THIRTEENTH PARLIAMENT

THE SENATE

OFFICIAL REPORT

Fifth Session

Wednesday, 9th August, 2026 at 9.30 a.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 5th August 2026

The House met in the Senate Chamber,
Parliament Buildings, at 9.32a.m.

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

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

(The Quorum Bell was rung)

We now have quorum. We will start today's business.
Clerk, you may proceed to call the first Order.

QUESTIONS AND STATEMENTS

QUESTIONS

Hon. Senators, we have four questions today. One is directed to the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs; and three directed to the Cabinet Secretary in charge of Lands, Public Works, Housing and Urban Development.

Question No.010 is by the Senator for Kisumu County, Sen. (Prof.) Tom Ojienda, who is not present. Therefore, we are going to drop that question for today.

Question No. 010

STATUS AND IMPACT OF BLUE ECONOMY PROGRAMMES IN KISUMU COUNTY

(Question dropped)

We will move to questions No.037, 045 and 064. All these are directed to the Cabinet Secretary for Lands, Public Works, Housing and Urban Development. Clerk, could you confirm that the Cabinet Secretary is within the precincts of Parliament?

Senator for Marsabit and Nairobi City County, kindly approach the Chair.

(Sen. Chute and Sen. Sifuna proceeded to the Speaker's desk)

[The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome) was ushered into the Chamber]

Cabinet Secretary for Lands, Public Works, Housing and Urban Development, welcome back to the Senate. You are here to respond to Question No.037 by the Senator for Marsabit County, Question No.045 by Sen. Hamida Kibwana, and Question No.064 by the Senator for Nairobi City County.

We will start with Question No.064, by the Senator for Nairobi City County, the Hon. Edwin Sifuna.

Hon. Senator, you may proceed to ask your question.

Question No. 064

OWNERSHIP OF LAND PARCEL NO.LR209/4401 IN BURUBURU

Sen. Sifuna: Mr. Speaker, Sir, I thank you and Sen. Chute for your indulgence in allowing me to go first. I always appreciate the Cabinet Secretary for Lands, Public Works, Housing and Urban Development for coming to the Senate to answer questions from the people that we represent.

So, it is Question No. 064-

(a) Could the Cabinet Secretary disclose the current ownership status of the parcel of land no. LR209/4401 in Buruburu, Makadara Constituency, where Martin Luther Primary School is situated, and indicate the total acreage of the said parcel?

(b) Could the Cabinet Secretary provide details on any leases, grants, allocation, subdivision or other land transactions undertaken in respect of the said parcel from 1957 to date? Lastly,

(c) What actions has the Ministry taken in respect of the reported complaints by the Board of Management of the Martin Luther Primary School regarding encroachment on the parcel and attempts by certain persons to grab the land?

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may respond.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Thank you, Mr. Speaker, Sir. This morning the question raised by Sen. Edwin Sifuna, Senator for Nairobi City County, relates to Martin Luther Primary School here in Nairobi. I have put in a written response to the question. The question has three parts, as read out by the hon. Senator.

I will go straight to respond as written, with your permission. I appreciate that previously I have requested to be excused because of other duties that have come into conflict with the request by the Senate to be here. It is not deliberate to keep away from my duty to come and respond.

Hon. Speaker, Sir, the particular question relates to parcel No.209/4401. This parcel relates to various parcels. What we are saying is that the parcel is within Nairobi City County, and it was registered. This particular parcel is bigger than where the primary school is. It was registered in favour of the City Council of Nairobi on 23rd March, 1956, and it was for a term of 99 years.

In 1953, there had been plans for this particular piece of land. The measurement is 104 acres or 42.31 hectares. That tells the Senate that the land is big and is well delineated on survey plan No.55114. I have annexed the survey map. The City Council of Nairobi, now the Nairobi City County, was responsible for planning, surveying and subsequent allocation of the resultant sub-plots. The parcel has been subdivided and, therefore, the beneficiaries include public institutions.

If I may make reference to the survey plan, it obviously shows various parcels. Among those parcels, there is the Martin Luther Primary School, and the parcels are numbered between three and 882. So, we could talk about 880 parcels, and the title for the larger parcel is attached. I have also endeavoured to attach the Part Development Plan (PDP) as annexure two, and it clearly shows where the primary school is. I believe I have---

I am sorry, Hon. Speaker, Sir, I am suffering from sight issues. The size of the school is marked in green.

(Loud consultations)

Thank you very much for your kindness.

Hon. Speaker, Sir, on the size of that parcel that is marked green – I can always clarify – I wish to state as follows. As I proceed further, we found that there was no survey for the specific plot where the school is located. Even though the entire land had been surveyed, after the PDP, the parcel for the school was left without beacons, and no actual survey was done.

There is a question on (c), about what we have done to address complaints. I wish to say that in (b), this parcel, having been one of the parcels that ought to have been given numbers, was left without a survey. Ordinarily, most public utilities in this country have not been surveyed, and that is why we came up with institutional titling.

I will proceed to the third question, which will bring out what I want to say. The Ministry has no records of complaints, because I have been asked what we have done. I have tried to go through my records to find out whether there is a complaint by the primary school, and I did not find any. There could be, but for now, I was unable to find a specific one.

I instructed my team to call the primary school head teacher. She was very untrusting, because she did not understand who was calling her. It is not me, but my team that could not get the response we were looking for. I wanted to know whether she has correspondence relating to the entire parcel. We found that after we surveyed, we were able to get the parcel number, which I have given down there. After receiving this question, I instructed the Director of Surveys to survey the land, because it was not surveyed. That is what I am saying in this answer, especially the last two paragraphs.

Therefore, we have surveyed that parcel. From the survey, the Director of Surveys found 8.44 acres. The process of survey is complete. I have directed the Director of Land Administration to issue a lease for Martin Luther King Primary School. That is what I am saying in the last paragraph. A lease has been processed in the name of Nairobi City County, because on this land, the lessor is Nairobi City County. Therefore, Martin Luther King Primary School will be a beneficiary. However, the county will hold the lease in trust for the use by the primary school. The lease document has been forwarded to the County Secretary, Nairobi City County Government for execution, being the lessor, and therefore soon thereafter, I will get a certificate of title.

The primary school was not able to give me relevant information, but I have asked for further engagement with the head teacher so that I find out where the claim for the school is coming from. On that particular parcel, we may be departing from the fact that the whole land belongs to the primary school. I said in paragraph two that I am aware that the school has a claim of ownership of LRNo.209/10466. That is a different parcel from the question raised by the honourable Senator. This is because the parcel the honourable Senator was discussing is the bigger mother title, parcel No.4401. From the records I have found, that does not include Parcel No.10466, which measures 2.150, as more particularly shown in Survey Plan 126375, registered in the name of Thabiti Enterprise Company Limited.

Therefore, to answer this question comprehensively, there are two titles or two parcels. However, the grant for a term of 99 years with effect from 1st April relates to where Thabiti Enterprise Company Limited is. That may be the claim by the school. That land belongs to Thabiti Enterprise Company Limited by way of grant given with effect from 1st April, 1982 at an annual rent of 7,000. The grant for this property was issued on 24th June, 1986 by the then Commissioner of Lands, and it was registered in 1986. On 17th December, 1986, the property was charged to Standard Bank.

Therefore, the actual position is that this parcel is not within the Part Development Plan which contains Parcel No.4401. Hence, it did not belong to the county government or county council then. However, there have been challenges. How then does the school seem to occupy the first parcel that I have now made a lease for, and waiting for the lease to be executed by the county government? This is because even though it is a primary school, ordinarily the Cabinet Secretary for the National Treasury and Economic Planning becomes the trustee on behalf of the school. However, this specific one, by virtue of the entire mother title being owned or under the lessorship of the county government, will have to be signed by the county government. I do not see any challenge, because the school is using that land, which is then eight point. I have given the acreage there.

Maybe the question is how the school on the ground using this particular parcel. That is why the school has been complaining about encroachment, possibly oblivious of the fact that this title, measuring 2.15 hectares, which is about five acres, has a different ownership. I have been trying to think through this particular eventuality. In terms of ownership, one was under the Commissioner of Lands, and the other one under the county government. I believe that because this land was given by way of a letter of allotment – a proper process – there may have been an oversight. Possibly people should have gone to the ground, because the school seems to have been there even then, but the ground is occupied by the school.

Therefore, a ground report should have guided the commissioner not to allocate this land. So, if any changes were to occur, then the process of recovery of the land in the name of Thabiti Enterprises Limited should be initiated. They have been unable to access it by way of occupation because the school is using that land. I suppose that will require further interrogation and rethinking of how to engage Thabiti Enterprises Limited and the school. That is something I would be willing to undertake. However, for now, the legal title for that particular parcel belongs to Thabiti Enterprises Limited. There is nothing I can do about it for now other than further interrogation to understand what happened those days.

Honourable Speaker, it is an old lease issued with effect from 1982. It was issued on 24th June, 1986. It is not a recent encroachment. It is just the fact as it is. Therefore, we can only understand. I am told that Thabiti Enterprises Limited has never been able to access it because the ground occupation is by the school.

I have given enough response, unless there is need for further clarification, honourable Speaker.

The Speaker (Hon. Kingi): Sen. Sifuna, do you have any supplementary question?

Sen. Sifuna: Yes, in fact I do, honourable Speaker. I am sure I am not the only one in the House who has been left more confused by the responses. I want the Cabinet Secretary to know that there is a reason why the school administration does not trust them. I do not know if the Cabinet Secretary is aware that in the last three weeks, there was an attack by goons at the school. We have had three head teachers in the last two years; they are very edgy, of course, given the circumstances. I advise the Cabinet Secretary that there is a reason why these people come to the elected representatives. If you wanted engagements with them, you should have done it through my office. I am sure we would have made progress.

I want to be very specific. You have established that there was an error. The school was there before this allocation was made to Thabiti Enterprises Company

Limited. What you should be telling this House is that we, as a Senate, together with your Ministry, should go to the ground and ascertain the facts. If these people have never been on occupation, the lawyers in the House will tell you about adverse possession. You cannot lay claim to a property that you have never occupied. In public interest, why is it not possible for your Ministry to cancel that title of Thabiti Enterprises Company Limited so that the school can continue to operate in the space that it has always operated on?

I thank you, honourable Speaker.

The Speaker (Hon. Kingi): Honourable Cabinet Secretary, you may respond.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Honourable Speaker, I believe the honourable Senator is in a better place by way of the response that I have given. One, the school did not have a title, and I have prepared and done the processes to prepare a title measuring 8.44 acres. That is a step that I have made following this question when I made necessary interrogation of records.

Mr. Speaker, Sir, on number two, I found out that there was another title, and the school did not seem to understand that they did not have a title at all. They have not engaged my office, and the fact that you are saying I should have come through your office, the usual processes by the Ministry have been undertaken. I am also not saying that we will not get to the school, but I need more time, and we will be looking at that. I cannot commit here that I will cancel the title. What I can commit is to understand how a title seemed to have been issued by the Commissioner of Lands, yet that was not yesterday.

Mr. Speaker, Sir, it is better that I do the full disclosure. Whenever I have made good attempt to even cancel a title which is fraudulently issued and maybe I have a DCI report – I am not saying there is one in this matter – I have faced litigation. This includes the matter of Tom Mboya. I am facing litigation in court because obviously the courts do not agree that I have authority, as the Cabinet Secretary, to cancel a title without an order of the court.

What we need to see is what gap could have existed before the title was issued if the school, at that time, was on the ground. Therefore, there is no confusion. In my view, the school sits at a better place because I have issued a title for what is possible to issue, and then we deal with the balance of the land that already has another title. Considering the time this question came, processes of cancellation of titles are also legal processes if you have proper grounds to proceed.

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

Sen. Maanzo: Mr. Speaker, Sir, the Cabinet Secretary has talked about recent survey of that land. Many parts of the country with similar primary schools are experiencing similar situations as Martin Luther Primary School. What has the Cabinet Secretary done to make sure that this is secured, especially on surveys, where nowadays the Ministry charges Kshs38,000 to do surveys on public land like schools and private land, like in Kibwezi West and Madindu area, where residents were up in arms? What is this new fee the Ministry is charging Kenyans? Also, have you visited this school to know, see and understand the issues?

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

Sen. (Dr.) Mungatana, MGH: Asante, Bw. Spika, kwa kunipa nafasi hii. Hili swali linahusu shule ya msingi ya Martin Luther Primary School hapa Nairobi. Ni kama wamenyang'anywa title deed hapo shule imejengwa. Swali ni kwamba, kwetu Tana River na katika kaunti zingine, kuna mpango wowote wa Serikali wa kuhakikisha kwamba shule zote zinapewa *title deeds* badala ya kungojea mambo yafanyike, halafu unatoa *lease* ya kujaribu kurekebisha? Kwa mambo ya stima, kuna mipango ya kwenda mashule na kuweka hiyo stima? Tusipofanya hivi, leo tutafanya ya Martin Luther Primary School, na kesho tutafanya ingine na ingine.

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

Sen. Munyi Mundigi: Asante, Bw. Spika, kwa kunipa nafasi niulize swali kuhusu Kaunti ya Embu.

Madam Waziri, umefanya kazi nzuri sehemu zingine kurekebisha mambo ya mashamba, Hizi ni kesi za mambo mengi. Katika Kaunti ya Embu, Mbeere kusini, na Mwea Sub-county, kuna shida ambayo imekuwa kwa miaka mingi. Watu wengine wana *title deed* na wengine hawana. Wengine wana ekari kama mia moja. Kuna shida, na unaielewa vizuri. Ni njia gani unaweza kusaidia kusiwe na mambo ya vita, kwa sababu kuna uvumi kutakuwa na vita vikubwa kati ya wale walio na mashamba, na wale hawana ili kila mtu apate ekari tatu au tano? Haya maneno yanafaa kuisha, na kila mtu awe ameridhika.

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

Sen. Chute: Thank you, Mr. Speaker, Sir. Thank you, hon. Cabinet Secretary for coming here today. I was a bit confused because the hon. Cabinet Secretary had some eye problem, and she was not following her documents well. She talked about going to do further investigations. She has deferred to come to this House on several occasions. She had enough time to conclude this matter. Can she tell this House when and the exact time she will conclude this matter to its final conclusion?

The Speaker (Hon. Kingi): Sen. Mwenda Gataya.

Sen. Gataya Mo Fire: Asante. Bw. Spika. Nimekuwa na maswali mengi kuhusu hati miliki, sana sana kwa sehemu zile zimepakana na kaunti zingine. Natoka Tharaka-Nithi. Kuna sehemu zimekumbwa na mizozo mingi, na kumekuwa na vita kati ya watu kwa sababu ya ukosefu wa hati miliki. Ningependa kuuliza ni lini Wizara yake itaweka mipango kwa sababu kuna sehemu kama Turima, Ntoroni na Murinda, ambazo zimekumbwa na mizozo na kaunti jirani. Zitapata hati miliki lini? Pia shule ambazo ziko huko zina kumbwa na hayo matatizo.

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

Sen. Osotsi: Thank you, Mr. Speaker, Sir. I would like to ask the Cabinet Secretary to explain to this House the status of processing titles for schools. I remember there was a time when the Government said it would process titles for all the schools in the country. Now, you can see the position we are in with Martin Luther Primary School. Could she tell this House the status of titling of all the schools in the country?

The Speaker (Hon. Kingi): That is what Hon. Mungatana has just asked.

Proceed, Sen. Mwinyihaji

Sen. Faki: Thank you, Mr. Speaker, Sir. Cabinet Secretary, initially this land where the school is sitting was LR No.209/4401, which was subdivided. What was the original area that was reserved for Martin Luther Primary School?

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

Sen. Kathuri: Asante, Bw. Spika. Kwanza namshukuru Waziri kwa sababu nimefanya naye kazi kwa miaka kumi. Tuliingia Bunge naye mwaka wa 2013. Kwanza, shule nyingi za umma hazina hati miliki. Swali langu ni kama la Seneta Gataya. Kati ya kaunti za Meru na Tharaka Nithi, kuna mizozano ya mashamba pale. Watu wameuwawa, na wengine wanakatana. Pia kuna ripoti ya Gogo iliyotolewa miaka ya zamani, na ilisemekana kwamba hii ripoti ndio italainisha hii mipaka yetu. Namuuliza Waziri kama ako na taarifa kuwa kuna shida iko katika hio sehemu ya nchi ya Kenya? Ni nini atafanya kuhakikisha ile ripoti ya Gogo imefauatiliwa vizuri, na mashamba yamewekwa bayana na kulainishwa kwa mpaka wa Meru na Tharaka Nithi?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may respond to those questions.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Speaker, Sir, most questions relate to what the Ministry is doing in respect of titling of public schools in the country. We have the National Schools Titling Programme for primary schools. I do not have an update of where we are, but it is work in progress. That is something I can provide a report on later showing how many titles we expect to produce, and also look at where we may have a problem.

Titling is free, because we are not charging schools. It is part of an annual programme where we target about 400,000 titles in total. For schools, it is a separate programme that we are working on. I will provide a report in due course or as may be required by the Senate on where we are, because that question was not with me. Therefore, I want to assure the Senate that there is a specific programme for titling.

It is also important for managers of schools and Members of Parliament (MPs) to support in terms of sensitisation so that schools provide necessary records. Under that programme, there is survey and titling, and all those fees are covered by the Ministry.

In terms of that school, the question was: Since the land was big, what was the size of the school? Sometimes the truth is the better answer. The school land that is in the PDP is what we surveyed through the Director of Surveys in my office. The total acreage is 8.44 acres, and there is no confusion about that. However, the school is using more land with a different title. The extension to the land titled in the name of Thabiti Enterprises Limited is not part of the PDP.

Let me clarify this. The PDP that I have put here as one of the annexures is for the land where the school is. That is 104 acres. The extra land was a different title and a different PDP. That was an allotment and allocation by the former Commissioner of Lands. Therefore, the two are different parcels, but the school may not have known that. I do not need to go to the ground because the aerial survey has shown me where the school occupies. The school occupies land that we have now come up with a survey and titling. In the next 30 days, I will have a lease for that.

Possibly there could be an argument that I am now allowing--- I should have done the entire land that the school occupies. That is not possible because you cannot issue a title for land that already has a title. You will have to start the process of either cancelling or dealing with the existing title. Remember there was no title for that land. To that extent, I may not need to go to the school, because the Director of Surveys went there in person, and the report is correct.

We should be looking at what happened so that there is another title for a parcel of land that is being utilised by the school. I have clarified that it was an allotment by the former Commissioner of Lands which was not allotted to the school. I have no record to show that the school--- Using it does not give the school full rights for the land. Those are processes that I said are legal.

Finally, there was a question about Meru and Tharaka-Nithi counties regarding conflict that has been there for long. I think the Senator for Meru County knows this because I have been here to respond to that question before. It is on the record of this Senate that the problem of Meru and Tharaka-Nithi counties is not a titling one; it is an ethnic problem, because the people of Tharaka-Nithi and Meru have their own issues which must be addressed at community and leadership levels.

When my teams went to that specific area to do titling, you have rightly said that people took pangas and fought. They must reach a point where they agree to leave the work to the Ministry to do titling, and show them where the parcels are. However, they want my Ministry to deal with administrative and electoral boundary issues, which do not fall within the issue of land and titling. The two counties must deal with those disputes. They should bring the communities together and resolve those issues.

The Independent Electoral and Boundaries Commission (IEBC) is the institution that should deal with disputes regarding electoral boundaries. They have mixed issues of county boundaries and land boundaries, which makes it complicated. Tharaka-Nithi people who have land falling within Meru County do not want parcel numbers that show that the land is in Meru, for example. Similarly, the people of Meru also do not want that. Therefore, we should deal with the issue of county boundaries.

County governors also do not seem to want to deal with it, because they say it is a political issue. Until that is resolved, I am unable to complete that work that started a while back. We have left it because the technical people at the Ministry were actually chased away with pangas,that the Senator has talked about. We do not want to risk lives but instead resolve the issue. The honorouble Senator knows that it is a bigger issue and not just about titling. That is work I can finish in two or three months. Let them deal with the political issue.

(An hon. Senator spoke off record)

Mr. Speaker, Sir, there was another question regarding Embu. The issue of the dispute in Embu is not before me. Basically, we have finished most demarcation and adjudication. However, cases still come back. Those are cases on appeals. It is not necessarily that we are not working.

I think Embu communities also have too many objections that stop completion of adjudication. However, largely we have done most of the work in terms of adjudication in Embu. I do not have details of the disputes that you referred to. If there are any, they could be property, boundary or clan disputes that sometimes take long. Perhaps Sen. Mundigi should bring to my attention specific parcels or adjudication sections so that I can deal with them.

Thank you so much.

The Speaker (Hon. Kingi): Sen. Faki, has your query been responded to?

Sen. Faki: It is not satisfactory, Mr. Speaker, Sir. I asked the Cabinet Secretary about the land which has now been subdivided, and a portion allocated to the school. Was it part of the original LR No.204/4401? If it was part of that, then there must have been a PDP that subdivided the rest of the land and allocated it to other buyers or whoever they were. The land that remained was supposed to be public utility land, but the school occupied the whole parcel. Thereafter, somebody hived a portion of that land. In doing so, he has denied the school a portion of that land. If the Cabinet Secretary proceeds to issue a title for the portion that is occupied by the school and leave out the other portion, it will, in a way, legitimise and give the land to Thabiti Finance.

This is similar to what happened in Ruaraka the other day. I think the Supreme Court made a decision. The Ruaraka issue was also in the last Senate, where the County Public Accounts Committee (CPAC) was probing the payment of Kshs1.5 billion towards that land. Therefore, the Cabinet Secretary should perhaps conduct her investigations before issuing a title to the school at this moment. If they issue it, it will, in a way, be giving a go-ahead to the owner of the other portion that this land no longer belongs to the school. It will imply that the school has been given its title, and should therefore restrict itself to that title.

Thank you.

The Speaker (Hon. Kingi): Proceed, honorouble Cabinet Secretary.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Speaker, Sir, may I repeat so that I can clarify to the honorouble Senator? I have annexure one showing the land as per the PDP). That is the parcel for the school. The parcel is also marked as 'Martin Luther' under the PDP. That is the land I have surveyed, and I am processing the title. The land next to it which is indicated as Thabiti is not the same parcel as the one where the school is. We are talking about Parcel No.4401. That is part of the land subdivided through the PDP. The PDP clearly shows where the school is, and it is marked Martin Luther. Not by me. It is marked Martin Luther.

My work was basically to follow up on this question and check the records. From the records, I found that there was no title for Martin Luther Primary School. There was a PDP, and it is the PDP that guides the processing and issuance of the title. Whether I like it or not, I cannot change or extend the title to a parcel they are occupying, because they could also be encroaching. Let us be open. The fact that the school is using the land does not mean that the land was part of what was marked as a school, because a PDP has its own designated area and boundaries.

What we do is to survey so that we establish the exact land, the size that is occupied or that is covered by the PDP. So, I have not changed anything. I found that the land next to it which they are using has a different title. That title was not issued yesterday. Therefore, I have legitimised nothing by issuing a title to the school. In any case, land that is not surveyed can easily be encroached upon because it has no title.

Mr. Speaker, Sir, I have discharged my responsibility with regard to the school land that is available as far as the records are concerned. I have not legitimised anything. What I have done is to work on the documents. Any other claim by the school can be followed up to establish how Thabiti and the school seem to be claiming the same land. That claim cannot be prejudiced by the work I have done.

The Speaker (Hon. Kingi): Thank you.

Hon. Senators, we now move to Question No.037 by the Senator for Marsabit County, Sen. Muhammad Chute.

Question No. 037

REGISTRATION STATUS OF PLOT/PARCEL NO.570–686
ALONG NYAYO ROAD IN MARSABIT COUNTY

Sen. Chute: Thank you very much, Mr. Speaker, Sir. I rise to ask Question No.037 to the Cabinet Secretary for Lands, Public Works, Housing and Urban Development-

(a) Could the Cabinet Secretary provide details on the registration status of Plot/Parcel No.570-686, comprising approximately 214 plots along Nyayo Road in Marsabit County?

(b) Could the Cabinet Secretary explain why, despite Government allotment letters being issued in 2018 and allotment fees paid in 2024, a number of beneficiaries are yet to receive their title deeds?

(c) What measures has the Ministry put in place to fast-track the issuance of the title deeds to the affected beneficiaries, and could the Cabinet Secretary provide timelines for the same?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, proceed to respond.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Thank you very much, Mr. Speaker, Sir.

This is in response to the question by the Sen. Mohamed Chute, MP, regarding parcel Nos.576 and 686, comprising 214 titles. I have provided a written response. These are approximately 214 parcels along Nyayo Road in Marsabit County.

On the status, work is ongoing. It is true that allotments were issued back in 2018. Once allotments are issued, they are issued to different people, and those people have the responsibility to pay the fees as guided in each allotment letter. It is, therefore, not entirely correct to say that they had fully paid the allotment fees, because payment was not made as a block from one source. Each individual is supposed to pay.

What we have done is to identify those who have paid and those who have not. We have prepared the leases pursuant to the allotments issued, and the lease documentation is ready. The Ministry received the letters of allotment from the National Land Commission (NLC) in Nairobi for purposes of lease processing and subsequent registration. Upon receipt of the letters of allotment, the Director of Land Administration caused the opening of the respective correspondence files.

I have attached a matrix showing the plot numbers and the names of the beneficiaries. The response also indicates the correspondence files that have been opened. We have completed that exercise giving rise to a total of 210 parcels. The lease documentation has been completed. The response is self-explanatory. I have also forwarded the lease documents to the Registrar in Isiolo, because Marsabit is covered from Isiolo. The Registrar in Isiolo has all the records. From there, the owners listed in respect of these parcels will have to present themselves to the Registrar in Isiolo to sign the lease documents before the titles can be processed.

Mr. Speaker, Sir, since I am on a public platform, I wish to state that all the parcels listed, together with the names, can be made public. We have done the verification. I believe the honorouble Senator who raised this question can assist in disseminating the necessary information. However, a lease will not result in a title until it is executed and signed. The beneficiaries will be required to present their PIN, national ID, and passport photographs individually to the Registrar in Isiolo. Once that is done, each person will get their title separately.

To that extent, the Ministry has discharged its duty in terms of the required process. I will, however, have this file marked for an expedited process.

Thank you.

The Speaker (Hon. Kingi): Sen. Chute, do you have any supplementary questions?

Sen. Chute: Thank you very much, Mr. Speaker, Sir. Sometimes I do not understand how this Government works. For example, when the President goes to a particular place, you will find 10,000 title deeds already prepared and ready for delivery in a single day, two or three days.

From 2024 to date, is over three years. The story is that they have to go to Isiolo which is two hours from Marsabit. So, the question is very clear. What action has she taken, because it is now three years, yet they have paid for it and all the documents are ready?

Secondly, Part (c) of the question is very clear. Give us timelines. This Cabinet Secretary does not want to talk about timelines. You remember I even asked about it earlier, but she is talking about doing it. She is supposed to tell this House because the people of Marsabit and Nyayo Road are asking when it will be ready. So, the question is very simple. Give us timelines. Say the people of Marsabit and Nyayo Road will get their title deeds in the next two or three months. I represent people, and I want to tell them the dates when their title deeds will be ready. So, I am waiting for timeline.

Sen. Mandago: Thank you, Mr. Speaker, Sir. My question to the Cabinet Secretary is, do we have a lands registry in Marsabit or Isiolo so that these matters can be addressed? If so, why can the office there not settle these matters instead of bogging down the Ministry headquarters while we have registries in that region? If we do not have, are their plans to establish it so that some matters can just be sorted locally?

Sen. Gataya Mo Fire: Mr. Speaker, Sir, I have just received a concern from the landowners affected by Nithi Bridge. They would want to know the status of identification and timelines for their compensation from the Ministry.

The Speaker (Hon. Kingi): Hon. Senators, it is good to ask questions that are related to the primary question. That will allow the hon. Cabinet Secretary to respond effectively.

Hon. Cabinet Secretary, you may proceed to respond to the questions that have just been asked.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Speaker, Sir, sometimes, I do not understand the challenge that Sen. Chute has. He is asking me about timelines. I have said that I have discharged the responsibility of preparing the leases. You need to understand the difference between lease documents and freehold titles. For freehold titles, when we do adjudication, it is possible to do thousands of them through the National Titling Centre, and it does not require the signature of the individual persons. However, preparation of leases is a different process. Once the lease is prepared, I need your photograph, Identity Card (ID) and PIN, which is then a different process from freehold.

For freehold, of course, when we are doing the entire lease, which I would sign, it also has IDs. However, for this one, they must specifically sign the lease for the period that they have been given. That will require them to personally be present. Possibly, the question would be how then that will be done?

I said my registrar in Isiolo is the one that serves Marsabit County. I am aware that the distance is about 200 kilometres or more from Marsabit to Isiolo. You have said that they will be asking you. Maybe working with you then we can plan how the information can be given to these people to meet somewhere in Marsabit. Maybe, they also come from around there. Then, we can transport our registrar because some days he also goes to Marsabit. However, that does not remove their obligation for them to personally be present to sign the lease before I can do the certificate of title, which does not now require their signature.

Once they sign the lease document for us, we will then produce the titles in a day or two, because this is not much. It will be brought to the National Titling Centre, where we issue. So, the process here is how do we bring them to sign, either together or individually? If it is individually, then they will have to go to Isiolo, because I do not have a registry in Marsabit.

Therefore, what plans do we have? Budget allowing, we plan to have a registry possibly in every two or three constituencies. This is because today, we have about 88 registries. We plan to devolve as much as possible; but for now, the registry serving there is in Isiolo.

(*Sen. Mandago consulted loudly*)

You asked whether we have plans. I think I have answered the question.

The Speaker (Hon. Kingi): It has been answered, Sen. Mandago. So, we now move to Question No. 045 by Sen. Hamida Kibwana.

Proceed, but from the written response by the Cabinet Secretary, there is a request that has been made. You may proceed to ask the question before the hon. Cabinet Secretary makes her request.

Question No.045

EXISTING SAFEGUARDS AND POLICY REFORMS FOR PROPER URBAN PLANNING IN RAPIDLY GROWING URBAN CENTRES

Sen. Kibwana: Thank you, Mr. Speaker, Sir. My question is in regard to the alignment of urban housing development with infrastructure planning and provision in Kenya.

Madam Cabinet Secretary-

(a) Kindly explain what safeguards exist to ensure that large-scale housing approvals, especially in rapidly growing urban centres, are tied to adequate drainage, sewerage, roads, power supply, schools, health facilities and other trunk infrastructure.

(b) What measures has the Ministry put in place to ensure that physical planning approvals are not granted in a manner that outpaces service infrastructure provisioning?

(c) Whether the Ministry has undertaken an assessment of urban developments approved in the cities of Nairobi, Mombasa, Kisumu, Nakuru, Eldoret and other fast-growing towns where housing growth has not been matched by supporting infrastructure, and if so, what were the findings?

(d) What policy reforms is the Ministry considering, including lessons from countries such as Singapore, to ensure mandatory sequencing and financing of trunk infrastructure before or alongside major housing developments?

I thank you, Mr. Speaker, Sir.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Mr. Speaker, Sir, I have requested for more time to look into this question. It is work in progress. I was not able to remit the response because I felt it required more time and consultation. Basically, I need to consult regarding the questions that she is raising with the Council of Governors (COGs) in terms of these specific areas. The linkage is needed for me to put in a response. Therefore, I require more time to look at it. I have started working on the question, but the answers were not ready. Looking at it, it is fairly wide. Therefore, I seek more time.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. *Waziri,* you are a senior lawyer. Under the Fourth Schedule, the national Government is supposed to set standards.

Mr. Speaker, Sir, we may need your guidance because the setting of standards, especially on the issues of housing and approval, is done by the Ministry. I agree that the other part of implementation should consult the county governments.

With your indulgence, Mr. Speaker, Sir, can the Cabinet Secretary give us the standard practice on how set standards have been done? That will help the counties when they are doing approvals of fiscal planning of building and housing.

In Nairobi City County, people are building anything and everything across the city, which is not tidy. We actually have people who do not see sunlight until it gets to 11.00 a.m. For others the sun sets early for them. People who live around Kilimani, Hurlingham and Lavington areas, which were traditionally residential areas, do not see sunlight when it gets to 4.00 p.m.

The Cabinet Secretary should tell us about the zoning that has been done and not the political zoning. She should tell us zoning that has been done within the cities, industrial and residential areas. I want to know the standard. I say that having in mind the Fourth Schedule regarding the functions of the national government and county governments. She could give us a hint looking at the cities and urban centres that are run by counties. Could she give guidance on that? I yield back the microphone.

Sen. Mandago: Thank you very much, honorouble Speaker, Sir. We appreciate the response and the need for the Cabinet Secretary to prepare adequately for that question. I would have appreciated if the Cabinet Secretary touched on what they are doing with affordable housing, considering that the programme is coming up very well. We want to congratulate her.

The Affordable Housing Programme is one of the very successful projects this administration has undertaken. I do not know if she is in a position to touch on the issue of the accompanying infrastructure, like the sewerage, water and so forth, or she would want to come back with a comprehensive report. The houses are coming up, and we are appreciating that there will be requirement of water and sewerage. On roads and other spaces, we have seen very good work on-going. The only sector that we have not seen them touch on is the sewerage and water. I do not know if they have a programme around that. If so, she could partially address what Sen. Kibwana is asking.

Thank you very much, Mr. Speaker, Sir.

Sen. Kibwana: Mr. Speaker, Sir, I just want to understand the Cabinet Secretary. I do not mind giving her time, but she should tell us the time frame that we need to give her for her to respond to the questions.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, do you wish to respond to the issues and concerns raised by the honorouble Senators before I give guidance on this matter?

The Cabinet Secretary, Ministry of Lands, Public Works, Housing and Urban Development (Hon. Alice Wahome): Thank you, Hon. Speaker, Sir. I require time to go deep into the concerns they have raised. I will also need time to respond to the supplementary questions raised by Sen. Mandago and Sen. Cherarkey. They are important issues, and I do not want to just gloss over them.

I need to bring out the question of the standards, guidelines and regulations. At our level as the Ministry, we do not do planning for the cities and towns. The planning is done by the county governments. We have laws that guide planning, but the challenge that the country might face is the fact that different counties apply the law differently. That is why there is need for standardisation and regulation.

The National Construction Authority (NCA) does the regulation. We also have national Government agencies like the National Environment Management Authority

(NEMA), which assist. One will need to get approval from NEMA to start building. All these approvals speak to the standard and guidelines of how the building and development should be undertaken.

Hon. Speaker, Sir, there is always a checklist of what the developer should provide or give as facilities. Approval is not to be granted until the developer provides what is in the entire list. Development plans have a list of requirements. They are the ones that guide the people who supervise and give certificates of occupation.

Generally, Sen. Kibwana wants to know the linkage between the larger infrastructure support for the developments that are coming up so quickly against the existing infrastructure. That is a big challenge for the country. For us to get to the level of Singapore, we need to holistically look at the infrastructure. It previously worked well, but there are some gaps in terms of implementation of the regulations and guidelines. Therefore, the counties are a big partner in this work. The Affordable Housing Programme in every county has to also comply with the development plans and requirements, including approvals. We have an understanding with the counties on what should be done.

The National Infrastructure Fund which was passed by Parliament is a critical fund in dealing with the gaps in the infrastructure such as access roads, street lighting, electricity, water and sewerage. We still have those. I am sure we all come from counties, and we know that there is a lot that still needs to be done. We need to plan better, especially for new cities. There is a law in existence and where there are gaps, Parliament would be of help.

Hon. Speaker, Sir, allow me to come back with the response to this question in a comprehensive way. My response will include what we have done, as a Ministry, the law in place and how are we implementing it. I will also mention those who are sleeping on their job or those who are not. I will address the four major questions.

The Speaker (Hon. Kingi): Thank you, Hon. Cabinet Secretary. Now, pursuant to that request, this question stands deferred to a later date.

(Question deferred)

Hon. Cabinet Secretary, you shall receive a communication from the Senate as to when you will come back for purposes of responding to Question No. 045. Otherwise, thank you for appearing today and you may leave at your own pleasure. Thank you so much, Hon. Cabinet Secretary.

[The Cabinet Secretary (Hon. Alice Wahome) was ushered out of the Chamber]

Next order.

BILLS

Second Reading

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

The Speaker (Hon. Kingi): Sen. Seki, this order is deferred.

(Bill deferred)

Next order.

Second Reading

THE LIVESTOCK PROTECTION AND SUSTAINABILITY BILL (SENATE BILLS NO. 32 OF 2024)

The Speaker (Hon. Kingi): Sen. (Dr.) Lelegwe, this order is deferred.

(Bill deferred)

Next order.

Second Reading

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

The Speaker (Hon. Kingi): This order is deferred.

(Bill deferred)

MOTION

ADOPTION OF REPORT ON ALLEGED IRREGULARITIES IN PETROLEUM PRODUCTS SUPPLY CHAIN

THAT, the Senate adopts the Report of the Standing Committee on Energy regarding alleged irregularities in the petroleum products supply chain, laid on the Table of the Senate on Tuesday, 14th July, 2026.

The Speaker (Hon. Kingi): Can we hear from the Chairperson of the Standing Committee on Energy?

Sen. Mungatana, are you moving Order No. 11?

(Sen. (Dr.) Mungatana consulted with the Speaker)

Okay.

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

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

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

Sen. (Dr.) Mungatana, MGH: Mr. Deputy Speaker, Sir, I beg to move Order No. 11, the report of the Standing Committee on Energy regarding alleged irregularities in the petroleum products supply chain.

First of all, I thank the Chairperson of this Committee, the Hon. Oburu Oginga, in the way that he has led this Committee in coming up with this Report. There has been a lot of alleged irregularities in the petroleum products supply chain, and complaints have been brought before the committee regarding how petroleum products are not meeting the quality standards required.

The Senate Energy Committee embarked on investigations on these matters. After talking and examining various members and players that included big players who supply energy and petroleum products, we also talked to members who are small players within this area. Many of the people who appeared before us gave us their version of what has been happening within the petroleum supply chain in Kenya.

We also took time to move to various areas, such as Mombasa in particular, where we had meetings with the people who operate the oil terminal, and had a chance to speak with oil marketers. We also talked to the Ministry of Energy and Petroleum, Public Procurement Regulatory Authority (PPRA), and all other relevant regulatory organisations within the oil supply chain.

One of the things we noticed was that there was an absence of a clear and coordinated communication strategy by the Ministry during the fuel supply crisis. This contributed to uncertainty, speculation and misinformation regarding the status of national fuel stocks, the quality of petroleum products in the country and the actions being taken by Government.

We also took note of the fact that various officials within the oil sector were sent away while some of them resigned. The Committee made various recommendations that were tabled in this Report, and I will just highlight some of the important recommendations. The first recommendation is on private sector participation. All emergency petroleum procurement frameworks should incorporate clear contractual protections for those compliant suppliers. This was because the Ministry of Energy and Petroleum needs to protect those doing the right thing. We did not want our oil marketers who are doing the right thing to be sacrificed.

We said that the Ministry ought to engage various important oil marketers and come up with clear procurement arrangements when disputes arise so that we can preserve market confidence, maintain supply stability and fuel availability in Kenya. We said that the Ministry should submit comprehensive progress reports to the Senate within the six months of adoption of this report by the Senate.

The second most important recommendation was that the Government should prioritise the restructuring, recapitalization, and strengthening of the National Oil Corporation of Kenya (NOCK) as the strategic national petroleum entity that has a clear mandate to support national energy objectives.

We noticed that in the event of oil supply chain disruption, this country does not have strategic reserves that can last us the international standard of six months. When we inquired from the players, they said that for them, when they import the fuel, they take and keep it for purposes of sale. As a committee, we have said clearly that the Kenya Government, no matter how expensive this will be, for purposes of national security, should adopt the standard of making sure that we have enough product within Kenya that can last us at least six months.

Right now, what we have is not enough, and it is also not owned by the Government of Kenya. In other countries, in case of oil supply chain disruption, they can go on with what they have as strategic reserves and keep the country moving for a long period of time; but in Kenya, NOCK does not have that capacity. The Government of Kenya, through the Department of Petroleum, should now work hard to make sure that this happens so that Kenya becomes secure in this period of time. We have said that the Ministry should submit a comprehensive report to the Senate within the first six months of the adoption of this report.

Another important recommendation that the Senate Committee on Energy has made is that through the Petroleum Department, the national Government must develop detailed regulations and operational guidelines that will help in the governing of the invocation of Section 9(3) of the Standards Act, which include the criteria for granting waivers, the documentation required, implementation of protocols, monitoring mechanisms and reporting obligations.

This is because when we had issues around the quality that was being supplied to Kenyans at that time, our inquiry revealed that the Ministry, simply in exercise of its powers through the Cabinet Secretary, made waivers to the requirements of standards within the quality of petroleum that is supposed to come into the market in Kenya. There were reported instances where people were associating cars that were blowing up to poor quality fuel supply.

The Energy Committee was of the opinion – and made a very strong recommendation – that if a waiver is to be made, that there must be some regulations around governing that power. The Cabinet Secretary has to make the waivers so that we have a reporting system. This is so that there is a justification, and it does not become a matter of executive fiat that the Cabinet Secretary feels that this quality is okay and then ignores what the scientists are telling us with bad consequences resulting.

We expect, again, that within six months after the adoption of this report, the Ministry of Energy and Petroleum will come up with those proposed regulations on the quality of fuel, and what we should do if we have to do waivers.

There were finally several resignations that we saw. We saw Mr. Mohamed Liban, former Principal Secretary, State Department of Petroleum, who left office. Mr.

Joe Sang, former Managing Director, Kenya Pipeline; Mr. Daniel Kiptoo, former Director General of Energy Petroleum Regulatory Authority (EPRA), Mr. Joseph Wafula, former Deputy Director of Petroleum, and Mr. Joel Mburu, former Supply and Logistics Manager, Kenya Pipeline all resigned. We said that the whole administrative, disciplinary or criminal proceedings, should they happen, must be done following the law, and a report be given to this Senate within 60 days.

Those were some of the recommendations on what we noticed, that we gave regarding the irregularities in the petrol product supply chain.

I beg to move and ask Sen. Ogola, who was then a member of our committee, to second.

Sen. Ogola: I thank you, Mr. Deputy Speaker, Sir. I thank you, Sen. Mungatana, for moving that report. I rise to second. I have been a Member of the Energy Committee, and I was part of the discussions of the presentations that have been made by Sen. Mungatana.

This has been one of the biggest challenges that Kenyans have faced that was not occasioned by any of our doing. The country must know that it was occasioned by a war that was far away from us, but because we live in the same space, it was bound to affect our activities.

There are many Kenyans and leaders who sometimes think otherwise, and want to apportion blame on the leadership of this country, while the leadership of this country really had nothing to do with what occasioned the pressure. We have been dealing with the issue under the energy sector because that was a global challenge.

There was an initial panic in the country and elsewhere. All of us know the place of energy in our lives. With inadequacy and less access to petroleum products, we were going to deal with the rising prices of a number of items.

I rise to second this Motion as a proud Kenyan and a proud member of that community, because the leadership of this country has put certain measures in place to stabilise that sector in this country.

As Sen. (Dr.) Mungatana has moved, the committee was able to deliberate on several issues. We sat with the heads of this sector, the Cabinet Secretary himself, the Hon. Opiyo Wandayi, and section heads. The committee itself was concerned about several things. The key concern for the committee was whether Kenyans would be able to access petroleum products, because then that would hit us badly.

In our meetings, the Cabinet Secretary gave us the confidence that measures had been put in place to ensure that even if Kenyans were going to meet the prices of petroleum products, which were going to rise, the Government was putting in place measures that would ensure that there was availability of the products, and to ensure that the prices would not rise beyond what we expected.

There was even propaganda elsewhere at that point and it concerned the committee. Some people wanted to paint a picture that our prices were overly high in the region. In our discussions and presentations, I remember the committee Chairperson, none other than Sen. (Dr.) Oburu, who is also widely travelled, remarked that even in other countries and neighbouring countries, where several Kenyans lived, felt the products were cheaper. However, they were cheaper, but they were not available. So, the question is; why would we indicate cheaper prices, but not have access to the products? The good thing is that we did not have longer periods where Kenyans did not have these products.

There were resignations of sector heads, as has been mentioned by the mover, and we got concerned. However, in our deliberations, we realised that a number of issues around the resignations were under investigation and, as a committee, we did not delve much into that space. The only good thing is that there was no vacuum. There were office holders, and work was ongoing. At that point, the committee was more concerned about the stabilisation of the sector, which I think has been achieved.

Mr. Deputy Speaker, Sir, as I second, I also want to mention the issue of the oil reserves that the mover has mentioned. The committee had a candid discussion with the head of that sector. Our main concern and advice on those discussions is that as a country, we must revamp NOCK and ensure that it is capacitated so that, as a country, if you are faced with such challenges, we will be sure that we have some reserve that can take the country for a period of time even as the sector works on the challenges that are facing it. I am happy that the country is stable, and that Kenyans can access petroleum products in petrol stations.

We also advise the Ministry – and I think that has been going on – that one of the things that make our people restless is when people do not know what is happening, and have no information. We discussed with the Cabinet Secretary for Energy that there is a need to brief Kenyans periodically about the progress so that they know where we are coming from, where we are, and where we are going. That would give Kenyans confidence and ensure that they are assured that the government is in control. I think that has been done successfully.

I, therefore, second the Motion.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I now open the Floor for any Senator wishing to contribute to this Motion.

Sen. Cherarkey Samson

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. I want to commend the Committee on Energy, led by the ODM Party Leader and the distinguished Senator of Siaya County, Sen. (Dr.) Oburu Oginga. Yesterday, he said that he has been in this Parliament for the last 40 years, and I am told he declared that he wants to be President William Ruto's running mate in 2027. *Yeye anataka pawa,* and it is good that we are discussing power matters.

Mr. Deputy Speaker, Sir, let me begin by thanking the Committee led by Sen. (Dr.) Mungatana for ably moving, and my sister, Sen. Ogola. I think I want to agree with the Committee: There has been hullabaloo about the pricing; we are being told the prices in Uganda and in Tanzania are much lower than Kenya, yet they do not have a port. I am happy the Committee has dismissed that misnomer, because you have to appreciate the shilling strength in Uganda, Kenya and Tanzania. We are the giants of the Eastern and Central African region economically. That is why you have to appreciate that Mr. Aliko

Dangote, one of the biggest billionaires – dollar billionaires – in Africa, has decided to set up an oil refinery in Lamu in the next few months. Remember, there was a suggestion to move it to Tanga, Tanzania, but due to the economic and political stability in the country, Mr. Aliko Dangote has decided to set up the oil refinery in Lamu County. That shows a lot of confidence by investors in ensuring that we have enough fuel reserves in the country.

I am happy that the team setting up bipartisan talks is being led by the Deputy President, Prof. Kithure Kindiki, who has ably chaired and ensured that the process of setting up a refinery in Lamu is successful, and that we have enough fuel reserves. This shows that we should have a lot of confidence so that when we receive---

I want to agree with the committee that the fuel disruption supply across the globe is not the making of the Government or the President. It is the making of the fight between the United States of America and Iran. You know the Strait of Hormuz has been one of the main--- I am told almost 30 or 40 per cent of the fuel supply across the globe has been affected because of war. We must accept that whatever is happening is way beyond us. It is way beyond us, but I have seen developments.

I hope the Cabinet Secretary in charge of the Ministry of Energy and Petroleum is watching. There is development where the Oman and the Iran governments might work together to ensure that the Strait of Hormuz is open so that the fuel supply across the globe, especially in East Africa and Africa as a whole, is not affected. What makes me sad is that we do a lot of oil refining in Africa, like in Nigeria and most of West Africa, yet we import our oil refined from Saudi Arabia through Aramco. It is very unfortunate. As Africans, we must believe in ourselves.

Mr. Deputy Speaker, I hope your distinguished guest, the students who have visited the Senate, believe in Pan-Africanism. It does not make sense that there is oil in Africa, yet we buy it from Aramco through a government-to-government legal supply framework. I thank the government. Sen. Ogola alluded to one of the things that helped the country avoid high oil costs was the government-to-government framework, which cushioned consumers. Therefore, we thank the President for having the vision and foresight to ensure a government-to-government framework exists.

Politicians just want to score political points, including the former Chairperson of the Budget and Appropriation Committee in the National Assembly. The rudderless, clueless and disunited opposition have been selling propaganda that the government-to-government framework was to benefit individuals. It was not. In fact, it cushions Kenyans against high fuel costs, whether diesel, petrol or kerosene.

Mr. Deputy Speaker, Sir, growing up where I come from, we relied on kerosene or paraffin for fuel. The young ones in the public gallery might not know that in those days, we used paraffin and pressure lamps. There was one where you converted a Blue Band tin. You cut the tin, put in a string and poured paraffin inside. It was miraculous in the village. In my local language, it is called "tamambulit." The youngsters in the public gallery might need to visit a museum to understand what we are describing. We have moved from that to accessing electricity.

I thank the Government because most Kenyans still rely on kerosene and diesel. Kerosene is still important, as many have not yet accessed electricity. When you were a

Member of the National Assembly, you pushed for last-mile electricity connectivity. We are moving from that now to diesel. The Distinguished Senator, Sen. (Prof.) Kamar, is a farmer we are proud of. She relies heavily on diesel as a farmer. When the price of diesel goes up, it affects the cost of food production.

As we discuss crop failure due to prolonged drought, we also need diesel for farm machinery. Where I come from, we might face food shortage. We have been warned that there might be drought between August and September in semi-arid areas before the rains begin again in October. We thank the President as farmers, because fertilizer is Kshs2,500, unlike when President Uhuru Kenyatta left power and it was at Kshs7,000. We received the fertilizer subsidy programme, which was important for food production. Therefore, fuel is important.

Section 10 of the Energy Act No.1 of 2019 provides for the role of the Energy and Petroleum Regulatory Authority (EPRA). I remember the Government directed investigations on 4th April, 2026, when the Managing Director of the Kenya Pipeline Company (KPC) and the Director General of EPRA resigned. We ask the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigations (DCI) and other investigative agencies to move with speed. We need to be told why the Managing Director of KPC, the Director General of EPRA and other senior procurement officials resigned. It has been four months since April, and investigative agencies have not updated the country on what caused these high-level resignations in the energy sector.

Sections 10 and 11 of the Energy Act, 2019, outlines the functions of EPRA, which are critical. One function is ensuring a steady supply of fuel, which this committee was investigating. We need to know if these high-level resignations affected fuel procurement. One of the tasks of EPRA is ensuring a steady supply of fuel to drive the economy. I appeal to the EACC and the DCI to move with speed. We do not want matters investigated for five or 10 years. Under the Ethics and Anti-Corruption Commission Act, any corruption case must be prosecuted within 24 months.

Sen. (Dr.) Mungatana, a senior lawyer who served in the Pan-African Parliament (PAP) in South Africa, agrees that any economic crime or corruption case must be prosecuted within 24 months. This will ensure Kenyans do not blame us or see individuals involved in corruption marking time in courts for 10 years before securing a conviction.

Mr. Deputy Speaker, Sir, we must be honest as a country. What is the essence of establishing anti-corruption courts if they cannot expeditiously prosecute corruption cases? We are aware of many governors who have been marking time in courts for many years, including allegations facing your impeached governor, Hon. Kawira Mwangaza, over corruption cases. We appeal that these cases be dealt with so that Kenyans have confidence in the judiciary and prosecution.

I urge the Director of Public Prosecutions (DPP) to stop withdrawing cases, especially corruption cases. We are aware of many files from many counties involved in corruption. For example, in Nandi County, there was payroll fraud. Up to today, the EACC and DPP keep saying active investigations are ongoing, case analysis or file forwarded. Those are the three keywords in prosecuting corruption cases in this country. It is very unfortunate. The Office of the Director of Public Prosecutions (ODPP) is an independent body not controlled by anyone, as is EACC. We should stop gerrymandering on issues of integrity.

Mr. Deputy Speaker, Sir, you were a Member of the National Assembly when you passed the Leadership and Integrity Act, 2012, during your tenure. We must agree that the investigation into senior officials in the energy sector must be expeditious. I know there is the principle of innocence until proven guilty, which is okay. However, as Kenyans, we want to know what transpired. If senior managers in the energy sector facilitated the disruption of the supply chain, they must be held accountable as per the law.

I thank the Government and appreciate it for the reduction of the Value Added Tax (VAT). Senator (Dr.) Mungatana, the mover of this Motion, these are things Kenyans are not being told. It is the recommendation of His Excellency President William Ruto, who talks about Vision 2060, that requested Parliament to lower the VAT from 16 to 8 per cent to stabilize fuel prices in this country.

There was also a stabilisation fund. I thank the Government regarding the Road Maintenance Levy Fund (RMLF) that we contribute to. The Government provided a stabilisation fund of Kshs28.19 billion to stabilise the price of fuel in this country, which is critical.

Mr. Deputy Speaker, Sir, there is a proposal to toll Rironi-Mau Summit Road. That is close to me because I come from that region. You appreciate that legacy and populist politicians opposed the Road Maintenance Levy Fund (RMLF) that was securitised. This includes somebody who came and insulted you at your backyard. The money that is securitised to construct the road from Wajir-Mogadishu-Kulamawe-Isiolo to Nairobi is the same for Rironi-Mau Summit Road.

I can see, at least, three of us who come from that region. I appeal that we do not toll that road. I can see a number of your clerks also come from that region. Why are we tolling that road and yet we are not tolling Thika Superhighway and Mau roads? We will resist and reject. Yes, we say no to any intention to toll Rironi-Mau Summit Road. Since we pay Road Maintenance Levy Fund, that should be enough.

Alternatively, remove Road Maintenance Levy Fund and toll us. We cannot have second-class citizens in this country. That the people who go to western part of the country via Rironi-Mau Summit Road are tolled, yet the people who go to Mau-Mau and Mount Kenya East or West are not. If you want to define Mount Kenya as East or West, that is the business of your region. We do not want to know. You cannot toll us. We are not children of a lesser god. Therefore, we are totally against tolling, because it will subject us to double taxation.

As a representative of the people of Nandi, we will not pay to come to Nairobi, yet we pay fuel taxes. I appeal, on behalf of many people, that the Ministry of Roads and Transport abandon that idea. It is bad. Women understand this. When you do not give birth to your child as expected, that becomes a stillbirth. Therefore, I advise that they avoid that route. I know that people from Bomet can decide to use Ngong-Suswa Road all the way to Nairobi. They might not be tolled. However, those of us who come from that region are against it. We appeal to the Ministry of Roads and Transport, to abandon that idea. It is a wrong idea.

On the issue of fuel quality, I thank the committee. I know there was intention of lowering fuel quality for six months, which started on 30th April, 2026. I hope the committee will be able to handle this. My worry is that the quality of fuel has been reduced. This will be dangerous to the environment. People drive Sports Utility Vehicles (SUVs). Low-quality fuel destroys engines of SUVs such as Land Cruiser V8 and Lexus 600. You may require Kshs10 Million or Kshs20 Million to repair the car. Therefore, we must look at this matter of low-quality fuel. For us who drive Toyota Prado J120, there is no problem. We will go to Kirinyaga Road or Kawangware and get the Otieno's, who will fix it for Kshs2,000 or Kshs3,000. My worry is persons who are dollar billionaires in this country. They might suffer. For us, you just go to Kirinyaga Road, Grogan or Kawangware, get somebody to fix it for you, and you are home and dry. This low-quality fuel is dangerous to our vehicles. We must be very keen.

I appeal to the committee to ensure that the issue of fuel quality is addressed. It goes back to Energy and Petroleum Regulatory Authority (EPRA), Competition Authority of Kenya, and Consumers Federation of Kenya (COFEK). These agencies ensure that consumers are protected. I do not kno; Sen. Mungatana, the mover of the Motion, what is the role of Competition Authority of Kenya (CAK)? They are supposed to protect consumers. The Kenya Bureau of Standards are supposed to protect us. They are not just there for the sake of it. We must agree on fuel quality so that we do not destroy our vehicles. It is also not good for doing business.

As I conclude on this very critical report, we welcome Dangote to set up this firm. I agree. I heard Sen. Ogola and Sen. Mungatana alluding to the fact that we need fuel reserves. If there are global shocks of the magnitude of the closure of the Strait of Hormuz, what we are seeing in Iran, America, the Oman, and the negotiations within the Middle East; if we had our own oil refinery, we would refine our oil here in Kenya and ensure we steady the supply. In addition, the cost of doing business would come down.

Most Kenyans pay a lot for energy. If you look at the electricity bill from Kenya Power, there is always a section on fuel charges. You remember there was oil in Turkana; the Tullow oil story. We do not need to be exporting our oil to be refined elsewhere, and then bring it back. If we allow Dangote to set up, we will ensure the steady fuel supply.

In addition, this shows the confidence of the business community in President William Ruto's Government. That is very critical. All investors are welcome. Somebody said that tourists should not come, which was very unfortunate. We must secure investor confidence in this Republic, going into the future.

Mr. Deputy Speaker, Sir, with those very many remarks and to allow my colleagues to make a comment, I beg to support these reports and wish the Committee on Energy all the best as they reconstitute. In addition, we wish those who left, including Sen. Ogola, well in other committees.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, besides representing the good people of Nandi County, could you also try to familiarise yourself with the terms and conditions of the contract of the Rironi Mau Summit Road? This will enable you to have confidence so that the Cabinet Secretary for Roads and Transport does not say that they are the ones putting up the toll station. So maybe next time, you should update me on the terms.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF THE TASK FORCE ON TRANSLATION OF STANDING ORDERS FROM KILIFI COUNTY ASSEMBLY

Honourable Senators, I have a Communication to make on a benchmarking visit by members of the task force on translation of standing orders to Kiswahili from the County Assembly of Kilifi. I would like to acknowledge the presence, in the Speaker's gallery this morning, of a visiting delegation of members of the task force.

(Senator Chemitei entered the Chamber while the Deputy Speaker was communicating to the House)

Honourable Senator, do you know the rules of this game of the Senate? You can just freeze wherever you are. I will pardon you, because you are just recently sworn into the Senate.

So, these are members of the task force on translation of standing orders to Kiswahili from the County Assembly of Kilifi. The delegation is on a benchmarking engagement on best practices at the Senate. I request each member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition.

(1) Mr. George Kumbatha	-	Director, Hansard and Audio Services and Head of Delegation
(2) Ms. Sally Kadzo	-	Chief Hansard Reporter
(3) Mr. Omar Chuphi	-	Chief Serjeant-at-Arms
(4) Mr. Harold Sipha	-	Serjeant-at-Arms II
(5) Mr. Justin Karabu	-	Senior Research Officer
(6) Mr. Lenny Mzungu	-	Research Officer II
(7) Mr. Erick Libendi	-	Second Clerk Assistant
(8) Mr. Kachiezy Mwalili	-	Second Clerk Assistant
(9) Mr. Keith Kitsao	-	ICT Officer
(10) Mr. Iha Thoya	-	ICT Officer
(11) Mr. Rashid Mbeto	-	Principal, Legal Counsel
(12) Ms. Linda Nyamwata	-	Legal Counsel
(13) Ms. Damaris Safari	-	Public Relations Officer

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

Thank you very much.

Wakaribishe hawa wageni, majirani wako kutoka Kaunti ya Kilifi.

Sen. (Dr.) Mungatana, MGH: Asante, Bw. Naibu wa Spika. Kwa niaba ya Spika, ninawakaribisha hapa Bungeni kwetu Seneti, wageni wetu kutoka Kaunti yetu ya Kilifi. Tunawatakia safari nzuri kujifundisha mambo yote ambayo wamefwata hapa. Tunafurahia sana wakati mabunge ya gatuzi yanakuja hapa Seneti kujifundisha mambo kadha wa kadha. Mapenzi yetu ni kwamba, mabunge yetu 47 yataweza kazi sawa sawa kama vile bunge la Seneti linafanyan kazi.

Pia, tunataka kuona uhusiano wetu kati ya mabunge ya gatuzi na bunge la Seneti ikizidi kuimarika. Utaimarika ikiwa muda kwa muda tunazungumza, tunafundishana, na tunarekebishana ili mabunge yetu yafanye kazi vizuri.

Kwa hayo mengi, tunawakaribisha hapa kwetu, na tunawaombea wakati mwema mkiwa hapa kujifunza.

Naibu wa Spika (Sen. Kathuri): Asante na kwa niaba ya Seneta wa Kilifi, ambaye ni Kiongozi wa Walio Wachache, na kwa niaba ya mkubwa wangu, Spika wa Seneti, nachukua fursa hii kuwakaribisha.

Sen. (Prof.) Kamar, you are next.

(Resumption of debate on Motion)

Sen. (Prof.) Kamar: Thank you, Mr. Deputy Speaker, Sir, for the opportunity to join my colleagues in supporting the Report by the Committee on Energy. I support its adoption, because of the details that have been brought before us. I thank the Committee for going beyond the mandate they were given to give us forward-looking recommendations.

As was mentioned by Sen. Cherarkey, I am a farmer, and one of those farmers that suffered during this season when the diesel prices were affected and disrupted without notice. Farmers suffered, notwithstanding the fact that the climate was not very good for farming this year. Therefore, we suffered double tragedy. The climate was not good, the diesel price went up abruptly, and most farmers could not do all the operations that we usually do. So, this year, we are in danger of food insecurity.

Worse still, farmers are victims of a lot of things this year. This is because the inputs they put in earlier may be higher than what they will get out of the crop. I looked at the recommendations and told myself; if these recommendations are implemented the way the committee has articulated, the future would be better in the petroleum sector.

One of the key recommendations the committee has given are on emergency petroleum procurement. As we talk about the emergency procurement, we need to ask ourselves; are we able to predict everything? We know that we were not able to predict the Hormuz factor and the wars that came in. Now, we need to be very good in planning ahead of time. One of the things that happened this time is that there was no emergency reserve, and the price just changed because of that. The minute we were told about the price changes because there was no fuel, there was nowhere to cry to, because there was none at that time.

Mr. Deputy Speaker, Sir, I like one of the strategies on Article 6; the Strategic Petroleum Reserves and National Energy Security. This one we must establish. We must have a reserve, just the way we have strategic reserves of the food for food security. It is important that we protect our farmers from what they suffered this year because of this. It is good for the Government to prioritise having reserves that can give us a lead period for at least a month so that farmers can organise themselves and even rescue the crops that are on the ground. This time around, they could not rescue because things just moved.

I, therefore, applaud the Committee for these recommendations that the Government must prioritise the restructuring, recapitalization and the strengthening of the National Oil Corporation of Kenya (NOCK). If NOCK was as operational as it should be, we would not have gone through that. If we had strategic reserves in this country, we would have had less impact than we had in this time.

This Report has given timelines. This Report is asking the Ministry to deal with issues on a timely basis. We have items that are on a six-months timeline. We hope that the Ministry will adhere to this. We need sometimes to ask ourselves how we monitor implementations of very good reports like this one that came from this committee.

How do we monitor so as to ensure that the relevant Ministry actually adheres to that? Although we do not have an implementation committee, and we all agreed that the relevant committee must implement, we hope that this Committee will demand for reports as soon as six months are over. In most cases, we demand for these reports and bring the Cabinet Secretary right here. Let them come and answer to the House. Even if it is something coming from a committee, it should demand that a report be tabled by a Cabinet Secretary in the House. This is so that we can monitor the progress of decisions that we have done.

Mr. Deputy Speaker, Sir, this Report has very good recommendations that are futuristic. These recommendations will change the way we do things in the energy sector. However, if we do not implement them, it will be life as usual. We cannot accept that, and I thank the committee because they combed that out very nicely. I thank the Chairperson and Members of that Committee. You looked at this sector properly, and have given us tangible recommendations. Let us support this Report and push for the relevant Ministry to implement.

Mr. Deputy Speaker, Sir, I also support the arrival of Dangote Refineries in Kenya. As a member of the delegation of the Pan-African Parliament (PAP), we have been talking about the free movement of goods and persons. We have been talking about the African Continental Free Trade Area (AfCFTA), and we are not seeing tangible movement of goods or investments. We thank God for the one African who has decided to invest in the whole continent, and we pray that the Government will facilitate him fully so that we have a refinery that is continentally owned by an African. This is a refinery that might even deal with the recommendations we are talking about, because our emergency fuel does not have to be in the pipeline. Fuel does not have to be in the pipeline or petrol stations. It can as well be in the refinery. Most refineries on the continent could be looking for money, and they might not accept to have reserves for us. It will be possible to negotiate with owners of a refinery like this one. Therefore, we welcome the arrival of Dangote in Kenya. We pray that they will go beyond their usual call of duty to ensure that we stabilise fuel prices and fuel delivery on the continent. For that reason, I support them.

It is also our hope that very soon our oil from Turkana County will start being extracted and refined within the country. Some of the problems we face, especially during a season like the one we are talking about, are because of wars that are kilometres away. How do we depend on nations that are far away from us? It is time we went into collaboration. Uganda is already drilling, and Kenya should also be doing so. If we have continental investors, we will move. That is the only reason we are talking about AfCFTA. Let us see how we can support one another, as a continent. For those with oil, let us see how we can have a pipeline.

That takes me to the issue of infrastructure across the continent. Nigeria refines oil, but we do not have pipelines across the continent. We need to allow pipelines to flow freely. If crude oil is refined in Mombasa, we should have pipelines going to Rwanda, Burundi and even the Democratic Republic of Congo (DRC). Infrastructure on this continent is essential for us to have AfCFTA implemented.

Mr. Deputy Speaker, Sir, as I support and thank the committee, my main point is that we should monitor implementation by the relevant Ministry. Let us not allow these good recommendations to remain in this Senate.

With those remarks, I support. Thank you.

The Deputy Speaker (Sen. Kathuri): According to my dashboard, there was no other Member wishing to contribute, but I can see Sen. Korir has just pressed the request button. I think that was an afterthought.

Proceed, Sen. Korir Joyce.

Sen. Korir: Thank you so much, Mr. Deputy Speaker, Sir. Sometimes these gadgets give us a lot of problems. However, I thank you for giving me an opportunity. Being a commissioner does not mean you are the implementer, because there are those who implement.

Mr. Deputy Speaker, Sir, allow me to thank Members of the Committee on Energy for a wonderful report they have brought to this House. I know a number of issues have been raised by colleagues. Without proper handling of petroleum products, it could lead to a lot of shortcomings and destructions in the country.

At some point we had an acute shortage of fuel, which forced a number of dealers to shoot the prices, hampering a number of businesses and farming in this country. If we deploy real-time digital tracking of petroleum products, at least we will address several issues that affect the sector.

There is also the issue of reforming importation and procurement frameworks. I have always said that procurement is something that has been giving us a lot of challenges because of the malpractices involved. Bearing in mind that this is the only way we are going to get competitive suppliers, it will be possible to address a number of issues that affect us.

I also want to talk about the issue of strengthening the regulatory oversight and testing. I believe they are the ones who are supposed to ascertain whether fuel that is supplied is of good standard or not. Once again, I thank Members of the committee, because they are going to push for implementation of this Report for these issues to be addressed.

There is also the issue of imposing strict penalties on those found engaging in malpractices. If that is taken seriously, it will reduce the number of cartels that take advantage and sneak-in substandard fuel into the country. It will also deal with shortcuts that they use to get contracts.

Mr. Deputy Speaker, Sir, I do not have much to say. I just want to thank the committee and support.

I thank you.

The Deputy Speaker (Sen. Kathuri): Since there is no other Senator willing to contribute, I call upon the Mover to reply.

Sen. (Dr.) Mungatana, MGH: Mr. Deputy Speaker, Sir, I want to thank Sen. Beatrice Ogola for seconding the Motion. I also thank Sen. Cherarkey, Sen. (Prof.) Kamar, and Sen. Korir for contributing to this Motion.

When Members were speaking, one of the most important underlying points that was made is that the Senate Committee on Energy should make follow-up on implementation of resolutions and recommendations that this House will adopt. I went online to put up the issue on our page. We should mark the days so that the secretariat makes a point to invite different organisations against whom recommendations have been made for them to come and give us progress reports. Some recommendations are very heavy, including one that we should have strategic reserves for purposes of making sure there is security of supply of oil products in the country. Therefore, we will do that.

I have listened carefully to what colleagues have said in this House. We will share it even in the next sitting of the Committee on Energy.

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

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

Mr. Temporary Speaker, Sir, I want to thank them again for their valuable contributions. I beg to reply.

Mr. Temporary Speaker, Sir, I would like to make an application. For purposes of putting of the question, pursuant to Standing Order No.66(3), I request that that be deferred.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Mungatana. Pursuant to Standing Order No.66(3), putting of the question is hereby deferred to the next sitting of the House.

(Putting of the question on the Motion deferred)

Clerk, call the next Order, please.

MOTION

HANDING OVER OF COOKING GAS HANDLING FACILITY TO A PRIVATE FIRM IN MOMBASA COUNTY

Proceed, Sen. Mungatana.

Sen. (Dr.) Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir. I beg to move the following Motion-

> THAT the Senate adopts the Report of the Standing Committee on Energy on its inquiry regarding the handing over of a cooking gas facility in Mombasa County to a private firm, laid on the Table of the Senate on Tuesday, 14th July, 2026.

The Senate Committee on Energy met on 3rd June, 2025, and deliberated on the Statement sought by the hon. Sen. Okiya Omtatah regarding the handing over of a cooking gas facility to a private firm. We resolved to visit Mombasa and inspect the premises of the Kenya Petroleum Refineries Limited so that we could establish from all the players whether there was any breach of the law in the handing over of that facility for the production of Liquefied Petroleum Gas (LPG) in Kenya.

Mr. Temporary Speaker, Sir, we engaged stakeholders. We held discussions with the Ministry of Energy, the National Treasury, the Kenya Pipeline Company, and Kenya Petroleum Refineries Limited through interviews and written submissions. Thereafter, under the leadership of our Chairman, Sen. (Dr.) Oburu Oginga, we visited Mombasa to establish whether the Republic of Kenya stood to lose anything by handing over the site to the company.

We found that the process of allocating the 23.19-acre parcel of land to Asharami Synergy Limited was procedurally correct. The area was not required for the operations of the Kenya Petroleum Refineries Limited. It was a small portion of the entire land belonging to Kenya Petroleum Refineries Limited, and was not useful for any other work. We also established that the application of the Specially Permitted Procurement Procedure (SPPP) to select Asharami Synergy Limited was conducted in full compliance with Section 114A(2)(f) of the Public Procurement and Asset Disposal Act, 2015. All approvals from the relevant multi-agencies, including the National Treasury, the Office of the Attorney-General and the National Land Commission, were obtained in accordance with the law.

We further found that once the facility is operational, it would keep on track with the Government's target of increasing per capita LPG consumption from 7.5 kg to 15 kg by 2028. We were also informed that upon expiry of the lease period, all the infrastructure put up on the site will be surrendered to the Government. Therefore, the nation stands to lose nothing. This initiative is aligned with our efforts to increase the consumption of clean energy in Kenya. The entry of Asharami will boost LPG supplies, increase market players, and we expect that this will lead to a reduction in cooking gas prices.

Our hope a few months ago has now materialised. We have been reliably informed that construction has been completed and that LPG production will commence very soon. Our Report, therefore, recommends that there was nothing inappropriate in the appointment of Asharami Synergy Limited to undertake LPG production on land belonging to Kenya Petroleum Refineries Limited in Mombasa. The project will also create employment.

The only recommendation was that the administrative processes required for the development of the allocation should be finalized expeditiously. We believe this has been done because we have been reliably informed that the processes are complete, and production is about to begin. We insist that all the technical plans and any other documents required in accordance with the recommendations of this report be submitted to the Committee within 45 days of the adoption of this report.

Once we adopt this Report, just like with other reports, we will invite the same Government agencies we engaged to appear before us to ensure compliance with the recommendations of the Senate.

I beg to move and call upon Sen. Cherarkey to second this Motion.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. As I beg to second, this is a straightforward matter. What makes me happy is that the Committee has confirmed that the handing over of the cooking gas handling facility to a private firm was done within the law.

As you are aware, under Article 10 on National Values and Principles of Governance, the rule of law is one of the key ingredients of any process. Further, under Chapter 12 on Public Finance, one of the principles is transparency and accountability in public processes. In light of the request by the distinguished Senator for Busia County, Sen. Okiya Omtatah, and considering that Asharami Synergy, a subsidiary of Sahara Group of Nigeria, complied with the procurement law, the Government stands to lose nothing.

In fact, this demonstrates investor confidence which we were discussing earlier. We must encourage investors to set up in this country and ensure that all procurement processes are above board. With e-procurement now in place, all due processes were followed. As a country, we should encourage investors. We should emulate Rwanda and avoid unnecessary bottlenecks. We should not politicise investment in this country. The procedure for leasing public land to Asharami Synergy was duly followed.

Finally, on employment creation, we know that Mombasa and the coast region are struggling with unemployment. You will recall that Nairobi accounts for 60 per cent of the Gross Domestic Product (GDP), and every Kenyan would want to come to Nairobi. The question is how do we ensure there is access of opportunities by encouraging investors to invest across the country?

In your county, you have to give it to the African Gospel Church (AGC), led by Dr. Langat for Tenwek Hospital. I know majority of people from your region go to AGC. So, you have to give it to the investment that has happened in that region. We must encourage investors and call out politicians who want to politicize them.

I remember the former impeached Deputy President wanted to politicise the issue of tourism. We say, *shindwe katika jina la Yesu*. I was watching the President of

Tanzania, (Dr.) Samia Suluhu Hassan, speaking about the importance of tourism, and why Tanzania is earning a lot. Then somebody who is visionless, agenda-less and does not have a focus wants to create village rumour-mongering to scare away tourists, yet this country is strategic for tourism. We want to increase the number of tourists to 3 or 4 million.

I was shocked when he later supported the British Army Training Unit Kenya (BATUK), and said that when they move out of Nanyuki--- He retreated, yet he was calling them strange names. When he realised it, he retracted his statement and said that he is the one who intervened. He had made unsubstantiated allegations that there was a demand of Kshs1 billion plus in bribe to allow the BATUK to train in Kenya.

I want to thank the Committee on National Security, Defence and Foreign Relations in the National Assembly for insisting that even if these soldiers have to train in Kenya, they must follow the local laws. This is because we have lost lives and have seen women being raped in that region. We have seen children being born, and no one is taking care of them. There is no problem in procreating. God gave us an opportunity to come to this world and procreate. We are not objecting that the British soldiers should not procreate with the Kenyan women. They should, but follow the law. If you get a child, you must take care of it.

I want to appeal to the Prime Cabinet Secretary, Musalia Mudavadi, to ensure that we have a framework. When a British soldier procreates with a Kenyan woman, we should follow them to pay for the child's upkeep. I think that is what is important. Our women are not procreating machines where you just come, sleep with them, they give birth, and then you run away. We want to deal with deadbeat fathers both internationally and locally so that we can move on as a country.

With those many remarks, I thank the Committee and support this Report. Let us allow Asharami Synergy to set up their plant. Let us get cheap cooking gas so that women do not suffer.

When I was in Cheptarit Primary School somewhere in Mosoriot in Nandi, I used to go for lunch at this hour. However, I could not see my mother clearly in the kitchen because there was too much smoke from using firewood. Our mothers suffered. If they greet you, you will think they are sandpaper. They are struggling.

We, therefore, want our women to cook with gas. The only way is to encourage more gas plants so that our women do not suffer with smoke. Apart from suffering physically, their lungs also suffer. Also, the food quality is not very good because it is not well cooked. We want everybody to eat well in this country.

With those many remarks, I beg to second this Report of the Committee on Energy.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei) Honorouble Members, this Motion is ready for contribution. I will invite Sen. Joyce Korir, who has made a request on my dashboard, to go first.

Sen. Korir: Thank you, Mr. Temporary Speaker, Sir. Allow me to thank the Committee on Energy on the enquiry regarding the handing over of a cooking gas handling facility in Mombasa County.

One of the things that we embrace, as a Government, is giving room to investors to invest in this country so that we can get opportunities for our youth. You remember one of the blueprints pillars is innovation and industrialisation. Being a mother, I know the consequences of using firewood or gas.

This private investor who has seen the need to install the cooking gas in Mombasa should be given room. It is the duty of both the national Government and county government to ensure that they have the requisite documentation, follow the procedures in terms of acquisition, and use the right chemicals in terms of producing the said gas so that we also avoid harming the lives of Kenyans.

Without much ado, I support the report.

Sen. Mandago: Thank you very much, Mr. Temporary Speaker, Sir. I rise to support this Motion on provision of cooking gas. First, the Government of Kenya today led by President William Ruto, is the most transformative administration we have seen in terms of the welfare of citizens in matters health and provision of clean energy. Those who have not suffered the consequences of our mothers cooking with firewood and in some places, dry cow dung and charcoal, may not understand the seriousness of this matter. In fact, a majority of any mother in rural Kenya, aged 70 years and above, are actually suffering an ailment that affects the heart and the respiratory because of the many years of exposure to smoke.

It is only reasonable for the Government of Kenya to provide an enabling environment for investors to invest in cooking gas that can provide clean energy to our mothers, wives and daughters. This will not just be for purposes of cooking, but also a means of prevention of heart diseases that our mothers have suffered for many years.

I, therefore, support the investment by the private investor in establishing a cooking gas plant in the coastal part of this nation. We, therefore, ask the county governments in that region to support this investor to mobilise the residents and do proper sensitisation so that this project can take off within the shortest time without any hitches. Besides the provision of clean cooking energy, there is opportunity for Kenyans to get employment. The biggest pressure that we have, as a nation, is how to create employment for many young people. This is an opportunity that will provide employment to a number of young people in the country. Therefore, we support this investment.

Leaders in this nation, elected or not elected, impeached or not impeached, should be responsible with their statements, particularly on what would greatly affect our economy and our livelihoods. We should not make reckless statements in the work of politics that throws the investment environment of this nation into jeopardy. I, therefore, support this Motion. The Committee on Energy has done a fantastic job in clearing and supporting this investment.

I submit, Hon. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, there is no other Member who is queuing to support or contribute to this Motion. I will, therefore, call upon the Mover, Sen. Mungatana, to reply.

Sen. (Dr.) Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir. I want to thank Hon. Cherarkey for seconding this Motion. I also want to thank Hon. Sen. Korir and Hon. Sen. Mandago for supporting this Motion.

The provision of adequate Liquefied Petroleum Gas (LPG) is a practical thing. It has been demonstrated, through the submissions on the Floor of this House, that allowing the private player to come into Kenya to increase the provision of LPG is not a statistic or a joke, it is a reality. Our mothers have suffered through the smoke when cooking using charcoal, firewood and dried cow dung. We are now moving into a new era, where the new mothers are going to have clean cooking gas because of the decisions that we made under the administration of Dr. William Ruto.

I thank my colleagues for supporting and emphasising the need for us to make follow-up on the recommendations. I posted on our page – the one for the Committee on Energy – and requested the Secretariat to keep track on the timings, the months. We would like to see implementation reports on the decisions and the recommendations that this Senate has made through the Committee on Energy after six months.

With those many remarks, Mr. Temporary Speaker, Sir, I beg to reply. I make an application pursuant to Standing Order No 63(3) that the putting of the question be deferred to another day.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Mungatana. Putting of the question to the Motion is hereby deferred to the next sitting of the House pursuant to Standing Order No. 63.

(Putting of the question on the Motion deferred)

Now, Hon. Members, I will rearrange the Order Paper for purposes of convenience of the House. We will now transact business in Order No.9.

Clerk, call out Order No.9.

BILL

Second Reading

THE LIVESTOCK PROTECTION AND SUSTAINABILITY BILL (SENATE BILLS NO.32 OF 2024)

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Lelegwe, you may proceed to move the Bill.

Sen. (Dr.) Lelegwe Ltumbesi: Thank you, Hon. Temporary Speaker, Sir. Pursuant to the provisions of the Standing Order No.146(1), I rise to move that The Livestock Protection and Sustainability Bill (Senate Bills No. 32 of 2024) be now read a Second Time.

Mr. Temporary Speaker, Sir, this Bill seeks to address critical vulnerabilities in Kenya's livestock sector, particularly in the face of recurring drought and climate-induced challenges. Devolution as enshrined in our Constitution has empowered counties to manage agriculture which includes livestock. Under Part 2 of the Fourth Schedule, the sector remains exposed.

Arid and semi-arid lands covering approximately 80 per cent of Kenya's landmass and home to about 36 to 38 per cent of population holds over 70 per cent of the national livestock but suffer a brunt of environmental shocks. This region supports the livelihoods of millions of pastoralists for whom livestock is both economic assets and cultural heritage.

The livestock sector contributes approximately 12 per cent to the national Gross Domestic Product (GDP), and employs about 50 per cent of agricultural workforce according to Kenya National Bureau of Standards and International Livestock Research Institute (ILRI) data. It directly sustains over 10 million people. However, recurring droughts, fodder and water shortage, disease outbreaks and market vulnerabilities continue to threaten foundations of this sector.

Hon. Temporary Speaker, Sir, the 2020/2023 drought, the worst in the Kenyan history after over 40 years, claimed over 2.6 million livestock according to the National Drought Management Authority. It triggered acute food insecurity for millions and inflicted massive economic losses in the country. Climate models project marked a rise in drought frequency and severity by 2050. The region's temperature is projected to rise by 1.7 to 3.5 degrees centigrade, risking significant declines in livestock productivity without urgent intervention.

The Bill, therefore, seeks to rectify these gaps by providing a clear clause-by-clause legal framework for protection, sustainability and resilience in this sector. Part 2 of the Bill, which consists of Clauses 3 to 4, clearly delineates the complementary roles of the national and county governments. Clause 3 mandates the Cabinet Secretary to formulate national policies on livestock management, disaster mitigation, and feed reserve strategies to establish the National Livestock Feeds Reserve.

To cooperate with the counties on standards for pasture and water management and to provide technical assistance, Clause 4 requires each County Executive Committee Member responsible for livestock development to implement protection strategies aligned with national policy, promote sustainable farming practices, monitor feed risk and establish county-level strategy reserves and maintain data management systems. They are to also collaborate with stakeholders to facilitate water access and insurance risk, farmers to markets, enforce standards established for the banks, conduct capacity building and work with the national Government on emergency measures. These provisions end the previous silo approach and create seamless national and county coordination.

Hon. Temporary Speaker, Sir, Part 3 of this Bill, that is Clauses 5 to 7, introduces the core protection and sustainability measures. Clause 5 requires the Cabinet Secretary to consult with the Council of Governors (CoG) to develop and maintain feed risk data management systems that collect data from multiple sources, maintains a secure centralised database, uses advanced analytics to access risk and shortages, generate regular reports and disseminate timely information to stakeholders.

Clause 6 establishes the National Livestock Feed Reserve consisting of physical stock held through warehouse receipts and it’s cash equivalent, whose objectives are to provide emergency feed during droughts, mitigate price vulnerability, promote efficiency resource use and encourage storage during periods of oversupply. The Cabinet Secretary may include specific feeds as reserve commodities by notice.

Clause 7 obligates every county to prepare a comprehensive drought resilience plan covering vulnerability assessment, historical patterns, climate trends, potential impacts, resilience strategies, implement roles, resources mobilisation and monitoring and evaluation framework. The Bill further requires each county to establish at least 0.5 per cent of its annual budget to this plan, considering its financial capacity, drought severity, projections, economic dependence on livestock and community input. At the end of each financial year, the county will then require to report progress to the county assembly for the approval. These clauses transform reactive crisis response into proactive data-driven resilience.

Mr. Temporary Speaker, Sir, part 4 of the Bill, that is, Clauses 8 to 10, creates the financial backbone for the County Livestock Enterprise Development Fund. Clause 8 requires counties where livestock significantly contributes to the local economy, determines by criteria to be developed by the Cabinet Secretary in consultation with the CoG, and redefined locally to establish the fund via county legislation.

The Fund will receive appropriations income from its operations and investments and grants or donations. Clause 9 sets out its purpose which is to establish and management of strategic feed reserves, grant for emergency reserves, loan for restocking after drought losses, loans to medium and small livestock enterprises, credit facilities for micro enterprises in pastoral areas and other purposes prescribed in the county law.

Clause 10 requires the criteria for identifying eligible counties, standardised nationally, yet adaptable locally and approved by the respective county assembly. This Fund directly empowers small-scale farmers and pastoralists with emergency support and recovery capital. Clause 5, that is, Part 5 of the Bill empowers the Cabinet Secretary to consult with the CoG to make regulations for the effective implementation of this Bill, including the detailed management and distribution of the national livestock feeds reserve.

This Bill seeks to deliver tangible benefits. The data system and reserves will enable early targeted interventions. The county plans and 0.5 percent budget ring-fence will institutionalise preparedness. The Fund will provide immediate liquidity for restocking and enterprise growth with market linkages.

Clause 4(h) will establish incomes. The framework aligns with Article 43 of the Constitution, right to food security, and Article 174, devolution objectives, promotes equity for women, youth and Persons with Disabilities (PWDs), who form a large part of pastoral labour. It optimises public resources by shifting from expensive emergency aid to prevention.

The consequences of enacting this Bill are further enriching and positive. It seeks to enhance transparency through data systems and fund oversight, establish the livestock value chain, reduces poverty, creates jobs and build long-term resilience against climate change.

Comparable models include Ethiopia's productive safety net programme, leading to 40 per cent reduction in drought losses. Australia's national drought policy that has led to strategic reserve and risk data; and the South Africa's livestock improvement scheme, intergovernmental funding demonstrates that with such frameworks, Kenya can achieve the same outcomes.

While some may raise concerns about the county budgets or market disruptions, the Bill addresses them through flexible capacity-based allocations, that is specifically at Clause 7(3) and necessity-driven mechanisms ensuring minimal operational impact.

In conclusion, to ensure success, we must invest in capacity building for county officials and robust monitoring. I urge all Senators to support this Bill. It offers a clear practical framework that will improve coordination between the national Government and county governments, giving the counties the tools and resources that will need to protect livestock during droughts, reduce heavy losses, pastoralists continue to suffer and strengthen our preparedness for climate change that has become a regular future of our reality.

Mr. Temporary Speaker, Sir, I beg to move and I call upon Sen. Cherarkey to second.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, proceed.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I congratulate the distinguished Senator for Samburu County, our Deputy Majority Whip, for moving this Bill.

As you are aware, under Article 96, one of the roles of the Senate is to legislate. I appreciate where Sen. (Dr.) Lelegwe is coming from. You have to appreciate that Samburu County is one of the 13 counties that have been earmarked by the World Bank Programme, called the Food System Resilience Program (FSRB). The other counties include Baringo and the Northern counties such as Garissa and Marsabit, among others. The World Bank intends to inject around Kshs18 billion for the next six years. I congratulate him for ably moving The Livestock Protection and Sustainability Bill (Senate Bills No.32 of 2024). In this House, we have already discussed about tea and maize farmers, who I am very passionate about.

We have discussed issues of maize, which I am very passionate about and also the sugar sector. We have also discussed the *ndengu* farmers, cashew nut, coconut farmers, and dairy farmers, where Sen. Lelegwe comes from. I think, these rare occasions where we are discussing about pastoralists and farmers. I congratulate Sen. Lelegwe.

In 2023, I moved a Bill called the Prevention of Livestock and Produce Theft, which is in Third Reading at the National Assembly. I thought that the issue of pastoralists and farmers, especially cattle keepers should be protected. Most of us are referred to as pastoralists by nature. The fact that we later became farmers – and I know Sen. Lelegwe appreciates this – still all of us are pastoralists. This is because there are Bantus, Nilotes, who include River-Lake and Highland Nilotes.

The Livestock Protection and Sustainability Bill is very important. I was having a discussion with the Mover, and we realised that we have not thought about livestock insurance to our farmers to ensure that during drought season... If the information I got is correct, we are likely to experience drought between September and August, which will affect especially arid and semi-arid areas. Majority of this is where---

To give background to this information, are you aware that 70 per cent of livestock are in arid and semi-arid areas, including Samburu, where the Senator represents, and that 6 per cent of the population live in semi-arid and arid areas. There 7 million cattle keepers, just for colleagues to understand, in this country. By the numbers of Kenya National Bureau of Statistics (KNBS) there is about 18 million cattle in terms of population, 28 million goats, and 17 million sheep in the country. Therefore, this shows that this sector is very critical.

The distinguished Senator proposes that we must ensure there is sustainable feed. We are not talking about feed only. We are talking about quality and accessible, affordable feed. What the livestock consumes is important even in the production, so that you get high-quality and continuous production of milk and even meat that is being supplied to the Kenya Meat Commission.

We are being told that there is a shortage of livestock feed of dry matter of 33 million metric tonnes in the country. That is what this Bill is trying to achieve, that we must have a strategy in place. We were discussing about strategic grain reserve; we are discussing about food security of population. I know there are over 3 million Kenyans who are facing challenges of access to food in the country, especially in people who live in Kakuma and many other areas.

We must take accountability. The issue of emergency, especially during drought or floods, 2 per cent of the budget that is being allocated. But most of the countries end of eating what they allocate. Even if you go back to Bomet, Nandi, Samburu or Baringo, you will find that 2 per cent of that emergency fund allocated of the budget is no longer there. In fact, governors have changed the emergency to something else, including for the comfort or paying the *Sangwenyas* and goons in this country. Let us ensure livestock feed is of good quality and accessible. Due to crop failure, some of us in my region, especially in North Rift, have decided to transform maize into silage, so that our livestock can have that access to feed.

I looked at the Office of the Auditor-General (OAG) Report of 2020 or the National Drought Management Authority (NDMA). I realise what the Auditor- General pointed out. I do not know if Sen. Lelegwe knows that we still have weak warning systems. If today you go to Samburu, what will you tell farmers? We do not have a strong early warning system that we might have a drought for a certain period of time, and how we prepare to prevent that. One way is restocking of animal feed so that when the drought comes in, we do not lose--- We do what we are doing in Ethiopia, where 40 per cent of loss was cut down.

There is also non-availability of funds, which is still a challenge that the Auditor General noted. I encourage the mover. After we pass this Bill, we must also ensure that--- Most of the laws that assist us on issues of emergencies and drought are still in draft form. They have not passed. As a Parliament, we must put in place necessary policies.

I thank the President and the Ministry of Agriculture, Livestock and Fisheries, because they are going to ensure the bale, especially during the high season that will be sold to farmers, is Kshs250, which is a subsidy, and Kshs270 silage which is affordable. I am aware that the Government has put in the next 10 years, Kshs465 billion for the subsidy programme. That is why we need President William Ruto to serve for the next 10 years so that he can maintain this vision. We never know, the person who might want to run may not understand what challenges farmers are facing.

I encourage colleagues to look at the Auditor-General's report of 2020. Sen. Lelegwe, through the Chair, the challenge is not that drought will not happen, but how we respond. We have never taken it up as a country. We have never brought it to the level where, as a Parliament, as a National Executive, we sit down and say, "what do we do to farmers?"

There is the issue of restocking, especially when planetary attacks happen and livestock insurance, which we have never looked at. There is the issue of feeding programme to the livestock. I was discussing with my Deputy Majority Whip, that these donor funds are being also abused, because if you look at Financing Locally-led Climate Action (FlOCCA), it is being misused. I saw in Nandi, the governor decided to do a renovation with FlOCCA money for an office, almost Kshs6 million, yet the intention of money was not for office renovation or refurbishment or holding meetings in hotels.

That is why even under The Food Systems Resilience Project (FSRB), we need these donor funds. I know the rangelands, the issue of--- Feed is a donor programme, but it looks like the counties are misusing donor funds such as FLOCCA, National Agricultural and Rural Inclusive Growth Project (NARIGP), National Value Chain Development Program and Kenya Water, Sanitation and Hygiene (K-WASH) Programme.

I appeal to the Deputy Majority Whip – I do not know whether he is a Member of Senate Business Committee (SBC) – that we must refocus our energy to donor funds. I know tomorrow, we are being told we are launching I think the performance index of counties. These donor funds are being eaten. They are becoming like imprest or pocket money for governors and county entities, yet our livestock farmers are not getting enough. Looking at the objects, because this is the final issue, we need to establish National Livestock Feed Reserve.

Mr. Temporary Speaker, Sir, we were discussing with you the other day about the establishment of strategic grain reserve for the food security in the country. I am happy with the ingenuity of the distinguished doctor on the proposal for establishment of National Livestock Feed Reserve Programme, which is very critical, because we will get all the data. I know he has a PhD. He is Dr. Lelegwe. When we grow up, we will read so that we become PhD holders. The National Livestock Feed Reserve Programme is very critical because we will get all the data.

Today, Mr. Temporary Speaker, if you ask for the data of even how livestock should be fed in the country, no one will tell you.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, shall we rise?

Sen. Cherarkey, when the session resumes, you will have eight minutes to conclude your contribution to this Bill.

ADJOURNMENT

Hon. Senators, it is now 1.00 P.M., time to adjourn the Senate. The Senate, therefore, stands adjourned until later today, Wednesday 5th August, 2026, at 2:30 P.M

The Senate rose at 1.00 p.m.