



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Thursday, 7th May, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 7th May, 2026

*The House met at the Senate Chamber,
Parliament Buildings, at 2.33 p.m.*

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum? Serjeant-At-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Hon. Senators, we do have quorum now. So, kindly take your seats, so that we start the day's business.

Clerk, you may call the first Order.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ENOOMATASIANI GIRLS SCHOOL, KAJIADO COUNTY

The Speaker (Hon. Kingi): Honourable Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of a visiting delegation of two teachers and 48 students from Enoomatasiani Girls School in Kajiado County. The delegation is visiting the Senate for a one-day academic exposition.

On behalf of the Senate, and on my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit. I call upon the Senator for Nairobi City County, in under one minute, to extend a warm welcome to the delegation.

Sen. Sifuna: For a moment there, I thought the Speaker had forgotten that Kajiado neighbours and borders Nairobi. Many people from Kajiado call it the bedroom of Nairobi. I take this opportunity to welcome all the students who have come to visit us

this afternoon. I wish them a good session here in the Senate. I hope that you will stay long enough to follow some of the debates. We wish you well in your studies.

We hope that in future, some of you can sit in this Chamber because I can assure you, other than Sen. Cherarkey, many of us do not plan to be here forever.

(Laughter)

So, I hope that you will one day occupy these seats, but you need to focus on your education now, get done with that. We wish you all the best as the Senate of the Republic of Kenya.

Thank you, Honourable Speaker.

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

PAPER LAID

ANNUAL REPORT OF THE OFFICE OF THE COMPTROLLER OF BUDGET FOR FINANCIAL YEAR 2024/2025

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, on behalf of the Majority Leader, I beg to lay the following Paper on the Table of the Senate today, Thursday, 7th May 2026 –

Annual report of the Office of the Controller of Budget for Financial Year 2024/2025.

(Sen. (Dr.) Lelegwe Ltumbesi laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statement pursuant to Standing Order No.52. The Statement by the Senator for Narok County, Sen. Ledama, is deferred.

NATIONAL TREASURY CURRENT FISCAL APPROACH ON PARLIAMENT'S FUNDING

(Statement deferred)

OTIENDE ESTATE LAND DISPUTE
IN KAKAMEGA COUNTY

The statement, pursuant to Standing Order No.53(1), the Senator for Kakamega County, the Hon. Dr. Boni Khalwale.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Land, Environment and Natural Resources on a matter of county-wide concern regarding the disputed property in Kakamega Town, namely that land belonging to Otiende Estate and adjacent parcel of public interest on which Fesbeth Academy is built.

In the statement, the committee should address the following-

(1) The ownership status, acreage and title numbers of the land comprising Otiende Estate and the adjacent parcel of public interest on which Fesbeth Academy is built, including authenticated copies of the original title documents relating to both properties.

(2) Whether the parcel of land on which Fesbeth Academy is built was lawfully transferred, allocated, leased or otherwise made available to Fesbeth Academy or any private developer, including the legal and administrative procedure that was followed.

(3) Whether the requisite approvals were obtained for the transfer, allocation, lease or change of use of the land, including, approvals by the Kakamega County Executive Committee, the Kakamega County Assembly and the National Land Commission and copies of the relevant minutes, resolutions, HANSARD proceedings of the County Assembly and relevant approvals.

(4) Whether public participation was undertaken before the transfer, allocation, lease or change of use of the public interest land, including the public participation report, minutes, attendance register and particulars of the members of the public who participated in the public participation.

(5) The basis and procedure used, if any, to hire off approximately two acres from 16-acre Otiende estate land which is being fenced for use by Fesbeth Academy.

(6) The nature of interest held by Fesbeth Academy and its appropriators in the disputed parcels of land and whether the interest is held jointly, separately or through any entity connected to Fesbeth Academy.

I thank you, Mr. Speaker.

The Speaker (Hon. Kingi): Senator for Samburu County, the Hon. Dr. Lelegwe.

IMPLEMENTATION OF CSR PROGRAMMES BY
KETRACO IN SAMBURU COUNTY

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1), to seek a statement from the Standing Committee on Energy, on a matter of county-wide concern regarding implementation of CSR programmes by the KETRACO in Samburu County.

Mr. Speaker, Sir, Samburu County hosts several strategic energy transmission infrastructures, including the Ethiopia-Kenya 500KV and the Loiyangalani-Suswa

400KV transmission lines. These projects are of immense national and regional significance, contributing to energy security, regional power trade and grid stability. Despite this contribution, there is no visible evidence of meaningful CSR interventions by KETRACO in Samburu County. This is in contrast with other counties hosting similar transmission infrastructure, including Kajiado County, which has benefited from visible CSR interventions under projects such as the Kenya-Tanzania Power Interconnection Project.

Further, Samburu County remains among the counties with low connectivity to the national electricity grid, despite hosting major energy infrastructure. This raises questions of equity, inclusion and public accountability in the way host communities benefit from national infrastructure projects.

In the statement, the committee should address the following –

(1) The details of all CSR initiatives by KETRACO in Samburu County since the commissioning of the Ethiopia-Kenya 500KV and the Loiyangalani-Suswa 400KV transmission lines, including the scope, cost, location, and beneficiaries of each of the initiatives.

(2) Whether KETRACO conducted stakeholder mapping, public participation, or community needs assessment in Samburu County before, during, or after the implementation of the projects to inform CSR planning, and if so, obtain the relevant reports, attendance records, and evidence of how community priorities were incorporated in the CSR programmes.

(3) Whether there are any other planned KETRACO CSR interventions targeting education, health, environmental conservation, community infrastructure, and electricity connectivity within Samburu County, and if so, obtain the associated implementation timelines.

(4) A comprehensive analysis of CSR investments undertaken by KETRACO in all counties hosting its energy transmission infrastructure and the reasons for any disparities in the allocation of CSR resources across the counties.

(5) The measures put in place by the Ministry of Energy and Petroleum and KETRACO to ensure equitable distribution of CSR benefits across and within counties.

I thank you.

The Speaker (Hon. Kingi): Senator for Marsabit County, Hon. Mohamed Chute.

REHABILITATION OF DAMAGED ROADS IN MARSABIT COUNTY

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, on behalf of the Senator for Marsabit County, I will read his request for a statement.

I rise pursuant to Standing Order No.53 (1) to seek a statement from the Standing Committee on Roads, Transportation and Housing on a matter of countywide concern regarding the deterioration of several key roads in Marsabit County following the recent heavy rains.

The ongoing rains have caused extensive damage to road infrastructure across Marsabit County. Flooding and erosion have rendered critical transport corridors

impassible, severely disrupting the movement of people, goods, humanitarian assistance, medical referrals and security operations.

This situation has exposed residents to economic hardship, delayed emergency response services and heightened vulnerability among already marginalised communities. The most affected roads include the Odada-Nadaba Road, Nyayo Road within Marsabit Town, Uran Road, the Loiyangalani Access Road, the Shur-Marsabit Road and the Songa-Marsabit Road.

In the statement, the committee should address the following-

(1) The immediate interventions being taken by the Ministry of Roads and Transportation to rehabilitate the affected roads, including timelines for restoration of accessibility.

(2) The coordination mechanisms between the national Government, Kenya Rural Roads Authority (KeRRA), Kenya Urban Roads Authority (KURA) and the county governments to ensure swift response in maintaining roads in the area and ensure continued accessibility of affected roads during the rainy seasons.

(3) Whether a rapid assessment has been conducted to determine the extent of damage caused by the recent heavy rains across Marsabit County, especially the resources allocated for emergency repair works.

(4) The long-term plans and the budgetary provisions in place to upgrade climate-proof and improve drainage systems along these roads to enhance resilience against recurrent flooding and extreme weather events.

Thank you.

The Speaker (Hon. Kingi): Senator for Wajir County, Hon. Abass Mohamed.

CONCERNS OVER KPA RECRUITMENT EXERCISE

Sen. Abass: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on matters of national concern regarding the concerns of fairness, equity and national cohesion in the March, 2026 recruitment exercise conducted by the Kenya Ports Authority (KPA).

The recruitment exercise conducted by KPA has led to public outcry regarding regional balance, inclusivity and adherence to the constitutional principles of equity, diversity and equal opportunity in public service. As a national institution serving the entire Republic of Kenya, KPA is expected to reflect the face of Kenya in its employment practice.

In the statement, the committee should address the following-

(1) The number of positions advertised, the number of applicants and the number of successful candidates in the recruitment exercise, disaggregated by county, region, gender, Persons with Disability (PWD) and marginalised groups.

(2) Whether the recruitment process complied with Articles 10, 27, 56 and 232 of the Constitution on national values and principles of governance, equality and non-discrimination, protection of minorities and marginalised groups, fair competition, merit,

inclusiveness, representation of Kenya's diverse communities in public service employment.

(3) The measures undertaken by KPA to ensure fairness, transparency, regional balance, inclusivity and equal opportunity during the recruitment process.

(4) The role played by relevant oversight institutions, including the National Cohesion and Integration Commission (NCIC) and the Public Service Commission (PSC) in monitoring compliance with equity, diversity and regional balance requirements during the recruitment exercise by the state corporation.

I thank you.

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No.56 (1)(b), the Chairperson Standing Committee on Agriculture, Livestock and Fisheries.

ACTIVITIES OF THE COMMITTEE ON AGRICULTURE, LIVESTOCK
AND FISHERIES FOR THE PERIOD JANUARY TO APRIL 2026

Sen. Wafula: Thank you, Mr. Speaker, Sir, for this opportunity. I rise pursuant to Standing Order No.56 (1) (b) of the Senate Standing Orders to make a statement relating to the activities of the Standing Committee on Agriculture, Livestock and Fisheries during the first quarter of the Fifth Session, that is, January to 1st, April 2026.

The Senate Standing Committee on Agriculture, Livestock and Fisheries is established under Standing Order No.228 (3) of the Senate Standing Orders and is mandated to consider all matters relating to agriculture, irrigation, livestock, fisheries development and veterinary services.

During the period under review, the committee held a total of 16 sittings, during which it considered four Bills and nine statements. Additionally, the committee had meetings with the Kenya Sugar Board (KSB) and the National Cereals and Produce Board (NCPB) to deliberate on matters under the committee's purview.

During its most recent retreat held in Mombasa County, the committee held a meeting with the Ministry of Water, Sanitation and Irrigation and deliberated on matters relating to irrigation development. The committee resolved that the Ministry should strengthen coordination with county governments in the management of irrigation projects.

In addition, the committee directed the Cabinet Secretary to furnish the House with a county-disaggregated list of all projects under the Community Irrigation Projects, the Smallholder Irrigation Programme and the National Expanded Irrigation Programme.

Additionally, the committee conducted a site visit of the Kenya Marine and Fisheries Research Institute (KEMFRI) in Mombasa County on 12th to 16th March, 2026. The purpose of the visit was a fact-finding mission noting that the fisheries sector plays a critical role in supporting food security, livelihoods and economic development, producing approximately 180,000 to 200,000 tonnes of fish annually and supporting over two million Kenyans directly and indirectly.

The committee had a joint retreat with its counterpart committee in the National Assembly the invitation by the Ministry of Agriculture and Livestock Development on 8th to 13th April, 2026. The retreat enhanced the committee capacity on "Food Imports-

Necessary Interventions.” It also provided a platform for engagement between the Ministry and the committees drawn from the two Houses on the key policy, legislative and regulatory measures required to address the increasing reliance on food imports.

Moving to Bills, during the period under review, the committee considered the following five Bills-

(i) Mediation on the Coffee Bill, 2023 (Senate Bills No.10 of 2023). The Bill was processed by the mediation committee in December, 2025 and was assented to on 13th March, 2026 during the current reporting period.

(ii) Mediation on the Food and Feed Safety Control Coordination Bill (National Assembly Bills No.21 of 2023). The Bill was processed and passed in the Senate with amendments on 21st March, 2024, and thereafter, referred to the National Assembly where it was passed with amendments on 18th October, 2024.

The committee considered and adopted the report for tabling in the Senate. The National Assembly considered the report from the Senate, but they did not agree with some of the amendments from the Senate. Therefore, the Bill was referred to a mediation committee. The committee had its first meeting on Wednesday, 11th March, 2026, and agreed on a mediated version of the report that was considered and unanimously adopted by the committee.

(iii) The Livestock Protection and Sustainability Bill, 2024 (Senate Bills No.32 of 2024). The Bill was read a First Time in the Senate on 6th August, 2024. The committee facilitated public participation and it received submissions from the Council of Governors (CoG) and the Ministry of Agriculture and Livestock Development. The committee report was considered and adopted on 26th March, 2026 and tabled in the House on 31st March, 2026.

(iv) The Seeds and Plant Varieties Bill, 2025 (Senate Bills No.4 of 2025). The Seeds and Plant Varieties (Amendment) Bill, 2025 (Senate Bills No.4 of 2025) was published vide Kenya Gazette Supplement No.66 on 9th May, 2025. It was introduced in the Senate by way of First Reading on Wednesday, 9th July, 2025, and subsequently stood committed to the Standing Committee on Agriculture, Livestock and Fisheries pursuant to Standing Order No.145.

The principal object of the Bill is to amend the Seeds and Plant Varieties Act to introduce a standards-based seed registration system to be administered by the Kenya Bureau of Standards (KeBS). This system is intended to operate alongside the existing certification system managed by the Kenya Plant Health Inspectorate Service (KEPHIS). The committee processed the Bill, prepared and tabled its report in the Senate on 24th March, 2026. The Bill is currently at the committee Stage.

(v) The Agriculture Produce (Minimum Guaranteed Returns) Bill, 2025 (Senate Bills No.17 of 2025). The Bill was read a First Time on Tuesday, 28th October, 2025, and thereafter, stood committed for consideration by the committee. The Bill was subsequently committed to the Standing Committee on Agriculture, Livestock and Fisheries for consideration.

The committee published an advertisement in the national dailies on Tuesday, 11th November, 2025, seeking for a memorandum. The principal object of this Bill is to establish a framework through which county governments can guarantee farmers a

minimum return on their produce, in order to cushion them against unpredictable market fluctuations. The Bill is currently undergoing public participation, with the committee having resolved to undertake targeted stakeholders.

Mr. Speaker, Sir, during the period under review, nine statements were sought from the committee as follows—

(i) Statement sought by Sen. (Prof.) Tom Ojienda regarding ongoing initiatives aimed at restoring degraded agricultural land in Kisumu County.

(ii) Statement sought by Sen. (Prof.) Tom Ojienda regarding death of fish in fish cages in Lake Victoria.

(iii) Statement sought by Sen. Alexander Mundigi regarding pest infestation threatening *muguka* crop yields in Embu County.

(iv) Statement sought by Sen. Edwin Sifuna regarding lapse of the Common Market for Eastern and Southern Africa (COMESA) sugar safeguard regime.

(v) Statement sought by Sen. (Dr.) James Murango *kuhusu mradi wa kiwanda cha kusindika nyanya eneo la Kangai, Kaunti ya Kirinyaga*.

(vi) Statement sought by Sen. (Dr.) James Murango regarding performance of the Kenya Agricultural and Livestock Research Organisation (KALRO) in soil testing and analysis.

(vii) Statement sought by Sen. (Dr.) James Murango regarding allocation and disbursement of the Commodities Fund for clearance of coffee co-operative debts.

(viii) Statement sought by Sen. Eddy Oketch regarding waiver of Agricultural Finance Corporation (AFC) loans owed by farmers in Migori who were affected by the 2011 to 2014 drought.

(ix) Statement sought by Sen. Enoch Wambua regarding use of emergency funds by county governments to purchase seed for residents in Arid and Semi-Arid (ASAL) counties.

Out of the nine, two Statements have been concluded as follows-

(i) Statement sought by Sen. Alexander Mundigi regarding pest infestation threatening *muguka* crop yields in Embu County. The letter forwarding the response shared with the Senator.

(ii) Statement sought by Sen. Edwin Sifuna regarding lapse of Common Market for Eastern and Southern Africa (COMESA) sugar safeguard regime. The letter forwarding the response was shared with the Senator.

Mr. Speaker, Sir, during the next quarter, the committee will prioritise the following legislative agenda-

(i) Engagements with county governments on the implementation status of irrigation, agriculture and food security projects undertaken by the respective counties;

(ii) undertake inspection visits to assess progress on the Mwache Multipurpose Dam Project and the Galana-Kulalu Irrigation Project, accompanied by the Ministry of Agriculture and Livestock Development as well as the Ministry of Water and Irrigation respectively;

(iii) commence mediation on the Mung Beans Bill, 2022 (Senate Bills No.13 of 2022); and

(iv) undertake a retreat to deliberate on issues of concern raised on various Bills, with participation from targeted stakeholders and further to consider and adopt the reports on the Bills before the committee.

Thank you, Mr. Speaker, Sir. I am Sen. David Wafula Wakoli, MP.

The Speaker (Hon. Kingi): The next one is by the Chairperson of the Standing Committee on Energy. Since he is not here, that statement is deferred.

ACTIVITIES OF THE COMMITTEE ON ENERGY
FOR THE PERIOD FEBRUARY TO APRIL 2026

(Statement deferred)

The next one is by the Chairperson of the Standing Committee on Finance and Budget.

ACTIVITIES OF THE COMMITTEE ON FINANCE AND BUDGET
FOR THE PERIOD FEBRUARY TO APRIL 2026

Sen. Tabitha Mutinda: Mr. Speaker, Sir, on behalf of the Chairman of the Committee, I rise pursuant to Standing Order No.56(1)(b) to make a statement relating to the activities of the Standing Committee on Finance and Budget for the first quarter of the Fifth Session covering the period between 10th February and 30th April, 2026.

During the period under review, the committee held 19 sittings during which it processed and concluded 36 statements, considered four Bills and one legislative proposal and tabled three reports. Attached to this statement is a schedule of the legislative business considered by the committee and their status.

During the period under review, the committee processed and tabled reports on-

(1) The 2026 Budget Policy Statement (BPS), where the committee recommended that the County Equitable Share for Financial Year 2026/2027 be approved at Kshs454.73 billion.

(2) The 2026 Medium-Term Debt Management Strategy (MTDS), and the Division of Revenue Bill (National Assembly Bills No.2 of 2026), the committee proposed that the Schedule to the Bill be amended to provide that the county equitable share for Financial Year 2026/2027 be Kshs454.73 billion.

(3) The committee also undertook joint county oversight engagements with the Standing Committee on Lands, Environment and Natural Resources to inspect projects funded by additional conditional allocation for Financing Locally-Led Climate Action (FLLoCA), in the counties of Kwale and Kilifi. The objective of the visit was to inspect, assess, and familiarise with the status of the implementation of the projects funded by FLLoCA programme.

(4) The committee also considered a legislative proposal on the Public Finance Management (PFM) (Amendment) Bill.

(5) Mr. Speaker, Sir, in accordance with Article 118(2) of the Constitution and Senate Standing Orders, the committee held consultative meetings with the Ministry of

National Treasury and Economic Planning, Commission of Revenue Allocation, Office of the Controller of Budget, and the Council of Governors.

(6) The committee also engaged other non-state actors in legislative business. These actors included the County Assembly Forum, Institute of Certified Public Accounts of Kenya (ICPAK), Budget Hub, Institute of Public Finance and Institute of Economic Affairs.

(7) The committee sought public views on legislative business, including the 2026 Budget Policy Statement (BPS) and Medium-Term Debt Management Strategy (MTDS), Equalisation Fund Appropriation Bill (National Assembly Bills No.21 of 2025) and County Government's Additional Allocation Bill, 2026 through advertisements in two national newspapers and other social media platforms.

That is actually what we embarked on today.

(8) Mr. Speaker, Sir, the committee followed and agreed on mechanisms for processing statements, providing Senators with responses as soon as they received them from the relevant agency or county. The Senator is required to indicate any issue that needs clarification within 14 days, failure to which the statement is considered concluded.

Mr. Speaker, Sir, if you raise a statement with the committee on Finance and Budget, you should get a response. If you do not respond within 14 days, we assume that you are satisfied with the response from the relevant office.

(9) During the second quarter of the year, the committee is scheduled to-

(i) process and table reports on the Equalisation Fund Appropriation Bill, (National Assembly Bill No.21 of 2025), The County Government's Additional Allocation Bill, the County Allocation of Revenue Bill, and the Public Procurement Asset Disposal Bill, the request by the National Treasury and Economic Planning for approval of stoppage of funds to the County Government of Meru, something that we have executed today, and that has been stopped.

(ii) To undertake county oversight engagements to inspect projects funded by the additional allocation for FLLoCA and Equalisation Fund in Kisumu, Vihiga, Embu, Kirinyaga, and Wajir counties. Thereafter, the committee will table a report on the visits for consideration by the House. We urge the relevant Senators elected in those regions to accompany the committee.

(iii) Consider the Control of Budget report on the implementation of the County Government's budget.

Mr. Speaker, Sir, I wish to thank your office and the office of the Clerk of the Senate, for the continuous support accorded to the committee in its work while executing its mandates.

Lastly, I wish to thank the Members of the committee, the Chairperson of the Committee, Sen. Ali Roba, Sen. (Dr.) Boni Khalwale, Sen. Faki, Sen. Essy, Sen. Mariam, Sen. Onyonka, and Sen. Eddy and yours truly, for the commitment in executing its mandate.

I thank you all. God bless.

The Speaker (Hon. Kingi): The Chairperson, Standing Committee on Health.

ACTIVITIES OF THE COMMITTEE ON HEALTH
FOR THE PERIOD FEBRUARY TO APRIL 2026

Sen. Mariam Omar: Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, on behalf of the Chairman of the Senate Committee on Health, I rise pursuant to Standing Order 56(1)(b) to make a statement relating to the activities of the Standing Committee on Health for the First Quarter of the Fifth Session covering the period between February and April, 2026.

During the period under review, the committee held 26 Sittings during which it considered two Bills, one Petition, the Budget Policy Statement (BPS) 2026 and followed up on the implementation status of one Senate resolution. During the same period, 21 statements were referred to the committee for consideration.

In this period, the committee considered stakeholder submissions on two Bills that had been committed for consideration, concluded consideration and tabled its reports on the Bills. These are the Assisted Reproductive Technology Bill, 2022 (National Assembly Bills No. 61 of 2022) and the Autism Management Bill, 2025 (Senate Bills No. 19 of 2025).

During the period under review, the committee also concluded its consideration of the Petition regarding alleged discrimination, interference and violation of clinical officers' practice rights by the Ministry of Health, the Council of Governors and the Social Health Authority (SHA), and laid its report on the Table of the Senate.

The Petition by the Kenya Union of Clinical Officers (KUCO) raised questions touching on the health system, labour relations, health workforce governance and access to services. In its report, the committee noted that clinical officers are often the first, and in many places the only, point of contact for patients, especially in rural and underserved areas, where they provide diagnosis, treatment, minor surgical procedures and long-term disease management.

Mr. Speaker, Sir, during the period under review, the committee conducted oversight visits in five counties, namely; Lamu, Nakuru, Baringo, Elgeyo Marakwet and Nandi.

The specific objectives of these visits are to assess the state and quality of the infrastructure, facilities, hospital equipment and provision of emergency services; the automation of healthcare provision systems for patients, drugs and commodity management; the availability of requisite healthcare personnel, the gaps and challenges, if any, these counties face with regard to healthcare workers; and assess the availability of drug and medical supplies in healthcare facilities in the counties.

These engagements involved visits to key healthcare facilities, direct interactions with county leadership, healthcare workers and members of the public.

Mr. Speaker, Sir, during the visits, the committee observed chronic staff shortages and low staff morale and motivation. In relation to infrastructure, equipment and safety, many healthcare facilities exhibit significant infrastructural deterioration, inadequate facilities and severe overcrowding. The medical equipment is often non-functional, broken down or lying idle due to lack of reagents or technical expertise. Several counties

have significant capital-intensive health projects that have either stalled or remain non-operational years after installation.

Another observation is that counties routinely face supply shortages of essential drugs, reagents and consumables. While improvements in the Kenya Medical Supplies Agency (KEMSA) field rates were noted in some areas, unmet supply needs persist, forcing patients to purchase medicines privately. The accumulation of expired drugs on shelves and in stores is widespread, indicating poor stock management and inadequate disposal procedures. Health record management and inventory control systems are heavily reliant on inefficient manual, paper-based processes.

During the period under review, 21 statements were committed to the committee for consideration. The committee sought reports on the issues raised in the statements from the relevant stakeholders.

In this regard, the committee received 15 responses, which were submitted to the Senators for their consideration. Subsequently, the committee has concluded consideration of eight statements. In instances where these responses were found to be unsatisfactory or insufficient, the committee sought supplementary information and clarification from the concerned stakeholders.

During the next quarter, the committee will follow up on the implementation status of the Senate resolutions pursuant to provisions of Standing Order No. 228 (4). The committee will also consider the report on the cell, tissue and organ transplant services in Kenya and the operational report of the Social Health Authority (SHA).

In conclusion, I wish to thank your office and the office of the Clerk of the Senate for the continuous support accorded to the committee in executing its mandate. I also wish to thank Members of the committee for their diligence and contribution in undertaking the committee's mandate.

The Speaker (Hon. Kingi): Statement pursuant to Standard Order No.57 (1).
Proceed, Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY 12TH MAY, 2026

Sen. Wafula: Thank you, Mr. Speaker, Sir. On behalf of the Senate Majority Leader, I rise pursuant to Standing Order No. 57(1), to present the business for the week commencing Tuesday, 12th, May, 2026.

The status of legislative business before the Senate is as follows-

(1) Sixty-Six (66) Bills are pending conclusion, of which 49 are at the Second Reading, 16 are at Committee of the Whole and one awaiting First Reading.

(2) Seventeen (17) Motions are pending conclusion.

(3) Seventeen (17) Petitions are pending conclusion by respective Standing Committees. Of these Petitions, 15 are due for reporting.

(4) Five hundred and fifteen (515) statements pursuant to Standing Order No.53 (1) are under consideration by respective Standing Committees.

Mr. Speaker, Sir, as indicated in today's Order Paper, at Orders No.8 to 14, there are several Bills pending division at the Second Reading. At Order No.15, the Motion on

the consideration of the report on the Mediation Committee on the National Disaster Risk Management Bill (National Assembly Bills, No. 24, 2023), is likewise awaiting division.

I, therefore, implore upon hon. Senators to remain in the Chamber so that the pending divisions may be undertaken. I urge the party Whips to ensure that the requisite number of county delegations are present to enable the Senate to dispense with that business.

Mr. Speaker, Sir, at the next sitting of the Senate on Tuesday 12th May 2026, the tentative business for the day will include business not concluded in today's Order Paper, as well as business indicated in the Notice Paper. The tentative business for the morning sitting on Wednesday, 13th May, 2026, will include questions to Cabinet Secretaries as approved by the Senate Business Committee (SBC) as well as Motions.

The questions scheduled include-

(1) Questions to the Cabinet Secretary, Ministry of Information, Communication and the Digital Economy;

(2) Questions to Cabinet Secretary, Ministry of Cooperatives and Micro, Small, and Medium Enterprises, and,

(3) Questions to the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry.

Mr. Speaker, Sir, the tentative business for the afternoon sitting on Wednesday, 13th May, 2026, will include business not concluded on Tuesday's Order Paper and the following-

(a) Bills at Second Reading-

(1) The Agriculture and Food Authority (Amendment) Bill, (Senate Bills No.13, 2023).

(2) The County Government's (State Officers Removal from Office) Procedure Bill, (Senate Bill No. 34 of 2024).

(3) The County Government's (Amendment) Bill, (Senate Bills No. 39 of 2024).

(4) The Street Naming and Property Addressing System Bill (Senate Bills No.43 of 2024).

(5) The County Government's Laws (Amendment) Bill (Senate Bills No.52 of 2024).

(6) The County Government Laws (Amendment) Bill (Senate Bills No.14 of 2025).

(b) Bills at the Committee of the whole-

(1) The Seed and Plant Varieties (Amendment) Bill, (Senate Bills No. 4 of 2025).

(2) The Sports (Amendment) Bill, (Senate Bills No.33 of 2024).

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

(4) The Procurement and Asset Disposal, Bill (National Assembly Bill No.48 of 2024).

(c) Motions

(1) Report on the Standing Committee on Health on the county oversight and networking engagements in Kitui, Makueni and Machakos Counties.

(2) Report on the Standing Committee on Health on the county oversight and networking engagements in Kiambu County.

(3) Report on the Standing Committee on Health on the county oversight and networking engagements in Bungoma and Kakamega Counties.

(4) Report on the Standing Committee on National Security, Defence and Foreign Relations on Sessional Paper No.1 of 2025 on Foreign Policy of the Republic of Kenya.

The projected business for Thursday 14th May, 2026 will include business not concluded on the Order Paper for Wednesday 13th May, 2026 and any other business scheduled by the SBC.

As hon. Senators would recall, the Senate is scheduled to proceed on recess at the rise of the Senate on Thursday 14th May, 2026 in accordance with the Senate Calendar.

I, therefore, once again, urge hon. Senators, with the business on the Order Paper and the programme of the Senate Business for next week, to be available in the Senate to prosecute the same.

I thank you and hereby lay the statement on the Table of the Senate on behalf of Sen. Aaron Cheruiyot EGH, MP, the Senate Majority Leader.

(Sen. Wafula laid the document on the Table)

The Speaker (Hon. Kingi): Thank you, Hon. Senators. I will allow comments on the statements that have been sought for a period not exceeding 15 minutes.

So, if you get an opportunity to speak, kindly do so for not more than three minutes. However, no comments shall be made on the statements that have been requested by Sen. Abbas. This is because it has been established that the particular statement is in violation of Standing Order No.54. Therefore, the same is hereby expunged from the record until such a time that particular violation is cured.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. Let me comment on one statement by the distinguished Senator of Marsabit. We do not want to blame the rains because for us, farmers, we are happy that there is a lot of rain and food.

My only concern is on the issue of roads that he has raised. I think the Ministry of Roads and Transport was unfair. This is because the Ministry only allocated over Kshs8 billion under the Kenya Urban Roads Authority (KURA) within Nairobi City County roads, leaving other counties.

Under the Kenya Rural Roads Authority's (KeRRA) budget, there is always emergency funds. I know that you, and Sen. Maanzo, have served as Members of Parliament (MPs) before. I do not know whether the 40 per cent KeRRA emergency Fund was there.

So, the question is, why would they allocate only Nairobi Kshs8 billion? They have gone ahead to put Kshs5 billion within the Central Business District (CBD) roads; Jogoo Road and Soweto areas.

So, I believe the Ministry of Roads and Transport must tell us what is happening. This is because we would have expected in this Kshs8 billion that is allocated to Nairobi, each and every county gets at least some allocation for repair of roads.

We empathise and sympathise with Kenyans because we are told that across the country, in the few days, 18 Kenyans have died. Remember, Iten-Kabarnet Road was blocked because of heavy rains. There is a bridge in my county called Chemnoet Bridge, another one in Bonjoge and others in Aldai and Tinderet constituencies. I know it is actually across many counties. We hope the Committee on Roads, Transportation and Housing will be able to look into that.

Mr. Speaker, Sir, secondly, there are many roads in the country, including those in your County of Kilifi, and Nandi, where contractors have been given contracts. Would it be hard for the Ministry of Roads and Transport, through the Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA) and the Kenya National Highways Authority (KeNHA), the supervising agents, to ensure that as the contractors do the roads, they maintain them so that they become passable for the benefit of Kenyans who use them? Even in the case of Tana River, you know that people are crossing it despite it being flooded.

Finally, on the issue from the Committee on Agriculture, Livestock and Fisheries, I had a question where I requested that under the Crops Act of 2019, all cereals must be measured at 50 kilogrammes. I am happy that the Chairperson of the Agriculture, Livestock and Fisheries Committee is present. Why is it that maize is weighed at 90 kilogrammes while potatoes, mung beans and beans are weighed at 50 kilogrammes? This is ripping off maize farmers.

The Chairperson of Agriculture, Livestock and Fisheries who is present, should listen and address that matter because it is affecting and demoralising maize farmers yet, it is in the law. The National Cereals and Produce Board (NCPB) must and should buy maize parked at 50 kilogrammes, so that my maize farmers in Nandi, Uasin Gishu and across the country can get benefits.

Mr. Speaker, Sir, I support.

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

Sen. Maanzo: Mr. Speaker, Sir, I equally rise to support Sen. Chute. Recently, Sen. Chute took Sen. Consolata and I to his county. As Members of the Committee on National Cohesion, Equal Opportunity and Regional Integration, we were going to help sort out some cohesive issues in the north, especially, concerning the Kenyan-Ethiopian border.

It took us over 12 hours to get to Moyale; thank God President Kibaki who did the Moyale Road. It used to take four days to get to Moyale from Nairobi. When it comes to reaching other places where you leave the main road, it becomes difficult. In fact, it is 400 kilometres from Moyale to Mandera on a rough road which also has rivers. He tells me that if you go with a brand new car, you have to carry four other new tyres because you are going to lose all your tyres on the way.

Bearing in mind that we have the Road Maintenance Levy Fund that is raising a lot of taxes from fuel, we should be able to grade roads in every single county of this nation. The situation in Marsabit County is very wanting, yet it is a county blessed with a lot of resources. We have places where we can start new towns, build halal slaughterhouses and send the meat to the Middle East very easily using cargo planes.

The nation has not invested in northern Kenya, and I think it should begin with the roads. That is where it pains most. People in that area should have access to good roads. The communities live far and wide; very hard to reach areas. I think it is a high time we now made equal opportunity for this nation.

It is not only Marsabit County that is suffering. Makueni County also got very little allocation to construct the county roads. After the rains, almost every county in the republic has a challenge with feeder roads in transporting food produce and animals for those who rear animals. The Committee on Roads, Transportation and Housing should really take this matter seriously, so that we have equal distribution of resources in the republic.

I thank you, and I support.

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

Sen. Kinyua: Asante sana, Bw. Spika, kwa kunipa fursa hii.

Nataka kuchangia kauli iliyoletwa na Sen. Boni Khalwale, kuhusu umiliki wa ardhi. Kamati inayohusika, inayoongozwa na Seneta wa Mombasa, Sen. Faki, inapaswa ishughulikie hili jambo kwa sababu katika Jamhuri ya Kenya, kwa ajili ya ukosefu wa zile hati miliki za ardhi, kuna kuwa na migogoro hadi mauaji yanatokea.

Kamati hiyo inapaswa ifuatilie kabisa. Tume ya Kitaifa ya Ardhi, pia inapaswa kutoa mwongozo dhabiti ili ijulikane ni nani mwenye shamba na ni shamba kiasi gani, ili migogoro iishe. Hii kwa sababu katika migogoro hiyo, wakora wanaingilia kati na wanaanza kunyakua mashamba ya watu. Jambo hilo linasumbua.

Ukienda katika gatuzi la Laikipia mahali panapoitwa Thome, shida ni kama hii tu. Watu hawana hati miliki za mashamba. Kwa hivyo, hawa wafanyibiashara walaghai wanaingilia kati, wanachukua mashamba kisha wanasababisha vita. Sio Thome pekee. Pia, ukienda mahali panapoitwa Akairigere na hata Matanya, shida ni ile ile. Kwa hivyo, hii shida ya mashamba iko katika sehemu nyingi za Jamhuri ya Kenya.

Katika kauli iliyoletwa na Sen. Chute kuhusu mambo ya barabara, nakubali kabisa kwamba, mvua ni baraka, lakini vile vile, kuna haya maafa ambayo yanayotokana na mvua nyingi. Utapata barabara zetu ziko katika hali mbovu kabisa kwa sababu wanakandarasi wanapotengeneza hizi barabara, hawaweke ile mitaro ya kupitisha maji.

Bw. Spika, ukitembea kutoka mahali panapoitwa Narumoru hadi Lamuria na Makutano, utapata barabara imeharibiwa na mvua kabisa. Vile vile, ukitembea kutoka Nanyuki, Mutara, Rumuruti na Gakungu, hali ni ile ile. Cha kushangaza zaidi ni kwamba hawa wanakandarasi ambao wanatengeneza barabara, wanachimba barabara kisha baadaye, wanasema hawajalipwa. Kisha, wanaacha barabara zetu zikiwa katika hali duni na mashimo chungu nzima. Kwa hivyo, kama mtu hataweza kufanya chochote, awachane na barabara badala ya kwenda kuchimba mashimo. Unapata, watu wanakuja wanagonga yale mashimo wakiendesha gari, kisha kunakuwa na mikasa barabarani.

Kamati husika, tunawarai wafuatilie haya mambo ili wanakandarasi wanaolegea kwa kazi zao wachukuliwe hatua---

The Speaker (Hon. Kingi): Sen. Essy Okenyuri, proceed.

Sen. Okenyuri: Thank you very much, Mr. Speaker, Sir.

I wish to support the statement by Sen. Abbas on the status of the recruitment exercise at the Kenya Ports Authority (KPA).

It was dropped. That is what I wanted to comment on. I thank you.

The Speaker (Hon. Kingi): We will expunge the little comment that you have made on the same.

Sen. Wamatinga, proceed.

Sen. Wamatinga: Thank you, very much, Mr. Speaker, Sir, for the opportunity to comment on the statement by Sen. Chute.

Indeed, the issue of roads and infrastructure development across the country cannot be overemphasised. As has been mentioned, the distribution of road construction in Kenya has been very skewed. I say this with special emphasis on the 52 per cent of my county, which happens to be semi-arid. We see that during the rainy season, despite it having a food basket potential, the roads are impassable and farmers are left with their food not being able to access the market.

We should come up with a different formula of how to implement these roads and a new definition of what a contractor should undertake. I support what Sen. Kinyua has said; that some of the contractors doing these roads are forced to undercut the contracts, and in the process of doing the work, they compromise on the quality of the work.

I am speaking with a lot of pain because some of the roads that have been specifically done in Kieni Constituency, which makes 52 per cent of Nyeri County, including the road that Sen. Kinyua has mentioned, the one from Naromoru-Kiawara, all the way, was done a couple of years ago, and is now no more. The cost of maintaining that road is going to be far much higher than the initial cost of construction. Therefore, we are called upon to relook at how we evaluate contractors to whom we award these contracts. Most importantly, we must limit political interference from the leadership because some of our unethical practices push contractors to the edge and they are forced to compromise on the quality of roads.

For the first time in the history of this country, the north western region, which has been marginalised by successive governments now has a 710-kilometre road. The road will open up the potential in that area. However, let it also not be lost to us that some areas still remain marginalised. The contractors and the Ministry must come up with a methodology to ensure that we do proper roads that withstand weather conditions in those areas.

I support.

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir. I rise to support the statement by Sen. Chute on the maintenance of roads in this country. The reason we have a Road Maintenance Levy in every litre of fuel that we buy from the pump is so that we maintain our roads. It is not enough to construct roads. Once built, roads must be maintained in order for them to continue giving service.

I say this because there is a road that affects my county. The 12-kilometre dual carriageway connecting Thika to Kenol was opened during the reign of the late President Moi in 1988 and we had not seen potholes on that road for the 38 years. Any time potholes appeared, they would be recarpeted but potholes are now there. We must call upon the Ministry of Roads and Transport to maintain roads because maintenance is what must be done besides constructing new roads.

Allow me to also comment on the statement by Sen. Boni Khalwale on public land. He is seeking to have the ownership established and there is an institution sitting on it. We must protect public land because if we want future development and expansion of public utilities, we must have land on which to do that.

It will be remembered that not long ago, part of Langata Road Primary School's playground had been grabbed by a neighbouring hotel. This is a culture; a cancer that we must cure. Institutions, hotels, private investors and everybody must keep off public land. The public land where the school is sitting in Kakamega should be reverted to the public. If a school is sitting on public land, then something must be done so that the same goes back to the public.

I support.

Sen. Gatya Mo Fire: Thank you very much, Mr. Speaker, Sir. I support the statement by Sen. Chute on the state of roads in this country. I do not know why we have not been having an equal distribution for roads, which is a very critical component of development.

I come from Tharaka-Nithi County and some parts of it have been seriously neglected. There is a road from Chiakariga to Marimanti which links key institutions such as Tharaka University, Tharaka South Sub-County Headquarters, among other major institutions in Tharaka Constituency. That road was launched around 2016. Up to now, even the section that was tarmacked has already started peeling off.

The road from Miomponi to Nkondi, all the way to Tharaka University, is now impassable during this rainy season. The lower parts of Tharaka Constituency, Gatunga and Tharakachieni have things in a state that one cannot imagine we are living in the same country.

This is a matter that the Ministry should move with speed and ensure that every part of this country enjoys good infrastructure because roads are a critical component of development.

It is not only Marsabit that has been neglected; there are serious parts of this country that do not enjoy any good infrastructure in terms of roads. It is an issue that should be looked into very critically by the Ministry. It is high time that the people supposed to ensure that citizens get good roads, including contractors, are paid on time so that they can complete the roads that have already been initiated.

I support.

Sen. Mandago: Thank you very much, Mr. Speaker, Sir. I wish to contribute to the statement by Sen. Boni Khalwale. Public utilities are set aside for a specific course but it is becoming an alarming situation in our country because public utilities are increasingly being leased out regardless of the purpose for which they were set aside. I agree and support this statement that the ownership of that land be ascertained.

We need to ask our county governments not to abuse the powers they have been given in collusion with officers from the National Land Commission (NLC) based in the counties, in allocating land while backdating documents.

We are fortunate that the average lifespan in this country is around 70 years. A number of former county council clerks, county council treasurers, county council chairmen, municipal chairmen and former chairs of planning committees of

municipalities are still with us. We have witnessed situations where they are no longer in office but are still signing documents. That is why a land such as this one in Kakamega would easily change hands.

The documentation and the signatures are verifiable. However, the period during which it is being signed is not the period it was supposed to have been signed, thereby causing loss of public utilities that would have otherwise been utilised for public good.

Mr. Speaker, Sir, allow me also to comment on the issue of roads raised in the statement by Sen. Chute. There are a number of county roads that transcend sub-counties and counties. There is need for those counties to sit with the road agencies and classify those roads so that they are properly classified and transferred to Kenya Rural Roads Authority (KeRRA), so that the national Government can maintain them.

On the distribution of roads between national and county governments; there are more kilometres of roads in our counties compared to the number of kilometres set aside for maintenance by KeRRA, Kenya Urban and Rural Roads Authority (KURA) or Kenya National Highway Authority (KeNHA). Counties need to check and reclassify the roads so that appropriate agencies can take them up.

I sympathise with my friend, Sen. Mwenda Gataya of Tharaka-Nithi, when he says that the roads in those areas are neglected. I am encouraged that it tends to reinforce the theory and narrative that there is a difference between Mt. Kenya East and Mt. Kenya West.

(Loud consultations)

(Interruption of debate on Statements)

The Speaker (Hon. Kingi): Hon. Senators, allow me to rearrange today's Order Paper. We will move to Order No.17 and, thereafter, resume the normal flow of today's Order Paper. Clerk, kindly proceed to call that Order.

BILL

Second Reading

THE EQUALISATION FUND APPROPRIATION BILL,
(NATIONAL ASSEMBLY BILLS NO.21 OF 2025)

(Sen. Cheruiyot on 06.05.2026)

(Resumption of debate interrupted on 06.05.2026)

(Interruption of debate on Bill)

The Speaker (Hon. Kingi): Hon. Senators, allow me to make this communication before I call upon those who wish to speak on this particular Bill.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MP SHAH CHANIA GIRLS SCHOOL, KIAMBU COUNTY

I would like to acknowledge the presence, in the public gallery, this afternoon, of a visiting delegation of five teachers and six students from MP Shah Chania Girls' School in Kiambu County. The delegation is visiting the Senate for an academic exposition.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit.

I will call upon Sen. Crystal Asige, under one minute, to extend a word of welcome.

Sen. Crystal Asige: Thank you very much, Mr. Speaker, Sir. I appreciate the opportunity to greet and welcome the group from MP Shah Chania Girls' High School to the Senate. This is something that we do every single week; week-in, week-out. We usually have young people from across the country from different walks of life coming to visit the Senate to understand and experience what we do here.

The Senate, as they may be aware by now, is mandated to protect the interests of counties which includes their county. We take care of the funding that goes to their county. We are happy that they are here to experience and to see, first hand, what we do here, how we debate and how we fight for the rights of all counties across the country.

As a young legislator, I get pleased to hear that young people, young girls, are also in the Senate just like I am. My story is very long. I will hopefully tell it to them one day when I meet them in the streets of Kenya, wherever that may be. However, I want to encourage them, just like I have done with all the young people that I have met, especially young girls and those with disabilities, that they can absolutely get here if they so wish. What they need to do is to put their mind to it, create the right environment for themselves to achieve and to continue to believe in themselves, just like me. I have a disability but I made it to the Senate so, they can as well make it.

I, on behalf of the Senate, continue to extend a welcome to them and hope they enjoy the rest of the afternoon with us. I thank you.

(Resumption of debate on Bill)

The Speaker (Hon. Kingi): Hon. Senators, when debate was interrupted yesterday, Sen. Consolata Wakwabubi had the Floor with a balance of 14 minutes. You may continue, Hon. Senator.

Sen. Consolata Wakwabubi: Thank you, Mr. Speaker, Sir, for the additional time though I had almost concluded my submission. I have a few points to make.

Yesterday, we questioned the absorption of the Equalisation Fund. This Fund was meant to stabilise or improve the quality of life of the people who come from

marginalised communities. I majorly focused on Bungoma County and specifically Mount Elgon region which has the allocation for the funds. However, we are shocked to learn that these funds have not been absorbed or allocated. The reason for that is that there was no submission of the project proposals.

I wondered how a county of repute like Bungoma County could fail to submit project proposals yet we have so many youths in Bungoma County who use digital spaces to look for jobs. Our county could have tasked the youths to write project proposals with regards to the marginalised areas. If they did that, this money would not have been returned to the National Treasury. Instead, it could have been used to assist people from marginalised communities. The cases in point are areas in Mount Elgon like Kaptama, Kopsiro, Chepuyuk, Sambocho, Kapkurongo, Chongeywo, Koshok and other areas in Mount Elgon.

Most social amenities in Mount Elgon region are pathetic. The road infrastructure in Mount Elgon is wanting, yet Mount Elgon is a major food basket for Bungoma County. Our leaders and the concerned authorities---

(Sen. Kathuri consulted loudly)

Mr. Speaker, Sir, I seek for your protection from the Deputy Speaker.

The Speaker (Hon. Kingi): Hon. Deputy Speaker, you ought to be protecting the Member and not---

Sen. Consolata Wakwabubi: Thank you, Mr. Speaker, Sir, for the protection.

I am echoing the points that were given by other Senators with regards to the specific counties that required the Equalisation Fund. Mount Elgon has very poor road network. It would have been ideal if the authorities maximized the Equalisation Fund. They should have written proposals which would have helped them get that money. That money could have been used to improve the social amenities.

It is weird to see women trekking to fetch water from very far places. They look for water for their livestock, irrigation and domestic use. The health facilities are also pathetic. Some areas have buildings that are not well equipped. There is also no human capital in those hospitals. This situation has an effect on maternal and infant health care. As a mother, I am calling upon the authorities to check on that.

I want to stop there but still make a clarion call to Bungoma County leadership. We should all make a concerted effort in writing project proposals that will yield some fruits and good health or quality services to the people of Bungoma County.

Thank you, Mr. Speaker, Sir, for that opportunity.

Sen. Mandago: Thank you very much, Mr. Speaker, Sir. I want to make my contribution on the Equalisation Fund Appropriation Bill (National Assembly Bills No.21 of 2025).

My attention has been drawn to the allocation of the funds. I would like Commission on Revenue Allocation (CRA) to relook into the formula of allocating these resources. I have looked at the counties that are heavily marginalised and the resources that have been allocated to them. A county like Elgeyo-Marakwet has a total allocation of

Kshs87 million. Marakwet West has only been allocated Kshs9 million, Marakwet East has been allocated Kshs87 million and Keiyo South has been allocated Kshs9 million.

Elgeyo-Marakwet County is among the counties that receive the least revenue. In fact, it is among the 10 counties that this honourable House made a decision to allow for affirmative action, in the revenue sharing, so as to allow them to have some semblance of equitable resources to develop their counties. One will require Kshs5 million per kilometer to construct a kilometer of a simple all-weather road in Elgeyo Marakwet. In Uasin Gishu, one will require Kshs1.5 million.

I have looked at the way these resources have been allocated and I have noted that there is skewedness in the allocation of resources. When you go to Narok County, you will find that the allocation to Emurua Dikirr Constituency is so skewed compared to the allocations to the other constituencies within Narok County. If you look at, for example, Kilgoris Constituency, which is just a neighbouring constituency, they share the same geographical area, the same types of soils, almost the same population. Kilgoris Constituency receives Kshs350 million, whereas Emurua-Dikirr Constituency receives about Kshs436 million.

Narok East receives Kshs148 million, Narok North receives Kshs246 million, Narok South receives Kshs278 million and Narok West receives Kshs195 million. That kind of disparity in a county cannot be explained. The demarcation of our counties, the delimitation of boundaries considered so many factors, including geographical area, population, and so forth.

I request that the Commission for Revenue Allocation (CRA) reconsiders the formula they are using to allocate these resources. If you look at the counties that have been receiving the largest share of our equitable revenue in the Equalisation Fund, they have continued to receive additional resources. If this Fund is going to continue, then we might need to review the basis of allocation and consideration for the Equalisation Fund, putting into consideration the efforts the national Government has done in improvement of infrastructure.

If you look at counties like Mandera, Wajir, Garissa, in the past, they did not have any roads. However, you can see the effort the national Government is putting. A number of roads now are being tarmacked in those regions, and therefore, the formula should be reviewed to reflect the current situation.

Finally, let me say, ever since these funds were taken to counties, and I know this House had to put a spirited fight to ensure that they go to counties, it is quite unfortunate that the impact of these funds has not been felt in our counties. Therefore, we want to ask our governors and our county assemblies to make sure that these funds are used for the intended purpose. We must receive value for money, and feel the impact of these additional resources to the counties.

An additional allocation of Kshs16.8 billion is not a small allocation. We, therefore, expect our counties to utilise this money better and make sure that the constituents in the counties receive the necessary services.

A county like Tharaka-Nithi where my friend, Mwenda Gataya, comes from, you have just heard him speak about the state of the roads in that county, will receive a total

of Kshs71 million. The CRA is not doing justice, particularly to the 10 counties that, as a Senate, we deemed it fit to have affirmative action to increase their resources.

Consequently, in this Equalisation Fund, CRA must also consider an affirmative action towards the 10 bottom counties, and ensure they receive additional resources to bring them up so that this country can equitably be developed.

I submit.

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

Sen. Kisang: Mr. Speaker, Sir, I rise to support this Bill. The reason the Equalisation Fund was set up under the new Constitution. This was to ensure that those particular counties or sublocations, as CRA has classified them, that are low in terms of development, are considered on affirmative action so that they can catch up with the rest of the country. I want to note that it is unfortunate that CRA is still using the second policy that was approved in 2018.

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

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

Mr. Deputy Speaker, Sir, if you check, you will find that Elgeyo-Marakwet County is really still very low. The allocation that has been given is about Kshs105 million. Elgeyo-Marakwet County is one of the 12 marginalised counties that are getting a share of revenue that is below Kshs6 billion.

The Equalisation Fund is there to ensure we have affirmative action to we ensure that those counties that are still below in terms of development are firmed up to catch up with the rest of the country. You will realise some of the counties that are getting even more than Kshs10 billion in the share of revenue are still getting billions on Equalisation Fund. I am surprised how the CRA seems to be in another world. They are not living in Kenya. That is unfortunate. They are continuing to marginalise some of us.

They need to start on the third basis of the policy. They need to do proper public participation so that some counties like Elgeyo-Marakwet, Baringo, West Pokot, and other counties can be taken care of. In fact, as Sen. Mandago has said, we went to Narok for the burial of our colleague, the late Johanna Ngeno. The road from Chebole all the way to Emurua Dikkir does not look like it is in Kenya. What they are getting is basically very low. They need to sit down, relook at this policy, and come up with different parameters to assist people.

One of the other issues that you may have noticed here, out of the Kshs16 billion that we are talking about, basically is that the new allocation is about Kshs10 billion. The rest is arrears. So, it means the money has not been utilised and the reason it is there is to help.

These resources are supposed to be released early so that counties can access them, help the people to get water and provide roads and electricity. They need to fast track the process for the arrears to be released. The regular current resources that are allocated should be given in time. We will be championing and pushing to ensure that the 12 marginalised counties---

This House gave us about Kshs4.46 billion to share. That was basically shared by the counties equally. Each county was getting Kshs374 million every financial year for the next five years. However, this Equalisation Fund, if it is not working, because it appears like there is also conflict between the two Houses, who will implement it? Members of the National Assembly want to implement it. There are governors who want to get the resources and do the implementation. The executive also wants to implement this particular thing. So maybe what we can do is to scrap it.

We have the 0.5 per cent and we ensured we gave it to the 12 counties so that these 12 counties can catch up in terms of development. I do not know what interest the Vice Chairperson of the Committee on Finance and Budget has because even in her own county, Kitui, I do not want her to lose a vote.

The Deputy Speaker (Sen. Kathuri): Sen. Kisang', you are a seasoned legislator, so do not engage Sen. Mutinda on the Floor.

Sen. Kisang: Sorry. She was like smiling and dancing, so I got distracted.

The Deputy Speaker (Sen. Kathuri): While contributing, just focus on the Speaker. You will be distracted when you focus on Sen. Mutinda.

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

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

Sen. Tabitha Mutinda: Thank you, Mr. Deputy Speaker, Sir. When I am in the Chamber, I concentrate on my work and my assignment. An honourable and ranking Member has said that I am dancing. Is it in order for the honourable Senator to mislead the House about another honourable Senator who humbly knows her work, and who is focused and disciplined in what she says? I would request, kindly, that he withdraws and apologises.

The Deputy Speaker (Sen. Kathuri): The only problem that you have, Sen. Mutinda, is that you tried to engage Sen. Kisang' when he was also contributing. That is why he focused on you. I was not really looking at you to know whether you were dancing or not. Maybe Sen. Kisang' can confirm what he saw. Sen. Kisang.'

Sen. Kisang: There are several sub-locations in Elgeyo-Marakwet County, especially---

The Deputy Speaker (Sen. Kathuri): Clear the concerns that Sen. Mutinda raised.

Sen. Kisang: Actually, I withdraw. She was not dancing. She was twisting her head.

(Laughter)

So, honourable Speaker, the whole of the trench of Kerio Valley from Liter in Marakwet East, all the way to Kocholwo in Keiyo South, all that belt, we have ---

The Deputy Speaker (Sen. Kathuri): Yes, Sen. Cherarkey. Just a minute, Sen. Kisang. Let us get the point of order from Sen. Cherarkey.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, on a point of order. Pursuant to Standing Order No.105, on accuracy of facts, there are only three forms of communicating in this House. You either use English, Kiswahili or sign language. Sen.

Kisang, my brother, said that Sen. Mutinda was twisting her head, giving me a signal. Is that accuracy of facts? In fact, I did not see Sen. Mutinda doing that. She has been consulting with Sen. Hamida. Could he withdraw and apologise so that it is not misinterpreted that we are giving unwarranted gestures on the Floor of the House? I do not know why Sen. Kisang is overly excited today. He is always a calm man. I do not know why. Maybe he ate something that we do not eat - or miraa juice. Has he taken miraa juice that we had proposed?

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, just a minute. Sen. Asige, I will give you an opportunity. However, Sen. Cherarkey, you know that I recused myself from that issue; the issue about Sen. Kisang's eyes and Sen. Mutinda's eyes. So, the way they look at each--- you can never know. I am wondering whether you were also focusing on Sen. Mutinda such that you did not see her dance.

So, Sen. Cherarkey, I ruled on that matter and Sen. Kisang also gave his opinion.

Sen. Kisang: I had apologised.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, I do not know why you are taking us back because we concluded on that matter.

(Hon. Senators spoke off record)

Sen. Kisang, proceed.

Sen. Kisang: Mr. Deputy Speaker, Sir, I had cleared the air and I apologised. Sen. Cherarkey loves interruptions.

Honourable Deputy Speaker, so that I can also finish - they are eating into my time - I was saying that the whole stretch from Liter in Elgeyo- Marakwet County, Marakwet East, all the way coming to Marakwet West, going to Keiyo North, the whole of Kerio Valley is basically a hardship area. I expected CRA to include all our sub-locations along Kerio Valley from ---

The Deputy Speaker (Sen. Kathuri): Sen. Kisang, just a minute. I want to be very fair to Sen. Crystal Asige. What is your point of order, Sen. Asige?

Sen. Crystal Asige: Thank you very much, Mr. Deputy Speaker, for giving me the opportunity to raise this. It is similarly on Standing Order No.105. It may sound like it is a light-hearted issue that has been raised here about the comments that Sen. Kisang made to a colleague, female Senator.

However, as you know, women are judged much more harshly by the public, when in public service or in any form of leadership. So, when a comment is made off the cuff or off the handle that characterises a female Senator as just sitting in the Chamber, smiling, dancing, twisting her neck, causing any kind of distraction, then, that actually falls on the rest of us, as female leaders. We are all painted with a broad stroke. Very soon, online, people will be saying; look at what female Senators in the Republic of Kenya are doing. They are just sitting in the Senate, smiling, dancing, twisting their necks and distracting other Members from the business that is being transacted.

So, it is actually a very serious issue. I hope that you, being a champion of women, a very inclusive and very sober in your judgment, you will request Sen. Kisang

to respectfully and just honourably withdraw and apologise so that we carry on. We should not have this mischaracterization continuing out in the public.

I thank you.

Sen. Kisang: Mr. Deputy Speaker, Sir, to save time, I withdraw.

The Deputy Speaker (Sen. Kathuri): Sen. Kisang, just a minute.

Sen. Kisang: Alright.

The Deputy Speaker (Sen. Kathuri): This matter has elicited a lot of interest and emotions. Sen. Cherarkey, avoid giving me the words that I should use because you have just tested me and I have used the words coming from your mouth. I want to give my colleague here, Sen. Mandago, an opportunity. He has a point of order, as an elder. You know, just the other day, one of the Chairs said that there is no place for elders. Sen. Mandago, what is your point of order?

Sen. Mandago: Thank you very much, honourable Deputy Speaker. My point of order is this. There is a tendency that is growing in the House. When Members are asked to apologize and withdraw, they meander around and try to avoid. We should just be as direct and as blank in our apology and withdrawal, so that the House can act in some other order.

Sen. Kisang, withdrew, apologised, then added another twist into the statement. When the Speaker rules that you withdraw and apologise, you simply withdraw and apologise so that the House can progress. It should not be lost on the Senate that this is the House that the people of Kenya look up to when serious matters need to be canvassed. We cannot afford to lower the threshold of this House. As an upper House--- You know that the “high school” is closed. They are not around, so they should--- We need to do that.

Thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Beatrice Ogola.

Sen. Ogola: I thank you, honourable Deputy Speaker, especially for being fair to both genders. You referred to Sen. Mandago as an elder and you are cognizant of the fact that there are also women elders. I am one of them in my community. I want to re-emphasise what Sen. Asige has said, and taking from reports we have had in the past, not only on women in Parliament, but women generally, on reporting about us. I also ask the ranking Member, Sen. Kisang, whom I know is equally one of our mature Senators, that the best he can do is to just withdraw all that line and use better words. I am an English teacher, and if you lack words to use, I could add on to the words that would be useful and parliamentary to you.

Mr. Deputy Speaker, Sir, I thank you.

Sen. Kibwana: Mr. Deputy Speaker, Sir, I heard you commenting on something, and I think it also added salt to the insult. I mean more or less, you know, from more to the frying pan, what did they say it? From the pan to the frying pan. Mr. Deputy Speaker, you commented on something, saying that “Sen. Chesang” - you do not know what was - you know - the in between, the communication between Sen. Mutinda and Sen. Chesang, yet there was actually nothing---

An hon. Senator: Kisang.

Sen. Kibwana: Kisang, sorry, and there is nothing between them. I mean, it was just mutual, you know, discussion. So, you added something that, of course, motivated Sen. Kisang to feel more protected. So, I want you, also, Mr. Deputy Speaker, to withdraw what you said about Sen. Mutinda.

Thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Kibwana, if we go back to the HANSARD, you will find that Sen. Kisang really apologised, actually twice. But you know, his apologies, maybe were not very firm. Sen. Kisang, could you now really apologise to the leaders who are here, so that we make progress?

Sen. Kisang: Good. Thank you, honourable Deputy Speaker. As a husband of one wife and two daughters, I withdraw and apologise.

(Applause)

The Deputy Speaker (Sen. Kathuri): Very well. Proceed and conclude, Sen. Kisang.

Sen. Kisang: Thank you, Mr. Deputy Speaker, Sir. The stretch along Kerio Valley from Kocholwo all the way to Liter in Marakwet East is basically classified as a hardship area. I wonder why the CRA has not listed all the sublocations of Kerio Valley, Elgeyo-Marakwet County, to be included among those benefiting from the Equalisation Fund. We continue to suffer. Thank God the Government of Dr. William Samoei Ruto came in and the banditry of the past has now been stopped completely. Our people have gone back to work.

There are other challenges affecting the people of Elgeyo-Marakwet County. We have a national game reserve with elephants that have destroyed crops such as mangoes, oranges and pixies. This is the same area that CRA has not considered or classified to benefit from the Equalisation Fund. That is why I said we need to push the CRA to develop the next policy on the Equalisation Fund. This will ensure that the 12 counties receiving less than Kshs6 billion in shareable revenue get more resources. An issue arose when I mentioned that we need to add Kshs10.6 billion to the Kshs4.46 billion to make it about Kshs15 billion. This will then be shared among the 12 counties. With that, each county will get close to Kshs1.2 billion. Then we can have resources for proper development.

Mr. Deputy Speaker, Sir, some counties are using Kshs3 billion to feed children with porridge. In Elgeyo- Marakwet County, we have less than one billion to build roads, supply water and build Early Childhood Development Education (ECDE) classes. This is not fair.

That is why I said earlier, if we are not careful, some counties will remain at the level Kenya was four years ago, while others will look like Singapore or Malaysia. It is good to sit down, as a country, and rethink this so that everyone gets equitable resources instead of continuing to marginalise other counties.

We also want accountability from those implementing projects under the Equalisation Fund. There have been complaints that projects are delayed. Some are started but not completed. Kenyans are not getting value for money from the Equalisation

Fund. That is why, perhaps, the best thing is to get rid of it. I understand we extended the time. It was supposed to be 10 years, but was moved to 20 years. Maybe it is time to rethink and increase the percentage that is shareable so that more counties benefit.

Mr. Deputy Speaker, Sir, with those remarks, I support. I ask colleagues to support. However, we need CRA to come up with another policy on the Equalisation Fund that will benefit the truly marginalised counties.

Thank you.

The Deputy Speaker (Sen. Kathuri): Very well. Sen. Joyce Korir, proceed.

Sen. Korir: Mr. Deputy Speaker, allow me to thank the Committee on Finance and Budget for a job well done. This is one of the most active committees in the Senate. They assist us in ensuring counties get these resources. I must thank the Chairman, Sen. Ali Roba, the Vice-Chairman and the Members of the Committee. I have been a Member of that committee at some point and I know they burn the midnight oil preparing these reports.

Many issues have been raised by Members of this House. My concern is the formula used by the CRA to arrive at these beneficiaries. My problem is the counties benefiting from the Equalisation Fund. My problem is the projects meant to ensure these counties benefit, but when you go to these counties, you still find the same challenges.

The biggest reason is remittance by the relevant board. I challenge the board. Despite the national Government establishing this and providing resources, counties face challenges because of remittance delays, which slow service delivery. I also raised the issue of counties being identified. Some were identified politically, not based on facts raised by the relevant authority. It is high time this House redefines the policies that established the Equalisation Fund.

Real development and change will only come when decisions are based on facts on the ground, not because we come from certain regions, committees or know certain people. That is when this country will realise real change. That is when residents will see the progress Kenyans have been talking about, that we are moving to Singapore. However, when counties are identified politically, we cannot actualise the intended purpose of these resources. We put the country in a mess. We set no precedent.

Mr. Deputy Speaker, Sir, I want to be part of a Senate that does things the right way. We must look at counties that truly lack water and roads, despite resources being sent to county governments. The Equalisation Fund was meant to support them in accessing these amenities. Despite the huge pending bills on the Equalisation Fund, I challenge the relevant board and committee to address this.

The Committee on Devolution and Intergovernmental Relations and the Committee on Finance and Budget must ensure decisions are not political. This is a House of rules and procedures that is meant to put things in order.

The Senate stands between the national and county governments. It can rescue this nation by ensuring that what is meant for counties goes to counties and what is meant for the national Government goes to the national Government. We should not be discussing instruments like the Intergovernmental Act when existing monies are not implemented.

I support the committee. As we go to the next budget, we must ensure these monies are not left as pending bills. It is wrong that funds meant for the Equalisation Fund remain as very huge pending bills. It is wrong. I challenge the Committee on Devolution and Intergovernmental Relations and the Committee on Finance and Budget and the entire House. We must wake up and look at this so that the relevant counties benefit. Otherwise, I support the Bill.

Thank you.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Beatrice Ogola.

Sen. Ogola: Mr. Deputy Speaker, Sir, I thank you for giving me the opportunity to add my voice to the discussion on the Equalisation Fund Appropriation Bill (National Assembly Bills No.21 of 2025). This was a wise idea to address issues of equity and marginalisation in this country. However, as we sit here, we must ask ourselves whether we are achieving that wise thinking that led to inception of this Bill.

Many of us know that in this country, access to certain core services like health is not equal. When you go around in this country, there are Kenyans who continue to walk for long distances to access healthcare which is a basic right. That is one of the reason this Fund was created.

When you look at the report before us, you will see what has been disbursed so far, since inception, against the total that should have been disbursed. Out of over Kshs79 billion since inception of the Fund, there is Kshs62.677 billion still pending.

This is the question I ask myself as I contribute to this Bill. Is it achieving the general goal of why it was created? We will continue having huge arrears, because from what the report shows, only Kshs17 billion has been given to our counties. We must, as a country, address the issue of arrears that are in this report.

Secondly, the Bill talks about the Fund being given to counties and further given to constituencies within the counties. The question I am asking myself is this: Why is it not taken down to the wards? We have wards because of devolution. We are talking about services going down to the people. What is so difficult in having this Fund taken down further to the wards? Hon. Senators here will tell you that when you go around in the counties, and see the situation as it is, you can single out challenges in the wards.

In achieving equity, we must have this Fund disbursed in a timely way. I have mentioned services such as health and we also have roads. County roads are part of the functions that were devolved. It is not only just county roads.

Let me give an example of my constituency which is Ndhiwa. Right now, if you go to my constituency, the only road that you can use is the one that cuts across from Homa Bay Town Constituency to Sori, which is a major trunk road. Other than that tarmacked road, my constituents have no road. Somebody might give the excuse of the rain but is it only in my constituency where it is raining? Due to that, we are looking forward to getting these funds so that my people, as well as other Kenyans, can get the right services.

I have also seen the parameters that have been provided in the report. How I pray that certain parameters were introduced in future. This is because if you look at marginalisation, we know that women have equally been marginalised. There should be a better way of ring-fencing some of these funds to serve women in particular, so that we

feel that we are equally Kenyans and the women in the country as well as the youth can have particular services having just been ring-fenced from these funds.

Certain parameters that could be used are issues such as maternal mortality. In this country, there are particular areas where women die while giving birth. The question we keep on asking ourselves, as women and humanity is; why must women die in the process of giving birth? Do we not have planning units that can plan for services that women are entitled to?

The issue of maternal mortality is key because it is now over 60 years after Independence but we are still talking about young girls and generally women dying for reasons that are obvious. Some of them are due to inefficiency, inadequate services, lack of monitoring services to women and unavailability of personnel to attend to them at the right time.

Mr. Deputy Speaker, Sir, another area that is key for consideration in future as a parameter is immunisation of children. In this country, funding is diminishing and donor funds are bound to end at some point. For example, when you talk about immunisation, Gavi funding is going to end by 2029. However, when you look at the trends in health ministries in our counties, you do not see consistent budgets for this exercise. If that is not done as expected, it will lead to medical conditions in our populations that will eat into our budget.

I support because not everybody is equal in this country. A number of areas are marginalised with no access to rural roads, water, agricultural services and health services. Therefore, it is wise that we provide this Fund so that equality and equity can be realised.

Mr. Deputy Speaker, Sir, the only thing I insist is that distribution of that money must take note of the fact that we have wards in our counties. Therefore, the breakdown should not just end at constituencies and counties but go down up to the wards.

I support.

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

Hon. Senators, on this particular business, there is no other interested Senator to contribute. Therefore, I will call upon the Mover to reply. Since he is not around, we will defer the process of the Mover replying.

(Question, that the Mover be called upon to reply deferred)

I want to reorganise the Order Paper. We will defer Order No.18 and go to Order No.19.

BILL

Second Reading

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO.10 OF 2024)

(Bill deferred)

The Deputy Speaker (Sen. Kathuri): Clerk, call out the next Order.

MOTION

MAINSTREAMING GENDER PERSPECTIVES IN LEGISLATIVE AND POLICY PROCESSES

THAT AWARE THAT, Article 27 of the Constitution of Kenya guarantees the right to equality and freedom from discrimination, with Article 27(3) providing that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres;

FURTHER AWARE that Article 27(8) obligates the State to take legislative and other measures to redress any disadvantage suffered by individuals or groups as a result of past discrimination, and to ensure that not more than two-thirds of members of elective or appointive bodies shall be of the same gender;

COGNIZANT THAT mainstreaming gender perspectives in all aspects of governance is essential to achieving inclusive development and safeguarding the rights and welfare of all citizens, particularly women, girls and other marginalized groups;

CONCERNED THAT the integration of gender considerations remain inconsistent across the two levels of government and that legislative processes have often resulted to policies that do not adequately address gender-specific needs and realities;

NOW THEREFORE, the Senate:

(i) urges Parliament, County Assemblies and their respective legislative committees to incorporate a gender analysis in the scrutiny of legislation, policies, programmes and budgets before them, including through the use of gender impact assessments and consultation with gender-focused stakeholders to ensure gender-responsive governance;

(ii) recommends that the National Gender and Equality Commission and the State Department for Gender develops clear guidelines and tools to support the integration of gender perspectives in legislative, policy and budgetary analysis, and ensures these are disseminated and adopted by relevant government and legislative bodies;

(iii) further urges the National Gender and Equality Commission and State Department for Gender to collaborate with the Kenya Law Reform Commission, and County Assembly Service Boards to build capacity for gender analysis among technical and legislative staff;

(iv) urges the State Department for Gender to submit to Parliament a comprehensive biannual report detailing actions taken by Ministries, Departments and Agencies to promote gender mainstreaming, key achievements, emerging challenges, and proposed interventions; and

(v) resolves that the Standing Committee on Labour and Social Welfare continuously monitor the implementation of these resolutions and tables biannual report on the status of implementation.

(Sen. Veronica Maina on 26.3.2026)

(Resumption of debate interrupted on 21.4.2026)

The Deputy Speaker (Sen. Kathuri): I will allow Senators to make contributions beginning with Sen. Maanzo.

Sen. Maanzo: Mr. Deputy Speaker, Sir, the issue of gender mainstreaming has been key for many years. When we were with you in the National Assembly, the former Chief Justice, Hon. David Maraga, declared that Parliament was not properly constituted because of failing to meet the two-thirds gender threshold. That was a court judgment.

The then President Uhuru Kenyatta was supposed to dissolve Parliament. For other reasons, he did not dissolve Parliament at that particular moment because it was argued that gender mainstreaming should be progressive because when it comes to an institution like Parliament, people decide through election. Until people balance the gender of elected representatives, that is when we will achieve it. It can be done progressively. Other countries have done it progressively through other means to ensure that they meet the two-thirds gender threshold. That should begin with appointive positions.

If you go to Rwanda, you will find that the ratio of ministers is 50-50. Similarly, Uganda has complied with the two-thirds gender rule. In some counties like Makueni, they have met the two-thirds gender rule when it comes to appointive positions. In Makueni County, the practice has been that when the governor is male, automatically the deputy governor should be female and it balances the equation in that regard, and I wish that practise could be picked.

Similarly in Kenya, in the appointment of Cabinet Secretaries, it should be 50-50. That way, the country will be getting a direction that we are keen on achieving the gender rule. I know there is a pending constitutional amendment on this particular matter. It has been debated and is subject to a lot more of debate. When we did this in the Senate Standing Committee on Justice, Legal Affairs, and Human Rights (JLAHRC), we got all manner of views during public participation.

As much as this is supported, many Kenyans were of the view that if you have to force the gender rule mainstreaming in Parliament, then it means you are going to have so many Members of Parliament to balance this, which is, again, an expense on the people. However, there are other ways through political parties, you can be able to achieve the two-third gender rule. For instance, when political parties sponsor candidates and they encourage that, is one of ways. When it comes to nominations, the gender perspective must be given priority so that we can balance. Therefore, this is a very serious debate.

In countries like Rwanda, where in cabinet this has been done and they have encouraged a lot of gender balance, you will find that the women have performed very well in their dockets. There is less corruption in their docket, because women are afraid

of some of these practices, unlike situations whereby a lot of men are charged in public offices with these vices.

In fact, one time I had an opportunity to represent Dr. Margaret Gachara, who was in a Government organisation, which was dealing with the prevention of HIV and AIDS. She was prosecuted for paying Kshs20,000 only, as a Chief Executive Officer (CEO) to a Chairman who had done an activity. In the investigations that amount of money was found irregular. You can see that by the time she got prosecuted, she was denied bail because it was argued that she was resisting arrest, yet she was only trying to explain herself. However, things did not go well for her after the case ended during President Kibaki's regime. I think she relocated out of the country, because I did not see her again.

So, at times, we need to encourage, you know, people who are of good standing in terms of reputation and being corruption-free to serve in public offices. In my opinion, all sectors, both private and public sectors should do gender mainstreaming as a policy generally. We do not have a policy such as the Constitution to guides us. Therefore, this particular Motion is very important when it comes to this particular regard.

Mr. Deputy Speaker, Sir, if we work progressively and continue educating Kenyans on this, I believe there will come a time... All of us are educating our girls. We want them to be strong and to come to this House and represent Kenyans. The way the school system is now, young women are performing better than young boys. This gender has been hammered so much that now it is time to lift the boy child. Otherwise, if we go like this, you will find very empowered women in the future and less empowered boys. Consequently, they may have a very big challenge approaching the other gender. Therefore, we really would like to work on this to make sure that eventually, progressively, we achieve the gender balance that is required in our Constitution.

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

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

Hon. Senators, there is no other Senator interested to make his or her contribution on this Motion. I can see the Mover of the Motion, I can see, is not in the House.

So, also, I defer and direct that the Mover will reply in the next Sitting.

*(Question, that the Mover be called upon to
reply to the Motion deferred)*

So, Hon. Senators, again, I have to reorganise the Order of business. Order Nos.20, 21, 22, and 23 are deferred.

MOTION

ADOPTION OF REPORT ON FOOD AND FEED SAFETY CONTROL COORDINATION
BILL (NATIONAL ASSEMBLY BILLS No.21 OF 2023)

THAT, the Senate adopts the Report of the Mediation Committee on the
Food and Feed Safety Control Coordination Bill (National Assembly Bills No. 21

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of 2023), laid on the table of the Senate on Tuesday, 28th April, 2026, and that pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

(Motion deferred)

BILL

Second Reading

THE COMMUNITY HEALTH PROMOTERS BILL
(NATIONAL ASSEMBLY BILL NO.53 OF 2022)

(Bill deferred)

BILL

Second Reading

THE KENYA HEALTH PRODUCTS AND TECHNOLOGIES REGULATORY
AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO.54 OF 2022)

(Bill deferred)

BILL

Second Reading

THE KENYA ROADS (AMENDMENT) (NO.3) BILL
(NATIONAL ASSEMBLY BILLS NO.34 OF 2025)

(Bill deferred)

Let us go to Order No.24.

BILL

Second Reading

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.66 OF 2023)

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The Deputy Speaker (Sen. Kathuri): Sen. Crystal Asige, please proceed.

Sen. Crystal Asige: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to move this Bill.

Mr. Deputy Speaker, Sir, I rise to move that the Environmental Management and Coordination Amendment Bill (National Assembly Bills No.66 of 2023), be now read a second time.

Mr. Deputy Speaker, Sir, before I begin, I would like to inform the House that this is a Bill that I am co-sponsoring with a Member of the National Assembly, that is Hon. Irene Mayaka, MP. I would like to, right off the bat, congratulate her greatly for the work that she has done to draft and move this Bill in the National Assembly through all of its processes. Now, it is before us in the Senate so that we table and debate it as well.

Mr. Deputy Speaker, Sir, Hon. Mayaka has done a fantastic work. I congratulate her again, not just for pushing this Bill, but also for doing a lot of lobbying around it and carrying out a lot education and awareness creation amongst Members of Parliament in both Houses.

Mr. Deputy Speaker, Sir, Members here will agree with me that Hon. Mayaka has exemplified the role of a nominated Member of Parliament, not only in the National Assembly, but also in the Senate, not only on the Minority side, but also on the Majority side. In my opinion, that is clear. You will hear testimonies of Members of Parliament, all across these two Houses, talking about her excellence in work. She has the ability to think and represent her people in the most excellent of ways, as well to raise impactful issues, such as this, that we are about to debate.

Mr. Deputy Speaker, Sir, the purpose of this Bill is to amend Section 147 of the Environmental Management and Coordination Act of 1999, by introducing a clause that prohibits the planting, introduction, growth or maintenance of eucalyptus trees along rivers, lakes, wetlands and other critical water catchment areas in the country.

Mr. Deputy Speaker, Sir, eucalyptus remains one of the most widely cultivated forest tree species in the world. The genus comprises over 900 species most of which originate from Australia. In Kenya, eucalyptus was introduced far back as 1902, primarily to support construction of the Kenya-Uganda railway through the provision of fuel wood. Today, it plays a significant role in our economy. It is used for timber, transmission poles, plywood, fuel wood, fencing posts, construction materials, windbreaks and even for ornamental purposes.

It is grown across most ecological zones in Kenya on a wide variety of soil types. Further, it is estimated that about 153,000 hectares of land in Kenya currently under eucalyptus cultivation spread across gazetted forests, private lands, small-scale farms and land owned by local authorities. This area continues to expand, driven by high demand, particularly for transmission poles linked to rural electrification, as well as construction and energy needs across the country.

Mr. Deputy Speaker, Sir, there is no doubt that eucalyptus has supported livelihoods everywhere. A ready market has made it attractive for farmers seeking reliable and relatively quick economic returns. However, we must also confront the growing body of evidence and the lived realities that point to its environmental cost, particularly when planted near water sources.

Concerns have consistently been raised about the high water consumption of eucalyptus and its impact on soil fertility and biodiversity. Communities have associated the drying up of streams, rivers and wells with the expansion of eucalyptus plantations. In Kilifi County, for example, the drying of the Shirango Well has been linked to eucalyptus planted close by. Research findings support these concerns. Studies from India, Ethiopia, Zimbabwe and South Africa show that eucalyptus plantations significantly affect water resources, soil health and biodiversity.

One of the key issues that eucalyptus exhibits is what is scientifically known as allelopathic effect; releasing chemical compounds that suppress the growth of other plants around it. As a result, it is difficult to find meaningful undergrowth vegetation within eucalyptus plantations, leading to diminished biodiversity in those areas. In addition, these chemical compounds can impact micro-organisms affecting soil processes that allow organic matter to build up. This further contributes to declining soil health.

Also, there is documented evidence of reduced water yields. In India and Zimbabwe, as mentioned, studies have also shown a reduction in water levels in wells by between 25 to 30 per cent within just three to five years of planting eucalyptus around them. The nutrient demands of eucalyptus are also significantly high. While it absorbs large amounts of nutrients from the soil to sustain its rapid growth, it also returns very little through leaf litter. This imbalance leads to nutrient depletion and long-term loss of soil fertility.

A 2023 study in Ethiopia further indicated that the rapid expansion of eucalyptus farming is likely to affect downstream water supply, what is referred to as blue water resources. Other jurisdictions have also taken decisive steps. In South Africa, several eucalyptus species have been classified as invasive under the National Environmental Management Biodiversity Act. These include species such as forest red gum, river red gum, saligna gum, spider gum, sugar gum, and karri, many of which are also grown here in Kenya, as you know. The classification is based on the severe impact on water resources and ecosystem health, particularly their excessive water consumption where they are planted.

Here in Kenya, we have attempted to address this issue before. In 2009, the late John Michuki wanted to reduce this issue in riparian areas. The National Environment Management Authority (NEMA) also restricted planting eucalyptus near water sources. However, these measures have not been effective, largely because they were not anchored in law. That is why we are moving this Bill today in the Senate, as co-sponsors between Hon. Mayaka and myself. That is also why this Bill is both necessary and long overdue. It provides the Cabinet Secretary with the legal authority to develop regulations that prohibit the planting and maintenance of eucalyptus in ecologically sensitive areas. It also ensures that our environmental policies are not just advisory, but also enforceable.

Mr. Deputy Speaker, Sir, this is not about eliminating eucalyptus. I want to dissuade that thought. It is about ensuring that it is grown responsibly and in the right places. As we move forward, it will be critical for key institutions such as the Kenya Forest Service (KFS), the Kenya Forestry Research Institute (KEFRI) and the Water Resources Authority (WRA), to provide site-specific guidance on alternative tree species that can offer economic value without compromising environmental sustainability.

This Bill also concerns county governments as provided for under Article 110(1)(a) of the Constitution. It touches on functions outlined in Part 2 of the Fourth Schedule, particularly in relation to implementation of national policies on natural resources and environmental conservation. Importantly, its enactment will not occasion any additional expenditure of public funds. At its core, this Bill is about balance. It is about protecting livelihoods but also protecting the natural systems that sustain those livelihoods. At a time when climate change continues to put pressure on our water resources, we cannot afford to ignore practices that worsen that strain.

Mr. Deputy Speaker, Sir, this morning, I know that just like the rest of us, you attended a sitting discussing matters of climate change and how we, as legislators, can seek to improve or drastically reduce these impacts on our counties. This is one of those solutions that we, as co-sponsors of this Bill, are tabling here today. If we get this right, we will not just be regulating a tree species. We will also be safeguarding our water, ecosystems and the future. I hope that this very simple yet critical Bill that I have tabled and co-sponsored with Hon. Irene Mayaka of the National Assembly will be of interest and that we will persuade colleague Senators, to also understand the importance of what it seeks to repair.

It seems like a simple amendment to the Act. However, it will improve many livelihoods and our environment that we are so desperately trying to preserve, especially following the rise of climate change and erosion of different species of plants in our country.

Mr. Deputy Speaker, Sir, again, I wish to thank Hon. Mayaka of the National Assembly for the times that we have sat together to talk about this Bill, her work in tabling the amendment to this Bill for the first time in the National Assembly and giving me an opportunity to do the same in the Senate. I hope that many of us Senators are farmers and we understand agriculture, natural resources and the environment very well. We may not have gone to university and acquired a Doctor of Philosophy (PhDs) in this area, but sometimes these cultural norms are ingrained in us, as Kenyans, as citizens of this country and those who are loyal to the soil. I believe wholeheartedly that one of these people is Sen. Cherarkey, a farmer and legislator in his own right, and a ranking Member of this Senate. That is the reason I request him to second this Bill.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, proceed.

Sen. Cherarkey: Thank you, Sen. Crystal Asige for that rare form of accolades that you have given me, so that I can take the honour of seconding this very crucial Bill.

Sen. Crystal Asige continues to distinguish herself as industrious, with a lot of tenacity in terms of what is provided for in Article 96, which is legislation, representation, oversight and division of revenue. Sincerely speaking, I hope to see her in the next Parliament, either in the National Assembly or the Senate.

Mr. Deputy Speaker, Sir, if you remember, the Senator for Nairobi City County mentioned that some of us have served in the Senate for some time and that we intend to stay in the Senate forever and yet, this is only my second term. We do not intend to stay in the Senate; it is the people who give us the opportunity to continue serving in Parliament. The people of Nandi County are aware that when I am called upon, I will be

more than obligated to serve in other different capacities, so that we ensure that devolution works. By the way, if you are a politician and you are not ambitious, you do not have any business being in politics.

Mr. Deputy Speaker, Sir, I know you are also nursing very good dreams of becoming the Governor of Meru County either in 2027 or later. I know Sen. Joyce Korir has set her eyes on the Bomet Central Constituency seat. Everybody has an ambition, including Issa Juma boy Issa.

As I second, this is a very straightforward Bill. We appreciate that eucalyptus is a critical plant that was introduced with good intention. Where I come from, it was used for timber and electricity poles. I thank Sen. Crystal Asige. She has been very crystal clear, just like her name Crystal, by saying that we are not banning eucalyptus.

There is a case that was filed in Ol Kalou by one Wilfred Mosoti Omariba in November, 2025. He was acting on behalf of public interest *versus* the Cabinet Secretary for Environment, Climate Change and Forestry, and others. The courts ruled that we need to comply, that eucalyptus should not be planted within 30 metres of riparian areas and 10 metres away from property. What we are doing, led by Sen. Crystal Asige, is to comply and enrich the Environmental and Management and Co-ordination (Amendment) Bill, 2023.

In that ruling, in the wisdom of the court, he also warned that Parliament must come up with legislative intervention. Hon. Irene Mayaka, who happens to be the Chairperson of the Regional Integration Committee of the National Assembly and co-sponsor, Sen. Crystal Asige, have gone ahead and ensured that we comply with that. I thank them because I have been very passionate about it.

I am aware that where I come from, many people have planted those trees, so that they sell them to Kenya Power, use them for timber and even in health clubs such as saunas. Eucalyptus is being used in saunas because it is good for clearing colds and asthma. Eucalyptus is also used as an ointment in healing of wounds, pain management and in aromatherapy to release stress. It is very critical in health management.

We are not saying that eucalyptus is bad; we are saying that eucalyptus is not good for wetlands. Where I come, agriculture is our mainstay economic activity. I have seen that when eucalyptus is planted in swamps, they dry up after some years. This interferes with the ecosystem. It is called *mukalatusi* or *Mutimbao* in Kiswahili. I expected Sen. Crystal to tell us that because she comes from Mombasa.

Mr. Deputy Speaker, Sir, the Agikuyu community, *andu a nyumba*, have given it a very interesting name; *Munyua Mai*, which means, water drinker. I know you come *Murima*, which is giving us a lot of problems. *Tutakaa tuu kwa mlima*.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, let me give you the right pronunciation; it is *Munyua Mai* not *Munyua Maai*, there is no *Maai*. Can you pronounce it correctly?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I think it is just the intonation. I do not come from that region, but you are better placed because I know *Munyua*---

The Deputy Speaker (Sen. Kathuri): You speak British English, but you do not come from England.

Sen. Cherarkey: Okay, I will try. It is called *Munyua Mai*, loosely translated to water drinker. The Agikuyu community has gone ahead to describe what eucalyptus is; it dries up rivers. If you plant it next to wetlands, which are very important for planting, it dries up the place.

I only have four points. If you look at Article 69 on the obligation in respect to the environment; in principles, we must ensure sustainable exploitation, utilisation, management and conservation of environment and natural resources. You are aware that the President is pushing that we plant 15 billion trees. I am happy that in the drive of planting trees, so that we move from two per cent forest cover to 10 per cent, at least, eucalyptus has not been included. We should go for indigenous trees, which are environmentally friendly and will sustain the ecosystem. That is why we have mangrove forests along the coast line. Those are the type of trees that are environmentally friendly. Where I come from, we even have trees that when you plant them, they make a place wetter. I think that is very important going into the future.

I agree with Sen. Crystal Asige that even as we push for 10 per cent tree cover, we must ensure that we protect the environment. If you built your house next to eucalyptus trees, they always destroy the house. That is why in the wisdom of the courts, they said that it should be 10 metres away from property. I know that after the amendment by Sen. Crystal Asige, we shall come up with rules and regulations on how it will be implemented effectively going into the future.

I appeal to the Ministry of Environment, Climate Change and Forestry and the office of the President that as we implement planting of 15 billion trees, let us discourage the planting of eucalyptus trees, especially in agricultural high productive areas, so that we protect them. I know the President means well for this country. You heard him today; he has assured that by 1st January, 2027, the 44,000 teachers will be confirmed on permanent and pensionable terms.

I am happy that the National Treasury and Economic Planning has allocated Kshs4.92 billion to ensure that teachers who are on contract terms under the Teachers Service Commission (TSC), will be absorbed on permanent and pensionable terms. I appeal to teachers who will be teaching environmental studies to ensure that we teach our children and encourage them to grow tree species that are environmentally friendly. When it comes to our tea farms in all sub-counties in Nandi County since we all plant tea, you will always find that we use what we call *Grevillea robusta* (Silky Oak) or *Chepkumyat* in my local language. It is also good for soil fertilisation.

In a nutshell, this is a very simple amendment that I would like my colleagues to ensure that we push, conclude and reply to, so that it is scheduled for division.

Finally, I know the co-sponsor is here. We must ensure that when we pass this Bill, we enforce compliance. I challenge the National Environment Management Authority (NEMA) to follow up on this because the requirement of 30 metres from water sources and 10 metres from buildings is very critical. I know there are many flats in this city because many buildings are constructed on waterways. Many people block waterways and that is why whenever it rains in this city, it floods.

I heard the governor saying that this city was built on a swamp, but that is not the point. The point is that we have failed to implement physical planning requirements,

whereby waterways are blocked by buildings. We hope that when we pass this Bill, NEMA will ensure 100 per cent compliance, so that we do not pass laws for cosmetic value, but laws that are implemented.

I saw Kenyans asking what the role of Parliament is after we recently experienced flooding, yet we have passed all these laws. The problem is compliance and implementation of the laws. It is as simple as that. By the way, that is corruption because if the County Government of Nairobi City allows a building across a waterway to block water when it rains, it is corruption. Today, China sentenced two former defence ministers to death over corruption. Sen. Eddy and Sen. Crystal Asige, when will Kenya reach that level? We must punish corruption until it is as rare as a snowball in hell. That is what China is doing. If you fail to comply with what we pass as Parliament, it is corruption.

I know Sen. Crystal Asige is a person of integrity. I am happy and proud of her. She is a person who takes a stand. Most of her agemates, the Gen Zs--- I know it brought a lot of issues when former President Samia Suluhu commented about it. We should have a stand such as Sen. Crystal Asige. In 2024, the current Gen Zs were with Morara Kebaso. They moved to Hon. Matiang'i, then to former Chief Justice Hon. Maraga and nowadays to Sen. Sifuna. Gen Zs do not have a stand. I like people such as Sen. Crystal Asige who has a stand. Her agemates should have a stand. Tomorrow, they might move from Sen. Sifuna to Sen. Kathuri and before you know it, they are back to Sen. Cherarkey and maybe finally to Sen. Eddy. They should have a stand, so that we have a better country with a vision. I know finally, after Sen. Eddy, they will back to President William Ruto.

I will vote for this Bill when it gets to division. I congratulate Sen. Crystal Asige and wish her the best. I know this will be part of her marking scheme when she will be seeking election for any seat. By the way, all seats from Member of County Assembly (MCA) to the president are open. If she wants to run, we will be there to support where we can.

I support.

The Deputy Speaker (Sen. Kathuri): As I propose the question, Sen. Crystal Asige has not invited us as she launches another album. You know she is also a great musician.

(Question proposed)

I now open debate on this Bill.

Sen. Oketch Gicheru: Thank you, Mr. Deputy Speaker, Sir. This is a very good Bill and I hope that Sen. Crystal Asige will see the need to be educated by an agroforestry expert.

You learn knowledge in the middle of debate. Perhaps one of the things that this House does not know is that I have been involved in tree planting for the longest time. I see people getting a lot of accolades. Sometimes you do not need to blow your own trumpet. I am the founder of Tricon. Maybe you have heard about Tricon? You should come and visit my place. I came up with a model that helps communities to do what we

call aggregation of micro-forests. Our model is a very simple, one that argues that instead of doing big plantations, you can empower farmers by ensuring they plant trees and get incentives to take care of those trees.

In Migori County today, we have thousands of farmers that we have enabled to plant 365 trees each. We pay them at the rate of one dollar per tree, per year, which translates to Kshs10 every month for every tree that they grow. That means that we have over 2,000 families in this programme that are earning---

The Deputy Speaker (Sen. Kathuri): I do not want to interrupt you, Sen. Eddy Oketch, but is it that you learnt agro-forestry or you plant trees?

Sen. Oketch Gicheru: I practise agro-forestry.

The Deputy Speaker (Sen. Kathuri): You know agro-forestry is a course by itself; a training.

Sen. Oketch Gicheru: Yes, I did a course.

The Deputy Speaker (Sen. Kathuri): A unit?

Sen. Oketch Gicheru: You know, I went to a liberal arts school in Yale University where you can take a course in agroforestry in a semester. That is why I got a lot of interest. When I came back to start this programme, I also went to the Kenya Forest Research Institute (KEFRI), the best institute in Africa in terms of science and knowledge of tree growing and tree planting. Tree planting is the easier part, but tree growing is the major part. How do we get into tree growing? This is a very serious issue that is close to my heart. I thank Sen. Asige and also our counterpart, Hon. Mayaka, in the National Assembly, for bringing this Bill. This is a very controversial conversation that has been going on. I say controversial because I am very addicted to science and I want to bring it to this conversation.

As you have seen, the way this Bill has been put, it states that we need to amend Section 42 of the Environmental Management and Coordination Act and subsection 3 by inserting the following new paragraphs immediately after paragraph (b). They are introducing paragraph (b) (a), which states-

“the prohibition of the introduction, growth or maintenance of trees of the Eucalyptus species, [not varieties], in and along any river, lake, sea or wetlands.”

Then it says-

“the prohibition of the introduction, growth or maintenance of any invasive species or other potentially dangerous species, again, along those water bodies”.

Mr. Deputy Speaker, Sir, while I appreciate the essence of this Bill, which states that when you plant eucalyptus trees along water bodies, it will drain water, I want to say that it is a theory that is proven by part. If we limit this conversation to a scientific conversation, then I will support the Bill. If we are not careful, we will make an omnibus Bill. I am happy because this Bill is now with Sen. Crystal Asige who is a senior scientist. She likes facts and data.

We cannot adopt this Bill the way it has come from the National Assembly. We have to rework it to have a scientific basis. This Bill has only looked at the cons and not the pros of eucalyptus. They looked at the cons of planting eucalyptus trees on wet areas, which is an omnibus. This is because not all wetlands and water bodies are affected the

same way by eucalyptus. I will argue my case to help us rework this Bill for it to have a coherent approach that does not limit it.

I will start with the cons or the demerits of planting eucalyptus. The Kenya Forestry Research Institute (KEFRI) has shared knowledge on this a number of times and it is available to the public. There is a way in which eucalyptus species deplete water resources. There are a number of varieties of eucalyptus and some of them are guzzlers of water. They absorb water when growing especially when they attain a certain level of maturity.

In Kenya, one can argue that while it is true that some species of eucalyptus tree guzzle water, the question is whether they affect lakes, seas and the oceans that we have. Those trees are only dangerous to the extent that they affect springs, streams and wells that could easily dry up.

Planting a eucalyptus tree in Lake Victoria does not have the same effect as planting it on Kisii highlands or in the Mau Summit. This is because we have springs, streams and wells in Mau Summit and Kisii highlands and those springs, streams and wells are essential for our water catchment areas. So, one can scientifically limit planting of eucalyptus trees in those areas. However, planting eucalyptus trees in wetlands and grassroots areas like the lowlands of the lake have a different effect. This is because the lowlands have endemic watersheds that look like swamps. So, planting those trees there restores the entire ecosystem.

The first thing that has to be done about water guzzling trees is that one must specify, in a law, the water areas that they will be limited from. Will you limit them in the catchment areas or the areas where it will stabilise biodiversity? I will discuss the science behind this once I get into the pros of planting these trees.

Secondly, these trees grow tall and big hence they can inhibit the biodiversity of an area. These trees form a canopy that has got littering leaves, which can kill other biodiversity that could help with the ecosystems of water. That becomes a problem. It then addresses my first question which says that we should limit it in water catchment areas.

Mr. Deputy Speaker, Sir, eucalyptus trees have got very oily leaves. I say this because we are having a general conversation. Their oily leaves at times exposes them to catching wildfires. We have seen this happen in the United States of America (USA) where the chemicals in the leafy trees have caught fire. Some of those trees are highly flammable during extreme weather conditions like extreme heat. Those trees cause fires that can deplete an entire water catchment area. We must understand these things to that level.

Last is the element of soil degradation. The eucalyptus trees have deep and aggressive roots. They, therefore, compete with surrounding vegetation and deplete the ecosystem that the other vegetation could use to grow and support the water system.

Having said all that, we need to ask ourselves why the eucalyptus tree has been a backbone of small and medium income families in our economy. When doing this kind of law, it is important for one to look at the environmental impact *vis-a-vis* the economic impact. If you do that, you will note that most families in the grassroots have educated their children through tree planting. Families plant eucalyptus trees and depending on the

variety, which I will touch on very fast, they start earning after three or four years. They make as much as Kshs7,000 when they sell one log. Tree growing families in Kericho and Nandi counties, where the Senate Majority Leader and Sen. Cherarkey come from, use eucalyptus trees as a source of fuel which is used to process tea.

Eucalyptus trees have the first element of economic return because they provide timber, furniture as well as fuel. It will make sense if we are to restrict them in areas where they will interfere with the water systems. However, there are some areas that have water like the lakes where they do not necessarily interfere with the water tables of those areas.

Putting this Bill the way it is will mean that these trees cannot be planted close to any water body thus make it impossible to grow them. This Bill will also make it impossible for one to plant these trees in water log areas like marshy areas.

I, therefore, urge my sister, Sen. Crystal Asige and my sister, Hon. Irene Mayaka of the National Assembly, to look at the potential of growing eucalyptus in areas that have water bodies, but are still appropriate for the growth of eucalyptus trees. I do not want to impute improper motive to the 'Lower House', but I know that the rigor in this House, the Senate, is more scientific. As a House, we look into small details.

If we have time and if Sen. Crystal Asige allows some of us who have been in the tree planting business, we can draft a law that scientifically looks at this issue depending on the species, the age and the weather conditions where the eucalyptus tree is planted. Planting eucalyptus trees near Lake Turkana will not affect it. Instead, it will rebuild the water ecosystem in that area. That is a weather condition unlike planting it in Kisii or Mau Forest where there is rain every single day, but it will interfere with the water catchment in that highland.

I urge Sen. Crystal Asige that we should look at the varieties of eucalyptus trees after which we can recommend a law that has scientifically looked at the varieties that can affect the ecosystem. We should then restrict them while allowing others to be grown in some areas. Secondly, we can also consider the age of certain eucalyptus varieties that we can recommend to be grown in certain areas. This is because young eucalyptus trees do not take more than 20 liters of water. Actually, the young trees do not take more than 20 litres of water. However, the older the eucalyptus gets, for instance, five years and above, it starts guzzling about 100 litres or sometimes 200 litres. If you look at families that want to use eucalyptus for economic gains, most of them use them when they mature from one month to five years. Why are we restricting a family that is using eucalyptus, which is mature at five years?

For instance, if you look at eucalyptus *grandis*, the species that came from South Africa, it matures within five years. By that time, it will have formed about 30 metres that can be sold for power distribution poles that we see in this country. If you limit it to age, then there is nothing wrong with growing eucalyptus *grandis* around the lake or river, as long as the law says that they cannot grow above five years. At five years, the owner of that eucalyptus *grandis* will have gotten the economic return and contribute to our economy. So, it is important to look at the issue of age, not just about the eucalyptus.

The last one, so that I can let other Members also contribute, will be to look at this issue in terms of going specific to species of eucalyptus or varieties. Eucalyptus is a

species by itself, but there are varieties that are taking more water than others. For instance, if you were to go to the Kenya Forestry Research Institute (KEFRI), you will learn that there is a eucalyptus species called Tasmanian blue gum, which other people call eucalyptus *globulus*. Due to that name, it ends up taking almost 339 to 1079 millimetres of water per year, whether young or old, because of the nature of the ring that it needs to form. That particular species should be limited by this Bill from being grown on any water body.

If you come to another species here that we have in the country called the cedar gum, or eucalyptus *gunnii*, as specified by experts, this one has got very popular florage that is good for developing good poles for distribution and sometimes also transmission, but it requires just regular water. In fact, it takes less water than tea or cotton plantations. Why would you limit this species by this omnibus Bill?

Another one that we have in the country is silver dollar gum or the eucalyptus *polyanthemos*. This one actually grows even in tough conditions and needs very little water. If you look at other things that we grow, like even miraa in Meru, miraa takes more water than this silver dollar gum. Why would you want to limit this species? Well, if you look at another one called river red gum or eucalyptus *camaldulensis*, this particular one takes about 500 gallons of water. We must limit this one because it will take more water from our river sources.

I wanted to urge my sister, Sen. Crystal Asige, that we limit eucalyptus according to the varieties that are harmful to the environment and allow the scientific model to allow for those that do not absorb a lot of water. We should not have an omnibus Bill that will make it difficult.

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

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

Lastly, is the one that I mostly like. I have been trying to get its seeds. It is the one that my brother, Sen. Cherarkey, was talking about, which is the lemon scented gum. We also call it eucalyptus *citriodora*. This is the tree that has the aromatic oil that is used for a number of things, for example, developing the things that we use in saunas; the therapeutic chemicals.

Madam Temporary Speaker, this particular variety grows within six years to 35 metres tall tree. However, if you look at the kind of water that it takes, it takes less water than cotton. In fact, it is a drought-tolerant tree of the eucalyptus variety that is highly recommended in any temperature of a tropical environment. So, if we pass this Bill by saying that we will prohibit any eucalyptus species, not variety, species, we will be doing injustice to a very highly valuable variety of eucalyptus. This lemon-scented gum can give the economy a lot of money and has got nothing to do with the interference of the water table or the environment. It will be very unfair for people already doing this to miss out in cashing out from this.

Therefore, I support this Bill. However, I will support it with amendments that are scientifically based because in the Senate, we do research and depend on data and science

to make decisions in lawmaking. We are enacting legislations that are not necessarily prohibitive to opportunities of economic magnitude like the trees that we have. Therefore, I will be bringing some amendments to look at the scientific element. If my sister Sen. Crystal Asige, will agree.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Eddy. I am trying to get the list of the speakers who are interested in contributing to this debate. Could the Clerk's desk assist with getting a display of those who are interested in contributing to this Bill?

Sen. Korir: Thank you, Madam Temporary Speaker, for allowing me to also contribute on this very important Bill that has been brought forward by Hon. Irene Mayaka, a Member of the National Assembly and Sen. Crysyal Asige, a very strong lady from the Senate. I congratulate the two Members for bringing this amendment that I know has seen the light of day. Maybe there are some few adjustments that I have heard being deliberated on by Sen. Eddy.

The main purpose of this Bill is to assure not only Kenyans, but the world, that we have enough water because water is life. At the end of the day, we are not against the planting of the eucalyptus, but the main purpose is to make sure that we have enough water along the rivers.

Madam Temporary Speaker, we have seen the dangers that have been brought forward by this type of species. It is one of the species that we cannot ignore because it is widely used, even within these premises. It is very decorative. It is one of the best species that can be used for construction purposes. It also has medicinal use. Therefore, it is a widely used species. I thank the Government for the initiative that they started of clearing the trees across the country. I also encourage Members that we should look at this issue and make sure that these trees that are being planted in various parts of this country are taken care of.

I remember one day we were talking about the Green Army. They are supposed to assist us in monitoring whatever the Government has done on specific days. They should make sure that these trees are controlled and managed in a better way, so that we have a conducive environment for the current generation and the generations to come.

Madam Temporary Speaker, indeed, these trees have caused destruction in some parts of the country despite the research that has been done and the fact that we have several species. We are not disputing whichever species that may be there. One major point the Bill is bringing across is that eucalyptus trees should not be planted along rivers due to the adverse effects already caused.

Speaking from facts, I remember when I was a mayor and we had the Mara River initiative. We were checking the number of trees along the river and we found out that the river was almost drying up because of plantations along the rivers. We have varieties of species that are friendly to the environment and water. We also have fruit trees. I thank the Government for the initiative to diversify these plantations to include different types of trees like avocados trees, coffee and tea.

Indigenous trees have great importance to the environment. I support the amendment, which has already been approved by the other House. The main challenge in this country is implementation. If we approve it and leave it lying, we will not see change

unless it is implemented. I thank this House for the *ad hoc* committee that is in the process of being established to ensure resolutions made here are implemented to the letter. This is a Bill that must be adhered to once passed by the two Houses, to achieve the purpose of the amendment. Otherwise, I support.

Thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Joyce. Sen. Danson Maanzo, you are next.

Sen. Maanzo: Thank you, Madam Temporary Speaker. I rise to support my sister on the amendment.

I also want to indicate that when it comes to nature and the environment, every species of plant on earth has been put here by God for its purpose.

I remember one time when Hon. John Michuki was the Minister for Environment, without a proper law, issued an executive order that these trees be cleared from several places where they were reducing water. However, the way the world is made, there are places that are waterlogged and others with too much water that must be taken away every day to balance nature. That is what really happens.

I agree with the Sen. Eddy that we should move amendments to zone different species, so that they are adapted to different areas. There are eucalyptus trees that grow in Makueni, which is a dry area. They are originally from Tasmania, Australia. They grow in dry areas and behave like dry trees adapted to such conditions and take very little water. We need all that data and the forest team has it. There are also eucalyptus species that take a lot of water and grow in places with excess water. I believe we should modify this law to zone species, so that those taking less water grow in natural dry climates and those taking more water grow in areas where water is in excess. That will continue to balance nature.

The eucalyptus is a medicinal plant. It is used in manufacturing ointments for pain relief. It is largely used in saunas, which are quite a number in the world. Not everybody has the privilege of visiting a sauna, but those who have that privilege in golf clubs and other places such as big hotels go there after long travels. It is also used for treatment of colds. Therefore, it is a plant that can be used for economic purposes.

Some people grow it for firewood. It is also the main tree that is used for electricity poles. We came up with concrete poles in an effort to conserve the environment. However, concrete poles are unreliable in many ways and they may not be ideal in certain places because of the metal that support them. Since it is a poor conductor, electricity cannot run through poles from eucalyptus trees. That is nature. What we need to do is to zone and get them from the right places.

I encourage Sen. Crystal Asige to be visiting saunas, so that she gets that good scent. You can also use it when you have a cold. By the time you leave a sauna, your skin will be looking nice. It also heals skin rashes and things like that.

Madam Temporary Speaker, I plead with you to allow us work on this Bill. We need to move amendments, so that we allow zoning. People should feel that we did not make a law that tends to compete with nature or original God's plan when He was making the earth because He made many species of different things. That includes anything alive on earth. That is why there is a commandment asking people not to kill.

Anything alive is useful. It is only bad when it is used excessively. They have a way of balancing each other through different food chains, so that nature can be at its best. I really look forward to that moment.

Madam Temporary Speaker, I have one plea. It is just about five Members who have contributed, but we have 67 Senators. There being no other interested person--- I wish Members were here to listen to how she introduced this Bill. I do not know which rule should be applied for Bills where there is so little contribution on. I know of Bills that were passed into law after only three Members had contributed. A question is put when there is quorum even without proper debate. I plead with you because this is a serious matter in every single county in this country. We should have that provision in the Standing Orders and have debate on such a Bill pushed forward, so that there is an opportunity for other Senators to contribute.

I have witnessed some things in the 13 years here that I have been here. Sen. Korir can attest to that because we have been with her for a long time and she has been in leadership for many years. I am praying for her as she continues serving the country. May God give her many years to serve this country in many capacities. If I were to run for president, she would be my running mate, so that eventually she becomes the president.

Madam Temporary Speaker, I plead with you because we need this Bill to be discussed by many Senators. She knows what used to happen. Members used to bring Bills at that time. There are those that could be sneaked and debated. Next time they appeared, a question would be put because there would be no amendments and eventually, it would become law. Of course, there are ways of filtering as it goes up.

Madam Temporary Speaker, I believe this one needs a lot of scientific input from experts of nature in the House. If that is done, I believe it will be good. Sometimes I stay until late to push, so that debate continues the following day. I will really appreciate if you apply that Standing Order.

Madam Temporary Speaker, as I support her, I look forward to moving amendments.

I thank you.

PROCEDURAL MOTION

ADJOURNMENT OF DEBATE ON BILL

The Temporary Speaker (Sen. Veronica Maina): Do we have a Mover for that Motion to adjourn debate?

Sen. Murgor: Yes.

The Temporary Speaker (Sen. Veronica Maina): Sen. Murgor, you can proceed to take the microphone.

Sen. Murgor: I beg to move that the debate be now adjourned, pursuant to Standing Order No.110(1).

The Temporary Speaker (Sen. Veronica Maina): Do we have a seconder, Sen. Murgor?

Sen. Murgor: My seconder is the Senator for Makueni County.

The Temporary Speaker (Sen. Veronica Maina): Sen. Maanzo, you may proceed.

What is your point of order, Sen. Crystal?

Sen. Crystal Asige: Thank you, Madam Speaker, for giving me this opportunity. Just before Sen. Maanzo carries on, I am persuaded by his debate and his request that I do not seek to finalise today. However, if there is an opportunity that this Bill or the continuation of this debate can be placed on Tuesday's Order Paper, where there will be more Members rather than later in the week, which is closer to us going on recess where we may find ourselves in the exact same situation as we are now. My request is, kindly, if we are to adjourn debate right now to allow for more Senators to speak next week, that the Bill be scheduled for Tuesday's Order Paper, where we are set to have far more delegations in in the House.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Sen. Crystal, it is in order that we proceed with moving of the Motion, then the scheduling can be organised together with the Clerk's desk and the Senate Business Committee (SBC). However, there is no harm in your proposal. So, we proceed to have the seconder of the Motion.

Sen. Maanzo: Madam Speaker, I do second.

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

(Question proposed)

(Question, that debate on Bill be adjourned, put and agreed to)

Hon. Senators I am looking at the Order Paper and from Order No.25 up to Order No.32, the Movers are not in the House and so we are not able to proceed with them. Therefore, we stand down all those Orders to a later date. So, there is no other business in the Order Paper.

BILL

Second Reading

THE AUTISM MANAGEMENT BILL
(SENATE BILLS NO.19 OF 2025)

(Bill deferred)

BILL

Second Reading

THE PUBLIC SERVICE INTERNSHIP BILL (NATIONAL
ASSEMBLY BILLS NO.63 OF 2022)

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(Bill deferred)

BILL

Second Reading

THE BASIC EDUCATION (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS No.59 OF 2023)

(Bill deferred)

BILL

Second Reading

THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL
(NATIONAL ASSEMBLY BILLS No.61 OF 2022)

(Bill deferred)

BILL

Second Reading

THE MINING (AMENDMENT) BILL
(SENATE BILLS No.22 OF 2025)

(Bill deferred)

MOTION

DELINKING JUNIOR SECONDARY SCHOOLS
FROM PRIMARY SCHOOLS

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

APPRECIATING THAT, the Junior Secondary Schools program play a vital role in shaping the academic trajectory of learners by providing students with a strong foundation in core subjects, helping them develop essential skills and

offering them opportunities to participate in extracurricular activities promoting greater social inclusion;

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

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

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

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

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

iii) Offer professional development programs for Junior Secondary School teachers to help them specialize in specific subjects to effectively implement the JSS curriculum;

iv) Develop a clear career progression framework for Junior Secondary School teachers, including opportunities for promotions and additional responsibility allowances;

v) Formulate clear policies and guidelines outlining the structure, curriculum, and management of Junior Secondary Schools; and

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

(Motion deferred)

HOJA

KUMBUKUMBU YA KUDUMU YA WAATHIRIWA WA
AJALI YA FERİ YA LIKONI YA 1994

İKIBAINISHA KWAMBA, mnamo tarehe 29 Aprili 1994, janga la ajali ya ferı ya Likoni lilisababisha vifo na majeraha kwa wananchi wasio na hatia, wengi wao wakiwa wakaazi wa Likoni na Kaunti ya Mombasa, na hivyo kuleta majonzi

makubwa kitaifa pamoja na madhara ya muda mrefu ya kimwili, kisaikolojia, kijamii na kiuchumi kwa familia zilizopoteza wapendwa wao na manusura;

IKIWA NA WASIWASI KWAMBA, licha ya hakikisho na ahadi zilizotolewa na mamlaka mbalimbali kufuatia janga hilo, bado kuna mashaka na maswali kuhusu iwapo fidia ilitolewa kikamilifu na kwa haki kwa familia zote zilizoathirika;

IKIKIRI KWAMBA, kuanzishwa kwa kumbukumbu ya kitaifa ni hatua muhimu ya kuheshimu na kuenzi waliopoteza maisha, na pia ni chombo cha kuendeleza uponyaji wa pamoja wa kijamii na kuimarisha uwajibikaji wa Taifa kwa raia wake;

SASA BASI, Seneti inaamua kwamba – i. Kamati ya Kudumu ya Seneti ya Barabara, Uchukuzi na Makazi ifanye uchunguzi wa kina ili kubaini idadi ya familia zilizoathirika, fidia iliyolipwa hadi sasa, madai yoyote ambayo hayajalipwa, pamoja na kubainisha familia zipi bado hazijapata fidia na sababu za kutolipwa kwa fidia hiyo; na ii. Serikali ya Kaunti ya Mombasa kwa ushirikiano na Wizara ya Barabara na Uchukuzi, ianzishe kumbukumbu ya kudumu kwa heshima ya wahanga wa ajali ya feri ya Likoni, 1994 kwa mashauriano na familia zilizoathirika.

(Hoja ilihairishwa)

MOTION

PROMOTION OF ARTIFICIAL INTELLIGENCE (AI) AND INNOVATION POLICY IN KENYA

THAT AWARE THAT, the Fourth Industrial Revolution is redefining economies globally through emerging technologies such as Artificial Intelligence (AI), blockchain, and financial technology (Fintech);

FURTHER AWARE THAT Kenya has made commendable strides in digital infrastructure and mobile innovation, positioning itself as a potential leader in Africa's tech-driven future;

NOTING THAT in a landmark decision, the African Union Executive Council endorsed the Continental AI Strategy during its 45th Ordinary Session in Accra, Ghana, on July 18-19, 2024 to underscore Africa's commitment to an Africa-centric, development-focused approach to AI, promoting ethical, responsible, and equitable practices;

COGNIZANT THAT the Continental AI Strategy calls for unified national approaches among AU Member States to navigate the opportunities of AI-driven change, aiming to strengthen regional and global cooperation and position Africa as a leader in inclusive and responsible AI development;

APPRECIATING THAT the Ministry of Information, Communications and the Digital Economy recently formulated and launched the Kenya National Artificial Intelligence (AI) Strategy 2025-2030;

RECOGNIZING the need to align Kenya's development with global standards in AI adoption while also safeguarding national values, inclusivity, and employment;

CONCERNED THAT the absence of a comprehensive framework may hinder innovation among local start-ups and youth-led tech enterprises and slow down Kenya's ability to harness AI for inclusive growth;

NOW THEREFORE, the Senate resolves that the Ministry of Information, Communication and Digital Economy develops a Policy to promote Artificial Intelligence and emerging technologies with particular emphasis on:

- i) promoting research and development of locally relevant AI solutions;
- ii) facilitating ethical guidelines to ensure responsible and beneficial application of AI;
- iii) creating innovation-friendly 'Sandboxes' for supervised testing of AI and emerging technologies;
- iv) strengthening public-private partnerships to build digital skills and innovation ecosystems; and
- v) integrating AI and coding into the education curriculum to prepare the next generation for the digital economy.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 12th May, 2026 at 2.30 p.m.

The Senate rose at 5.55 p.m.