



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fourth Session

Wednesday, 19th November, 2025 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 19th November, 2025

*The House met at the Senate Chamber,
Parliament Buildings at 2.32 p.m.*

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

Order, hon. Senators. We now have quorum.
Clerk, proceed to call the first Order.

PAPERS LAID

*(Sen. Cherarkey and Sen. Joe Nyutu consulted
the Clerks-at-the Table)*

The Speaker (Hon. Kingi): Senator for Nandi and your colleague, you are in breach of Standing Order No.117. Kindly proceed to take your seats.

(Sen. Cherarkey and Sen. Joe Nyutu sat in their places)

Proceed, hon. Senator.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. On behalf of the Senate Majority Leader, I beg to lay the following Papers on the Table of the Senate today, Wednesday 19th November, 2025-

FINANCIAL STATEMENTS OF VARIOUS COUNTY ENTITIES

Report of the Auditor-General on financial statements of Busia Municipality for the year ended 30th June, 2020.

Report of the Auditor-General on financial statements of Busia Municipality for the year ended 30th June, 2021.

Report of the Auditor-General on financial statements of Busia Municipality for the year ended 30th June, 2022.

Report of the Auditor-General on financial statements of Busia Municipality for the year ended 30th June, 2023.

Report of the Auditor-General on financial statements of Busia Municipality for the year ended 30th June, 2024.

Report of the Auditor-General on financial statements of Malaba Municipality - County Government of Busia for the year ended 30th June, 2024.

Report of the Auditor-General on financial statements of Malaba Municipality - County Government of Busia for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Busia Municipality for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Busia County Climate Change Fund for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Embu County Executive Car Loan and Mortgage (Committee Members) Scheme Fund for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Embu County Emergency Fund for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Embu County Education Support Fund for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Embu Water and Sanitation Company Limited - County Government of Embu for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Ngagaka Water and Sanitation Company Limited – County Government of Embu for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Embu Municipality - County Government of Embu for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Makueni County Empowerment Fund for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Makueni County Fruit Development and Marketing Authority for the year ended 30th June, 2025.

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Report of the Auditor-General on financial statements of Emali-Sultan Hamud Municipality - County Government of Makueni for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Wote Municipality - County Government of Makueni for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements of Marsabit County Education Fund for the year ended 30th June, 2025.

Report of the Auditor-General on financial statements on Financing Locally-Led Climate Action (FLLoCCA) Programme - County Government of Marsabit for the year ended 30th June, 2025.

REPORT OF MARSABIT COUNTY ASSEMBLY STAFF
CAR LOAN AND MORTGAGE SCHEME FUND

Report of the Auditor-General on financial statements of Marsabit County Assembly Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2025.

REPORT OF NYAHURURU WATER AND SANITATION COMPANY LIMITED - COUNTY
GOVERNMENT OF LAIKIPIA FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Nyahururu Water and Sanitation Company Limited - County Government of Laikipia for the year ended 30th June, 2025.

REPORT OF FLLOCA PROGRAMME - COUNTY GOVERNMENT OF
LAIKIPIA FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements on Financing Locally-Led Climate Action (FLLoCA) Programme - County Government of Laikipia for the year ended 30th June, 2025.

REPORT OF LAIKIPIA COUNTY EDUCATION BURSARY
FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Laikipia County Education Bursary Fund for the year ended 30th June, 2025.

REPORT OF MACHAKOS COUNTY ASSEMBLY HOUSING AND CAR
LOAN SCHEME FUND - MCAs FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Machakos County Assembly Housing and Car Loan Scheme Fund - MCAs for the year ended 30th June, 2025.

REPORT OF MACHAKOS COUNTY ASSEMBLY HOUSING AND CAR LOAN
SCHEME FUND FOR STAFF FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Machakos County Assembly Housing and Car Loan Scheme Fund - Staff for the year ended 30th June, 2025.

REPORT OF MUTITUNI LEVEL 4 HOSPITAL - COUNTY GOVERNMENT
OF MACHAKOS FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Mutituni Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2025.

REPORT OF KIMITI LEVEL 4 HOSPITAL - COUNTY GOVERNMENT
OF MACHAKOS FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Kimiti Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2025.

REPORT OF KALAMA LEVEL 4 HOSPITAL - COUNTY GOVERNMENT
OF MACHAKOS FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Kalama Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2025.

REPORT OF KATHIANI LEVEL 4 HOSPITAL - COUNTY GOVERNMENT
OF MACHAKOS FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Kathiani Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2025.

REPORT OF ATHI RIVER LEVEL 4 HOSPITAL - COUNTY GOVERNMENT
OF MACHAKOS FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Athi River Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2025.

REPORT OF KANGUNDO LEVEL 4 HOSPITAL - COUNTY GOVERNMENT
OF MACHAKOS FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Kangundo Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2025.

REPORT OF MACHAKOS MUNICIPALITY FOR
THE YEAR ENDED 30TH JUNE, 2025.

Report of the Auditor-General on financial statements of Machakos Municipality for the year ended 30th June, 2025.

REPORT OF MAVOKO MUNICIPALITY FOR THE
YEAR ENDED 30TH JUNE, 2025.

Report of the Auditor-General on financial statements of Mavoko Municipality for the year ended 30th June, 2025.

REPORT OF BOMET COUNTY CLIMATE CHANGE FUND
FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Bomet County Climate Change Fund for the year ended 30th June, 2025.

REPORT OF THARAKA-NITHI COUNTY BURSARY FUND
FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Tharaka Nithi County Bursary Fund for the year ended 30th June, 2025.

REPORT OF NYAMIRA COUNTY CLIMATE CHANGE FUND
FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Nyamira County Climate Change Fund for the year ended 30th June, 2025.

REPORT OF NANDI COUNTY CLIMATE CHANGE FUND
FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Nandi County Climate Change Fund for the year ended 30th June, 2025.

REPORT OF FLLOCCA PROGRAMME - COUNTY GOVERNMENT
OF SAMBURU FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements on Financing Locally-Led Climate Action (FLLoCCA) Programme – County Government of Samburu for the year ended 30th June, 2025.

REPORT OF UASIN GISHU COUNTY STAFF MORTGAGE AND CAR
LOANS SCHEME FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Uasin Gishu County Staff Mortgage and Car Loans Scheme Fund for the year ended 30th June, 2025.

REPORT OF FLLOCCA PROGRAMME - COUNTY GOVERNMENT
OF ISIOLO OR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements on Financing Locally-Led Climate Action (FLLoCCA) Programme - County Government of Isiolo or the year ended 30th June, 2025.

REPORT OF KAKAMEGA COUNTY CLIMATE CHANGE
FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Bungoma County Climate Change Fund for the year ended 30th June, 2025.

REPORT OF BUNGOMA COUNTY YOUTH AND WOMEN
EMPOWERMENT FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Bungoma County Youth and Women Empowerment Fund for the year ended 30th June, 2025.

REPORT OF BUNGOMA COUNTY ASSEMBLY MEMBERS' CAR LOAN
AND MORTGAGE SCHEME FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Bungoma County Assembly Members' Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2025.

REPORT OF BUNGOMA COUNTY ASSEMBLY EMPLOYEE CAR LOAN AND
MORTGAGE SCHEME FUND FOR THE YEAR ENDED 30TH JUNE, 2025

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Report of the Auditor-General on financial statements of Bungoma County Assembly Employee Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2025.

REPORT OF ELGEYO MARAKWET COUNTY CLIMATE CHANGE
FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Elgeyo Marakwet County Climate Change Fund for the year ended 30th June, 2025.

REPORT OF KAKAMEGA COUNTY CLIMATE CHANGE
FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Kakamega County Climate Change Fund for the year ended 30th June, 2025.

REPORT OF NGONG LEVEL 4 HOSPITAL - COUNTY GOVERNMENT
OF KAJIADO FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements Ngong Level 4 Hospital - County Government of Kajiado for the year ended 30th June, 2025.

REPORT OF KAJIADO COUNTY DISABILITY MAINSTREAMING
FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements Kajiado County Disability Mainstreaming Fund for the year ended 30th June, 2025.

REPORT OF IJARA SUB-COUNTY LEVEL 4 HOSPITAL - COUNTY
GOVERNMENT OF GARISSA FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Ijara Sub-County Level 4 Hospital - County Government of Garissa for the year ended 30th June, 2025.

REPORT OF NYAMIRA COUNTY EMERGENCY FUND
FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Nyamira County Emergency Fund for the year ended 30th June, 2025.

REPORT OF VIHIGA COUNTY FACILITY IMPROVEMENT
FUND FOR THE YEAR ENDED 30TH JUNE, 2025

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Report of the Auditor-General on financial statements of Vihiga County Facility Improvement Fund for the year ended 30th June, 2025.

REPORT OF VIHIGA COUNTY SPORTS FUND FOR THE
YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Vihiga County Sports Fund for the year ended 30th June, 2025.

REPORT OF NAKURU COUNTY EXECUTIVE MORTGAGE (STAFF)
SCHEME FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Nakuru County Executive Mortgage (Staff) Scheme Fund for the year ended 30th June, 2025.

REPORT OF NAKURU COUNTY EXECUTIVE MORTGAGE (STAFF) CAR
LOAN SCHEME FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Nakuru County Executive Mortgage (Staff) Car Loan Scheme Fund for the year ended 30th June, 2025.

REPORT OF COUNTY ASSEMBLY OF NAKURU CAR LOAN, GRANT
AND MORTGAGE FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of County Assembly of Nakuru Car Loan, Grant and Mortgage Fund for the year ended 30th June, 2025.

REPORT OF COUNTY BURSARY FUND FOR
THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Nakuru County Bursary Fund for the year ended 30th June, 2025.

REPORT OF NAKURU COUNTY EMERGENCY FUND
FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Nakuru County Emergency Fund for the year ended 30th June, 2025.

REPORT OF CITY OF NAKURU - COUNTY GOVERNMENT OF
NAKURU FOR THE YEAR ENDED 30TH JUNE, 2025

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Report of the Auditor-General on financial statements of City of Nakuru - County Government of Nakuru for the year ended 30th June, 2025.

REPORT OF NAKURU RURAL WATER AND SANITATION
COMPANY LIMITED FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Nakuru Rural Water and Sanitation Company Limited for the year ended 30th June, 2025.

REPORT OF KISUMU COUNTY ALCOHOLIC DRINKS CONTROL
FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Kisumu County Alcoholic Drinks Control Fund for the year ended 30th June, 2025.

REPORT OF KISUMU COUNTY REVENUE BOARD - COUNTY
GOVERNMENT OF KISUMU FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Kisumu County Revenue Board - County Government of Kisumu for the year ended 30th June, 2025.

REPORT OF KISUMU ASSEMBLY CAR LOAN AND MORTGAGE
SCHEME FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Kisumu Assembly of Kisumu Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2025.

REPORT OF KISUMU COUNTY EMERGENCY FUND
FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Kisumu County Emergency Fund for the year ended 30th June, 2025.

REPORT OF KISUMU COUNTY CLIMATE CHANGE FUND - COUNTY
GOVERNMENT OF KISUMU FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Kisumu County Climate Change Fund - County Government of Kisumu for the year ended 30th June, 2025.

REPORT OF KILIFI COUNTY CAR LOAN AND MORTGAGE
SCHEME FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Kilifi County Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2025.

REPORT OF KILIFI COUNTY MICROFINANCE (WEZESHA)
FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Kilifi County Microfinance (Wezesha) Fund for the year ended 30th June, 2025.

REPORT OF SIAYA COUNTY BURSARY FUND FOR THE
YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Siaya County Bursary Fund for the year ended 30th June, 2025.

REPORT OF KITUI COUNTY ASSEMBLY CAR LOAN AND MORTGAGE
(MEMBERS) SCHEME FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on financial statements of Kitui County Assembly Car Loan and Mortgage (Members) Scheme Fund for the year ended 30th June, 2025.

I beg to lay.

(Sen. Tabitha Mutinda laid the documents on the Table)

The Speaker (Hon. Kingi): Deputy Speaker, what clarification are you seeking?

(Interruption of Papers Laid)

POINT OF ORDER

TABLING OF PAPERS IN THE SENATE
AND THE COUNTY ASSEMBLIES

Sen. Kathuri: Thank you, Mr. Speaker, Sir. I have been listening to the papers being laid in this House. Let me add to the papers which have been laid here this afternoon; Level 4 hospitals, Level 3 hospitals--- Kenyans listening to us will think we are taking over the work of the county assemblies.

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Mr. Speaker, Sir, maybe through your wisdom, through the Senate Business Committee (SBC) and any other relevant authority, including the management of the Senate, could we have a threshold of the papers that can be handled by the Senate and those that need to be handled by the county assemblies to go to the county assemblies?

We should build capacity for the county assemblies, so that they can handle these audited accounts. Otherwise, the Senate will appear to be doing the work of the county assemblies. It is high time that we made some radical decisions. Ask county assemblies to do their work because most of them do not.

Once they are given these reports, they do not go through them objectively because most of the assemblies have gone to bed with the governors. Therefore, as the Senate of this 13th Parliament, let us do something for the county assemblies to empower them enough to do their work.

Thank you.

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

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise under Standing Order No.1. We need guidance. Having sat in most of these committees, colleagues will agree that these reports of Level 3, Level 2, Level 4 hospitals and policy, especially some of the papers that have been laid today, should have a threshold. This comes with the hindsight that the primary oversight is done by the county assemblies.

We do the secondary oversight. Is it possible for some of these papers to be assigned specifically to the county assemblies, so that those matters are handled at the county level? I have noticed Members of County Assembly (MCAs), as the Deputy Speaker has said, do not handle most of these reports objectively because they argue that they will go to the Senate. In fact, whenever we ask the questions why they have not considered audit reports, they will always tell us that we did not consider them because it is coming to the Senate.

Mr. Speaker, Sir, as you steer this House, can you, in the SBC and as the leader of the House, establish a threshold, so that we do not bring everything to the Senate? The Senate should deal with global matters affecting devolution. That clarity will also allow our committees to be efficient in discharging their mandate, considering the nature of what we dispense. This is so that we do not reduce ourselves to issues that can be handled at the county assembly level. I yield.

The Speaker (Hon. Kingi): Proceed, Senator for Kakamega, before I give direction on this matter.

Sen. (Dr.) Khalwale: This matter does not invite the Speaker to rule. It is a matter that requires the entire Secretariat of Parliament and specifically the Senate, to reflect on and advise the SBC.

Sometimes, when the Governor of Kakamega is appearing before CPIC and CPAC, I sit there and see the governor accompanied by the entire Public Accounts Committee (PAC) of the County Assembly of Kakamega. So, as we work to be efficient, it looks like the people who should have sorted that problem then accompanied the governor to attempt to answer questions on behalf of the governor. I beg that we expand the scope of the request by the distinguished Senator from Meru.

Thank you.

The Speaker (Hon. Kingi): Order, hon. Senators. Now, this matter has been of great concern to this institution. It has been so since the first cohort of governors, because then I used to serve as the Chairperson of the Legal Committee of the Council of Governors (CoG). I even remember that due to a lack of clarity on this matter, it ended up with the Judiciary.

If you remember Petition No.24 of 2019 and Petition No.27 of 2019, which were eventually consolidated, they were speaking to this aspect. It went all the way to the Supreme Court, and the Supreme Court pronounced itself on this particular matter.

Therefore, my direction on this matter is that, of course, the Senate Business Committee (SBC) should take up the concerns that have been raised by hon. Senators. We need to look at this particular matter, considering the decision of the Supreme Court that took its time to listen to both parties, because it was the Senate versus the Council of Governors, plus other parties in those two petitions. Therefore, the secretariat will look into it. They will bring a paper to SBC. We will discuss that paper in line with the decision of the Supreme Court on this subject and, thereafter, give direction on this particular matter.

(Applause)

(Resumption of Papers Laid)

The Vice-Chairperson, Procedure and Rules Committee.

Sen. Kathuri: Mr. Speaker, Sir, I beg to lay the following Paper on the table of the Senate, today, 19th November, 2025-

THIRD REPORT OF THE PROCEDURE AND RULES COMMITTEE
ON REVIEW OF THE SENATE STANDING ORDERS

Third Report of the Procedure and Rules Committee on the review of the Senate Standing Orders.

Thank you.

(Sen. Kathuri laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICE OF MOTION

The Speaker (Hon. Kingi): The Vice Chairperson, Procedure and Rules Committee.

APPROVAL OF THIRD REPORT OF THE PROCEDURE AND RULES
COMMITTEE ON REVIEW OF THE SENATE STANDING ORDERS

Sen. Kathuri: I beg to give notice of the following Motion-

THAT, pursuant to Standing Order Nos.267, 268 and 270, the Senate approves the third report of the Procedure and Rules Committee on the review of the Senate Standing Orders, laid on the table of the Senate on Wednesday, 19th November, 2025.

Thank you.

The Speaker (Hon. Kingi): Next order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): We had a statement by Sen. Hamida Kibwana, but that statement has since been dropped.

RAMBIRAMBI ZA DHATI NA HESHIMA KWA
MAREHEMU RAILA AMOLO ODINGA

(Statement dropped)

Therefore, we will move to the Statement pursuant to Standing Order No.53(1).

The Senator for Nandi County, Hon. Samson Cherarkey.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. It should go on the record of the House that when you were the Chairperson of Council of Governors (CoG) for Justice, Legal Affairs and Human Rights Committee (JLAHRC), I was also the Chairperson of the Senate in JLAHRC. So, I agree with you. First timers, note that we have been around for some time.

IMPLEMENTATION OF LOWER MOBILE
TERMINATION RATES (MTR)

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Information, Communication and Technology on a matter of national concern regarding the non-implementation of lower Mobile Terminal Rates (MTRs) as recommended by a consultant engaged by the Communications Authority of Kenya (CAK).

The MTRs are a key determinant of the cost of voice calls across networks. Reducing MTRs is essential to ensuring affordable and accessible communication for all Kenyans. A consultant engaged by the CAK recommended a significant reduction in the MTR to Kshs0.06 per minute in line with international best practices where some

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jurisdictions have adopted zero-rated termination charges to promote consumer welfare and market competitiveness. However, the CAK instead announced a revised MTR of Kshs0.41 per minute effective 1st March, 2024, down from the previous Kshs0.58 per minute, but still substantially higher than the consultant's recommendation.

This decision raises concerns about the rationale for deviating from expert advice and the delay in implementing more consumer-friendly rates.

In the Statement, the Committee should address the following-

(1) The reasons behind the CAK's decision to recommend an MTR or mobile termination rates of Kshs0.41 per minute effective from 1st March, 2024, despite the consultant's proposal of Kshs0.06 per minute and clarify the rationale for this deviation from expert advice.

(2) Specify the timeline within which the authority intends to align the mobile termination rates with the consultant's recommendation, considering that the current rate is scheduled to lapse in March, 2026. Outline the measures in place to ensure timely, transparent and accountable implementation of the lower mobile termination rates in the country.

Mr. Speaker, Sir, with your indulgence, let me proceed to my second Statement.

Downsizing of UNEP and its Impact on Kenyan Staff

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 country-wide concern regarding the disproportionate job losses Kenyans are now facing due to United Environmental Programme's ongoing downsizing and restructuring exercise.

Kenyan citizens employed at the United Nations Environment Programme (UNEP) in Nairobi are facing job losses due to UNEP's functional review, which has identified about 100 positions for abolition, 48 of which are held by Kenyans, mostly support staff.

This comes despite UNEP's overall workforce expansion from 1,268 to 1,383 staff between 2020 and 2024, with consultants nearly doubling to 1,450.

Kenya has fully met its financial obligation to the Environment Fund unlike many other member states, yet Kenyan staff continue to face job insecurity, while their key local positions, such as the UNEP Kenya Country Office Coordinator, have been filled by non-Kenyans.

Kenya, as the host of UNEP's global headquarters, deserves transparency, fairness and meaningful participation in UNEP's operations and urgent engagement with the UNEP leadership is needed to protect the rights and livelihoods of affected citizens.

Mr. Speaker, Sir, in the Statement, the Committee should address the following-

(1) The criteria used in the UNEP's functional review to identify the positions for abolition and the reasons this criteria was not disclosed to the staff.

(2) Why nearly half of the terminated positions are held by Kenyans, despite Kenya's role as the host country and consistent financial contributor to the Environment

Fund and outline measures being taken to protect Kenyan staff from disproportionate job losses.

(3) The decision to expand its consultant workforce and extend temporary job openings while abolishing fieldwork roles and leaving key vacancies unfulfilled.

(4) Why the UNEP Kenya Country Office, established in 2023, lacks a programme, document and budget and what benefits Kenyans have received compared to other United Nations host countries.

(5) Why a non-Kenyan was appointed as a coordinator of the UNEP Kenya Country Office, whether Kenyan candidates were fairly considered and why the UNEP allowed foreign nationals to head their regions' offices but not in Kenya.

Thank you.

The Speaker (Hon. Kingi): Sen. Catherine Mumma.

IMPACT OF DELAYED ENACTMENT OF COUNTY
GOVERNMENTS ADDITIONAL ALLOCATION BILLS

Sen. Mumma: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget on a matter of national concern regarding the impact of the delayed enactment of the County Government's Additional Allocations Bills for the 2023/2024, 2024/2025 and 2025/2026 financial years.

The County Governments Additional Allocations Bill for the current financial year concluded the bicameral legislative process just last week and it is yet to be assented to even though the financial year is almost halfway complete. This persistent delay in the enactment of this important legislation has adversely affected budget formulation and implementation in the counties. It has resulted in late disbursement of conditional allocations which has in turn undermined project implementation and service delivery in the counties.

In the Statement, the Committee should address the following-

(1) The impact of the delayed enactment of the county government's additional allocations Bills for the financial years 2023/2024, 2024/2025---

*(Sen. Cherarkey and Sen. Tabitha Keroche
consulted loudly)*

Hon. Speaker, can Sen. Cherarkey allow me to read my Statement in peace? They are just discussing loudly.

The Speaker (Hon. Kingi): Senator for Nandi and Senator for Nakuru County, may the Hon. Senator be heard in silence?

Sen. Mumma: I will repeat that.

(1) The impact of the delayed enactment of the county government's additional allocations Bills for the years 2023/2024, 2024/2025 and 2025/2026 and obtain the following-

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- (a) A list of all projects in each county that have had to be discontinued;
 - (b) List of all the projects in each county whose implementation timelines have been reviewed, specifying the original and reviewed commencement and completion timelines for each project; and,
 - (c) A breakdown of the financial costs, including any interests and penalties that have accrued from the delayed uptake of any funds or implementation projects.
- (2) Whether all additional allocations to county governments for the two financial years 2023/2024 and 2024/2025 have been disbursed to the counties and, if not, obtain the reasons for the same and the projected timelines for disbursement of the outstanding amounts.

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

DISPLACEMENT OF RESIDENTS OF KIHOTO VILLAGE BY
RISING WATER LEVELS IN LAKE NAIVASHA

Sen. Tabitha Keroche: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of county-wide concern regarding the displacement of residents of Kihoto Village by the rising water levels in Lake Naivasha.

The rising water levels in the lake have left homes submerged, destroyed property and livelihoods, and exposed the affected community to waterborne diseases and other serious health risks.

In the Statement, the Committee should address the following-

(1) The current state of disaster preparedness by the County Government of Nakuru.

(2) The effectiveness of the county government's response to the displacement of residents of Kihoto Village by the rising water levels in Lake Naivasha and specifically, failure by the county government to provide adequate humanitarian assistance to the affected community despite the existence of an emergency fund.

(3) The steps being taken by the county government to ensure that the residents receive the essential humanitarian support including food, shelter, medical care and sanitation services.

UNPROCEDURAL HANDING OVER OF
AFRAHA STADIUM TO THE KDF

Mr. Speaker, Sir, I rise pursuant to the Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on a matter of county-wide concern regarding the unprocedural handing over of Afraha Stadium to the Kenya Defence Forces, the audit of finance expenditures incurred and the status of the project as initially funded by the World Bank.

The recent transfer of Afraha Stadium to the KDF was executed without public consultation, amid unresolved questions surrounding financial management and project continuity has raised serious concerns.

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As a flagship development for Nakuru County, the stadium was originally supported by the World Bank. Its upturned handover coupled with a lack of clarity on the use of funds and stakeholder engagement necessitates urgent scrutiny to protect public interest and uphold the principles of good governance.

In the Statement, the Committee should address the following-

(1) The circumstances that led to the World Bank group's withdrawal from the Afraha Stadium project and provide the status of the project at the time of their exit.

(2) A comprehensive account of the funds previously allocated to the project detailing how the funds were utilised and explaining the reasons behind the stalling of the project prior to the handover.

(3) Whether the Ministry of Defence undertook comprehensive due diligence before assuming control of the project including an audit of the expenditures already incurred, review of project drawings and bills of quantities.

(4) Evaluation of technical reports and engagement with consultants and contractors previously commissioned under the World Bank supported initiative.

(5) Whether any public participation was conducted prior to the handover in accordance with the constitutional and statutory requirements.

(6) Whether the World Bank has been informed of the stadium handover and any redesign or reconstruction works currently underway.

(7) Whether the national government is aware of any significant works already completed on the stadium and explain how this aligns with the decision to transfer the project to KDF.

The Speaker (Hon. Kingi): Proceed, Sen. Shakila Abdalla.

Now, Hon. Sen. Hamida, would you deposit your written authority to read this Statement on behalf of Sen. Shakila? We shall await a written authority. We will defer it for a moment as you sort that out.

REHABILITATION OF KIZINGITINI AND NDAU
LANDING SITES IN LAMU COUNTY

(Statement deferred)

The Speaker (Hon. Kingi): Proceed, Senator for Tharaka-Nithi County.

LOW VOTER REGISTRATION TURNOUT
WITNESSED ACROSS THE COUNTRY

Sen. Gataya Mo Fire: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights on a matter of national concern regarding low voter registration turnout witnessed across the country.

Despite the Independent Electoral and Boundaries Commission (IEBC) launching a nationwide registration drive on 29th September, 2025 targeting 6.3 million new voters,

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preliminary reports indicate that many eligible Kenyans remain unregistered, citing logistical, technical and informational barriers.

This situation threatens to disenfranchise some sections of the population, particularly those in rural areas, Persons with Disabilities (PwDs), the elderly and marginalised communities. It also points to systematic gaps in outreach, infrastructure and coordination that must be generally addressed.

In the Statement, the Committee should address the following-

(1) Measures in place to ease access for citizens who face challenges travelling long distances to registration centers, especially vulnerable groups such as persons with disability, the elderly, and those living in rural areas;

(2) Cite the specific steps being taken to intensify voter registration, campaigns in all counties to boost registration numbers by reaching more Kenyans, especially in underserved areas;

(3) Look at the budgetary allocations earmarked for voter registration, civic education, outreach programmes, including how these resources are being utilised to target youth, marginalised communities and rural populations; and lastly,

(4) Look at the mechanisms being implemented to resolve systemic failures and technical issues encountered during registration, particularly for citizens seeking to update, correct, or transfer their voter registration.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Joe Nyutu, you may proceed.

ROLLOUT, ADMINISTRATION AND FINANCIAL MANAGEMENT OF TELEMEDICINE SERVICES BY COUNTY GOVERNMENT OF MURANG'A

Sen. Joe Nyutu: 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 countywide concern regarding the rollout, administration and financial management of telemedicine services by the County Government of Murang'a.

The County Government of Murang'a launched telemedicine services to facilitate remote consultations between patients in local dispensaries and health centers and medical specialists via an online platform.

While this initiative is commendable for expanding access to health care, serious concerns have emerged regarding the financial integrity and governance of the payment systems associated with the service.

In the Statement, the Committee should address the following-

(1) The reasons why the telemedicine payment systems have not been integrated into the County Government of Murang'a official revenue collection infrastructure, such as the USSD platform used for other county services;

(2) Whether payments for telemedicine services are currently being processed through select pay bill numbers that are reportedly not registered under the County Government of Murang'a, and if so, the basis for their continued use;

(3) The status and ownership details of the state pay bill numbers, including identities of the individuals or entities that own them, and the legal or administrative framework under which they were approved for use in collecting payments for county services; and finally,

(4) The identities of persons who have authority to access or withdraw funds from these pay bill numbers and whether the county government can furnish the committee with audited revenue statements indicating the total amount collected through these pay bills since the launch of the telemedicine initiative.

I thank you, Mr. Speaker, Sir. Everyone knows who this Senator is.

The Speaker (Hon. Kingi): Sen. Andrew Omtatah, you have the Floor.

UTILISATION OF MONIES ALLOCATED TO BUSIA COUNTY
THROUGH THE URBAN INFRASTRUCTURE GRANT

Sen. Okiya Omtatah. Mr. Speaker, Sir, my request for a statement is on the handling of the Kshs32,309,300 urban infrastructure grant in Busia County under the Kenya Urban Support Programme 2 (CUSAP 2).

Mr. Speaker Sir, I rise, pursuant to Standing Order No.53(1), to seek a statement from the Standing Committee on Finance and Budget on a matter of countywide concern regarding the handling of the Kshs32,309,300 allocated to Busia County under the urban infrastructure grant of the Kenya Urban Support Programme 2.

The urban infrastructure grant intended to support urban development in Busia and Malaba municipalities was reportedly transferred from the County Revenue Fund to an unauthorised account at the Central Bank of Kenya (CBK), contrary to the World Bank's Programme Operations Manual, which mandates the use of designated special-purpose accounts. This deviation raises serious concerns about procedural compliance, financial accountability and the protection of public and donor resources in the county.

In the Statement, the Committee should address the following-

(1) Verification from the National Treasury and the Controller of Budget on the authorisation status of the bank account to which the Kshs 32,309,300 was transferred under the CUSAP 2 framework;

(2) Measures instituted to rectify the irregular transfer and ensure the funds are moved to the approved special purpose account for the timely implementation of the intended urban development projects;

(3) Identification of the individuals or officers involved in authorising the transfer of funds to an unauthorised account, alongside a detailed account of any administrative or legal measures instituted in response to the irregularity;

(4) Existing safeguards and oversight mechanisms that govern the management of donor-funded grants at the county level, with emphasis on transparency and adherence to legal and programmatic guidelines;

(5) Legal provisions that empower Parliament, through the Controller of Budget or the National Treasury, to access details such as ownership, signatories, transaction

history and interest earnings of the account where the funds were deposited, notwithstanding CBK's confidentiality claims; and,

(6) Frameworks or principles that guide the balance between banking confidentiality and public accountability in cases involving public funds held at the CBK.

I thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, I request to read our second statement

The Speaker (Hon. Kingi): Have I approved it?

Sen. Okiya Omtatah: Yes, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Then proceed.

STATE OF ROAD SAFETY ON MAJOR HIGHWAYS
AND ROADS ACROSS THE COUNTRY

Sen. Okiya Omtatah: Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Roads, Transportation and Housing on a matter of national concern regarding the alarming rate of road safety on major highways and roads across the country.

Although road transport is central to Kenya's economic activity, the increasing frequency of federal accidents, many of them preventable, has become a national crisis. Major highways such as Nairobi-Mombasa, Nakuru-Eldoret, Eldoret-Malaba and Nakuru-Kisumu remain poorly lit, lack proper signage and are riddled with unmarked and hazardous bumps, placing motorists and pedestrians at serious risk.

Unroadworthy vehicles continue to operate freely even in the presence of traffic police checkpoints. At the same time, reports of corruption within the traffic police service and irregular driver licensing facilitated by some driving schools in collusion with National Transport and Safety Authority (NTSA) officers have further compromised public safety.

The absence of a smart traffic management system, weak enforcement of the highway code, and inadequate infrastructure have eroded public confidence in road safety enforcement.

The Government must take decisive action to restore order, accountability, and protection for all road users.

In this Statement, the Committee should address the following-

(1) Immediate measures by the Ministry of Roads and Transport and NTSA to improve road safety and reduce fatal accidents;

(2) The steps the Government is taking to ensure that all major highways and roads are adequately lit and fitted with proper signage to enhance visibility and safety;

(3) The actions being taken to address corruption within the traffic police service and the NTSA to ensure effective enforcement of traffic laws;

(4) The mechanisms in place to regulate and audit driving schools to ensure they provide proper training and only qualified drivers are licensed; and,

(5) The plan to introduce a Smart Traffic Management System (STMS) and restore public confidence in road safety enforcement in Kenya.

Signed, Sen. Andrew Omtatah Okoiti, MP, Senator from Busia.
Thank you, Mr. Speaker, Sir.

DISCOVERY OF GOLD DEPOSITS IN ISULU, BUSHIANGALA
AREA IN IKOLOMANI, KAKAMEGA COUNTY

Sen. Consolata Wakwabubi: Thank you, Mr. Speaker, Sir, for this opportunity. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources on a matter of countrywide concern regarding the recent discovery of over Kshs683 billion worth of gold deposits in Isulu, Bushiangala area in Ikolomani, Kakamega County by Shanta Gold Kenya Limited.

Mr. Speaker, Sir, a British firm, Shanta Gold Kenya Limited, which is a subsidiary of Shanta Gold, a company incorporated in Guernsey in the British Isles, is lining up underground mining of gold in Kakamega County with the deposits of the gold valued at more than Kshs683 billion.

The firm has sought authority from the National Environment Management Authority (NEMA), seeking clearance to develop an underground gold mine and processing centre in the Isulu, Bushiangala area, to mine the metal over an eight-year period. The firm projects that it will acquire approximately 337 acres of lands, mostly private freehold plots, which will require the relocation of about 800 households.

In the Statement, the Committee should address the following-

(1) A detailed breakdown of the licensing process followed by Shanta Gold Kenya Limited, including the status of approvals from relevant agencies such as NEMA and the Ministry of Mining, Blue Economy and Maritime Affairs;

(2) Whether the company has obtained all necessary permits for exploration, environmental and social impact assessments, mining operations and whether it has followed all due processes for the land acquisition;

(3) The details on the proposed acquisition of 337 acres and the planned relocation of approximately 800 households, confirming whether a Resettlement Action Plan (RAP), has been developed and whether affected communities have been consulted and compensated;

(4) Whether public participation and Free, Prior and Informed Consent (FPIC) processes were conducted in accordance with Article 232(1)(d) of the Constitution and relevant laws, as well as whether the concerns raised by local residents were addressed, including reports of public demonstrations opposing the project; and,

(5) The economic benefits of the project to the local community and County Government, including employment opportunities, local procurement and revenue sharing.

Sen. Consolata Wakwabubi MP, Nominated Senator.

The Speaker (Hon. Kingi): We will now hear from the Senator for Nairobi City County, Sen. Edwin Sifuna.

DELAYS IN ISSUANCE OF 2024 KCSE
AND KCPE CERTIFICATES

Sen. Sifuna: Mr. Speaker, Sir, I rise pursuant to Standing Order No.(53)(1) to seek a Statement from the Standing Committee on Education on a matter of countrywide concern regarding delays in the issuance of the 2024 Kenya Certificate of Secondary Examinations (KCSE) and Kenya Certificate of Primary Education (KCPE) certificates by schools and the Kenya National Examinations Council (KNEC).

Mr. Speaker, Sir, these delays arise either from prolonged periods of KNEC not issuing examination certificates or from school principals unlawfully withholding them despite regulations that prohibit the retention of certificates on the basis of fee balances. As a result, young Kenyans have missed critical opportunities, including scholarships and police or military recruitment slots, this recruitment is ongoing.

In a country where such opportunities are scarce and employment prospects remain limited, it is unacceptable that the livelihoods of our young people are put at risk through withholding or delayed issuance of documents that are essential to securing their future.

In the Statement, therefore, the Committee should address the following-

(1) When the 2024 KCSE and KCPE certificates will be released by the KNEC and the reasons for the current delays;

(2) Whether the Ministry of Education's directive issued on 1st April, 2025, which reaffirms the Government policy under the Kenya National Examinations Council Act, 2012 requiring all schools to release examination certificates to candidates irrespective of outstanding fee balances, remains in force and the extent to which this directive is being implemented by schools across the country; and,

(3) The measures that have been put in place to regularise and streamline the issuance of examination certificates, including steps to ensure that certificates are produced and dispatched promptly after the release of results.

I thank you, Hon. Speaker, Sir.

MSONGAMANO WA MAGARI KATIKA BARABARA
YA PORT REITZ, CHANGAMWE, MOMBASA

Sen. Faki: Ahsante Mheshimiwa Spika. Nasimama kwa mujibu wa Kanuni ya Kudumu ya 53(1) ya Seneti kuomba kauli kutoka kwa Kamati ya Barabara, Uchukuzi na Makao kuhusu msongamano wa magari katika barabara ya Port Reitz, katika eneo Bunge la Changamwe, Kaunti ya Mombasa.

Mheshimiwa Spika, katika siku za karibuni, kumekuwa na msongamano mkubwa wa magari katika barabara ya Port Reitz inayoelekea Nairobi, bandari ya Mombasa, kituo cha reli cha Standard Gauge Railway (SGR) kule Miritini, maeneo ya kusini mwa Pwani kupitia barabara ya Dongo Kundu na vile hospitali ya Port Reitz ambayo ni mashuhuri kwa matibabu ya ugonjwa wa Kifua Kikuu na masuala ya akili.

Msongamano huo umekua kero kwa watumizi wa barabara hiyo. Wanapata shida kwa kucheleweshwa katika safari zao. Wagonjwa wanaotafuta matibabu katika hospitali ya Port Reitz pia wameathirika na hivi karibuni, watu watatu wamepoteza maisha kwa sababu ya kuchelewa kufikishwa hospitalini kutokana na msongamano huo.

Katika kauli hiyo, Kamati izingatie yafuatayo-

(1) Chanzo cha msongamano wa magari katika barabara ya Port Reitz, katika eneo Bunge la Changamwe, Kaunti ya Mombasa;

(2) Mikakati ambayo Wizara ya Barabara na Uchukuzi na pia Mamlaka ya Barabara Kuu ya Kenya (KeNHA) imeweka ili kutatua kero la msongamano katika barabara hiyo, ikikumbukwa kuwa barabara mbadala ya kuelekea Nairobi kupitia Mikindani bado inajengwa; na,

(3) Hatua za kisheria zinachukuliwa kwa madereva wanaokiuka sheria kwa kuegesha magari yao barabarani na pembeni mwake, jambo ambalo linapelekea hali hiyo kuwa mbaya zaidi.

Asante, Mheshimiwa Spika. Sen. Mohammed Faki Mwinyihaji, CBS, Mbunge, Seneta wa Kaunti ya Mombasa.

Mheshimiwa Spika, nina *Statement* nyingine.

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

PERSISTENT AND WORSENING SHORTAGE OF CLEAN
AND RELIABLE WATER IN COASTAL COUNTIES

Sen. Faki: Ahsante. Hon. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources on a matter of countrywide concern regarding the persistent and worsening shortage of clean and reliable water in the counties of Mombasa, Kwale, Kilifi and Taita Taveta.

The counties of Mombasa, Kwale, Kilifi and Taita Taveta continue to face severe and persistent shortage of clean and reliable water despite long-standing efforts such as the Mzima Springs Pipeline and the proposed Mzima II Project, which remain stalled. Residents endure long treks in search of water, rely on limited private donations and are forced to purchase water at exorbitant prices of up to Kshs50 for a 20-jerican litre, often without assurance of safety.

Mr. Speaker, Sir, Mombasa alone requires 200,000 cubic metres of water daily, but receives only a fraction of that, while the Mwache Dam, intended as a temporary solution, faces funding delays. Rapid urbanisation, industrial growth and new housing developments are increasing demand without corresponding water infrastructure upgrades. County governments are further constrained by borrowing restrictions and lack of control over water resources, which are vested in the national Government.

In the Statement, the Committee should address the following-

(1) The immediate and short-term measures currently in place by both the national and county governments to caution residents of Mombasa, Kwale, Kilifi and Taita Taveta counties from the ongoing water crisis;

(2) The timelines for the completion of the Mwache Dam, given the stalled negotiations and the urgent need for water in the affected counties;

(3) The current water demand and supply across the four counties, including daily consumption trends and actual volumes received from the existing sources, such as Mzima Springs, Marere, Tiwi and the anticipated output from the Mwache Dam;

(4) The implementation timeline, funding status and reasons for delay in the commencement of the Mzima II pipeline, which was scheduled to begin in 2017 and conclude in 2025, and recommend measures to fast-track the project;

(5) The feasibility of financing Mzima II pipeline, through public-private partnerships and outline any existing proposal or negotiations in this regard.

(6) The legal and physical barriers preventing county governments from independently funding water projects and propose mechanisms to address these limitations; and,

(7) The details on any national level strategic plans to address long-term water scarcity in the coast region, including coordination with the Coast Water Services Board (CWSB) and the local water companies.

Thank you, Mr. Speaker, Sir.

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

Sen. Lemaletian: Thank you, Mr. Speaker, Sir. I request to change my microphone because of light.

The Speaker (Hon. Kingi): You can proceed to whichever microphone that will serve you correctly or come to the Dispatch Box.

(Sen. Lemaletian walked to the Dispatch Box)

THE MAA CULTURAL FESTIVAL, 2025

Sen. Lemaletian: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of general topical concern, namely the recent concluded Maa Cultural Festival, 2025, held in Amboseli, Kajiado County.

Mr. Speaker, Sir, the Maa Cultural Festival, 2025 was a vibrant week-long celebration of Maasai heritage held from the 4th to 9th of November, 2025, at the Amboseli National Park.

The event brought together thousands of Maa speaking community members from across the country and the East African region. It featured traditional performances, cultural exhibitions, inter-generational storytelling, youth-led innovations, and a historic conservation milestone. The festival was graced by His Excellency the President, Dr. William Ruto CGH on 8th November, 2025.

The festival served as a powerful platform for reaffirming the identity, unity and resilience of the Maa people. It celebrated the deep connection between the community, their land and the natural environment. The event also marked a historic handover of Amboseli National Park to the people of Kajiado County, an act that recognised the

community's longstanding stewardship of the ecosystem and their role in conservation and cultural tourism.

Mr. Speaker, Sir, this was a moment of pride and unity, where tradition met modern aspirations in a setting that celebrated both heritage and progress. I applaud the Maa leaders and elders for their unwavering commitment to safeguarding both culture and environment. Their leadership continues to inspire younger generations and ensures that the values, wisdom, and identity of the Maa people remain vibrant and relevant in today's Kenya.

Mr. Speaker, Sir, of particular note was the remarkable participation of the youth. Their presence was felt in every aspect of the festival, from performances that blended traditional and contemporary artistic styles to exhibitions of entrepreneurial innovations rooted in Maa heritage. This included fashion, crafts, digital storytelling, and creative enterprises that are not only preserving culture but also empowering youth economically.

The festival also provided a forum for dialogue between youth, elders, leaders and development partners on critical issues such as heritage, economics, climate resilience, responsible tourism and the role of young people in shaping the future of their communities. This affirmed that the youth are not only inheritors of heritage, but also key drivers of transformation, creativity, and unity.

Mr. Speaker, Sir, I wish to commend the Government of Kenya under the leadership of His Excellency the President, for honouring a long-standing aspiration of the Maa community through this recognition. This gesture not only acknowledged the historical role of the Maa people in conservation, but also marked a significant step towards inclusive and community-led environmental governance.

I further applaud the Maa elders, leaders and cultural custodians for their unwavering commitment to safeguarding both culture and environment. Their leadership continues to inspire younger generations and ensure that the values, wisdom, and identity of the Maa people remain vibrant and relevant in today's Kenya.

Mr. Speaker, Sir, in conclusion, I wish to commend the organisers, cultural custodians, community elders, youth leaders and all participants who contributed to the success of the Maa Cultural Festival, 2025. Their dedication ensured that the event was not only a celebration of heritage but also a reaffirmation of pride, unity and enduring spirit of the Maa communities.

I urge both the national Government and county governments, as well as development partners, to continue supporting such cultural initiatives that promote national cohesion, economic empowerment and environmental stewardship.

I thank you.

The Speaker (Hon. Kingi): Sen. (Prof.) Tom Ojienda, Senator for Kisumu County, please proceed. Is the hon. Senator not in the Chamber?

That Statement is dropped.

DUMPING OF GARBAGE IN MARKETS
WITHIN KISUMU COUNTY

(Statement dropped)

We will now take comments for not more than 15 minutes on the Statements that have been sought, starting with Hon. Sen. Osotsi.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. Let me make my comments on two Statements. One Statement is by the Senator for Nandi County, Sen. Cherarkey, on the issue of Mobile Termination Rates (MTRs).

Mr. Speaker, Sir, I appreciate the Statement that has been raised by a good Senator, but I also want to inform him that MTR is a product of the total cost of operating business. I know that there are some countries which have zero MTR, however, they are very few. In fact, it is just the United States of America (USA) and a few other countries. The MTR for most of the other countries is high, particularly here in Africa. If you look at other competing countries like South Africa, Nigeria and Egypt, the MTR is very high. It is a product of the cost of doing business.

Mr. Speaker, Sir, the cost of doing telecommunication business in this country is extremely high and that reflects in the MTR. That is finally what the consumers pay in terms of making calls. For instance, in this case of Safaricom Limited, the Government of Kenya cannot be asking for a lower MTR, when telecommunication business is one of the most highly taxed businesses in this country. For example, on 1st of July this year, the CAK increased the frequency spectrum rates by more than 900 percent. These are businesses which need to run. They will of course pass that cost to the consumers.

Mr. Speaker, Sir, secondly, the cost of electricity in Kenya is very high and these companies consume a lot of electricity. If you put high cost of electricity, that will be reflected in the cost that is finally going to be taken to the consumers. In my opinion, the starting point is for the Government to appreciate the fact that for it to be competitive, we need to invest in digital economy. How do you invest in digital economy? By ensuring that telecommunication operators operate in an environment which is sustainable.

I would like the Committee that will be looking into this particular Statement to look at it from a wider context and not a simplistic context. As we speak, the cost of licensing telecommunication companies in Kenya remains very high. Most operators, including Safaricom and Airtel, had their licences expire three years ago and they have not yet been renewed. So, this company---

The Speaker (Hon. Kingi): You have 30 seconds to wind up your thoughts.

Sen. Osotsi: Due to delays in issuing renewed licences, companies such as Safaricom cannot make critical investment decisions. Therefore, when we discuss MTR, I speak as an expert in the Information Technology (IT) sector. We must consider the matter in a wider context. We need to examine the overall business environment for telecommunication companies in this country, then we will understand the problem more clearly.

Mr. Speaker, Sir, I support the Statement to that extent.

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

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I would like to appreciate the initiative by the Nominated Senator, Sen. Nabwire and Sen. Catherine Mumma. They are the only leaders from our community who have woken up to the reality of what is going on in Ikolomani.

With maximum respect, it is sad that Shanta Gold Kenya Ltd has compromised several layers of leadership from our region. That is why they are quiet. In Luhya Land, when you move a household, you move at least 10 people. That, therefore, means that we are talking about the relocation of 8,000 to 10,000 people.

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

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

Sen. Osotsi: Mr. Speaker, Sir, I do not want to interrupt my elder brother, Sen. (Dr.) Khalwale. I rise under Standing Order No.105. He has made an allegation on leaders from his community. I know he is referring to the Luhya community, where I belong. It is not fair for him to put me in that bracket of leaders, as I have been opposed to what Shanta Gold Kenya Ltd is doing on the border between Vihiga and Siaya. I would like the Senator to retract his statement or clarify.

The Speaker (Hon. Kingi): Now, Sen. Boni, that is a fair observation. Proceed to do the needful.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I again celebrate my younger brother for defending himself and setting the record clear. Why are 8,000 to 10,000 people being moved to nowhere? The leaders are quiet, apart from Sen. Catherine, Sen. Consolata, and yours truly.

Secondly, the administration; the national Government and the county government are quiet. The matter is so grave that Sen. Catherine Mumma and I had to save the day last week. That is part of the reason I was not here. There were fights and people were asking where they were being taken. However, they were tear-gassed by the police, who were supposed to defend them. I refuse on behalf of the people of Ikolomani--

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

Sen. (Dr.) Khalwale: By extension, the entire Randa Corridor shall not move. We will only move if we are the ones mining. We have not said we cannot mine. We will only move if our stake is not limited to five per cent. Five per cent of our own gold, so that some tomcats---

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

The Speaker (Hon. Kingi): Sen. Boni, would you wish to be informed by the Senator for Nandi County?

Sen. (Dr.) Khalwale: Yes.

The Speaker (Hon. Kingi): Proceed, Senator for Nandi County.

Sen. Cherarkey: I would like to inform Sen. Khalwale, my neighbour, that under the Mining Act, 2016, 10 per cent goes to the local community, 20 per cent to the county government and 70 per cent to the national Government. I also agree with him that under

the law, the local community can form what you call mining cooperation and proceed to mine.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, we should always plead with colleagues that if they must inform a Member, they inform them something they do not know. Before you came here, we enacted the law you are talking about. So, I know what I am talking about.

The Speaker (Hon. Kingi): Sen. Boni, that information should be useful.

Sen. (Dr.) Khalwale: Yes, it is useful, but he should not give the impression that Sen. Boni Khalwale does not know the law.

The Speaker (Hon. Kingi): You had indicated earlier on that five per cent was to go to the community.

Sen. (Dr.) Khalwale: Let me help him because it seems he does not know the law. Allow me to inform him now, it is five per cent to the community, 10 per cent to the county government, 20 per cent to the national Government and the balance disappears with the tomcat, who is called the investor.

The Speaker (Hon. Kingi): Now, Sen. Boni, you are going to open yourself to so many points of orders for absolutely nothing.

Sen. (Dr.) Khalwale: What do they want?

The Speaker (Hon. Kingi): That is not the law and you know it.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, thank you for that one minute that you have given me. In conclusion, we will not move from Kakamega for whatever reason other than mining that gold ourselves. We shall mine it. If I do not, my children will. If they do not, my grandchildren will.

The Speaker (Hon. Kingi): Sen. Catherine Mumma.

Sen. Mumma: Thank you, Mr. Speaker, Sir, for an opportunity to contribute to the Statements. I wish to contribute to the Statement by Sen. Hezena by applauding the Maa community for the beautiful cultural event they held, an event that left all of us in awe. We hope that the rest of the Kenyan communities can move in the same direction.

Secondly, I wish to contribute to the Statement by Senator Wakwabubi on the issue of Shanta Gold Kenya Ltd. The matter of social risk assessments of what mining will do is one that Parliament needs to take seriously. The National Environment Management Authority (NEMA) issued a public participation notice in June last year, but did not provide a link to the report. As a result, communities in rural areas were unable to access it. The report is close to a thousand pages.

Later, they came up with another statement issued for public participation last week, but that notice also made no reference to the report. The June notice had asked that anyone wishing to read the report should physically go to NEMA offices in Nairobi and Kakamega. I personally tried to find out from NEMA why proper public participation was not taking place. I am shocked that I was only able to access that report after it was sent to me by a member from NEMA.

Mr. Speaker, Sir, add me one more minute. I am shocked that the Government Spokesman has gone to Kakamega to assure the people of Kakamega that they will benefit from this venture, even before the NEMA has conducted an environmental

assessment and released a report. What does that mean? It means that the national Government is already working with Shanta Gold Kenya Ltd before the process is complete.

While we need to implement the mining law purposefully, we must also respect the human rights of the people affected. I suggest that this House takes an interest---

The Speaker (Hon. Kingi): You have 30 seconds. Conclude your thoughts, hon. Senator.

Sen. Mumma: Parliament should help to streamline laws and procedures relating to mining, so that they do not end up undermining the human rights of communities on lands that actually have minerals under the ground. This has been happening a lot in the coast. It is not just that the issue of gold, it is not just in Kakamega. It is also happening in Nyanza, in Ramula. I am a wife of the people in Nyanza. I am a daughter of the people in Western. I am speaking on behalf of both. We must respect the rights of communities, particularly the rights for communities to stay together, instead of being divided under divide and rule.

We need the Government to allow an objective process, rather than have a Government spokesman who has no clue about the community that he is actually going into, issuing statements without actually consulting.

I support that Statement.

Sen. Mandago: Thank you very much, Hon. Speaker. Allow me to comment on two statements. Regarding the Statement on the issue of mining, my question to the Ministry of Mining, Blue Economy and Maritime Affairs is, what is the role of the National Mining Corporation (NMC)? Why can these minerals not be assigned to the National Mining Corporation and the Government of Kenya invest in acquiring the equipment to mine these minerals, so that the Government of Kenya and the country Kenya can then utilise the resources, while the community is benefiting at that lower level, the county is getting the resources and the remainder of the resources come to the national Government, so that they can be distributed for service delivery across the nation?

It should also be noted that ever since the National Mining Corporation was established, the Ministry of Mining has never issued a single mining licence to the National Mining Corporation. We would like to know why the Cabinet Secretary is quick to issue mining licences to private entities and not quick to issue to the National Mining Corporation, which is an entity of Government.

My next comment is on the Statement sought by the Senator for Murang'a on the issue of telemedicine. We have seen counties come up with innovation like telemedicine, using drones to deliver samples, but unfortunately, all this is just in the talk, but we have not seen the action. We have had an opportunity as the Senate Committee on Health to visit Murang'a and we did see an iota of telemedicine. It is extremely important that county governments, when they say we are implementing this, they should actually implement.

Secondly, revenues that are accruing as a result of health services are supposed to be utilised by the facilities and the Facility Improvement Financing (FIF) Act envisages

that those resources will be collected by the facility. I am surprised to see that the County Government of Murang'a has pay bills that are not being even owned by the County Government of Murang'a. So, where is this revenue going? The FIF Act is very clear. The revenue must go to the facility.

So, as the Committee looks at this, they should also look at how the resources that are meant for FIF are being utilised. In my county, the governor launched a very ambitious programme of drones delivering reagents and specimens, but ever since it was launched, we have never seen those drones flying, except the small drones we see on weddings and funerals doing videography and so forth. Therefore, some of these so-called innovations have costs that are not being made public, and that money has not delivered or provided the service that was intended. So, the Committee should look seriously into this matter of innovation.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I would like to encourage Sen. (Dr.) Khalwale and Sen. Mumma, who are refined lawyers, to go to a constitutional court---

(An hon. Senator spoke off record)

Sen. Mumma, yes, is a refined constitutional lawyer, to go to court - Sen. Khalwale can be a witness - and file a constitutional reference to deal with a human rights situation about to befall their community. It is through that particular court proceedings, together with what we are going to do in the House, that will refine this matter and make sure that human rights are given priority. You cannot just move population, which also has graves and other cultures assigned to it. Most important, the priority should go to the local residents to do the mining before going to any other place.

Mr. Speaker, Sir, about the road accidents, the road to Mombasa has become a place where many people died. Last Friday, I watched two cars of people I know, collide and most of the people died just before Emali, out of the many trucks, which denied one car an opportunity to overtake. The dual carriage had already been designed by the Americans and should have been done by now. I encourage the Government to do the Nairobi-Mombasa dual carriage as quickly as possible. It will save the country many lives and also save costs in terms of insurance claims. Protecting a life is more important than anything.

On the matter of Lake Naivasha, recently my Committee on National Cohesion, Equal Opportunity and Regional Integration visited the area. That crisis is very serious. It is a fresh water lake, meaning it has an exit. The designers of the development around Lake Naivasha should know to what height, because then are we one day going to have all those investments and hotels swallowed by water?

So, I really support what Senator for Nakuru has done. This is urgent. The Government has budgeted emergency funds, which I have not seen being applied in Elgeyo Marakwet when there was a crisis or in this situation in Naivasha. This is money for emergency which should be utilised. I support that. It is a matter that the Senate should take very seriously, so that this crisis can be stopped. This is because the lake is

increasing day-in, day-out, and it is not stopping. So, most probably, the other investments will be caught up and it is going to be a big crisis.

Mr. Speaker, Sir, I thank you. I support.

Sen. Mariam Omar: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I add my voice on the Statement raised by the Senator for Tharaka-Nithi, on the turnout of the voters.

The matter of this continuous voter registration is provided for under Article 88(4) of the Constitution. It allows registration to be undertaken. This is normally six months after election, where they are supposed to conduct this continuous registration. However, since the Independent Electoral and Boundaries Commission (IEBC) was not constituted by then, they have started late. Our target for the countrywide registration is 6.3 million voters but, currently, according to the last report, which was released by the IEBC on 10th October, it is only 3,207 voters who have been registered. This shows that there is a lot turnout. This is occasioned by lack of identification cards.

The new registration targets the 6.3 million voters most of whom are youth who do not have identification cards. The applications for identification cards are normally done in the local area and brought to the main office for processing. They should be released to the respective counties without delay. I urge our youth to register.

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

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

On the issue of voter registration, the IEBC centres are far away from the citizens. The distance is long. So, we urge the IEBC to take the registration to the ward level so that at least there is no cost incurred for registration of voters.

Mr. Deputy Speaker, Sir, I would also like to add my voice on the Statement regarding the impact of the delayed enactment of the County Governments Additional Allocations Bills. The more we delay the money, the more the counties delay the projects. There is also unavoidable expenditure that is incurred because most of the additional allocations are in form of loans. Without disbursements, there is---

The Deputy Speaker (Sen. Kathuri): Hon. Senators, the time allocated for Statements is spent. We have surpassed the time by 15 minutes and now we are almost 25 minutes extra.

Let us now have the Statement under Standing Order No.57(1) by the Senate Majority Leader.

(An hon. Senator spoke off record)

Standing Order No.1 is suspended this afternoon.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 25TH NOVEMBER, 2025

Sen. Tabitha Keroche: Mr. Deputy Speaker, Sir, pursuant to Standing Order No.57(1), I hereby present the business for the week commencing Tuesday, 25th November, 2025.

The legislative business before the Senate is as follows-

There are 60 Bills that are pending conclusion, of which 40 are at the Second Reading, 18 are at the Committee of the Whole and two are awaiting First Reading; 30 Motions are pending conclusion; 19 petitions are pending conclusion, out of which 15 are due for reporting by respective standing committees; and 478 Statements pursuant to Standing Order No.53(1) are being considered by standing committees.

On Tuesday, 25th November, 2025, the Senate Business Committee (SBC) will meet to consider the business for the week. The tentative business for that day will include business not concluded from today's Order Paper and the following business—

We have Bills at Second Reading, which include the following-

(i) The Wildlife Conservation and Management (Amendment) Bill (Senate Bills No.46 of 2023);

(ii) The Wildlife Conservation and Management (Amendment) Bill (Senate Bills No.49 of 2023);

(iii) The Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill (Senate Bills No.1 of 2024);

(iv) The County Wards (Equitable Development) Bill (Senate Bills No.20 of 2024);

(v) The Livestock Protection and Sustainability Bill (Senate Bills No.32 of 2024);

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

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

Motions will include the following-

(i) Debate on the President's Address to Parliament;

(ii) Report of the consultative meeting of the Executive Committee of the Forum of Parliaments of the Member States of the International Conference on the Great Lakes Region (FP-ICGLR) held in Kinshasa, Democratic Republic of Congo (DRC) from 22nd to 24th January, 2025;

(iii) 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; and,

(iv) Report of the Standing Committee on Health on the County Oversight and Networking Engagements to Mandera, Wajir and Marsabit counties.

The tentative business for the Morning Sitting on Wednesday, 26th November, 2025 will include the following Questions addressed to the Cabinet Secretary, Ministry of Interior and National Administration as follows-

(i) Questions Nos. 013, 018 and 097 by Sen. (Dr.) James Murango, MP;

- (ii) Questions Nos. 041 and 120 by Sen. Daniel Maanzo, EBS, MP;
- (iii) Question No. 051 by Sen. Catherine Mumma, MP;
- (iv) Questions Nos. 054, 056 and 059 by Sen. James Lomenen, MP;
- (v) Question No. 062 by Sen. Joyce Korir, CBS, MP;
- (vi) Question No. 094 by Sen. Justice (Rtd.) Stewart Madzayo, EGH, MP;
- (vii) Question No. 100 by Sen. Mohamed Chute, MP;
- (ix) Question No. 107 by Sen. Mwenda Gataya, CBS, MP; and
- (x) Question No. 109 by Sen. Hamida Kibwana, MP.

The tentative business for the afternoon sitting on Wednesday, 26th November, 2025, will include business not concluded from Tuesday's Order Paper and the following-

a. Bills at Second Reading-

- (i) The County Wards (Equitable Development) Bill (Senate Bills No.20 of 2024);
- and

- (ii) The County Governments (Amendment) Bill (Senate Bills No.39 of 2024).

b. Bills at Committee of the Whole-

- (i) The Sports (Amendment) Bill (Senate Bills No.33 of 2024);
- (ii) The Public Fundraising Appeals Bill (Senate Bills No.36 of 2024);
 - (iii) The Heritage and Museums Bill (Senate Bills No.8 of 2023);
 - (iv) The Environment Laws (Amendment) Bill (Senate Bills No.23 of 2024);
 - (v) The Statutory Instruments (Amendment) Bill (Senate Bills No.10 of 2024);
 - (vi) The County Governments Election Laws (Amendment) Bill (Senate Bills No.2 of 2024);
 - (vii) The Sports (Amendment) (No.2) Bill (Senate Bills No.45 of 2024);
 - (viii) The County Civic Education Bill (Senate Bills No.4 of 2024);
 - (ix) The Office of the County Attorney (Amendment) Bill (Senate Bills No.47 of 2024);
 - (x) The Seeds and Plant Varieties (Amendment) Bill (Senate Bills No.4 of 2025);
 - (xi) The County Hall of Fame Bill (Senate Bills No.18 of 2023);
 - (xii) The County Oversight and Accountability Bill (Senate Bills No.3 of 2024); and
 - (xiii) The Public Finance Management (Amendment) (No.4) Bill (National Assembly Bills No.45 of 2024).

c. Motions will include the following-

- (i) Debate on the President's address to Parliament;
- (ii) Provision of Integrated Financial Management Information System (IFMIS) Reports for County Governments to the Senate; and,
- (iii) Mainstreaming Gender Perspectives in Legislative and Policy Processes.

The tentative business for the afternoon sitting on Thursday, 27th November, 2025, will include business not concluded from Wednesday's Order Paper and the following:

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a. Bills at Second Reading-

(i) The Electronic Equipment Disposal Recycling and Reuse Bill (Senate Bills No.5 of 2025);

(ii) The Energy (Amendment) Bill (Senate Bills No.11 of 2025);

(iii) The Health (Amendment) Bill (Senate Bills No.12 of 2025).

b. Motions will include the following-

(i) Debate on the Address to Parliament by His Excellency the President (Day Three);

(ii) Establishment of a policy to regulate Artificial Intelligence (AI) and innovation in Kenya;

(iii) To delink Junior Secondary Schools from Primary Schools; and,

(iv) Mainstreaming a Framework for clean cooking in Kenya.

Mr. Deputy Speaker Sir, I thank you and hereby lay the Statement on the Table of the Senate. I am Sen. Tabitha Karanja Keroche, Deputy Senate Majority Leader.

(Sen. Tabitha Keroche laid the document on the Table)

The Deputy Speaker (Sen. Kathuri): Let us move on to the next Order.

Clerk, ascertain whether we have quorum to put the question.

Hon. Senators, I will re-organise the Order Paper. Order Nos.8 and 9 are deferred.

MOTION

INSTALLATION OF CCTV CAMERAS IN ALL POLICE STATIONS,
CELLS AND POLICE REPORTING DESKS

AWARE THAT Article 51 provides that a person who is detained, held in custody or imprisoned under the law, retains all the rights and fundamental freedoms in the Bill of Rights, except to the extent that any particular right or a fundamental freedom is clearly incompatible with the fact that the person is detained, held in custody or imprisoned;

FURTHER AWARE THAT the National taskforce on improvement of the terms and conditions of service and other reforms for members of the National Police Service and Kenya Prison Service recommended adequate Government funding for the National Police Service to modernize its facilities, equipment and gear, and enhance its logistical and technological capabilities for National Police Service officers in order to enable the Service discharge its mandate efficiently and effectively;

COGNIZANT THAT the Bill of Rights provides for protection of human rights, prevention of abuse and upholding of the rule of law within detention facilities and police stations;

CONCERNED THAT there has been increasing reports of human rights violations, abuse, unexplained injuries, and deaths in custody, as well as security breaches and escapes from police cells across the country;

FURTHER CONCERNED THAT despite the recommendations by the Justice Maraga task force, little or no efforts have been made to ensure modernization of police cells by installation of Closed-Circuit Television (CCTV) cameras and police reporting desks thereby affecting public trust and accountability on what happens to persons in police custody;

NOW THEREFORE, the Senate resolves that the National Government, through the Ministry of Interior and National Administration:

1. Installs functional and tamper-proof CCTV cameras in all police stations, cells and police reporting desks across the country;
2. Ensures that all CCTV systems are monitored in real-time and that footage is securely stored and made accessible during investigations, judicial processes; and
3. Provides the necessary resources, technical support, and training to law enforcement officers for the effective operation and maintenance of CCTV systems and continuous digitization of Occurrence Book platforms.

(Motion deferred)

MOTION

CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)

THAT, the National Assembly amendments to the Meteorology Bill (Senate Bills No. 45 of 2023) be now considered.

(Motion deferred)

The Deputy Speaker (Sen. Kathuri): We will now move on to Order No.16.

MOTION

ESTABLISHMENT OF NATIONAL TEACHING AND REFERRAL HOSPITALS IN KENYA

THAT, AWARE THAT Article 43 (1) (a) of the Constitution of Kenya provides that every person has the right to the highest attainable standard of health, including reproductive health care;

NOTING THAT in Kenya, we have five National Teaching and Referral hospitals with Kenyatta University Research and Teaching Hospital in Kiambu

County and Moi Teaching and Referral Hospital in Eldoret, Uasin Gishu County being the only ones outside Nairobi County;

CONCERNED THAT the bed capacity, medical equipment and human capital in these National Teaching and Referral hospitals are not sufficient to absorb all the patients seeking specialized treatment;

FURTHER CONCERNED THAT many Kenyans with critical health conditions travel long distances in order to access specialized services in Moi Teaching and Referral Hospital in Eldoret or Nairobi where the other four National Teaching and Referral hospitals are located, leading to high cost of travel, augmented disease and in some cases deaths along the way;

NOW THEREFORE the Senate urges-

1. The Ministry of Health to:

- i. Establish National Teaching and Referral hospitals in the Coast, Eastern, North Eastern, Nyanza and Western regions; and
- ii. Fully equip the National Teaching and Referral Hospitals with modern medical equipment, medical supplies and personnel; and

2. The County Governments to allocate more funds to their respective health dockets to adequately facilitate their County Level 5 and Level 6 hospitals in order to enhance provision of critical health services to reduce the demand for such services from the National Teaching and Referral Hospitals.

(Sen. Mwaruma on 12.11.2025 - Morning Sitting)

(Resumption of debate interrupted on 18.11.2025)

The Deputy Speaker (Sen. Kathuri): This is resumption of debate. Is there any Member who has minutes remaining or we open it? Let us have Sen. Kavindu Agnes.

Sen. Veronica Nduati. Give her the microphone.

Sen. Veronica Maina: Thank you, Mr. Deputy Speaker, Sir, for the opportunity. I spoke to this Motion yesterday. I had pressed my button hoping to comment on the statement on the Maa Cultural Festival, 2025 before you closed the Statements Hour. That has been overtaken.

The Deputy Speaker (Sen. Kathuri): From my dashboard, I can also see that Sen. Cherarkey spoke. It should be cleared now. Anyone interested to contribute should use the intervention button.

Sen. Mwinyihaji Mohamed Faki.

Sen. Faki: Asante, Bw. Naibu wa Spika, kwa nafasi hii kuchangia Hoja ambayo imeletwa Bungeni na Seneta wa Taita Taveta, Sen. Mwaruma, kuhusiana na kuanzishwa hospitali za rufaa pamoja na kusomesha madaktari katika kila eneo la nchi yetu. Hoja hii imekuja wakati mzuri, wakati tunaangalia kwa undani masuala ya afya na hospitali kutokana na shida ambazo zimekuja kuhusiana na sheria ya SHA.

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Ni kweli kwamba hivi sasa Kenya, tuna hospitali tano za rufaa, ikiwemo Kenyatta hapa Nairobi, Kenyatta University kule Ruiru, vile vile Mathare pamoja na Kisumu na hivi majuzi, Jaramogi Oginga Odinga kule Nyanza. Tukiangalia uwepo wa hizo hospitali hizo kuu za rufaa, sehemu ya Pwani na Ukambani, kwenda upande wa Garissa na kwingineko, sehemu hizo zimetengwa kuwepo na hospitali kubwa kama hizi.

Kwa wale wagonjwa wanaotaka matibabu maalumu, yaani *specialised treatment*, inakuwa ni gharama kubwa wao kusafiri kutoka maeneo yao mpaka kule hospitali za rufaa ziko. Kwa mfano, mgonjwa akitumwa kutoka kaunti ya Lamu au Tana River, sehemu ya Kipini, itabidi asafiri karibu siku mbili ndio afike Eldoret ili apate matibabu.

Sehemu ambazo hospitali hizi ziko zinakuwa kwa haraka sana kiuchumi kuliko zile sehemu zingine. Hii ni kwa sababu, pale ni taasisi kubwa na kuna watu wengi wanaozuru taasisi ile kwa siku na wanahitaji huduma tofauti tofauti ambazo zinatajikana kupatikana katika sehemu zile. Hiyo inakuza uchumi wa zile sehemu.

Bw. Naibu wa Spika, wataki MTRH ilipoanzishwa kule Eldoret na hali ilivyo sasa, ni tofauti kabisa, kwa sababu, mambo mengi yameongezeka na uchumi umeimarika. Kwa hivyo, itakuwa ni njia moja ya kukuza uchumi na kaunti zetu iwapo tutakuwa na taasisi kama hizi katika maeneo tofauti.

Utaalamu pia unakuwa katika maeneo haya. Tukiangalia wale madaktari *specialists* ambao wako hospitali hizi kama hospitali ya KUTRRH na KNH, wale madaktari wanaopatikana katika hospitali hizo ni wa taaluma tofauti. Hii pia inakuza uwezo wa madaktari kusoma katika maeneo yaliyo karibu na wao. Kwa mfano, inabidi madaktari wengi waliokuwa wanafanya kazi mjini Mombasa wasafiri mpaka Nairobi kuja kusoma shahada yao ya uzamili ya pili. Pia, wakati wanasoma, kaunti zimekataa kuwalipa mishahara kwa sababu hawafanyi kazi kwa hizo kaunti lakini, wanafanya kazi katika hospitali kuu ya Kenyatta.

Bw. Naibu wa Spika, mbali na kwamba zitasaidia kuleta matibabu karibu, taasisi hizi zitasaidia kusomesha madaktari kwa gharama ndogo kuliko vile inafanyika sasa. Kwa sababu, daktari akiondoka Mombasa kuja Nairobi, hawezi kwenda kufanya kazi Mombasa. Itabidi afanya kazi hapa hapa Nairobi na anapofanya kazi Nairobi, anachukuliwa kama ambaye yuko kwenye mafunzo. Halipwi chochote. Yeye ndio anatajikana kulipa hospitali, kwa mfano ya KNH, kwa sababu wanampea mafunzo katika taaluma anayoifanya.

Kwa hivyo, uwepo wa taasisi hizi utasaidia pakubwa kuboresha masuala ya afya katika kaunti zile hospitali zitajengwa na ninaunga Hoja hii mkono. Kwa watu wa Mombasa, sisi tuko tayari. Tuna hospitali kuu ya Port Reitz ambayo ina sehemu kubwa inayoweza kutumika kujengwa kwa taasisi kama hii *referral* na ya kufunza madaktari wa taaluma tofauti tofauti.

Bw. Naibu wa Spika, hivi majuzi, tulibahatika kama Kaunti ya Mombasa kupata Technical University of Mombasa (TUM) kufundisha taaluma ya udaktari. Kwa sasa, tuna university katika kaunti ya Mombasa ambayo inafundisha taaluma ya udaktari na tukipata nafasi ya kujengewa hospitali kama hii, itasaidia pakubwa taasisi mpya ambayo imeanzishwa ili ikue na kuwe na madaktari wengi wanaopatikana kutoka Kaunti ya Mombasa.

Asante, Bw. Naibu wa Spika, kwa kunipa fursa hii na naunga mkono.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Daniel Maanzo.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to contribute to this important Motion.

Health is very important and if you travel around the country like when the Committee on Health travelled around the country, they found the standards in many hospitals run by either the national or county governments.

The referral and teaching hospital connotes that there is a likelihood of a medical school where that hospital is situated. The Kenyatta National Hospital (KNH), a referral hospital that has assisted many patients in this country, has many Kenya Medical Training Colleges (KMTTC) and the University of Nairobi students learning there.

The teaching of medicine is such that the practicals take quite a number of years. In fact, doctors on attachment are already doctors; having been in school for seven years or more and qualified from the university. These doctors are also the top cream of national brains; people who performed very well academically.

This country used to have eight regions when we had the provinces and at least, each former province should have a teaching and a referral hospital. I like the recent development of the Mombasa Technical University which is now teaching medicine. Therefore, the coastal region generally has a teaching and a referral hospital.

Previously, KNH had become the biggest referring hospital for all the 47 counties. Therefore, experts and doctors there who also teach students, find themselves overloaded and very strained. It is therefore important that we strategically increase the number of universities teaching medicine in the regions so that we can also take care of the deficit in people working for public hospitals especially, qualified doctors.

Mr. Deputy Speaker, Sir, my interaction with a few doctors who work for Government has very sad stories after them being the top cream of students in the country and being in the university for seven years. When they begin their career in these Government and referral hospitals as specialists in different areas, it means that not only are we dealing with undergraduates, but also, postgraduate students in medicine specialising in certain fields because they also need these hospitals. If distributed evenly in the region, it will make it easier. We can have these teaching and referral hospitals in the previous eight provinces first and then, narrow down so that we can access as many as possible.

The Government should look at improving their salaries as they improve the services. Also, the interns, who are actually full doctors, should be taken care off much better. Otherwise, what happens is that we train them in our own teaching and referral hospitals and then, most of them are absorbed into other job markets in the region. You will find that our doctors end up in different parts of the world or private hospitals which limits the number of normal Kenyans who can be served by these wonderful doctors.

We also need to reduce the number of protests by medical professionals. From the ones we have seen running around Parliament yesterday and today, to the ones at the county levels. The moment doctors go on strike for poor pay; contracts not met or being misunderstood by the counties, it means that a number of Kenyans do not follow under

Article 43. That, their medical treatment is delayed and chances of death become higher. The Nation thus ends up not serving the Constitution.

Mr. Deputy Speaker, Sir, I support this great Motion and hope that it will be implemented. That the planners of the university education in this country can work and have medicine taught in different universities in different regions so that a lot more improvement of health care in the Country can be achieved.

Thank you and I support.

The Deputy Speaker (Sen. Kathuri): The next Senator is Sen. Mariam Sheikh Omar.

Sen. Mariam Omar: Thank you, Mr. Deputy Speaker, for giving me this opportunity to add my contribution on the Motion on establishment of the National Teaching and Referral Hospitals in Kenya.

This is a very good Motion that comes at a very good time, so that our people can have a solution on the referral issue. There are only three referral hospitals outside Nairobi and none is in the Northern Kenya. If you ferry a patient from Mandera in Northern Kenya to Nairobi, because of the distance and the nature of our road infrastructure, 90 per cent of the patients lose their lives in the long run. To avoid this, we need a nearer National Teaching and Referral Hospital with specialists, so that we avoid overcrowding the National Referral Hospital in Nairobi.

Mr. Deputy Speaker, Sir, most of the chronic diseases, cancer specifically, is 90 per cent in the rural areas of the Arid and Semi-Arid Areas and most of the diagnosed get treated at the KNH. To avoid this, we need the service nearer the patients, who are our people, so that at least, they can get early treatment and avoid loss of life.

There are not enough beds and equipment in most of the county referral hospitals that we visited to enable us to at least, get treated at the county level. Health is devolved and for it to have a positive effect on our people, we need these referral hospitals in Northern Kenya, specifically, Wajir, which is between Mandera and Garissa, so that we do not have to ferry people to Nairobi. Mandera also serves two countries; Ethiopia and Somalia and most of our patients come from these countries.

Mr. Deputy Speaker, Sir, the budget to the counties is insufficient for them to have a positive feedback on this health issue. The health sector is majorly human capital and drugs. We have visited over 20 counties and most of them have a shortage of staff; the nurses and specialised doctors. If at all the Government can take the initiative of having a referral hospital in Mandera County, we also need these specialised doctors.

With those remarks, I support the Motion.

Thank you.

The Deputy Speaker (Sen. Kathuri): Very well. Proceed, Sen. Omogeni.

Sen. Omogeni: Mr. Deputy Speaker, I rise to support the Motion that has been sponsored by Senator for Taita Taveta, Sen. Mwaruma. The importance of this Motion is that we want to actualise the benefits that motivated many of us to vote for this new Constitution in 2010. There was a lot of public participation and discourse leading to the excitement that you saw from Kenyans when they were voting for this Constitution in 2010.

One of them was the hope that this Constitution was going to transform healthcare for Kenyans. We were very deliberate. We said healthcare will be devolved to our counties so that quality medical care for the citizens of this country would be close to the people. However, I agree with Sen. Mwaruma, that we have not done enough.

My neighbour here, Sen. Sigei, will tell you that many of the patients who get attended to in Tenwek Hospital and partly in Litein, are overflows from the county of Nyamira in Kisii because of what this Motion is seeking; that county governments should allocate more funds to their respective health dockets to adequately equip their Level 5 and Level 6 hospitals.

I dare say that some of these hospitals that we call Level 5 are not really Level 5. They are Level 5 because politically they were given that title, but in terms of the facilities, I do not think they meet the criteria of being Level 5.

I wanted to correct my good friend, Sen. Mwaruma, and I had a discussion with Sen. Oketch and I think he confirmed that Jaramogi Oginga Odinga Hospital in Kisumu is now a referral hospital.

Why are you talking about Bungoma? You should be talking about Kisii region because the Kisii Teaching and Referral hospital serves people from your county of Migori, from Narok, Kilgoris, Nyamira, Kisii and partly from Homa Bay. You should be vouching for Kisii.

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

Sen. Omogeni: You have not caught the eye of the Deputy Speaker. So, the first point I wanted to make---

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

Sen. Omogeni: It is okay. I can be informed by my neighbour from Migori.

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

Sen. Oketch Gicheru: Mr. Deputy Speaker, I just wanted to tell my good neighbour and also my mentor - nowadays he qualifies as my mentor - he used to be my friend but now he is becoming my confidant, that when the Motion was brought, Jaramogi Oginga Odinga had not been made a referral. The Motion is claiming that there are only two national referral hospitals outside Nairobi.

So, I was informing him that there is already an arrangement for Jaramogi Oginga Odinga to be one and there is another one in Bungoma. However, I do agree with him that even before those other ones, we must find one in Kisii and Nyamira, in the deluge of all these others that are being created because that is a very important population to be able to be served by those national referral hospitals.

The Deputy Speaker (Sen. Kathuri): I also want to inform you, Sen. Eddy, that Meru Teaching and Referral Hospital is also being elevated to Level 6. So, we are adding numbers.

Sen. Omogeni: Mr. Deputy Speaker, Sir, do we have a medical school in Meru? I want to thank Sen. Eddy and with your input, Mr. Deputy Speaker, then this Motion should not read the way it is reading. We are still operating as if the old Constitution is the one guiding how we devolved services and resources in Kenya.

When you talk about coast, eastern, north eastern, Nyanza, western; those are things that used to guide us in the old Constitution. What we should be talking about now is counties because when you talk about regions, you leave out regions like Maasailand, because the Constitution recognizes 47 entities. So, we should be talking about counties that should be allowed to have referral hospitals.

I was vouching for Kisii because Kisii has a teaching referral hospital serving a big catchment area. Nyamira goes to Kisii, people of Kisii are served there. The residents of Narok, Kilgoris, Migori and Homa Bay all go to Kisii.

So, this Motion should be worded in such a manner that specific counties surrounded by some catchment regions should be the ones getting teaching and referral hospitals. Now look at Meru, the nearest referral hospital is Kiambu. That county of Meru, serving a catchment of Tharaka Nithi, maybe Garissa, part of Kitui, should get a teaching referral hospital.

I support this Motion, but we should amend it to align it with our Constitution so that we lay more emphasis on counties and not the former provinces. We do not know about provinces, now we know counties.

The concern being raised by Sen. Mwaruma is something that we should take seriously as this House. Kisii Teaching and Referral Hospital, has only six Intensive Care Unit (ICU) beds. An ideal referral hospital should have a capacity of about 12, so that if you are doing a heart surgery somewhere, you have another doctor somewhere doing a liver transplant; somebody in some theatre is also getting a kidney replacement. If an accident has happened in Kilgoris, there is a surgery going on in another surgical room. That is the only way you can rightly say that you have a referral hospital.

So, when Sen. Mwaruma says that we should urge our county governments to allocate more budget for health, it makes a lot of sense. However, we are very gracious to this House that when we were sharing revenue, we gave 12 counties Kshs370 million to assist in development in those counties. Unfortunately, that money is being used by governors to buy tea in their offices, for traveling and to pay people *per diem* to attend conferences. It is so sad. That was not the intention. The money was meant to be ring-fenced for development.

I want to also urge our governors to pay critical attention to the human resource component of our health care. I do not know about other counties, including yours of Meru, but in my County of Nyamira, God forbid, if you get a heart attack in Nyamira, we do not have a cardiac specialist. There is none. If you get kidney failure, you must seek assistance outside Nyamira. We do not have kidney or liver specialists and none in my neighbouring counties as well. Also, when you talk about ICUs, you need enough critical care nurses to assist the doctors. The professional requirement is that critical care nurses work for a maximum of eight hours.

Somebody has corrected me that the theatres in Kisii County are four, not six, as I had said.

Sen. Mwaruma, I fully support this Motion before the House. The question I am asking myself is how this House will make governors appreciate the importance and urgency of putting enough resources in health care.

We need MRIs, CT scans and not the small ones. A good CT scan should be 128. What we have in our counties such as Nyamira is a three slide. That is a very small one that cannot help. What are we going to do as the Senate of the Republic of Kenya to make governors appreciate that they need to put more budget in health, so that we equip our hospitals? What am I going to do so that my people of Nyamira can stop going to be attended in my neighbouring county of Bomet, in Tenwek Hospital?

If we say we have devolved resources and functions, why should we go to seek services in our neighbouring counties? There is a lot that the Committee on Health must do. Maybe we audit our hospitals and shame the governors of those counties who have not done enough to equip hospitals to the level that they can take care of patients in need of critical medical attention.

Mr. Deputy Speaker, Sir, as I conclude, this idea of having a teaching and referral hospital is tied to budgetary benefits for our counties. If you leave a referral hospital in Nairobi; another one in Kiambu and in Kisumu, it means that there some regions that are greatly disadvantaged. This is because we are restricted to the shareable revenue while those that have referral hospitals are getting budgetary allocation from the national Government.

That is why it is so important that we push that these referral hospitals be distributed evenly across the regions of Kenya. They should not be based on the former provinces. We should base them on our counties and see how we can draw a map to have counties that serve the neighbouring counties have those referral hospitals.

Finally, I do not know what happened to the plan that was in place in the last regime, where we had specialist doctors coming in from Cuba. They had good presence in our counties. We need them to have a good number of surgeons.

Governors are also not doing enough to train doctors to become specialists. We need enough surgeons, cardiac specialists, kidney and other specialists. That is the only way we can tell Kenyans that the requirement of Article 43 (1) A of the Constitution has been fully met.

With those remarks, I support.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Wakili Hilary Kiprotich Sigei.

Sen. Wakili Sigei: Thank you, Mr. Deputy Speaker, Sir. You have properly pronounced my name. I appreciate that.

Thank you for the opportunity to also support this very critical and important Motion by Sen. Mwaruma. The Motion speaks to a very critical aspect of the general interests, not just of the counties we represent, but the country at large.

Chapter Four of our Constitution has granted under Article 26 the right to every human person to live. Article 43 entitles all of us the highest standard of health including what this Motion is seeking to establish. This is a very important aspect that we must deal with.

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Sen. Sigei, I am hearing two voices, you and another *kamukunji* here led by the Majority Leader.

Sen. Wakili Sigei: Mr. Deputy Speaker, Sir, kindly call on the Senate Majority Leader and the team that is consulting to do so in low tones.

The Deputy Speaker (Sen. Kathuri): They can consult at the back space here. I have heard what they are discussing and it cannot be done on Floor of this House.

Sen. Wakili Sigei: Mr. Deputy Speaker, Sir, fortunately, I am aware that consultation room is available only that I could not know the exact conversion that was going on.

The Motion is one that this House should take to the next level for purposes of implementation where necessary. I wish to borrow from what my Senior Counsel, Sen. Omogeni, has said that instead of making reference to the former provinces that is Eastern, North Eastern, Western, Nyanza, we should even begin to think of how we can establish sufficient referral hospitals which would fall even within the counties.

I am aware that we have referral hospitals in our respective counties and that should be the beginning. As a House, we need to make sure these referral hospitals are properly managed so that the resources we send are used for the intended purpose. We should not be lamenting and seeking to create and develop other referral hospitals if those county referral hospitals are properly managed, resources, including human resource, appropriately utilized

Over time, we have all been taking about mismanagement. The Committee on Health has been visiting various county referral hospitals to check what they are doing.

We need to support the Motion by Sen. Mwaruma so that we will not be talking about only five or seven referral hospitals. We should be talking about more than that because as a country, our doctor- patient ratio is below the WHO.

In fact, the statistics speak about one doctor to 1,000 patients which in our case is completely the opposite. It is one doctor to up to 17,000 patients. That tell us about the inability and insufficiency of the health coverage in our country.

Establishment of these institutions will mean that we will be attempting to get closer to the WHO requirements. Unfortunately, that also speaks to the economic situation of our country. To the extent that we are seeking to support our devolved governments with additional resources, we should ensure that we follow through the allocation so that money meant for health is utilised for that purpose.

Whatever allocation that has also been approved by county assemblies in terms of their budget should also be monitored to be utilised appropriately. Unfortunately, that does not happen. Even if we increase allocation, we should follow through to make sure the allocation for health is sufficient. For instance, in the county of Bomet, the last financial year, health sector had an allocation of Kshs2 billion. Unfortunately, when you get down to experience the kind of health care facilities that we have, that money cannot be seen. The services are not felt. It tells you that it is going beyond resources to management.

As we speak about the desire to establish referral hospitals, which I am proposing that we should even do it in every county, we should also look back and ask ourselves

whether we are in a position to make sure that management and administration of these referral hospitals is up to the standard that ensures that the services that go to the people are enough both in terms of human resource, technological advancement and the services that come with administration of those institutions.

When you look at what we are experiencing right now, it is not to the standard that is expected. Therefore, I propose that the Motion by Sen. Mwaruma, if and where necessary, should be amended to speak more to what is existing and expand the proposal on what we can establish across the country.

The other day, we saw the Chairperson of the Committee on Health, Sen. Mandago, together with the Cabinet Secretary for Health officiating the groundbreaking ceremony of the referral hospital in Uasin Gishu County which is going to serve not only Uasin Gishu County, but the counties in the entirety of the North Rift.

The question that we should be asking ourselves is: What measures are we putting in place to make sure that once we put up such a facility which costs billions of shillings, and I believe it will attract a lot of donor funding, we are ready to make sure that we establish proper administration and governance, so that it serves the purpose? Otherwise, we will deal with this Motion.

We will also push, as a House, to enhance the funding that goes to our counties. However, without proper mechanisms on how to oversight, we will always be lamenting as to the mismanagement of the resources that we allocate, as a Senate, to our county governments and services to our people will not be felt.

We will come back here and, as has been the case always, we deal with inquiries and audits, but we will have lost some of the people who are supposed to have been served.

Sen. Mwaruma, I want to applaud the idea of pushing for such a proposal so that even at some point as a country, we will be talking about a proper doctor-patient ratio or patient-facility ratio, which is not what is expected of a developing country like our country Kenya.

I support and I yield.

The Deputy Speaker (Sen. Kathuri): Very well. Proceed, Sen. Mumma.

Sen. Mumma: Thank you, Mr. Deputy Speaker, Sir, for an opportunity to contribute to this very important Motion and to congratulate and affirm Sen. Mwaruma that this is an important issue.

I fully support that we pass a resolution about the first proposal by Sen. Mwaruma that is urging the Ministry of Health or the national Government to establish more national teaching and referral health facilities.

This will be just implementing what Article 6 of our Constitution says, which requires that the national Government decentralizes its services to ensure that they are accessed in all parts of the country. So what Sen. Mwaruma is asking is actually getting the national Government to implement this.

In 2013, we only had the Kenyatta National Hospital and Moi Teaching and Referral Hospital. I think Kenyatta University Hospital came a little later and then we had

the Mathari facility. I forget the other one. During all these years, we have just started the thirteenth year since devolution was rolled out.

Mr. Deputy Speaker, Sir, the national Government investment in national referral facilities has not been much to the credit of the Kenya Kwanza. I know that they have been trying to invest in more national referral facilities and they are trying to get into Memoranda of Understanding (MoU) with county governments to try and get their Level 5 facilities to move to Level 6 in accordance with the type of devolved governance that we have in Kenya.

Our devolved type of governance is interdependent and the governments at the national and county levels are expected to collaborate and cooperate to deliver services to all the people of Kenya.

If there is one service that we must all come together and depoliticise and ensure we deliver to everyone, it is the right to health. I would urge that we all do what it takes. Having decided that we want to achieve Universal Health Care (UHC), we must all try and ensure that UHC is achieved. Our role as Parliament is to ensure that enough funds are given to those who are implementing, the executives in the sector, to deliver on this service.

Mr. Deputy Speaker, Sir, I am opposed to number two, where the hon. Senator is suggesting that county governments put money into a function that belongs to the national Government. As you know, the Ministry of Health budget is bigger than the health budgets of all the 47 counties combined. It will be remiss of us to be asking that the equitable share that has been given to the county governments, meagre as it is, be hived to support the function of the national Government. We will actually be reversing devolution.

Twelve years after rolling out devolution, this House should be the expert House in guiding on devolved governance. So, I would not support the second proposal where we do not even have enough money to set up our own systems in the counties and for county governments to be asked to put that money in the referral system.

What we should be doing is urging the national government to allocate more money to the county governments and specifically to the health sector, to ensure that we have enough national teaching and referral hospitals.

I do not agree that we need 47 national referral facilities. We should ask the Standing Committee on Health to actually try and give us an estimation of what it would cost for one referral hospital to have expertise in oncology, cardiology, renal services and expertise in every sort of disease. I think that we would be setting ourselves up to fail if we imagined that, that is what devolution wanted.

Mr. Deputy Speaker, Sir, a lot of people here go to India for treatment because the services are good. In my view, our collaborative and cooperative intergovernmental function means that the sectoral committee on health from the national Government and county governments should come together and decide. If we can have 10 or 12 locations with national referral facilities, we can ensure that we have the best investment in oncology services in one location in Kenya, and Kenyans can go to that location instead

of going to India. We can decide that we will have the best locations in another service to ensure that people go there.

If I may use the field of oncology, I do not think Kenya has more than 20 oncologists in this country. So, if every county will be trying to have its own specialty in oncology, we are just setting ourselves up to fail. However, the 47 counties can work with the national Government. They can collaborate and cooperate so that oncology services are shared among the 47 counties together with the national Government. This will ensure that all persons needing oncology services get the very best that they can get.

It is now 13 years since we rolled out devolution. I, therefore, urge the Senate to strengthen the intergovernmental relations between the two levels of government for them to use the meagre resources that we have to ensure that our health system becomes truly one that is of universal health care. That means that the people of Nyamira need not only get services from Nyamira.

With that, Hon. Deputy Speaker, Sir, if you visit Kakamega County and get sick, you should be able to go into a facility in Kakamega County and get services. We should not try to evacuate you to Bomet for you to get that service. That is what our Constitution entails.

Sen. Mwaruma, we should contemplate how we can properly operationalise the intergovernmental collaboration and cooperation that was envisaged by the Constitution to ensure that we do not have unnecessary competition between national Government and county governments. They should both recognise that their services go to the same people. We do not have a citizenry that belongs to national Government and another citizenry that belongs to county government. If we do this, I foresee us delivering services better.

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

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

Hon. Temporary Speaker, Sir, we, recently, went to Kakamega where Governor Oparanya had put up a good Level 5 facility. He negotiated with the national Government to take it up and now a Level 6 teaching and referral facility is situated in Kakamega. Once that teaching and referral facility becomes a national Government facility, it is not meant to train doctors from Kakamega. It is intended to train doctors, nurses and other health facility providers from the entire country.

So, we should actually disabuse ourselves of the notion that every county would have its own, so it will be training their own doctors. In fact, medical training is so specialised that we need to reduce the number of medical schools and ensure we get the very best. Our trainees in medical schools are not getting the best that they can get because the medical schools are not properly resourced. We would rather have better resourced universities that are fewer, giving us the best doctors they can give us, rather than kidding ourselves that we can have 47 locations with mediocre training that is happening and mediocre services being provided.

I want the Senate to consider revisiting the regional economic blocs that were there. They were exactly meant to do what we are talking about. If the Lake Region Economic Bloc (LREB), for instance, where I belong, had 14 counties, and they choose to invest in different needs for health, you would find that the 14 counties within their own region are able to provide different services in a better manner, rather than one county pretending that they can deliver all the specialised services.

I urge Sen. Mwaruma to consider a proper evaluation of what we need to do in order to equitably share the specialised services that we have in Kenya. We should equitably invest in the specialised services that we need to have in Kenya for the different non-communicable diseases and to equitably share the resources that we have nationally to invest in these ventures of national referral hospitals and teaching hospitals. Even as we do so, I would be encouraging county governments to invest better in preventive health. If county governments invest better in preventive health, we will lessen the number of people who need referral or specialized services.

Mr. Temporary Speaker, Sir, if you research you will find that a lot of the non-communicable diseases are lifestyle diseases. So, if we invested in better knowledge around public health that is preventive, we would reduce the number of people who must seek referral services. We will at that point be able to avert this service.

So, even as we support this Motion, Sen. Mwaruma, I would want to say that the service that the most vulnerable are lacking in this country are actually services that could be very well dealt with in terms of the preventive healthcare that is community health, education, nutritional and exercise issues. They could be complemented by public health, education in the agriculture sector so that we are producing and eating safe food.

If we have services that are properly operational at Level 2 and 3 hospitals, I can assure you a lot of the cases that have to go to the national referral facilities would be averted. So, let us not elevate the national referral situation against all the other public health situations. As the House that should actually be guiding on devolution, we should encourage on having healthy communities and that is about grassroots engagement with people rather than the very specialized roles.

As I finalise, let us find out what it would cost to have a properly running oncology specialised hospital. What would it cost to have the best facilities for cardiology and the experts? What would it mean to run the best renal services? Is it possible for us to be able to say that we can have 47 of those or can we specialize in different regions so that all Kenyans are able to go to those locations, get those services as we perfect those services? Can we also do an audit of how many specialists we have, so that that audit is able to guide us to say Kenya has so many oncologists, cardiologists and we need to invest more in these particular specialists in order to deliver these services better?

I yield, Mr. Temporary Speaker, Sir.

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

Hon. Members, this Motion is supposed to end by 5.24 p.m. The three-hour period will end at 5.24 p.m. The Mover of the Motion is entitled to reply. I have two

requests on my dashboard, Sen. Tabitha and Sen. Onyonka. I propose that you share the five minutes remaining, so that we allow Sen. Mwaruma to reply.

I will, therefore, ask Sen. Tabitha to proceed to comment in two minutes, then give Sen. Onyonka the remainder two minutes, then Mwaruma will reply in the remaining five minutes.

Proceed, Sen. Tabitha.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Speaker, Sir. I wish we had more time, but I will try and sum it up within the little time that we have.

I would like to appreciate Sen. Mwaruma for this Motion, which is very timely. Today, in 2025, as a country, we are talking about a population of about 55 million Kenyans, a population that is equally growing. At the same point, you realise that our referral hospitals have not been growing in number. We have rising cases of cancer, diabetes, heart diseases and mental health cases. So, it is important that this conversation of more referral hospitals at the county levels is key.

Mr. Temporary Speaker, Sir, look at where we are with the Kenyatta National Hospital (KNH). There is too much crowding today. We have also observed insecurity cases at the hospital, as most cases are referred there. This makes the facility and its management overburdened. It is high time that the conversation on referral hospitals is enhanced.

At the same time, accessibility is also a challenge. There is a cost incurred when people move from one region to another, such as transport and accommodation. This is because patients must incur these expenses to ensure they receive services at the referral hospital.

Financial issues, as I have said, is another factor since the costs incurred in a different county are more than when one is in their own region. Let us not forget that establishing more referral hospitals creates job opportunities for our people. They also serve as hubs for training different cadres such as pharmacists and nurses. These institutions help in building capacity for our people. In addition, emergencies and disasters are easily managed because patients do not have to travel long distances.

Due to limited time, I conclude by saying that the conversation on Universal Health Coverage (UHC) and ensuring our people receive maximum services, must happen now to guarantee equitable distribution of services.

I submit.

The Temporary Speaker (Sen. Wakili Sigei): Thank you. Proceed, Sen. Onyonka Richard.

(Sen. Cherarkey consulted with Sen. Onyonka)

Sen. Onyonka, I have given you the Floor.

Sen. Onyonka Thank you, Mr. Temporary Speaker, Sir. As usual, the troublemaker is Hon. Cherarkey.

I will not spend a lot of time speaking the obvious. I just want to congratulate Sen. Mwaruma, once again, for zeroing in on a very critical issue that this House should

engaged in. I believe that the issues raised and the presentations made speak for themselves.

I have listened keenly to what Sen. Mumma has raised and it is clear. Since we are running short of time, I will cede, so that we can proceed beyond this matter to the other issue involving the Committee on Health, where I sit.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Onyonka for that gesture. I now call Sen. Mwaruma to reply to this Motion.

Senate Majority Leader, the three-hour period of this Motion lapses at 5.24 p.m. If Sen. Mwaruma is willing, he can donate three minutes to you, then he replies in the remainder of the time.

Senate Majority Leader, take the Floor. I have also seen that Sen. Consolata has just made a request. Unfortunately, time is not on our side. We need to comply with the Standing Orders.

Proceed, Senate Majority Leader. Later on, Sen. Mwaruma will reply.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, first I appreciate Sen. Mwaruma for allowing me to eat into his time and share a few thoughts. I must appreciate him for the broader vision he has. Healthcare stands between poverty and wealth in many Kenyan families.

I have had the unfortunate incident of a family member being critically ill and I know the toll it takes on many Kenyans, particularly those with chronic diseases such as diabetes, cancer and other conditions that are high maintenance in medication. Therefore, the call for a conversation by the Senate, particularly on healthcare, is a very important one. I thank Sen. Mwaruma for triggering this conversation. I hope he can carry on with the vision.

Sen. Mwaruma, what you need to do over and above what you have proposed is to ensure follow-up. I do not know if you are a Member of the Health Committee, but I know there are Members listening to me. We must ask the Cabinet Secretary, Hon. Aden Duale, to bring the report he promised three weeks ago, when he came to answer questions on the performance of the Social Health Authority (SHA) this far.

As politicians, we must allow ourselves to do the politics. We can say SHA is not working and all those things. That is fine because that is our trade. However, over and above it, we must come back to this House and be legislators, where we critically look at the issues that develop any government agenda and seek to write it in the greater interest of the people that we represent in this House. It is in my greater interest for SHA to deliver the promise that was made to the people of Kenya because that is what the people of Kericho expect of me. That is why, on that particular day, I was very clear and I wanted the Cabinet Secretary to put it on record, in terms of compensation, how much of that compensation has gone to public health institutions *vis-à-vis* the amount that is going to private institutions, for example, in my county.

I know many of my citizens, the people who have employed me to represent them here, access health services from public health facilities. The more we compensate them, it means they are able to build capacity. It means they are able to stock drugs, which is the biggest cry, Sen. Mwaruma. If Sen. Onyonka, our colleague, goes to any village in

Kisi today and speaks about public health facilities, the number one thing they will tell you is that there are no drugs in those hospitals. They do not even understand these things you are saying about SHA and the rest. The simple question the people will ask you is, where is the medication? This is because we know a hospital is a doctor and medicine; that is all.

If you are critically ill, Mr. Temporary Speaker, Sir, then are there equipment enough to diagnose and check to ensure that I get the right medication? The only way we can achieve that is if we make sure that our public healthcare infrastructure, down from Level 1 all the way to Level 6, the referral hospitals that Sen. Mwaruma is asking us to think and meditate upon, we need to build a resilient system that is properly funded, that responds, that is fit for purpose, for the needs of the people of this Republic.

Therefore, Sen. Mwaruma, my only ask of you is that when that report comes, just the same way you have asked of us to speak on this issue, let us be very passionate about it, so that you check how much has gone in terms of compensation in our counties. Then we can call on the governors and ask them: “Tell us what is being done. How have you made sure that Cheborgei Health Centre, deep in my village that has received a compensation of Kshs1 million, money that perhaps they have never seen, what systems have you put in place to ensure that money is put to good use to improve the level of services that are being offered to citizens?”

As a House, I know it may not be possible between now and the time that we break for the long recess, but good people, when we come back here in February, if there is a report that we must take time to analyse, it is the full year report that will have come from the Ministry of Health on the performance of the SHA and the Universal Health Coverage (UHC) infrastructure in the country. That will guide us to achieve that which we want. Sen. Mwaruma, yours is not just an interest of buildings. It is about having a resilient public health system that is fit for purpose and serves the needs of the people.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you. Sen. Mwaruma, reply to your Motion.

Sen. Mwaruma: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to reply to this Motion that was aimed at urging the national Government to establish national teaching and referral hospitals where there are no teaching and referral hospitals, that is, Coast Region, Eastern Region, North Eastern Region, Nyanza and Western Region. It also seeks to request county governments to allocate funds or more funds in Levels 1 to 5 hospitals, so that we can decongest the national hospitals.

Mr. Temporary Speaker, Sir, because we do not have time, allow me to thank the Senators who have contributed to this Motion; that is, Sen. Beatrice Ogola, Sen. Cherarkey Samson, Sen. Eddy Oketch, Sen. Godfrey Osotsi, Sen. Veronica Maina, Sen. Joe Nyutu, Sen. Ledama Olekina, Sen. Mwinyi Haji Faki, Sen. Daniel Manzo, Sen. Mariam Sheikh, Sen. Okong’o Omogeni, Sen. Wakili Hillay Sigei, Sen. Catherine Mumma, Sen. Tabitha Mutinda, Sen. Onyonka and finally, the Senate Majority Leader, Sen. Cheruiyot.

Several issues have emerged from the discussions on this Motion. Just to be brief is that we need to devolve these services because students who are undergoing training in referral hospitals said that doing Masters and PhDs in their specialisations will enable them find their way to the regions and therefore the quality of medical care will improve.

As emerging issues, there is also the need to remunerate people undertaking training in referral hospitals. They should be remunerated well to avoid brain drain. There is also the need to have services closer to the people because cancer diagnosis and treatment requires specialised services, therefore, the need to have these services equitably distributed across the counties.

There was also a proposal that instead of establishing these hospitals around the former provinces, we can have clusters of counties to have referral hospitals domiciled within clusters.

Finally, as an emerging issue, there is need to also audit the amount of funding that goes to counties from the Social Health Authority (SHA) and the Social Health Insurance Fund (SHIF). As a Senate, we should ensure that all those funds are applied well by the county governments, so that there are improved medical services in our counties.

Mr. Temporary Speaker, Sir, since there is no quorum, pursuant to Standing Order No.66(3), I would like to request for deferment of putting of the question to a later date.

I thank you.

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

Hon. Senators, pursuant to the provisions of Standing Order No.66(3), putting of the question is deferred to the next sitting of the House.

(Putting of the question on the Motion deferred)

Clerk, you may call the next Order.

MOTION

ADOPTION OF REPORT ON PETITION ON COMPENSATION OF SUGARCANE CROP DAMAGED IN PAP/ORIANG', SIAYA COUNTY

The Temporary Speaker (Sen. Wakili Sigei): Sen. Eddy Oketch, the Chairperson of the Standing Committee on Roads, Transportation and Housing, you may proceed to move your Motion.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I beg to move-

THAT, the Senate adopts the Report of the Standing Committee on Roads, Transportation and Housing on a Petition to the Senate by Mr. Francis Otieno regarding compensation for sugarcane crop damaged by the Department of Public Works, Roads, Energy and Transport in Pap/Oriang' in Siaya County, laid on the Table of the Senate on Wednesday, 12th November, 2025.

This was a Petition that was presented to us by one Mr. Francis Otieno Otieno, a man with a double name like Miguna Miguna, or a friend of mine called Oketch Oketch. That notwithstanding, this Petition emanated from Siaya County. Mr. Otieno Otieno is seeking compensation for sugarcane crop that was damaged by the Department of Public Works, Roads, Energy and Transport in Pap/Oriang' in Siaya County.

This was one of the hardest petitions to deal with. I want to appreciate the entire Committee on Roads, Transportation and Housing for having attempted seriously to deal with it.

We had a chance to meet with the petitioner together with Siaya County Government represented by Governor Orengo. One of the parties that also appeared before us was Mr. Aienah Odhiambo, the contractor who was contracted by Siaya County Government to do the project that he mentioned.

This is a pretty straightforward issue. There was a claim by Mr. Francis Otieno that during the construction of the project in Pap/Oriang' that initially, the department was the one executing this project directly and in the course of executing this project, they ended up affecting his farm and destroying the sugarcane crop he had in his farm. Therefore, the prayer from this gentleman dated on 19th October, 2023 was that the Department of Public Works, Roads, Energy and Transport of Siaya County must revise the compensation of damages and thereafter, execute that compensation.

Mr. Temporary Speaker, Sir, it was our finding that it was not directly the Siaya County Department of Roads and Public Works that was working on this project. There was a contractor contracted by the same Department. We further interrogated the relationship between the Petitioner and this contractor and we established that there were a number of agreements that this contractor had entered into with the said Petitioner.

In that contract, there are a number of data points seen in that report which include the amount they had agreed on, but the contractor was not honouring that. It was our recommendation, therefore, on this prayer that, we could not grant that prayer because the Petitioner had failed to indicate any contract between him and the said Department.

There was also no documentation or formal contract to the effect linking the Department directly to this. However, the Committee acknowledged that there were damages incurred. Also, it established that the contractor had entered into an agreement with this Petitioner. I repeat here, again, that the contractor was Mr. Aieneah Odhiambo and we established that the House should find that binding. The Petitioner should then explore a solution in any other appropriate jurisdiction.

The second prayer from this Petitioner was the fact that the land in question was illegally encroached on. He had, therefore, requested if we could compel the Siaya County Government to divert what he had termed an illegal road to a position recognised by a survey of the Kenyan map of the area which takes it away from his land.

In response to the above prayer, the Committee recommended that any grievances from the land - and we established that the land was leased - should be addressed through the appropriate legal channels, as the Committee noted that the Petitioner lacked authority to raise any complaint about the alleged encroached land because the land was

not in his name, given that the land was leased. As a result of that emerging complexity, we concluded at that.

As the Chairperson of the Committee, I was in the entire engagement and I wish Members of my Committee were in the House. I recognised that there were a number of losses that this gentleman suffered. Despite the Department of Public Works in Siaya not directly executing the project, it is established that the Public Works Department of Siaya, indeed, contracted Mr. Aienah Odhiambo who was executing this project. This was where my disappointment was coming from. If the public was to look at the fair administrative of justice, it would have been unfair that a department established in Siaya County Government would contract someone and not supervise them executing their job.

The truth is; there were damages incurred by this gentleman. One, on the basis that the gentleman leased this land; two, he went through pain to plant his sugarcane and three; he went through the damages on already existing crops. It behooves the County Government of Siaya, even if it is not executing directly, to supervise its contractors.

Mr. Temporary Speaker, if you saw Mr. Francis, the gentleman who appeared before us, he could not even express himself in English or Swahili because he is a poor man. He is a simple poor man who is suffering at the grassroots, yet the County Government of Siaya was not empathetic with this him.

The other day I was in Mombasa listening to the Chief Executive Officer (CEO) of the County Government of Siaya, Hon. Orengo, who is my friend, by the way and I was so disappointed. The number of petitions that we are dealing with from this County and the kind of exploitation that poor people such as Mr. Francis in Siaya face, leaves me imagining whether there is a CEO in Siaya County, who is actually monitoring the State Departments there.

It is very disappointing when our governors, the likes of Hon. James Orengo, constantly point fingers on what is happening nationally, yet, with devolution, which Hon. Raila Amolo Odinga fought for and is the hallmark of the Constitution, is failing because of them. It is failing to the extent that not only do we not have money being used inappropriately, but also, the poorest among us are still suffering these kinds of problems. For example, the public works should have reprimanded this contractor. It is very disappointing.

I hope that as we discuss this report, we will look at it in the larger context on how we hold our governors responsible, so that they ensure they are the true CEOs and, therefore, are aware of the contracts that their departments are entering into, so that they do not exploit people.

Mr. Temporary Speaker, Sir, I feel bad for Mr. Francis because our House cannot do any judicious process that would then hold this contractor liable. However, we are a House of the people; we must question the character of leaders in the grassroots such as Hon. Orengo, who are not empathetic with these kinds of people. Sometimes, you will find that this person has been mocked for such a long time. Before I joined this Committee as the Chairperson, this Petition was just lying there since 2023 because people like Hon. Orengo and these Wamunyoro characters who have been running around were influencing---

If you remember, before I became the Chairperson of this Committee, the Chairperson was a Wamunyoro apologist. I do not need to discuss the name because the order of the House is that I should not discuss any name. However, the truth is, this Petition was being sat on somewhere by these characters. That kind of influence that people like Hon. Orenge are promoting to put down already poor people in the counties must stop.

I encourage governors that before you open your mouth to speak about the national Government, use the resources that we have given you to govern the counties properly. Use the power given to you by this Constitution, as governors, to take care of our people who are suffering on the ground.

Mr. Deputy Speaker, Sir, I hope that with those few remarks, Mr. Francis Otieno will still get justice. That, this Report will be adopted by this House, so that it can continue to form a bulk of any documentation by this House indicating that we tried to get justice for him here. That, any other jurisdictions that can further give him absolute justice, will be depending on this report and eventually, get him his right. I hope that this House will rise to the occasion and as much as possible, hold these governors accountable.

With that, I beg to move this Report and because of pressure of time, I request my brother, Sen. Cherarkey, to second it.

I thank you.

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

Sen. Samson Cherarkey, proceed to second this Motion, please.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I thank the Chairperson of the Committee on Roads, Transportation and Housing in the Senate, Sen. Eddy Gicheru Oketch, for ably moving this matter of Pap/Oriang/428 that was discussed on the Petition by Mr. Francis Otieno Otieno.

I am happy he is one of the youthful and impressive Senators. The only part remaining is for him to get married, then we shall be home and dry. The reason I am saying this is because many ladies, in this City and across the country, have been asking me to give them your number. You are the only eligible bachelor in this Senate. I also want to congratulate--- I do not know why the Clerks-at-the-Table are smiling---

We are very proud of Mr. Francis Otieno Otieno for having faith and belief in the Committee of the Senate and the Senate as a whole. I want to thank Sen. Eddy Oketch for navigating. I have looked at the background of this petition and, as a lawyer, I can confirm that because I know you are senior to me, this matter was a bit delicate and complicated, but the recommendation that has been made by the Committee makes me--- In the industrious nature of the Chairperson and the Committee as a whole, I congratulate the Committee. I want to agree with you, the same Mr. Otieno Otieno can take the resolution and adoption of this Committee to another forum, possibly an Alternative Dispute Resolution (ADR).

Mr. Temporary Speaker, Sir, you are aware, under our Constitution, ADR is recognised. Therefore, Francis Otieno suffered losses of Kshs1,327,000. I have seen this in the Report. That should have been compensated. I hope that going into the future, we

must include the interest, because Kshs1.3 million means small money to some individuals within Siaya County Government.

I have seen in the report by the Committee on Roads, Transportation and Housing led by the Chairperson, Sen. Eddy, that this matter went to the Commission on Administration on Justice (CAJ). I want to appeal to the Ombudsman to assist Mr. Francis Otieno Otieno, since this matter can be resolved amicably. The issue where the land was encroached, that is, Siaya/Pap Oriang'/428, was established by the Committee. This is significant and can be used by Mr. Otieno Otieno in another forum. So, I want to appeal.

Number four, I have seen there was a contractor who was contracted by the County Government to do that road and it ended up encroaching on the land of Mr. Francis Otieno Otieno, which was under lease. The County Government of Siaya has a duty of care to Mr. Francis Otieno Otieno. In Thomas Hobbes and J.J. Rozoo, in the principle of social foundations of law, the sovereignty was surrendered by Mr. Otieno Otieno Francis to the County Government and the County Governor of Siaya.

It is embarrassing that the Governor of Siaya prides himself that he is a human rights activist, lecturing us left, right and center, but he cannot assist Mr. Francis Otieno Otieno; a small man. The other day, while speaking in Mombasa, he was trying to correct the national Government and saying he will take people to the road. Why does he not assist Mr. Francis Otieno Otieno not to go to the road? Now that we do not have a solution, we might advise Mr. Francis Otieno Otieno to take the road somewhere in Bondo, in Siaya town, and demand his justice at Orengo's office.

In my language, and even in Kiswahili, they say a spear to the pig is not as painful as a spear to the person. However, Governor Orengo is busy correcting the national Government, but he cannot fix the problems that are in Siaya. Even the cess money that is collected under sugar is supposed to fix roads in Siaya. However, he cannot show one road that has been done with cess money that we give to Siaya.

I speak with authority because I sit in the County Public Accounts Committee (CPAC). I am not discussing the persona; I am discussing the functionality of the Office of the County Governor of Siaya. I know I am within the Standing Orders No.101. I am discussing the office, not the office holder. The incompetence, ineptness, ineptitude and moribundity exhibited by the County Government of Siaya should not be allowed to go without us calling him to order. In fact, if he wants us to believe him, we want the County Government of Siaya to compensate Mr. Francis Otieno Otieno the Kshs1.3 million plus interest, so that the man can finally know there is a government.

Mr. Temporary Speaker, Sir, as a Senate, you and I know that we sit here to pass money that goes to counties. I appeal to governors that instead of pointing fingers, the Bible says, you should not be busy removing the speck in your neighbor's eye and forgetting you have a log in your eye. Governors, instead of lecturing and correcting us, should fix the mess in the counties.

The political crisis we are seeing in Siaya is the making of the governor. We failed to impeach the Deputy Governor of Siaya because it was political gossip, somewhere in Chang'aa dens in Gem. Can you believe he has not accessed his office?

The county government can only invest in goons to harass the Deputy Governor not to access his office. We must call that out.

I thank the Chairperson, Sen. Eddy, and agree with him that friendship, leadership and work are two different things. Governor Orengo must be called out. Let him assist Mr. Francis Otieno and ensure his rights are protected if he wants us to believe he is a human rights advocate.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, you made reference to Standing Order No.101, but you bordered on discussing the person of a governor who is not here, but you corrected that borderline.

(Question proposed)

Hon. Members, this Motion is now open for contribution.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I rise to disagree with this report. I do so, not because the Committee has not done justice to Mr. Otieno, but how they have concluded this report, I do not agree with them.

A reading of Article 159 of this Constitution, just like the Judiciary is reminded by the people of Kenya by their supreme law. Allow me to read for the sake of the Chairperson who is here-

“In the pursuit of justice, it shall not be dispensed or administered without a due regard to procedural technicalities.”

Out of procedural technicalities, Sen. Eddy, you are about to deny justice to a poor peasant farmer whose crop was destroyed by a powerful agency called the County Government of Siaya. Honestly, you and your Committee on Roads, Transportation and Housing, are not being fair to this gentleman. All you needed to have done is to visit that particular village and establish whether it is true.

I understand how busy your Committee is and how difficult this exercise would have been, but this was going to be symbolic. It was the only way you were going to demonstrate to an average Kenyan, deep down in a village in Migori, that if they rise to the occasion and speak to the Senate of the Republic of Kenya, we will listen to them because we are here because of them. We are here because of ordinary people.

Your Committee cannot reduce the prayers of Mr. Otieno to fall on issues of technicalities that they never provided substantive evidence. Some of these people that you are dealing with, Sen. Eddy, are just peasant farmers that if you tell them to put together evidence to bring before an institution such as this, they will perhaps never have the opportunity to do that.

It must never be lost on us, as a House of Parliament, Sen. Eddy and my dear colleagues, all of us that sit in committees, that we represent a largely poverty-stricken population that we are now working hard to try and improve their livelihoods.

Mr. Temporary Speaker, Sir, to me, this petition was symbolic. It was to show county governors, who think that they are so powerful that they can disregard lonely

voices that are seeking justice of areas where their rights have been trampled. That that is not how to run a county government.

Therefore, I want to plead that after listening to the contributions of my colleague leaders, we will find a way to either amend this particular report, so that we call and put to task the County Government of Siaya to respond to us.

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

Sen. Oketch Gicheru: On a point of order, Mr. Temporary Speaker, Sir!

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I thought that there is a procedure for raising a point of order other than shouting.

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

Order, Sen. Kinyua; order Sen. Eddy! I have not seen, other than I have just seen Sen. Kinyua seeking to intervene. Otherwise, there is no other person who has raised any point of order.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, you should deny him the opportunity for gross misconduct because he shouted at the leader while he was speaking.

The Temporary Speaker (Sen. Wakili Sigei): Order, Senate Majority Leader. Let me hear what Sen. Kinyua is saying as regards to his point of order.

Sen. Kinyua: Bw. Spika wa Muda. Ninasimama kulingana na Kanuni za Kudumu Nambari 105. Mimi ni mmoja wa wanakamati wa Uchukuzi na Mawasiliano. Vile Kiongozi wa Waliowengi, ananyoongea, kwa Wakenya, inasikika kana kwamba, sisi hatukumuita yule mlalamishi.

Tulimuita na hata mpaka tukamuambia kuwa ni lazima awe na mtafsiri kwa sababu alikuwa na shida ya kujieleza. Tulitaka kuwe na mtu wa kutafsiri mambo yale ambayo alikuwa akiyasema. Tulimsikiliza kwa zaidi ya masaa nne.

Vile ambavyo Kiongozi wa Waliowengi anavyosema, ni kwamba sisi wenyewe hatukumsikiza ila tulisikiliza gavana tu. Ndiposa mimi ninasimama kwa Kanuni hiyo kwa mambo anayoyaeleza ni kwamba sisi hatukumsikiliza bali tuliandika tu ripoti bila kumsikiliza mlalamishi hata kidogo.

Kulingana na sheria zetu, unaweza kutembelea sehemu ambayo imeathiriwa ama unaweza kumuita yule ambaye ni mlalamishi.

The Temporary Speaker (Sen. Wakili Sigei): You have made your point, Sen. Kinyua.

Senate Majority Leader, refrain from making reference to statements that cast aspersions to the Members of the Committee, to the extent that they did not call upon the petitioner, unless you are able to substantiate.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, let me read to you the part of the Report that has irked me this much and why I have an issue with this report.

It says that-

“In response to the above prayer, the Committee recommends that any grievances from the leaser should be addressed through appropriate legal channels

as the Committee has noted that the petitioner lacks authority to raise a complaint about the alleged encroachment.”

That is number one. You are telling an innocent Kenyan who has come before your Committee that they lack the legal competence to raise a complaint.

Secondly, to address specifically to the point of order being raised by Sen. Kinyua, this Committee tells us that-

“In accordance to the above prayer by the petition, the Committee states that it cannot grant his prayer as the petitioner failed to produce any documentations or formal contract to the Committee linking the Department of Public Works, Roads, Energy and Transport to the works that were done. However, the Committee recommends that the petitioner to pursue the original contract entered in between him and Mr. Aienah Odhiambo through other appropriate jurisdictions.”

Mr. Temporary Speaker, Sir, the point I am trying to make is plain and simple, unless the Committee is telling us that Mr. Otieno was lying before this House. If the petitioner could not speak in English, by God's grace, the Chairperson of that Committee understands Dholuo very well.

I have told you that under the Procedure 159(d), without trying to be prejudiced or biased, they should have allowed him to address them in the Dholuo and ask him whether he understands. Each time we bring a person before a Committee---

The Temporary Speaker (Sen. Wakili Sigei): Senate Majority Leader, would you like to be informed by Sen. Wambua?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, so long as he is not going to inform me about the Emali-Itiku Road, which his party leader visits at night expecting to meet contractors, I do not mind to be informed.

(Laughter)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Wambua, you may proceed.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir. I will not talk about the Emali Road and why the contractor disappeared, not at night, but immediately after the President left.

I want to inform the Senate Majority Leader, my brother and a man that I have learnt to respect, if the Senate Majority Leader cared to read the Report, he would have realised that when the Petitioner appeared before us, he said he had challenges articulating his issues in Kiswahili or English. I say this because I sit in that Committee. In fact, we took a lot of time to debate on how to allow an interpreter in a Committee sitting without notice. Through the magnanimity of the Chairperson and the Members, we allowed his own brother to interpret for him.

He addressed us in Dholuo and his brother translated in English. The Governor of Siaya, who is a former Senator, said that is the fairest way of doing this thing. He said that we should allow that man to express himself in a language that he understands best. He asked us to let the interpreter do the work and him being the Governor and the former

Senator, he was to notify the Committee if there was misinterpretation. So, that opportunity was given.

The Temporary Speaker (Sen. Wakili Sigei): That information was meant for the Senate Majority Leader and in extension, in response to the point of order that was raised by Sen. Kinyua.

The Senate Majority Leader, I am sure you are informed. Proceed to conclude.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, that is very useful information if that is how the Committee settled the matter. Sen. Oketch Gicheru and Sen. Wambua must appreciate that the report was tabled a few minutes ago. I have only done purposeful reading. I went to recommendations, therefore---

(Loud consultations)

No, we have to comment because the most important part of any Petition is how the prayers were dealt with. We want to know whether the prayers were granted or not, and that is what I took issue with.

Mr. Temporary Speaker, Sir, I do not want to lose track of my thought. I agree with Sen. Cherarkey. If you see a governor loud on other topical issues other than the performance of the county government that he leads, then there is a problem in that particular county. I do not want to mention any particular county government, but I say this based on practice and by observing over the years that I have served in this House as a Senator.

I have seen county governors who have succeeded to transform their counties and those who have been parochial in politics, but failed to deliver on anything. Based on that experience, one can always tell, as far as Nairobi, what is happening in a particular county government. That is loud, elaborate and clear over the years. One can see, from the reports that come to this House and through interactions with members of the public from certain sections of the country, a governor who is silent on issues under their domain, but loud on other issues.

Many of our colleagues, including Sen. Wambua, aspire to be county governors. It is my hope that when God eventually grants their wish, we will hear more about the things they are doing than their comments on issues to do with national identity cards and many more. There is another one from Trans Nzoia as well and one from another county.

You can name individual counties where what you hear from the county governors are more of their comments on national topical issues other than something divine or something transformational happening in their county. I will appreciate, as a former colleague, to get an invitation to your county to come and be told that you have put together a mango processing plant in Kitui because Kshs10 billion has been put in your hands. I will come to share your joy and success. That will make us happy. It is the celebration that we yearn from our colleagues.

It is not good for us to get Petitions before this House and bad audit reports from the County Public Accounts Committee (CPAC) on a former colleague neither is it good to hear that the County Public Investments and Special Funds Committee (CPIC) is

hunting them because they do not have a functional county government. If we hear all that, it tells us that there is a problem in that particular county.

Therefore, I agree with Sen. Cherarkey who pointed out that the former Senators must set good examples now that they had an opportunity to serve in this House. They listened to us debate every afternoon on what should form the success of a county government and what is expected, the kind of reports that make us proud and say that this is something quite novel. These are the things that we used to talk about.

Mr. Temporary Speaker, Sir, if you were in this House and we see you implement the same as a county governor, we take pride in it. We do take pride in receiving Petitions from ordinary citizens who are pleading and saying that they cannot access the services of their county government because of this or the other. I know the Committee will send their report back to the Petitioner and tell him these are our findings.

Perhaps, Sen. Eddy, as the Chairperson of the Committee, and somebody from the region, if Mr. Otieno struggled to express himself before the Committee, I suggest to you that you write to him a letter perhaps in Dholuo, explaining to him where to take his complaints if you find that your Committee is not the appropriate avenue. If it is before the *ger* to report the governor, then so be it. This way, at least this gentleman can eventually find justice and he can be compensated for his sugarcane.

I thank you Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Olekina Ledama, please proceed. As you take the Floor, the Senate Majority Leader, you can be sure that the Chairperson of the Committee cannot in any way do a letter in Dholuo; sending or forwarding a Committee report. Other than that, he could probably have a session with him and guide him. Sen. Olekina, please proceed.

Sen. Olekina: Thank you Mr. Temporary Speaker, Sir. I rise to oppose this Report. I do so based on the recommendations by this Committee. This is a House of union. If you read Article 96 of the Constitution of Kenya, it says that the Senate serves to protect the interests of counties and their governments. When you find the complexities in this ongoing dispute of destruction of sugarcane of a poor farmer in Siaya County, the least I expected this Committee to do, is to sit down with the Governor of Siaya County and say there is a poor Kenyan who is alleging that your Department of Roads gave authority for a road to be constructed and his sugarcane worth Kshs1.3 million was destroyed.

Mr. Temporary Speaker, Sir, the prayers are very simple because it is important for us to demystify exactly what it is that we are opposing. A Petitioner has come to the Senate of the Republic of Kenya and alleged the following facts: That his sugarcane worth Kshs1.3 million, which he depends on--- Maybe Kshs1.3 million is not anything for any of the Members of the Committee, but Kshs1.3 million could be the life of that poor farmer in Siaya County. He alleges that the Public Works, Roads, Energy and Transport Department of Siaya County came in, destroyed his sugarcane and constructed a road.

There is an issue of facts here. Number one, was there a road which was constructed there? What I am finding the Committee to have observed in the road works

and scope of the engagement is that in No.38, the County Government, through the Department of Public Works, Roads, Energy and Transport, reported that it had not contracted any individual company or firm to undertake constructions or maintenance work along Bar-Osimbo and Pap/Oriang' roads. Further, the department clarified that no county-owned road maintenance machinery or personnel had been deployed to carry out any road works in the said area.

The citizen of Siaya County has said that the Ministry of Public Works, Roads, Energy and Transport of Siaya County destroyed his property and the County Government is saying that there was no procurement. It argued that there was no lawful basis for the claim due to lack of formal procurement processes and contracts.

So, the first question to ask is, what was the department or what were the equipment owned by the County Government doing in constructing a road? That is the first question to ask. I want my colleagues to listen to me. If a citizen comes and says that his road was destroyed by the county government and he asserts clearly that the county government is responsible, the first thing the governor should have done is to call the citizen and go there to look around. When they check---

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

The Temporary Speaker (Sen. Wakili Sigei): Sen. Olekina, there is a point of order by Sen. Wambua.

Sen. Olekina: These are not points of order; they are points of annoyance. This is a House of debate, allow me to debate. I am not a member of that---

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

Sen. Wambua, what is your point of order?

(Sen. Olekina spoke off record)

Sen. Wambua: We will ignore him, Mr. Temporary Speaker, Sir. I rise under Standing Order No.105 on statement of facts. It will help us in this House if we inform the public about the reports tabled here after we have studied and understood them. I do not know why my colleague is so annoyed with us for raising a point of order because he is misleading both the House and the public.

There were no county government trucks working on any road. The contract that the petitioner entered into was not between himself and the county government. It was between him and the person who had been given a contract by the county government. The contractor who won the contract admitted liability. The initial settlement was between the contractor and the petitioner.

At the time the Committee was considering this report, the matter was being adjudicated through a court of law. If Members can read a report---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Wambua, you have made your point. Sen. Olekina, refrain yourself. You are out of order to the extent of the facts by Sen. Wambua. Continue debating, but refrain yourself from making reference to matters of facts which have now been cleared by Sen. Wambua, who is a Member of the

Committee. That is the directive of the Chair. I will allow you to continue on the basis of that directive.

Sen. Olekina: Mr. Temporary Speaker, Sir, this is a House of debate. I have the ability to read the report and deduce its meaning. If I do not agree with the report, I say so knowing exactly what I am saying. Allow me to debate. You can debate your points to support the report or not. As far as I am concerned based on the report that I have read, I completely disagree with it. If the Committee Members would listen to me---

The Temporary Speaker (Sen. Wakili Sigei): Order, Sen. Olekina. You have not been denied the right to debate. That is your entitlement. I am directing that debate---

Sen. Olekina: Then allow me to debate.

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

(Sen. Olekina spoke off record)

I will throw you out if you continue along that line. Continue debating within the context of matters of facts as laid down by Sen. Wambua. If you do not do that, I will find you out of order and throw you out.

Sen. Olekina: Mr. Temporary Speaker, Sir, I shall not be guided on how to debate. I will debate based on what I deduce from this Report. I am not told to say “A” and do that. If I believe it is “B”, I will say it is “B”. Allow me to debate. It is a point of debate.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Olekina, you are out of order. The Chair has directed that you have your right to debate. You are not being directed on how to do it. Refrain yourself from making reference to matters of facts which have been cleared. If you cannot do that, then the Chair will---

Proceed.

Sen. Olekina: I will debate the way I want, not the way I shall be directed. That is my point here. I will read the report and whatever I deduce from it is what I am going to debate. I have read point No.38. I am debating on that. I have said that this House is guided by the rule of law. The Senate has been established to protect the interests of counties and their governments. A Kenyan has a right to petition the county when they feel they have been wronged. That is my point.

Mr. Temporary Speaker, Sir, I am not a Member of the Standing Committee on Roads, Transportation and Housing. The Members of the Committee have a right to stand during the debate time and debate. Ultimately, we will vote. Those who support the report will say “aye.” Those who oppose like me will say “nay”. These are simple rules of debate. So, if my colleagues could hold their horses and allow me to debate based on what I am deducting from the report because the truth can never be bent, the truth can always be straight.

Their concluding fact is as follows-

Number one, if you read what they are concluding and if you even read the recommendation given by the Commission on Administrative Justice (CAJ), it is

contradicting what they are saying. So, allow me to debate. Hold your horses. If you do not agree with me, so be it. These are my two cents.

Mr. Temporary Speaker, Sir, I repeat by saying that I completely disagree with this report. This House is established to protect Kenyans. If a Kenyan feels that they have been wronged by anybody, we have the right to listen to them. This Kenyan has come to this House. Remember, not every Kenyan is conversant with the dealings of a county government. If a Kenyan, and my good friend, the Senator from Kitui, who I hope God will open the ways for him to become governor, when he said that, when he was opposing with an annoying point of order, and said that this gentleman had a contract with a person who had been given a contract by the county government, it is public money which is being used to pay for the roadworks.

What the CAJ said, and I will read from their Report-

“While engaging with the CAJ, the county was issued with two key determinations from the CAJ. First, that the county government must conduct a comprehensive investigation into the incident, and second, that the detailed report be submitted to the commission within 60 days. The report did not outline the findings of the investigation and indicate any action taken, particularly if it is established that a county officer authorised the use of a petitioner's land. Later, the county government requested the CAJ to review its fair recommendation, in light of the petition's failure to provide the required supporting documentation. However, the county acted upon the directive and conducted internal verification and confirmed that no authorised works were undertaken along Bar-Osimbo and Pap Oriang' Road or adjacent to the parcel of land.”

If you read that sentence clearly, there are two contradicting things. Number one, and I want to outline this one sentence. “The report did not outline the findings of the investigation and indicate any action taken, particularly if it is established that a county officer authorised the use of a petitioner's land.” When you find that a report is contradicting, the only logical thing to do is to disagree with that report.

In my finding, the best thing that this Committee of the Senate should have done is first of all, visit the site, speak to the neighbours, carry out investigations, so that even if it ultimately comes out with the findings that they came out with, which are as follows-

One, this gentleman was only seeking to be paid Kshs1.3 million. He said compensation, as per the later date, 19th October, 2023, to the Department of Public Works, Roads, Energy, Transport and revised compensation damages. In accordance to the above prayer by the petitioner, the Committee said that it cannot grant this prayer as the petitioner failed to produce any documentation or formal contract to the Committee linking the Department of Public Works, Roads, Energy and Transport to the works. However, the Committee recommends the petitioner to pursue the original contract entered into between him and Mr. Odhiambo through other appropriate jurisdiction. When a petitioner comes to this House, we should give them audience. This is the same petitioner who has stated that he cannot express himself well.

This is the House that represents the interests of particularly poor Kenyans. If they find that the county government may not have a role to play here and that it is this

Odhiambo guy who negated the contract, this House has the powers to recommend that, that person be compensated from the initial agreement. That is the reason I am disagreeing.

My colleagues have a right to say, “Sen. Olekina, we did not have the powers to pursue that.” Secondly, the Committee should have said they will call Mr. Odhiambo to investigate further on the initial contract. Those are my points of debate.

I do not want us to reduce this House to a point where we are guided on what we can debate. Why did we go to school in the first place and why did we come to Parliament if we cannot express ourselves and defend the interests of people who brought us here?

Secondly, Mr. Temporary Speaker, Sir, I disagree with this Report because the second prayer is requesting to divert the illegal roads to a position recognised by the Survey of Kenya (SoK) map of that area. In response to that, this Committee of the Senate has stated as follows-

“In response to the above, the Committee recommends that any grievances from the lessor should be addressed through the appropriate legal channels as the Committee has noted that the petitioner lacks authority to raise a complaint about the illegal encroachment.”

How on earth could that be true?

This petitioner came to the Senate and said there is Survey of Kenya map and that we have resources in this House. Why could the Committee on Roads, Transportation and Housing not proceed to the Survey of Kenya and tell them what the gentleman is requesting? He is requesting that the road be diverted based on the Survey of Kenya map.

We have a resource team in this Parliament. Why do we not have the Survey of Kenya map, so that we can say the petitioner is wrong? A petitioner should not come to this House and we send them away. Why should they come to this Parliament in the first place if we are sending them away? That is the reason I completely disagree with this report.

I want my colleagues to listen to me. No Kenyan will ever come to Parliament if you do not pay attention and go deeper and investigate the reason why they are aggrieved. No one will ever come here because they know that you will send them away. I have a lot of respect for my good friend Sen. Eddy with his Committee because I know he is diligent. However, when something is not right, I cannot shy away from saying it is wrong.

Mr. Temporary Speaker, Sir, I am a ranking Member in this House. I have been here and I have investigated matters in different committees. Nothing stops this Senate from extending to every committee where the secretariat feels like there are issues to be dealt with.

My point is very clear and I want to end here. This report is shoddy. It is a summation of the real facts. The facts are stated, but I want to point out clearly that there is a lot of complexity in those matters.

The ongoing dispute of encroachment of a citizen’s land by the Siaya County Government should not be read like it is just an easy thing where the Senate concludes by

telling him to look for justice elsewhere. Why do I waste my time here? Why do we in the Senate waste money to hold committee meetings? We get paid to attend those meetings.

Mr. Temporary Speaker, Sir, since I do not want points of annoyance, I would like to end by saying that I completely disagree with this report. I hope the State Department for Transport will proceed---

An hon. Senator: On a point of information.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Olekina---

Sen. Olekina: I do not wish to be informed.

The Temporary Speaker (Sen. Wakili Sigei): The Chair has not even spoken. Do you wish to be informed by Sen. Eddy?

Sen. Olekina: I do not wish to be informed, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Wambua.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir. I will say a few things about the Report. It is fair that when we bring reports from committees, it is okay for Members to debate those reports, tear them into pieces and help us improve on them.

What is unacceptable is for Members to make comments on a report they have not read and internalised. The things I have heard the Senator for Narok say, I am sure that when he retreats and reads the report, he will feel sorry for the things he has said.

First of all, let it known to this House and to this country that it has never been the intention of the Committee on Roads and Transportation, where I sit, to send away any petitioner on any ground. The Petitioner was granted sufficient time to be heard and present their case and even present his case in a language he was comfortable with. There was interpretation and conclusion made.

The other thing that I have heard the Senator for Narok say repeatedly is making reference to a road and the ownership of the land, that the Petitioner owned land that was trespassed on. When the Senator for Narok retreats and reads that report, he will realise that the land did not belong to the Petitioner and the Petitioner never even laid a claim on that land. He was laying claim on sugarcane planted on land he had leased from someone else. So, there was no question that the Petitioner claiming that his land had been trespassed on.

Lastly, at the time of engagement with the Petitioner - and I totally agree with Sen. Olekina - perhaps the Committee should have visited the site and spoken to neighbours on the question of the sugarcane that was destroyed, not the land. The land is not in dispute. No one has taken anybody's land and if there is a dispute over land, then it will be the owner of the land and the contractor and not the County Government of Siaya.

Mr. Temporary Speaker, Sir, we are going into a season, where human beings and all of us would want to settle political scores. How I wish that even as we pursue that line, those scores would be settled objectively. This House, and let no one lie to us, is supposed to entertain any petition from anyone at any given time. However, it is not the business of this House in any petition to rubber-stamp the prayers of any petition.

It is the business of this House, through its committees, to scrutinise petitions and determine whether the prayers being sought can be granted or they cannot be granted. It

cannot be that every petitioner who comes to the Senate or the National Assembly with a petition is granted because they have petitioned. Otherwise, what would be our work?

I have heard the Senator for Narok make reference to Article 96 of the Constitution on the role of the Senate in protecting the interests of counties and their governments. If the County Government of Siaya went out of its way to settle a private claim that had no legal claim to settle, what will happen the next time is that, that will become an audit query. They will be appearing before this Senate to answer questions of misallocation of public resources.

Mr. Temporary Speaker, the best way of defending with counties and their governments is to ensure that whatever engagements they have with private or corporate individuals are based in law.

Mr. Temporary Speaker, Sir, with those many remarks, I submit.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Kinyua, your microphone is blinking; do you want to contribute? Proceed in the remainder of minutes.

Sen. Kinyua: Asante Bw. Spika wa Muda. Mwanzo, naunga mkono ripoti hii. Nimemskiza Seneta wa Narok na vile vile Kiongozi wa Walio Wengi Bungeni; ijulikane kwamba, ndio, huyu mlalamishi alisema ya kwamba mimea yake iliharibiwa wakati barabara ilikuwa ikitengenezwa. Vile vile, yeye mwenyewe alituambia kinaga ubaga ya kwamba, walikuwa na mkataba na yule mkandarasi aliyekuwa akitengeneza barabara.

Kwa sababu dua lake lilikuwa ya kwamba Gatuza ya Siaya iweze kumlipa hela zake, tulijaribu kutafuta uhusiano wake na Gatuza na hatukuweza kupata. Yule mwanakandarasi alisema vizuri kuwa, walikuwa na mkataba na tayari, alikuwa ameenda kortini. Kwa hivyo, ukiangalia vile ambavyo tumeandika katika hiyo ripoti yetu, tulisema ya kwamba kwa sababu hakuna uhusiano wowote wa kuharibiwa kwa mimea yake na Gatuza la Siaya, na kwa sababu tayari wako na mkataba na mwanakandarasi, basi amfuatilie mwanakandarasi. Yule mwanakandarasi alisema vizuri sana na hata pia wakili wake alikuwa pale. Wakili wake alisema alikubaliana naye kuwa walikuwa na mkataba.

Shida iliyokuwa pale ni moja tu; kwamba wanaona zile hela anazosema, Shilingi 1.3 milioni ni nyingi. Na kwa sababu tayari wameenda kotini, tulisema basi alifuatilie lile jambo katika koti zetu.

Yale ambayo nimeskia hapa ya kwamba yule gavana anayeongea mambo ya Kitaifa, anapaswa kufuatilia hii ni siasa. Sisi hatukuja hapa kutafuta siasa. Hatuwezi kumfunga mtu yeyote kwa kuongea kile anachotaka. Hata Sen. Wambua akiwa gavana, anapaswa kuongea kuhusu vitambulisho kwa sababu wananchi wa Kitui wanataka vitambulisho. Wakivamiwa na nyuki au wafugaji haramu, lazima aongee; hatafungwa mdomo.

Bw. Spika wa Muda, nawasihi wale wengi ambao wameongea hapa wakipinga ripoti wasiipinga. Waseme wanapinga na mabadiliko ya yale mambo ambayo wanaona haya endi inavyopaswa. Sio vizuri kupinga ripoti yote tu; ni lazima useme sababu.

Ndio, hatukutembelea gatuza la Siaya. Swali ni; hata kama tungetembea, matokeo yangukwaje tofauti ilhali tumekubaliana ndio, miwa iliharibiwa? Tulikubaliana pale na mwenyekiti akiwa pale. Walikuwa wakiongea kwa lugha ya kijaluo na alikuwa akitutafutia kwa sababu anaelewa vizuri.

Hii ripoti imeletwa tu hapa saa hii. Hawajaisoma lakini wanataka kuichangia na kukashifu Kamati wakisema kwamba magavana wanaongea. Hiyo sio sababu kwa sababu ripoti hii haina gavana wa Trans Nzoia, hata haikumhusu gavana wa Siaya mwenyewe ndewe wala sikio, bali ni mwanakandarasi.

Bw. Spika wa Muda, jambo hili limepelekwa kortini na naomba wale wengine watakoachangia, waunge mkono kwa sababu, hata shamba ambalo lilitajwa na huyu Otieno ambaye ni mlalamishi---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Kinyua, you will halt your debate up to the next sitting. You still have 16 minutes remaining to conclude on your contributions.

ADJOURNMENT

Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Thursday, 20th November, 2025, at 2.30 p.m. in the National Assembly Chamber.

The Senate rose at 6.30 p.m.