



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fourth Session

Wednesday, 1st October, 2025 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 1st October, 2025

*The House met at the Senate Chamber,
Parliament Buildings at 2.33 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)

Hon. Senators, we now have quorum. So, we will proceed with the afternoon's business.

(Loud consultations)

Settle down, hon. Senators. Clerk, proceed to call the first Order.

PAPER LAID

Proceed, Chairperson, Standing Committee on Labour and Social Welfare.

REPORT ON THE CULTURE BILL (NATIONAL BILL ASSEMBLY BILLS NO.12 OF 2024)

Sen. Murgor: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of Senate, today, 1st October 2025-

Report on Standing Committee of Labour and Social Welfare on its consideration of The Culture Bill, (National Assembly Bill, No. 12 of 2024).

(Sen. Murgor laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICE OF MOTION

DELINKING JUNIOR SCHOOLS FROM PRIMARY SCHOOLS

THAT, AWARE THAT, the Ministry of Education in Kenya, introduced Junior Secondary Schools (JSS) as part of the Competency-Based Curriculum (CBC) implementation marking a major milestone for the country's education system, and a key opportunity to improve the quality of education available to students;

APPRECIATING THAT, the Junior Secondary Schools program play a vital role in shaping the academic trajectory of learners by providing students with a strong foundation in core subjects, helping them develop essential skills and offering them opportunities to participate in extracurricular activities promoting greater social inclusion;

CONCERNED THAT, the integration of Junior Secondary Schools within primary school setups has posed major challenges for Junior Secondary teachers, including inadequate training on the new competency-based curriculum, limited opportunities for career advancement, conflict in leadership, decision-making and resource allocation leading to strained relationships with head teachers;

FURTHER CONCERNED THAT Junior Secondary Schools (JSS) face critical shortages in essential infrastructure such as laboratories, libraries, ICT hubs, and science equipment necessary for the implementation of the JSS curriculum, coupled with inadequate access to approved learning materials and teaching resources, resulting in inconsistencies in curriculum delivery hindering effective teaching, learning, and overall student development;

NOW THEREFORE, the Senate resolves that the Ministry of Education, the Teachers Service Commission and the Kenya Institute of Curriculum Development should-

1. Provide for an independent administrative and operational framework for Junior Secondary Schools to enhance governance, streamline management, and create a more focused learning environment for the learners;
2. Allocate adequate funds for the construction and equipping of Junior Secondary Schools with essential facilities such as science labs, libraries and ICT rooms, and provide adequate learning materials relevant with the curriculum;
3. Offer professional development programs for Junior Secondary School teachers to help them specialize in specific subjects to effectively implement the JSS curriculum;
4. Develop a clear career progression framework for Junior Secondary School teachers, including opportunities for promotions and additional responsibility allowances;
5. Formulate clear policies and guidelines outlining the structure, curriculum, and management of Junior Secondary Schools; and

6. Ensure an optimal teacher-student ratio to facilitate personalized student attention and effective learning.

The Speaker (Hon. Kingi): The business is deferred.

(Notice of Motion deferred)

QUESTIONS AND STATEMENTS

STATEMENTS

Statements pursuant to Standing Order No.52(1).

Proceed, Sen. Esther Okenyuri.

DISPARITIES IN BONUS RATES PAID TO TEA FARMERS IN THE COUNTRY

Sen. Okenyuri: Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a statement on a matter of countrywide concern, namely the disparities in bonuses paid to tea farmers in Kisii and Nyamira counties.

The Kenya Tea Development Agency, (KTDA) recently released the bonus rates for the Financial Year 2024/2025. While farmers in certain regions, notably Mt. Kenya, have received substantial bonuses averaging about Kshs50 per kilogramme, farmers in Kisii and Nyamira counties are reeling from much lower rates, in some cases as low as Kshs12 per kilogramme.

This glaring disparity has not only caused deep frustration, but also triggered anger among farmers who feel shortchanged and discriminated despite producing tea that is sold in the same international markets.

Mr. Speaker, Sir, the situation has escalated to a point where enraged farmers in Kisii and Nyamira counties have begun destroying tea collection centres in protest and disillusionment, believing their sweat and toil is not being fairly rewarded.

The bonus discrepancies have also reignited questions about the transparency of KTDA's pricing and distribution systems, and whether smallholder farmers in certain regions are being systematically disadvantaged.

Mr. Speaker, Sir, tea remains one of Kenya's leading foreign exchange earners, and it is the livelihood for millions of families across the country. The growing sense of inequity, however, risks destabilising this critical sector if urgent interventions are not put in place.

I, therefore, call upon the Government, in collaboration with KTDA and relevant stakeholders, to urgently review the disparities and take decisive measures to restore fairness, equity, and the confidence of farmers in Kisii, Nyamira, and all other affected regions.

Unfortunately, I was very limited because this Statement does not allow comments, but I feel this matter has not been given the necessary attention it requires.

(Applause)

Thank you, Mr. Speaker, Sir.

IMPLEMENTATION OF GOVERNMENT'S NEW REWARD SCHEME
AND GENERAL WELFARE OF SPORTSMEN AND WOMEN

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare on a matter of national concern, regarding the implementation of the Government's new reward scheme, stipends and the general welfare for sportsmen and women.

Noting that the scheme was revised to enhance the benefits for athletes, sportsmen and women, it raises serious concerns persisting the regarding of transparency, equity and fulfilment of commitments to players across various sporting disciplines.

In the Statement, the Committee should address the following-

(1) The total amount of money allocated and disbursed to sportsmen and women under the new reward scheme in the Financial Year 2025/2026, including a breakdown by sporting event, notably the World Athletics Championship in Tokyo and sports talents, the Football Club for Girls, among others.

(2) The arrangements made for travel and participation of athletes, noting that the gold winners were travelling in economy class while the officials were travelling in first class and business class; including the separation of the athletes by travel class and the repatriation of some athletes before participating in the championships.

(3) The imprests issued to officers who accompanied the team Tokyo, specifying their roles and the amounts received among other international championships.

(4) The delayed payment of allowances to teams such as Malkia Strikers - I know Sen. Sifuna had touched on this - the unfulfilled promises to the Rugby Lionesses and an update on all pending allowances and rewards due to sportsmen and women of this country.

(5) The measures in place to ensure that athletes and sportsmen and women are adequately provided with stipends, training gear - one of the officials was found with a lot of training gear in his house which was very unfortunate - and support to enable them to focus fully on their training and development, including the nurturing of junior teams across our country.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Andrew Omtatah, your Statement has been reinstated pursuant to the explanation you have given. You may now proceed to read the Statement.

FINANCIAL OPERATIONS AT THE KENYATTA NATIONAL HOSPITAL

Sen. Okiya Omtatah: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of nationwide concern regarding financial operations at the Kenyatta National Hospital (KNH).

Recently, the Cabinet Secretary for Health called for enhanced governance standards at national referral hospitals, including the KNH, the country's

largest referral facility, which is expected to uphold the highest standards of healthcare, governance, auditing measures and transparency mechanisms.

In the Statement, the Committee should address the following-

(1) Steps taken to address KNH financial challenges, including losses under National Health Insurance Fund (NHIF) and Linda Mama schemes, claims of ghost patient debt of Kshs2.9 billion, unpaid suppliers' invoices and uncollected staff housing rent, as well as the measures in place to strengthen financial oversight.

(2) The status and findings of the forensic audit into KNH's payment systems, the internal control failures and the governance and oversight measures being implemented, including reforms recommended by the Auditor General, the Ethics and Anti-Corruption Commission (EACC) and the Ministry of Health to prevent fraud.

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No.56(1)(B); the Chairperson Standing Committee on Trade, Industrialisation and Tourism, proceed.

ACTIVITIES OF THE COMMITTEE ON TRADE, INDUSTRIALIZATION
AND TOURISM FOR APRIL TO JULY 2025

Sen. Okenyuri: 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 Committee on Trade, Industrialisation and Tourism for the second quarter of the Fourth Session covering the period between April to August, 2025.

During the period under review, the Committee held 30 meetings, during which, it considered 18 Statements, four Bills and conducted two inquiries.

The Committee began an inquiry into the County-Aggregated Industrial Parks (CAIPs). In Phase One, 19 counties had Kshs500 million allocated for construction of the CAIPs and the deadline for completion was July 2025. The inquiry is still ongoing and the Committee will table a report once complete.

The Committee is also looking into the process of leasing public sugar companies; namely, Nzoia Sugar Company, Chemelil Sugar Company, Sony Sugar Company and Muhoroni Sugar Company.

The Committee has received responses from both the Ministry of Agriculture and Livestock Development and the Privatisation Commission. The Committee intends to visit the sugar mills and meet sugarcane farmers prior to tabling its report.

The Committee conducted retreats to consider submissions received on The Creative Economy Bill, 2024 (Senate Bills No. 30 of 2024) and The Cooperatives Bill 2004 (National Assembly Bills No. 7 of 2024).

Further, the Committee conducted a retreat sponsored by the Ministry of Interior and National Administration to consider a legislative proposal on essential goods.

Mr. Speaker, Sir, during the period under review, the Committee considered the following Bills-

- (1) The Creative Economy Support Bill (Senate Bills No.30 of 2024).
- (2) The Startup Bill (Senate Bills No.14 of 2022).
- (3) The Cooperatives Bill, 2024 (National Assembly Bills No.7 of 2024).
- (4) The Business Laws (Amendment) Bill (Senate Bills No.54 of 2024).

The Committee reviewed the amendments made by the National Assembly on the Startup Bill (Senate Bills No.14 of 2022). The Committee rejected some amendments and the Report of the Committee was tabled in the House during this period.

The Creative Economy Support Bill (Senate Bills No. 30 of 2024), is a Bill that seeks to streamline and monetise the creative space for creatives in Kenya. The Committee considered the submission received following public participation and tabled its report during this period.

The Cooperatives Bill, 2024 (National Assembly Bills No.7 of 2024) is a Bill that seeks to revamp the cooperatives in line with the current times; with the challenges that have been experienced with the Saccos lately, this Bill was timely. The Committee has considered the submissions received and amendments to the Bill and a report was tabled during this reporting period.

Mr. Speaker, Sir, during consideration of the statements, the Committee observed that there was an increased number of statements pending before it that required the attention of the relevant cabinet Secretaries and governors.

The Committee has therefore scheduled to invite the cabinet secretaries and governors to apprise the Committee on the status of the pending Statements relating to their specific mandates. The Committee will prioritise the finalisation of these pending Statements and other legislative business before it.

The Committee will continue with its oversight of the counties through scheduled county oversight inspection and networking visits and public engagement to ensure continued implementation of programmes and legislative business within its mandate. In particular, the Committee will visit the CAIPs, tourism facilities and markets in the counties. Additionally, the Committee will finalise on the inquiry of leasing of public sugar mills.

Mr. Speaker, Sir, in conclusion, I wish to thank your office and the Office of the Clerk of the Senate for the support accorded to the Committee in its work in executing its mandate.

Lastly, I also wish to thank the esteemed Members of this Committee for their diligence and contributions during Committee activities and the Committee Secretariat for their facilitative responsibilities.

I thank you on behalf of the Chairperson.

The Speaker (Hon. Kingi): The Chairperson Standing Committee on Roads, Transportation and Housing, proceed.

ACTIVITIES OF THE COMMITTEE ON ROADS, TRANSPORTATION AND HOUSING FOR APRIL TO JULY 2025

Sen. Miraj: Mr. Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) to make a Statement on the activities of the Standing Committee on Roads, Transportation and Housing for the period between 1st May, 2025 and 31st August, 2025.

During the period under review, the Committee held 20 sittings, considered 14 Statements and one legislative proposal. During the period, a total of 21 Statements that were before the Committee were considered and concluded.

In fulfilment of its mandate and to comprehensively address the matters before it, the Committee held a retreat with the Cabinet Secretary for the Ministry of Roads and

Transport, as well as the Cabinet Secretary for the Ministry of Lands, Housing and Urban Development. The purpose of the retreat was to identify legislative gaps and explore opportunities for collaboration and cooperation with the two ministries.

Additionally, the Committee conducted a factfinding visit to Mombasa, where it held meetings with the Governor, residents of the former Buxton Estate and Likoni Flats to verify the Governor's presentations concerning the allocation of the newly developed housing units to the former tenants of the estates.

Mr. Speaker, Sir, the Committee also undertook a visit to Marsabit County as part of its oversight and factfinding mandate. As part of the engagement, the Committee inspected Marsabit Medical College to evaluate the state of its facilities and its capacity to deliver medical training.

Additionally, the Committee reviewed the conditions of road infrastructure in Loyangalani Town and visited Emolo Village to assess the extent of the damage and displacement of residents caused by the overflow of Lake Turkana.

In this period, as part of parliamentary diplomacy, the Committee undertook a visit to the East African Community (EAC) in Arusha, Tanzania, on a familiarisation visit of the infrastructure projects and programmes currently under implementation in Tanzania by the EAC.

Mr. Speaker, Sir, the Committee faced the following challenges, which delayed conclusion of legislative business before it-

(1) Delayed response to statements, petitions and inquiries from Government agencies.

(2) Inadequate funding, limiting Committee effectiveness in undertaking comprehensive oversight.

(3) Frequent overlaps with the parliamentary obligations affected quorum and the timely convening of Committee meetings.

(4) Rescheduling and postponement of Committee meetings with key external stakeholders, especially cabinet secretaries and governors.

Mr. Speaker, Sir, the Committee is scheduled to undertake the following activities in the next quarter to-

(1) Review existing legislation and propose amendments to strengthen regulatory frameworks on roads and building construction standards, urban planning and zoning, housing affordability and financing, and public-private partnerships (PPPs) in infrastructure development;

(2) Undertake visits to the various affordable housing projects in the country; and,

(3) Finalize its consideration and reporting on various spending Petitions submitted by members of the public.

Thank you.

The Speaker (Hon. Kingi): The Chairperson, Select Standing Committee on County Public Accounts.

ACTIVITIES OF THE COUNTY PUBLIC ACCOUNTS COMMITTEE FOR APRIL TO JULY 2025

Sen. Sifuna: Thank you, Mr. Speaker, Sir. I am making this Statement on behalf of the Chairperson, Sen. Moses Otieno Kajwang, who is away.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) to make a statement on the activities of the County Public Accounts Committee (CPAC) for the period commencing April, 2025 to August, 2025. During the period under review, the Committee held a total of 28 meetings within and outside the precincts of Parliament to consider matters within its mandate.

Mr. Speaker, Sir, as you may recall, at its sitting held on Thursday, 27th March, 2025, the Senate considered the report of the County Public Accounts Committee (CPAC) on the Auditor-General's reports for the Financial Year 2023/2024 and resolved that the Committee undertakes an inquiry into the issues raised, conducts project inspections to verify their status and follows up to ensure that officers implicated in any misappropriation of funds or breaches of the law are thoroughly investigated and prosecuted where culpable.

During the period under consideration, the Committee invited various county executives to consider the actions they have taken to address the unresolved issues raised in the Auditor-General's report on the financial statements of the county executives and the report of the Auditor-General on the financial statements of the receiver of revenue.

Mr. Speaker, Sir, despite the Senate having accorded counties a period of over 90 days to implement its various recommendations, the Committee has observed with deep concern the apparent unwillingness by county governors and accounting officers to take corrective actions. This conduct not only amounts to contempt of the Senate, but constitutes a violation of Section 53 of the Public Audit Act, Chapter 412 (b).

In light of this, the Committee has scheduled a report-writing session in which it shall further recommend punitive measures against the responsible officers with a view to ensuring that persons entrusted with the management of county finances comply with the provisions of the law and uphold sound principles of financial management.

The Committee observed that several critical issues remained unaddressed, including unsupported expenditures, stalled projects, non-remittance of statutory deductions, weak financial and record management systems, payments made outside the Integrated Financial Management System (IFMIS), unauthorised budget reallocations, poor asset and liability registers, human resource mismanagement, a persistent wage bill crisis, inadequate revenue collection and the accumulation of pending bills across counties. These challenges point to systemic weaknesses in financial governance and underscore the urgent need for strict enforcement of accountability measures within county governments.

Mr. Speaker, Sir, it is worth noting that all public institutions are transitioning from the cash-based to the accrual basis of accounting. In this regard, the Committee invited the Cabinet Secretary for National Treasury and Economic Planning to provide an update on the readiness of counties to adopt the new accounting framework.

The Cabinet Secretary for the National Treasury and Economic Planning informed the Committee that the transition from cash-based to accrual accounting was being implemented in phases over a three-year roadmap beginning 1st July, 2024, with full compliance to the International Public Sector Accounting Standards (IPSAS), expected by 30th June, 2027. He explained that in the first year, counties are required to prepare an opening statement of financial position and report on financial assets.

In the second year, they will report on financial assets, inventories and liabilities and by the third year, they will be expected to comprehensively report on fixed assets, all

financial assets and all liabilities. The Cabinet Secretary assured the Committee that the structured roadmap supported by IFMIS reengineering, updated asset registers, an asset valuation framework and targeted capacity-building programmes places counties on course to achieve that transition. He acknowledged, however, that inadequate funding, compliance by county entities and enhanced technical capacity remain critical to ensuring readiness and timely compliance.

Mr. Speaker, Sir, during the period under review, the Committee noted a gap in the oversight of county governments' additional allocations and accordingly invited the Cabinet Secretary for National Treasury and Economic Planning. The Cabinet Secretary informed the Committee that collaboration with development partners is governed by the Public Debt and Borrowing Policy of 2020, under which the National Treasury negotiates financing agreements while implementation is delegated to ministries, departments and agencies.

He explained that the grants are determined by the implementing Ministries, Departments and Agencies (MDAs) in consultation with beneficiary counties and subsequently incorporated into the County Government's Additional Allocations Bill and accountability. Therefore, is anchored on monitoring and evaluation frameworks, including the minimum access conditions and minimum performance conditions, while MDAs are responsible for ensuring that funded projects are embedded in the County Integrated Development Plans (CIDPs) and Annual Development Plans (ADPs).

As a Committee, we observed persistent oversight gaps, since conditional grants often fall outside robust scrutiny compared to the equitable share. The Cabinet Secretary acknowledged the absence of clarity on the designated accounting officer for such grants and assured the Committee that a new national policy on intergovernmental fiscal transfers is being developed to establish clear accountability.

We observed accountability gaps in the implementation of the National Agricultural Research Institute (NARI), the National Agricultural Value Chain Development Project (NAVCDP) and the Financing Locally-Led Climate Action (FLLoCA) Programme, which provides a compelling justification for strengthening the Senate's oversight role over conditional and unconditional grants.

Mr. Speaker, Sir, finally, I wish to commend the Members of the Committee and the Secretariat for their diligence and commitment, which enabled the Committee to comprehensively review the status of reports from county executives on actions taken to address the unresolved issues in the Auditor-General's report for the Financial Year 2023/2024. Their dedication demonstrates the Senate's firm resolve to uphold accountability, strengthen oversight and safeguard public resources.

With those few remarks, I submit.

This report is signed by the Chairperson, Sen. Moses Otieno Kajwang', CBS, MP.

The Speaker (Hon. Kingi): Hon. Senators, I will allow comments for not more than 15 minutes. Therefore, if you get a moment to speak, you shall do so in not more than three minutes.

Proceed, Sen. Osotsi.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. Allow me to make comments on two statements, starting with a statement by Sen. Cherarkey on the reward scheme for sportsmen and women. We need to have a structured reward scheme, probably defined in

law, maybe under the Sports Act or the relevant regulations, so that the rewards to sportsmen and women are not arbitrary. It should be based on a proper scheme.

We saw the other day Harambee Stars players being given some of these affordable houses, either a one-bedroom or a two-bedroom. We need a proper mechanism, so that we know when our sportsmen and women shine, there is a proper procedural mechanism in which they are rewarded. On that basis, I support the Statement.

Secondly, on the Statement by Sen. Okenyuri on the disparities on bonuses paid to tea farmers, I come from a county that grows tea and we have the same challenge, where farmers get much lower bonuses compared to their counterparts in Mt. Kenya and other regions. This is an issue that needs to be looked at. The criteria for determining how much bonus should be paid must be clear.

We must be told why farmers from a particular region earn more than farmers from other regions. Is it the quality of tea or what is the criteria? That is a very important Statement. I would request the Committee on Agriculture, Fisheries and Livestock to look into this matter. Some of our farmers are even uprooting tea and planting other crops because they are not benefiting much from tea production. They are also discouraged when they see farmers from the mountain earning more than them. They feel so bad and they have decided to venture into other things.

With those few remarks, I support.

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

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, allow me to use this opportunity to also commend our athletes for the performance they showed in Tokyo. When the sports in Tokyo were going on, I was in a foreign country, a white man's country. I received admiration because I announced in the sports bar that I am a Kenyan.

(Loud consultations)

Yes, we watch sports in a sports bar. We do not watch sports in a church.

(Laughter)

If you want to take Holy Communion, you go to church. If you want to watch sports, you go to a sports bar. *Kwani wewe ulisoma wapi?*

Mr. Speaker, Sir, we are taken seriously as far as sports is concerned. I, therefore, applaud the President for the recognition he gave to these young people. I also want to encourage the Government not to make it look like it is a presidential intervention. We have a proper budget that defines who gets what, for what reason and at what time.

Speaking on this, this victory by Lilian Odera, a young Luo girl, is a testament to the fact that all the Kenyan children can do what children in other tribes do. All they need is an incentive. For a long time, many people thought that athletes were for young people from the Kalenjin Nation.

The Luo girl proved it wrong. Just like in boxing, until Wangila Napunyi got the first Kenyan gold medal, nobody knew that Luhyas were the best boxers in Kenya. Hearing the history of the Speaker when he was in a primary school in Magarini and the things he did, there is a talent---

(Laughter)

Mr. Speaker, Sir, I, therefore, support and request that this Statement be taken seriously because there is an animal here called joyriders; officials who superintend these teams take their girlfriends and relatives at a very high expense, while our actual athletes who win accolades suffer in terms of welfare.

I support.

The Speaker (Hon. Kingi): Proceed, Sen. Richard Onyonka.

Sen. Onyonka: Mr. Speaker, Sir, I basically want to discuss the matter that I listened to Sen. Cherarkey raise. As usual, Kenyans have very good ideas. The problem is how we implement or mis-implement them. Sen. Cherarkey said it very simply out here, but I do not think he said it on the Floor.

Yes, you want to give our children the capacity to be trained. Yes, you are providing internships for these children. Once you have provided the internship, can you, please, be fair? Can you please make sure that even a Njemps or a child from Magarini, or somebody from Nyatike gets an opportunity because we believe in meritocracy? Right now, the way we are doing it is like we are in a *Soko Huru* market; where the highest bidder gets those opportunities. The children who know nobody cannot access the public service portal. Those are the breakages we keep talking about.

The second issue I wanted to mention is on tea bonuses. I brought a Question to this House. It has been two-and-a-half years. The Committee on Agriculture, Livestock and Fisheries never discussed this matter of bonuses. We are still tasting tea using the tongue, yet scientists are telling us there are other parameters to use, like the content of iron and potassium in coffee, so that there is a way to test it even with your tongue. Right now, we are testing coffee. The people from Western Kenya are being told that our coffee is of poor quality because either we have dilapidated the soil content or we have mismanaged our animal and crop husbandry practices.

Mr. Speaker, Sir, I wish and hope that the Committee on Agriculture, Livestock and Fisheries takes note, like my sister Essy Okenyuri, has raised this issue. Our farmers are tired. They are being told the same narrative; even at the time I was an MP 10 or 15 years ago. Tea bonuses have always been a matter of contention. Can this House take charge and fix the problems in our country?

Thank you, Mr. Speaker, Sir.

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

Sen. Kisang: Thank you, Hon. Speaker. I also want to comment on the Statement by Sen. Cherarkey on athletes. I take this early opportunity to congratulate our athletes for making us proud. It is surprising that the officials are flying First Class to be more comfortable than the athletes. So, this needs to be put in law, so that it provides for procedures. The President has taken the first step. We thank him for rewarding both athletes and the footballers who did very us proud. We need to relook at the Sports Act, so that we can give these rewards.

In fact, this morning and early afternoon, the Cabinet Secretary for Tourism and Wildlife was here. A lot of resources are appropriated by the National Assembly to the Kenya Tourism Board (KTB), yet we do not know what they do. Most of these resources that are going to the KTB should be used by our athletes to market the country.

We need the KTB to partner with our athletes, so that they do not have just to go and showcase outside there, and we do not get additional tourists. For several years, the maximum number of tourists who have come into the country is about two million. A small country like Mauritius has 20 million tourists visiting there and make a lot of money. It is important that we relook at the law, so that we can see how our young people can be motivated.

Finally, I wish to comment on the Statement by Sen. Okenyuri on tea bonuses. In Elgeyo-Marakwet County, we have a few areas where we grow tea. It is important to ask the Ministry of Agriculture and Livestock Development through the Kenya Tea Development Agency (KTDA), to ensure there is equitable allocation of bonuses across the country. Of course, what is also important to note is that the quality of tea is different in each area. So, some areas might be given more bonus because of the quality of tea they produce.

Thank you, Hon. Speaker.

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

Sen. Sifuna: Mr. Speaker, Sir, allow me to start with the Statement by the Senator from Busia, the Hon. Okiya Omtatah. For a very long time, we in leadership positions in this country, have ignored the financial management of our public hospitals, especially the Kenyatta National Hospital (KNH). That is because for a long time, we thought we were, you know, subject to a separate regime.

I will have this House know that the disease that is at KNH has crossed the road to the Nairobi Hospital. I saw a Member of this House, just the other day, complaining that they had been denied services at the Nairobi Hospital because we had been removed from that panel because of mismanagement of that private hospital called the Nairobi Hospital.

It has gotten to ridiculous levels. This House will not believe it, that even after that - I know it is a private hospital - the dispute surrounding the financial management of the Nairobi Hospital went to court, when the High Court had reserved a date for judgement, somebody went to the Court of Appeal to stop the judgement, which was scheduled to be read on the 9th of October. So, we are staring at a crisis in the management of our hospitals, be they private or public. I like the staying power of Sen. Omtatah because he has focused his spotlight repeatedly on the management of the KNH.

Lastly, Hon. Speaker, you will remember on this issue of rewarding of our athletes, the Cabinet Secretary for Youth Affairs, Creative Economy and Sports, Hon. Mvurya, the last time he was here, even you, in the Chair, were confused as to what he was saying. You remember him saying there was Kshs70 million that had been set aside to reward the various sportsmen and women who had done well for the country. At that particular point in time, he owed Lionesses, the Kenyan 15s rugby women's team, Kshs2 million and he could not tell us whether that Kshs2 million was part of that Kshs70 million.

Hon. Speaker, do you know, out of my repeated inquiry on the status and the welfare of the Lionesses, they found out that the head coach of the Lionesses, the 15s, was my classmate, and they suspected that he is the one who is bringing this information to the Senate repeatedly.

They just woke up one day and suspended Dennis Mwanja as the head coach. For political reasons, the young man has been suspended, judged without any trial or inquiry, just because he has repeatedly insisted on saying, Sifuna, when you see Mvuria there, ask him when he is paying the money for the Lionesses.

So, I support Hon. Cherarkey when he says, let us know, all athletes, when you perform well for your country, what are your expectations? Who comes up with these figures of Kshs5 million or Kshs2 million? From which vote? Even when we were debating the rules on housing here, we asked, we have a housing board that is supposed to allocate houses. How can the President just stand up and say, teachers get 40 per cent, these athletes get 30 per cent? You know, we are lying to these young men and women. Therefore, let there be a regime where it is clear that if you win gold, this is what you get, and it comes from which vote.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Joe Nyutu.

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir. I rise to support the Statement by the Senator of Nandi, Sen. Cherarkey, on this reward system for our sportsmen and women,

I join my colleagues in saying that we need to come up with a formula of rewarding all the sportsmen and women in this country. We should go ahead and determine the source of funds. We should not leave it to the President to just give these rewards without exactly saying where the money comes from. If it is his personal resources, then, of course, we should be told that it is from his personal resources.

Needless to say, anyone who donates to sportsmen or any other person millions of shillings, must also be able to show that they paid tax on such funds, if it is from personal sources. We should also include all sportsmen and women and define which sports are actually eligible for this particular reward. I think it is time, if we are going to come up with a framework, we also define bullfighting as a sport in this country, so that those who excel in that particular one are also rewarded. There are many areas of excellence in sports. So, we should come up with a clear definition of all the sports in this country.

Mr. Speaker, Sir, allow me also to comment on the Statement sought by the Senator of Kenya from Busia, Sen. Omtatah, regarding the financial operations at the Kenyatta National Hospital. The finances in hospitals have been affected by delayed disbursement of the Social Health Authority (SHA) claims. Many hospitals have closed shop because genuine claims have not been paid, while there are reports that there are claims that come from even non-existent hospitals that have been paid.

So, we must look at this, especially considering the recent media reports that there are patients in Thika Level 5 Hospital, who have been discharged, but cannot be released by the hospital because they have not been able to clear their bills. We call upon SHA to pay claims on time and to pay genuine claims and at all costs to avoid paying fraudulent claims.

Mr. Speaker, Sir, I support.

Thank you.

The Speaker (Hon. Kingi): Senator for Nandi.

Sen. Cherarkey: Mr. Speaker, Sir, thank you very much. I support the Statement on the issue of tea. It would interest the House to know that this unfairness continues to

bedevil all of us. As I talk today, four months down the line, the Kenya Cooperative Creameries (KCC) farmers have not been paid, yet they have supplied milk.

Mr. Speaker, Sir, there is a crisis in the agriculture sector. For example, on the tea issue, I confirm to colleagues that there are people who are saying that there is a difference in quality between tea from the West Rift and East Rift, and that from the Mt. Kenya region and West Rift; that is, Bungoma, Nandi, Kericho, Bomet, Kisii and Nyamira. There is no difference. We do not know what happens when it comes to bonuses and tea prices. For example, in Kinoro in Mt. Kenya, they are getting Kshs48.10, while in Mudete Tea Factory in Vihiga County, they are getting Kshs10 per kilo. In Chebut, they are getting Kshs12, and Kshs10 in Kapsara per kilo respectively. In Nyansiongo, they are getting Kshs12 and Kshs24 per kilo in Momul, while in Tergat, they are getting Kshs14. However, in Mt. Kenya, from Kinoro to Michikuru, the lowest is Kshs26.50 per kilo.

This is a great travesty and injustice against tea farmers in the country. If this matter is not addressed by the Kenya Tea Development Agency (KTDA), we are going to uproot tea, then we see where lawyers will go since they like taking a lot of tea, as well as the many people who depend on tea. We are going to uproot tea because we are suffering.

If you want to die in this country, be a farmer. We are yet to be paid for milk. Our tea bonuses have gone to the dogs. Sugarcane is wobbling. We are left to the mercies of the Maker. I call upon the KTDA because they are the management company and directors, that we have elected them and they must sign a performance contract in terms of bonuses.

Mr. Speaker, Sir, can you believe you are being paid Kshs12 per kilo in Chebut Tea Factory in Kapsabet, yet you are paying the plucker or *mchunaji wa chai* Kshs13 per kilo? You have to add Ksh1 to what you are being paid. Is this not death? We must be told what is happening. I would like to tell Cabinet Secretary for Agriculture and Livestock Development; Hon. Mutahi Kagwe, that he is now starting to treat us abnormally and things will start becoming abnormal. We must be told what is happening. There cannot be the issue of quality. I agree that they are still using tongues to taste.

Mr. Speaker, Sir, I wish I could be added 30 seconds to finish---

The Speaker (Hon. Kingi): Give the Senator one minute to conclude.

Sen. Cherarkey: Mr. Speaker, Sir, I might end up breaking down and crying because my people are suffering. Let no one tell you that they are not using tongues to taste tea. There is no difference between the tea from Mt. Kenya region and that from west region.

What happens is, in Mombasa when the prices are good, they sell the tea from the Mt. Kenya region. However, when the prices are poor, they come out and sell the tea from the West Rift. That is why they are telling us about foreign exchange and international pricing. There are cartels in Mombasa. I would like CS Mutahi Kagwe to work on this issue and call me, so that I can give him the names of the cartels.

Mr. Speaker, Sir, I yield, with a heavy heart.

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

Sen. Okiya Omtatah: Mr. Speaker, Sir, first of all, on the question of sports, I support the Statement by Sen. Cherarkey because I think sports is no longer just entertainment. It is an industry. Some of the richest people in the world are sportsmen.

We must look at sports as an avenue for making Kenyans rich. We must spread the sports out because people like Wanyonyi, Omanyala and the lady from Nyanza are running. They are coming from areas that are not traditionally sports areas in the country. We had David Rudisha who also came from areas that--- So, we need to spread the sports out, so that you can tap these young people when they are still very young.

On the Statement about tea, allow me to play the devil's advocate. In my opinion, there is a big problem on areas which are getting low quality prices because KTDA has sort of left these areas. You will find some of these areas like in Kisii and so many other small characters collecting tea leaves and trying to sell. So, quality control has gone out. What I would love to see is KTDA spreading its wings. The way it has spread wings in Central and been able to manage that market, it should spread its wings down to these other parts and manage that market. The people who come and buy any type of tea and then they compromise quality should be taken out of the industry.

In my opinion, it is not fair to just cluster regions and say Central Kenya gets this while these ones get that. The issue is that KTDA sort of ran out of these other areas when they liberalised the market and allowed every Tom, Dick and Harry to be a tea buyer and processor. So, we need some regulatory regime, so that the same discipline we see in Central Kenya is extended down, so that the tea that is produced and the leaf quality are also managed and contained well.

Mr. Speaker, Sir, I call on the KTDA and the Ministry to see what they can do to govern the tea industry in these marginalised areas in such a manner that it can be beneficial to all of us. I would like to persuade ourselves to move away from the issue of profiling regions and deal with the problem without looking at the regions. This problem of KTDA has no geographical region. It is a management problem which can be resolved without changing the regions or accusing a region.

Thank you.

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

Sen. Korir: Thank you, Mr. Speaker, Sir. Allow me to thank Hon. Cherarkey for recognizing our athletes. I must also thank the Government for the efforts that they have put across in terms of making sure that our sportsmen and women are rewarded accordingly.

I concur with a number of colleagues who have also talked about streamlining the way we are rewarding them, which I believe is something that has to be done by our Houses, so that at least every now and then, we know what they are entitled to, wherever they are in these sports.

Mr. Speaker, Sir, I would also want to touch on the issue that has been raised by Hon. Okenyuri on the tea sector. This is an issue that is really affecting the country. As we speak, our farmers are not happy. There are a lot of dangers because of the way they are being treated by the relevant Ministry. These are issues that have been raised year-in, year-out. I believe that if we can rise to the occasion and stop just speaking about tea, and listen to the stakeholders--- We have heard a lot of stories year-in, year-out, talking about the issues of the price fluctuations, market dynamics and increase in production.

Mr. Speaker, Sir, since tea is one of the cash crops in this country, it is high time that the Ministry sits with the relevant stakeholders and give us a lasting solution on this. It is so weird to see a number of places getting the higher pay and others getting as low as Kshs10 per kilo, yet it is the same product at the expense of talking about the market.

Mr. Speaker, Sir, it is high time that we sat down, ask the Standing Committee on Agriculture, Fisheries and Livestock, as well as the Ministry of Agriculture and Livestock Development, to address the issue of tea, so that our farmers can smile and be able to get what they are doing.

Thank you.

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

Sen. Methu: Thank you, Mr. Speaker, Sir. I am a sports enthusiast. You must also note that I am the first person from Njabini Village to ever participate in international football, when I represented this august House during the East African Parliamentary Games in Juba, South Sudan, and I did very well. So, I rise to support this particular Statement that has been sought by Sen. Cherarkey.

Mr. Speaker, Sir, I also want to congratulate our athletes because of the brilliant performance that we got from Tokyo just the other day. I would like to support this Statement and say that sports is a critical component.

Kenya is a powerhouse in sports, be it Rugby sevens or Football. We saw our entry, the other day, in the African Nations Championship (CHAN). There are the old Athletics, Golf, Swimming and other sports. However, we must get a framework of rewarding excellence in sports. We cannot leave that to an individual to make decisions at their whim. If anyone wants to give a token, especially to our sportspeople, that is up to them. However, there must be some framework of what an athlete or a sportsperson should get if they perform well. They can either get a gold, silver or bronze medal. They should know what to expect from the Government. We cannot just wake up haphazardly and say that if you score a goal, you will get a million shillings, because tomorrow someone else will score a goal and there will be nothing to be given to them. We cannot leave that to anyone to make decisions.

Mr. Speaker, Sir, if the athletes who went to Tokyo came and said; we also want a share of the affordable housing, how would we stop them if we allowed the footballers who never even made it to the semi-finals? They came home with gold medals and some with silver medals. We need to have a specific budget that should be set aside to appreciate our sports people when they go out.

Finally, Mr. Speaker, Sir, there is what Sen. Boni has raised. We must also ensure that we allow the people who deserve to travel to do so instead of allowing those who do not deserve to travel. I do not know the problem Sen. Boni has with people travelling with their girlfriends if it is on their own budget. However, if it is on the Government's budget, then the people who should travel should be the ones participating in the games and the technical people meant to support them. If you want to travel with your girlfriend, you can travel with them but on your budget. It is not a problem. Those are extra-curricular activities and they should be allowed and encouraged.

(Applause)

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

Sen. Olekina: Thank you, Mr. Speaker, Sir. I wanted to comment on the Statement by Sen. Essy Okenyuri on the issue of tea bonuses. I listened keenly to my colleague; the Senator from Nandi County, and saw how emotional he was on the issue of bonuses.

My view on the bonuses is completely unorthodox because I do not subscribe to the school of thought that says that the importance of tea bonuses is universal. There are several factors that determine this. One of the factors is the soil condition and the management. It is difficult for us to continue holding ourselves in colonial shackles and continue saying that the tea prices must be this. What happens if those people who are consumers of that tea do not want the tea from Mount Kenya but prefer tea from Nandi because of different climatic conditions?

We have to be realistic. As much as we are demanding equity and equality when it comes to bonuses, we have to be alive to the fact that climate conditions, marketing, management, desire and demand dictate what will eventually be paid. So, when we say that we are going to summon the Cabinet Secretary for Agriculture and Livestock Development or ask him why he is making such decisions, we need to be realistic.

Mr. Speaker, Sir, there is no way you can force me to pay Kshs120 per kilo of sugar from Brazil, when I know they do not grow sugarcane, and then you ask me to pay the same amount for sugar from Kenya, knowing that farmers struggle to grow it. We, therefore, have to be realistic on that. The most important thing we must do is to find out whether these bonuses should be determined regionally based on those conditions, but saying it should be universal would be missing the point. This statement is good. However, we cannot say that one shoe fits everyone. It is not possible. Climatic conditions are different.

Let me tell you, I am an expert in tea. I drink tea every day. I can tell you about tea. When I grew up, I lived in Boston, Massachusetts and in one area in Harvard Square, there was a tea shop. You would go there and find tea from all over the world. Tea from Nepal, Brazil and Kenya and the prices would be different. So, there is no way you can expect to be paid the same in bonuses. There is no such a way. Let us be realistic.

(Sen. Cherarkey spoke off record)

The difference can be huge.

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

Sen. Korir: Mr. Speaker, Sir, I respect my good neighbour, Sen. Ledama, but it is always good, especially on an issue touching on farmers, to do proper research and check the quality of tea across the country and the world.

The Speaker (Hon. Kingi): Sen. Joyce Korir, what is disorderly about Sen. Ledama?

Sen. Korir: He is not in order because he is misguiding the country in terms of how the prices are set. The prices are set based on the quality of tea. Could he challenge us that the tea from South Rift is of poor quality?

The Speaker (Hon. Kingi): Sen. Joyce Korir, that is according to his understanding. If you wanted to give him information to the contrary, you would have stood on a point of information.

Sen. Korir: Mr. Deputy Speaker, Sir, allow me to inform him, based on facts.

The Speaker (Hon. Kingi): No, you are out of order. Take your seat.

(Laughter)

Conclude, Sen. Olekina.

Sen. Olekina: Mr. Speaker, Sir, I had not concluded. Allow me just one minute. The Senator for Kilifi, what is your point of order?

The Senate Minority Leader (Sen. Madzayo): Mr. Speaker, Sir, I heard my colleague, Sen. Joyce Korir, say “Mr. Deputy Speaker, Sir.” I wondered whether my ears were hearing the right thing. Do we have a deputy speaker sitting now?

The Speaker (Hon. Kingi): Senator for Kilifi, Sen. Joyce Korir was on a point of order, so you cannot rise on a point of order against her.

Sen. Olekina, I am informed that you had already utilised your three minutes.

(Sen. Olekina spoke off record)

No, from the table, you had utilised your three minutes.

Sen. Alexander Mundigi.

Sen. Munyi Mundigi: Asante, Bw. Spika, kwa kunipa nafasi ili nichangie mjadala kuhusu mambo ya kilimo. Mimi ni Naibu Mwenyekiti wa Kamati inayohusika na kilimo. Namshukuru Seneta Okenyuri kwa kuleta taarifa inayohusu mambo ya kilimo. Mambo ya kilimo si mchezo wa paka na panya. Nimesikia watu wakilalamika kuhusu mambo ya bei. Katika kilimo, hata ng’ombe ya gredi haiwezi kulinganishwa na ng’ombe ya zamani. Kuhusu mambo ya kahawa, majani na maziwa, nimetembea hadi Dubai na Turkey kwa ajili ya *public participation*. Huwezi kumlazimisha mtu vile atakavyofanya mambo yake ya kilimo.

Naunga mkono kile Seneta Olekina amesema. Kilimo cha majani chai sio kama kilimo cha mahindi au maharagwe. Kule eneo la Mount Kenya, unaweza ukaona mtu na mtoto wake wakiwa wanalala sehemu inayouzwa majani chai ili kufuatilia malipo yao ya kilimo cha majani chai. Wakati *fertilizer* haijapeanwa, utapata kila wakati wanapiga kelele.

Bw. Spika, nimeenda kule Rift Valley na Bungoma. Lakini utapata---

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

Sen. Korir: Is it in order for Hon. Mundigi to misguide the House by saying that tea farmers from the upper region sleep at tea buying centres and yet this is something that happens across board? He is talking about the crops planted in the eastern part which is also across the divide.

Is he in order to mislead the House? We are having the same crop and the prices are different and yet it is stated according to research that they are the best?

The Speaker (Hon. Kingi): Sen. Joyce Korir, I am struggling to get your point of order. I do not think the good doctor, Sen. Mundigi, has apprehended. You tend to provide information, Sen. Korir, but you want to put it across as a point of order. Honestly, you are giving a lot of information to your colleagues. I believe if you would intervene on a point of information, you would help your colleagues rather than on a point of order.

Sen. Munyi Mundigi: Asante, Bw. Spika. Hakuna mahali Waziri wa Kilimo na Mifugo anaingilia katika mambo ya kilimo. Mambo ya kilimo yanaangaliwa na anayetaka kushugulikia kilimo chake.

Naomba watu wa Rift Valley au wale watu wanaolalamika kuhusu bei inayotolewa Mount Kenya waje tuwafunze mambo ya *accountability*, na mambo ya

kilimo ya majani chai hadi pale yanapouzwa na Kenya Tea Development Agency (KTDA) na hadi wakati mzungu anaponunua na kulipia majani chai anayotaka. Hata sisi kama Maseneta tunaunga mkono tunayetaka. Waziri wa *Cooperatives and Micro, Small, and Medium Enterprises (MSMEs) Development* ametoka Rift Valley na ndiye anayelipa. Mbona asiingilie?

Kwa wale wanaolalamikia bei, huwezi kulinganisha ng'ombe wa gredi na yule asiye wa gredi. Watu hawa waje *Mount Kenya* tuwafunze mambo ya kilimo. Bado hawajalalamika. Watahisi uchungu kwa sababu bado kuna kahawa na maziwa. Kuhusu maziwa, tulienda mpaka eneo la Mt. Elgon na tukapata kwamba wizi wa maziwa unaendelea. Kahawa huibwa ikipelekwa Uganda. Hivi sasa, naongea kama Naibu Mwenyekiti wa Kamati ya Kilimo, Uvuvi na Mifugo. Ni mpaka mtu apewe haki yake.

Wanaolalamika wataendelea kulalamika wakilaumu mambo ya Waziri lakini hakuna mahali anahusika. Waziri wa Kilimo na Mifugo ametoka Mount Kenya lakini wa *Cooperatives and Micro, Small, and Medium Enterprises (MSMEs) Development* ametoka Western. Naomba mkulima alipwe kulingana na kazi yake. Katika Bibilia, kulikuwa na wasichana kumi. Wasichana werevu ni wale waliokuwa na mafuta katika taa zao. Watu ambao wanalipwa ni wale walio na mafuta.

Naunga mkono na tutafanya uchunguzi.

Sen. Kathuri: Thank you, Hon. Speaker for this opportunity. This issue has generated a lot of heat. This is not the first time that factories in the eastern bloc have earned better prices than factories in the western bloc. I want to inform this House that KTDA manages 69 factories. Each tea factory has its own directors. They are like companies. I put to task Sen. Okenyuri Esther. I followed your statement very closely. The difference between the prices is purely managerial. It is not that KTDA favours factories on the eastern bloc. Those are purely managerial issues.

The people you should put to task to explain why your prices are low in the region are the directors of your factories because farmers elect their own directors. In the eastern bloc, to be honest, even now, we are complaining that the prices are not what we expected. This is because last year, for example, the factories represented by Sen. Okenyuri, in Nyasiongo had earned Kshs30.50 per kilo. This time, it is Kshs12 per kilo. Why is there a variance? There is a variance of Kshs18.50 per kilo. What reasons have made that factory to come down from Kshs30 per kilo to Kshs12 per kilo? The person to ask is not the CS for Agriculture and Livestock Development but the management of the factories that have low prices.

There are many factors that are considered before payment when you take your tea to the market. One is the quality of tea. In some factories, they pluck four leaves and a bud. In the eastern side, we pluck two leaves and a bud. Therefore, we waste a lot of kilogrammes. The tea may weigh very little kilogrammes, but be of good quality. Tea leaves from the other side will weigh a lot of kilogrammes, but be of poor quality. So, when we take this tea to the world market, buyers go for the best. They taste---

An hon. Senator: On point of information.

Sen. Kathuri: I do not need any information on tea issues. I have been on legislation on tea issues for the past 14 years.

Let me also advise Sen. Joyce Korir. Let your factories sell directly because in the Tea Act, 2020, we provided that factories could sell their tea directly to the international market. Why do they not take that option of selling directly without using KTDA?

Mr. Speaker, Sir, with regard to tea issues, they should sit with their management and know the reasons the tea is fetching low prices. It is not because KTDA favours the tea in the eastern bloc. If there is anyone to blame, it is the buyers. This is because they prefer tea, because it is---

The Speaker (Hon. Kingi): Sen. Mwenda Gataya, you may now proceed to give your Notice of Motion because that business had been deferred.

NOTICE OF MOTION

DELINKING JUNIOR SECONDARY SCHOOLS FROM PRIMARY SCHOOLS

Sen. Gataya Mo Fire: Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, AWARE THAT, the Ministry of Education in Kenya, introduced Junior Secondary Schools (JSS) as part of the Competency-Based Curriculum (CBC) implementation marking a major milestone for the country's education system, and a key opportunity to improve the quality of education available to students;

APPRECIATING THAT, the Junior Secondary Schools programme plays a vital role in shaping the academic trajectory of learners by providing students with a strong foundation in core subjects, helping them develop essential skills and offering them opportunities to participate in extracurricular activities and promoting greater social inclusion;

CONCERNED THAT, the integration of Junior Secondary Schools within primary school setups has posed major challenges for Junior Secondary teachers, including inadequate training on the new competency-based curriculum, limited opportunities for career advancement, conflict in leadership, decision-making and resource allocation leading to strained relationships with head teachers;

FURTHER CONCERNED THAT Junior Secondary Schools (JSS) face critical shortages in essential infrastructure such as laboratories, libraries, ICT hubs, and science equipment necessary for the implementation of the JSS curriculum, coupled with inadequate access to approved learning materials and teaching resources, resulting in inconsistencies in curriculum delivery hindering effective teaching, learning, and overall student development;

NOW THEREFORE, the Senate resolves that the Ministry of Education, the Teachers Service Commission (TSC) and the Kenya Institute of Curriculum Development (KICD) should: -

1. provide for an independent administrative and operational framework for Junior Secondary Schools to enhance governance, streamline management, and create a more focused learning environment for the learners;

2. allocate adequate funds for the construction and equipping of Junior Secondary Schools with essential facilities such as science labs, libraries and ICT rooms, and provide adequate learning materials relevant with the curriculum;

3. offer professional development programmes for Junior Secondary School teachers to help them specialise in specific subjects to effectively implement the JSS Curriculum;

4. develop a clear career progression framework for Junior Secondary School teachers, including opportunities for promotions and additional responsibility allowances;

5. formulate clear policies and guidelines outlining the structure, curriculum, and management of Junior Secondary Schools; and

6. ensure an optimal teacher-student ratio to facilitate personalised student attention and effective learning.

The Speaker (Hon. Kingi): Next Order. Proceed, Senate Majority Leader.

MOTION

APPROVAL OF SEN. CONSOLATA NABWIRE WAKWABUBI, MP TO SERVE IN COMMITTEES OF THE SENATE

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, on behalf of the Leader of Majority, I rise to move the following Motion:

THAT, notwithstanding, the resolution of the Senate made on 12th February, 2025 on the approval of Senators to serve in various Standing Committees of the Senate, and pursuant to Standing Orders 197, 199 and 228, following nomination by the Senate Business Committee, the Senate approves the nomination of Sen. Consolata Nabwire Wakwabubi, MP, to serve in the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration and the Select Committee on Delegated Legislation.

Mr. Speaker, Sir, this Motion should not take too much time of the House. However, allow me to acknowledge the fact that I am requesting colleagues to support this Motion on an afternoon. In our community, a child who is born at such a time is called Nabwire. So, this is a big coincidence. She was born at such a time and we are seeking to have her allowed to sit in this very important committees at the same time. What is more is that we want her to sit in the Committee on Equal Opportunity and Regional Integration.

This is a Senator who found her way in this House because of the power of the Constitution of Kenya which gives equal opportunity to all Kenyans; men and women. Therefore, being a beneficiary from this affirmative action, I believe she is going to live to the task. I only want to ask her not to copy some ladies that I have seen elsewhere. Those ladies are not in this House.

The agenda in the House, where I saw them, is about women. Who said you came here to represent women? You came here to defend the Constitution of Kenya. The Constitution does not say that a nominated Senator represents women. In fact, there are some women Senators here who represent me so well that when they do it, I only acknowledge them. I do not even raise a finger.

Therefore, Sen. Wakwabubi Consolata, take courage. Do not be stuck in the misconception that you represent women. Learn from Sen. Okenyuri. She addresses diverse issues, including the important issue of tea farmers that she has talked about.

With those many remarks, I beg to move and ask the Senator from Bomet County, Sen. Korir, to second my Motion.

Sen. Korir: Thank you very much Hon. Speaker, Sir. Allow me to congratulate the party that has brought me here for giving a chance to my sister, the Hon. Member, and to thank her for accepting to work as a nominated Member. I know she is up to the task. For the few days that we have been together, I have learnt a lot. She is ready to work and I congratulate her.

Hon. Speaker, Sir, I beg to second.

(Question proposed)

The Speaker (Hon. Kingi): Hon. Senators, this is a procedural Motion. However, the Floor is open for debate.

Before I put the question, I will ask the Clerk to confirm if we have the requisite quorum for us to proceed to put the question.

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

The Speaker (Hon. Kingi): Okay, we only have 13 Hon. Senators. Therefore, we are too short and will defer the putting of the question.

(Putting of the question on the Motion deferred)

Next Order.

Clerk, can you count again?

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

Okay, Hon. Senators, I am told we have the requisite quorum now. So, I will proceed to put the question.

Take your seat, Senator for Nandi County. I will proceed to put the question. Take your seat, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, my understanding is that you can only put the question after the Mover has been asked to reply.

The Speaker (Hon. Kingi): If you so wish, Hon. (Dr.) Khalwale, you may proceed to reply.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, it is a question of procedure. This is what Hon. Martin Shikuku taught me.

The Speaker (Hon. Kingi): You may proceed to reply.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, things must be done---

(Laughter)

Thank you, Mr. Speaker, Sir. I rise to respond. Thank you.

(Question put and agreed to)

Next Order.

MOTION

ADOPTION OF REPORT OF THE STANDING COMMITTEE ON FINANCE AND
BUDGET ON THE COUNTY GOVERNMENTS (EQUITABLE SHARE) CASH
DISBURSEMENT SCHEDULE FOR FY2025/2026

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2025/2026, laid on the Table of the Senate on Wednesday, 24th September, 2025 and that, pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the Senate approves the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2025/2026.

The Speaker (Hon. Kingi): That business is deferred for lack of the requisite delegations.

(Motion deferred)

The Speaker (Hon. Kingi): Clerk, Orders Nos. 10, 11, 12, 13, 14, 15 and 16 have been deferred.

BILL

Second Reading

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

(Bill Deferred)

BILL

Second Reading

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

(Bill Deferred)

COMMITTEE OF THE WHOLE

THE COUNTY LIBRARY SERVICES BILL (SENATE
BILL NO. 40 OF 2024)

(Committee of the Whole Deferred)

COMMITTEE OF THE WHOLE

THE TECHNOPOLIS BILL (NATIONAL
ASSEMBLY BILL NO. 6 OF 2024)

(Committee of the Whole Deferred)

COMMITTEE OF THE WHOLE

THE COOPERATIVES BILL (NATIONAL
ASSEMBLY BILLS NO. 7 OF 2024)

(Committee of the Whole Deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole Deferred)

COMMITTEE OF THE WHOLE

THE TOBACCO CONTROL (AMENDMENT) BILL
(SENATE BILLS NO. 35 OF 2024)

(Committee of the Whole Deferred)

The Speaker (Hon. Kingi): Clerk, call Order No. 17.

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

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

MOTION**ADOPTION OF REPORT OF PETITION ON AMENDMENT
TO THE COUNTY GOVERNMENTS ACT, 2012**

The Deputy Speaker (Sen. Kathuri): Could we hear from the Chairperson of the Committee on Devolution and Intergovernmental Relations?

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

THAT, the Senate adopts the Report of the Committee on Devolution and Intergovernmental Relations as a Petition to the Senate by Mr. Japheth Makokha, the Executive Director of Tripple The Impact CBO, to amend the County Governments Act, 2012 on the amendment of the county governor's assigning portfolios to the County Executive Committee Member, (CECM), to the deputy county governors laid on the table of the Senate on Thursday, 25th September, 2025.

Hon. Deputy Speaker, Sir, on April, 2024, the Senate received a Petition from Mr. Japheth Makokha to amend the County Governments Act, 2012 on the mandate of the county governor's assigning portfolios of the CECM to the deputy governors.

Hon. Deputy Speaker, Sir, the Petition was presented to the Senate on Tuesday, 14th May, 2024, pursuant to Standing Order No.236 (2)(b). There has also been an amendment to the Bill by the Deputy Speaker of Bill No.5225, which was earlier discussed. However, I will read the petition.

The issues raised in the petition were that Section 32 under Part V of the County Governments Act of 2012 relates to the functions of a Deputy County Governor. In particular, Sub-section (3) of Section 32 of the County Governments Act, 2012 states that-

“The governor may assign the deputy governor any of the responsibilities or portfolio as a member of a county executive committee.”

Based on this very Section 32(3), there have been unclear public debates and misunderstanding on whether county governors have assigned or delegated some functions to their deputies.

The petitioner opined that since the county governors have not been obliged by the law to assign duties or portfolios to their deputy governors, this section of the County Governments Act of 2012 appears ambiguous in relation to implementation as fewer governors have discharged this function. Further, because of the disagreements that have existed between many county governors and their deputies, many county CEOs have avoided the implementation of this section. Moreover, some of the governors have expressed fears and anxiety that through assigning their deputies some portfolios might render them ineffective and unpopular in the court of public opinion, especially when the deputy governor apparently displays higher performance.

Mr. Japheth Makokha stated that many county governors, who are mostly politicians, but not technocrats have demonstrated high propensity of picking technocrats as their deputies during election time as a way of imploring the citizens to vote for their candidacy tickets. Definitely, this implies that the deputy governors have always displayed better leadership and governance acumen than the county governors because of

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their richness of experience in high managerial positions and a majority of the voters have held this public notion.

The petitioner was concerned that some county governors have strongly felt the usefulness of their deputies. The petitioner informed us that without county governors who nominated their deputies based on high competence and suitability assigned by functions or portfolios, the citizens strongly feel that it is a waste of business, talent, time and of taxpayers' money.

Mr. Deputy Speaker, Sir, as you are aware, there have been many conflicts over the years. Apart from 12 counties, in most counties, there is a problem between governors and their deputies as a result of not assigning proper duties to the deputy governors.

Additionally, the citizens strongly feel that there is fear that the money being paid to the deputy governors amounts to a waste of public funds. It increases the percentage of the wage bill against the national revenue yet the holders of these offices do not compound positively to the total labour productivity in the Executive.

The prayer of the petitioner is as follows-

(i) Amend Section 32(3) of the County Governments Act, 2012 by replacing the word "may" with "shall" so that the law obliges the 47 county governors to assign a portfolio of the County Executive Committee to the deputy governors. Amending this section will impact greatly on synergies and harmonious execution of public duties of both county governors and their deputies. In turn, it will demonstrate clear sharing of power.

(ii) Amending this very section and sub-section of the County Governments Act, 2012 would bring value for monies that are paid out of the Consolidated Fund for the 47 county deputy governors as salaries and remunerations.

(iii) Amending this Act would see 47 county governments cut down on the wage bill of the County Executive because the county governor would not have to appoint with approval of the county assembly and further allocate salaries and remunerations and other subsistence votes associated with an extra County Executive Committee Member.

(iv) Hear and consider the petition with a view of it having to be dealt pursuant to the respective laws, and further to be disposed-off appropriately and expeditiously.

The committee proceeded to consider the petition. Apparently, they called the petitioner on 17th April. The Executive Director of the Civil Heritage was called with the support documents and, therefore, having listened to him, it was agreed that this was a genuine case. Therefore, the Committee gave the report and made the following observations-

(1) The petitioner prays that the Senate amends Section 32(3) of the County Governments Act, 2012 by replacing the word "may" with "shall" so that the law obligates all 47 county governors to assign a County Executive Committee portfolio to their deputy governors.

The County Government Laws (Amendment) Bill, 2024 directly addresses the petitioner's concerns. The Bill proposes amendments to Section 32 of the County Governments Act (Cap.265) to provide that the deputy governor shall undertake the functions of an appointed position in the County Executive Committee as may be assigned by the Governor.

(2) The Committee observed that while assigning a portfolio to the deputy governor is a practice that works well in some counties, making such an assignment mandatory may present practical and accountability challenges, particularly where the deputy governor is required to act as governor under Article 179(5) of the Constitution. The Committee noted that such an assignment should remain a discretionary decision of the governor.

Based on the findings, the Committee recommends the following-

(1) THAT, owing to the fact that the office of the Deputy Governor is financed by public resources, it is imperative that there be a deliberate assignment of responsibilities to ensure optimal utilization of such resources. Therefore, the County Governments Act, Cap.265 be amended to impose a mandatory requirement on the governor to assign specific responsibilities to the deputy governor and to ensure that the office of the deputy governor is adequately facilitated to effectively deliver on those responsibilities; and

(2) THAT, the assignment of a portfolio to the deputy governor as a member of the county executive committee remains a discretionary decision of the governor, based on the unique operational dynamics of each county, as making such an assignment mandatory may present practical and accountability challenges, particularly where the deputy governor is required to act as governor under Article 179(5) of the Constitution.

The Committee takes this opportunity to commend the members of the Committee for their devotion and ask the Senate to adopt the report.

I beg to submit and request the hon. Senator from Elgeyo Marakwet to second.

I thank you.

Sen. Kisang: Thank you, Mr. Deputy Speaker, Sir. I rise to second the Motion.

This Motion is very timely. I remember in the last Parliament, there was a Member who attempted to bring a Bill to assign the deputy governors some roles under the law. However, I think that was overtaken by time. By the time the 12th Parliament lapsed, the Bill had not been discussed.

Therefore, I support this Motion as a result of the petition by Mr. Makokha. There are some bad manners by some governors where during campaign time, they look for very qualified and competent professionals as running mates just for the sake of votes. Immediately they are elected, the deputy governors are relegated to sit in a corner, read newspapers and yet they are highly paid.

This is also something important for the Deputy Speaker to note because I know of his interest to become a governor. When the great people of Meru elect you as a governor, it is important that your deputy is assigned roles so as to assist you. The reason why the law is very clear on why the deputy governor is assigned duties by the governor is to ensure the governor is assisted.

In fact, when we invite the governors to come to both our oversight and the departmental committees, you will only see the governor, CECMs and the county secretary. You will never see the deputy governors anywhere. They are only seen during the campaign period. After that, they are not seen anywhere completely. These are State Officers.

In the pecking order, deputy governors are at the same level with Members of Parliament (MPs). When being elected, the minimum requirement for a deputy governor is the same as for a governor and deputy president. They need to have a minimum of a

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degree. You may get a professional such as a lecturer or medical doctor like Sen. Khalwale here, but you just allow them to read newspapers and earn salary which is unfair.

Mr. Deputy Speaker, Sir, I support that the County Governments Act be amended by replacing the word “may” with “shall” so that deputy governors are assigned roles. They can be given roles of County Executive Committee Members (CECMs) or particular duties because that is a waste of professionals.

We commend some governors who have assigned their deputies CECMs roles. One of them was our colleague. During the 11th Parliament, we served with Hon. Arthur Odera who was then the MP for Teso North. He is now the Deputy Governor of Busia where we will be going next week. He has been assigned roles as a CECM. Basically, he is busy assisting the Governor. I do not know why other governors fear. Why do you get somebody who is competent then you fear to give them roles? What was the need of picking them in the first place? It is important that you respect professionalism and assign them roles.

I want to thank Sen. Abass for this bold move. I request that they come up with amendments quickly to enable us have the County Governments (Amendment) Bill, so that deputy governors are assigned roles in the next one year or so. During the next General Election of 2027, governors should select running mates knowing well that the law was changed compelling them to assign deputy governors roles. Your assistant is supposed to help you deliver. If you do not assign them roles, how would you deliver?

It is also good to warn some deputy governors. When they get elected, some behave as co-governors. During impeachment proceedings that have happened in this House, there have been cases where some governors have complained that their deputies behave as co-governors. They should know that they are principal assistants and, therefore, cannot insubordinate. If you insubordinate, the law is very clear that, you can be sent home early. I can see you smiling.

I do not want to say a lot, but I only request colleagues to support this Motion. We need to have the amendments brought in form of a Bill then we pass them, so that those seeking for the position of a governor respect their deputies and assign them roles to serve the people of Kenya instead of just reading newspapers and earning salaries.

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

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

(Question proposed)

I can see there are several Members who want to contribute to this Motion.

Sen. Kisang, since you mentioned the Chair, I would like to inform you that yours truly has come up with a Bill that I will move next week during the Senate Mashinani in Busia to give deputy governors some roles to play. As you said, it is true that I will be seeking for a higher position. However, I am here to legislate and help deputy governors. You can see how magnanimous I am.

Sen. Methu John, you have the Floor.

Sen. Methu: Mr. Deputy Speaker, Sir, I rise to support this report of the Committee on Devolution and Intergovernmental Relations. There is a time that we bashed the Committee because of giving us a report that we felt was half-baked on the matter of Nyamira. In this particular report, I think they have done a good job.

The way the architecture of our politics is, most deputy governors who get to office--- I am happy that you will be seeking for higher authority and I wish you well. Of course, you know that there is a shorter route for you getting to that seat than doing what you are currently doing. There is a way you can get there without necessarily having to do a lot of work. There is a way I can help you and you know it. However, since we are not there yet, you still have an opportunity to redeem yourself and become politically correct.

Our architecture is that you will see people competing even during party primaries. Before or after party primaries, people sit down and agree on what we call guided democracy so that they do not spend a lot of resources and effort. They come together and more often than not, agree to form a government. Once people form a government, most of the things they had agreed upon are not done.

In the case of the county that I come from, which is Nyandarua, there are five constituencies. For the three terms that we have had devolution, the Governor has always come from Ol Kalou while the Deputy Governor comes from Kinangop which is the most populous constituency. Ol Kalou is in the north while Kinangop is in the south. That is the same case in most counties, so that everybody feels that they are part and parcel of the administration of that particular county. More often than not, just as Sen. Kisang has correctly and aptly put it, since there are other lower offices than the position of deputy governor---

Mr. Deputy Speaker, Sir, I am happy that you are bringing a Bill to try and cure this particular problem. There are no specific roles assigned yet there are other people at lower pedestal than the deputy governor with specific roles. Functions follow power or power follows functions, whichever comes before the other. For example, the county secretary is the head of public service in every county government. They are also secretary to the county executive committees. Every time a county executive committee sits, the county secretary is the secretary of that particular decision-making organ in a county.

When it comes to CECMs, every CECM has their specific role. For example, the CECM for Agriculture oversees functions in agriculture, livestock, fisheries among other issues. The CECM for Finance also have their specific roles and it is the same case for the CECM for Roads.

I find it a bit ambiguous that they are taken to be principal assistants to the governors. "Principal assistant" is ambiguous. If you were to borrow from the national Government, I think before the Executive Order No.1 was signed, there are roles that the Deputy President of the Republic was assigned by the Constitution. For example, the Deputy President chairs the Intergovernmental Budget and Economic Council (IBEC). That is a specific role that has been assigned to that particular office and nobody else can undertake that particular role.

Besides being called a principal assistant to the principal, there is also another provision that they can be assigned roles by the governor or the President. In this case, if

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you are told that you will be assigned roles by the governor, what if he or she does not? More often than not, most governors feel threatened by their deputies.

Mr. Deputy Speaker, Sir, for that one reason, that I have just told you, if I were running against you and we just came together to win, I would run against you again. So, they want to ensure that the deputy governors are as powerless as they can possibly be, so that they do not challenge them in the next election.

I am seeing people who want to be governors here. There are people here whom I am talking to: Sen. (Dr.) Boni, Sen. Osotsi, yourself and Sen. Cherarkey. I hear Sen. Cherarkey has now declared that he wants to be governor. I did not know that was the reason he was really vicious against his current governor; it is a full cycle.

I hear that his Governor is running to be a Member of Parliament. I am sure he can even run for a Member of the County Assembly (MCA) in the next election and the cycle will go on. The point is that we must try and protect this office because it is a constitutional office. We must try and ensure that people do not just earn for nothing.

You have heard cases of deputy governors who cannot even access their offices. I know of many deputy governors who do not even use their official vehicles because they have been confiscated. Same to their offices.

By the way, do you know that the accounting officer of the office of the deputy governor is the chief of staff, who is an appointee of the governor? So, they can only process payments for this office of the deputy governor if they have the direct nod of the governor. I am told that in the case of Laikipia County, for example, and the Deputy Governor of Laikipia County is the chairman of all the deputy governors in the Republic. He does not even have a budget of his own. The budget is for the office of the governor. Therefore, it would be at the whim of the governor and the chief of staff to either fuel your car or not. If you are politically-correct, they can fuel. If you are politically-incorrect, it is not fueled. So, for us to cure this and to ensure that people do not earn salaries for doing nothing---

We have had many cases. I think it was in the case of West Pokot that the deputy governor almost served an entire term without ever setting foot in the county. I know of a deputy governor from Nyandarua County who stayed for like two years without ever stepping into the county because he was told by the governor, "I do not need you. When I need you, I will call you." Why is this person earning a salary? Why is this person being paid? Why does he have the members of staff? He has a personal assistant; he has many aides here and there. So why are they being paid if this person is not offering any services to that particular county? Therefore, I really commend the Committee on Devolution and Intergovernmental Relations for these very good recommendations they have made. It is imperative that there be a deliberate assignment of responsibility to ensure optimal utilisation of resources.

As I have said, the office of the deputy governor is funded by public money. They have a budget that has been provided for by taxpayers. So, if this office is being funded by taxpayers, then taxpayers must get utility out of this particular money that they are spending on this specific person. I am sure that is what you are proposing, that, we amend the County Governments Act, Cap. 265, to impose a mandatory requirement on the governor to assign a specific responsibility to the deputy governor.

In the first dispensation of Nyandarua County; that is 2013 to 2017, the first Deputy Governor of our county was called Hon. Waithaka Mwangi. The Governor was also called Hon. Waithaka Mwangi. They shared a name. The Deputy Governor was assigned the role of being the CECM for Lands, Settlement and Physical Planning. So, it is possible; if a governor wants, he could utilise the expertise of the deputy governor, because nobody has monopoly of knowledge. It cannot be that the governor is the brightest person in that particular county, so bright that he can undertake every function and cannot give even one function to their deputy's and yet they speak very well, very nicely of them.

I know the way you will be speaking to yours, Mr. Deputy Speaker, Sir. Even the people who are wooing you to join them will be telling you; "join me and we will share government 50-50." However, once you have been sworn in, once you put the Bible down, things start collapsing.

Mr. Deputy Speaker, Sir, I would also want to throw a word of caution. Just as it has also been recommended by the Senate Committee on Devolution and Intergovernmental Relations, that the assignment of a portfolio of the deputy governor as a Member of the County Executive Committee is at the discretion of the governor, because, after all, he is the appointing authority, you may find a cantankerous person and you create another problem. You must have a requirement in law. If you put it as a requirement in law that they must be CECMs, we might cure one problem and create another. I do not want to use the words that were used in this House by Sen. Thang'wa, that we may be curing diarrhea by sealing the exit. I think that would not be very helpful.

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

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

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I rise on a point of law and procedure. Looking at the Petition, I tend to believe that our distinguished Committee might have misused our resources because the intention of the petition is already provided in law.

I want to invite you to Section 32 of the County Governments Act No.17 of 2012, where it talks about the functions and the powers of the deputy governor.

It says-

"Functions of the deputy governor-

(1) The deputy governor shall take and subscribe to the oath or affirmation as set out in the First Schedule to this Act before assuming office

(2) The deputy governor shall deputise for the governor in the execution of the governor's functions.

(3) The governor may assign the deputy governor any other responsibility or portfolio as a member of the county executive committee.

(4) When acting in office as contemplated in Article 179(5) of the Constitution, the deputy governor shall not exercise any powers of the governor, to nominate, appoint or dismiss, that are assigned to the governor under the Constitution or other written law.

(5) The governor shall not delegate to the deputy governor any of the functions referred to in subsection (4)."

Mr. Deputy Speaker, Sir, my concern is; such a petition has come and we are raising these issues and assuming that there is a policy or legal lacuna. However, what we are canvassing is already provided for in law. I really need your ruling, because if we are saying, let the governor--- the law is already there in Section 32(3) of the County Governments Act. It is already provided that the governor may assign. So, what are we doing?

Mr. Deputy Speaker, this is superfluous and, therefore, a pregnant and unconscientious point that---

The Deputy Speaker (Sen. Kathuri): There is a point of information from the Committee Chair.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, let me canvas my point, so that I do not lose the trail of thought.

The Deputy Speaker (Sen. Kathuri): Your point is taken.

Sen. Cherarkey: No, no, Mr. Deputy Speaker, Sir, I am coming home. I am coming home, kindly.

No, you do not know whether I am home or not. Let me conclude.

The intention of any statement or any petition or motion---

The Deputy Speaker (Sen. Kathuri): What is your point of order because, it is still unclear?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I rise on point of law and point of procedure, and of course, point of order under Standing Order No.135 on the accuracy or the information or even the contents of speech.

My concern is on what we are intending to achieve yet Section 32(3) has provided for it. Are we saying, as a House, that we will force governors, who include "Governor" Sen. (Dr. Boni Khalwale, "Governor" Sen. Osotsi and myself to assign? I need your ruling because this is a very serious point of law. I am also aware that you have a----

The Deputy Speaker (Sen. Kathuri): There is a point of information from the Committee Chair.

Sen. Cherarkey: Could I get informed and then I conclude?

The Deputy Speaker (Sen. Kathuri): No, no. You have now concluded.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, then let me finish.

I am aware that you have also a legislative proposal on how deputy governors should be appointed. So, what do we intend to achieve? That is my only concern on point of law and procedure.

Sen. Abass: Mr. Deputy Speaker, Sir, I want to inform the Member that the clause he is talking about is there. However, it uses the word "may" which means it is at the discretion of the governor. What we are saying now is that we should use the word "shall," to compel the governor to assign the deputy governor a responsibility.

As it is now, it is at his own discretion. The law does not force the governor to assign any responsibility and what you have seen is actually what has been happening in other counties.

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

The Committee recommendations are crystal clear. Their recommendations are very open, independent and what they want to achieve is what the petition requested the Committee to do. So, I am suspending this matter of law and procedure you are raising.

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I am also doubting something in your law school. The recommendations from the Committee are very clear. You must read the report. Sen. Methu was doing so well until you interrupted him. You must read the report before I give you a chance to contribute. Unless I am convinced, read the recommendations of the Committee. Why are you raising a matter that you know they are trying to delete, “may” and put “shall”? You are out of order, Sen. Cherarkey.

Sen. Methu, proceed and conclude.

Sen. Methu: I am not at the point of conclusion, Mr. Deputy Speaker, Sir. I still have time. Before then, may I also inform the House that I am now a first-year student of law at the University of Nairobi. Therefore, I have so much to learn from my seniors, especially Sen. Cherarkey. That is why I am a bit surprised that he has not been able to read the salient issues that have been raised in this petition.

The petition has quoted the law that you have read. He has said that even though there is that provision, very few governors have exercised that particular authority. I might find myself as a pupil in his law firm, so I want to tread very carefully.

Mr. Deputy Speaker, Sir, I fully agree with the recommendation of the Committee that we cannot force governors to assign specifically portfolios as the County Executive Committee Members (CECMs). Therefore, I look forward to the Bill that you will be proposing, so that we get to understand which are the---

If we were to borrow from the national Government architecture, it would have expressly recommended that the Deputy President be given a specific Ministry. However, in the wisdom of those who authored our Constitution, they gave him specific mandate of the Intergovernmental Budget and Economic Council (IBEC). Most of the Government agenda, including budgetary provision and the way we divide our resources, whether in the national or county governments, are discussed at the IBEC.

This is, therefore, an extremely salient role that has been assigned to that office. I forward to that proposal that you will be making. I do not know what you will be proposing in that Bill because I cannot read your mind. However, there is one Government organization that was construed to be a department within the departments provided for in the county governments; the Department of Devolution. You will find a CECM for Devolution and Public Service. Maybe as you craft that law, you may loop in deputy governors to play a role in the function of devolution and public administration in the counties. This will ensure that we do not force governors to work with deputy governors.

Sen. Cherarkey has asked what the petitioner was looking for when he raised this petition. What the petitioner has raised is that the deputy governor is funded by taxpayers. If there is no role that he is undertaking, if there is no utility that the public is getting from the services of that deputy governor, why is he or she in office?

Mr. Deputy Speaker, Sir, I support this report. When the Chairperson was not here, I said that I was not happy with the report they brought last time. I am now very happy. I have seen that the Committee on Devolution and Intergovernmental Relations works best under extreme pressure. If we exert extreme pressure on this Committee, it can continue serving this House very well. I wish you well.

Thank you very much.

The Deputy Speaker (Sen. Kathuri): Yes, Sen. Boni.

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Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I am surprised that on a matter of procedure, it looks like you want to gag the Senator for Nandi County. During this debate, we should subject the recommendations of the Committee to debate. The assumption is that there is a void. The Constitution of Kenya already has assigned functions to the governor, the deputy governor and the rest of the CECMs.

Mr. Deputy Speaker, Sir, with your permission, Article 179 of the Constitution of Kenya, 2010 says that the executive authority of the county is vested in and exercised by a county executive committee. They then define the membership of the county executive committee. It then goes further and says the county governor and the deputy governor are the chief executive and deputy chief executive of the county, respectively. Therefore, if the deputy governor is the principal assistant of the governor, this Constitution--- I remember I was on that seat there when this argument took place in 2012. The County Governments Bill at that time was being moved by Hon. Musalia Mudavadi, who was then in charge of local government. Since you are working on this Bill, I encourage you to go and read the HANSARD and all the contributions that we made. The argument was that---

(Sen. Wakili Sigei consulted the Deputy Speaker)

Yes, consult me because you are going to guide us, as a House.

The Deputy Speaker (Sen. Kathuri): Proceed with your argument.

Sen. (Dr.) Khalwale: No, I was requesting that you listen to me.

The Deputy Speaker (Sen. Kathuri): One ear is on your side and the other one was with Sen. Wakili Sigei.

Sen. (Dr.) Khalwale: I hear you. I was fearing that you are leaving me to the mercy of a third-year student of law called---

The Deputy Speaker (Sen. Kathuri): First year.

Sen. (Dr.) Khalwale: First year? That makes it worse.

(Laughter)

Mr. Deputy Speaker, Sir, we really have to interrogate. Nothing has been taken away. The purpose of not making it, "shall" in the Act was deliberate, so that the governor can exercise his prerogative---

The Deputy Speaker (Sen. Kathuri): Sen. Boni Khalwale, when you get your chance to debate, you will argue on those basis. Those are your arguments. I must not agree with the arguments. Sen. Methu must not agree with your arguments. During debate, you will have your 20 minutes to hammer those points. Therefore, let us make progress.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, before you rule me out, the Chair has been invited by the Senator---

The Deputy Speaker (Sen. Kathuri): I cannot give you time to debate when you do not have the opportunity. It is not yet your time.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, with maximum respect and you know how much I respect procedure, the Senator for Nandi County is on record in this

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House having invited the Chair to make a decision on this matter. Therefore, if you do not wish to make the decision now, you can make the decision later because the matter is weighty.

The Deputy Speaker (Sen. Kathuri): Sen. Boni Khalwale, resume your seat, please.

Sen. (Dr.) Khalwale: I am obliged.

The Deputy Speaker (Sen. Kathuri): Sen. Ososti Godfrey, it is your time to make your contribution.

Sen. Osotsi: Thank you, Mr. Deputy Speaker, Sir. The matter before us on the role of deputy governors and the assignment of roles by portfolio by the governor is very important. I thank the Committee for the step they have taken to go through the petition and bring this report to the House for consideration.

The issue of deputy governors in our counties is very serious. In some counties, it is even a very divisive issue. I know, for example, a county like Trans Nzoia County where the deputy governor has been stopped from performing her duties as a deputy governor. So, it is a matter that requires intervention and careful thinking by this House. We have deputy governors in some counties who have no offices. Remember in your county we had that problem. We have deputy governors who have no fuel for their vehicles.

(Sen. Abass, Sen. (Dr.) Khalwale and Sen. Cherarkey stood on the aisle and consulted)

The Deputy Speaker (Sen. Kathuri): Order, Chairperson of the Committee on Devolution and Intergovernmental Relations, Sen. (Dr.) Boni Khalwale and Sen. Cherarkey Samson---

Sen. Osotsi: They do not even have vehicles in the first place. They have been denied vehicles and fuel. They are just there; just to earn a salary. They have no allowances yet in law, they are supposed to be a substantive principal assistant to the governor.

I get the argument by Sen. (Dr.) Khalwale and Sen. Cherarkey. However, in the Constitution, if you read Article 179, it does not talk about assignment of portfolios. It talks about the deputy governor being the deputy chief executive of the county. The County Governments Act has gone further to define that the governor may assign portfolios to the deputy governor.

So, what the petitioner is seeking is that instead of saying, “may assign”, we need to change the law, so that it says, “shall assign”, so that our governors are compelled to give substantive duties to deputy governors. That will help a lot in resolving some of the problems that we have in our counties where deputy governors are basically flower girls and in some cases are even enemies of the governor. Therefore, this is a matter that this House must thoroughly look through and make the necessary adjustment to the law.

As we seek to do that, however, we must also protect the office of the governor. You have a scenario where some deputy governors are, because of that constitutional requirement, where you are supposed to be having a running mate, you pick someone to be your deputy governor and then as soon as he comes in, he realises that he can actually

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become a governor when we have a vacancy in that office. So, they start undermining the governor. Sometimes he or she is used by your competitors to undermine you. What happens? They instantly become enemies.

Therefore, we need to really look at this relationship between the principal and the deputy. How does it work? I know this system was borrowed from the United States of America (USA). We must acknowledge that we have a problem with that pairing. Even at the level of presidency, we have a problem.

We had a problem between the first President who was elected under this new Constitution and the Deputy. Recently, we also had a problem between the President and his Deputy. That is why he was impeached in this House. Even now as we are speaking, the Deputy President of this country seems not to be having substantive powers to the extent that we now see him running around doing what we call an empowerment programmes across the country. It seems that he has been delegated a job that does not exist in the Constitution to make him waste time, to make him focus on things that have no value to this country.

The Deputy Speaker (Sen. Kathuri): Sen. Osotsi, you know while chairing this session, I cannot give you that leeway to discuss the Office of the Deputy President.

Sen. Osotsi: I am debating.

The Deputy Speaker (Sen. Kathuri): Familiarise yourself with, Standing Order, is it 121?

(An hon. Senator spoke off record)

Yes, Standing Order No.101 because--- No, let me first caution him that he is really trending on the wrong trajectory. Under Standing Order No.101, we must bring a substantive Motion to discuss the Deputy President.

So, you can proceed, but I have given you that question.

Sen. Osotsi: Mr. Deputy Speaker, Sir, I get your point.

The Deputy Speaker (Sen. Kathuri): You are doing so well on the deputy governor, just stick to that lane. You are doing so well.

Sen. Osotsi: Well, Mr. Deputy Speaker, Sir. I was just trying to demonstrate the point that this pairing of the principal and his deputy, even at the level of the presidency and the governor, seems to be a challenge to this country. We must address it. As we are seeking to address the problem of governor and deputy governor, we also have a problem up there and a solution has to be found. However, even as this House discusses the issue of the role of deputy governors, we must also move with speed to have a substantive law on impeachment. This is so that even as governors give substantive duties to their deputies, they sit in office comfortably, that they will not be easily impeached.

The Committee should, as a matter of urgency, also come up with the Impeachment Procedure Law, which will tighten the process of impeachment, so that governors sit comfortably in their offices and they do not fear. The problem we are reading in this petition is basically fear. That governors fear that they can easily be replaced, either through impeachment or through any other means by their deputy governors. Therefore, they look at them as enemies.

For us to have a balanced approach to this matter, I suggest that as we look at amending the County Governments Act to provide for the amendment on Section 32(3), so that it is mandatory for governors to assign substantive duties to their deputies, likewise, we must ensure there is a substantive law to make governors comfortable in their offices and tighten the process of impeaching governors in this country. Otherwise, this is a very progressive law. I want to support and request that we should all support this, so that we have stability in our counties, so that governors can feel safe, and also deputy governors can perform their role.

I support.

The Deputy Speaker (Sen. Kathuri): What we are seeing is that the impeachment procedures or what should happen is that once a governor is impeached, both of them leave the office. That will not motivate deputy governors not to respect their bosses, their governors.

Next is Sen. Cherarkey Samson or you did your bit on the point of order? Do you need more time?

Sen. Cherarkey: Yes, I want to transform this Floor into a classroom by advancing my argument on various aspects starting from what is discretionary law. I wish Sen. Methu, who is a first-year law student, would be here, so that as I give cogent points of law and procedure; he can be up-to-date with what we mean by discretionary power. The origin of discretionary power or discretionary law is to give alternatives; to give options. Let me use the judicial authority. Judges and judicial officers use discretionary power in case by case, because of multiple choices, the issue of reason, the issue of rationale. If you remove discretionary power, you threaten in making that thing to be rigid. That is why I was arguing that when you look at Section 62(3), the courts have given the governor discretionary power based on the choices. I agree with Sen. (Dr.) Boni Khalwale. It is good we have institutional memory.

The reading of Article 179(5) of the Constitution says-

“When the county governor is absent, the deputy county governor shall act as the county governor.”

Article 179(7) says-

“If a vacancy arises in the office of the county governor, the members of the county executive committee appointed under Clause (2)(b) cease to hold office.”

The drafters of the County Governments Act were well aware of provisions of Article 179. That is why they gave those discretionary powers to the governor.

Mr. Deputy Speaker, Sir, we wish you well as you run to be governor of the great people of Meru County. However, we are walking on a dangerous path by curtailing your discretionary powers. There is a principle behind it, so that you use your reason, judgment and alternative to exercise discretionary powers. That is why the Power of Mercy provided by the Constitution is one of the discretionary powers that is exercised by the President.

It is important that Kenyans know that the provision of Article 179 envisage a situation where a governor dies, resigns or becomes incapacitated, and the deputy governor takes over as the governor. The County Executive Committee Members cease to hold office. That is why they use “may” not “shall”, because the origin of discretionary powers is to exercise.

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Articles 179 all the way to Article 181 talk about the office of the governor. The deputy governors should not be flower girls or page boys. They should be assigned responsibilities. That should be the case even for the Deputy President.

History is a good teacher. You remember that executive order was issued by the President to give powers to the Deputy President's office, including the Intergovernmental Budget and Economic Council (IBEC) and chairing of sub-committees of the Cabinet. So, the discretionary powers for a wise governor mean, they can issue a gazette notice assigning responsibilities and portfolio. In fact, we are being myopic in our thinking. Do you know why? We want to curtail the power of a governor because discretionally, the governor can assign many more responsibilities than those of a County Executive Committee Member (CECM). If today the governor is traveling outside the country for medical treatment or any assignment, they appoint the deputy governor, who has to assume the entire running of the county.

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

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

Mr. Temporary Speaker, Sir, if we curtail this to be a CECM of Finance and Public Planning yet this is the constitutional law--- I am happy the Chair is now seated properly. So, we must implicate and be fair, because the moment the Governor of Bomet County is not in office, Deputy Governor Rotich assumes the entire running of the county government. So, when you curtail---

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

The Temporary Speaker (Sen. Wakili Sigei): Sen. Boni Khalwale, what is your point of order?

Sen. Cherarkey: Sen. Boni Khalwale, is the incoming governor of Kakamega County.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, take your seat.

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

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, did you hear him say after you came, that the Chair had now sat properly? Is he in order to impute improper motive that the Deputy Speaker was improperly seated? Can he substantiate?

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, would you substantiate what you meant by that statement? I do not want to speak for you, but I understood what you meant. However, kindly, substantiate.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, there was change of the seat. I saw how uncomfortably you were moving, trying to sit. So, when I was driving my point home, you had now sat properly and focused on me. So, I do not know what Sen. (Dr.) Khalwale is imagining. In fact, in my entire life, I have never attempted to impute any improper motive on any Member of the Speaker's Panel, including yourself. You know, I have tremendous respect. In my culture, respect is equated to a cow. We come from the same culture.

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The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, proceed to contribute.

Sen. Cherarkey: That is why they say, “*Konyiit ko ten tany ak muren*”. That is respectful.

(Sen. Methu walked into the Chamber)

Mr. Temporary Speaker, Sir, I am happy Sen. Methu has walked back. He has missed very heavy legal points.

Sen. Methu: I was following.

Sen. Cherarkey: Thank you. So, let me move to point number four. I was making the point that we are trying to curtail the work of--- By the way, I have tremendous respect for deputy governors. When I was a Member of the Senate Standing Committee on Devolution and Intergovernmental Relations, they appeared before us. Even my deputy governor appears more like a flower girl. My governor does not even respect the deputy governor. In the succession matrix of the gubernatorial seat of Nandi County, the deputy governor is running for governor, but the governor has never endorsed Dr. Yulita because of that fear. I know the frustrations of deputy governors. I know when Sen. Methu speaks, he does so from experience.

I know of deputy governors who do not have cars and fuel. Even the Deputy Governor of Kericho County, Eng. Fred Kirui, who was the whistleblower in the fictitious payment of Kshs85 million, said on record that he does not have a car, bodyguards, driver and fuel. The car was taken away.

Siaya County is the worst case. When the Deputy Governor, CPA William Oduor, was brought here for impeachment, we did not impeach him. However, are you aware that up to today, almost one year later, he cannot access his office, yet the Governor of Siaya County purports to be the paragon of democracy and rule of law? So, what do you do in such a situation? He said on record, and he has written to this House and the Senate Standing Committee on Devolution and Intergovernmental Relations, that when he tried to access his office in Siaya Town, men in black descended on him and his vehicles. It was like bees. *Yaani nyuki* were on him. That is why we are saying we understand the frustrations of deputy governors. William Oduor cannot access his office, not because of any mistake, but because of political differences between him and Gov. James Orengo. We agree with their frustration.

At least, your governor and his deputy from my observation, look like they are working very well. However, from your body language, it looks like things have gone Mulot. They have gone south.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, you cannot purport to interpret the body language of the Chair, as to whether or not Governor Barchok and his deputy are working together. That cannot be read from the body language of the Chair. However, I allow you to pass and proceed.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. I know you well. You have represented me before in court, so I know how you behave when you agree or not. Sign language is recognised in the Constitution.

Mr. Temporary Speaker, Sir, the Deputy Governor of Trans-Nzoia County, Philomena Kapkory, brought an issue of frustration in running of Trans-Nzoia County, where she had been attacked publicly by people close to the governor. She had been denied access to the office. She could not access her office, the vehicles and the support.

As Sen. Methu has said, the sad reality is that the accounting officer of a deputy governor is the chief of staff of the governor. Madam Kapkory almost cried before the committee because she was being frustrated and humiliated. She is a woman, yet I did not see women coming out to demonstrate against that. I hope the new Senator, Sen. Wakwabubi, will be the first to protest. You cannot be saying *tawe tawe* everywhere and you are *tawering* your people and cannot work with your deputy governor. How do you want to lead a nation when you cannot even work with your deputy governor?

Mr. Temporary Speaker, Sir, that is why governors like Governor Ntembeya must be called to order. Remember the Deputy Governor of Kisii, Hon. Monda, was impeached by the County Assembly because of political differences with Governor Simba Arati. We confirmed the impeachment and the former colleague of Sen. (Dr.) Khalwale is now home. He is now taking care of tea leaves and other things.

I know Eng. John Barorot, the Deputy Governor of Uasin Gishu who was also a friend of Sen. Methu resigned because of the frustration from the Governor of Uasin Gishu, Hon. Chelilim. He said that on record. We, therefore, understand where deputy governors come from, but we should not entrench and infringe.

I do not know whether you are aware that Sen. Methu is in the first year of law school at the University of Nairobi. He is in his first semester. I am now giving him free lecture lessons here courtesy of you. When he reaches the level of learning the law of discretion, he should either approach you or me, so that we can show him the rationale of discretionary power that is envisaged in Section 32 of the County Governments Act.

That is why there is power of mercy. That is also why I agree with President William Ruto when he issued Executive Order No.1 in 2022 to give power to former impeached deputy presidents. When Prof. Kithure Kindiki--- I know Sen. Methu does not like Prof. Kithure Kindiki, but he is the current Deputy President. I know he will learn that.

(Sen. Korir spoke off record)

Sen. Joyce is telling me that he does not love him in public, but he loves him in private. So, I do not know how such a love operates.

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

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, there is a point of order from Sen. Methu.

Sen. Methu: Mr. Temporary Speaker, Sir, I would have left it slip the way Sen. Cherarkey was going, but he has made a very damaging comment that I do not love a man in public, but I love a man in private. May he expound what he actually means when he says I love the man he is speaking about? I cannot remember the name he talked about.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Methu, you have made your point. You are out of order. If you recall, Sen. Cherarkey was paraphrasing a statement

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made by Sen. Joyce who is not on the Chair. He just referred to a statement who was not speaking.

Sen. Methu: He has made it on record, it is on HANSARD.

The Temporary Speaker (Sen. Wakili Sigei): He paraphrased it. That is not his statement.

Sen. Cherarkey, proceed.

Sen. Cherarkey: Mr. Speaker, Sir, I will substitute, so that he becomes comfortable. He has a liking for the Deputy President, Prof. Kithure Kindiki---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, I have ruled Sen. Methu out of order, so, please, conclude.

Sen. Cherarkey: I however understand where Methu comes from with the current issues of forex---

The Temporary Speaker (Sen. Wakili Sigei): Order, Sen. Cherarkey.

(Several Senators spoke off record)

Sen. Cherarkey: Mr. Temporary Speaker, Sir, can I be protected? Sen. Joyce is aware. She is not in Mulot.

The Temporary Speaker (Sen. Wakili Sigei): Be serious in what you are doing. Order, Sen. Joyce and Sen. Methu.

(Sen. Korir spoke off record)

Order, Sen. Joyce, I will throw you out.

Proceed, Sen. Cherarkey.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, that was on a light note for our debates to get a human touch.

I would like to advise the Deputy Speaker, Sen. Kathuri, because these are administrative proposals. For some of us who aspire to be county chiefs or governors, this discretionary power allows you to run your county efficiently. That is why Sen. (Dr.) Khalwale and I are worried on the wisdom as to why discretionary power was given to governors. This is so that they have more latitude on running the affairs of their counties.

On this one, we should legislate on other more important things. Let us allow discretionary to exist. For example, the power of mercy has been given to the President. President Ruto has issued executive orders for deputy presidents. Right now, Prof. Kithure Kindiki chairs the Intergovernmental Budget and Economic Council (IBEC), the one for caucus, tea and coffee reforms and the Cabinet. There are sub-committees for the Cabinet he chairs and principal secretaries' caucuses. He is re-assigned. Why would a deputy governor want to be a CECM? If the governor wants to assign you to do something else, why not give the governor that freedom? I would like to encourage our governors and our nation that we should have in-built solutions. The problem we have in this country is over-legislation.

I saw Donald Trump today or yesterday, addressing the largest military generals of the United States of America (USA) in Virginia. He gave a profound statement that it

is not the business of USA to protect the borders of Somalia and Kenya. He said that their business is to look inward, making America great again.

What I learnt from his speech when he was addressing generals from all over the world was to encourage Africans to look inwards. As we speak here, the American Government is shut down and yet, most of us depend on Non-Governmental Organizations (NGOs) like the Global Fund and the United States Agency for International Development (USAID). The solution is to look inwards. As we do other things and run our affairs internationally or locally, we should ensure that we find solutions. Solutions are not over-legislating or over-representing.

I would like to tell the deputy governors that we feel them. I would like to borrow the wisdom of my senior brother, (Dr.) Khalwale, a man of tremendous respect, a bull fighter, a man with many children and wives that this is more of an interpersonal relationship. As a deputy governor, you need to respect the governor. You are not a co-governor. A deputy president is not a co-president. Know your position as a principal assistant to the governor. I agree with Sen. (Dr.) Khalwale that these things are more about interpersonal skills.

Mr. Temporary Speaker, Sir, I know deputy governors feel they should be assigned responsibilities. I know most of them are tired of reading newspapers in the office and just sitting idle, but they should know the wisdom of the drafters of our Constitution and its promulgation in 2010.

I also appeal to the governors of Kericho, Trans Nzoia, Kisii, Siaya, Uasin Gishu and other counties who have a problem with their deputy governors to make sure that they work closely with their deputies. At the end of the day, they are the leaders of those counties.

With those remarks, I beg to oppose. Sen. Methu, the class is over.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Maureen Tabitha Mutinda.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Speaker, Sir. You are the only Speaker who calls my good three Identity Card (ID) names and I appreciate that.

First of all, I appreciate this Committee on Delegated Legislation for a job that is within their mandate and what they have come up with. However, before I proceed further and from where I sit and from the recommendations that the committee has made, I am not satisfied. From the level of a deputy governor, more was expected in this report. What they have summarised is an English word of “may” to “shall”. Nothing further than that. The report does not go deeper to state that when they seek that Section 32 moves from “the governor may assign the deputy” to “the governor shall assign the deputy”, it should be specific. What do you want to assign a deputy governor? Do you want to assign him or her to be in charge of the drivers? Just a question. What is that specific role that the deputy governors should be able to do? It should have been captured and tabled.

Mr. Temporary Speaker, Sir, when we are on the campaign trail, both the governor candidates and the deputy governor candidate are one. They move together selling ideologies and their manifesto; talking to the people and telling them what they shall deliver as a team. It is not a one man's or one woman's responsibility alone. That is why even when they are submitting their documents to the Independent Electoral and Boundaries Commission (IEBC), they submit as a team. The ballot paper is written the name of the governor and the deputy combined. That is one party ticket so that when we

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are voting, we are voting for them as one. How is it now when it comes to responsibility, it is a matter of “may”.

At the same time, does it not really go deeper and make us ask ourselves as leaders- is the work of a deputy governor to wait, God forbid, for either death or even impeachment to occur for them to actually do their roles and their functions and their mandates? We have seen after impeachment is when a deputy governor takes over. Look at the case of Meru County and the issue of the former deputy governor of Kisii County, Hon. Monda, when the impeachment went through. Another person was appointed to replace him. That is it. On the campaign trail, they are together, but when it comes to deliverables, it is not.

I expected the Committee led by the Chairperson, none other than Sen. Abbas, having had a feel and the concerns that also we have been able to raise because we have seen differences with governors and their deputies--- If this is the solution in terms of deputy governors to have roles, then these roles need to be specific and stipulated. The law should state clearly the specific roles of the deputy governors. Of course, the law will be clear in the event a governor is impeached or in the event they are no more, then the deputy takes over.

Should deputy governors, for Christ's sake, have to wait for them to perform their duties to their people? These people also have future political ambitions. When you go back to the ground, people ask you, “where were you? We did not even know that you actually existed.”

Look at our great County of Nairobi City. Mr. Temporary Speaker, Sir, do you know the deputy governor of Nairobi? I am sure then you will start Googling and asking, who is this guy? This is because most of them are not even visible or even out there and that is not the only one. When deputy governors raise concerns of accountability; when governors are undergoing impeachment, they use the narrative of accusing their deputy governors to be the ones gas lighting and spearheading their impeachments. Why? Because of the issue of accountability and transparency.

There needs to be a specific mandate for deputy governors in this country. You find that out of their political differences, someone does not even sometimes go to the office. They are comfortably seated wherever they are, and at the end of the month, cash their cheque. Is it the reason that they were elected? Honestly speaking, that is not the case. It is until these roles are specified.

Let us call a spade a spade. Of the 47 deputy governors, maybe a smaller percentage is the one that has been assigned specific roles. This is sometimes because probably this deputy governor has this type of profession, maybe a medical doctor or teacher. The governor has assigned them roles as far as those professions in one way or the other is concerned.

The Committee has recommended just the simple issue of removing the word “may” and putting “shall”. Then where do we leave the deputy governors, for Christ's sake?

Section 32 currently says the governor may assign the deputy governor roles. So when we put the word “shall”, it will say the governor shall assign the deputy governor roles, but what are these roles? Is he going to be the head of catering yet these people went to the ground with a clear strategy, manifesto and ideologies for their people for

them to be elected? When that happens, that is it. The County Executive Committee Members (CEMCs) are even more powerful than the deputy governors.

I urge the Committee on Delegated Legislation to go back and do a better job and stipulate these specific roles because it is not clearly indicated. A position, as I said, for deputy means you are just there hanging, waiting for your boss. That is now your boss yet when you were on the ballot, you were chosen because you had specific qualifications and qualities that made you qualify for that governor candidate to bring you in as their deputy. One, of course, you are a graduate. Secondly, because you been able to showcase your leadership potential. Thirdly, because you are able to align with the governor and his manifesto. You agree with it. You agree that these are our deliverables.

If this is not specified for the deputy governors, we will still continue to have issues that they will keep raising. I think when I was listening to Sen. Cherarkey, he mentioned about the Deputy Governor for Siaya who went through the impeachment process. I remember I was in that committee. He went back to office, but politically, the working relations are not good. Of course, politics is not a relationship. It is how you package your own concepts that you should deliver to the people.

What the committee has put down is not enough. More needs to be done for our deputy governors to deliver, so that devolution is strengthened.

We do not even know most of the deputy governors as I had given an example of Nairobi City County. For you to be able to even know a deputy governor of a certain county, you have to Google, but the governors are out here.

There are very few governors by the way, who are finishing their two-term. A very small percentage of deputy governors will be able to rise to go and vie for that seat because a bigger percentage has been highly disempowered. We have seen very few deputy governors having the confidence to carry on. One, because of the frustrations they have gone through. It is very frustrating. Some of them are not even going to their workplaces.

In the period between 2017 and 2022, the former Deputy Governor of Nairobi City County, Hon. Igathe, resigned. He said, "I cannot stand this. I came in with a lot of vigour and energy. I want to work. I spoke and communicated my agenda to the people. I told them what I shall do." What happened in return? Eventually, that was overturned, but he was strong enough to boldly say, "You know what, I am not going to earn a salary that I am not working for." He resigned.

When he vied in 2022, the first question he was asked was, "if you were not able to sustain and be in that county because of the pressure that you talked about, will you manage it now?" That was the first question from the public. It is an indication that it is what most deputy governors are going through today in this country yet all is always rosy during campaign.

Some of them have even wasted their career opportunities because they had to resign to join the train just to eventually sit there like a zombie. They are not able to put out what they are capable of doing. Unfortunately, when the governor blunders and makes his own mistakes, the deputy governors get attached to his failures when they want to vie for a position. They are attached to the incompetence. A deputy governor carries the burden 100 per cent when a governor is unable to deliver. It is a high time that the Committee on Delegated Legislation does a better job by specifying the roles of the

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deputy governors in this country. We have competent deputy governors who can progressively work well. If we do that, we will continue to achieve the goals that we set for devolution to work.

How can we have two heads in an institution yet it still has a lot of issues? This needs to change and it is us to effect the change. We are the ones who are supposed to help county governments. We should stand with the deputy governors by ensuring that their roles are specified.

With those few and many remarks, I do not support this report.

Sen. Munyi Mundigi: Asante, Bw. Spika wa Muda, kwa kunipa nafasi ili nichangie mjadala kuhusu gatuji na mambo ya mamlaka.

Katika ulimwengu mzima, lazima kuwe na mtu mdogo na mtu mkubwa. Katika serikali ya ugatuji, tuko na *chief executive committee members, chief officers* na *directors*. Kila kitu kina mpangilio ilhali tunakuwa na matatizo wakati mwananchi anafaa kufaidika kutokana na ugatuji.

Mara nyingi, tuko na watu ambao wamepewa mamlaka kama gavana na naibu wa gavana. Hizi tashwishi ambazo tunaongelea hazihusu naibu wa gavana peke yao. Tuko pia na walimu wakuu na manaibu wao. Cha muhimu ni kwamba tuwe na sheria ambayo itapea manaibu wote mamlaka. Sio lazima mamlaka yao yafanane.

Hapa nchini, kila mtu amepewa kiwango fulani. Tumeona vita nyingi kati ya wakubwa na manaibu wao. Hao huwa wanapigana kwa sababu hakuna sheria. Nitawapa mfano wa Rais wa Kenya. Rais wetu asipokuwa, Kaimu wake huwa na mamlaka ingawaje haitoshani na ile ya Rais. Yeye huwa na mamlaka ya kufanya mambo mengi.

Katika ugatuji, magavana huwa wanachaguliwa. Kabla ya hiyo, hao hutambulisha yule mtu ambaye atakuwa naibu wake. Anaweza kuwa mwanaume au mwanamke. Wanapoingia ofisini, unapata ya kwamba yule naibu wake hana mamlaka yoyote. Haya ni mambo ambayo yanafa kuangaliwa.

Tumeona hili jambo likitendeka hata kwenye familia. Katika familia, kuna mume na mke na huwa wanafanya kazi vizuri na heshima kwa sababu kila mtu anajua mamlaka yake. Tunajua ya kwamba Yesu alikuwa amesimamia kila kitu na wafuasi wake kama Petro na Paulo hawakuwa wanatoshana.

Tunapoangalia mambo ya ugatuji, tunapata ya kwamba magavana wananyanyasa manaibu wao. Hii pia inatendeka katika shule ambapo walimu wakuu wanwaanyanyasa manaibu wao. Kwa hivyo, hii shida haiko katika gatuji peke yake. Lazima watu wapewe vyeo vya kusaidia na isiwe ya kwamba manaibu wanadharauliwa na wakubwa wao wanapotoka.

Wakati magavana wanatafuta kura, wengine wao huwa hawana pesa ya kutosha. Wasaidiwa na manaibu wao ambao wako na pesa na elimu ya kutosha. Kwa hivyo, mimi kama Seneta wa Kaunti ya Embu, ninasema ya kwamba tubadilishe sheria ndiposa manaibu gavana waweze kufaidika.

Huyo naibu wa gavana anaweza kupewa kazi ya waziri kama ile ya kilimo au vijana. Kama gavana yuko na CECM 10, mmoja wao lazima awe naibu wake. Hii itamuwezesha kutoa ripoti ya kazi ambayo amefanya wakati CECMs wanakutana.

Ninaunga hii Hoja mkono kwa sababu kuna manaibu gavana ambao wamedharauliwa ilhali walitumia pesa zao wakati wa kutafuta kura. Hao manaibu gavana hawawezi acha hizo viti kisha baadaye warudi kutafuta kura ya kuwa magavana. Hii ni

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kwa sababu huenda gavana alifanya kazi mbaya lakini naibu gavana ataambiwa na wananchi ya kwamba walikuwa pamoja. Kwa hivyo, ni vizuri manaibu gavana wapewe mamlaka.

Hapo kitambo, tulikuwa na Naibu Gavana Kaunti ya Embu aliyekuwa anaitwa Hon. Nditi. Huyu Naibu Gavana alikaliwa na hakuwa na chochote. Baada ya miaka tano, alitemwa kisha Gavana akaleta Hon. (Dr.) Kariuki. Baadaye, Hon. (Dr.) Kariuki alipokuwa akitoka kulikuwa na aibu. Mimi ninajua ya kwamba---

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

The Temporary Speaker (Sen. Wakili Sigei): Sen. Munyi Mundigi, there is a point of intervention. Sen. Tabitha Mutinda, you know how to catch the eye of the Speaker. You cannot assume that the Speaker will give you the opportunity to speak by raising your hand.

You may proceed with your intervention.

Sen. Tabitha Mutinda: Bw. Spika wa Muda, nilikuwa nimeomba nafasi ili niweze kumfafanulia ndugu yangu kitu. Asante kwa kunipa hii nafasi.

The Temporary Speaker (Sen. Wakili Sigei): Yuko tayari, mfafanulie.

Sen. Munyi Mundigi: Bw. Spika wa Muda, mimi sipo tayari.

The Temporary Speaker (Sen. Wakili Sigei): Very well, Sen. Munyi Mundigi is not ready to be informed.

Conclude, Sen. Munyi Mundigi.

Sen. Munyi Mundigi: Bw. Spika wa Muda, wakati wa uchaguzi, watu waliekelea Hon. (Dr.) Kariuki ya kwamba alifanya hivi na vile ilhali hapo nyuma, hao manaibu wa Gavana wa Kaunti ya Embu walikuwa na shida nyingi sana. Manaibu gavana wamenyanyaswa sana. Magavana hawajui ya kwamba hao manaibu wao ndio huwasaidia kushinda kura.

Watu wanakaa pamoja. Vyama vinawaleta pamoja wakitafuta *dialogue* waseme utaenda na huyu ili chama fulani iweze kupita. Kwa hivyo, naunga mkono kama Seneta wa Kaunti ya Embu. *Madeputy* gavana na pia wale wengine wenye viti vidogo warekebishe sheria ili waweze kupata cheo kama magavana. Ingawa hawatakuwa wanatoshana, lakini wanaweza kupatiwa Waziri wa sehemu fulani. Katika ugatuzi, kila gavana ana *department* kumi.

Naunga mkono.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mundigi, I granted you the latitude to continue in the direction you are going, because you are the last person to speak to this. Otherwise, I would have restrained you to confine yourself to the Motion that was before the Floor of the House.

Now, Hon. Senators, the Mover of this Motion, the Chairperson of the relevant Committee on Devolution and Intergovernmental Relations, is not present in the House. Therefore, for purposes of reply, I will, under the provisions of Standing Order No.97(b), defer the reply to the next sitting of the House to facilitate the hon. Senator to respond if there are any clarifications he will make. We will then proceed to call the next order.

(Reply to the Motion deferred)

The Chairperson, Standing Committee on National Cohesion, Equal Opportunity, and Regional Integration, Sen. Chute, is not present in the House. That one is deferred.

MOTION

ADOPTION OF PROGRESS REPORT ON DIVERSITY AND INCLUSIVITY IN STAFFING OF STATE AGENCIES

THAT, the Senate adopts Progress Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on an inquiry into the diversity and inclusivity in the staff composition of state agencies in Kenya, laid on the Table of the Senate on Thursday, 3rd October, 2024.

Sen. Chute is not present. The Motion is deferred.

(Motion deferred)

Next Order.

MOTION

ADOPTION OF REPORT ON IMPLEMENTATION OF THE SENATE RESOLUTION ON THE CURRENT STATE OF THE NATION

THAT, the Senate adopts the Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on implementation of the Senate Resolution on the Current State of the Nation made on Wednesday, 24th July, 2024, laid on the Table of the Senate on Tuesday, 3rd June, 2025.

(Motion deferred)

Next Order.

The Temporary Speaker (Sen. Wakili Sigei): The Senate Majority Leader is not in the Chamber. That order is deferred to the next sitting.

BILL

Second Reading

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) NO. 4 BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2024)

(Bill deferred)

Next Order.

The Temporary Speaker (Sen. Wakili Sigei): The Majority Leader is not present in the House. That order is deferred.

BILL

Second Reading

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

(Bill deferred)

Next Order.

The Temporary Speaker (Sen. Wakili Sigei): The Majority Leader is not present in the Chamber. That order is deferred.

BILL

Second Reading

THE PUBLIC PROCUREMENT AND ASSET
DISPOSAL (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILL NO. 48 OF 2024)

(Bill deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, we may now rise. There being no other business on the Order Paper, the Senate stands adjourned until tomorrow, Thursday, 2nd October, 2025 at 2.30 p.m.

The Senate rose at 5.38 p.m.