



**THIRTEENTH PARLIAMENT**  
**THE SENATE**  
**OFFICIAL REPORT**



**Fifth Session**

**Tuesday, 24<sup>th</sup> February, 2026 at 2.30 p.m.**

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

**Tuesday, 24<sup>th</sup> February, 2026**

*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 have quorum now. So, we will proceed with the business of the day. Clerk, proceed to call the first order.

*(Sen. Githuku stood in his place)*

Senator for Lamu County, take your seat.

*(Sen. Githuku sat in his place)*

*(Sen. Okenyuri consulted Sen. Crystal Asige)*

Sen. Okenyuri, you may pass your greetings later.

**COMMUNICATION FROM THE CHAIR**VISITING DELEGATION FROM KIDS PALACE  
SCHOOLS, KAJIADO COUNTY

Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from Kids Palace Schools in Kajiado County. The delegation consists of 16 teachers and 108 students.

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

I will call upon the Minority Whip to extend a word of welcome.

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. I would like to extend a warm welcome to the students and teachers from Kajiado County. I encourage the young lads to observe keenly what we do here. We were once sitted where they are sitted when we came to observe what Parliament is all about and now we have an opportunity to practice what we saw before.

I challenge all of you to commit yourselves to a better future than the one you see. One of the most important things I would like you to take seriously is that, when it comes to politics or Parliament, it is about convincing each other. We have one side of the aisle and the other side of the aisle where Members sit down and debate issues so as to better this country.

So, I welcome you. Enjoy your time while visiting Parliament. I hope that in the future, most of you who are sitted here will be sitted in either side of the aisle.

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

**PAPERS LAID**REPORTS OF THE AUDITOR-GENERAL ON FINANCIAL  
STATEMENTS OF VARIOUS ENTITIES

**Sen. (Dr.) Lelegwe Ltumbesi:** Mr. Speaker, Sir, on behalf of the Senate Majority Leader, I beg to lay the following Papers on the Table of the Senate, today, 24<sup>th</sup> February, 2026-

*(Reports of the Auditor-General to be laid pursuant to the Senate Resolution of Tuesday, 11<sup>th</sup> November, 2025, on the Referral of Statutory Instruments and Papers submitted during recess for the year ended 30<sup>th</sup> June, 2025)*

Report of the Auditor-General on financial statements on Mrima Maternity Level 4 Hospital, Mombasa County Government, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Taita Taveta County Assembly Members Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2025.

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Report of the Auditor-General on financial statements on Samburu Sub-County Level 4 Hospital, County Government of Kwale for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Taita Taveta County Assembly Members Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Samburu Sub- County Level 4 Hospital, County Government of Kwale for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Moi (Voi) County Referral Hospital, Taita Taveta County Government, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Special Municipality of Mwatate, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kapkoros Level 3A Hospital, County Government of Bomet, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Lodwar Municipality, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Trans Nzoia County Executive Car Loan and Mortgage Scheme Fund, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Turkana County Assembly Car Loan and Mortgage Scheme Fund (staff), for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Engineer Municipality, County Government of Nyandarua, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Nyandarua County Agricultural Institutions Revolving Fund, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kimbimbi Sub-County Level 4 Hospital- County Government of Kirinyaga, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Nyandarua Water and Sanitation Company Limited, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kerugoya Kutus Municipality, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Tetu Water and Sanitation PLC, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Lake Ol'Bolossat Sports Tourism and Conservation Half Marathon Fund – County Government of Nyandarua, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Nyandarua County Health Facility Improvement Financing Fund, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Ibacho Level 4 Hospital - County Government of Kisii, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kendu Bay Municipality, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Homa Bay County Emergency Fund, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Igeganja Level 4 Hospital – County Government of Kiambu, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Mathare North Level 4 Hospital – Nairobi City County Government, for the year ended 30<sup>th</sup> June, 2025.

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Report of the Auditor-General on financial statements on Njiru Hospital - Nairobi City County Government, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Mama Margaret Uhuru Kenyatta Level 5 Hospital – Nairobi City County Government, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Marani District Hospital - County Government of Kisii, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kisii County Health Facilities Improvement Fund, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Migori County Executive Car Loan and Mortgage Fund, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Migori County Health Service Fund - County Government of Migori, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Othoro Level 4 Hospital (Rachuonyo) - County Government of Homa Bay, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Rachuonyo East Sub-County Level 4 Hospital - County Government of Homa Bay, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Magunga Level 4 Hospital – County Government of Homa Bay, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kisii County Alcoholic Drinks Control Fund, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Masimba Sub-County Hospital – County Government of Kisii, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Othooro Sub-County Hospital – County Government of Migori, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Ibeno Level 4 Hospital - County Government of Kisiig, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Nyamache level 4 Hospital – County Government of Kisii, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kericho County Referral Hospital, County Government of Kericho for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Iyabe Level 4 Hospital, County Government of Kisii, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Gucha Level 4 Hospital, County Government of Kisii, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kiogoro Level 4 Hospital, County Government of Kisii, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Iranda Sub- County Referral Hospital, County Government of Kisii, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kenyeny Level 4 Hospital, County Government of Kisii, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Manga Level 4 Hospital, County Government of Nyamira, for the year ended 30<sup>th</sup> June, 2025.

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Report of the Auditor-General on financial statements on Nyamasibi Level 4 Hospital, County Government of Kisii, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Isebania Sub-County Hospital, Migori County Government, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Awendo Sub-County Hospital, Migori County Government, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Lumumba Sub-County Level 4 Hospital, County Government of Kisumu, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on University of Eldoret Endowment Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Nandi County Executive Car Loan and Mortgage Scheme Fund, County Government on Nandi, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Turbo Level 4 Hospital, County Government of Uasin Gishu, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kisegi Level 4 Hospital, County Government of Homa Bay, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Rongo Sub-County Hospital, County Government of Migori, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Thika Level 5 Hospital, County Government of Kiambu, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Lusigetti Level 4 Hospital, County Government of Kiambu, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Lari Level 4 Hospital, County Government of Kiambu, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Mbagathi County Referral Hospital, Nairobi City County Government, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kiambu County Assembly Staff Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kiambu County Health Services Facility Improvement Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kiambu County Alcoholic Drink Control Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kiambu County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Nairobi City County Alcoholic Control and Licensing Board for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Uriri Sub-County Hospital, County Government of Migori, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Ndhiwa Level 4 Hospital, County Government of Homa Bay, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Nyamaraga Sub-County Hospital, County Government of Migori, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Karungu Sub-County Hospital, County Government of Migori, for the year ended 30<sup>th</sup> June, 2025.

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Report of the Auditor-General on financial statements on Miriu Level 4 Hospital, Homa Bay County Government, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Pala Level 4 Hospital, Homa Bay County Government, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Tom Mboya Memorial Level 4 Hospital, Homa Bay County Government, for the year ended 30<sup>th</sup> June, 2025.

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

Report of the Auditor-General on financial statements on Sena Level 4 Hospital, County Government of Homa Bay, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Nyangiela Level 4 Hospital, County Government of Homa Bay, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Makongeni Level 4 Hospital, County Government of Homa Bay, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Muhuru Sub-County Hospital, Migori County Government, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Bomet Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Mairo- Inya Municipality, County Government of Nyandarua, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Murang'a West Water and Sanitation Company Ltd for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Wamalwa Kijana Teaching and Referral Level 4 Hospital, County Government of Trans Nzoia, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Chepareria Sub-County Level 4 Hospital, County Government of West Pokot, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Sigor Sub-County Level 4 Hospital, County Government of West Pokot, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Sigor Sub-County Level 4 Hospital, County Government of Bomet, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Samburu Teaching and Referral Hospital, County Government of Samburu, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Nanyuki Municipality, County Government of Laikipia, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kalacha Level 4 Hospital, County Government of Marsabit, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Equalisation Fund, County Government of West Pokot, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements Turkana County Government Equalisation Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Gatamathi Water and Sanitation Limited for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kakuma Municipality for the year ended 30<sup>th</sup> June, 2025.

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Report of the Auditor-General on financial statements on Maralal Municipality, County Government of Samburu, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Suguta Sub-County Hospital, County Government of Samburu, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Maragua Sub-County Level 4 Hospital, County Government of Murang'a, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Kigumo Level 4 Hospital, County Government of Kiambu, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Wangige Level 4 Hospital, County Government of Kiambu, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Tigoni Level 4 Hospital, County Government of Kiambu, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Ruiru Level 4 Hospital, County Government of Kiambu, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Karatu Level 4 Hospital, County Government of Kiambu, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Pumwani Maternity Referral Hospital, Nairobi City County Government, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Wangige Level 4 Hospital, County Government of Kiambu, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Taveta Sub- County Level 4 Hospital, County Government of Taita Taveta, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Alupe Sub-County Hospital, County Government of Busia, for the year ended 30<sup>th</sup> June, 2025.

I beg to lay, Mr. Speaker, Sir.

*(Sen. (Dr.) Lelegwe Ltumbesi laid the documents on the Table)*

**The Speaker** (Hon. Kingi): Sen. Enock Wambua.

REPORT ON THE 2025 AI CONFERENCE ON PARLIAMENT'S  
ROLE IN SHAPING THE FUTURE OF RESPONSIBLE AI

**Sen. Wambua:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, 24<sup>th</sup> February, 2026.

Report of the Proceedings of the Artificial Intelligence (AI) Conference on the role of Parliament in shaping the future of responsible AI held from 28<sup>th</sup> to 30<sup>th</sup> November, 2025 in Kuala Lumpur, Malaysia.

Thank you.

*(Sen. Wambua laid the document on the Table)*

**The Speaker** (Hon. Kingi): Next Order.

**NOTICE OF MOTION****NOTING OF REPORT ON THE 2025 AI CONFERENCE ON PARLIAMENT'S  
ROLE IN SHAPING THE FUTURE OF RESPONSIBLE AI**

**The Speaker** (Hon. Kingi): Sen. Enock Wambua.

**Sen. Wambua:** Mr. Speaker, Sir, I wish to give notice of the following Motion -

THAT, the Senate notes the Report of the proceedings of the Artificial Intelligence (AI) Conference on the role of parliaments in shaping the future of responsible AI held from 28<sup>th</sup> to 30<sup>th</sup> November, 2025 in Kuala Lumpur, Malaysia, laid on the Table of the Senate on Tuesday, 24<sup>th</sup> February, 2026.

**The Speaker** (Hon. Kingi): Hon. Senators, before we consider statements pursuant to Standing Order No.53, allow me to arrange today's Order Paper so that we deal with Order No.8, 9 and 10, then resume the normal flow of today's Order Paper.

Clerk, proceed to call those orders please.

**MOTION****ADOPTION OF REPORT ON PETITION ON NON-PAYMENT OF  
OUTSTANDING TERMINAL BENEFITS AND MAZIWA SACCO  
DUES TO FORMER EMPLOYEES OF KCC LTD**

THAT, the Senate adopts the report of the Standing Committee on Labour and Social Welfare on a petition to the Senate by employees of the former Kenya Cooperative Creameries Limited (KCC) concerning non-payment of outstanding terminal benefits and Maziwa Sacco dues to former employees of Kenya Cooperatives Creameries Ltd, laid on the Table of the Senate on Thursday, 27<sup>th</sup> November, 2025.

*(Sen. Miraj on 18.02.2026 - Morning Sitting)*

*(Resumption of debate interrupted on 18.02.2026 - Morning Sitting)*

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

*(Sen. Kibwana and Sen. Omtatah stood in their places)*

Sen. Hamida, kindly take your seat. Sen. Omtatah.

Hon. Senators, I will now put the question.

*(Question put and agreed to)*

**MOTION****ADOPTION OF REPORT ON PETITION ON DISMISSAL AND NON-PAYMENT  
OF ARREARS OF MR. TITUS NJOROGE BY AIC OF KENYA**

THAT, the Senate adopts the report of the Standing Committee on Labour and Social Welfare on a petition to the Senate by Mr. Titus Njoroge concerning his dismissal by the African Inland Church (AIC) of Kenya and nonpayment of arrears owed to him, laid on the Table of the Senate on Thursday, 27<sup>th</sup> November, 2025.

*(Sen. Murgor on 27.11.2025)*

*(Resumption of debate interrupted on 19.2.2026)*

**The Speaker** (Hon. Kingi): Do we have quorum?

*(Question put and agreed to)*

Next Order.

**MOTION****ADOPTION OF REPORT ON PETITION ON PEOPLE  
LIVING WITH INVISIBLE DISABILITIES**

THAT, the Senate adopts the report of the Standing Committee on Labour and Social Welfare on a petition to the Senate by Ms. Beatrice Likwop concerning people living with invisible disabilities, laid on the Table of the Senate on Tuesday, 2<sup>nd</sup> December, 2025.

*(Sen. Murgor on 19.2.2026)*

*(Resumption of debate interrupted on 11.2.2026)*

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

*(Question put and agreed to)*

**QUESTIONS AND STATEMENTS****STATEMENTS**

**The Speaker** (Hon. Kingi): Hon. Senators, we will now go back to statements, starting with statements pursuant to Standing Order No.53(1). Senator for Embu County. That Statement is dropped.

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UPGRADING TO BITUMEN STANDARD OF NGANDI ROAD  
IN MWEA AND MAKIMA DIVISIONS

*(Statement dropped)*

The Senator for Bungoma County, Sen. David Wakoli.

IMPLEMENTATION OF FLLOCA PROGRAMME  
IN BUNGOMA COUNTY

**Sen. Wafula:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52(1) to seek a statement from the Standing Committee on Finance and Budget on a matter of county-wide concern regarding the status and implementation of the Financing Locally-led Climate Action (FLLOCA) programme in Bungoma County.

In particular, the accountability arrangement for funds disbursed and the implementation of ward-level climate action interventions under the programme.

In the statement, the committee should address the following-

(1) The total amount of FLLOCA funds disbursed to Bungoma County since the establishment of the programme to date, the dates of disbursement, the accounts, funds flow arrangements and how the funds are managed and controlled at the county level, including the responsible offices and the internal controls.

(2) The specific climate action projects being implemented in each ward, how procurement for each project was conducted and the approved budget, timelines and current implementation status for each project.

(3) Whether there are clear reporting mechanisms to track disbursements, expenditures and results, including the availability of project records and public disclosure to stakeholders.

(4) The extent to which projects align with community priorities, including sustainable agriculture, water resource management, afforestation, and renewable energy, and the measure of impacts to date on climate resilience and livelihoods in Bungoma County.

(5) The extent of community involvement in the identification, planning and monitoring of projects. How inclusive the process has been for women, youth and marginalised groups and the monitoring and evaluation framework in place to ensure accountability, value for money and sustainability.

Thank you.

**The Speaker** (Hon. Kingi): Senator for Kajiado County, Sen. Seki.

SHOOTING OF TWO CIVILIANS IN KITENGELA BY POLICE

**Sen. Seki:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee of National Security, Defense and Foreign Relations on a matter of nationwide concern regarding the shooting of two civilians in an incident involving police officers in Kitengela Town, Kajiado County.

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Mr. Speaker, Sir, on 25<sup>th</sup> January, 2026, Mr. Kevin Maseri and Mr. Joseph Musondu were shot at a nightclub in Kitengela Town, Kajiado County, following altercations with persons known to be police officers. Unfortunately, Mr. Maseri later succumbed to gunshot injuries. These incidents have sparked serious public concerns regarding the protocols of use of firearms by law enforcement officers and recently, Pauline Wanjiku and Purity Mwatia at Kitengela market.

In the statement, the committee should address the following-

(1) The status of the investigations into the shooting of Mr. Kevin Asari and Joseph Osundu, including specific updates on whether the matter was registered with the Independent Police Oversight Authority (IPOA); where the police officers involved in the incident have recorded their statements; whether the CCTV footage from the neighborhood club had been secured or prevented tampering and if it will be released upon the prosecution of those involved; and whether the firearms used in the incidents have been identified and whether the investigations are expected to be completed and the findings made public.

(2) The reasons for the delay in arresting and prosecuting the suspects, whether the police officers involved in the incident have been interdicted and subjected to any other internal disciplinary processes pending conclusion of the investigations.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): The next one is by the Senator from Busia County, Sen. Andrew Omtatah.

#### NTSA FAILURE TO ENFORCE ROAD TRAFFIC SAFETY MANAGEMENT SYSTEM

**Sen. Okiya Omtatah:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek for a statement from the Standing Committee on Roads, Transportation and Housing on a matter of nationwide concern regarding the failure by the National Transport and Safety Authority (NTSA) to enforce the road safety management system as provided under the National Transport and Safety Authority Act of 2012 and its subsidiary legislation.

Road traffic fatalities and serious injuries have continued to rise over the past three years, claiming thousands of lives annually, causing life altering disabilities and costing the economy hundreds of billions of shillings. The NTSA has failed to enforce key statutory safety measures, including ISO 39001 of 2021- Road Traffic Safety (RTS) Management Systems, structured accident investigations, journey and fatigue management and real-time monitoring. The authority has not adequately considered professional proposals to strengthen road safety management.

In the statement, the committee should address the following-

(1) Measures that the NTSA has taken to implement and enforce RTS Management Systems as required under the existing law, including compliance with monitoring stakeholder co-ordination, capacity building and accountability mechanisms;

(2) Underlying factors contributing to continued rise in road traffic fatalities and serious injuries despite the presence of legislative and regulatory frameworks and an

explanation of gaps in enforcement, oversight and inter-agency co-ordination that may be undermining their effectiveness;

(3) Whether the NTSA has evaluated or adopted structured road safety management frameworks aligned with international best practices, including globally recognised standards and evidence-based interventions, and if not, the reasons for the delay; and,

(4) Specific policy, administrative, institutional and enforcement reforms currently being implemented or planned to curb the increasing trend of road traffic accidents, improved compliance, strengthened monitoring and evaluation systems and ensure measurable reductions in fatalities and serious injuries.

This was signed on 16<sup>th</sup> February, 2026, by Andrew Omtatah, MP, Senator from Busia.

**The Speaker** (Hon. Kingi): Next is the Senator for Bomet County, Sen. Wakili Sigei.

ADMINISTRATION OF FACILITIES IMPROVEMENT  
FUND IN BOMET COUNTY

**Sen. Wakili Sigei:** 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 administration of the Facilities Improvement Fund (FIF) in Bomet County.

The Facilities Improvement Financing Act provides that all monies raised or received by or on behalf of all public health facilities shall be retained by the facilities and considered as a supplement to their allocated budgets. This was meant to address long-standing underfunding challenges by enabling public health facilities to obtain supplementary resources to support their routine operations and strengthen the quality and efficiency of service delivery. However, I am aware of concerns that in Bomet County, the Social Health Insurance Fund (SHIF) remittances for health facilities in the county are channeled directly to the accounts of Bomet County Government based on a circular that was issued giving a percentage of that amount.

In the statement, the committee address the following-

(1) The legality of Bomet County Health Facilities Improvement and Public Health Financing Policy and the role of the Chief Officer (CO) for Health Services in approving expenditures from individual facilities improvement financing accounts;

(2) Status of disbursement of facilities improvement financing to all public health facilities in Bomet County and their respective Authority to Incur Expenditure (AIE) standing;

(3) legal basis for the establishment and operation of the following collection accounts, including whether the process of establishment and operations of the accounts received the requisite approvals and concurrence-

(a) Kenya Commercial Bank (KCB) Account No.1142688135 – Bomet County Health Department.

(b) Co-operative Bank Account No.01141357639100 – Bomet East Sub-County (Tegat Health Centre).

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(c) Co-operative Bank Account No.01141357715100 – Bomet Central Sub-County (Kapkoros Health Centre).

(d) KCB Account No.1117679012 - Chepalungu Sub-County (Sigor Hospital FIF).

(e) Co-operative Bank Account No.01141357690900 – Sotik Sub-County (Ndanai Health Centre).

(f) Co-operative Bank Account No.01141134232000 – Konoin FIF Account.

(4) The total amount of funds remitted from the specified collection accounts from the period July, 2024 to date and the manner in which the remitted funds were administered and/or utilised;

(5) The justification for remitting the funds to the county government instead of retaining them at the facility level as required by law; and,

(6) Appropriate corrective measures and actions, including legal actions, administrative measures or audit sanctions, taken against officers found to have mismanaged, diverted or otherwise abused the facilities improvement financing.

This is Sen. Wakili Sigei, Senator for Bomet County.

**The Speaker** (Hon. Kingi): Next is Senator for Kirinyaga County, Sen. James Murango. If he is not here, that Statement is dropped.

KUKATIKA KWA UMEME KATIKA MAENEO TOFAUTI  
YA KAUNTI YA KIRINYAGA

*(Statement dropped)*

**The Speaker** (Hon. Kingi): Next is Sen. Faki, Senator for Mombasa County.

HUDUMA NA UTAWALA KATIKA HOSPITALI YA  
COAST GENERAL TEACHING AND REFERRAL HOSPITAL

**Sen. Faki:** Asante, Mheshimiwa Spika, kwa kunipa fursa hii. Nasimama kwa mujibu wa Kanuni za Kudumu Nambari 53(1) ya Kanuni za Seneti kuomba taarifa kutoka kwa Kamati ya Kudumu ya Afya kuhusiana na jambo la umuhimu wa kitaifa kuhusu hali ya huduma na utawala katika hospitali ya Coast General Teaching and Referral Hospital. Hospitali hiyo ni nguzo muhimu kwa wakazi wa Kaunti ya Mombasa na maeneo jirani ya pwani. Changamoto zinazojitokeza zinaweza kuathiri maisha ya wengi.

Mnamo siku ya Jumapili, tarehe 22, mwezi wa Februari mwaka huu, Katibu wa Kaunti ya Mombasa alitoa taarifa kumsimamisha kazi afisa mkuu mtendaji wa hospitali hiyo, Dkt. Khandwalla, kufuatia mkutano wa bodi ya wakurugenzi wa hospitali hiyo. Kufuatia uamuzi huo, chama cha madaktari, kupitia kwa ofisi yao ya Mombasa, kimetoa taarifa ya kumuunga mkono Dkt. Khandwalla, wakionya kuwa watachukua hatua zisizojulikana iwapo hatarudishwa kazini kwa muda wa siku saba.

Katika taarifa hiyo, kamati iangazie yafuatayo-

(1) Hali ya huduma za afya kwa sasa, ikiwemo changamoto zinazokabili wagonjwa na wahudumu wa hospitali, hususan maelezo kuhusu kifo cha marehemu Ali Kibwana na mazingira yaliyopelekea kucheleweshwa kwa huduma kwake;

(2) utaratibu wa usimamizi na uajibikaji uliotumika katika kusimamishwa kazi kwa afisa mtendaji mkuu wa hospitali hiyo;

(3) mikakati ya Serikali ya Kaunti ya Mombasa ya kuboresha huduma na kuimarisha miundombinu ya hospitali hiyo;

(4) hatua za dharura na za muda mrefu zinazochukuliwa ili kuzuia mgomo wa madaktari na kuhakikishia wananchi wanapata huduma bila ya usumbufu.

Asante Bw. Spika.

**The Speaker** (Hon. Kingi): Senator for Kilifi County, the Hon. Stewart Madzayo, proceed.

#### ATHARI YA UKAME KAUNTI YA KILIFI

**The Senate Minority Leader** (Sen. Madzayo): Asante, Bw. Spika.

Nasimama kwa mujibu wa Kanuni za Kudumu Nambari 53(1) kuomba kauli, kutoka kwa Kamati ya Usalama wa Taifa, Ulinzi na Uhusiano wa Kimataifa kuhusu ukame mkali, na baa la njaa linaokithiri katika Kaunti ya Kilifi.

Katika Kauli hiyo, kamati hii inapaswa kujibu maswali yafuatayo-

(1) Ieleze hatua ambazo mamlaka ya kitaifa ya kusamamia ukame na taasisi husika za Serikali zimeweka ili kukabiliana na hali ya dharura ya ukame katika Kaunti ya Kilifi;

(2) Ijibu iwapo mradi wa ugavi wa chakula cha misaada umetekelezwa katika maeneo yaliyoathirika na ukame katika kaunti hii ya Kilifi na ripoti hiyo itueleze maeneo yaliyopokea misaada hii, idadi na maelezo ya walionufaika, kiwango cha misaada iliyoapeanwa pamoja na uthibitisho wa usawa na haki katika ugavi wa misaada kwa jamii zilizoathirika;

(3) Ifafanue kwa uwazi iwapo sababu za kimazingira kama vile ukataji wa miti wa kiholela, umaarufu *logging*, imechangia pakubwa kwa kuongeza kwa hali ya ukame katika Kaunti ya Kilifi na kama kuna mikakati ambayo serikali imeweka katika upunguzaji wa athari hizi na ukame na biashara haramu za uuzaji wa makaa; na,

(4) Ieleze ni hatua gani zilizowekwa na Serikali ili kujenga ustamilivu dhidi ya ukame inaoshinda ikiathiri wakaaji wa Kaunti ya Kilifi na maeneo mengine nchini Kenya.

Asante, Bw. Spika.

**The Speaker** (Hon. Kingi): Hon. Senators, I will allow comments for not more than 15 minutes. If you have a chance to speak, kindly do so for not more than three minutes.

The Senator for Nairobi City County, Sen. Edwin Sifuna, proceed.

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. I want to comment on the statement by the Senator for Kajido County regarding the shooting incident in Kajiado, specifically, Kitengela.

In my view, there is a problem with the police in Kitengela because it cannot be that across the country, we are only hearing a concentration of this incidents in Kitengela.

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Yesterday, we met with Khadija, the widow of our brother, Vincent Ayomo. She has a small child who is less than 18 months, who will now get to grow up without a father. Vincent was shot on the same day that we had a rally in Kitengela. By the way, the family told us that he was shot hours later after the rally was over.

We are now hearing about Kevin and Joseph in the statement that has been sought by Sen. Seki and we saw incidents involving Pauline and Purity who were shot inside their shops because they were running battles with the police regarding the new market.

Mr. Speaker, Sir, there is an issue. We do not want to appear like we blanket condemn police officers. I have had similar events in Busia for example, where the police facilitated us to have a proper meeting. There has to be a problem with the police in Kitengela.

As a Member of the Committee to which this statement is going to be committed to, one of the things I think we must insist on is either a reshuffling or a transfer of all the officers there because it does not make any sense that it is always Kitengela. There has to be an issue with the police.

We continue to urge our National Police Service (NPS) that we will continue to support them in maintaining law and order, however, let us respect the sanctity of life. It does not make any sense that just days before the expiry of the Memorandum of Understanding (MOU) in which we agreed that these are going to be things of the past, that people are still being shot by police.

We have heard of the challenges the IPOA is facing in investigating and bringing these people to book. As a country, we must express the outrages that now, something needs to be done to our police, starting with the police in Kitengela, especially; there is a problem there.

I thank you.

**The Speaker** (Hon. Kingi): Sen. Chute, proceed.

**Sen. Chute:** Asante, Bw. Spika. Namshukuru Sen. Madzayo kwa kuleta kauli hii ya athari za kiangazi. Kaunti za Marsabit, Wajir, Mandera, Turkana, Garissa na zingine nyingi zina shida. Taabu tunayo ni kwamba, hatuna mpangilio mzuri wa ugavi wa chakula cha msaada. Utasikia kwamba chakula kinanunuliwa hapa na kinasafirishwa. Kikifika mahali kama Isiolo, kinapunguzwa, kikifika kwa *store* ya National Cereals and Produce Board (NCPB), kinanyolewa kidogo. Kikitoka hapo kuenda kwa ofisi za Deputy County Commissioner (DCC) na machifu, pia kinapuguzwa. Kitakapofika kwa wananchi wa kawaida, asilimia 60 au 70 ya hicho chakula kimebaki kwa barabara.

Bw. Spika, nataka kamati ambayo itapewa jukumu, ishughulikie vile hiki chakula kitawafikia wananchi. Ukiangalia, wakati mwingine, chakula hiki hakiendi mahali kuna shida. Kinaenda mahali ambapo kundi la watu fulani linataka kiende ilhali mahali ambapo kinatafikana kiende, watu bado wanaumia.

Wakati huu, hamna mvua kwetu. Hivi karibuni, nilienda Marsabit katika vijiji vingi sana. Watu wanalia juu ya ukosefu wa chakula na maji. Serikali hii yetu ya United Democratic Movement (UDA), inasema, kila siku kwamba tunaenda Singapore, tutaenda Singapore vipi?

Bw. Spika, tulienda mahali panapoitwa Torich. Kuna mama aliyesimama na kusema kwamba anapewa *jerrycan* mbili za maji ambayo ni lita 40 baada ya siku tatu.

Kama familia mzima inapata lita 40 ambayo itatumia kupika, kuosha watoto na nguo kwa siku tatu, tuko Kenya kweli ama dunia gani?

**An hon. Member:** Somalia!

**Sen. Chute:** Hakuna shida kama Somalia.

Kamati itakayoshughulikia kauli iliyoletwa na Sen. Madzayo inastahili itembeee. Isikae hapa. Watembe waone sehemu za Thwake, Marsabit na Turkana zilivyo. Tunashinda tukisema tunaenda Singapore, Singapore ni wapi? Watu wa Marsabit wanataka tu kufika katika headquarters ya Marsabit na hawana namna kwa sababu ya shida. Haya mambo yachukuliwe hatua kabisa.

Asante, Bw. Spika.

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

Sen. Wambua, proceed.

**Sen. Wambua:** Asante sana, Bw. Spika, kwa kunipa nafasi hii pia nami nichangie taarifa ambayo imetolewa na Kiongozi wa Walio Wachache, Seneta wa Kaunti ya Kilifi.

Hii taarifa ikifikishwa kwa Kamati ya kuangazia mambo ya ukame na njaa, ambayo yamekita mizizi huko Kilifi, pia wakumbuke eneo la Ukambani ambako limekithiri.

Siku chache zilizopita, nimekuwa nikitazama malori makubwa na matrela yakipita kwenye barabara ya Mwingi kuelekea Garissa hadi Mandera kupeleka chakula; na sio chakula tu cha binadamu, lakini pia lishe kwa wanyama. Wanyama pia wanashughulikiwa. La kustaajibisha ni kwamba hayo malori yanapitia Ukambani, Kitui, ambako pia watu wana shida ya njaa na maji. Mifugo pia wamekosa lishe. Kwa hivyo, ningependa kuuliza hiyo kamati kama basi watakubaliana kutembea kwenda Marsabit, Turkana, Wajir na Garissa, pia wapitie Kitui kwa sababu Kitui pia ni Kenya; kuna njaa, shida ya maji na chakula.

Tuna Serikali iliyo mamlakani. Jukumu la kwanza la Serikali ni kuwalisha watu wake na kuhakikisha wale watu wana amani na utulivu. Hapa tunae Kiongozi wa Walio Wengi; Sen. Cheruiyot. Atusikilize kwa sababu yeye ndiye Kiongozi wa Walio Wengi katika Seneti. Hii taarifa ipelekewe Kiongozi wa Nchi, kwamba kuna maeneo katika nchi yetu ya Kenya ambapo kuna shida na wananchi wanahitaji chakula. Nikiwasikiza mawaziri wakisema kwamba wale watu walio na shida ni 3.3 milioni, nashangaa hii ni Kenya gani.

*(Sen. Wambua's microphone was switched off)*

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I serve in this House as the Senator for Kericho. As a legislator, I am equally allowed to ask questions and not to be directed on what to say, like Sen. Wambua is trying to imply. Of course, I sympathise with the drought situation in the country. I will be remiss if I do not say that this is an issue that needs to be treated with the seriousness it deserves. In fact, the responsible committee should get the Cabinet Secretary before us so that we know the distribution of this relief food effort exercise across the country, so that we are clear about it. This is because sitting here, as 47 Senators, we know the hardest hit parts of the country and why they deserve.

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Mr. Speaker, Sir, drought relief efforts should never be about a thing of politics because I see many times people want to make it appear as if it is a political issue. It is a situation that needs to be addressed and, hopefully, we can put that behind us. However, that is not the reason why I rose to speak. I only felt it was important to speak about it.

I rise to support this statement by Sen. Okiya Omtatah on the implementation of the NTSA, per the law that we passed here in 2012. I saw that NTSA recently appointed a Director General, Mr. Nashon Kondiwa, if I am not wrong. From his resume, he served as a Deputy Director for ICT. Mr. Kondiwa needs to know that in three months' time, if we do not have that system running, he will actually have failed us. We cannot continue to lose lives, the way we do, on our roads, week after week, yet we know that much as we have challenges on road construction and many other things that are causing all these accidents, drivers who drive recklessly, are a contributing factor.

The only way in which you can handle that particular issue is to ensure that the reckless drivers are punished and banished from our roads. The only way you can do that is by having this system that can flag them out and have them charged in court. This will ensure that we keep rogue drivers out of our roads. Therefore, I expect that the Committee on Roads and Transportation, led by Sen. Eddy Oketch, looks into this matter with the urgency it deserves. We continue to lose such numbers year-in, year-out, in thousands, on account of rogue and reckless driving.

I thank you, Mr. Speaker, Sir.

**Sen. Ogola:** Thank you, Hon. Speaker. I rise to support the statement by the Senator for Bungoma County, Sen. Wakoli, who is also the Majority Whip. This is a statement on a climate-led action called Financing Locally-Led Climate Action (FLLoCA) funded by the World Bank, to the county governments. A lot of funds have been disbursed to county governments in the past year to address climate-related issues. I support it because of the essence of environmental issues in our country and in the world.

Mankind survives on the environment. From the environment, we get food. From the environment, we are able to get clothing. From the environment, we are able to get shelter. From the environment, we are able to get medicine for our use. So, it is important that we take care of this environment. However, the reason why I also want to support this statement is that the same county governments also have funds in their environment departments. It should be very clear, in how much different sectors in the counties, spend or appropriate in their normal funds, monies that have been disbursed by the World Bank.

Mr. Speaker, Sir, in some of the counties, there is duplication of activities. You find the same activities presented for FLLoCA are the same activities that the county government is presenting to their environmental departments. So, the committee must address the use of these funds. It must be clear and separate on which activities they are using from the funds that have been given by the World Bank. From the counties that we have looked at, at the Committee on Land, Environment and Natural Resources, it is very clear that things are not very clear. There is no clarity in the activities that the counties are taking and so I want to support this based on the importance of the environment in this country.

Thank you, Hon. Speaker.

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

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**Sen. Abass:** Mr. Speaker, Sir, I also join the---

**The Speaker** (Hon. Kingi): Just a minute, Sen. Abass. Sen. Osotsi, you must be wondering why you are on top of the dashboard and why your name is on top in the list and yet I have not called you out. I have a communication that concerns you. So, unless we deal with that, you have to hold your horses.

*(Laughter)*

Sen. Abass, you may proceed.

**Sen. Abass:** Hon. Speaker, thank you so much. I also support the statement from the Minority Leader, the Senator for Kilifi. The drought situation in this country is actually worrying. As you are aware, drought in this county has become cyclic. Unfortunately, we do not have any early warnings and early planning for drought interventions.

Hon. Speaker, the situation in Mandera, Wajir and the entire northern Kenya is a very pathetic. Unfortunately, the other thing is that people move in vehicles still. The Cabinet Secretary for Public Service, Human Capital Development and Special Programmes, Hon. Ruku, flies all over. Choppers are crisscrossing the country. So much money is being used to hire planes. The cost of vehicles being used to transport food from here is just enormous resources.

We need to have a proper planning and interventions for this country. Disaster management and drought interventions should be planned earlier. Many children are dropping out of school due to lack of food. They are unable to go to school because most of their families keep on shifting.

We cannot use drought and famine relief as a political means or a way of campaigning. It has become a campaign tool instead of sympathy for the drought afflicted; people having standing up to talk about politics and giving out food to the poor people. Those people do not need that kind of politics. They do not know about “two term.” They need food and water.

I request those cabinet secretaries and those people who go around giving food to stop going to the press. It is a shame for a government that cannot even feed its own people to keep on campaigning, saying, “we need to do this. We need to have a second term.” No, no. people are hungry.

As my colleague here rightly said, we cannot to go to Singapore when people are hungry. A country that cannot feed itself cannot be talking about going to Singapore.

I request the Cabinet Secretary for the East African Community (EAC), the Arid and Semi-Arid Lands (ASALs) and Regional Development and those who are going around to stop the public relations issue of food. It is very embarrassing. You are telling the world that this country is going hungry every day.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Hon. Senators, we have utilised the 15 minutes allocated to this session.

I have a communication to make regarding the Senator for Vihiga County, Sen. Osotsi.

**COMMUNICATION FROM THE CHAIR****SUBSTANTIATION OF ALLEGATIONS MADE BY SEN. OSOTSI**

Hon. Senators, as you may recall, at the sitting of the Senate held on Thursday, 19<sup>th</sup> February, 2026, the Deputy Speaker directed Sen. Godfrey Osotsi, MP, to substantiate utterances made while commenting on a statement sought by Sen. Samson Cherarkey MP, on the status of IPOA, investigations into extrajudicial killings and abuse of police authority.

The direction was as a result of a point of order by the Senator for Uasin Gishu County, Sen. Jackson Mandago, MP, pursuant to Standing Order 105.

As hon. Senators are aware, Standing Order 105 states as follows-

“A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly. If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegation instantly, the Speaker shall require that such Senator substantiate the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order 121, unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires.”

Now, hon. Senators, in the point of order, Sen. Osotsi MP was required to substantiate the following statement:-

“I am aware that the same police are planning mayhem in Kakamega. I warn them, in this House, that if any individual in Kenya loses his life in Kakamega, we will blame the Government of William Ruto for the killing. I am aware, because I have received reports that a certain Principal Secretary is holed up in Kisumu, organising goons to disrupt our meeting in Kakamega. We will blame this Government if something wrong happens in Kakamega.”

Hon. Senators, upon being challenged by Sen. Jackson Mandago, MP, Sen. Osotsi, MP, was not able to substantiate his statement as required pursuant to Standing Order 105 (1). He subsequently requested the Deputy Speaker to provide the evidence at the next sitting day, in accordance with Standing Order 105 (2).

Having acceded to the request, the Deputy Speaker directed that the hon. Senator substantiate the statement at the next sitting day. Accordingly, and pursuant to Standing Order 105 (2), I now invite Sen. Godfrey Osotsi, MP, to forthwith substantiate the claim in the statement he made, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order 121. In the absence of such substantiation, the Senator will be required to withdraw this statement and apologise to the Senate.

Sen. Osotsi, you may proceed to substantiate.

**Sen. Osotsi:** Thank you, Mr. Speaker, Sir. I think I need your guidance, because I made that statement last Thursday. The event in Kakamega has since taken place and I have received and continue to receive overwhelming evidence about the involvement of this Principal Secretary (PS) in the planning of violence, including the blockage of Kisumu International Airport by thugs and police officers and including---

**The Speaker** (Hon. Kingi): Let me help you, because you are making further advances that demand substantiation. You are not helping yourself. There is a statement, and I have even given you the quote. Proceed to give evidence on that particular statement.

**Sen. Osotsi:** Mr. Speaker, Sir. I just want to be useful to this country, and this House. That is why I am requesting for more time but some of the things I said---

**The Speaker** (Hon. Kingi): Sen. Osotsi, if you are seeking time, say so. Stop making other statements.

**Sen. Osotsi:** I need a week to compile the evidence some of which is classified.

**The Speaker** (Hon. Kingi): You have to know that you cannot contribute. You cannot take part in any debate in this House, if such a matter is pending. Are you aware of that?

**Sen. Osotsi:** Mr. Speaker, Sir, the Standing Orders give me a leeway to ask for more time.

**The Speaker** (Hon. Kingi): Which Standing Order? Order, hon. Senators. This is a matter touching on Sen. Osotsi. He is on the floor.

*(Sen. Sifuna spoke off record)*

Sen. Sifuna, I am the Speaker. I am not *omwami*.

**Sen. Osotsi:** I take this matter to very weighty. If we look at what is happening in Haiti and people---

**The Speaker** (Hon. Kingi): I asked you to substantiate.

**Sen. Osotsi:** I just want more time for us to get adequate information about what I am talking about. If you give me more time, I am ready to comply and give enough information to this country and this House because someone died in Mbale and another in Kakamega.

**The Speaker** (Hon. Kingi): I am trying to look for a provision where I can give you that one week that you require. This is how the Standing Order is crafted-

“If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiate the allegations no later than the next sitting day. Failure to which the Senator shall be deemed to be disorderly---”

**Sen. Osotsi:** Mr. Speaker, Sir, Standing Order No.1 allows you to give---

*(Sen. Cherarkey spoke off record)*

**The Speaker** (Hon. Kingi): Order, Senator for Nandi County. You are disorderly and I am giving you a warning for the day.

Sen. Osotsi, you cannot hide behind Standing Order No.1. That order is for instances not provided for. Your instance is well provided for in our Standing Orders. You are to substantiate. If you are unable to do so, you apologise. If you cannot do that, then I will rule you disorderly and proceed to---

**Sen. Osotsi:** Mr. Speaker, Sir, I am not going to apologise for the obvious. It is very clear. People from that region saw Governor Orengo and I almost being killed by police at Royal Swiss Hotel.

**The Speaker** (Hon. Kingi): Order, Senator.

**Sen. Osotsi:** Mr. Speaker, Sir, we have gangs being trained in Kisumu even---

**The Speaker** (Hon. Kingi): Sen. Osotsi, I do not see why you are losing your cool. You were doing so well. This is a House of order. We have our Standing Orders. I asked you to point to me a standing order that allows me, as your Speaker, to give you one week.

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

**Sen. Osotsi:** Mr. Speaker, Sir, the point I wanted to make is that this matter is very serious since it borders on national security. An international airport was blocked for five hours by a gang of young men with pangas. From the hotel I was staying in Kisumu, gunshots were heard at the entrance---

**The Speaker** (Hon. Kingi): Sen. Osotsi, you are a seasoned politician. You have been in this House longer. You understand the Standing Orders. I take it that you are unable to substantiate. I will give you a chance to apologise. If you are unable to do so, say so, so that I proceed to the next limb.

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

**Sen. Osotsi:** Mr. Speaker, Sir, I even have witnesses. I am ready to produce them before this House if you allow me. I wanted more time to bring witnesses to give evidence.

**The Speaker** (Hon. Kingi): Now, Sen. Osotsi, I am afraid that as the Chair, I am unable to accede to your request for one week. I can only do so if that power is given to me pursuant to our Standing Orders, but they do not give me that latitude. Having failed to substantiate and having refused to apologise and withdraw, I will rule you to be disorderly. I ask you to leave the Chamber for the rest of the day.

*(Sen. Osotsi, Sen. Sifuna and Sen. Kibwana walked out of the Chamber)*

*(Loud consultations)*

Sen. Boni and Sen. Enoch Wambua, what issues do you have?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, the matter is settled, but as Parliament, we need to reflect on the importance of what is in public domain. A Member of your House was blocked from landing into an international airport in Kenya. You need to reflect that armed goons were waiting for your members. You need to reflect on the fact that the itinerary by credible airports was shared by the security organs. You do not want to wait until a Member of this House is dead to call for a special hour for us to give condolences. It is bigger than just throwing Members out of the House. We come from that part of the world and we saw those things.

**The Speaker** (Hon. Kingi): Sen. Boni, if you take to the Floor, in this Senate and make a statement, certainly you must have some facts behind it. We needed to hear those facts from Hon. Osotsi. If you are unable to give us those facts, as the Chair, my hands are tied.

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Proceed, Sen. Enock.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I have two issues on that matter. While you were away last week, we had a similar situation. The Senator for Nandi County made allegations that he could not substantiate. He decided to withdraw and apologise, but the damage had already been done. I raised a point of order for guidance. Perhaps there is need for the office of the Speaker to reflect and guide the House. I could rise on the Floor and say certain things against Sen. Cheruiyot knowing they are not true. I then wait for you to tell me to substantiate. I may say I will substantiate in the next sitting, then come here, withdraw and apologise. However, the damage is already done.

Secondly, it is easy to invoke the provisions of the Standing Orders and send a Member out. However, there is context. All of us have a role to de-escalate the political temperatures in this country. On Sunday, I almost got injured when some thug threw a stone on the windscreen of my car at a rally in Nairobi.

Mr. Speaker, Sir, let your office reflect on these issues since you are our leader. Give us direction on how to deal with a member concerned about their security beforehand and it actually happens. Perhaps, they have no way of bringing hard evidence, like a photo of the Principal Secretary (PS) in a meeting, but there is context. The people and everyone saw it--- How do we deal with situations like that in a manner that we do not encourage leaders in this House to be careless with speeches, but also protects the dignity of this House and de-escalates the political temperatures in this country?

I submit.

**The Speaker** (Hon. Kingi): Hon. Senators, in such instances, if you do not have the full information, the only logical way to handle such a matter is to seek a statement from the relevant committee, so that they can dig in and give us the right position. This is because, according to our Standing Orders, once you make a statement, you must be in a position to substantiate. Those are our Standing Orders.

If you feel you do not have enough material, information or facts to back up your statement, then the best thing is to seek a statement from the relevant committee of the House. At least, they have the latitude of calling the responsible officers, investigate the matter and share with us a report that carries some facts that they have gone out there to collect. However, hon. Senators, we cannot shelve our Standing Orders. If you make a statement, be ready to substantiate and if you cannot substantiate, be ready to be deemed disorderly or be ready to withdraw.

I get it from Sen. Wambua and it is something that we grappled with today when we sat as the Speaker's Panel. Where a Member takes to the Floor, they make a bizarre statement and apologise, but you see, the damage has already been done. That is why our Standing Orders do not just talk about apology, they talk about a suitable apology. Once you make a damaging statement, you cannot just say; I withdraw and apologise. The apology must be suitable to the kind of statement that you have made. Hon. Senators, let us leave it there.

Let us move on to the next Order.

There are two reports that are supposed to be laid on the Table by the Chairperson of the Committee on Finance and Budget and the Chairperson of the Committee on Energy. You may proceed, starting with the Finance and Budget report.

**PAPERS LAID**2026 BUDGET POLICY STATEMENT AND 2026  
MEDIUM TERM MANAGEMENT STRATEGY

**Sen. Oketch Gicheru:** Mr. Speaker, Sir, on behalf of the Chairperson of the Committee on Finance and Budget, Sen. Roba, I beg to lay the following Papers on the Table of the Senate, today, Tuesday, 24<sup>th</sup> February, 2026-

Report of the Senate Standing Committee on Finance and Budget on the 2026 Budget Policy Statement.

Report of the Senate Committee on Finance and Budget on the 2026 Medium Term Debt Management Strategy.

I thank you.

*(Sen. Oketch Gicheru laid the document on the Table)*

**The Speaker** (Hon. Kingi): Proceed to give notice on the same.

**NOTICES OF MOTIONS**

**Sen. Oketch Gicheru:** Mr. Speaker, Sir, I beg to give notice of the following Motions-

ADOPTION OF REPORT ON THE 2026  
BUDGET POLICY STATEMENT

. THAT, the Senate adopts the report of the Standing Committee on Finance and Budget on the 2026 Budget Policy Statement laid on the Table of the Senate on Tuesday, 24<sup>th</sup> February, 2026 and pursuant to Section 25(7) of the Public Finance Management Act and Standing Order No.186(8), the Senate approves the 2026 Budget Policy Statement.

ADOPTION OF REPORT ON THE 2026 MEDIUM  
TERM MANAGEMENT STRATEGY

Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, the Senate adopts the report of the Standing Committee on Finance and Budget on the 2026 Medium Term Debt Management Strategy laid on the Table of the Senate on Tuesday, 24<sup>th</sup> February, 2026 and approves the 2026 Medium Term Debt Management Strategy.

I thank you.

**The Speaker** (Hon. Kingi): Chairperson, Committee on Energy.

**PAPER LAID**JOINT REPORT ON CONSIDERATION OF FIELD DEVELOPMENT PLAN  
AND PRODUCTION SHARING CONTRACTS IN TURKANA COUNTY

**Sen. Kisang:** Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today, Tuesday, 24<sup>th</sup> February, 2026-

Report of the Joint Sitting of the National Assembly Departmental Committee on Energy and the Senate Standing Committee on Energy on the consideration of the field development plan and production sharing contracts for block T6 and T7 in Sol Lokichar Basin, Turkana County.

*(Sen. Kisang laid the document on the Table)*

**NOTICE OF MOTION**ADOPTION OF JOINT REPORT ON CONSIDERATION OF  
FIELD DEVELOPMENT PLAN AND PRODUCTION  
SHARING CONTRACTS IN TURKANA COUNTY

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

THAT, the Senate adopts the report of the Joint Sitting of the National Assembly Departmental Committee on Energy and the Senate Standing Committee on Energy on the consideration of the field development plan and the production sharing contracts for blocks T6 and T7 in Sol Lokichar Basin, Turkana County, laid on the Table of the Senate on Tuesday, 24<sup>th</sup> February, 2026 and pursuant to Article 71(1) of the Constitution and Section 31(1) and (2) of the Petroleum Act, the Senate ratifies the field development plan and the production sharing contracts for blocks T6 and T7 in Sol Lokichar Basin Turkana County.

I thank you.

**The Speaker** (Hon. Kingi): Next Order.

**BILL***Second Reading*THE KENYA NATIONAL COUNCIL FOR POPULATION AND DEVELOPMENT  
BILL (NATIONAL ASSEMBLY BILLS NO.72 OF 2023)

*(Sen. Cheruiyot on 12.02.2026 - Afternoon Sitting)*

*(Resumption of debate interrupted on 12.02.2026 - Afternoon Sitting)*

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

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**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to reply. Further in accordance to Standing Order No.66(3), I beg to request that the putting of the question be deferred to a later date.

**The Speaker** (Hon. Kingi): Putting of the question is deferred.

*(Putting of the question on the Bill deferred)*

I will now further rearrange today's Order Paper. Where is the Chairperson of the Committee on Justice, Legal Affairs and Human Rights (JLAHR)?

I will handle Orders No.14 and 15 first and then we resume normal flow.

The Chairperson, Justice, Legal Affairs and Human Rights (JLAHR) Committee, proceed.

### MOTION

CONSIDERATION OF REPORT ON THE NATIONAL ASSEMBLY AMENDMENTS  
TO THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL, 2024  
(SENATE BILLS NO.28 OF 2024)

**Sen. Veronica Maina:** Mr. Speaker, Sir, I am standing in for Chairperson, JLAC.

I beg to move the following Motion-

THAT, the National Assembly's amendments to the Election Offences (Amendment) (No.2) Bill (Senate Bills No.28 of 2024) be now considered.

This is a procedural Motion that paves way for the Senate to consider the amendments by the National Assembly at Committee of the Whole stage. I will therefore proceed to give a brief background and context to the current Motion.

The Election Offences (Amendment) (No.2) Bill (Senate Bills No.28 of 2024) was one of the Bills that came out of the National Dialogue Committee (NADCO) process. The Bill was published on 7<sup>th</sup> May, 2024 and was read a first time in the Senate on Thursday, 4<sup>th</sup> July, 2024. The Bill was considered and passed by the Senate with amendments on 19<sup>th</sup> November, 2024, following which it was referred to the National Assembly for concurrence.

The National Assembly likewise considered the Bill and passed it with amendments on 14<sup>th</sup> August, 2025. These amendments were then transmitted to the Senate for its concurrence.

The Standing Committee on Justice, Legal Affairs and Human Rights considered the amendments by the National Assembly to the said clauses following which we tabled our report in the Senate on Tuesday, 2<sup>nd</sup> December, 2025. In our report, we recommend that the Senate rejects the amendments by the National Assembly to Clause 2 and Clause 4 of the Elections Offences (Amendment) (No.2) Bill 2024.

The primary reason for this is that while the Senate undertook extensive public participation on the Bill, which informed the amendments effected by the Senate at the Committee of the Whole House stage, the amendments by the National Assembly seek to undo the Senate amendments and to largely reinstate the Bill to its original version

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published. Rejecting the amendments by the National Assembly will enable the Bill to be referred to a Mediation Committee, where we will develop a version of the Bill that may be passed by both Houses.

If I can just give a view of the amendments in Clauses 2 and 4. Clause 2 had amended Section 6 of the Election Offences Act to define offences relating to delay/failure to declare results and how polling stations are handled, including whether conducting polling outside the gazetted and published stations is criminal.

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

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

Madam Temporary Speaker, Clause 2A is on results declaration and reasonable time *vis-a-vis* unreasonable delay. The National Assembly amendment reintroduces the concept of the unreasonable delay test by expanding the offence, so that an officer can commit an offence not only by failing to declare results, but also by delaying beyond what is considered reasonable.

What the Senate, through the Committee on Justice, Legal Affairs and Human Rights (JLAHR), had proposed was to remove the concept of the unreasonable delay standard and anchor the offence on clear and fixed timelines already in law namely, presidential results to be declared within seven days as per the Constitution. So, an amendment must not be introduced to exchange the seven days with unreasonable delay. Other elections should be declared immediately after the close of the polling station.

While the committee recommends rejection of the National Assembly position, unreasonable delay is inherently subjective in a criminal provision and creates interpretative and enforcement uncertainties and risks inconsistent application, whereas the constitutional and statutory timelines offer certainty and enforceability within seven days.

The next clause is Clause 2C on the polling stations offence linked to conducting polling outside the published station. The National Assembly amendment restores a specific offence that targets the Independent Electoral and Boundaries Commission (IEBC) staff who conduct or hold an election in a polling station that was not duly published, gazette or publicised.

What the Senate, through JLAHC, has proposed instead is to remove the un-gazetted polling station offence and focus criminal liability on deliberate misconducts namely, knowingly interfering with, altering, destroying or concealing election materials or declaring results or cause another person to do so.

While the committee recommends the rejection of the National Assembly position, the existing legal framework already anticipates disruption and permits lawful adjournment or relocation of polling in limited circumstances, with reporting obligations. A strict un-gazetted/published station offence is viewed as an overly prescriptive and may unintentionally criminalise legitimate operation, delocation, rather than targeting intentional manipulation or interference.

The other clause is Clause 4, which deals with electronic communication used to coerce political participation. Clause 4 introduces a new offence specifically targeting

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digital electronic coercion. What the Senate amendment provides is, it criminalises wilful communication intended to induce or compel a person to refrain from becoming a candidate or withdraw from candidacy, be influenced on how to vote, including discouraging voting for a candidate or party of choice, or be impeded from nomination.

What the National Assembly did was to delete Clause 4, arguing that interference with political rights is already covered under existing offences, that is, bribery, undue influence, intimidation and interference with canvassing or campaigning.

Why the committee recommends rejecting the National Assembly deletion is because existing offences cover general conduct, but do not expressly capture electronic communication as a distinct and fast-growing method of coercion and manipulation. Retaining Clause 4 makes the law tech responsive and improves clarity for enforcement in the digital space.

The bottom line, our committee recommends rejection of the National Assembly position on Clauses 2 and 4. It is the committee's position that the National Assembly amendments largely roll back the Senate's public participation informed approach by reintroducing a vague, unreasonable delay standard, reinstating an overly rigid polling station publication offence that can clash with lawful relocation safeguards, and removing a targeted electronic coercion offence meant to address modern realities of campaigning and intimidation.

Madam Temporary Speaker, based on those reasons that I have given, we ask that these recommendations by the National Assembly be rejected. I therefore, beg to move that the National Assembly amendments to the Election Offences (Amendment) (No.2) Bill (Senate Bills No.28 of 2024), be now considered and I call upon Sen. Cherarkey to second.

**The Temporary Speaker** (Sen. Mumma): Sen. Cherarkey, you may proceed.

**Sen. Cherarkey:** Thank you, Madam Temporary Speaker. I rise to second this Motion that has been brought by my former committee of JLAHC, and I want to thank Sen. Veronica Maina for ably moving it.

As I rise to second in a few minutes, I think we are over-legislating. I agree with the committee's findings because even in the presidential election, including the presidential election petition that has already been provided for the timeline, this has been provided as seven days.

While reading Article 86, I was wondering why the National Assembly was introducing unconstitutional clauses.

*(Loud consultations)*

**The Temporary Speaker** (Sen. Mumma): Hon. Members, please, consult in very low tones and let us hear Sen. Cherarkey.

**Sen. Cherarkey:** Madam Temporary Speaker, I find that the National Assembly sat and tried to rewrite the Constitution because the issue of the timeline of presidential election and announcement is already provided by the Constitution. That is seven days.

Article 86(c) says-

(c) The results from the polling stations are openly and accurately collated and promptly announced by the returning officer;"

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The keyword there is “promptly”. I am happy that the committee has rejected the amendments that the National Assembly wanted to introduce to the Bill because they are unnecessary. This is because, as Sen. Veronica Maina has said, the Election Offences Act of 2016 No.37 has already provided for these offences. The issue of un-gazetted polling stations is very clear because every time, all the polling stations - I think Kenya is synonymous of using or gazetting primary schools, learning institutions and other public institutions as polling centres where members of the public can go and vote. The Election Offences Act is very clear on the same, and therefore the rejection of Clause 2 is already provided for. Therefore, the Elections Offences Act of 2016 has guided.

For the alteration, doing elections outside un-gazetted area, the Elections Offences Act has ably put it in place. If you look at the extrapolation of Section 6 of 2016, it covers all of them. In fact, to a conviction of around Kshs2 million or to imprisonment for a term not exceeding five years or both. So, what the National Assembly and all of us have to agree in an upshot, is that we are over-legislating this issue of election.

I have said in this House for some time now, in every session, these Members of Parliament want to always amend the Elections Act. Sen. Maanzo, when he was in the ‘Lower House,’ knows how we are very protracted. At some point in the ‘Lower House,’ water was being poured at the then Deputy Speaker. May her soul rest in peace, the former Governor of Bomet County, Governor Dr. Joyce Laboso. It has been emotive. Looking at the Kriegler reports, the issue of formation of the commission, the Inter-Parties Parliamentary Group (IPPG) in this country where---

On a lighter note, you remember the Chebukati-led Commission? We looked around until we asked ourselves when we came in the last session, we put in the law that the selection panel should be led by religious leaders. People who are religious, who profess, who are bishops, leaders and sheikhs. However, when there was an outcome of Chebukati-led Commission being constituted, people lost hope. People did not believe that the selection panel that was chaired by religious men and women at that point, that put in the Chebukati-led Commission, could be put in place.

I strongly believe, having participated in several elections, and of course 100 per cent in them, I want to confirm, the problem we have in this country is deficit of trust. It is not about the commission or the commissioners or Kenyans. Our political rights are anchored in Article 38. Article 86 provides that the election process should be simple, verifiable and accurate. The problem we face in this country, even in the Kriegler Report, is deficit of trust.

We went to Brazil some time back when I was the Chairperson of the Committee on Justice, Legal Affairs and Human Rights, and studied on how the electoral process in Brazil operates. I remember at that time, the current President, Luiz da Silva Lula, we went and met them, he was incarcerated, the President then was Jair Bolsonaro, they used to call him Trump of the North of America. It reached a point that that system was so efficient, by the time you close a polling station at 5.00 p.m. in Brazil, within a few minutes, you know who is the winner from all the elections, up to the President.

That is why, funnily enough, President Bolsonaro, before he was deputed by Lula, wanted that system that has been developed by the Brazilians to be changed to paper, just the way President Trump wanted. When you talk of the election systems in Brazil, they are very efficient and accurate. They have developed their own system, which they

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believe in, so that we do not have cases of Jose Carmago, the Venezuelan smart issue that has given the credibility.

Madam Temporary Speaker, you remember when the Don of Kenyan politics; His Excellency, Rt. Hon. Amollo Odinga, at a point, has been the boiling point that the servers be open although Kenyans misinterpreted servers to mean other things in the streets there. At that time, when the Supreme Court matter was being listened to, you remember we were being told in France people are sleeping? We are in the Supreme Court. The reason this country is the deficit of trust, is the belief in institutions.

As I conclude, I borrow the words of when President Obama came to Egypt and gave an address that the reason first world countries develop is because they have so much belief in their institutions as to oppose their personalities. That is what is facing this country. I want to appeal, as we agree with the findings of the Committee on Justice, Legal Affairs and Human Rights whose report has been ably moved by Sen. Veronica Maina, who is also running for the Women Representative of Murang' a, that we agree that the report--- I have encouraged her to run for governor. Who said women must only run for Women Representative? They should run for governor, a better seat, so that we can see more things.

Luckily, the Majority Leader is in the House. The reason we have differed with the National Assembly is based on constitutional principles. It is not about our differences in terms of our roles. I know people report that there is supremacy between the National Assembly and the Senate. Far from it. If you look at this report, I have it, they have anchored their reasoning on the Constitution, precedent, conditions and the history of the election process in this country.

I have seen my brother, my very good friend, who is the leader of Prayer Breakfast in Parliament, Sen. Maanzo. I want to advise him in the words of the National Assembly Speaker, that when you see a crowd, do not think they are voters. They must have come to get shocked, to want to see who these people are. I saw today in some news that even members of the public agree. As you walk around the country, even in Kisii, those people who came out in Kisii were just amazed. They want to see who these people are. I want to thank the Majority Leader. He appropriately answered a number of them.

In conclusion, I am surprised that amongst us, as politicians, there are people who want to go to the elections, but they are already attacking the referee. Yesterday, I watched Manchester United versus Everton in the evening. Although Manchester United just scored, I think, through somebody called Cunha, one nil yesterday, you can imagine, they won by one goal. They did not score so much and it was just out of--- They got the points. Imagine if Manchester United or Everton started beating up the referee, there would be no game or linesmen.

So, in any election, I have seen members of the united opposition have started beating drums of attacking the Independent Electoral and Boundaries Commission (IEBC). If you do not believe in the process of election, why would you participate in the election? That is the whole point. Do not attack the referee or the linesman. If you are a spectator, we do not want to see--- We want us to believe in our institutions.

Whether Sen. Maanzo is the Chairperson of IEBC or you, Madam Temporary Speaker, which you have vast experience because you have been in the oldest political

party in this republic as a very senior member. I am happy the person who moved this Motion is the people's Secretary General (SG), former SG.

On a lighter note, this House is becoming too “formers”. Now we have the former SG of the Orange Democratic Movement (ODM). We have the former SG of the United Democratic Alliance (UDA). Even former Chief Whip. People are becoming formers without realising.

That is why I am saying we must believe in the institution the IEBC that has been provided. I want to appeal to our colleagues--- I know Sen. Maanzo, you are a good man. I saw you praying in America. If your prayers have reached America, you should believe in the electoral process of this country. We do not want to believe in an institution. If we attack IEBC today, and I saw them presenting their budget to the National Assembly and I think they want over Kshs40 billion.

Colleagues, what we should be pushing for is to give capacity and ability to the Independent Electoral and Boundaries Commission (IEBC) in terms of adequate funding, so that they do continuous voter registration and build capacity of their staff and the Commission, in order to conduct a credible process instead of attacking and undermining them.

I am reliably informed that this report is as a result of the National Dialogue Committee (NADCO) report. To Kenyans, the problems is not the Elections Act, but us, who do not believe or have mistrust amongst ourselves.

With those many remarks, Madam Temporary Speaker, allow me to end there. I beg to second.

I thank you.

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

*(Question proposed)*

Proceed, Sen. Maanzo.

**Sen. Maanzo:** Thank you, Madam Temporary Speaker, for giving me an opportunity to contribute to a very important report.

The IEBC appeared before the Senate Committee on Justice, Legal Affairs and Human Rights where I sit. There is the law relating to voting and Article 86 of the Constitution states as follows-

“At every election, the Independent Electoral and Boundaries Commission shall ensure that—

(a) whatever voting method is used, the system is simple, accurate, verifiable, secure, accountable and transparent;”

Based Article 86 and subsequent articles that deal with elections, every law made in relation to elections must conform to this requirement of the Constitution. It is important that the arbiter must not to be influenced, but seen to be fair. For them to give us election results which are simple and verifiable, the cost of elections must be borne by the country and it must be reasonable. It should not be an expensive election costing

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billions of shillings. Printing of materials and procurement of the same must be reasonable.

We are aware that elections are won or lost at the polling station. Just like Sen. Cherarkey has spoken about systems in other countries, at every polling station, we should know who won and who lost because that is where it begins. When it comes to transfer of results, problems begin to mount. When you have the José Carmagos of this world and their system, there is likely to be a problem.

I have been dealing with election petitions since 2013. In 2017, the Supreme Court ruled that the elections were not free and fair because of electoral malpractices. For that matter, presidential elections were nullified.

Statements have been made. The person who takes care of an election is an MP. In a polling station, the votes of an MP should not vary so much with those of a presidential candidate. If they vary, then there is likelihood of malpractice. It is important to update the register. When the register is not updated, there is likelihood of dead voters voting because it has happened before. How did we know that?

There is a mother of a prominent Kenyan MP who had passed on just before elections. After elections, when we went to check the paperwork at the polling station where she used to vote, we found that she rose from the dead, went to vote and went back to the grave. Therefore, those malpractices exist because dead people also vote. That happens after 5.00 a.m. in the strongholds of candidates.

In fact, during the 2017 General Election, there were electoral malpractices in 38 constituencies in terms of presidential results on one side and 16 constituencies on the other side. It is like presidential candidates were competing in cheating. That is done through collusion at the polling station after 5.00 a.m. It is unfortunate when you scrutinise during court trials because you will always find electoral malpractices.

First and foremost, the IEBC should make sure that there is no cheating in the country. That is why the united alternative government is clear that the arbiter must be seen to be fair. After two visits to the IEBC, I realised it is a team that the country can rely on. We used to accuse the commission of belonging to William Ruto, but now we are convinced that there are Kenyans there. The person we had a problem with was Marjan who has left on his own volition. That is a good sign that good things are coming.

The next Chief Executive Officer (CEO) must be a person who cannot be influenced. He or she should be a person who will not misadvise commissioners. He or she must be a person who Kenyans can trust. In the event that we do not trust them, then we have to voice it. We will not keep quiet because we are going to participate in the elections.

The biggest clients of IEBC are political parties. Therefore, every political party or coalition is free to visit and make their case with the IEBC. No one should be stopped from visiting the IEBC. When the united opposition visits the IEBC, they do so because they are stakeholders of elections who want to be sure and they need to make proper presentations.

Electoral offences have not been taken seriously in this country. If electoral offences and punishments thereof were prohibitive, people would be careful not to mess. We have seen elections with violence. For example, yesterday in Kisii, we saw people plotting violence against alternative government leaders. Why would you attack them?

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Why would someone plan an attack on Sifuna when he is going to meet people? We should let Sifuna have his meetings and any other person who wants to go to Kakamega should do the same if they want and let the best man win.

There is a growing trend of violence and killing of people. What I would like to tell Sen. Cherarkey is that for every person you kill because of politics, the allegedly killer loses votes. By the time you mourn and bury that person, Kenyans have already made their minds on how they will vote.

The IEBC must also come up with a proper mechanism of promoting and educating voters because voter education has been missing. We are aware that massive voter registration will start in every polling station on 29<sup>th</sup> March after Ramadhan is over. Therefore, we call upon the Sifuna followers and all the young people in this country to go and register as voters because, finally, it is the vote that counts. You can shout “wantam” or whatever terms you want, but as long as you do not vote on the voting day, your effort is a total waste of time.

It is time the young people and eight million Kenyans who did not vote last time were upset with how things are being done currently, wake up very early to go and vote and bring a just government of the people. It is not going to be easy for anyone to put this country back on track.

Yesterday, I saw the President say that his focus is on the ball. Unfortunately, with the golf ball, especially if you are an amateur, you can sometimes hit it and it goes into the forest. Are you still focussing on the ball? We must really listen to Kenyans and do the right things for them.

Kenyans have seen election violence. Kenyans should not die because of elections or politics. Kenyans should not bury their loved ones because of politicians and misuse of the police force. We should all feel free to go and vote. We have seen violence in police stations in certain parts of the country, whereby, violence is so much unleashed on one side, so that one candidate is totally disadvantaged while the other side is favored. This favours Members of Parliament (MPs), governors and even the presidential candidate.

When these matters are taken to court, all the evidence does not come out sometimes and therefore, there is every need that we have a proper electoral law in the country; a law that everyone can rely on.

We have also seen a new trend where the law and procedures do not matter anymore for politicians. Every politician pretends to be above the law; they organise and unleash violence on opponents. If an election is won fairly and squarely and as a Kenyan you have a complaint, you file an election petition and voice it out. If there is no complaint, then the elected government should be allowed to serve. Violence should not be unleashed unnecessary to voters during the voting exercise.

Madam Temporary Speaker, I really want to challenge the Independent Electoral and Boundaries Commission (IEBC). I pray that they get the amount of money they need to plan for a good election. We want to know the security and integrity of the ballot paper and the electoral process. They should ensure that no extra ballots are printed or no extra boxes are taken into police stations. This causes violence and blackouts when votes are counted and it is a different story.

As a person who has done election petitions since 2002, I am aware that every election, even a member's election is stolen in a way. That is why people file election

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petitions and we have by-elections, such as the one that happened at the Coast. What happens is that the candidates who succeed are voted for overwhelmingly such that, even when the thieves steal, they are unable to finish all the votes.

*(Sen. Wafula spoke off record)*

It is true, Senator for Bungoma. I can assure you that you were overwhelmingly voted for, but I am happy to hear the point of order.

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

**Sen. Wafula:** Standing Order No.105 is on Statement of Facts. Can Sen. Maanzo, as a serious prayer warrior and intercessor who communicates to God every day and even now, confirm to us how you stole elections if you have ever stolen?

**The Senate Majority Leader** (Sen. Cheruiyot): What did he say?

**Sen. Wafula:** That it is a fact that people steal elections in Kenya. Can he justify that using his Holiness title?

**The Temporary Speaker** (Sen. Mumma): Sen. Maanzo, do you want to?

**Sen. Maanzo:** Yes, it is what I usually do in Makueni County because you cannot have a 100 per cent perfect election in this country. I will tell you the malpractices. First, there are people and their agents who on the polling day are giving Kshs100 outside the polling station. In fact, there are people, who only spend millions of shillings on the election day. What I normally do is that, I pray to my God and I mobilise so many voters without pay. My election is usually the cheapest.

**The Temporary Speaker** (Sen. Mumma): Sen. Maanzo, I do not think the Member wants you to explain what you do; he wants you to substantiate the allegations that it is a fact that elections are stolen.

**Sen. Maanzo:** Yes, I will substantiate, but that is what I do. I put together so many votes so that whoever is stealing from me, will steal and still, there will be a balance.

**The Temporary Speaker** (Sen. Mumma): Sen. Maanzo, do you actually understand what substantiation is?

**Sen. Maanzo:** Yes, I do.

**The Temporary Speaker** (Sen. Mumma): So, can you substantiate that people steal elections?

**Sen. Maanzo:** I can substantiate through the election petitions that I have filed. The best example is---

**The Temporary Speaker** (Sen. Mumma): Do you know them? Are you the one who filed the petitions? Can you indicate one?

**Sen. Maanzo:** The presidential election petition of 2017 ruled that Raila Odinga's election was stolen.

**The Temporary Speaker** (Sen. Mumma): Sen. Wakoli, that---

**Sen. Wafula:** I am not convinced, he should table facts.

**The Temporary Speaker** (Sen. Mumma): Sen. Wakoli, I think the ruling of 2017 is in the public realm. You can verify and then come and confirm whether it is true.

**Sen. Wafula:** Madam Temporary Speaker, did it say they were stolen?

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**Sen. Maanzo:** It clearly said that the election was stolen. That is why it was nullified and there was another election. That is exactly what happened. Sen. Wakoli, I am sure---

**Sen. Wafula:** If this is the position of the united opposition, then we leave them to God.

**The Temporary Speaker** (Sen. Mumma): Order, Sen. Wakoli. This was intended to be a substantiation. What you need to do is verify the facts of the case and indicate whether he is right or not.

**Sen. Maanzo:** Thank you, Madam Temporary Speaker. Let me conclude.

This is generating a lot of politics. The position of the alternative government is that just as they are doing now in Kisii County, we will talk and convince as many Kenyans as possible to support us, so that when the election comes, we will be voted for overwhelmingly so that anybody trying to steal, will not manage because a lot more votes will still be left and we will win the election.

I thank you, Madam Temporary Speaker.

I wish to support.

**The Temporary Speaker** (Sen. Mumma): Sen. Aaron Cheruiyot.

**The Senate Majority Leader** (Sen. Cheruiyot): My apologies, Madam Temporary Speaker.

I rise to support this report by our colleagues from the Justice and Legal Affairs and Human Rights Committee. For the record, I have to declare interest that I participated in the National Dialogue Committee (NADCO) process that gave birth to this report. Therefore, as I speak, I am acutely aware that this reflects the House rejecting part of the work that we did and the justification.

I have quickly skimmed through some of the concerns that people could be having with that particular phrase. I think the bigger challenge here comes with the fluency with which this report was drafted particularly on the phrase “undue delay”. If you read paragraph 15 of the overview of the stakeholder's submissions on the particular Bill, which is where this report premises its arguments on, the stakeholder submitted that the proposed wording of “unreasonable delay”, as in Clause 2 of the Bill, waters down the intent of punishing delays in declaring results because it has not been clearly defined, thus rendering it prone to misinterpretation.

The stakeholders further urged the committee to align with the proposed amendment in Section 39(1) of the Election Act and provides that the process and timelines for tallying announcements and declaration of election results. The NADCO, which was co-chaired by Sen. Maanzo's party leader and the Leader of Majority in the National Assembly, drafted these Bills. Perhaps it did not capture the spirit of the country fairly well because, that paragraph tells you the fear that many stakeholders had when they appeared before us.

Remember, the NADCO was formed as a follow-up to the 2022 elections and the protests that emanated thereon, which has been a cycle that this country has found itself in from as far back as you can recall. I think there were similar issues in 2007, 2013, 2017 and 2022. God knows about 2027 as well.

These are part of what we were aiming to address. However, it is quite clear, if you read through the observations of the various stakeholders that appeared before

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Justice, Legal Affairs and Human Rights Committee, that perhaps we did not make it as exclusive or elaborate as many citizens would have wished because the concerns by those who appeared before us was that there were many instances where declaration of results was taking longer than usual.

If you recall, during the last election, there were counties where particularly, let us say, the seat of a governor, it took longer than usual. You know there were challenges. There is a part maybe where you find an opponent has realised that they have lost the election and, therefore, what they do is to mobilise supporters to go before the county tallying centre and ensure that declaration is not made because we have put so much premium on the actual declaration by either the returning officer for the presidential, county or even lower-level elections. This is a Kenyan phenomenon that I am yet to understand because in many parts of the world, particularly older democracies, you do not have this kind of archaic practise. Actually, a declaration is made independently by the various state agencies and that holds to be the election result at that particular time. We do not have this obsession of can the returning officer declare, either for constituency, county or even the presidential.

If you read, for example, the submission by the Electoral Law and Governance Institute for Africa (EGLIA), who are one of the agencies that appeared before the Justice, Legal Affairs and Human Rights Committee - I know for a fact that they have been involved in this litigation space around electoral matters for a while - they posit that the proposed amendment should be consistent with the principle requiring a criminal offence to be explicitly defined to specify punishment that it seeks to advance an offence to avoid ambiguity. It urged the committee to either adopt the definition of the term "unreasonable delay" within the meaning and the context of the proposed Bill, provided specific timelines out of which the delay will be considered unreasonable.

This is precisely what I am addressing, that in our attempt to take into consideration the views by various Kenyans who appeared before us at the Bomas of Kenya asking us that we provide clarity on this issue of undue delay in the declaration of results, we did not do a fairly good job. Therefore, they were asking that, number one, you must tie, because we intended in that proposed legislation, to make it a punishable offence by law when you unreasonably delay declaration of election results as an elections officer, but that has not been properly specified.

Second and most important thing that they raised is that unreasonable delay is not fluent enough to explain that particular situation, because what I may consider to be unreasonable is not necessarily what you, Madam Temporary Speaker, will consider to be unreasonable. Many people will think that the returning officer is perhaps playing some funny games, but it may turn out that they are just counter-checking and they want to be certain and sure of how certain things are being processed.

Therefore, on that account, despite the fact that I was part and parcel of those who drafted this particular Bill, I agree with the wisdom of the committee and agree that we should not accede to the request of the National Assembly that the Bill be passed as it is. I know there was a "a gentleman's agreement", and Sen. Maanzo, you need to check with your party leader. I am surprised you are here pushing for the position of the committee that we do an amendment to the Bill. There was a "gentleman's agreement" at National Dialogue Committee (NADCO) that all these Bills, when they come to the House, given

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that they were a negotiated document, that one, they should not be amended or if they are amended, then it should be in a bipartisan approach. I do not know whether any of those two conditions have been met for you to support, but I know you are doing your work as a legislator, which is something that is not the ambit of being covered or being waived by a gentleman's agreement, particularly other people. However, I thought, given that your party chair drafted this, party leader, actually, rather, drafted this legislation, you would be a bit more lenient on us. Nevertheless, I hear what we are being told by the committee, and I think I agree with them, that this is something we need to think about.

Lastly, we must ask ourselves, how far can we go as a country to accommodate the fears of people who fear to lose elections? The Independent Electoral and Boundaries Commission (IEBC) appeared before the Budget Committee of the National Assembly last week. I saw they were requesting for, I think, Kshs60 billion between now and the next election. Can you imagine what Kshs60 billion can do? All that is processes that we have had to do and counter-do just to keep some people satisfied and to make sure that every political player feels that their wishes have been accommodated.

I have been fortunate to be part and parcel of the winning team in all the three terms that I have been in this House. I know that electoral contests are not easy to win, but people must also concede that in any contest, there must be a winner and a loser.

We seem to be perpetuating a culture in this country where people do not want to accept results, and many times they begin to speak about it even ahead of time to prepare their supporters, so that in the alternate, when they lose, they have a justification. We know these games, but we must be adults at some point and tell each other the truth that I know I have campaigned and I have done sufficient work on the campaign trail for the citizens of the country to give me permission to lead them. This business of beating drums of war every now and then, oh, you will not steal our vote. Which vote? If you believe you have sufficient votes, you go out and seek. I saw a gentleman last week on Sunday bragging before the country that, oh, you know, I took care of examination and nobody stole exams yet he is a gentleman who, one, is indicted by a committee of this House that the only record they left at the Ministry of Education is that they stole public land belonging to a primary school in Ruaraka and they want to lecture us about electoral integrity, that they will guard the votes. There is nothing, no business we in the political class have with regards to guarding of elections. We need to surrender ourselves to the authority of the IEBC and trust them that they are an independent constitutional commission, that the minute they have set out their responsibility and they have done it in a fair and transparent manner, we accept the results.

Madam Temporary Speaker, in fact, I dare say that given the conduct of politicians in this country, part of the electoral code of conduct that IEBC gives us to commit ourselves to before subjecting ourselves to any election, must include acceptance of results if we want to be a country that is progressive. Otherwise, we will end up being in a country that is pumping billions upon billions of shillings every other election cycle just to satisfy the ego of people who cannot win elections. That cannot be allowed to perpetuate long enough.

If you believe that you have sold a vision to the people of Kenya, then concentrate on ensuring that your voters turn out. They will speak through the ballot. Given our electoral system, I am deeply convinced that one of the hardest countries to commit

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electoral fraud, particularly at the scale which many of the political players continue to talk about, particularly at the national level, is nearly impossible. This is because of the things that IEBC puts in place. I am not their spokesperson, but I just speak as a concerned Kenyan that our elections are increasingly becoming super expensive just to take care of concerns and fears of a few people who do not have the courage of conviction to accept electoral results once they are done.

That is not the main reason why I rose to speak. I rose to agree with the committee that we did not do a good job at the NADCO in terms of drafting that particular part of the Bill, to satisfy and meet the need or address the concerns of fellow citizens. Therefore, on that account, I agree with the Justice, Legal Affairs and Human Rights Committee this part needs to be amended.

I thank you, Madam Temporary Speaker.

**Sen. Kisang:** Thank you, Madam Temporary Speaker. I also rise to support the Committee on Justice, Legal Affairs and Human Rights rejection of the amendments by National Assembly. From the report, the committee undertook very extensive public participation on this particular amendment. What they have come up with is to ensure the people of Kenya know really what they want. In fact, I am surprised by what my colleague on the other side has said because I thought he was also a member of the Committee on Justice, Legal Affairs and Human Rights, but I do not know if he is.

If you remember, during the 2007 elections, the then chairman of IEBC at that time, the late Samuel Kivuitu, said that he did not know who won. That is why it took so long for him to announce the results. We almost lost the country because of what the then chair of IEBC said. That is why when I look at this, I do not know if the National Assembly undertook public participation because the one by the Committee on Justice, Legal Affairs and Human Rights of this House was very extensive, which is why they came up with this report.

Madam Temporary Speaker, it is very subjective when we talk of results to be announced in “reasonable time” or without “unreasonable delay”. The law already provides that at the close of the polling station, the results for five candidates, Governor, Senator, Member of National Assembly, Women Rep and MCAs are announced after the counting of the votes. The one for the President should be declared not later than seven days.

When we say “unreasonable delay” or “reasonable time”, what is this? This is very subjective. A month can be reasonable time, two months can be unreasonable time. Basically, it means we will be putting the country in a very precarious situation. I agree that we reject this amendment by National Assembly and go by what our committee had proposed.

I am surprised when people say elections are stolen. As the Leader of Majority said, maybe we need to also amend the law to ensure that when we are subscribing to the conduct of elections, we say we will accept the results. Elections is like a game. It is as what happened yesterday where Manchester United played with another team and won. It does not matter by how many goals or by how many votes. For the presidential, it is 50 plus one.

You cannot say an election has been stolen when you, as a candidate, has not campaigned enough and do not even have agents in the polling stations. Who do you

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expect to help you win if you cannot help yourself? That is why we are surprised that somebody said he took care of exams.

I was a member of the Committee on Information, Communication and Technology (ICT) and we summoned that former CS. He was rude when he was the CS for ICT and Digital Economy and we could not entertain him in our committee. I do not know how he wants to be the president of Kenya and basically, he was unable to run the ministry properly. When he was the CS for Interior and National Administration, he terrorised Kenyans and was very arrogant. This law is good. We do not expect any challenges, only that we need to have good conduct. We need to trust. We need to believe the referee. You do not fight the referee because you have lost.

On un-gazetted polling stations, this is very clear. Polling stations in Kenya are gazetted. They include public primary schools, some private primary schools, churches, polytechnics and many other places.

I do not expect that polling will take place in un-gazetted polling stations. We target the conduct of the IEBC personnel who are supposed to do that because if there is an issue in a particular polling station, the IEBC should have the capacity to gazette immediately. That should be a night or two before, so that the residents within that area will be informed where the polling place will take place.

Madam Temporary Speaker, I think the digital space is sometimes not understood very well. The National Assembly is trying to delete Clause 4, arguing that interference with political rights is already covered under existing offences, such as bribery and undue influence. The Computer Cyber Crimes and Misuse Act is very clearly indicated there. This basically supports what the Justice, Legal Affairs and Human Rights Committee is saying.

Finally, what the National Assembly should be doing now is to ensure IEBC is resourced very well. They need to be given money in the supplementary budget, so that they can undertake mass voter registration. This is because for the last three years, we have not done mass voter registration because IEBC commissioners were not in place. Now that they are properly in place, they should undertake mass voter registration, so that the eight million youth that Sen. Maanzo is talking about register as voters.

I promise the “United, Confused Opposition” that we will beat them by over three million votes, and they need to be ready to accept that. They need to prepare to come back to this House and the National Assembly as minority, because they are clueless and do not know what is happening in their country.

I support.

**The Temporary Speaker** (Sen. Mumma): There is no other request, so the Mover can reply.

**Sen. Veronica Maina:** Hon. Temporary Speaker, I thank you for this opportunity to reply to this Motion.

First to thank Sen. Cherarkey for so ably seconding this very important Motion. The Senator for Nandi County is a valuable resource in this House and at any one time, he always offers what he thinks about issues, and though sometimes we may not agree, he has a clarity of thought, at least on the issues that he believes in.

I also thank Sen. Maanzo for also putting his contribution towards this Motion. While he may have questioned why this Bill is going this way, I, first of all, agree with

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him that going around shouting “one term”, may just be campaign, but it may not deliver the vote or the win. I encourage Kenyans to actually take up the vote, because beyond the campaign period, then comes the voting. It is the vote that determines who becomes a leader in Kenya. At the end of the day, it is the vote that will count.

I assure the National Assembly that this is not a showdown from the Senate. The Senate has looked at the proposed amendments and subjected them to constitutionalism, so that we keep within the legal parameters that we are supposed to observe when we are enacting the law.

Thank you, Majority Leader Sen. Aaron Cheruiyot from Kericho County, who has consistently pushed the agenda of legislation in this House with a lot of energy and intelligence. Thank you for admitting that during the NADCO process, the good intentions that were intended to be outputted by the process have still been met because these legislations were formulated following that process.

It is good you have admitted that because of the short timeline you had to complete the NADCO process, as these amendments were enacted, there were gaps that needed to be closed out. When the Committee on Justice, Legal Affairs and Human Rights went through the legislation that was before it, we had to close out on those gaps and define, so that it meets the specific needs that the legislation was supposed to serve.

When a concept such as “unreasonable delay”, is introduced within just ordinary legislation, which is subordinate to the Constitution, then to subject it to the constitutional timelimit is the correct analysis of issues and is the correct guidance on how that legislation should move. That is why the Senate Committee on Justice, Legal Affairs and Human Rights has exchanged the term and the concept of “unreasonable delay” to lean more heavily on the seven days’ timeline that has been provided by the Constitution.

We need to ponder deeply on what the Majority Leader has challenged us to do as a country. How much should we will be spending in order to assure a loser that the process has been checked enough and has been fair enough for them to accept the results?

I agree with the Senate Majority Leader that Kenya is one of the countries where it should be almost impossible to commit electoral fraud. I have listened to views from the United Kingdom (UK) on electoral matters and they are amazed at the system we have in the Republic of Kenya. They note that they have not deployed technology to safeguard their process, while Kenya has already done so. Kenya is advanced in many respects in electoral matters.

I believe the National Dialogue Committee (NADCO) process gave us an opportunity, long before 2027, to streamline electoral laws, so that we avoid the showdowns seen in previous elections in 1997, 2002, 2007, 2012, 2017 and 2022. We should not carry on unnecessary disputes, especially when the law can be straightened out.

The Standing Committee on Justice, Legal Affairs and Human Rights (JLAHR) has ensured that the Bill meets the required standards and incorporates contributions from stakeholders. The NADCO process has been taken on board and the Constitution is adhered to, so that we remain within the parameters of good constitutionalism.

I also agree with Sen. Kisang and thank him for supporting the JLAHR committee reports, rejecting amendments that would bring ambiguity to the Election Offences Act.

We all agreed that if the law has to be amended, it must be done in accordance with the overarching constitutional parameters.

Madam Temporary Speaker, with those remarks, I thank your office for the support accorded to the committee as we carried out this task. I urge all Members to continue adhering to peaceful ways of campaigning.

The purpose of this law and amending it is to ensure we do not face the conflicts that have accompanied every electoral cycle and the mayhem that arises when politicians reintroduce early campaigns. If we were to seek the opinion of Kenyans, we might find they are not interested in heavy campaigning at this time before 2027.

As we go through this legislation and make amendments, I urge everyone to tame the language used in public, be more tolerant of differing views and remember that every candidate is a Kenyan deserving integrity and respect. Campaigns and agendas should be pursued in a manner that keeps Kenyans safe and ensures nobody is harmed during the campaign period.

Madam Temporary Speaker, with those remarks, I beg to reply. I also request that the putting of the question be deferred to a later date, in line with Standing Order No.66(3).

Thank you.

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

*(Putting of question on the Motion deferred)*

Next Order.

Chairperson, Standing Committee on Health.

## MOTION

### ADOPTION OF REPORT ON OVERSIGHT AND NETWORKING ENGAGEMENTS IN MANDERA, WAJIR AND MARSABIT COUNTIES

**Sen. Mariam Omar:** Thank you, Madam Temporary Speaker. I beg to move the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Health regarding the County Oversight and Networking engagements to Mandera, Wajir and Marsabit cCounties, laid on the Table of the Senate on Thursday, 2<sup>nd</sup> October, 2025.

I have a concern about this report. It was tabled last year, but because of the lapse of the last sessions, it was carried forward to this session. I urge the Senate Business Committee (SBC) to pay attention to the dates of reports. This is a very important report and should be completed and tabled within six months, so that county governments can act on the recommendations.

Having said that, the Committee on Health conducted the county oversight and networking engagements in Mandera, Wajir and Marsabit counties from 28<sup>th</sup> April to 1<sup>st</sup> May, 2025. The committee gathered evidence and augmented information received

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within the precincts of Parliament and a key part of how it engages with the members of the public.

The committee engagements involved site visits to key healthcare facilities, direct interactions with county leadership, healthcare workers and members of the public. Through these interactions, the committee gathered critical evidence on the adequacy of healthcare personnel, the status of medical equipment and supplies, the effectiveness of emergency and referral systems and the implementation of digital health records.

Madam Temporary Speaker, the committee identified and visited the following healthcare facilities in the three aforementioned counties-

(1) Mandera County Referral Hospital, Khadija Health Centre, Elwak Sub-County and ADRA Health Centre in Mandera County;

(2) Wajir TB Manyatta, Hodhan Dispensary and Wajir County Referral Hospital in Wajir County (WCRH); and,

(3) Marsabit County Referral Hospital (MCRH) in Marsabit County.

The primary goals of the committee's tours were manifold, designed to enhance the Senate's understanding of health service delivery at the county level and provide legislative interventions to-

(1) Assess the overall state and quality of healthcare services, including infrastructure, facilities, hospital equipment and the provision of emergency services;

(2) Understand the unique achievements, prevailing issues and challenges confronting health service delivery in the counties;

(3) Assess the availability of requisite healthcare personnel, identify staffing gaps and review training and capacity-building programmes;

(4) Assess the availability of essential drugs and medical supplies, review pending bills with the Kenya Medical Supplies Agency (KEMSA) and investigate commodity management systems;

(5) Obtain information on the operationalisation of the Social Health Insurance Fund (SHIF) and Facilities Improvement Fund (FIF), National Health Insurance Fund (NHIF) reimbursements, facility accreditations and enhance oversight over the utilisation of health resources; and,

(6) Assess the automation of healthcare provision systems for patient records, drugs and commodity management.

During the oversight visit, the committee identified several critical challenges impacting healthcare delivery across the three counties.

The health facility suffers from chronic shortage of staff, especially specialists. The second one is the persistent poor contractual terms, prolonged lack of promotions and failure to pay salaries and stipend to casual workers and CHPs.

Madam Temporary Speaker, there is untrained personnel, including CHPs and CHWs and CHAs who are frequently found dispensing medicine due to shortage of pharmacists, raising significant patient safety concerns and violating the Pharmacy and Poisons Act.

The hospital exhibits significant infrastructural deterioration, including worn out floors, leaking roofs, damaged ceilings and inadequate sanitation facilities. There are missing water taps in maternity wards, often leading to severe overcrowding and forcing mothers to share beds in the wards.

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Medical equipment is often non-functional. Most of them are broken down and are lying idle due to the lack of three-phase electricity, inadequate technical support and expiry of contract of critical units like the ICU and the lack of the requisite operationalization of beds and equipment. The others are non-functional incinerator and lack of proper disposal lead to unsafe accumulate and improper dumping of medical waste.

Many facilities lack proper security infrastructure like the CCTV and perimeter wall. The counties face routine supply and shortage of essential drugs. We realized that KEMSA pay rates were not in some areas. There was also unmet supply needs persistence forcing patients to purchase medicine from private facilities.

Accumulation of expired drugs on the shelves: The 24 counties we have visited have the same issue. There are expired drugs on the shelves and stores, indicating the poor storage management and inadequate disposal.

The health records management and inventory control systems are insufficient. They are manual and paper-based. This leads to discrepancy between the physical stocks and recording inventory. They hinder data accuracy and slow information of retrieving and comparison of auditability.

There is also a budget allocation, often prioritizing recurrent expenditure over development expenditure, leaving insufficient funding for infrastructure upgrading and service expansion and the funds earmarked for development are frequently reallocated. Significant delay and inconsistent reimbursement from SHA is in all the counties we visited. The hospital's liquidity affects the day-to-day operations and service delivery.

Madam Temporary Speaker, the Committee has provided actionable recommendations directed primarily to county governments and relevant national agencies in the following way: One recommendation is regular recruitment of healthcare workers and specialists, and to actualize employment on contractual and internship terms to close huge staff gaps.

There is the resolution on delayed salaries payments. Most of the pending bills are on remittances of salary deductions and addressing low staff morale and ensuring timely remunerations and improving terms of service.

We recommend the prioritising the renovation and maintenance of the hospital infrastructure, including floors, ceilings, walls, bathrooms and also fixing water taps in the wards. Allocation of dedicated funds to complete and operationalize stalled projects. This is because, most of their budget is taken to recurrent instead of putting it to stalled projects, including mortuaries, incinerators and putting in place proper security infrastructure; CCTV in all public health facilities.

Prioritizing the repair and maintenance of ambulances and additional emergency units to ensure the operationalization of readiness and establishment of a centralized dispatch system for effective referral.

Rollout of fully automated digital health record systems across all facilities to ensure proper efficiency and data accuracy, patient tracking and streamlining inventory management. The implementation of strict inventory to improve expired drugs, underlining recorded stock with actual inventory.

The budget allocation for the county CIDP and commit balances of annual health budget for capital development and preventive maintenance, preventive maintenance and aiming for at least 30 percent towards the development of projects.

Madam Temporary Speaker, with those recommendations and on behalf of the Committee, I wish to thank Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; and, Sen. Chute for the warm welcome in their respective counties and support extended to the Committee by their offices during the oversight visit. Their input and contribution enabled the committees to carry out this oversight mandate and function effectively in the three counties.

The Committee wishes to extend its appreciation to the governors of Wajir, Mandera and Marsabit and the respective Executive Committee Members for their input, submissions and evidence produced during the oversight tour. Further, the Committee extended their appreciation to the Speakers of the three County Assemblies and the MCAs of the Committees on Health for their facilitation and participation.

The Committee is also grateful to the members of staff and other stakeholders in the healthcare facilities visited during the tour for their submissions, which greatly enhanced the evidence and analysis during the process of this Report.

I finally acknowledge and appreciate Members of the Committee for their dedication and commitment during the gathering of the evidence, the drafting of this Report and setting up the conclusion and the recommendations. Further appreciation goes to the offices of the Speaker and the Clerk of the Senate for the continuous support during the execution of the Committee's mandate.

Madam Temporary Speaker, it is now my pleasure and privilege doing this duty, to present this Report of the Standing Committee for consideration and approval by the House under Standing Order No.22(3) of the Senate.

I call upon Sen. Cherarkey to second. I thank you.

**The Temporary Speaker** (Sen. Mumma): Sen. Cherarkey.

**Sen. Cherarkey:** Thank you, Madam Temporary Speaker, as I second this Motion on the working visit on oversight and networking engagements in Mandera, Wajir and Marsabit counties and most of them are in North Eastern.

Madam Temporary Speaker, I want to thank the Committee through the Vice-Chairperson and the leadership of the Committee on Health, led by the Senator for Uasin Gishu County and the able Vice-Chairperson, Sen. Mariam Omar, for this wonderful work.

Just a brief opening remark, as the Senate, we should invest more in oversight work visits. It is more effective, it is more efficient. We should go to the people, interact with them and get what we call a social audit. You can sit with the people and ask them questions because this era of just sitting in a committee room and receiving reports, even if it is a report from the Office of the Auditor General (OAG), is over. You need the veracity; you need to know what the people feel about it. This Constitution is basically anchored on public participation.

So, I want to celebrate the Senate Standing Committee on Health. I have also seen that you are the Vice-Chairperson of the Senate Committee on Devolution and Intergovernmental Relations. Although you sometimes get worked up until shirts are

hailed, like when you tried to intervene in Kakamega, it is more effective because when you go there, you can share a lot and people see us working.

When we speak on the Floor of the Senate or in the committees, people might not understand, but when we visit a hospital like Mandera, which I had the privilege of visiting again in January, 2025, courtesy of the area Senator who had invited several colleagues--- We visited the Mandera County Referral Hospital and several other hospitals.

So, I want to celebrate the Senate Standing Committee on Health, the Vice-Chairperson, Sen. Mariam Omar Omar, for the good job that she is doing. I know she is nominated, but I hope the people of Mandera County are watching closely that what a man can do, a woman can do better.

Just a few remarks on this Report. I am happy it is detailed. Mandera receives the highest allocation of the Equitable Shareable Revenue. We have not talked about conditional grants. We have not talked about the money they receive through other donor agencies.

Mandera County is facing a drought crisis at the moment. We are aware that there is an issue with water among other challenges. Mandera also borders other countries. So, it is the biggest challenge.

I am happy that when the President, and it is very important to note this--- When he visited Mandera on the NYOTA programme, he promised to deliver, I think, around three generators. Those generators are being installed in Mandera town. They will assist with the issue of pumping water.

In Mandera, Wajir and Marsabit, the crosscutting issue is one; water shortage. It shocked us when the Governor of Mandera appeared before us and told us that he had spent Kshs55.6 million to buy seedlings, yet Mandera County Referral Hospital has scarcity of water. It tells you the leadership of that county does not prioritize or base their decisions on need assessment. The Kshs55.6 million would have been used to fix water scarcity in Mandera County Referral Hospital.

Another issue I have noted in this Report, in all three counties; Mandera, Wajir and Marsabit, is what we call expired drugs. As a House, we must be very clear on the issue of dispensation of expired drugs to our people because it will cause what we call drug resistance, and it can worsen diseases. I want to thank the Committee. They have made very serious recommendations on the issue of expired drugs.

On the issue of water, I have realized that in some of the county hospitals that have been mentioned in Mandera, Wajir and Marsabit, I will run through a number of them, is the issue of plumbing and absence of water taps and water heads. It is very unfortunate that our governors, especially from this region, are getting a lot of allocation yet they cannot even buy water taps. They cannot even buy water heads. It is very unfortunate. This report has captured it.

Madam Temporary Speaker, remember in Mandera, they have allocated Kshs2 billion to the health sector, but you cannot see it. This Report addresses the issue of plumbing. It is very unfortunate. I want to thank Sen. Mariam Omar for opening that up.

In fact, another challenge is the issue of employees. I know in the Kenya Union of Council of Clinical Officers, there is the issue of workers---

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

**Sen. Kinyua:** Bi. Spika wa Muda, nimemsikiliza Sen. Cherarkey akisema ya kwamba, ukiangalia zile gatuzi ambazo amezitaja, wamepewa hela nyingi zaidi. Ni kinaya kwangu kwa sababu Rais wa Jamhuri ya Kenya alipotembea huko, aliahidi kuwapatia *generator*.

Mimi ninamjua Sen. Cherarkey kuwa yeye ni mkakamavu na amekuwa akiwauliza magavana maswali magumu kuhusu vile wanavyotumia hela hizo. Sisi tunasumbuka kwa sababu, tayari haya mambo yamegatuliwa. Iwapo Rais atatumia pesa za kitaifa kupeleka katika gatuzi, hilo ni---

**The Temporary Speaker** (Sen. Mumma): Sen. Kinyua, is that a point of order or what is your point of order?

**Sen. Kinyua:** Bi Spika wa Muda, ninauliza kwa sababu, Sen. Cherarkey amesema ya kwamba kaunti hizi zinapewa hela nyinyi sana---

**The Temporary Speaker** (Sen. Mumma): What is out of order about that?

**Sen. Kinyua:** Bi Spika wa Muda, inakuwaje tena sehemu hiyo hiyo ipelekewe hela zingine kutumia pesa ambazo zingepolekwa mahali pengine?

**The Temporary Speaker** (Sen. Mumma): Sen. Kinyua, who is that point of order directed to?

**Sen. Kinyua:** Madam Temporary Speaker, I am confirming what Sen. Cherarkey said when he was being accused.

**The Temporary Speaker** (Sen. Mumma): Senator, continue with the language that you first picked.

**Sen. Kinyua:** Bi. Spika wa Muda, ninasumbuka kwa sababu, Sen. Cherarkey amekuwa akishtumiwa ya kwamba anauliza maswali magumu mpaka wanakisia maneno mengine anayoitisha lakini, iwapo pesa ni nyingi tunapaswa kuona---

**The Temporary Speaker** (Sen. Mumma): Sen. Kinyua, I will get you to sit down because yours is not a point of order. When you get the opportunity and you are next, you will actually make your point.

**Sen. Kinyua:** Lakini, Bi. Spika wa Muda, ungenikubalia tu---

**The Temporary Speaker** (Sen. Mumma): No, no, it is not a point of order. I am sorry.

Sen. Cherarkey, proceed.

**Sen. Cherarkey:** Thank you, Madam Temporary Speaker. Sen. Kinyua has just walked in. He was in Kisii and Nyamira counties. He is still resetting his thinking to what is happening on the Floor of the Senate. You also know he has been walking around with a very dangerous man whom we impeached and who is not doing very well.

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

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

Madam Temporary Speaker, I note the change of Chair. Number three is the issue of the shortage of nursing staff and midwives. In this era and time, there is the issue of maternity.

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

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Kinyua, your point of order was overruled, so Sen. Cherarkey, you may proceed.

**Sen. Cherarkey:** Madam Temporary Speaker, I need protection. I think Sen. Kinyua should not be the Senator of the Republic of Kenya. This is not Keroka Market.

**The Temporary Speaker** (Sen. Veronica Maina): Proceed, Sen. Cherarkey.

**Sen. Cherarkey:** Madam Temporary Speaker, there is shortage of nursing staff and midwives. Some of us, God has blessed us and we are still procreating. I know you, maybe you are post, or you have postponed, or you are done with procreating.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Cherarkey, you cannot discuss the Temporary Speaker in that light. Can you concentrate on the issues?

**Sen. Cherarkey:** Okay, I just wanted to relate. Let me use the immediate Temporary Speaker who just left the seat, Sen. Mumma. People like Sen. Mumma, they no longer give birth. They have given birth to their lastborns.

*(Laughter)*

I am just trying to relate because this issue of the shortage of nursing staff and midwives---

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

**The Temporary Speaker** (Sen. Veronica Maina): A point of order from Sen. Mumma. You have mentioned her adversely in your submissions.

**Sen. Mumma:** Madam Temporary Speaker, is it in order for the hon. Senator to make assumptions about my personal life as to whether I have stopped giving birth or not?

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Cherarkey, I rule you out of order. I urge you to concentrate on your submissions without referencing Sen. Cathy Mumma's ability to produce.

**Sen. Cherarkey:** My apologies and I withdraw profusely. I was trying to relate because my pain is that we are still discussing the role of midwives in northern Kenya. That is why there is a high mortality rate, where we are losing young children; the unborn. Those are things that should belong to the past. That is why some of us normally ask hard questions to these Governors. If they cannot take care of the future of this country---

**Sen. Mumma:** On a point of information, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Do you like to be informed by Sen. Mumma?

**Sen. Cherarkey:** Yes, the Speaker can always inform me.

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

**Sen. Mumma:** Hon. Speaker, I wish to inform Sen. Cherarkey that the role of midwives in Kenya and Africa is so important that it is at the center of stemming maternal mortality. So, it would be wrong for this House to seem as if it does not appreciate the role of midwives.

**The Temporary Speaker** (Sen. Veronica Maina): Proceed. I am sure you are duly informed.

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**Sen. Cherarkey:** I agree with Sen. Mumma that it is very critical. I will make two points, then I yield. That is why I am saying the issue of midwives and other issues should be resolved. In northern Kenya, especially Mandera, the average family birth rate is between seven to eight children, which means that if we had the services of midwives, we can get even up to 10. The average of northern Kenya is between six to seven children.

In Mt. Kenya region, which some people say is a stronghold, are getting an average of 1.5 to 2 children, although we can truncate it to two. So, you can imagine where the stronghold is.

On the final point, because I know we are spent for time, in other areas. Just like infrastructure, the issue of laundry. I am happy that one has been noted. The issue of Khadija Dispensary. This incinerator is something very cheap that should not appear in this Report. The issue of Elwak Health Centre and Elwak Sub-County Hospital. There are similar problems that we are facing. The issue of water scarcity, expired drugs, staffing, access and ensuring that people get opportunity.

Madam Temporary Speaker, the second county the committee visited is Wajir County. I am rushing through. The Committee visited Wajir Maternity TB Centre. It is not provided for. People do not have protective gear, which is very unfortunate. The issue of condemned infrastructure in Wajir Manyata TB Centre is very unfortunate. I am happy that the Committee has made a recommendation to the Governor to ensure that these issues are addressed once and for all, especially their role as the Governor of Wajir. Even the issue of data protection; this is because most county hospitals do not keep data records. Your sickness and how you are treated is a private matter.

I wish our county governments could know that the breach of data is a serious legal dispute. That it is not fair to reveal anybody's medical records. I have seen Murang'a trying to digitize. However, Murang'a and many of our counties do not have protection of data.

Number three, on the issue of poor record keeping, I am happy that the pictures have been shared, especially when you go to Wajir TB Centre, it is a foregone discussion.

On the issue of Hodhan Dispensary, it is very unfortunate that they lack a pharmacist. There are people who are willing to work in Wajir. It looks like the county government is not very keen and they are not doing their job.

On the issue of Wajir County dumping site, it is very unfortunate that, you know there is an incinerator to destroy this hazardous substance that comes from the hospital. They are just dumping in Wajir dumpsite, yet it is a danger to the residential areas. You saw a documentary on NTV where there are people called toilet collectors in Wajir. Every evening, they go with their jerry cans to collect toilet waste around Wajir Town. Then they put in the lorry and it is dumped in Wajir dumpsite, which is very unfortunate.

Remember, this is the county where the Chair of the Council of Governors, Ahmed Abdullah, is the Governor, yet he has the audacity to say they cannot appear before the Parliament of the Republic of Kenya. Wajir County Referral Hospital suffers from the similar issues; poor storage, drugs expired and poor infrastructure. They are allocating more than Kshs2 billion to the health sector in Wajir. I think I will finish at Wajir. We must see the service provision. The Kshs2 billion that goes to health sector in Wajir must be done.

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I think the reason the Governor of Wajir does not want to appear before the Senate is because he is too embarrassed to tell us about the expired drugs, poor sanitation, poor working conditions and the general poor development of Wajir County Government, yet he is the CoG Chair that presides over a gossip club. In Marsabit, it is the same issue.

Madam Temporary Speaker, so that we can move with the business of the House, allow me to say that health is very important. I conclude with the words I normally use; that the future, strength and success of devolution will only be measured by one thing; the functionality of the health sector in our counties. So, the governors of Wajir, Mandera and Marsabit, if I was to give them a score sheet in the health sector, they have gotten negative one out of ten.

With those many remarks, I beg to second.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Cherarkey.

*(Question proposed)*

I will now invite Senators to contribute to this debate.

Sen. Karen Nyamu, please proceed.

**Sen. Nyamu:** Madam Temporary Speaker, thank you for this opportunity to make comments on the Report on the findings of the Committee on Health, on the visits to Mandera, Marsabit and Wajir counties.

These findings by the Committee on Health are not statistics. This is a reality in many counties in our health system. It begs the question, after we have devolved health, what investments are we doing in our counties? This is because what seems to happen is just recurrent expenditure. That is what we budget for. The infrastructure in county hospitals, including here in Nairobi City County, is really deteriorating.

A visit to one of our busiest hospitals here in Nairobi, for example, Mama Lucy Hospital and Mbagathi Hospital, which take care of the majority of average Nairobians, you will see leaking roofs, broken sanitation, and the most disturbing is patients sharing beds to date. I think it is time that we prioritise, in our county budgets, the expansion of the infrastructure in our hospitals.

In this time and day, we should not be normalising patients sharing beds and making medical situations worse, because you might enter a hospital with a certain condition and have to deal with another condition that you pick in hospital because of this sharing of beds.

We have a shortage of personnel, as indicated in this Report, in Wajir and Mandera counties. The Committee on Health found untrained personnel dispensing medicine, which is very dangerous because we know the repercussions of somebody who is not trained at all in the medical field dispensing medicine. This is not a joking matter. We need to be serious and train and employ only trained personnel in our county hospitals.

We also have severe shortages of drugs, which is perennial. These are things we have been talking about since I got into this Senate; shortage of medicine and of specialists in hospital. What is being done towards it? The Senate Committee on Health has given quite practical solutions.

Madam Temporary Speaker, I recommend that both levels of government, that is the national and county governments, should implement the recommendations of this report as soon as possible. Health is not a privilege; it is provided for as a right under the Bill of Rights in the Constitution. Therefore, this is not something that should be up for debate.

As a country, we must prioritise the health of our people. If we truly want Universal Health Coverage (UHC) to succeed in this country, there are things we should not be debating on in this day and age.

Madam Temporary Speaker, I urge both levels of government to implement the recommendations as given in the report.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Karen. We can now have Sen. Nderitu John Kinyua, Senator for Laikipia County.

**Sen. Kinyua:** Asante, Bi Spika wa Muda, kwa kunipa fursa hii. Kuanzia mwanzo, ningependa kuipongeza Kamati ya Afya, inayoongozwa na Sen. Mandago, kwa kazi nzuri waliofanya.

Inapaswa ieleweke kwamba afya ndicho kiungo muhimu ama jambo ambalo tunapaswa kuzingatia zaidi katika kaunti zetu. Ukiwa na barabara ama shule nzuri ilhali wananchi wamedhoofika kiafya, haya mambo mengine yote yatakosa umuhimu.

Ripoti hii inahusu kaunti tatu ambazo ni Manderu, Wajir na Marsabit na ni kama kioo. Inaonyesha jinsi kaunti zetu zinaendeleza mambo ya afya. Ukienda katika vituo vya afya katika kaunti zetu, utapata kuwa hakuna dawa ama baadhi ya dawa walizonazo zimeharibika ama zinakaribia kuharibika. Dawa nyingi ambazo wagonjwa wanahitaji huwa hakuna. Hilo ni jambo la kuvunja moyo sana kwa sababu katika Seneti hii, huwa tunajikakamua kuongeza mgao wa pesa zinazokwenda katika kaunti zetu.

Ukizingatia kaunti tatu ambazo zimetajwa hapa, utapata kwamba pesa ambazo tumezipatia ni nyingi sana. Hata hivyo, wanapoalikwa katika kamati inayoshughulika na mambo haya, utapata kuwa hawawezi kujibu maswali kuhusu jinsi walivyotumia pesa hizo.

Tunajua kuwa Kamati ya Afya ilitembelea sehemu hizo. Nakubaliana na Sen. Cherarkey kwamba ni vizuri kutembelea kaunti zetu ili kuelewa mambo yanayotendeka bali si kungoja ripoti ziandikwe na Mkaguzi wa Hesabu na wengine kisha tunaziangazia. Kazi yetu kama Seneti ni kulinda na kutetea ugazuzi. Unawezaje kuzitetea kama huelewi? Itakuwa vigumu.

Ningependa kupongeza kamati hii kwa sababu walitembea katika kaunti hizo na kuona changamoto walizonazo kama vile ukosefu wa maji. Vilevile wakunga ni wachache. Si tu wakunga bali pia madaktari wa nyanjani ambao wanachangia sana katika mambo ya afya kwa kuwa kabla mgonjwa kupelekwa katika zahanati ama hospitali, huenda wakawa wamemshughulikia kwa dharura kwa sababu jinsi wanavyosema Waswahili; kuzuia ni bora kuliko kutibu.

Mapendekezo haya ni mazuri lakini kwa sababu tumekuwa na ripoti kama hizi mara sio moja, tutafuatiliaje tujue kwamba haya mapendekezo yametekelezwa? Isiwe tu ni mapendekezo.

Nampa changamoto Kiongozi wa Walio Wengi kwa sababu tumekuwa naye hapa kwa mihula miwilli. Tumekuwa tukipendekeza tuwe na kamati ya kufuatilia kuona

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kwamba mapendekezo haya yametekelezwa? Tusiwe tu tunatembea katika hizi gatuzi, tunafanya mapendekezo mazuri lakini hatimaye, yanabaki katika masanduku na hayafuatiliwi. Hiyo ni changamoto kwa Kiongozi wa Walio wengi, kwamba tuwe na kamati ya kufuatilia kuona kwamba haya mapendekezo yote yanatekelezwa.

Bi Spika wa Muda, ukitembea mahali kama Hospitali ya Nyahururu, haina dawa. Mgonjwa akija hospitalini, anapaswa kupata afueni ilhali, pale ndio anapata changamoto hata zaidi kwa sababu vitanda vilivyoko havitoshi, wagojwa wanalala watatu kitanda moja. Hata, godoro limekwisha, mtu analalia chuma. Kwa hivyo, anapata ugonjwa mwingine wa mifupa juu ya ule ugonjwa uliofanya alazwe kwa sababu amelala kwa kitanda bila godoro.

Sio kaunti za Marsabit, Wajir au Mandera pekee ambazo ziko na changamoto. Vile vile, ukienda katika Hospitali ya Nanyuki, utapata hakuna dawa. Kwa hivyo, Kamati hii ya Afya inapaswa iangazie haya maneno vile ambavyo imeangazia, sio kuiangazia tu kwa sababu kuiangazia ni sawa, lakini je, kuna kutekelezwa kwa haya mapendekezo? Hata kama hawataweza kuafikia haya mapendekezo yote, angalau, wakiafikia asilimia 60, tutasema tuko katika mwendo sawa.

Sisi kama Seneti, tunahisi uchungu ilhali magavana wakiulizwa maswali, wanasema hawatakuja katika Kamati kwa sababu wanaulizwa maswali magumu na kupeana vijisababu vya kusema kwamba wanaitishwa hela. Hakuna mtu anaitisha hela, ile ambayo tunawaitisha ni uangalifu wa hela za umma kwa sababu sisi kazi yetu ni kuhakikisha ya kwamba hela ambazo tumezigawa hapa zinatumika vile ambavyo zinapaswa kutumika bila kutumia njia ya kando.

Bi. Spika wa Muda, nashukuru kwa kunipa fursa hii na naunga mkono Ripoti hii na kuhimiza kuwa haya mapendekezo yafuatiliwe ili yaweze kutekelezwa.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Kinyua.

Sen. Wafula David Wakoli, proceed.

**Sen. Wafula:** Asante, Bi Spika wa Muda, kwa nafasi ambayo umenipa ili kama aliyekuwa mwanachama wa Kamati hii, niweze kuchangia.

Imedhihirika kwamba kaunti za Mandera na Wajir hazina mafundi ambao wanarekebisha mabomba ya maji. Hivi kwamba, hospitali hizi zina hitilafu hiyo. Ardhi, maua na mahali pa kutupa taka katika Hospitali ya Marsabit hayakuwa yameshughulikiwa ipasavyo. Katika Hospitali ya Wajir, vile vyumba ama vitanda vya watoto wadogo almaarufu kwa kimombo *baby cots*, havikuwepo vya kutosha. Hii inaathiri hali ya watoto wanapozaliwa katika zahanati hizi.

Vile vile, katika Hospitali ya Wajir, baada ya akina mama kujifungua, hakukuwa na mbinu za kupambana na mbu ambao wanawamumunya watoto wachanga na mama zao.

Bi Spika wa Muda, katika maeneo mbali mbali, hakukuwa na miundombinu na vifaa madhubuti vya kupambana ama kuwasaidia matabibu kufanya kazi yao katika hospitali.

Nikitamatisha kwa sababu ya muda, katika hospitali za Mandera na Marsabit, kulikuwa na paa zinazovuja, taa ambazo hazifanyi kazi, nyaya ambazo hazikuwa zimeunganishwa sawa sawa na hivi kwamba, zilikuwa zinahatarisha maisha ya wagonjwa na watoto. Sisi tulivyokuwa tunadai waje katika Kamati zetu, Wakenya sasa wanaweza kwenda kwenye tovuti na mtandao wa Bunge wajione Ripoti hii jinsi Magavana

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wanapenda pesa nyingi lakini uwajibikaji ni vigumu kwao, ni kama donda sugu. Ningependa kuunga mkono Ripoti ya Kamati ya Afya.

Asante sana, Mheshimiwa Spika.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Wakoli. Sen. Mariam, you can now proceed to reply.

**Sen. Mariam Omar:** Thank you, Madam Temporary Speaker. I appreciate the contribution made by Members on this Report. Most of the contributions are on the recommendations. We, as a Committee, have visited almost 24 counties and all the counties have these issues, most of them but specifically for these three counties, especially the drugs, there are no drugs at hospitals because of the KEMSA pending Bills.

If I may highlight, the pending bill in Mandera County is Kshs147.7 million. In Marsabit, it is Kshs100 million and Wajir, Kshs134 million. Most of them are over 190 days. So, to get other drugs and for figures to be accurate, it will be difficult to get fresh supplies until they clear their pending bills.

The other one which I wanted to paraphrase properly is motivation of staff; the Community Health Promoters (CHPs). There is delay in their stipends. There is also the matter of payment of casual workers.

With that, I beg to reply and request that the putting of the question be deferred to a later date, pursuant to Standing Order No.66(3).

**The Temporary Speaker** (Sen. Veronica Maina): The putting of the question is deferred to the next sitting of the Senate.

*(Putting of the Question on the Motion deferred)*

Next Order.

Proceed, Majority Leader.

## BILL

### *Second Reading*

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

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Madam Speaker Temporary, Speaker. I beg to move that The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bills No.48 of 2024), be now read a Second Time.

The Public Procurement and Asset Disposal (Amendment) Bill was published in the Kenya Gazette Notice on 6<sup>th</sup> of December, 2024, and referred to the Senate for its consideration. This Bill seeks to amend the Public Procurement and Asset Disposal Act 412C, which provides for the procedures for efficient public procurement and asset disposal by public entities in the areas of public finance. These procedures include the reservation, preparation, treatment on firms and contractors.

The Bill further seeks to amend the principal Act to amend provisions relating to the definition and terms used in law and functions of this procurement. This Bill will strengthen the framework on government and how public resources are spent and

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managed, updating an old law that was last amended, I think, in 2015, if I am not wrong, whose main objective, of course, is to promote transparency, ensure that we do things in an organised way, that preserves public interest and ensures that there is efficiency in terms of usage of public resources.

This Bill prioritises local industry and development by reserving local contracts to a certain threshold for local firms. This not only supports domestic economic growth. There have been many proposals back in the day, but I have not seen people in this direction try and reserve procurement for local entities up to a certain amount.

This Bill helps Parliament to fulfill the constitutional mandate to safeguard public resources and ensure that we promote sustainable development. Specifically, Clause 4 provides for foreign procurement contracts that have not been subjected to provisions of international procurement guidelines or adhere to Kenyan procurement laws.

This amendment proposes that the Act applies to foreign-funded procurement of goods, works and services, except where bilateral or multilateral arguments between the Government of Kenya and the foreign agencies provide for the use of international procuring firms and guidelines.

To amend Section 9, it provides for additional functions to PPRA to monitor and evaluate technology, knowledge and skills transfer programmes to provide annual public reports. It also amends Section 10 to include representatives from the Law Society of Kenya as a member of the PPRA.

It further amends Section 33 to provide for additional roles to the county treasury to ensure that procurement functions self-prioritize goods and services manufactured in that county specifically.

It repeals Section 40 of this Act to enable investigations to proceed despite the fact that issues under investigation in relation to an issue that the Review Board has reviewed under the relevant provisions of the Act.

It amends also Section 41 to provide that a person can be debarred for public procurement for a period not exceeding 10 years. It provides that a person or a firm debarred by an international agency recognized by Kenya shall be considered to have been debarred in Kenya as if the debarment procedures and proceedings were concluded in Kenya.

Many issues regarding that provision have been litigated in our courts for many years where certain individuals or business entities have been debarred from participating in public procurement in their areas of jurisdiction. Now, in areas where you are working with entities that are recognized by our laws formally, if such individuals were to apply to do a business in Kenya, they will not be allowed.

It is proposed to amend Section 44 of this Act to task an accounting officer to ensure that locally procured products or services are prioritized. In addition, accounting officers shall ensure that technology, knowledge and skills transfer plans from foreign firms are prioritized in their procurement and asset disposals. It means that when you procure from a foreign entity, then you shall set in place procedures to ensure that there is transfer of knowledge and skills to the local economy and you just do not do a transfer of resources with them.

Section 53 provides that the procurement of less than Kshs1 billion shall be awarded to a local firm. It also provides that foreign firms shall be eligible to

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procurement of contracts of more than Kshs1 billion, where a foreign firm has entered into a joint venture with a local firm for not less than 30 per cent of the value of the procurement.

It also amends Section 70 that requires entities to set out in their standard tender documents specific goods, works and services to be undertaken by a local firm joint venture where a procurement is of a value exceeding Kshs1 billion.

It further amends Section 83 to provide additional forms of conduct of due diligence by an evaluation committee to visiting offices and inspection of plant. The current subsection only lists one form of due diligence, which is obtaining confidential reference from persons with whom the tenderer has had prior engagement.

I hope at the committee of the whole stage, we can provide further clarity to avoid a business where you force people actually to travel to very far and beyond countries to inspect goods that are sometimes cheaper than the cost of the airfare that it takes the evaluation committee to go and inspect some of those goods.

It also amends Section 89 to obligate the procuring entity to seek advice of the Attorney General on the propriety of the funding of foreign tender in case where a foreign tenderer participates in the competition for procurement; to insert a new Section 139 and 149, and so many others.

There are sections being repealed, including Section 177. The penalty for natural persons has been decreased from a fine not exceeding Kshs4 million or imprisonment for a term not exceeding 10 years to a fine not exceeding Kshs1 million and imprisonment for a term not less than 10 years or both.

An additional mandatory fine is introduced. The general penalty for a corporate body has been retained at not less than Kshs10 million. However, this will not be in addition to the mandatory fine if, as a result of the conduct that constituted the offence, the person received a quantifiable benefit or caused a quantifiable loss. The Bill also proposes mandatory fines in instances where an offence results in benefit or loss.

Madam Temporary Speaker, these are the sections being amended in this law. It is a clean-up of the Public Procurement and Asset Disposal Act to align it with the provisions of our new Constitution to bring transparency and make the law work better.

With those remarks, I beg to move. I ask the Senator for Bungoma County, Sen. Wakoli, to second.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senate Majority Leader.

Sen. Wafula Wakoli, proceed.

**Sen. Wafula:** Thank you, Madam Temporary Speaker. I rise to second the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly No.48 of 2024). I will not delve into detail because of time, but for the benefit of the public and Kenyans following, I submit and second as follows.

Amendment to Section 86 prohibits citizen contractors who become successful tenderers from subcontracting to foreign companies unless the required knowledge, skills, goods or services are unavailable in the country. It is in public domain that we are undertaking affordable housing, bridges, stadia and major infrastructure projects.

Kenyans have the zeal and desire to participate in building this country. This Bill gives them the opportunity to contribute directly and add value through their skills.

Amendment to Section 89 obligates the procurement entity to seek the advice of the Attorney General on the propriety of funding for foreign tenderers where they participate in procurement.

Amendment to Section 135 requires tender documents to include a transfer of skills and technology plan. Many of our young people are leaving the country, but by tapping into technology directly from Kenya, they will become better human resource professionals globally. We do not say that we do not have the best, but we can tap the other technologies coming on board and make Kenya great again.

Amendment to Section 149 obligates the authority to give priority to citizen contractors in subcontracting tenderers. Where it is deemed necessary to subcontract a tender to a foreign contractor, the accounting officer shall cause a report to be prepared detailing reasons for the need to subcontract to a foreign contractor.

This country has seen cases where tenders are mischievously pursued and then transferred behind the scenes without any reason. This Bill ensures that subcontracting to foreign entities only happens when the country cannot provide the required services. I support this Bill and urge my colleagues to create time to go through it and push it to the next level.

Amendment to Section 176 provides for offences where a contractor submits substandard works, good or services contrary to contract specifications, terms or conditions at the time of inspection.

It also provides for an offence of a person who certifies or delivers substandard goods or works that are incomplete, non-existent and whose quality is below the specifications contained in the contract commits an offence. These are some of the projects we are seeing across counties. You go to Wajir, Marsabit or in my Bungoma County. The dual carriageway given to a contractor and Kshs1.2 billion consumed. You checked the road and it is dismally done and people are walking scot-free. People must be held to account.

You go to health facilities across the country. The workmanship there is wanting but people are certified. Payments were done. You go to ECDEs in Bungoma, it is the same. This Bill we are saying that everyone will be held accountable. People will not hide under political godfathers. You will be subjected to this law; that if you cook certificates or forge approval letters, you must be held accountable.

That is the spirit of the Republic of Kenya. The Government wants everyone to be accountable for what they do. This Bill is going to provide a good platform for contractors, tenderers, practitioners and service providers and financial institutions to ensure that together, we deliver on our mandate.

I beg to second, Madam Temporary Speaker.

*(Question proposed)*

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Chimera.

**Sen. Chimera:** Madam Temporary Speaker, I appreciate the fact that we have a new Chamber system and I was not able to work on it. I take this opportunity to

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commend and thank the Senate Majority Leader together with his able Whip for moving and supporting this Motion.

I rise to support this Bill. I have listened to the proposed amendments as moved by the Majority Leader. For the first time, I am happy that as a nation, we are seeking to sanitize and regularize how we do our procurement systems. The procurement function is key in making sure that there is equitable economic growth across all sectors of the economy.

We must ensure that the supply chain management end-to-end is managed in a transparent, efficient and in a manner that ensures public resources are prudently used so that Kenyans can get value for their money.

I will speak to three issues and the first one is the issue of local content. I am happy that for the first time, we have a law that seeks to protect local content because the Bill seeks to have our small contractors, those who regularly interact with the procurement system are protected and can get business and contracts in a fair and competitive manner and their payment is guaranteed.

I will also speak on the proposed amendment on the need to have LSK membership sitting in various boards in the procurement function, especially on the issue of PPRA and the Procurement Tribunal Board. Those of us who had a chance to practice before with PPRA and PPRB, it is purely a question of law in that tribunal. However, the membership of those boards have never had anyone from LSK.

I am happy that the Bill is specific that we need to have someone from the LSK to sit on those boards and the regulatory authority in order to guide fellow members in procurement issues and making sure there is compliance with the law.

There is the question on foreign procurement and the need to have protection on our small-tie contractors who can scale up their business and run contracts worth below one billion shillings.

Madam Temporary Speaker, you would recall and it is common knowledge and in the public domain, that most of the players in our procurement system in the country, especially contracts that are closer to Kshs1 billion, are usually a reserve of the foreign companies. Many Chinese companies are constructing and engaging in our public procurement because the law does not seem to protect those of us who are local firms from local origin, who would wish to participate in contracts that are almost getting to Kshs1 billion.

I am so elated that for the first time, there is a law that protects that particular businessman, that particular contractor. He can bid fairly and freely so that he can be able to land anything that is below a billion shillings.

Otherwise, for those many, many remarks, I wish to support.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senator.

I will now call upon the Senate Majority Leader to proceed and reply.

**The Senate Majority Leader** (Sen. Cheruiyot): Madam Speaker, I thought there were more than two people in the House, but maybe for one reason or the other, they chose not to speak to this particular topic and expected Sen. Chimera, my colleague, who has just walked in to have more to say, but I realized typical of the selfish nature of the profession he comes from.

The only part of the law that he picked is that we have now made it possible for the Law Society of Kenya (LSK) to have a representative. Surely, when will our lawyers do better? It cannot always be about you. In fact, I am beginning to rethink whether we did the right thing. Maybe we should give this position to accountants at the Institute of Certified Accountants of Kenya (ICPAK) instead of your lawyers.

Madam Temporary Speaker, I thank you. I appreciate what my colleagues have done and said about this. Just a reflection on our procurement space. One of the promises I hear many, some of these politicians who have made it a habit, of clinging on to anything and everything to try and get a career out of throwing cheap shots at the President, say that there has been little reform that has been made in the country as a realization or appreciation of some of the conversations that have happened in this country in 2024, when there was a big call to accountability by various agencies. It was not just about young people.

There are many things that many people have spoken about, including religious bodies and others. Part of the bigger space that the conversation was about was in public procurement. You remember the President promised at that particular time that we would move from manual to digital procurement. That has been actualized. No public entity has been allowed to procure manually in this current financial year. That is a promise that was made at that particular time and a significant one.

When you do your procurement electronically, as proposed by many people and pushed by the President, despite, by the way, sabotaged by very many agencies, including our colleagues in the National Assembly who passed a law, again, trying to revert that particular proposal for reasons that I never understood. There was sabotage even from the media.

We live in a very interesting country where, sometimes, we have people who serve in the Kenyan media, who believe that if being right demands that they appear to agree with the president, then they would rather appear wrong for reasons I have never understood.

On this particular issue of moving from manual to electronic procurement, I saw many of them trying to correct and say, “oh, this process has been hurried, it has been rushed.” If there was ever to be a policy proposal that the Executive made that was as progressive as many of other proposals that have been made over the years in the term of this administration, it is this move from manual to electronic procurement, where you can go to the portal of the procuring entities, see the firms that are benefiting from public procurement tenders at what cost, and those efforts need to be lauded.

The Judiciary was not left behind. Many times, we are told, “oh, you know, we have free courts and all these things.” There were orders, left, right, and centre as usual. You know, you can get a court order for everything in this country. There were court orders against that policy proposal, and you look at it, and you wonder. When you object to such proposals that will ensure that we safeguard public property and public interest, which interests are you protecting as a judicial officer when you issue orders against such a proposal?

I am glad that the President stood firm, that as we speak today, any procuring entity that has done a procurement of goods and services manually, it has been with the express provision of the National Treasury and after meeting certain conditions and

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justification as to why that particular process could not be undertaken electronically. That ought to be the case, so that we cut down on graft. It is one of the most decisive moves.

The Council of Governors (CoG) objected to these policy proposals for reasons that you and I know very well. From the reports that are tabled in this House every other afternoon, some of the counties are not in compliance. It is my hope that such entities will actually change tact and move appropriately as expected.

With those many remarks, I beg to reply.

Madam Temporary Speaker, further to that, I wish to make a proposal that in compliance with Standing Order No.66(3), the putting of a question on this particular subject be deferred until a later date.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Majority Leader. The putting of question is deferred to the next session of Senate.

*(Putting of Question on the Bill deferred)*

Next Order.

## BILL

### *Second Reading*

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

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Mwaruma is not in the House, so that will be dropped from the Order Paper. It is now deferred.

*(Bill deferred)*

Next Order.

## BILL

### *Second Reading*

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

The Mover is not in the House. That Order is deferred.

*(Bill deferred)*

Next Order.

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**BILL***Second Reading*THE NARCOTICS, DRUGS AND PSYCHOTROPIC SUBSTANCES  
CONTROL (AMENDMENT) BILL (SENATE BILL NO.1 OF 2024)

The Mover is not in the House. The Order is also deferred.

*(Bill deferred)*

Next Order.

The Senate Majority Leader, Sen. Aaron Cheruiyot, please, proceed.

**BILL***Second Reading*THE CULTURE BILL (NATIONAL ASSEMBLY  
BILLS NO.12 OF 2024)

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Madam Temporary Speaker.

I beg to move that The Culture Bill (National Assembly Bills No.12 of 2024) be now read a Second Time.

This Bill was published in the Kenya Gazette Supplement No.49 of 2024, dated 18<sup>th</sup> March, 2024. The Bill was passed by the National Assembly on 12<sup>th</sup> June, 2025 and referred to the Senate for its consideration.

What is the input of the Bill? This Bill seeks to give effect to Article 11 of our Constitution, which promotes all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media publication, libraries and other aspects of our cultural heritage, and ensure that communities receive compensation or royalties for the use of their culture and cultural heritage, and provide the framework to guide national cultural development.

*(Technical hitch)*

I do not know what has happened to the screens, the color looks different from what we were seeing a few minutes ago. We made a comment about this audio-visual, now it is back to the default settings. Somebody can be confused. They can be looking and watching at the screens; they realize it is me speaking one minute, then the next minute, it is a white man with a voice similar to mine speaking.

**The Temporary Speaker** (Sen. Veronica Maina): Technical team, can you ensure we do not have AI dancing and playing games on the screen? Retain Sen. Aaron Cheruiyot's dark complexion. I think it earns him some mileage and longer points.

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**The Senate Majority Leader** (Sen. Cheruiyot): I am dark and handsome, and I do not appreciate when there is interference of that complexion.

The implementation of this Bill will guide the principles, including equal recognition. Remember Article 11 is part of the Bill of Rights. That is one of the sections of the Constitution that we are proud of. It sits at the apex of development of that space globally in terms of the freedom that we have given to our citizens. Therefore, any attempt to ensure that those rights are inculcated in our society and are protected by statute and law is welcome. This is one such legislation that will ensure that.

Many people dismiss culture and imagine that it has no space in the 21<sup>st</sup> Century. They need to read. It is lack of appreciation of culture that has led many societies astray. Any society that is not strong on culture cannot develop, move forward and appreciate the beauty of human nature as expected.

Culture is a cornerstone in defining identity, values and heritage of communities particularly in our country. This Constitution that was promulgated in 2010 places an obligation on the state to promote all forms of national and cultural expressions, including literature, arts, traditions, celebrations, science, communications, information and all that.

The Constitution expects us, as Parliament, to enact legislation to ensure that communities receive compensation or royalties for use of their culture and cultural heritage. There are many communities that people ape and mimic their cultures but they are not paid or do not receive any form of royalties for use of the same. That includes almost all the 47 communities.

There is something unique about every part of Kenya. We must provide the necessary legislation to ensure that all these entities are provided with the necessary support to move that particular space.

At present, we, as a country, do not have a comprehensive legal framework to effectively protect, promote and manage cultural heritage and expression. The existing legal provisions remain fragmented and insufficient to address emerging contemporary challenges relating to cultural preservation, equitable compensation and use of their heritage in coordination of cultural matters between the national and county governments. This is a place that many people forget that there are communities whose cultures we have borrowed and rely on to promote our country and various counties but people do not receive the necessary royalties.

How is this being done? Specifically, under Part I, which is Clauses 1 to 4 of the Bill, it provides for matters including preliminary issues such as the Title, definitions, interpretation and principle objects of the Bill.

Part II, which includes Clauses 5 to 19 of the Bill, provides for management of culture in Kenya and delineates functions for both the national and county governments. It also provides for establishment of cultural database, access to information, regulation of management of culture in Kenya, compensation to individuals, groups or communities for the use of cultural properties, research into culture, cultural heritage and registration.

Under Part III, where we have Clauses 20 to 29, the Bill provides for offences and penalties in relation to culture. That is when you violate and become insensitive to people's culture. Remember this article is about preservation and defending of culture within the society. Therefore, what happens to those who violate such instances?

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Part IV, which is Clauses 30 to 33, makes general relations in regards to fees, charges and penalty on the power to make regulations under this Act. This is a Bill that should generally attract good contributions by our colleagues who love culture and appreciate it for what it is.

This is a very important moment but I would wish to pause. I do not know if there is sufficient time to continue making my submissions. I am concerned because there are many things that I still want to say but I do not know I have a balance of---

Madam Temporary Speaker, I do not know how much time is left. You can guide me so that I know what to do with the remainder of the time subsequently when I get a chance to speak on this Bill.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senator, when we resume, you will have a balance of 52 minutes to speak on that important Bill.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Wednesday, 25<sup>th</sup> February, 2026, at 9.30 a.m.

The Senate rose at 6.30 p.m.