



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Tuesday, 10th March, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 10th March, 2026

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

(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)

Hon. Senators, we now have quorum. Kindly take your seats.
Clerk, you may call the first Order.

COMMUNICATION FROM THE CHAIR

ACKNOWLEDGEMENT OF YOUTH ON THE SENATE INTERNSHIP PROGRAMME

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of nine young men and women who are in the Senate undertaking an internship programme. The objective of the programme is to provide young people with firsthand experience in the legislative process and to expose them to the intricate world of public policy and public service. They have been assigned to understudy our staff in various directorates of the Senate.

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

- (1) Mr. Mathias Justus Musau
- (2) Ms. Shanice Akala

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- (3) Ms. Inviolata Nafula
- (4) Mr. Hillary Kibet Marugaa
- (5) Mr. Abubakar Ibrahim Ekuwom
- (6) Ms. Baraza Brilliant Salome
- (7) Ms. Fiona Shapwala
- (8) Ms. Teresa Anyango Wesonga
- (9) Ms. Linnah Awour Kennedy

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to you. On behalf of the Senate and on my own behalf, I wish you a fruitful learning programme here at the Senate.

I will call upon the Deputy Minority Leader under one minute to extend a word of welcome to the delegation.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I join you to extend a warm welcome to the visiting delegation consisting of young people from across the country who are here on an internship programme. I encourage the young ones to take full advantage of their access to the Parliament of the Republic of Kenya to learn as much as they can in their different fields.

Mr. Speaker, Sir, this is a very crucial time for them. At some point, when I was younger, I got an opportunity to be attached to the United Nations Environment Programme (UNEP) offices in Nairobi and attached to one of the senior directors from Zimbabwe. I learnt a lot and got valuable experience from interactions with the management of UNEP. Therefore, I urge the young ones to take this internship very seriously. It will shape their future.

The Speaker (Hon. Kingi): Next Order.

PAPER LAID

The Speaker (Hon. Kingi): The Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights (JLAHRC) or any member of that committee. We will defer that Order.

REPORT ON PETITION: PROPOSED AMENDMENTS TO THE COUNTY GOVERNMENTS ACT (CAP.265)

(Laying of Paper deferred)

Next Order, Clerk.

NOTICES OF MOTIONS

The Speaker (Hon. Kingi): We will defer the notice by JLAHRC and proceed to Sen. Andrew Omtatah to give notice.

We will also defer that order.

ADOPTION OF REPORT ON PETITION ON PROPOSED AMENDMENTS
TO THE COUNTY GOVERNMENTS ACT (CAP. 265)

PROVISION OF COUNTY GOVERNMENTS
IFMIS REPORTS TO THE SENATE

(Notices of Motions deferred)

Next Order, Clerk.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statement pursuant to Standing Order No.53(1).
The Hon. Senator for Nakuru County, Sen. Tabitha Keroche. That will be
deferred pursuant to the hon. Senator's own request.

ALLOCATION OF KISIMA LAND TO CIVIL
SERVANTS IN NAKURU COUNTY

(Statement deferred)

Senator for Nairobi City County, you may proceed with your statement.

(Low consultations)

I know what I have approved.

Sen. Sifuna: Mr. Speaker, Sir, please do not allow your office to be policed by
people who are not members of the Speaker's office.

ROLES, WELFARE, WORKING CONDITIONS AND
FUNCTIONALITY OF DEPUTY GOVERNORS

Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement
on a matter of national concern, namely the roles, welfare, working conditions and
functionality of Deputy Governors across the country.

(Sen. (Dr.) Lelegwe Ltumbesi crossed the aisle without bowing)

The Speaker (Hon. Kingi): Sen. (Dr.) Lelegwe, you are out of order. You cannot
walk across from the aisle. Go to the Bar, bow, then you can cross to the other side.

(Sen. (Dr.) Lelegwe walked to the Bar, bowed and crossed the aisle)

Sen. Sifuna: The office of Deputy Governor is established under Article 179(5) of the Constitution of Kenya, which provides that each county shall have a County Executive Committee comprising the Governor and Deputy Governor, as well as members appointed by the Governor, with the approval of the County Assembly, from among persons who are not members of the Assembly. This constitutional architecture is intended to ensure continuity of executive authority in the county, including enabling the Deputy Governor to assume the roles, functions and powers of the governor as may be required.

Mr. Speaker, Sir, this constitutional office has increasingly been rendered ineffective by some governors. Holders of the office have consistently reported denial of official vehicles, arbitrary closure of their offices, withholding of budgetary allocations to facilitate the office and a blatant disregard of the spirit of the Constitution in the administration of devolved units. The offices of the governor and deputy governor are meant to complement each other, while providing stability and continuity for the county. Instead, many deputy governors now operate merely at the mercy of governors, reduced to peripheral roles, deployed on a whim and shut out from access depending on gubernatorial moods.

Mr. Speaker, Sir, this Senate has previously attempted to remedy this situation through the County Government Laws (Amendment) Bill (Senate Bills No.52 of 2024) whose object is to amend the County Governments Act to provide for specific functions for the office of the deputy governor.

(Sen. Madzayo stood up in his place)

The Speaker (Hon. Kingi): Senator for Kilifi, a seasoned Member of this House, you know you cannot come between the Chair and the Senator speaking.

Proceed, Senator for Nairobi City County.

Sen. Sifuna: Mr. Speaker, Sir, as a House, we are yet to prioritise this Bill and accelerate its passage into law, so as to give clarity, protection and proper legitimacy to this office. Without clear statutory backing, we cannot entrench the office and move it from being a face of humiliation, dehumanisation and neglect, an outcome that reflects a glaring failure of our systems. Focused action on this matter would help bring to an end the current administrative ambiguity and strengthen executive coordination within county governments.

Mr. Speaker, Sir, even as we await action on the County Government Laws (Amendment) Bill, it is imperative that the Senate, in exercising its oversight mandate pursuant to Article 96 of the Constitution, launches an inquiry into the welfare and working conditions of deputy governors. This is made even more critical by the possibility that many holders of the office may be suffering in silence, a situation that sustains the negation of devolution and the shrinking of the democratic gains made in the country's long journey of constitutionalism. The practice of rendering the office of deputy governor non-functional should be treated as deliberate, not accidental. It amounts

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to impunity, particularly when one considers that deputy governors are ordinarily running mates of governors at election time, yet many relationships deteriorate soon after elections, with adverse consequences for service delivery and county stability. This power play is dangerous and must be arrested.

Mr. Speaker, Sir, it is unfortunate that 16 years after the promulgation of the 2010 Constitution, we still grapple with such critical issues of devolution as the functionality of the office of deputy governor. Additionally, the abuse of power by some governors in their relationships with their deputies is a testament to the fact that a new Constitution, by itself, does not eradicate old regressive habits and attitudes.

For this reason, I urge the Senate to stand firm as the institution of last resort in safeguarding devolution, serving as vigilant watchmen of the Constitution, where other institutions have faltered. The plight of deputy governors may be one of many constraints to effective devolution. Since it is before us, we have no option, but to resolve it in a manner that assures citizens that this House remains true to the ideals of the Constitution.

Thank you.

The Speaker (Hon. Kingi): Sen. Hamida Kibwana.

Sen. Kibwana: Thank you, Mr. Speaker, Sir. I have two Statements. Can I read both of them?

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

MEASURES TO ADDRESS RECURRENT FLOODING, DRAINAGE FAILURES AND POOR URBAN PLANNING IN NAIROBI CITY COUNT

Sen. Kibwana: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Roads, Transportation and Housing on a matter of county-wide concern regarding the urgent measures to address recurrent flooding, drainage failures and poor urban planning in Nairobi City County.

Mr. Speaker, Sir, recent flooding incidents have, once again, highlighted the inadequacy of Nairobi's storm-water systems, the encroachment on riparian reserves and weak development control, which continue to expose residents, businesses and critical infrastructure to avoidable risk during heavy rains.

On Friday, 6th March, 2026, heavy rainfall caused widespread flooding across Nairobi City County leading to road closures, property damage, displacement and distress among residents. Emergency reports confirmed severe impact in areas such as Embakasi, Pipeline, Mukuru, Kibra, Mathare, Huruma, South B and C, Langata, Umoja, Njiru, Utawala, Roysambu, Githurai, Loresho and parts of Westlands. Major roads, including sections of the Central Business District, Uhuru Highway, Mbagathi Way, Mombasa Road, Thika Superhighway, Jogoo Road, Lungalunga Road, Enterprise Road and Langata Road were also rendered impassible.

Mr. Speaker, Sir, as a capital city and the hub of commerce, transport and governance, Nairobi requires resilient infrastructure that safeguards lives, ensures mobility and sustains economic activity during adverse weather events.

In the statement, the committee should address the following-

(1) The immediate actions currently being undertaken by Nairobi City County Government and relevant national agencies to manage flooding, including rescue operations, drainage clearance, reopening of the roads and protection of residents and property.

(2) The identified chronic flooding locations, drainage corridors and affected road sections with details of planned interventions and clear timelines of implementation.

(3) Status of any audits conducted on Nairobi's storm water drainage system, its findings on adequacy and carrying capacity and corrective measures being implemented.

(4) Measures to remove illegal developments on riparian reserves, waterways, road reserves and drainage corridors as well as strategies to prevent continued encroachment.

(5) The planning, zoning and development control measures being enforced to ensure future infrastructure projects incorporate adequate drainage, flood mitigation and climate resilient systems.

(6) The interagency coordination framework for responding to rainfall advisories and mitigation, flood risks and long-term policy, legislative and budgetary measures to deliver and integrate drainage rehabilitation and climate resilient urban planning framework befitting Nairobi's status as a capital city.

I will proceed with the next statement.

FIBROIDS BURDEN AMONG KENYAN WOMEN

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Health on a matter of a nationwide concern regarding the rising burden of fibroids among women in Kenya.

Uterine fibroids, which are non-cancerous growth of the uterus, are increasingly becoming a major public health concern in Kenya with devastating effects on women's health, fertility and economic productivity, affecting estimated 10 to 20 per cent of Kenyan women, particularly those aged 35-39 years.

Fibroids cause heavy bleeding, severe pelvic pain, anemia and infertility, while treatment costs ranging from Kshs100,000 to Kshs500,000 remain unaffordable for many without comprehensive insurance coverage.

In the statement, the committee should address the following-

(1) The national prevalence and distribution of uterine fibroids, providing update data on age groups, county-level burden and trends among Kenya women.

(2) Measures in place to enhance public awareness and early screening, outlining Ministry of Health initiatives to promote timely diagnosis and reduce complications.

(3) The steps being taken to fund research and improve treatment options, including efforts to understand causes, prevention and access to minimally invasive therapies.

(4) The affordability and accessibility of treatment under the Social Health Insurance Fund (SHIF), clarify coverage of fibroid diagnosis, treatment and plans to make care more affordable.

(5) The policy interventions to strengthen reproductive health service in public facilities, ensuring comprehensive, equitable and sustainable support for women's health nationwide.

I thank you.

The Speaker (Hon. Kingi): Sen. Mohamed Chute, you may proceed.

LEGALITY OF DEVELOPMENT ACTIVITIES
IN BADARERO, MOYALE

Sen. Chute: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek for a statement from the Standing Committee on Land, Environment and Natural Resources on a matter of county-wide concern regarding the legality of development activities in Moyale, Badarero area, Marsabit County, particularly drilling works associated with boreholes and community land rights in the affected dry-season grazing area.

Moyale is a strategic dry-season fallback grazing area that supports pastoralist livelihood and resilience during prolonged drought. Any unauthorised development around critical water points, therefore, carries significant implication for community stability and sustainable resource use.

Reports of borehole drilling and related works by the neighbouring county, Wajir County, have raised concerns about possible encroachment and forced occupation of traditionally utilised grazing areas, leading to heightened tension in the area.

In the statement, the committee should look address the following-

(1) Whether approvals and consent were obtained for the borehole drilling and any related developments in Moyale, Badarero area, and measures being taken to ensure the immediate cessation of any unauthorised activities.

(2) How the County Government of Marsabit, working with the National Land Commission (NLC) and relevant agencies, will accelerate community land registration in line with the Community Land Act, 2016.

Thank you very much, Honourable Speaker.

The Speaker (Hon. Kingi): The Senator for Bungoma County, Hon. Wakoli.

STATUS OF MEDICAL INSURANCE SCHEME FOR BUNGOMA
COUNTY GOVERNMENT EXECUTIVE WORKERS

Sen. Wafula: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Labour and Social Welfare on a matter of county-wide concern regarding the current status of the medical insurance scheme for Bungoma County Government executive workers.

In the statement, the committee should address the following-

(1) The name of the current underwriter and provide details of any insurance brokerage firms involved in facilitating or managing the medical scheme.

(2) The scope of benefits under the policy, including inpatient, outpatient, maternity, dental, optical, last expense, chronic illness cover and any other additional benefits as well as the cover limits per family and per beneficiary.

(3) The official number of members of staff enrolled as principal members together with their beneficiaries covered under the scheme.

(4) The total annual premium payable for the policy, including breakdown by employee, if applicable, the source of funding endorsements and provide a summary of the current policy framework, highlighting the applicable terms, conditions and exclusions.

(5) The list of medical providers on the panel, including hospitals, clinics and pharmacies authorised to offer services under the cover.

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

STATUS OF ISSUANCE OF IDS

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of national concern regarding the status of issuance of national identity cards in the country.

Mr. Speaker, Sir, there has been growing public concern in several counties over the delayed issuance of national identity cards to persons who have attained the requisite age of 18 years. The affected persons are greatly impacted as they are unable to access certain essential government services, employment opportunities and financial services, or to exercise their political rights.

In the statement, the committee should address the following-

(1) Per county data on the issuance of national identity cards from 2024 to date, disaggregated by gender, including statistics on the applications that are currently under processing.

(2) The factors contributing to any observed disparities in issuance of national identity cards across counties.

(3) The policy, administrative and operational measures being undertaken to address the disparities and to ensure equitable, timely and non-discriminatory issuance of national identity cards in all parts of the country.

I thank you, Mr. Speaker, Sir.

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

NON-PAYMENT OF ALLOWANCES TO MEMBERS OF TAITA TAVETA COUNTY WARD BURSARY COMMITTEE

Sen. Mwaruma: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1), to seek a statement from the Standing Committee on Labour and Social Welfare on a matter of county-wide concern, regarding non-payment of Taita Taveta County ward bursary committee members' allowances.

Mr. Speaker, Sir, the members of the Ward Bursary Committee in Taita Taveta County have not received their allowances from the Financial Year 2022/2023 to the current Financial Year 2025/2026, despite their critical role in administering bursary allocations to needy students across the wards. This prolonged non-payment undermines the morale and effectiveness of the committees.

In the statement, the committee should address the following-

(1) The reasons behind the non-payment of allowances to ward bursary committee members from Financial Year 2022/2023 to Financial Year 2025/2026.

(2) Whether allowances for the committee members were included in the successive county budgets for the stated financial years.

(3) The list of all committee members per ward, including their names, phone numbers, national identification numbers and copies of their letters of appointment.

(4) The timeline within which the ward bursary committee members will be paid all outstanding allowances from inception to date.

(5) A report on the non-payment of allowances specifying any action to be taken against officers found culpable for the failure to effect payment.

I thank you, Mr. Speaker, Sir.

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

UNYANYASAJI NA VITISHO DHIDI YA WAISILAMU
WANAPOHUDHURIA SAALA ZA TARAWEEH

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

Mstahiki Spika, nasimama kwa mujibu wa Kanuni ya Kudumu ya 53(1) za Seneti, kuomba kauli kutoka kwa Kamati ya Bunge ya Ulinzi, Ujasusi na Mambo ya Nje, kuhusu ripoti za unyanyasaji na vitisho kutoka kwa polisi dhidi ya waumini wa Kiislamu katika eneo la Pwani wakati wa mwezi huu mtukufu wa Ramadhani, hususan wanapohudhuria saala za Taraweeh.

Waislamu huadhimisha mwezi mtukufu wa Ramadhani kwa kufunga, ibada na matendo ya hisani. Mojawapo ya ibada muhimu katika kipindi hiki ni swala ya Taraweeh inayoswaliwa misikitini wakati wa usiku. Ni jambo la kusikitisha kwamba kumekuwa na malalamishi ya vitisho na unyanyasaji kutoka kwa polisi dhidi ya waumini wa Kiislamu wanaposafiri kwenda na kurudi misikitini wakati wa swala hizi za usiku za Taraweeh.

Mstahiki Spika, uhuru wa kuabudu ni haki ya msingi inayolindwa chini ya Kifungu cha 32 cha Katiba ya Kenya. Kila Mkenya anapaswa kuwa na uhuru wa kutekeleza dini yake kwa amani bila hofu ya kunyanyaswa, kutishwa au kubaguliwa.

Mstahiki Spika, katika kauli hiyo, kamati inapaswa kujibu masuala yafuatayo-

(1) Hatua ambazo Wizara imeweka kati kuhakikisha kwamba operesheni za usalama zinazofanyika usiku wakati wa Ramadhan haziingilii haki ya waumini wa Kiislamu kuhudhuria swala za Taraweeh.

(2) Iwapo uchunguzi wowote umefanywa kuhusiana na madai ya utovu wa nidhamu au unyanyasaji unaotekelezwa na maafisa wa usalama dhidi ya waabudu wakati wa kipindi hiki cha Ramadhani.

(3) Hatua ambazo Serikali inachukua kuimarisha ushirikiano kati ya vyombo vya usalama, viongozi wa dini, na viongozi wa jamii katika eneo la Pwani ili kuhakikisha Ramadhan inaadhimishwa kwa amani.

(4) Hatua zipi zinazotekelezwa kuhakikisha usalama na ulinzi wa waabudu wanaohudhuria swala za usiku misikitini katika kaunti zote za Pwani.

The Speaker (Hon. Kingi): Hon. Senators, I will allow comments for not more than 15 minutes. So, if you get an opportunity to speak, kindly do so, for not more than three minutes.

Sen. Wahome Wamatinga, please proceed.

Sen. Wamatinga: Thank you, Mr. Speaker, Sir. I would like to add my voice to the statement raised by the Senator for Nairobi City County. Indeed, it is high time that we get to define the laws of constitutional offices, so that we reduce the in-fighting.

Mr. Speaker, Sir, in many county governments, deputy governors rarely have anything to do. They are just at the mercy of the governors, yet they are learned people who can be very resourceful. We need to define what their roles are as principal assistants to the governors, so that we do not keep on wasting a lot of resources.

Mr. Speaker, Sir, I also want to add my voice to the other statements. It is important that when we sit down here, we define some of the roles of the people, so that when they get into the office, we know how we can allocate their duties, resources and most importantly, ensure that the work that they have been allocated to do is being done without being at the mercy of the governors.

Thank you, Mr. Speaker, Sir.

I support.

The Speaker (Hon. Kingi): Senator Maanzo.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I rise to comment on Sen. Chute's Statement. The Senate Standing Committee on National Cohesion, Equal Opportunity and Regional Integration, where I am a Member and chaired by Sen. Chute, recently visited northern Kenya, particularly Marsabit County, to sort out quite a number of issues affecting people in northern Kenya. We also went to Turkana County.

Mr. Speaker, Sir, the Community Land Act by now should have been implemented, because it was meant to prevent disputes and ownership of land, communally owned, as it is in North Eastern and northern Kenya.

I like what Sen. (Dr.) Oburu said today in a talk show that I followed keenly. He said that northern Kenya and many other dry parts are very useful to this country. If we did dams like Thwake Dam in Ukambani, we can do irrigation.

(Sen. Cheruiyot consulted loudly)

The Speaker (Hon. Kingi): Order, Senate Majority Leader. You cannot converge right at the table.

Sen. Maanzo: Mr. Speaker, Sir, if we invested in water sources and rearing of animals, this country would perform much better in terms of huge markets and meat requirements in the Middle East.

Meat from northern Kenya is *halal*. When you go there, you will find healthy animals, but soon they begin fainting due to lack of water. When the boreholes are done, communities fight over them.

The people of Sen. Mariam and any other person visiting from that area should seek necessary permission through counties, so that we do not have quarrels there over resources. Most importantly is that the government should invest in water and irrigation in northern and eastern Kenya so that agriculture, where we have crop farming and rearing of animals, can be useful to the country.

Mr. Speaker, Sir, it is wrong when we just make it a talk show and do not implement the Equalisation Fund. If not, the problems that Sen. Chute of Marsabit is talking about will be there for a long time. We need to implement the programmes, so that Kenyans can live in harmony and we also develop our country.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Alexander Mundigi.

Sen. Munyi Mundigi: Asante, Bw. Spika, kwa kunipa nafasi hii ili nichangia statement ya Sen. Hamida kuhusu mambo ya Nairobi. Sisi sote hapa tunakaa katika jiji hili ambalo linafaa liangaliwe. Ni jambo la kuhuzunisha sana kwa sababu wiki jana wakati mvua iliponyesha, watu wengi walisombwa na maji. Pia magari yalisombwa na biashara nyingi zikaharibiwa.

Naomba kamati ya Barabara, Uchukuzi na Makao iangazie suala hili kwa makini kwa sababu kila mara tunawapa magavana pesa nyingi. Kwa kuwa Nairobi ni jiji kuu, inafaa Gavana wa Nairobi afanye kazi jinsi inavyofaa ili mambo kama hayo yasifanyike tena.

Nakumbuka mwaka mmoja uliopita, gavana mwenyewe alimwaga takataka nje ya Kampuni ya Kenya Power. Inafaa kuchunguzwa jinsi gavana huyo anafanya kazi. Sisi kama Maseneta pia tunafaa kufanya kazi yetu ya *oversight* vizuri.

Tumeona Maseneta wengine wakisimama mbele ya magavana na kusema kuwa kazi haifanyiki. Naomba jambo hilo liangaliwe ili hata Seneta wa Nairobi ambaye anaenda kila kona ya nchini akisema “*wantam*” afanye kazi yake ya oversight ili ahakikishe kuwa kazi inafanywa hapa Nairobi kwa njia inayofaa.

Bw. Spika, naunga statement hiyo mkono. Wanafaa kuangalia kazi inafanywa namna gani. Tukiendelea hivyo, magonjwa kama vile kipindupindu na malaria yataenea katika jiji letu.

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

Sen. Sifuna: Hon. Speaker, as part of the leadership in Nairobi, I was deeply embarrassed by what we saw in the city on Friday. Somehow when I take the microphone, the volume just plummets. I do not know what is going on.

The point I was making is that we were deeply embarrassed---

The Speaker (Hon. Kingi): What are you trying to suggest, Senator for Nairobi?

Sen. Sifuna: Mr. Speaker, Sir, I am trying to suggest that there is internal sabotage whenever some of us take to the Floor because we also have things to say. We might not shout in your ear like the previous speaker, but we want to be heard.

As the leadership in the city, we were deeply embarrassed by what happened in Nairobi on Friday. We have lost over 25 people in Nairobi alone. There are more than 4,000 families that have been affected by the flooding.

Our deepest condolences to all who lost their loved ones. Our *pole* to the people who were affected in one way by the floods. I know there are Members here, just like many Kenyans, who were stuck on the road overnight. It was deeply embarrassing. I said that as part of the leadership, you will hear no excuses from me.

It is quite surprising that a Member of this House can forget that we have limited roles as Senators. This House knows the work that all of us have done in terms of oversighting of governors. Therefore, if the expectation from anyone in this House is that the Senator for Nairobi is responsible for opening drainages, I think it is the height of hypocrisy. Even in our political differences, you should not swing low blows.

I have heard various stories. Now we are being told that the city floods because it is built on a swamp. I think we all know and we have known for all these years, of the problems around drainage in Nairobi and we can no longer give stories to the public. We want at this particular moment in time to ensure that there is a comprehensive review of how this entire city drains, so that these problems do not happen again.

I heard somebody say that rain is something we expect. It cannot be a surprise and we know that it will rain again, including this week. There are simple measures that can be put in place as we await a comprehensive review of how the city drains to ensure that these problems do not happen again.

The last time we had flooding of a similar nature, they blamed settlements along the Nairobi rivers and kicked out many of our people from those settlements and we thought that was the solution. It is now clear that these piecemeal interventions are not working. Therefore, there needs to be a proper audit and review of how the entire city drains. We have talented young people, including engineers who have done work in other places, who can help us, as a city, to stem this problem.

Lastly, Hon. Speaker, there are simple things I believe we can put in place as a county administration to help to save lives. For instance, when the Kenya Meteorological Department (KMD) tells you that there will be heavy flooding, why can we not have early warning systems that require employers to release people from their offices early, so that we do not have traffic at those hours when it is raining? It can be predicable to some degree the amount of rainfall we are going to receive on every single day, so that we warn people early to take precaution and get home as fast as they can before the rains begin for the safety of everybody involved. I am sure employers in Nairobi will cooperate.

Hon. Speaker, I want to take this opportunity, once again, to pass my condolences to everyone who has lost their loved one. As the leadership in Nairobi, together with the national government, there are a few things we believe we can do to assuage the situation and we will be doing it both at our individual and corporate capacities to try and extend help to those who have been affected.

I thank you.

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

Sen. Cherarkey: Mr. Speaker, Sir, I would like to join my colleagues in passing our deepest condolences because we are told 42 Kenyans died because of Friday's ragging floods. Seventy-one vehicles were also swept away. Yesterday in the news, they said that most schools could not continue.

The issues of stormwater, drainage and flooding are not new. In 2023, there was a similar incident. I was embarrassed by the comments by the Governor of Nairobi City who used to tell us that "*ina-work*" but it appears it does not work because they do not even have a stormwater drainage policy as per my last checking.

I want to advise him to read a book called *Eating Chiefs* by Taban lo Liyong because it appears eating is too much as opposed to working in Nairobi City County. I thank the national government because they have given necessary support in some functions. I know the Kshs80 billion might alleviate the suffering.

Mr. Speaker, Sir, I want to propose the following: since emergency and other issues are concurrent, we should compensate families that lost their loved ones because it is criminal negligence. We should compensate them for the lives lost and property that was destroyed. Kenya Power should also compensate Kenyans. We appeal for that as we go into the future.

Since our colleague is here, another point I want to make is lack of oversight. I encourage my brother Omwami Sifuna. Instead of saying *linda mwananchi*, he should *linda* Nairobi first because the problem is lack of oversight.

Mr. Speaker, Sir, I know Sen. Sifuna has zealously oversighted the 10-point agenda of the National Dialogue Committee (NADCO); he should do the same for Nairobi City County. If he can oversight Sakaja the way he is oversighting NADCO and the Broad-Based Government, we would not be having problems. Omwami Sifuna, can you use the same passion to Linda Nairobi and not Linda Mwananchi? I saw you in Makueni County, why do you not start with Nairobi my brother? That is where your vote is for the day you will want to vie for presidency.

Finally, I support the issue of national identification (ID) card. Let us remain focused and steadfast. We want many Kenyans to get the national ID. I confirm to Sen. Maanzo that issuance of IDs is free of charge, courtesy of William Ruto's government. Make sure you take it, so that we vote out---

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

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to make some brief comments on this very important statement on floods in Nairobi. Floods did not come yesterday; this is a problem that has been transferred from one administration to another. It would be illogical to blame the current administration of Sakaja for the flooding challenges.

(Loud consultations)

The Speaker (Hon. Kingi): Order, Senators.

Sen. Olekina: My point is very clear. Scientifically Soils of Nairobi County are saturated. There is rapid creeping urbanisation in Nairobi City County. Everybody is moving to Nairobi; what do you expect? The most logical thing to do is to try and look at the appropriate way of solving this problem for future generations. This is a systemic

issue which started with poor infrastructure development by the colonial masters. Then, you come to the current system where everybody is encroaching on riparian land. You cannot continue blaming one administration; that it should be able to solve all those problems.

We can be populist, but that is not going to solve our problem. We have to ask ourselves what the problem is and the solution. If you look at it right now, there is a problem in the sense that not one level of government takes full responsibility. The issue of flooding in Nairobi is a shared responsibility between the national government and the county government. Clarify that first; then suggest one entity that can resolve that problem.

Number two, in the past years, we have had flooding in Nairobi. Flooding is not unique to Nairobi alone, flooding is a big problem in other cities in Africa such as Lagos. What has been done in Nairobi in the past is that they concentrated on issues of de-clogging the flooding routes. However, the issue of the matter is that now, this House should push for more monies to go to our counties, so that we do not have people from Western and Mount Kenya moving to Nairobi and setting up settlements on riparian land. That is the issue; let us not run away from that.

Mr. Speaker, Sir, finally, it is important to be logical, not just populist when it comes to the issue of solving problems in this country. We cannot run away from the fact that all of us are responsible. We should start with policies here and ensure that our counties become homes for our people, not Nairobi. Nairobi is overpopulated because there are no jobs in our counties. What do you expect when everybody is moving here?

The Speaker (Hon. Kingi): Sen: Tabitha Maurine, proceed.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. Allow me to start by supporting the statement from the Senator for Nairobi City County, Sen. Sifuna with regard to the issue of the deputy governors across the 47 counties. It is very sad. Recently, we saw the Hon. Deputy Governor of Homa Bay County, Hon. Magwanga---

(Loud consultations)

I love that the House is very attentive. He did resign. He is among the many deputy governors who are suffering in this country, across the 47 counties. They are suffering because as a House, we have not finalised on the Bill and structures that need to be set as far as the issues of the deputy governors are concerned.

It is sad that they are just used as vehicles during the political process and after the governors settle, the deputy governors become limbo. When the deputy governor's office is set to standard, we will actually be having very minimal accountability issues in this country. I urge the House to speed up on the issue of the deputy governors.

Mr. Speaker, Sir, quickly let me move to the statement by my very good friend, my sister, none other than Sen. Hamida Kibwana on the issue of floods. On Friday evening the capital City of Nairobi was at standstill. We thank God for the rains but, it was sad because all of a sudden, besides total darkness, there was no movement because of floods.

When I listen to my senior brother, Sen. Ledama Olekina saying that this is not a new problem; then it should be an issue of governance. If that has been the problem, then the leadership should prioritise the issue of floods in the capital city.

I appreciate my party leader, none other than the President, Dr. William Ruto, who in his leadership and wisdom, saw to ensure that he adds Kshs80 billion to the great Nairobi City County. This is money that will still be oversighted by the National Assembly as we continue oversighting the county governments. This will be a priority.

I urge the delegation of Nairobi City County, led by our Senator, to continue representing the people of Nairobi because they are the ones who have given us an opportunity to be in this City. I thank the national government for the quick response that we have seen, especially in---

The Speaker (Hon. Kingi): Sen. Beatrice Akinyi, proceed.

Sen. Ogola: Mr. Speaker, Sir, I sit here wondering why we are talking about floods in Nairobi and burying our heads in the sand. What did we expect with the poor planning and failure to upgrade facilities with the growing population? The issue of flooding is not limited to Nairobi; nature respects nobody. With urbanisation coming - we are not going to stop it because in 35 years to come, 50 per cent of the Kenyan population and any other place will be moving towards urban centres - it is then only prudent that as governments, we plan for those populations that are going to move to the urban centres.

The planning authority of our county governments must be called to order. The approval process is in question because the buildings that are coming up and blocking the drainage systems are obviously approved by the planning authorities. As populations increase, county governments must also upgrade facilities that we have in the cities that are not only limited to storm water drainage, but to a number of facilities.

Mr. Speaker, Sir, as we call on the issue of planning in Nairobi, we must call on the planning in all the counties, especially the towns and municipalities that we have around. It is for this reason that I support the collaboration between the Nairobi City County and the national government in upgrading the facilities in Nairobi.

I also support the statement by my sister on cancer. Cancer, not limited to the uterine fibroids, must be declared a national disaster in this country. I have been to hospitals in the past weeks and I saw many Kenyans struggling to meet their health obligations, especially connected to cancer. I therefore support that most of the county governments must relook at their environmental measures that they are putting in place because we will not stop flooding, and we are not about to stop---

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

Sen. Abass: Thank you, Mr. Speaker, Sir. I also want to join my colleagues to support the statement from Senator for Nairobi City. As rightly said by the Senator, actually the county deputy governors have a problem. Most of them have not been allocated any duties. Some of them do not attend even the county cabinet, and they just stay there, only waiting for instructions.

As a result of that, my committee, the Committee on Devolution and Intergovernmental Relations, has made a County Government (Amendment) Bill (No.2), 2024 on the same issue. The report has been tabled here. In the Bill, we have proposed that where it has been said that the governor allocates duties to the deputy governors, we

have changed it to “shall.” This makes it mandatory that the deputy governors must be given and have responsibility constitutionally and their office must be resourced. I hope that will solve the problem.

Mr. Speaker, Sir, my other comment is on that statement done by the Minority Leader regarding harassment by the police of the Muslims who are worshipping at night. This is a very unfortunate situation. This is the holy month of Islam. This is the most peaceful time where Muslims undertake their obligations. They do this for worship. Therefore, we will request the Inspector General of Police to give instructions to the police officers. We have only a few days remaining. It is only nine days remaining. Therefore, the Muslims must have time to move at night. This is because they worship at night and fast the whole day. So, the police should be given time to escort them.

Thank you so much, Mr. Speaker, Sir.

The Senate Minority Leader (Sen. Madzayo): Asante, Mstahiki Spika. Kwanza, ni jambo la kusikitisha kwamba watu wengi walifariki kufuatia mafuriko hapa jijini Nairobi. Ni sikitiko kwamba tumewapoteza vijana, wazee na mali kwa sababu ya mvua ilhali tunajua kwamba mvua inatabiriwa na inajulikana kwamba itakuja kiasi gani na kutatokea nini. Kwa hivyo, ni jambo la kusikitisha kama Serikali hii ya Nairobi haikujitayarisha vilivyo kuona ya kwamba imekabiliana na hii mvua ambayo imeharibu mali, magari na maisha ya vijana, wazee na akina mama. Sio jambo nzuri. Kwa hivyo, Kamati yetu itakayochunguza janga hili, lazima izingatie kwamba kuna mwelekeo mwema kuhakikisha kwamba ajali kama hii haitatokea tena. Janga kama hili linatokea pia katika eneo la Kilifi. Ni kama eneo hili limesahaulika. Kuna maporomoko katika Barabara ndogo ndogo zinazokwenda katika mito.

Mito imewaua vijana, akina mama wakati wanasafiri na hili ni jambo ambalo serikali zetu za mashinani zinafaa kuzingatia wakati kama huu kuona kwamba wamepeleka taarifa mapema ili kuwazuia watu au kuwaeleza kiukamilifu ili wasiweze kupatikana na janga kama hili wakienda zao safarini au mashambani kulima. Hii itawawezesha kuepukana na yale maeneo ambayo mvua ikija, huja mvua za ghafla. Hii inaweza kusababisha wao kupoteza mali kama vile ng’ombe, mbuzi, kondoo na miji yao. Hilo ni jukumu ambalo linatakikana liangaliwe vizuri na kamati itakayo angalia jambo hili, izingatie kuona ya kwamba haki imetendeka kote nchini; kuanzia wale watu waliopoteza maisha na mali yao hapa Nairobi na vile vile watu wengine walio katika pande zote za Kenya ambao wamepoteza mali waangaliwe vizuri.

Asante, Bw. Spika.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. Sen. Hamida, congratulations for the statement on Nairobi City. I am shocked that sitting in this Senate, a Senator can speak in defence of the leadership of the county of Nairobi today. There is no excuse. Thirty-one people have died, property has been destroyed and the reason is there for all to see. It is because of, A, poor planning, Senator Olekina, B, failure to enforce the bylaws for construction, and C, corruption.

Why do you want to blame the Moi corruption on the current problem in Nairobi today? Ninety percent of the buildings that are being constructed on riparian land in Nairobi have come up in the recent years. They were not done by Moi. So, if the Senator

of Narok wants to defend a wrong, let him defend a wrong from a *Baraza* in Narok, not when the Mace is in place. These are very serious issues.

This House gives the highest allocation to Nairobi. Last year, we gave Kshs20.18 billion to Nairobi for them to fix our water drainage system. The Constitution is very clear. Waterways, drainage and roads is a county responsibility. We cannot joke around with Nairobi. Nairobi's Gross Domestic Product (GDP) is bigger than the GDP of many African countries, including Burundi, Chad and what have you - and Rwanda. If we do not speak to the truth and want to look nice to leaders, then we should be prepared to lose more lives.

At this time, when houses have collapsed in Nairobi and nobody has been arrested, when these kinds of disasters are taking place and no single leader has taken political responsibility, Parliament, the National Assembly and the Senate, are to blame. That is our oversight. Sakaja should be told, if he does not know how to do it, he should pack up and go. He is a relative to some of us, but relations are not meant to cushion killing of people and keeping children out of school. Some of us do not live in Nairobi, but our families are here. We could not sleep when we were seeing it from home. We knew our wives are here in Nairobi.

(Applause)

Hon. Senators: Wives.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, we all know that many children arrive home, sometimes at 9.00 p.m. We should be asking ourselves how many children die on that day across the country.

Sen. Oketch Gicheru: Mr. Speaker, Sir, even as we talk about Nairobi, I think that the magnitude of this problem has also been witnessed across the country. The first point of disappointment, which basically shows a lot of incompetence, is the fact that the Meteorological Department indicated and prepared us that these rains were to come. After this preparation that these rains were to come, if you read Section 112 of the PFM Act, it says that respective counties, their CEC for finance, can actually prepare to use up to two percent at the very least, money that they can use to put on emergency fund, and it can be used even without any bottlenecks, like taking them to the assembly for qualification and prepare for this disaster.

What we have seen in our country today and not only Nairobi, because I have seen it in Migori, right from a place called Sayote in Migori town to a place called Pandi, Migori market is flooded and Kabuto as well. These are places where these governors were born and they knew the rains would come. The only difference is that this time round the Meteorological Department told them in advance that the rains would be five times be more, and in some places 10 times more than what they have seen.

They ought to have prepared. There is no excuse for this. They have the resources and infrastructure that the Senate and the National Assembly had put for disaster readiness because we passed the Act last year. I remember the Majority Leader trying to marshal us here to pass that Bill that resources these counties to prepare.

It is a shame that our governors do not care about our people. We call the spade what it is. You cannot have a county that expects the same magnitude of problems, the same drainage problems in Nairobi and Migori County. People are dying in Migori.

I just passed through Lolgorian the other day when we were coming from burying Hon. Ng'eno. It was impossible to pass those places around Mogor River. Were governors there not prepared for that kind of disaster? Yes, they were, because they were prepared by science of the Meteorological Department in this country. Let us not excuse our governors when they take a wrong decision of not preparing our people.

At the very least, we want to see at least one of them, who can take time and even prepare their people, take them from these water banks and walk with them.

Sen. Faki: Asante, Mheshimiwa Spika, kwa kunipa fursa hii kuchangia kauli iliyoletwa na Sen. Hamida. Kwanza nimpongeze kwa kulizungumzia swala hili. Sen. Hamida amekuwa mstari wa mbele kuangazia mambo yanayoathiri uma kote nchini.

Ni masikitiko kwamba tumepoteza takriban watu 32 katika jiji la Nairobi, ambalo lilitarajiwa kutoa huduma sawasawa kabisa kwa sababu tuko katika karne za ishirini na moja.

Ni kweli kwamba taasisi ya hali ya hewa ilikuwa imetoa taarifa nyingi kuhusiana na maswala ya mvua na wanafanya hivyo kila wiki. Hapo zamani utabiri ulikuwa si haki vilivyo lakini siku hizi wana vifaa vinavyoweza kutabiri na kueleza mpaka kiasi cha mvua itakayopatikana. Ni utepetevu na uzembe kaunti zetu zinapolalia masikio wakati wananchi wanapata shida na kufariki.

Kuna kazi nyingi ambazo zingefanywa mapema. Kwa mfano zile drainage zote zingekuwa zimetolewa uchafu ili maji yateremke bila pingamizi.

Ni hakika kwamba miundo - msingi mingi katika jiji la Nairobi inapaswa ijengwe upya tena. Kwanza idadi ya wakazi wa Nairobi imeongezeka sana kuliko hapo nyuma.

Juzi nilileta taarifa hapa kuhusiana na mijengo katika kaunti kubwa kama vile Nairobi, Mombasa, Uasin Gishu, Kisumu na Nakuru. Majumba mengi yanajengwa bila kuzingatia miundo mbinu katika sehemu zile. Tunapozungumzia swala hili zile kaunti zingine ziangalie swala la kuwa tayari kupambana na hali kama hizi. Katika kaunti kubwa kama vile Mombasa tumewahi kupoteza watu kwa sababu ya mafuriko.

Haya maji ya mafuriko yanaweza kuwekwa katika mabwawa ili wananchi wayatumie kunyunyizia mimea pamoja na maua katika miji mikubwa na vilevile katika mambo mengine. Yanaweza pia kusafishwa na kutumika katika majumba yetu.

Sen. Kisang: Thank you, Mr. Speaker, Sir. I want to comment on the statement by Sen. Hamida on the floods in Nairobi. Friday was a terrible day for Kenya, especially in Nairobi because we lost over 32 people and over 43 in the entire country.

I think the only time that Nairobi was probably well run was between 2013 and 2017, when Hon. Evans Kidero was the governor. In 2017-2022, the national government had to come in when we had the Nairobi Metropolitan Service (NMS). We have now a collaboration with the national government, because basically the county is not working.

I agree with a conversation that was there some time back that Nairobi should not have been made a county. It should have been headed by a Cabinet Secretary, basically in charge of the metropolitan. This is because Nairobi County has elected incompetent

governors for two consecutive times. The reason is that this is an elective position where one seeks for votes without people considering qualifications.

In fact, there was even a conversation before the elections of 2022, that the governor did not complete his studies in Kenyatta University. This is something that requires to be investigated. Maybe we have somebody who is incompetent in the county.

I think going forward, if there is an opportunity for re-looking at the Constitution, we need to re-look at the qualifications for a governor. We need to rethink and check properly, because we have very many incompetent governors across the country.

The reports we are getting in the County Public Accounts Committee (CPAC) and County Public Investments and Special Funds Committee (CPIC) basically has shown us that we have people in the counties who do not know what they are supposed to do. They sought for votes and were elected, but do not know what to do office.

Some of them are not even in the counties, they are managing the counties away from the counties. They are managing the counties from hotels in Nairobi. This is something that we need to re-look very clearly, especially for Nairobi, this one should be run by a CS.

We can have the Senator, Members of County Assembly (MCAs) and the Women Representative, but the governor of Nairobi should be a CS and not an elective position. We need a conversation about that because this is the face of Kenya where everybody comes and where we all are. All the Senators, MCAs and Members of Parliament are residents of Nairobi.

I thought, as a serious governor, you would even dedicate one Saturday every month to involve the people of the county, to help the county in terms of cleaning---

(Sen. Kisang was timed out)

Sen. Osotsi: Thank you, Mr. Speaker, Sir. First of all, I send my condolences to the families that lost their loved ones on Friday following the floods.

It was ironical that the disaster happened immediately after my committee of CPIC had a seven-hour meeting with the governor of Nairobi City County to discuss issues of water and sewerage in Nairobi. Some of the things we were discussing in that meeting, looking for solutions and discussing the challenges, were tested by the massive floods that happened.

One of the issues that came up was that the water infrastructure in this city is still relying on the old dilapidated colonial infrastructure. We have not put in place a proper water and sewerage system for the city. The population is continuing to grow, and that is what is making Nairobi City County not to be in a better position to supply water and sewerage service to our people.

That aside, while my colleagues seem to blame Nairobi City County, it was also confirmed that the national Government owes Nairobi City County close to Kshs120 billion in unpaid water and sewerage bills. They are there and are known. So, whereas they are telling us about Kshs80 billion, they owe Nairobi City County more than Kshs100 billion. This is money, if brought to Nairobi City County, would probably help in overhauling the old dilapidated infrastructure.

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Secondly, we also discussed the drainage system in Nairobi. One of the challenges that came out is that majority of the roads in Nairobi are still under the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA) yet they are devolved. They are supposed to be managed by the Nairobi County Government. The KURA and KeRRA are the ones who do the drainage systems.

Mr. Speaker, Sir, this House also has a responsibility to come here and help this country reposition some of these functions back to the counties. For example, road management and---

Sen. Seki: Thank you very much, Mr. Speaker, Sir. I also add my voice to the statement sought by Sen. Hamida Kibwana on the issue of floods in Nairobi.

It is true that much of the responsibilities stands with the governor but this responsibility is also within the national Government. The Governor of Nairobi City County needs to understand that he has a responsibility to build stormwater drainages in Nairobi. He also needs to tell Kenyans and this House, about his budget on issues concerning stormwater drainages. Is he even making an effort now that he knows that Nairobi has a problem of floods? Does he even have a small budget? Could he allocate and plan for a budget on these issues of environment now that he understands his county well? This not just about Nairobi City County but all counties. These governors do not even understand what they should do when it comes to budgeting.

In Kajiado, we also have big problems. In a place called Shompole, we have been having perennial problems on floods. Therefore, it is time that governors understood what is supposed to be budgeted and it be done. This is because there is an issue of budgeting and implementation leading to diversion of funds to different projects.

Mr. Speaker, Sir, with regard to the statement on deputy governors, sought by the Senator for Nairobi City County, I believe that this Senate needs to fast track the Bill that is in this House. This kind of a function needs to have gone to the deputy governors. The conflicts of interest between the governor and the deputy governors and issues of resignation of deputy governors from office or being frustrated by governors need to stop because we have a solution. That responsibility goes to the Chairperson of the Committee on Devolution and Intergovernmental Relations. We need to fast track that Bill.

Sen. Lemaletian: Thank you, Mr. Speaker, Sir. I rise to convey my sincere condolences to the victims of the flooding in Nairobi City County and contribute on the same.

I have watched my colleagues throw blame games and bury their heads in the sand as far as the issue of flooding is concerned. There is an African proverb that says; "he who swallows a coconut must have full trust in his ability to dispense it later." Nature is very unforgiving.

I disagree with Sen. Khalwale's opinion that we cannot blame former President Moi on the issue of flooding in Nairobi. It must be noted, in the record books, that Nairobi belonged to the Maasai. It was actually a watering ground for the Maasai livestock. Where State House is located today used to be the *boma* where our livestock were secured.

The fact that Nairobi was a watering ground clearly shows that there is very little that can be done about this flooding. There is need to understand that nature is very cruel

and unforgiving. It does not matter how much we invest in the future. We have to relook at historical injustices. Nairobi is a case example of a historical injustice of land that was grabbed and forcefully taken from the Maasai and even worse, they were accused to be collaborators of the British.

There is a need to invest outside this city for the population to reduce. We cannot continue building skyscrapers without proper legal documentation and then we still want to look for a solution for a problem that is out of hand. That is why I support the broad-based Government's fight against corruption. That is why I strongly support the collaboration between the national Government and the County Government of Nairobi to find massive use---

The Speaker (Hon. Kingi): Hon. Senators, the time allocated for comments on statements is long spent. I will allow Sen. Kisang' on a very different matter. I have about 30 Senators who wish to say something. In fact, some of them want to speak in "under one minute".

Proceed, Sen. Kisang.

BILL

Second Reading

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

Sen. Kisang: Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No.159(1) of the Senate Standing Orders, I beg to notify the Senate that the Energy (Amendment) Bill (Senate Bill No.11 of 2025), which was sponsored by the Standing Committee on Energy, stands withdrawn.

The principal object of this Bill was to amend Section 223 of the Energy Act, so as to exempt county governments from the category of public bodies required to seek consent from the cabinet secretary responsible for energy and petroleum before levying charges on way leaves.

The Committee conducted extensive public participation on the Bill, during which submissions were received from the Cabinet Secretary, Ministry of Energy and Petroleum, the Council of Governors (CoGs), the Cabinet Secretary for Information, Communication, and Digital Economy, the Chief Executive Officer of Communication Authority of Kenya (CAK), and various telecommunications companies, among other stakeholders. During these engagements a number of legitimate concerns were raised.

Further, during the consideration of the South Lokichar Basin Field Development Plan and the production sharing contracts, it came to the attention of the Joint Committee on Energy of both Houses, that there was need to amend various provisions of both the Energy Act and the Petroleum Act.

In light of the foregoing, the Committee resolved to stand down the Bill to allow for further consultations and to facilitate the co-sponsoring of a more comprehensive Bill addressing the identified issues.

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(Bill withdrawn)

The Speaker (Hon. Kingi): Very well. Next Order.

BILL

Second Reading

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

(Sen. Cheruiyot on 24.02.2026)

(Resumption of debate interrupted on 05.03.2026)

The Speaker (Hon. Kingi): The Mover, kindly proceed to reply.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, this Bill has given me hope in this House. As the Leader of Majority, I get discouraged many times I move a Bill and then I am called back to reply after only two or three speakers. It is extremely discouraging because having been in this House for the past three terms, part of the reason that I keep seeking re-election back is the debates and the opportunity to inform policy through legislation every time I speak to a Bill.

That culture was strongly getting eroded in this House and there were many occasions where a Bill will be moved, the seconder makes their remarks, maybe one or two people maximum three speak to it, and I am called to reply to the same. It always breaks my heart because there are millions of Kenyans who have an idea of how we can improve the welfare of our society through various legislations.

Unfortunately, they do not have the platform that we have. It is only we, as legislators, that God has granted the opportunity to be in this House at this very time so that we may influence policy and make decisions both for now and for posterity. Therefore, when you get an opportunity as a legislator, you should speak, share your thoughts, add to the debate and move an amendment which will eventually be signed into law. You will sit when you are 60, 70, 80, like our colleague the youth leader, and look back with nostalgia and say you know how a particular law came to be. This is what my colleagues thought but I thought about it this way. I convinced them through a sound argument on the Floor of the House and eventually they agreed with me, and that particular law is what it is today.

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

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

Mr. Deputy Speaker, Sir, all information comes from you. I do not know why there is a front bench here that is disrupting me as I am making my comments.

The Deputy Speaker (Sen. Kathuri): Do you want to be informed by Senior Counsel?

The Senate Majority Leader (Sen. Cheruiyot): I do not mind because he is my neighbour. He went to high school in my neighbourhood, and I know they trained him well. He has good information.

Sen. Omogeni: Mr. Deputy Speaker, Sir, I am following the submissions by the Senate Majority Leader keenly. I am also disappointed that I witnessed the signing of some two Bills yesterday. One of them is the National Infrastructure Fund Bill, 2026. I thought that that Bill concerns counties and we would have loved to have an opportunity, as the “Upper” House to debate and give some input on it. I do not know why the Senate Majority Leader did not put some effort to ensure that the Bill comes here, including the retirement benefits law on judges.

We want to debate and we like debating. However, please, do not allow this House to be reduced to a group of people who are just there to watch Bills being passed. I wanted to inform him that I am a bit disappointed. I missed an opportunity to debate those two legislations. I think that was not fair to this House.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, while that information is useful---

The Deputy Speaker (Sen. Kathuri): I am not sure whether that is information that---

The Senate Majority Leader (Sen. Cheruiyot): It is useful information, but to the wrong audience because Article 110(3) does not give me those powers. The person who needs to inform us is you and the office of the Speaker, because according to Article 110 (3), he is a Senior Counsel. He knows this and he gives the power to determine whether a Bill is to be considered by both Houses.

As Senate Majority Leader, unfortunately, I wish I had the power to exercise. I would have done exactly what you have said, but unfortunately, Sen. Omogeni, I deal with it secondarily after the Speakers have made their determination. However, it is useful information. Privately, I can say other things beyond this Floor on that particular topic.

I was speaking to the Culture Bill (National Assembly Bills No.12 of 2024. I have said it in all the Bills that have been moved in this House, I do not recall a Bill that has been spoken to by more than 20 Senators. They are not many, but this is one of them. I want to encourage colleagues that this is the point that I was trying to pass. That we have a God-given opportunity to share our thoughts and shape policy in the country by first debating so that you persuade each other on what is good about a Bill, what needs to be changed and how you engage with citizens.

When years have gone by when you will be seated under a tree in your village in 20 or 30 years from now, you will see that this Bill has my handwritings. I introduced a particular topic and my colleagues agreed or disagreed with me for this or the other reason. Therefore, I appreciate all of you, colleagues that spoke to this Bill, that we now have the opportunity to move it to the additional steps.

The other thing that I wish Members could do, and I beg for your attention, Members, is that beyond speaking and debating, there is something else called Committee of the Whole, which I have also seen very little participation by Members of this House in this current session unlike in previous sessions. The Committee of the Whole is where the rubber meets the road, as they say. It is an opportunity where we now write law, apart from legislating and just debating.

I would wish that all the things that you people said about the culture particularly on the need to infuse into the Bill the appreciation of the two levels of government as per our Constitution. For people to know that you need to change sections of that particular law, to appreciate that there are county governments as well, and there are reservoirs of culture.

That is the first government that citizens meet outside their homes, before even they meet the national Government, it is the work of the county governments. Read this particular Bill as it is and as it was moved. The person who drafted it and I, have continued to fault it and requested that next time we have the meeting that we have as a House, that brings together all of Senators, that we invite various stakeholders. The office of the Speaker and the Clerk should make sure that the Attorney General is invited. This is because the State Law Office is a department in jurisdiction. All these laws that are anti-devolution emanate from the National Assembly and many of them are sorted out by ensuring operation of the Constitution. It is only those Bills that make their way to the Senate that, at least, have infused a sense of appreciation that there are two levels of government.

I do not know what it will take for the drafters at the State Law Office to appreciate because we are told most of them are lawyers. I do not know if some of them are old enough to have worked with Mr. Jeremiah, when he worked there, before coming to this House. They must appreciate that that is a fact of life. I am yet to see a Bill that has come to this House from the National Assembly; that they can proudly co-sign and say this Bill appreciates that we have two distinct but equally dependent on each other levels of government.

I hope because many of you spoke on that particular matter in your submissions on this particular Bill, that you will have the discipline to actually file the amendments. Many times, colleagues leave it to the committee to lead us in the amendments believing that they will do and carry the interest of the country and counties together, and make it part and parcel of the laws that we pass. Then, it is my sincere and utmost hope that the report of the committee will guide us in that particular direction.

With those many remarks, I beg to reply. In accordance to Standing Order No. 66 (3), I beg to request that the putting of a question be deferred to a later date. I thank you.

The Deputy Speaker (Sen. Kathuri): Very well. Your request is granted. So, that will be, we defer the putting of the question.

(Putting of the Question on the Bill deferred)

Next Order.

BILL*Second Reading*THE AGRICULTURE PRODUCE (MINIMUM GUARANTEED
RETURNS) BILL (SENATE BILLS NO.17 OF 2025)*(Sen. Veronica Maina on 26.02.2026)**(Resumption of debate interrupted on 05.03.2026)*

The Deputy Speaker (Sen. Kathuri): I do not know whether there was a Senator who was on the Floor. If none, then the Floor is open. We are now on Order No.9. Sen. Sifuna Edwin, please proceed.

Sen. Sifuna: Mr. Deputy Speaker, Sir, you were not in the seat earlier. There were interesting inputs from some of my colleagues about the work of this House. They cast aspersions at some of us and said that we had not done our oversight work well. I expected them to be in the House right now because most of them come from agricultural areas.

I remember correctly that the current administration promised MGR to our farmers. Those of us from the Azimio side also promised to put in place a mechanism to guarantee certain returns to Kenyan farmers. With that, the farmers were to recover what they put in in terms of costs in their farms.

Mr. Deputy Speaker, Sir, some Senators pointed fingers and said that Nairobi City County had not been properly oversighted yet they are the same people who have been restrained by the Chairperson of the Committee on County Public Accounts, where I am a Member, from praising their Governors when they appear before that committee. It is quite an interesting phenomenon that a Senator would praise a governor appearing before a Committee. Sen. (Dr.) Khalwale has alluded to some of the input we have had in terms of oversight in the country.

I cannot see the Senator for Kirinyaga County. He is my advisor on agricultural matters because he is an expert on some of these issues. I do not understand why the Bill has been framed to only demand minimum guarantee returns from county governments. As I said in the beginning, this was a Kenya Kwanza administration promise. They promised to put in place the MGR for all our farmers across the country for them to earn a living from the practice of agriculture.

We must do something to guarantee returns for farmers. I watched a show on Citizen TV this week and I saw mangoes rotting somewhere in central Kenya. The farmers produce but they are not guaranteed markets for their produce. We were in Makueni, as well, a county famed for growing mangoes. The farmers put in the work but we do not guarantee them a market.

This Bill is actually putting the load on the county governments. They are to somehow find money to pay the farmers for their produce, whether they have an outlet for that produce or not. The county government cannot pay money to farmers then ask

them to take their produce to rot at the county headquarters. There has to be a way that the national Government and the county governments are enabled to have markets for this particular produce.

The Senate Majority Leader has encouraged us to pay attention during the Committee of the Whole stage of these Bills for us to bring amendments that will make sense of the entire Bill. I know that the Mover of this Bill, Sen. Veronica Maina, is very passionate about agriculture. When the debate on the Finance Bill of 2024 was raging, she told me a story of her grandmother who had only one avocado tree and was being asked to pay tax for avocado. That was very upsetting to her. I was not here when she moved the Bill but I hope that when we will have this discussion with her, she will tell us if her grandmother has a guaranteed place to sell the avocados that she produces or we are essentially binding county governments to be the final buyers of the agricultural produce that comes from our farms.

I thank you, Mr. Deputy Speaker, Sir.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir. This Bill is like an insurance of the farmers all over the country. However, that insurance is to be handled by the county government in the event of floods, like the ones we witnessed recently. If the crops are swept away, the farmer must be guaranteed some minimum amount, which is an estimation of what they would have made. If we are to have drought or any other calamities, the farmers should also be guaranteed something.

The biggest calamity seems to be ourselves: The governance of the country. The amount of money that will be used to guarantee the farmers can as well be used to guarantee irrigation and make sure that we do not rely on rain-fed agriculture. This Bill assumes there is no irrigation. If you look at what has happened in the country, you will note that we have a lot of water at this point in time but very soon, we will have drought.

I wish building of Thwake dam was completed. That dam would be full right now considering all the water we have seen in Nairobi. That dam would guarantee control of floods downstream all the way to Kilifi. It would also guarantee storage of enough water which can be used for irrigation in Kitui, Makueni, Machakos, Kajiado and the coastal counties.

With steady flow, we can practice drip irrigation. Israel is guaranteed of mangoes, avocados and any other crop at any time. They get all the seasons right because they have constant flow of water. They do not have a lot of water but they utilise the water from Lake Galilee very well. They pump that water into hills and release it drop by drop. If an arid country like that can succeed, what about us who have very many rivers in northern Kenya?

This morning, I heard the Senator for Siaya County, Sen. (Dr.) Oburu Odinga, talk about northern Kenya. At the moment, we have a lot of water in that region, but their animals will start dying very soon. No farmer in this country would be affected by drought if we constructed dams next to every river. Those dams would then provide water for irrigation and the country would produce enough food for its people to eat. It would also have enough food to export.

This would not just provide a solution to crops, but the animals as well. We have a lot of land that we can use to keep livestock. We can actually do very well because our

economy is agricultural-based. If we did the right thing, we would export every day. However, we still bring in more goods as the trains going to Mombasa Port carry less goods.

I agree with the Senate Majority Leader that we should bring our input when this Bill gets to the Committee of the Whole stage. With that, we can bring in the aspect of the budget. The calamities are uncertain. One cannot tell if they will be there or not. The budget that we will include will be for calamities.

Mr. Deputy Speaker, Sir, I served with you at the National Assembly and you will remember that we used to budget for calamities every year. We would keep close to Kshs10 billion aside as an insurance for calamity. However, that money has never been seen anytime a calamity happens in this country. Kenyans are always forced to struggle on their own. They take care of the losses. The only calamity that has been considered a little bit is the one that happened in the County of Nairobi. I heard them promise to waive mortuary fees.

Mr. Deputy Speaker, Sir, prevention is better than cure. It is the only guarantee that are given. If we asked people to stay at home last week on Friday night, we would not have had this sort of thing. The same applies to farming. If we use irrigation, then we do not need this guarantee or this Bill because people would not have to rely on the climate hence farming would be successful.

Animals are likely to get sick hence we should take sufficient precaution and prevention measures with good scientific research and data. As much as we want to have this law and as much as it is important, I believe that the Government can do better with the resources that we have. In my opinion, the Kenya Pipeline Company (KPC) has been sold at a loss but I would like to challenge the Government. Now there is a report of large profit to see to it that Thwake dam is completed. This is because, we are trying to borrow Kshs9 billion from the African Development Bank (ADB) and yet we never honoured our share because we did not have money. Now that we have a lot of money, can I have Thwake dam back before the rains are over?

Mr. Deputy Speaker, Sir, I want to look for the President and challenge him on Thwake dam because he promised it would be done by April. However, up to now, we have not yet borrowed from ADB. We did not honour our earlier agreement on the shares Kenyans were to pay but right now, there is a lot of money floating around. I would like this dam completed, not only this one but also the Grand High Falls. This would control the water in Tana River. It would give many counties in northern Kenya, Tharaka and all those places enough water for irrigation. It would also control the floods going to Mungatana's home in Tana River. We would not have these people being washed away or like he said during the Culture Bill, children used to swim but now they cannot swim in floods.

If we build these dams and we have many more rivers in northern Kenya, the country and the climate would change completely. We would plant more trees, we would have more water masses and, therefore, have more rainfall which comes with the abundance of water. When clouds are passing, they gather water and we end up with improved climate. So, it goes on with a lot of goodies.

This is a good law. I hope we will input on it but most important, do better planning and investment. You need not compensate anyone if you have better planning of the country.

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

The Deputy Speaker (Sen. Kathuri): Sen. Mungatana Danson.

Sen. Mungatana, MGH: Mr. Deputy Speaker, Sir, I rise to support this Bill, the Agriculture Produce (Minimum Guaranteed Returns) Bill (Senate. This Bill was moved by the hon. Sen. Veronica Maina. This is a very innovative way of trying to make business out of agriculture, of attracting our young people back to the land and helping them to start life in the rural area.

Many young people depart from the county of Tana River and other counties and come to Nairobi to try their luck. As they say, see how things have turned up? There is plenty of land that if these young people were given an opportunity to farm and a guaranteed return on the work they will have put, that would have cut the massive movement of young people from the counties into Nairobi and other big counties like Mombasa, Kisumu and Nakuru.

I believe that this Bill is one of those ingenious moves that should be supported by all people who have read and understood what it seeks to do. The Bill tries to work out the value of the market price for the product that is being cultivated. It tries to give the comprehensive cost of putting up the entire production cycle. A reasonable farmer who has gone to work on this piece of land should expect this amount of profit at the end of the season.

Mr. Deputy Speaker, Sir, if you studied accountancy or law and you did not get a job and there is land where you are being given a guaranteed minimum return, then that would be the place to start your life. It would not inventing the wheel because there are many countries that protect their farmers. They give them guarantees in terms of returns.

It is proposed, in this Bill, that the farmer who goes and who is registered because they must be registered at the county, they must meet a certain criteria that is given within this Bill. Once they have met the criteria, they are then required to give comprehensive costs for the production of the crop that they are engaged in. Then, they are guaranteed a 20 percent return on the comprehensive costs. If the market should plummet and the market price goes below the expectation, they are still guaranteed 20 percent in terms of profit from the comprehensive cost of putting this crop on the land.

What does that do? It makes many of the young people who would run away from the counties to stay there. It makes agriculture a profitable venture. It also makes food security a reality because people are producing food and whatever happens, the county government, after it goes through all the processes, should get back the cost of putting up the crop for harvesting and a 20 percent profit.

Mr. Deputy Speaker, Sir, this is a beautiful Bill that needs to be supported in this House. It is the kind of Bill that democratises wealth within the Republic of Kenya. There is a lot of wastage in the counties. If this Bill became law, then maybe some of the money that is going to waste and to corruption would be allocated specifically to cater for young farmers so that they are able to receive something from the wealth of the monies that we send to the county.

It is sad that we send equitable share from this Senate, to our counties and sometimes, you cannot explain what has happened. Nine billion goes down to Tana River County. When you go there, you cannot tell what the Governor has been doing for an entire financial year. At the end of the year, when the reports by the Auditor General are out, you get shocked at what is going on in the counties.

Therefore, Mr. Deputy Speaker, Sir, if this law becomes a reality and as I support it to be, then it means that the departments of Agriculture in the counties would be forced to put aside some funds that would guarantee some monies to farmers. This is practical. This is what UDA was saying; putting money in the pocket of farmers, guaranteeing that, money will go back to their pockets. However, it is not all farmers who are qualified under this Bill. It is those who will meet the criteria. It is not all the acreage. You cannot be a farmer who has 100 acres doing wheat farming coming to claim MGR. No, this Bill is supposed to target small-scale farmers who are trying to eke a living from the ground. This kind of law is what brought us here, to protect the weak and to help them also make it in this life.

Mr. Deputy Speaker, Sir, there are many people who have gone to school and are not able to put food on the table. They are not even able to leave their fathers' houses. Why? For some of them, it has become impossible to get jobs maybe because the courses they undertook are not marketable in the economy currently. If university graduates were able to have MGR from the farms available in the county, that would help democratise the economy. More people would have money in their pocket.

This is a Bill that needs our support. As Senators, as older people in politics and as sober leaders with the opportunity to serve our people, we must support this law. We must push it so that it becomes reality.

I take this opportunity to congratulate the sponsor of this Bill, Hon. Veronica Maina, for the work and research put into it. In countries like France, you do not joke with farmers. They can even overthrow a government. They are highly respected and given all manner of protection. We are not too late. When we start with small steps like these, helping the small-scale farmer back at home by ensuring that agriculture makes sense and puts money in his pocket, we are taking the right step in the right direction.

I thank the sponsor of the Bill. I pray that the Standing Committee on Agriculture, Livestock and Fisheries will look into it again and add input into it. For me, I am satisfied and happy. I have read the Bill. It is short but it speaks volumes. It would help many Kenyans who have no job to earn a living and guarantee them a livelihood within this beautiful land we call Kenya.

With those remarks, I support the Bill. Thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Eddy, I can see you are seeking my sympathy. However, I wanted the Senate Majority Leader to go first then I come back to you. If he is not ready, then you can utilise your minutes.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I thank you for this opportunity. I wish to make my contribution to the Agriculture Produce (Minimum Guaranteed Returns) Bill (Senate Bills No.17 of 2025). This should not be confused with the promise of guaranteed minimum returns by the Kenya Kwanza administration. I agree, but it is not in the form or text of this Bill. This is a Private

Member's Bill that seeks to enhance ways in which we can guarantee how our farmers earn.

This is important. I support this Bill because I am a representative of farmers. By and large, 70 to 80 per cent of the people who voted to send me to this House are farmers. Agriculture is the substance of their economic activity and their source of livelihood. Therefore, any opportunity to make their life better, even in the minutest of actions, including passage of this Bill, is welcome. It gives some power to county governments.

I know when this Bill goes to the National Assembly, they will struggle to appreciate the effort of Sen. Veronica Maina. However, we must do our part. We are duty-bound to rise to the occasion and ensure that our farmers from dairy, coffee, tea, sugar, livestock, poultry and all representatives in the agriculture subsector are well taken care of.

It is a well-known fact, though poorly guarded secret, that 60 per cent of our Gross Domestic Product (GDP) is taken care of by the agriculture sector. Therefore, every time the agriculture sector is doing well, we can proudly say the country is okay. When farmers struggle, we have no business putting on suits and being in this House. That is why I have always insisted to colleagues that we must lead the way in determination and any conversation in this House on what needs to happen with regard to various agricultural sectors.

This afternoon, I wish to register my appreciation to about 18 Senators who have signed the petition that I hold in my hand. It is a petition to the Chief Justice of the Republic of Kenya, Hon. Martha Koome. It is signed by representatives of sugarcane farmers, the Senators from counties where sugarcane is a mainstay activity. We passed the Sugar Bill in this House in 2024, after almost six years of struggle.

In the last Parliament, up to as late as June 2022, we were trying to pass the Sugar Bill, but did not make it. When we came back, as the Senate Majority Leader, I prioritised this Bill because a significant section of the people I represent are sugarcane farmers.

Unfortunately, since the passage of that law, case after case has been filed in different High Courts across the country. Dissatisfied parties have challenged issues such as delimitation of boundaries in catchment areas, elections of directors to the Sugar Board and the establishment and responsibilities of the Board. Immediately after Judges grant stay of execution of those sections, the matter rests.

This morning, I urged colleagues representing sugarcane farmers that we must come together and write to the Chief Justice. We have written to ask that all those cases be consolidated, heard and determined in the shortest time possible, in the interest of millions of Kenyans who depend on sugarcane farming.

We must remember from experience, that when we passed the Tea Bill in this House in 2020, moved by myself, it took five years for tea farmers to enjoy its provisions. This was because of the same strategy where people went to court, judges issued conservatory orders and the matter was laid to rest for years. We cannot allow that to happen to sugarcane farmers, even as we try to resolve issues in the tea subsector.

I register my appreciation to the 20 Senators who have signed this petition. Tomorrow morning we will dispatch it. I know Sen. Moses Kajwang' is saying 21 because he also wants to sign. His place is part of the petition.

Mr. Deputy Speaker, Sir, we must appreciate that much as we come into this House smartly dressed as Sen. Eddy, the people we represent wake up daily to go to their farms. That is where they draw their bread and butter. Therefore, any opportunity to better agriculture, whether in the dairy sector, tea farming, or coffee farming, we must always be at the forefront speaking for our farmers. They are the very reason we find ourselves in this House.

It is a common fact known by any adult of sound mind in this country that when agriculture is thriving, the economy does well. When we face difficulties such as drought, severe disease or acute market challenges for any of our crops, the country and economy are depressed. Therefore, any effort to ensure that our farmers earn better must be lauded, supported and implemented. That is the reason we represent people in this House.

I commend Sen. Veronica Maina for this noble initiative. Humble in thought, purpose and intent, it would make a difference. If you read the Kenya Kwanza manifesto, known as the Plan, agriculture is topic number one. The GMR is covered effectively, with clear steps on what needs to be done.

I appreciate that some of those matters have been addressed, including ensuring that our farmers produce cheaply by subsidising the cost of production. What comes to mind immediately is fertiliser. The subsidised fertilizer programme has been effective and has ensured that many of our farmers are getting almost double of what used to be their yield from the same size of land, simply by application of the right fertilizer delivered by the Government of Kenya at the right time.

Mr. Deputy Speaker, Sir, there are other forms of guaranteeing better returns for our farmers, including ensuring that we produce locally that which we do not need to import. It is a known fact, Sen. Eddie, that 25 per cent of our export earnings as a country, gets depleted by three main food items that we import into the country; namely, rice, wheat, and edible oil, all of which we have sufficient land to plant, sufficient for us to feed ourselves and even export to other countries. Therefore, we must continue to encourage the investment in those particular sectors so that farmers earn from it. As a country, we grow our GDP and reserve our earnings from export to do other things, towards ensuring that we better our economy.

The topic of agriculture is sweet and any representative of the people that does not appreciate the things that we need to do on each and every particular sector---- I can speak long and hard on this particular topic because I am proud of what this administration that I so proudly belong to, has done for many of our farmers. Rarely do farmers appreciate what has been done. Many times, since I have been in leadership for quite a fair amount of time, farmers used to cry and plead with us. I remember the days when I would go to the Kipkelion area of my county and farmers would plead with me to make interventions on the things that were happening in the coffee subsector.

Today, I can address every meeting in that particular section and they will complain about almost everything, but coffee will not be part and parcel of the complaints that they lay before me. They appreciate the interventions that have been

made, from a low of approximately Kshs30 per kg of cherry in 2022 to upwards of 100 plus as we speak today and the price keeps on improving. We are pushing many of our farmers in that particular part of the county to ensure that they plant coffee as well as many parts of the country, because that is a crop which is on an upward trend. We have challenges in other sectors, for example, the tea subsector. The things that need to be done in that particular section are well known and are in the public domain.

I would like to urge Members of this House, those that serve in the Senate Standing Committee on Agriculture, Livestock and Fisheries, including the Whip, who I am not sure whether he is trying to be a Robert Mugabe of this day and age. As per the traditions of this House, when you hold a position of leadership, you cede control or chairmanship of parliamentary committees. It has been months now since the Senate Majority side voted to have him as our Whip but he still chairs the Senate Standing Committee on Agriculture, Livestock and Fisheries. That needs to be rectified.

The Deputy Speaker (Sen. Kathuri): Sen. Moses Kajwang' is seeking to inform you, if you allow that.

The Senate Majority Leader (Sen. Cheruiyot): I do not mind.

Sen. M. Kajwang': Mr. Deputy Speaker, Sir, I would like to inform my Leader that, Sen. Kimani Wamatangi became a Senate Majority Whip and was the chairperson of the Senate Standing Committee on Roads and Transportation, a member of the Senate County Public Accounts Committee (CPAC) and the Vice-Chairperson of the Senate County Public Accounts Committee (CPAC). Sen. Kang'ata was also the Senate Majority Whip for a few months before he wrote a letter and was de-whipped. So, I just would like to inform the Senate Majority Leader that there is a precedent. Sen. Eddie Oketch, the leader of the Broad-Based Youth Movement, is a Chairperson of the Standing Committee on Roads and Transportation, the Vice-Chairperson of the Senate Committee on County Public Investments and Special Funds (CPIC), and is a man who understands power. So please, do not interfere with Sen. Wakoli. I beseech the Senate Majority Leader not to de-whip Sen. Wakoli.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, he has chosen from the worst of examples, the least that I would wish any Member who wants to serve with distinction.

It is the culture and practice, at least the one that I found in this House, when we came together with Sen. Moses Kajwang' in the first Senate, that when you serve in the leadership--- In fact, Sen. Moses Kajwang', I must say that this is the first time that I am seeing leaders of the House serving in certain committees. It used to be a preserve of the other ordinary colleagues to serve in certain committees that are considered either prestigious or luminous, for reasons that I cannot discuss on the Floor.

I am saying that bearing in mind that Sen. Eddie Oketch, who has been mentioned as a man who despite his love for power, needs to cede certain positions to other Members, is here, love for service, if I may put it. Power is not a bad thing, Sen. Eddie. It is what you do with it that can be bad. It is good to have power, but what you do with it is what matters. Sen. Okong'o Omogeni is in the House today. I earlier on saw Sen. Wamatinga. Our Commissioners are in the House, thanks to the crisis in the Middle East. Travel has been interfered with.

(Applause)

The Deputy Speaker (Sen. Kathuri): There is a point of order from Senior Counsel Omogeni, Commissioner.

Sen. Omogeni: Mr. Deputy Speaker, Sir, the Senate Majority Leader used to be a commissioner. I have gone through the records and seen the bad habits of the commissioners of yesteryears. They are the ones who used to be up every now and then. I remember we christened them “sky team”. However, the commissioners of this term are more reasonable. In fact, I have not travelled this entire session. We are here to serve Members and you can see what we have done. I would like to inform the Senate Majority Leader that we do not have those bad habits of commissioners of yesteryears.

Thank you.

The Deputy Speaker (Sen. Kathuri): Can you confirm that the former commissioners used to fly the Middle East zone?

The Senate Majority Leader (Sen. Cheruiyot): No, Mr. Deputy Speaker, Sir. It is Sen. Cherarkey who told me that one time they were alighting from a flight with Sen. Omogeni and instead of coming home at the lounge, he saw another plane and he asked him: “Where is this one going?” He told him to include him in that delegation.

(Loud consultations)

I do not know whether Sen. Cherarkey lied to me.

Mr. Deputy Speaker, Sir, let us get back to agriculture, because that is what we need to be discussing. Sen. Kajwang’ and colleagues, take keen interest in agriculture. We were having a very nice debate with Sen. Kajwang’ and colleagues, the other day in Naivasha when we had a Senate retreat on who between the sugar cane, tea and coffee farmer earns better. I was trying to explain to them the difference. While the coffee and tea farmers appear to earn more on a yearly basis, you must remember that when a sugar cane farmer plants today, in 14 or 16 months, because there is a new ratoon that is now with Kenya Sugar Research and Training Institute (KESRTI) at Kisumu, that gets ready in 12 months, they begin earning, and for the next four or five years, they would earn from that crop. On the other hand, the coffee and the tea farmer have to wait first for four to five years of freezing without earning anything before subsequently they earn the other years.

The point that Sen. Veronica is reminding this House is that our counties must know that the primary reason for existence was to take services closer to the people. I cannot imagine of a better service other than ensuring that agriculture works in our counties. We must tell governors that there is more we can do in agriculture beyond giving packs of seed. While that is commendable, there are many other things as such, what Sen. Veronica Maina wants to remind counties today, like organising farmers to ensure that they consolidate their crop and aggregate it to ensure that nobody takes advantage of them.

Mr. Deputy Speaker, Sir, for instance, my county has serious avocado farmers. Many times, as I travel across the county of Kericho, I find that they have poured their crop on the roadside waiting for buyers who want to come and pick it at the cheapest price available. It is the expectation of this Constitution, that our county governments led by our governors, will consolidate and ensure that you aggregate for farmers of such crops and industries that have not been properly organised so that middlemen do not take advantage of them.

Instead of buying an avocado for Kshs5 and selling it for nearly Kshs70 or Kshs80 in countries far and beyond, with little addition other than just preserving it and packaging it nicely, it is the expectation of this Bill that county governments will form committees to ensure that you preserve the dignity of our farmers. This is by making sure they earn better and so many other things that our county governments need to do. I say that because, due to the rains, some lazy governors are parading people in the hundreds and dishing seeds without fertiliser, sometimes trying to portray that as advancement of agriculture in their counties. They can do certain better things than that kind of organisation. That is what this Bill is calling on our county governments to do. Our governors should be organised better and do things as expected of them in the 21st Century.

Sen. Cherarkey, growing up, you knew very well that agricultural extension officers were part and parcel of the respected officers within our counties because they would visit various homes and advise each farmer. As it is today, Sen. Omogeni, could you think off the top of your head how many agricultural extension officers exist in your County of Nyamira and how many are being paid?

Since many of these gentlemen and women who are in charge of our county governments lack appreciation of the direct needs of people that we represent, you will find that there is concentration on hiring in other sectors. Much as there is competition for resources and the need to fund various sectors of the economy, agriculture should not be left behind. County governments must resource their agriculture departments.

Mr. Deputy Speaker, Sir, as a Senator you will know whether your governor understands their job well by just seeing how much of the resources that are devolved to them are set out under the agriculture sector. If there is little or none, then that governor does not appreciate the needs of their own people because there is no way, in modern-day Kenya, that you can have a conversation about Government intervention in trying to make the lives of its own people better without interventions such as what is being proposed in this Bill in the agriculture sector. For that reason, I laud Sen. Veronica Maina.

I thank you.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Oketch Eddy.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I know my name has been mentioned by Sen. M. Kajwang', having been in a number of committees. I am the Chair of the Committee on Roads, Transportation and Housing. I am also the Vice Chair of the County Public Investments and Special Funds Committee. It is also important for Sen. M. Kajwang' to understand that I am also a Member of the Committee on Finance and Budget.

Maybe the only thing that the Senate Majority Leader does not understand is that these are not positions of power. I do not think there is any committee in the Senate to be particular where you exercise power. All the committees are points of service.

Mr. Deputy Speaker, Sir, you have seen time without number that most of the time from Monday to Friday, I tend to be in Nairobi serving in the committees. That is not the case for other Members who sit on those committees. I see Sen. M. Kajwang' always. His committee is one of the busiest because he deals with a lot of paperwork regarding county executives.

It is important that the public knows that one of the reasons Senators are not on the ground most of the time is because they spend a lot of time working in the committees and serving the people. Therefore, they are not places of power but places of service. Maybe places of power is where the Senate Majority Leader is seated. That leadership could be a place of power but I have never seen power enter his head. I think he is a man of service from what I have seen him do when I visit him in Kericho.

That said, let me get to the Bill. This Bill has got three objectives. The first one is to improve income stability for farmers by providing MGR to cushion them against market fluctuations. The second one is to promote food security by incentivising the carrying out of agriculture in our communities and localities. The third one is to facilitate equitable agricultural development across counties.

What does this look like? When I look at it from an economic perspective, this is a Bill that still looks at the agricultural sector as a place of dealing with cycles of poverty in our communities. This is because if you talk about something like ensuring that there is development of agriculture across counties and you also want to stabilise prices, it is because you want to do that in places where most likely the market economy is failing.

That is why you want to stabilise income for farmers because it is not guaranteed that if they want to sell they will find a market for their produce. Even if they were to get a price that is commensurate to the value of their produce, it would not be guaranteed that during the time they are doing production, their cost of production would be cushioned. In fact, this is one of the Bills that try to look at a different way of subsidy.

Senate Majority Leader, we have had fertiliser subsidy, which is basically looking at the price index of fertiliser. The Government carries forward the price then you pay a minimum amount. That does not guarantee that a farmer would have that minimum amount. Even if the amount was to be Kshs2,000 to buy a bag of fertiliser, when there is subsidy where the Government takes some cost and reduces the amount, that would not guarantee that you would have the Kshs2,000.

What this Bill is saying is that you can give direct financial support to a farmer. I find that to be brilliant because it is a reverse way of giving financial support to farmers and making sure that there might not be proper sharing of retail price of their commodities. It is guaranteed that they would get some form of income despite the fact that they might not get it in the market.

When we talk about facilitating equitable agricultural development across counties, what sinks into my head immediately is the idea that this Bill has the potential of enabling what you would call value addition and developing processing plants and cottage industry for farmers, to not only bring their produce in the raw form, but also

enable them to go ahead and start processing, getting involved in value addition and building verticals and value chains. That is how you develop agricultural practices.

Mr. Deputy Speaker, Sir, to that extent, I really support this Bill because it will be a serious poverty cycle alleviator. It will help to develop market prices in markets where the produce is taken.

We are all in Kenya and know that our markets for agricultural products are based on brokers. Some people call themselves aggregators. A farmer plants his tomatoes in Emali or get fish from Lake Victoria because we also have fish farmers. However, since you cannot get high value fish in Lake Victoria, there is a broker who gets the fish and buys it at a cheaper price that cannot guarantee the farmer commensurate income. That broker will end up taking that fish all the way from Lake Victoria to Thika where it is processed.

Sometimes they do as little as animal feeds. I do not know the name in English but I will quote it as “ochong’a”. Maybe my brother Sen. M. Kajwang’, who grew up in the lakeside, might know what *ochong’a* is in English. We also have *omena* being used for feeds.

The broker takes them to where there is an industry which is far away from the raw materials, turns them into a high-value product and makes a lot of money from it but the farmer barely makes anything. Therefore, the farmer does not end up sharing in the retail price of the final commodity which is always a higher value.

The same applies to tomatoes which are taken from Emali. Before they are brought to Nairobi, you have tomato sauce. Before you realise, the tomato sauce has got a higher value but the farmer does not get the retail price of the final commodity. I can go on and on including even in the dairy industry.

A farmer could sell their product at about Kshs30. Before you realise, it has been taken to another industry far away and now selling at Kshs120 but the farmer does not share in the retail price of that final high product commodity.

Therefore, Mr. Deputy Speaker, Sir, it is extremely important that if this Bill passes, it will make sure that the producer, processor and the amount that was to go to the farmer does not only go to the broker.

Sen. Cherarkey: Point of information!

Sen. Oketch Gicheru: Sen. Cherarkey, I am not the Speaker. You have to seek the attention of the Speaker.

Mr. Deputy Speaker, Sir, that is why I am saying that it is extremely important that we pass this Bill to make sure---

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

Sen. Oketch Gicheru: Is Sen. Cherarkey a lawyer or a farmer? He should first inform me whether he is a lawyer or a farmer then he can proceed. I am giving him that opportunity with the rider that he is a farmer, not just a lawyer masquerading in Nairobi.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, naturally, I am a lawyer by profession; an advocate of the High Court of Kenya, a member of the Supreme Court and also a farmer, because I grew up farming.

Sen. Oketch Gicheru: What do you farm?

Sen. Cherarkey: I farm maize, dairy and even grocery.

I agree with his line of thought that the biggest challenge to the issue of market pricing, especially in crop produce and products such as dairy, is a moribund organisation called the Competition Authority of Kenya (CAK). It does not make sense that the pricing of milk in Nandi County for example, is lower than it is in Nairobi. So, I would like to inform him that we need to, in fact, ask the CAK to tell us what they are doing with this unfair trade practises that do not value farmers.

I agree with the distinguished Senator for Migori County, the Chairperson of Roads, Transport and Housing, the Vice-Chairperson of County Public Investment Committee (CPIC) and the incoming Senate Deputy Minority Whip.

I beg to inform my colleague.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I want to mention something about the CAK if time allows. I can see I still have about 10 minutes. I will try to be brief so that I also give other people a chance to contribute.

I have exhausted the idea of market risks that farmers end up having to the extent that those adverse market conditions do not protect them to get proper income. This Bill is framed in a way that it looks at us from a cultural side where we see agriculture as a poverty industry so that all the crops tend to be for the poor even in areas where this has worked.

Mango and dairy farming are what has been tested mostly in our country. This happened because we have not done a comprehensive legal assessment to look at how this problem, in the market area, affects all other crops in the country. If you were to do that and did not want to interfere with the market so that the rule of demand and supply can stabilise prices for farmers in the market, the biggest thing you would need to do is an assessment of what is actually currently happening for all the crops that we are seeing in the industry.

My layman understanding - I come from a serious agricultural community - is that this problem starts with lack of this kind of legislation. There are players who have come in the marketplace to guarantee farmers some of these farm inputs that then end up skyrocketing their production costs. For instance, there is One Acre Fund. You will find all small-scale farmers with, at least an acre, where they grow anything be it a cash or just a food crop, going to One Acre Fund for the farm inputs.

Basically, what they have done is to create a fund where they give you farm inputs and then take them as loans that they recover at the end of the farmers' harvest when they take their produce to the market. That means that the number of organisations that have come into the marketplace, including the Apollo Agriculture, would take the share price of what has been taken to the market in a bid to recover the amount they had given the farmer during the input process.

Mr. Deputy Speaker, Sir, that is what is real, leave alone the others that look like they are hypothetical. What our farmers are confronted with today is that, in the absence of this kind of Bill, they interact with those kinds of organisations. That is where they get their recourse in terms of dealing with their lack of subsidies and getting better inputs as those organisations then take control of the market side of things.

What am I trying to say here? Maybe, we can improve this Bill to a market guarantee Bill instead of just looking at it as income guarantee. Income guarantee means that you will guarantee to pay farmers if their crops fail in some aspects. What is the problem there? From the way this Bill is structured, counties are going to figure out how to put up the financial and the fiscal side of resourcing this entire income to farmers. The problem with that is this; number one, counties themselves do not have enough fiscal space to do that. We know the amount of money we are sending to counties. Right now, the national Government has just given us a Budget Policy Statement (BPS) that is only giving counties an additional Kshs5 billion.

If you look at the functions of the counties, you are telling them to go and look for other development partners such as the MasterCard Foundation, the Family Foundation in the United States of America (USA) and the Ford Foundation to build this kitty in this committee to guarantee this income to farmers. Not all counties have that capacity; some connected governors might do it or not. Some governors might actually just resolve to changing the structure of their income from what they get from the national Government to focus on guaranteeing this basic income to farmers whose returns have failed. The problem with this is that without a standardised way of doing things, you are going to have a skewed process.

What if we could improve this to a market guarantee Bill, where county governments and the national Government, can actually guarantee markets for the produce? Then on the other side of inputs, we allow our counties to have a standardised way of building funds that can finance inputs, where farmers must now go and get funding from people like One Acre Fund or any other shylock in the marketplace. I think this is the important thing that can improve this Bill.

Mr. Deputy Speaker, Sir, improve the fund to the extent that counties can actually run funds that can give people farm inputs. That would help counties to guarantee that the interest by One Acre Fund, Polar Agriculture or any other market players would not be burgeoned so that farmers do not pay but it will be moderate. More importantly, they would be able to plough back that money to the county by paying for those amounts of money.

Most importantly, start with the market side because if you can guarantee farmers a market for all their produce at any given time, I can guarantee you that they would get money from whatever they grow. The biggest problem here is what we are saying; that, the Government will pay for where there is market failure, even with no guaranteed market, even if the produce is available or it is rotting in the stores because of adversity of weather as it is now or where there is just no consumption.

Mr. Deputy Speaker, Sir, from an expert's direction, you will start seeing higher consumer prices for some signature crops in this country, such as the sugarcane industry. You will certainly see the price rising if we pass this Bill the way it is. While I support it, there are some market cushions that we must put to it and figure out the fiscal side of the Bill comprehensively on how we are going to finance this.

I have seen counties such as Murang'a that have actually tried to implement the funding for farm inputs and are doing well. They appear before us in the CPIC Committee and are doing very well in terms of how their input fund is run. For example,

the Kshs200 million allocated to circulate in Kitui and Makueni counties for the mangoes has worked very well. However, we must figure out the market.

Mr. Deputy Speaker, Sir, to finish with a good example; when this Government came in place, there was a massive campaign for subsidising maize. The truth is, there was an increment of maize production from less than 45 million metric tonnes to now almost approaching 80 million metric tonnes. However, what is the problem now? The farmers in Kitale have got maize in their stores, the farmers in Kuri have got maize in their stores, but they do not have market for it. Meaning, while subsidy was good to enable these farmers increase their produce, there was no figuring out of the market side of things.

So, I encourage that even as we pass this Bill, let the sponsor be able to accept some amendments that are focussing on the market side to ensure that where county government cannot pay for this kind of return guarantees, they can at least guarantee the market for those particular farmers for their different produce. This applies to tobacco, sugarcane, tea and coffee. Tea and coffee still negotiate for their own prices. The market is not guaranteed and even when the market is guaranteed, there is just marginal increase on the retail price share that tea farmers like Sen. Omogeni is achieving. That is why you hear that tea bonuses are still not coming through for tea farmers in the country. Coffee bonuses are still not coming through because the market side has not been sorted out in the global economy and also in the local economy.

This will be my one reservation, so that we do not have higher consumer prices on goods that need to be stabilised. Other than that, it is a brilliant Bill that can stabilise farmers. Let us look at those cautionary areas as we support the Bill. I hope that I will be able to do some amendments to make sure that there is market guarantee.

With that, Mr. Deputy Speaker, Sir, I support and thank you.

The Deputy Speaker (Sen. Kathuri): Thank you. Very well. Next is Sen. Omogeni Erick Okong'o, Commissioner.

Sen. Omogeni: Thank you, Mr. Deputy Speaker, Sir. I was waiting for Sen. Oketch to tell us whether he is a fish farmer or a sugarcane farmer, so that we benefit from his experience as a farmer. I heard that he is the Chairperson of the Committee on Roads and Transportation and the Vice Chairperson of the County Public Investments Committee (CPIC). I am appealing to him to have sympathy to his neighbours from Gusii and to donate one of the slots to his brother, Sen. Onyonka. You cannot have all these positions, while your brother has nothing. So, I appeal to Sen. Oketch to consider giving his brother from Gusii, Sen. Onyonka, the lesser position of vice chair.

The Deputy Speaker (Sen. Kathuri): Does he have those powers to do that?

Sen. Omogeni: I am sure if he sends signals that he is willing to do that---

The Deputy Speaker (Sen. Kathuri): Yes, Sen. Eddy Oketch.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, you know that there are things that can be said in a very slight way, but they can easily throw aspersions. The fact is, number one, it will be important for my neighbours in Kisii to understand that Sen. Onyonka is not in those two committees. He is not a member of the Committee on Roads and Transport and the County Public Investments and Special Fund Committee

(CPISFC). So, even if I was willing to give him one of those slots, he would not qualify because members vote there.

Most importantly, they also must understand that my employer, when I am in this House, is actually the Senator for Nyamira. He is the Senator who employs us because he is a commissioner in the Parliamentary Service Commission (PSC). Therefore, he has got a lot of power, the real power, leave alone this mine that is small, but it is important that they know that I was among the people who really fought hard that my brother, Sen. Omogeni, get that position where he is. So, my neighbours, I am good with you. I have already given you a serious commissioner who can employ me and other people in this Parliament, in the person of Sen. Omogeni.

Sen. Omogeni: Yes, thank you. I am ever grateful to Sen. Oketch. He put in some support to ensure that I get this position of Commissioner, including my neighbour, my good friend, Sen. Cheruiyot.

If there is a Bill that is so important to the farmers of Kenya, it is this particular Bill. When we were having Building Bridges Initiative (BBI), if you remember, Mr. Deputy Speaker, because you were in the other House, we had put in a paragraph in that BBI (amendment) Bill, which said that the government will pass a legislation that will guarantee farmers some minimum returns.

Mr. Deputy Speaker, Sir, this is a debate that has been with us for many years. We need to do something to show that we care about our farmers and that we indeed want to put money to the pockets of our farmers. I hope we will have an opportunity to sit down with the Sponsor of this Bill, my good friend, Sen. Veronica Maina, so that we make it a Bill that indeed and truly guarantees our farmers some minimum returns.

This is because you will not put a smile to the faces of our farmers unless you are telling them that this will be the price you will get for one kilo of *miraa*. I hope can also refer to *miraa* farmers as those who need to get government support. I have had an opportunity to just go through the Bill and I have a number of concerns. The first concern is that we will be getting it wrong if we pass this obligation to our county governments. My understanding of our Kenyan Constitution is that the First Schedule, paragraph 29, leaves policy on agricultural issues with the national Government. The person who should take the burden of cushioning our farmers is the national Government, not counties. If farmers, for example, tea farmers in Bomet are getting low bonus returns, like we got in the last financial year, Nyamira and Kericho, we cannot throw that burden back to the County Governments of Bomet, Kericho, Nyamira, and Kisii. It cannot work.

The person who should cushion farmers - and there are many best international practises where we can borrow from--- You go to the United States of America, and I was privileged in the last Parliament to have travelled as a guest of the United States of America, a committee that was chaired by Sen. Mbiti, the Senator for Trans Nzoia then. We learned that in the U.S., so serious is this issue of guaranteed minimum return that they will tell farmers that we have set a minimum corn price, for example, at US\$3.75. Each farmer is assured that at the end of that season, when you sell your corn, you will be guaranteed US\$3.75. If the market drops and you get a return of US\$3, the government chips in and pays for you, not states, but the federal government. They have not thrown that burden to the 50 states in the United States of America.

That is why I would like us to sit down, or I will Sponsor an amendment so that this burden is taken by the national government, because it is the only one that has the financial muscle to take this burden from farmers and cushion them. In fact, we learned that in the U.S., there is what they call federal crop insurance that is supposed to cushion farmers against adverse weather. That is ha risk we and our farmers here face. You can see what is happening in northern Kenya counties, how drought has devastated farmers there. We know what happens when we have hailstones in Gusii region, Kericho region and the likes. What is interesting, and I want us to borrow from this practise in the states, is that the federal crop insurance is paid by the national government to the tune of 60 per cent in the United States of America.

Mr. Deputy Speaker, Sir, what we are proposing here - I have to differ with the sponsor of this Bill - that county assemblies in all the 47 counties will sponsor Bills as is proposed to give guaranteed minimum returns for farmers. I am sorry, this really may not work. The best way to cushion our farmers is to have a law that applies nationally, not a law that applies just to some counties. There is even the committee being proposed in Part 2 (5), where we have the CEC in charge of agriculture and the CEC in charge of finance.

Sen. Cheruiyot, you are my neighbour. How can you form a committee that does not bring on board the tea directors, yet they are the ones who will set the prices, know what factories have earned and how much they are able to give farmers?

If we need to set up a committee, I propose that we need a way of bringing in the bodies that are in charge of marketing and selling the farm produce, such as KTDA. Maybe the directors should sit in the board that will be setting the minimum prices.

That is why I emphasize in my submissions before this House that this thing cannot be done with this framework of saying that we use counties. It will best for our farmers if we make this something that is done by the national Government, so that all bodies that are involved in marketing and setting prices can come in. For example, and this is something that many countries have done, in maize farming, I think the price is set by the National Cereals Produce Board (NCPB) in the whole country. When a farmer delivers a sack of maize, they know this is the price.

I am sure that when the government is buying, it is because it has set aside money to support maize farmers. Why cannot the same be done for our tea farmers? You know what we earned in West Kenya? Farmers were earning as little as Kshs12 a kilo for tea bonuses. Surely, how can somebody earn a living with Kshs12 per kilo?

We should be very candid in this law and say the minimum price for green tea for any farmer in Kenya should not be less than Kshs66. If for whatever reason, whether there are challenges in terms of markets out there, if the price falls below Kshs66 to maybe Kshs50, the government should chip in to meet the agreed price.

Look at what we have done to our Judges. We have given them retirement benefits through the law that was passed by the National Assembly. That is very good and I support it. We need our Judges to be given a good retirement package because they do good work.

What are we doing as a country to cushion our farmers? I attended the parliamentary group meeting today. I heard a resolution was proposed and accepted that

our governors and MCAs should also get a good retirement package. I wish that these packages should also be extended to all Kenyans, including our farmers.

In Australia, where they have the superannuation fund that takes care of people in retirement, you will find a Judge, a farmer and a trader in there. Everybody upon retirement goes home with something from the superannuation fund that gives decent living in retirement to all citizens of Australia.

Another example we can borrow from is what happens in South Korea. The government has a very strong support system for the agricultural sector, where again it sets a price guarantee for farmers. It is not just about price guarantee for farmers. There are also other factors that contribute to poor returns for our farmers, including opening imports that adversely affect the agricultural sector.

In South Korea, they have been very strict in terms of putting tariffs that discourage imports. In rice, the tariffs can be as high as 500 per cent, so that the farmer is sure that somebody farming rice out there will not import that rice and adversely affect the market for that farmer.

That is why I am making a very strong case, that the intention of this Bill is good, but the way it has been drafted, will not be of benefit to the farmer. I have given you two jurisdictions, what happens in South Korea and what happens in the Australia. In both of those jurisdictions, the support comes from the national government. In both countries it is done under the Ministry of Agriculture.

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

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

Mr. Temporary Speaker, Sir, in terms of ways of cushioning farmers, I agree that coming up with a subsidy plan is good, but unless we run this subsidy programme in a manner that each farmer is benefiting, we will not get it right. I have seen subsidy fertilizer for our maize farmers, but I have not seen a subsidy fertilizer support for our tea farmers. Therefore, we are still not being beneficial to the tea farmers.

I am speaking passionately for tea farmers because I am also one. Where I come from in Nyamira, we are small-scale tea farmers. We own between 0.5 hectares to 2 hectares, unlike you, Mr. Temporary Speaker, Sir and Sen. Cheruiyot in Kericho, where you own several hundreds of hectares.

We are small-scale farmers; the ones that really need support from the government of the day. This is because the average income annually from these farmers will not exceed either Kshs180,000 to Kshs200,000. That is what they will use for school fees. That is what they will use for insurance, to pay Social Health Authority (SHA) and the likes.

Going again to some of the proposals in this Bill, I do not know how it can work, as proposed in Section 7, that the committee should be setting prices every six months. That leaves the price very unpredictable. The best way is to say, we set the price and leave it for several years such as for the next five years, the price should be known. For example, as I said, if we say Kshs66, that should be there for a while.

I do not know whether you have been lucky to go to Ghana, where our former colleague, I think is the ambassador, if I am not wrong and you see the way the Government of Ghana supports cocoa farmers in Ghana. They do it is by setting a minimum price.

I will plead with my colleagues that the intention is good. We need to support our farmers. We need to have a guaranteed income, but let it be in a manner that is simple, clear and that talks to the shilling that the farmer will be expecting from a particular agricultural produce or crop. If we leave it the way it is been drafted in this Bill, we will not be solving the problem. We will be passing the burden to our county governments and they do not have the resources.

I have seen that the President has proposed Kshs450 billion as an allocation to the counties, a very good gesture, but still not enough. Even if we gave them that money, it will not be enough for them to pay farmers in terms of cushioning them against poor prices.

I support this Bill with the rider, that at the right time, I will be moving amendments to have clarity and to push this obligation to the national Government and not to the county government. If possible, to have a proper board that will deal with issues of minimum guaranteed price returns for our farmers.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Omogeni and Parliamentary Service Commissioner.

Maybe for your information, in your contribution, you have made reference to where the Majority Leader comes from, the County of Kericho as well as Bomet, as comprising of large-scale tea farmers. Ninety-eight per cent of tea farmers in Kericho and Bomet are small-scale holders.

Therefore, the two per cent we are talking about are the multinationals. So, this Bill would be very critical to support those small-scale tea holders. This also speaks to the initial proposal by the Majority Leader on the reforms in the tea sector, in the Bill that was passed by this House and is currently before the National Assembly. It will protect the small-scale farmer across the divide.

Sen. M. Kajwang': Thank you, Mr. Temporary Speaker, Sir, for this opportunity to contribute to the Agriculture Produce (Minimum Guaranteed Returns) Bill, 2025.

From the onset, I congratulate our colleague, Sen. Veronica Maina. When we were in Naivasha for the Senate retreat, she referred to this Bill. In her view, this was going to be a revolutionary Bill that would ensure that farming is not a poverty exercise and could be a profit-orientated exercise.

I will make very brief comments. You recall we were asking ourselves whether maize is a poverty crop. When you do the math, the amount of money a farmer spends to rent, plough, plant, weed, apply fertiliser and provide labour to one acre and all that, there are some statistics that put it at almost Kshs40,000 per acre. Their productivity per acre, even though the ideal should be between 40 to 50 bags, due to poor crop husbandry, you find farmers, on average, getting 20 to 30 bags per acre.

If you look at the price of maize in the market at Kshs2,500 per bag, it tells you that largely, maize production in many parts of this country, is a loss-making exercise.

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Many of us who engage in maize production or farming, sometimes, do it for cultural reasons. This is because when you are a man with your home, you are expected to plant something.

Our parents engaged in agriculture for customary reasons and some of them just to keep them busy, not for them to make money. Any Government in power must ensure that agriculture does not become a pastime or a cultural experience. It should become something that can put money in the pockets of people and feed them. It should enable farmers to take their children to school and get affordable health care. It should enable the economy to transition, not just as a subsistence economy, but as an economy where there is value-add and where agriculture feeds the industrial sector.

This Bill attempts to deal with things at the end. This is because in terms of guaranteed minimum return, the Bill sets a threshold of 20 per cent above the cost of production. We said in Naivasha that sometimes private Member Bills do not align neatly with Government policy.

I know that there have been political promises around guaranteed minimum returns. However, sometimes, you have to sit back and ask yourself what is the most realistic way of achieving this.

Murang'a County established a farm input and incentive fund as a result of their county agricultural subsidy policy. I think this is one of the case studies that we can look at to see how we can ensure that farmers maximise returns on their investments. What Murang'a has done is not just to focus on the pricing at the end of the cycle, but on the input. This is because that is the most expensive component for most farmers.

Mr. Temporary Speaker, Sir, many farmers might find the fertiliser, seed and other elements, for example, the mechanisation of the land, to be out of reach. What if we took the Murang'a approach? Rather than waiting to compute cost of production and guarantee 20 per cent above the cost of production, we make it cheaper for farmers to access input.

Today, we were discussing the one-year anniversary of the 10-point agenda. We also got a three-year scorecard from the national Government. Sometimes, numbers can be thrown around and if they are not contextualised, you are not able to tell whether people's lives are changing.

The price of fertiliser is now Kshs2,500 from Kshs7,000. That is not an achievement that should be taken lightly. I believe that those of us who sometimes talk about what the Government has done need to break down this in terms of impact on livelihoods, not just in terms of numbers. This is because if you have reduced the price of a bag of fertiliser from Kshs7,000 to Kshs2,500, that is a significant relief to a farmer. You are guaranteeing that that farmer is going to get a return.

I share the concern that a Member had raised, that now is the rainy season and we are seeing our friends, the governors and county governments, giving out seed. However, they are not focused on the fertiliser, mechanisation, market access or market guarantee bit. It needs to be a holistic approach. It is not just the seed because that is just one component. So, borrowing from Murang'a, I would have preferred a policy approach or direction.

As the President said at the onset of his administration, we should not subsidise consumption but production. We could put in more subsidies at input level. We could ensure that farmers are able to get good quality fertiliser, now the price has moved from Kshs7,000 to Kshs2,500. It needs to be provided on time. It needs to be relevant to the region and the soils.

Farmers should get access to soil testing services. As a farmer, I believe you know that for a long time, you would find that sometimes, you would have to bring soil testing samples to Nairobi. We need to ensure that in every county government, soil testing and analysis is something that can be done easily, readily and at very little cost. Currently, it is quite expensive. That is why many farmers are involved in Russian roulette when it comes to agricultural production. They just plant, expect and hope that something is going to grow. So, we need to make fertiliser cheap and affordable. We need to make seed appropriate and available at the right time. We need to ensure that farmers are able to establish the crops that can do well in their respective soils.

If you fly around the country today, you will find in many areas, particularly towards the western part of the country, people are now farming avocados, macadamia, fruits and crops that were not traditional. However, many farmers are still farming out of guesswork. We must make sure that farmers are able to get mechanised solutions.

A good number of counties bought tractors at the onset of devolution. However, I can tell you that most of those tractors are run down. In fact, many counties have more drivers of a tractor than tractors. This is because what some of the governors did is that for every tractor, they would employ two drivers and two turn boys. When the tractor breaks down you have four people in the payroll who are doing practically nothing. So, farmers still have to contract private tractors or use oxen ploughs which are very expensive. In my area, it costs almost Kshs5,000 to plough one acre using an oxen plough which is almost the same as using a mechanical tractor.

Mr. Temporary Speaker, Sir, instead of guaranteeing a return after the fact, I wish we could focus on making input available, affordable, accessible, and delivered to farmers on time.

Many of us have wondered why in a country like Kenya, we still have problems of fertiliser import and fertiliser scandal. I think if there was a scandal of this Government, perhaps, it was the fertiliser scandal. I remember the Cabinet Secretary brought fertiliser to this Chamber and Members were sniffing it.

I remember the Cabinet Secretary brought fertilizer to this Chamber and Members were sniffing it to confirm whether it was good fertilizer or not. A country like ours, after 60 years of independence, you do recall there was a time that I think Toyota was supposed to set up a blending farm in Uasin Gishu, and you wonder, can we just not get these things done? I am quite impressed with the approach the President has taken. This morning, he has convinced us how we have been able to put up Talanta Stadium and Bomas of Kenya from a fund that has been idle.

Within the agricultural space, there are so many funds. You go to sugar or fish, there is a fund. Every crop has a fund. Can we not utilize these funds and make sure that this country is self-sufficient when it comes to the input that is critically needed; the fertilizer, the seed, the mechanized input? These things are not rocket science. This

country can assemble tractors and blend fertilizer. We just need to bring in the ingredients from Morocco and the rest of the countries.

For us to guarantee a good return for our farmers, we must invest more on subsidies and on inputs. County governments perhaps could borrow the Murang'a template for them to ensure that their farmers are getting the best.

Finally, there are bigger economic theories and questions around supply and demand. If you are going to fix the price of a commodity, sometimes you might distort the market equilibrium. So, if we are going to guarantee a price or a return, we need to look at what we have done with fuel and sugarcane pricing, and ask ourselves whether this is the right direction.

Ultimately, if we focus on input, we must also focus on productivity. Why would a maize farmer in one part of the country yield 20 bags per acre and maize farmers in other countries like Malawi, Zambia, and several others where we import maize from are getting 40 to 50 bags per acre? If we want agriculture to be productive and our farmers to be rich, let us invest in quality seed. Let us encourage greater output per acre, because if we can do some magic where the farmer was getting 20 bags per acre, all of a sudden, because of good seed and good fertilizer, is getting 50 bags per acre, definitely that farmer will be smiling all the way to the bank.

Mr. Temporary Speaker, Sir, I sit in the Committee on Agriculture, Livestock and Fisheries and I believe that this is a Bill that will be processed by that committee, and we shall take into consideration the views of the public and more importantly, the views of the ministry, because this can only be implementable if it is aligned to the Sessional Paper on agriculture or the government's overarching policy.

I still insist that if I was running one of the county governments, because this Bill places certain responsibilities on county governments, I would make sure that my farmers can access input on time at good price, with good quality, that I will ensure that they are extension workers and farmer training colleges. Most of our farmer training colleges have been converted to universities teaching procurement and supply chain management, and there is nobody to teach our people how to farm.

There are very few things we are born with the instinct of doing. For example, when a child is born, the child instinctively cries and suckles, but milking a cow or planting maize is not a natural instinct; someone must teach you. We must invest in farmer training colleges across our counties.

One of these days, perhaps we need to compel all county governments. Instead of spending millions and billions of shillings in bursaries for secondary university education, why do we not go back to the basics? Ensure, first of all, we have Early Childhood Development Centres (ECDCs), vocational training centers, and farmers training colleges. Those are some of the areas we need to emphasize on to ensure that agriculture is not just a cultural pastime but something that pays.

I have visited some of my friends here who are farmers, particularly the Senator for Narok and he has demonstrated that farming pays. Of course, it is expensive and the biggest concern that farmers have is the cost of input. That is the area that we need to look at. Look at our tax regime, our fiscal policies when it comes to agricultural input. Think about subsidies. Most countries subsidize. Even the ones that tell us about Adam

Smith and the invisible hand of the market and supply and demand forces still subsidize their farmers.

We need to have a proper policy coordinated at the national level, but implemented at the county level to ensure that our farmers get this input and also have a guaranteed market. It is not just about a guaranteed return. I will plant avocados, tomatoes or even rear chicken if I know someone is going to buy it. Let us also guarantee a market for products.

Kenyans are hardworking. If a Kenyan knows that if you rear quails today, someone is going to buy the eggs, Kenyans will do it. Whereas I support this Bill, I would be very happy to ensure that it is aligned to the overarching agricultural policy or the overarching vision of this Government. I see so many areas and funds established within the agriculture space that we can utilize creatively in the same manner that we have utilized the sports fund, the catering levy trust fund and the road maintenance levy fund, to ensure that we are doing something great and transformational.

In my view, that something great for a start would be to ensure that Kenya is self-sufficient when it comes to agricultural input.

Thank you, and I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Moses Kajwang'. Now, Hon. Members, in the absence of the Mover of this Bill, Sen. Veronica Maina, I will defer her reply to the next sitting and ask that we call the next Order.

(Reply to the Bill deferred)

BILL

Second Reading

THE PUBLIC AUDIT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.4 OF 2024)

The Temporary Speaker (Sen. Wakili Sigei): Senate Majority Leader, please, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I beg to move that The Public Audit (Amendment) Bill (National Assembly Bill No.4 of 2024) be now read a Second Time.

This is a very interesting Bill and I wish to later on sit and listen to the contribution of our Chairperson of the Committee on Public Accounts because I think more than all of us interact with the audit reports and the works of the Auditor General more than every other person in the House. This comes at an interesting time.

Sen. Kajwang', I do not know if you are concerned like I am about how nowadays media chooses to report about audit process. If you do not sit in Sen. Kajwang's Committee and you read the first letters from the audit report that goes to any public entity, you can quickly hang anybody if you are malicious and mischievous about it.

For us, politicians, it will be good politics because if Sen. Kajwang', for example, intends to run for Governor of Homa Bay County, all he needs to do is to pick the first letter that the Auditor General sends to Governor Wanga and the team at the end of the financial year and flashes it all over social media in Homa Bay and say look at the money this Governor has lost. Yet subsequently as the firm that is being audited continues to provide the relevant documentation and information, a lot of the stuff falls off the way.

There is an increasing trend. We must address this because it is an important discussion and we, particularly those of us that are in Parliament, use reports from the Auditor General as a true note in determination of how public affairs are to be treated in the Houses of Parliament. We depend on the reports of the Auditor General, for example, to lead our interactions between us and the various county governments on whether Governor and the team that they lead have been prudent in their use of public resources.

If we allow the cheapening of the audit space, the way I see it being done by our media these days, then we shall completely lose the space and the respect of the audit procedures of this country. Reports of the Auditor General are extremely accurate, and when you listen to the presentations that many of the times are made before this House on the findings of the Auditor General, they are mostly without fault. Many times, the firms, county governments and the entities of public interest that are audited later come back with rebuttals on what that interpretation is. They either agree, disagree or try to explain what led to that particular finding.

The audit process needs to be respected. As a citizen of this country, a leader and most importantly, a consumer of audit reports, I get concerned with the continued use of audit process to score cheap political points by our media. I get concerned when somebody tries to cheapen the audit process. We always wake up to rosy information. I saw a headline today in one of the dailies stating that Kshs50 billion has been lost.

Anybody who understands how much Social Health Authority (SHA) collects per month and in a year will appreciate that it is not possible for that institution to operate if such amounts of money are to be lost. I have subsequently seen the clarification and what that particular report is alleging. Last week, there was another one as well though I cannot recall the entity though it was still in the same breadth.

This could be a case of a lazy or malicious journalist who picks an audit letter to a public entity asking for additional information and flashes it in the headlines. They then write that certain amount of money has been lost in a particular public entity. That is not the purpose of public audit procedures.

As Parliament, we respect and treat reports of the Auditor General with a lot of value because they are the reports that guide us in making decisions and determinations on how public funds have been spent by the various entities that interact with public funds. We have to get concerned when we see people choose to misinterpret or abuse that particular process. If we do not do that, we will get to a point where people will not be concerned anymore. They will instead believe that this is just another political scheme.

It has gotten to a point where the Auditor General also needs to be concerned. They should perhaps give a simplified version for easy digestion by those who choose to misinterpret their reports though I do not think that misinterpretation and headlines like

the one we saw today is for want of understanding of audit procedures. Such acts and headlines are purely driven by politics.

The Public Audit (Amendment) Bill (National Assembly Bills No.4 of 2024 was first published in the Kenya Gazette Supplement No.28 of 2024 on 2nd February, 2024. It was subsequently passed a year later in March, 2025 then referred to us for consideration.

What are the principal objects of this particular Bill? The objects of this particular Bill is to amend The Public Audit Act, (Cap 412B), to clarify the administrative powers of the Auditor General and provide for powers of the Auditor General with regard to initiating and undertaking forensic audits. The Bill further seeks to provide for the establishment of a Public Audit Fund to clarify the steps involved in the process of auditing a public entity. It is what I was explaining a few minutes ago.

If the Auditor General was to provide this clarity, we would not have the kind of headlines like the one we saw today and others. They would be a thing of the past. However, I still insist that those headlines are not as a result of want of understanding of audit procedure. Out of public interest, for the public to appreciate what a public audit process is---

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

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order, Sen. Kinyua? The Senate Majority Leader, we have a point of order.

Sen. Kinyua: Bw. Spika wa Muda, nimesikia vile Kiongozi wa Wengi katika Seneti ameeleza. Inaweza kuwa anamaanisha hela za umma huwa hazivujwi katika gatuji zetu? Ninasema gatuji zetu kwa sababu kiongozi wa hiyo kamati huwa anauliza maswali magumu. Juzi, nilisikia magavana wakihisia ya kwamba huwa wanaulizwa hongo na hawa viongozi wetu. Kiongozi wa wengi katika Seneti anasema ya kwamba Wakenya wanakisia ya kwamba mambo ambayo inaandikwa katika gazeti sio ya ukweli. Ninataka anieleze kwa sababu anakanganya Wakenya.

The Temporary Speaker (Sen. Wakili Sigei): The Senate Majority Leader, I know his use of Kiswahili might make it difficult for you to understand his concerns. Your line of argument is that the headlines scream of losses of resources vis-a-viz the Auditor General's report. For his clarity, you are not saying there are no aspects of such loss of funds in public offices on the basis of the Auditor General's report. You might need to clarify that for the comfort of Sen. Kinyua and those who are listening to you as you move that particular Bill.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I have struggled to understand and follow Sen. Kinyua in his line of questioning, but I will clarify to him, because, as a colleague, I believe that he is asking this out of good public interest and seeks to understand my trail of argument.

Sen. Kinyua, this is a public audit Bill. I am trying to explain the justification and the intent of this particular Bill. While making the earlier submissions, I moved that there are many institutions today which are being reported in the media as having lost public funds on account of the first letter that the Auditor General writes to institutions asking them to provide clarification on certain issues.

It is my argument and that of anybody who understands an audit process that one cannot come to the public with information and say that an institution has lost public

funds because questions have been raised on account of a document that is unsupported. One can only say that public funds have been lost when the Auditor General has completed a cycle where they have requested for information, clarification has been granted to them, they have requested for further clarification and they have finally concluded the audit process. It is only at that point that we can say that the audit process is complete.

That is what I am calling cheapening of the public audit process. It is what I was trying to explain in simple terms, Sen. Kinyua. I gave the example of the screaming headline from the Daily Nation this morning where the audit process is used for cheap political games or to sell newspapers. They do that yet the audit process is yet to run to its logical conclusion.

Mr. Temporary Speaker, Sir, I will go back to my line of explanation. This Bill further seeks to provide public audit fund and the steps involved in the auditing process like what I have explained. It also states the actions that will be taken by accounting officers on recommendations made by the Auditor General after a debate and consideration of audit reports by Parliament or a county assembly.

Sen. M. Kajwang', this is a very important place for your Committee. I expect your Committee to lead the House in making the determination on how we should structure the wording on what accounting officers are to do after Parliament or county assemblies have considered an audit report and we have passed the report as you have guided us, as a Committee. We need to know the steps that an accounting officers should take.

Many times, we do not have the mechanism or sanctions, Sen. M. Kajwang', against officers, if they fail to follow through with the recommendations of Committees like the one that you Chair. It is easy when we have made adverse finding on a particular accounting officer like saying that they should be barred from holding public office and the House has agreed with you. That is part and parcel of what is being proposed, as a principal object, in this Bill.

This Bill also seeks to amend the Public Audit Act to align the functions of the Auditor General to provisions of our Constitution. This Bill further proposes to clarify on membership of the Audit Advisory Board. There are various Audit Advisory Boards, both at the national and county government level. It also seeks to look at the establishment of the Public Audit Fund which will ensure that the functions of the Office of the Auditor General is adequately financed hence able to perform its functions effectively.

Mr. Temporary Speaker, Sir, the Bill further proposes to assign the Auditor General additional powers especially with regards to staff of the office. These include powers to recruit and appoint a Deputy Auditor General, develop an organizational structure for the office and establish or abolish offices.

Sen. Kajwang knows for a fact that in the office of the Controller of Budget (CoB), the last time I checked, there were certain powers which have been left exclusively to the CoB alone, such that for one reason or the other, even for humanly possible reasons such as being under the weather, for example, work has to stall until that officer comes. I believe the same should not be the case with an office as serious as the

OAG. That is why we are proposing the establishment of additional offices such as a Deputy Auditor General. It proposes amendments that are likely to improve efficiency and effectiveness of the Office of the Auditor General to discharge its functions. Consequently, this will promote greater accountability for expenditure of public resources.

I mention this, Sen. Kajwang, in light of the High Court decision on the limited time that Parliament has to consider reports from the Auditor General; six months after which it is marked as official on that particular matter. That deadline is 31st of March which is a very short time given that it takes us at the end of the financial year, the Auditor General has about three months to produce their reports and they are sent to Parliament. In a total of nine months, the audit process should be complete. Therefore, we must capacitate these offices to ensure that they have the requisite number of personnel to conclude this work in the time that is necessary so that reports are sent to Parliament; and as parliamentarians also, Sen. Kajwang' and your Committee and all colleagues who serve in oversight committees must lead us also as a House to reflect and find more creative ways in which we can dispense of this work more expeditiously than we presently do. That is part of the proposal.

Mr. Temporary Speaker, Sir, the primary purpose of this Bill as it amends the various sections is to provide in addition the qualifications set out in the Constitution and the Act; that a person eligible for appointment as Auditor General, if he or she is a practicing member of good standing of a professional body of accountants, that is recognized by the Accountants Act in Kenya. Secondly, to provide administrative functions for the Auditor General including development of organization structure, the staff and the various offices. I have explained those ones and to establish the Public Service Human Resource Audit Directorate in the Office of the Auditor General which shall be responsible for conducting and preparing audits on human resource in the public service.

This is a very important office. When you look at the amount of funds that we spend paying public workers in an economy that is so constricted as such as ours, it is important that we have such an office so as to conclude and bring to a close this business that, for a weird reason, it is not possible even up to date that if you ask anybody within the Government to tell you how many public workers earn out of the public coffers. You may never find that out. I know about 10 or 11 years ago, the World Bank did fund a program which up to date has never been concluded on trying to carry out a holistic audit process of public servants with their qualifications and the amounts that they earn. An integrated system where all of us, from state officers, civil servants and all of us who earn from the public kitty, if you could find a way of a unified payment system which I believe could save a lot of money.

Mr. Temporary Speaker, Sir, as it is today, as long as you operate in silos and very small ones at that, I wish there were even institutional such as the Judiciary, Legislative and Executive but it is in silos such that even institutions such as state agencies want to run their own HR manuals outside of what the Treasury is aware of. This becomes difficult to keep a trail of the total number of personnel that are paid from

the public coffers. Therefore, the Public Service Human Resource Audit Directorate is an extremely important one.

It provides also for instances, where the office of the Auditor General shall fall vacant upon the expiry of the term of the office. Presently the Act only provides for a vacancy in the OAG where the holder of the office dies, resigns by a notice in writing to the President or is removed under Article 251 or Chapter 6 of the Constitution. Therefore, it is just clerical work.

Mr. Temporary Speaker, Sir, it deletes also provisions that are relating to secondment of officers from a state organ or public entity. It provides that the Auditor General shall not have the power to confirm, vary, or revoke any decision taken by a member of staff in the consequences of a delegation or by instruction by the Auditor General.

There are many other requirements and I would wish to go through each of them but I will not be doing service to my colleague, the Senator for Tana River, who I know is also equally prepared to second this Bill and grant the opportunity to other Members to speak to it.

Therefore, with those remarks, I yield and grant the Floor to Sen. Danson Buya Mungatana, through the Chair, to second.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Leader of Majority. I call upon Sen. Mungatana to second the Bill.

Sen. Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir. I rise to second The Public Audit (Amendment) Bill (National Assembly Bills No.4 of 2024). May I first congratulate the Senate Majority Leader for very ably moving this Bill and giving the insights.

As has been stated, this Bill wants to amend the Public Audit Act, CAP 412B, so that the Auditor General's administrative powers are clarified and so that the Auditor General's powers to initiate and undertake forensic audits is clearly given to that office. It also establishes the Public Audit Fund in Kenya, amongst many other things it wishes to achieve.

I will start from the last bit. We do not have a Public Audit Fund right now. This makes the work of the Auditor General, Madam Nancy Gathungu very difficult because many of us go to that office and demand that a forensic audit be done on a certain public entity. We want a proper audit to be done on certain issues in a certain public entity. For most of us in this Senate, we want to get special audits carried out against the counties we represent here because many times, we have reasons to believe that there is mismanagement of funds.

Mr. Temporary Speaker, Sir, where does the Auditor General get the funding to do special audits, for example? Where does the Auditor General get the funding to do forensic audits? You will find that many times we make requests, but capacity issues make it difficult for the Auditor General to acquiesce to the requests we make because there are no funding modalities for her. You will find that the monies allocated to her was probably enough only for purposes of carrying out the normal audits within that particular year.

Mr. Temporary Speaker, Sir, some of us who are keen on the performance of our counties have reason to require forensic auditing. We have reason to require special audits carried out against some of our counties.

In Tana River County, we have a governor who has used the illegal blanket cover granted by the unregistered Council of Governor's entity, claiming that county governors should not appear before the Senate County Public Accounts Committee (CPAC). I have said it and will continue to say, crooked governors are the ones afraid to appear before CPAC. Those who know they have done mischief in the counties are the ones who avoid appearing.

On 19th February, 2026, our governor, Hon. Godhana Dhadho of Tana River County, failed to appear before CPAC. When you look at the financial statements ending June 2025, you will see that the Auditor General returned an adverse opinion against the Executive. The facts and details show why that governor is avoiding the Committee. He cannot explain anything. In past appearances, when asked simple questions, he could not answer. He would turn to the County Executive Committee Member (CECM) or the Chief Officer (CO) in charge of finance. Simple matters.

These are the kind of people elected as governors. They have an adverse opinion but plan to travel to Canada and refuse to appear before CPAC. That is the kind of nonsense we are seeing with Governor Godhana Dhadho. He has solicited a trip to Canada. Apparently, the governor, who served as a Member of Parliament, a Major in the army, a first-term governor and now in his second term, wants to learn about governance from a rural county administration called Woodlands in Alberta, Canada. That is the kind of nonsense we are having from these governors.

This Bill, when passed, will help the Auditor General to set up the Public Audit Fund. It will enable us, whenever we request special audits, to mobilise staff and deal with rogue governors like Governor Godhana Dhadho. This Bill is critical because it enhances the powers of the Auditor General, not only to work but also to look after the staff establishment. We have not given full power to the Auditor General to be able to fill her staff establishment, therefore frustrating her in her own work.

Mr. Temporary Speaker, Sir, this Bill is so critical to Kenyans, many of whom do not even understand the processes of audit. We are living in a time when missing funds and adverse opinions do not mean anything. This Bill empowers the Auditor General to be able to take action against people like rogue governors such as ours.

The Bill, and I am particularly interested in Section 4 of the Principle Act, which is amended by repealing Section 31 and bringing in a fresh Section, sets out a very nice audit process where the Auditor General will inform the accounting officer, in this case, the Governor and team, that we are coming to audit or carry out investigations in your place. They will then hold another meeting to set out and deliberate the scope of how this audit is going to take place. After that, the audit shall take place and a report will be prepared, and brought to the County Assembly or the Parliament, in this case, back to the Senate.

Within 14 days of the receipt of any audit report or any questions, the Accounting Officer must respond to the Auditor General, including remedial actions undertaken to address the audit findings.

So, Mr. Temporary Speaker, Sir, this law that we are bringing now is going to demand of accounting officers like governors, to not only file responses to these committees, but also to bring in remedial action that is taken. The New Section 31 goes on to say that if within 14 days they have not dealt with the issues to the satisfaction of the Auditor General, then the Chief Executive Officer (CEO) or the Accounting Officer for that public entity will be liable to disciplinary actions.

Mr. Temporary Speaker, Sir, this is the power that we are giving to the Auditor General in this new law that we are giving to them, today.

I am so passionate about this Section because, if you look at the accounts of Tana River County, the year ending June, 2025, you have a situation where the Governor in the Financial Year 2024/2025, went to the Controller of Budget, presented requests for allocations and approvals on expenditure, got approval, and an expenditure of Kshs1,005,844,071 was given to them. The same people, they went ahead and voided, 229 transactions. In essence, they list companies, say these ones are owed, this is the payment and these are the transaction that we want to do. They give this information to the Controller of Budget, who gives the approval, and then immediately after that, they void 1,229 transactions. What kind of an administration worth over Kshs1 billion is that? What kind of people are we dealing with and what happens?

We have companies that did contractors and others gave supplies. They performed their duties. Their names are used to get the money out but other different companies which are complaint to those in administration are paid. Therefore, you find other people closing businesses. Those are simple businesses because they are not owned by big people. They were just given a contract of maybe Kshs3 million, Kshs5 million or Kshs10 million. They borrowed money but now they are being auctioned. Shops are being closed but you have a governor just walking there.

You will be surprised, Mr. Temporary Speaker, Sir. That is the kind of a person who leaves their vehicle on so that the Air Conditioning (AC) continues to cool the car as he gives a speech. That means that after the speech, he does not enter into a hot car. The kind of wanton destruction of property and money that is being witnessed in a county like Tana River is horrible.

Mr. Temporary Speaker, Sir, as I second this Bill, I need to say this. We did not go far enough to give the kind of powers that the Auditor General needs. We need to put those people in jail. They can see clearly what they are doing; messing up with the finances.

I have gone to see the Chief Executive Officer (CEO) of the Ethics and Anti-Corruption Commission (EACC) to discuss about some of the files. We also need to call out some offices. How can it be that files are being taken to the Office of the Director of Public Prosecutions (ODPP)---

There are seven files there for seven governors but why have you refused to release them for prosecution? You need to tell the country because we have reached a point where we are tired. The late Hon. Raila used to say *punda amechoka* and it is true. Kenyans are getting fed up with that kind of nonsense. Whichever position you hold in the prosecution process, please release those files.

I am tired of seeing governors here. You will find a person who has no company or does not own even a chicken farm is a millionaire or billionaire. We really need something to be done and this is a step in the right direction. My prayer is that we shall give more powers to the Auditor General. We have been talking of *pawa*. This is the *pawa* that is needed and required to be in the right direction to deal with corruption in the counties.

With those many remarks, Mr. Temporary Speaker, Sir, I want to yield so that my colleagues can also say something. I wish to second this Bill.

I thank you.

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

(Question proposed)

The Bill is now available for Members to contribute. I call upon Sen. Olekina Ledama to go first.

Sen. Olekina: Mr. Temporary Speaker, Sir, I am a trained auditor. For the first time, I beg to differ with the Senate Majority Leader. I see this Bill as a threat to the independence of the Auditor General and passing the powers of the Auditor General to the advisory board. I see these amendments as being designed to cherry-pick on what can and what cannot be audited. I stand corrected.

I have read through this Bill and I am of the opinion that we need to rethink it because, the current Public Audit Act (PAA) has given the Auditor General independence. I have been a member of the Public Accounts Committee (PAC) as well as the County Public Investments Committee (CPIC); I know the role of the Auditor General. In fact, Sen. Kajwang' will tell you that I drafted the Fiducial Risk Report mostly informed by understanding of the PAA. That was on Clause 31 that my brother Sen. Mungatana was alluding to.

Mr. Temporary Speaker, Sir, I am concerned about the reduction of time in this Bill. It reduces the time that the Auditor General requires bodies such as State corporations, county governments and the national Government to submit their financial statements. It reduces the time from three months to two months; hurrying the time the Auditor General is required to submit his/her report to Parliament for consideration.

I am concerned about the direction that we are taking by amending this Bill. Independence of the Auditor General should not be questioned. I am happy to some extent that this amendment seeks to introduce the Public Audit Fund to fund the Auditor General. The only progressive thing there is that, it will now be clear of how much money has been allocated to the Auditor General to do their work.

One of the dangers is the fact that now, instead of what is required by the Constitution which is about 0.2 per cent of the budget, it will now be the decision of the Finance and Budget Committee of the National Assembly. That worries me. I will be very categorical and say that I am concerned about the direction we are taking in terms of bringing these amendments of the PAA.

When I read the PAA, the only thing that I think ought to be amended are the provisions that defers with the Public Finance Management (PFM) Act's recent amendments. Those are the things that need to be changed.

Mr. Temporary Speaker, Sir, tightening timelines in terms of accounts for the Auditor General is something which we should be very worried about. The framers of the Constitution and the drafters of the PAA saw it fit to put three months. Sometimes, during those three months, the Auditor General does not conclude the work because there are delays in financial statements being prepared by state corporations or county government. Now, limiting it again for two months worries me. I will not be shy to say that it worries me quite a lot.

I see that I have a short time remaining, but I will definitely use up my time next time. I see this Bill as moving the powers of the Auditor General from the Auditor General to the Advisory Board. That is very dangerous. The independence of the Auditor General must be left for perpetuity. Those are the things that we must address. It cannot be a time when we, in the political class, can determine what can and what cannot be audited. The only thing that I can say ---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Olekina, you will have an additional 14 minutes when the House resumes to conclude on your contribution to the Bill.

ADJOURNMENT

Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Wednesday, 11th March, 2026, at 9.30 a.m.

The Senate rose at 6.30 p.m.