



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fourth Session

Tuesday, 23rd September, 2025 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 23rd September, 2025

*The House met at the Senate Chamber,
Parliament Buildings at 2.36 p.m.*

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

We now have quorum. So, we will proceed with the afternoon's business.
Clerk, you may proceed to call the first Order.

COMMUNICATIONS FROM THE CHAIR

WELCOME TO HON. SENATORS TO PART V OF THE FOURTH SESSION

Hon. Senators, I take this opportunity to welcome you back from recess. In accordance with the Calendar of the Senate for the regular sittings, Part V begins today, Tuesday, 23rd September, 2025, and will conclude at the rise of the Senate on 9th October, 2025.

Hon. Senators, the past recess saw the Senate participate in the Biennial Devolution Conference, which took place from 12th to 15th August, 2025 in Homa Bay County. The Devolution Conference brought together local and international delegates to learn and share best practices on the pertinent issues affecting the devolved systems of Government in Kenya.

The event culminated in the signing of a communiqué, which outlines actions that require to be taken with a view to ensuring the success of devolution.

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I take this opportunity to thank hon. Senators for turning up and participating in this event. I also take this opportunity to urge the Standing Committee on Devolution and Intergovernmental Relations to interrogate the communiqué from the Devolution Conference and develop the necessary legislative interventions to actualise them. By doing so, the Senate and Parliament at large will essentially be walking the talk.

Hon. Senators, looking at what portents for the coming days, Part V of the Fourth Session is certainly set to be a highlight of this Session. As Senators recall, on 29th July, 2025, the Senate resolves to hold its plenary and committee sittings in Busia County. The sittings will take place from 6th to 10th October, 2025, in line with the resolution passed at the Busia County Assembly premises. Preparations are now at an advanced stage to ensure that the sittings are a success. More information regarding the Busia sittings will be communicated through the Office of the Clerk.

In addition, let us remain mindful of our in-tray, for it is rather full. A number of Bills, Motions, Petitions and Statements are pending consideration.

It is my hope that committees took time during the recess to dispense with the business pending before them. The Senate is looking forward to the tabling of the reports on the activities of the committees and reports thereon.

On this matter of the Senate legislative agenda, I urge that all hon. Senators redouble your individual and collective effort in a bid to process the business with the urgency it deserves. I also urge the Senate Majority Leader and the Senate Minority Leader to do all that is necessary within the Standing Orders so that the business is fast-tracked.

Hon. Senators, in conclusion, my office remains at your disposal to assist you in discharging your constitutional responsibilities. I will continue to support each Senator individually and in the committees that you serve, to be able to achieve what we have set out during this term of Parliament.

I thank you.

VISITING DELEGATION FROM THE PARLIAMENT OF GHANA

Now, Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation of four officers from the Committee Reporting Office (CRO) of the Parliament of Ghana. The delegation is on a benchmarking engagement to share knowledge on the best practises with their counterparts at the Senate.

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

- (1) Ms. Theresa Boasiako Korang - Principal Assistant Clerk
- (2) Mrs. Etornam Bamfo - Deputy Editor of Debates
- (3) Mr. Paul Selorm Agbo - Reporter II
- (4) Mr. Ebenezer Arthur - Reporter II

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

I will call upon the Senate Majority Leader to pass a word of welcome to the delegation.

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The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, thank you. On behalf of my colleagues in the House, I join you in welcoming this delegation from the Parliament of Ghana; a very respected Member of the Commonwealth Parliaments that we exchange a lot of knowledge with.

Many times, our staff also visit their country in search of good knowledge like they have done this time around. I do believe that during their stay, they will enjoy the Kenyan hospitality, get to learn and interact with our very competent staff and Members as well.

I believe that part of their visit includes work that is done in our committees, where they will meet some of these Members that are in the House this afternoon. Given that these are our African colleagues and people from a friendly country; a country that we share a common history and heritage, I do hope that they will stay long enough to meet as many Members of this House as they can.

I welcome them to the House.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Next Order.

MESSAGES FROM THE NATIONAL ASSEMBLY

APPROVAL BY THE NATIONAL ASSEMBLY OF A NOMINEE FOR APPOINTMENT TO THE BOARD OF CBK

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3), I received a Message from the Speaker of the National Assembly regarding the approval by the National Assembly of a nominee for appointment to the Board of Central Bank of Kenya (CBK).

The Message dated Wednesday, 20th August, 2025 was received in the Office of the Clerk of the Senate on Monday, 25th August, 2025, while the Senate was on recess. It was subsequently transmitted to every Senator in accordance with Standing Order No.46(5).

Pursuant to the said Standing Order, 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 in exercise of the powers conferred by the provisions of Section 11(2) of the Central Bank of Kenya Act, Cap 491, His Excellency the President nominated Mr. Pius Angasa for appointment as a member of the Board of Directors of CBK and sought parliamentary approval of the nominee;

AND WHEREAS on the 7th August, 2025, the Senate considered the Report of the Joint Committee of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget on the approval hearing of a nominee for appointment as a board member of the CBK and by a resolution approved the appointment of Mr. Pius Angasa as a member of the board of CBK;

FURTHER, whereas by resolution passed on 12th August, 2025, the National Assembly also considered the joint report and approved the appointment of Mr. Pius Angasa as a member of the Board of CBK;

NOW, THEREFORE, in accordance to the provisions of Standing Order No. 41(1) of the National Assembly Standing Orders, I hereby convey the decision of the National Assembly to the Senate and further notify that I have since transmitted the bicameral decision of the House to the appointing authority.

APPROVAL BY THE NATIONAL ASSEMBLY OF THE SENATE AMENDMENT TO
THE LAND (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILLS No.40 OF 2022)

Hon. Senators, I also wish to report to the Senate that pursuant to Standing Order No.46(3), I received a Message from the Speaker of the National Assembly regarding the approval by the National Assembly of the Senate amendment to The Land (Amendment) Bill, (National Assembly Bills No.40 of 2022).

The Message dated Thursday, 14th August, 2025, was received in the Office of the Clerk of the Senate on Monday 25th August, 2025, while the Senate was on recess. It was subsequently transmitted to every Senator in accordance with Standing Order No.46(5).

Pursuant to the said Standing Order, I now report the Message-

Pursuant to the provisions of Standing Order 41(1) and 148 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS on Wednesday 20th March, 2024, the National Assembly passed the Land (Amendment) Bill, (National Assembly Bills No.40 of 2022), with amendments, and thereafter referred the Bill to the Senate for consideration in accordance with the provisions of Article 110(4) of the Constitution;

AND WHEREAS on Tuesday 15th August, 2025, the Senate considered and passed the said Bill with an amendment and referred it back to the National Assembly for reconsideration in accordance with the provisions of Article 112(1)(b) of the Constitution;

FURTHER, WHEREAS on Thursday 14th August, 2025, the National Assembly considered and passed the Senate amendment to the said Bill in the form passed by the Senate;

NOW, THEREFORE, in accordance with the provisions of Article 112(2)(a) of the Constitution and Standing Orders No. 41(1) and 148 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.

Now, Hon. Senators, the Speaker of the National Assembly, pursuant to the provisions of Article 112(2)(a) of the Constitution, is processing the Bill for assent by His Excellency the President.

DECISION OF THE NATIONAL ASSEMBLY ON AMENDMENTS BY THE SENATE
TO THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL
ASSEMBLY BILLS NO.24 OF 2023)

Further, I wish to report to the Senate that I have, pursuant to Standing Order No. 46(3) and 46(5) of the Senate, received the following Message from the Speaker of the National Assembly regarding the decision of the National Assembly on the Senate's amendments to the National Disaster Risk Management Bill, (National Assembly Bills No. 24 of 2023).

The Message, dated Tuesday 26th August, 2025, was received in the Office of the Clerk of the Senate on Wednesday 27th August, 2025, while the Senate was on recess. It was subsequently transmitted to every Senator in accordance with Standing Order No.46(5) *via* a letter dated the 29th August, 2025.

Now, pursuant to Standing Order No. 46(4), I now report the Message-

Pursuant to the provisions of Standing Order No. 41(1) and 148(B) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, on Tuesday 4th June, 2024, the National Assembly passed the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023) and thereafter referred the Bill to the Senate for consideration in accordance with Article 110(4) of the Constitution;

AND WHEREAS, on Tuesday 15th April, 2025, the Senate considered and passed the said Bill with amendments and referred it back to the National Assembly in accordance with the provisions of Article 112(1) (b) of the Constitution;

FURTHER, WHEREAS on Thursday 24th July, 2025, the National Assembly negated the Motion on the consideration of the Senate amendments to the National Disaster Risk Management Bill (National Assembly Bills No.24 of 2023), thereby remitting it to our Mediation Committee in accordance with the provisions of Article 112(2)(B) of the Constitution;

NOW, THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Orders No. 41(1) and 148(b) of the National Assembly Standing Orders, I hereby convey the decision of the National Assembly to the Senate and seek the appointment of nine Senators to a Mediation Committee to consider the Bill in accordance with Article 113 of the Constitution.

Now, Hon. Senators, consequent to the said decision, the Speaker of the National Assembly appointed the following Members of the National Assembly to the Mediation Committee to consider the Bill in accordance with Article 113 of the Constitution-

- (1) Hon. Peter Lochakapong
- (2) Hon. Mary Emase
- (3) Hon. Pamela Njoki
- (4) Hon. Majimbo Kalasinga
- (5) Hon. Kenneth Kazungu
- (6) Hon. Omul Ker Kassim
- (7) Hon. Anthony Aluoch
- (8) Hon. Catherine Omayo

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(9) Hon. Joyce Bensuda

Hon. Senators, pursuant to the provisions of Standing Order No.166(2) of the Senate and in consultation with the Senate Majority Leader and the Senate Minority Leader, I will at an appropriate time appoint Senators to the Mediation Committee.

PASSAGE BY THE NATIONAL ASSEMBLY OF THE METEOROLOGY
BILL (SENATE BILLS NO.45 OF 2023)

Further, Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3) of the Senate Standing Orders, I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of The Meteorology Bill (Senate Bills No.45 of 2023).

The Message, dated Tuesday 9th August, 2025, was received in the Office of the Clerk of the Senate on 25th August, 2025, while the Senate was on recess. It was subsequently transmitted to every Senator in accordance with Standing Order No.46(5).

Now, pursuant to the said Standing Order, I now report the message.

Pursuant to the provisions of Standing Order No.41(1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS the Meteorology Bill (Senate Bills No.45 of 2023) was passed by the Senate on Tuesday, 19th November, 2024, with amendments and referred to the National Assembly for consideration pursuant to provisions of Article 110(4) of the Constitution;

AND WHEREAS the National Assembly considered the same Bill and passed it on Wednesday, 13th August, 2025, with amendments as contained in the schedule of the amendments attached herewith;

NOW, THEREFORE, in accordance with the provisions of Article 112(1)(B) of the Constitution and Standing Order No. 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly.

Hon. Senators, Article 112(1)(B) of the Constitution provides that if one House passes an ordinary Bill concerning counties and the second House passes the Bill in an amended form, it shall be referred back to the originating House for reconsideration.”

Now, Hon. Senators, in this regard, I direct the Standing Committee on Land, Environment and Natural Resources to deliberate on the National Assembly amendments and report to the Senate.

Further, pursuant to Standing Order No.165(1) of the Senate’s Standing Orders, I direct that the National Assembly’s amendments to the Metrology Bill (Senate Bills No.45 of 2023) be circulated to all Senators.

At an appointed time, the Senate Business Committee (SBC) will schedule the consideration of the amendments.

The House is accordingly guided.

PASSAGE BY THE NATIONAL ASSEMBLY OF THE ELECTION OFFENCES
(AMENDMENT) (No.2) BILL, SENATE BILLS NO.28 OF 2024)

The Speaker (Hon. Kingi): Lastly, I wish to report to the Senate that pursuant to Standing Order No.46 (3) and (5) of the Senate Standing Orders, I received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Election Offences (Amendment) (No.2) Bill, (Senate Bills No.28 of 2024).

The Message, dated Tuesday, 19th August, 2025, was received in the Office of the Clerk of the Senate on 25th August, 2025, while the Senate was on recess. It was subsequently transmitted to every Senator in accordance with Standing Order No.46 (5). Now, pursuant to the said Standing Order, I now report the Message.

Pursuant to the provisions of Standing Order No.41 (1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS the Election Offences (Amendment) (No. 2) Bill, (Senate Bills No. 28 of 2024) was passed by the Senate on Tuesday, 19th November, 2024 and thereafter referred to the National Assembly for consideration pursuant to the provisions of Article 110 (4) of the Constitution;

AND WHEREAS, the National Assembly considered the said Bill and passed it with amendments on Thursday, 14th August, 2025 as contained in the schedule of amendments attached herewith;

NOW, THEREFORE, in accordance with the provisions of Article 112 (1) (b) of the Constitution and Standing Orders No.41 (1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.

Article 112 (1) of the Constitution provides that-

“(1) If one House passes an ordinary Bill concerning counties, and the second House—

- (a) rejects the Bill, it shall be referred to a mediation committee appointed under Article 113; or
- (b) passes the Bill in an amended form, it shall be referred back to the originating House for reconsideration.”

Hon. Senators, in this regard, I direct the Standing Committee on Justice, Legal Affairs and Human Rights to deliberate on the National Assembly amendments and report to the Senate.

Further, pursuant to Standing Order No. 165 (1) of the Senate Standing Orders, I direct that the National Assembly amendments to the Election Offences (Amendment) (No. 2) Bill, (Senate Bills No. 28 of 2024) be circulated to all hon. Senators.

At an appointed time, the Senate Business Committee will schedule the consideration of these amendments. The House is accordingly guided.

Thank you.

Next Order.

Sen. Ledama and the Minority Leader, kindly, take your seats.

(Sen. Ledama and Sen. Madzayo took their seats)

PETITION

AMENDMENTS TO THE COUNTY GOVERNMENTS ACT NO.17 OF 2017

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No.232(1)(a), I hereby present a petition by Hon. Isaiah Maina concerning amendments of the County Governments Act No.17 of 2017.

As you are aware, Article 37 of the Constitution provide that –

“Every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket and to present petitions to public authorities.”

Article 119 (1) of the Constitution provides that –

“Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

The silent issues raised in this Petition are as follows -

THAT the Petitioner, hon. Isaiah Maina, is a Member of the County Assembly of Nandi, representing Ollessos Ward, seeking the intervention of the Senate to amend the County Governments Act No. 17 of 2012 to better align the functioning of the county governments with the objects and principles of devolution as set out in the Constitution, specifically, Articles 10, 174, 175, 179, 183 and 232, among others.

Thus, Section 32 (e) of the County Governments Act No.17 of 2012 empowers the governor to constitute a County Executive Committee portfolio structure, while Section 46 of the County Governments Act No.17 of 2012 grants the County Executive Committee (CEC) authority to determine the organisation of the county and its departments. This creates ambiguity regarding the respective roles of the governor and the CEC in the county administrative structure.

The petitioner requests for an amendment to Section 32 (e) and 46 of the County Governments Act No.17 of 2012 to clarify the term organisation of the county or alternatively, replace Section 32 (e) of the County Governments Act No. 17 of 2012, with a provision establishing a uniform organisational structure for counties.

Thus, Section 32 (1) of the County Governments Act No.17 of 2012 provides that the governor shall assign and cause to be published in the County Gazette Notice of all important formal decisions by the governor or by the county executive. However, the Act lacks a clear definition of what constitutes important formal decisions.

The petitioner requests for an amendment to Section 32 (1) to include a definition for important formal decisions, set timelines for gazettelement, require immutable timestamps, include county expenditure and electronic funds transfer (EFT) reports as formal decisions and provide sanctions for non-compliance.

Thus, Section 33 (a) of the County Governments Act No.17 of 2012 holds the county governor accountable for managing county resources, but does not explicitly require accountability to the county assembly, contrary to Article 183 (3) of the Constitution. The petitioner requests an amendment to Section 33 (f) of the County Governments Act No.17 of 2012 to establish a clear accountability mechanism requiring the governor to be accountable to the county assembly.

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Pursuant to Section 31 (a) of the County Governments Act No.17 of 2012, a governor can dismiss CEC members without checks, undermining collective executive responsibility. The petitioner requests for an amendment to the section to require consultation and concurrence for at least 50 per cent of the county assembly present and voting before dismissal of a CEC member.

Pursuant to Section 32 (3) of the County Governments Act No.17 of 2012, the governor may assign the deputy governor executive portfolios. This risks reducing the deputy governor to an ordinary CEC member.

The petitioner requests that Section 32 (3) of the County Governments Act No. 17 of 2012 be amended to expressly exempt the deputy governor from approval and removal processes intended for CEC members.

THAT the appointment process for CEC members as envisioned under Section 35 of the County Governments Act lacks transparency and consistency in the sourcing, shortlisting and nomination process. The petitioner requests for an amendment to Section 35 of the Act to include a clear merit-based process for sourcing, shortlisting, nomination and appointment of CEC members.

Section 45 lacks clarity on the qualifications for county chief officers and does not provide for the reassignment and removal procedures. The petitioner, therefore, requests for an amendment indicating the specification of required competencies and a well-defined removal framework. Thus, Sections 58 and 58 (a) of the County Governments Act are vague regarding timelines for filing vacancies in the County Public Service Board (CPSB), minimum quorum for legal operation and the representation of minorities and marginalised groups. The petitioner, therefore, requests amendments to impose a 14-day deadline.

Fulfilling vacancies require a minimum of three members for board's operations and ensure inclusive representation. Additionally, governors often make acting appointments without county assembly approval contrary to Article 259 (11) of the Constitution. The petitioner, therefore, requests the introduction of a new section mandating compliance with approval procedures and that violation thereof be grounds for removal of a governor.

THAT, there lacks clear leave procedures for governors, deputy governors and CEC members. The term 'absence' under Section 2 of the Act is undefined, creating governor's risk. The petitioner requests an amendment to define absence and special circumstances, establish formal leave duration of 20 to 30 days annually and provide for proper handover procedures during such leave.

Consequently, the petitioner prays that the Senate intervenes by way of amending the County Governments Act No.17 of 2012, in line with the proposals stated above.

Hon. Senators, pursuant to Standing Order 238(1), I commit the petition to the Standing Committee on Justice, Legal Affairs and Human Rights (JLAHRC) for consideration.

Now, in terms of Standing Order No.238 (2) (a), the Committee is required in not more than 60 calendar days from time of reading the prayer to table its report in the Senate for consideration.

(The Petition was committed to the Standing Committee on Justice,

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Legal Affairs and Human Rights)

Thank you.
Next Order.

PAPERS LAID

Proceed, the Senate Majority Leader.

Sen. (Dr.) Khalwale: I beg to lay the following Papers on the table of this Senate, today, Tuesday, 23rd September, 2025-

THE COUNTY GOVERNMENTS EQUITABLE SHARE CASH
DISBURSEMENT SCHEDULE FOR FY2025/2026

The County Governments Equitable Share Cash Disbursement Schedule for Financial Year 2025/2026.

REPORT OF THE NATIONAL TREASURY AND ECONOMIC PLANNING
ON GUARANTEE SCHEME, MSMEs ANNUAL PERFORMANCE

Report of the National Treasury and economic planning on the credit guarantee scheme, micro, small and medium enterprises (MSMEs) annual performance for the period 1st July, 2024, and 30th June, 2025.

REPORT OF THE AUDITOR-GENERAL ON CONSOLIDATED SPECIAL AUDIT ON
PAYROLL MANAGEMENT FOR THE 47 COUNTY EXECUTIVES

Report of the Auditor-General on the consolidated special audit on payroll management for the 47 county executives.

REPORTS OF THE CONTROLLER OF BUDGET ON THE NATIONAL
GOVERNMENT BUDGET IMPLEMENTATION REVIEW

Report of the Controller of Budget on the National Government Budget Implementation Review for the first nine months of the Financial Year 2024/2025.

Report of the Controller of Budget on the National Government budget implementation review for the Financial Year 2024/2025.

(Sen. (Dr.) Khalwale laid the documents on the Table)

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

REPORT OF CONSULTATIVE MEETING OF
THE EXECUTIVE COMMITTEE OF FPICGLR

Sen. Lemaletian: Mr. Speaker, Sir, I beg to lay the following Paper on the table of the Senate, today, 23rd September, 2025.

Report of the consultative meeting of the Executive Committee of the Forum of Parliament of the Member States of the International Conference on the Great Lakes Region, (FPICGLR), held in Kinshasa, Democratic Republic of Congo, from 22nd to 24th January, 2025, laid on the Table of the Senate on Tuesday, 23rd September, 2025.

Thank you.

(Sen. Lemaltian laid the document on the Table)

The Speaker (Hon. Kingi): Sen. Lomenen, take your seat.

(Sen. Lomenen took sat in his place)

Hon. Senators, I have this Communication to make.

COMMUNICATION FROM THE CHAIR

CONSIDERATION OF REPORT OF THE NATIONAL TREASURY AND ECONOMIC
PLANNING ON THE GUARANTEE SCHEME, MSMEs ANNUAL PERFORMANCE

Hon. Senators, as you will note, the Senate Majority Leader has laid on the table of the Senate this afternoon a report from the National Treasury and Economic Planning on the credit guarantees scheme for MSMEs, an annual performance report for the period between 1st July 2024 to 30th June 2025. The report contains credit guarantees issued to MSMEs for the stated period.

Section 59(a) of the Public Finance Management Act states as follows-

“That the Cabinet Secretary shall prepare a statement of the credit guarantees granted under Section 58(5) and a summary thereof in such detail as the Cabinet Secretary may determine.

The Cabinet Secretary shall, at least, once in every year, submit to Parliament the summary prepared under subsection (1) together with a report of-

- (a) The total value of credit guarantees given during that period;
- (b) The total value of credit guarantees liquidated during that period;
- (c) The total value of outstanding credit guarantees on the date of the report;
- (d) The risk assessment of the credit guarantees or classes of guarantees;
- (e) information on the total value of credit guarantees disaggregated into the number of enterprises owned by women, youth and persons with disabilities which have been guaranteed;
- (f) information on the total value of credit guarantees disaggregated into the number of micro, small and medium enterprises guaranteed by the respective regions, and;

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(g) any other relevant information prescribed by regulations for the purpose of this section.

Hon. Senators, given the significance of the credit guarantee scheme for micro, small and medium enterprises in promoting access to affordable financing for entrepreneurs, I hereby commit the report by the National Treasury and Economic Planning annual performance report for the period between 1st of July, 2024 to 30th June, 2025 to the Standing Committee on Finance and Budget for consideration.

I thank you.

(The Report was committed to the Standing Committee on Finance and Budget)

Next Order.

NOTICES OF MOTIONS

NOTING OF REPORT ON CONSULTATIVE MEETING OF THE EXECUTIVE COMMITTEE OF THE FPICGLR

Sen. Lemaletian: Mr. Speaker, Sir, I beg to give Notice of the following Motion- THAT, the Senate notes the report of the consultative meeting of the Executive Committee of the Forum of Parliaments of the Member States of the International Conference on the Great Lakes Region, FPICGLR, held in Kinshasa, Democratic Republic of Congo from the 22nd to the 24th of January 2025, laid on the Table of the Senate on Tuesday, 23rd September, 2025.

I thank you.

The Speaker (Hon. Kingi): The Notice of Motion by Sen. Veronica Maina is deferred.

MAINSTREAMING GENDER PERSPECTIVES IN LEGISLATIVE AND POLICY PROCESSES

(Notice of Motion deferred)

Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Statements pursuant to Standing Order No.52(1).
Nominated Senator, Sen. Wakwabubi Consolata.

(Applause)

KENYA'S EXTRAORDINARY PERFORMANCE AT THE BERLIN
MARATHON AND WORLD ATHLETICS CHAMPIONSHIPS

Sen. Consolata Nabwire Wakwabubi: Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of national pride and general topical concern namely, Kenya's extraordinary achievements at two of the most prestigious international sporting events, the 2025 Berlin Marathon and the 28th edition of the World Athletics Championships held in Tokyo, Japan.

Mr. Speaker, Sir, on Sunday, 21st September, 2025, Kenya stamped its authority on the global athletic stage with a historic double victory at the Berlin Marathon. Mr. Sebastian Sawe, age 30, delivered a commanding solo run, crossing the finish line in a phenomenal time of two hours, two minutes, 16 seconds, his third consecutive marathon win after triumphs in Valencia and London. Though he narrowly missed the world record, his performance was the fastest marathon time recorded globally this year.

Equally inspiring was Ms. Rosemary Wanjiru's performance in the women's elite race. She broke away from a formidable Ethiopian contingent with 15 kilometres to go and held on with sheer grit to win in two hours, 21 minutes, five seconds, just three seconds ahead of Dera Dida.

Her unfortunate collapse at the finish line and absence from the victory ceremony due to the fact that she was receiving medical attention underscores the physical and emotional toll of such elite competitions and the courage it takes to triumph.

On the same day, the World Athletics Championships concluded in Tokyo, marking its 20th Edition at the Japan National Stadium. Kenya emerged as a global powerhouse, finishing second overall in the medal standings with seven golds, two silvers and two bronzes. Our athletes demonstrated not only elite performance, but also the indomitable Kenyan spirit.

Mr. Speaker, Sir, allow me to highlight our seven golden victories. Number one, Beatrice Chebet claimed a historic double winning gold in both the 10,000 metres and 5,000 metres, showcasing unmatched endurance and tactical brilliance.

Number two, Faith Kipyegon, our middle-distance queen, secured gold in the 1500 metres, adding to her growing legacy as one of the greatest of all time. Number three, Lilian Odira stunned the world with her gold in the 800 metres, clocking a championship record of one hour, 54 minutes, 62 seconds, in one of the deepest fields in history. Number four, Faith Cherotich triumphed in the 3,000 metres steeplechase, continuing Kenya's dominance in the event with a commanding run.

Number five, Peres Jepchirchir won the women's marathon, outpacing Ethiopia's Tigist Assefa in a dramatic finish. Number six, Emmanuel Wanyonyi delivered Kenya's only men's gold in Tokyo, winning the 800 metres in a championship record time of one hour, 41 minutes, 86 seconds, a performance hailed as one of the fastest in history.

These victories are not merely athletic milestones, they are national triumphs. They reflect the resilience, discipline and excellence that define the Kenyan spirit. Our athletes continue to be our greatest ambassadors, lifting our flag high and inspiring generations across the globe. On my behalf, and on behalf of the Senate and the people of Kenya, I extend heartfelt congratulations to Sebastian Sawe, Rosemary Wanjiru, Beatrice

Chebet, Faith Kipyegon, Lillian Odira, Faith Cherotich, Peres Jepchirchir, Emmanuel Wanyonyi and all our champions.

I also urge the Ministry of Sports, Culture and Heritage to ensure that our athletes receive the recognition, support and welfare they deserve, both during their active careers and in retirement.

As I deliver my maiden statement in the Senate today, I do so with humility, a deep sense of responsibility and a firm commitment to serve the people of Kenya with integrity, diligence and unwavering patriotism. I reaffirm my commitment as a newly-nominated Senator to champion the interests of our sportsmen and women. Let us build a Kenya that celebrates its heroes, nurtures its talent and stands tall on the global stage.

Mr. Speaker, Sir, as I conclude, allow me to express my sincere gratitude to His Excellency Dr. William Samoei Ruto, the President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces and the United Democratic Alliance (UDA) Party for granting me the honour to serve in this esteemed House.

I also wish to greatly appreciate the teaching fraternity for according me a moment in the Kenya spotlight that served as my stepping stone into the leadership spheres. Additionally, I wish to dedicate this appointment to the hardworking people of Bungoma County, who I pledge to serve diligently as we endeavour to achieve the Bottom-UP Economic Transformation Agenda (BETA) model of governance.

To the women of Kenya, this nomination affirms that your place is at the heart of decision-making and shaping table. As Maya Angelou once said, you may encounter many deficits, but you must not be defeated. Your resilience in the face of challenges inspires me. I pledge to champion your rightful position in leadership.

To the youth of Kenya, my people in Bungoma lovingly refer to me as a Mama Gen Z, a title I wear with pride, being a mother of young Kenyans, you will not be forgotten in my quest to fend for your empowerment. My service to Persons with Disabilities (PWDs) too will be a sacred duty that I intend to uphold.

Finally, to my distinguished colleague Senators, I join you to legislate with courage, debate with respect and prioritise the interests of all Kenyans through meaningful consultation and robust issue-based collaboration in this House.

Mr. Speaker, Sir, I thank you for the opportunity to make this Statement. I am Sen. Wakwabubi Consolata, MP, Nominated Senator.

(Applause)

The Speaker (Hon. Kingi): Let us now go to Statements pursuant to Standing Order No.53(1), beginning with Hon. Catherine Mumma.

Sen. Wakili Sigei: Mr. Speaker, Sir, I have got the permission of Sen. Catherine Mumma to read the Statement on her behalf.

The Speaker (Hon. Kingi): Sen. Wakili, I need evidence in that regard.

Sen. Wakili Sigei: There is a letter already delivered to the table there.

The Speaker (Hon. Kingi): Okay, you may proceed.

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. I hope I am now formally allowed to do that which I was asked to.

The Speaker (Hon. Kingi): Proceed, Senator.

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EVICTON OF FAMILIES FROM OLD NGARA
ESTATE IN NAIROBI CITY COUNTY

Sen. Wakili Sigei: Mr. Speaker, Sir, on behalf of Sen. Catherine Mumma, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights on a matter of nationwide concern regarding eviction of six households from Old Ngara Estate in Nairobi City County on 14th May, 2025.

On 14th May, 2025, six households were forcefully evicted from the Old Ngara Estate on grounds of rent arrears. However, the arrears in question fall within a period during which a rent waiver had been issued by the then Governor of Nairobi City County, Hon. Mike Sonko, in response to the COVID-19 Pandemic.

In the Statement, the Committee should address the following-

(1) The legal basis and procedural compliance of the evictions and whether due process was followed, including issuance of eviction notices and existence of any court orders authorising the evictions.

(2) Names of the affected tenants and verification of whether the claim of non-payment of rent is valid considering that the arrears in question relate to a period covered during the COVID-19 rent waiver declared by the former Governor.

(3) Whether there are plans to compensate the affected households for losses suffered during the eviction.

(4) Measures in place to protect tenants from unlawful evictions, particularly in middle income estates where such incidences appear to be increasingly common.

(5) Steps being taken to safeguard the rights of the affected families, including any legal mechanisms, to reinstate them to their homes pending conclusion of any legal or administrative process.

This Statement is signed by Sen. Catherine Mumma, MP, Nominated Senator, and read on her behalf by myself, Sen. Wakili Sigei.

The Speaker (Hon. Kingi): The next one was by Sen. Hamida Kibwana. Since she is not here, that Statement is dropped.

CHILD SEX TRAFFICKING AND SEXUAL EXPLOITATION
IN MAAI MAHIU, NAKURU COUNTY

(Statement dropped)

Next is Sen. Stewart Madzayo.

HALI DUNI YA MIUNDOBINU YA SHULE ZA MSINGI
ZA UMMA KATIKA KAUNTI YA KILIFI

The Senate Minority Leader (Sen. Madzayo): Bw. Spika, nasimama kwa mujibu wa Kanuni za Kudumu, Nambari 53(1), kuomba Kauli kutoka kwa Kamati ya Elimu kuhusu hali duni ya miundombinu ya shule za msingi za umma katika Kaunti ya

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Kilifi licha ya kuwepo kwa sera za kitaifa na rasilimali zinazolenga kuhakikisha mazingira bora ya wanafunzi kusoma. Kamati hiyo izingatie yafuatayo-

(1) Sababu zilizopelekea Serikali kukosa kuupa kipaumbele ukarabati wa shule za msingi ambazo ziko katika hali duni ya miundombinu katika Kaunti ya Kilifi licha ya hali hiyo kuripotiwa.

(2) Kwa nini Kaunti ya Kilifi imeendelea kusalia nyuma katika maendeleo ya miundombinu ya shule za msingi za umma ikilinganishwa na kaunti zingine katika taifa la Kenya.

(3) Mikakati ambayo Wizara ya Elimu imeweka ili kuwavutia na kuwapa motisha walimu kufanya kazi katika maeneo yaliyotengwa kimaendeleo kama vile Magharini na Ganze ambapo miundombinu ya shule ni duni Zaidi.

(4) Hatua zinazochukuliwa na Wizara ya Elimu ili kuhakikisha kuwa wanafunzi wanaotoka vijijini na maeneo yaliyotengwa katika Kaunti ya Kilifi wanapata fursa sawa ya elimu na mazingira bora kama wanafunzi wenzao wanasomea mijini.

(5) Hatua ambazo Serikali ya Kitaifa, kupitia kwa Wizara ya Elimu, imechukua kuona kwamba shule zinazokumbwa na ukame zinapata chakula cha watoto wa shule.

Asante, Bw. Spika.

The Speaker (Hon. Kingi): Next is the Senator for Machakos County, Hon. Kavindu Muthama.

INTERVENTIONS AIMED AT PROTECTING ROAD INFRASTRUCTURE WITHIN SYOKIMAU AREA, MACHAKOS COUNTY

Sen. Kavindu Muthama: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on a matter of countywide concern regarding the interventions aimed at protecting and preserving critical road infrastructure within Syokimau from further degradation and unlawful interference.

Mr. Speaker, Sir, the residents of Syokimau, through the Syokimau Residents Association (SRA) have raised concerns regarding overloaded and unauthorized trucks causing damage to estate roads meant for light vehicle traffic. In their attempts to bypass Weybridge, the damage continues despite the SRA represented efforts to engage the Kenya Urban Roads Authority (KURA) and other Government stakeholders to promote responsible road use.

In their Statement, the Committee should address the following-

(1) The reason for the bridge of road barrier erected near Rim House, particularly given its sanction by the multi-agency team comprising the KURA, the Kenya National Highways Authority (KeNHA), and the current government of Machakos.

(2) The measures being implemented to manage traffic from quarry roads, which serve the sites of mining activities in the Katani Area, along with the efforts to reduce noise, dust and air pollution from the operations.

(3) The reasons for authorising trucks exceeding 10 tonnes to access estate roads, given that their design and structural layering are intended for lighter vehicles, private cars and service vans.

(4) The measures in place to protect existing infrastructures approved by the relevant public agencies, including details on continued enforcement of the rule of law, public awareness campaigns, policy, dialogue with stakeholders, including transporters, developers and the implementation of zoning plans consistent with estate planning and road preservation.

(5) The policy interventions and measures being implemented to ensure safe, orderly and sustainable development within the Syokimau area, with particular focus on environmental protection and infrastructure, traffic and security management.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator from Busia County, the hon. Sen. Okiya Omtatah

Sen. Okiya Omtatah: Mr. Speaker, Sir, I have three Statements and I request that I read all of them at once.

The Speaker (Hon. Kingi): You may, proceed.

AWARD OF CURRENCY PRINTING TENDER
TO GIESECKE+DEVRIENT

Sen. Okiya Omtatah: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget on a matter of national concern regarding the award of Kshs14.5 billion tender by the Central Bank of Kenya (CBK) to the German firm Giesecke+Devrient for printing Kenya's new generation currency.

The 2024 Auditor-General's report flagged irregularities, including failure to appoint a special procurement committee, lack of oversight by the Public Procurement Regulatory Authority (PPRA) and absence of supplier vetting or market assessment.

While the CBK cited approvals from the National Security Council and other agencies, these explanations were found unconvincing given that the CBK is not a national security organ under Article 239 of the Constitution.

Notably, in 2005, an open tender for currency printing saved costs when it was awarded competitively to Delarue over Giesecke+Devrient, yet in this case, the CBK single-sourced the latter at a higher cost.

In this Statement, the Committee should address the following-

(1) Whether the CBK had approval from the Cabinet Secretary for National Treasury and Economic Planning for classified procurement of currency printing and whether this specific procurement was part of an approved classified list under Section 90 of the Public Procurement and Asset Disposal Act (PPDA) of 2015.

(2) Whether the CBK complied with Regulation 84 of the Public Procurement Regulations 2020, including submission of the justification of the use of classified procurement, itemised lists and estimated costs and selected procurement methods and whether a special procurement committee was duly appointed.

(3) Whether CBK's accounting officer submitted the required procurement report to the Cabinet Secretary for the National Treasury and Economic Planning and the PPRA as mandated under Regulation 84(11), and whether the selection criteria for the supplier were documented and justified.

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(4) Whether the procurement method used violated Section 90(8) of the Public Procurement and Asset Disposal Act by improperly classifying the tender and by-passing open competition without valid grounds of urgency or national security.

(5) Analysis of the 2005 and the 2025 currency printing tenders in terms of value for money, transparency, and competitiveness, including a breakdown of the 2025 contract value and how it compares to past pricing.

(6) Appropriate actions to ensure accountability, prevent future misuse of classified procurement procedures and safeguard the integrity of Kenya's procurement framework, especially where large public resources are involved.

UPGRADING OF THE BENGGA-AKOBWAIT-PAPA
PRIMARY SCHOOL ROAD IN BUSIA COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on a matter of countywide concern regarding the upgrading of the three-kilometer Bengga-Akobwait-Papa Primary School Road in Teso Central Sub- County, Busia County. This road forms part of the larger 22-kilometre Mungatsi-Bengga-Akobwait-Kwangamor-Kotur-Kapina-Kocholia Corridor, classified as County Road F90291. The works were to include upgrading to bitumen standard, a 10-metre reinforced concrete bridge, installation of road furniture and Performance Based Road Maintenance (PBRM) elements.

Despite the Kshs150 million allocation by the Kenya Roads Board (KRB), the Kenya Rural Roads Authority (KeRRA) awarded the contract to Mesa Swami Investments Limited for Kshs108.87 million. The project was due for completion in June, 2023, but has stalled, with the contractor repeatedly abandoning the site and failing to deliver key components. A demolished bridge remains unreplaced and a temporary wooden structure has collapsed several times, causing injuries and death.

Completed sections are dangerously narrow, with environmental degradation from unclaimed barrow pits. Suppliers remain unpaid and serious irregularities including a Kshs41 million gap between allocation and contract sum have been reported.

In the Statement, the Committee should address the following-

(1) The procurement process and whether due diligence was followed in the appointment and capacity evaluation of the contractor, including the validity of the performance guarantees.

(2) The status and intended use of the unaccounted balance of Kshs 41,128,799.60 in relation to the budgeted allocation and the contract sum.

(3) Whether there has been value for money in the works completed thus far, considering the delays, poor quality and safety concerns.

(4) Whether all local suppliers have been compensated and where applicable, the payment of accrued interest due to delayed settlement.

(5) Completion plan, including a firm timeline for delivery of the pending works to ensure the community has a functional and safe road.

(6) Measures against all individuals or institutions whose negligence or misconduct has compromised the project and appropriate compensation for the persons injured or killed due to the current unsafe state of the road.

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DEPLORABLE STATE OF INFRASTRUCTURE, DRAINAGE
AND SANITATION IN NAIROBI CITY COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on a matter of countywide concern regarding the deplorable state of infrastructure, drainage and sanitation in the City of Nairobi.

Nairobi as an administrative, political and economic centre of Kenya should reflect our national dignity and progress. Unfortunately, the current state of roads, storm water drainage, waste disposal and sanitation paint a grim picture of neglect and mismanagement.

The city suffers from poor waste collection, blocked drains, frequent flooding and open sewers, compromising public health, disrupting businesses and damaging Kenya's image. This alarming situation has exposed residents, school-going children and city visitors to daily risks, with increasing accidents, property losses and health concerns.

In the Statement, the Committee should address the following-

(1) The current conditions of Nairobi's sanitation, drainage and sewage systems, including the reasons for their persistent failure, especially during the rainy season.

(2) The total amount allocated and spent from the Financial Year 2019/2020 to date on drainage works, waste management and road maintenance in Nairobi's Central Business District (CBD) and its environs.

(3) The list of contractors and companies engaged in these works, including how they were procured and how much each was paid.

(4) The reasons for delayed or unresponsive repairs of open manholes, blocked drains and potholes in areas of high pedestrian and vehicular traffic.

(5) The emergency and long-term measures being implemented by Nairobi City County and the Ministry of Roads and Transport to resolve the recurring problems of urban flooding, sewage overflows and deteriorating road networks.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Statement pursuant to Standing Order No.56(1)(b). The Chairperson Standing Committee on Agriculture, Livestock and Fisheries.

ACTIVITIES OF THE STANDING COMMITTEE ON
AGRICULTURE, LIVESTOCK AND FISHERIES

Sen. Wafula: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.56 (1) (b) of the Senate Standing Orders to make a Statement relating to the activities of the Standing Committee on Agriculture, Livestock and Fisheries from 1st April to 19th September, 2025.

During the period under review, the Committee held 22 sittings during which it considered four Bills and nine Statements.

In the reporting period, the Committee invited the Governor of Nyandarua County to deliberate on the research budget on university regarding the use of unsafe pesticides

in potato farming in Nyandarua County. The Committee later met with the researchers who apprised the Committee on the status of the research.

The Committee also invited the Governor of Trans Nzoia County and deliberated on the procurement and distribution of maize seeds in the county. The Committee is still pursuing the matter viciously.

The Committee conducted oversight visits as follows-

(a) Oversight visit to the Kenya Agricultural and Livestock Research Organisation (KALRO) in Naivasha, Nakuru County, and was apprised on the operations facing KALRO and opportunities for engagement with counties.

(b) Inspection visits to the National Cereals and Produce Board (NCPB), Eldoret Depot in Uasin Gishu County and the Kenya Seed Company Limited in Kitale, Trans Nzoia County. The visits sought to assess grain capacity, strategic food reserve management.

Hon. Speaker, during the period under review, the Committee considered the following four Bills-

(1) The Coffee Bill, 2023 (Senate Bills No.10 of 2023). The Bill was processed in the Senate and is currently under the Mediation Committee.

(2) The Food and Feed Safety Control Coordination Bill, 2023 (National Assembly Bills No.21 of 2023). The Bill was processed in the Senate and is currently under the Mediation Committee.

(3) The Livestock Protection and Sustainability Bill, 2024 (Senate Bills No. 32 of 2024). The Committee conducted public participation and received submissions from the Council of Governors (COG) and the Ministry of Agriculture and Livestock Development. The Committee will undertake stakeholder engagement in livestock-rearing counties of Samburu, Kajiado, Garissa and Taita-Taveta.

(4) The Seed and Plant Varieties Bill, 2025 (Senate Bills No.4 of 2025). The Committee is conducting public participation. It will also undertake targeted stakeholder engagements with the Seed Trade Association of Kenya, the Ministry of Agriculture and Livestock Development and the Technical Committee on Agriculture of the Council of Governors.

Mr. Speaker, Sir, during the period under review, nine Statements were sought from the Committee, of which one was concluded and three are awaiting responses from the stakeholders. The Committee is processing the remaining statements and has shared responses received with the names of Senators who sought the statements.

Mr. Speaker, Sir, during the next quarter, the Committee will undertake an inspection visit to Turkana County on irrigation scheme projects and also undertake inspection visit to National Cereals and Produce Board (NCPB) depots across the country on the status of availability of seeds and fertiliser.

Thank you, Hon. Speaker.

Senator Wafula Wakoli, MP, Chairperson, Standing Committee on Agriculture, Livestock, and Fisheries.

The Speaker (Hon. Kingi): The Chairperson, Standing Committee on Devolution and Intergovernmental Relations.

ACTIVITIES OF THE STANDING COMMITTEE ON DEVOLUTION
AND INTERGOVERNMENTAL RELATIONS FOR THE SECOND QUARTER
OF THE FOURTH SESSION

Sen. Abass: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 56(1)(b) to make a Statement on the activities of the Standing Committee on Devolution and Intergovernmental Relations for the period commencing April to July 2025.

During the reporting period, the Committee carried out various activities pertaining to its mandate. In summary, the Committee considered the following two Bills which were concluded and tabled in the respective reports in this House -

(i) The Office of the Attorney General (Amendment) Bill (Senate Bills No.47 of 2024).

(ii) The County Government Laws (Amendment) Bill, 2024 (Senate Bills No.52 of 2024).

The Committee considered and concluded two petitions before it and tabled the respective reports in this House-

(i) Petition on branding of public projects with images of governors and MCAs and branding of the county vehicles.

(ii) Petition on amending the County Governments Act 2012, Cap.265 regarding the mandate of county governors assigning the portfolio of county executive committee members to elected governors.

The Committee has processed nine statements that were sought from it. Of the nine, the Committee has considered and concluded five, leaving four statements pending.

In line with its mandate, the Committee considered the application for conferment of city status to Thika Municipality.

The Committee has considered the reports of the *ad hoc* Committee on the application for conferment of city status to Thika Municipality and the report of the County Assembly Committee on County Planning and Urbanisation. The committee has also met with various stakeholders to debate on the application and is still in the process of considering which application, hopefully, we will consider in the next two weeks.

Mr. Speaker, Sir, the Committee, in future, plans to conduct an inquiry into the national Government parastatals that are still performing the devolved functions. In addition, it will conduct visits to various counties to inspect the development projects being considered, urge implementation on stalled projects by the county governments and assess the general state of devolution in the counties.

Lastly, I thank the Members and the Committee for the good work they have done. Thank you so much and I beg to table.

The Speaker (Hon. Kingi): The Chairperson of the Standing Committee on Education.

ACTIVITIES OF THE STANDING COMMITTEE ON EDUCATION
FOR THE SECOND QUARTER OF THE FOURTH SESSION

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.56(1)(b) to make a Statement relating to the activities of the Standing

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Committee on Education for the Second Quarter of the Fourth Session covering the period 1st April to 19th September, 2025.

During the period under review, the Committee held 41 sittings during which various legislative business was considered.

The Committee also undertook five county oversight and networking engagements in Mombasa, Kwale, Kilifi, Kitui and Makueni counties to acquaint themselves on the status of the Early Childhood Development Education (ECDE) and the Technical and Vocational Education and Training (TVET).

In the reporting period, the Committee held a meeting with the Council of Governors to deliberate on the final policy on the model school feeding for county governments. The matter of school feeding for ECDE learners is very crucial to ensure increased enrolment and retention of learners, especially those from food-scarce counties.

Mr. Speaker, Sir, during the period under review, the Committee considered an inquiry into the implementation status of the early childhood development education and the vocational training education policies in particular. Subsequently, the Committee met with 21 governors, namely from Tana River, Narok, Mombasa, Machakos, Kericho, Kwale, Kilifi, Uasin Gishu, Kitui, Nakuru, Nyamira, Nandi, Makueni, Garissa, Kisii, Turkana, Laikipia, Lamu, Migori, Nyandarua, and Murang'a counties to consider and inquire on the same. The Committee observed a trend where county governments are giving bursaries and scholarships for basic and higher education without giving due attention to the devolved functions, especially those in the education sector, which are the ECDE and the vocational training centres.

The Committee recommended that county governments should only utilise the funds available to them to undertake the devolved functions that are listed in Part Two of the Fourth Schedule. Therefore, if bursaries or scholarships are to be issued by the county governments, that should be done in accordance with Article 187 on the transfer of functions and powers between the two levels of Government where there is an agreement to transfer the function and where resources for issuance of bursaries are provided for by the national Government. The function should be followed by the funding.

Mr. Speaker, Sir, during the period under review, a total of 14 statements were sought from the Committee. The Committee considered and concluded two statements. The Committee has a number of pending statements from the Ministry of Education and it is scheduled to engage the Ministry on the matter of delays in submitting responses to statements.

The Committee held a consultative meeting with the Teachers Service Commission (TSC) and deliberated on the recruitment and transfer policy of teachers, registration and recruitment of ECDE teachers in the counties. The 12 statements, which are linked to the Ministry of Education, will hopefully be discussed this weekend, as we have a retreat with the Ministry of Education.

In the next reporting period, therefore, the Committee proposes to undertake the following activities; to hold a retreat with the Ministry of Education between the 26th and 27th September, 2025, to deliberate on these pending statements and also follow up on impending solutions on the statements of the national address passed on Wednesday, 24th July, 2024, regarding concerns raised on junior secondary school education, the new university funding model for university education and the acceptability of competence-

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based learning. The Committee will also seek the Ministry's preparedness to implement a Cabinet resolution on merging the 10 State parastatals in the education sector.

Mr. Speaker, Sir, a meeting with the Council of Governors (CoG) to deliberate on the implementation and harmonisation of the scheme of service for ECDE teachers and the implementation of the provisions of ECDE policies, including the National Pre-Primary Education Policy Standards Guideline of 2018 and the budgetary allocation and expenditure of counties in relation to the devolved function under the education sector and expenditure of counties in relation to the devolved function under the education sector will also be looked into.

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

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

Mr. Deputy Speaker, Sir, finally, we will continue engagements with the governors on the inquiry into the implementation of the early childhood education and vocational education and training under the TVETs and the various policies they have at the county level. The Committee will thereafter present a progress report on the inquiry for consideration by this House on the above.

In conclusion, I wish to thank your office and the Office of the Clerk of the Senate for the continuous support accorded to the Committee in executing its mandate. I also wish to thank the Members of the Committee for their diligence, commitment and contributions during the Committee activities.

I thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Thank you, Chair of the Committee on Education. That is the end of Statements.

I will open up the Floor for a few minutes for comments on the statements under Standing Order No.52(1), 53(1) and the statements from the Chairs of committees. In order to save on time, we will use as little time as possible to make the comments, like two or three minutes, conclude on that matter and go to Order No. 8.

We first start with Sen. Sifuna Edwin.

Sen. Sifuna: Thank you, Mr. Deputy Speaker, Sir. I would like to comment on the Statement that has been sought by Hon. Catherine Mumma on the evictions at the Old Ngara Estate. Towards the end of May, the Member of County Assembly (MCA) for Ngara, hon. Chege Mwaura, called me frantically to inform me that the City County of Nairobi was conducting evictions in Old Ngara Estate.

I and the MCA tried to intervene in this matter. There is a woman who I believe is a Chief Officer, called Ms. Mathia at the Nairobi County Government offices who has been the most intransigent officer in that County Government. She has given us very many problems.

Members of the Committee on Roads, Transport and Housing of this House know that this matter does not just stop in Old Ngara. The residents of Woodley have faced the same spectre. In fact, in the case of Woodley, people like Sam Gachago, who is the Chairman there, have gone to the court and obtained court orders.

There was a court order that was issued on the 9th May stopping evictions in Woodley Estate. The Chief Officer has continued to disobey those court orders. They are even using goons to evict people from Woodley and these other estates that we are talking about.

There is a gentleman called Robert Kangethe who is the owner of plot No. 357 in the Buruburu Riverbank Settlement Scheme. He is always in my office here because he similarly has a court order that was issued in 2021 requiring the Housing Department of the County Government of Nairobi to revert ownership to his name because they had given an illegal allocation to somebody else.

Mr. Deputy Speaker, Sir, the MCAs of Nairobi have done their bit. They have gone as far as passing a censure Motion against this very officer because of her intransigence and the disobedience of court orders that have emanated from these cases.

I would like the Senate to know that as we speak today, and this includes the Statement that was brought by Sen. Okiya Omtatah, there are around three pending standing invitations to the County Government of Nairobi to discuss these matters including matters on development.

Last month, a meeting with the Nairobi County Government at the County Public Accounts Committee (CPAC) was postponed due to the unavailability of the Governor. Last week on Thursday, the County Government of Nairobi was supposed to appear before the Senate at the Committee, that has just given a statement here on education, to discuss questions of ECDE development in Nairobi.

Mr. Deputy Speaker, Sir, there are wards like Roysambu that do not have a single ECDE unit. I saw Members of the Committee who had risen early to come and listen to the issues lamenting because the Governor did not appear.

The Committee on Devolution and Intergovernmental Relations invited the Governor of Nairobi. We were going to discuss all issues of stalled projects in Nairobi. That meeting was also rescheduled. I also know that there is a standing invitation to CPAC to tour Nairobi in order to have conversations about the state of projects in Nairobi, including the roads that Sen. Omtatah has asked about.

I am happy and grateful to the committees of this House because they have come through for the people of Nairobi all the time, especially the Committee on Roads, Transport and Housing. We have sat with them because this issue of the waiver that was supposed to have been in place during the COVID era is the one that is bringing confusion.

Mr. Deputy Speaker, Sir, the county is unable to compute how much each tenant owns or how much each tenant owes. There is confusion. The tenants are saying; “but we were given a waiver during Sonko's time, why are you still using that to compute my arrears?”

I, therefore, thank the committees of this House because we have made an attempt to bring order to Nairobi. However, as it can be seen, we have a lot of pending meetings with committees of this House and we urge the Governor of Nairobi to show up for these meetings so that we can have these conversations for the benefit of our people.

I thank you.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Sifuna. Next is Sen. (Dr.) Boni.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I rise to add my voice on the important Statement raised by the Senator for Kilifi in respect of the poor conditions of learning infrastructure in schools there.

Whereas this matter might appear to be a Kilifi issue, it should prick the conscience of this Senate. Where are we with the education of children in public schools in Kenya today? The new system; Competence Based Curriculum (CBC) education poses serious challenges in terms of affordability, availability of teachers and lack of classrooms.

This matter is so grave and if you want to appreciate the damage we are causing this generation, just picture this. The Speaker of the Senate, Amason Kingi, came from a public school in Kilifi and ended up being the Speaker and a top lawyer in this country. The Senator of Tana River, Danson Mungatana, came from a public school and ended up being a Senator and a top lawyer in this country and not to mention, the Senator for Kakamega Dr. Boni Khalwale. I came from a public school. I am a top doctor in this country and a Senator. Imagine the number of children we are locking out, the number of Kingis, Khalwales, Mungatanas, and the number of all of you. We must get it right.

As I say this, all our public schools are encouraged by the good pronouncements from the Government; namely the rolling out of capitation money. That money is only in the headlines of newspapers. It is only in the beautiful speeches by the Ministers. The money for capitation is not on the ground. It is a big challenge.

Right now, we are being told we have 50,000 ghost learners and 33 ghost schools. Where is the government? How can the government allow rich people in Jogoo House to collect money in the name of schools they own because they own those schools on computers? We must refuse and call out these civil servants who are collecting money in the name of capitation.

Finally, Mr. Deputy Speaker, Sir, something more grave is happening in Kilifi. One must recite some prayer in some religious organization that I do not understand. It is very sad that at this time of development in Kenya, our children have to eat conditionally based on the fact that they can recite the teachings of some religious organization. I condemn this and urge this House to see that we get our education system in public schools right.

The Deputy Speaker (Hon. Kingi): So now, Senators, I can see there is no time. Please save some minutes for your colleagues when you get a chance.

Sen. Ogola: Mr. Deputy Speaker, Sir, I start from where Sen. Khalwale has left on the issue of public schools. Do we know that most of the managers of our public schools and especially the primary schools, are spending all their days in cybers in the many urban centers around those schools?

This is because the Ministry of Education requires some data which even when they send is never rightly taken in. It is for those reasons that those schools are not even able to get their capitation. The situation of public schools must be looked into.

A number of primary schools from where I come from, after waiting for monies to run their schools, were only able to get very little. Some of them received Kshs18,000; while others Kshs1,000. The headteachers of those schools are not able to run schools.

Mr. Deputy Speaker, Sir, the Ministry of Education must put their house in order unless their intention is to ensure that our public sector school system collapses in the public sector.

Mr. Deputy Speaker, Sir, in the same context, there is a major problem during registration of learners for examination. We have a lot of complaints from the headteachers. They say that when they send the details of females, they get back registration in boys' schools which leads to inconsistencies in future. The Ministry of Education must put its house in order and ensure things are done right.

Secondly, I want to comment on the issue of the eviction of households in the Old Ngara estates in Nairobi City County and any other eviction. Evictions must be done right and with a human face. The public must be engaged over those evictions. Notices and reasons must be given for those evictions. When they are done, we do not want, as a county, to see families thrown out in the cold including children. People have lived in estates for years, some of them with the right documents. Since there are people who are interested in getting ownership of those places, they end up evicting others for no reason.

Why should a public officer do things wrong? Why should a public officer in the name of a chief officer, who is paid by public money, mishandle members of the public and not want to listen to people? That must be looked into.

Lastly, I support the Statement by the Senator for Machakos on the protection of road infrastructure, not only in Machakos, but in all our public spaces. The infrastructure that we have has the capacity of vehicles that can be used on those roads. We must have a system that is able to enforce certain rules in our urban centres to ensure that the roads are protected for use by the public.

I support.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir. I join my colleagues in adding my voice to this conversation that was begun by the Senator for Kilifi and Leader of Minority on the state of public institutions in Kilifi County. This is not just about Kilifi alone, but a national-wide conversation. I know this administration has tried to address this challenge but a lot still needs to be done.

I have read reports indicating that in the past one or two years, the Ministry of Education has built 23,000-plus classrooms and more than 76,000 teachers have been employed. That is a drop in the ocean based on the state of education in our public institutions. The desire should be to bring it up to the level that it was back in yesteryears when many of us went through public education. I am a product of public education from primary all the way to university. I shudder to imagine that if I had been born in this generation and this was my time to go to school, whether the quality of education I would receive would be comparable to what I got in those years.

We must be concerned that education continues to be the biggest consumer of our public budget. I think this year's budget is over Kshs700 billion. We must be able to see where that money is going. I appreciate what has been done. For example, in the Social Health Authority (SHA) system. What that system has brought to this country is that citizens are able to see which institutions benefit from monies that have been contributed to the public.

I challenge the members of the Education Committee to push the Ministry of Education to publish the list of the institutions per county that are benefiting from this

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school capitation and the number of students per particular institution, so that we slay this dragon of ghost students and ghost institutions in our public education sector. Kenya shillings 700 billion is not small money. We need to see the value for that money. The only way we can get to know if, indeed, Kenyan taxpayers are getting value for money is if this information is made public.

With all these schemes and National Education Management Information System (NEMIS), the public infrastructure IT systems that the Ministry of Education keep talking to us about, is it not it time that they lay this information out in the public? For example, I should know the number of public institutions in Kericho County that are receiving the portion of this Kshs700 billion and the number of students being catered for. If there are ghost institutions, the young people and all the people that consume public information would be quick to point out. This same conversation about our public institutions is a mess that was created out of the desire to covert institutions that society had fundraised for.

Mr. Deputy Speaker, Sir, I know you grew up in a generation where people used to fundraise for public institutions long before the days of National Government Constituency Development Fund (NG-CDF). People contributed cows, goats and sheep. After a certain number of years there was a change in policy and you were told those institutions had been converted to “national schools”. I am speaking like this because I am pained by what happened to Litein Boys’ High School two nights ago. You saw the destruction that was meted out on that institution by people who were rampaging and were out on a strike.

That is an institution for which people contributed their monies. It is not just public funds that were used to build the institution. People did fundraisers over the years to build that school to that particular level. Then some truant young men just came out of nowhere and burned the institution saying they did not like the principal and this and that. That is a great disservice. We must have a conversation about these so-called national institutions that came out of that policy that was made three or four years so that people appreciate the pain and the struggle it took to put certain institutions in place.

It is my hope that the Ministry of Education will quickly step into action; ensure that the root cause of the problems in many of the public institutions across the country that are going out on strike is addressed so that our young people can learn in educational institutions that we are all proud to be associated with.

The Deputy Speaker (Sen. Kathuri): Senate Majority Leader, if I look at both sides of this House this afternoon, I do not know who did not pass through the public institutions, right from primary, secondary up to--- I have one suspect from my left, but I am not sure about it.

Next is Sen. Mohamed Mwinyihaji Faki, Seneta wa Kaunti ya Mombasa.

Sen. Faki: Mhe. Naibu Spika, hata mimi nilipitia shule za umma, kutoka Bomu Primary School, Tudor Day Secondary School, Alidina Visram na baadaye Chuo Kikuu cha Nairobi.

Mheshimiwa Naibu Spika, nimesimama kuchangia maombi ya Taarifa iliyoletwa Bungeni na Seneta wa Kilifi, ambaye pia ni Kiongozi wa Wachache katika Bunge hili. Elimu, kama waliotangulia walivyosema, ndio uridhi mkubwa ambao wazazi wanaweza kuwaachia watoto wao. Lakini, tunaona kwamba, hali ya elimu inazidi kuzorota. Kwa

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mfano, sehemu ya Ganze ambayo juzi ilikuwa katika vyombo vya habari kuhusu chakula ambacho wanafunzi wanapewa katika sehemu hizi.

Mheshimiwa Naibu Spika, habari hio ilikuwa ya kupotosha kwa sababu walioleta habari hizo wangeangazia zaidi ya hali ya hizo shule kuliko kupiga kelele kwa maswala ya chakula ambacho kilikuwa kimetolewa na shirika. Shirika hilo lilikuwa limetoa chakula katika maeneo hayo kwa zaidi ya miaka minne na hakuna aliyelalamika kuwa mtoto wake amerudi nyumbani akasema kwamba leo alikuwa Ali Krishna, muislamu au mkristu. Hakuna mtu aliyesema hivyo. Watu wamepotosha dini na wanafunzi wamekosa chakula katika hayo maeneo.

Mhe. Naibu Spika, kuna sehemu nyingi za mbali kabisa ambapo watoto wanatoka nyumbani asubuhi, bila kunywa chai wala kula chochote. Wanaenda shule mpaka jioni na kile chakula watakachokula jioni ndio chakula peke yake ambacho watapata siku hio. Kwa hivyo, hili swala la miundo mbinu katika shule zetu ni lazima tuliangazie kwa undani.

Huko kwetu Mombasa kuna Wadi inayoitwa Mwakirunge, ambapo kuna Kijiji kinaitwa Marimani. Kuna kituo cha Early Childhood Development and Education (ECDE), kilichojengwa kwa ufadhili wa Balozi wa Amerika mwaka wa 1926. Hadi leo, hakuajengwa kituo kipya cha ECDE. Wazazi wamejitahidi wakajenga chao cha udongo ambacho kinatumika hivi sasa ingawa kuna msongamano mkubwa. Kwa hivyo, magavana wanapozunguka wakifanya mikutano na mikakati ambayo haina mwelekeo, elimu inapata shida katika sehemu gatu.

Juzi, Mhe. Sifuna ambaye ni naibu Kiranja hapa, na vile vile ni Katibu Mkuu wa chama cha Orange Democratic Movement (ODM), alipokuwa Mombasa alipiga kelele sana kuhusu watu kumkosoa Gavana wa Kaunti ya Mombasa. Nashangaa kwa sababu katika Bunge hili anamkosoa Gavana wake. Ni masikitiko makubwa ameondoka lakini ni makosa kuwa alifika Mombasa akasema kwamba, hakuna kumkosoa Gavana, ilhali hapa anamkosoa Gavana wa Kaunti ya jiji kuu la Nairobi.

Ni lazima magavana wamulikwe. Hio ndio kazi ambayo sisi maseneta tumepewa. Lazima tuwamulike na kuhakikisha kuwa makosa hayafanyiki. Nilifurahi juzi wakati – (itilafu)

The Deputy Speaker (Sen. Kathuri): Sen. Mohamed Faki kuna Hoja ya Nidhamu kutoka kwa Seneta wa Kaunti ya Homa Bay.

Sen. M. Kajwang’: Bw. Naibu Spika, je, ni nidhamu kwa Seneta wa Mombasa kumkashifu Seneta wa Jiji Kuu la Nairobi kwamba yeye huwa hazungumzi maneno yakienda mrama Nairobi lakini anazungumza maneno yakienda mrama Mombasa?

(Applause)

Mhe. Naibu Spika, am I allowed to change the language midstream?

The Deputy Speaker (Sen. Kathuri): Unaendelea vizuri. Endelea mpaka umalize.

Sen. M. Kajwang’: Sawa.

Mhe. Naibu Spika, je, ni sawa kwa Seneta wa Mombasa kumkashifu Seneta wa Nairobi kwamba maneno yakienda mrama Mombasa ananyamaza lakini maneno yakienda Nairobi anaongea? Seneta wa Mombasa anajua kwamba Seneta wa Jiji Kuu la Nairobi huwa anawakashifu viongozi wote, hata wale wakubwa wa Nairobi, Rais Ruto,

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na hata saa zingine anamkosoa kiongozi wetu Raila Odinga. Kwani huyu Gavana wa Kaunti ya Mombasa sasa amekuwa mungu mkubwa kuliko Rais Ruto ama Raila Odinga? Afafanue ni kwa nini anaona Sifuna atamuogopa Abdul Swamad ilhali hamuogopi William Ruto?

The Deputy Speaker (Sen. Kathuri): Hili jambo limeleta tumbo joto sana. Naomba nimpatie Kiongozi wa Wengi, Sen. Aaron Cheruiyot, nafasi.

The Senate Majority Leader (Sen. Cheruiyot): Mhe. Naibu Spika, ni kinaya cha kutamausha kwamba Seneta wa Homa Bay, rafiki yangu, Sen. Moses Kajwang', ambaye ni Mwenye Kiti wa Kamati ya Uhasibu hapa Bungeni na ndiye tunayemtegemea kuwakosoa magavana kwa yale machafu yanayoendelea katika kaunti zetu, anasimama na kukubaliana na Seneta wa Jiji Kuu la Nairobi kwa matamshi aliyosema Mombasa; eti, Gavana wa Kaunti ya Mombasa hafai kuulizwa swali lolote. Hii inafaya niujiulize, je, tuko na mwenyeiki ambaye anajua kazi yake ama analinda kaunti zingine zaidi ya zingine? Ningependa kujua hayo.

The Deputy Speaker (Sen. Kathuri): Sasa tumsikize Gavana wa Mombasa.

Sen. Faki: Mhe. Naibu Spika, Sen. Kajwang' hakuwa na Hoja ya Nidhamu. Nadhani ni Hoja ya maoni ya kusahihisha au kunijulisha.

Ningependa kusema kwamba, ipo haja ya kuwamulika magavana. Ni lazima wamulikwe kwa sababu sheria inatupa sisi nafasi ya kuwamulika. Nampongeza Sen. Omtatah ambaye juzi alipata *judgement* ambayo ilitilia nguvu kazi yetu sisi maseneta ya kuwamulika magavana. Kwa hivyo, Sen. Madzayo, lazima tumulike Mung'aro katika Kaunti ya Kilifi, tuone kwamba anahakikisha kwamba wanafunzi katika kila eneo wanapata chakula.

Mhe. Naibu Spika, eneo la Kilifi ni kubwa sana. Kwa mfano, Ganze Constituency, ni sehemu kubwa sana. Wazazi wengi katika hayo maeneo ni maskini na watoto wanasoma bila kula chakula chochote asubuhi wakitoka kuenda shule. Namalizia kwa kusema kuwa, kama *Senate*, lazima tuongeze bidii katika kamati zetu. Tumeona Kamati ya Ukulima imetoa Ripoti yake. Vile vile, tulikuwa na Kamati ya Elimu Mombasa na ikafanya kazi mzuri sana kuzuru vituo vya ECDE na maeneo mengine. Kwa hivyo, ni lazima Kamati zetu ziwe na nguvu.

Ningependa kumpongeza Mwenye Kiti wa kamati ya Sheria Endelevi, yaani Delegated Legislation Committee, ambaye ni Mwenye kiti wetu kwa kazi nzuri ambayo anafanya ijapokuwa, wakati mwingine huwa anaregarega wakati tunataka kuregesha kanuni ambazo hazifai. Mara nyingi huwa anaupendeleo kwa upande wa serikali lakini hio tutasahihisha na yeye.

Asante, Mhe. Naibu Spika, kwa kunipa fursa hii.

The Deputy Speaker (Sen. Kathuri): Asante.

Sen. Mundingi Alexander, uwanja ni wako.

Sen. Munyi Mundigi: Asante, Bw. Naibu Spika, kwa kunipa nafasi ili niweze kuchangia mjadala unaoendelea kuhusu mambo ya elimu katika Kilifi County.

Asante Sen. Madzayo, the Senate Minority Leader, kwa sababu mambo ya elimu ni kitu kinachofaa kuwekwa nguvu katika Kenya mzima, kuanzia nursery, primary, secondary na university. Iliposemekana wazazi watoe pesa kulikuwa na shida.

Shule nyingi za msingi zina shida ya chakula, maji na madarasa. Wiki mbili zilizopita, upepo ulibomoa mabati ya madarasa katika shule ya Karura Primary ilioko

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kata ya Kiambere, Kaunti ya Embu. Kumekuwa na shida lakini Serikali ya Kenya Kwanza inajaribu kufanya kazi nzuri kwa kuajiri walimu 76,000. Kuna mpango ya kuajiri wengine 20,000. Shida ni kwamba madarasa ambayo yalijengwa tulipokuwa wanafunzi ndio bado yanayotumika. Tunaomba mambo ya elimu na mijengo iangaliwe.

Mwenyekiti wa Kamati ya Ardhi, Mazingira na Maliasili, Sen. Faki, yuko katika Bunge hii. Amekuwa akitembea hapa na pale na tunaomba apeane ripoti ya shule ambazo zilipewa miche ya kupanda. Hii ni kwa sababu miti zinazuia madarasa kubomolewa na upepo. Watoto wetu pia wana shida ya maji. Tunaomba kila kaunti ijengewe bwawa la maji.

Haya ni mambo ya kuhuzunisha. Ninamshukuru Seneta wa Kaunti ya Kilifi lakini ni vyema kusema ya kwamba shida hizi ziko katika kaunti zote. Kama tunaunga mkono mambo ya elimu, lazima tuhakikishe ya kwamba *capitation*, mijengo na mazingira yanafanya kazi. Lazima tuunge mkono watoto wetu ambao wanataka kusoma elimu ya kisasa. Tumeona watoto wengi wakienda shule za kibinafsi ingawa shule hizo pia zina shida. Watoto wamekuwa wengi katika shule na mambo ya *inspection* yamekuwa na shida. Ninaunga huo mjadala mkono.

Ningependa pia kukueleza ya kwamba tunachanga pesa kusaidia shule ambayo paa yake ilibebwa na upepo. Naomba kiongozi wa wengi Kshs100,000 ambayo nitapeleka katika shule hiyo siku ya jumatatu. Ningependa pia kuwaomba wengine wanichangie. Kaunti ya Embu na kaunti zingine zina shida. Kiongozi wa wengi, najua umenisikia. Asante, Bw. Naibu wa Spika.

The Deputy Speaker (Sen. Kathuri): Sen. Munyi Mundigi, hii Bunge sio ya kutafuta hela ya kupeleka kwa mashule. Ungemuona kiongozi wa wengi nyuma ya hema. Seneti isichukuliwe kama Bunge ya kutafuta hela ya kupeleka hapa na pale. Serikali ya Kenya inapaswa kujenga shule na sio kiongozi wa wengi. Umemueka kiongozi wa wengi katika ramani ya Kenya kuwa ni yeye ndiye anapaswa kujenga shule.

Sen. Wafula: *Thank you, Mr. Deputy Speaker, Sir,* kwa kunipa nafasi nichangie hoja ambazo wenzangu wamechangia hususan ubomoaji wa maeneo ya makazi ya wakenya katika maeneo mbali mbali jijini Nairobi.

(Loud consultations)

Mhe. Naibu Spika, naomba utulivu.

Ni jambo la kuhuzunisha sana wakati maafisa wa serikali za kaunti wanachukua mamlaka mikononi mwao na kufanya jinsi wanavyotaka. Naomba Kamati husika, Kamati ya Nyumba, Miradi na Miundombinu iweze kumuita Gavana na makatibu wake ili waweze kuelezwa jinsi serikali inafaa kufanya kazi. Niliwasikia wakisema ya kwamba vyeti vya umiliki wa ardhi hizo zimebadilishwa. Walisema ya kwamba watu wengine wamepewa na waliokuwa wanavimiliki wamenyang'anywa.

Tungependa idara ya kupigana na ufisadi na ujasusi iwe na uwepesi kufuatilia haya mambo jinsi walivyokuwa wepesi wiki uliyopita waliposema ya kwamba waziri fulani, ambaye ni rafiki yangu, abebe msalaba wake. Naomba waamke haraka na watembelee magavana ambao wanapora pesa za umma. Isiwe tu kwamba wanakinzana katika koti ilhali hawafanyi kazi yao jinsi inavyotakikana.

Ukienda maeneo mbali mbali humu nchini, utaona ya kwamba miundo ya madarasa na madawati ya chekechea ni tofauti. Vifaa vya kufunza watoto pia ni tofauti. Kuna shule ambazo zina wapa wanafunzi chakula na zingine ambazo hazipeani. Zingine zinapea wanafunzi maziwa ilhali zingine zinapea wanafunzi uji. Kamati ya Elimu lazima ihakikishe ya kwamba kuna mfumo kamili. Lazima pia wahakikishe ya kwamba kuna pesa zinazoeleweka katika bajeti za kaunti ndiposa tuendeleze masomo ya vyuo vya chekechea.

Hatuta wasaidia watoto wetu ikiwa kazi yetu itakuwa kutoa hoja bungeni. Hiyo itafurahisha wakenya na kuwaonyesha ya kwamba tumekasirika lakini hiyo haita saidia watoto. Lazima fedha iwekwe katika bajeti na tuone ripoti katika utekelezaji wa miradi hizo. Hiyo itaonyesha ya kwamba tulitunga sheria na tukafuata.

Kaunti pia lazima ziweke fedha katika *polytechnics*. Wafanyikazi wa kaunti wamejikita kuweka miradi ambayo wanapata kipato cha haraka na hawaweki fedha kwa miradi ambayo inawasaidia watoto wa nchi ya Kenya. Wao huletewa asilimia 10 ama 20 za kandarasi. Ukienda katika kaunti tofauti, utapata ya kwamba *polytechnics* hazina wanafunzi, vifaa vya kufunza na madarasa. Ni kina ya kwamba tunasema ugatuzi unaafiki matarajio ya vijana na ni lazima tuhakikishe ya kwamba hao vijana wanapewa *polytechnics* ambazo wanaweza kusomea na kutafuta ajira baadaye.

Swala lingine nzito ni usafi, taa, maji safi na takataka katika jiji la Nairobi. Viongozi wote ambao wako hapa ni wakaazi mjini Nairobi na wana haki ya kuzungumza kwa niaba ya watu wanaoishi katika maeneo wanaoishi. Juzi, Mheshimiwa Raila Odinga aliturai ya kwamba tuwaachie viongozi wa wadi nafasi ya kumulika na kuwatia msasa magavana. Ghafla walipoanza kupandisha sauti, waliambiwa wapunguze sauti. Sijui kama mtu anatoa sauti anapokula ama mtu hufinywa anapotoa sauti. Lazima viongozi wa wadi wapewe nafasi kupambana na magavana kama huyu ambaye tunamuona hapa Nairobi.

Mtu hawezi kutembea Nairobi usiku. Hii ni kwa sababu utakutana na kinyesi hewani. Utapata pia maji chafu na giza. Wakenya kutoka tabaka zote wanaishi katika kaunti ya Nairobi. Nina haki kusema ya kwamba ninahuzunika na wapiga kura wa Nairobi. Ninawaonea huruma. Ni lazima tuseme ukweli kama tunapenda Kenya. Hata Bungoma kuna shida na ni lazima tupambane na hao watu. Haijalishi kama wako upande wa serikali au upande ambao sio wa serikali. *Mgala muue na haki umpe. Kaende.*

The Deputy Speaker (Sen. Kathuri): Malizia.

Sen. Wafula: Najua wengi wamekaza mioyo. Kwa hivyo, naomba niachie hapo. Tutakutana baadaye.

The Deputy Speaker (Sen. Kathuri): Senate Minority Whip, please proceed.

Sen. Ole Kina: Thank you, Mr. Deputy Speaker, Sir. I rise to support two very important statements that have been brought about by two distinguished Senators. One, briefly, is to comment on the statement brought about by Sen. Okiya Omtatah which boils down to the issue of management of the city.

Before this Constitution came into force, during the Building Bridges Initiative (BBI) period, some of us had seen an opportunity to bring in positive change on how a city like Nairobi should be managed. We compared it with a city like Addis Ababa, which has about 10 sub-counties, and is managed by different authorities to ensure that they deal with waste management, sanitation and service delivery.

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Mr. Deputy Speaker, Sir, when we are talking about the issue of managing, or lamenting here on how filthy and dirty the streets of Nairobi are, I think it is about time that we became more future-centric and come up with a solution on what we are going to do. This is because every single day, as we talk, we will never solve the problem of Nairobi. Nairobi will continue being filthy and dirty.

If you go to Enterprise Road, you will be shocked. There is a place where they sell pallets and right next to it, I think next to one plastic manufacturing company, you will see a filthy area. This is the middle of a road literally converted into a dump site. If you go to Eastleigh, you will find the same thing. It is about time that we start thinking about how to manage Nairobi.

Ultimately, my proposal would be that Nairobi should never have been made a county. It should be made a capital city that is managed like other big capital cities like Addis Ababa or Washington, D.C. This is because of what is happening right now and the problems we have been told about.

Earlier, the Senator of Nairobi was talking about the issues of post-COVID era when they were given a waiver because of the hardship. Now we have changed the strategy. What is happening and why tenants are being evicted from their houses is not really because of rent dispute but because of the affordable housing redevelopment strategies that are coming up. Instead of talking to these people, sitting them down and finding a way that we can build these houses for them to live in and continue contributing to this economy, we now kick them out.

Those are things that need to be thoroughly investigated and a solution found; one that will be able to take care of the needs of these citizens who live in Nairobi. It is true, all of us live in Nairobi. Members from all the 47 counties live in Nairobi. So, we must be able to come up with a better way of managing this city.

Secondly, I do not want to waste a lot of time on these issues regarding the statement raised by the good Senator of Kilifi. We were in Kilifi a while ago and all of us were shocked with the level of poverty in Kilifi. We talked about affirmative action in Kilifi and the challenges that Kilifi County faces. The challenges that Kilifi County is facing right now made me say that we, in Narok County, are doing better. This is because when you look at the schools, the issues that have been raised here by the distinguished Senator from Kilifi are issues that require us to be very keen with regard to follow up.

Number one, why is it that in Kilifi, and not only Kilifi, but in a lot of rural counties, maybe Tana River or even part of Nairobi, the Ministry of Education has not fully carried out an audit to find out how deplorable primary schools are and put a budget based on counties, not just a budget based on who you know. Many Governors are now building primary schools. That is not their responsibility. That is the responsibility of the national government. So, the first issue that the Senator raises is an issue that requires us to follow up. The Committee on Education should follow up to ensure that that matter of deplorable primary schools in Kilifi is taken care of.

Number two, the distinguished Senator raised an issue of food for kids. It is true, recently we saw a video on social media, in the mainstream, where kids were being asked to recite Hare Krishna for them to be given food. For that, I only have to go to the Bible, and I am happy that the pastor is here. I think it is Matthew 3:6, where it says that you should not let your left hand know what your right hand is doing. When you give, give in

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secrecy. If you are willing to give, whoever has gone there, do not force the kids to recite, so that you can be able to give them food.

I was sitting down here, and we were discussing it with my Minority Leader, and he said a long time ago, some of us were being told to go to school, and we have to be able to do the Lord's Prayer before we are given food. Is that right? That is not right. Why are we still poor in this country? Why can we not be happy with what we have, and we share among each other? The amount of money that goes to Kilifi is a lot of money, but is it proportional to the amount of money that is budgeted by the Ministry of Education to be able to support the kids in Kilifi?

These issues that have been raised are important. Number one, the Ministry of Education now needs to carry out an audit to figure out how you are expensing out your budget. Are you expensing out your budget to be able to offer affirmative action to support other schools? Number two, what can we do to ensure that these kids who cannot afford a meal are actually taken care of? Those are issues that I hope will not disappear in this statement as we try to sensationalise the issues of poverty in the country, that we follow through, and I hope our committee will do the same.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, if you can realise, I have extended the time and allocated for the commercial Statements. However, I have strictly 8 minutes. At 5.00 p.m. we should close on this matter. So, if we allow 2 minutes each, I will get two from this side and two from the other side. Sen. Mungatana, please proceed. Two minutes, kindly.

Sen. Mungatana, MGH: Mr. Deputy Speaker, Sir, there is a Statement that was raised before this House on the tender that is supposed to procure the currency for Central Bank on behalf of the Republic of Kenya. Many of our colleagues have not noticed it, but the essence of that statement is to ask and question the accountability mechanism within the Central Bank. We approved the Chairman of the Board of Directors of Central Bank here, and we asked him to be a good custodian of the funds that are allocated to Central Bank of Kenya.

I hear that they have removed the people who used to produce the currency in this country, they have used some mechanism that is dubious, a procedure that is not clear, a mechanism that is not following the law on procurement and that has cost the taxpayers millions more than the previous contractor. This is a question that should concern all of us. They have short-circuited the system so that they covered themselves under the shred of security to short-circuit the system.

I urge the Chairman of the Committee on Finance and Budget to go into the depth of this. We want to know the truth. Kenyans want to know the truth. Anything that has to do with money, in these hard times, should be known. We want to know the owners of the companies who have been favoured and who are the real owners behind those companies.

This is because, in this country, if we are to fight corruption, we must fight corruption at all levels, even at the level of Central Bank of Kenya. If the Auditor-General is raising questions, they should be the first persons to run to come and explain themselves before the Committee of the Senate. I urge the Committee to call them as of yesterday, so that this Statement can be disposed of.

Kenyans are worried that even the Central Bank of Kenya (CBK) itself is procuring in a manner that costs them money, yet we could have done an easier procurement. It is also not transparent. This is the biggest economy in Eastern and Central Africa. How can the CBK behave in a manner that is not transparent?

Mr. Deputy Speaker, Sir, I urge that the committee goes into the depth of this matter so that Kenyans can know the truth.

I thank you.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Osotsi Godfrey.

Sen. Osotsi: Mr. Deputy Speaker, Sir, I wanted to make a comment on the Statement by the Senator for Kilifi regarding the state of infrastructure of schools in Kilifi County.

It is sad that some counties do not have proper school infrastructure. We have been made to believe, especially in this House, that the National Government-Constituencies Development Fund (NG-CDF) is doing wonders to ensure that we have good infrastructure in schools.

They have been saying that the only Fund working in this country is NG-CDF and that money that goes to the counties is not doing anything. When you hear examples from counties like Kilifi; that schools are in deplorable conditions, you begin to question the narrative concerning of NG-CDF. In my own county, I have visited many schools that have very bad infrastructure because of poor workmanship for some of the projects under NG-CDF. When you go there, you are asked to give your own money as a Senator basically to repair some buildings, yet they know well that Senators do not have a Fund.

This is the time we need to question NG-CDF. That is just political money to help Members of the National Assembly run around over the weekend pretending to launch projects which they do not even indicate that they are being done by the Government of Kenya. Some of them give bursaries and say it is their money. This Senate should take this matter seriously and question the existence of NG-CDF.

As the Deputy Party Leader of the Orange Democratic Movement (ODM), I support my Party Leader when he says that NG-CDF must be rechanneled to our counties. That way, we will be able to question how governors use that money. When you see Members of the National Assembly fighting harder to retain NG-CDF, you should know there is something that they are trying to hide. Something has to be done.

I want to join the Senator for Kilifi and say that it is not just Kilifi. Many other counties have challenges with school infrastructure because of the way NG-CDF is distributed in the constituencies and the quality of workmanship on buildings that are done by some of the NG-CDF committees. After one or two months, you hear that a floor has gone. The principal starts running around saying that he needs money to repair a floor, yet someone was paid money to do that work.

This is an eye-opener. I request the Committee on Education not only to focus on Kilifi but also all the other counties so that we have a serious report that will indicate the performance of NG-CDF in matters of school infrastructure across the country.

Mr. Deputy Speaker, Sir, I support.

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

Sen. Cherarkey: Mr. Deputy Speaker, Sir, on the issue of Nairobi, let us not waste time. Nairobi is pathetic and also a crime scene. Members of the County Assembly (MCAs) of Nairobi should have impeached Hon. Sakaja a long time ago.

When you drive across the city, you will see that the city is in chaos. It does not matter whether you are going to Eastleigh, down town, Kilimani or another area. To make it worse, the information I have is that the Governor has relocated from the official Office of the Governor here in the Central Business District (CBD) to Riverside in Westlands, which hampers members of the public from seeking services. This is my appeal. As we go into the future, MCAs must do their job.

Let me use an example because I sit in the CPAC. The revenue potential of Nairobi is Kshs63 billion but they collect Kshs13 billion only. About Kshs50 billion of own source revenue is lost in a financial year.

The only advantage that Governor Sakaja has is the protection that he gets from the ODM Party Leader and other interests in this Republic. We must be told why he is being protected.

(An hon. Senator spoke off record)

Mr. Deputy Speaker, Sir, I cannot be challenged because the MCAs were called. It is in the public domain that the MCAs were called and asked to go slow on the issue of impeachment---

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, there is a point of order from Sen. Osotsi, the Deputy Party Leader of ODM.

Sen. Osotsi: Mr. Deputy Speaker, Sir, I did not want to interrupt my good neighbour and friend, Sen. Cherarkey. However, when it comes to my party, I have to protect it.

I am rising on Standing Order No.105. Is it in order for Sen. Cherarkey to claim that Hon. Sakaja is getting protection from the Party Leader of ODM? Does he have any evidence to table in this House?

If he does not have evidence, Mr. Deputy Speaker, Sir, could you take action against Sen. Cherarkey for making those reckless comments in this House?

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

Sen. Cherarkey: Mr. Deputy Speaker, Sir, in fact, I am just getting started. However, in the interest of time, I respect your direction.

The Deputy Speaker (Sen. Kathuri): I told you that you have less than one minute.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, in law, there is what we call judicial notice. It was in the public domain that there was a meeting between the former Prime Minister and the MCAs and we know that Governor Sakaja is being protected. If he was not being protected, he would have been impeached before Jesus Christ comes back.

This city has gone to the dogs. There are even no dustbins to collect tissue papers on the corridors. As a Senate, Article 96 gives us power to protect devolution. Part of protection of devolution is to ensure that Nairobi works and one way of ensuring that Nairobi works is that he must be impeached.

As I conclude, this is my proposal. As Sen. Ledama said, we should create Nairobi Metropolis which should be managed independently from other counties. We must do as per the Constitution.

Sen. Osotsi, if we allow Governor Sakaja to continue running this city, it will go to the dogs but it is already with the dogs. I urge MCAs of Nairobi to start impeachment proceedings against Governor Sakaja.

In conclusion----

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, if you want to discuss Governor Sakaja, you know what to do. Could you bring that Motion to my Office tomorrow for me to sign so that you have the latitude?

Sen. Cherarkey: Well guided, Mr. Deputy Speaker, Sir, with a lot of respect.

Finally, on the issue of Kilifi, I was sad when I saw children being forced to recite prayers. I do not have a problem with donors but that is a systemic failure. It is sad that Kshs800 billion is appropriated to education. The school feeding programme is the least we could do for our children. Ganze is one of the poorest constituencies in this Republic. That brings to question the role of NG-CDF.

Mr. Deputy Speaker, Sir, you are a long-serving Member in the National Assembly. Sen. (Dr.) Khalwale is also a former Member of the National Assembly. This shows that NG-CDF is not working. They should have used NG-CDF for Ganze and other constituencies in Kilifi County for school feeding programmes. Why should we force our children to recite prayers because of food?

We used to have sex for grades; now we have prayers for food and food for learning. As a country, we must say that NG-CDF should be scrapped off. Let us appropriate that money to the national and county governments. I want to call out the Ministry of Education because it gets Kshs800 billion. We saw the other day Ministry of Education telling us they have 50,000 ghost students. There are 50,000 ghost students yet, in Kilifi County, some students cannot get food. Even *uji*?

Therefore, Mr. Speaker, I want to challenge the notion that we are very empathetic.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, could you conclude?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, let me conclude. I am becoming emotional because this is about the people of Kilifi County. We stand with the Senate Minority Leader even if it means for us as a Senate to get something, we must call out the Ministry of Education here.

Mr. Deputy Speaker, Sir, with those many remarks, I support all the statements that have been brought today.

The Deputy Speaker (Sen. Kathuri): Also, next time, try to give a case study of Nandi County.

(Laughter)

I am very sympathetic to Senators who have been around waiting to make comments. Senator Mo Fire, two minutes, kindly and then Sen. Enock Wambua will conclude.

Sen. Gataya Mo Fire: Thank you, Mr. Deputy Speaker, Sir, for this opportunity. We need to have a very deep discussion about the state of our public schools and institutions in this country. I want to outrightly support the statement by my very good friend, my teacher, the Senator of Kilifi County.

The other day, Tharaka Nithi County was in the international news. We had very bad schools; mud-walled schools were paraded in all the media houses in this country. I personally went to those schools. They are not even fit for human habitation. Children are learning under trees in many schools. By the way, I want to thank the Ministry of Education because they sent some people there. They confirmed that around 46 primary schools in Tharaka Constituency are not even fit to have children in them.

Normally, whenever I go, I take a lot of time to interact with those institutions. We need to discuss a House through the Standing Committee on Education. We want to interrogate where this capitation money goes.

Do we have a policy where we are supposed to equalise? There are constituencies with very nice and very good learning institutions and other constituencies have schools that are not even fit to host anybody. It is high time now that we put the Ministry on notice. We must have a policy as a House to make sure that our children enjoy the right to have better facilities in this jurisdiction.

I also want to support the statement by Sen. Okiya Omtatah. Nairobi is littered across the board. There is no place in Nairobi where you would comfortably sit and enjoy. The place is a mess. It is high time we do something about this pride of our so called Nairobi City. It is no longer a city in the sun; Nairobi is already in the dark.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): In less than two minutes, Sen. Wambua Enock, you may proceed.

Sen. Wambua: Mr. Deputy Speaker, Sir, I support the statement by my leader; the Senate Minority Leader, Sen. Madzayo, on the state of schools' infrastructure in Kilifi County.

When Sen. Madzayo speaks about the dilapidated classrooms and school infrastructure in most of the public schools in Kilifi, he speaks for all of us. We have witnessed, and my friend, my brother, the Senator for Tharaka Nithi County, has just made a statement on deplorable infrastructure where young children are supposed to be inducted into academia. Structures that actually pose a risk to these children.

The question that we must ask and ask very clearly in this Senate, is whether this NG-CDF Fund is supposed to help the education of our children, or whether it is a fund that is supposed to help the pockets of leaders in the National Assembly. I say this because I have personally borne witness to a lot of mess going on in public primary and secondary schools in my own county. Just last week, and these things must be said for what they are, I attended a function where the roof of a secondary school was blown up by the wind and there was no money to repair the roof. I had to give Kshs50,000 from my pocket to repair the roof of an administration block at Kasingu Primary School.

I have had to go into my pocket and give money to construct classrooms, to get children learning under trees to access a classroom. The things we are forced to do as Senators and other leaders are things that we are not supposed to be doing while the NG-CDF is still in operation.

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Lastly, this thing about the school feeding programme is a shame. It is a shame that a donor would demand that children recite a prayer for them to get food, of all the things.

The question that I ask again about NG-CDF is, if public schools, ECDEs run by county governments are provided with food, even if it is *uji*, how come the upper primary cannot access food? What kind of discrimination is this? You have in one setting, some kids getting access to food while some students cannot access food. Wwe must streamline our operations as a country and as leaders.

The Speaker (Sen. Kathuri): Thank you.

Next Order.

BILLS

First Readings

THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING,
AND REUSE BILL (SENATE BILLS NO.5 OF 2025)

THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO.11 OF 2025)

THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO.12 OF 2025)

(Orders read for the First Time and committed to relevant committees)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, at this juncture, the business---

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

Hon. Senators, I was saying, at this juncture, we reorganise the order of business. We reschedule the business appearing as Order No.11, 12 and Order No.13.

BILL

Second Reading

THE OFFICE OF THE COUNTY ATTORNEY (AMENDMENT)
BILL (SENATE BILLS NO.47 OF 2024)

(Bill Deferred)

MOTION

NOTING OF REPORT OF THE LIAISON COMMITTEE ON ACTIVITIES
AND OPERATIONS OF SELECT COMMITTEES DURING
THE THIRD SESSION (2024)

THAT, the Senate notes the Report of the Liaison Committee on the activities and operations of Select Committees during the Third Session (2024) pursuant to Standing Order 224 (2), laid on the Table of the Senate on Wednesday, 28th May, 2025.

(Motion deferred)

Hon. Senators, we will now go to Order No.14, Sen. Ledama Olekina, you may proceed.

(Sen. Cherarkey consulted off record.)

Which one?

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

Order No.12. I have Sen. Samson Cherarkey.

(Sen. Cherarkey spoke off record)

Wait for the Clerk to call the Order first.
Clerk, proceed to Order No.12.

MOTION

IMPLEMENTATION OF AN AUTOMATED AND DECENTRALISED
CERTIFICATE OF GOOD CONDUCT SYSTEM

THAT AWARE THAT a Certificate of Good Conduct is a major requirement for Kenyan citizens in accessing employment, business opportunities, and, in some instances, financial engagements with financial institutions in Kenya, with the certificate having a validity period of one year;

CONCERNED THAT many Kenyans are compelled to travel long distances to access this service, both for the initial application and for any subsequent applications making the process tedious, time-consuming, and costly;

FURTHER CONCERNED THAT the current manual application system is prone to delays and inconsistencies, which may compromise the authenticity and integrity of a Certificate of Good Conduct;

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COGNIZANT THAT the importance of introducing an automated Good Conduct Certification system, including the utilization of biometric fingerprint verification through the deployment of biometric kits will enhance accuracy, security and expediency in verifying individual's record;

NOW THEREFORE, the Senate resolves that the National Police Service Commission, in collaboration with the Ministry of Interior and National Administration to:

1. develop and implement an automated Good Conduct certification system designed to streamline the issuance, renewal, and verification of certificates of good conduct;
2. incorporate advanced technologies such as biometric fingerprint recognition, data encryption, and secure communication protocols to ensure the accuracy of individuals' records;
3. establish decentralized service points and deploys mobile registration units across counties to enhance accessibility, especially in remote areas; and
4. scale up public awareness initiatives in rural areas on the application and renewal process for the Certificate of Good Conduct.

(Sen. Joe Nyutu on 06.08.2025 - Morning Sitting)

(Resumption of debate interrupted on 06.08.2025 - Morning Sitting)

The Deputy Speaker (Sen. Kathuri): Sen. Mandago was contributing to this Motion and had a balance of 16 minutes. If he is not in, we will move to Sen. Cherarkey Samson.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, as Sen. Ledama prepares his Bill, I would like to offer the following comments. As I rise to support this Motion on automating and decentralizing the certificate of good conduct, one of the greatest burden on young people, many of whom are unemployed, is the cost of obtaining various clearances after being shortlisted for a job interview.

These include KRA clearance, Higher Education Loans Board (HELB) clearance and the certificate of good conduct. When you add up these costs, including transport, a young person in Kenya typically needs around Kshs10,000 to attend an interview, which is approximately US \$100

It is unfortunate that we are still discussing access to Government services. It is very ironic that while we pride ourselves on technological advancement, we are still debating how to make the certificate of good conduct more accessible to our youth. Currently, the certificate costs Kshs1,050. The Senator for Kilifi County, how many young people in Kenya today can afford that?

Mr. Deputy Speaker, Sir, we must agree that with advanced technology, the certificate of good conduct should be integrated into our e-citizen platform, which we take pride in today. We pride ourselves in the presence of Huduma Centres, including those in Kilifi and Kapsabet towns. Why should we require young people from Turkana, Migori, Nandi, Kilifi and Meru counties to travel all the way to the Directorate of Criminal Investigations (DCI) Headquarters just to access a certificate of good conduct?

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The process is tedious and full of corruption. Even the payment of Kshs1,050 to obtain the certificate is punitive. If we truly want to protect and empower our youth, we must ask ourselves: Why, despite having biometric data through e-Citizen and other Government registration systems, do we still subject young people to this manual and burdensome process?

The Kenya National Bureau of Statistics (KNBS) holds comprehensive data on our citizens. Every Kenyan receives an Identity card at the age of 18. Why is it difficult for the Government to verify these details online? Why should we subject young people to physically seek out a certificate of good conduct? The process is unfair, tedious, manual and full of corruption. We must innovate and ensure that Huduma Centres provide accessible and efficient services.

My second point is that the Government already possesses our biometric information. Why then must we go through the redundant process of obtaining a certificate of good conduct when our identification documents and biometric data are already on file?

Third, the Government or DCI should scrap the Kshs1,050 fee for the certificate of good conduct.

Fourth, decentralize access to the certificate. Every sub-county has a DCI Officer and county headquarters. Let young people obtain the certificate at Huduma Centres, just as they do for identity cards and other Government documents via e-Citizen.

Fifth and finally, let the certificate of good conduct be valid for a lifetime, unless a case is heard and determined that the individual has violated the law. Why should someone be required to renew it every three or six months? Only in cases of arrest and conviction should the certificate be revoked.

Mr. Deputy Speaker, Sir, this issue is important for the young people of our nation. Many of them often ask what Parliament is doing to support their future. You served in the National Assembly during the last session. We successfully pushed for the removal of KRA clearance and HELB clearance requirements. Now, we must advocate for the removal of the certificate of good conduct requirement, as the Government already has access to our biometric information.

Mr. Deputy Speaker, Sir, knowing that another matter is coming up, allow me to conclude by commending the Mover of this Motion, although I do not see him in the Chamber. I believe this Motion is beneficial for the youth and the nation. I wish he was here to hear my comments, rather than following Wamunyoro around.

With those remarks, I fully support this Motion and thank you for your indulgence.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, the Mover of the Motion is not around to reply. We reschedule that Motion to the next time.

(Reply to the Motion deferred)

I also reschedule Order No.13 and move to Order No.14.

MOTION

NOTING OF REPORT OF THE LIAISON COMMITTEE ON ACTIVITIES
AND OPERATIONS OF SELECT COMMITTEES DURING
THE THIRD SESSION (2024)

THAT, the Senate notes the Report of the Liaison Committee on the activities and operations of Select Committees during the Third Session (2024) pursuant to Standing Order No.224(2) laid on the Table of the Senate on Wednesday, 28th May, 2025.

(Motion deferred)

Sen. Olekina, can you move your Bill?

BILL*Second Reading*

THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL
(SENATE BILLS NO.4 OF 2025)

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir. I beg to move that the Seeds and Plant Varieties (Amendment) Bill (Senate Bills No.4 of 2025) be read a Second Time.

As I rise to move this Bill, I want to clarify what this Bill is and what it is not. There has been a lot of negative debate sponsored by the Kenya Plant Health Inspectorate Service (KEPHIS) in the local media about the nature of this Bill.

First, I want to reiterate that, as a country, we must support innovation and local-based solutions to our problems. I have a few facts that I want to share before getting into the Bill to help people understand it. Cap. 326 is the Seed and Plant Variety Act, which was designed to set guidelines on seed certification and regulate all transactions involving seeds and plant varieties in Kenya.

Mr. Deputy Speaker, Sir, seeds are very emotive and important. Interest in them is growing globally. Two organizations regulate and promote the seed economy worldwide. When we talk about seeds, there are companies that will go to great lengths to stop any move that threatens their interests because seeds are their bread and butter. We have two main organizations that are very clear in their roles. One is the Organisation for Economic Co-operation and Development (OECD), which is a club of 38 countries around the world.

These 38 countries around the world start from Australia and they go all the way down to the United States of America (USA). If you check the internet, and I want to persuade Kenyans to take time and ask themselves which countries comprises of the OECD members. You will see that not a single African country is a member of OECD.

The work of the OECD, the primary difference between this organisation, is that OECD is a broad economic forum for developed countries.

This is where the Kenya Plant Health Inspectorate Service (KEPHIS), which is the service that has been given powers by this Cap. 326 to regulate and ensure that seed varieties in Kenya meet standards subscribed to. We have a different one which is called the Union for the Protection of New Varieties of Plants (UPOV). First of all, before I go to the UPOV, I want to reiterate that Kenya is not a member of the OECD. The only thing that Kenya does is that when you go to a meeting called upon by OECD, you literally sit there like we recently did when we went to Hyderabad in India, a trip sponsored by KEPHIS, to try and convince me to drop the seed. You sit there just to say this is how we do it in our country, so that you can contribute to how policy should be developed to support these countries that produce seeds and sell abroad. This essentially means Kenya will no longer be a seed producer, but a consumer.

So, to get into the issues of the Bill is that the principal objective of my Bill, The Seed and Plant Variety Act, Cap.326, is to introduce a standard-based and registration system administered by the Kenya Bureau of Standards (KEBS). I want to stop there. Currently, every seed certificate in this country or regulation, is being carried out by KEPHIS, which is a service. Sen. Ledama Olekina introduces a new Bill that introduces another regulator, which is KEBS. In fact, someone would say, why are you complicating matters? Why is it that you do not want to support KEPHIS to regulate these seeds? My answer is very simple; currently, it takes up to four years for any seed company in this country to develop a seed and put it into trial for them to be certified by KEPHIS that the seed is good for human consumption.

What negative effect does that have? It is that number one, KEPHIS is not designed - Based on their practise, they have bureaucratic bottlenecks to support local innovation. Their task is, one, to protect the OECD members who are an international community made up of 38 countries.

The system that I am now proposing is one that has been adopted by countries such as Canada, USA, India and Australia, that recognises that so long as we support only one system, a country will remain to become a consumer and not a producer. In India today, there are two parallel systems; one that subscribes to OECD protocols and the other one that is local-based. That is what I am proposing here today; which will be a standard based seed registration system that will be administered by KEBS as an alternative. I am not saying that KEPHIS should not do their work. All I am saying is that KEPHIS should focus on the foreign market. They should focus on trying to come up with seeds that can compete worldwide.

Mr. Deputy Speaker, Sir, currently as we speak, save for sunflower, we do not have any seed that can compete worldwide. That is because of the rigid bottleneck and bureaucratic process that have been put in place by KEPHIS. I want to bring this discussion home. Today, in Kenya, if you plant beans, the seeds which are available in this country, and this is a fact because I want to invite KEPHIS and also anyone else who would want to talk about why is it that Olekina is bringing these changes to Cap.326, to debate based on facts. Today, if you plant one hectare of beans in Kenya on the seed variety that exists in this country, your yield will be 0.7 metric tonnes per hectare.

If you jerk your head a little bit and go to a neighbouring country, on your left, Uganda - For one hectare of beans, the yield is 1.7 metric tonnes. If you go to Tanzania, the yield is about 1.6 metric tonnes. If you go to Rwanda, the yield is 1.7 metric tonnes. If you go to Ethiopia, the yield is about 1.7 metric tonnes. So, you ask yourself, why? The problem has been; because it takes up to four years and a minimum of US\$50,000 for a company, a local based company, a small company, to develop a seed that can compete with international companies that are regulated under the OECD testing systems. It is about time that we think local and come up with local solutions to ensure food security in this country.

I want to repeat and say the following, that the current seed approval process has been plagued by inefficiency and delays, with new varieties taking an average of up to four years to be approved. What I am proposing is a standard based registration system that will take a different trajectory to ensure that we put these plants into our economy, one that will take a minimum or a maximum of 60 days. Why am I saying this? Currently, there are two systems around the world for field trials. One is field trials, which is called the Distinctiveness, Uniformity and Stability (DUS). The other one is a genetic fingerprint.

Mr. Deputy Speaker, Sir, today, I have a cow and I am very proud of that cow which produces 57 litres of milk in a day. I want to go to the lab and take the blood of that cow and try it and use a standard that KEBS subscribes to, which is the UPOV. Based on international standards, that Africa has representation, that Kenya is a member of the UPOV testing standards, to be able to safeguard, keep these genetics for my cow, so that tomorrow I can be able to have more cows that will continue producing 57 litres and above. Today, if there is an issue of doubt when it comes to the issue of parental or if you are said to have sired a child, and you say this is not my child. The only way you can be able to prove that is not through field trials alone. To go out there and say, oh, this person looks like the good Senator from Meru. No! You go to a body approved by the Government to carry out DNA and DNA is 99.9 per cent accurate that the child is yours.

I would like KEPHIS to continue doing their work of regulating certified seeds that are made for the international market. Let them use the DUS system of testing, but let us try and think of how we can improve our economy. Let us think of how we can make sure that our farmers are getting good yields. Currently, Narok County is the leading wheat producer in the country. However, I want to tell you this, as a farmer, some of us are running away from wheat. Why? This is because, the seed varieties in the country today are forcing farmers to get a yield of about 7 to 10 bags per acre yet before, we would get 30 to 35 bags per acre. Why are we stifling innovation?

Mr. Deputy Speaker, Sir, recently, the Kenya Plant health Inspectorate Service (KEPHIS) sponsored a myriad of articles in the Star and the Standard newspapers. Although I have already clarified, today, I will clarify again what these proposals are and what they are not.

If we look at countries like Canada, the United States of America (USA), India and Australia, they operate a dual seed system and certified seeds are used to protect export credibility while Quality Assurance (QA) or truth in label systems keeps seeds affordable and accessible to domestic farmers. Today, if you ask a farmer out there if they know KEPHIS, they will probably tell you that they do not know it.

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If you ask them if they know the Kenya Bureau of Standards (KEBS), they will tell you that they trust it. For me to drink this water, the first thing that I look at is, does it have a KEBS certificate or number? Yes, it does.

What protocols of testing does KEBS subscribe to versus what protocols does KEPHIS subscribe to? If you look at KEBS, they subscribe to protocols of an organisation that we, as a country, back in 1999 became a member of - the international Union for the Protection of New Varieties of Plants (UPOV) having acceded to the 1978 Act of the UPOV Convention in 1999.

It is important to be clear on why this Bill needs must be supported if we want to improve the yield, encourage companies to come and invest in this country and produce seeds. Today, there is one company which is called Western Seed Company Limited that decided that, enough of this KEPHIS mess and relocated to Zambia and are currently there. That company should have been here to help produce seeds and build this economy.

Mr. Deputy Speaker, Sir, I am proposing something that will be revolutionary, that will position and put Kenya at a place where the rest of the countries such as USA and Australia are.

I will be brief because I know my colleague will be seconding the Motion, but I still have some time. I will go through the Bill and try to respond to issues that have been brought about by certain key stakeholders who oppose this Bill. I have taken my time to look at the Bill that I drafted and I take this opportunity to say that later on, I will be clarifying certain things that those opposed to this Bill made me realize that there are certain areas that need correction.

In this Bill, I will be adding a new provision, which will be Section 3A. It will talk about KEBS, that the Bureau shall be the national designated authority for the administration and exclusive control of the standard based seed systems. Therefore, there will be no confusion. The Kenya Plant health Inspectorate Service (KEPHIS) will handle the seed certification for export market and KEBS will be exclusively be dealing with a local standard-based system.

Secondly, I realized that in the Bill, because we are rushing it and dealing with all the negativity, some of the things that I will also be adding which we refer to as the service - KEPHIS is the only one being referred to as the Service in definition by Cap. 326 and in this case, we will remove the word 'Service' and substitute with the word 'Bureau'. It will be then clear that it is KEBS.

If today we have Sen. Consolata saying she owns a company that is producing seeds and she wants to take an alternative route that has been introduced to enhance local innovation, she will go straight to KEBS and follow through the steps.

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

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

Remember, KEBS will not be an avenue for someone to come in and bring sub-standard goods. No, they subscribe to the highest standards of testing, the UPOV and

which Kenya is a member of. They will be doing that. We will not just be spectators. No, we will be taking control of our economy.

Mr. Temporary Speaker, Sir, I will also be changing and instead of saying seed variety, I will be calling it crop cultivators, our cultivars of the crops. This is because, we are now clear that what we want is to come up with crops that will be registered, monitored, regulated by KEBS and only KEBS can control that.

Some of the things I will be making changes to during the Committee Stage is on who has the power to add into the list, not to modify, but to add crops into that list. That will be the Cabinet Secretary.

As I now dwell on important matters, and I would like my colleagues to listen to them, I have just seen one of my good friends just walk in. One of the reasons I decided to sponsor this Bill is because, as a farmer, I am sick and tired of low yields. I cannot plant one acre of beans and get 700 kilos and yet, my neighbour in Uganda is getting 1,700 kilos. It is only that in Tanzania, Rwanda, Ethiopia and Zambia, they are willing to engage in conversations that promote innovation. That is one of the things that has really irked me. I therefore decided that I had to support this.

Mr. Temporary Speaker, Sir, this is where I would like to share some inputs because I have taken some time to do a comparative analysis and look at countries that use a dual system. Out there, there is debate that I am now with this Bill and we are going to put our country at risk of getting sub-standard seeds. That is very wrong.

That argument negates the power that institutions like KEBS have in this country. It also ignores comparative analysis of other nations that have developed. I have given an example of Australia and Canada. There is the USA that has 50 states. They have two of them. They have the Association of Official Seed Certifying Agencies (AOSCA) quality assurance and a QA programme.

They look at these two, one caters for the domestic market and that is where I am. I want our farmers in Murang'a, Kirinyaga and Nyandarua to plant beans and instead of getting 700 kilos, they have the ability to seek companies out there that are producing seeds and giving them two tonnes. I do not want to become a consumer. I want to be a producer. That is the argument I am advancing here.

Mr. Temporary Speaker, Sir, look at the system that KEPHIS is emphasising on and the argument they are making. This includes an argument which has been brought about by the Plant Breeders Association of Kenya (PBAK), saying that they are opposed to this Bill because of the following - that we are moving away from field to lab trials. Are we still in the 19th Century or the 21st Century? What that argument negates or forgot is that they made an assumption that field trials or DUS testing, which is the one which is promoted by OECD members, is the only way to tell whether a seed is good.

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

[The Deputy Speaker (Sen. Kathuri) resumed Chair]

I am now saying it is about time that we think like the 21st Century and ensure we promote a genetic fingerprint.

We will go to KEBS who subscribe to the UPOV and say: “this seed, I am finishing, we can follow the genetics and we can see where it has come from.” Most importantly, it will be Kenyan; promoted by a Kenyan company.

There is a huge fundamental misunderstanding, which is what I want to clarify. I will also get some more time during the reply to clarify a few things. Those who are opposing the dual system ignore global practice. You cannot say that a country such as the United States of America that has recognised the importance of supporting innovations is wrong by saying we will have a system that only promotes our local products.

I am happy to engage with the Plant Breeders Association of Kenya and demonstrate to them that we have both. We have the DUS system that focuses 100 percent on field trials and we have the genetic fingerprint. That is very key. You cannot go wrong with a DNA test. It will show you when you try them in a lab setting. Today, we are talking about Artificial Intelligence. A lot of things that we sit down and talk about can be better explained by a ChatGPT.

You might struggle and say, what am I going to do? How do I do this? Then you ask the ChatGPT, how do I put this out here? It will explain to you. So, we cannot run away from innovation and technology. We must embrace technology.

Mr. Deputy Speaker, Sir, I plead with my colleagues to support this Bill because I realise that we do not have a lot of time. I will summarize the reasons.

Number one, it is time for us to adopt a DNA fingerprint. It is time for us to support KEBS, which subscribes to UPOV that subscribes to very high standards of testing. It is time for us to get upset of the losses we are getting in our fields when we plant beans and you can only get 700 kilos while your neighbour, who has adopted a local system, is getting almost two tonnes.

It is time, Mr. Deputy Speaker, Sir, that we also take time to understand our history as a country, where we are going and where we have come from. If we continue living as a consumer nation, we are never going to go anywhere.

Things are changing around the world. Now, when you live in America, UK or even in Germany, there is a new narrative of go back home. So, if you are sent back home and when you come here, you can only get 700 kilos of beans per acre, how will you survive if you decide to pick farming as your bread and butter?

I thank all those who supported this. As I end in making my initial submissions on this Bill, it is wrong for a local company to spend up to US\$50,000, four years, to get their seed variety registered yet, the actual cost is only US\$3,500.

I will give you certain statistics before I sit down. This is the economic impact analysis that I have done on the importance of these amendments. Currently, KEPHIS suffers from lack of efficiency. I challenge you, go to KEPHIS website and compare it with KEBS's website. You will see the turn of events on how you can do your registration of any product that you have. If we support this Bill, the efficiency level will jump up to 95 percent. In six months, you have introduced a new variety, gone out there and you are bound to make sure that variety of seed does well.

Number two is productivity growth. With this Bill, there is a potential of Kshs5.3 billion GDP increase from 15 per cent agricultural productivity improvement. Currently, we are lagging behind because what farmers are producing is not good enough. One of

my biggest pet peeves is that our farmers are still using recycled seeds. Come on! Can we now get new varieties, which are home-born? This Bill will increase that by 30 percent.

Finally, as I sit down, today, there are 17.2 million children in pre-primary, primary and secondary schools in Kenya. Today's school fees is estimated to be Kshs215 billion or USD1.67 billion. The estimated benefit from improved seed access under this proposed Bill, Mr. Deputy Speaker, would increase income for farmers and agricultural GDP, enabling Kenyans to cover its total annual school fees three times. We will end this debate of bursaries because farmers will be able to sell their produce and pay their children's school fees.

Mr. Deputy Speaker, Sir, I move and kindly request Sen. Sigei to second.

Sen. Wakili Sigei: Mr. Deputy Speaker, Sir, listening to Hon. Olekina moving this Bill, one would appreciate and understand the reasons behind this proposed amendment to the Seeds and Plant Varieties Act of 2012.

I congratulate and appreciate him for such a timely move, not because of the statistics that he has given us, but because of the background that is laid out for us to understand that it is not going to be a duplication of mandates and roles between KeBS and KEPHIS as those who are opposed to this Bill have moved across. It is to ensure that we align this law to the innovation and the situation currently existing across the world of having a dual system and process of certification of seeds for the benefit of agriculture and the world.

When you look at the KEPHIS website, I have taken time to go through it and check a few of the basic details that give a lot of information to this proposed amendment to the law. Part of the KEPHIS mission is to ensure that there is food security across the country, both quality of agriculture, input and produce. Similarly, on their website, they have proposed, under the core values, that one of them is innovation.

Mr. Deputy Speaker, Sir, innovation comes with emerging issues and development across the world. That is why when the Mover of this Bill ran us through the history of who are the members of the Organisation for Economic Co-operation and Development (OECD) and who are not, it is to guide us to understand that the proposed amendment is aimed at ensuring that we achieve the innovative nature and also the emerging trend in terms of agriculture and the management of the sector as a whole, not only in Kenya, but across the world.

Mr. Deputy Speaker, Sir, the mandate of KEPHIS will not in any way be diminished by the introduction of this amendment. In fact, introducing a second authority or agent to support the local farmer in this aspect of certification of seeds is a golden opportunity for us, as Kenyans, who as you have been notified, are not members of OECD, and therefore are not able to establish policies that would guide us in the varieties of the plans that we have.

Mr. Deputy Speaker, Sir, that particular background guides us. Why am I saying this? It is because as a representative of the people of Bomet County, we pride in agriculture. Seventy percent of local employment opportunities come from agriculture - tea, avocado, beans, maize, name them. It can only then be improved when we give an opportunity to a second institution to give us varieties and certification of those varieties, not for the international market, but for the local market.

Therefore, Sen. Olekina, this is a timely legislation and I applaud you for that. I ask that we support it because Kenya is an agricultural economy. If the statistics you have been given about one hectare of land in Kenya giving us 0.7 metric tons of beans as a yield, when you juxtapose that with our neighbours, Uganda, Tanzania or Rwanda, that have facilitated certification of additional hybrid or superior varieties in their sector, they are getting more than double, 1.7 metric tons if I got your statistics right. It is high time that we support this particular introduction of an amendment, so that we give Kenya Bureau of Standards (KEBS) the opportunity to do it.

I like the way this proposal has been placed. When you read the 2012 Act, which is the latest publication, the introduction of the three specific amendments has not in any way affected the mandate of KEBS. It is therefore going to be read as malice for anyone opposing this proposal because KEBS does not take away the mandate of KEPHIS. It does not also conflict in any way because the introduction to the amendment to Section (2) of this Act introduces a bureau and, in this case, the Kenya Bureau of Standards, which has its own specifications for purposes of certification. The specifications in this case will be purely for the local market and local production.

It is unfair and uncalled for, for anyone to oppose and say this amendment will conflict the mandates of these two institutions. Far from it. The specific proposals in the amendment to Section 10, by introduction of Section 10(a), 10(b) and 10(c), is to introduce a standard-based registration system. This is the system that the Mover of the Bill highlighted by saying that we will not be entirely relying on the field studies that take up to four years for an outcome and certification to be issued to a breeder or to someone who wants to trade in a new variety.

The amendment provides that the Kenya Bureau of Standards will, in under six months, be able to certify a new variety that goes into the market for purposes of enhancing production to the locals and the people of Kenya. That is a very clear distinction that Section 10(a), 10(b) and 10(c), as introduced by the Mover of this Bill, seeks to introduce and establish a standard-based registration system.

Lastly, Mr. Deputy Speaker, Sir, which is also key, is the introduction of Clause 11, which I also congratulate Sen. Olekina on because agriculture is a devolved function. KEPHIS is not as much known by Kenyans as the Kenya Bureau of Standards as we might want to influence. Very few of us know about KEPHIS. However, when you talk about Kenya Bureau of Standards, it has pointers, offices and representation across the country and most likely in almost all the 47 counties.

Giving KEBS this mandate will facilitate a one-stop shop in every county for purposes of seeking this certification. Since agriculture is a devolved function, it is one way of making sure that we also support our local farmers in innovation, developing new varieties and ensuring that these new varieties go beyond the region they come from because counties like Bomet and Narok have almost similar climatic changes. The rainy season is almost the same. One variety will serve the two counties, and that variety is not necessarily going to be good for someone in a cold area or a county like Nyandarua, which is a little bit colder and more fertile than the two counties.

Mr. Deputy Speaker, Sir, by introducing this mandate to KEBS will ensure that we facilitate this certification from across our region. We will also open up the market for competition with our products within the region.

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Mr. Deputy Speaker, Sir, we have been taken through what happens across the world. Countries have changed. Members of OECD have taken their position. They establish and set up policies which are for purposes of their member states. Kenya is not one of them. There is no way then, we can expect KEPHIS to run certification and standardisation of varieties and seedlings or seeds with policies where we have not played a role as a country because we are not a member of the OECD.

The international Union for the Protection of New Varieties of Plants (UPOV) where Kenya is a member, will be the most strategic place where KEBS will be able to call upon and establish its standards for purposes of certification because Kenya has adopted those regulations under UPOV.

I therefore would like to point out that, as we seek to support the innovation and ensure that we become not only a consumer market, but also a producer market, this actually speaks to the mandate and manifesto that the current Government had in place where we are seeking to enhance production rather than being a consumer nation. If we remain where we are with KEPHIS and OECD standards and policies, and avoid introducing KEPHIS as one of our certification agencies, we will not be progressing. We will be continuing to consume rather than supporting production in the sector.

More importantly, the fact that we are going to reduce the period of certification from up to four years with a cost which escalates to up to \$50,000, we will be able to do this within a period of six months at a reduced price. Therefore, the fact that requires us to go to the field in this case will be reduced because we will retain what is called genetic fingers within the Kenya Bureau of Standards and the print will be able to locate the locality of that particular variety, so that we are able to liaise with them for purposes of knowing which area, region and market will do well in such a particular variety.

Mr. Deputy Speaker, Sir, where companies have moved out of this country because of the cost of getting these varieties, it is going to be an opportunity for us to retain them in the country. We have been given an example of a company that has gone out of Kenya because of the bureaucracies, the time spent and the cost implication that goes through the entity that is under KEPHIS.

As I have said, we are not seeking to introduce duality or conflict of roles. It is better to have the two institutions, run them, for the local market and varieties. Let KEPHIS continue to do what it is doing best in dealing with the international market and produce. If we push and introduce these proposals to the law, we will be supporting agriculture and our farmers. This will help them enhance production.

When we add the additional proposals by the Mover of the Bill to change from the surveys to the Bureau, KEPHIS will have a distinct role, which is different from the one that KEBS is given in law to support agriculture. That will improve the genetic development of our varieties and we will not rely on institutions that protect their market, which might leave us out to hunger and poverty.

I support and as I second, I once again appreciate Sen. Olekina for bringing this important amendment to the law. It is timely and I hope the Members of this House will support it for us to close on it and progress as a country.

Mr. Deputy Speaker, Sir, I second and thank you for the opportunity to support and second this Bill.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Sen. Murgor, do you want to contribute? Please, go ahead.

Sen. Murgor: Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to also congratulate my colleague, Sen. Olekina, for the time he has put in research to get all the information he has given us. If you visit the United States of America (USA), you will be asked if you are carrying agricultural products. What the United States Department of Agriculture is interested in is to protect their agricultural products. They want to ensure that they have what is certified and that they know the history of the seed and where it grows best. Therefore, they do not allow seeds that are not certified to enter into their country. They only allow seeds that are approved by the United States Department of Agriculture. Certification of seeds is important in the production or yield in every country and area.

The USA also vets the seeds that go in their country because they do not want what is known to them and what they yield to be ruined by a foreign seed. They also want to maintain the security of their seeds and ensure that the production of what they know is continued. What Sen. Olekina has shared with us is very important. This is because doing research on the seeds that we plant gives us assurance and certainty that we are yielding enough food and seeds to feed the country. It will also ensure that we get enough produce to sell to other nations.

Research is very necessary for seeds because it comes with a demand of verifications. There are several seeds hence time must be put on it for the variance in seeds to be established. The other thing is that some soils could be overused. The Bible says that you are to cultivate land for seven years then give the soil a break for seven years. With that, the soil will be fertile again. There is need for the soil to rest and protection of moisture, so that the soil is not overworked. If the soil is overworked, it will produce very little yield.

Some of those ideas could be made known to the farmers. They need to know those facts about soil use. It is important for the farmers to know the variance of soil from area to area. The Seconder of the Motion said something that is very true. The soil in Nyandarua is not the same as that of Narok, West Pokot or Kitui. The study of soil enhances knowledge about soil and production. Therefore, there should be research on that for the farmers to know the seed that suits their environment.

Training is important when it comes to seed production and seed variance. It is important to train the experts who pass knowledge to the farmers and those who deal with seeds. They must be experts in their field. Training enhances economical gains. If focus is not put into it, the produce from the seeds may not be of much gain economically. If we produce good seeds, we can export them to other places as the Mover mentioned. He talked of the difference between Uganda, Tanzania and Kenya. That can only happen when we have people who are experts and know the variance. In the end, we will have food security.

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

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

Food security, as you know, sometimes becomes a challenge in Kenya. This is because of lack of expertise, training and people who can help the farmers know which seed fits where. Kapenguria has the elevation of Kiambu and there is a certain maize seed that they plant. The people who do not know the difference between the elevation of Kiambu and the elevation of Suswa will take seeds that should be planted in Kiambu to be planted in Suswa. It does not work that way. So, when get little produce, they think it is a problem with the seed. They do not know that it is a problem with elevation and also the type of seed that they have taken to Suswa instead of leaving it for Kiambu. Such variance will not bring a yield that can give those people food security. Also, somebody in Suswa can think that what they plant in Suswa, no matter how good it does in Suswa, it will never do good in Kiambu because of elevation and soil factor.

Also, diseases that would destroy the crop is another area that has to be studied and put to the knowledge and skill of those that handle seeds and also farmers, so that there is knowledge about it and the kind of diseases that kill crops in their area.

Thank you and I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Murgor. Now, there is a request that came and disappeared. It must have been by mistake and so Sen. Wafula, I do not want lock you out. Do you want to speak to this Bill? Alright, fine.

(Sen. Wafula spoke off record)

Order, Sen. Wafula. You are in the House.

In the absence of any Member interested in contributing further to this particular Bill, I will call upon the Mover, Sen. Olekina, to reply.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. Let me appreciate you and the distinguished Senator from West Pokot for contributing and understanding what this Bill is. I just want to reiterate because I see the Chairperson of the Committee---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Olekina, we are just about to get a representative from the County of Baringo. Just for your information.

Sen. Olekina: You are absolutely right. However, he is currently representing both Baringo and West Pokot. He is actually doing that. I just want to be very clear and appreciate the sentiments of the Temporary Speaker and also the good Senator from West Pokot for understanding what this Bill is.

I want Kenyans out there to know that this Bill is not proposing to open up our market into substandard seeds. What this Bill is proposing is to enhance innovation locally and to allow a parallel system; one that does not only rely on the Organization for Economic Co-operation and Development (OECD), that sets international standards, but one that is closer to home, that recognises the role played by the Union for the Protection of New Varieties of Plants (UPOV) subscribing entities like Kenya, who is a member of the UPOV, of the highest standard, to be able to build their economy.

Canada as a country limits requirements, which are needed for export seeds compared to domestic. In fact, for the domestic market in Canada, there is a rigid system that protects that economy. However, when you are producing for export, you are literally

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excused from having to comply with every single requirement that is set out by Canada. As I reply, I just want to reiterate that the current seed certification system managed exclusively by the Kenya Plant Health Inspectorate Service (KEPHIS) is a significant bottleneck to agricultural innovations and productivity. I say this because it is rigorous.

I want to give you an example and what it costs a producer. When you visit KEPHIS, and these are facts and I am happy to be challenged on facts, the process is very clear. The moment you do your registration with KEPHIS, that you now have a new seed, they put you through the Distinctness, Uniformity and Stability (DUS), sort of like testing system which is field-based. You have to go through first and second sessions. Ultimately, it will take you a minimum of four years. The cost to the producer is between USD\$25,000 to USD\$45,000. Local companies do not have that money.

What we are proposing is something that will take between seven to nine months and the cost is USD3,500. Are we then saying that we do not want innovations that are home-based and that what we want is to be tied to shackles of colonialism by these international bodies, or are we saying that we too are local and can change our economic system?

Mr. Temporary Speaker, Sir, I am simply proposing. I thank God because the two distinguished Senators who spoke on this matter recognised that this is not an avenue to bring in substandard seeds, but an avenue to build our DNA bank of local seeds.

Today, if you go to the United Kingdom (UK), you will find seeds from Kenya. There is an international bank of all seeds around the world. Why can we not localise that and have a seed bank in Kenya that recognises seeds from Bomet, Bungoma or West Pokot that subscribe to a clear standard that tie down to DNA instead of just field trials?

I want to be very clear because I know there are people out there who think that I am focusing on maize. My Bill is not related to any maize seed whatsoever. I am not even bothered with the maize seeds; I am only bothered with legumes.

Mr. Temporary Speaker, Sir, I am a farmer. I import grass and grains from Uganda for my cows to eat and it is cheaper than what is available here. With this Bill, I will try the varieties here in order to reduce that cost. That will make sure that the milk that we sell here is cheaper.

DNA has been proven worldwide as the only single solution to a problem that cannot be settled and I gave a good example. If a woman comes here and says that the Senator for West Pokot; that is Murgor, fathered a child and you deny, it is not look-alikes or field trials that will determine that, but a DNA test. Once a DNA test states that, that is a fact.

We want to encourage local systems. We have the Kenya Bureau of Standards (KEBS) system that I am proposing and I am happy that you have understood it clearly. It includes DNA fingerprinting and transparent digital registry. I can go to the KeBS registry and ask how many seed varieties are there. You can go to the Kenya Plant Health Inspectorate Service (KEPHIS) system to follow the DNA patterns, but you cannot find.

Mr. Temporary Speaker, Sir, I want to close by trying to disabuse some misunderstanding by some stakeholders. I am happy that the Chairperson of the Committee is here. There are few stakeholders who have opposed this Bill. One of them is the Plant Breeders Association of Kenya (PBAK). The reasons for opposing this Bill are founded in the following principles. Firstly, they have assumed that the

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Distinctiveness, Uniformity and Stability (DUS) testing is the only valid approach to seed certification. I have demonstrated clearly here and I am happy that the two distinguished Senators who spoke agreed with me that it is not only DUS testing, but also DNA fingerprints. Therefore, I want to correct that misunderstanding.

I have given examples. Countries like Canada process variety registration in two to six weeks using streamlined laboratory approaches, while Australia successfully operates dual certificate system. One focusses on export while another one focuses on the local market.

Secondly, the current system in which the Plant Breeders Association of Kenya (PBAK) did not appreciate, is extremely expensive. This proposed system will reduce the cost.

Mr. Temporary Speaker, Sir, since my good brother is here, if you allow me, I will donate a few minutes to him to speak; however, I would request that you extend this sitting by 15 minutes, so that I can allow my brother to contribute to this Bill, and thereafter, I can close. You can actually---

The Temporary Speaker (Sen Wakili Sigei): Very well, Sen. Olekina. I was inquiring yesterday about the amount of time that is still available to you, and of course, I am told we have four minutes to rise. I will, when the time comes, exercise the provisions of Standing Order No.34 to give you an additional 15 minutes and you can yield to Sen. Cherakey a few minutes, so that you can close as you reply.

Sen. Olekina: Fantastic. Thank you, Mr. Temporary Speaker, Sir. It is important for me to clarify to the PBAK, who it is important that I speak to, because they are stakeholders. It is important that we engage in a factual discussion and not a discussion that is skewed in a particular direction. I have indicated clearly that it is not only the Distinctness, Uniformity, and Stability (DUS) system that has now introduced this DNA fingerprinting.

I consider the PBAK technical arguments completely outdated. Multiple scientific studies demonstrate that laboratory seed quality tests correlate well with field performance. So, I want to encourage them to compare apples to apples and to look at countries like India.

When we went to India, courtesy of KEPHIS, we visited laboratories that were testing seed varieties. India recognised that they must have a local system that will support their economy, not only to be bogged down by foreign policies that cripple their productivity level.

It is also important that I clarify to PBAK the importance of this new registration system when it comes to small-scale farmers. In fact, contrary to their submissions, this standard-based registration system that we are now proposing will reduce the cost to small-scale farmers. It will make it easier.

I have demonstrated to you the process with KEPHIS. It takes four to five years, at a total cost of USD\$50,000, yet what I am proposing is only nine months, maximum, in any small company in Kenya. We are talking about innovation; there are no longer jobs in Kenya. You can no longer get a job, but you can go to school, become a scientist and decide that you are going to start a seed company.

When you start a seed company, if we stick to the outdated argument being propagated by KEPHIS, including sponsoring news articles, editorials on something that

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is not factual, then there is no way we are going to end unemployment in this country. We will just be left to become slaves of international bodies.

Mr. Temporary Speaker, Sir, the standards that I am proposing are very high; UPOV standards are the highest in the world. Why do I say they are the highest standards compared to OECD? It is because Kenya, our country, Kenya, is a member of UPOV, so they contribute.

Sen. Murgor, do you know what Kenya does when it goes to OECD? They literally say, "This is our situation". I was there and I sat down in a meeting. This is our situation, and that is what KEPHIS is telling you, "Let us go this direction." The difference with the UPOV testing system is that Kenya is a *bona fide* member. They will say, "No", we do not want this, and they will be listened to.

If you want to, compare OECD with the G7 countries. The Organisation for Economic Co-operation and Development (OECD) is made up of 38 countries while G7 consists of seven countries. They are permanent members of the United Nations. When we go there, we just talk. However, what the permanent members of the United Nations say is what determines the direction we will take as a country. When will we, as a country, look back and say, "Enough"?

I am tired of seeing my mother grow beans and harvest only 700 kilogrammes per hectare yet my relatives in Tanzania are harvesting 1,700 kilogrammes per hectare. This disparity is due to outdated, bureaucratic bottlenecks and policies propagated by the Kenya Plant Health Inspectorate Service (KEPHIS). I am willing to engage KEPHIS at any given time on a factual basis, on what we are going to do to improve this economy.

The 60-day registration period is very conservative. In countries like Australia, certain crops require only two to six weeks. That is not 60 days. Sixty days is two months, while two to six weeks is just a month and a half. I have not seen KEPHIS labelled on this water, but I have seen the Kenya Bureau of Standards (KEBS). I trust KEBS. Kenyans trust KEBS. It is time to shift the burden to the producers; the young Kenyans from Baringo, Elgeyo Marakwet and Nandi counties. They are the ones driving production and contributing to the Gross Domestic Product (GDP).

I have clearly demonstrated that with reduced costs, GDP growth in the agricultural sector will triple. I have provided statistics showing that we currently spend USD1.67 billion on students in pre-primary and secondary school. This amount can be easily raised through this Bill. It would be one of the best things to happen to this country. It will empower our farmers to compete internationally.

In the Maasai Community, when a child is born and the umbilical cord is cut, the mother says, "Hold your heart, I hold my heart." My dear colleagues, it is about time we held our economy just as dearly and support local innovation to grow it. It is time we treated foreign entities that seek to control our seed industry as secondary to our own homegrown innovations.

As I conclude, let me reiterate that this Bill does not seek to put Kenya at a disadvantage. It aims to have Kenya recognized for its innovation and their ability to grow. I can assure you that companies like Western Seed Company Limited in Kitale grew weary of the bureaucracy and corruption at KEPHIS. They chose to relocate to Zambia, where they are now thriving. I want this company to return to Kenya and contribute to our innovation ecosystem.

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I appreciate companies like Pure Seeds East Africa Limited for fully supporting this initiative. I also commend Kenchic for their support through their submissions. Additionally, I appreciate and support companies like Bio.

As I end, Bio really assisted me because as a dairy farmer, the only thing I knew on what to do is to use my local knowledge or YouTube because I did not study agriculture. However, when I was trying to get my milk into the market, Bio walked me through lab tests on quality assurance, not field trials. They see the importance of this Bill in terms of setting high standards for this country.

Therefore, I believe this Bill will revolutionise the seed industry in this country. It will allow us to compete with our neighbours, Tanzania, Ethiopia, Uganda, who are “dancing” between 1.3 metric tonnes per hectare to 1.7 metric tonnes per hectare. In fact, nothing stops us from jumping up to 2.2 metric tonnes per hectare, making sure that we improve our economy. Our people depend on their yield.

It is sad that Narok farmers are moving away from wheat farming because how do you - and you do the math - You have one acre of land, you lease that one acre of land for Kshs7,000, you plough it for Kshs3,000, that is Kshs10,000. Then after you have done that, you harrow it for Kshs2,000, that is Kshs12,000. You do a second harrow for Kshs2,000, that is Kshs14,000. Then you now buy the seeds, which you have been forced because of the bureaucracy of KEPHIS. You buy a bag at Kshs5,000; even if you use that one bag in one acre, by the time you are done with spraying, it is costing you Kshs25,000 to Kshs30,000 an acre. When you harvest, you get five bags an acre. Then you go into the market and you are told it is Kshs5,000 per bag.

So, do the math, Kshs5,000 times five is Kshs25,000. You might as well have just gone and taken care of your cows instead of toiling the soil, working out every day for you to come and either break even or get at a loss. In fact, you will go at a loss because when you are harvesting, the combined harvester, which most of them come from Uasin Gishu and Kitale, will charge you Kshs2,000 an acre. Essentially, you will just be saying, I would rather even just let my cows go and graze in this wheat. This is because by the time you are harvesting, you would have spent Kshs30,000 but your harvest will give you Kshs.25,000. You would have lost Kshs5,000. So, Kenyans, this Bill gives you an opportunity to take control of your crops and compete internationally.

KEPHIS, I have a lot of respect for you, handle the international market and maintain the international market. If we can improve and continue producing more sunflower seeds to be sent across the world - do your math, do your research. I have taken my time to do my research and I know what crops we export.

Out of the crops that I am talking about here, the only crops, and I am not mentioning those crops here, those crops I leave it to KEPHIS. It is only sunflower that we can say we export as a country. Everything else we import; I am tired of being a consumer. I want to be a producer. This Bill gives Kenyans an opportunity. I want to ask Kenyans to support this Bill. When you call for public participation, let us argue based on facts, so that we can improve our economy. This is when we will get these African brains, these Kenyan brains, scientists, who are currently living in fear abroad, can come back here, commit themselves, start local companies, produce their seeds and make sure that we have billionaires and millionaires and we feed this nation. DNA fingerprinting is

the way to go. The standard-based registration system managed by KEBS is the way to go and we will be an innovative nation.

Mr. Temporary Speaker, Sir, before I reply, I have five minutes. I will give Sen. Cherarkey four minutes and the last one minute I will just say the word; I reply.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, keep in mind that you have less than four minutes.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, we are under your mercy and your indulgence, so, the Senator should not give directions.

The Temporary Speaker (Sen. Wakili Sigei): Blame the Mover of the Bill. I gave you 15 minutes.

Sen. Cherarkey: Before I make two comments, I would like to pass my deepest condolences to you and the people of Chebunyo in Chepalungu, Bomet County for the untimely demise of Emmanuel Kimutai who unfortunately and allegedly was killed by the father. I hope that you, as a lawyer, will ensure that justice is done for the mother and that family and that we should raise issues of domestic violence where we can.

Secondly, I support Sen. Ledama and I wish I was here earlier on, but thank you for that indulgence. As maize farmers, we are suffering. As we speak today, the price of maize seedlings by the Kenya Seed Company (KSC) is expensive courtesy of the inefficiencies of KEPHIS.

Is Sen. Ledama aware that we cannot access coffee seedlings in Nandi and across the country? Farmers cannot access seedlings of beans and other crops from the Rift Valley where I come from because of only one thing - the inefficiency of KEPHIS. That is why we are planting *katumani*, which is a cross-breed of the seeds that we breed. I am telling Kenyans we are forced because of this inefficiency and the bottlenecks that KEPHIS has introduced. We are planting *katumani* maize in South Rift and North Rift as well because it encourages disease resistant maize.

Mr. Temporary Speaker, Sir, you and I grew up in the village. You have to pick the bigger maize, hang it in the kitchen for it to dry and then you use *katumani*, so that when the time comes, you go to the shamba.

Sen. Ledama, we must confront KEPHIS. Let us give the standardisation and approvals to KEBS. I was shocked when KEPHIS tried to mislead Kenyans and farmers that what Sen. Ledama wants to do is to undermine the integrity of seed approvals. That is far from the truth. We want efficiency and change. With the challenges of climate change, we must agree that we need seeds that will give us more yield.

Mr. Temporary Speaker, Sir, as we speak, we are approaching 60 million Kenyans and the issue of food security is at the core. The only way to be innovative is to come up with legislation that is progressive for farmers of maize, tea, coffee and others, including potato farmers. We must agree to amend this law for the sake of that ordinary farmer who toils from morning to evening under the scorching sun.

I stand with this progressive law. I would have said much, but for the interest of time, this Bill should pass fast with supersonic speed, so that our farmers can benefit.

With those remarks, I support this Bill. I thank you, Mr. Temporary Speaker, Sir.

Sen. Olekina: Mr. Temporary Speaker, Sir, with the kind words from the distinguished Senator, before I reply, I also express my condolences to the family of the

departed, Emmanuel Kimutai of Chebunyo. May the good Lord grant his family the serenity to accept the things they cannot change.

I thank you for the support to this Bill and I reply.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Olekina, make also the request for deferment of the putting of the question.

Sen. Olekina: Mr. Temporary Speaker, Sir, because we do not have the numbers, I request that the putting of the Question be deferred to a later date under Standing Order No.66(3).

The Temporary Speaker (Sen. Wakili Sigei): Shall we rise?

Hon. Senators, the putting of the Question to the Bill is hereby deferred to a later date, pursuant to Standing Order No.66(3).

(Putting of the Question on the Bill deferred)

ADJOURNMENT

Hon. Senators, adjournment on later interruption of business under Standing Order No. 34(2)(a).

It is now 6.45 p.m. and having concluded the business for which I extended the hours of sitting pursuant to Standing Order No.34(2)(a), the Senate stands adjourned until tomorrow, Wednesday, 24th September, 2025 at 9.30 a.m.

The Senate adjourned at 6.45 p.m.