



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fourth Session

Tuesday, 15th July, 2025 – Afternoon Sitting

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 15th July, 2025

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum? Serjeant-at-Arms, kindly, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

We do have quorum now, so we will start the day's business. Clerk, kindly call the first Order.

(Sen. Kisang' and Sen. Maanzo stood at the door)

Sen. Kisang' and Senator for Makueni County, we are waiting for you to take your seats.

(Sen. Kisang' and Sen. Maanzo sat in their places)

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION OF HANSARD OFFICERS FROM PARLIAMENT OF GHANA

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, of a visiting delegation of Hansard officers from the Parliament of Ghana. The delegation is undertaking a benchmarking visit with their counterparts in the Senate.

I request each member of the delegation to stand when called out, so that they may be acknowledged in the Senate tradition-

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- | | | |
|---------------------------------|---|-----------------------|
| (1) Mr. Adam Iddrisu | - | Editor of Debates |
| (2) Ms. Jessica Adu-Mensah | - | Reporter II |
| (3) Ms. Ann-Marie Ama Edem Akli | - | Reporter II |
| (4) Mr. Godwin Vifa Sewornu | - | Reporter II |
| (5) Ms. Ajara Yahaya | - | Reporter II |
| (6) Mr. Etornam Kwabla Ababio | - | Assistant Proofreader |

(Applause)

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

VISITING DELEGATION FROM KIAMBU COUNTY

Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from Kiambu County. The delegation is led by Dr. Kimani Wamatangi, EGH, the Governor of Kiambu County.

(Applause)

The delegation is in the Senate following the resolution of the County Executive and the Assembly recommending the conferment of city status to Thika Municipality.

I request each member of the delegation to stand when called out, so that they may be acknowledged in the Senate tradition-

- | | | |
|--------------------------------|---|--|
| (1) Dr. Kimani Wamatangi, EGH | - | Governor of Kiambu County |
| (2) Hon. Charles Thiong'o | - | Speaker of the County Assembly |
| (3) Hon. John Njiru | - | Deputy Speaker, County Assembly of Kiambu. |
| (4) Ms. Nancy Kirumba | - | County Executive Member, Finance |
| (5) Ms. Salome Wainaina | - | County Executive Committee Member for Lands |
| (6) Mr. Martin Kangiri | - | Chief Officer, Lands |
| (7) Mr. Peter Ndegwa | - | Chief officer, Cooperatives |
| (8) Hon. Godfrey Mucheke | - | Majority Leader, County Assembly of Kiambu |
| (9) Hon. Joe Kigara | - | Minority Leader, County Assembly of Kiambu |
| (10) Hon. Wambiri Moses Ngatha | - | Chairperson of the Committee on County Planning and Urbanization and a Member of the Committee |

(Applause)

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On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and all other accompanying officers, and wish you a fruitful visit here in the Senate.

I will ask the Minority Leader and the Deputy Minority Whip to extend words of welcome to the delegation from Ghana and also to the delegation from Kiambu County.

You may proceed, Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. You had mentioned Minority Leader. That is why I was waiting to see who will take the honors, but I am glad you have since rectified.

I wish to welcome the delegation from Ghana who are here on a study visit in the Parliament of Kenya. I have said times without number that in terms of ranking on professionalism and competence of public servants, our parliamentary staff rank very high. I say that having worked with them for five solid years when I served in the Parliamentary Service Commission (PSC).

Each week when I served as a Commissioner in charge of the Staff Welfare Committee, we used to have visiting delegations from different parts of Africa who came here to compare, learn and exchange knowledge from their counterparts here in Parliament. Therefore, I welcome this delegation. I know that in their interaction with members of staff from the Parliament of Kenya, they will learn a lot and also share their experiences from the Parliament of Ghana.

I wish them well in the remainder of their tour here in Kenya. I also register my appreciation for their appearance before this particular House. This is because it is a confirmation that even though this is a bicameral institution, they know where the prowess of parliamentary practice lies. It is in this House.

To the delegation from Ghana, if any of them has the contact of a gentleman called Teye Thomas Partey, I send them to him asking him to stay strong and show up for Arsenal in a big way this season, despite the very serious challenges he is facing in his life.

Lastly, is to the delegation led by our former colleague, Sen. (Dr.) Kimani Wamatangi, whom we served with in this House for many years and is now here with a team from the County Executive and the County Assembly of Kiambu. I wish them well as well as they pursue this journey of seeing Thika turn into a city. They have laid the groundwork.

Mr. Speaker, Sir, ordinarily, when governors visit Parliament with their delegations, specifically to the Senate, to ensure that they lobby enough, they start with the Office of the Speaker, then the Office of the Majority Leader, before appearing in the Gallery. I do not know why Sen. Wamatangi has reversed the roles. I am yet to be convinced whether that Motion should be moved. He knows the traditions of this House, which he taught me and not any other person. It was Sen. Wamatangi who taught me how to interact with governors. Therefore, I know he will behave accordingly later on.

I wish all the members well.

Sen. Sifuna: Mr. Speaker, Sir, for the benefit of the delegation from Ghana, my name is Edwin Sifuna. I am the Senator for Nairobi, the City where you are, and the Deputy Whip of the Minority in the Senate. For your further information, I am also the

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Secretary General of Kenya's largest Opposition political party called the Orange Democratic Movement (ODM).

The reason I bring that up, is, in fact, there was an invitation from the African Governance Center (AGC) for my party to send representatives to Accra for a conference under the theme “*From Politics to Prosperity*” from the 12th to 14th August. Unfortunately, as political parties in this country, we are struggling with financing from the public coffers. I had to write back and say ODM Party might not be able to participate. So, I take this opportunity to welcome you to Nairobi, Kenya, and to join the Majority Leader in insisting that certain traditions must be followed.

Mr. Speaker, Sir, when delegations come to visit Nairobi, I think it is also incumbent upon us to make sure they visit the offices of the leadership of the city, starting with the Senator, and then I can lead them across the road to the office of the Governor of Nairobi City County.

In that same breath, I can also confirm that Gov. Wamatangi has not appeared before the office of the leadership of the Minority. I do not know why because, as the Senate Majority Leader has confirmed, certain traditions have to be followed.

As a former Member of this House, the Governor of Kiambu, whereas we welcome you to this House, I have also to raise those concerns that were raised by the Majority Leader, that you might be out of order, but it is not my place to declare it.

Mr. Speaker, Sir, please, uphold the traditions of this House, and the respect for the offices that we hold in this House, because we lead and represent people. My delegation here is asking me questions that I cannot answer. Sen. Kibwana has asked me why the Governor is here? I am also not aware. I have not been briefed. So, I hope that as you enjoy the hospitality of the Senate, you will find it proper to rectify those mistakes, so that we can have a proper engagement between us and your county.

Lastly, I was also very upset yesterday because, as Senators, we were invited to a meeting with the Council of Governors (CoGs). It was cancelled at the last minute, yet they made it look like there were serious issues that we wanted to discuss and we were available for that. So, on top of the mistakes that have been made by the County Government of Kiambu today, we will also add the concerns of the Senate about what happened with the meeting yesterday.

I thank you, hon. Speaker. Sorry I talked for too long.

The Speaker (Hon. Kingi): Next Order.

MESSAGES FROM THE NATIONAL ASSEMBLY

APPROVAL BY THE NATIONAL ASSEMBLY OF THE CULTURE BILL (NATIONAL ASSEMBLY BILLS NO.12 OF 2024)

The Speaker (Hon. Kingi): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3) and 4, I have received the following Message from the Speaker of the National Assembly regarding the approval by the National Assembly of the Culture Bill (National Assembly Bills No.12 of 2024). The Message, dated

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Wednesday, 9th July 2025, was received in the office of the Clerk of the Senate on Wednesday, 9th July 2025.

Pursuant to Standing Order No.46.(4), I now report the Message, that pursuant to the provisions of Standing Order No.41(1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the Culture Bill (National Assembly Bill No.12 of 2024) was published *vide* Kenya Gazette Supplement No. 49 of 5th March, 2024, as a Bill seeking to give effect to Article 11(3)(a) of the Constitution, to provide for the protection and promotion of culture and the cultural heritage of communities.

AND WHEREAS the National Assembly considered this said Bill, and passed it with amendments on Thursday, 12th June 2025, in the form attached hereto.

NOW, THEREFORE, in accordance with the provisions of Article 1(10) (4) of the Constitution, and Standing Orders No.41(1) and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.

Now, hon. Senators, pursuant to Standing Order No.163, which requires that a Bill which originates in the National Assembly be preceded with by the Senate in the manner as a Bill introduced in the Senate by way of First Reading, in accordance with Standing Order No.144, I direct that the Culture Bill (National Assembly Bill No.12 of 2024) be read a First Time on Tuesday, 15th July 2025, which is today.

APPROVAL BY THE NATIONAL ASSEMBLY OF THE KENYA NATIONAL
COUNCIL FOR POPULATION AND DEVELOPMENT BILL
(NATIONAL ASSEMBLY BILLS NO.72 OF 2023)

Also, hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the approval by the National Assembly of the Kenya National Council for Population and Development Bill (National Assembly Bills No.72 of 2023). The Message, dated Wednesday, 9th, 2025, was received in the office of the Clerk of the Senate on Wednesday, 9th, July 2025. Pursuant to Standing Order No.46(4), I now report the Message.

Pursuant to the provisions of Standing Order No.41(1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

WHEREAS the Kenya National Council for Population and Development Bill (National Assembly Bill No.72 of 2023), was published *vide* Kenya Gazette Supplement No.227 of 24th November 2023, as a Bill seeking to provide for the establishment, rules and functions of the Kenya National Council for Population and Development and for the establishment of the Board of the Council and other connected purposes;

AND WHEREAS the National Assembly considered this said Bill and passed it with amendments on Thursday, 19th June, 2025, in the form attached hereto;

NOW, THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order No.142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.

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Hon. Senators, pursuant to Standing Order No.163 which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the manner as a Bill introduced in the Senate by way of First Reading. In accordance with Standing Order No.144, I direct that the Kenya National Council for Population and Development Bill (National Assembly Bill No.72 of 2023), be read a First Time on Tuesday, 15th July, 2025, which is today.

MESSAGE FROM KIAMBU COUNTY ASSEMBLY

CONFERMENT OF CITY STATUS TO THIKA MUNICIPALITY IN KIAMBU COUNTY

Further, Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.48(3), I received a Message from the Clerk of the County Assembly of Kiambu.

The Message, dated 24th June, 2025, transmits a resolution of the County Assembly of Kiambu to the effect that the County Assembly of Kiambu, taking into consideration recommendations of the County Assembly, Central Committee on County Planning and Urbanization, in its report on the proposed conferment of city status to Thika Municipality in Kiambu County, laid on the table of the County Assembly on Thursday, 19th June, 2025. Pursuant to the provisions of Sections 8(4) of the Urban Areas of Cities Act, 2011, resolved to confer the status of a city to Thika Municipality in Kiambu County.

Hon. Senators, the following documents were annexed to the letter transmitting the resolution to the County Assembly-

(1) The Order Paper for the County Assembly of Kiambu of a special sitting on Thursday, 19th of June, 2025 at 9.00 a.m.

(2) The HANSARD Report for the County Assembly special sitting.

(3) The report of the County Assembly of Kiambu, Central Committee on County Planning and Urbanization on conferment of city status to Thika municipality.

Further, *vide* a letter Reference CAK/1/19/10, Volume 2(15), dated the 3rd July, 2025, the County Assembly also forwarded to the Clerk of the Senate the report of the *Ad Hoc* Committee constituted by the Governor of Kiambu County to consider the application by the Board of the Thika Municipality for conferment of city status to the municipality.

Hon. Senators, Section 8(6) of the Urban Areas and Cities Act, Cap. 275, provides as follows-

“1. The Board of Municipality may, upon a resolution, apply to the County Executive Committee for consideration for the conferment of city status.

2. Where the Executive Committee approves the application, the County Governor shall constitute an Ad Hoc Committee to consider the recommendation and advice as appropriate.

3. The Ad Hoc Committee shall comprise of relevant professionals in good standing, nominated by the following institutions, taking account of regional, ethnic and gender diversity and representation of persons with disability-

- (a) the Institution of Surveyors of Kenya;
- (b) the Kenya Institute of Planners;
- (c) the Architectural Association of Kenya.
- (d) the Law Society of Kenya.
- (e) an association of Urban Areas and Cities.
- (f) the Institute of Certified Public Accountants of Kenya and,
- (g) the Business Community.

4. Where the Ad Hoc Committee under Section 2 determines that the municipality under review meets the requisite criteria for classification as a city, the County Governor shall transmit the recommendation to the County Assembly for approval.

5. Where the County Assembly approves the recommendation for conferment of city status to a municipality under this section, the Clerk of the County Assembly shall transmit the resolution to the Senate for consideration.

6. Where the Senate approves the recommendation, the Clerk of the Senate shall forward the resolution to the President for conferment of city status on the municipality.”

Hon. Senators, in order to facilitate the Senate in its consideration of the conferment of city status to Thika Municipality as contemplated in Section 8(5) of the Urban Areas and Cities Act (Cap.275), I forthwith refer the Message to the Standing Committee on Devolution and Intergovernmental Relations for consideration, pursuant to Standing Order No.48 (7)(c). I also direct that the Committee expedites its consideration of this matter and tables its report for consideration by the Senate.

The Clerk of the County Assembly also forwarded to the Clerk of the Senate, the Report of the *Ad Hoc* Committee constituted by the Governor of Kiambu County to consider the application by the Board of the Thika Municipality for conferment of city status to the municipality.

Hon. Senators, Section 8(6) of the Urban Areas and Cities Act, Cap 275, provides as follows-

(1) The board of a municipality may, upon a resolution, apply to the county executive committee for consideration for the conferment of city status.

(2) Where the executive committee approves the application, the county governor shall constitute an ad hoc committee to consider the recommendation and advise as appropriate.

(3) The *ad hoc* committee shall comprise of relevant professionals in good standing nominated by the following institutions taking account of regional, ethnic and gender diversity and representation of persons with disability—

- (a) The Institution of Surveyors of Kenya;
- (b) The Kenya Institute of Planners;
- (c) The Architectural Association of Kenya;
- (d) The Law Society of Kenya;

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- (e) An association of urban areas and cities;
- (f) The Institute of Certified Public Accountants of Kenya; and,
- (g) The business community.

(4) Where the *ad hoc* committee under subsection (2) determines that the municipality under review meets the requisite criteria for classification as a city, the county governor shall transmit the recommendation to the county assembly for approval.

(5) Where the county assembly approves the recommendation for conferment of city status to a municipality under this section, the clerk of the county assembly shall transmit the resolution to the Senate for consideration.

(6) Where the Senate approves the recommendation, the Clerk of the Senate shall forward the resolution to the President for conferment of city status on the municipality.”

Hon. Senators, in order to facilitate the Senate in its consideration of the conferment of city status of the municipality, as contemplated in Section 8(5) of the Urban Areas and Cities Act, Cap. 275, I forthwith refer the Message to the Standing Committee on Devolution and Intergovernmental Relations for consideration. That is pursuant to Standing Order No.48(7)(C).

I also direct that the Committee expedite its consideration of this matter and table its report for consideration by the Senate.

(The Message was referred to the Standing Committee on Devolution and Intergovernmental Relations)

I thank you.

Let us move on to the next Order.

The Senate Majority Leader, proceed.

PAPERS LAID

THE SUGAR (SUGAR DEVELOPMENT LEVY)
ORDER, LEGAL NOTICE NO.113 OF 2025

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 15th July, 2025-

The Sugar (Sugar Development Levy), Order, Legal Notice No. 113 of 2025.

I beg to lay.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): The Chairperson, Standing Committee on Labour and Social Welfare, proceed.

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REPORT ON THE LABOUR MIGRATION AND MANAGEMENT
(NO.2) BILL (SENATE BILLS NO.42 OF 2024)

Sen. Miraj: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, 15th July, 2025;

Report of the Standing Committee on Labour and Social Welfare on its consideration of the Labour Migration and Management No.2 Bill, (Senate Bills No. 42 of 2024).

I beg to lay.

(Sen. Miraj laid the document on the Table)

The Speaker (Hon. Kingi): The Chairperson, Standing Committee on Finance and Budget, proceed.

REPORT ON THE EQUALISATION FUND APPROPRIATION
BILL (SENATE BILLS NO.7 OF 2025)

Sen. Faki: Thank you, Mr. Speaker, Sir. On behalf of the Chair, I beg to lay on the Table of the Senate the following reports of the Senate Committee today, Tuesday, 15th July, 2025-

Report of the Standing Committee on Finance and Budget on Equalisation Fund Appropriation Bill 2025(Senate Bills No.7 of 2025).

REPORT ON THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS
(NO. 2) BILL (SENATE BILLS NO.8 OF 2025)

Report of the Standing Committee on Finance and Budget on the County Allocation of Revenue Bill 2025(Senate Bills No. 9 of 2025).

REPORT ON THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILLS NO.9 OF 2025)

Report of the Senate Standing Committee on Finance and Budget on County Government Additional Allocation No. 2 Bill 2025 (Senate Bills No. 8 of 2025).

Thank you, I beg to lay.

(Sen. Faki laid the documents on the Table)

The Speaker (Hon. Kingi): Let us go to the next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Statements pursuant to Standing Order No. 52(1); Sen. Hamida Kibwana, proceed.

CONDUCT OF MR. PETER AYIRO, A SENIOR TEACHER
AT ALLIANCE GIRLS HIGH SCHOOL

Sen. Kibwana: Thank you, Mr. Speaker, Sir. My Statement is regarding the recent disturbing revelations concerning the conduct of Mr. Peter Ayiro, a senior teacher at Alliance Girls High School.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement on deeply troubling revelations that have emerged concerning Mr. Peter Ayiro, a Senior Teacher and a long-time Christian Union (CU) patron at Alliance Girls High School and the broader question of systemic abuse and institutional silence in girls' boarding schools in Kenya.

A recent expose has brought to public attention credible and disturbing accounts from more than two dozen former students and teachers, detailing a pattern of grooming, emotional manipulation and inappropriate conduct by Mr. Ayiro over a period of more than two decades. These acts alleged took place within the confines of the school and were enabled by a combination of unchecked influence, spiritual authority and a culture of silence.

According to the testimonies, Mr. Ayiro alleged exploited his position as a trusted teacher and spiritual leader to blur boundaries with vulnerable teenage girls, some as young as 13 years old. Several accounts describe his use of favours, selective friendships, religious mentorships and isolation tactics to manipulate students, many of whom later struggled with trauma, guilt and confusion well into adulthood. What is most concerning is not only the alleged conduct of an individual teacher, but the repeated institutional failures that allowed this behaviour to go unchecked. Former school administrators, teachers and even chaplains reportedly raised red flags, yet no meaningful disciplinary action or formal investigation was ever initiated.

Despite multiple principals having served as the institution over this period and despite consistent rumours, concerns and warnings, Mr. Ayiro retained his position and influence.

The Teacher Service Commission (TSC), which is mandated to uphold professional conduct and discipline in our schools, appears to have either failed to act or turned a blind eye. This points to a deeper, more entrenched systemic issue.

Girls boarding schools are meant to be safe spaces for learning and character formation, yet this case reveals a pattern of grooming and predatory behaviour that appears to have been institutionally tolerated or overlooked. Raising the question of how many similar cases exist across our schools, but remain hidden beneath silence, shame, or fear.

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I, therefore, urge this House to acknowledge the following-

(1) That there may be widespread failures in enforcing ethical boundaries between teachers and students in our learning institutions.

(2) That the TSC must urgently review its internal safeguards, reporting structures and whistleblower protections in relation to misconduct in schools.

(3) That the Ministry of Education must audit the safeguarding mechanisms in public boarding schools, especially girls' schools and establish mandatory codes of conduct on teacher-student relations.

(4) Finally, that the culture of silence, protectionism and spiritual manipulation in school-based religious spaces must be examined to ensure students' safety and dignity are upheld.

Mr. Speaker, Sir, the bravery of the survivors who came forward to tell their stories cannot go unnoticed. We owe it to them and to every child in our schools, to ensure that systems of accountability are not just on paper, but actively working.

The Senate must now lead by example in calling for transparency, justice and a national safeguarding framework that puts the welfare of students above the reputation of institutions or individuals.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. (Prof) Margaret Kamar, proceed.

CONTINENTAL CONSULTATIONS ON DRAFT MODEL
LAW ON LABOUR MIGRATION IN AFRICA

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of international concern regarding the recently concluded continental consultations on the draft model law on labour migration in Africa, held from the 16th to 18th June, 2025 in Nairobi, Kenya.

The consultation was convened by the Pan-African Parliament, Committee of Trade, Customs and Immigration Matters, where I sit, under the chairmanship of Hon. John Bideri from Burundi.

This consultation was supported by the African Union Commission (AUC) and the International Labour Organisation (ILO). It brought together parliamentarians---

(Loud consultations)

Mr. Speaker, Sir, can you protect me from Members who are standing and consulting?

The Speaker (Hon. Kingi): Hon. Senators, kindly take your seats; may the Senator be heard in silence.

Proceed, Professor.

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir. This meeting brought together parliamentarians, Government officials, international partners and civil society actors to review and refine a harmonised legal framework to guide African Union (AU) Member States in managing labour migration in a coordinated and rights-based manner.

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The draft model law has been in development for the past two years. Its core objective is to provide a uniform legal tool to guide Member States in enacting or aligning national labour migration laws to promote the protection of the migrant workers' rights, encourage fair recruitment practices, support gender-responsive policies and align national systems with international labour standards.

Mr. Speaker, Sir, Kenya was ably represented during the consultations. We had a delegation led by our own leader of delegation to Pan-African Parliament (PAP), Sen. Danson Mungatana and myself. In his remarks, Hon. Mungatana underscored the urgent need for legal frameworks that protect the dignity of migrant workers, while positioning labour migration as a driver of socio-economic development.

The consultations featured contributions from various stakeholders such as ILO and the International Organisation of Migration (IOM), the AU representatives, regional economic communities, our Ministry of Labour and Social Protection and civil society organisations.

I will just raise a few issues that were noted. The representative of IOM, Mr. Sitome, emphasised the value of developing an Afrocentric and inclusive framework that leverages Africa's youthful population. The representative of the AU, Ambassador Harris Henry, stressed on the effective labour migration governance to be aligned to the AU Agenda 2063 and the Sustainable Development Goals. We had also a representative from ILO, Mr. Ndaba, who called for the urgent ratification of the international labour instruments and effective policy implementation across the continent for the protection of a laborers who wants to move across.

Mr. Speaker, Sir, the updated model law now includes enhanced provisions on fair and ethical recruitment, recognition of skills and qualifications, integration of migrant workers in the host countries and non-discrimination and equal access to social protection for the migrant workers as it is in the host country.

I wish to take this opportunity to also commend our colleague, Sen. Tabitha---

The Speaker (Hon. Kingi): What is the point of order, Senator for Kilifi County?

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Tunaona kwamba Seneta anaongea kwa hii Kauli na kuna Maseneta wengi wamesimama. Hiyo ni kinyume na kanuni zetu za kudumu. Ingekuwa vyema kama mmoja wetu akiwa anaongea, sote tuweze kumskiza kwa makini. Wale wanaozungumza wanaweza endelea kuzungumza lakini wakiwa wameketi, sio kusimama namna hiyo.

Asante.

The Speaker (Hon. Kingi): Hon. Senators, the point of order that has been raised by the Minority Leader is extremely valid. There must be order when we are conducting our business in the House. We have given a lot of latitude to Members and we are beginning to feel a little bit more comfortable in the Chamber. We are consulting loudly and pace from one corner of the Chamber to the other. Some of us even receive calls on the Floor of the House.

Hon. Senators, certainly, that is not an orderly House. Going forward, the presidium is going to enforce our rules, your rules, very firmly. Do not be shocked to be asked to leave the Chamber just because you are standing, because you are disrupting the proceedings of the House.

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Kindly take note, Hon. Members.

Proceed and conclude, Professor.

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir. I think Members must remember that labour migration is affecting all of them; from recruitment scandals to the destination issues that they have.

I wish to take this opportunity to commend our colleague, Sen. Tabitha Mutinda, for sponsoring a Labour Migration and Management Bill (Senate Bills No.42 of 2024), which has been in the Committee for a while. The report of the Committee has been tabled so, we seem to be ahead of the AU. We need to borrow what is in the document that is coming out. In this regard, I urge the Committee on Labour and Social Protection to fast-track everything concerning labour migration because it affects all of us. All of us know people who have suffered in their countries of destination.

The Committee should move with speed, therefore, to incorporate key provisions emerging from the continental consultations, including the rights-based, gender-sensitive and development-orientated safeguards and bring forward any necessary amendments to ensure the legislation is both progressive and aligned in regional and international best practises.

Apart from the Committee, I urge our colleague, Sen. Mutinda, to read the outcome of that consultation. She might also pick one or two things.

Mr. Speaker, Sir, our migrant workers, many of whom serve in precarious environments abroad, deserve a law that protects them comprehensively. Fast-tracking the Bill will not only safeguard the Kenyan workers overseas, but also reaffirm our leadership and commitment to the African integration agenda.

Finally, the refined model law is expected to be submitted to the African Union Literacy Council with recommendations for partner states to adopt and domesticate it. As a Senate, we must remain actively engaged, both in the Bill that is before us and in what is going on in the continent so that we make the best out of it.

Mr. Speaker, Sir, I conclude by calling upon the Members of the Standing Committee on Labour and Social Protection to lead the process. We invited them to come for the meeting and nobody turned up from that Committee. It was a little disappointing for me and Sen. Mungatana that we did not have anybody from the Committee. When we have regional meetings, we expect our committees to take part.

Mr. Speaker, Sir, I thank you for the opportunity to make this Statement.

The Speaker (Hon. Kingi): Hon. Senators, allow me to rearrange the Order Paper. There are three statements that we will come back to under Standing Order No.53(1).

We will move to Order Nos.8, 9 and 10, and thereafter, resume the normal flow as contained in today's Order Paper.

(Interruption of Statements)

Clerk, you may proceed to call Order No.8.

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

(Sen. Abass on 10.7.2025)

(Resumption of debate interrupted on 10.7.2025)

Clerk, do we have the requisite quorum?

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

Sen. Maanzo, kindly take a seat. I will proceed to put the question.

(Question put and agreed to)

Let us move on to the next Order.

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

(Sen. Cheruiyot on 12.6 2025)

(Resumption of debate interrupted on 12.6.2025)

(Division)

Serjeant-at-Arms, kindly ring the Division Bell for three minutes.

(The Division Bell was rung)

I direct that the Bar be drawn and the doors locked.

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(The Bar was drawn and the doors locked)

Hon. Senators, kindly take your seats. Now, voting will be done electronically. Before I put the question, kindly log out. Serjeant-At-Arms, go around and pick any unattended card.

Thank you. I will now proceed to put the question.

DIVISION

ELECTRONIC VOTING

(Question, that the Social Protection Bill (National Assembly Bills No.12 of 2025) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang', Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Wakili Sigei, Bomet County; and, Sen. Wamatinga, Nyeri County.

NOES: Nil.

The Speaker (Hon. Kingi): Hon. Senators, the result of the Division is as follows-

AYES: 29

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 29 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

The Speaker (Hon. Kingi): Serjeant-at-Arms, you may open the doors and draw the bars.

(The bars were drawn and doors opened)

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Hon. Senators, we will go back to statements pursuant to Standing Order No. 53(1).

The Senator for Mombasa County.

(Resumptions of Statements)

STATEMENTS

POOR SERVICES OFFERED BY KENYA AIRWAYS AND JAMBOJET ON THE MOMBASA ROUTE

Sen. Faki: Mr. Speaker, Sir, I stand pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Roads, Transportation and Housing on a matter of countrywide concern regarding the poor quality of services offered by Kenya Airways and its sister airline, Jambo Jet, particularly on the Mombasa route.

Mombasa is a leading tourist city that relies heavily on both domestic and international tourism for its economic prosperity. Despite having strategic transport infrastructure, including an international airport, a world-class sea port, the Standard Gauge Railway (SGR) and a robust road network, the Mombasa International Airport remains under-utilized.

This under-utilisation is partly due to the restrictive licensing regime and limited landing rights extended to competing airlines. Consequently, Kenya Airways and Jambo Jet have maintained a de facto monopoly control over the route, which has resulted in exorbitant ticket pricing, frequent delays and abrupt flight cancellations.

The Economy Class fares to Mombasa routinely average Kshs8,500 per one-way flight and on weekends and peak seasons, they can rise to as much as Kshs25,000. These rates are not only unaffordable to many Kenyans, but also diminish Mombasa's attractiveness as a competitive tourist destination.

In the Statement, the Committee should address the following-

(1) The justification for high ticket prices charged by Kenya Airways and Jambo Jet on the Mombasa route.

(2) Whether these airlines comply with the provisions of the Competition Act regarding price setting and whether their operations amount to cartel-like behavior.

(3) The measures in place by the Ministry of Roads and Transport has taken to liberalise the Mombasa air route and facilitate the entry of other airlines to enhance competition and improve service delivery.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): The Senator for Nairobi City County, the Sen. Edwin Sifuna.

STATUS OF STALLED DEVELOPMENT
PROJECTS IN NAIROBI CITY COUNTY

Sen. Sifuna: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations on a matter of county-wide concern regarding the status of development projects in Nairobi City County.

Numerous public projects within the county have stalled leading to significant financial losses to taxpayers, diminished service delivery and compromised infrastructure development. There is growing concern from both the public and Members of the County Assembly (MCAs), who I had the occasion of meeting on 13th June, 2025 at my office that some of these stalled projects may be exploited as conduits of misappropriation or money laundering.

Nairobi County already ranks highest in the National Fiduciary Risk Assessment as was presented by the County Public Accounts Committee (CPAC) of this House, raising serious questions about financial governance and accountability.

In the Statement, the Committee should address the following-

(1) The stalled projects funded through public funds in Nairobi City County, including timelines, funding status and total projected versus actual expenditures on each of those projects.

(2) The timelines for resumption or completion of these projects and the budgetary allocations made to ensure their completion.

(3) The contractors paid for the stalled or incomplete projects, including the measures in place to recover public funds in cases of non-performance.

The Speaker (Hon. Kingi): The Senator for Kakamega County, the Sen. (Dr.) Boni Khalwale.

LOSS OF LIVES AND DESTRUCTION OF PROPERTY
ON 25TH JUNE, 2025 AND 7TH JULY, 2025

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on National Security, Defence and Foreign Affairs on a matter of national concern regarding the loss of lives, injuries and property destruction that was witnessed during the Gen-Z-led and *Saba Saba* demonstrations on 25th June, 2025 and 7th July, 2025 respectively.

In the Statement, the Committee should address the following-

(1) What is the official Government account of casualties, indicating the specific number of police officers and members of the public who lost their lives or who sustained injuries during the Gen-Z-led and *Saba Saba* demonstrations of 25th June, 2025 and 7th July, 2025.

(2) The estimated value of private and public property and infrastructure that was vandalized or looted during the said demonstrations.

(3) The total number of persons that were arrested and charged in connection with demonstrations for alleged unlawful assembly, alleged incitement and alleged destruction of property or other specified charges as well as legal standing for the charges.

(4) The initiatives by the Government to support families of those who lost their lives or sustained injuries during those demonstrations and to compensate individuals whose businesses or properties were vandalized, looted, including details of any on-going programmes for property recovery.

(5) The assessment of the Government on whether the demonstrations were organically mobilized by citizens or influenced by other actors as well as the Government's strategy to address the underlying causes of recurring demonstrations and restore peace while upholding constitutional rights.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, I will allow comments for 15 minutes. If you get an opportunity to contribute, kindly keep it under three minutes.

Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir, for this opportunity. I commend the Statement by Sen. Edwin Sifuna because there are many challenges, especially in stalled projects. I challenge the Standing Committee on Devolution and Intergovernmental Relations to give us an audit of all stalled projects across the 47 counties.

As you are aware, most of these challenges we face is that money has been spent and there are no projects. For example, in Nandi County when the Nandi County Assembly *Ad hoc* Committee sat, they found that Kshs6 billion had been spent, but none of the projects were visible on the ground. The rampant ones are stalled projects in the health sector, like Kapsengere Health Centre in Aldai Sub-County, one in Kobujoi Hospital near Kobujoi Centre.

There is another one where I was on Friday in Chepterwai, Nyayo Ward, which is yet to be completed, amongst others, including Kapsabet Newborn Unit. There are so many stalled projects in our counties. I would, therefore, like to request through you, in addition to this Statement that the Senate Standing Committee on Devolution and Intergovernmental Relations gives us an audit of all stalled projects.

Finally, Mr. Speaker, Sir, on the issue that has been raised by the Senate Majority Whip, Sen. (Dr.) Khalwale. He has asserted on the issue of demonstrations. I agree that this issue of demonstrations must be dealt with firmly. The Constitution, in Article 37, allows that all demonstrations must be peaceful and unarmed. However, we have seen criminality and hooligans.

Yesterday in the evening, I watched in one of the leading television the Nice Supermarket proprietor, who was complaining having lost his properties. I agree with the Director of Public Prosecutions (DPP), that all people who looted, burnt police stations and courts, blocked roads and raped must be charged with domestic terrorism and economic sabotage.

In fact, I request the Judiciary to stop judicial activism. We have seen cases where people have been charged with serious offences of domestic terrorism, and yet they are being released through court orders. While I agree most of these offenses are bailable, to

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arrest an anarchy, the Judiciary must stop judicial activism, and decline to release most of the accused, and let them stay in remand until their cases are heard and determined. That is the only way. The Judiciary should be careful because they are no longer safe. Kikuyu Law Courts was burnt.

In conclusion, I would like to appeal to most of the young people, that the Government is doing a lot through President William Ruto. We now have *Kazi Mtaani* and climate works. We need to support this because we agree that young people have genuine concerns---

The Speaker (Hon. Kingi): Sen. Faki, please, proceed.

Sen. Faki: Mhe. Spika, ningependa pia kutoa kauli yangu kuhusu Taarifa iliyoletwa Bungeni na Seneta wa Kaunti ya Kakamega.

Ni kweli kwamba maandamano yaliyotokea hivi juzi yalileta hasara kubwa na maafa kwa Wakenya wengi, wengine wao wakiwa wafanyibiashara ambao hawakuhusika kabisa na maandamano hayo.

Maandamano yanahabirika wakati baadhi ya watu wanalipa watu ambao wanajifanya wao ni polisi na kutembea na rungu na wanazunguka wakijaribu kuzuia maandamano. Wakati maandamo yametolewa taarifa, ni jukumu la polisi kuhakikisha kwamba sehemu ambayo maandamano yatakuwa kumewekwa usalama wa kutosha na waandamanaji wanaandamana kulingana na taarifa waliyotoa kwa polisi.

Maandamano yetu yanaharibika wakati kwanza, polisi watapinga kuwepo kwa maandamano. Baadaye, wanashirikiana na majambazi wengine kujaribu kuvuruga hayo maandamano. Hapo ndio vurugu zinatokea na watu wanapoteza mali na vijana wanapigwa risasi bila hatia yoyote.

Mhe. Spika, agizo la hivi karibuni kwamba watu wapigwe risasi kwa mguu ni agizo ambalo ni hatari sana, kwa sababu hata kwenye mguu, kuna viungo muhimu ambavyo ukiviathiri mtu anaweza kupoteza maisha. Unaweza kupigwa risasi ya mguu, uvuje damu kupita kisasi na upoteze maisha yako. Kwa mfano, mwenda zake, Rex Maasai, alipigwa risasi kwa mguu na akafariki.

Kwa hivyo, agizo la kupiga risasi ni hatari kwa vijana wetu. Labda, kwa baadhi ya wanaoandamana, kikubwa walichonacho ni simu zao, kwa sababu wanataka kuona *action* ya maandamano. Kwa hivyo, swala la kuwapiga risasi ni jambo ambalo halifai katika nchi yetu. Tunakiuka Katiba yetu na haki za kibinadamu.

Asante kwa kunipa fursa hii.

The Speaker (Hon. Kingi): The Senate Majority Leader, please, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I rise to give support to the Statement by Sen. Faki on access to the Port City of Mombasa. Mombasa is among Africa's foremost cities, known globally, and celebrated for its rich culture and source of entertainment, and listed even on some of the best exploration sites of the world as one of the most favourite parts of the world to visit.

It is unfortunate that over the years, we continue to hold the view that by protecting certain airlines, it will be of benefit to that city. The world of travel is fast evolving. Therefore, there are certain airlines, based either on their safety record or certain prejudices that people hold, that so long as they do not fly to certain destinations, those cities will never receive a good number of tourists.

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Mr. Speaker, Sir, we continue to undermine the potential of Mombasa City and the coastal cities around it, because of a protective policy that does not serve the interests of Kenyans, but very minute business interests. I would wish that when the Ministry of Roads and Transport come to respond to that particular Statement, let it be known to the public how many international airlines are on the queue to receive landing rights direct to Mombasa City.

Mr. Speaker, Sir, travellers are such that right now, they do not even want to stop by Jomo Kenyatta International Airport (JKIA) because many of them do not have anything to do here in Nairobi. They want to land directly from the destination of choice, straight into Mombasa County, and when they are done with their holidays and festivities, fly out of the country. I wish that we can continue to have a more collaborative approach to this, and appreciate the changing preferences of travellers, and open up Mombasa to as many airlines as possible.

There are smaller cities of even lower profile that are threatening the prominence of Mombasa due to this backward policy. It is my hope that the Senate Standing Committee on Roads, Transportation and Housing, chaired by Sen. Eddy, will help the country in unravelling this mystery and ensure that we open up Mombasa City, for the sake of tourism numbers.

We can receive double the two million tourists that we receive in this country, in Mombasa alone, if we make it open and ensure that tourists can access it as easily as possible. I hope the Senate Standing Committee on Roads, Transportation and Housing will do justice to the people of the coastal region.

I thank you.

The Speaker (Hon. Kingi): Sen. Maanzo, please proceed.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I would like to comment on Sen. (Dr.) Khalwale's Statement.

All of us should be able to adhere to the rule of law. The Constitution is clear, and whenever somebody offends the law, they should be able to face the law fairly so.

What we have seen now is unprecedented. It did not happen during the time of President Kibaki, nor did it happen during the time of President Uhuru. Ordinarily, the Public Order Act is clear on what should happen on demonstrations. It amplifies, although it is an old Act, Article 7 of the Constitution. If a demonstration sounds chaotic, a police officer of the rank of Officer Commanding Station (OCS) should be able to give a proclamation and give people time to clear.

However, unfortunately, because I have participated in this occasionally, it will always start with a bullet fired or teargas. That is what will irritate the otherwise peaceful crowds and also penetration by other people who are not part of the demonstrations.

There are no regulations in relation to this. The regulations which are there were made by the Hon. Amos Wako over 20 years ago, and have expired. The Cabinet Secretary in charge has not come to renew them through the Senate Standing Committee on Delegated Legislation, although they have gotten a leeway of two years or so to do so, which now are expiring.

The order to shoot and kill is unlawful. The prosecution of peaceful demonstrators in a terrorism court is also unlawful. There is a lot of information from Closed-Circuit

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Television (CCTV). The real criminals can be apprehended. Those who send criminals to the streets should also face the law and be apprehended.

I condemn what has been happening, and the solution is not what we are looking for here. The solution is to change the government in 2027 and bring a government which can follow the rule of law.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. James Murango.

Sen. (Dr.) Murango: Bw. Spika, ningependa kuchangia kidogo kuhusu Taarifa ambayo imeletwa na Seneta wa Kakamega. Kuna mambo matatu ambayo yalitokea na lazima tuyang'amue yote. Kwanza ni kuwa kulikuwa na wakora walioingilia maandamano ya Gen Z. Vile vile, kulikuwa na wapita njia ambao waliuawa ilhali hawakuwa katika maandamano.

Nasema hivyo kwa sababu kuanzia kesho, tutakuwa na mazishi ya wanne ambao waliuawa. Wengi wao walikuwa wa umri wa miaka 20. Wengi wao walipigwa risasi wakiwa nyumbani kwao na wengine wakiwa katika sehemu zao za kazi.

Kama viongozi, ni vizuri pia tung'amue mbivu na mbichi. Nimeona wengi wakisema kwamba watu wauawe. Sisi sote tutafariki. Kuna miti inakomaa mahali ya kutengeneza majeneza yetu tutakapokufa. Kwa hivyo, ni vibaya kiongozi yeyote kusimama na kuamuru watu wauawe. Kwa nini nasema hivyo? Hiyo ni kama hali ya kwapa kunuka pasipo kidonda. Watu wanafikiria kuwa ni wengine tu wanaouawa bali siyo wao.

Ni vizuri tuletewe ripoti kuhusu wanne ambao nimetaja hapa. Tumeshinda siku nzima tukitafuta maombi ili mmoja wao aweze kufanyiwa upasuaji. Alikuwa akifanya kazi katika cybercafe.

Bw. Spika, sijasikia mtoto yeyote wa kiongozi ambaye ameuawa kwa risasi. Chambilecho wahenga; "Kuku wa maskini hatagi, na akitaga, haangui, na akiangua, vifaranga wanauliwa na mwewe." Vifaranga wa wale maskini ndio wameenda. Tunaomba tuwe kimya bila kuongea maneno ya kuudhi ili tuwaache waomboleze na kuwazika kwa amani.

Bw. Spika, leo hii tunanoa msumeno. Tuchunge msumeno huo usije kuwa ule ambao utakata msitu ambao ndani yake tunajificha. Kuna mtu anayeogelea baharini kwa kutegemea mawimbi. Wakati mawimbi yanaposhuka akiwa hana nguo, uchi wake huonekana mchana peupe. Kwa hivyo, ni vizuri tuchunge maneno tunayosema.

Naunga mkono kuwa wakora na walioharibu mali ya umma washikwe. Hata hivyo, kwa wale waliouawa pasipo sababu, familia zao zipewe ridhaa ili waendeleo na maisha kwa sababu hatuwezi kurudisha uhai wao.

Asante sana, Bw. Spika.

The Speaker (Hon. Kingi): Next is Sen. Olekina.

Sen. Olekina: Mr. Speaker, Sir, I rise to support the Statement raised by the Senator for the great County of Mombasa. While I support it, I would like to inform Senators that I am aware that as of 4th October, an additional carrier, that is Turkish Airlines, was granted frequency of about three flights directly from Europe to Mombasa.

The debate of prioritising local carriers over other international carriers in terms of business is sometimes quite complex because it leads to local people being charged a

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lot. Although I appreciate the work being done by the Cabinet Secretary for Roads and Transport in terms of opening our skies, it is also important for us to ask ourselves whether KQ can be saved. We should have a debate on why it costs Kshs25,000 one way, whereas in Europe you can fly from London to Milan for about US\$300.

Mr. Speaker, Sir, it is imperative that we broaden this conversation to see whether we can encourage low taxes for other locals to come up with more carriers and also for the Ministry of Tourism and Wildlife to be accommodative in terms of giving licenses for the locals. There is a company called Skyward Airlines which has flights to Mombasa, but it does not have many carriers.

I know for a fact that KQ is our pride and we must protect it. However, we have to do something to open our skies because other airports are coming up. For example, Narok Airport is coming up and we hope it will be ready by next year. We will be happy to have tourists flying directly from Europe to Maasai Mara in Narok County. Does that mean that Nairobi will not be getting business? The answer is no. It means that we are growing our economies.

Sometimes when I hear people talking about doing away with our national park to extend and convert Nairobi City into a concrete jungle, it beats the purpose of why we have such a huge country, but we cannot create other cities in other areas. I am happy that today we gave Thika Town a city status. I hope that in future, we will talk about other counties having their own cities and airports. The process of making Thika to get a city status is as good as done. Instead of congesting everything in Nairobi, we should encourage that.

Mr. Speaker, Sir, another big challenge is that when cities are so close to each other, sometimes it does not make economic sense to fire an engine of an aircraft from, say Narok to Nairobi, because by the time you are going up, you should start descending. Therefore, it does not make sense economically. However, it is important that we look at it holistically to see how best we can reduce taxes and encourage more people to invest in the aviation industry.

As I support the Statement, I want to appreciate what the Ministry of Roads and Transport is doing to allow more international carriers. We need more frequency. If Turkish Airlines, British Airways and others have more flights directly to Mombasa and Narok counties, we will be opening up our economy to more foreign currencies.

Mr. Speaker, Sir, I am happy that we have increased our foreign reserves to quite a lot of money compared to other years. Was it Kshs1.4 trillion in foreign reserves? It is something that when we do practically, we can benefit our country.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Tabitha Mutinda.

Sen. Tabitha Mutinda: Mr. Speaker, Sir, allow me to support the Statement by Sen. (Prof.) Kamar regarding consultation of the draft model of the law on labour migration. This is because I have a Bill which I am happy is at the Committee of the Whole stage. The issue of migrant workers cutting across the international level is critical. I am happy that she noted that I have made strides. I request that it is prioritised by the Committee on Labour and Social Welfare because matters affecting migrant workers across the country are critical.

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We have seen some families that have succeeded because of working in the gulf countries. We have also seen others that have suffered in one area or the other. Those are our brothers and sisters from different countries, but my Bill touches mainly on our Kenyan brothers and sisters who have travelled out there.

It is a Bill that will give them an opportunity to be treated fairly; the same way people from other African countries are treated. It is unfair for a Kenyan employee out there to be paid peanuts while the same counterpart from a different country is paid higher simply because we have not negotiated correctly. I am happy that the Bill has been embraced. I also ask the Ministry to keep up the same speed.

Mr. Speaker, Sir, allow me to also touch on the Statement made by Sen. Hamida in regards to Mr. Peter Ayiro, a senior teacher at Alliance Girls High School---

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

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

Sen. Tabitha Mutinda: Mr. Speaker, Sir, I had not finished. The Senate Majority Leader just called me and said "Order!"

The Speaker (Hon. Kingi): Senator for Kakamega, if you have a point of order, you know what to do. You do not exchange directly with your colleague. Sen. Tabitha Mutinda, proceed.

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

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

The Speaker (Hon. Kingi): So, why engage your colleague directly? You could have been patient. I will, of course, give you an opportunity to raise your point of order.

Proceed, Sen. Tabitha Mutinda.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I rise to also support Sen. Kibwana's Statement which---

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

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

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, is it in order for the Senator to comment on a Statement moved under Standing Order No.52(1)? That is exactly what she is doing.

The Speaker (Hon. Kingi): You are out of order. Kindly, proceed to comment on the other Statements that were raised pursuant to Standing Order No. 53(1).

Sen. Tabitha Mutinda: Mr. Speaker, Sir, I am well guided. I had already commented on a Statement under Standing Order No.52(1) by Sen. (Prof.) Kamar, but it was not intentional. I will proceed to make my comments on Sen. (Dr.) Khalwale's Statement in regards to loss of lives and injuries.

A few weeks ago, this was a country of demonstrations. People suffered loss of their businesses. We have seen families saddened and cry for the loss of their loved ones. The Statement by my colleague, Sen. (Dr.) Khalwale, states that the Government should support those families. I agree with him that the Government should offer support to the

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families that have lost their loved ones and their properties. However, the culprits or people who organized the goons to do the heinous acts: damage of properties and stealing of goods, should be brought to book.

Where we are, as a country, because two wrongs do not make a right, it is a high time that the demonstrations are put aside. It is a right for every Kenyan to demonstrate as per Article 37 of the Constitution, but as things stand now, the way to go should be talks and negotiations. With that, solutions will be offered instead of our people going to the streets.

It is in that regard that I want to state that because, at the end of the day, this is our country.

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

Sen. Mumma: Thank you, Hon. Speaker, Sir, for giving me the opportunity to comment on Sen. (Dr.) Khalwale's Statement. The issue of exercising the freedom in Article 37 of our Constitution is getting out of hand. The exchanges we have made it look as if demonstration is a matter of the police versus the people.

Article 37 of the Constitution is an important right that is supposed to be supported by all. It was intended to facilitate peaceful movement of people protesting an issue. Those people are to be unarmed and are to be supported in terms of security by the police to take their petitions to wherever they want to take those petitions.

What happened on 25th June and 7th July is a terrifying issue. We saw excesses by the police, but we also saw excesses by the ordinary people. I am glad Sen. (Dr.) Murango put it well that this is not a matter of who is supporting the Government and who is not supporting the Government. Everybody, from both aisles or from whatever political persuasion you come from, should see the wrong in excessive use of forces by the police.

We should also be able to see the wrong in the incitement and arming of young people and getting them to destroy property. So, whoever organized goons, from whatever political persuasion they came from, is wrong to have done what they did. We, as a House, need to hopefully get back the country to understand that there is a right in Article 37 of the Constitution. However, all those who are involved, the police and the demonstrators, should also know that they have individual rights with none being more superior to the other. We have to move to a level where we respect this.

Mr. Speaker, Sir, it is my hope that the Committee on National Security, Defence and Foreign Relations will look at this issue objectively. I also hope that they will help us, as a country, to call out those who fell short of the standard, regardless of whether they belong to Government or not. I pray that this will help us to bounce back on the track of what was intended when we, as the people of Kenya, put Article 37 within the Constitution.

Allow me to also support the Statement by Sen. Faki. It is my view that our local carrier has become so expensive that instead of buying a Kenya Airways ticket to Mombasa or Kisumu, you might as well buy a ticket from another airline to go to Uganda or West Africa.

The Speaker (Hon. Kingi): Sen. Kisang.

Sen. Kisang: Thank you, Hon. Speaker, Sir. I also rise to support the Statement by Sen. Faki.

A country like Mauritius with a population of 2.3 million people receives more visitors than Kenya that has over 55 million people. It is important that we open up the Moi International Airport in Mombasa for other airlines to fly in directly. This is because most of the tourists who come to our country target Mombasa. So, why not allow them to fly there directly for us to increase the number of tourists who come to the country from the current two million to maybe five million or even more. This will create other opportunities.

Our tourism and hospitality sector in the coast: Kwale, Kilifi, Mombasa and Lamu will grow. When that sector grows, we will have growth in terms of employment for youth. Our youths have been in the streets because of unemployment. Opening up that part of the country will generate a lot of employment opportunities and revenue for the country. Our tax collection will also go up.

It is also important for us to know that the Kenya Airports Authority (KAA) will have to expand the airports when we have more airlines fly directly to Mombasa. When that happens, there will be additional opportunities for KAA to employ more people. We can also have an agreement with the airlines flying directly to Mombasa to employ Kenyan youths. It will basically be a win-win for everybody. Nairobi will not be lesser of a city if we have direct flights to Mombasa.

It is also important that we call Kenya Airways to order. The delays by Kenya Airways are too much. In the 1980s and 1990s, Kenya Airways was referred to as the Pride of Africa. I do not think we are now proud to say that Kenya Airways is the Pride of Africa. Sometimes last year, when you sent me to Zambia, several of us went to Kenneth Kaunda International Airport around midnight because the flight was supposed to depart at 2.00 a.m. We were kept waiting for eight hours with no explanation. There is so much delay even for the local flights from JKIA to Mombasa and Kisumu. They do not even have the courtesy to apologise for the delays.

Mr. Speaker, Sir, on the Statement by Sen. (Dr.) Khalwale, I remember 1990-1992 when there were demonstrations, the Opposition then used to go to Kamukunji, make all the statements there and go home peacefully.

I do not know what has become of late. For the last 10 years, our demonstrations have taken a different route. We need to relook into that so that we do not destroy property. We need to demonstrate peacefully as anticipated in Article 37 of the Constitution without affecting the rights of other Kenyans.

The Senate Minority Leader (Sen. Madzayo): Asante Mstahiki Spika. Nachukua nafasi hii kumpa kongole Sen. Faki kwa kuleta Taarifa hii.

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

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

Bi. Spika wa Muda, tunajua kabisa kwamba Mombasa ndiyo kama kiini cha uchumi wa Pwani. Ingekuwa vyema kama kufikia sasa Mombasa ingekuwa inaongoza

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Kenya kwa upande wa utalii. Jambo la kusikitisha ni kwamba hivi sasa Mombasa na vitongoji vyake katika Pwani vimekuwa vya mwisho katika utalii. Utalii umekufa katika eneo la Pwani.

Mengi pia yameletwa kuwa ni kwa sababu ya uzembe ulio katika Kenya Airways. Shirika letu la ndege tunalojivunia kama *Pride of Africa* sio tena. *It is the shame of Africa*.

Ni aibu tupu kwa sababu asubuhi kama leo nilipanda ndege kuja Nairobi. Ukitumia Skyward, unalipa Shilingi 7,800 ama 8,900. Ukisafiri na Kenya Airways kutoka Mombasa hadi Nairobi ikiwa uliagiza jana, unalipa Shilingi 25,000, tofauti ya Shilingi 10,000. Hiyo ni mara mbili ya safari ya kutoka Mombasa kuja Nairobi na kurudi.

Kenya Airways ni shirika la kitaifa linalopeperusha bendera yetu likionyesha mataifa yote katika ulimwengu. Tungetaka lifanye kazi sawasawa na kuwa katika mashindano na mashirika mengine duniani.

Wakati wowote watu wanapofikiria mambo ya Pwani, wanafikiria ni mahali pa utalii pekee. Pia, Pwani kuna wakulima. Zile barabara zinatengenezwa zafaa kwenda pia upande wa ukulima.

Bi. Spika wa Muda, hakuna sheria za Kenya zinazompa Waziri ama Mhe. Rais ruhusa ya kuagiza Mkenya apigwe risasi. Ni jambo la kusikitisha. Matamshi kama hayo yanatafikana kuzuiliwa kwa kuwa hayaungwi mkono na Katiba. Ni kinyume cha sheria.

Ukitoa amri ya kwamba ----

Sen. Kinyua: Asante, Bi. Spika wa Muda, kwa kunipa fursa hii. Ninaunga mkono Taarifa iliyoletwa na Sen. (Dr.) Khalwale kuhusu maandamano.

Ibara ya 37 ya Katiba ya Kenya inakubali maandamano ya amani. Inavunja moyo sana ukiona watu wanaandamana wengine kwa amani ilhali kuna wahuni. Jambo la kuvunja moyo zaidi ukitembea Nanyuki – kwa sababu kulikuwa na maandamano ya Saba Saba - msichana wa miaka 24 ambaye ni Julia Njoki alishikwa, akapelekwa kortini na kuhukumiwa. Kwa njia isiyojulikana alifia katika seli.

Amri inasema Wakenya wapigwe risasi lakini Katiba ya Kenya inasema kazi ya Serikali kuu ni kulinda mali na maisha ya wananchi.

Ikiwa kuna wahuni wanaoingilia maandamano na kuleta vurugu, kuiba, kudhulumu na kuumiza wananchi, kuna mpangilio unaofaa kufuatwa wa kushikwa, wapelekwe kortini na kuhukumiwa kwa sababu sheria zetu zinasema mtu hana hatia mpaka ithibitishwe kortini.

Sio Julia Njoki pekee. Kijana wa kidato cha tatu, James Gachara, alipigwa risasi na kuuawa wakati wa kuadhimishwa kwa siku ya Saba Saba. Je, alikuwa amebeba nini?

Kuna haya mambo ya kushambulia watu wakiwa katika maandamano ilhali wahuni wanaendelea kufanya kazi yao bila kusimamishwa na askari yeyote. Jana niliangalia nikaona ya kwamba nyanyake Julia Njoki ni mama mkongwe. Hata yeye alipigwa na hewa ya kutoa machozi akitetea haki ya mjukuu wake. Babake msichana huyo, Martin Kariuki Rienye, ndiye chifu wa sehemu hiyo. Hata mfanyikazi wa Serikali anavunjwa moyo na hawa askari wanaopenda kupiga watu risasi.

Bi. Spika wa Muda, hili ni jambo lisilopaswa kukubalika katika nchi yetu. Kamati ya Usalama inapaswa kuangalia mambo hayo kwa undani ili wajue wahuni ni akina nani-
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Sen. Mungatana, MGH: Thank you, Madam Temporary Speaker for giving me the opportunity to take the Floor and support the Statement by Sen. (Prof.) Kamar on labour migration and the consultations that were made by Pan African Parliament (PAP) here in Nairobi on 16th June, 2025.

I watched with consternation about two days ago when Greece Prime Minister was speaking to his Parliament amidst huge cheering. He said that Greece will no longer provide an easy access to Europe from North Africa.

He said again amidst huge cheering that they will be detaining every person who crosses from Morocco, Southern Sudan and Libya; all those people who make their way to Europe through Greece. They will create special detention camps

That communicates that time has come for Africa to seriously consider developing migrations laws for labour that make it easier to come and work in other parts of Africa as opposed to going to Europe. The days when Europe was the glamorous place that people used to hope to visit, are over. They are also experiencing lots of problems. Trump has imposed very serious taxes on the importation of their goods. They are having their own economic problems and they are trying to find a way of answering them by making it look like it is the migrant labour force that is bringing the problems to Europe.

Madam Temporary Speaker, the consultations sponsored through the PAP must be taken very seriously. It is time Africa rises up to make it easy for all of us who want to work in various parts of Africa to do so without a problem.

If an Angolan came to Kenya, what is the legal regime? How much tax does he pay to Kenya and how much tax does he remit back home? What about the social policies? Will he be eligible to access the Social Health Authority (SHA) in Kenya, for example? Will he be protected by the labour laws in this country?

As a country and Africa, we need to support this labour migration law that is being developed through the PAP. It has already gone through the consultation. I am aware that in the meeting held in Nairobi, a resolution was made to bring it to the plenary of the Parliament of Africa, which will be done in this session beginning this July.

Once the plenary is done, as the process demands, it will go to the African Union (AU) Executive. After that, we will have to domesticate it in various national parliaments. We need to make a score on this one. We need to create an Africa where people can work and live anywhere.

During the Africa Day, the Members of the delegation of PAP brought students from all over Kenya in leadership into the Parliament Precincts. We had a meeting celebrating the African Day. I saw students from Rwanda, South Africa and Democratic Republic of Congo (DRC) who are studying in Kenya. These students will meet their spouses here. Why should we make it so difficult for them to be---?

The Temporary Speaker (Sen. Mumma): Sen. Mandago, proceed.

Sen. Mandago: Thank you, Madam Temporary Speaker. I rise to support the Statement by Sen. (Dr.) Boni Khalwale, with a bit of concern in some of the areas the Senator is asking.

We truly understand that it is indeed a constitutional right for people to picket and seek their rights. However, when discussing vandalism and destruction of property, it should be clear that the law provides for the Government to protect its citizens and

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property. Any action the Government then takes to protect citizens' lives and their property should also be applauded in the same measure that it is being criticised for taking action.

I am happy to note that there was a debate on whether the youths were responsible for the destruction of property or the goons. I have heard my friend, the Senator for Laikipia County, saying that the order to shoot was unfortunate. That order is the reason why the owner of the goons has announced that the demonstrations and the destruction of property must stop.

Even as we seek to quantify the losses we have, I do not agree with the position that the Government should compensate businesses that have been lost. However, the owners, organisers and the mobilisers of the goons that destroyed property should be held to account.

Madam Temporary Speaker, in future, this House needs to amend the law---

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

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

Sen. Kinyua: Madam Temporary Speaker, I heard the good Senator for Uasin Gishu County, Sen. Mandago, talking about the owner of the goons. I do not know who the owner of the goons is.

The Temporary Speaker (Sen. Mumma): Sen. Mandago, please substantiate who the owner of the goons is or withdraw and apologise.

Sen. Mandago: Madam Temporary Speaker, the owner of the goons is somewhere in the United States of America (USA). I will get the names later, but I know there has been some announcement that *maandamano*---

The Temporary Speaker (Sen. Mumma): Sen. Mandago, will you tell us the owner of the goons in the next sitting or you withdraw the statement if you do not have a name? We can record that.

Sen. Mandago: Madam Temporary Speaker, property was not destroyed on ordinary days. It was destroyed during *maandamano*.

The Temporary Speaker (Sen. Mumma): Sen. Mandago, the point of order is very specific. Do you have a name of the owner of the goons or you do not? If you do not, kindly withdraw.

Sen. Mandago: Madam Temporary Speaker, let me temporarily withdraw. Even as I withdraw, Sen. Kinyua knows the owner of the goons.

(Laughter)

The Temporary Speaker (Sen. Mumma): Sen. Mandago, you know the rules. Please, withdraw or name the owner of the goons.

Sen. Mandago: Madam Temporary Speaker, so that I can conclude my submission, let me withdraw that statement. The point is made.

Even as the Constitution allows for people to picket, demonstrate and petition, it also protects the wealth, business and properties of others. In future, those organising demonstrations should take responsibility for any destruction of business or property in

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the course of their demonstration. This will ensure that people call for genuine demonstrations.

We want to see people picketing and taking their petitions to state departments the way we have seen the health workers bring their petitions to Parliament. We want to see people taking their petitions to the police headquarters or the Cabinet Secretary for Interior and National Administration in case there is insecurity. They take to the---

The Temporary Speaker (Sen. Mumma): Sen. Nyutu, proceed.

Sen. Joe Nyutu: Thank you, Madam Temporary Speaker. I also rise to support the Statement by the Senator for Kakamega County regarding demonstrations, the resultant killings and destruction of property. It is the right of every Kenyan, when they have a reason to, to demonstrate peaceably and unarmed. That is a right that cannot be taken away from Kenyans.

The other thing that concerns me is that no one is addressing the causes of these particular demonstrations. We have had young people demonstrating and have grievances against the Government. However, the Government has not made an attempt at resolving or addressing these grievances. It is time that the Government of Kenya starts addressing the root cause of these demonstrations and not just demonizing those that demonstrate.

I must also express my very deep embarrassment that the Head of State can address this issue without first passing a message of condolences to those who have lost loved ones, especially through a police bullet.

Even as we discuss this matter, we must state categorical that anyone who destroys life or property must face the law. However, we cannot apply the law selectively. I say this because there are some youths charged under the Terrorism Act for torching the police station in Kikuyu town. Another police station was torched, Mawego Police Station in Homa Bay County. However, none of the youths that perpetrated that have been charged under the Terrorism Act.

Madam Temporary Speaker, the law must be applied equally. We cannot have youths from a particular region being charged under the Terrorism Act, while there are youths from another regions that are charged under a different Act.

Sen. Cherarkey: Madam Temporary Speaker, I rise to under Standing Order No.105, on the issue of accuracy of statement and facts. I need a clarification. The Senator is out of order. This is because under this Constitution, under article on the Director of Public Prosecutions, is an independent office.

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

Sen. Cherarkey: My point of order, Madam Temporary Speaker, is it in order for the Senator to allege that the Government is charging youth from one particular region with terrorism, yet he knows, under the constitution, the Office of the Director of Public Prosecutions (ODPP) is an independent office?

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, what is the contradiction? He said youth from one side are charged with a different offence from youth from another. What is your point of order?

Sen. Cherarkey: My point of order, Madam Temporary Speaker, is insinuating that the Government is charging, yet it is the ODPP who does the charge of suspects.

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The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, I think your point of order is not clear.

So, Senator, you need to proceed.

Sen. Joe Nyutu: Thank you, Madam Temporary Speaker. It is important that when we address issues in this House that we do not speak for the gallery, to please somebody from somewhere. Even the points of order that we raise here are substantive, that we do not just stand up and raise them to please a particular being somewhere.

Having said that, we cannot be blaming people ---

(Interruption of Debate on Statements)

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM NJOGUINI PRIMARY SCHOOL, NYANDARUA COUNTY

The Temporary Speaker (Sen. Mumma): Hon. Senators, I have a communication to make on visiting teachers and pupils from Njoguini Primary School in Nyandarua County.

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting teachers and students from Njoguini Primary School in Nyandarua County. The delegation comprises eight teachers and 43 pupils who are in the Senate for one day academic exposition.

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

I thank you.

Is the Senator from Nyandarua in? Do you want to welcome them for two minutes, please?

Sen. Joe Nyutu: Thank you, Madam Temporary Speaker. I want to welcome the teachers and pupils of Njoguini Primary School in Nyandarua County.

The Temporary Speaker (Sen. Mumma): Sen. Mandago, what is the issue? Just hold on, Sen. Nyutu,

Sen. Mandago: Madam Temporary Speaker, because the school is on an academic tour, I think it is important for them to know and they know that their Senator is John Methu, the Senator for Nyandarua County. Sen. Nyutu is the Senator for Murang'a County. Further information to them is that Nyandarua County is in the Rift Valley. It would have been appropriate for me to welcome this delegation.

The Temporary Speaker (Sen. Mumma): Sen. Mandago, you have a point on the fact that the Senator for Nyandarua is Sen. Methu, but I will proceed to allow Sen. Nyutu to welcome them on behalf of Sen. Methu.

Sen. Joe Nyutu: Thank you, Madam Temporary Speaker. This is the kind of Standing Orders that I have taken issue with. Now, the former Governor for Uasin Gishu wants this House to believe that Nyandarua County is actually in Rift Valley.

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Nyandarua County, Sen. Mandago, is in Mt. Kenya region, to be specific, in central Kenya. It borders Murang'a County. I stood here as a neighbour of Nyandarua County to welcome the good pupils from Njoguini Primary School in Nyandarua County.

I welcome them to this particular House. Your Senator, Sen. John Methu, is out on official business. As Senator for Murang'a County, I stand in for him while welcoming you here. I believe that you are going to have a very fruitful experience here and you will learn from the discussions that we are having here. However, one thing I ask you is that when you grow up, please, be reasonable in your debate and your actions, and do not take, you know, some lessons that are negative from some of us.

God bless Njoguini Primary School and your teachers. Your future is very bright, that I assure you.

The Temporary Speaker (Sen. Mumma): Hon. Senators, I have another communication to make on visiting teachers and pupils from Bonanza.

Sen. Nyutu: On a point of order---

The Temporary Speaker (Sen. Mumma): Order, Sen. Nyutu, please.

VISITING TEACHERS AND PUPILS FROM BONANZA
PRIMARY SCHOOL, EMBU COUNTY

The Temporary Speaker (Sen. Mumma): I have another communication to make on visiting teachers and pupils from Bonanza Primary School in Embu County.

Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon of visiting teachers and students from Bonanza Primary School in Embu County. The delegation comprises four teachers and 29 pupils who are in the Senate for one day academic exposition.

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

Thank you.

I would like to invite Sen. Mutinda to welcome our team from Embu. Senator Mundigi, who is the Senator, is out shortly.

Sen. Tabitha Mutinda: Thank you, Madam Temporary Speaker. The Senator for Embu, your Senator, Sen. Mundigi, has just stepped out on official duties, but is always my immediate neighbour.

I am also an alumna of St. Anne's High School from the great County of Embu. So, I am also a product of Embu when it comes to my own levels. I take this opportunity to welcome you to the Senate. It is the 'upper' House. We also wish you the best as you continue doing what you are supposed to do to the younger ones.

Do not set the examples that we saw last week, that was set by one of the best schools in this country, Alliance Girls, what we saw one teacher doing to our young people. I urge you, teachers, to go and do the best. Have products like this, as I pride in being one of the students from the great county of Embu.

Thank you, Madam Speaker.

(Resumption of debate on Statements)

The Temporary Speaker (Sen. Mumma): Hon. Senators, I will give a few more Senators an opportunity to contribute as I request Whips to mobilise for the vote on CARA.

Sen. Hamida, proceed.

Sen. Kibwana: Asante, Bi Spika wa Muda. Langu ni kuchangia kuhusu huduma za Kenya Airways na Jambo Jet. Huduma hii imekuwa dhaifu. Inasikitisha kuwa hata bei ya kampuni hizi za ndege imepanda na imekuwa vigumu kwa wananchi wa Kenya kusafiri. Ningependekeza washushe bei ya nauli. Hii itarahisisha mambo kwa wananchi wa Kenya kusafiri. Lakini kwa sasa huu mfumo wa utoaji wa leseni ina masharti magumu. Kwa hivyo, ndege za kwenda Mombasa na Nairobi zimekuwa chache. Kwa hivyo, Serikali ingefanya hima kutoa leseni nyingi kwa mashirika ya ndege zingine ili kuwe na competition. Hii itawezesha Wakenya kufaidika. Waweze kupunguza bei ya nauli ili kuwe na mfuto wa tourist kuja Kenya zaidi lakini bei ya nauli kwa ndege za local iko juu na Wakenya wengi hawawezi kulipa hiyo bei. Iko juu.

Naunga Sen. Faki mkono kuwa bei ya Kenya Airways na Jambo jet ziweze kushuka chini na huduma zao pia ziwe bora zaidi. Tumeanza kuona kuwa Kenya Airways bado huwa lazima ndege ziwe zimechelewa. Kama unaondoka saa mbili, unajikuta unaondoka saa saba ya mchana. Kama unaondoka saa saba, utajikuta unaondoka jioni. Kwa hivyo, haina utaratibu wa saa zake ukamilifu wa kuweza kufanya kazi vizuri. Tunaomba Serikali iweze kusaidia Kenya Airways wawe na huduma bora na pia malipo ya ndege yapunguzwe

The Temporary Speaker (Sen. Mumma): Sen. Veronica Maina, please proceed.

Sen. Veronica Maina: Thank you, Madam Temporary Speaker, for the opportunity to speak on one of the Statement that has been brought to the Floor of this House by Sen. (Dr.) Khalwale. I want to first quote Article 3 of the Constitution-

“(1) Every person has an obligation to respect, uphold and defend this Constitution.

(2) Any attempt to establish a government otherwise than in compliance with this Constitution is unlawful.”

I am quoting this because what we have seen in the *maandamano* that we experienced on 7th of July and 25th of June is not anything to write home about.

Very well-intentioned demonstrations were turned into violent protestations and instead of peaceably proceeding to demonstrate and raising the issues that the public believes that they wanted to raise; there was so much infiltration from the political front that what we ended up with was loss of life, destruction of property and we also saw careers curtailed and occupations brought down. Even those Gen Zs who were working in those businesses now cannot wake up and proceed to work.

From my end, I think we need to school ourselves and the public once again on the constitutional stipulations when we are exercising our freedoms and rights. This is because rights carry obligations, they ride with obligations and where somebody has a right, that right must not breach the rights of other citizens.

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What we saw easily makes us think that we should actually not have demonstrations in Kenya for now. This is because, why would anybody even compel young people to go to the streets just to be in conflict with the police officers? It is because they know at the end of the day there will be infiltration of that demonstration.

The harm outweighs the good now. When it comes to destruction of property, loss of life, the intended good by Article 37 of the Constitution has been overridden by the harm that was caused and even loss of one life is one too many for the nation of Kenya.

We need to rethink what is our loyalty pledge to the nation. I want to cite the Americans who value and treasure their nation and uphold their flag. They defend and protect their nation. Why are we not able to do that in the exercise of our rights under the Constitution?

Sen. Wakili Sigei: Thank you, Madam Temporary Speaker, Sir. I am presuming that you have granted me the Floor to also contribute.

The Temporary Speaker (Sen. Mumma): Yes, proceed.

Sen. Wakili Sigei: I equally want to support the Statement by Sen. (Dr.) Khalwale on the consequences of what was initially meant to be a very constitutionally protected right under Article 37 of the Constitution to demonstrate, picket and present petitions, which unfortunately, turned out to be a destructive experience which this country has previously not experienced.

The Statement, which I believe once it is committed to the Committee, will seek to establish certain actions the Government intends to do or has done and also statistics on what the consequences became of those demonstrations, will again, seek to establish beyond the statement. This is because, whereas Article 37, as several others have said, entitles one to freely demonstrate, picket and present petitions, it equally gives that particular person a mandate and obligation in law to ensure that other people's rights, which are protected by the same Constitution, are not affected.

Madam Temporary Speaker, this corresponding right has completely been thrown to the dogs. When you look at what transpired on the demonstrations of 25th and the ones on Saba Saba Day, they did not in any way resonate well with what the law requires of those organisers of the demonstrations as well as those who participated in them on that particular day. For instance, when you look at Saba Saba, that is something that we have had for a very long time, since the 1990s, before a good number of us were born. We have commemorated the day called Saba Saba and during all those demonstrations, we have not experienced the destruction of public or private property and the killings of innocent Kenyans and people who were not participating in the process before. For all this period, the commemoration equally has been confined to one rallying call required of that particular day to remember those who fought for this country to get multi-party democracy.

Unfortunately, it was hijacked by the political class and those who were keen on destroying, stealing and killing. The statistics today which the Ministry of Interior and National Administration provided as to the value of the property that was lost, both public and private, is not anything to write home about. It is no longer demonstrations. It is very unfortunate that sometimes even Members of this House who have talked before

me are seeking to profile to the extent that they are making reference to certain arrests and people being charged, of certain communities---

The Temporary Speaker (Sen. Mumma): Order No.10 is hereby deferred.

BILL

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

Hon. Senators, allow me to rearrange the rest of the business, so that we can now move on to Order No.13.

BILL

Second Reading

THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILLS NO.9 OF 2025)

Sen. Tabitha Mutinda: Madam Temporary Speaker, I beg to move that the County Allocation of Revenue Bill (Senate Bills No.9 of 2025) be read a Second Time.

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, I think you were here when the Speaker guided on what should happen. I think you are stretching your luck. Please, sit down and listen carefully.

(Sen. Cherarkey spoke off record)

So, you want to exchange with me on that now?

Proceed, Sen. Tabitha Mutinda.

Sen. Tabitha Mutinda: Madam Temporary Speaker, the County Allocation Bill, 2025 was tabled before this House as per our Standing Orders. The County Allocation Bill, 2025 has been prepared in accordance with Article 218(1) of the Constitution.

The Bill divides among counties the revenue allocated to the county level of government through the Division of Revenue Act. The Act does provide for the Financial Year 2025/2026 allocation. Through the Committee that I serve as the Vice-Chairperson, we proposed Kshs465 billion. The National Assembly had proposed Kshs405 billion. This resulted to a mediation process. I sat with my other colleagues in the Mediation Committee to mediate on the Division of Revenue and we unanimously and finally agreed on Kshs415 billion.

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Madam Temporary Speaker, as I proceed, I would like to state that the Bill contains two Schedules. It will be important for colleagues to know that in these two Schedules, we have the Fourth Schedule which divides the county equitable share amongst counties, in accordance with the Fourth Basis of revenue allocation. Before we got into this level, we had to look at the parameters that we went through from what the stakeholders had submitted, starting with the Commission on Revenue Allocation (CRA). We tabled this to the House as far as the formula is concerned. I am happy that colleagues agreed and hence, I am here before this House to table the Bill.

The Fourth Schedule provides that the first Kshs387.425 billion is the baseline allocation and is to be shared on each county's allocation for Financial Year 2024/2025. Remember, that this Kshs387.425 billion is the previous allocation and where we are at Kshs415 billion, which is an increment of Kshs28 billion to the counties.

The next is Kshs4.46 billion, which is an affirmative action which we agreed that it be shared to the 12 counties; Elgeyo Marakwet, Embu, Isiolo, Kirinyaga, Laikipia, Lamu, Nyamira, Nyandarua, Samburu, Taita Taveta, Tharaka Nithi and Vihiga. These are the counties whose allocation has been below Kshs6 billion. Apparently, it is only the county of Lamu as per the Schedule that is still below, but the rest were able to at least achieve the Kshs6 billion.

Madam Temporary Speaker, the balance which amounts to Kshs23.115 billion was now shared as per the four parameters that we agreed on as a House and as a Committee; whereby the population weight was settled at 45 per cent. The poverty index weight was also settled at 12 per cent and the geographical size index settled at 8 per cent. Remember, this is the discussion we had on the issues of land. We said land does not increase in this country and we, therefore, felt that the parameter should not be increasing. The basic share index was also settled at 35 per cent, which brings a total of 100 per cent in these four parameters. Therefore, it is important that when Members look at the Schedule, this is how these figures have been achieved.

The Second Schedule to the Bill has also provided a recurrent expenditure budget ceiling for county assemblies. The Committee during this just recent recess period sat with over 20 county assemblies, looking at their requests as far as their expenditure budget ceilings because the county assemblies were concerned. In this Second Schedule, we looked at the needs and considered, in terms of the different issues they presented to us.

In the processing of it, you will find that some of these budget changes were brought about by the issue of the inflation. Some assemblies also pointed out on the increased medical costs because they needed to cover their Members or their staff. Some of them needed to purchase office equipment and some of them needed mobility as far as transport was concerned. This is because, you will find that some counties have different types of hardships. We looked at different issues that the county assemblies presented and ensured that we adjusted their ceilings depending on the different needs that they presented before the Committee.

Madam Temporary Speaker, allow me to recognize the different stakeholders that we walked this journey with led by none other than Hon. Mbadi, the Cabinet Secretary for National Treasury and Economic Planning on the Division of Revenue and the

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Council of Governors (CoG). Remember, their proposal was Kshs536 billion. However, as a House, we have given Kshs28 billion as an increment.

I would like to tell the governors that this is not their money. This money is not given to governors as individuals. It is given to the institution - the county which has structures and the Governor is the Chief Executive Officer (CEO). It is prudent that with this increment, they should prioritize the issue of pending bills. We push a lot for them to have these increments and we also push for them to have timely disbursements. They should also do the needful and ensure that suppliers are paid and are paid on time. We have worked closely with the CRA and we continue working closely with them. They are the ones who submitted their first formula and we dug deeper into the formula they had presented.

The County Assemblies Forum (CAF) have a structure and they have a body which we closely worked with. We also worked with the Institute of Public Finance (IPF), the Institute of Certified Public Accountants of Kenya (ICPAK), the Institute of Economic Affairs (IEA Kenya), the Institute of Social Accountability (TISA) and the Budgeting Hub. These are institutions we worked closely with in order to ensure that we maximized when it came to matters public participation.

Madam Temporary Speaker, the Committee, having considered the Bill and stakeholders' submissions, we made several observations which included sharing of the revenue amongst the counties, the Kshs415 billion as per the two Schedules I have communicated on - The First Schedule, which is the fourth basis and the Second Schedule for the county assemblies.

The overall ceiling to the counties assemblies has been enhanced by Kshs1.89 billion from the approved Kshs36.37 billion for the 2024/2025 Financial Year to Kshs38.26 billion proposed for the 2025/2026 Financial Year. The county executive ceilings as provided by the CRA reveal a significant shift from the previous financial year, with a Kshs10.3 billion decline. The CRA indicated that this was informed by the quantification and various expenditure needs.

There are various expenditure needs that have also arisen, especially in the county assemblies due to time lapse. For instance, the HANSARD systems that have lapsed over the years and this needed to be put into the modern digital standards that are in place.

Madam Temporary Speaker, as I conclude, I would want this Bill to be adopted. I also extend the same gratefulness to my Committee Members whom we work closely with. You will realize that our Bills at the Committee on Finance and Budget are timely Bills.

I also appreciate because you have to re-adjust and re-arrange the Order Paper because of the timelines that we have as far as these Bills are concerned. There is also the secretariat who have worked closely with us as well as all the stakeholders I have mentioned.

Madam Temporary Speaker, I request to call Sen. Cherarkey to second.

The Temporary Speaker (Sen. Mumma): The Seconder, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Madam Temporary Speaker. From the onset, I commend the Committee for their good work. This is the only Committee apart from yours truly, the Senate Standing Committee on Public Accounts Committee, that is doing

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good work. I would like to thank the Committee's Vice-chairperson, Sen. Tabitha Mutinda, for always being there and ensuring that---

The Temporary Speaker (Sen. Mumma): What is your point of order, Sen. Asige?

Sen. Crystal Asige: Madam Temporary Speaker, is it in order for Sen. Cherarkey as he moves to second, to say that there are only two committees in all of Senate that are actually working?

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, do you want to correct that assumption instead of arguing, that only two committees are working?

Sen. Cherarkey: Madam Temporary Speaker, I said "industrious committees".

The Temporary Speaker (Sen. Mumma): No, you said there are only two. It is very clear.

Sen. Cherarkey: I said these are only two.

The Temporary Speaker (Sen. Mumma): You said, "The only two that are working". Sen. Cherarkey, you know what you said.

Sen. Cherarkey: The HANSARD can bear me witness. If I have committed a wrong, then I can withdraw and apologise.

No, I want you to get what I said.

The Temporary Speaker (Sen. Mumma): Secretariat, can you indicate what Sen. Cherarkey said?

Sen. Cherarkey: Yes, please.

(Loud consultations)

The Temporary Speaker (Sen. Mumma): Hon. Senators, let us hold on a minute. Sen. Cherarkey, you can continue. The verification will be brought in due course. You can continue moving.

Sen. Veronica, what do you mean by point of clarification? You have not said anything, what are you seeking to clarify?

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

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, do you want to be informed?

Sen. Cherarkey: No, I do not want.

The Temporary Speaker (Sen. Mumma): Thank you.

Let Sen. Cherarkey proceed.

Sen. Cherarkey: Thank you, Madam Temporary Speaker, for your understanding. You are my neighbour.

As I rise to second, I would like to celebrate the Senate Standing Committee on Finance and Budget, and more so the Vice-Chairperson, Sen. Tabitha Mutinda. I am told she is looking for something in Nairobi City County. I wish her well. She has outdone herself in this Committee. I hope to see her in future senior leadership positions in this country.

Madam Temporary Speaker, Article 210 of the Constitution is clear on a number of county allocations. The role of the Senate is to protect devolution. That is the reason

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why all of us should be here although I know my colleagues are following keenly on the Floor of the House and in our lounge because this is critical.

Madam Temporary Speaker, I heard somebody trying to castigate the former Prime Minister in one of the events, which is uncalled for. As a Senate, we had said that Kshs465 billion should go to counties. It is the economic reality. I was also disappointed at the beginning, because we thought counties should get more. Looking at the national budget of Kshs4.2 trillion, we thought the counties should get 50 per cent of the national budget.

Madam Temporary Speaker, because of the economic realities, the Committee of Finance and Budget and the Mediation Committee came back with Kshs415 billion to the counties. I want to set the record straight. To many Kenyans from our 47 counties, we did add almost Kshs28 billion, up from last year when we had Kshs387 billion, under shareable revenue. So, there is additional funds. I would like the Fourth Estate, Kenyans and governors to get it right, that there was an additional funding to counties, courtesy of our Mediation Committee and also the Committee of Finance and Budget.

Madam Temporary Speaker, for example, in Nandi County, we are going to get additional funding, up to Kshs7.7 billion in shareable revenue. For Kenyans to understand, shareable revenue is not inclusive of additional funds, conditional funds, such as grants and own-source revenue.

Kenyans can understand because many people confuse and governors take advantage and tell them there is no money that has been released from Nairobi, yet they are not telling Kenyans there are additional funds and conditional funds, including grants. I know later in the day, with your indulgence and understanding, they will be able to move the Equalisation Fund, which is yet to be released. All this money will, in one way or another, go to our counties for development. So, on the shareable revenue, I am happy that as a House, we did sit down. It is our vision to have counties get more funds day in, day out, for the benefit of development.

I saw the Senator of Nairobi City County bring a statement on the stalled projects in Nairobi City County. Those are the challenges that we are facing. Even in my county, I did indicate earlier that there are so many stalled projects.

The Nandi County Assembly did consider an *ad hoc* report where Kshs6 billion worth of projects cannot be accounted by the County Government of Nandi. It is unfortunate because when you go to Chepterwai, Nyayo Ward dispensary, where I was on Friday, has stalled yet the people of Mosop Sub-County and people around have to go to Western Kenya to seek medical services. Kobujoi Hospital has also stalled as well Kapsengere Hospital in Terik Ward which is neighbouring you, Madam Temporary Speaker, in Kisumu County. This is affecting provision of health services in that region.

I hope when we push to increase this money through conditional allocation of revenue to counties, it will assist to jumpstart, facilities like Kapsengere Hospital. It is also unfortunate that the newborn mother and baby unit in Kapsabet Town Hospital is wobbling and yet to be completed. Similarly, Kabiye Dairies Company Limited has been built for the last eight years by the County Government of Nandi. They have not been able to even process 100 millimeters of milk in that facility, yet that project being co-financed, has consumed close to Kshs1 billion.

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On Friday, I had an occasion of attending a retirement party of Mwalimu Limo in Kamakap in Aldai. I was able to pass by a dispensary, called Kibwareng and you could find there is no sufficient drugs and the provision of medical services is wanting. So, the county allocation of revenue to counties should jumpstart. The Mover of the Motion, Sen. Mutinda, has alluded to the issue of pending bills. As we talk, it is almost Kshs200 billion that are pending bills.

The reason we push for more increment to counties is to ensure counties are able to pay their first charge, which is pending bills. It is sad, when you go to Kisumu, Busia, all the way to Mandera counties, there are so many young businessmen and women who have suffered diabetes or high blood pressure because their only mistake was to work for county governments. They are yet to be paid.

A few months ago, somebody in one of our counties had to walk naked, because they are yet to be paid. Most of the projects that are being done by our businessmen and women, including Nandi County, are yet to be paid by the county governments, yet most of them, took Local Purchase Orders (LPOs) to get loans, guaranteed with their land and money.

Can you believe there are Kenyans, who provided for service and goods in counties that are yet to be paid? What do they use the money that we give to county governments for? The reason the devolution was brought was to give opportunity to many Kenyans across our counties to have an opportunity to do business in our counties. Even here, in Nairobi City County, there was a case of legal fees of almost Kshs2 billion, that is yet to be paid. In fact, 60 to 80 per cent of the pending bills that is around Kshs200 billion, comes from Nairobi City County.

Today, there was a Statement of most of the stalled projects in this county. You have seen occasion when it rains, the roads within the city that should be maintained by the County Government of Nairobi City, are yet to be achieved. I remember the Governor used to say, “*Lazima iwork*” However, it looks like it does not work. So, some of these challenges that we are facing, including the issue of pending bills, must be considered so that counties can have opportunity to put in place.

Thirdly, Madam Temporary Speaker, I know the Controller of Budget (CoB) has been having a problem. We have had sittings on a number of occasions. I want to challenge Members of the Committee on Finance and Budget to sit with the CoB.

Another challenge is that most counties make requisitions. The elephant in the room is voiding of payments. You will find somebody requesting to pay “A” but when money is released to a County Revenue Fund (CRF) account, they pay “B”. That is when voiding of payments happens. For example, there was voiding of payments in my county of almost Kshs500 million. They tell the CoB that they are going to pay “Y”, but they pay “Z”. That is what is killing counties. I do not know whether you need to look nice for governors to pay or something like that. It does not make sense that we push for increment, but the issue of pending bills or the CoB---

Madam Temporary Speaker, I know governors are very uncomfortable with the CoB. You are also aware about that because you sit with us in this House and also in a number of committees. We need to ask the Controller of Budget, Dr. Nyakang’o, to be on the lookout because we do not want requisitions to be made by counties after we have

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allocated funds, then they are used for voiding of payments. That is what is killing the counties.

Fourthly is the issue of the Office of the Auditor-General (OAG). Before I talk about the OAG, under Article 219, the law is very clear. Why is it that every time--- I know Members of the Committee on Finance and Budget and the Cabinet Secretary for the National Treasury and Economic Planning, Hon. John Mbadi, have been on the receiving end. On many occasions, we have been complaining---

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, your words have been brought to me now. Do you want to sit for a second?

(Sen. Cherarkey sat at his place)

This is what you said-

“Thank you, Madam Temporary Speaker. From the onset, I want to support the Committee for the good work. I think this is the only Committee, apart from of course yours truly, Public Accounts Committee.”

The wording is clear because that is what you said. By “the only one”, it impugns improper motive about other committees. I kindly request that you withdraw.

Sen. Cherarkey: Madam Temporary Speaker, I profusely withdraw and apologise.

The fourth point I want to make is on Article 219 of the Constitution of Kenya, 2010. We sanctioned the former Cabinet Secretary for the National Treasury and Economic Planning, Hon. Ukur Yatani, during the previous session for delaying disbursements to counties.

Article 219 of the Constitution of Kenya, 2010 is very clear. The money should be released to the counties without undue delay. Therefore, I appeal to the Cabinet Secretary for the National Treasury and Economic Planning, we have been demanding answers especially when counties do not receive funds on time. When we summon governors to come here and ask them questions, which is doing our oversight as per Article 96 of our Constitution, it is holding them to account. Article 219 has been abused. Why should counties go without money for more than a quarter in a financial year? I know there are challenges of collection of revenue in the country, but that should not be a justification. The biggest problem in the counties is own-source revenue. Most counties have automated their revenue collection systems. However, most of them do not own the systems.

Madam Temporary Speaker, Governor Kimani Wamatangi was here courtesy of your office. Somewhere in his report, he said there was an increment in terms of collection of revenue. A number of counties have projected their revenue. We request that the money they get is used to add value to many Kenyans. This should be a wake-up call to many of our people, so that we see development going into the future. I request colleagues that as we push for more funds to the counties, we must be very---

In conclusion, Madam Temporary Speaker, I want to challenge counties. We have challenges of lack of opportunities for many young people. I call upon counties to be creative. I have not seen in the Order Paper, but we have the Creative Economy Support

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Bill that talks about the creatives. It seeks to ensure that young people monetize their social media accounts.

Madam Temporary Speaker, I seek for your indulgence to pass my deepest condolences because we lost one comedian called “KK Mwenyewe”. May his soul rest in peace. We used to enjoy whenever he acted. May God be with his family.

Back to the issue of the creatives, I want to challenge counties. It is not enough to issue balls for football or volleyball, nets or games kits. Counties should come up with something creative through allocation of funds. As the national Government does development---

Madam Temporary Speaker, over the weekend, I visited a place called Chepsir. It is raining heavily in my region and you are aware about that because you are our neighbour. There is heavy rainfall at the moment and the roads are impassible and in a pathetic state. I am happy that there are changes in some roads agencies in this country.

Madam Temporary Speaker, I am not an engineer, but a lawyer like you. There is a road from Cheptiret to Moi University Main Campus. As I was passing near Chepsir Village next to Cheptiret, those guys were putting murram then tarmac on top. I wondered what type of engineering that was.

One of the biggest challenges in this country is misappropriation of funds. The Ethics and Anti-Corruption Commission (EACC) must be on the lookout. I am happy that the EACC will have access to the e-procurement platform. We want them to take advantage and ensure there is no misappropriation of funds. I pray and hope that one day, the EACC will ensure that there is no misappropriation of funds in our counties.

The problem with the reports of the Office of the Auditor-General is that we are morticians because we come after the fact. I want to challenge the EACC to put in place preventive mechanisms, so that we do not lose resources in our counties in order to get value for money. They appear before the County Public Accounts Committee (CPAC) of the Senate, but we cannot prevent anything because we are just morticians. The only time we have an opportunity is during revenue allocation to counties, then we come back after looking at the reports of the Auditor-General. There are many recommendations we can make as a Senate, but the only implementing agency---

Madam Temporary Speaker, I have served in this House for some time. There is a problem that we face. When you go to a public *baraza*, people ask what the Senate is doing about stoppage of funds. I want to take this opportunity to inform Kenyans that the work of Parliament is to recommend. We have the EACC and the Office of the Director of Public Prosecutions (ODPP) as investigation and prosecution agencies. If there is misappropriation of funds in our counties, the much we can do is to recommend investigation and prosecution by the EACC and ODPP, especially on the issue of economic crimes.

Madam Temporary Speaker, since I want to allow colleagues to also contribute, as I second, I would like to say that this is a critical Bill. Governors should be aware that these are not their funds. On several occasions, governors love and like Senators during this time only. However, when you go to a village, whether in Kisumu or Busia, and tell Governor Otuoma or Prof. Nyong’o that you have brought money--- There is another

governor whom I have tremendous respect for. They should know that resources that we allocate are not theirs, but money belonging to Kenyans.

With those many remarks, Madam Temporary Speaker, I beg to second and thank you.

The Temporary Speaker (Sen. Mumma): Hon. Senators, I will propose the question.

(Question proposed)

Proceed, Sen. Nyamu.

Sen. Nyamu: Madam Temporary Speaker, this Bill is not just about figures and fiscal frameworks. It is about deepening devolution, unlocking stalled projects and winning the trust and confidence in county service delivery.

We know that county governments continue to bear the weight of expectations from *wananchi*. They are in charge of healthcare, Early Childhood Development Education (ECDE), water, infrastructure and all that yet we continue to deal with delays, underfunding and ceilings that lock any chances for innovation and progression in our counties year after year. We are stuck in a rut like funding recurring budgets and very little innovation and responsiveness in our counties.

I look forward to a time when allocations in our counties will be based on how much pending bills each county owes its people. I look forward to when we will have specific allocations for pending bills. I have never understood why, as a Senate or a country, we do not take pending bills seriously. Is it because we are not business people? When we procure services and goods from our citizens, it is only prudent that we pay them. Why are we scamming our people, for lack of a better word?

If I go to a restaurant and order for food when I do not have money in my pocket, it is tantamount to scamming. Why are we doing that to our people? When this money gets to the hands of our people, it makes our economy to run. Right now, businesses are under employing because they do not have the money. The money is held by the Government. I do not know what we need to do, as the 13th Parliament, to address the issue of pending bills even as we finish our five years.

The issue of pending bills weighs heavily in my heart and in my mind especially when young people are owed by the Government. We are crippling young people instead of supporting them. Nairobi, as a city, has its own devolved complexities. I look forward to not just timely disbursements of this money, but also very clear accountability mechanisms that gives zero room for misallocation.

With that, I urge my colleagues to pass this Bill with the urgency that it deserves. Our county governments cannot run on goodwill alone. They need resources.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Sen. Mungatana.

Sen. Mungatana, MGH: I thank you, Madam Temporary Speaker, for giving me the opportunity to also make my contribution on the County Allocation of Revenue Bill (Senate Bills No.9 of 2025). I listened carefully when the able Senator, the Vice-

Chairperson of the Committee, was moving this Bill. I thank her, together with the Committee, for the work they have put into bringing us this Bill.

I start by saying that this is a very solemn duty that is bestowed upon the Senate. After we have passed the Division of Revenue Bill thus divided the monies between the national Government and the county governments, we then get to discuss this Bill. The proposition in this Bill is to divide the monies amongst the counties.

Many people wonder what the Senate does. It has taken a lot of explanation because sometimes Senators do not say this enough. I want to say this for those who are listening to us at this time. It is after we pass this Bill that the money is made available to county governments and the county assemblies. After which, this money is then applied for the good of the people, hopefully, at the county level.

The Mover stated that before they came to move this Bill, they had lengthy consultations during the recess with over 20 county assemblies who came before the Committee to explain the needs they have within the counties. One of those counties was the County Assembly of Tana River, which made its propositions.

The big issue here is that our county assemblies have been denied sufficient funds to carry out oversight duties. They made this plainly clear to me when I went to address the Assembly, and even when I went with the Committee to meet a sister committee in the County Assembly of Tana River. They said they have a problem with the slashed funds. This makes it difficult for committees to move and carry out their oversight duties.

Many of them are not able to fund the normal oversight activities of standing committees of the county assemblies and this include the County Assembly of Tana River. This then creates a problem. If primary oversight is not carried out properly, it becomes a challenge for us who carry out the secondary oversight at the national level or at the Senate level. We end up overworking ourselves.

This happens because the county executives; the County Executive Committee Members and the Chief Officers, were not called to account at the county level. In the end, we have a backlog because reports are not being done. The governors come here before the Senate and they also have a backlog. We have a problem in terms of the funding.

We do secondary oversight and the assemblies do primary oversight. At times, we conflict. There are cases where a County Executive Committee Member or a Chief Officer, in rare occasions, is asked to appear before a county assembly committee and they say “no”. They will tell the assembly committee that they have been called in Nairobi or they will be accompanying the governor to Nairobi. That creates a systemic problem.

We need to sort this out. The county assemblies should be properly funded for them to perform their primary oversight duties. This message was given to me, formally by Members of my County Assembly. They appeared before the Committee. I know that the Committee has looked at them favorably, but that is not enough. What the County Assembly of Tana River has said is that they want more allocation for them to carry out primary oversight duties. I am sure it is not just the Tana River County Assembly committees. There are many other committees that are having issues with funding, so that they can do the primary oversight duties.

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Madam Temporary Speaker, the other issue that has been brought to life in in this proposed law is the proposed Clause 10 of the County Allocation of Revenue Bill, 2025. The clause provides for the actions that constitute financial misconduct. This is important because there is a schedule that has been provided on how monies are supposed to depart from the National Treasury and go into the County Revenue Fund (CRF).

This movement from the National Treasury, despite the schedules that we pass here, and the law that has to be obeyed, they never follow the schedules. Due to this failure to follow the instruction that is given by the Senate, we have very difficult operational circumstances within the counties. You can have a county that has not paid its workers for a period of two or sometimes three months. When these workers are not paid for that long, and suddenly a lot of money comes at the same time, it creates systemic inefficiencies. This is why I have called many times for the separation of the National Treasury, so that we have two clear functions; the National Treasury that is dedicated to servicing national Government, and a Treasury or a sub-office dedicated to serving the county assemblies, so that there is always money that is released timeously.

Money has value when it is released on time. If you need Kshs10,000 now, it may not be useful to get Kshs100,000 or even Kshs1 million two days later, when Kshs10,000 was required now for a purpose. That Kshs10,000 becomes more valuable than the larger amount that comes later. We need to find a way in which officers at the National Treasury can prioritize proper movement of monies. If this schedule is obeyed, then we should have less problems in terms of counties managing their finances.

I will not repeat that governors, as they receive this money, must remember they have a duty to the people. They have a duty to do work. Once we have finished with this, they have a constitutional and a civic duty, in fact, even a spiritual duty, to make sure that this money reaches those areas that are needed.

Madam Temporary Speaker, it is not enough for us to just pass these monies. These monies, when they go down there, must do the work, so that devolution makes sense. We have seen counties that have done very well and others that have not done as well.

We pray, Madam Temporary Speaker, as we pass these monies in this financial year, they will be utilized in the manner that is equivalent to the shared value of devolution.

I beg to support.

The Temporary Speaker (Sen. Mumma): Hon. Senators, I do not see other contributors, so I now wish to call the Mover to reply.

Sen. Tabitha Mutinda: Thank you, so much, Madam Temporary Speaker. I appreciate my colleagues, led by Sen. Cherarkey for the great input while seconding this very important Bill for this House at this critical time. I also thank Sen. Karen Nyamu, from Nairobi City County, where we both represent, for her great input, knowing very well Nairobi is really leading with pending bills.

This Bill is very critical, not only to this great County of Nairobi City, but also cutting across to all the 47 counties. I also to appreciate the legend, none other than Sen. Mungatana, for his wonderful input.

Madam Temporary Speaker, I also know that if you were also seated on this other side, we would have had your great submission, as you have always submitted before this House.

I beg that the putting of the question be deferred to a later date.

The Temporary Speaker (Sen. Mumma): Hon. Senators, putting of the question is so deferred.

(Putting of the Question on the Bill deferred)

Next Order.

BILL

Second Reading

THE EQUALISATION FUND APPROPRIATION BILL, (SENATE BILLS NO.7 OF 2025)

Sen. Tabitha Mutinda: Thank you, Madam Temporary Speaker. I beg to move- THAT the Equalisation Fund Appropriation Bill, 2025, be read a Second Time.

The Bill was published before this House and was first read on the 27th June, pursuant to our Standing Orders. The Equalisation Fund is also established under Article 204. It is not the first time I am moving the Equalisation Bill. It is very critical, especially to the marginalized areas that have been focused on. I have always stated that the main goal of the Equalisation Fund is to facilitate on issues that cut across the health sector, roads, water and electricity, more so narrowing to the marginalized regions and areas.

According to the Commission on Revenue Allocation (CRA), we have 1,424 marginalized areas that are spread and cut across the 34 counties. The Equalisation Bill, as I have said, is not new to this House. It provides for appropriation of Kshs16.8 billion from the Equalisation Fund for the Financial Year 2025/2026. The proposed amount should be shared among the 34 beneficiary counties based on the second policy on marginalization.

Annexed on the Equalisation Fund Appropriation Bill (Senate Bills No.7 of 2025) allocation, of the 1,424 marginalized areas which had been identified, Kshs504,000,000 is to be allocated to the Equalisation Fund Advisory Board. The Kshs504,000,000 is for administration costs pursuant to the Public Finance Management (PFM) Regulations, 2015.

Madam Temporary Speaker, the Committee carried out public participation on the Bill in accordance with our Standing Orders. We invited various stakeholders. The Committee on Finance and Budget has stakeholders we regularly engage with, including the Cabinet Secretary for the National Treasury and Economic Planning, the Commission on Revenue Allocation (CRA) and the County Assemblies Forum (CAF). We also had a special stakeholder: the Old Pumwani Landlord Community.

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The Committee made various observations regarding the Equalisation Appropriation Fund Bill (Senate Bills No.7 of 2025). The Bill provided for allocation per county and, subsequently, per constituency. The projects to be funded are only in the identified marginalised areas. A review of the projects identified by the Equalisation Fund Advisory Board as of June, 2024 indicated that 1,415 projects have been proposed for implementation under the Second Marginalisation Policy.

The Equalisation Fund has two Appropriation Acts in place. The Equalisation Fund Appropriation Act No.3 of 2018 amounts to Kshs12.4 billion, being the allocation for the financial years 2014/2015, 2015/2016 and 2016/2017 implemented through the first Marginalisation Policy.

Madam Temporary Speaker, these financial years are nearly 10 years old. The challenge we have faced with the Equalisation Fund is the reimbursement to beneficiary counties or marginalised areas. That is why the Kshs12.4 billion was the first allocation.

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

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

Mr. Temporary Speaker, Sir, the second is the Equalisation Fund Appropriation Act No.7 of 2023, which allocated Kshs10.3 billion for the recent financial years 2021/2022 and 2022/2023 under the Second Marginalisation Policy. However, implementation of the Act is yet to be fully realised due to disbursement of the funds.

As of June, 2024, the only amount disbursed is the first allocation of approximately Kshs12.4 billion. Remember, the Equalisation Fund was set to operate within a 20-year period. However, the Fund currently has outstanding arrears amounting to Kshs46.5 billion out of Kshs59.96 billion. This implies that only 13.4 per cent of the Fund has been disbursed since its inception.

The lack of disbursement of funds has been caused by the Ministry of the National Treasury and Economic Planning. The disbursement of these funds has not been honoured by the Cabinet Secretary. If the funds had been disbursed as scheduled, prioritised and allocated, we would not be discussing arrears amounting to Kshs46 billion today.

The Committee, having considered the Bill and analysed stakeholder submissions, made a few recommendations. One is the amendment to Clause 3 of the Bill by deleting the expression “204 (1)” and substituting it with “204 (2)”. This is because the basic services to be provided via the Equalisation Fund are provided in Article 204 (2) of the Constitution.

Secondly, amend the schedule to the Bill in column two of Item 13, with respect to Kitui County, by deleting the word “Kisumu” and substituting it with “Kitui”.

The emphasis regarding the Equalisation Fund is primarily on the arrears. As a Committee, we look forward to meeting the Cabinet Secretary, Hon. John Mbadi, next week, Thursday morning. This will allow us to engage him on the issue of the Equalisation Fund. It is a Fund that should have achieved its purpose, but delays have occurred because disbursements have not been honoured.

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Mr. Temporary Speaker, with those few remarks, I thank my colleagues at the Committee level, led by my Chair, Hon. Sen. Ali Roba, and the rest with whom we worked very closely. I also thank the Secretariat, led by Gitonga, Beverly, Lucy and the team, with whom we worked closely on Committee matters.

At this time, since we still have another timely Bill to consider, I call upon Sen. Cherarkey to second.

I thank you.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. It is good to see you again in this new week. I am impressed with how Sen. Mutinda is pronouncing my name. She is pronouncing it with a British accent or is it an American accent?

I commend Sen. Mutinda for the good job she is doing as the Vice-Chairperson. That is why I said a few hours ago that she continues to distinguish herself as one of the prolific debaters of this session. I can see she is learning the ropes too fast. I hope that in any position she aspires to, she will be able to maintain her debating prowess, as she always carries out her work with the precision of a military marksman or markswoman.

As I second, the issue of Equalisation Fund---

(Sen. Nyamu spoke off record)

Sen. Karen Nyamu, I attended one of the best schools in this country. I am an alma mater of Kapsabet Boys High School, the only school that has produced two presidents: the late His Excellency Daniel Toroitich Arap Moi and the fifth President of the Republic of Kenya, Dr. William Samoei Arap Ruto. That is the fifth president and we are going to give him two terms. Possibly, the seventh president will be yours truly, of course.

In English I say she does her work with an eye of military marksman or markswoman because the military has both women and men. I do so to show appreciation to our women leaders led by Sen. Mutinda.

This is a very fairly short Bill. I agree with the Mover. I do not know what is happening with the National Treasury. They are putting us in a crisis mode. The Kshs46.5 billion that is owed to the Equalisation Fund continue to cripple provision of services. As you are aware, Article 204 of the Constitution of Kenya, 2010 stipulates that these funds are to be used for basic needs such as hospitals and roads, among others.

Mr. Temporary Speaker, I request the Standing Committee on Finance and Budget and the Senate Business Committee (SBC) to schedule a Committee of the Whole, chaired by you. We need to summon the Cabinet Secretary for the National Treasury and Economic Planning, Hon. John Mbadi, to appear before us and address the issue of the 424 marginalised areas, including your own county, Garissa County. The other day, extinguishing a fire in Masjid, one of your town's markets, was a problem. I am informed the firefighters are not well trained, which is very unfortunate.

On these 424 marginalized areas of 34 counties, why is it that Kshs46.5 billion is yet to be released? This will continue to cripple services.

Over the weekend, one of the artists from Nandi County called Jantex, from a place called Cherondo, which is in Kapchorwa Ward, between Kapchorwa and Lesos

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Ward and also Soba/Songor - Those wards, have been classified to get equalisation funds. I saw our local artists, DJ Kaptula, Arap Uria and a number of artists who were complaining that the roads are in a bad state. We agree with them they are in a bad state. However, it is because of lack of release of this money, so that we can fix the road from Cherondo all the way as it opens up to Imagi Trading Centre.

As I apologise, because also unlike Garissa, it is raining in Nandi County; we have been blessed. Nandi has three forests; Nandi North, Nandi South and Kimondi Forest. We also have Tinderet Forest, which we share with Kericho County. That road, all the way to Kapkoros, Tinderet and to Maraba, that opens to Maraba and Taptengele, to all these other parts of Tinderet, is also part of the roads that are under Soba/Songhor.

To put context on this issue of the Equalisation Fund, in fact, Nandi County benefits with four wards. That is Soba/Songhor Ward in Tinderet Sub-county; Kapchorwa Ward in Nandi Hills Constituency and Chemilil, Chemase Ward in Tinderet Constituency. That is around Kshs200 million plus. In this Kshs46.5 billion that is yet to be released, out of the 424 marginalized areas, Nandi should be the biggest beneficiary. In fact, I am coming with a Motion and I will try to appeal, because the Vice-Chairperson, Sen. Mutinda, is here, for Nandi to be given two extra wards as marginalized areas; that is Terik Ward in Aldai Constituency and Chepterwai Ward in Mosop Constituency.

Mr. Temporary Speaker, Sir, do you know we have what we call the urban poor? There are people living in Nairobi, but they cannot access the basics, including food, water and shelter. They live in Mukuru Kwa Njenga and Kibra. We imagine that since 60 per cent of GDP is in Nairobi, they are well off. The biggest threat in this nation is the urban poor because of lack of basic amenities like water, healthcare, clothing and food. In fact, I want to support and congratulate President William Ruto on the affordable housing programme, to bring dignity to many Kenyans who live in slum areas, where there is no dignity. The President is saying it is not us who are better off that should live in better housing.

In this City of Nairobi, we have seen the Talanta Hela Stadium in Ngong Road--- I am surprised by the greatest urban poor. You will find that families who live in places such as Kibra do not have playgrounds. You see them when you drive during the weekend along the Eastern Bypass. They are trying to sun bathe and play with their children because there is no playground. Some of these areas in Nairobi should be classified as marginalized and be given equalisation funds. How do you account for many schools in slum areas within Nairobi?

Kibra is one of the largest slums. In fact, you cannot access those places. When you go to Kiambu, you think it is one of the richest and wealthiest counties. However, there is still a lot of poverty in places like Ndeiya and many other areas such as Kajiado, Garissa, Mandera and Busia. Therefore, on this issue of equalisation, I appeal to the Committee on Finance and Budget; let us sit and re-evaluate the marginalized areas, so that we include the urban poor and cities like Nairobi, which continue to suffer under the weight of wealth. This is a city of contrast. At the far end, we have the super-rich, at the other end, we have the super-poor.

I saw the statement today on stalled projects. The Governor of Nairobi City told us “*Lazima iwork*”. Unfortunately, at the moment “*haiwork*”. I want to challenge the two leaders from Nairobi who are seated behind me to be at the forefront to ensure there are deliverables for the betterment of this country.

As I conclude, on the issue of the marginalized, I would like to add something and request the Vice-Chairperson of the Committee on Finance and Budget, Sen. Mutinda, that the issue of hardship allowance must be relooked. I have seen the SRC has issued a clarification, and I want to agree with them. Under the law, they do not have any role in terms of how hardship areas or zones are declared. It is the public service department that does its job. I am aware of a report and I want to challenge Committee on Finance and Budget, because the issue of equalisation is still part of the marginalized. In this financial year, where counties are getting Kshs16.8 billion, this should be considered. I have seen a letter from the SRC clarifying that they do not have a role. In fact, under the Constitution, the role of the SRC is to only advise on issues of remuneration.

I am aware there is a report that was presented through the Office of the Prime Cabinet Secretary, where they were proposing scrapping of hardship allowances to teachers. They were saying they are saving Kshs6 billion. What will attract teachers and other civil servants to work from hardship areas? We must disagree. I totally oppose the intention of any form to remove hardship allowances for teachers and Government civil servants. There is a reason why 44 hardship zones and even more should be included. I have said in Nandi, we need to see Terik and Chepterit as hardship areas. We also need to see Kapchorwa, Soba/Songhor, Chemilil and Chemase, being declared as hardship areas among the 44. To say they want to scrap hardship allowance to save Kshs6 billion does not make sense.

Therefore, I appeal that in the spirit of equalisation and the issue of marginalized areas, I agree with the Kenya National Union of Teachers (KNUT) and the Kenya Union of Post Primary Education Teachers (KUPPET) to reject the intention of scrapping hardship allowances for teachers and other civil servants in the guise. In fact, this is going against Legal Notice No.534 of 1998 and Legal Notice No.196 of 2015, which declared some of these as marginalized areas. It is very unfortunate. I am aware that we should give more hardship allowances to not only teachers, but all civil servants, so that we can get somebody coming all the way from Nandi to work in Garissa, Banissa, Todonyang and Namanga. This will ensure that they are motivated through these hardship allowances.

Therefore, the issue of hardship allowances and the marginalized should be married together, so that as we provide basics like roads, hospitals and schools--- There is no need for us to pass Kshs16.8 billion to go and build schools. There are no teachers to teach there because we have not given them hardship allowance. You know they complement each other. It must and should complement each other. I am aware that the CBA agreement of teachers, a collective agreement, has come to an end. I urge KNUT and KUPPET to move in and ensure that CBA negotiations are effected.

The reason I am marrying that with the workforce of human resource is because you cannot give out equalisation fund without human resource. According to the United Nations (UN), you must have what we call human resource development. It is not only

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infrastructural development, you must have what we call human resource development. It must be resourced. Therefore, the reason I am insisting on working in human resource development, we must agree that as we allocate equalisation funds, we also give hardship allowances to Government workers or civil servants and teachers inclusive.

I want to appeal to the Kenya National Union of Teachers (KNUT) and the Kenya Union of Post Primary Education Teachers (KUPPET) not to declare any strike because the Government is willing to negotiate on the Collective Bargaining Agreement (CBA).

Sen. Tabitha Mutinda is part of the Nairobi delegation in the Senate and she is also a practitioner in the health sector. I want to inform her alongside her colleagues of the Nairobi delegation that there is a looming strike of nurses and other clinical officers. They should be aware of the dire situation of the health sector within Nairobi City County.

I want to challenge Sen. Mutinda, as the Vice-Chairperson of the Committee on Finance and Budget, to intervene on the looming strike of nurses and other health practitioners. I saw Wachira and Gibore yesterday complaining over the same. My rationale and the reasoning as I wind up, is that we should give the Equalisation Fund, but also motivate human resource that works within that region, so that you achieve the results. You cannot build a school yet you do not have teachers. You must have teachers, so that you get value for money. Today, we can say for Kshs46.5 billion to be released, we will go build a school in Kapchorwa, in Chemilil, Chemas, but where will you get the teacher who will teach that learner?

I agree on the issue of Kshs504 million for the operations. What is killing counties is recurrent expenditure. In future, we should find a way of reducing this Kshs504 million for operations. I know the Finance and Budget Committee led by Sen. Ali Roba and deputized by Sen. Tabitha Mutinda can sit and agree on how they want to proceed.

In conclusion, we must adhere to Article 204 of the Constitution. I still appeal that this money of marginalization should and must be released. I have heard the Mover, who is the Vice-Chairperson of the Committee on Finance and Budget, saying that CS Mbadi is appearing before them. Please, let him tell us what this Kshs46.5 billion is. We need to fix roads.

As you are aware, over the weekend, I accompanied the President in the 9th Edition of the Kaptagat Forest Integrated Ecosystem Programme. I want to thank and congratulate Permanent Secretary (PS) Dr. Chris Kiptoo, who is the patron of the Kaptagat conservation efforts, for the good work he is doing in that region and as the PS for the National Treasury and Economic Planning. I accompanied His Excellency the President Dr. William Ruto for conservation efforts. I am happy you moved a Bill concerning the environment. I wished to have seen you there because you are one of the champions of conservation and climate action.

I used a road that is between Simotwo all the way to Naiberi. That road is barely three years, but it is in pathetic condition. It was tarmac. When you pass through Wonifa as you go to Naiberi as you approach the one from Nyaru all the way to Eldoret--- I used the road to Simotwo, Wonifa all the way to Kipkabus and Ainabkoi. The road is in

pathetic state yet it has been used only for three years. The contractor of that road should be called to order and blacklisted.

I am aware it was done in the previous Government. In fact, the CS for Roads then, the head who stood for that road; the supervisor and the contractor, must be called out. We have roads that were done in the 1960s that are still in good shape. On the road between Simotwo High School all the way to the other part of Keiyo and the other way to Ainabkoi, which has been there for three years, we must be told who the contractor is. That contractor must be blacklisted. The retention money that is in the account must be brought back because if we are using taxpayers money to fix a road, then use the road for only three years and potholes are all over, that road was done in a substandard manner. I want to request the Committee on Roads and Transportation to go back and investigate not only that road of Naiberi-Kipkabus, but also this other part of Keiyo all the way to Tingua, and from Tingua all the way to Ainabkoi.

It is not only that. Even my road, the one I talked about today, Chepterimo University, it is barely three years in use. I am not an engineer, but the gentlemen are repairing it using murram and tarmac. I wonder why would you put murram and tarmac. I am not an engineer, but that is substandard work. We want a situation where when we fix a road with tarmac, that road should have a lifespan of 50 years before we see a pothole. The people of Elgeyo Marakwet and Uasin Gishu who use that road are really suffering.

Mr. Temporary Speaker, Sir, I am happy that His Excellency the President took note of that road and directed that something be done. This road was done in the previous regime. The reason I speak on behalf of such is because all of us are leaders without boundaries across the nation.

With those remarks, so that I allow my other colleagues to contribute and my sister to reply, allow me to graciously and with a lot of humility second this Bill. Let this money go to the villages. Let us fix our roads, schools and hospitals. The governors and the people who are in charge should know that this is taxpayers' money. One shilling lost from taxpayers' money is too much because Kenyans pay this tax in pain. We are all aware that there are two sure things in life; death and taxes.

Mr. Temporary Speaker, Sir, I beg to second.

The Temporary Speaker (Sen. Abdul Haji): Thank you Senator. Hon. Senators can now contribute to the Bill.

(Question proposed)

Sen. Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to take the Floor on this matter. There is history behind the Equalisation Fund. For those listening to us, because I know people are listening to us, apart from the equitable share the Senate passes, there is the Equalisation Fund.

In the Constitution, the makers of it thought that there were parts of this country that had faced severe segregation in terms of funding and development. It used to be that in some parts of Kenya, people would enter their buses and say that they were going to Kenya. The reason the Constitution introduced this Fund was so that areas such as Tana River, which were left behind in the specific four areas; water, roads, health and

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electricity, could get extra funding in order to catch up with the rest of the areas that started getting these funds before us.

Mr. Temporary Speaker, Sir, I stand to support the Equalisation Fund Appropriation Bill No.7 of 2025. Tana River will be getting Kshs719 million. Bura Constituency will be getting Kshs259,489,901. Galole Constituency will be getting Kshs196,502,469. Garsen Constituency will be getting the larger share because it has a bigger population; Kshs263,022,881. These monies, according to the Act do not go to the County Revenue Fund (CRF). Section Four of this Act specifically excludes these monies from being taken to the CRF. This means that their appropriation is faster. It is possible for this money to be released from the National Treasury and once those plans are approved, it is then possible to use this money without too much delay.

Mr. Temporary Speaker, Sir, as these funds, Kshs719 million, go down to Tana River County, the people of Tana River County are looking up to seeing better water services, roads, health facilities, as well as a better reach for electricity distribution network around our county.

Mr. Temporary Speaker, Sir, I urge that those who will receive these monies and who will be given the opportunity to choose the projects in the various wards, since the various wards come up with their projects, we expect proper utilization of the funds. Let us make it worth it; that all this effort we put reflect well on the ground, so that our people do not say we are just talking and they do not get information or benefits of devolution.

Mr. Temporary Speaker, Sir, with those many words, I beg to support.

Thank you.

The Temporary Speaker (Sen. Abdul Haji): Sen. Karen Nyamu, please proceed.

Sen. Nyamu: Thank you, Mr. Temporary Speaker, Sir. The Equalisation Fund is not charity; it is a constitutional obligation under Article 204 of our Constitution. The people who framed the Constitution understood that if we do not deliberately empower the very forgotten corners of our country, then we risk more alienation and creating unrest in our country. Unfortunately, this noble Fund has experienced delays, bureaucracy and bottlenecks, rendering it almost dysfunctional in previous cycles. However, I am glad that this year we have a chance, because we have specific allocations where this money should be spent in our counties. The Equalisation Fund is not supposed to be politicized. It is not a way of wooing any community. We must ensure that it is going to the marginalized and not to woo numbers, as it has been traditionally done.

Mr. Temporary Speaker, Sir, urban marginalization is real. In Nairobi City County, we have informal settlements where the residents of these settlements do not have access to sanitation, have a huge population in schools and the infrastructure is poor. What is the difference between a child who walks 10 kilometers in Turkana County in search of water and a child who lives in Korogocho around an open sewer? Both are victims of lack of access to water. Tell me why the Nairobi City County child has not been catered for under this Equalisation Fund? Being close to civilization only means that this marginalization is hidden. It does not mean that it does not exist. In fact, it makes it even worse for our case.

I want this to be the Parliament that reviews this allocation of the Equalisation Fund and allocates urban pockets that are marginalized. I do not know what happened to Senate Mashinani because I would like to suggest that as a House and committees, we take time to have sittings in our slums, in Kibera, Korogocho, Mukuru, Kiambiu, Deep Sea, Westlands and other places, and appreciate, particularly when the Committee on Finance and Budget is allocating and suggesting--- We need to appreciate that Nairobi is not just about the skyscrapers or estates because 60 per cent of the population of this city live in the slums that I have just listed.

Mr. Temporary Speaker, Sir, as a Member of the Nairobi Delegation, we need to rise up to the occasion because our people have a lot of expectations from us. I would like to leave this Senate after Nairobi is listed in this schedule as a beneficiary of the Equalisation Fund because as things are, this is outright unfair.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Proceed, Sen. Olekina.

Sen. Olekina: Mr. Temporary Speaker, Sir, let me begin by appreciating the good work done by the Committee on Finance and Budget in ensuring that they push for allocation of these funds. However, as they do their work, it is imperative to understand why the Equalisation Fund was put in the Constitution of Kenya and for what reasons.

The aim was solely to address disparities among regions in the country that had been left behind. In fact, I believe that the framers of the Constitution were advised by Sessional Paper No.10 of 1965 where development constantly focused on areas where the railway line had passed leaving out other regions.

Mr. Temporary Speaker, Sir, I have heard contributions by two colleagues who spoke before me. The first one was Sen. Cherarkey. For the first time, let me acknowledge the good work that Sen. Cherarkey does in this country.

I have been with Sen. Cherarkey for the past eight years in this Senate. Even at the rise of the House, you will still find Sen. Cherarkey here. To the people of Nandi, just know that you have a good asset. He might be cantankerous or unorthodox, but he is very diligent in terms of his agility and dedication to issues affecting Kenyans. He is beyond measure and I really appreciate him for that.

(Applause)

Having said that, let me begin by completely disagreeing with certain sentiments that Sen. Cherarkey shared here in terms of the city. I beg to differ. My sentiments could be unorthodox, but it is completely not marginalised. This is defined as a city. Mosiro in Narok County or a rural village in Garissa County are not defined cities.

There is debate where Sen. Karen Nyamu supported that Nairobi should also be considered as marginalised. I dare say that those people who live in the slums do so because of poor policies and rural-urban migration. If we focus on developing our counties, there will be no reason for people to migrate from, for example, Kakamega, Garissa, Narok or Nandi to Nairobi. This is the conversation we need to have as a country; what do we do to uplift the standards of living of our people in rural areas? The

framers of the Constitution drew the line for us by dividing resources. They went ahead to put a sunset clause on money to be sent to counties.

It is mind-boggling and self-defeating when today we start talking about two Equalisation Funds in order to implement marginalised policies when Kshs46 billion has been set aside. We will be reduced to a House that talks, but money does not go out. That is the argument we should be having.

I know that the Commission on Revenue Allocation (CRA) has developed different marginalization policies to advice on the Equalisation Fund. Every year, this Senate passes resources to be sent and implemented in our counties, but it becomes a tug of war because Members of Parliament want to be the ones to implement that or the national Government wants to take that money.

Right now, we have a clear path. The most important things that we need to ask ourselves are the 19, 14 or 15 projects that have been proposed to be implemented under the second marginalization policy. Previously, we had others under the Equalisation Fund Appropriation Act, 2018 (Act No.3 of 2018), which brought together resources that we were supposed to send out to counties for the years 2014, 2015, 2016, and 2017, but was never sent.

That is the question. It is where we should put all our thoughts in. We should ask the Cabinet Secretary, Hon. Mbadi, of what we can do for him to send that money to the regions. The Constitution is there. I have heard people say that it has been delayed because of debates, but that is not the case. It is just wasting time.

We have marginalized regions. There are people who do not even have water in their regions in the 21st century. We are out in the streets arguing and fighting about governance. I have not heard people say that they are going to protest because they do not have water in their village neither have I heard them say that they do not have a hospital in their village.

Today, I saw that there was a school---

(The red timer went off)

Mr. Temporary Speaker, Sir, my minutes--- I request that we postpone this issue to tomorrow. We should not be in a rush to move all the other Bills because these are issues that we need to address. I request that you allow me to go through this. I have not been around and there are issues that are very important. I wish that all the Senators were here to talk about these projects and even name the projects.

While I was seated here, I received a text message from a Kenyan who was given a contract during the first policy. I think it was under the Equalisation Fund Appropriation Act, 2018 (Act No.3 of 2018). That Kenyan has not been paid his money to date. That is what we should be talking about.

When are we ever going to become of age when we talk about democracy? We are busy talking about tribal issues and power. We have never said that we should audit these funds. This is one of the most important afternoons in the Senate calendar where we are talking about division of revenue and the Equalisation Fund. Next, we will be talking

about dividing money among the 47 counties when we will be looking at the County Allocation of Revenue Bill.

This is not a day when we need to rush things. It is the reason I am here. Some people are probably not here because they have issues. This is a day when we need to stand here and ask: how much money is going to Narok County, for example. This is the Equalisation Fund and we have marginalized areas. In the last Parliament, the CRA narrowed the marginalized areas to sub-locations. For instance, even though money will be given to Narok East, it will not be given to help the entire Narok East. It will be to probably go to Mosiro, where people do not have a health centre, water or whatever. If it is for Emurua Dikirr or Kilgoris Constituency, it will be areas that it will help to uplift the standard of living of these people.

Mr. Temporary Speaker, Sir, I invite us all now to debate how we are going to change our future, because the arguments and fights we have been having are self-defeatist. We now need to ask ourselves, what do we need to do? What belts do we need to tighten? What policies do we need to come up with, so that whatever amount of money we pass in this House can be released?

Sometimes I think the reason a lot of things are not done, when it comes to the issue of the Senate, is because we do not have an implementation committee. I think the day we have it with serious consequences, when we pass this Kshs46 billion or all the amount of money that needs to go to the counties, we can follow through to ensure that money is disbursed to counties--- After this, we will be discussing about the county allocation of revenue. Will those funds go to projects that have solely been selected by the National Treasury or does it have an input of the citizens?

The reason there is such a huge disparity; the reason there is such a big fight between the younger generation and the current generation, between the millennials and the Gen Zs or the other generation, is because we are not speaking the same language. Instead of doing away with rural urban migration and being intentional by the money we allocate and we follow through, we are busy now talking about improving life in the slums. Why not start new cities? Why not go into areas that are open and set up a city, move people and they move on? Nigeria decided they were tired of lack of coordination and came up with Abuja, a brand-new city. They are building new cities. As a country, Kenya we should be asking ourselves - what will help uplift or change the lifestyle of our people? It becomes very expensive. Now we are talking about this Equalisation Fund. There is some money here, which is being earmarked to take electricity to those marginalised areas, but let us be realistic here.

Mr. Temporary Speaker, Sir you and I are pastoralists. I live here and I have probably 2,000 or 3,000 acres of land. To get to where you are, you also have another 2,000 acres of land. By the time we build an electric line to you, we would have spent all the money that is supposed to help people. Why do we not think about creating cities, small towns, even in rural areas?

I went to Rwanda and I was impressed with what the Rwandese are doing when we visited President Kagame. That is one of the things I have committed myself to do for the people of Ilchamus in Baringo County; bring them together and have them some social houses. When you put them together, there is enough security. You can put a

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police post, bring electricity and give them water. You can also help them use the resources which are located in Lake Baringo. We can move that to other regions as well such as Narok or Garissa counties. The argument that I would like us to have is, how well we ensure that we send this money that we have allocated---

The Temporary Speaker (Sen. Abdul Haji): Sen. Olekina, you will have a balance of seven minutes when debate on this Bill returns on the floor of the House.

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Wednesday, 16th July, 2025 at 9.30 a.m.

The Senate rose at 6.30 p.m.