is the amendment of the County Governments Act which talks about not branding county projects and the vehicles.

I personally have seen duplication of the projects by different state corporations. There is a water project which has been done by three people. It was done by ADB, later on done by a Member of Parliament and later on done by again the state corporation Water Service Board. So, many projects are done in Kenya by different agencies. There are projects done by ADB, World Bank, UNICEF and none of them put their pictures or the flags of their governments or do branding on those projects. Why should the Member of Parliament, the MCA or the Governor put their images or brand the projects and yet these are Government or public resources? The brand the project showing that this is the project done by so and so and it has their picture.

We should not allow that because this is a project which is beneficial to each person. If you put individual pictures there, it may give the impression that this project is meant for one community and another community in a different scenario or in a political line. Also, it helps in political campaign for individual political parties.

On this issue of branding of the vehicle, the number plates of the Government vehicles are different from that of a private vehicle. If we restrict ourselves on the registration of the vehicle number, it is enough instead of putting individual picture of the Governor.

As Senators, we have fought for devolution to work and devolution is working. I am also a Member of the Committee on Finance and Budget and we have fought with our chair that we raise the shareable figure to Kshs415 billion. If we have added the amount of money for them, then they should not personalize the projects they are doing.

In this case, the EACC, the Auditor General and also Controller of Budget must collaborate to investigate on this so that the integrity and accountability of each office holders can be done, so that this branding cannot be done for the vehicles and for the projects.

When it comes to this shareable figure of the equitable share, the governors are saying these are flagship projects for them. That shows that individual has personalized those projects and ended up putting their pictures and brands.

Mr. Temporary Speaker, Sir, when they are doing this branding, they use public funds. That is wastage of public resources and there is no materiality of that. There is no value for money on that branding.

I have heard many members contributing on this and everything has been said and I support. The prayers of the petitioner must be granted. The recommendations of the committee are that there should be amendments. When this House passes those resolutions, the County Governments Act must be fast-tracked and done quickly so that this branding stops before the end of this term.

Mr. Temporary Speaker, Sir, with those remarks, I support.

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

Sen. Mohamed Chute.

Sen. Chute: Mr. Temporary Speaker, Sir, I support this Motion. Being a member of the Committee on Devolution and Intergovernmental Relations, I also congratulate Mr. Laban Omusundi. He came before our Committee and this is not the first time. I have seen him bringing issues to the Senate on several occasions. Mr. Laban is a local person trying to help this country in his own way, using his money; transport to come to Nairobi, buy food and a place to sleep. This is what we must encourage because Laban is using his own resources to try and help this country.

The issues he brought before our Committee are fundamental. He was asking; a politician uses money, not from his pocket, paid by tax payers' money to even travel, eat and to come and represent his people in Parliament.

Our recommendation as a Committee is that, branding projects, vehicles or any institution is wrong and unethical. People and counties build toilets and they put pictures of MCAs. You will find toilets and billboards being erected with the names of MCAs, MPs or even governors.

Mr. Temporary Speaker, Sir, I live in Karen and the road to Karen where I live is called Korongo road. Surprisingly, there is a billboard on the right side of the road just as you enter Korongo road, which is a rough road with the MCAs name which has been there for the last five or six years. You should see that road today. I brought a statement to this Committee because that road is impassable.

It is absurd to see a MCA putting his name and photo, and that of the governor on that road and claiming that this road is being built by the Nairobi City County. This is misleading, wrong and unethical. In that Committee, displaying project name and photos and the date of completion and date of commencement are there. If you look at that Korongo road, commencement date has elapsed five years ago and the road is not constructed up to date.

Mr. Temporary Speaker, Sir, somebody was talking about Morara. I have been watching his programmes when he goes out there. There was a time the President was in Mombasa. He said this project started and it is ongoing. After a few days, I saw Morara standing in the same place claiming that this is what the President said and that there was nothing ongoing in regard to that project. I know the President, he does not want to lie. He is trying his best to see how this country will move forward. He has got a vision. However, the problem is there are people who are misleading him.

In some instances, you will find that the project has been initiated by even the former President, President Uhuru Kenyatta. If you go there today, placards are there and nothing is happening.

Mr. Temporary Speaker, Sir, the Government should recognize people like Omusundi. This man is bringing issues that we are discussing in this Senate today. He came before our Committee and we have had a discussion. He even came before the Senate Standing Committee on Roads, Transportation and Housing to bring issues. I asked him who was funding him. He said they are a group of people and are not getting anything from anywhere.

Mr. Temporary Speaker, Sir, it is high time as a country that we need to have an oversight body, that can be constituted by the President that will look at issues being handled by the national Government, the county government and even the NG-CDF programmes, to avoid duplication of projects.

I remember one time, in Wajir County, the NG-CDF did some work, drilled a pan. The Member of National Assembly then went to inspect the project. He was told that this pan is here. Then he asked, where? He was told, "Where you are standing is where the pan is". That he was standing in the pan. He told them, "Please, do not tell me this pan is here where I am standing because there is no pan here".

The same pan, was being claimed by two people, a parastatal and NG-CDF. That is why I was saying, a committee should be instituted to look at all government projects. Money for projects done by national and county governments, including NG-CDF is from taxpayers. We should have a team that looks at what is done by national and county governments during a financial year. That includes NG-CDF and donor funding so that there is no duplication.

Mr. Temporary Speaker, Sir, we have duplication because somebody somewhere wants to steal money from the people of Kenya. What Omusundi is saying is that these are things that are supposed to be done by politicians. He wants to help politicians. He is saying that we should not brand vehicles or projects.

I am a Member of the Committee. I thank the Committee for bringing a good proposal which will help this Senate to process this Motion.

There is also the issue of EACC. Some Members have spoken here. If you can remember, I talked about EACC having problems. I think the person in charge today, that is Mr. Abdi, is capable. I hope he is listening to what the Senate is saying. I believe Mr. Abdi will take charge and hope that he is going to bring sense to EACC and that the reputation of EACC will be restored.

Having said that, interferences from other sources also cause problems of investigating and managing EACC. Therefore, interferences from any quarter should stop. The petitioner is asking us to amend the County Governments Act, 2012. He urges MCAs to stop branding or putting their portraits or images on public-funded projects and I support that. He says that funded projects should be branded courtesy of taxpayers' money. I do not think that is important because if there is any project constructed by the national Government, that is enough to show that it was done using taxpayers' money.

Display of information is important. If possible, any project that has been completed should be displayed openly and the information on the display should show

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that the project was initiated on a certain date, institution or company that did it, project amount and completion date. That way, the issue of duplication will not be there. The President has initiated many projects and the follow-up should be there. He should, at his fingertips, know the project initiated by the national Government this year and their completion date. That also includes those initiated by county governments and the NG-CDF.

Sometimes I fail to understand. This is because monies that go to the counties, over 90 per cent, are mainly monies from the taxpayerse. They at times behave as if it is not money from the taxpayers. You might think the money is from the governor's own pocket. Sometimes, people forget that the money belongs to the people of Kenya and cannot just be used the way one wants. They cannot put their name, placards and even their friend's name. That is not possible.

Having said that, I want to give my friend, Sen. Nyamu, an opportunity to also contribute on this. I take this opportunity to support this Motion and request Sen. Nyamu to support this Motion. This is because I think she will either be a Governor, a Senator or a Woman Representative in Nairobi City County. I pray for her and will give her my support. We have about 50,000 voters from Marsabit County and we will see. If she speaks well today, we will see if she can get that support.

Having said that, I thank you very much for this opportunity. I support this Motion.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Chute. I just want to remind you that it is the Chair who grants any Member of the House the opportunity to speak. You cannot thus claim that you will give Sen. Nyamu the opportunity to speak.

With that, Sen. Nyamu, I bet you are the last person to contribute to this Motion. Kindly take the microphone.

Sen. Nyamu: Thank you very much, Mr. Temporary Speaker, Sir. It is interesting that Sen. Chute does not support governors branding public projects, yet he has stood here and gave conditions of how I will only get the support of the people of Marsabit people if I speak well and support this report from his Committee. He said that he will speak to the 50,000 voters in Nairobi City County from Marsabit to support my bid for the position of Woman Representative. That is undue influence because he is giving me conditions in my work.

Mr. Temporary Speaker, Sir, such reports are some of the reasons we exist as a House. The practice of branding public projects with personal images and personal effects has gone on for some time. It has gone on for as long as I can remember. It is not being practiced by governors only. It is also being practiced by MCAs who have ward development funds. The Members of Parliament in the National Assembly who have projects under the NG-CDF also brand those projects with their images.

This infringes the nonpartisan nature of Government projects as they are because Government projects and public works are nonpartisan. They do not have to align with a sitting leader who in this case is a sitting governor. What that does is that it alienates the people who do not identify with that particular leader. It alienates them from that project which should create a sense of ownership across board.

Public funds should not be politicized. We all know the kind of manipulation having your image on a project shows. It can be used for campaign and to measure your success. Yet, most of the time, you have nothing to do with the project. It is probably a projection that the county had done even before you got the seat, for example, now you are taking all the credit as a governor to manipulate voters.

You can delay a project and make sure you time it just before elections because you know you are going to brand it your image and it is going to give you an unfair advantage on the political competition.

I know I am the last speaker to speak on this and so, we do not have the latitude of time. I congratulate this Committee for such a progressive report and for the House for almost unanimously supporting it.

These are the kind of changes that the people on the ground expect us to make. In effect we are doing is we are leveling the playing ground between incumbents and incoming leaders. What that does for our political landscape is tremendous. It goes a long way and the effects will be felt everywhere.

Mr. Temporary Speaker, Sir, with those few remarks I support. I am waiting for Sen. Chute to do what he said he would do when I support.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, there is no other Member to contribute to this Motion. Sen. Chute, you are a member of the Committee. I do not know whether you are ready to do a reply to the Motion. Please, proceed to do it on behalf of the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations.

Sen. Chute: Mr. Temporary Speaker, Sir, first of all, I take this opportunity to reply to this Motion.

I thank the Members who have contributed today, starting with the Chairperson, of course, Sen. Kisang who also seconded this Motion, Sen. Cheruiyot, Sen. Kavindu, Sen. Cherarkey, Sen. Sifuna, Sen. Wakili Sigei. Sen. Wambua, Sen. Tabitha Mutinda, Sen. Muma, Sen. Karungo Thang'wa, Sen. Beatrice Akinyi, Sen. Murango, Mariam and Sen. Karen Nyamu. I also want to take this opportunity to thank the Chairperson and the members of the Devolution and Intergovernmental Relations Committee. They have done very good work and invited many people.

Mr. Temporary Speaker, Sir, I request that you defer putting of the question to a later date pursuant to Standing Order No.66(3). I request you to defer until the next sitting. I thank you immensely for the opportunity. On behalf of the Committee I sit in, *asante sana*.

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

(Putting of question on the Motion deferred)

Hon. Senators, we will go back to the Order Paper of the day. Having concluded debate on Order No.12, Order Nos.10, 11, 13, 14 all the way to 22 are hereby deferred to the next sitting of the House.

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MOTION**ADOPTION OF REPORT ON INTRODUCTION OF A FRAMEWORK
FOR RECALLING NOMINATED MCAS**

THAT, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of a Petition to the Senate by Mr. Laban Omusundi regarding the introduction of a framework for recalling Nominated Members of the County Assemblies (MCAs), laid on the Table of the Senate on Wednesday, 28th May, 2025.

(Motion deferred)

MOTION**ADOPTION OF REPORT ON IMPLEMENTATION OF AWARD BY ENVIRONMENT
COURT FOR COMPENSATION AND RESETTLEMENT OF OWNERS
OF RAMISI PHASE 1, KWALE COUNTY**

THAT, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of a Petition to the Senate by Mr. Bakari Halifan Munge and three (3) other residents of Kwale County regarding the implementation of an Award by the Environment and Land Court for compensation to and resettlement of the owners of Ramisi Phase 1 Block 5056 in Kwale County, laid on the Table of the Senate on Wednesday, 28th May, 2025.

(Motion deferred)

MOTION**ADOPTION OF REPORT ON ALLEGED FAILURE BY ODPP IN THE CASE OF
ABDUCTION AND DISAPPEARANCE OF MR. JOSHUA GICHUKI MWANGI**

THAT, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition to the Senate by Ms. Christine Njoki Mweru regarding incomplete investigations and failure to arrest and prosecute suspects involved in the abduction and disappearance of Mr. Joshua Gichuki Mwangi, laid on the Table of the Senate on Thursday, 5th June, 2025.

(Motion deferred)

MOTION**ADOPTION OF REPORT ON CONSIDERATION OF SESSIONAL PAPER No.3
OF 2023 ON THE KENYA POLICY ON PUBLIC PARTICIPATION**

THAT, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Sessional Paper No.3 of 2023 on the Kenya Policy on Public Participation, laid on the table of the Senate on Wednesday, 14th May, 2025 and approves Sessional Paper No.3 of 2023 on the Kenya Policy on Public Participation.

(Motion deferred)

MOTION**ADOPTION OF REPORT ON INQUIRY INTO THE STATE OF
GOVERNANCE IN GARISSA COUNTY GOVERNMENT**

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the state of governance in the County Government of Garissa arising from a Statement sought by Sen. Abdul Haji, MP, laid on the Table of the Senate on Wednesday, 28th May, 2025.

(Motion deferred)

BILL*Second Reading***THE TECHNOLIS BILL (NATIONAL
ASSEMBLY BILL NO.6 OF 2024)**

(Bill deferred)

BILL*Second Reading***THE COUNTY HALL OF FAME BILL
(SENATE BILLS NO.18 OF 2023)**

(Bill deferred)

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BILL*Second Reading*

THE WILDLIFE CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL (SENATE BILLS No.46 OF 2023)

(Bill deferred)

BILL*Second Reading*

THE WILDLIFE CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL (SENATE BILLS No.49 OF 2023)

(Bill deferred)

BILL*Second Reading*

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL)
(AMENDMENT) BILL (SENATE BILLS No.1 OF 2024)

(Bill deferred)

BILL*Second Reading*

THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL
(SENATE BILLS No.3 OF 2024)

(Bill deferred)

BILL

THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL
(SENATE BILLS No.20 OF 2024)

(Bill deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 15th July, 2025, at 2.30 p.m.

The Senate rose at 6.26 p.m.