



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



**Fifth Session**

**Wednesday, 22<sup>nd</sup> April, 2026 at 2.30 p.m.**

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 22<sup>nd</sup> April, 2026

### Afternoon Sitting

*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)*

Order, hon. Senators. We now have quorum. Kindly let us settle down. Senator for Nandi, please, take your seat.

*(Sen. Cherarkey sat at his place)*

Clerk, you may call the first Order.

### COMMUNICATION FROM THE CHAIR

#### OPERATIONALISATION OF ADDITIONAL FEATURES OF THE TAIDEN MULTIMEDIA CONGRESS SYSTEM

**The Speaker** (Hon. Kingi): Hon. Senators, as you are aware, the Taiden Multimedia Congress System has been in use since commencement of the Fifth Session on a pilot basis with progressive rollout of its features. I wish to inform you that the

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system has now been configured to allow for dual speaking requests, one for debate and general comments on the business before the Senate and another for interventions.

You will notice that the touchscreen interface now incorporates a floating icon resembling a raised hand. This icon gives you two options; “request” and “intervention”. Pressing on either or both of these options will add you to the corresponding queues, from which the Speaker picks a Senator to speak. As has been the case, you are able to ascertain that your request has been queued from the “mic” icon on the touchscreen interface.

Hon. Senators, in addition to the dual speaking requests, your delegate units have been reconfigured to incorporate a browser that will allow you to access the internet. Further, the “service” application has been customised to the needs of the Senate and is now operational. You are now able to request for assistance from the Serjeant-at-Arms at the touch of a button.

Hon. Senators, as I conclude, I wish to emphasise that following the operationalisation of biometric sign in, the use of key cards has been discontinued. I, therefore, urge all Senators who have not yet registered their fingerprints to do so at the earliest opportunity to facilitate their effective participation in plenary proceedings and to ensure the recording of their attendance.

I thank you.

Yes, Sen. Ledama.

**Sen. Olekina:** Mr. Speaker, Sir, I just wanted to get a clarification on your communication. Biometric fingerprints are a permanent identity which when compromised, there is nothing you can do because it is not a password.

Some of us feel strongly about using our fingerprints because of our beliefs on the dangers that we face if your permanent identify is compromised. Why can we not use cards because this system provides for a choice between a card and fingerprints?

Mr. Speaker, Sir, I would like you to kindly reconsider your communication because some of us feel very strongly about using our fingerprints on a system which we have got no control over.

I thank you.

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

**Sen. Cherarkey:** Mr. Speaker, Sir, we appreciate your communication. I wish Sen. Crystal Asige was here. Yesterday, you heard her complaining that people abled differently have a challenge in terms of using these gadgets.

Last time, we raised an issue of access to a multimedia system. If you want to access documents in these gadgets, it takes forever. You have to open “Congress File” then go to “Order Paper”, “Reports” and then “Minutes”. Is there a way of having a direct access without going through so many pages? It is difficult to access. Even our mobile phone Personal Identification Numbers (PINs) are not as complicated as these gadgets.

I thank you.

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

**Sen. Sifuna:** Mr. Speaker, Sir, because I am the one who sits next to Sen. Crystal Asige. Let me try and explain what the issue is. Since we have a floating icon, you need

to have the ability to see where it is on the screen because we have noticed that it is movable.

There was a provision for visually impaired persons. If you look at the place for requesting to speak, there is actually Braille. However, with this new icon, it is very difficult for Sen. Crystal to know when her request has been put and so on and so forth. For the sake of Sen. Crystal and any other person who might come to this House, I think that system needs to be tweaked to enable her put in requests because I have to do it for her and that is very unfair.

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

**Sen. Oketch Gicheru:** Mr. Speaker, Sir, I think some of us have drawn the line and respect the directive that was given by your office to give our biometrics in order to access this system. However, in no certain terms can we disregard what Sen. Olekina has brought to this House.

Despite the fact that we trust the institution and we followed instructions that were given about use of biometrics, there has not been clear communication about security of the data that has been given out. Up until this point, we do not have any understanding of vendor management in regard to protection of the data of Members of this House. Up until this point, we do not have any understanding of access control and monitoring of data of Members of this House that is in this system.

Up until this time when we have given our biometrics, we do not know anything about encryption of that data, how it is stored and who is accessing it whatsoever.

Therefore, the concern that Sen. Ledama Olekina, the Senator for Narok, has brought to this House is one that we should not throw under the bar because the use of biometrics in any organisation, data minimisation in terms of access must be guaranteed to absolute terms.

Mr. Speaker, Sir, in as much as some of us have toed the line, we would like those issues that I have raised to be addressed to ensure that security of the biometric data is guaranteed.

I thank you.

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

**Sen. Kavindu Muthama:** Mr. Speaker, Sir, I support what other Senators have said. I have been putting my fingerprints on these machines since they were brought, but they have completely rejected. Therefore, I am forced to operate using the card. That might delay one from even contributing. Please, consider that.

**The Speaker** (Hon. Kingi): Next is Sen. Haji.

**Sen. Abdul Haji:** Mr. Speaker, Sir, I would like to weigh in on this matter having listened to Sen. Olekina and Sen. Eddy. I believe they raised valid issues in terms of our biometrics being taken at the Senate. Considering the fact that we are usually here for a period of five years, some of us might be lucky enough to come back.

As a way of compromise, it is important that the Senate and Senators have a sort of written agreement in terms of use of their biometrics because this is personal data that is going to be held by the Senate.

We need assurances that there will be no misuse of the personal data, such as our fingerprints and that upon the conclusion of our time here at the Senate, it will be properly deleted from the system.

**The Senate Minority Leader** (Sen. Madzayo): Asante, Mstahiki Spika. Ninajiunga na wenzangu kuhusiana na Taarifa ambayo umeisoma. Ninaona kutakuwa na matumizi ya kidole ili kujitambulisha kwa mashini ndani ya Bunge. Tunakadiria ya kwamba matumizi ya kidole itakuwa inatoa siri ambayo wewe mwenyewe haukutarajia na inaweza kutumika vibaya wakati ujao.

Ninakubaliana na vile wenzangu wamesema kwamba tuko katika Bunge kwa muhula wa miaka mitano na pengine tunaweza kuongezewa. Lakini, hayo ni matumaini. Kwa hivyo, kutumia kidole kujitambulisha hakuna tofauti na kuwacha kitambulisho chako hapa. Kwa hivyo, ningesema kutumiwe mbinu zingine za kujitambulisha kama vile kadi au *badge* ambayo tunaweza kuvaa kujitambulisha au tubuni mbinu nyingine tofauti na ile ambayo iko kwa Taarifa ya kwamba tutumie vidole.

Kuna njia nyingi tunaweza kufuata. Mimi naona njia ya kutumia kidole haifai na itatoboa siri nyingi katika maisha yetu. Mtu anaweza kwenda kwa benki akichukua teknolojia hapa na pesa zako zote ziporwe. Hii ni kwa sababu kidole kinakutambulisha kwenye kadi ya benki ama kadi zako za siri.

**Sen. Kibwana:** Asante, Bw. Spika. Ninakubaliana naye. Kidole changu kilikataa *biometrics* na mpaka leo, siwezi kubonyeza. Kwa hivyo, mimi na Sen. Agnes Muthama huwa tunatumia kadi na kila mara kadi zetu huwa zinapotea na hazipatikani. Kama sasa, nimeitisha kadi yangu niliyokuwanayo asubuhi na kwa sasa haipatikani tena. Kwa hivyo, mimi pia ninapata shida sana.

**The Speaker** (Hon. Kingi) Hon. Senators, the concerns you have raised are very valid. I will, therefore, consult the service provider on all the aspects that you have raised and make a further Communication, possibly tomorrow. If need be, if there are more elaborate explanations to be done by the service provider, I may actually call for a *Kamukunji*, so that everybody is explained and they are comfortable with the system.

*(Loud consultations)*

Can those who have issues with the system get their cards?

Next Order.

## PAPERS LAID

### LEGAL NOTICES OF VARIOUS REGULATIONS FOR THE CIVIL AVIATION

**Sen. (Dr.) Lelegwe Ltumbesi:** Mr. Speaker, Sir, on behalf of the Senate Majority Leader, I beg to lay the following Papers on the Table of the Senate, today, Wednesday, 22<sup>nd</sup> April, 2026-

The Civil Aviation (Aeronautical Information Service) Regulations, Legal Notice No. 45 of 2026.

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The Civil Aviation (Aeronautical Radio Frequency Spectrum Utilisation) Regulations, Legal Notice No. 46 of 2026.

The Civil Aviation (Operation of Aircraft-General-Aviation-Aeroplanes) Regulations, Legal Notice No. 47 of 2026.

The Civil Aviation (Rules of Air) Regulations. Legal Notice No. 48 of 2026.

The Civil Aviation (Instruments, Equipment and Flight Documents) Regulations, Legal Notice No. 49 of 2026.

The Civil Aviation (Personnel Licencing) Regulations, Legal Notice No.50 of 2026.

The Civil Aviation (Safe Transport of Dangerous Goods by Air) Regulations, Legal Notice No.51 of 2026.

The Civil Aviation (Helicopters) Regulations, Legal Notice No.52 of 2026.

#### LEGAL NOTICES FOR TEA REGULATIONS

The Tea (Levy) Regulations, Legal Notice No. 56 of 2026.

The Tea (Registration and Licencing) Regulations, Legal Notice No.65 of 2026.

#### THE TSC ANNUAL REPORT FOR FY2024/2025

The Teacher Service Commission (TSC) Annual Report for Financial Year 2024/2025.

Mr. Speaker, Sir, I beg to lay.

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

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

### QUESTIONS AND STATEMENTS

#### STATEMENTS

Statement pursuant to Standing Order No. 53 (1). Proceed, hon. Sen. Hamida Kibwana.

**Sen. Kibwana:** Thank you, Mr. Speaker, Sir. I have two statements. The first one is on the integration of civic education in the voter registration exercise.

#### INTEGRATION OF CIVIC EDUCATION IN THE VOTER REGISTRATION EXERCISE

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Justice, Legal Affairs and Human Rights on a matter of national concern regarding the integration of civic education in the ongoing voter registration exercise in the country.

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While voter registration remains a critical pillar of democratic participation, the true strength on an electoral process lies not merely in the number of citizens enlisted, but in the extent to which they are adequately informed, critically aware and able to exercise their democratic rights responsibly. There is growing concern that even as efforts are intensified to expand the voter's role, insufficient attention is being given to civic education.

In the statement, the committee should address the following-

(1) The measures being undertaken by the relevant institutions to integrate civic education into voter registration exercises to ensure that mobilisation is matched by voter preparedness.

(2) Whether there is adequate support for continuous and structured voter education, particularly for young people and first-time voters.

(3) The extent to which civic education has been mainstreamed in schools, communities and public programmes and the measures being considered to address the apparent neglect of civic learning in national development and public education efforts.

(4) The interventions in place by the government and relevant agencies to promote an informed, values-driven and politically conscious electorate.

(5) The number of officers assigned to the ongoing voter registration exercise, whether the number is adequate and whether there is need to deploy additional personnel and resources to support both voter registration and civic education.

#### ANOMALIES IN VOTER DETAILS ON THE IEBC VOTER VERIFICATION PORTAL

My next statement is on anomalies in voter details displayed on the voter verification portal.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Justice, Legal Affairs and Human Rights on a matter of national concern regarding the observed anomalies in voter details displayed on the Independent Electoral and Boundaries Commission (IEBC) voter verification portal.

On the 4<sup>th</sup> April, 2026, several citizens were unable to retrieve their details from the IEBC voter verification portal, while others encountered missing information, inconsistencies or other errors in the registration data. This challenge sparked public outrage and raised concern over the integrity of the registrar of voters.

In the statement, the committee should address the following-

(1) Whether the IEBC has undertaken an audit to establish the nature and extent of anomalies in voter details displayed on the voter verification portal, as observed on 4<sup>th</sup> April, 2026, and if so, obtain the findings of such audits including the details on the number of voters whose details are either inaccurate or missing.

(2) The causes of the observed anomalies, including whether they are related to errors in the register of voters.

(3) The steps taken by the IEBC to rectify the anomalies and restore the full functionality, reliability and accessibility to the portal.

(4) Whether affected voters will be given an opportunity within an extended time, if necessary, to verify the corrected registration details.

I thank you, Mr. Speaker, Sir.

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

#### STATE OF HEALTHCARE SERVICES IN WAJIR COUNTY

**Sen. Abbas:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Health on a matter of county-wide concern regarding the state of health care services in Wajir County.

Wajir County healthcare system is facing a lot of challenges with many non-functional facilities despite the heavy investment by the county. The county has actually constructed several infrastructures that are left unattended and non-functional. We have about four Level 5 hospitals coming up. Despite all these facilities being done, which we appreciate, the development is actually not commensurate to the number of staff available.

There is a high turnover of staff due to many challenges such as poor working conditions, lack of allowances, lack of leave days, shortage of drugs and in some places where the destructions are, no water. With that area being a dry land, members of staff have a problem even getting water. There are poor working conditions for staff and as a result, the county is facing high staff turnover.

In the statement, the committee should address the following-

(1) The current staffing levels across all public health facilities in Wajir County and the reasons for the widespread staff shortages.

(2) The total number of health facilities in Wajir County and details of the number of staffs serving each facility.

(3) The number of health facilities that are currently closed or non-operational and outline the specific costs in each case.

(4) Measures put in place by the County Government of Wajir to recruit, deploy and retain health workers and the rationale behind constructing and upgrading health facilities without corresponding investment in human resource.

(5) The immediate interventions being undertaken to reopen closed facilities and ensure continuous and effective service delivery across the county.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Now, statements pursuant to Standing Order No.58. Sen. Osotsi, proceed.

#### PHYSICAL ASSAULT AGAINST SEN. OSOTSI

**Sen. Osotsi:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.58 to make a statement regarding the grave, unprovoked and politically motivated physical assault and attempted assassination directed at me.

The incident occurred at West End Mall in Kisumu, an establishment renowned for its stringent security measures and home to key businesses, including the prestigious

Acacia Hotel. Despite the mall's reputation for safety, I was violently attacked by a mob of 17 assailants.

I have since recorded a statement with the police, yet I am deeply disturbed by the apparent indifference of both the police and the Ministry of Interior and National Administration. Their lack of urgency in pursuing justice undermines the rule of law and emboldens those who believe they can attack elected leaders with impunity.

Mr. Speaker, Sir, shockingly, only three of the suspects surrendered themselves to the police and were subsequently released on bond of Kshs1 million each, which they effortlessly paid. The remaining 14 suspects are still at large. This glaring failure of law enforcement, despite overwhelming evidence provided by the residents of Kisumu and eyewitnesses, raises troubling questions about the commitment of the police to uphold justice.

The Principal Secretary (PS), State Department of Internal Security and National Administration, one Dr. Raymond Omolo, informed the National Assembly (NA) that police had intensified efforts to apprehend the additional suspects, while responding to a statement by the Member of Parliament (MP) for Luanda Constituency, Hon. Dick Maungu.

The Principal Secretary himself is adversely mentioned and allegedly linked to the gang. The Cabinet Secretary for Interior and National Administration, Hon. Murkomen, later stated before the Departmental Committee on Administration and National Security, that the 14 suspects had fled to a neighbouring country.

Mr. Speaker, Sir, this is shocking because these 14 suspects are reportedly to be still in Kisumu Town. This same gang is alleged to have been directly involved in a similar attack in early March, 2026 at the Best Western Hotel, formerly known as Fairway Hotel in Kisumu, that is associated with Irungu Nyakera. Despite huge business losses to date, no arrest has been made. The ringleader has been identified and named publicly by Kisumu residents, yet he has neither been questioned nor arrested.

Failure to apprehend the remaining suspects and their leader puts my life and the lives of other leaders, who may be targeted, in grave danger, particularly, as the Linda Mwananchi team is scheduled to hold a public rally in Kisumu on Sunday, 26<sup>th</sup> April, 2026.

The indignity that I was subjected to as an elected leader and the Senator for Vihiga County was profoundly traumatic, not only to me personally, but also to my family and the people of Vihiga, whom I represent. It is deeply regrettable that the government-associated bloggers have sought to divert attention from the real issue, namely, the threat to my life, thereby compounding the torment my family and I continue to endure.

This attack was not random. It was a calculated act of political intimidation directly tied to my principled stand on matters concerning the Orange Democratic Movement (ODM) party and broader national issues. On Friday 27<sup>th</sup> March, 2026, I was irregularly and unlawfully removed from my position as a deputy party leader of that party during a special delegate's convention. Though I chose not to contest this illegitimate decision, I resolved to continue exercising my constitutional rights through active participation in the Linda Mwananchi political group.

My unwavering support for my colleagues facing political persecution, particularly the ODM Secretary General, Honourable Sen. Edwin Sifuna, who has evidently provoked powerful individuals within the party, who now seek to silence me through violence and intimidation.

Mr. Speaker, Sir, there is a growing concern about the entrenched culture of political goons and the grave danger it poses to the society. The increasing reliance on informal security by government actors is alarming and may directly be linked to the rising insecurity across the country. A case in point is a recent attack in Kisumu, a day before the Linda Mwananchi rally in Kakamega, where goons targeted the Governor of Siaya, Hon. James Orengo and I, at the Royal Swiss Hotel in the presence of police officers. To date, no arrests have been made in connection with that incident.

Mr. Speaker, Sir, it is disheartening that top officials of my party, ODM, have neither disavowed the smear and diversionary attempt to justify the violence against me nor unequivocally condemned the brutal attack. Their loud silence and ambivalence amounts to endorsement of political thuggery and intolerance in general and justification of the attack on me in particular.

Mr. Speaker, Sir, today, the message from this House against political thuggery and intolerance must be unequivocal and unambiguous, and in favour of the rule of law for all the citizens. To that effect, this House must demand and ensure that all the planners, financiers, facilitators and executors of the violent attacks are apprehended and brought to justice. This is because it is beyond doubt that this gang could not have pulled off this attack in broad daylight without the cover of some powerful individuals, apparently beyond the reach and purview of the police and the law. It must be nipped in the bud before it spirals beyond control to consume more elected leaders and other Kenyans at large.

Mr. Speaker, Sir, in conclusion, I wish to thank the Java staff fraternity, my security and the customers, who witnessed the attack and came to my rescue, leading the attackers to flee. I also extend my heartfelt gratitude to the Senate Minority Leader, Sen. (Rtd) Justice, Steward Mazayo, who, despite immense pressure not to assist me from my own party people and working tirelessly in conjunction with the Parliamentary Service Commission and your office, Mr. Speaker, Sir, arranged my emergency airlift to Nairobi, an act that undoubtedly saved my life.

My immense gratitude also goes to my fellow colleague Senators, leaders across the political divide, led by Hon. Stephen Kalonzo Musyoka, Governor James Orengo, Senator Edwin Sifuna, the entire Linda Mwananchi Brigade and Kenyans at large for their unwavering solidarity and support during this ordeal.

*(An hon. Senator spoke off record)*

I have mentioned you, among others.

*(Laughter)*

I further commend the Karen Hospital for their exemplary medical care and specialised attention, which ensured my swift and full recovery.

Mr. Speaker, Sir, I am aware that you went through the same incident in 2012, in which you lost one of your security personnel. The matter is not merely personal to me, as some people may imagine or some even celebrating. It is a test of our nation's commitment to democracy, justice and the protection of its leaders. I urge this House to treat it with the seriousness it demands.

Thank you, Mr. Speaker, Sir.

*(Applause)*

**The Speaker** (Hon. Kingi): I will allow Sen. Ledama to make his request for a statement pursuant to Standing Order No.53(1).

SEED CERTIFICATION, IMPORTATION AND APPROVED  
PROCESSING FACILITIES BY KEPHIS FOR 2025

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries on a matter of national concern regarding seed certification, importation and approved processing facilities by the Kenya Plant Health Inspectorate Services (KEPHIS) for the year 2025.

Mr. Speaker, Sir, KEPHIS is mandated to regulate and assure the quality of agricultural inputs, including the certification of seeds for planting. However, a significant proportion of certified seeds in use within the country is imported, which raises concern as to the extent of local seed production. This has implications for the development of domestic seed systems and the strengthening of local agricultural value chain.

In the statement, the committee should address the following-

(1) The total quantity in kilogrammes of certified maize, wheat, dry beans, barley, tomatoes and onion seed that were produced and certified by KEPHIS within Kenya during the year 2025, desegregated by seed company and crop species.

(2) The total quantity in kilogrammes of certified maize, wheat, dry beans, barley, tomato and onions seed imported into Kenya during the year of 2025, desegregated by importing companies and crops species.

(3) The number of all seed companies that operate approved seed processing facilities in Kenya during the year 2025, including the name of each company and the physical location of each approved processing facility.

Mr. Speaker, Sir, I thank you.

**The Speaker** (Hon. Kingi): Hon. Senators, I will allow comments for not more than 15 minutes on the statements that have been requested under Standing Order No.53(1).

The Honourable Senator for Nairobi City County, Sen. Sifuna.

**Sen. Sifuna:** Thank you, Honourable Speaker. Just to comment on the statement by Sen. Hamida. Indeed, we are all concerned about the environment in which we are going to have the elections of 2027. Part of that is the way we treat the process of voter registration, the sanctity of the voters' register and the fact that it is a right reserved only for Kenyans to be able to exercise it.

As I said yesterday, sometimes it is quite alarming the information that comes from the Independent Electoral and Boundaries Commission (IEBC). We would want the Commission to understand that this is a very solemn duty that they have been given to undertake and that they must speak with clarity.

There was confusion just a few weeks ago when they said that people who had registered before 2012 would have to re-register. It was not helpful because one commissioner is saying something and the chairperson is saying something else. There are many concerns and I would want the Commission to understand that Kenyans need regular briefings from them on what they are doing to address some of those things.

Indeed, I also received reports of people who are checking details on the portal and finding that somehow, they have been transferred without their consent. I saw the Hon. Mark Mwenje, the Member of Parliament for Embakasi West, also raising concerns regarding a specific incident. We want to hear directly from the Commission on what it is doing to avert all these things.

Mr. Speaker, Sir, when we speak about the entire environment, I would also want to urge those in power today to understand that all of us have a responsibility to maintain peace in this country. We all have a responsibility to protect our democracy. The sort of environment in which an election is held is more important than even the act of casting the ballot itself.

We live in a region where we see very strange things happening. In our region, there are places where you cannot hold campaign meetings. There are countries where political parties and political leaders have been banned and put in jail. We do not want that disease in Kenya. We would want to be allowed to canvas our thoughts. Let people hold meetings. Let people feel free to walk around their own country.

It is saddening that it can deteriorate to a place where political violence is used to restrict political events. It is one thing for somebody to ambush you at a rally and assault you or send goons to your meeting. It is a totally different specter that you can be seated at a restaurant having coffee or tea with your family and people send goons to attack you there. I think we must all condemn that culture very strongly. The most saddening thing is after what happened to Sen. Osotsi, we saw choreographed narratives being run on social media by people who are associated with senior people in government. We must condemn that.

Finally, personally, I want to thank the Clerk of this House. Sen. Osotsi, you might not know that when I called Mr. Jeremiah Nyegenye, he was one of the people who acted swiftly, in conjunction with the Senate Minority Leader and the Office of the Speaker, to ensure that you were brought to Nairobi for treatment. So, we thank the Speaker and the Clerk of the Senate.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Cherarkey, you may proceed.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. Yesterday, the Chairperson of IEBC, Mr. Erastus Etheke, directed that any person who misbehaves during elections will be disqualified. I want to thank the IEBC for taking that bold decision. The issue of the electoral process is very critical. It is as important as what Sen. Hamida Kibwana has brought before the House on the issue of the ongoing registration process. I want to thank the IEBC for what they said. I hope my colleagues who are in the political space will adhere to the rules to avoid being disqualified.

On this issue of hooliganism, why is it that before the elections, we allow issues of hooliganism to happen? A former Member of County Assembly (MCA) called Hon. Edwin Misoi, was attacked for having a different view on this issue of the election process. Sen. Osotsi was also a victim. There is a philosopher who said-

"First they came for the Socialists, and I did not speak out because I was not a Socialist. Then they came for the Trade Unionists, and I did not speak out because I was not a Trade Unionist. Then they came for the Jews and I did not speak out because I was not a Jew. Then they came for me, and there was no one left to speak for me."

I went and saw Sen. Osotsi, he was shining like a foil paper after being attacked by goons. We should stop this story. Sorry for using "nonsense." Whenever a politician or a leader is attacked, there is always a narrative of using a woman. It is very unfortunate.

When Sen. Osotsi was sitting with somebody from his office, he is now being branded. No one is safe because we have shown that you can attack a Member of Parliament. I want to warn my colleagues, if we do not speak out against the hooliganism that we are seeing against our colleagues, do not think you are in Government now, nothing will happen to you. We must speak again and again.

I want to thank your office, Mr. Speaker, Sir and the Clerk of the Senate. For the election process to happen in this country, we must and should agree. I am well-versed and I saw you yesterday with your colleagues from the coast region. As you meet, you must agree to let us allow the election--- I did not see your Senator in that meeting, I hope in the future, he will be there. We must agree that the election process should and must be ongoing.

Finally, Mr. Speaker, Sir, I saw the Cabinet Secretary for Interior and National Administration yesterday speaking before the National Assembly and saying that he does not know where the hooligans are, that they are somewhere in Uganda. That is the incompetence that we should not allow. They are giving some of us a bad name. You have all the resources to track and arrest those hooligans. They must be arrested.

Mr. Speaker, Sir, I support, and a quick recovery to Sen. Osotsi.

**The Speaker** (Hon. Kingi): Sen. Madzayo.

**The Senate Minority Leader** (Sen. Madzayo): Asante, Mstahiki Spika. La kwanza ni kwamba sote tumshukuru Katibu wa Seneti kwa ujasiri alioufanya baada ya kupata taarifa hiyo kutoka kwa ndugu zangu, Gavana, Mheshimiwa James Orendo na vile vile Sen. Edwin Sifuna. Aliweza kunipigia simu kunijulisha kwamba amechukua hatua. Vile vile, niliweza kuelezwa na wengine kutoka sehemu mbalimbali kuwa ndugu yako, Mheshimiwa Seneta amepigwa na ingefaa nijue hivyo na nikachukua hatua.

Leo tunamwona Seneta Osotsi yuko hai; ana bahati. Maanake angekuwa peke yake, wangemmaliza. Jambo lolote likitendeka kwa Seneta hapa ndani, ni jukumu la kila Seneta hapa ndani ya Seneti kujihusisha. Na mimi singeweza kumuacha ndugu yangu, Seneta Osotsi kwa sababu hati yangu iko upande mwingine ama tuko na tofauti zetu za kisiasa. Uhai wake ni muhimu sana kwa familia yake na vile vile ndani ya Seneti.

Mambo haya ya kuletewa watu wa kuleta fujo, mimi na wewe tuko na ushuhuda ama ushahidi wa kutosha kuwa watu wanaingia na kutaka kupiga wanasiasa. Tuliupata kwanza na watu watano walikufa pale katika uwanja wa Mtwapa, ambapo tulikuwa tunafanya *declaration*. Bahati nzuri kwako, wewe ukaepuka lakini wale ambao walikuwa wakifikiria kwamba mimi ndiye Mheshimiwa Kingi, walinichapa, nikaanguka na hali yangu ikawa tofauti sana kwa maana nilikatwa kichwani kwa upanga na hata wewe mwenyewe ulikuja hospitalini kuniona.

Tabia kama hii ni lazima ikome. Tunauliza viongozi katika Wizara ya Ulinzi waone kwa nini vitendo kama hivi vinaletwa mbele ya wanasiasa. Vitendo kama hivi ambavyo vinatendwa na *goons* kwa watu vikomeshwe. Sasa hivi, hatua ichukuliwe kwa watu ambao walimkanyaga Sen. Osotsi. Washikwe na wapelekwe kortini ili haki itendeke.

Asante, Bwana Spika.

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

**Sen. Joe Nyutu:** Thank you, Hon. Speaker, Sir, for this opportunity. I want to comment on the statement by Sen. Hamida Kibwana on voters' civic education. As we educate voters on their rights and way to vote, there must be peace for a fair and free election to happen.

That raises the emerging issue of goons and attacks against politicians and other Kenyans. The attack on Sen. Osotsi cannot be a coincidence because there have been other attacks against politicians and I have also been a victim. I was in Witima Church with the second Deputy President, Rigathi Gachagua, when the attack happened. That attack was perpetrated by people who had been ferried by a police vehicle and nothing has been done up to this point. We have suffered the same fate.

The other pattern that is clear is that any time a leader is removed from their office, what follows is physical assault or attack on them. I say that because when Rigathi Gachagua was impeached by this House, it did not end there. He has been followed with physical attacks and that has happened severally. It seems there is a pattern. Sen. Osotsi was removed as deputy party leader of the Orange Democratic Movement (ODM) and the same thing happened. This is a pattern and it cannot be a coincidence.

These attacks happen in broad daylight and no action has been taken against the offenders. It is interesting that after the attack on Sen. Osotsi in Kisumu, an image emerged on social media of the Principal Secretary, Ministry of Interior and National Administration, Raymond Omollo, with two goons who were part of the team that attacked Sen. Osotsi. We cannot forget that the Linda Mwananchi group were almost attacked at Kisumu International Airport. This is a pattern that is emerging and we cannot accept or allow our country to grow a culture of goons.

Mr. Speaker, Sir, not long ago, on 7<sup>th</sup> July, goons were walking in this city. They were saying that they had been sent by the Governor of Nairobi to protect or *linda jiji* as

per their language. Those goons were walking alongside the police. We cannot allow this in our country.

I am not saying that the attack on Sen. Osotsi came from ODM. The ODM party has had the support of the Luhya and Luo communities. If the attacks on Sen. Osotsi came from ODM, it means that the Luhya community, which has been supporting ODM, now feels threatened because---

**Sen. Oketch Gicheru:** Thank you, Mr. Speaker, Sir, for this opportunity. I also want to add my voice to the statement by Sen. Hamida Kibwana and express that it is important for us to look at the political environment as we go to the next election.

Many things have happened, dynamics have changed and the population has changed. It is, therefore, important that we, as leaders of this country, arrest that environment because it is the one that will determine if we are to have a stable and steady country after the elections or otherwise.

I also want to add my voice to what we saw happening as a result of that kind of environment to our own Senator, Sen. Osotsi. It is unfortunate that a Senator can stand in this House and trivialise this matter to be a party issue. I expected this House to come back for a special sitting to discuss this issue. When a leader is attacked in any nation, we stop focusing on who organised it, how it was organised, who planned it and who was behind it. A leader who has been elected in any country cannot be attacked in public space as it happened to Sen. Osotsi, then we have the matter go unnoticed. I wish that this House could take this matter seriously and stop politicking about it.

Some of us are serious proponents of the broad-based government. I agree with the decision of the ODM party on Sen. Osotsi. If his ideology changed and he no longer supports the majority decision of the leadership of ODM, then it is honourable for him to relinquish his duty of leading that faction, which is the largest.

That said, the attack on Sen. Osotsi was a whole different equation. That is why I went to visit him at the hospital and issued a press statement at the hospital, with factions that I do not necessarily align with.

Mr. Speaker, Sir, this is not a small issue. It can happen to you or any other Senator. In fact, if you let it pass in the noise of politics, then it means that your opponent in the grassroots and not the national politics, can organise goons, maim you, injure you or even kill you in the grassroots. I wish we can give more gravity to this issue. I know that under Standing Order No.58, we are not supposed to comment on it, but I request that you give us a chance to have a special session on this issue.

I do not know if I have one minute because I wanted to comment on the statement by Sen. Olekina. We must have data of imported seeds and what we are producing for us to give our farmers control over their local food system.

**Sen. Ali Roba:** Thank you, Mr. Speaker, Sir. Our country has come of age in terms of its growth in democratic practice. Our neighbours: Uganda, Tanzania and the larger East African Community (EAC) watch Kenya with a lot of admiration because of the way we practice our democracy and they wish to emulate Kenya.

What happened to our brother, Sen. Osotsi, is a very sad situation. If we, the political leaders, will not condemn it in the strongest words possible, then the future will look extremely dark. We have to make sure that the democratic space and the growth we

have realised is not taken back by acts of lawlessness in the form of goons who are being used against individuals. We should look at the growth of the democracy versus the events that are taking place.

It is extremely important that Kenyans as well as the political leaders understand that we can practice our democracy in the context of willing buyer, willing seller, rather than coercing anybody into accepting certain political thoughts in this country. Political parties as well as politicians should canvass this country freely and participate in political space.

I was recently invited by Sen. Wambua alongside many Senators and I was the odd one out because I am from the Kenya Kwanza side. Everybody spoke wildly against the sitting government. When I stood up to speak, I had to nurse the crowd in order for me to share my ideas without being booed. There was a little bit of booing from Sen. Sifuna, who was in the front line, but we managed to communicate despite the fact that we were from two different political divides.

I invited my colleagues, Sen. Sifuna, Sen. Oketch Gicheru and the rest. Those Senators hammered the sitting government in Mandera in a county that is politically aligned differently from theirs, but the public listened to them. Nobody booed and jeered at them. That is the kind of democracy we want to nurture in this country. If I go to Kisii today and put up a rally as the party leader of the United Democratic Movement (UDM), I expect to be listened---

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

**Sen. Olekina:** Mr. Speaker, Sir, first of all, I want to comment on the statement that my dear sister, Sen. Hamida, made in regards to voter civic education. It is imperative and we, as leaders here, must lead that civic education. If we do not do it, the future generation will blame us for having only lined our pockets and forgotten about them.

Secondly, the issue of political polarisation, which is slowly creeping into this country, should actually allow divergence of opinion. My good friend, Sen. Osotsi, went to Narok and he told me 'Shame on you, Ledama.' Did I beat him up? I had the ability to go and beat him up, but that was his view. I really want to call upon all Kenyans for us to allow divergence of opinion. I am saddened when I hear that this happened to you. In fact, you should be compensated in that kitty that was introduced recently for political violence and demonstration. This is something that we must be in the lead to do.

I sit with Sen. Sifuna here. On a weekly basis, he is in Linda Wananchi. I am in Linda Ground. Those are divergence of opinion. Ultimately, if we can tell Kenyans what we can do for them and demonstrate clearly, that is what Kenyans will vote for. So, I really want to condemn, in the strongest terms possible, political hooliganism and that ability that you think that now that you are in the seat of power, you can turn and take a *rungu*, or you start beating up and send goons to attack another person.

Today, it has happened to Sen. Osotsi. If we do not speak about it, and really call upon the state to allow the divergence of opinion. This is just something very simple. In 2027, you will be attacked. Everyone of us will be attacked. I urge the Ministry of Interior and National Administration to move expeditiously. That lame argument that 12 people moved to Uganda, go to Uganda and get them back to the country. We have

Interpol. Come on, we are not stupid. We know what is happening. Sen. Osotsi, you are welcome to Narok and do whatever, even shame me. That will not change the view of the people.

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

**Sen. Veronica Maina:** Thank you, Hon. Speaker, for this opportunity. I want to comment, first of all, on the statement by Sen. Hamida on the anomalies in voter details displayed on the voter verification portal, and generally about the registration of voters that is ongoing.

First of all, I want to note that there has been low turnout of voter registration, and not too many people who required to register for voting have turned out to register themselves at the IEBC offices or in any other specified location where the IEBC is carrying out the registration.

I want to call upon the IEBC to ensure that they consider extending the deadline within which this mass voter registration is taking place to enable people to carry out their political right of being able to vote in their candidates come 2027. It is also important that the register be cleaned out in time, and we have a periodic accountability system through which the IEBC is able to update Kenyans and report back to Kenyans how far they are and what they are doing to make sure that that register that is being compiled right now is a clean register, without having to wait until the last minute to do a voter register cleanup.

One of the reasons why Kenyans have not been very confident sometimes with the IEBC is because when decisions are left to the last minute, it tends to punch public confidence in the processes that are being undertaken. So, I would urge that even as this Statement is being considered by the Committee on Justice, Legal Affairs and Human Rights (JLAHRC), that even the IEBC, who I think could be watching us right now, would ensure that they do not walk this journey alone. One of the reasons people also lose confidence is when Kenyans do not know what is being cooked in the IEBC. They should keep Kenyans updated and walk the journey with the Kenyans. The chair of IEBC needs to hear this. If you walk this journey alone, it will not matter that you are doing the right things. Kenyans will feel lost. At the end of the day, they will start thinking that the process is not straightforward.

There should be an extension of the deadline for that voter registration and we must have a way where IEBC is seen to be very sensitive to the violence that is being meted out by political goonism. There is a total disconnect right now. The IEBC does not seem to be having offices in Nairobi or within the Republic of Kenya.

I watched the video where Sen. Osotsi was beaten senseless by people who just walked in and found him seated. Can you imagine? They did that to an elected Senator. What would they do to an ordinary Kenyan when there is no camera or no one watching? It does not matter who did it. I want to call upon---

**The Speaker** (Hon. Kingi): Sen. M. Kajwang', please proceed.

**Sen. M. Kajwang':** Mr. Speaker, Sir, thank you for this opportunity to comment on some of the statements that were raised. Let me start with my brother Sen. Osotsi. Allow me to use the Floor of this House to condemn the broad daylight---

**The Speaker** (Hon. Kingi): Sen. Kajwang', you cannot comment on the statement by Osotsi. You can only use it as an example within another statement.

**Sen. M. Kajwang'**: Thank you, Mr. Speaker, Sir. Let me start with the Statement by Sen. Hamida on civic education around voter registration. I still hold the view that Kenyans do not need an extra card to become voters. Once you are a citizen of this country and it is affirmed by a national ID and a passport, this additional step is an elite consensus to lock out certain parts of this country from exercising their democratic right.

For example, a country like Nigeria with more than 200 million people, the President is in office by the mandate of just 16 million people because of that additional bureaucracy that the elites have created called a voter's card. I hope that one day the political elites will allow all Kenyans to participate as voters, allow all divergent voices to express themselves and that they will seriously take this rising spectrum of goonism and gangsterism that we are seeing in our politics.

Even if we were to have a proper voter identification and registration exercise, if it cannot contain the violence that we are seeing in our politics, many Kenyans, especially the young ones, will give up on exercising their civil rights to vote.

This thing we are calling goonism that is affecting our young people from participating actively in the body politics of this country will soon mutate into vigilantes and violent groups. Beyond the things that we have seen political leaders being attacked in broad daylight, I want to encourage the relevant government officials to take this matter seriously. It is laughable when we hear senior government officials say that this is a problem of politicians. We cannot normalise gangsterism or goonism.

We must go beyond that and also address the issue of cyberbullying, where someone is assaulted during the day and then in the course of the day, you have got people who have clearly sponsored to cyberbully. There is also the other spectra of heckling, vuvuzelas and whistles that are being deployed even in churches. This is a national crisis and I want to request the CS involved not to take this matter lightly because if it had happened to him, we would also have condemned it. We would not have excused it the way they did it.

Thank you.

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

**Sen. Kisang**: Thank you, Hon. Speaker. I want to comment on the statement by Sen. Olekina on seeds. Our farmers in the country cannot plant and produce enough seeds to be distributed across the country. It is sad that sometimes last year, we got some cotton seeds from Morocco that were not for this region and basically, they did not flower. Farmers went into a lot of losses, and they were not compensated by those who gave out their donations. That is why it is important that this audit of seeds that were produced last year needs to come out.

Our farmers are capable of producing enough seeds, either through the Kenya Seed Company (KSC) or other agencies, and they can be sold to the farmers, so that we become food-sufficient and secure. As a country, we should not be importing maize, wheat and barley because we have sufficient rain and water to do irrigation across the country.

Mr. Speaker, Sir, I also want to comment on Sen. Hamida's statement. We know for the last almost one and a half years or more we did not have commissioners in place, so the IEBC was not able to undertake voter registration. They have just given the country one month to do mass voter registration. They need to go back to the National Treasury and National Assembly for additional resources, so that around June and July, they undertake another one-month long further registration exercise. That will enable our youth who may not be in the country and those in colleges to get more time to register.

I condemn the goonism we are witnessing in the country. It is more than maybe 15, 16 months to elections and the country is already in an election mood. This is very sad. I condemn those who attacked my Chairperson of the County Public Investments and Special Funds Committee (CPI&SF), Hon. Osotsi. I went to the hospital and saw him. We thank God that he is a Senator. If Hon. Osotsi was a common man, maybe we would be talking about other things. He would not have survived. It is because of you and the Clerk of Senate who helped to airlift him to Nairobi and he got specialized treatment. We want to also thank Java Restaurant because we were able to see the footage. Those who undertook this act must be taken to court and committed to jail.

**Sen. Ogola:** Thank you, hon. Speaker. I would like to add my voice to the statement by Sen. Hamida Kibwana on the civic education in the ongoing voter registration exercise in the country. Civic education is a basic right that all Kenyans must get and at the right time. It is probably because of lack of such education that a number of us get into a number of wrong things.

On the same note, I want to feel with my colleague, Sen. Osotsi. What he went through was uncalled for. At one time, I was tempted to watch that video. At some point, I stopped because I feared what was going to happen next, especially when I saw the young man just courageously kick Sen. Osotsi. My brother, we are sorry. On the same note, I thank the Senate for the bold step that was taken to rescue Sen. Osotsi and to address the medical condition which he got.

I want to disagree with my Senator, Sen. M. Kajwang' who says that there are leaders who are talking like goons. The goonship is about political leaders. I want to reiterate here, and stand by my word, that these goons are a creation of the political class. In this country, we have gone through hell. In the same Kisumu over one year ago, we had a meeting in Kisumu that was the anniversary of the late Jaramogi Oginga Odinga. Half of the leaders left running and scampering for safety and a half of them went without their wares. Some lost a lot of valuables.

To people who are reducing the attack of Sen. Osotsi into a tribal story, that is a wrong narrative because when we were in Kisumu and were attacked, we were only members of one community. How come? How then were we fighting ourselves?

When you go to the political functions, you see these leaders almost accompanied by over 100 people behind them. Who are these? They are never security officers. They are goons. They are gangsters. The political class must check what we are doing, especially as we run into the election.

I want to stand here and refute the notion and narrative being driven against one Principal Secretary (PS), Dr. Raymond Omolo, because this goonship has been there. Sen. Osotsi has been a member of my party and my leader. In our meetings, we have had

this practice. Where was PS Omolo in those? Let us not bury our heads in the sand and assume this problem. As leaders, we must face it and call it by its name. Otherwise, we are running into danger.

I feel sorry for Sen. Osotsi, but the gangs that we have are a creation of the political class. Some of them are even employed on different payrolls. So, why are we calling each other? Let us face it as politicians and address these things once and for all.

**Sen. Abass:** Thank you, hon. Speaker. I join my colleagues to comment on the statement by Sen. Hamida. It is a very unfortunate situation that this country has gone to campaign mood very early. Every day you see people running around, politicians talking about dirty things and inciting the public. Now that we have the IEBC in place, it must take action and nip this mistake.

What happened to our colleague, Sen. Osotsi, is a very unfortunate situation. He is a very senior citizen of this country; a leader. It is unfortunate that in broad daylight, next to a mall; public place, that kind of business can take place.

Most of the African countries see this country as a haven of peace. People are coming to our country from all corners of this continent. Unfortunately, what is happening now is so sad. The other day I was surprised that the Cabinet Secretary for Interior and National Administration was talking of the number of goons that exist and that every politician has a goon. That is very unfortunate. If the CS is aware that every politician has a goon, then he should apprehend them. If he knows the number of goons and where they are, they should be apprehended. They should not be waiting to cause havoc in this country.

I think what is happening in this country is going out of hand. If we continue this way, this will be a very unfortunate situation for us. Kenyans must have conversation before we go to the election period.

**Sen. Omogeni:** Thank you, Mr. Speaker, Sir. I want to comment on the statement by Sen. Hamida on the voter registration by IEBC. When the Krieglerr Commission looked into our post-election issues in 2007, the recommendation to the country was to ensure that successive elections are credible, free and fair. Kenyans should be given an opportunity to pick their own leaders. While at it, I want to take a minute to also comment on what happened to my good friend---

*(Sen. Oketch Gicheru and Sen. Cherarkey consulted loudly)*

**The Speaker** (Hon. Kingi): Order, Sen. Eddy and Senator for Nandi County.

**Sen. Omogeni:** I want to take a minute to also comment on what happened to my good friend, Sen. Osotsi.

Mr. Speaker, Sir, you are my friend and colleague. You know that many of us have been victims of violence. I remember in 2013, I read about what happened to you in Mtwapa when goons attacked you. I know you can tell the story of how you felt. When you are vulnerable, in a meeting and do not expect to be attacked, then you see people arrive armed and attack you, you feel as if you are not even in this life; you are as good as dead. I know what happened to my good friend, Sen. Osotsi. I watched that clip and know how traumatizing the two to three minutes were while being attacked.

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

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

Madam Temporary Speaker, that is something we must never condone. We should nurture a country that respects the rule of law. Anytime anyone takes the law into their own hands, if we do not take corrective action and arrest the perpetrators, including those funding these youths or thugs, we fail.

Do you know how Haiti degenerated? It happened the same way. There was a president in office, I believe his name was François Duvalier, who tried to rule through repression. If you disagreed with him, goons were sent to attack you. As we speak today, nobody is safe in Haiti.

If we allow this culture to take root, I assure you, Hon. Senators, that nobody will be safe. If the rule of law disappears, we subject ourselves to the law of the jungle and we will all be at risk. We cannot offer forgiveness nor can we find excuses for why the Cabinet Secretary for Interior and National Administration and his Principal Secretary fail to take corrective measures. If I have goons, come after me. No one, regardless of their status in society, should be allowed to have goons. Otherwise, come 2027, nobody will be safe in this country. Please add me one minute.

*(The microphone was switched off)*

**The Temporary Speaker** (Sen. Veronica Maina): Give him one minute.

**Sen. Omogeni:** Madam Temporary Speaker, we are now speaking as leaders and representatives of the people. If we allow this culture where individuals attack you because they have been sent or hold different views than yours, we will never have a country. Let us allow our democracy to take root. We can differ in opinion, whether on one term or two terms, but let us co-exist as brothers and sisters.

At the end of the day, all we want is a peaceful environment where we can co-exist. Politics will come and go, but we and our children will remain in this country. That is all we want. Therefore, let us have decisive action from the Government, the Cabinet Secretary for Interior and National Administration and the Principal Secretary. We need to completely root out this culture of goonism.

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

Sen. Wakoli, proceed.

**Sen. Wafula:** Asante, Mheshimiwa Spika wa Muda, kwa nafasi hii kuchangia maswala ambayo viongozi wenzangu wameuliza. Nikianza na kauli ya Mheshimiwa Hamida kuhusu maandalizi ya Tume ya Uchaguzi kuhusiana na Wakenya kujihusisha katika mchakato mzima. Ni lazima kura ziwe za uwazi na kuwajibika. Ni lazima watu wote wapewe nafasi kujiandikisha, wawe walemavu au watu wazima. Ni heri wazibe ufa pasipo kujenga ukuta.

Pili, tunapojiandaa katika mfumo wa upigaji kura mwaka ujao, usalama kwa mnyonge, maskini, tajiri na viongozi ni jambo la muhimu sana. Yale yaliyotokea kwa

Mheshimiwa Osotsi yanasikitisha sana. Jinsi tunavyokemea uvamizi wa wakulima kule Baragoi, magenge ya majambazi kule Mombasa, waporaji wa mali ya umma katika misitu ya Kenya, ni vile vile tunavyoelekeza hasira na nguvu hizo hizo kwa wale waliomshambilia Sen. Osotsi.

Mimi ni Seneta wa Kaunti ya Bungoma. Mstakabali na ujirani wetu na Kaunti ya Vihiga ni karibu sana. Sisi ni jamii moja. Ni muhimu watu watambue kwamba hata kama tuko katika mfumo wa demokrasia, damu ni nzito kuliko maji. Yeyote anayemkabili Sen. Osotsi ananikabili mimi.

Popote yanapotokea, ni heri viongozi katika maeneo hayo waamuke na kukashifu yale yalimyo tokea Sen. Osotsi. Wengi wanafanya mchezo. Ingekuwa ni mtoto wao ameshambuliwa katika Kaunti ya Bungoma ama Nakuru, je wangekuwa wanapiga shangwe na vigelegele wakisema halleluiya hosana?

Tuache siasa ya ubinafsi na madharau. Uhai wa mwanasiasa na Mkenya ni jambo la muhimu. Wote tutetee uhai wa viongozi. Uwe katika Serikali ama upinzani, ni dhambi, kejeli na madharau kuchangia kupiga makofi viongozi kama Sen. Osotsi wanaposhambuliwa. Wengine ni kina mama na wamezaa watoto. Sen. Osotsi ni mtoto wa mtu. Hawa kina mama katika Kaunti ya Vihiga wanahisi vipi mtoto wao anaposhambuliwa?

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Wakoli, you have 30 seconds to conclude.

**Sen. Wafula:** Mimi nawaambia wasione maji yametulia wakadhani hayana kina. Kila mtu ana kwao. Hata mwendawazimu sokoni, mpige kofi, utajua waliomzaa. Mimi niko serikalini lakini huyu ni ndugu yangu wa mama yangu. Watu wote wakiwemo wa Marsabit, Moyale au Busia, wote ni ndugu zangu na nina haki ya kuwatetea ili wajivunie kuwa Wakenya kwa sababu wanalipa ushuru na wana vkitambulisho vya Kenya.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Wakoli. Sen. Hamida, proceed.

**Sen. Kibwana:** Asante, Bi. Spika wa Muda. Ningependa kuunga mkono kauli ya Sen. Olekina kuhusu mbegu. Tunafaa tukague mbegu zinazolingia nchini iwapo ni za aina gani na kiwango gani. Nilitoa taarifa yangu kuhusu kukagua mafuta tunayotumia Kenya. Kuna mafuta yanayosababisha saratani. Mafuta yanatengenezwa na mbegu. Kwa hivyo, ni muhimu kukagua mbegu zinazolingia nchini na zilizopo iwapo ni aina gani.

Pia, nashutumu vikali ile shida kaka yetu, Sen. Osotsi, alipitia. Kusema ukweli alifanyiwa unyama wa hali ya juu. Sen. Osotsi tunamjua ni Seneta mpole na Chairman wa County Public Investments and Special Funds Committee. Yeye huwa hana matatizo yoyote na imetusikitisha sana kuona amefanyiwa kitendo cha unyama kama kile.

Sisi sote tumeshuhudia vile alivyomizwa. Tunaomba Serikali ichukue hatua kwa hawa vijana ili waweze kuadhibiwa. Haiwezekani kuwa vijana wamepotea bila serikali kujua. Wanasema serikali ina mkono mrefu. Popote wale vijana walipo watafutwe. Hatuwezi kubali kitendo alichofanyiwa Seneta. Waswahili wanasema, leo yeye, kesho sisi. Kilikuwa ni kisa kibaya na tunakishutumu vikali.

Asante.

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

**Sen. Onyonka:** Bi. Spika wa Muda, leo ningependa kuzungumzia mambo mawili.

*(Technical hitch)*

**The Temporary Speaker** (Sen. Veronica Maina): Give him the microphone.

**Sen. Onyonka:** Nilikuwa nafikiria kuwa ndugu zangu ambao ni wanasiasa wangetusikiza leo kidogo.

Bi spika wa Muda, mambo mawili yalitendeka wiki iliyopita. Jambo la kwanza ambalo ni la kushtua ni kumwona kakangu Osotsi akilimwa sawa sawa kule Kisumu. Nikiuliza shida ni nini naambiwa ni kwa sababu amechukua siasa ya mlengo mwingine. Kwa hivyo, wale ambao wana uchungu na yeye wangependa kumuadhibu ili wamwuonyshe vile anatakiwa kufikiria.

Walakini, tulienda kikazi upande wa gatuza za Nandi, Elgeyo Marakwet na Uasin Gishu ambapo sisi ambao tuko kwa mlengo ule mwingine ambao si wa Serikali. Tungedhani kuwa watu wa Gatuza la Nandi wangetucharaza ila wananchi walitukaribisha kwa sababu hamu yao ni kutaka kazi ifanyike. Walikuwa wana tusifu; wanasifu Bunge hili la Seneti, wakisema, “Ninyi, ondokeni Nairobi, mkuje hapa mashinani, mtembee kwa sababu Wakenya wangependa kuwaona, ni kazi gani ambayo imefanyika, na tena mujitambue na kusema ni nani anaharibu.” Bi Spika wa Muda, hilo jambo limenishtua sana.

Jambo la pili, wiki tatu zilizopita tulipokuwa Kisii, tulikuwa tumeonywa kuwa hatuwezi kuingia kule mjini Kisii kwa sababu tungechapwa. Tunauliza, kuchapwa kwa nini? Tunaambiwa kwa sababu tuko kwa ule mlengo mwingine wa siasa ambao haupendwi. Ningependa kusema kuwa viongozi sasa lazima watoe suluhu ya ni nini mtafanya kuondoa huu uchafu ambao unaharibu sheria na serikali ya Kenya.

Kumalizia, nasikia mnaongea juu ya mbegu ambazo ziko na shida. Kenya Seed Company Limited imeauzwa na walioichukua ni viongozi wa Kenya na Shilingi bilioni sita zilizokuwa kwa akaunti zimechukuliwa. Yule manager ambaye alifutwa kazi na kampuni ya Kenya Seed Company Limited hawezi kutengeneza mbegu tena.

**The Temporary Speaker** (Sen. Veronica Maina): Your time is up, Sen. Onyonka.

**Sen. Onyonka:** Asante, Bi Spika wa Muda, ningependa kusema wale ambao wanaiba Kenya Seed Company Limited wawachane nayo kwa sababu ni raslimali ya Kenya.

Asante.

**The Temporary Speaker** (Sen. Veronica Maina): Resume your seat.

Sen. Joyce Korir, please, proceed.

**Sen. Korir:** Madam Temporary Speaker, allow me to also contribute to the statement by Hon. Hamida on the issue of voter registration.

I would like to thank the Independent, Electoral and Boundaries Commission (IEBC) for trying their best in terms of making sure that they notify the members of the public to register. I would like to tell Kenyans, especially the youth and all of us who voted maybe 20 years ago, that we need to make sure that we have this card for the

change that we desire. I know there is a lot of politics around and that is why you find there are a lot of fights all over.

I stand with Hon. Osotsi. Indeed, it was a very disturbing incident. He is a colleague in this House, despite the fact that he is coming from another divide. No one should suffer the same fate. The culprits who fought Sen. Osotsi, who was helplessly lying on the floor, should be put to task and must face the full force of the law.

Despite our differences, we can always agree to agree or agree to disagree. We should not die because of politics. It is about development, ideas and agenda. It is not about the person. So, I urge Kenyans that as we enter into elections, let us focus in terms of the ideas or manifestos that the politicians or leaders have, rather than fighting individuals and having differences that do not assist us in any way.

As a mother, I know that it is hard for us, as parents, to see our children perishing in the streets just because of politics; being used by politicians to settle their scores. I urge them to have the card, let them listen to the manifestos and elect the leaders based on the manifestos that they are going to give them.

I support.

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

**Sen. Maanzo:** Thank you, Madam Temporary Speaker. I would like to comment on Sen. Hamida's Statement on voter registration and the IEBC portal. It is true we should have voter education. Ordinarily, that happens every registration cycle. Kenyans have to be educated by the IEBC.

There has to be meetings and I believe this should still be done and an opportunity given to Kenyans to register again once this one-week that is left is gone. Secondly, today, when the Cabinet Secretary for Interior and National Administration, Hon. Murkomen, was here, he said that there are 58,000 identity cards (IDs) which are going to be out by Friday. As much as I am urging the young ones to pick their ID cards from the local chiefs, because there are quite a number, 500,000, are still uncollected, if we could extend a few days to make sure that every Kenyan who has not gotten their ID this week gets their ID and are able to register next week.

In regards to the voter portal, I am told by a Senator friend of mine here, that if you acquire the voter registration, which is sold Kshs100,000 online, and you put it on Artificial Intelligence (AI), seven million voters are not properly identifiable. So, there is some work that IEBC must do. I have challenged them before in a public forum where they had invited us here in Nairobi. In my opinion, we should rectify the voter registration, and make sure that the voter register is verifiable. For those who want to transfer, you have to go to the constituency headquarters, which is still a strain in the village.

Finally, on the matter of Sen. Osotsi, brutality is an illegality. Only three people have been arrested. The rest are said to have left the country. I am sure they have not gone very far or to a country where Kenya has no diplomatic ties with. They should be brought back by Interpol and charged, so that they can face the law. They are known and the list has been released. We want to eliminate this sort of hooliganism and violence in our politics.

Thank you, Madam Temporary Speaker.

I support.

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

**Sen. Montet Betty:** Thank you, Madam Temporary Speaker. Allow me also to contribute on the two important statements. I will start with the one from Sen. Hamida Kibwana.

Madam Temporary Speaker, it cannot be emphasised enough how voter registration education is important in this country. We live in this country and know how Kenyans operate. Civic education is the only thing which will help our people register as voters. There are so many ways that IEBC could use to reach out to our own people. Today, we have so many local stations which can be used.

So, the IEBC should go back to the National Treasury and ask for money because it is important that we educate our people on how important it is to vote. That is what will bring peace in this country and help our country move forward.

Let me also condemn the attack on one of us. That is not acceptable at all. Looking at an elected leader being attacked in public in broad daylight is very unfortunate. If this is allowed to continue, now that we are moving to an electioneering year, this is a very dangerous trend that we are going to set. This is unacceptable.

I would like to thank Hon. CS because today he said that they are really doing their best to reach out to the attackers and ensure that these people will be brought to book and charged. Let us see that this does not continue. It is very sad that this is being done by our own politicians. Hooliganism is actually being encouraged by our politicians. Sometimes I sit and wonder when you get to a meeting and you find a politician walking in with 120, 30 goons escorting him, and you wonder, why are they scared? If they follow the rule of law, why are they scared? Why do they have to use goons? So, politicians have to stop this growing issue of hooliganism, especially now that we are going towards elections. What happened to Sen. Osotsi is unfortunate and should not be allowed because it shows that none of us, politicians, is safe if it could be done in broad daylight. Sen. Osotsi is one of those politicians who is not controversial at all. What happened to him is unfortunate. It should not be allowed and should be condemned in all manner and everywhere.

Thank you, Madam Temporary Speaker.

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

Sen. Osotsi, please proceed.

**Sen. Osotsi:** Madam Temporary Speaker, let me comment on the statement by Sen. Hamida on civic education in voter registration.

Having listened to Sen. Hamida, a number of issues have come up, including the technology that is used in voter registration.

The technology that is used for voter registration is prone to errors and manipulation because once the kits have been released to the clerks, they have to be taken back to IEBC offices and data uploaded onto the server. During that process of manual upload of data, a lot of things can happen. That is why we have had incidences where people have said that they cannot locate their details on the portal.

There is a provision in the Election Act that provides for an inter-stakeholder Information and Communication Technology (ICT) technical committee where the

stakeholders like political parties and all the civil societies involved and even the government can have a forum where they can continuously, at every step of the election process, including voter registration, assess the technology that is being used for all these processes.

Madam Temporary Speaker, this provision in law has not been exercised since 2017 when a committee was set up. However, in 2022, it was not applicable. I demand that the IEBC must initiate that this provision is implemented, so that we can have an inter-stakeholder ICT technical committee that will continuously monitor the implementation of ICT across the election processes. If we do that, then we will promote confidence among Kenyans in the election process. At the moment, it is not foolproof and it is open to manipulation. No wonder we have had cases like those.

Secondly, Madam Temporary Speaker, even as we talk about voter registration, there is also the provision of national identification cards to the people. I have realised that there are so many people in our areas who do not have IDs. Others have the old generation IDs which cannot be used for election. So many of them, due to marriage issues, have not been able to get IDs. The government should focus on providing IDs to these people. I am also concerned that the provision of IDs is done selectively. It appears that this process is only centred in some areas, while other areas are left out. For example, I see a very aggressive process of provision of IDs to residents of a county where my good friend, Sen. Cherarkey, comes from. We share the boundary. However, on the side of Vihiga County, nothing is happening. So, we would like a situation where we can have ID registration happening across the country without regard.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Osotsi, your time is up.

**Sen. Osotsi:** Madam Temporary Speaker, give me one more minute.

**The Temporary Speaker** (Sen. Veronica Maina): I will give you half a minute.

**Sen. Osotsi:** That is fine. So, we want a situation where the ID registration should be done in all counties and not selected counties because that would be early rigging of election if we go that way.

Madam Temporary Speaker, I support.

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

**Sen. Okiya Omtatah:** Madam Temporary Speaker, thank you for the opportunity to contribute to the two statements.

Regarding the IEBC, one of the things that the IEBC is supposed to do is to do a revision of the voters' roll. That would help us come up with a better register of voters. The current register of voters has a lot of anomalies. There are very many voters in that voters register who do not have biometrics, especially pictures. One would wonder how the officer captured. Having run an AI tool through the register, we have about six million voters who do not have pictures. Those are ghost voters, and I would like a revision of the register to get rid of all people who do not have pictures, so that anybody who is a voter in Kenya has a picture, so that we can know who it is. There are no people without faces moving around in this country. We do not have ghosts. So, I pray that the IEBC executes its mandate of revision of the register to weed out all voters who do not have pictures in their roll.

In regards to the attack on Sen. Osotsi, I do not have the words with which to condemn it. It epitomises what is happening in this country in regard to the law. There is so much violence that when you move your hand in the air like this, you hit the violence. Non-violence is not only in the actions, it is also in the language that people use. It is from language that we proceed to begin inflicting actions that we see as violent.

What happened to Sen. Osotsi is unacceptable. I was surprised to hear the other day on television, where it was being alleged by one of the officials that some people who were involved have run across the border. What is Interpol doing? What efforts are they doing to bring them back? These were known people and they should be punished. They should set an example, so that the hooliganism we are seeing coming across is nipped in the bud. Otherwise, we are priming this country for civil unrest. The state will very soon lose the monopoly of violence. When that happens, we will be in trouble. There will be no country called Kenya.

**The Temporary Speaker** (Sen. Veronica Maina): Your time is up.

Sen. Oburu, the floor is yours.

**Sen. (Dr.) Oburu:** Thank you, Madam Temporary Speaker, for the opportunity.

I stand to speak on the issue of voter registration, which is at the core of democracy of our country, and we cannot claim to be a democratic country if we do not conduct free and fair democratic elections. Elections do not happen on the election day; they start far much earlier than the election day. The election day is just for people to do the final process. However, if for instance, any region is denied registration of voters by either being too lax or having the equipment collapse too frequent, or by having less money put there for mobilisation of the voter process, it becomes a process which finally might not be regarded to be free and fair.

Therefore, these questions which have been asked in the statement by Sen. Kibwana, are very important. I would like the Committee to go into the details and find out what is happening in this voter registration process. This is because we want a transparent election where after the elections, we greet each other and say, I have been defeated, I will try next time.

Madam Temporary Speaker, I know that these things sometimes happen. They happen because in most cases, you find that the voter registration process is completely underfunded. The people who are registering tend to concentrate only in certain centres. Wananchi cannot move to those centres because the cost of going there is sometimes expensive. Therefore, that is also an injustice to the people.

The people who are doing the registration should be given sufficient backing and funding, so that they do not only restrict themselves to certain centres because they lack money for subsistence or even fuel to travel to those areas.

I thank you for the opportunity and hope that the questions as put by Hon. Kibwana will be answered. I wanted to comment on another one, but I have been cut short.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Wakili Sigei, that should be the last comment on the statements. Give him the microphone. You can move to the Dispatch Box, you are young, Senator.

**Sen. Wakili Sigei:** Thank you. Madam Temporary Speaker. I appreciate the recognition of the fact that I still represent the young generation. I wanted to comment on the two statements; one by Sen. Hamida on voter registration.

What is currently going on in the programme of the Independent Electoral and Boundaries Commission (IEBC) is to enhance voter registration. It is done for a reason. We are talking about democracy and leadership. This House, in itself, has got representatives of the people and the representation came out of an election. Therefore, if there is anything that must be done, is to make sure that there is maximum participation by Kenyans of age in the electioneering process.

Election, as one of my colleagues here has stated, is not an event, it is a process. That process is what is going on right now. It has been going on and will continue until the time when the elections are conducted. Therefore, we wish to encourage Kenyans of age to come out in large numbers and register, so that they participate in the elections.

Almost every process that is conducted in these Houses and in other public offices is supposed to be guided by the space that every other Kenyan desires to have representation, which can only happen when members of the public of age register as voters.

As we push IEBC to continue the process and to encourage Kenyans, we also believe that the process is going to enhance transparency and accountability. As to whether or not we are still having issues with the register, is a matter that is supposed to happen as we encourage the rest of the Kenyans to participate.

Secondly, we watched the clip that was going around of one of our colleagues being attacked by goons. It is not a statement that we should take for granted. I am sure that whatever differences that we have in our political space should not, in any way, get closer to planning an attack on a colleague. I condemn with the strongest terms possible any kind of plan or arrangement where a member of the public is used by either any political wing or formation to attack a colleague.

I have experienced an incident where goons have been paid to block access to a public facility. That is what most of us say is the beginning of anarchy and this country should not degenerate to that. What happened to Sen. Osotsi should never happen to any other Member of this House or any other political player. It does not matter the formation that you are in.

If there is anything that the Ministry of Interior and National Administration and those who are responsible must do, is to make sure that those who have been identified face the law.

I want to encourage the Judiciary to make sure that the team of goons and attackers who have been charged are also taken in. This will be a lesson to those who could generally be influenced to be used and be paid, as little as Kshs100 or Kshs1,000, that is not worth to attack any leader or any other person for that matter, notwithstanding the political differences that we might be having. Therefore, I know that---

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Wakili Sigei. He has already ceded the microphone.

Sen. Osotsi, from the House, we say that was a very sad incident. I believe those who attacked Sen. Osotsi are cowards who are unable to face their opponents and they have ceded to that cowardice.

We call upon the CS to ensure that investigations are done speedily and those culpable are brought to trial, even if it means involving the Interpol, if they have crossed the border. So, we wish you a quick recovery. I hope this culture will not be entertained in the Republic of Kenya.

We move to the next Order.

## MOTION

### IMPLEMENTATION OF RECOMMENDATIONS BY CPAC AND CPI&SFC ON AUDITOR-GENERAL REPORTS FOR FY2024/2025

AWARE THAT, Article 96(1) and (3) of the Constitution mandates the Senate to represent counties, protect their interests, and oversee national revenue allocated to county governments; and that Article 229(8) and the Public Audit Act require Parliament to debate audit reports and act within three months;

CONCERNED THAT, despite repeated invitations and summons, fifteen county governors defied the Select Committees on CPAC and CPI&SF by refusing to appear and answer for financial mismanagement and accountability failures in the Auditor General's FY 2024/25 reports;

APPRECIATING THAT, CPAC and CPI&SF diligently interrogated the Auditor General's issues, filed reports within constitutional timelines, and secured Senate approval on 31st March 2026;

NOTING THE urgent need for rigorous follow-up on these recommendations and ongoing Senate oversight of implementation;

NOW THEREFORE, notwithstanding Standing Order 225, THE SENATE RESOLVES that the Select Committees on CPAC and CPI and SF immediately:

1. Track implementation of the Senate-approved recommendations and table monthly progress reports detailing compliance status;

2. Fast-track the next audit cycle by prioritizing Auditor General reports on county financial statements for the year ended 30th June 2026, tabling committee reports promptly to enable thorough Senatorial scrutiny;

3. Enforce fiduciary accountability by re-summoning non-compliant county governors, recommending sanctions for defiance (including budget withholding under Article 229), and escalating unresolved cases to the Controller of Budget, Ethics and Anti-Corruption Commission, or Director of Public Prosecutions as appropriate;

4. Collaborate with oversight bodies—Controller of Budget, EACC, and DPP—to impose consequences under Chapter Six (Leadership and Integrity) for governors' failure to appear, including contempt charges, suspension of county equitable share, personal liability for losses, and disqualification from future electoral candidacies.

*(Sen. Ole Kina on 02.04.2026)*

*(Resumption of debate interrupted on 02.04. 2026)*

Sen. Cherarkey, you had a balance of seven minutes. Is that so? There are seven minutes.

**Sen. Cherarkey:** Madam Temporary Speaker, I know you will be gracious enough if I overshoot the runway in case of my submission.

**The Temporary Speaker** (Sen. Veronica Maina): Are you taking a flight? Why are you overshooting on the runway?

**Sen. Cherarkey:** Madam Temporary Speaker, in case of my tsunami-like submissions.

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

**Sen. Cherarkey:** As I proceed to comment on this Motion on the implementation on resolution of the Senate on the report of County Public Accounts Committee (CPAC) and County Public Investment Special Funds Committee (CPISFC), allow me to pass my deepest condolences following the unfortunate killing of Adan Hassan who was allegedly killed by a DCI officer yesterday in Garissa. Our prayers and thoughts are with the family. I hope the Ministry of Interior and National Administration will move in quickly and arrest the perpetrator. It has to be noted that this is the third person being allegedly killed by the police. We stand and pray with the family.

Madam Temporary Speaker, I thank Justice Mwamuye. He is one of the progressive judges of our recent times. Yesterday, Justice Mwamuye vacated an order that was stopping the arrest of two governors who are fugitives of accountability justice. That is Governor Lelelit - who ran away in a supersonic speed, which is not the nature of Samburu people - and Governor Sakaja.

I am happy that Justice Mwamuye has said that the warrant of arrest is in place and has directed the IG of Police to arrest and produce the two governors before the CPAC led by the able Sen. M. Kajwang'. I was watching him on Mikoba ya Demokrasia and he was resembling his late brother, Sen. Gerald Otieno Kajwang'.

Madam Temporary Speaker, this is very important to us even as we track implementation. One of our recommendations is resummoning. We must resummon the 29 governors, including the Governor for Nandi County. The Council of Governors (CoG) Chairperson must be resummoned alongside Governor Sakaja and Governor Lelelit. We will not negotiate on the issue of accountability.

The other day, I saw a Calvins Okoth alias Gaucho being nominated by the distinguished Governor of Nairobi City County to serve in the hospital Board of Mama Lucy Kibaki Hospital; I must appreciate. However, I wonder why people are complaining about Gaucho; the allegation is that the Governor of Nairobi City County has no degree.

Now that my Chairperson for CPAC is here, I request that we must issue a warrant of arrest against the CoG Chairperson, Hon. Ahmed Abdilahi for being used to subvert justice, violating Article 10 on National Values and Principles of Good

Governance, Article 229 of the Constitution of Kenya, Article 201 on Principles of Finance and Article 174 on Principles of Devolution.

Next week or the week after, we will issue a warrant of arrest against the governor who is also the CoG Chairperson, Hon. Ahmed Abdilahi, who continues to subvert justice because we are following through on the resummoning of governors. We want to make him an example of the 29 governors---

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Cherarkey, do you really have powers to issue warrants of arrest against governors?

**Sen. Cherarkey:** Madam Temporary Speaker, I have said the CPAC where I am a Member, I have the powers and privileges anchored in Articles 123, 124 and 125 of the Constitution.

I thank Justice Mwamuye as I call upon the Judiciary that, in Speaker Mate's case, you only challenge the process at the tail end. No arm of Government can injunct another arm of Government. The other day, I was in Kericho, Kakamega and Nandi counties during recess and Kenyans are saying to let governors appear before the Senate, so that they can answer questions of accountability.

We will not do our oversight in funerals, political rallies, bridal showers and baby showers. The correct forum to do oversight is the Senate of the Republic of Kenya. I challenge governors to appear before the Senate and answer questions instead of answering us in public rallies and funerals.

On this issue of goons, I am aware that some governors have people on their payroll that they are using as goons to harass and intimidate Senators. Wherever you go, be it Nandi, Homa Bay or Wajir counties, we must say no to goons. These goons thrive because they are on the payroll of the counties. There are people whose business is to just carry the governor's chair, toilet and carpet. Devolution did not envisage this. That was not the design.

I am happy that the Orange Democratic Movement (ODM) Party Leader, one of the luminaries of devolution, Dr. Oburu Oginga Odinga, is present on the Floor of the House. The intention of devolution was to ensure there are drugs in hospitals, there is water and there is bursary. It was not the intention to have a governor's seat and toilet be carried with 100 goons following a governor.

It was the intention of devolution for the *mama mboga* and the *boda boda* to have an opportunity; nothing else. I do not fear to say this because cowards die many deaths---

Kindly add me 30 more seconds because I am setting the tone.

**The Temporary Speaker** (Sen. Veronica Maina): Okay, 30 more seconds.

**Sen. Cherarkey:** The biggest weakling in the fight against corruption is the Ethics and Anti-Corruption Commission (EACC), Directorate of Public Prosecutions (DPP) and DCI. We have made recommendations to the EACC on many issues of financial impropriety in counties. The EACC, the DCI and the DPP must assist us in the fight against corruption. They must prosecute governors and county officials who continue to plunder and commit financial genocide and financial atrocities in our counties. We should not sleep, we must ensure that these people are prosecuted.

Madam Temporary Speaker, with those many remarks, I beg to support this Motion on follow up on the implementations of the Senate committees. I hope that the

Senate will agree with the recommendations of CPAC, so that we move on and ensure devolution works for a better Republic.

I yield back, thank you.

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

*(Interruption of debate on Motion)*

### COMMUNICATION FROM THE CHAIR

VISIT TO THE SENATE BY MS. CAROLINE CHEROTICH  
FROM BOMET COUNTY ASSEMBLY

I have a communication to make from the Chair on a benchmarking visit by an officer of the Research and Library Department of the County Assembly of Bomet.

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of Ms. Caroline Cherotich, a librarian of the Research and Library Department of the County Assembly of Bomet, who is on a benchmarking engagement on best practises at the Senate.

I request Ms. Cherotich to stand, so that she may be acknowledged in the Senate tradition.

*(Applause)*

Hon. Senators, on behalf of the Senate and on my own behalf, I extend a warm welcome to you and wish you a fruitful visit and I thank you.

You may have your seat.

I welcome Senator for Bomet County, Sen. Sigei, to give her a welcome remark.

**Sen. Wakili Sigei:** Thank you, Madam Temporary Speaker, for giving me the opportunity to welcome one of my employers, Madam Caroline Cherotich, from the County Assembly---

*(Loud consultations)*

Yes, she is indeed one of my employers because she is a voter from the County of Bomet. Therefore, I am here to do representation in this House courtesy of her vote and support.

Madam Carol, I wish you an experience that will support you as you deliver on your assignment at the library services in the County Assembly of Bomet. Take note of the conversation that is going on right now because what we are dealing with is sometimes, part of what ought to have been done by the Members of the County Assembly (MCAs). Unfortunately, most of them have not executed oversight as it is supposed to be.

I wish you an experience that will help you learn more and replicate it when you go back home.

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Thank you, Madam Temporary Speaker.

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

We resume on the debate on this Motion of implementation of recommendations by select Committee on CPAC, CPIC and SF on Auditor General's Report for year 2024/2025.

Just by way of guiding the Senators who are contributing to this debate, please, note that the debate should be on the amendment; that was deleting the word "Select Committee on CPAC and CPISF" immediately appearing in paragraph 5 of the Motion and substituting with the words "to establish an *ad hoc* committee comprising 15 Senators" and inserting a new resolution after the resolution listed at number four, "submit a final report to the Senate within 90 days from its establishment."

So, that is the Motion that is being debated before we resume to the substantive Motion on what is in the Order Paper.

Thank you.

Sen. Kajwang', you may take the Floor.

*(Resumption of debate on Motion)*

**Sen. M. Kajwang'**: Madam Temporary Speaker, you have made very important directions on what is being debated because it is an amendment to the original Motion. I support the original Motion, but I do not support the proposed amendment. The CPAC and the CPISFC are established in the Standing Orders to give effect to Article 96.

When this Senate started, we had an Implementation Committee. I recall in the 11<sup>th</sup> Parliament, the Implementation Committee was chaired by the then Senator for Siaya, Sen. James Orendo. In the 12th Parliament, we got rid of the Implementation Committee. I know members have requested that, why do we not bring back the Implementation Committee? That conversation has happened in the Liaison Committee. It has happened in our various retreats. However, the challenge of setting up a separate committee to follow up implementation of the work of another committee is that the committee then redoes the inquiry, investigation and audit. Sometimes, that Implementation Committee might not understand the context within which certain resolutions or recommendations were made, for example, the CPAC that I chair went to Busia County and we went round. We went to the hospital, the stadium and various projects. Prior to that, we went to Turkana. We went and saw some of the ghost projects that are stalled in that county.

So, we undertook our inquiry, did our investigation and made recommendations within a context. It would therefore be proper for the committee that made the inquiry and recommendations to be the one to follow up on implementation.

Madam Temporary Speaker, not too long ago, there was a proposal by the Liaison Committee that we amend the Standing Orders to grant the Liaison Committee the power to follow up on implementation. Sen. Sigei and I sit in the Liaison Committee and when we had that conversation, we realised that we would not be doing proper justice to the House by the Liaison Committee taking away certain responsibilities that have been granted to standing and select committees.

Therefore, I am in full support of the original Motion. Full support, 100 percent, because it gives strength and further emphasis to the work that these committees are doing. However, the neater thing is to allow the committees to follow up on recommendations and what the House could do is to set timelines within which the committees should report back to the House. Already, we have made very drastic recommendations. We have directed the Inspector General of Police to arrest two governors and produce them before this House. You do not need another committee to follow up the implementation of that. The existing committees can call the Inspector General and hold him to account and ask him why he has not produced those governors.

We have made recommendations for several governors to pay the maximum fine available under the Powers and Privileges Act of Kshs500,000 on several governors who decided that they were not going to live up to their constitutional responsibility. You do not need an *ad hoc* committee to follow up the execution of the fines. So, I want to convince my colleagues that this Motion, as originally drafted by Sen. Ledama Olekina, is an excellent Motion that will give strength to the committee and that will uplift the Senate and put it in its rightful position.

Madam Temporary Speaker, there is no negotiation on issues of compliance with the Constitution. I say this with a lot of respect, even to our colleagues who sit on the other side, who are governors of counties. I know that just a few days ago, there was an informal meeting between a few governors and the leadership of the Senate. The leadership of the Senate made it clear that you cannot negotiate on whether to comply with the Constitution, the Powers and Privileges Act, the PFM and the Public Audit Acts.

We are not powerless as a House and we are not powerless as a committee. Already, the courts lifted conservatory orders that had been granted in a Kiambu court that would stop the Senate from issuing summons, sending invitations or asking the IG police to arrest defiant governors. Those conservatory orders have been lifted and so this House has got its powers originally as captured in Article 96, Article 93 and Article 94 of the Constitution. This Senate has got its powers originally as captured in Article 229(8), which empowers the Senate to consider the reports of the Auditor-General.

Madam Temporary Speaker, if we had a problem, then, perhaps, we would go this route. If we had a problem with the Judiciary, the Judiciary has been on the side of the Senate, and it is not just on the side of the Senate, it is on the side of the Constitution. The law enforcement officers, the Inspector General of Police has come before our committee and has confirmed and has been on record in public that if Parliament gives directions that someone must be produced before any of its committees, the Inspector General of Police has got no latitude and cannot negotiate with Parliament as far as that is concerned.

Therefore, on this amendment where we are proposing to delete the word “select committees on CPAC and CPISFC” and substitute it with an “*ad hoc* committee.” I do not support it. I want to urge and encourage Members that even if there could be suggestions on how to give better effect to the work of the two committees, it would be canvassed better rather than through this kind of amendment. I assure the House that the CPAC and CPISFC have the capacity, legitimacy and legal tools to ensure that governors appear before it.

Since this is a debate on the amendment, let me make it brief because I will probably come back to the substantive Motion in the event the amendment is not carried. However, I want to discourage the House from amending the Motion in the manner in which has been specified here, which is effectively to say that the work of the CPAC and CPISFC ends on 31<sup>st</sup> March and afterwards there will be an *ad hoc* committee. *Ad hoc* committees are only created in situations where certain responsibilities have not been defined in the Standing Orders. The work of these two committees has been defined clearly in the Standing Orders and so let us be careful not to rewrite the Standing Orders through Motions.

I know that this House is very upset with the conduct of a few governors and more governors every other day are coming to us and saying that they understand what their constitutional responsibility is. They know that they must appear before the Senate, be held accountable and answer for financial reports and financial malpractices if any that comes out of their counties. I know that many Senators are still angered that you have got a group of senior leaders in this country that can sit down somewhere and canvass and vow that they are not going to obey the Constitution.

We have the power and the mandate to compel and force them and even if it was to come to it, we shall call the Director of Public Prosecutions (DPP) and ask the DPP why he is not preferring charges in cases of obvious contempt of Parliament and in cases of obvious violation of various statutes and even the Constitution.

Therefore, I do not support this amendment to the original Motion, but for avoidance of doubt, the original Motion as presented by Sen. Ledama Olekina, I am in full support.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. M. Kajwang'. Sen. Wakili Sigei, you may have the Floor.

**Sen. Wakili Sigei:** Thank you, Madam Temporary Speaker, once again for giving me this opportunity.

First, I also want to come on record. I have spoken to the original Motion, where I am in full support to the extent that the Motion, as originally drafted, speaks to the main mandate of this House and the situation that we have lately been experiencing in terms of execution of our mandate.

I want to appreciate the work that these two committees; the County Public Investments and Special Funds Committee (CPISFC) and the County Public Accounts Committee (CPAC), as established by our Standing Orders, have undertaken for the period that led to the conversation on this particular Motion that we are in.

To the extent we are seeking to create an *ad hoc* committee of 15 members in place of the two committees that are selected and established under Standing Orders Nos.193 and 194 of the Standing Orders of the House, I also do not support that.

The reason I do not support the creation of an *ad hoc* committee is that when you look at the Standing Order that establishes these two committees, their roles are very specific. When you look at the work that has been done by these two committees, including the experiences that they have had wherever they go out to the field in

implementing and executing their mandate, there is no need for the establishment of an *ad hoc* committee to replace the two committees.

The idea behind that creation could have been informed by the fights that have come from those whom we are overseeing; the governors, who are a subject of the reports that have come over and above the work of the two committees, but also the work of the office of the Auditor-General. It does not require an *ad hoc* committee to do it.

Sen. M. Kajwang' has simply explained the fact that the membership to these two committees has had first-hand experience in terms of the role that they have played. If we were to establish an *ad hoc* committee comprising new members, we would definitely be expecting them to, first of all, understand how and what this mandate expects them as members to do.

Number two, in terms of what we have received so far, none, I believe, from among the members of this House have had any deficiency in the report that the two committees have given us. Therefore, I want us and I want the colleagues in this House, to engage in supporting the original Motion, and maybe to the extent that we only wish to give a certain timeline within which these two committees are to give their reports. That could be the only limb of the proposal to amend that I will support. Otherwise, let us not establish an *ad hoc* committee.

We have had a debate at the Liaison Committee on an Implementation Committee that previously was there in the Standing Orders, but does not exist anymore. The justification for that creation was never availed, and it did not get the support. It therefore means that the respective committees and members of that committee, who also have the mandate within the Standing Orders to follow through the implementation, especially those knowing very well the relevant government agencies, institutions and personnel in those institutions who are supposed to support the implementation, would be the best placed persons to follow through the implementation.

If we were to bring in new members who will be members of this *ad hoc* committee, it means we are going to be sort of reinventing the wheel. Therefore, I do not wish that we support the proposal to amend the original Motion, but instead give more strength to the two committees by the support that the whole House has given in ensuring that the recommendations that have been made, whether it is to an agency like the Ethics and Anti-Corruption Commission (EACC), that reports to the Justice, Legal Affairs and Human Rights Committee (JLAHR), where you and I sit, ours would be to lend support to the reports of CPAC and CPIC and ensure that we follow through the representation that is at the EACC to make sure that if they are supposed to conduct further investigations within a certain timeline, let us say six months, we do not allow them to go beyond the six months.

If there is any summons required by any committee of this House, we push them to make sure that we implement. The same case applies to other committees. If it is about labour and the related committee---

*(Loud consultations)*

Madam Temporary Speaker, could you kindly protect me from the character of Senator---

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, can the distinguished Senator of Bomet County be heard in silence?

Sen. M. Kajwang', can you settle down? Sen. Eddy, do not disrupt the proceedings or the flow of thought of the distinguished Senators.

Sen. Sigei, you may proceed.

**Sen. Wakili Sigei:** Thank you, Madam Speaker. I know Sen. Eddy generally is a fine gentleman, but today, I think he must have had one too many in the form of probably the lunch break that we have had, but I appreciate the support.

Madam Temporary Speaker, I was concluding by saying that we do not wish to reinvent the wheel. Let us support, as other select committees of this House, the report and the recommendation that have come from CPISFC and the other committees in ensuring that those government agencies mandated to implement and execute, do so. That is the only way we will strengthen the work of this House.

Therefore, I do not support this proposed amendment to the original Motion and for avoidance of doubt as well, I, however, fully support the original Motion that required us to make those recommendations that will support the oversight role of this House and will call to book and to answer, those governors who have been found to have abused the offices in one way or the other by misusing public resources and failing to appear to answer to the concerns raised by the committees of this House and the rest of the public that have done several petitions before the House and other committees of this House.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Osotsi, you have the Floor.

**Sen. Osotsi:** Thank you, Madam Speaker. From the onset, I oppose this amendment to try to amend the Motion to provide for the setting up of an *ad hoc* committee on this matter. First of all, this amendment is unconstitutional.

If you read Article 229 of the Constitution that talks about the oversight of audit reports, it implies that there would be standing committees, oversight committees, that will deal with this matter. So, an *ad hoc* committee may actually be in contravention of the Constitution for it to carry out audit-related oversight roles. That would be against the Constitution.

At the same time, it will also be against the Public Audit Act, which provides that there will be substantive committees of Parliament that will carry out oversight over audit reports. So, this amendment, if carried as it is, will basically make the entire Motion unconstitutional and unlawful.

Secondly, I sit in the Senate Liaison Committee and we decided that *ad hoc* committees will be used sparingly, so that we do not have a situation where we have just an *ad hoc* committee for functions that can be carried out by a substantive committee. That decision was made, and that decision stands, and that decision is a decision that has been used even to allocate budgets to committees. So, introducing such a committee at this point will actually negate that decision by the Senate Liaison Committee, which is a very important committee in this House.

Thirdly, the follow-up on the audit report will require institutional memory. Having 15 new members, who were not involved from the start to follow up on the implementation, would be a mistake and it would not lead into any desired results or outcome. So, I oppose this amendment and call upon Members to also oppose it.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Osotsi. Let us hear from Sen. Munyi Mundigi.

**Sen. Munyi Mundigi:** Ahsante, Bi Spika wa Muda, kwa kunipa nafasi ili niweze kuchangia mjadala ambao unaendelea kuhusu marekebisho ya vile Kamati ya County Public Accounts (CPAC) and ile ya County Public Investments and Special Funds (CPI&SF) zinafanya kazi.

Nashukuru kwa sababu mahakama ilikubali magavana wawe wakihudhuria kamati ya CPAC na ile ya CPI&SF ndiposa hizo kamati ziangalie vile pesa za wananchi zinatumiwa. Mimi kama Seneta wa Kaunti ya Embu ninaipinga Hoja ya Sen. Olekina ya kufanya marekebisho. hayo kwa sababu hayo marekebisho yataleta mambo mengi yatakayofanya tuonekane kama sisi Maseneta hatufanyi kazi yeyote.

Kama magavana walitaka usaidizi, wangeandika barua kwa kamati ambazo ziko hapa kama Kamati ya Seneti ya Powers and Privileges. Magavana hawakufanya hivyo. Walijipiga kifua. Wengine wao walienda Mombasa kuwa na kikao ili kupinga kamati za CPAC na CPI&SF.

Mimi, kama Seneta wa Kaunti ya Embu, ningependa kukumbusha Wakenya ya kwamba tulikuwa na kaunti 12 ambazo zilikuwa zinapata pesa kidogo. Magavana wa hizo kaunti walitulilia. Tulikaa chini na hizo kaunti zikapata nyongesa ya pesa na pesa hizo zimewasaidia. Gavana wa Kaunti ya Embu aliweza kuajiri walimu 100 wa elimu ya chekechea na anapanga pia kuajiri madaktari. Kwa hivyo, magavana hawawezi kuwa wanajipendekeza kwa Seneti wakati wanahitaji pesa lakini Maseneta wakianza kufanya *oversight*, wanatupinga. Kwa hivyo, hizo kamati mbili ziendeele na kazi yao. Hakuna haja ya marekebisho.

Kuitisha marekebisho ni kumaanisha ya kwamba kamati zote za Seneti hazijui kazi wanayofanya. Ninaomba maseneta wote waunge mjadala ule wa zamani ndiposa magavana waweze kuja katika Seneti ili waeleze vile wametumia pesa ya umma.

Kamati ya CPAC na CPI&SF zina uwezo wa kuleta mambo yote katika Seneti. Hiyo itatusaidia kujua magavana ambao hawataki kujibu maswali ndiposa wachukuliwe hatua. Ningependa pia kuuliza hizo kamati kama zinaweza kuandika barua kwa National Treasury kuonyesha magavana ambao hawajapeana ripoti jinsi wametumia pesa. Hiyo itazuia kaunti hizo kupata pesa.

Mimi, kama Seneta wa Kaunti ya Embu, ninapinga Hoja ya Sen. Olekina. Ahsante.

**Sen. Kibwana:** Madam Temporary Speaker, I just want to say that I oppose the Motion. It is only the mother committee that can sit on this one. We cannot have an implementation committee looking at it yet they have not worked on it. The question is: What time do we have for them to scrutinise and work on the report?

So, I oppose the Motion and it remains that way.

Thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, there are no more Senators willing to contribute on this issue. At this stage, I will put the question. Could we first confirm if we have quorum.

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

The quorum is confirmed. So I will proceed to put the question.

*(Question of the Motion as amended put and negatived)*

**The Temporary Speaker** (Sen. Veronica Maina): The amendment has been rejected. So, Hon. Senators, the amendments have not been carried through, hence, we are reverting back to the original Motion.

*(Resumption of the original Motion)*

**The Temporary Speaker** (Sen. Veronica Maina): It is now time for Senators to contribute to the original Motion.

Sen. Wafula has a request to speak on this Motion. Do you wish to speak on this Motion or is it a mistake on the system?

*(Sen. Wafula spoke off record)*

**The Temporary Speaker** (Sen. Veronica Maina): Okay. Senator Wafula, you can acquit yourself by just saying whether you support or do not support the Motion, then we move on.

**Sen. Wafula:** I do not support the Motion.

**The Temporary Speaker** (Sen. Veronica Maina): Do you support the original Motion?

**Sen. Wafula:** Yes, I support the original one.

**The Temporary Speaker** (Sen. Veronica Maina): You support?

**Sen. Wafula:** Yes.

**The Temporary Speaker** (Sen. Veronica Maina): Okay. That is the end of the Senators who wish to contribute to the original Motion. I now call upon the Mover of the Motion, Sen. Olekina, to reply.

**Sen. Olekina:** Madam Temporary Speaker, accountability is not optional. I thank all the Senators who have spoken on this matter. It is time we take accountability and fiducial responsibility very seriously.

The governors must listen to this House. This House was established by statute. It was established by the Constitution and the governors developing their own legislation are amending the Constitution from the back door. I thank all the Senators who have spoken on this Motion. I hope the two committees; CPAC and CPI&SF, will move expeditiously. I hope that the two sides of the aisle will agree to my Motion and hold these governors accountable. It is imperative that you take note of the fourth resolution

that we are seeking, which is to cooperate with the other oversight bodies; EACC, DCI, the Controller of Budget, and the Auditor-General, to ensure that everything that this House has resolved comes into fruition.

I thank you and I beg to reply.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Ledama. Kindly, Clerk, could you confirm that we have quorum so as to proceed with putting of the question? I confirm that we have quorum, pursuant to Standing Order No.42, it is ascertained. I confirm and make a determination that the matter does not affect counties. The Senate is giving itself responsibility on the oversight.

*(Question put and agreed to)*

Next Order.

*(The Clerk-At-The-Table consulted with the Temporary Speaker)*

Hon. Senators, I will reorganise the Order Paper and defer Orders No.9 to 12 because we do not have the requisite quorum. We will also further reorganise order No.13 up to order No.22, and defer the same pending quorum issues.

## **BILL**

*Second Reading*

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

*(Bill deferred)*

## **BILL**

*Second Reading*

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

*(Bill deferred)*

## **BILL**

*Second Reading*

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

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*(Bill deferred)*

**BILL**

*Second Reading*

THE AGRICULTURE PRODUCE (MINIMUM GUARANTEED  
RETURNS) BILL (SENATE BILLS NO. 17 OF 2025)

*(Bill deferred)*

**BILL**

*Second Reading*

THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY BILL NO.2 OF 2026)

*(Bill deferred)*

**BILL**

**COMMITTEE OF THE WHOLE**

THE NUTS AND OIL CROPS DEVELOPMENT BILL  
(SENATE BILLS NO. 47 OF 2023)

*(Bill deferred)*

**BILL**

**COMMITTEE OF THE WHOLE**

THE HERITAGE AND MUSEUMS BILL  
(SENATE BILLS NO. 8 OF 2023)

*(Bill deferred)*

**BILL**

**COMMITTEE OF THE WHOLE**

THE STATUTORY INSTRUMENTS (AMENDMENT)

BILL (SENATE BILLS NO. 10 OF 2024)

*(Bill deferred)*

**BILL**

**COMMITTEE OF THE WHOLE**

THE COUNTY HALL OF FAME BILL  
(SENATE BILLS NO. 18 OF 2023)

*(Bill deferred)*

**BILL**

**COMMITTEE OF THE WHOLE**

THE PUBLIC FUNDRAISING APPEALS BILL  
(SENATE BILLS NO. 36 OF 2024)

*(Bill deferred)*

**BILL**

**COMMITTEE OF THE WHOLE**

THE ENVIRONMENT LAWS (AMENDMENT)  
BILL (SENATE BILLS NO. 23 OF 2024)

*(Bill deferred)*

**BILL**

**COMMITTEE OF THE WHOLE**

THE SPORTS (AMENDMENT) (NO. 2) BILL  
(SENATE BILLS NO. 45 OF 2024)

*(Bill deferred)*

**BILL****COMMITTEE OF THE WHOLE**

THE KENYA NATIONAL COUNCIL FOR POPULATION AND DEVELOPMENT  
BILL (NATIONAL ASSEMBLY BILLS No. 72 OF 2023)

*(Bill deferred)*

**BILL****COMMITTEE OF THE WHOLE**

THE COUNTY OVERSIGHT AND ACCOUNTABILITY  
BILL (SENATE BILLS No. 3 OF 2024)

*(Bill deferred)*

Next Order.

**MOTION**

ADOPTION OF REPORT ON PETITION ON DISCRIMINATION, INTERFERENCE  
AND VIOLATION OF CLINICAL OFFICERS' PRACTICE RIGHTS BY THE  
MINISTRY OF HEALTH, CoG AND SHA

THAT, the Senate adopts the Report of the Standing Committee on Health on a Petition to the Senate by the Kenya Union of Clinical Officers (KUCO) regarding the alleged discrimination, interference and violation of Clinical Officers' practice rights by the Ministry of Health, the Council of Governors and the Social Health Authority, laid on the Table of the Senate on Wednesday, 1<sup>st</sup> April, 2026.

*(Sen. Mariam on 21.04.2026)*

*(Resumption of debate interrupted on 21.04.2026)*

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Cherarkey, were you the one on the Floor when this Motion was deferred to today? You have a balance of 10 minutes.

**Sen. Cherarkey:** Okay. I will utilise it properly. Yesterday, coincidentally, you were also on the seat. I am privileged, and I want to repeat what I said yesterday, that I am the one who read this petition on behalf of the Kenya Union of Clinical Officers (KUCO). Yesterday, I learnt the history of clinical officers that most of them ensure facilities function wherever they are.

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I want to thank the Committee on Health, as I second this report, because they have made serious recommendations in terms of ensuring that clinical officers are empanelled by the SHA where they had been excluded. This was subjecting them to double licensing. Clinical officers are already licensed by the Clinical Officers Council (COC), and they used to operate under NHIF in the 1,000 facilities that were there. We have to appreciate that clinical officers are over 30,000 in this country, both in public and private facilities. Article 27 because you cannot tell them to be licensed by the Clinical Officers Council and then you call them to also be licensed by the Kenya Medical Practitioners and Dentists Council (KMPDC), which is contrary to the law.

I am happy the Committee of Health found that as a violation of their rights, violation of the law, and by extension, that it undermines Article 43 on provision of quality healthcare in the country.

Another aspect I wanted to appeal to and I am happy the Cabinet Secretary was here today, is the ping-pong of the Universal Health Coverage (UHC). You remember the issue of UHC? The Cabinet Secretary and the Council of Governors (CoG) must be called out because they are yet to transit the UHC officers and even those who are in the Global Fund. That matter was resolved and the MoH has agreed to transfer, including the payments, severance payment and other payments, under the UHC programme to the counties. The UHC staff must know that the failure of confirmation has been occasioned by non-compliance by the Council of Governors (CoG) or various county governors and county governments across the country. I think in future, we might cite the CoG and the governors in the country as being the biggest violators of human rights, including labour rights.

Madam Temporary Speaker, you being one of the senior lawyers, in Article 41 of the Constitution, labour rights are basic rights and should be protected as so. I know even in Migori, the situation is similar. Senator Eddy is one of the young men elected under ODM, but I did not see him attending the regional rally in Malindi. I hope he will be included.

The issue of internship posting delays has left out over 5,400 qualified practitioners. Some of these interns are the age of your sons and daughters. I have been very passionate about the UHC. In 2020, when the soldiers in barracks could not come out, when the bombs were not relevant, when the bullets were useless, the only real heroes of the fight against COVID-19 were UHC staff. They have been frustrated and depressed because there is a ping-pong game being played by the governors in this country. They want to employ their court jesters instead of confirming these 5,400 UHC staff, including the Global Fund staff. They must be confirmed,

I am happy the Ministry of Health has indicated that the role---- Kenyan UHC staff that are watching us today should go to their governor's offices and demand to be absorbed on permanent and pensionable basis. Even diploma and clinical officers need their allowances to be appraised, which is very critical.

The Public Service Commission (PSC) approved cancer guidelines for clinical officers in May, 2024. However, the county governments have failed to follow. It has to be noted that this undermines career progression, promotions and fair re-designation and prioritisation for clinical officers. That is why SHA does not have a good reason why

they should deny clinical officers being empanelled under SHA. They do not need to go through the KMPDU.

In Nandi, for three months now, nurses are yet to be paid their stipends as per the law. I always wonder whether governors live in utopia or in Mars. Governors should know that our nurses and health practitioners have their families to feed, rent and school fees to pay.

Why are we becoming insensitive? This culture of not paying stipend to nurses, for example, by the Governor of Nandi has embarrassed everybody. We visited Miteitei the other day and Kapsabet County Referral Hospital in Nandi. The hospital cannot even pay staff. The hospital is very dirty. The toilets are in a deplorable condition.

In fact, if you went to Kapsabet County Referral Hospital and you were sick, you would decline to be admitted. You would go back with your sickness because if you stayed in hospital, you would become worse. We must address the issue of UHC under the guidelines of PSC and county governments. These are the conversations we should be having with CoG and not about non-appearance to answer audit queries. These are the real conversations.

Regarding the Global Fund staff, when the USAID was removed, those staff must be absorbed in our country because health is devolved under Fourth Schedule of the Constitution of Kenya, 2010. The return-to-work agreement and Collective Bargaining Agreement (CBA) must and should be fully implemented. There must be posting of all clinical officers due for internship with harmonised payments as per the PSC circulars and in consultation with the Salaries and Remuneration Commission (SRC). That will ensure that clinical officers who are the beacon of our success story--- I want to repeat what I said yesterday that the success and failure of devolution in our country will only be based on one thing. It will be based on the success of health.

The report on health that came from Wajir was that people suffering from Tuberculosis (TB) are living in clustered places. They are not being given proper food and medication yet we are seeing governors discussing other mundane issues.

The MoUs and CBAs and the return-to-work formula must and should be ensured. In Nandi, for example, when we were there, we were told that the casuals are the ones doing cleaning. However, they are not being paid wages and yet they are a very critical component in our health sector especially in Nandi. I know other counties have outsourced cleaning services.

The newborn unit we found in Kapsabet County Referral Hospital does not have a functional mortuary. We only have one functional mortuary in Nandi, a sub-county hospital, Level 4, which has a capacity of 38 bodies. There is a lot of underperformances in terms of access to medical care.

Madam Temporary, Speaker, being one of the chairpersons of women Senators in the House, you need to come out strongly. The maternity and newborn units are not in good condition. Some of these children are born preterm and they need a newborn unit, where they can keep their babies safe.

I know, as the chairperson of female Senators in this House, that you must push through Linda Jamii. I know Kenyans should understand that Linda Mama was changing to Linda Jamii to ensure that these things are focused. I thank the Committee on Health

for coming out strongly and ensuring that clinical officers should and must be empanelled to the SHA without necessarily going through the KMPDC. They have been already cleared or licensed by Clinical Officers Council.

Madam Temporary Speaker, could I get three minutes, so that I wind up because I was seconding?

**The Temporary Speaker** (Sen. Veronica Maina): Two minutes.

**Sen. Cherarkey:** Thank you, Madam Temporary Speaker. You know you will be the Senator of Murang'a County. I do not know whether you want to be a Member of Parliament

The Kenya Union of Clinical Officers (KUCO) must ensure that the reports we have done agree with them. I will talk to Cabinet Secretary, Hon. Aden Duale, who is doing a good job, to ensure we remove bureaucracies in terms of empallment to allow access to medical services.

Madam Temporary Speaker, I know that on Friday, you will be hosting His Excellency the President of the Republic of Kenya in Murang'a. I am happy that there is excitement in Murang'a about hosting the President. I know Murang'a is one of the strongholds of President William Ruto and the broad-based government.

The SHA is working. However, you know Kenyans think that it does not work because when they go to hospital, they do not get drugs, and they spend out of pocket. A patient walks into a hospital, they get consultation, laboratory tests are done and they are treated by a doctor. However, when prescription of drugs is done, because governors have failed to provide drugs, Kenyans think that SHA is not working because the drugs are not in the hospital. That is a challenge to the CoG. They should ensure that hospitals in Migori, Homa Bay and in Nandi counties provide drugs, so that when a SHA patient walks into the referral hospital, they are able to get the medical services and drugs. Therefore, SHA is working, which is why 30.5 million Kenyans are registered today. Kenya is one of the top upper-middle level income economies.

Madam Temporary, Speaker, in conclusion, I saw a Minister in Tanzania trying to answer President William Ruto about the middle-income status of Kenya. The economy of Kenya is doing better than Tanzania and we will not allow anybody who is below the President to answer them. We expect the President of an equal country to answer.

With those many remarks, I beg to second. I was watching the changeover, so I thought I would---

Sen. M. Kajwang, proceed.

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

Sorry for that, Senators. Sen. Cherarkey was seconding, not debating.

*(Question proposed)*

The Motion is open for debate by the Senators. I invite Sen. Eddy Oketch to debate.

**Sen. Oketch Gicheru:** I thank you, Madam Temporary Speaker. I am becoming of age in this House and I could not let a procedural element of this Motion pass. That is why I was a little impatient when you called me. It was not intended to disregard your dignity.

That said, the issue of healthcare in this country is wanting. I must say that this is a devolved function which, we must not lose sight of. Anything that affects clinical officers affects the entire healthcare system, as they are the primary healthcare delivery unit in our country. One cannot consider healthcare in this country without thinking about those who serve as the first point of contact when a patient walks into any health facility. Time and again, we have seen how these clinical officers show up for our people when they visit hospitals to seek medical services.

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

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

Mr. Temporary Speaker, Sir, this applies not only to routine treatments, but also to emergencies that require critical attention. Frontline emergency care is provided by these clinical officers. You may remember that during the Covid-19 pandemic, these were the people whose lives were put in danger as they managed crucial emergency medical services for our people.

We cannot understate why whenever they have Collective Bargaining Agreements (CBAs) that are supposed to be honoured by the various county and national governments, they are not honored. We must stand firm as a Senate for the clinical officers in this country. This is not just for the sake of it. It is crucial to understand that if you look at countries that have made advancements in terms of medical stability, you will realize that the stability of any country is based on the cost of delivery of medical services.

Clinical officers contribute to reduced healthcare costs and better service retention compared to doctors. These clinical officers ensure that they help address the workforce shortages we face in every hospital facility. Sometimes, they even struggle in areas where there is no specialised access to any form of care; even then, they still lend a hand. As a people, we must find a way to protect them.

This brings me to briefly add my voice to this report. It reflects on many issues that we deal with in the County Public Investments and Special Funds Committee. In that committee, where I am the Vice-Chairperson and Sen. Osotsi is the Chairperson, we continuously deal with serious healthcare issues in our facilities similar to what has been reported here. That is why I support this very strongly.

To start with, we have seen time and again failed attempts by the Government to rally the country, while the national government and respective county governments refuse to respond to the CBA established by the clinical officers. In 2024, a CBA was signed and disregarded. In 2025, another CBA was signed regarding salaries, promotions and working conditions; which was also disregarded.

The sad part is that it is disregarded in such a callous way. Even when we negotiate in the Committee on Finance and Budget or go to mediation for the funds that should go to counties and successfully bargain for additional allocation for healthcare workers such as clinical officers and community health workers, the agreements are ignored.

You will remember that last year, I was sent out of this House simply for standing up for this group. I stated that the national government cannot send a payroll to counties to mainstream this class of workers without that function being followed by a budget. I was thrown out of this House. This must stop. If we do not stand up for these people, the morale to respond to emergency situations and serve as the point of contact in primary healthcare will become a serious problem. We must fight, not only for salary increments, but also address the serious issue of unpaid salaries and arrears.

I have dealt with reports from many counties where it is not just a matter of low salaries, but of people not receiving their money at all. If you look at our reports in the CPI&SF Committee, there are counties that have not paid clinical officers for 21 months. Imagine a clinical officer showing up to a health facility day-in, day-out, facing the dangers of emergencies and contamination, sometimes without proper equipment and then going unpaid for 21 months. It is a shame. It is an injustice to this class of people who stabilize our healthcare system.

Apart from this, we have seen time and again the issue of job security. Contractual insecurity has permeated our healthcare system, particularly affecting those who address UHC in this country. We had this same fight when the Cabinet Secretary, Hon. Aden Duale, appeared here. Time and again, he refused to address why there is no job security for clinical officers in this country. If they are to be mainstreamed into counties and removed from the national payroll, the Government must ensure there is proper financing and budgeting to place them on permanent and pensionable schemes that others enjoy. Without them, there is no stability in our medical care.

Alongside this, I have noted the issue of career progression in this report. It has been difficult to ensure that clinical officers have a proper career path. There is no other sector where we see as much stagnation as we do with these individuals. They are often treated as mere indices for success in our hospitals.

We must fight to ensure that career progression of clinical officers is not only a matter of law and implementation, but also involves timely promotions. A person who has achieved a certain level of experience must be promoted on time and given the designation they deserve. We must ensure they are not frustrated while providing service simply because they see no vertical career promotion. Close to my heart is this issue of poor working environment. There are no challenges that these people face, like the working conditions that we see in our hospitals.

I have made it my own habit that on the first day of every year, when we are celebrating New Year, I do not go to any activity, but instead, I go to our hospitals in Migori County. I visit the sick and see how they are getting services, as well as see if I can help a few.

If you go to Migori County Referral Hospital, the condition in which the clinical officers are working in is pathetic. This is despite the fact that the Governor of Migori

County parades himself with millions of money every weekend, donating to churches, funerals and different activities to the tune of millions of shillings.

The clinical officers in our facilities in Migori County have got no personal protective gears, what we call PPEs. The risk that they face is humongous. There is no proper way of dealing with clinical waste in this hospital. A medical practitioner helps a patient and then they are exposed to serious risks of contamination of the same waste that they are trying to solve in the hospital.

I have seen surgical operations happen in Migori County where even a simple place for a patient to defecate is not possible. People use some kind of water that if you see, you wonder how these clinical officers survive this kind of poor environmental exposure. The unsafe conditions that they experience, especially in our Level 4 and Level 5 hospitals is something that we must support this report for. We must follow it the same way we have followed the report on the implementation mechanism. We must put an implementation mechanism that will ensure that the tenets of this report are achieved.

Lastly, because I know my brother, Sen. M. Kajwang', is keen to contribute to this, time without number, in the reports that I have gone through in the CPI&SF Committee, as the Vice-Chairperson, there is nothing that has been so painful to see than a clinical officer who has worked, but their minute salary does not come on time. They still face a serious issue that has been indicated here of non-remittance of statutory deductions. Can you imagine that somebody has a meagre earning yet there is audacity among people working in the county to collude among themselves and then deduct money meant for SHA from this group of people and not remit it? They deduct money meant for Pay as you Earn (PAYE) and not remit it. Take money meant for National Industrial Training Authority (NITA) and not remit it where it is needed. They deduct money meant for the National Social Security Fund (NSSF) and not remit it. Then they are putting these clinical officers to reeling debt with the statutory deduction. So, they are going to be exposed to serious issues of interest and penalties. Apart from the fact that they will not be able to have stability of disposable income in their lives, they will also continuously be paying for this debt. This is something that must stop. As a House, we must be the champions for the welfare and well-being of this particular classification of people who are stabilising our healthcare system.

With these few remarks, I hope that this House will not only rise to the occasion of just adopting and passing this report as has been indicated. I hope that we can go an extra mile and follow through the tenets of this report. We should make sure that clinical officers in our country have proper welfare services and unionisation in terms of the strength with which issues that they have raised in their unions can be implemented by both the national government as well as the county governments.

With those few or many remarks, I gladly support this report.

I thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Eddy, thank you for your contribution.

I now call upon Sen. Kajwang'.

**Sen. M. Kajwang'**: Mr. Temporary Speaker, Sir, thank you for this opportunity.

I, first, commend the committee led by Sen. Mandago for bringing this report. This report is a matter of great national concern because clinical officers are often misunderstood and yet they are mid-level health professionals who, in many cases, are the only people available to attend to patients across the counties. In fact, some of them end up doing minor surgeries.

The job of clinical officers is a regulated profession just like law, accountancy, procurement or engineering because we have a Clinical Officers Council (COC) that currently looks after close to 30,000 people. Early in the year, we recall every other day that the House was sitting, you would hear some *vuvuzelas* and whistles being blown out there. Those were clinical officers who were demonstrating their constitutional right to protest, picket and take measures to advance the welfare of their members.

When this petition came to this House, it followed a 99-day strike. Way back in 2024, clinical officers were on strike for 99 days. That is almost 100 days. You should ask yourself, if critical health workers do not work for 99 days, what does that say about the country's health? Later in December, 2025, up to January 2026, for 36 days, clinical officers were on a go-slow. You would see them, every other week, in the streets.

Mr. Temporary Speaker, Sir, sometimes, we think that clinical officers are idle. However, the issues that they brought before the House and the ones that led to their strike are matters that we must deal with. I am glad that the Committee on Health, having considered the Petition, has made certain recommendations.

The issues of concern that were brought to the Senate for its determination were that clinical officers are also allowed to run facilities. However, when the SHA and the new health laws came into force, the facilities were not empanelled. We are told; those facilities are close to 1,000. Therefore, we have about 1,000 facilities which could be providing basic primary health delivery. However, they have not been empanelled under SHA and, therefore, citizens cannot get services from them.

I think this is a critical matter even though the committee has indicated that the Law Society of Kenya (LSK) went to court over this matter. Therefore, it considered the matter to be *sub judice* and, therefore, did not give any recommendations on it. Without wading into the substantive matters in court, I believe that clinical officers, once properly licensed and their facilities also licensed, there is no need to lock them out. Indeed, this country requires more facilities to deliver the dream of UHC to the 55 million Kenyans. If you find that a clinical officer has made an investment that is properly regulated and licensed, there should be no problem for them to be empanelled under SHA. We shall leave that determination to the court.

Mr. Temporary Speaker, Sir, the other prayer was for clinical officers to be allowed to pre-authorise. Pre-authorisation is an important step in medical claims management. If clinical officers are regulated as per the Clinical Officers Act, one would argue that some of them have degrees and even postgraduate qualifications and with a proper framework, there is no reason why they should not be allowed to pre-authorise.

In fact, for private insurance companies that run medical insurance schemes, sometimes, pre-authorisation is done not just by the doctor, but even by the nurses or case managers, as the case may be. Even though it has not been indicated whether it was *sub*

*judice*, it makes sense for them to be given the right to pre-authorise medical claims cases.

The key issue that the committee dealt with was on the return-to-work formula. On the return-to-work formula, as I indicated, clinical officers had been on strike for a collective duration of 135 days between the year 2024 and January, 2026. That definitely must have put a dent in healthcare provision in this country. The return-to-work formula that was last signed between the KUCO and the CoG brought to a halt a devastating situation, where many of the facilities where Kenyans were expected to get primary service were not offering that, and that was a sigh of relief.

The challenge, however, was financing because the return-to-work formula had certain financial implications. The trade union for clinical officers negotiated better medical risk allowances. They negotiated certain matters to do with career progression and there was also the issue of conversion of the earlier UHC staff and Global Fund staff to permanent and pensionable terms. I believe that this House also stands with the Kenya Union of Clinical Officers because pioneers of UHC and some of us were in this House when the initial pilot of UHC was undertaken in a few counties. We guaranteed them that as pioneers, they would have a future and that they would not just be thrown out now that we have a new substantive scheme in place. We said that there would be a transition for them from the initial UHC to the framework that we currently have.

The costing of implementation of this return-to-work formula in the Budget Policy Statement was Kshs8.94 billion. I am glad that the National Treasury, when they brought their budget plans to Parliament, they indicated clearly that the additional allocation that would be going to county governments, the Kshs8.94 billion, ought to be ring-fenced for fulfilment of the agreement between the CoG and the KUCO. I would be very happy, as a Member of this House who participates in division of revenue and allocation of revenue and in coming up with a formula for sharing of revenue amongst counties, to support that we send Kshs8.94 billion additional to county governments, to enable them take care of the clinical officers. Once we do that, we do not expect clinical officers to be back on the streets again picketing and blowing whistles and vuvuzelas the way they did for 135 days in the last one year.

Personally, as a Senator for Homa Bay, I want to give clinical officers confidence and a promise that my vote will be yes to an additional Kshs8.94 billion to go towards their return-to-work formula. It does not matter what disagreements there may be between the Senate and the CoG. It does not matter whether a governor and the Senator are friends. What matters is that the people we represent, should be dear to our hearts and we should look at them as the reason for us being in those offices.

Therefore, on the Kshs8.94 billion additional to clinical officers, I hope and I believe that my colleagues will join me in making sure that this money goes to counties. When it goes to counties, we pray that governors are going to put it to use. This is a problem we are having, that we stand here and eloquently speak about how counties need more money. When we send that money to the counties, the people who are the chief executive officers of those entities do not want to come back to account. It cannot be that we always want to get more and yet when we are called to account, we do not show up.

Mr. Temporary Speaker, Sir, in the division of revenue, I would also be happy if this time, this House took a firm position. The community health volunteers or community health workers are still being paid from two sources; Kshs2,500 from the national government and Kshs2,500 from the county governments. Sometimes the county government is late, sometimes the national government is late yet these are the main troops. These are the people at the forefront on this war against disease, this war that we waged against even at Independence. We became independent and said that we still had certain enemies and one of the key enemies was disease. We must treat our community health volunteers in a better way. That means the Kshs2,500 that the national government is still holding should be sent to county governments.

Mr. Temporary Speaker, Sir, community health volunteers should be employees who have direct reporting lines to county governments. If there is national Government intervention they should not be expected to do in proper corporate governance. There would be a dotted line reporting to the national Government. Community health workers are critical assets for primary healthcare provision. They need to be remunerated properly. They need to be paid from a central point. So, dear members, I hope that this time around we can take away the money that the national Government has been holding for community health workers. They should take it to county governments and hold the county governments to account and ensure that all the community health workers are getting it.

Thirdly, governors, at times, complain about the fiscal responsibility indicators and fiscal responsibility targets that are put in the Public Finance Management (PFM) Act. Governors would argue that if you onboard all the UHC staff, you would have onboarded all the former Global Fund staff, and the wage bill would go to above 35 per cent.

Mr. Speaker, Sir, I am very ready to have a conversation with the Senate, the Public Sector Accounting Standards Board, the National Treasury, the CoG and all the relevant players. It is my conviction that an investment by the accounting government into the salaries and remuneration of people who are involved in human capacity development should not be looked at as optional. The question has been the salary for doctors and nurses. Is it Capex or is it OpEx? In my view, when you employ a doctor, that doctor is a unit and a factor of production and perhaps the cost of that doctor should be capitalised. It should not be taken as OpEx.

We need to have a different accounting framework where critical workers in counties, doctors, nurses, early childhood education development officers, agricultural extension workers and engineers, among others, can be categorised separately so that a county is not afraid to hire more doctors because they are afraid of the 35 per cent baseline. It is a conversation that I have floated to a number of governors. It is a conversation that I have floated to the Public Sector Accounting Standards Board that we might need to reclassify certain expenditure.

Of course, there are other operational support staff in counties that must still be looked at as well. The OpEx and capacity-oriented workers in counties must be looked at from a capital perspective, so that counties can hire more nurses, ECED teachers and others who can add actual value.

We have seen situations of a county assembly that has hit its employment ceiling and yet it does not have a single legal counsel, nor does it have a single fiscal analyst. You would wonder why a county assembly, which is supposed to be doing legislation has no legal counsel who is supposed to be scrutinising budgets. They have no fiscal analyst and that is because of that blanket categorisation that all employee salaries should be operationalised.

There are some people who deliver services to our counties and some people whose services are for development in nature. So, I hope that governors will also take that argument and advance it, so that we have more useful people in our county governments.

Finally, Mr. Temporary Sir, the health laws that we passed when we sat into Turkana County can only succeed if counties are alive to the fact that primary healthcare delivery is their responsibility. At the moment, you find everyone criticising the SHA, including the county governors themselves, forgetting that they are also players in this race, forgetting that SHA would look bad because someone went to a county facility and did not get medication.

We have seen some bad habits. When we passed the Facility Improvement Financing Act, we said that all proceeds from health facilities should be retained for purposes of improving services, procuring medication and taking care of basics. Some counties have come up with county legislation where whatever facilities collect, 20 per cent is remitted back to the Treasury, and the other 20 per cent is then used for general budget support without any relationship to health service delivery.

Mr. Temporary Speaker, Sir, I am glad that the Committee on Health recently pronounced itself on such a matter in one of the counties that it visited. The Committee on CPAC has also been confronted by that matter and we have stated clearly that national legislation overrides county legislation. Where there is an inconsistency, national legislation shall prevail.

I urge the county governors and the Members of County Assembly (MCAs), to ensure that their Facility Improvement Financing Act at the county level are aligned to the national legislation. That is the only way we can ensure that whatever we collect from these facilities goes back to be reinvested in those facilities. If we do that, someone coming with the universal health cover and is looking for treatment at a Level 2, Level 3 and Level 4 hospital, will not stigmatise SHA because the facility is bad. A lot of the bad vibe about SHA is that the facilities are not up to standard.

When you go to those facilities, you sometimes find the clinical officers, nurses or doctors on a go slow because they have not been paid for an extended period. You may find there is no medication in the facility. It is not the national Government that is supposed to provide medicine in facilities. It is a responsibility of the governors. So, people will say SHA is not working when they go to a facility and there is no medicine and they are told to go and buy from an external facility. Whose problem is that? Is that the problem of the national Government or the problem of the county government? They will say SHA is not working when they go to a public facility and the doctors and nurses are on a go slow. Whose problem is that? Is that the problem of William Ruto in Nairobi or it is a problem of the county government? They will say SHA is not working when

they go to a health facility and find no ambulances or patients sharing beds. That is a failure of the county governments.

Those are some of the things that we hope the governors would engage the Senate on. They are the ones with the constitutional responsibility of primary healthcare provision, but we can work together to ensure that we provide them with adequate resources because resourcing has been the biggest problem. We have undertaken that in this budget where Kshs8.94 billion will come for purposes of clinical officers. We would be willing to negotiate for more, but that can only be done if the heads of the county governments can demonstrate fidelity to the Constitution, accountability, accept to be over sighted, advised and directed by this Senate.

Mr. Temporary Speaker, Sir, I support this report of the Committee on Health. I pray that the recommendations that we have made will be implemented. We have asked the various entities to provide time-bound implementation metrics for realisation of the return to work formula, for conversion and on boarding of Universal Health Coverage (UHC) staff, for empanellment of facilities run by clinical officers and for according of the authorisation rights of clinical officers. I do believe that if these are implemented, the history of 100-day strikes will end.

If our clinical officers report to duty every other day as required, I believe it will reflect on the overall health outcomes of the country and it will also improve the Universal Health Coverage (UHC) that this country has boldly and bravely piloted.

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

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Kajwang'. Now, honourable Senators, from my dashboard no other Senator is seeking to contribute to this particular Motion. In the absence of the Mover, I hereby direct that reply to this Motion be deferred to tomorrow, so that the Mover of the Motion can reply and we progress to process from there.

*(Reply to Motion deferred)*

I will rearrange the Order Paper and direct that Order No.30 be called out.

## **BILL**

### *Second Reading*

#### THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2025)

**Sen. Oketch Gicheru:** Mr. Temporary Speaker, Sir, I want to move this Bill, which is, the National Construction Authority (Amendment) Bill. This is a very important Bill that I am bringing to this House because as most of us might know, we have had a lot of---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Oketch, properly move the Bill.

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**Sen. Oketch Gicheru:** Mr. Temporary Deputy Speaker, I beg to move- THAT, this Bill be read for the second time.

I will continue by bringing the attention of this House to the fact that we all know that the construction sector plays a very serious role in the development of our country. When you think about any infrastructure, there is no infrastructure that can be built without a proper construction mechanism and so is our economy.

Having been the Chairperson of the Committee on Transport, Roads, and Housing, and having served in the Committee on Finance and Budget of the Senate, and also having served as the Vice-Chairperson of the Committee on County Public Investments and Special Funds, I can assure you that construction plays a critical role in the economic growth of our country.

In fact, if you look at all the sectors that ensure stable income for our people, construction is leading in all of them. In the same way the construction industry leads in contributing to our economic well-being as a nation, it is equally the same way it also leads in impacting our environment. Therefore, it is critical to start looking at what the impact the construction sector is having in our country.

Looking at the positive impact is an easier assessment for all of us, but definitely looking at the overarching negative impacts and negative externalities of construction is a major problem that we still have in this country. Since many countries right now have made strides in terms of climate change response and dealing with environmental pressure that comes with climate change, it goes without saying that we must play a catch-up with other countries.

Today, if you go to Germany, you will find that even mere housing construction or any other form of construction, whether it is a commercial or residential, there is an intentional way in which they are responding to climate change. This could be in terms of following the carbon footprints of those particular constructions or making sure that there is good use of energy or conservation of water or linearity in terms of consumption of anything that has got waste. It is important that the country ensures that environmental understanding is put into a serious housing code of anything that is being constructed in Germany.

That is not dissimilar to what is happening in Netherlands. If you go to Netherlands, there is not any construction that is going on--- The National Housing Code of Netherlands is very keen on ensuring that environmental sustainability and cost division in development of housing is something that must be critically looked into.

If you go to Sweden and other Nordic countries, you will realise that it is crucial to consider the National Housing Code in a way that embraces environmental sustainability. Again, this is not dissimilar to our brothers and sisters who come from the east, whether it is in Indonesia or Malaysia. The famous Singapore, which, time without number--- I have always argued that when the President and the broad-basers say that we want to make development akin to Singapore, the attempt is not in whatsoever an attempt to take Kenyans to be Singaporeans or have people migrate to go to Singapore. It is in the quest to adopt to international and global standards that define development in those countries. I admire the idea of being able to have serious understanding of carbon

footprints in places such as Singapore when they are constructing their roads, buildings and any other form of construction in their country.

It is time that this Bill, introduced in this House, was adopted to help the National Construction Authority (NCA) rethink the entire regulatory framework in terms of just thinking about climate change response and resilience when we are doing our buildings.

I understand there has been an attempt to actually rethink our entire architecture of the National Housing Code. I think that right now we are still hugely dependent on the Housing Code that was established in 1962. Between 1962 and now, many things have happened in different countries that we are competing with.

Climate change has become a serious conversation. As late as 1988, when a scientist called John Johnson, a NASA scientist came with this idea of climate problems and brought it to the United Nations, we have lagged behind, even about thinking of the outside environment and not the housing environment.

This Bill seeks to ensure that we amend Section 5 of the NCA Act, the mother Act, that is CAP 118. It will ensure that the amendment comes in such specific requirements related to climate change responsiveness. The housing that we are going to develop from the time this Bill will be passed will ensure that there are regulations, proper laws and guidance that can put a mechanism for which we can address the risks that come with climate change.

Clause 2 of this Bill, for instance, has amazing proposals. Looking at Section 3 of this Act, I am proposing here that we need to look at the Authority's capacity of putting in place agencies that could be relevant to this idea of climate change

We are doing our houses with some designated zoning that happened in 1962 and continuously have happened for the last 50 years. These new buildings are constructed at a time when climate response is the most important thing that defines budgeting, resilience and protection from hazardous vagaries of nature.

It is critical that we look into the entire agencies that deal with housing construction. For example, we have been dealing with the issue of energy and how it has become difficult to find even in our communities. Rural electrification has been a major issue that people have talked about that takes a lot of money.

Is there a chance that there are some environments that when you are doing construction of both residential housing as well as commercial housing you can start considering solar energy systems as a part of legally integrated requirement into those constructions, for instance?

In a place such as Turkana, where there is abundant solar energy, you want to only depend on being able to extend the national grid by hydro power to go all the way yet there is a resource in solar energy. We are missing the question and conversation around climate resilience and climate sustainable housing and construction in our country.

Close to that, I can tell you for a fact that energy using wind is a very strong opportunity for the country.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Oketch, you will hold your thoughts there. When the House resumes, you will have 50 minutes to conclude on moving your Bill.

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Wakili Sigei): Honorable Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Thursday, 23<sup>rd</sup> April, 2026 at 2.30 p.m.

The Senate rose at 6.30 p.m.